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

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<td>“Groups are required to register through the Ministry of Justice to receive official recognition. Authorities ignored applications for legal recognition from new groups, including several new religious groups, women’s rights organizations, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights organizations. The lack of official recognition left group members open to potential charges of illegal association.” (P. 23)</td>
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<td>“The state-funded National Center for Sex Education was muted in its support for the LGBTI community after canceling its annual conga (gay pride march) against homophobia in 2019.” (P. 33)</td>
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<td>“Ariel Ruiz Urquiola, a biologist and activist for environmental justice and LGBTI rights, alleged the government deliberately infected him with HIV while he was detained after a peaceful protest for gay rights in the wake of 2019’s cancelled pride march. He maintained that he always practiced safe sex and asserted that the government knowingly injected him with HIV when he was hospitalized during a hunger strike to discredit him because of the social stigma of HIV in the country.” (P. 33)</td>
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<td>“Discrimination in employment occurred against members of the Afro-Cuban and LGBTI populations, especially in the state-owned but privately operated tourism sector.” (P. 38)</td>
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<td>“On May 11, authorities violently halted an independent march by lesbian, gay, bisexual, transgender, and intersex (LGBTI) activists, beating and detaining several participants.” (P. 21)</td>
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<td>“Groups must register through the Ministry of Justice to receive official recognition. Authorities continued to ignore applications for legal recognition from new groups, including several new religious groups as well as women’s rights and gay rights organizations, thereby subjecting members to potential charges of illegal association.” (P. 22)</td>
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<td>“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.” (P. 31)</td>
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<td>“Activists, including many trained and supported by CENESEX in the past, quickly organized a peaceful march in support of LGBTI rights on May 11. Despite explicit declarations in the preceding days that the purpose of the march was not a demonstration against the government but rather a call for reforms within the system, the government detained, assaulted, and attempted to intimidate activists participating in the event on the day of the march and in the months that followed, including Iliana Hernandez, Boris Gonzalez, Ariel Ruiz Urquiola, Oscar Casanella, and Yasmany Sanchez. On May 8, the government refused entry into Havana to Washington Blade journalist Michael Lavers as he was traveling to cover the event. Multiple NGOs and international organizations, such as the Inter-American Commission on Human Rights, protested the repression from authorities and the violation of freedom of expression and assembly, and three LGBTI activists--Roberto Ramos Mori, Leodan Suarez Quinones, and Yasmany Sanchez (again)--were detained in the days following the event.” (P. 31)</td>
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<td>“Discrimination in employment occurred with respect to members of the Afro-Cuban and LGBTI populations.” (P. 35)</td>
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<td>“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.” (P. 31)</td>
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<p>|   | “Groups must register through the Ministry of Justice to receive official recognition. Authorities continued to ignore applications for legal recognition from new groups, including several new religious groups as well as women’s rights and gay rights organizations, thereby subjecting members to potential charges of illegal association.” (P. 18) |
|   | “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.” (P. 25) |</p>
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<td>• “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.” (P. 25)</td>
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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)
   - “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.” (P. 24)

**INTER-GOVERNMENTAL SOURCES**

   - “With regard to the LGBTI population, the IACHR considers that the scarcity of data on this type of violence in Cuba makes the problem of discrimination unviable; however, based on available information, the Commission found that that population suffers violence, discrimination, restrictions on their rights of assembly and association, and curtailment of their freedom of expression and dissemination of thought.” (P. 417)

   - “According to the report for the third cycle of the Universal Periodic Review concerning Cuba submitted at the thirtieth session in May 2018, lesbian women of African descent who are victims of police violence triple discrimination. Specifically, women who express their gender as male are treated worse, both because of their ethno-racial origin and because they are women. In turn, gay men of African descent, whose gender expressions do not fit into the traditional notion of masculinity, are more likely to suffer police repression and violence, because of the persistence of the idea that gay people are mostly white.” (P. 120)
   - “Similarly, a person who asked to have their identity withheld told the Commission: Killing gay men in Cuba is not classified as a hate crime because they are gay. It’s lumped into the crimes of passion category. In the interior of the country there are hate crimes; they are beaten for being gay, physically injured. And when they go to the police, they say: that's what they get for being “faggots,” that's why they are beaten up. They get badly hurt.” (P. 131)
   - “Regarding acts of discrimination against trans people, in an interview with the IACHR Lidia Romero Moreno said: Raids are carried out at meeting places. Police raids in which they are taken away by force. Trans women are roughly handled. All arrests of trans women are violent.” (P. 131)
   - “However, the Inter-American Commission has received information about acts of violence against LGBTI people in Cuba, such as the cases of Joan Cristian Campos Guevara, a young gay man who was stabbed in Villa Clara province, and the cases of activists and citizens Isbel Diaz Torres, Jimmy Roque Martínez and Oscar Antonio Casanella Saint-Blancard, who have been
persecuted, detained, insulted, and physically and verbally abused for taking part in peaceful marches calling for equality.” (P. 131-32)

   - “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)
   - “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 not that violence against LGBTI human rights defenders is still present in Cuba.” (P. 375)

   - “In its 2019 report on Cuba, the Inter-American Commission on Human Rights (IACHR) noted allegations that police often refuse to investigate anti-LGBT attacks and that LGBT people have been fired or excluded from university education due to their sexual orientation or gender identity.” (P. 6)
   - “Following public protest, the Cuban government removed language from the final draft of the constitution approved in February 2019 that would have redefined marriage to include same-sex couples.” (P. 6)
   - “In May 2019, security forces cracked down on a protest in Havana promoting LGBT rights and detained several activists, media reported. The protest, which was not authorized, was organized after the government announced that it had canceled Cuba’s 2019 Pride parade.” (P. 6)

   - “The political interests of LGBT+ people are not well represented. Some public advocacy is permitted, but only with the permission of the PCC.” (P. 7)
   - “An independent LGBT+ march in May 2019 was banned, and participants were arrested when it went forward anyway.” (P. 12)
   - “Particularly noteworthy in 2019 was the suspension of activities of the independent think tank Cuba Posible following an intensive intimidation campaign against its leaders, and threats against prominent LGBT+ and environmental activist Isbel Díaz Torres, who has been forced into exile.” (P. 12)
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<td>“During the same period, numerous cyberbullying attacks, including death threats, were directed against LGBT+ activists and independent journalists, among others. Death threats delivered in May 2020 originated from a fake Facebook account and involved the exposure of private information about the individuals being attacked, indicating that Cuban state security agencies may have been behind them.” (P. 28)</td>
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<td><strong>MEDIA SOURCES</strong></td>
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<td>DDC, “Why is the only employment opportunity in Cuba for a transgender woman, cleaning the floor of a hospital?”, <em>Diario de Cuba</em> (January 24, 2021) with translation, available at: <a href="https://diariodecuba.com/cuba/1611488976_28277.html">https://diariodecuba.com/cuba/1611488976_28277.html</a></td>
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<td>“Ríos Miranda explains that presenting herself at the branch of the Ministry of Labor in her municipality was one of the hardest moments of her life in recent times, due to the person attending her being visibly discriminating against her. ‘The only thing that was left was [for them] to pull out a gun and shoot me in the face, or I don’t know, send for my arrest, and all for being transgender. They told me that the only employment opportunity for a person like me was cleaning the floors at a hospital,’ she explains.” (P. 1 of translation)</td>
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<td>“Ríos also explains that before finding employment at a bar, she had to resort to prostitution in order to sustain herself, what she qualified as, ‘The only job that we have rights to as transsexuals in Cuba.’” (P. 1 of translation)</td>
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<td>“The relationship between the CENESEX and the LGBTI community deteriorated notably in May of 2019, when following the suspension of the “Conga against Homophobia” organized annually by the official institution, a group of activists organized a march by the Paseo del Prado in Havana, which cost them all sorts of attacks from the organization.” (P. 2 of translation)</td>
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<td>“The Southern Poverty Law Center lawsuit further details her life in Cuba. “Due to her political beliefs and identity, Cuban authorities have beaten her, taunted her with homophobic slurs, locked her in a frigid chamber for hours, and held her under arrest,” it reads.” (P. 2)</td>
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<td>“Mena said she received death threats. She also told the Blade that police officers harass trans women who gather along Havana’s oceanfront promenade known as the Malecón because they think they are sex workers.” (P. 2)</td>
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<td>“‘I left Cuba to flee persecution and physical and psychological abuse I also suffered because I am a trans woman,’ she said … ‘I had to stay there in Panama because they would have detained me if I returned to Cuba,’ she said.” (P. 2)</td>
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<td>“Rodriguez in her asylum claim says a police officer constantly followed her and Moreno...&quot;</td>
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There was an officer named Sosa, who appeared wherever she was,” writes Rodríguez. ‘He was very rude to us. He insulted us on two occasions by saying that we were not setting a good example for society or children.’

‘On the other occasion, we were sitting in the park during some local celebrations, holding hands, without disrespecting anyone and he also came and took us to the police station because, according to him, we could not do that,’ continues Rodríguez. ‘He did not agree that we were a couple or that we showed it in public. He fined us 500 pesos ($20) because he didn’t want to see us together on the street anymore. It was like a warning and we were detained for 73 hours. The officer in the police station told everyone that we were lesbians and they also started making fun of us and calling us names. And the truth is that we felt very bad about all that. Life for us was very difficult there.’”

The current labor law does not protect transgender people, and they can only change their gender and photo on identity documents if they undergo sex-reassignment surgery. Members of Cuba’s National Revolutionary Police have also been accused of targeting LGBTQ Cubans.”

Moreno told the Blade that such intolerance suffocated her ‘because there (in Cuba) homosexuals are not well regarded, neither by family, nor by the authorities, we are quite discriminated against. I felt bad because in the end we are also good people. We have rights and the government constantly violates them. We cannot have our own family.’”

But Moreno and Rodríguez are citizens of Cuba, an island where same-sex marriage is not yet legal. The government’s policies and social attitudes also emphasize discrimination against the LGBTQ community.”

“Homophobia and (cyber)harassment: the strategies used by the Cuban government against LGBTI+ journalists” Tremenda Nota (October 24th, 2019) with translation, available at: https://www.tremendanota.com/homofobia-y-ciberacoso-las-estrategias-que-usa-el-gobierno-cubano-contra-periodistas-lgbt/

Nexy is one of the few Cuban YouTubers with a queer image. Recently, he has worked as a reporter on social media and has collaborated with outlets like ADN Cuba and Tremenda Nota. This Wednesday, a few hours after his release, he was arrested a second time. On this occasion, the police retained his work means, including his phone. A few hours following the confiscation, unusual content began appearing on the social media sites he manages.”

Fuentes attributes a post published on Facebook by a picture-less profile, going under the name María Lourdes González, to State Security. The post, published as a comment, threatens Fuentes, and cautions him that he is being watched. Cyber-harassment is one of the main strategies of the Cuban government to deter the work of independent journalists, human rights defenders, and political opponents, however, it is also one of the most difficult to monitor and verify.

“The dissemination of private photos, often sexual in content, is one of the most common practices of these hackers.”

Cuban gay rights activists held an unauthorized pride parade in Havana this weekend despite a warning against it by the Communist government, which called it subversive, in a highly unusual show of civil disobedience in the one-party state.”
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<td>“A number of gay rights activists have been arrested after clashing with police at an unauthorised pride march in Cuba’s capital, Havana.” (P. 2)</td>
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<td>“On Saturday, more than 100 demonstrators took to the streets of the capital. Some said they were subjected to violence after they were stopped by plainclothes security officers.” (P. 2)</td>
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<td>“At least three activists participating in the gay parade in Havana were detained.” (P. 2)</td>
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<td>“Amanda, as a young homosexual person who did not want to reveal their true identity for fear of reprisals preferred to be called, told CiberCuba about the hard moments they have experienced because of their sexual preference, to the point of being discriminated against, even by their own family.” (P. 1 of translation)</td>
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<td>“‘My father found out that my boyfriend was a boy who was studying in the same school as me….’ But after the news their father couldn’t stand it…. Their father, who is a militant of the Communist Party and a loyal follower of the Fidel’s ideas, did not want to hear more, ‘I hadn’t finished telling him when he got up and threw one first at me, then another, and another; he hit me so hard that he disfigured my face.’” (P. 1 of translation)</td>
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<td>“They say that they have contacted the National Center for Sex Education (Cenesex) on several occasions, but have never had results, ‘the last time I called Cenesex, trying to get my case resolved and get a job, I did not receive an answer.’” (P. 2 of translation)</td>
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| | “Cuba has rejected a proposal to legalize same-sex marriage in its new and revised constitution, a move that disappointed some gay rights activists. An article that would have redefined marriage as a ‘union between two people’ — rather than a ‘union between a man and a woman’ — was
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<td>• “The police have threatened to send him to jail if he does not start working for the State for 200-300 Cuban pesos a month … As if he didn't have enough with what he is living with, the police went through his house four months ago and opened a ‘condom’, accusing him of prostitution ‘just for being in an area prone to crime.’ … The areas ‘prone to crime’ are the so-called ‘potajeras’, meeting places of the LGTBI community on the Island.” (P. 1 of translation)</td>
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<td>• “This last trip he told me that they will send me to San Jose, a prison for people with HIV if I don't start working. As if I were a criminal of those who kill, steal and do dismal things, among them being in the street and dedicating myself to snitching for them. They do what they want, and nothing happens to them.”” (P. 1 of translation)</td>
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<td>• “Numerous alleged hate crimes have emerged on social media, in a country where there isn’t a framework to specifically identify and condemn crimes motivated by prejudice against a person’s race, sexual orientation, gender identity, etc.” (P. 2)</td>
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<td>• “Alarcon posted on his Facebook page that a young man, who he said was a friend, was assaulted by three young men in the early morning of January 20th, in Guira de Melena, 40 km south of the Cuban capital.” (P. 3)</td>
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<td>• “‘They jumped him, for no other reason than him being gay and saying this, they cut his face with a bottle and beat him without mercy,’ he wrote.” (P. 3)</td>
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<td>• “He also criticized the local police for ‘still letting the perpetrators run loose and on the fringes of the law, while my friend was sent home and told to come back on Monday so they could decide how serious the attack had been, not knowing or being able to predict if he would be threatened or attacked again.’” (P. 3)</td>
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<td>• “In his Facebook post, Riuber Alarcon said that ‘some wrongly named ‘religious pastors’ (…) have been promoting some campaigns talking about immoral acts, about stoning or burning people, among other barbaric acts. After these religious campaigns, a series of violent acts have been perpetrated against the gay community.” (P. 4)</td>
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<td>• “Activist Isel Calzadilla believes that ‘it’s horrible that cases like this one exist and that homophobia has been energetically revived.’” (P. 5)</td>
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<td>•</td>
<td>“Recently private bars in Havana have used the ‘right of admission reserved’ to keep the doors closed on LGBTI+ people. Recent incidents expose the lack of Cuban legislation to prevent discrimination and protect victims.” (P. 1)</td>
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<td>“…they decided to take a selfie of themselves giving each other a kiss. The bouncer told them they were not allowed to take the photo and the couple was eventually kicked out because “the bar didn’t want to have a gay image.” The bouncer argued, “we’re not interested in that type of publicity, and we don’t want to get that reputation.”” (P. 1)</td>
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<td>“On June 27, 2015, to commemorate the Stonewall riots, playwright Norge Espinosa and a dozen gay men and lesbians went to KingBar for a “public kissing” to call attention to discriminatory access to public spaces. According to Espinosa’s article published on the Proyecto Arcoiris blog, the owners of the bar “didn’t feel comfortable with so many gays and lesbians inside their property” and applied a “selective entry policy.”” (P. 3)</td>
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<td>“The majority of legislation recognizes the right to reserve admission for reasons that are outlined and are objective, without compromising the rights of customers to equality and protection against discrimination. There are no laws on this subject in Cuba. Nor are there antidiscrimination laws explicitly regarding the LGBTI community.” (P. 3)</td>
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<td>“Yosuan, the hairdresser, was 19 when he arrived in Havana, but his escape began the same day that a neighbor ran scandalized to his home. &quot;I was washing some shoes in the yard, and I heard when she told Mom: ‘In town they are saying that last night they saw your son pressing up against another male near the stadium.’ I almost died of the embarrassment.’” (P. 1 of translation)</td>
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<td>“‘One morning they wrote an offensive sign on the door of the house. A week later I could not stand it anymore,’ recalls the young man, ‘Dad left, Mom did not sleep and did not cook, and my sister preferred to stay at the university on weekends. I did not dare to go out, I left economics school, and just kept going to church.’” (P. 1 of translation)</td>
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<td>“‘I would leave almost at night for work, so that no one would see me go out, and also at night I would come back. There we cooked, washed our clothes, felt as if that place were our home. But one day they ratted us out, Ernesto lost his job, and he was sanctioned by the party. Many of those who agreed with expulsion lived with their girlfriends or women, but we were judged differently. They'll throw us out because we're gay.’” (P. 1 of translation)</td>
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<td>“‘Marginalization exists everywhere, because in the first place we have no laws to protect us…. The homosexual or the transvestite are a source of jokes…. in the east or in the rural areas of the country, if someone attacks you, it is very likely that others will join.’” (P. 2 of translation)</td>
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<td>“‘Ernesto and I have been together for 6 years, our relationship is more serious than that of many heterosexual marriages, and yet we are not recognized as husbands, and that affects us, not only from the legal point of view. It is also important to legislate on family, labor or educational law, so that injustices are not committed or at least so that injustices do not go unpunished.’” (P. 2-3 of translation)</td>
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<td>“Trans people and lesbian women reported having to drop out of school due to situations of school bullying, revealed a retrospective investigation about homophobia and transphobia in the school environment conducted by the state National Center for Sexual Education (Cenesex).” (P. 1 of translation)</td>
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<td>The study concludes that homophobic and transphobic violence in the school setting is a reflection of social homophobia and transphobia in Cuba.” (P. 2 of translation)</td>
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<td>“Teasing and insults were the most frequent manifestations of harassment that the people surveyed recalled, followed by threats, physical abuse, others ignoring them and stealing their belongings.” (P. 1 of translation)</td>
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<td>“The average age of dropping out of school was concentrated at 16.6 years, at the end of secondary education, with a majority representation of trans people.” (P. 1 of translation)</td>
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<td>“there is no place in the school setting that escapes this phenomenon,’ distinguished the report, which identified, as moments of highest risk, the exit and entrance to the school, the time between classes and the recess in the courtyard.” (P. 1 of translation)</td>
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<td>“The attitude of the teaching staff was aimed at silencing the facts and locating the blame in the victims, said the sample studied.” (P. 2 of translation)</td>
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<td>“The homophobic and transphobic violence experienced had an impact on the mental health of the victims, said the study…. Terrors, fear of the reaction of people when they complained, poor school performance and rejection of school, were some of the consequences observed.” (P. 2 of translation)</td>
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<td>“But critics say the situation for gay and trans people is still dire there: on Sunday, a group of LGBT Cubans requested asylum in the Netherlands, claiming they faced persecution in their homeland.” (P. 2)</td>
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<td>“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)</td>
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<td>“On Facebook, Dueñas posted a video indicating he was one of more than a half-dozen LGBT Cubans, including trans women, who booked a flight from Havana to Moscow, but claimed asylum while in Amsterdam’s Schiphol Airport.” (P. 3)</td>
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<td>“Independent journalists and activists who criticize Mariela Castro or her father’s government say they are stymied, harassed, and even detained. Dueñas, who founded an LGBT center in the Cuban town of Santo Domingo, says a Cuban intelligence agent came to his home earlier this month and said he knew he was ‘going to Holland with the faggots.’” (P. 3)</td>
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<td>“He claims he could face eight years in prison if he is sent back to Cuba.” (P. 3)</td>
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|     | “Dueñas on Sunday told the Washington Blade during a WhatsApp interview from Schiphol Airport that Cuban authorities began to target him because of the Babel Sociocultural Project’s
efforts to raise awareness of police mistreatment of LGBT people in the city of Cárdenas, which is roughly 100 miles east of Havana on the island’s northern coast.” (P. 2)

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

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

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

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

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
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| 27  | October after he traveled abroad and his salary was reduced by 25 percent for three months. He said he was unable to work for several months.” (P. 3-4)  
- “He told the Blade that authorities have repeatedly threatened to send him to prison and regularly harass activists who work with his organization. Gandulla also said the Cuban government has placed him under surveillance.” (P. 4)  
- “‘From the age of 10 to the age of 18 I was usually in prison in Cuba. For simply being who I am,’ she says.” (P. 3)  
- “Castro added that in Cuba, homophobia and transphobia are still widespread.” (P. 3)  
- “… many of the trans women Allen photographs say they’re still harassed and detained by police. They also say they can’t get jobs.” (P. 4)  
- “Earlier this year, a trans woman was stoned to death near the western city of Pinar del Rio, according to Cuban media reports. Activists in Cuba called it a hate crime.” (P. 4)  
- “‘I suffered too much trauma in Cuba. It would cause me too much panic to return there. I wouldn’t go back, even for a short visit.’” (P. 5) |
- “some rights activists say change isn’t happening quickly enough. In early 2015, they filed a complaint with the sex education center, accusing police of arbitrarily arresting gays.” (P. 4)  
- “Even today, some gay and transgender people say life can be difficult in Cuba. Castro says she endures bullying and "psychological violence" when going out in public. ‘Why should I have to get on a bus in my country and be disrespected? I don't bother anyone. I respect all people, their sexual preferences, their diversity, whatever, I respect them. Why do they have to get into it with me? It's very, very painful. Very painful.’” (P. 5)  
- “‘Sometimes dreams are frustrated. Why? Because we have no chance. We have no chance of saying: ‘I can be a store employee.’ Because then comes the rejection, the transphobia, the homophobia, you understand? Because they think that we are not equal human beings. That we do not have an IQ. People think we are ... that we are the bubonic plague.’” (P. 6) |
- “The sexologist added, however, that ‘the number of hate crimes is not completely clear because of the lack of a specialised institution dedicated to classifying them….and this classification is important because the old term ‘crime of passion’ hides gender violence, violence between men, and violence between couples.’” (P. 2)  
- “Violent crime is generally surrounded by silence in this island nation of 11.2 million people, and killings of LGBT individuals are no exception.” (P. 2)  
- “‘I haven’t seen statistics and I’m no expert, but the murders I know about were ruthless. We’re killed for some reason, like theft or vengeance, but also because we’re gay,’ said Leonel Bárzaga, a 33-year-old chemical engineer who told IPS about the murder of his friend Marcel Rodríguez.” |
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<td>Rodríguez, a 28-year-old gay professional, was stabbed 12 times on Jan. 6 in his central Havana home.” (P. 3)</td>
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Dated: [DATE]                     Respectfully submitted,
[CITY, STATE]                      [FIRM]

_Pro Bono_ Counsel for Respondent__________

By: _________________________
[NAME]
[FIRM]
[ADDRESS]
[PHONE NUMBER]
[FAX NUMBER]
TAB 1
EXECUTIVE SUMMARY

Cuba is an authoritarian state with former president Raul Castro serving as the first secretary of the Cuban Communist Party, the highest political entity of the state by law, and Miguel Diaz-Canel serving as president of the republic. A new constitution ratified in February 2019 codifies that Cuba remains a one-party system in which the Communist Party is the only legal political party. Elections were neither free nor fair nor competitive.

The Ministry of Interior controls police, internal security forces, and the prison system. The ministry’s National Revolutionary Police are 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 national leadership, including members of the military, maintained effective control over the security forces. Members of the security forces committed numerous abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings, by the government; forced disappearance by the government; torture and cruel, inhuman, and degrading treatment of political dissidents, detainees, and prisoners by security forces; harsh and life-threatening prison conditions; arbitrary arrests and detentions; political prisoners; significant problems with the independence of the judiciary; and arbitrary or unlawful interference with privacy. Freedom of the press functionally did not exist. Criminal libel laws were used against persons who criticized government leadership. The government engaged in censorship and internet site blocking, and there were severe limitations on academic and cultural freedom. There were severe restrictions on the right of peaceful assembly and denial of freedom of association, including refusal to recognize independent associations. There were severe restrictions on religious freedom. There were restrictions on internal and external freedom of movement. Citizens were unable to change their government through free and fair elections. Political participation was restricted to members of the ruling party. There was official corruption; trafficking in persons, including compulsory labor; and outlawing of independent trade unions.

Government officials, at the direction of their superiors, committed most human rights abuses. As a matter of policy, officials failed to investigate or prosecute
Section 1. Respect for the Integrity of the Person, Including Freedom from:

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

On June 24, police killed Hansel Hernandez Galiano, an unarmed Afro-Cuban man, in Havana. State media initially refused to acknowledge the case, but news circulated quickly across social media. On June 25, the supposedly independent but in fact state-controlled blog Guerrero Cubano issued a detailed story about how Hansel was killed. Other official media outlets followed suit the morning of June 27 when the Ministry of Interior issued a press release with the same account of events related by Guerrero Cubano that was reprinted across official state media.

The official version of Hernandez Galiano’s death was that in the course of a regular patrol, two members of the National Revolutionary Police discovered and chased a suspected thief. Official media stated the suspect ran from police but then confronted them and threw large rocks, some of which hit the officers. The government stated that as the suspect was throwing rocks, one officer fired two warning shots and then a final killing shot. The press release concluded by lamenting Hansel’s death but denigrated his character, claiming Hansel had been found guilty of threatening persons, “lascivious abuse,” and robbery with violence, for which he served a prison term and was on probation.

Outside observers identified a number of reasons to doubt the accuracy of the government’s account. Photographs of the body circulated on social media by Hernandez Galiano’s family members showed a single bullet wound, entering via Hansel’s back and emerging from his chest, indicating he was running from the officers, not actively confronting them. The photographs also showed bruising to his face and sutures closing a cut to the head (possibly post mortem). Members of his family said his body was reportedly quickly cremated, after pressure from the government. Activists criticized the press release’s emphasis on Hansel’s alleged criminal record, with one lawyer saying it “demonstrates their desire to treat him as a defendant and not as a victim.” Authorities stated they would investigate the death but as of December had not publicly released results of an investigation.
At least eight prisoners died in custody in a variety of suspicious circumstances. Roberto Jimenez del Sol, a manager in an army-owned shoe store, died in military custody after spending one month in solitary confinement as part of an investigation into missing funds. Although authorities told his family he died of natural causes, his body displayed signs of abuse. The nongovernmental organization (NGO) Cuba Archive documented at least six other prisoners who died in suspicious circumstances. None of these deaths was reported by official media.

b. Disappearance

There were confirmed reports of long-term disappearances by or on behalf of government authorities. There were multiple reports of detained activists whose whereabouts were unknown for days or weeks because the government did not register these detentions, many of which occurred at unregistered sites.

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

There were recurring reports that members of the security forces and their agents harassed, intimidated, and physically assaulted human rights and prodemocracy advocates, political dissidents, and peaceful demonstrators, and that they did so with impunity. Some detainees and prisoners endured physical abuse by prison officials or other inmates at the instigation of guards. Although the law prohibits coercion during investigative interrogations, police and security forces at times used 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.

State security officials frequently deployed to countries such as Venezuela and Nicaragua, where they trained and supported other organizations in their use of repressive tactics and human rights abuses and sometimes participated in the abuses directly. For instance, Cuban security force members were embedded in the Maduro regime’s security and intelligence services in Venezuela and were instrumental in transforming Venezuela’s Directorate General of Military Counterintelligence (DGCIM) from a small organization focused on external threats to a much larger organization focused on surveilling Venezuelans and suppressing dissent. UN reports accused the DGCIM of torture, and many former
Venezuelan prisoners said that Cubans, identified by their distinctive accents, supervised while DGCIM personnel tortured prisoners.

A December 2019 report from the Casla Institute, a Czech Republic-based NGO focused on governance in Latin America, stated the Cuban ambassador in Venezuela was personally involved in organizing this training. The Casla Institute report also stated, “Cubans constantly instruct members of the FANB [Venezuelan armed forces] and intelligence in techniques of repression, intimidation, and monitoring, so that they carry out investigation work and spy on their own colleagues and their families and political and social leaders, and directly intervene in social unrest.”

Impunity was pervasive. There were no known cases of prosecution of government officials for any human rights abuses, including torture and other cruel, inhuman, or degrading treatment or punishment.

**Prison and Detention Center Conditions**

Prison conditions were harsh and life threatening. There were reports that prison officials assaulted prisoners. Prisons were overcrowded, and facilities, sanitation, and medical care were deficient.

The government did not publish official statistics on its prisons. In January, citing information from two senior Ministry of Interior officials, the Spain-based NGO Cuban Prisoners Defenders claimed more than 90,000 persons were in prison, with another 37,000 in other forms of custody such as labor camps, house arrest, or conditional parole.

**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. Cuban Prisoners Defenders claimed the government had more than 200 such facilities.

Prison and detention cells reportedly lacked adequate water, sanitation, light, ventilation, and temperature control. Although the government provided some food and medical care, many prisoners relied on their families to provide food and other basic supplies. Potable water was often unavailable. Prison cells were overcrowded. Women reported lack of access to feminine hygiene products and inadequate prenatal care.
In June political prisoner Walfrido Rodriguez Piloto told independent outlet CubaNet he was denied medical care in El Arco del Chico prison camp in Havana’s La Lisa municipality, where he said prisoners were fed less than two ounces of food per day. He said, “This is a concentration camp; I have been here for six days with nephritic colic and without any medical attention. Between the mosquitoes [which carry dengue], the bed bugs, and hunger, I’m going to die here.” He also complained that he was mistreated by fellow prisoners who did “the dirty work” of authorities in exchange for benefits.

Prisoners, family members, and NGOs reported inadequate health care in prisons, which led to or aggravated multiple maladies. Prisoners reported outbreaks of COVID-19, dengue fever, tuberculosis, hepatitis, and cholera. There were reports of prisoner deaths following official indifference to treatable medical conditions such as asthma, HIV, AIDS, and other chronic medical conditions as well as from suicide. Authorities rarely if ever supplied medicine. In May a member of the opposition group Eastern Democratic Alliance posted on Facebook that one of their members, Sandi Fernandez Ortiz, died in Mar Verde Prison in Santiago de Cuba of sepsis due to poor medical care.

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, reductions in the severity of their sentence, or transfer from a maximum-security to a medium-security prison.

There were credible reports that prison officials assaulted inmates. Political prisoners also reported that fellow inmates, acting on orders from or with the permission of prison authorities, threatened, beat, intimidated, and harassed them.

In July the Inter-American Commission on Human Rights (IACHR) issued a resolution granting precautionary protection measures to Silverio Portal Contreras, who was arrested and beaten in March 2018 following a protest against unsafe housing in Havana. The IACHR resolution detailed complaints made on behalf of Contreras, including reports that following his July 2018 sentencing, prison authorities severely beat Portal on multiple occasions and placed him in an isolation cell, that he was losing his eyesight because of the beatings, that he was denied medical attention for his multiple chronic medical conditions, and that he was prohibited from contacting his family. In determining the gravity of risk to Portal, the IACHR cited the context faced by human rights defenders in Cuba, which it described as “generally characterized by a climate of hostility, abuse, and
harassment, particularly with respect to those who have manifested opposition to the government.” On December 1, Portal was released in poor health.

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. Some prisoners were held incommunicado, without being able to contact friends or family until they were released.

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 were reports that prison officials assaulted prisoners, but authorities did not investigate credible allegations of mistreatment. Prisoners reported government officials refused to accept or 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.

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

**Independent Monitoring:** The government did not permit independent international or domestic human rights groups to monitor prison conditions, and it denied 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. Although the 2019 constitution adds explicit protections of freedom and human rights, including habeas corpus, authorities did not observe them, nor did the courts enforce them. The government denied a habeas corpus motion on behalf of
political prisoner Jose Daniel Ferrer (see section 1.e., Political Prisoners and Detainees), the only time it was known to have been filed.

Arbitrary arrests and short-term detentions increased and became a routine government method for controlling independent public expression and political activity. The government frequently detained activists arbitrarily without informing them of any charges against them and often denied them the ability to communicate with their relatives.

The government broadened arbitrary arrest powers under the pretext of controlling the COVID-19 pandemic. In December the NGO Human Rights Watch released a report documenting 34 cases in which authorities invoked rules concerning the COVID-19 pandemic to target government critics and others. Documented cases included Keilylli de la Mora Valle, a member of the Patriotic Union of Cuba (UNPACU) political group, who was arrested on April 12 for lowering her mask to smoke a cigarette on the street. She was sentenced to 18 months in prison after protesting her treatment by police. In another incident, on November 26, authorities claiming to be medical personnel entered San Isidro Movement headquarters on the pretext of requiring a COVID-19 test of journalist Carlos Manuel Alvarez who had arrived earlier in the year. They were followed by police wearing medical gowns, who proceeded to arrest the protesters, several of whom later stated they were beaten during the arrests. Officers told the dissidents that a criminal complaint had been filed against them for “spreading an epidemic.”

The law requires that police 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. Authorities routinely ignored this requirement. Police routinely stopped and questioned citizens, requested identification, and carried out search-and-seizure operations directed at known activists. Police used legal provisions 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 routinely conducted short-term detentions in order to interfere with individuals’ rights to freedom of assembly and freedom of expression, and at times assaulted detainees.

Police and security officials used short-term and sometimes violent detentions to prevent independent political activity and free assembly. Such detentions generally lasted from several hours to several days.
The law allows for “preventive detention” for up to four years of individuals not charged with an actual crime, based on a subjective determination of “precriminal dangerousness,” which is 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 detentions to silence peaceful political opponents. Several of the more than 100 individuals considered to be political prisoners by domestic and international human rights organizations were imprisoned under the “precriminal dangerousness” provision of the law.

**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. 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, by law 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. After the COVID-19 pandemic started to spread in February, the Ministry of Justice regularly invoked “extraordinary circumstances” in order to conduct summary trials.

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. In the case of summary trials for persons accused of “propagating an epidemic” for allegedly violating COVID-19 restrictions, accused persons were tried and sentenced without representation from legal counsel or the opportunity to present any defense.

Reports suggested bail was available, although bail was typically not granted to persons 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 the case of the “extraordinary circumstances” waiver, no additional legal requirement exists to complete an investigation and file criminal charges, and therefore authorities may detain a person without charge indefinitely.

**Arbitrary Arrest:** Officials often disregarded legal procedures governing arrest. They detained suspects longer than the legally mandated period without informing them of the nature of the arrest, without allowing them to contact family members, and without making legal counsel available to them. Police and security officials continued to use short-term and sometimes violent detentions to prevent independent political activity and free assembly. Such detentions generally lasted from several hours to several days. After being taken into custody, these suspects were typically fined and released. The record of the fines frequently lacked information about the law that was broken or the name of the official responsible for the fine, making the fines difficult to contest in court. Sometimes fines formed the basis for preventing persons from leaving the country.

In connection with a planned yearly march on September 8, several activists from UNPACU were arbitrarily detained on September 7. On September 8, immediately after leaving his house with several supporters, UNPACU leader Jose Daniel Ferrer and other supporters were arrested (see also section 2.b., Freedom of Peaceful Assembly). Human rights NGOs reported at least 70 arrests and arbitrary detentions linked to the September 8 “Sunflower Revolution,” a call for nonviolent protests against the regime.

**Pretrial Detention:** The government held some 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. The percentage of prisoners and detainees in pretrial detention was unknown.

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 Cuban Communist Party (PCC), 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 PCC, 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.” Military tribunals may have jurisdiction over civilians if any of the defendants are active or former members of the military, police, or another law enforcement agency. The government denied admission to trials for observers on an arbitrary basis.

**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 trials concluded quickly and were closed to the press. In April, on the basis of the COVID-19 pandemic public health emergency, most trials were converted to summary trials, with many defendants accused of poorly defined claims of “propagating an epidemic” or a range of crimes referred to as “illicit economic activity,” such as hoarding scarce goods. According to state media, in summary trials neither prosecutors nor defense counsel need to be present, only a judge. This protocol, however, imposes a limit on the length of the sentence. If the potential sentence exceeds one year, defendants are to be assigned a lawyer. If persons hire a lawyer, they may bring one; however, few persons received legal representation.

Due process rights apply equally to citizens and foreigners, but courts regularly failed to protect or observe these rights. The law provides criminal defendants the right not to be compelled to testify or confess guilt. 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 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. Private attorneys are not licensed to practice in criminal courts, forcing defendants to rely on lawyers who work for the very government that is prosecuting them. These attorneys reportedly were often
reluctant to defend individuals charged with political crimes or associated with human rights cases and in many cases did not appear to provide adequate counsel.

Criteria for admitting evidence were arbitrary and discriminatory. According to reports, prosecutors routinely introduced irrelevant or unreliable evidence to prove intent or they offered testimony about the defendant’s “revolutionary credentials,” which are demonstrations of loyalty to the PCC or lack thereof.

Defense attorneys have the right to review the investigation files of a defendant unless the charges involve “crimes against the security of the state.” In “state security” cases, defense attorneys were not allowed access to investigation files 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 “precriminal dangerousness,” the state must show only that the defendant has a “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 the right of appeal in provincial courts to cases involving lengthy prison terms or the death penalty.

**Political Prisoners and Detainees**

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

The NGO Cuban Prisoners Defenders estimated there were 134 convicted political prisoners serving sentences as of December 1. Other groups reported different numbers, although figures consistently ranged near 100 or higher. The lack of governmental transparency, along with systemic abuse of due process rights, obscured the true nature of criminal charges, investigations, and prosecutions. This allowed 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 the number of these inmates. The government closely monitored organizations tracking political prisoner populations, and the organizations often faced harassment from state authorities.

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 frequently denied political prisoners access to home visits, prison classes, telephone calls, and, on occasion, family visits.

The justice system systematically subjected Jose Daniel Ferrer, head of UNPACU, to a wide range of abuses after he was arrested in October 2019 with several colleagues. While he was incarcerated, Ferrer was subjected to routine abuse from fellow prisoners who told him they were being rewarded with special privileges by prison authorities for beating him. During Ferrer’s detention, prison officials at times withheld food and medicine and gave Ferrer only unclean water to drink. Ferrer and his compatriots were convicted of spurious charges of lesiones (inflicting grievous bodily harm) and false imprisonment after a 13-hour trial on February 26 with numerous irregularities.

On the day of Ferrer’s trial, the Ministry of Justice tweeted that Ferrer would get a fair trial but in the same tweet called him “a common criminal” in violation of his right to the presumption of innocence. State media conducted a propaganda campaign against him before his trial that alleged Ferrer was a habitual domestic abuser (which was contradicted by past partners of his). Authorities tightly cordoned off the courthouse and did not allow international observers; most members of the audience were in fact members of the security services. Authorities allegedly attempted to intimidate several defense witnesses. The court ignored evidence (a recorded telephone conversation) from the alleged victim’s wife that suggested the injuries to the alleged victim were the result of a motorcycle accident rather than a beating. The court also ignored evidence that the victim was coerced to testify on behalf of the prosecution.

**Civil Judicial Procedures and Remedies**

It is possible to seek judicial remedies through civil courts for violations of administrative decisions, but independent legal experts noted general procedural and bureaucratic inefficiencies often delayed or undermined the enforcement of administrative decisions and civil court orders. Civil courts, like all other courts in
the country, lacked independence, impartiality, and effective procedural guarantees. No courts allowed claimants to bring lawsuits seeking remedies for human rights violations. On December 20, the National Assembly postponed approval of the Law for the Claim of Constitutional Rights before the Courts, which would have allowed for lawsuits related to rights protected in the constitution.

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

The constitution provides for the protection of citizens’ privacy rights in their homes and correspondence, and the law requires police to have a warrant signed by a prosecutor or magistrate before entering or conducting a search. Officials, however, did not respect these protections. Reportedly, government officials routinely and systematically monitored correspondence and communications between citizens, tracked their movements, and entered homes without legal authority and with impunity.

Security forces conducted arbitrary stops and searches, especially in urban areas and at government-controlled checkpoints at the entrances to provinces and municipalities. Authorities used dubious pretenses to enter residences where they knew activists were meeting, such as “random” inspections of utilities or spurious reports of a disturbance. Authorities also used seemingly legitimate reasons—often health-related—such as fumigating homes as part of an antimosquito campaign or door-to-door COVID-19 checks as a pretext for illegal home searches.

On November 9, musician and activist Denis Solis was arrested for “contempt” after he posted a video of himself verbally sparring with a lone police officer who entered Solis’ home without permission and refused to produce a warrant. Criminal procedure requires that officers may enter persons’ residences only with another officer present, and also requires a warrant or exigent circumstances, neither of which appeared to exist in this case. Solis, who had previously been arrested twice for protesting restrictions on freedom of expression, was sentenced to eight months in prison.

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 frequently subjected foreign journalists,
visiting foreign officials, diplomats, academics, and businesspersons to surveillance, including electronic surveillance.

Family members of government employees who left international work missions or similar activities (such as medical missions, athletic competitions, and research presentations) without official permission at times faced government harassment or loss of employment, access to education, and 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 reduction of salary, termination of employment, denial of acceptance into university, expulsion from university, and other forms of harassment.

Arbitrary government surveillance of internet activity was pervasive and frequently resulted in criminal cases and reprisals for persons exercising their human rights. Internet users had to identify themselves and agree they would not use the internet for anything “that could be considered…damaging or harmful to public security.” User software developed by state universities gave the government access to users’ personal data and communications.

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, on the condition that the expression “conforms to the aims of socialist society.” The law bans criticism of government leaders and distribution of antigovernment propaganda, with penalties ranging from three months to 15 years in prison.

Freedom of Speech: The government did not tolerate public criticism of government officials or programs, and it limited public debate of topics considered politically sensitive. Several laws criminalize aspects of freedom of expression.

Rather than enforce these laws, police typically used other pretexts to harass and arrest persons exercising freedom of expression. Among the individuals who protested these restrictive laws was Luis Manuel Otero Alcantara, an artist and a leader of the San Isidro Movement (MSI), an organization promoting cultural independence. Several MSI members, such as rapper Maykel Osorbo and Otero Alcantara’s partner Claudia Genlui, were arrested, beaten while in custody, blackmailed by state security, and fined during the year. While some of these
arrests were in conjunction with political events or Otero Alcantara’s art, many arrests were arbitrary.

Otero Alcantara, arrested dozens of times in conjunction with his performance art, was charged once, for “defiling national symbols,” a case that was dropped after he spent 13 days incarcerated. He was arrested, among other times: on February 7, for walking around Havana wearing a hard hat in protest of several individuals killed when their state-owned house collapsed; on February 11, for protesting a state television decision to censor a kiss between two men; on September 8, moments after stepping outside his home holding a sign with a black and white sunflower, referencing the country’s patron saint; and on October 10, after gathering individuals to celebrate the anniversary of the Grito de Yara (Cry of Yara, the 1868 start of the country’s independence struggle).

Otero Alcantara was also arrested several times while demonstrating for the freedom of fellow MSI member Denis Solis, including on November 12 when Otero Alcantara and another activist attempted to present a writ of habeas corpus for Solis. Otero Alcantara was arrested on November 26 when authorities raided his house to break up a hunger strike of MSI members. At year’s end he remained on house arrest, despite the government’s not levying charges against him.

State security regularly harassed the organizers of independent debates on cultural and social topics to force them to stop discussing matters deemed controversial. The 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 for affiliating with independent organizations.

Alexander Raul Pupo Casas told independent media outlet CiberCuba that he was forced out of his residency program in neurosurgery at the Ernesto Che Guevara Hospital. His supervisor, Ponce de Leon Noriega, viewed Facebook posts from Pupo Casas that were critical of the government, including its low salaries for medical professionals. Noriega then publicly denounced Pupo Casas as “counterrevolutionary” and started proceedings to expel him from the hospital.

Religious groups reported increased restrictions on expressing their opinions during sermons and at religious gatherings, with authorities sometimes using COVID-19 restrictions to prevent persons from worshipping. Most members of
the clergy exercised self-censorship. Religious leaders in some cases criticized the government, its policies, and the country’s leadership without reprisals. Other religious groups, particularly those not officially state-sanctioned, reported harassment and destruction of houses of worship.

**Freedom of Press and Media, Including Online Media:** The government or the PCC directly owned all print and broadcast media outlets and all widely available sources of information. News and information programming were generally uniform across all government-controlled outlets. The government controlled all printing presses and nearly all publications. The party censored public screenings and performances. The government limited the importation of printed materials.

Foreign correspondents had limited access to and often were denied interviews with government officials. Foreign correspondents struggled to gather facts and reliable data for stories. The government harassed and denied access to correspondents who reported stories deemed critical of the government. As a result of self-censorship and lack of access, foreign journalists rarely published stories on human rights violations while inside the country. Despite meeting government vetting requirements, journalists belonging to state media institutions who reported on sensitive subjects did so at personal risk, and the government barred them from working for unofficial media outlets in addition to their official duties. The government harassed and threatened any independent citizen journalists who reported on human rights violations.

After Camila Acosta started working as an independent journalist in August 2019, she endured nearly constant state harassment and other abuses for her work. Since February she was forced to move at least six times (including several times during the peak of the COVID-19 outbreak) due to police harassment of her landlords for “hosting a dissident.” She was arbitrarily arrested, detained, abused, fined, threatened, and interrogated at length on many occasions. For example, on July 31, she was waiting for friends in a park in Havana when two officers approached her, asked for her identity document, arrested her, and took her to a police station. Inside her bag they found several facemasks reading, “No to Decree 370,” a reference to legalized surveillance of electronic communication without a court order. The officers forced Acosta to strip and searched her further. Police fined her and threatened further prosecution for protesting the decree. On March 9, police arrested Acosta while she covered a demonstration for the freedom of artist and activist Luis Manuel Otero Alcantara (see section 2.a., Freedom of Speech). Police gave her a large fine and threatened her with “deportation” to her home province, Isla de la Juventud.
**Violence and Harassment:** The government did not recognize independent journalism, and independent journalists frequently faced government harassment, including detention and physical abuse. Most detentions were of independent journalists who filmed arrests and harassment of 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 after President Diaz-Canel took office. Independent reporters experienced harassment, violence, intimidation, aggression, and censorship, and several were confined to their homes or prevented from traveling abroad. On November 22, security forces allowed a progovernment mob to block registered foreign media teams from reporting on protests for the freedom of Denis Solis in Havana’s central park. Foreign media reported the mob “pushing, shoving, and punching one cameraman four or five times in the body.”

**Censorship or Content Restrictions:** The law prohibits distribution of printed materials considered “counterrevolutionary” or critical of the government. Foreign newspapers and 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 possession of these materials sometimes resulted in harassment and detention. 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 law to arrest or detain individuals critical of the country’s leadership. Authorities frequently arrested and charged persons with the vague crime of “contempt of authority.”

**Internet Freedom**

The government restricted access to the internet, and the country had a low internet connectivity rate. All internet access was provided through state monopoly companies, and the government has unrestricted and unregulated legal authority to monitor 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 number of underground networks. The government used a combination of website blocking, pressure on website operators, arrests, intimidation, imprisonment, and unrestricted surveillance to censor information critical of the regime and to silence its critics. Despite heavy restrictions, citizens circumvented government censorship through grassroots innovations. Access to blocked outlets was generally possible only through a virtual private network.

For most internet users, the cost of accessing non-Cuban sites remained higher than the cost of accessing domestic ones, most of which were controlled by the government. Some individuals could connect at low or no cost via state institutions where they worked or studied. The government closely monitored web access points, such as Wi-Fi hotspots, cybercafes, and access centers, as well as the backbone internet infrastructure, which was directly controlled by the government.

The government selectively granted censored 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 and increased mobile service that allowed persons greater access to the internet on their cell phones through the state telecommunications monopoly ETECSA without needing to connect to public Wi-Fi. The cost of this improved service was far beyond the means of most citizens; the cost of basic internet packages exceeded the average monthly wage.

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 the government considered objectionable. The number of blocked websites fluctuated. The government blocked approximately 20 websites on a regular basis, including independent media outlets such as CiberCuba, 14yMedio, CubaNet, ADNCuba, Tremenda Nota, Marti Noticias, and other websites critical of the government’s human rights record. The government blocked access to Freedom House’s Freedom on the Net report. The government blocked internet tools and websites that the government considered contrary to its interests.
Public reports revealed that the government monitored citizens’ internet use and retaliated against them for their speech. The government selectively blocked the communications of government critics to prevent them from communicating with one another, sharing content, or reporting on government harassment. This occurred, for example, when activists attempted to gather in protest of the killing of Hansel Hernandez on June 30 (see section b., Freedom of Peaceful Assembly). At least 20 activists and journalists had their connectivity to the internet severed by the state that day.

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. ETECSA frequently disconnected the telecommunication service of human rights organizers, often just before their detention by state security or to disrupt planned activities. For example, artist and activist Tania Bruguera reported that her internet access was blocked for at least 45 days after she participated in protests on November 27 and was subsequently illegally confined to house arrest.

Human rights activists reported government employees (“trolls”) tracked the social media accounts of activists. Activists also reported on the government’s practice of sending mass text messages warning neighbors to avoid association with dissidents.

The government frequently targeted users of SNet (abbreviated from Street Network), a grassroots system of user-owned and user-operated wireless networks that allowed persons to exchange information outside of state control. While the law does not set specific penalties for unauthorized internet use, it is illegal to own a satellite dish that provides uncensored internet access, and authorities restricted the use of networking equipment that was key to SNet. The government restricted the importation of wireless routers, actively targeted private wireless access points, and confiscated equipment. After tolerating the growth of SNet for years, the government completed its expropriation of the system in 2019, and networks outside of government control essentially ceased to exist.

The use of encryption software and the transfer of encrypted files are also technically illegal, but information on enforcement of this restriction was not available. Despite poor access, harassment, and infrastructure problems, a growing number of citizens maintained news sites and blogs in which they posted opinions critical of the government with help from persons living outside the country, often
expatriate Cubans. The government blocked local access to many of these blogs. In addition a small but growing number of citizens used Twitter, Facebook, Instagram, Telegram, YouTube, and other social networks to report independently, including observations critical of the government. Like other government critics, bloggers faced government harassment, including detention, physical abuse, and often the destruction or confiscation of their internet equipment and devices.

**Academic Freedom and Cultural Events**

The government restricted academic freedom and controlled the curricula at all schools and universities, emphasizing the importance of reinforcing PCC rule through “revolutionary ideology” and “discipline.” Most academics refrained from meeting with foreigners, including diplomats, journalists, and visiting scholars, without prior government approval. Government monitors were sometimes present at these meetings. Those persons permitted to travel abroad were aware that their actions, if deemed politically unfavorable, could negatively affect them and their relatives in Cuba. Several university professors, researchers, and students reported they were forced out of their positions, demoted, or expelled for expressing ideas or opinions outside of government-accepted norms.

Outspoken artists and academics faced harassment and criticism orchestrated by the government. According to the digital magazine *Tremenda Nota*, academics and their students faced increased discrimination based on ideology and politics during the year.

On October 8, the NGO Observatory of Academic Freedom, founded in July by Cuban exiles, published the first of two reports on ideological discrimination in Cuban universities. In remarks accompanying the presentation, “Political Discrimination in Cuban Higher Education as a Violation of Academic Freedom,” several former Cuban academics described the censorship and punitive actions that led to their dismissals from university positions.

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. Some 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 carries 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. Christian Solidarity Worldwide, however, reported that in other cases the government harassed leaders of house churches and owners of homes where house church congregations met. Many house church leaders also reported frequent visits from state security agents or PCC officials. Some reported they received warnings from agents and officials that the education of their children, or their own employment, could be “threatened” if the house church leaders continued their activities.

Independent activists and political parties other than the PCC faced greater obstacles than religious groups. State security forces often suppressed attempts to assemble, even for gatherings in private dwellings and in small numbers. The government refused to allow independent demonstrations or public meetings by human rights groups or any others critical of any government activity.

The government routinely arrested individuals who attempted to assemble, by either placing them under house arrest or taking them into custody if they left their residences.

On November 27, a group of persons assembled outside the Ministry of Culture to demonstrate against the government’s efforts to suppress protests. This was the sole example of a protest successfully forming and being allowed to disperse peacefully. At this event, well known cultural figures protested the government’s treatment of the MSI and its members and demanded the “right to have rights.”
On June 24, police killed Hansel Hernandez Galiano, an unarmed Afro-Cuban man, in Havana (see section 1.a.). Prominent activists soon adopted a #Justice4Hansel campaign and called for protests on June 30 at Havana’s Yara Theater. On the eve of the planned protests, the government arrested scores of potential protesters and deployed a sophisticated media campaign modeled on the #BlueLivesMatter countermovement. Reportedly, no one actually arrived at the protest site because at least 35 individuals were arrested and another 33 were held under house arrest before the planned protest.

State communications monopoly ETECSA, part of the Ministry of Communications, cut off internet access for targeted activists and independent journalists. A state security official informed one activist he would not be allowed to leave his house on June 30 and that whoever tried to attend the protest for Hansel Hernandez Galiano would be arrested for “propagation of an epidemic.” Jose Daniel Ferrer, the leader of UNPACU and the most prominent opposition leader, endorsed the calls to protest. On June 30, police locked the front door to his house from the outside, and when Ferrer and his 17-year-old son climbed out from the roof to join the protest, police arrested them both. Two activists, artist Luis Manuel Otero Alcantara and rapper Maykel Castillo, were also arrested and taken into custody. (Days earlier, Otero Alcantara and Castillo had associated themselves with the #Justice4Hansel movement.) Police subsequently violently abused them and prevented them from filing a complaint. Everyone arrested for the June 30 protest was released within two days, except for Diario de Cuba reporter Jorge Enrique Rodriguez, who was held for five days after filming police violence against two young persons.

On October 10, the anniversary of the Grito de Yara proclaiming Cuban independence from Spain, the regime arrested--sometimes violently--more than 20 artists and activists in a crackdown on a peaceful demonstration for political change organized by the San Isidro Movement in Havana. According to media reports, the majority of the activists were held for approximately seven hours by police.

On numerous occasions, the government, using undercover police and Ministry of Interior agents, organized “acts of repudiation” by crowds organized to assault and disperse persons who assembled peacefully. Persons in these crowds 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 who had peacefully assembled. The persons targeted by 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, and they did not respond to victims’ complaints. Instead, government security officials frequently orchestrated activities against protesters or took direct part in physical assaults.

**Freedom of Association**

The government routinely denied freedom of association to citizens and did not recognize independent associations. The law 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, and police sometimes raided their meetings.

For example, the Damas de Blanco (Ladies in White), an association of female political activists originally formed to protest the detention of their male relatives, was subjected to arbitrary arrest whenever it tried to meet, constant surveillance of the house that served as their headquarters, and harassment by state officials and local PCC members.

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 ruling party. Religious groups are under the supervision of the PCC’s Office of Religious Affairs, which has the authority to deny permits for religious activities; it exerted pressure on church leaders to refrain from including political topics in their sermons and often limited freedom of movement for independent pastors.

Groups are required to register through the Ministry of Justice to receive official recognition. Authorities ignored applications for legal recognition from new groups, including several new religious groups, women’s rights organizations, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights organizations. The lack of official recognition left group members open to potential charges of illegal association.

The government gave preferential treatment to persons who took an active part in PCC activities and mass demonstrations in support of the government. Preferential treatments included 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 https://www.state.gov/religiousfreedomreport/.

**d. Freedom of Movement**

There were increased restrictions on freedom of movement within the country, foreign travel, and migration with the right of return. The government controlled internal migration from rural areas to Havana, sometimes arresting and expelling persons from Havana if authorities discovered their national identity card listed them as living in another city. The government also barred some citizens and persons of Cuban descent living abroad from entering the country, apparently on grounds that these visitors were critical of the government, had “abandoned” postings abroad as low-paid medical doctors, or had defected when they were abroad as athletes. The government prevented many Cubans who normally were residents in another country but who were caught in Cuba during the COVID-19 pandemic from leaving the country.

When former government employees emigrated from the country, sometimes their family members 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 moderate fine for first-time “rafters” (those who attempted to depart the country clandestinely, commonly using homemade vessels), although these attempts were less frequent than in previous years. Most persons caught attempting unauthorized departures via sea were detained briefly under quarantine as a precaution against COVID-19. 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, assuming they had not committed a separate criminal offense. Some would-be migrants in these circumstances, however, 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, establishing residence in Havana was 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 and send them back to their legally authorized residence. There were reports that authorities provided only limited social services to illegal Havana residents and at times restricted food purchases to a person’s official neighborhood of residence. 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 that authorities detained and returned the dissidents to their homes, even though the dissidents had no written or formal restrictions placed against them.

Foreign Travel: The government continued to require persons from several professional and social categories to obtain permission to emigrate. The affected persons included highly specialized medical personnel; military or security personnel; many government officials, including academics; and many former political prisoners and human rights activists.

The government prohibited human rights activists, independent journalists, and artists from traveling outside the country to attend events related to human rights and democracy. The government used arbitrary or spurious reasons to deny permission for human rights activists to leave the country to participate in workshops, events, or training programs. Activists reported a significant increase in interrogations and confiscations at the airport when arriving from abroad.

The government arbitrarily designated some persons as regulados (regulated persons), meaning the government either prohibited them from receiving a passport or from leaving the country. The policy did not appear to be supported by a legal framework, and officials denied such a policy existed, declaring the law allows for freedom of movement. Because the government did not acknowledge that persons were prevented from leaving, those subject to the policy were left without any recourse for an appeal. The tactic served not only to restrict the movement of citizens but also their freedom of expression, because it was routinely applied when individuals attempted to travel to speak at conferences.

e. Status and Treatment of Internally Displaced Persons
Not applicable.

**f. Protection of Refugees**

The government allegedly cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. Information about the extent of that cooperation was not publicly available.

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

**g. Stateless Persons**

The government regularly rendered citizens de facto stateless persons when it withheld consular services from employees and their families as punishment for abandoning a foreign work mission. There were reports of Cubans residing abroad who were refused a passport or other proof of identity or citizenship, including for direct return to Cuba. Children born abroad to Cuban citizens in these circumstances were unable to obtain recognition of their Cuban citizenship and may not have citizenship in their country of birth. Cubans residing outside of Cuba for more than 24 months may lose full citizenship rights.

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

Article 5 of the constitution enshrines one-party rule by the PCC, disallowing political expression outside of that structure. The government suppressed attempts to form other parties. Candidates for office must be nominated by a PCC “mass organization” and approved by local party officials. These PCC-approved
candidates win the vast majority of votes, since electors are limited to PCC representatives. Elections are neither free nor fair. Citizens do not have the ability to form political parties or run as candidates from political parties other than the PCC. The government forcefully and consistently retaliated against those who sought peaceful political change. The government orchestrated mass political mobilization on its behalf and favored citizens who actively participated.

**Elections and Political Participation**

**Recent Elections**: The government selected candidates for the October 2019 election for president of the republic, president of the National Assembly, and membership in the Council of State. Only members of the National Assembly—all of whom were PCC members—were allowed to vote, and candidates ran for office uncontested. For the first time since 1959, on January 18, citizens “elected” provincial governors. All of these “elections” were shams, however, since only one candidate (chosen in theory by the president but in reality by the PCC) stood for each post, and the only persons allowed to vote were loyal party members chosen as delegates of the municipal assemblies in each province. The chosen candidates were not known to the public before the election, and each one received 93 percent or more of the ballots cast, with most receiving 99 percent of the votes.

**Political Parties and Political Participation**: As in previous national elections, government-run commissions nominated all candidates for office for the January election. No non-PCC candidates were allowed on the ballot. 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 were otherwise intimidated from participating in the electoral process.

The new constitution, approved in February 2019, includes many sections that restrict citizens’ ability to participate fully in political processes by deeming the PCC as the state’s only legal political party and the “superior driving force of the society and the state.” For example, Article 4 states, “Citizens have the right to combat through any means, including armed combat when other means are not available, anyone who intends to overthrow the political, social, and economic order established by this constitution.” The article effectively empowers ordinary persons to attack violently those who publicly disagree with the party.

Citizens who live abroad without a registered place of abode in Cuba lose their right to vote.
Participation of Women and Members of Minority Groups: No law limits participation of women or members of minority groups in the political process, and they did participate. Women’s representation increased slightly from previous years in the most powerful decision-making bodies, but women held no senior leadership positions in the military or security services.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption. 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 police and other official corruption in enforcement of economic restrictions and provision of government services. For example, employees frequently stole products from government stocks and sold them on the black market. Multiple persons reported that when searching homes and vehicles, police sometimes took the owners’ belongings or sought bribes in exchange for not imposing fines or arrests. Corruption by customs officers was also reportedly common.

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 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, 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 NGOs that monitored or promoted human rights. There
were reports of 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. The government continued to deny or ignore long-standing requests from the UN special rapporteurs on torture, freedom of expression, freedom of religion, and freedom of assembly to enter the country to monitor human rights.

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

Women

Rape and Domestic Violence: The law 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. Several reports from women’s rights advocacy groups, however, suggested that crimes against women were underreported and that the state failed to investigate many cases. The government recognized the high rate of femicide for the first time in a report released in 2019, but as of October officials had not responded to requests from human rights activists for a comprehensive law against gender-based violence, despite increasing reports of femicide during the pandemic. The online platform Yo Si Te Creo (I do believe you) documented at least 32 victims of femicide, including 29 Cuban women, two Canadian women, and three minors. Official media sources failed to report any of these killings.

The government specifically targeted activists organizing a campaign called the Red Femenina de Cuba (Cuban Women’s Network) that asked the state to update information on crimes against women, train officials to handle crimes against women, and define gender-based violence in the law. Police also targeted for harassment small groups of women assembling to discuss women’s rights and gender matters more broadly. The government opposed any non-state-sponsored programs that focused on gender violence.

Security officials often refused to take serious action on cases of sexual violence, including several cases where security officials were themselves implicated. In September several soldiers were caught raping a 13-year-old girl. Three men were arrested, but other suspects fled, and those who were arrested were freed the next
day. The mother of the victim told the Red Femenina she went to police to protest and was told that police did not have resources to investigate the case and that trials were paused due to COVID-19 anyway. She said the officer warned her that bringing further attention to the case in the independent press or on social networks would be “counterrevolutionary” and could result in her arrest.

The law prohibits all threats and violence but does not recognize domestic violence as a distinct category of violence. Penalties for 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 some reports of abortions performed by government health authorities without clear consent from the mother. For example, doctors were documented as having performed abortions or pressured mothers into having an abortion when ultrasound scans revealed fetal abnormalities because “otherwise it might raise the infant mortality rate.” Health authorities used abortions to improve infant mortality statistics artificially by preventing marginally riskier births in order to meet centrally fixed targets.

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 employment. 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.

Child, Early, and Forced Marriage: The legal minimum age of consent for marriage is 18. Marriage for girls age 14 or older and for boys 16 or older is permitted with parental consent. According to UNICEF, 26 percent of girls were married before 18, with higher prevalence in the provinces of Oriente and Centro.
Sexual Exploitation of Children: Prostitution is legal for individuals 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 pornographic acts involving minors younger than 16. 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 16 is punishable by two to five years in prison.

Child trafficking across international borders is punishable by seven to 15 years’ imprisonment.

The law does not establish an age of consent, but sexual relations with children younger than 16 may 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. Penalties vary based on the age of the victim, ranging from four to 10 years’ imprisonment if the victim is age 14 or 15, up to 15 to 30 years’ imprisonment or death if the victim is younger than 12.


Anti-Semitism

There were between 1,000 and 1,500 members of the Jewish community. There were several reports of anti-Semitic acts.

In December 2019 local officials ruled against a Jewish family in Nuevitas, Camaguey, who had fought to exercise their children’s right to wear religious headgear (a kippah) in school. The children’s father, Olaine Tejada, said that Mary Vidal, a local state prosecutor, forced him to sign a legal document acknowledging that if his children came to school wearing a kippah on January 6, he and his wife, Yeliney Lescaille, would be arrested and charged with “acts against the normal
development of a minor,” with a potential one-year prison sentence. This followed a long history of the children being threatened with expulsion and bullied by schoolmates because of their faith. Tejada said the family would appeal to higher authorities to reinstate their rights. No further developments were reported during the year.

**Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [https://www.state.gov/trafficking-in-persons-report/](https://www.state.gov/trafficking-in-persons-report/).

**Persons with Disabilities**

No law prohibits discrimination against persons with disabilities. The Ministry of Labor and Social Security oversees 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 such persons.

A large number of persons with disabilities who depended on the state for their basic needs struggled to survive due to inattention and a lack of resources. Some persons with disabilities who opposed the government were denied membership in official organizations for persons with disabilities, such as the National Association for the Blind. As a result they were denied benefits and services, which included 400 minutes of telephone usage, training in the use of a white cane and in braille, and reduced fares on public transportation.

**Members of National/Racial/Ethnic Minority Groups**

Afro-Cubans often suffered racial discrimination, and some were subject to racial epithets and beatings by security agents in response to political activity. Afro-Cubans also reported employment discrimination, particularly for positions of prominence within the tourism industry, media, and government. Employment advertisements were allowed to be openly sexist and racist. Police violence intensified during the year, disproportionately affecting Afro-Cubans. Police targeted Afro-Cubans for abuse during enforcement of laws requiring mask-wearing in public and against informal commercial activity. The economic crisis disproportionately affected Afro-Cubans, as seen in the scarce distribution of food and continuous water shortages affecting Havana’s Afro-Cuban neighborhoods. Although the regime’s defenders pointed to a few high-ranking Afro-Cuban
officials, Afro-Cubans remained severely underrepresented in ministerial positions and the Politburo, and they were completely absent from the highest ranks of the Revolutionary Armed Forces and Ministry of Interior—seen as the country’s true power centers.

Journalist Abraham Jimenez Enoa, hired on June 15 as a regular contributor to a foreign newspaper’s opinion page, was put under house arrest after the newspaper published an article on June 29 regarding Hansel Hernandez Galiano’s death in which Jimenez said police violence in the country was racist. State media subsequently formally attacked the foreign newspaper in a coordinated print and television campaign, and security officials arrested Jimenez multiple times on charges that observers considered baseless.

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

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

The government did not recognize domestic human rights groups or permit them to function legally. Several unrecognized NGOs that promoted LGBTI human rights faced government harassment, not for their promotion of such topics, but for their independence from official government institutions.

Despite a history of state-sanctioned events in support of the LGBTI community, the state-funded National Center for Sex Education was muted in its support for the LGBTI community after canceling its annual conga (gay pride march) against homophobia in 2019. Ariel Ruiz Urquiola, a biologist and activist for environmental justice and LGBTI rights, alleged the government deliberately infected him with HIV while he was detained after a peaceful protest for gay rights in the wake of 2019’s cancelled pride march. He maintained that he always practiced safe sex and asserted that the government knowingly injected him with HIV when he was hospitalized during a hunger strike to discredit him because of the social stigma of HIV in the country.

**HIV and AIDS Social Stigma**
The government operated four prisons exclusively for inmates with HIV or AIDS; some inmates were serving sentences for “propagating an epidemic.” Hospitals and clinics sometimes discriminated against patients with HIV.

Special diets and medications for patients with HIV were routinely unavailable, sometimes resulting in the patients’ deaths from neglect.

Political prisoner Maikel Herrera Bones, a person with HIV who was a member of UNPACU, said prison officials withheld HIV treatment from him to pressure him into silence. Herrera Bones was arrested on April 16 after arguing with a plainclothes police officer about blackouts in his Havana neighborhood. Accused of simple assault, Herrera Bones said he had not been tried in court by year’s end.

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 PCC-controlled Central Union of Cuban Workers (CTC) as the paramount trade union confederation. To operate legally, a trade group 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 it has a complicated process for reaching collective agreements. The International Labor Organization raised concerns regarding the trade union monopoly of the CTC, the prohibition on the right to strike, and restrictions on collective bargaining and agreements, including giving government authorities and CTC officials the final say on all such agreements.

The government prevented the formation of independent trade unions in all sectors. The PCC 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 virtually eliminated workers’ ability to organize independently and appeal against discriminatory dismissals. The government’s strong influence over the judiciary and lawyers limited effective recourse through the courts. The government did not effectively enforce applicable law, and penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination.
During the year, as in the past several years, Ivan Hernandez Carrillo, general secretary of the Association of Independent Unions of Cuba, was harassed, beaten, detained, threatened, and fined. In January he was arrested, fined, and had his cell phone confiscated after he traveled to Havana from his home in Matanzas. A government security officer told Hernandez the government would continue these sorts of abuses if Hernandez tried to leave his town. The security officer implied the government would fabricate criminal charges against Hernandez as it did to UNPACU leader Jose Daniel Ferrer (see section 2.b.). After a representative of a foreign embassy visited him on February 11, Hernandez was arrested for questioning on February 12.

Several small, independent labor organizations operated without legal recognition, including the National Independent Workers’ Confederation of Cuba, National Independent Laborer Confederation of Cuba, and 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 advocating 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.

b. Prohibition of Forced or Compulsory Labor

The law does not explicitly prohibit forced labor. 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, commercial sex, pornography, or the organ trade is punishable by seven to 15 years’ incarceration. When the government discovered the involvement of individuals or nongovernmental groups in these crimes, it enforced the law, and penalties were commensurate with those for analogous crimes, such as kidnapping. The government did not enforce laws against forced labor in its own programs.

Compulsory military service of young men was occasionally fulfilled by assignment to an economic entity, such as a farm or company owned by the military or by assignment to other government services.

Foreign entities both inside the country and abroad contracted with state-run entities to employ citizens to provide labor, often highly skilled labor such as doctors, engineers, or merchant mariners. These employees received a small
fraction of the salaries paid to the state-run company, usually 10-25 percent or less; the rest went into the government’s coffers. In some cases where workers were paid directly by their foreign employers, they were required to give a portion of their wages to the state.

Medical workers formed the largest sector of the government’s labor exports. The NGO Cuban Prisoners Defenders collected testimony from 622 former medical workers that documented the country’s coercive and abusive labor practices within this sector. The workers described how they were forced to join the program and were prevented from leaving it, despite being overworked and not earning enough to support their families. Former participants described human trafficking indicators, including coercion, nonpayment of wages, withholding of their passports and academic credentials, and restriction on their movement. The government denied all of these allegations. Similar practices occurred in the tourism sector.

The government refused to improve the transparency of its medical missions program or address concerns about forced labor, despite persistent allegations from former participants, civil society organizations, and foreign governments.

Prisoners were subject to forced labor, often in strenuous farm work without sufficient food or water, or working in hazardous environments without protective equipment, such as working in production of industrial chemicals. Prisoners were punished if they refused to work and were forced to make goods for the Ministry of the Interior’s company (PROVARI or Empresa de Producciones Varias), which were exported or sold in state stores and the tourism sector. The government used high school students in rural areas to harvest crops (also see section 7.c.).

Also see the Department of State’s *Trafficking in Persons Report* at [https://www.state.gov/trafficking](https://www.state.gov/trafficking- in-persons-report/).

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all of the worst forms of child labor. 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 may not 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. Antitruancy programs, however, aimed to keep children in school. Children were subject to commercial sexual exploitation, and the government did not report significant efforts to reduce the presence of child sexual exploitation by tourists. The government investigated and convicted one perpetrator of forced child labor during the year.

The government used some high school students in rural areas in the Escuela al Campo (school to countryside) plan to harvest crops on government farms during peak harvest time. Student participants were not paid but as compensation received school credit and favorable recommendations for university admission. Ministry of Education officials used the Escuela al Campo plan to make students ages 11 to 17 work in the agricultural sector with no pay. Students were expected to work 45 days during the first academic quarter. Failure to participate or obtain an excused absence reportedly could result in unfavorable grades or poor university recommendations, although students were reportedly able to participate in other activities (instead of the harvest) to support their application for university admission. Children who performed agricultural work under the Escuela al Campo plan were not given proper tools, clothing, footwear, or food. Deficient and unsanitary living conditions, coupled with poor infrastructure, exposed them to diseases such as dengue fever, zika, and chikungunya.

d. Discrimination with Respect to Employment and Occupation

The law prohibits workplace discrimination against persons 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 (see section 7.a.), 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 policies. The government deemed persons “unfit” to work because of their political beliefs, including their refusal to join an official union, and for trying to depart the country illegally. The government penalized professionals who expressed interest in emigrating by limiting their job opportunities or firing them. A determination that a worker is “unfit” to work can result in job loss and the denial of job opportunities. The government did not effectively enforce applicable
law, and penalties were not commensurate with laws related to civil rights, such as election interference. Persons 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.

For example, Jorge Felix Vazquez Acosta was dismissed from his job in the Hotel Packard when his superiors learned in May he was against socialism. The hotel was owned by a subsidiary of the army-owned conglomerate Grupo de Administracion Empresarial S.A. and operated by European company Iberostar. A letter signed by the hotel’s deputy director stated Vazquez Acosta was fired for comments “against our socialist system and the constitutional reform” as well as actions that “undermine the political-ideological state that should prevail in our workers.” In the military-controlled tourism sector, military intelligence officers were often embedded in companies’ staff to investigate the political loyalty of employees and fire individuals such as Vazquez Acosta when they were identified as holding views critical of the government.

Discrimination in employment occurred against members of the Afro-Cuban and LGBTI populations, especially in the state-owned but privately operated tourism sector. 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 experienced low job security and were underrepresented in the business and self-employed sector, frequently obtaining lower-paying jobs, including cleaning and garbage disposal, which had no interaction with tourists, a major source of hard currency.

Hiring practices in the private sector were racist, colorist, and sexist. A job posting for an accounting or finance position usually called for women with lighter or olive skin, blonde hair, and physically fit. Postings for bodyguards and security jobs normally sought male candidates of color, who were perceived as being stronger than other races.

There was no information available showing whether the government effectively enforced applicable law.

**e. Acceptable Conditions of Work**

Authorities set a national minimum wage at a rate below the poverty line.
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 did not effectively enforce applicable law, and penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination.

The government set workplace occupational safety and health (OSH) standards and received technical assistance from the International Labor Organization to implement them. Information about penalties for violations of OSH law was not publicly available. The Ministry of Labor and Social Security enforced the minimum wage and workhour standards through offices at the national, provincial, and municipal levels, but the government did not effectively enforce OSH standards. No information was available regarding the number of labor inspectors. Reports from recent years suggested there were very few inspectors, and OSH standards frequently were ignored or weakened by corrupt practices. Civil society organizations reported working conditions for doctors in hospitals were severely unsanitary and that doctors worked long hours without sufficient access to food.

According to government statistics, approximately 250,000 self-employed workers, or 41 percent of the 606,000 persons in the sector, voluntarily suspended their licenses to work due to the economic crisis related to the COVID-19 epidemic. Most self-employed workers worked directly in the tourism sector or in fields that support it. With most international flights suspended, the tourism sector atrophied. The lack of clear regulations about what activities were permissible (when it was clear that some were not) prevented persons from finding employment in this 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.
Self-employed persons, such as fruit sellers, bicycle taxi drivers, and others, were frequently targeted by police for allegedly acting illegally, even when licensed. Police sometimes arbitrarily and violently closed down these businesses and confiscated any goods.

Foreign companies operated in a limited number of sectors, such as hotels, tourism, and mining. Such companies operated via joint ventures in which the government contracted and paid company workers in pesos for a salary that was a small fraction of what the foreign company remitted in hard currency 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 informal supplemental payments in the form of gratuities.

The Ministry of Labor enforces labor law on any business, organization, or foreign governmental agency based in the country, including wholly foreign-owned companies operating in the country, joint-stock companies involving foreign investors operating in the country, the United Nations, international NGOs, and embassies. Workers employed by these entities are subject to labor regulations common to most state and nonstate workers and are also subject 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.

On July 6, a total of 13 military personnel were hospitalized and 1,245 persons near La Pua were evacuated after old ammunition exploded in a military facility in Holguín. Following the initial major explosions, workers in nearby fields continued to feel several small explosions throughout the day. They received no information about the cause or the response from the government or military.

The CTC provided only limited information to workers about their rights and at times did not respond to or assist workers who complained about hazardous workplace conditions. It was generally understood that workers could not remove themselves from dangerous situations without jeopardizing their employment, and authorities did not effectively protect workers facing this dilemma.
TAB 2
CUBA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Cuba is an authoritarian state led by Miguel Diaz-Canel, president of the republic, with former president Raul Castro serving as the first secretary of the Cuban Communist Party (CCP). Despite ratifying a new constitution on February 24, Cuba remains a one-party system in which the constitution states the CCP is the only legal political party and the highest political entity of the state.

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

Significant human rights issues included: reports of abuse of political dissidents, detainees, and prisoners by security forces; harsh and life-threatening prison conditions; arbitrary arrests and detentions; significant problems with the independence of the judiciary; political prisoners; and arbitrary or unlawful interference with privacy. The government severely restricted freedom of the press, used criminal libel laws against persons critical of leadership, and engaged in censorship and site blocking. 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; restrictions on internal and external freedom of movement and severe restrictions of religious freedom. Political participation was restricted to members of the ruling party, and elections were not free and fair. There was official corruption, trafficking in persons, outlawing of independent trade unions, and compulsory labor.

On February 24, the country adopted a new constitution in a coerced referendum marred by violent government repression against those that opposed the proposed constitution. On February 12, for example, 200 police and security agents raided the homes of leaders of the Patriotic Union of Cuba (UNPACU) for openly campaigning against the draft constitution, detaining and reportedly beating UNPACU members. Other opponents reported that the government had blocked their email and texts to keep them from disseminating opposition campaign materials. Article 5 of the constitution enshrines one-party rule by the CCP, disallowing for additional political expression outside of that structure. Although
the new constitution adds explicit protections of freedom and human rights, including habeas corpus, authorities did not respect them, nor did the courts enforce them.

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

In contrast with 2018, there were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were confirmed reports of long-term disappearances by or on behalf of government authorities. There were multiple reports of detained activists whose whereabouts were unknown for days or weeks because the government did not register these detentions; many detentions occurred in unregistered sites. For example, authorities detained UNPACU leader José Daniel Ferrer several times during the year. He was often held for several days at a time incommunicado or without being charged in court. Although uniformed security officials were present for his arrest, authorities denied having him in their custody (see also sections 1.d. and 2.d.). On October 1, police detained him for almost six weeks before allowing his family to see him and did not announce charges against him until November 15, 45 days after his disappearance. In the interim, authorities rejected writs of habeas corpus filed by his wife. As of December, José Daniel Ferrer remained in custody.

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

There were reports 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 police assaulted detainees or were complicit in public harassment of and physical assaults on peaceful demonstrators (see section 2.b.). For example, in August several videos showed police attacking with police dogs and truncheons persons assembled for carnivals, despite receiving little resistance. Police also were recorded severely beating a private taxi driver in a separate August incident as part of a campaign against persons working for themselves.

On August 12, authorities prevented evangelical Christian activist Adrian del Sol from departing the country for a workshop of Christian Solidarity Worldwide, a religious freedom organization, as part of a broader policy of arbitrarily preventing certain individuals from leaving the country (see section 2.d.). In response, Adrian’s father Guillermo del Sol--an activist himself--started a hunger strike against the policy on August 12. On September 20, on the 40th day of his hunger strike, del Sol was admitted to Arnaldo Milian Castro Provincial State University Hospital for medical treatment and received intravenous nutrients and other care for several hours. On September 21, a state doctor pronounced him in perfect health, despite his being in obviously ill health and suffering from several chronic conditions exacerbated by his hunger strike. Police agents dragged the emaciated del Sol to a van from the Brigada Especial, a Ministry of Interior unit responsible for repressing dissidents. The van took him to his home, which was surrounded by police. According to del Sol, one of the security agents told him the order to remove him from the hospital came from the very top: “General Raul Castro gave us the order to take you to die in your home, and you will die like the anticommmunist dog that you are.” Several activists who attempted to visit him were arrested and fined, and the family’s telephones were confiscated.

When authorities did allow Nelva Ismarays Ortega Tamayo, the wife of Jose Daniel Ferrer (see section 1.b.), to visit him in prison, she found him emaciated with signs of repeated physical torture. He was reportedly unable to lift his arms and recounted daily psychological trauma inflicted at the instruction of his jailers.

State security officials frequently deployed to countries such as Venezuela and Nicaragua, where they trained and supported other organizations in their use of repressive tactics and human rights abuses, and sometimes participated in them directly. For instance, Cubans were instrumental in transforming Venezuela’s Directorate General of Military Counterintelligence (DGCIM) from a small organization focused on external threats to a much larger organization focused on surveilling the Venezuelan armed forces in order to suppress dissent and ensure loyalty to the Maduro regime. A July 5 UN report accused the DGCIM of torture,
and many former prisoners said that Cubans, identified by their distinctive accents, supervised as DGCIM personnel tortured them.

**Prison and Detention Center Conditions**

Prison conditions continued to be harsh and life threatening. Prisons were overcrowded, and facilities, sanitation, and medical care were deficient. There were reports that prison officials assaulted 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, 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 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 fever, 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, reductions in the severity of their sentence, or being transferred from a maximum-security to a medium-security prison.

There are credible reports that prison officials assaulted inmates. On June 11, prisoner of conscience Josiel Guia Piloto, a member of the Republican Party of Cuba, suffered a collapsed lung after being beaten by prison guards, according to his mother. 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 solitary confinement was a common punishment for failure to comply with prison regulations, and some prisoners were isolated for months at a time. Some prisoners were held incommunicado, without being able to contact friends or family until they were released.

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 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.

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. The government did not observe these requirements. Arbitrary arrests and short-term detentions increased, becoming a routine government method for controlling independent public expression and political activity. Activists were frequently arbitrarily detained without being informed of any charges against them and often denied the ability to communicate with their relatives immediately or at all.
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 authorities routinely ignored this requirement. Police routinely stopped and questioned citizens, requested identification, and carried 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.

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 law allows for “preventive detention” for up to four years of individuals not charged with an actual crime, based on a subjective determination of “precriminal dangerousness,” which is 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, including the Spain-based NGO Cuban Prisoners’ Defenders, published lists of persons they considered political prisoners; individuals appearing on these lists remained imprisoned under the “precriminal dangerousness” provision of the law.

**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. 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. Although the law 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.

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 the legally mandated period without informing them of the nature of the arrest, allowing them to contact family members, or affording them legal counsel. 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. In the month of August alone, the NGO Cuban Human Rights Observatory reported at least 267 arbitrary detentions, more than half of whom were members of the human rights organization Damas de Blanco (Women in White). Observers noted that the detentions increased after August.

Throughout the year the leader of Damas de Blanco, Berta de los Angeles Soler Fernandez, was arrested every single Sunday she tried to exit her house to protest.
She and other Damas de Blanco members were frequently physically abused while in police custody, as shown by videos of their arrests. After being taken into custody, they were typically fined and released. The fines frequently lacked information about what portion of law formed the basis for the fine or the name of the official responsible for fining them, making the fines difficult to contest in court. Sometimes the fines formed the basis for restricting persons from leaving the country (see section 2.d., Freedom of Movement).

**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.

On August 27, authorities detained UNPACU leader Jose Daniel Ferrer in connection with a fabricated murder case from 2018. He was previously detained in August 2018 in Santiago de Cuba for 12 days and charged with attempted murder following a car accident 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 to the official. Despite reported coercion of witnesses, police could not obtain corroborating evidence against Ferrer, and the prosecution was forced eventually to release him. Police, however, continued to use the case as justification for detaining him.

In connection with a planned march on September 8, several UNPACU activists were arbitrarily detained on September 7. On September 8, immediately after leaving his house with several supporters, Ferrer and other supporters were arrested (see section 2.b. for more information). On October 1, he was arrested again, this time on different charges that he was involved in a physical assault of an UNPACU member. The charges were likely fabricated, due to testimony from multiple individuals that the alleged victim left UNPACU headquarters unharmed and testimony from the alleged victim’s wife that the injuries were sustained in a motorcycle accident. A separate activist said she was threatened with prison if she did not sign a false statement implicating Ferrer in the alleged crime.

Ferrer was held incommunicado for 72 hours before authorities acknowledged he was in custody, and they denied his wife access to him. Several days later, she was finally allowed access to him and received permission to send him a change of clothes, but not medication to tend to his chronic medical condition. On October 18, after not seeing him for more than two weeks, she filed a writ of habeas corpus stating Ferrer’s family did not know his whereabouts or if he was still alive, and
that they had not been informed of charges filed against him or been given the opportunity to provide a lawyer to represent him. The court ruled against the petition, claiming that charges were brought on October 3 and formally filed October 7, without stating his location or the charges against him.

On October 25, still without access to her husband for herself or her lawyers, and still without knowing the public charges, Ferrer’s wife and his three minor children demonstrated against her husband’s mistreatment in a public park in Santiago de Cuba; security officials arrested all individuals. On November 7, she was allowed a five-minute supervised visit with him—the first proof she had received in more than one month that Ferrer was still alive. He described extremely punishing treatment he received at the hands of his jailers, who chained him hand and feet, offered him only spoiled food and foul water, and held him with a known violent criminal who said he was offered privileges in exchange for beating Ferrer (which he did regularly).

Prison officials refused to consider pleas from Ferrer’s wife to consider his failing health or accept medicine she brought to the prison for him, and they banned her from further visits to the facility. On November 15, the government provided her a copy of the charges filed against Ferrer on October 7. As of December 3, Ferrer still had not received access to a lawyer, and a trial date had not been set.

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 CCP, 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 CCP, 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 unless 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.

On August 7, a provincial court sentenced journalist Roberto de Jesus Quinones Haces to one year in prison after allowing him only 30 minutes to review the charges of “resistance and disobedience” and prepare a defense without being provided access to a lawyer. Quinones had photographs and other evidence that he was beaten during his arrest, but the court refused to allow him to present this material in his defense. During his appeal the court denied his right to call witnesses. The court then substituted the original complainant for a different accuser (for additional information on Quinones’ cases, see section 2.a.).

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 and detainees but denied it did so and refused access to its prisons and detention centers by international humanitarian organizations and the United Nations.

The Spain-based NGO Cuban Prisoners Defenders estimated there were 125 convicted political prisoners serving sentences as of September 1, while other credible groups put the number slightly higher. 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 “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, and the organizations often faced harassment from state authorities.

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.

On July 16, Elias Perez Bocourt was released from custody after spending more than 27 years in prison for “piracy” due to his involvement in an attempt to escape the country when he was 22 years old. Despite having a mild mental disability, he was given a full sentence and initially incarcerated in Camaguey special prison, where he spent eight years in solitary confinement. According to credible media sources, during that time he was beaten once a week by his jailers, who sometimes sprayed his small cell with mace and encouraged other inmates to defecate into his cell. Later, when he was put in a communal cell, he was frequently abused,
including raped, by other prisoners with the complicity of the prison staff. For the entire 27 years of his confinement, guards beat him every year on the anniversary of his attempt to escape Cuba.

On August 27, 20 to 30 special police members raided the house of Micaela Roll Gibert and detained her two adult children, Alexander Roll Gibert and his sister Sheyla, all three of whom supported the Miami-based, pro-Cuban democracy organization run by Oswaldo Paya’s surviving daughter, Rosa Maria Paya, and allied with UNPACU. Although Sheyla was quickly released, it was not until September 6 that Micaela was permitted to visit her son in a Havana detention center, El Vivac de Calabazar, where political prisoners were often detained. She was informed that a man accused Alexander of shooting at him; Alexander claimed he did not know the accuser. She said her son told her that state security officials asked him to work for them, but he refused. They then offered to free him if he ceased his political activism and convinced his mother and sister to do the same, and again he refused. On September 6, Alexander was transferred to Valle Grande prison.

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 provides for the protection of citizens’ privacy rights in their homes and correspondence, and police are required by law to have a warrant signed by a prosecutor or magistrate before entering or conducting a search. Officials, however, did not respect these protections. Reportedly government officials routinely and systematically monitored correspondence and communications between citizens, tracked their movements, and entered homes without legal authority and with impunity.
On November 18, the Council of State approved amendments to the criminal code legalizing covert techniques to obtain information that could be used as evidence in a criminal trial without a judge’s approval or supervision. The techniques included information gathering by undercover officers, voice recording, location monitoring, filming, communications intercepts, and surreptitious access to computer systems. The government already routinely and widely employed these procedures before they became officially legal.

Security forces conducted arbitrary stops and searches, especially in urban areas and at government-controlled checkpoints at the entrances to provinces and municipalities. Authorities used dubious pretenses to enter residences where they knew activists were meeting, such as “random” inspections of utilities or spurious reports of a disturbance. Authorities also used legitimate reasons to access residences, such as to fumigate homes as part of a campaign to eliminate disease-carrying mosquitos, as a pretext for illegal searches.

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 CCP 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 or similar activities (such as medical missions, athletic competitions, and research presentations) 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.

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, on condition that 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 did not tolerate public criticism of government officials or programs and limited public debate of issues considered politically sensitive. The government passed two additional laws further criminalizing freedom of expression: Decree 349, which came into effect in December 2018, institutionalizes censorship of independent art and culture and establishes violations for art that was not regulated or recognized by the official cultural institutions. The decree also allows “supervising inspectors” to review cultural events and empowers them to immediately close any exhibition they deem violates the law and confiscate the business license of any business hosting the offending event. The National Symbols Law criminalizes the way the national flag may be displayed or used in other creative contexts.

Police arrested several persons who protested these laws during the year, including Luis Manuel Otero Alcantara, a leader of the San Isidro Movement, an organization promoting cultural independence, who was arrested at least 18 times in 2018 and 2019, with the last arrest occurring on December 10, International Human Rights Day. On August 9, police arrested him in front of his privately owned Museum of Dissidence for his performance art protest against the National Symbols Law. His performance consisted of wearing a national flag draped over his shoulders. He was also arrested on September 12, when three uniformed police officers and two plainclothes officers beat him and took him away in an unmarked vehicle, holding him incommunicado for more than 72 hours. On September 13, he was charged with violating the National Symbols Law and then released on the condition that he not leave his home after midnight, drink alcohol in a public place, or frequent public places. Several other members of the San Isidro Movement were assaulted, arrested, and fined during the year.

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 fora’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. Media and religious leaders said the government continued to harass or detain members of religious groups advocating for greater religious and political freedom.

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 contrast with 2018, some religious groups reported increased restrictions to express their opinions during sermons and at religious gatherings. 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. Other religious groups, particularly those not officially state sanctioned, reported harassment and destruction of houses of worship.

Press and Media, Including Online Media: The government directly owned all print and broadcast media outlets and all widely available sources of information. News and information programming were 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. The government harassed and threatened any independent citizen journalists who reported on human rights violations in the country.

On October 10, 19 independent media outlets published a joint declaration on the state of independent journalism in the country. They denounced the 183 documented incidents of state aggression against journalists since January 2018, part of a broader wave of repression of independent journalism, and demanded the state respect a more open, transparent, and diverse independent media.

On April 22, journalist and lawyer Roberto Quinones was arrested and assaulted while reporting on a trial involving religious expression. Quinones was interviewing a daughter of two Protestant pastors who were facing a court sentence...
because they wanted to homeschool their children when police officers approached to arrest him. Quinones asked why he was being arrested. Rather than answer, an officer pulled Quinones’ hands behind his back, handcuffed him, and threw him to the ground. The officers then dragged him to their police car. One of the arresting officers struck 65-year-old Quinones several times, including once on the side of the head with enough force to rupture his eardrum. On August 7, he was sentenced to one year of “correctional labor” for “resistance and disobedience,” and on September 11, he was taken to prison, after authorities processed and then denied his appeal. Quinones continued to write while in prison, especially about the bleak conditions of the facility, although he wrote a letter saying he was happy to “be here for having put my dignity before blackmail.” When the letter was published on CubaNet, an independent domestic online outlet, Quinones was reportedly punished and threatened with “disciplinary action.”

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 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 after President Diaz-Canel took office. Independent reporters experienced harassment, violence, intimidation, aggression, and censorship, and several were confined to their homes or prevented from traveling abroad.

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 possession of these materials sometimes resulted in harassment and detention. Among many blocked websites, in September the government blocked Change.org after several petitions critical of the government appeared on the website. 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 frequently arrested and charged persons for the ambiguous crime of “contempt of authority.”

Human rights activists reported government internet trolls tracking their social media accounts and reported on the government’s practice of sending mass text messages warning neighbors to avoid association with dissidents.

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. The government used a combination of website blocking, pressure on website operators, arrests, intimidation, imprisonment, and extralegal surveillance to censor information critical to the regime and to silence its critics.

Internet 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 closely monitored web access points, such as Wi-Fi hotspots, cybercafes, and access centers. The government selectively granted highly censored 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, and in December 2018 it launched third generation (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 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 the government 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. The government also blocked voice ports used by the Session Initiation Protocol, one of the most common protocols used in voice, video, and messaging applications, and any webpage that the government considered contrary to its interests. Public reports revealed that the government used the Avila Link program to route connections to a proxy server, allowing the government to monitor citizens’ internet use and retaliate.

The government frequently targeted users of SNet (abbreviated from Street Network), a system of user-owned and -operated grassroots wireless community networks that allowed persons to exchange information outside of state control. On July 29, new regulations came into effect designed to bring these independent networks under state regulation by transferring SNet services and content to Empresa de Telecomunicaciones de Cuba S.A (ETECSA), the government-monopoly internet service provider. Users who protested the decision or merely resisted it were surveilled, threatened, and arrested by state security agents. Ariel Maceo Tellez, one of the SNet coordinators, was arrested on August 16.

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, and authorities restricted the use of networking equipment that was key to SNet. The government restricted the importation of wireless routers, actively targeted private wireless access points, and confiscated equipment. After tolerating the growth of SNet for years, the government completed its expropriation of the system in August.

The use of encryption software and the 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. ETECSA frequently disconnected service for human
rights organizers, often just before their detention by state security or to disrupt planned activities. For example, on September 6-7, the internet access of several UNPACU members was suspended ahead of a planned march, and on October 3, the government suspended the internet access of UNPACU national committee member Katherine Mojena Hernandez after she repeatedly tweeted about a government crackdown on the group.

**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.” Most 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 harassment and criticism orchestrated by the government. According to the digital magazine *Tremenda Nota*, at least 30 professors were expelled from universities from 1991 to 2019, and academics and their students faced increased ideological discrimination during the year. For example, on August 20, Martha del Carmen Mesa Valenciano, vice minister of higher education, published an open letter announcing, “Whoever does not feel they are an activist of our Party’s revolutionary politics, an advocate of our ideology, our morality, our political convictions, must resign their position as a university professor.” This statement attempted to justify the firing of university professor Omara Ruiz Urquiola. While it was unclear if the open letter was written government policy, it acknowledged a longstanding practice of firing university professors for their ideology. During a September 16 appearance on *Mesa Redonda* (Roundtable), a popular program on state television, State Minister of Higher Education Jose Ramon Saborido Loidi confirmed that public universities censored and expelled professors and students who contradicted the CCP or its leaders.

The increasingly public hostility toward dissent had a chilling effect on academic discourse and led some institutions to go even farther, such as Universidad de Oriente, which published a long article on October 2 justifying the termination of law professor Rene Fidel Gonzalez Garcia. The university faulted him for a series
of “controversial, contradictory, and disrespectful” articles written from 2012 to 2016 that assumed hypothetical positions in order to examine their intellectual merit. The university alleged the articles “caused teachers, students, and citizens in general to question the contents or sometimes sympathized with the positions in their confusion” and generally generated debate. University officials took offense when Gonzales asserted his free speech rights under the constitution and declared he “did not understand the limits of this right.” They subsequently suspended him from teaching duties and expelled him from the CCP.

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. Some 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. Christian Solidarity Worldwide, however, reported that in other cases the government harassed leaders of house churches and owners of homes where house church congregations met. Many house church leaders also reported frequent visits from state security agents or CCP officials. Some reported they received warnings from the agents and officials that the education of their children, or their own employment, could be “threatened” if the house church leaders continued their activities.
Independent activists, as well as political parties other than the CCP, faced greater obstacles, and state security forces often suppressed attempts to assemble, even for gatherings in private dwellings and in small numbers. The government refused to allow independent demonstrators or public meetings by human rights groups or any others critical of any government activity.

On May 11, authorities violently halted an independent march by lesbian, gay, bisexual, transgender, and intersex (LGBTI) activists, beating and detaining several participants. In another instance the government suppressed marches planned for September 8, the feast day of the country’s patron saint, organized by UNPACU. The march, named the Sunflower March in honor of the flower that represents the patron saint, prompted the government to ban sales of sunflowers in cities in the days leading up to the march. Several UNPACU activists were arbitrarily detained on September 7, and on September 8, immediately after leaving his house with several supporters, UNPACU leader Jose Daniel Ferrer and other supporters were arrested. In total, the government arrested at least 130 individuals after raiding several UNPACU offices and homes of UNPACU members as well as accosting others already in the streets, many of whom were beaten during their arrest. Most persons arrested were released within a few days, often after paying a fine, but one organizer, Ovidio Martin Castellano, was sentenced to five months in prison for refusing to pay a 2,000 nonconvertible pesos (CUP) ($80) fine. On September 10, the government followed up by raiding UNPACU headquarters again. Several UNPACU leaders and their family members were arrested and held incommunicado for days. The government routinely barred independent meetings related to animal rights, gender violence, and other forms of civil society activism not officially sanctioned by the state.

The government, using undercover police and Ministry of Interior agents, organized “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 law 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, and police sometimes raided their meetings. For example, on August 31, state security agents raided a meeting of the Pena del Jucaro Martiano, a group of intellectuals who met to study and celebrate the life of national writer Jose Marti. Officials prevented persons from entering the house where the meeting was held, entered the house on the pretense of an “electrical meter check,” threatened and photographed persons who arrived, and arrested and then interrogated one member, Alenmichel Aguilo, for several hours.

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 ruling party. Religious groups are under the supervision of the party’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 CCP 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 https://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, sometimes arresting persons in Havana if authorities discovered their national identity card listed them as living in another city. The government also barred citizens and persons of Cuban descent living abroad from entering the country, apparently on grounds that they were critical of the government or for having “abandoned” postings abroad as low-paid medical doctors or defected athletes. Chess master Jennifer Perez was denied a passport at least four times because, as Cuban authorities in Ecuador told her, she was considered a deserter for deciding to reside abroad to take advantage of better job opportunities.

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 CUP ($20) for first-time “rafters” (those who attempted to depart clandestinely, commonly using homemade vessels), although these attempts were becoming infrequent. 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 1994-1995 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 professional and social categories of individuals 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 country to participate in workshops, events, or training programs. Activists reported a significant increase in interrogations and confiscations at the airport when arriving from abroad. According to the NGO Patmos Institute, as of October there were at least 202 citizens whom authorities designated as regulados, meaning the government either prohibited them from receiving a passport or from leaving the country. The policy did not appear to be supported by a legal framework, and in an October 1 interview with the Associated Press, Foreign Minister Bruno Rodriguez Parrilla denied such a policy existed, declaring the law allows for freedom of movement. Because citizens are prohibited from leaving without explanation or justification, and the government did not acknowledge that persons were prevented from leaving, those subject to the policy were left without any recourse. The tactic served not only to restrict the movement of citizens but also their freedom of expression.

e. Internally Displaced Persons

Not applicable.

f. 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. In June, however, 142 Congolese medical students protesting unpaid stipends at their embassy in Havana for several months were arrested and deported to the Republic of the Congo, despite several of them expressing fears for their safety if returned.

**g. Stateless Persons**

Not applicable.

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

While a voting process to choose CCP-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 CCP. The government forcefully and consistently retaliated against those who sought peaceful political change.

**Elections and Political Participation**

**Recent Elections:** The government selected candidates for the October 10 election for president of the republic, president of the National Assembly, and membership in the Council of State. Only members of the National Assembly—all of whom were CCP members—were allowed to vote, and candidates ran for office uncontested.

**Political Parties and Political Participation:** As in previous national elections, for the October election, government-run commissions had to preapprove all candidates for office and rejected certain candidates without explanation or the right of appeal. The few dissident candidates who ran for election 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.

On February 24, a national referendum nominally approved a new constitution drafted without public input or debate, although there were several months of controlled public consultation. The independent journalism organization CubaData estimated more than 45 percent of citizens did not participate in the government-controlled 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. In the weeks preceding the constitutional referendum, there was a sharp increase in repression against those who peacefully opposed the new draft constitution, especially targeting those who advocated abstaining or voting “No,” despite an article of the constitution providing that “sovereignty resides nontransferably with the people...”

The new constitution includes many sections that restrict citizens’ ability to participate fully in political processes by deeming the CCP as the state’s only legal political party and the “superior driving force of the society and the state.” For example, Article 4 states, “Citizens have the right to combat through any means, including armed combat when other means are not available, anyone who intends to overthrow the political, social, and economic order established by this constitution.” Because the CCP and its ideology are so entrenched in the document, the article effectively empowers ordinary persons to violently attack those who publicly disagree with the party.

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. For example, employees frequently siphoned fuel from government stocks for sale on the black market. As of the end of June, there were 339 criminal proceedings related to fuel theft, according to the Attorney
General’s Office. 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 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, 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 these 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 often enforced both laws. Penalties for rape are at least four years’ imprisonment. Several reports, however, suggested that crimes against women were underreported and the state failed to investigate many cases. The government recognized the high rate of femicides for the first time in a report released on May 19.
The government specifically targeted activists organizing a campaign called Women United for Our Rights that asked the state to update data on crimes against women, train officials to handle crimes against women, and define gender-based violence in the law. Nancy Alfaya Hernandez, one of the organizers of the group, was detained and threatened by state security officials in August, September, October, and December and warned that because of the “current situation,” activities designed to call attention to gender-based issues would not be allowed “not now, not ever.” Police also targeted small groups of women assembling to discuss women’s rights and gender issues more broadly, including at least once when authorities surrounded a house where such a meeting was about to take place, prevented persons from leaving and arriving freely, and told the homeowner that “we know you aren’t just meeting with your neighbors.” The government opposed any programs not state-sponsored that focused on gender violence.

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 subsequently 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 individuals 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 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 16 is punishable by two to five years in prison. Child trafficking across international borders is punishable by seven to 15 years’ imprisonment. The law does not establish an age of consent, but sexual relations with children younger than 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 victims lack the ability to understand the extent of the action or is not in command of their 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 12 and younger than 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 several reports of anti-Semitic acts. In December authorities expelled a Jewish group from a hospital during a postcircumcision ceremony, even though the children were still in need of medical care. In another case police interrupted a Jewish ceremony, entering the property with police dogs without a warrant and harassing members of the congregation. Police officers said they were investigating a reported robbery, but no member of the congregation had reported a
robbery. There were also several reports of local police refusing to investigate or file reports of threats and harassment against Jews and, in one case, a report of a Jewish child repeatedly beaten at school in the presence of school administration and staff. According to credible media sources, on December 13, municipal officials in Nuevitas, Camaguey, prohibited a 12-year-old child from attending school if he wore a kippah (religious headgear).

**Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/.

**Persons with Disabilities**

No known law prohibits discrimination against persons with disabilities. The Ministry of Labor and Social Security oversees 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.

A large number of persons with disabilities who depended on the state for their basic needs struggled to survive due to lack of resources and inattention. 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 included 400 minutes of telephone usage, training in the use of a white cane and in Braille, and reduced fares on public transportation.

**National/Racial/Ethnic Minorities**

Afro-Cubans often suffered racial discrimination, and some were subject to racial epithets while undergoing beatings at the hands of security agents in response to political activity. Afro-Cubans also reported employment discrimination, particularly in positions of prominence within the tourism industry, media, and government. Employment advertisements were allowed to be openly sexist and racist. State agents threatened antiracist activists, such as Norberto Mesa Carbonell, founder of The Brotherhood of Black People, who received threatening telephone calls after publishing on August 15 an open letter to the government on structural racism in the country.
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 LGBTI human rights faced government harassment, not for their promotion of such topics, but for their independence from official government institutions.

Despite a history of state-sanctioned events in support of the LGBTI community, state-funded, the National Center for Sex Education (CENESEX) canceled its annual conga (gay pride march) against homophobia. Activists, including many trained and supported by CENESEX in the past, quickly organized a peaceful march in support of LGBTI rights on May 11. Despite explicit declarations in the preceding days that the purpose of the march was not a demonstration against the government but rather a call for reforms within the system, the government detained, assaulted, and attempted to intimidate activists participating in the event on the day of the march and in the months that followed, including Iliana Hernandez, Boris Gonzalez, Ariel Ruiz Urquiola, Oscar Casanella, and Yasmany Sanchez. On May 8, the government refused entry into Havana to Washington Blade journalist Michael Lavers as he was traveling to cover the event. Multiple NGOs and international organizations, such as the Inter-American Commission on Human Rights, protested the repression from authorities and the violation of freedom of expression and assembly, and three LGBTI activists--Roberto Ramos Mori, Leodan Suarez Quinones, and Yasmany Sanchez (again)--were detained in the days following the event.

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.” Hospitals and clinics sometimes discriminated against HIV-positive patients.

Special diets and medications for HIV patients were routinely unavailable, sometimes resulting in their death from state neglect. On April 12, HIV/AIDS
sufferer Ramon Acosta Galeto died, according to his mother, because the state provided insufficient medical assistance, despite her son having been approved for it.

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 CCP-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 (ILO) raised concerns regarding the trade union monopoly of the CTC, the prohibition on the right to strike, and restrictions on 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 CCP 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 government’s strong influence over the judiciary and lawyers limited effective recourse through the courts.

During the year, as in the past several years, Ivan Hernandez Carrillo, general secretary of the Association of Independent Unions of Cuba, was harassed, beaten, detained, threatened, and fined. After being detained for several hours in July, he was released only to have his house surrounded by security officers.

Several small, independent labor organizations operated without legal recognition, including the National Independent Workers’ Confederation of Cuba, National Independent Laborer Confederation of Cuba, and Unitarian Council of Workers of Cuba; together they constituted the Independent Trade Union Association of Cuba (ASIC). 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 2017 ASIC filed a complaint with the ILO in which the trade union alleged harassment and persecution of independent trade unionists involving aggression, arrests, assaults and dismissals; other acts of antiunion discrimination and interference on the part of the public authorities; official recognition of only one trade union federation controlled by the state; absence of collective bargaining; and no legal recognition of the right to strike. In June 2018 the ILO requested the government ensure ASIC be given recognition to freely operate and carry out its trade union activities, in accordance with freedom of association. ASIC was the first domestic independent trade union in more than 50 years to participate in the International Labor Conference, held in Geneva in June. During the conference the ILO Committee of Experts on the Applications of Conventions requested the government provide statistical data on the number of collective agreements indicating the number of workers covered by sector.

b. Prohibition of Forced or Compulsory Labor

The law does not explicitly prohibit forced labor. 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. Many citizens were employed by state-run entities contracted by foreign entities inside the country and abroad to provide labor, often highly skilled labor such as doctors or engineers. These employees received a small fraction of the salaries paid to the state-run company, often less than 10 percent. For example, in the “Mais Medicos” program run in cooperation with the Pan-American Health Organization in Brazil, of $1.3 billion the Brazilian government paid for the services of Cuban doctors, less than 1 percent—only $125 million—was paid to the doctors who provided the services. The rest went into the Cuban government’s coffers. Doctors in the program complained of being overworked and not earning enough to support their families. Former participants described coercion, nonpayment of wages, withholding of their passports, and
restriction on their movement, which the government denied. Similar practices occurred in the tourism sector.

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 https://www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all of the worst forms of child labor. 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. Antitruancy 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 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 were not paid but received school credit and favorable recommendations for university admission. Ministry of Education officials used the “Escuela al Campo” plan to make students ages 11 to 17 work in the agricultural sector with no pay. Students were expected to work 45 days during the first academic quarter. 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. Children who performed agricultural work under the “Escuela al Campo” plan were not given the proper tools, clothing, footwear, or food. Deficient and unsanitary living
conditions, coupled with a crumbling infrastructure, exposed them to diseases, such as dengue fever, zika, and chikungunya.

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 (see section 7.a.), 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. The government deemed persons “unfit” to work 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. A determination that a worker is “unfit” to work could result in job loss and the denial of job opportunities. Persons 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 and LGBTI populations. 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.

Hiring practices in the private sector were racist, colorist, and sexist. A job posting for an accounting or finance position usually called for women with lighter or olive skin, blonde, and physically fit. Postings for bodyguards and security jobs normally sought male candidates of color, who were perceived as being stronger than other races.

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

e. Acceptable Conditions of Work
Authorities set a national minimum wage at a rate below the poverty line, which even with subsidies 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 ILO 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 did not effectively enforce occupational safety and health standards. 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, approximately 618,000 (36 percent of whom were women) were self-employed by the end of September, a 4.9 percent increase from December 2018. The percentage of the total workforce in the private sector increased from approximately 25 percent in 2012 to 31.6 percent at the end of 2018. In December 2018 the government resumed the issuance of new licenses for self-employed persons and small private businesses that had been frozen since 2017.

Rules implemented in 2018 ban businesses operating under the license of “facilitator of home swaps and home sales-purchases” to operate as real estate or dwelling management companies or to hire employees. The rules also apply to music, art, or language teachers, other teachers, and sport trainers. The rules 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-employed persons and small private businesses decreased, mostly due to 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.

Self-employed persons, such as fruit sellers, bicycle taxi drivers, and others, were frequently targeted by police for allegedly acting illegally, even when licensed. Police sometimes arbitrarily and violently closed down these businesses and confiscated any goods.

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 of migrant workers’ rights.

After increasing 4 percent in 2016, workplace accidents registered a downward trend, decreasing 10 percent in 2017 and 5 percent in 2018. Deaths related to workplace accidents increased 27 percent in 2016 and then decreased 2 percent in 2017 and 20 percent in 2018. By sector, in 2018 most deaths related to workplace accidents were concentrated in defense and public administration (17 percent), communal services and other services (16 percent), mining and quarries (14 percent), and construction (13 percent).

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

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

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

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

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

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

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

**Internet Freedom**

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

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

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

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

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

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

Academic Freedom and Cultural Events

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

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

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

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

The government restricted freedoms of peaceful assembly and association.

**Freedom of Peaceful Assembly**

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

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

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

**Freedom of Association**

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

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

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

c. Freedom of Religion

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

d. Freedom of Movement

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

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

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

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

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

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

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

### Protection of Refugees

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

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

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

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

### Elections and Political Participation

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

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

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

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

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

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

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

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

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

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

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

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

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

Women

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

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

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

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

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

**Children**

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

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

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


Anti-Semitism

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

Trafficking in Persons

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

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. Antitruancy 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 4
CUBA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

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

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

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

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

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

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

b. Disappearance

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

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

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

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

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

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

**Prison and Detention Center Conditions**

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

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

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

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

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

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

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

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

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

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

d. Arbitrary Arrest or Detention

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

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

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

**Role of the Police and Security Apparatus**

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

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

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

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

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

**Arrest Procedures and Treatment of Detainees**

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

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

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

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

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

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

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

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

e. **Denial of Fair Public Trial**

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

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

**Trial Procedures**

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

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

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

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

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

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

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

**Political Prisoners and Detainees**

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

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

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

**Civil Judicial Procedures and Remedies**

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

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

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

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

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

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

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

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

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

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

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

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

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

**Internet Freedom**

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

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

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

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

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

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

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

**Academic Freedom and Cultural Events**

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

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

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

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

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

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

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

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

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

**Freedom of Association**

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

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

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

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

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://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/](www.state.gov/j/tip/rls/tiprpt/).

Persons with Disabilities

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

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

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

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

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

**HIV and AIDS Social Stigma**

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

**Section 7. Worker Rights**

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

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

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

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

b. Prohibition of Forced or Compulsory Labor

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

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

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

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

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

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

d. Discrimination with Respect to Employment and Occupation

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

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

e. Acceptable Conditions of Work

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

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

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

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

Foreign companies operated in a limited number of sectors, such as hotels, tourism, and mining. Such companies operated via a joint venture in which the government contracted and paid company workers in pesos an amount that was a small fraction of what the company remitted to the state for labor costs. Most formal employment took place only through government employment agencies. Employers, including international businesses and organizations, were generally prohibited from contracting or paying workers directly, although many reportedly made supplemental payments under the table. The MTSS enforces labor laws on any business, organization, or foreign governmental agency based in the country, including wholly owned foreign companies operating in the country, joint-stock companies involving foreign investors operating in the country, the United Nations, international NGOs, and embassies. Cuban workers employed by these entities are subject to labor regulations common to most state and nonstate workers, and to some regulations specific to these kinds of entities. Government bodies, including the tax-collecting agency, the Ministry of Finance and Prices, enforced regulations. There were no reports about protections for migrant workers’ rights.
Official government reports cited 3,576 workplace accidents in 2016 (an increase of 92 compared with 2015) and 89 workplace deaths (an increase of 18 compared with 2015). The CTC provided only limited information to workers about their rights and at times did not respond to or assist workers who complained about hazardous workplace conditions. It was generally understood that workers could not remove themselves from dangerous situations without jeopardizing their employment, and authorities did not effectively protect workers facing this dilemma.
TAB 5
CHAPTER IV.B
CUBA

1. The IACHR decided to prepare a report on the human rights situation in Cuba and include it in Chapter IV.B of its Annual Report. On December 26, 2019, the IACHR sent the State a draft of a preliminary Country Report and asked it to submit its comments within a month according to its Rules of Procedure. The State did not submit its observations. The IACHR approved this report on February 3, 2020. Following the Commission presents the Executive Summary of the Country Report and explains the reasons to include it in Chapter IV.B of its Annual Report.

Executive Summary

2. In this report, the Inter-American Commission on Human Rights ("Inter-American Commission," "Commission," or "IACHR") addresses the situation of human rights in Cuba, focusing in particular on the period from 2017 to 2019. The Commission presents an overview of the characteristics of the Cuban State today, identifying the main issues of concern in the area of human rights and offering recommendations to the State.

3. Although the Government of Cuba does not currently participate in the Organization of American States and has not signed the American Convention on Human Rights, the IACHR has constantly monitored the situation of human rights in Cuba, in keeping with its mandate under the Charter of the Organization of American States (Art. 106) and the American Declaration of the Rights and Duties of Man.

4. The Commission reaffirms its competence to examine the human rights situation in Cuba. The understanding of the Commission is that the expulsion from the inter-American system occurred with respect to the Government of Cuba, not the State. The State of Cuba is party to international instruments on human rights in the Hemisphere, such as the American Declaration of the Rights and Duties of Man and the Charter of the Organization of American States; it also signed resolution VIII of the Fifth Meeting of Consultation of Ministers of Foreign Affairs (Santiago, Chile, 1959), which established that the Inter-American Commission on Human Rights is "charged with furthering respect for such rights." Therefore, the international obligations contracted by the State of Cuba have legitimized the competence of the IACHR. Furthermore, 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 Statute of the IACHR. In this sense, it is incumbent on the IACHR to monitor human rights in Cuba. In addition, the Commission duly notifies the representatives of the Cuban State of each of the actions that should be brought to its attention, thereby respecting its right of defense.

5. The Commission has monitored the human rights situation in Cuba through its various protection mechanisms. Since 1960, the IACHR has published seven country reports: five on the human rights situation in Cuba and two on political prisoners and their families. Cuba has featured in Chapter IV.B of the annual report of the IACHR almost every year since 1985. In addition, the IACHR processes requests for precautionary measures and individual petitions submitted by Cubans, as well as issuing press releases on the human rights situation on the island.

6. The Commission has included Cuba in Chapter V.B of its annual reports because it considers that the fundamental elements and institutions inherent to a representative democracy do not exist in the country: there is no judicial independence, there are limits on the separation of powers, and there are constant restrictions on the exercise of political rights and freedom of expression, in addition to widespread and systematic gross violations of rights recognized in the American Declaration on the Rights and Duties of Man.
The IACHR has considered that this situation meets the criteria set out in Article 59(6)(a)(i) of its Rules of Procedure, which refers to:

a. a serious breach of the core requirements and institutions of representative democracy mentioned in the Inter-American Democratic 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;

7. The IACHR also found that the foregoing situation meets the criteria set forth in Article 59(6)(c) of the 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.

8. Based on the information gathered in this report, the IACHR observes that the grounds for including Cuba in Chapter IV.B of its 2019 Annual Report persist, both for the reasons envisaged in Article 59(6)(a)(i) of its Rules of Procedure and those set out in Article 59(6)(c) thereof.

9. In relation to the conditions for representative democracy, the IACHR has taken note of changes in terms of those who exercise high political office, such as the appointment of Miguel Díaz-Canel as president; however, it notes that restrictions persist with regard to access for all Cuban citizens to representative office. The supremacy of the Communist Party, which is again identified in the Constitution as the sole party, restricts the ability of people with different political convictions to participate in public affairs and representative positions. In addition, authorities such as the National Assembly of People's Power continue to agglomerate broad public decision-making powers that obscure the traditional elements of a system of separation of powers. The IACHR also does not see a change in the conditions that offer guarantees for judicial independence.

10. With regard to the commission of systematic gross human rights violations, the IACHR remains concerned about the serious effects on political rights to vote and participate in government, on freedom of opinion, expression, and dissemination of information, on the right to freedom of residence and movement, and on protection against arbitrary detention. According to the information received by the Commission and the testimonies to which it had access, restrictions on these rights on the island remain recurrent. There enjoyment is reportedly limited by an authoritarian exercise of power, in which political dissidents or those perceived as such apparently encounter constant restrictions on their rights.

11. Through this report, the Inter-American Commission on Human Rights deepens its monitoring of the human rights situation in Cuba in this time of change. The Commission has yet to receive consent from the Cuban State for its first visit to the island, which makes it difficult to obtain comprehensive information. Nevertheless, the report draws on open sources and takes into account both the official press and the press that expresses political opposition to the Cuban Government. It also takes into account investigations and reports from different journalistic sources, international organizations, and local civil society.

12. In addition, a particularly relevant component of the report are interviews with Cuban people who live or have lived on the island at some point in the last three years. Through accounts of individual experiences, the interviews provide an overall description of human rights situations. Thus, they provide a human narrative of events that took place during those years, as well as of perceptions and experiences in relation to the State and the guarantee of rights. Faced with the impossibility of visiting Cuba, the IACHR listens to the voices of Cubans and includes them in its examination of the situation in the country.
Commission conducted 55 interviews with activists, human rights defenders, regime opponents, independent journalists, and victims of human rights violations, as well as members of the Cuban diaspora who maintain direct contact and ties with the country's population and the Cuban community. In order to carry out this data collection, semi-structured interviews were conducted using a standard instrument.

13. The report consists of ten chapters: (I) Introduction; (II) The United States’ Economic Embargo; (III) The Constitution of 2019; (IV) The Institutional Framework of the State; (V) Representative Democracy and Political Rights; (VI) Situation of Human Rights Defenders; (VII) Freedom of Expression; (VIII) Economic, Social, Cultural and Environmental Rights; (IX) Situation of Human Rights of Other Population Groups; and (X) Conclusions and Recommendations. It is worth noting that in Chapter IX, the IACHR analyzes issues related to people of African descent, women, members of the LGBTI community, children and adolescents, persons with disabilities, people deprived of their liberty, and migrants.

14. In the introductory chapter, the Commission sets out some technical aspects of methodology and presents the situation of Cuba in relation to the Organization of American States and, in particular, to the Inter-American Commission on Human Rights. In the latter section, the IACHR reaffirms its competence to monitor the human rights situation on the island, based on its mandate.

15. In the chapter on the economic blockade by the United States of America, the IACHR, consistent with its previous pronouncements, reiterates the importance of ending the U.S. economic embargo of Cuba in order to ensure human rights that are impaired as a consequence of it.

16. In the chapter on the 2019 Constitution, it describes the process of its adoption and promulgation, and makes a number of observations about its content. The Commission welcomes the Government’s intention to use popular participation mechanisms for the adoption of the constitutional text, such as the popular consultation and the referendum. However, it expresses concern about the how those mechanisms functioned, since it received multiple testimonies that those spaces did not take into account the opinions of people opposed to the Government, activists, and artists. The Commission recalls that in democracies the opinion must be guaranteed of all citizens, who are entitled to participate in the decisions that affect them.

17. In its report, the Commission welcomes the inclusion of several human rights and guarantees in the Constitution. It highlights the importance of their effective implementation. The IACHR also notes with concern that the Constitution is ranked above international treaties. The Commission also considers that the constitutional reform process was a unique opportunity to outlaw capital punishment as a criminal penalty. However, the new Constitution does not contain any rules on the matter. While it is not proscribed per se in the American Declaration, the Commission has indicated that that does not exempt countries from the standards and protections contained in the Declaration.

18. The Commission notes with regard to procedural guarantees that the new Constitution included the guarantees of habeas corpus, the presumption of innocence, and the right of access to justice. Regarding the latter two, the IACHR had called attention to the fact that they were in the constitutional text, an therefore it welcomes their inclusion; however, it calls for legislation to provide the conditions for the effective functioning of habeas corpus as a mechanism to protect the right to personal liberty. The testimonies collected were emphatic in pointing out that despite its constitutionalization, that guarantee is not effective. The Commission is concerned at the large amount of testimonies and public information denouncing arbitrary arrests of activists and regime opponents as a practice on the island.

19. In the chapter on the institutional framework of the State, the IACHR notes, that other than the creation of the position of Prime Minister, it was largely unchanged in the wake of the 2019 Constitution. The Cuban Communist Party continues to be highly important since it is considered the highest political and leadership force in society and the State, the National Assembly of People’s Power still concentrates several public powers, and there are no institutional changes to ensure an independent administration of justice nor a separation of public powers.
20. The Commission is concerned by testimonies that denounced the lack of impartiality in the administration of justice—especially in the case of activists and persons who oppose the regime—and by those that mentioned difficulties in obtaining representation by independent lawyers.

21. In the chapter on representative democracy and political rights, the IACHR notes that the essential elements of a representative democracy are still absent in Cuba, and that the de jure identification of the Cuban Communist Party as the sole party undermines the political rights of citizens. In any case, the Commission notes that, de facto, in Cuba there are multiple political movements and organizations that reportedly encounter restrictions on their rights to elect, to be elected, and to assemble, aimed at preventing their participation in politics. The IACHR is also concerned that actions to restrict the rights of political activists reputedly also extend to their families, including children.

22. In the chapter on human rights defenders, the IACHR presents copious information about the situation of particular risk that they face, including being victims of constant restrictions on international travel, short-term arbitrary detentions, criminalization and judicial persecution. The Commission has reproached the existence on the books of ambiguous criminal classifications in previous annual reports, noting similar vagueness in the concept of “dangerous state” (estado peligroso) contained in Article 72 and following provisions of the Criminal Code. Specifically in relation to human rights defenders, it has been informed about the use of indictments for crimes such as contempt, pre-criminal social dangerousness, non-payment of fines, public disorder, and resistance or rebellion, in order to discourage their work in defending and promoting human rights.

23. In the chapter on freedom of expression, the IACHR and the Office of the Special Rapporteur for Freedom of Expression noted that Cuba continues to be the only country in the Hemisphere in which there are no guarantees of any kind for the exercise of the right to freedom of expression. A model of state monopoly over the media remains in place, as does the prohibition on founding private media outlets, all of which is incompatible with international standards on freedom of expression. Targeted and deliberate persecution of independent media and journalists continues, and for periods even intensifies. With regard to the Internet, the legal provisions would seem to be extremely restrictive and ambiguous, and there is limited connectivity for the Cuban population. In addition, the blocking and censorship of critical media seriously impedes the exercise of the rights to freedom of expression and privacy on the Internet. In general, with regard to freedom of expression, there is serious discrimination on political grounds in the exercise of human rights against anyone who thinks or wishes to express himself or herself differently from the socialist regime.

24. In the chapter on economic, social, cultural and environmental rights, the IACHR and its Special Rapporteurship on Economic, Social, Cultural and Environmental Rights express concern regarding the housing deficit in Cuba, reports about the large number of homeless people, and complaints concerning deficiencies in water and basic sanitation services on the island. In relation to the right to food, the Commission welcomes the fact that the State has met its targets under the Millennium Development Goals, reducing hunger and malnutrition. However, it is concerned at reports of shortages of essential foodstuffs and difficulty of access to foodstuffs by the population. In relation to cultural rights, the Commission is troubled by the restrictions imposed by Decree No. 349/2018, and that the great power granted to public authorities to encourage prior censorship of cultural expressions. With respect to trade union rights, the IACHR was informed of the barriers that exist in Cuba to the exercise of independent trade union activities, such as the obstacles imposed on the Independent Trade Union Association of Cuba. As to social security, the Commission is concerned by information that pensions are insufficient to buy the basic staples necessary for a person’s survival. Regarding the right to work, the Commission received information about violations in relation to pay as well as alleged gender, political and racial discrimination, which infringe the right to work in Cuba. With regard to the right to health, the Commission welcomes that the State has made positive strides in that area; however, it is concerned about reports of deterioration in the quality of the health service offered to the population, the supply of medicines, and the functioning of the health care system on the island. With respect to the right to education, the Commission is concerned by reports of violation of academic freedom on the island and conditions in
education facilities. Finally, in relation to environmental rights, the Commission and its Special Rapporteur express concern at the reports of poor waste management and pollution in less developed parts of the country.

25. In the chapter on the human rights situation of other population groups, the IACHR also takes note of the situation faced by people of African descent, women, members of the LGBTI community, children and adolescents, persons with disabilities, people deprived of their liberty, and migrants on the island. For example, it highlighted the absence of clear, disaggregated statistics based on intersectoral databases on the Afro-descendent population, which renders that population invisible, as well as situations of discrimination in labor, educational and social contexts, and the violation of the rights of Afro-Cubans in the areas of health, housing, unemployment, and access to clean water and sanitation services. As regards, women's rights, the IACHR notes that the State has made efforts to adapt legal and State mechanisms in favor of equality between women and men; however, Cuba's legal framework has not mainstreamed into its legislation a general definition of discrimination against women or protection against gender-based violence. In addition, there are concerns about the persistence of gender stereotypes that discriminate against girls and women. With regard to the LGBTI population, the IACHR considers that the scarcity of data on this type of violence in Cuba makes the problem of discrimination unviable; however, based on available information, the Commission found that that population suffers violence, discrimination, restrictions on their rights of assembly and association, and curtailment of their freedom of expression and dissemination of thought. Concerning the rights of persons with disabilities, the IACHR regrets the lack of access for persons with disabilities to the health services necessary for their well-being and incorporation into working life, an inclusive, quality education, as well as health care and employment. Regarding migrants, the Commission expresses its concern at the multiple restrictions and procedures that are said to obstruct the effective exercise of personal liberty both on and off the island. Likewise, regarding the population deprived of liberty, the Commission still does not have updated information on the number of people in Cuba's prisons. However, it does have reports on the persistence of deplorable conditions of detention, overcrowding, insufficient medicine, food and drinking water, inadequate hygiene and sanitation, and deficient medical assistance.

26. Finally, the IACHR offers its conclusions regarding the situation of human rights on the island. It also offers recommendations to the State in order to encourage public policies that effectively guarantee rights in a democracy. The IACHR expresses to the Cuban State its willingness to provide the necessary technical support to promote effective enjoyment of human rights for all in Cuba.
TAB 6
CHAPTER 9
HUMAN RIGHTS SITUATION OF OTHER POPULATION GROUPS
HUMAN RIGHTS SITUATION OF OTHER POPULATION GROUPS

291. The Commission has also received information on the human rights situation of other population groups through its monitoring mechanisms, especially public hearings, as well as the testimonies gathered. In the following section it addresses the main concerns in relation to certain populations in Cuba, such as the people of African descent, women, LGBTI people, persons with disabilities, people deprived of their liberty, and migrants.

A. Situation of People of African Descent

292. The Commission notes that the new Constitution of Cuba (2019) broadens the legal formulation of the principle of equality, prohibiting discrimination on the basis of sex, gender, sexual orientation, gender identity, ethnic origin, skin color, religious belief, disability, or national origin. It also considers that the creation of the José Antonio Aponte Commission for the fight against racism and discrimination is a step forward. In addition, with regard to the participation of people of African descent, the IACHR notes that in the Council of State the representation of persons of African descent and of mixed race is 40.49 percent.

293. However, the IACHR remains concerned that a situation of institutional racism persists in the country, which is reflected in the State’s historical denial of racism and has been used to criminalize mobilization. For example, there is a lack of clear disaggregated statistical data from inter-sectoral databases on the Afro-descendent population and a persistent absence of campaigns aimed at raising society's awareness of self-identification.

294. In this regard, one of the testimonies received by the IACHR stated:

The racial issue is a very delicate situation; normalization – the State does not want to recognize that it exists. Hiding does not solve but

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419 Cuba, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, 2018.
421 Comité Ciudadanos por la Integración Racial (CIR), Submission to the Universal Periodic Review concerning Cuba, Third Cycle, Thirtieth session, May 2018.
deepens. The State does not recognize the words "Afro-Cuban" or "Afro-descendant." We work to empower so that they are accepted, recognized.\footnote{IACHR, Confidential interview. IACHR archive.}

295. At a public hearing on the “Human Rights Situation of Afro-Descendants in Cuba”, held in March 2017 at the 161st session of the IACHR, the requesting entities said that the situation of people of African descent is overlooked in Cuba. They referred to the Cuban State’s refusal to recognize the racism that exists and the absence of legal mechanisms for reporting incidents, as well as the marginalization, poverty, and labor inequalities suffered by Afro-Cubans in their country. They also said that the effects of violence, harassment, threats, stigmatization, persecution, and criminalization of human rights defenders, activists, social and political leaders, and journalists are aggravated in the case of persons of African descent.\footnote{IACHR, Hearing on the Human Rights Situation of Afro-Descendants in Cuba, 161st special session, March 21, 2017. See also OCDH: Casi 500 detenciones en agosto en Cuba, September 1, 2017; Más de 3.000 detenciones y la “Ley Cangrejo”, August 4, 2017; Diario de Cuba, ‘Nos llaman negras payasas’. Damas de Blanco denuncian el racismo de las fuerzas represivas, March 28, 2017; Agencia EFE, Afrodescendientes cubanos denuncian el racismo del Gobierno ante la CIDH, March 21, 2017.}

296. In this regard, the Commission finds that one of the main challenges for the State begins with making the population of African descent in Cuba visible, which requires the collection of statistical data to draw greater attention to their human rights concerns and claims.

297. The Commission notes that the Afro-Cuban LGBTI population is disproportionately impacted by intersecting discrimination on the basis of ethno-racial origin, diverse sexual orientation, and gender identity. According to the report for the third cycle of the Universal Periodic Review concerning Cuba submitted at the thirtieth session in May 2018, lesbian women of African descent who are victims of police violence triple discrimination. Specifically, women who express their gender as male are treated worse, both because of their ethno-racial origin and because they are women. In turn, gay men of African descent, whose gender expressions do not fit into the traditional notion of masculinity, are more likely to suffer police repression and violence, because of the persistence of the idea that gay people are mostly white.\footnote{Alianza Cubana Manos, Submission for the Universal Periodic Review concerning the Republic of Cuba, Third Cycle, thirtieth session, May 2018.}

298. Likewise, Afro-Cuban human rights activists reportedly suffer constant restrictions on their rights, according to a June 2017 report titled Denial, Exclusion and Repression (Negación, Exclusión y Represión). According to that report, activists who work on issues of ethno-racial discrimination have developed initiatives to train communities in different provinces. However, when attempting to travel among municipalities and provinces they have been detained and deported, regardless of where they are, in violation of their freedom of movement and residence.\footnote{Comité Ciudadanos por la Integración Racial (CIR), Negación, exclusión y represión: Informe sobre la situación de derechos humanos de la población afrocubana, July 2017.}
Furthermore, with regard to the excessive use of force by law enforcement personnel against persons of African descent, it should be noted that in its concluding observations on the combined nineteenth to twenty-first periodic reports of Cuba, the Committee on the Elimination of Racial Discrimination (CERD) expressed concern about this issue and recommended that the State take measures to prevent the excessive use of force, ill-treatment and abuse of authority, ensure that complaints are effectively investigated, and ensure that persons of African descent who have been victims have access to effective remedies and compensation.\textsuperscript{426}

Likewise, with respect to racial profiling practices, the IACHR received testimony regarding the systematic use of searches and arbitrary arrests by the police based on the ethno-racial origin and appearance of individuals. With regard to these practices, the testimony of Fernando Palacio Mogar to the IACHR is especially notable:

As a black man, I have suffered discrimination. In Cuba there is a very common practice of detaining black men walking in the street with backpacks, in order to ask them for identification and search them. There is a presumption that they are carrying stolen goods.\textsuperscript{427}

Likewise, the interviewee Gustavo Pérez Silveiro told the Commission:

I get stopped in the street just for being black. In Havana they detain black people just for having dreadlocks. They are prevented from entering bars; they are told the place is full and the right of admission is reserved. It happened to me: I couldn’t get into a bar. They told me it was full.\textsuperscript{428}

In that regard, the Commission stresses the importance of collecting disaggregated data on a variety of situations of racial discrimination, including those related to the use of racial profiling in communities and occurrences of arbitrary detention. The IACHR underscores that the State has a duty to promote the observance of clearly defined codes of conduct and ethical standards, in accordance with international standards, by all public officials, particularly law enforcement officials and justice operators, including security personnel, prosecutors, and judges. The State should also ensure that racial profiling and other explicit or implicit discriminatory practices on the basis of ethno-racial origin and other reasons are explicitly prohibited and punished.

The IACHR also expresses its concern that the testimonies collected indicated that there was racial discrimination in schools. According to one of those interviewed "there is also a lot of racial discrimination by teachers, especially against black girls; there is verbal abuse against Afro hair. There are many children who are

\textsuperscript{426} Committee on the Elimination of Racial Discrimination, Concluding observations on the combined nineteenth to twenty-first periodic reports of Cuba, 20 September 2018.

\textsuperscript{427} IACHR, Interview with Fernando Palacio Mogar, April 2019, IACHR archive.

\textsuperscript{428} IACHR, Interview with Gustavo Pérez Silveiro, May 2019, IACHR archive.
being punished for their afro hair; the first punishment is for refusing to cut their hair. There is no way to appeal against such punishments.”

304. In general, the IACHR draws attention to the particular violation of the rights of Afro-Cubans in the areas of health, housing, unemployment, and access to clean water and sanitation services. According to the ECLAC report *Situación de las personas afrodescendientes en América Latina y desafíos de políticas para la garantía de sus derechos* (Situation of people of African descent in Latin America and policy challenges for ensuring their rights), regarding the inequalities identified in relation to access to housing, in countries like Cuba the number of people of African descent living in severely overcrowded housing—that is, with an average of more than five people to a room—is more than twice that of people of non-African descent living in such conditions.” The report also found that a high percentage of people of African descent in countries like Cuba are severely deprived of sewerage services.

305. As regards access to employment in the tourism sector, one of the persons interviewed by the IACHR stated:

“They got rid of the Afro staff and left the whites. A few years ago as part of the mixed investment in what was Havana Libre. Hotel investment; the government disguised it very well. So that they weren’t too dark-skinned. In the resort keys, the hiring of Afro people, especially women, is not allowed.”

306. In that connection, the IACHR calls on the State to adopt special policies and affirmative actions to guarantee the enjoyment or exercise of the rights of persons of African descent in Cuba with the objective of promoting equitable conditions of equal opportunity, inclusion, and progress for these persons, particularly in relation to access to the rights to education and housing, as well as entry into the labor market within the framework of the country’s economic opening-up.

307. The Commission also urges the State to take positive steps to ensure the political participation of people of African descent in the various public bodies, whether by adopting a system of electoral quotas or by creating channels for civil society participation in legislative processes and public policy development. The IACHR believes that their participation would contribute substantially to the modification of racist patterns and enable their specific needs to be highlighted.

308. The IACHR takes note of the open letter sent by civil society organizations to the State on the racial problems in Cuba, in which they request recognition and attention, taking into account the observations made by the United Nations

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429 IACHR, Interview with Iris Ruiz Hernandez, May 2019, IACHR archive.
431 ECLAC, *Situación de las personas afrodescendientes en América Latina y desafíos de políticas para la garantía de sus derechos*, 2017, p. 84.
432 IACHR, Interview with Zelandia de la Caridad Pérez Abreu, May 2019, IACHR archive.
Finally, the Commission urges the Cuban State to implement measures to mitigate structural racial discrimination and to take steps to consult and meet with civil society organizations working in defense of persons of African descent and against racism. In particular, the IACHR urges the Cuban State to adopt effective measures to prevent and combat the stigmatization and criminalization of demonstrators, especially when such stigmatization or criminalization may be discriminatory in nature based on their ethno-racial origin, as well as to fully guarantee the right to freedom of expression.

B. The Situation of Women

With regard to women's rights, the Commission recognizes that Cuban law formally grants women and men equal rights. The Commission has also taken note of the information provided by the State in the framework of its Universal Periodic Review. According to that information, the State has made efforts to adjust legal and state mechanisms in favor 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.

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.

The IACHR emphasizes the importance of the countries of the region adopting measures regarding violence against women, taking into account that the inter-American human rights system has recognized the close relationship that exists between the right of women to live free of violence and the right to equality and...
non-discrimination. It has also stressed that gender-based violence "is a manifestation of the historically unequal power relations between women and men" that is perpetuated by the persistence of discriminatory attitudes and practices towards women. In particular, the IACHR has stated that gender-based violence is one of the most extreme and widespread forms of discrimination against women, girls and adolescents which, among other consequences, leads to an obstruction of their ability to "exercise and enjoy their rights and freedoms on an equal footing with men."

313. In the area of gender equality and prevalence of gender-based discriminatory stereotypes, the Commission was informed of the results of the National Survey on Gender Equality conducted by the Center for Women's Studies of the Federation of Cuban Women (FMC) and the Centre for Population and Development Studies (CEPDE) of the National Statistics and Information Office (ONEI) in 2016. In this regard, the Commission is concerned that, according to the results of the survey, discriminatory stereotypes against women persist, such as that "women should not participate in activities that involve physical effort, the implication of which is that a range of occupations are considered unsuitable for them. Thus the idea persists that trades such as electrician, bricklayer, mechanic, carpenter and plumber are not suitable for women; others include firefighter, fisherman/seaman, bus drivers and airplane pilots, which are deemed unsuitable by about 53 percent of the population." In turn, the survey's findings suggest that "a number of myths and views that persist in part of the population help to sustain and perpetuate violence against women. The most ingrained are: alcohol use is the cause of violence; a woman who endures abuse must like it, or else she would have already broken the relationship; most women withdraw complaints; and violence is a private matter. Such views become justifications for not intervening or reporting acts of violence."


438 IACHR, The Right of Women in Haiti to be Free from Violence and Discrimination, OEA/Ser.L/V/II. Doc. 64, March 10, 2009, par. 78.


314. The IACHR emphasizes that the use of and references to gender-based stereotypes constitute a form of discrimination against women, girls and adolescents since they are based on preconceptions that place them in a position of inferiority that promotes, legitimizes, and exacerbates gender-based violence against them. Furthermore, the Commission recalls that the organs of the inter-American system has affirmed that gender-based stereotypes refer to “a preconception of personal attributes, characteristics or roles that correspond or should correspond to either men or women. [...] The subordination of women can be associated with practices based on persistent socially-dominant gender stereotypes, a situation that is exacerbated when the stereotypes are reflected, implicitly or explicitly, in policies and practices and, particularly, in the reasoning and language of the judicial police authorities.”

315. Several testimonies collected by the IACHR referred to acts of gender-based discrimination against women. Worth mentioning in that regard is the interview with Eroises González Suárez, who said:

Because you are a woman you have to work to get ahead, to try to be someone in life; you are not allowed to succeed as you would like. If you aspire to become a doctor or an engineer, sometimes it’s impossible to study that kind of career because in the minds of the authorities women are not capable of reaching such positions." "Black women have a hard time getting into college, getting places. It’s a lie that we all have a right to education.

316. In relation to gender-based violence against women and, in particular, gender-based killings, the IACHR stated in its 2018 Annual Report that while there are no figures or up-to-date statistical information on complaints or cases prosecuted as crimes involving to violence against women, it 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 killed with an axe after she filed various complaints with the authorities in Ciego de Avila in the center of the island; the double murder of Tomasa Causse Fabat and her daughter, Daylín Najarro Causse, who was three months pregnant when her former partner cut her

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445 IACHR, Interview with Eroises González Suárez, April 3, 2019. IACHR archive.

446 Statistics on violence against women in Cuba are not officially available or published; however, at the end of 2017 the official press recognized in a small headline that violence against women was the 35th cause of death in the country. Source: https://cubaposible.com/propuesta-una-ley-violencia-a-la-mujer-cuba/

447 Cubanet, Hallan el cuerpo desmembrado de una mujer en el oriente cubano, July 26, 2018.

throat in Cienfuegos; or the case of the woman known as “La China,” who was stabbed seven times in the street when she was on her way to the police station in Centro Habana to report the threats made against her by her attacker.

317. 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.

318. In the testimonies taken by the Commission, people mentioned murders of women and a lack of response by the State in some cases when asked if it had been aware of acts of discrimination against women:

A lot in my municipality, which has seen acts of violence, the murders of women, femicides; the Cuban State does not recognize list femicide as a crime in its laws but records it as a crime of passion.

Yes, a few months ago a woman was murdered near my house; the authorities refused to act straight away and the family put pressure on the police. The young woman died 17 days later.

In the independent press we are drawing attention to protection issues in Cuba; there is no express law that protects women against femicide; the Cuban criminal code does not recognize the offense; the body that defends women has nowhere to protect women who are victims of violence. They are seen as problems between husband and wife and this has allowed violence to escalate to femicide. The lack of statistics. One does not know directly. The press has published this about femicides and come up with statistics that nobody believes. They never published them and now they have. It’s published.

319. With regard to protection and access to justice for women victims of gender violence, The Commission notes that according to the National Survey on Gender Equality carried out in 2016 and published in 2019, 22.6 percent of women between the ages of 15 and 74 stated that they had been victims “at some other time in their lives,” as well as of some form of violence in the relationship with their partner. According to that information, the predominant type of violence

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450 Diario de Cuba, Amenazadas, golpeadas, acuchilladas a la vista del Estado, June 8, 2018.
452 IACHR, Interview with Gerardo Páez, May 21, 2019, IACHR archive.
453 IACHR, Interview with Gerardo Páez, May 21, 2019, IACHR archive.
454 Interview conducted on June 3, 2019. Interviewee’s name withheld, IACHR archive.
against women in couple relationships is psychological, followed by forms of economic violence. Likewise, among women victims of violence in couple relationship, only 3.7 percent have turned to an institution service for help, and according to the conclusions of the survey, "[w]hen they do seek help, they usually go to the police and the public prosecutor’s office, followed by the Federation of Cuban Women (FMC). The fact that they do not seek help could be due, among other reasons, to the fact that some of the women victims have managed to get out of the situation, apparently by their own means, as they said that they had suffered some kind of violence at some other time in their lives, but not in the last 12 months. This fact could be explained by the empowerment and autonomy achieved by women in our country, and by the fact that they are guaranteed a set of rights as a result of the policies implemented for their advancement and the work led by the FMC to promote equality and non-violence throughout all these years."\textsuperscript{455}

320. With regard to the assistance services available for women victims of violence, the Commission notes with concern that, in addition to the aforementioned regulatory shortcomings, there are no specialized institutions in this area. The IACHR notes that in practice such services are provided by FMC offices, specifically by each municipality’s Women’s and Family Orientation Houses; Municipal Sex Education Committees; Sexual Orientation and Therapy Services; Family Physicians or Health Areas; Community Mental Health Centers; Citizens’ Rights Attention Offices attached to Municipal Prosecutor’s Offices; and units of the National Revolutionary Police.\textsuperscript{456} In that regard, the Commission considers that States should have an appropriate legal framework of protection that is effectively enforced, as well as prevention policies and practices that allow effective measures to be taken in response to complaints of acts of gender-based violence against women.\textsuperscript{457}

321. In relation to protection measures for women victims of violence, the Commission received testimonies referring to the absence of such measures:

In his opinion, there are no protection measures in Cuba. When a woman is abused by her partner, she has to go through a diabolical process. She has to testify several times and submit to a large number of examinations and humiliations. He does not believe there is an institution that defends or guarantees women’s rights.\textsuperscript{458}

There are none and there is no protection for women. Women or gays have gone to the police to file a complaint and it is not taken seriously.\textsuperscript{459}

\textsuperscript{455} National Office of Statistics and Information of Cuba. National Survey on Gender Equality 2016.
\textsuperscript{458} IACHR, Interview with Antonio Enrique Garcia, April 3, 2019, IACHR Archive.
\textsuperscript{459} IACHR, Interview with Sandra Haces Ramos, May 21, 2019, IACHR Archive.
No protective measures, no shelters; the police are not prepared to provide such a service. They see it as a husband and wife problem, or else they victimize the woman: “Behave yourselves,” they tell the couple in order to fix things. But that’s it. A girl slept at the police station for a week for fear that her husband would kill her, and there was no response from the police. Three months later, the police locked up the husband. They didn’t take her anywhere, no.460

No protective measures, no shelters; the police are not prepared to provide such a service. They see it as a husband and wife problem, or else they victimize the woman: “Behave yourselves,” they tell the couple in order to fix things. But that’s it.461

322. With regard to the situation of sexual exploitation, as the Commission mentioned in its 2018 Annual Report, there is particular concern about this situation and its effect on women, pre-teen and teenage girls.462 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, pre-teen, and teenage girls.463 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.464 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.465 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 2017.466 The Commission renews its call for 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.

323. On this subject, the Commission takes note of one testimony in response to the questions: “Are you aware of acts of sexual exploitation?” Or “Do you know of any health services or coping programs that are available to victims”:

The authorities punish the victims. She is sent to a prison for harassment of tourists; she risks losing her child. The cause is not

460 Interview conducted on June 3, 2019. Interviewee’s name withheld, IACHR Archive.
461 Interview conducted on June 3, 2019. Interviewee’s name withheld, IACHR Archive.
462 Cubanet, Prensa oficial cubana declara “gran preocupación” por abuso sexual a menores, August 1, 2018.
464 El País, Aquel que quiere encontrarlos, sabe dónde están los burdeles de Cuba, October 7, 2018.
466 Ministry of Foreign Affairs of Cuba, Prevención y Enfrentamiento a la Trata De Personas y La Protección A Las Víctimas, 2017.
addressed. The justice system only acts when pimps are found to be involved, but the root causes of the evil are not attacked.\textsuperscript{467}

324. In conclusion, the Commission is concerned by the situation of violence, stereotypes and lack of comprehensive care to which women, girls and adolescents are exposed in Cuba. The Commission also emphasizes that the persistence of gender stereotypes leads to restrictions on other women’s rights simply for being women. Therefore, it calls on the State to adopt measures—including special affirmative measures if needed—in order to eradicate such stereotypes and to guarantee for women the full exercise of their rights in all respects.

C. The Situation of LGBTI Persons

325. The Inter-American Commission has recognized the efforts of the Cuban State in adopting legal measures for the comprehensive protection of lesbian, gay, bisexual, trans and intersex (LGBTI) persons. In that regard, it specifically highlights the constitutional reforms against discrimination based on sexual orientation and gender identity; the effective and practical health guarantees for the comprehensive recognition of people’s gender identity; and the implementation of educational campaigns on diversity to promote sociocultural changes. For the IACHR, such developments are consistent with States’ obligations to adopt legislative or other measures necessary to give effect to the rights to equality and non-discrimination of LGBTI persons.\textsuperscript{468}

326. However, the IACHR notes with concern that LGBTI people and human rights defenders working on issues of sexual orientation, gender identity and/or expression, and sexual characteristics still suffer violence, discrimination, restrictions on their rights of assembly and association, and curtailment of their freedom of expression and dissemination of thought. It also notes the efforts of groups that often have a negative impact on the design of laws and policies aimed at guaranteeing the rights of such persons. In this regard, the Commission recalls that under the principles of equality and non-discrimination inherent to democratic societies, States have an obligation to advance protections and guarantees for the rights of LGBTI persons and other minorities, even if it goes against the sentiments and opinions of the majority of society.

327. With regard to the recognition of the rights of LGBTI persons, the Commission welcomes the promulgation on April 10, 2019, of Article 42 of the Constitution of the Republic, which recognizes the equality of all persons before the law, without discrimination on the basis of sexual orientation, gender identity, or any other personal condition or circumstance that entails a distinction prejudicial to human...

\textsuperscript{467} IACHR, Interview with Gerardo Páez, May 21, 2019, IACHR Archive.
\textsuperscript{468} IACHR, Recognition of the Rights of LGBTI Persons, December 7, 2018, par. 82.
dignity. In this regard the IACHR considers that the express mention of non-discrimination on the basis of sexual orientation, gender identity, or other conditions represents a step forward in terms of adoption of laws or modification of existing legislation prohibiting all forms of discrimination against LGBTI persons, and it recommends that the State continue its efforts to implement domestic legislation to eradicate it.

328. The Commission also highlights the information received on the State's willingness to move forward, through a constitutional reform, with recognition of the equality guaranteed by the right to marriage between persons of the same sex. However, it notes with concern that this guarantee will depend on a future process of popular consultation and referendum on the draft Family Code, which has been deferred by the National Assembly of People's Power. According to information received, that decision came in response to pressure from groups in Cuba that are opposed to an inclusive interpretation of the institution of marriage. In that regard, while acknowledging the democratic value of referendums and plebiscites, the Commission expresses concern at the possibility of a human right being subject to a mechanism of popular consultation.

329. With regard to the State's obligation to eradicate social prejudice, the IACHR notes that the National Center for Sex Education (CENESEX) has worked to raise awareness that the human rights of LGBTI people are protected, through initiatives such as the campaigns "For Schools without Homophobia and Transphobia," for example. Such campaigns advance social change towards awareness and sensitization to eliminate stigma, stereotypes and discrimination against LGBTI people, or those perceived as such. The Commission notes that the cultural change initiatives carried out by the State are consistent with inter-American obligations in the area of equality and nondiscrimination, and therefore urges the State to continue its efforts to eradicate violence and prejudice in society.

330. The IACHR reaffirms that cultural changes and other public policies that seek to advance the rights of LGBTI people should allow the participation of such stakeholders in the design and monitoring of such projects, so that they reflect their interests. In this regard, the Commission reminds the State that in its efforts it must work with civil society to advance access to and recognition for the human rights of LGBTI people.

331. However, the IACHR takes note of testimonies which it received denouncing discrimination against the LGBTI population. One of the persons interviewed said:

470 El Mundo, Cuba abre la consulta popular de su proyecto de nueva Constitución, August 13, 2018; 14 y Medio, Varias Iglesias evangélicas apelan al Gobierno y a la Revolución para impedir el matrimonio igualitario, July 6, 2018.
I myself was forced out of the tourism industry for being a lesbian, as was my sister. And my received a letter calling him scum. He’s been banned from the university for being gay. People in neighborhoods insult you, but you ignore it. They don’t want to give trans girls jobs because they don’t want to wear men’s clothes.\(^{473}\)

332. Similarly, a person who asked to have their identity withheld told the Commission:

Killing gay men in Cuba is not classified as a hate crime because they are gay. It’s lumped into the crimes of passion category. In the interior of the country there are hate crimes; they are beaten for being gay, physically injured. And when they go to the police, they say: that’s what they get for being “faggots,” that’s why they are beaten up. They get badly hurt.\(^{474}\)

333. Regarding acts of discrimination against trans people, in an interview with the IACHR Lidia Romero Moreno said:

Raids are carried out at meeting places. Police raids in which they are taken away by force. Trans women are roughly handled. All arrests of trans women are violent.\(^{475}\)

334. With regard to guarantees for the rights of trans persons, the Commission notes that, since 2007, at least 39 sex reassignment surgeries have been performed in Cuba by the Ministry of Health. They are contingent on preconditions being met, such as minimum age, submission of medical and psychological evaluations, as well as a detailed review of medical protocols for sexual affirmation surgeries.\(^{476}\)

The IACHR welcomes the Cuban State’s initiative to offer health care to trans people based on their gender identity.

335. With regard to violence and personal security, the Commission notes the lack of official data on the human rights situation of LGBTI people in Cuba, particularly in relation to the violence of which they are victims. The IACHR considers that the scarcity of data on this type of violence in Cuba renders the problem invisible and makes it difficult to carry out an in-depth analysis of the actual human rights situation of LGBTI people in the country.\(^{477}\) However, the Inter-American Commission has received information about acts of violence against LGBTI people in Cuba, such as the cases of Joan Cristian Campos Guevara, a young gay man who was stabbed in Villa Clara province,\(^{478}\) and the cases of activists and citizens Isbel Díaz Torres, Jimmy Roque Martínez and Oscar Antonio Casanella Saint-Blancard,

\(^{473}\) IACHR, Interview with Isabel Pacheco Sosa, April 2019.
\(^{474}\) IACHR, Confidential interview. 9. IACHR archive.
\(^{475}\) IACHR, Interview with Lidia Romero Moreno, April 2019, IACHR archive.
\(^{476}\) IACHR, 2018 Annual Report, Chapter IV.B, Special Report: Cuba, par. 92.
\(^{478}\) IACHR, 2018 Annual Report, Chapter IV.B, Special Report: Cuba, par. 92.
who have been persecuted, detained, insulted, and physically and verbally abused for taking part in peaceful marches calling for equality.\footnote{\textit{\textsuperscript{479}}} 

336. Thus, in view of the acts of violence, the Commission reminds the State of Cuba of its obligation to adopt all necessary measures to apply the standard of due diligence in the prevention, investigation, punishment and reparation of such crimes. It also points out that due diligence should continue regardless of whether the violence has occurred in the context of the family, the community, or the public sphere, including in work, education, and health care environments. That standard includes the obligation to conduct a thorough investigation of the reasons behind the violence,\footnote{\textit{\textsuperscript{480}}} with an approach that recognizes the intersection of other factors that can make LGBTI people particularly vulnerable to violence or worsen the consequences of the violence they suffer.\footnote{\textit{\textsuperscript{481}}} 

337. The Commission reaffirms that the right to freedom of expression enshrined in Article 13 of the American Convention encompasses the right to express one’s own sexual orientation and gender identity and that this kind of expression enjoys a special level of protection under inter-American instruments because it conveys an integral element of personal identity and dignity.\footnote{\textit{\textsuperscript{482}}} 

338. In conclusion, the Commission considers that, although there have been advances in the human rights of LGBTI people in recent years, Cuba must ensure that that progress translates into actual situations of equality and that it continues to move forward with the defense and promotion of those rights. The State must protect the integrity of persons whose sexual orientation, gender identity and/or expression, and sexual characteristics diverge from the accepted pattern of society, based on the right to equality and non-discrimination; to that end it is important to have reliable and disaggregated statistical data that can be used to plan, adopt and implement measures to guarantee full equality for LGBTI persons. 

\section*{D. Children and Adolescents} 

339. With regard to the rights of children and adolescents, the Commission values the fact that the new Cuban Constitution expressly recognizes that children and adolescents are full subjects of rights and must be protected from any form of violence. The new Constitution also provides for the special protection of children
and adolescents and the guarantee of their comprehensive development by the State, society and families.\textsuperscript{483} However, constitutional recognition of the rights of children and adolescents must be accompanied by an infra-constitutional system capable of guaranteeing effective enjoyment of those rights. In this regard, the Commission notes that Cuba does not yet have a national system that provides for the regulatory and institutional framework to develop special measures for the protection of children, in accordance with the relevant Inter-American standards.\textsuperscript{484}

340. In particular, the Commission stresses the urgency for the country to adapt its legislation to prohibit all forms of corporal punishment of children in all care settings, including schools and alternative care settings. Currently, the 1975 Family Code allows "moderate" punishment of children by parents (Art. 86) and guardians (Art. 152).\textsuperscript{485} In addition, the IACHR joins the Committee on the Rights of the Child in recommending that Cuba set 18 as the minimum age for entry into the armed forces and that it prohibit all military-type training for persons under 18.\textsuperscript{486}

341. According to UNICEF data, Cuba’s population includes more than 2.2 million below the age of 18, corresponding to 19.6 percent of the total population.\textsuperscript{487} The Commission notes with satisfaction the State’s efforts to ensure universal birth registration, which reached 100 percent in 2018,\textsuperscript{488} as well as to reduce bureaucracy in registration procedures.\textsuperscript{489} On the other hand, it is also concerned about the high rate of early marriage, particularly among girls and teenagers, with 26 percent of teenagers married by the age of 18.\textsuperscript{490} Despite the fact that the minimum legal age for marriage under Cuban law is the same as that determined by the Convention on the Rights of the Child, the country’s law also allows marriage between adolescents with parental consent.\textsuperscript{491}

342. With regard to the right to health, the Commission notes that the country has maintained a steady reduction in the child mortality rate, from 9 deaths per 1,000 live births in 2000 to 5 in 2018.\textsuperscript{492} The Commission also recognizes that Cuba achieved 99 percent immunization of children and adolescents from vaccine-preventable diseases. On the other hand, in spite of the low incidence of HIV infections in children and despite being the first country to eliminate vertical

\textsuperscript{484} IACHR, Annual Report, Ch. IV.B; Special report: Cuba, 2018, par. 84.
\textsuperscript{485} Global initiative to end all corporal punishment of children, Corporal Punishment of Children in Cuba, November 2019.
\textsuperscript{489} Granma, Nuevas facilidades para inscripciones de nacimiento y en registro de consumidores, July 5, 2019.
\textsuperscript{491} UOL, América Latina avança em proteção a crianças proibindo casamento infantil, August 23, 2017. IACHR, Annual Report, Ch. IV.B; Special report: Cuba, 2018, par. 87.
\textsuperscript{492} UNICEF, Country profiles: Cuba, December 2018.
In relation to the right to education, Cuba achieved 100% completion of primary education and 98% completion of lower secondary education. On the other hand, at a public hearing held in 2018, the Commission was informed about the existence of a shortage of teachers and that the State was seeking to address this problem by training adolescents as educators. Based on the potential effects on the development of the adolescents taking part in the training program, in its 2018 Annual Report the IACHR recommended that this public policy proposal be reviewed taking into account the principle of the best interests of the child.

Likewise, information received from the Cuban Association for the Development of Children’s Education (ACDEI) indicates that since 2011 there has been growing dissatisfaction among educators, parents, and students with state education at all levels. Interviews conducted by ACDEI show that only 11.2 percent of Cuban teenagers believe that school teaches them what they need. In addition, the IACHR is concerned by the information that parents may be prosecuted and deprived of their liberty for non-compliance with rules that impose the political and ideological positions of the State and that limit the right of parents to guide the child in the enjoyment of the right to freedom of thought and conscience, as provided in Article 14(2) of the Convention on the Rights of the Child Niño.

### E. People with disabilities

The Inter-American Commission has monitored the situation of persons with disabilities in Cuba. In 2017, it held a public hearing at its 164th special session in Mexico City. At the hearing, civil society organizations described obstacles faced by persons with disabilities in the exercise of their rights, namely the right to identity for newborn children with disabilities and low life expectancy; the right to assembly and free movement for disability advocates; the right to politically motivated association; the right to health; and the right to equality and non-discrimination. In the same meeting, Cuba’s human rights ombudsman, Rolando Ferrer Espinosa, mentioned that the mechanisms for making complaints

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497 IACHR, Annual Report, Ch. IV.B: Special report: Cuba, 2018, par. 86.
499 ACDEI, Contribución al 3er Examen Periódico Universal, October 2, 2017, pp. 3-4.
500 IACHR, Transcript of speech at public hearing: Situation of Persons with Disabilities in Cuba, September 5, 2015.
in Cuba are ineffective, since they respond to the interests of the State and not to that of the citizen.\textsuperscript{501}

346. The Commission notes that on March 27, 2019, the UN Committee on the Rights of Persons with Disabilities reviewed the report of Cuba on the measures taken to implement the provisions of the Convention on the Rights of Persons with Disabilities. The Convention has been implemented, however Cuba does not have specific legislation to fulfill the rights of persons with disabilities.\textsuperscript{502} The Committee of Experts noted that persons with disabilities in Cuba have not been able to exercise the principle of participation. In addition, the experts highlighted that laws in Cuba have discriminatory language with respect to disability, laws that speak of disability in medical terms without including a human rights-based approach.\textsuperscript{503} Therefore, one of the main conclusions of this report is that the Cuban State should shift to a human rights-based approach in relation to persons with disabilities.

347. It should be noted that as part of the constitutional referendum voting process, 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 it one month to respond. The State did not respond.\textsuperscript{504}

348. In its 2018 Annual Report, the IACHR acknowledged as a forward step that the proposed reform of the Political Constitution included a prohibition of discrimination on the basis of disability\textsuperscript{505}. Indeed, Article 42 of the approved text of the Constitution prohibits discrimination on the basis of disability. The Commission considers that this represents a significant advance in the recognition of the rights of that population, which continues to face many forms of discrimination in Cuba.

349. In its interviews, the Commission was informed that children with disabilities in Cuba still face many problems and difficulties, partly because there has been a decline in the number of people specialized in their care.\textsuperscript{506} In addition, other testimonies pointed out that many of the entities that offer public services do not have rules on removal of architectural barriers and ensuring access.\textsuperscript{507}

350. According to information received by the IACHR,\textsuperscript{508} there is no specific law in Cuba that protects the rights of persons with disabilities. Protections for some of their

\textsuperscript{501} IACHR, Transcript of speech at public hearing: Situation of Persons with Disabilities in Cuba, September 5, 2017.
\textsuperscript{502} OHCHR, The Committee on the Rights of Persons with Disabilities reviews the report of Cuba, March 27, 2019.
\textsuperscript{503} OHCHR, The Committee on the Rights of Persons with Disabilities reviews the report of Cuba, March 27, 2019.
\textsuperscript{504} IACHR, 2018 Annual Report, Chapter IV.B. Cuba, par. 100.
\textsuperscript{505} BBC, Cuba to recognize private property under new constitution, July 15, 2018.
\textsuperscript{506} IACHR, Interview with Amaury Pacheco Del Monte.
\textsuperscript{507} IACHR, Widhner Jordani Ballester Cortez, June 2019, IACHR archive.
\textsuperscript{508} Red de Cultura Inclusiva Cuba, Primer informe sobre la situación de las personas con discapacidad en Cuba, 2019.
The situation of human rights in Cuba

The IACHR is concerned about the politicization of access to care services for persons with disabilities. In that regard, civil society organizations have reported that some entities that provide care to people with disabilities include in their statutes ideological constraints that expressly discriminate against anyone who does not support the government. For example, Article 9 of the Statutes of the National Association of the Blind (Asociación Nacional del Ciego), on the duties and rights of members, reportedly makes it a requirement “[t]o support resolutely any demonstration, attitude, pronouncement, or resolution adopted by the Association in defense of the homeland and for the preservation of the rights won by our Socialist Revolution.”

Also troubling is the prevalence of the medical model in the State’s approach to disability, both in legal instruments and in the development and implementation of plans of action. This model provides for differential and exclusionary treatment, which contrasts with the perspective of inclusion adopted by the human rights-based approach to disability. In this regard, the IACHR reminds the Cuban State of the need to harmonize its domestic laws and specific plans of action with its treaty obligations in the area of disability, adopting a model of care based on human rights that seeks to eliminate discrimination against persons with disabilities and promote their full integration into society.

The IACHR notes that Cuban civil law provides for the annulment of the legal capacity of persons with disabilities such as deafness and mental illness. The Commission has already stated that States must take measures to ensure full recognition of the legal capacity of persons with disabilities.

In the area of education, the IACHR was informed that instead of implementing a policy of inclusion, girls with disabilities are forced to attend special schools, which heightens their social exclusion, marginalization, and stigmatization. The IACHR regrets the lack of access for persons with disabilities to the health services necessary for their well-being and incorporation into working life. In this regard, the IACHR recommends that the State ensure quality and inclusive education, as well as access to health care and work on an equal basis with others.

As it recommended in its 2017 and 2018 annual reports, the IACHR calls on the Cuban State to adopt the necessary measures to guarantee access for persons with

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511 Cubalex and RCI, Informe conjunto para la determinación del listado de cuestiones que el Comité sobre los Derechos de las Personas con Discapacidad presentara al Estado Cubano, par. 77.
disabilities to social programs and public health and education services, without any discrimination.512

F. Situation of Migrants

356. With regard to the migrant population, in its annual reports the Commission has constantly monitored the restrictions that prevent the full exercise of the right freedom of movement and residence both within the country and abroad.

357. 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. The IACHR reiterates the importance of guaranteeing for all people in Cuba, free from undue interference, the right to residence and movement contemplated 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."

358. The IACHR notes that although Article 52 of the new Constitution refers to freedom of movement in Cuban territory, there are constant complaints about allegedly unjustified restrictions on that right. Therefore, the Commission once again makes an urgent appeal to the Cuban State to allow its inhabitants freely to exercise their freedom of movement in Cuban territory and the freedom to leave and enter the country, and to refrain from continuing to implement the above-described restrictions.

359. As regards legal measures, the IACHR has taken note of Decree No. 217 of 1997 on Internal Migration Regulations for the City of Havana and infractions thereof, which was originally intended to control the movement of persons to Havana and thereby diminish the effects of overpopulation in terms of access to housing, stable employment, urban transport, and supply of water, electricity, and fuel. The Decree restricted the possibility of becoming domiciled, residing, or living with others on a permanent basis in a dwelling located in the City of Havana. The Decree was amended by Decree No. 293 of 2011, which provides for certain exceptions.

360. Regarding specific instances of restrictions, in its 2017 Annual Report the IACHR referred to cases such as that of Anairis Miranda Leyva, of the Movimiento Cubano de Reflexión, who was violently removed from a bus by personnel of the Ministry of Interior of Cuba and placed in a police patrol car while she was on her way to work from the city of Holguín to Havana, with the intention of delivering a letter to the Central Committee, denouncing the increased repression and announcing the hunger strike that she and her siblings, Adairis Miranda Leyva and Fidel Manuel Batista Leyva, proposed to hold. The Commission noted the case of the

512 IACHR, 2017 Annual Report, Chapter IV.B. Cuba, par. 119(17).
independent trade unionist and General Secretary of the Independent Trade Union Association of Cuba (ASIC), Iván Hernández Carrillo, a beneficiary of precautionary measures granted by the Commission, who was allegedly detained at the bus terminal in the city of Matanzas when he intended to travel to Havana. Reportedly, two members of the national police took him in a patrol car to the police station in that town, where he was placed in a 3x2 meter cell, in squalid, overcrowded conditions, with a half-covered door, no electricity or drinking water, and a concrete and rebar bed. He was reportedly held there for more than 10 hours without charge; his identity documents have apparently been withheld by the police.

361. The Commission has also condemned the fact that the State of Cuba prohibited from leaving the country the organizations that planned to participate in the hearing on the human rights situation of children and adolescents in Cuba held during the Commission’s 167th session in Colombia.\(^{\text{513}}\)

362. In 2019, the IACHR received information that the Cuban authorities prevented 12 Cuban citizens who were going to participate in the event “Path Toward Change” from boarding a flight to the United States. The group included independent journalists and members of opposition and civil society organizations such as the Ladies in White, UNPACU, and the Cuba Decide campaign. The citizens said that they were eligible to travel outside the country and that the reasons for the restriction were not explained to them.

363. Human Rights Watch has documented similar cases in its reports. The 2018 Report said that according to the Cuban Commission for Human Rights and National Reconciliation, the government imposed restrictions primarily on persons traveling to Latin American countries to attend conferences. In June, the Commission recorded the highest number of restrictions on freedom of movement in several years: at least 29 people were prevented from traveling abroad to attend international conferences and other events.\(^{\text{514}}\) The 2019 Report notes that in April, dissidents and human rights defenders Dulce Amanda Duran, Roseling Peñalvar, and Wendis Castillo were banned from traveling to Lima for a civil society meeting. Castillo, a human rights defender and member of the Dignidad Movement, had also been stopped from traveling in November 2017 when she tried to fly to Lima to participate in a conference on corruption and human rights in Latin America. In addition, in July 2018, René Gómez Manzano, a well-known dissident who has been imprisoned several times, was intercepted at the airport before he could board a plane to attend a human rights meeting in Montevideo. The agents informed him that he was not authorized to travel.

364. In the testimonies collected by the IACHR, people constantly stated that they had been prevented from leaving the country because of their political beliefs. For example, human rights defender Sara Cuba said:

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A few weeks ago I was not allowed to travel; for the summit in Peru either. Three times I’ve been arrested and not allowed to leave. In my family my son studied his primary education, for the service he was forced to sign a document saying he had not finished his studies because his family was opposed to the regime and was not allowed to leave the country.515

365. The testimonies also described restrictions on leaving the provinces, as Henry Constán Ferreiro told the IACHR:

I’ve been banned from leaving the country. There was a year to go. Prohibition to leave the province and the city of Camagüey and my house when Fidel died, when President Obama went to Cuba; I have been followed in the street, my phone is tapped.516

366. One interviewee even made reference to forcible removals from the country:

I was a really terrible thing. I am one of those who does not want to leave Cuba. They are forcibly banishing activists from Cuba. One from UNPACU was removed in that way. It violates your rights of citizenship and to a homeland.517

367. The International Institute on Race, Equality and Human Rights has documented several cases of restrictions on free movement. In 2019 it recorded the case of five Cuban activists who were prohibited from attending the OAS General Assembly in Colombia.518 In addition, in its report Premeditated Convictions it presented several other cases of restrictions on leaving the country.

368. Several people who gave testimonies to the IACHR made reference to the fact that their freedom to travel outside the country was restricted and that they were known as “regulated” people (regulados).519 And they also reported that some people were not given permission to return to the country.520 In this regard, one of the interviewees explained: "In the last two years the Cuban government has applied a policy of regulation[..] [In] 2013 there were migratory reforms; many Cubans began to go abroad for training. The state curbs freedom of movement. Several OAS invitation events were thwarted by the policy of regulation. You arrive at the airport, terminal 3, and at customs a red circle lights up; we were taken to an office for official business and I was told that I could not leave the country. When you ask for information, they don’t answer. You are referred to the public assistance office at the Ministry of the Interior. They make a request to the

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515 IACHR, Interview with Sara Cuba Delgado, May 2019, IACHR archive.
516 IACHR, Interview with Henry Constantin Ferreiro, May 2019, IACHR archive.
517 IACHR, IACHR interview with Michael Matos Alonso, May 2019, IACHR archive.
518 International Institute on Race, Equality and Human Rights, Gobierno cubano prohíbe a cinco activistas viajar a Colombia para participar en la Asamblea General de la OEA, 2019.
519 IACHR, Interview with Lázaro Yuri Valle Roca, June 2019, IACHR archive. IACHR, Interview with Marthadela Tamayo Gonzalez, June 2019, IACHR archive.
520 IACHR, Confidential interview, 2019, 38, IACHR archive.
citizens’ attention office, and it turns out that the regulation has been imposed by the Department of State Security."  

369. Finally, the IACHR notes that according to the UNHCR report *Global Trends: Forced Displacement* in 2018, at the end of 2018, there were a total of 5,488 Cuban refugees and 26,603 Cuban asylum seekers (pending cases).  

370. The Commission considers that the impossibility of returning to one’s country of origin keeps Cubans from enjoying an effective nationality, which entails other human rights violations, such as the right to family. In addition, it places Cubans who leave their country in an especially vulnerable situation, since sometimes their status is irregular in the country where they find themselves, yet they cannot return to their country. The Commission expresses its concern at the multiple restrictions and the imprecise procedures that hinder the effective exercise of personal liberty both on and off the island. The IACHR considers that such measures are often taken to impede the work of activists, opponents, and human rights defenders.  

**G. Situation of Persons Deprived of Their Liberty**

371. The IACHR still does not have current information on the number of people in Cuba’s prisons. The last official figure dates from 2012 and records a prison population of 57,337. Based on these figures, in a report by the World Prison Brief Report, Cuba has the sixth-largest prison population in the world in terms of number of prisoners per 100,000 of national population. According to the report, there are 510 prisoners on the island for every 100,000 inhabitants. By contrast, the organization Cuban Prisoners Defenders considers that, according to its own research, there are 950 people deprived of their liberty in Cuba for every 100,000 inhabitants.  

372. The Commission takes note of official public information, according to which in July 2019, the Council of State pardoned 2,604 persons deprived of their liberty. Under the decision convicts were released for good behavior while serving their sentence. However, with regard to that information and the number of persons who have reportedly been deprived of their liberty after this mass release, the IACHR still has no possibility of access to current official figures on the number of people in prison in Cuba.

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521 IACHR, Interview with Juan Antonio Madrazo Luna, July 2019. IACHR archive.  
373. Regarding prison conditions, as it pointed out in its 2017 and 2018 annual reports, the Commission has received worrisome information about the persistence of deplorable conditions of detention for persons deprived of their liberty in Cuba, such as overcrowding; insufficient medicine, food, and clean water; inadequate hygiene and sanitation; deficient medical care; and the wide margin of discretion that its agents have in keeping order inside prisons.

374. In its 2017 Report, the Commission learned of the contents of a complaint signed by 18 prisoners held in the municipal prison in Melena del Sur, Mayabeque province, in May 2017, and addressed to the United Nations Human Rights Council:

In the space of four months so far this year, four inmates have died and several days ago Rafael Arredondo Jardines died from a beating he received while handcuffed from officers of this prison, all of them common prisoners. We want justice and respect for human rights in this place.527

375. In addition, in July 2017, the IACHR learned of the public denunciation by Yosvany Martínez and Ismael Boris Reñí, members of the UNPACU, in which they described the “subhuman” conditions they experienced in the Combinado del Este maximum security prison: “the water from the toilets would run along the walls and the ceiling ... the beatings of ‘handcuffed prisoners’ were frequent.” They also denounced the death of prisoner Hermenegildo Duvergel, due to the lack of medical care for multiple rib fractures as a result of a major beating inflicted on him for celebrating the death of former President Fidel Castro.528 In the months prior to February 2017, UNPACU had publicly denounced the death of Hamell Santiago Más Hernández, due to bad prison conditions and a lack of medical attention, and in April of the same year, that of Alberto Delgado Valle, after he was beaten by guards; both deaths occurred in the aforementioned prison.529

376. In its 2018 Report, the Commission recorded the case of Alejandro Pupo Echemendía, who had died while in custody, and whose body—according to his relatives—showed signs of torture.530 In the same report, the IACHR highlighted cases of negligent medical care, lack of provision of medicines531 and the delay or

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527 Directorio Democrático Cubano, Communiqué: Audio of letter/complaint from prisoners to the UN and human rights organizations: https://youtu.be/Ty5nhPzOayA, June 1, 2017. See also Martí Noticias, Escrita a ONU 17 reos para denunciar muerte de 5 presos por “golpizas” en cárcel de Cuba, June 2, 2017.
528 Martí Noticias, Opositores liberados revelan “condiciones infrahumanas” en Combinado del Este, July 13, 2017. See also YouTube, Las prisiones en Cuba, UNPACU, March 18, 2017.
531 Martí Noticias, Celular por pabellón, chantaje de un oficial de prisiones a esposa de recluso, February 12, 2018; Cubalex, Informe sobre los Derechos Humanos de las Personas Privadas de Libertad en Cuba, 2018.
total lack of medical care.\textsuperscript{532} In addition, the IACHR has observed that people held in prisons frequently resort to hunger strikes, self-flagellation, and even suicide, in order to demand improvements in prison conditions and observance of basic fair-trial guarantees in the proceedings pending against them, among other things.\textsuperscript{533}

377. In relation to procedural and criminal procedures and guarantees, the IACHR highlights the constitutional recognition of habeas corpus and various criminal-law guarantees, as noted in previous sections of this report. However, the IACHR has not been informed of any effective changes for persons who are deprived of their liberty as a result of those guarantees.

378. In 2017, the Committee on Enforced Disappearances, in reference to inspection of places of deprivation of liberty, took note of the information provided by the State concerning State and non-State agencies that may visit places where persons deprived of liberty are held. At the same time, it made reference to the fact that the Attorney General’s Office conducted regular, mostly unannounced, inspections, though it observed that no specific independent mechanism has been established to carry out regular visits to all the places where persons deprived of liberty may be held.\textsuperscript{534} Consequently, the Committee recommended that Cuba establish a specific independent mechanism with the power to undertake, without hindrance, regular unannounced visits to any place that may hold persons deprived of liberty. The Committee also invited the State to reconsider ratification of the Optional Protocol to the Convention against Torture.

379. The IACHR also takes note of the case of Eduardo Cardet Concepción, leader of the Christian Liberation Movement. According to report \textit{Premeditated Sentences} by the Institute on Race, Equality and Human Rights, Cardet was reportedly a victim of violence and has suffered appalling prison conditions. In addition, according to the same source, his family visits had been suspended.\textsuperscript{535} The IACHR had the opportunity to interview him and, when asked about prison conditions, he said:

> [Conditions] are very difficult for all the prisoners; they are inhumane; food is deficient, scarce, and of very bad quality; food preparation is very bad; there is overcrowding an incredible amount of men in a confined space; water is very scarce, it undrinkable, bad. Very often there is no water for personal hygiene. There is no privacy in the place; you have to live badly.

The treatment by the prison authorities is harsh, bad; conditions for communication with families are very poor. Only five minutes a week.

\textsuperscript{532} Cibercuba, “Maltrato carcelario en Cuba: sacan a un hombre de prisión en estado de coma,” September 10, 2018; Cibercuba, “Prisionero diabético pierde un pie en una cárcel de Cuba por falta de atención médica”, October 10, 2018.

\textsuperscript{533} IACHR, Annual Report, Ch. IV, Cuba, par. 98.

\textsuperscript{534} United Nations, Committee on Enforced Disappearances, Concluding observations on the report submitted by Cuba under article 29 (1) of the Convention, CED/C/CUB/CO/1, 14 April 2017.

\textsuperscript{535} Institute on Race, Equality and Human Rights, \textit{Premeditated Convictions:: Analysis of the Situation of the Administration of Justice in Cuba}, June 2019.
Going out into open spaces, taking the sun; you can go up to 15 days without getting any sun or going out into the open to exercise; you often have to spend prolonged periods in confined spaces; that is a rule in the penitentiary system. It’s a policy they have. Medical care is bad; sometimes it is difficult; there is a huge shortage of medicines.536

380. The testimonies collected by the IACHR also mentioned precarious conditions of detention and violence.537 For example, one activist said:

One time I was detained when I was traveling [from] El Santuario del Cobre to Machamó for a political prisoner event and was stripped of my clothes and made to sit on an anthill, handcuffed, and beaten several times.538

381. Another testimony noted: "If there is no food on the street, imagine what it's like in a prison. There your family has to bring you food; they have to support you throughout your whole sentence.539

382. The Commission reminds the State of Cuba that every person deprived of liberty has the right to be treated humanely, with absolute respect for his or her inherent dignity, rights, and fundamental guarantees. This implies that the State, as the guarantor of the rights of the persons under its custody, not only has the special duty to respect and ensure their right to life and integrity, but must also ensure minimum conditions that are compatible with their dignity. Treating every person deprived of liberty with humanity and respect for their dignity is a universal norm that must be applied without any type of distinction, and that cannot depend on the material resources of the State.540

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536 IACHR, Interview with Eduardo Cardet, June 2019, IACHR archive.
537 IACHR, Interview with Rosa Rodríguez, May 2019. IACHR archive.
538 IACHR, Interview with Gabriel Ernesto Torres Velázquez, June 2019, IACHR archive.
539 IACHR, Interview with Sandor Pérez, September 2019.
TAB 7
CHAPTER IV.B
CUBA

I. INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

II. PRELIMINARY MATTERS

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

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

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

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

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because Resolution VI of the Eighth Meeting of Consultation “excluded the Government of Cuba and not the Cuban State from participation in the Inter-American system.”

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

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

B. Cuba’s Engagement with other Actors

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

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

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6 Interviews 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; Eorasis González Suárez, Plataforma Femenina Nuevo País; Calixto Gammalame, Asociación Jurídica (independent attorney). See as well: IACHR, Hearing on Situación de defensores y defensoras de derechos humanos en Cuba [‘Situation of human rights defenders in Cuba’], 149th Regular Session, October 29, 2013.

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

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

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

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

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

**III. HUMAN RIGHTS SITUATION IN CUBA**

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

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

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

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

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11 RCN Radio, ONU aprueba resolución contra bloqueo a Cuba por EE.UU, [‘UN approves resolution against US blockade of Cuba’], November 01, 2018.

1. Right to Vote and Participate in Government and Constitutional Reform

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

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

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

24. Changes set forth in the draft Constitution include that the President of Cuba would cease to be the head of the Council of State and of Ministers and instead, there would a Head of State, represented by the President, and Head of Government, in the position of Prime Minister. The new Constitution would recognize private property and would omit the word ‘communism.’ The legal concept of 

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
barriers” existed, which curtailed effective citizen participation. The IACHR observes that despite the reforms incorporated in the constitutional text, there is a persistence of structural problems that block the implementation of normative progress in the light of human rights, as an example, the incorporation of habeas corpus, without the guarantee of judicial independence, is merely rhetoric or formal. In addition, said draft "does not include the respect of various fundamental rights, among them the existence of political parties, freedom of press, reunion and association”.

2. **Independence of the Judicial Branch**

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

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

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

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

B. **Activism and Dissidence**

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

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

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

31. The Ladies in White (Damas de Blanco), Unión Patriótica de Cuba (UNPACU), Somos Más, Frente Orlando Zapata Tamayo movements continue to be the organizations most often impacted.\(^{23}\) The criminal charges most frequently leveled against them are attack (\textit{atentado}), disrespect of public officials (\textit{desacato}), pre-criminal dangerousness to society (\textit{peligrosidad social pre-delictiva}), failure to pay fines, public disturbance (\textit{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] (\textit{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, \textit{inter alia}, the alleged arbitrariness of their arrests; persecution, threats, harassment and criminalization of their activities, which are perceived as criticism of the government; failure to provide minimum judicial guarantees at trial proceedings, which lead to prison sentences; and serious conditions of detention. As of July 2018, the Commission has documented at least 10 hunger and thirst strikes and, consequently, decided to request information from the State, pursuant to the legal authority set forth in Article 18(d) of its Statute. The State did not respond.

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

\(^{23}\) Infobae, \textit{Advierten sobre el aumento de la represión y las detenciones arbitrarias en Cuba}, ['Warning issued about increased repression and arbitrary arrests in Cuba'], September 02, 2018. FIDH, Cuba: \textit{actos de represión política registrados en lo que va del año: Enero - Abril 2018} ['Cuba: Acts of political repression documented thus far this year: January- April 2018'], May 03, 2018.
\(^{24}\) IACHR, Resolution 16/2018, Precautionary Measure Nº 39/18, Matter Eduardo Cardet Concepción with respect to Cuba, February 24, 2018.
\(^{25}\) IACHR, Resolution 22/2018, Precautionary Measure Nº 954-16, Matter José Ernesto Morales Estrada with respect to Cuba, March 18, 2018.
\(^{26}\) IACHR, Matrix/table of hunger strike monitoring in Cuba, December 20, 2018 [in IACHR archives]. By downloading the statistics, you can see that 13 persons were free at the time the strike was carried out, and 11 of them were in custody.
Right of Residence and Movement

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

37. Since 1983, when its seventh report on the human rights situation in Cuba was released, the Commission has spoken out about the lack of constitutional protection of the right of free movement in Cuba, which poses an obstacle to the effective enjoyment thereof. 28 The IACHR underscores the importance of ensuring for all persons in Cuba, free of improper interference, the right of residence and movement, as provided for in Article VIII of the American Declaration, which establishes that “Every person has the right to fix his residence within the territory of the state of which he is a national, to move about freely within such territory, and not to leave it except by his own will.” 29

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

39. The IACHR continues to receive information about restrictions on Cuban persons’ departure from the country — including human rights defenders, activists, journalists and broadcasters — who attempted to attend international conferences and events on the subject of human rights, as well as restrictions on movement within the country. 32 In this regard, at the close of its 167th Regular Session in Colombia, the Commission 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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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/regulacionesmigratoriasparaC.H.html).
32 According to information provided to the IACHR, Cuban authorities prohibited travel 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; Pedestry 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 proclivity of a person to commit criminal offenses, as demonstrated by the conduct observed, in manifest contradiction to the norms of socialist morality; Article 73. 1. Dangerous state is manifested when any of the following indications of dangerousness appears in the individual: a) habitual intoxication and dipsomania; b) narcomania; c) antisocial conduct. 2. A person who habitually breaks the rules of social interaction by acts of violence, or by other provocative acts, violates the rights of others or due to his behavior in general undermines the rules of interaction or disturbs community order or lives, as a social parasite, off other people’s work or exploits or engages in socially reprehensible vices, is considered in a dangerous state. Article 74. The state of mental derangement and of persons with delayed mental development is also considered a dangerous state, if for this reason, they do not possess the faculty to grasp the scope of their actions or of controlling their conduct, when it poses a threat to the security of persons or the social order.
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 irregular 46 and, often, State Security uses non-police facilities or offices to interrogate journalists. Complaints of these practices were filed by Ileana Álvarez, Adriana Zamora and Ernesto Carralero, who were summoned to the offices of Immigration and Foreign Residency, where political police agents were waiting for them. 47 According to the statements of the Mr. Carralero, when he arrived in Immigration and Foreign Residency, he was received by two officials who introduced themselves as the State Security Lieutenant who handles Diario de Cuba, in charge of “confronting of that platform specifically” and the Chief of the Section of Confronting Digital Platforms of State Security. A similar situation happened to journalists Rafael Gordo Núñez and Laura Rodríguez Fuentes, who claimed to be summons to Immigration, but were interrogated and threatened by agents of State Security. Gordo Núñez contended that he was threatened with, among other things, being held in custody “for up to 30 years” and State Security had gained access to his private conversations. 48

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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 [leaving] “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’], CyberCuba. 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 summons, 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 of Holguín;\(^{53}\) Maykel González Vivero of Villa Clara;\(^{54}\) Frank Correa of Havana;\(^{55}\) and Manuel Alejandro León de Guantánamo.\(^{56}\) Additionally, in February, immigration officials allegedly prevented Jorge Enrique Rodríguez from traveling overseas, arguing that a “restriction on departure overseas” was supposedly in effect for him.\(^{57}\) Moreover, several independent journalists have been expelled...
from their State jobs or office. This is the case of Iris Mariño, who lost her job as a professor at an art school in Camagüey and, of Aimara Peña, who was allegedly expelled from the university.\footnote{Diario de Cuba. May 9, 2018. \textit{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 footprint”'], Díaz, Pablo. \textit{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.}

53. According to available information, repression continues in Cuba against the senior officers and journalists of the Instituto Cubano por la Libertad de Expresión y Prensa (ICLEP). On this score, in January the ICLEP executive Raúl Velázquez was allegedly arrested and held for 24 hours when he was traveling from Artemisa to Pinar del Río.\footnote{Martí Noticias. February 7, 2018. \textit{Periodista Raúl Velázquez había sido detenido por la Seguridad del Estado} ['Journalist Raúl Velázquez had been arrested by State Security'], Inter-American Press Association/ Sociedad Interamericana de Prensa (IAPA/SIP). February 6, 2018. \textit{La SIP pide investigar la desaparición del periodista cubano Raúl Velázquez} ['IAPA calls for investigation into the disappearance of Cuban journalist Raúl Velázquez'], Knight Center for Journalism in the Americas. February 7, 2018. \textit{Director de organización cubana de libertad de prensa desaparece en medio de amenazas a periodistas independientes} ['Director of Cuban freedom of the press organization disappears amidst threats to independent journalists'].} 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,\footnote{ICAHR. June 26, 2018. \textit{NOTA DE PRENSA #4: Cuando pensábamos que terminaba, la ola 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. \textit{Periodistas cubanos informan sobre el aumento de detenciones y otros abusos de poder por parte de las autoridades} ['Cuban journalists report on increased arrests and other abuses of power by authorities'].

54. In 2018, detained journalists included: Roberto de Jesús Quiñones – who posts work on the website Cubanet;\footnote{Diario de Cuba. July 8, 2018. \textit{El régimen detiene al periodista de DIARIO DE CUBA Roberto de Jesús Quiñones} ['The regime detains journalist Roberto de Jesús Quiñones'], Cubanet; 62 Instituto Cubano por la Libertad de Expresión y Prensa (ICLEP). February 7, 2018. \textit{Detenido abogado y periodista independiente} ['Detained lawyer and independent journalist'], Noticias CIAH. July 4, 2018.} Manuel Alejandro León Velázquez – a journalist of 	extit{Diario de Cuba} and member of the audiovisual agency Palenque Visión;\footnote{Diario de Cuba. June 25, 2018. \textit{NOTA DE PRENSA: Aumenta represión contra directivos del ICLEP} ['Aumenta represión contra directivos del ICLEP'], Inter-American Press Association (IAPA). March 2, 2018. \textit{Cuba: Detenciones y amenazas a la orden del día} ['Cuba: Arrests and threats, the order of the day'].} and Eider Frómeto Allen.\footnote{Diario de Cuba. June 25, 2018. \textit{NOTA DE PRENSA #4: Cuando pensábamos que terminaba, la ola 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. \textit{Periodistas cubanos informan sobre el aumento de detenciones y otros abusos de poder por parte de las autoridades} ['Cuban journalists report on increased arrests and other abuses of power by authorities'].} In particular, it was reported that in August 2018 alone, at least 13 journalists were allegedly arbitrarily arrested in different parts of Cuba.\footnote{CIDH. June 26, 2018. \textit{NOTA DE PRENSA #4: Cuando pensábamos que terminaba, la ola 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. \textit{Periodistas cubanos informan sobre el aumento de detenciones y otros abusos de poder por parte de las autoridades} ['Cuban journalists report on increased arrests and other abuses of power by authorities'].}

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

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, Leticia Ramos Herrería, Marisol Fernandez Socorro, Micaela Roll Gibert and Aimara Nieto Muñoz. At least 24 Ladies in White were also allegedly detained on May 1. 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 [desacato].” According to Ramos Herrería, “this is further retaliation” against her, so she will leave the country and the Ladies in White.

57. Several journalists reported that criminal proceedings were instituted against them for the alleged crime of usurpation of public functions. Henry Constantín Ferreiro, Iris Mariño García and Sol García Basulto, journalists from La Hora de Cuba, were allegedly charged with this criminal offense. Also reported were cases against Eliecer Góngora Izaguirre, member of the Unión Patriótica de Cuba (UNPACU); and Zaqueo Báez, Isamel Boris Reñí and María Josefa Acón Sardiñas. Isamel Boris Reñí had previously served a year in jail from 2016 to 2017 for distribution of discs and printed materials on the streets. 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 Informae. 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 Informae. 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’].
70 Martí Noticias. May 9, 2018. “Abajo Díaz-Canal”, gritan Damas de Blanco mientras las golpea la policía (VIDEO) [‘Down with Diaz-Canal’, shout Ladies in White while police beat them (VIDEO)].
71 Martí Noticias. April 30, 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 Martí Noticias. June 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’].
73 Martí Noticias. June 18, 2018. Periodismo ciudadano y redes sociales, prohibidos para opositores en Cuba? [‘Citizen journalism and social networks, banned for the opposition in Cuba?’]
74 Martí Noticias. 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. June 18, 2018. Periodismo ciudadano y redes sociales, prohibidos para opositores en Cuba? [‘Citizen journalism and social networks, banned for the opposition in Cuba?’]
77 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’]
78 Martí Noticias. June 20, 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

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

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

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

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

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85 Committee for the protection of journalists (CPJ). Conectar a Cuba: Más espacio para crítica, pero restricciones frenan avance


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


65. 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. 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. 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. To protect privacy on the Internet, the confidentiality of personal online data must be guaranteed, 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.” 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.
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:

ARTICLE 60. Citizens’ freedom of the press is recognized. This right is exercised in accordance with the law.
Fundamental social communications media, in any of their supports, are the socialist property of all the people, which ensures their use at the service of all of society.
The State establishes the principles of organization and functioning for all social communications media.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. As for Internet, the draft under consideration does not include any provisions related to guaranteeing accessible, open and neutral Internet.

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

• Other Relevant Situations

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

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

77. On December 5, 2018, artist Tania Bruguera was arrested as she headed to a protest in front of the Ministry of Culture against Decree No. 349. This was the third time in one week that Bruguera had been arrested. According to available information, State Security had “warned her that, if she went outside, she would be arrested.” Previously, she had been arrested on December 3 as she left her home and on December 4,
when she participated in a protest across from the Ministry of Culture. Other artists who had reportedly been arrested on December 3 were Luis Manuel Otero Alcántara, Yanela Núñez Leyva, Amaury Pacheco and Michel Matos.

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. 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.

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. 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. Based on available information, as of September 24, 2018, rap music singer Maikel Castillo Pérez, Mc El Osorno, 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.

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. #00Bienal: 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'].

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

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

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

3. Children and Adolescents

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

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113 ECLAC, Cuba: Informe a la Tercera Reunión de la Conferencia Regional sobre Población y Desarrollo de América Latina y el Caribe [‘Cuba: Report to the Third Meeting of the Regional Conference on Population and Development of Latin American and the Caribbean’], Lima, Peru, August 2018.
114 Id.
115 Committee on the Elimination of Racial Discrimination, Observaciones finales sobre los informes periódicos 19º a 21º combinados de Cuba [‘Concluding observations on combined periodic reports 19 to 21 of Cuba, September 20, 2018.’]
116 Id.
framework to implement policies and strategies to comply with the State’s general obligation to adopt special measures of protection of the child, in accordance with the provisions of different international instruments.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,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.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 24.123 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.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.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.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”127 which, among other things, highlights the principle of special protection set forth in Article 40 of the Constitution of the Republic of Cuba.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.129

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.
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.
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.
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.\(^\text{130}\) 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.\(^\text{131}\) 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.\(^\text{132}\)

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

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.\(^\text{135}\) 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

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\(^\text{131}\) 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.

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

\(^\text{133}\) 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.


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

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138 In particular, the IACHR has written that overcrowding increases friction and outbreaks of violence between inmates, fosters the spread of disease, hinders access to basic services and health services of the prisons, increases the risk factor for the occurrence of fires and other disasters, and prevents access to rehabilitation programs, among other serious effects. IACHR, *Informe sobre los Derechos Humanos de las Personas Privadas de Libertad en las Américas* [‘Report on the Human Rights of Persons Deprived of Liberty in the Americas’], OEA/Ser.L/V/II, Doc. 64, December 31, 2011, par. 21.


141 Cibercuba, “Maltrato carcelario en Cuba: sacan a un hombre de prisión en estado de coma” [‘Prisoner mistreatment in Cuba: man taken from prison in a comatose state’], September 10, 2018; Gbercuba, “Prisionero diabético pierde un pie en una cárcel de Cuba por falta de atención médica” [‘Diabetic prisoner loses a foot in a Cuban prison due to lack of medical care’], October 10, 2018.

142 Cibercuba, “Negan atención médica a reos con tuberculosis en una prisión de La Habana” [‘Medical care denied to convicts with tuberculosis in a Havana prison’], September 4, 2018.

143 Cubanet, “Así perdí a mi hijo” [‘That’s how I lost my son’], February 9, 2018.


145 Cubanet, “SOS: en Cuba dejan morir a los presos extranjeros” [‘SOS: in Cuba foreign prisoners are left to die’], November 26, 2018.

of the State are in a situation of special vulnerability, together with the lack of adequate public policies on the subject matter, is tantamount to a systematic violation of the human rights of these persons.147

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

6. Persons with Disabilities

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

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

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

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148 Jorge Enrique Rodríguez, "Seduciendo a la policía mientras se le entregan los derechos" ['Seduce a la policía mientras se le entregan los derechos'], Diario de Cuba, January 17, 2018; YouTube, Horrores en la cárcel ['Horrors in jail'], April 19, 2017.
149 ABC Internacional, "Muertos bajo custodia policial, el secreto más oscuro del régimen cubano" ['Deaths under police custody, the darkest secret of the Cuban regime'], September 5, 2018.
150 Cibercuba, "Ola de denuncias por muertes bajo custodia policial en Cuba" ['Wave of reports of deaths under police custody in Cuba'], September 5, 2018.
153 BBC, Cuba to recognise private property under new constitution, July 15, 2018.
154 Cibercuba. Cuba excluye a un talentoso niño del equipo de béisbol por una discapacidad ['Cuba excludes a talented boy from a baseball team because of a disability'], December 7, 2018; Cubano con dos manos amputadas no recibe protección de la Seguridad Social. ['Cuban two hand amputee does not receive social security protection'], November 1, 2018; Denuncian a chofer de guagua en Cuba no dejó subir a una joven minúsvlada ['Complaint of bus driver in Cuba who did not let a young disabled girl get on (his bus)'], October 18, 2018.
155 Letter of request for information sent to Cuba on August 10, 2018, pursuant to Article 18 of the Statute of the Inter-American Commission on Human Rights.
of the country, so that they can jointly draw up adequate public policies for the population with disabilities in Cuba.

7. Older Persons

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

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

8. Women

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

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

106. As for gender-based violence against women in Cuba, the Commission observes that there are no up-to-date figures or statistical information about complaints or cases brought to court because of crimes related to violence against women. Despite this, the IACHR has taken note of some cases of gender-based violence that have been reported in the media, such as the brutal killing of Misleydis González García, who was hacked with an axe after having filed various complaints to the authorities in Ciego de Ávila 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 (ESCLR)

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 violation of the Conventions on Freedom of Association and Protection of the Right to Organise (Co87), on the Right to Organise and Collective Bargaining (Co98) and the Workers’ Representatives Convention (Co135), all of which were ratified by Cuba.157 After examining the case, the Committee issued its conclusions and the following recommendations: (i) that the Government guarantee recognition of the ASIC and its free functioning; (ii) that the Government conduct an investigation into all of the allegations of anti-union discrimination raised in the complaint, which if proven to be grounded in fact, impose deterrent sanctions and compensatory measures and provide the Committee detailed information in this regard and about the result of the administrative and judicial proceedings carried out in relation to the allegations.158 In that same month, the ILO Governing Body adopted the recommendations of the Committee.159 According to the Comisión Cubana de Derechos Humanos y Reconciliación Nacional (CCDHRN), it was the first time that the ILO examined a complaint of a non-governmental association of Cuba.160

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

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158 Id. Ibid.


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

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

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

10. Human Rights Defenders

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

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

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

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

164 Communication sent to the IACHR, About the situation of human rights defenders in Cuba, 2018. [In IACHR archives].
cases suggest that additional reviews are being used deliberately as a form of intimidation, pressure and harassment of certain individuals and civil society organizations.165

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

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

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

IV. CONCLUSIONS AND RECOMMENDATIONS

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

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

167 IACHR, Press Release R152/18, La Relatoría Especial manifiesta preocupación por condenas penales por desacato en Cuba, [‘The Office of the Special Rapporteur Expresses Concern over Criminal Convictions for desacato laws in Cuba’], July 17, 2018.
168 BBC. Quién es Ariel Ruiz Urquiola, el científico cubano sentenciado a un año de cárcel por criticar a las autoridades, [‘Who is Ariel Ruiz Urquiola, the Cuban scientist sentenced to a year in jail for criticizing the authorities’], July 6, 2018.
170 IACHR, Press Release R152/18, La Relatoría Especial manifiesta preocupación por condenas penales por desacato en Cuba, [‘The Office of the Special Rapporteur Expresses Concern over Criminal Convictions for desacato laws in Cuba’], July 17, 2018.
However, the IACHR notes with great concern that, in view of the recommendations issued in Chapter IV of the Annual Reports of previous years and in light of the information collected in 2018, the Commission does not observe any improvement in aspects such as violations of the rights to liberty and personal integrity, arbitrary restrictions on the right to vote and to participation in government, freedom of expression and the dissemination of ideas, violations of the due process guarantees, unlawful limitations on the right of residence and movement, among other ones. Moreover, the IACHR finds it unfortunate that the official information available is so limited, and also laments the history of the State distancing itself from this regional human rights body. Therefore, pursuant to its mandate, the Commission urges the Cuban State to:

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

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

As regards the independence of the Judicial Branch:

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

As regards activists and dissidents:

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

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

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

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

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

As regards the right to freedom of expression:

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

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

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


As regards Afrodescendant persons:

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

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

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

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

As regards children and adolescents:

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

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

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

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

As regards LGBTI persons:

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

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

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

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

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

As regards persons deprived of liberty:

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

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

As regards persons with disability:

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

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

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

As regards older persons:

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

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

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

As regards women:

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

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

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

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

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

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

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

As regards human rights defenders:

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

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

44. Refrain from arbitrarily depriving of their liberty human rights defenders, who perform their legitimate work of human rights defense in the country.
TAB 8
Cuba

Events of 2020

The Cuban government represses and punishes dissent and public criticism. Tactics against critics include beatings, public shaming, travel restrictions, short-term detention, fines, online harassment, surveillance, and termination of employment.

In October 2019, Miguel Díaz-Canel was confirmed as president of Cuba, with nearly 97 percent of the votes of National Assembly members. His presidency has seen little change in the government’s human rights policy. Arbitrary detention and harassment of critics continue. Under his government, Cuba has used Decree-Law 370/2018, which came into effect in July 2019 and severely limits free speech, to detain, fine, and harass critics.

Arbitrary Detention and Short-Term Imprisonment

The government continues to employ arbitrary detention to harass and intimidate critics, independent activists, political opponents, and others. From January through August 2020, there were 1,028 arbitrary detentions, according to the Cuban Human Rights Observatory, a Madrid-based human rights organization.
Detention or the threat of detention is often used 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 May, activist and lawyer Enix Berrio Sardá was detained for violating Covid-19-related movement restrictions, when he was presenting a constitutional challenge to Decree-Law 370/2018.

In June, authorities detained or threatened to detain scores of people to prevent a demonstration against police violence in Havana. Police harassed at least 80 people, calling them or showing up at their homes to warn them not to attend the protest. In some cases, officers waited outside people’s homes all day on the day of the protest to prevent them from leaving. At least 50 people were arrested while trying to head to protest sites and temporarily detained. Some were accused of “spreading the epidemic.”

On September 8, authorities detained or threatened to detain scores of people across the country to suppress pro-democracy protests planned to coincide with an important religious festival. Journalists and pro-democracy activists reported police stationed outside their homes that morning, and opposition groups reported scores of people detained, including José Daniel Ferrer, founder and leader of the Cuban Patriotic Union, the main opposition party and largest and most active pro-democracy group on the island.

**Freedom of Expression**

The government controls virtually all media outlets in Cuba and restricts access to outside information. Cuba has the “most restricted climate for the press in the Americas” according to a 2019 Committee to Protect Journalists report.

A small number of independent journalists and bloggers manage to publish articles, videos, and news on websites and social media, such as Twitter and Facebook. The government routinely blocks access within Cuba to many news websites and blogs. In 2019, before a flawed referendum that endorsed a new constitution, it blocked several news sites seen as critical of the government, including 14ymedio, Tremenda Nota, Cibercuba, Diario de Cuba, and Cubanet. Since then, it has continued to block various news websites.
The high cost of—and limited access to—the internet prevents all but a small fraction of Cubans from reading independent websites and blogs. In 2017, Cuba announced it would gradually extend home internet services. In 2019, the government issued new regulations allowing importation of routers and other equipment and the creation of private wired and Wi-Fi internet networks in homes and businesses.

Independent journalists, bloggers, social media influencers, artists, and academics who publish information considered critical of the government are routinely subject to harassment, violence, smear campaigns, travel restrictions, internet cuts, online harassment, raids on their homes and offices, confiscation of working materials, and arbitrary arrests. They are regularly held incommunicado.

In July 2019, Decree-Law 370/2018, on the “informatization of society” took effect, prohibiting dissemination of information “contrary to the social interest, morals, good manners and integrity of people.” Authorities have used the law to interrogate and fine journalists and critics and confiscate their working materials. In March, journalist Camila Acosta was fined in connection with three Facebook posts, including a meme of Fidel Castro.

Between February and September, Cuban authorities harassed YouTuber Ruhama Fernández, who has published videos critical of the government. Authorities repeatedly summoned her for police interrogation and denied her a passport. In April, after summoning Fernández to a police station, officials told her the harassment would cease if she stopped criticizing the government. In September, she received an anonymous phone call threatening to “finish” her off.

Between September 2019 and March 2020, the artist Luis Manuel Otero Alcantará was detained at least 10 times, often without charge, for performance art pieces in which he wore the Cuban flag while going about daily activities.

In March 2020, Law 128/2019, the National Symbols Law took effect, restricting use of the Cuban flag, seal, and national anthem.

**Political Prisoners**

Prisoners Defenders reported that as of August, Cuba was holding 75 people who met the definition of political prisoners, as well as 28 others who the group considered were being held for their political beliefs; another 33 who had been convicted for their political beliefs were under house arrest or on conditional release. The government denies independent human rights groups access to its prisons. Local groups believe the actual number of political prisoners is higher, but the restrictions limit their ability to document cases.
Cubans who criticize the government continue to risk 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.

In February, a judge in Santiago convicted José Daniel Ferrer, of the Cuban Patriotic Union, of assault and kidnapping in what activists say was an irregular trial. In April, after six months in pretrial detention, he was sentenced to four years of house arrest.

In April 2020, pro-democracy activist and opposition party member Maikel Herrera Bones was arrested after protesting power cuts in his neighborhood and arguing with a police officer. He was initially charged with disobeying orders, but a week after he was detained authorities increased the charge to “assault.” In August, Herrera called a fellow activist from prison to report that officials were not providing him with proper treatment for HIV and that he was becoming ill. In September, Herrera told another activist that officials said they would provide proper medical treatment if he stopped complaining about abuses in the prison.

**Travel Restrictions**

Since reforms in 2013, 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 power to restrict the right to travel on grounds of “defense and national security” or “other reasons of public interest.” Authorities have continued to deny exit selectively to people who express dissent.

The government restricts the movement of citizens within Cuba through a 1997 law, Decree 217, designed to limit migration from other provinces to Havana. The decree has been used to harass dissidents and prevent people from traveling to Havana to attend meetings.

In November 2019, authorities told journalist Camila Acosta that she was not allowed to leave the country. An immigration official stopped her when she was trying to board a plane for a human rights event in Argentina.

In August, Ruhama Fernández, the social media influencer, was denied a passport to travel to the United States to receive an award and visit her parents. An official told her she is “regulated” for “reasons of public interest.”

**Prison Conditions**
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, restriction of family visits, and denial of medical care.

While the government allowed select members of the foreign press on controlled visits to a handful of prisons in 2013, it continues to deny international human rights groups and independent Cuban organizations access to prisons.

In April, to reduce the risk of Covid-19 spreading in prisons, the government suspended family visits, restricted the type of food family members could send prisoners, and, in a welcome development, released more than 6,500 people. Independent media have reported cases of detainees being isolated with suspected Covid-19 cases in some prisons. However, as of October 2020, the Ministry of Health had not confirmed any cases of Covid-19 in prisons.

**Labor Rights**

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

Cuba deploys tens of thousands of health workers abroad every year to help tackle short-term crises and natural disasters. The workers provide valuable services to many communities but under stringent norms that violate their rights, including to privacy, liberty, movement, and freedom of expression and association. In 2020, Cuba deployed around 4,000 doctors to help nearly 40 countries respond to the Covid-19 pandemic. They joined an estimated 28,000 Cuban health workers deployed prior to the pandemic.

**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 have attempted to document abuses. In March, two members of the Ladies in White were detained without charge for seven days after attending an International Women’s Day event at the US Embassy in Havana. Authorities then “deported” them to their home city of Santiago, more than 460 miles away. Other members of the group had been detained to prevent them from attending the event.
The 2019 constitution explicitly prohibits discrimination on the basis of sexual orientation or gender identity. However, many lesbian, gay, bisexual, and transgender (LGBT) people suffer violence and discrimination, particularly in the country’s interior. In its 2019 report on Cuba, the Inter-American Commission on Human Rights (IACHR) noted allegations that police often refuse to investigate anti-LGBT attacks and that LGBT people have been fired or excluded from university education due to their sexual orientation or gender identity.

Following public protest, the Cuban government removed language from the final draft of the constitution approved in February 2019 that would have redefined marriage to include same-sex couples. The government says that in March 2021, it will introduce a new version of the Family Code, which governs marriage, in the legislature for review, and then put the code to a vote in a referendum.

In May 2019, security forces cracked down on a protest in Havana promoting LGBT rights and detained several activists, media reported. The protest, which was not authorized, was organized after the government announced that it had canceled Cuba’s 2019 Pride parade.

**Sexual and Reproductive Rights**

Abortion has been decriminalized for all reasons in Cuba since 1965. Cuba is one of the few Latin American countries to have adopted this policy. The procedure is available for free at public hospitals.

**Covid-19**

As of September 21, Cuba reported 6,305 cases of Covid-19 and 127 deaths. The government reacted quickly when the first Covid-19 cases were confirmed on the island in March, banning tourists, conducting widespread testing and contact tracing, and implementing mandatory facemask rules and stringent movement restrictions enforced with steep fines or even jail time. The resulting slump in tourism, plummeting foreign remittances, and acute supply shortages further stressed an already weak economy, jeopardizing some people’s livelihoods and access to medicines and food.

The government closed schools from March to September. Primary and secondary education was provided through televised classes and an online homework correction service that required an email account from the state internet provider. Some classes were provided in sign language for deaf children. Activists and parents complained that classes were often difficult to
In some cases, the government has used Covid-19 related movement restrictions as an excuse to suppress protests. In June, authorities suppressed a demonstration against police violence by harassing, threatening to detain, and detaining dozens of people.

**Key International Actors**

In April 2019, the US began allowing lawsuits against companies that benefited from the seizure, during the Cuban revolution, of property belonging to people who are now US citizens. This has led to lawsuits against European and international companies that operate hotel chains and cruise lines in Cuba. The European Union and Canada have denounced the policy.

Between June 2019 and August 2020, the US government imposed new restrictions on US citizens travelling to Cuba, banning cruise ship stops, educational trips, and most flights to the island, except for a limited number to Havana.

In a March 2020 report on the human rights situation in Cuba, the Interamerican Commission on Human Rights (IACHR) expressed concern regarding the criminalization and arbitrary detention of human rights defenders, absence of spaces for pluralistic political participation, and lack of judicial independence and free speech protections. The commission reiterated its call for the US to lift its embargo on Cuba, saying it has negatively impacted human rights.

In April, in a joint statement, various UN experts also called on the US to suspend the embargo, saying trade barriers could obstruct the humanitarian response to Covid-19.

In February, the European Union issued a statement on the case of José Daniel Ferrer calling on Cuba to release all those jailed for the exercise of fundamental rights.

In 2016, the EU signed a Political Dialogue and Cooperation Agreement with Cuba. The agreement has yet to be fully ratified because Lithuania has refused to approve it, citing human rights concerns. In March 2020, the Lithuanian legislature began to discuss ratifying the agreement, but the discussion was put on hold due to Covid-19.

In October, Cuba was elected to the UN Human Rights Council—its fifth term in the past 15 years. Given the country's disastrous human rights record, its election was widely criticized by human rights organizations.
TAB 9
FREEDOM IN THE WORLD 2020

Cuba

NOT FREE

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LAST YEAR’S SCORE & STATUS

14/100    Not Free

Global freedom statuses are calculated on a weighted scale. See the methodology.
Overview

Cuba is a one-party communist state that outlaws political pluralism, bans independent media, 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 a generational transition in political leadership between 2018 and 2019 that included the introduction of a new constitution.

Key Developments in 2019

- A new constitution was approved in a February national referendum that included a historic number of abstentions and “no” votes. The charter maintained the one-party state and socialist management of the economy, but contained some modest changes, including the recognition of private property.
- Miguel Díaz-Canel, who had served as president of the Council of Ministers and head of Council of State since April 2018, took on the newly created post of president of the Republic in October. In December, he appointed Manuel Marrero as Cuba’s prime minister. Raúl Castro, who left the presidency in 2018 after two five-year terms, continues on as first secretary of the Communist Party of Cuba (PCC) until 2021.
- New laws approved during the year legalized electronic surveillance and banned citizens from hosting web content on foreign servers, effectively placing all independent digital media outlets in greater legal jeopardy.
- Cubans took advantage of the availability of third-generation (3G) mobile data service to criticize government policies and confront ministers via social media, using popular hashtags linked to periodic public protests, including ones demanding lower internet prices and calls to abstain from voting or vote against the new constitution.

Political Rights
A. Electoral Process

A1  0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?  O / 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 until recently had served as both chief of state and head of government.

The new constitution approved by voters in February 2019 separated these roles, creating the post of president of the republic, to which Miguel Díaz-Canel was elected in a nearly unanimous National Assembly vote in October 2019. In December, he appointed long-serving tourism minister Manuel Marrero as Cuba’s first prime minister in 40 years; he will lead the Council of Ministers and oversee daily government affairs. In a surprise to many who had expected someone younger, 75-year-old National Assembly head Esteban Lazo took on the role of head of the Council of State. The new constitution sets 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, having served as president since he succeeded his brother Fidel in 2008, stepped down in April 2018. However, Castro continues to wield considerable power as first secretary of the PCC—a post he will hold at least until 2021.

A significant process of generational transition and partial decoupling of top party and government posts continued during 2019 with the final members of Cuba’s “historic” generation stepping down from the Council of State, including the powerful long-time hardline stalwarts Ramiro Valdés (87) and Guillermo García Frias (91). In the October reshuffling, the Council of State shrank to 21 members, from 31 previously, with 4 new people joining and 14 departing.
**A2  0-4 pts**

**Were the current national legislative representatives elected through free and fair elections?**

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. Subsequent elections in 2019 have been restricted to the members of the National Assembly and serve as virtually unanimous ratification exercises of single preselected candidates.

**A3  0-4 pts**

**Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?**

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 did not change under the new electoral laws that are slated to follow ratification of the new constitution, which was approved in a February national referendum that included a historic number of abstentions and “no” votes. On the occasion of constitutional referendum and again later during the October National Assembly vote ratifying Miguel Díaz-Canel as president of the republic, numerous dissident group headquarters were raided and independent journalists intimidated or placed under extrajudicial house arrest to prevent their interfering with or even witnessing the polls.

**B. Political Pluralism and Participation**

**B1  0-4 pts**

**Do the people have the right to organize in different political parties or**

https://freedomhouse.org/country/cuba/freedom-world/2020
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?

Political parties other than the PCC are illegal. Political dissent is a punishable offense, and dissidents are systematically harassed, detained, physically assaulted, and imprisoned for minor infractions. Supposedly spontaneous mob attacks, known as “acts of repudiation,” are often used to silence political dissidents.

The Cuban Observatory of Human Rights (OCDH), a nongovernmental organization based in Madrid, reported 3,157 arbitrary arrests of peaceful opponents during 2019, a notable increase over the 2,525 in 2018. OCDH indicates that these detentions normally took place without legal oversight and were often “accompanied by home raids, fines, confiscation of belongings, beatings, and threats.” Such brief politically motivated detentions of political dissidents and independent journalists were a key repressive tactic under the government of Raúl Castro, and have continued in a similar fashion under Díaz-Canel.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

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 no independent candidates made it on the ballot.

Similarly, both the February 2019 constitutional referendum and the October National Assembly election of the president saw a substantial mobilization of Cuba’s repressive apparatus to block oppositional organizing.

B3 0-4 pts
Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapoltical means?  

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 wield deep influence over virtually every aspect of the state. 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.

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.

B4  0-4 pts

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

The PCC leadership has exhibited greater gender and racial diversity in recent years. However, 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 political interests.

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, and three are women. Additionally, the Afro-Cuban Communist party stalwart Esteban Lazo simultaneously holds the powerful positions of National Assembly president (since April 2018) and head of the Council of State (since October 2019).

The political interests of LGBT+ people are not well represented. Some public advocacy is permitted, but only with the permission of the PCC.

C. Functioning of Government

C1  0-4 pts

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  0-4 pts

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
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.

\[ \text{C3} \quad 0-4 \text{ pts} \]

**Does the government operate with openness and transparency?**

Cuba lacks effective laws that provide for freedom of information and access to official records. Major state events frequently take place behind closed doors.

In October 2019, a group of nearly 20 independent island-based digital media outlets published an open letter to the government demanding greater access to information so they could respond effectively to “the right of Cuban citizens to information of public interest.” They also demanded that the “government put at the disposition of the citizenry and journalists all the information generated by its diverse branches of power, including data that is open, free, complete, timely, permanent, and primary in order to facilitate citizen oversight.” These demands were ignored by the government.

**Civil Liberties**

**D. Freedom of Expression and Belief**

\[ \text{D1} \quad 0-4 \text{ pts} \]

**Are there free and independent media?**

The formal media sector is owned and controlled by the state, and freedom of expression is not constitutionally guaranteed. The independent press is illegal, its publications are considered “enemy propaganda,” and its journalists are frequently
harassed, detained, and prohibited from traveling abroad. Government agents routinely accuse them of being mercenaries, and many face charges of “usurpation of legal capacity,” or “diffusion of false news.”

Despite these obstacles, independent digital media outlets have continued to emerge in recent years, and to exhibit greater boldness, unity, and professionalization. However, there have also been stepped-up state efforts to repress, legally undermine, and discredit them. Both the Inter-American Commission of Human Rights of the Organization of American States (OAS) and the Inter-American Press Association issued detailed 2019 reports criticizing the government for its crackdown on the island’s emergent independent press, and for the new constitution’s failure to guarantee freedom of the press or expression. Additionally, Decree Law 370, enacted in 2019, bans Cuban citizens from having information hosted on foreign servers, in effect further restricting the independent digital press. In partial response to these measures, a group of independent journalists issued an unprecedented declaration demanding legalization and the repeal of abusive media laws. The declaration also enumerated the common aggressions they are subject to including arbitrary detentions, interrogations, intimidation, home raids, prohibition of foreign travel, sexual assault, cyberattacks, defamation, and the confiscation of equipment. Leading independent journalists targeted with house arrest or foreign travel bans during 2019 include Luz Escobar, Yoani Sánchez, and Reinaldo Escobar of 14ymedio; Abraham Jiménez Enoa of El Estornudo; Maykel González Vivero of Tremenda Nota; Elaine Díaz of Periodismo de Barrio; and José Jasán Nieves Cárdenas of El Toque.

A small but growing percentage of the population has access to the internet, thanks to expanded government access via a network of pay-as-you-go Wi-Fi hotspots and 3G mobile access, launched in December 2018. Nearly 100,000 Cubans also now have paid home-based access. In 2019, Cubans took advantage of the availability of 3G service to criticize government policies and confront its ministers via social media, using popular hashtags linked to periodic public protests including a demand for lower internet prices and calls to abstain from voting or vote against the new constitution.
Still, shoddy service has made using these online services frustrating, and high prices place them out of reach for most. In response, multiple innovative workarounds have appeared, such as *el paquete*, an affordable compendium of digital data that circulates on the entire island.

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<tr>
<th>D2</th>
<th>0-4 pts</th>
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<td><strong>Are individuals free to practice and express their religious faith or nonbelief in public and private?</strong></td>
<td>3/4</td>
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Religious freedom has improved over the past decade, but official obstacles still make it difficult for churches to operate without interference. 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.

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<th>D3</th>
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<td><strong>Is there academic freedom, and is the educational system free from extensive political indoctrination?</strong></td>
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Academic freedom is restricted in Cuba, and private schools and universities have been banned since the early 1960s. Teaching materials often contain ideological content, and educators commonly require PCC affiliation for career advancement. University students have been expelled for dissident behavior. Despite the elimination of exit visas in 2013, university faculty must still obtain permission to travel to academic conferences abroad, and officials often prevent dissident intellectuals from attending such events. Officials also deny entry to prominent intellectuals who have been critical of the regime. One notable case was the November 2019 banning of academic Ted Henken from a University of Havana conference, at which he had been accepted to present his work about a Cuban art and community outreach project. Additionally, there were numerous cases in 2018 and 2019 of academics being...
expelled from their jobs for their political opinions or activities, including Omara Ruiz Urquiola, José Raúl Gallego, and René Fidel González García. In mid-2019 of Cuba’s vice minister of higher education, Martha del Carmen Mesa Valenciano, declared that “whoever doesn’t feel they are an activist of our party’s revolutionary policy, an advocate of our ideology, our morale, our political convictions, must renounce their position as a university professor.”

**D4  0-4 pts**

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

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. Neighborhood-level “Committees for the Defense of the Revolution” assist security agencies by monitoring, reporting, and suppressing dissent.

In 2019, government monitoring of social media was reflected in efforts to restrict debate on the new constitution through authorities’ active manipulation of online Twitter discussions using bots, false accounts, trolls, and even the takeover of some dissident accounts.

**E. Associational and Organizational Rights**

**E1  0-4 pts**

| Is there freedom of assembly? | 0 / 4 |

Restrictions on freedom of assembly remain a key form of political control. Security forces and government-backed assailants routinely break up peaceful gatherings or
protests by political dissidents and civic activists.

The new 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, the new charter 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.”

An independent LGBT+ march in May 2019 was banned, and participants were arrested when it went forward anyway.

**E2** 0-4 pts

| Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? | O / 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 2019, 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), the Christian Liberation Movement (MCL), the United Anti-Totalitarian Forum (FAU), and the Cuban Association of Electoral Observers (ACOE). Particularly noteworthy in 2019 was the suspension of activities of the independent think tank Cuba Posible following an intensive intimidation campaign against its leaders, and threats against prominent LGBT+ and environmental activist Isbel Díaz Torres, who has been forced into exile.

**E3** 0-4 pts
Is there freedom for trade unions and similar professional or labor organizations?  

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

**F. Rule of Law**

**F1  0-4 pts**

Is there an independent judiciary?  

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. In May 2019, Cuban Supreme Court president Rubén Remigio threatened to apply Law 88 (known to critics as the “muzzle law”) to anyone who “collaborates with foreign media” against the Revolution.

**F2  0-4 pts**

Does due process prevail in civil and criminal matters?  

Multiple legal cases against dissidents illustrated the systematic violation of due process. These included the systematic persecution of activist and UNPACU leader José Daniel Ferrer, who was arrested multiple times during 2019 and held incommunicado for over a month in October and November, in violation of habeas corpus. Eduardo Cardet, a Christian Liberation Movement leader who had been imprisoned for over two-and-a-half years on political charges following the death of Fidel Castro, was released in May but remains on probation, which permits authorities to return him to prison arbitrarily. Because his freedom is conditional,
Amnesty International (AI) continues to list him as a prisoner of conscience. Additionally, AI named five new prisoners of conscience in August 2019, most of whom have been imprisoned under laws used to silence dissent, such as those banning “resistance,” “public disorder,” “contempt,” and “dangerousness.”

**F3 0-4 pts**

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?  

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 various raids on the homes of UNPACU dissidents during the years, police commonly used excessive force in entering homes and physically assaulted various activists while confiscating their belongings, without providing any legal documentation for the seizures.

The government has repeatedly refused to allow international monitoring of its prisons. Prison conditions are poor, featuring overcrowding, forced labor, inadequate sanitation and medical care, and physical abuse.

**F4 0-4 pts**

Do laws, policies, and practices guarantee equal treatment of various segments of the population?  

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 LGBT+ people. However, the advocacy efforts of independent LGBT+ groups are either ignored or actively suppressed.

Article 42 of the new 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

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

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 and journalists are barred from foreign travel, despite a 2013 migration law that rescinded Cuba’s exit visa requirement. Cubans still face extremely high passport fees, and Cuban doctors, diplomats, and athletes who “defect” are barred from visiting for eight years.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

1/4
Private employment opportunities remain restricted, though the new constitution recognized private property. While the number of Cubans licensed as “self-employed” reached an unprecedented 617,974 by November 2019, in July of the previous year 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. In August 2019, the government issued Decree-Law 366, which is designed to halt the growth of nonagricultural cooperatives —indicating that an experiment that began 5 years earlier had run its course. In October 2019, the government authorized the importation of goods from abroad to a handful of businesses on the island. However, it is as yet unclear whether the measure will facilitate business for the island’s small private sector, or is more intended to undercut the lucrative dealings of Cuban “mules,” who travel abroad frequently in order to return and resell scarce merchandise.

**G3** 0-4 pts

| 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 new constitution does not contain language that defines marriage as a union between a man and a woman (as in the past), raising the possibility that same-sex marriage could be legalized in the future. A proposed change that would have more explicitly supported legalization was ultimately rejected. Abortion is legal in Cuba.

**G4** 0-4 pts

| Do individuals enjoy equality of opportunity and freedom from economic exploitation? | 1/4 |
Average official salaries remain extremely low. 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.

On Cuba
See all data, scores & information on this country or territory.
See More

Country Facts
Global Freedom Score
14/100 Not Free
Internet Freedom Score
22/100 Not Free

In Other Reports
Freedom on the Net 2020

Other Years
2019
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TAB 10
### Cuba

**NOT FREE**

<table>
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<th>Category</th>
<th>Score</th>
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<tbody>
<tr>
<td>A. Obstacles to Access</td>
<td>5/25</td>
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<tr>
<td>B. Limits on Content</td>
<td>10/35</td>
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<tr>
<td>C. Violations of User Rights</td>
<td>7/40</td>
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**Last Year's Score & Status**

22/100 Not Free

Scores are based on a scale of 0 (least free) to 100 (most free)
Overview

Cuba has one of the lowest connectivity rates in the Western Hemisphere, and while the government has significantly improved technical infrastructure and lowered prices in recent years, regular internet access remains extremely expensive, connections are poor, and authorities both monitor usage and work to direct traffic to the government-controlled intranet. The state engages in content-manipulation efforts while blocking a number of independent news sites. Political dissent is punishable under a wide range of laws, including Decree Law 370, which has frequently been used against online journalists. However, despite heavy restrictions, Cubans continue to circumvent government censorship through grassroots innovations.

Cuba is a one-party communist state that outlaws political pluralism, bans independent media, 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 a generational transition in political leadership between 2018 and 2019 that included the introduction of a new constitution.

Key Developments, June 1, 2019 – May 31, 2020

- Narrow legislation implemented in July allowed residents to set up Wi-Fi routers in their homes and businesses, while restricting many more types of network connections. It also effectively outlawed community networks, including the largest, SNET (see A1).
- The mobile data connections of several activists, journalists, dissidents, and YouTube content producers were reportedly disrupted for up to a few days, possibly to prevent them from sharing content, participating in online events, or reporting on other interference they had experienced.
Fake progovernment social media accounts known as ciberclarias harassed dissidents during the coverage period, and Twitter temporarily suspended the accounts of official media outlets and government officials, including former president Raúl Castro, for manipulating online information (see B5).

Numerous grassroots mobilizations took place via social media, including a widespread demand for lower internet prices and a protest against the closure of SNET (see B8).

Authorities increased their use of Decree Law 370, particularly amid the COVID-19 pandemic, to arbitrarily arrest, fine, and confiscate the devices of independent digital journalists. Journalist Roberto Quiñones was sentenced under separate legislation to one year of correctional labor in August after he refused to pay a fine (see C3).

The online intimidation and harassment directed at LGBT+ activists and independent journalists during the coverage period sometimes included death threats (see C7).

A. Obstacles to Access

Access to the global internet is tightly restricted by Cuban authorities, who control the backbone infrastructure. SNET, the largest community network, was declared illegal during the coverage period, and the cost of internet access remained extremely expensive for most. Activists and journalists reportedly had their mobile connections temporarily severed in an effort to prevent them from sharing content or reporting on harassment they had experienced.

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?  

While Cuba’s internet penetration rate remains relatively low, the government has taken steps in recent years to improve infrastructure and increase access. The penetration rate reached 57.15 percent in 2017, according to the most recent figures from the International Telecommunication Union (ITU)—up from 42.98 percent in
2016 and 37.31 percent in 2015. However, these figures likely include users who can only access the government-controlled intranet on an irregular basis, such as from school or the workplace. According to the 2020 Inclusive Internet Index, only 18 percent of households had some form of internet access. Moreover, most Cubans access the internet through extremely slow connections.

In December 2018, Cuba rolled out third-generation (3G) mobile service following a series of fitful trial periods in which authorities tested demand and performance. The development marked the government’s most important action to date aimed at increasing internet access for the general population. Despite widespread complaints about the service’s high cost and slow and unreliable connections, it quickly became the most popular alternative to previously available options. At the time of the launch, the state telecommunications provider, Telecommunications Company of Cuba SA (ETECSA), had enabled 789 of its roughly 1,800 mobile radio bases to handle 3G traffic, covering 66 percent of the island’s population.

ETECSA expanded 3G and introduced 4G access during the coverage period by setting up more radio bases. By May 2020 there were a total of 1,629 3G bases and 666 4G bases, according to the government, reaching a potential 85.5 percent of the population and 75.3 percent of the country’s land area. Officials also reported that more than a million people were making use of the new 4G network. As of December 2019, Cuba had reached 5.7 million registered mobile phone accounts, 3.18 million (56 percent) of which were configured for internet data plans. During the month of November 2019, 2.29 million of the accounts made use of such plans. Nevertheless, Cuba still has the lowest mobile-phone penetration rate in Latin America, and complaints about the state company’s high prices, unreliable service, and monopolistic and unresponsive business practices are common. In addition, based on June 2019 data, only 26 percent of users accessed mobile internet daily.

The rollout of 3G and 4G service capped a six-year period that has featured the introduction of a variety of public access initiatives. These included the establishment of a fiber-optic cable that citizens have been able to access since 2013 at government-run telepuntos (cybercafés) and Wi-Fi hotspots usually set up in public parks. Reports
from December 2019 indicate that by the end of the year, ETECSA had equipped 682 such cybercafés and 1,513 hotspots.

ETECSA's home-based DSL (digital subscriber line) internet service, known as Nauta Hogar, has been available since late 2016; it began with fewer than 2,000 customers in Old Havana, but as of December 2019 ETECSA counted over 124,000 subscribers spread across all but one of Cuba's 168 municipalities.

Devices that use Global Positioning System (GPS) technology or satellite connections are explicitly prohibited by Cuban customs regulations. Additional restrictions are placed on modems, wireless faxes, and satellite dishes, which require special permits to enter the country. However, in May 2019 the government announced that it would legalize router imports as well as private permits to access ETECSA's public Wi-Fi hotspots from homes and small businesses.

Larger local area networks such as Havana’s SNET, a local private network, were unregulated and largely tolerated until new regulations took effect in July 2019. The rules allowed home-based networks but effectively outlawed the popular community networks, despite extensive attempts by their administrators to come to an agreement with authorities. Ultimately, officials took over the services and content offered by SNET, migrating them to ETECSA, with access to be provided through Youth Computer Clubs (JCCEs). This move cost SNET its hard-won ideological and administrative autonomy as a nonpolitical, community-based network and placed it under the direction of the Union of Communist Youth (UJC), which oversees the JCCEs. It remained to be seen how this change would affect the functionality, cost, and content that had been available on SNET; for instance, in the past JCCEs have offered limited access to the Cuban intranet, rather than the global internet.

Restrictions on equipment have not completely stopped the entry of various devices into Cuba. NanoStations and other similar technologies allow users to amplify and share Wi-Fi signals from ETECSA hotspots; such technologies enable many Cubans to gain home or office access to the internet.

Moreover, GPS use has grown despite its prohibition. Efforts to control its spread are effectively futile given the fact that most modern devices are already GPS enabled.
There is a booming black market in preowned GPS devices, fueled by departing diplomats and business personnel who were legally authorized to purchase them, as well as by professional “mules” who specialize in importing hard-to-get consumer goods. On the demand side, taxi drivers, cyclists, and even potential rafters hoping to flee the country seek out the devices and are willing to pay high prices for them.  

Since 2014, Cuban authorities have worked to develop relationships with US information and communication technology (ICT) companies including Verizon, Google, and Sprint, which offer some services to the island. In October 2018, on the occasion of his attendance at the General Assembly of the United Nations in New York, President Miguel Díaz-Canel met with representatives of a dozen US-based technology companies to discuss their possible collaboration in the “computerization” of Cuban society. On the heels of this visit, the president announced that four key Cuban institutions had signed memorandums of understanding (MOUs) with Google. While the announcement did not include any details on the content of the MOUs, analysts speculated that Google would offer coding training, hosting services, and high-speed connectivity for Cuba’s medical network, as well as for the Ministry of Culture. In March 2019, Google and Cuba made the joint announcement that they had signed a new MOU aimed at beginning negotiations and technical discussions toward “a service agreement for the exchange of internet traffic” in the form of a “peering” arrangement that would directly connect their networks, cost free, via an undersea fiber-optic cable.

Separately, as part of a visit by Spanish prime minister Pedro Sánchez in November 2018, the Spanish telecommunications giant Telefónica reportedly made an offer to the Cuban government aimed at connecting the island to its own network of undersea cables. An agreement had not been reached by the end of the coverage period.

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?

0/3
Despite price cuts and occasional promotions, the cost of mobile and internet service is still very high for the majority of Cubans. Although most foreign websites are now available at state-run access points, the cost of accessing non-Cuban sites remains higher than the cost of accessing domestic ones. Cuban internet users can still connect at low or no cost via state institutions where they work or study. However, the connections are more likely to feature censorship of certain websites and services. 23

Cubans with an average monthly salary—raised from 32 to 44 Cuban convertible pesos (CUC), which are pegged to the US dollar, in June 2019 24—are unable to afford access to the 3G mobile service introduced in late 2018 or the 4G service that followed. Many potential customers would also have to upgrade their 2G phones before being able to access the new network through paid plans. At the time of the launch of 3G, customers could opt either for pay-as-you-go access at a rate of 10 cents per megabyte for access to the global web, or 2 cents per megabyte for access to Cuba’s national intranet only. 25 They could alternatively sign up for a monthly service plan at one of the following four rate packages: 7 CUC for 600 MB, 10 CUC for 1 GB, 20 CUC for 2.5 GB, or 30 CUC for 4 GB. ETECSA offered additional data bonuses of 300 MB to access national websites, a strategy reflecting authorities’ continued desire to promote local content over increasingly popular, foreign-based social media platforms and international news sites. 26

Plans consisting of 6.5 GB at 35 CUC per month or 10 GB at 45 CUC for 4G/LTE service could also be purchased during the coverage period. 27 However, these rates garnered heavy criticism given their comparison with average wages. In December 2019, ETECSA rolled out a wider array of mobile data plans, the cheapest of which was 400 MB for 5 CUC. 28 In January 2020, after increasing popular pressure aimed at reducing internet prices, ETECSA lowered rates from 1 CUC to 70 cents an hour for those with permanent accounts. 29 In April, ETECSA also temporarily discounted some phone and internet services in response to popular demand during the COVID-19 pandemic. However, prices for mobile internet use during the day and web connection packages were left unchanged. 30
While the government has cut prices repeatedly in recent years, the hourly cost of accessing the internet at state-run cybercafés remains high. The rate of 70 cents per hour remains out of reach for many, though users can pay a much lower rate of 10 cents per hour for access to the domestic intranet. 31

Since January 2014, friends and relatives living abroad have been able to use an online service to pay the phone and Nauta internet bills of users living on the island, and this service has since added options to pay for the home access program and 3G and 4G mobile plans. 32 The overall strategy seems intended to raise funds by convincing Cuban exiles to pay for internet service for their relatives in Cuba.

To overcome access limitations, some Cubans have improvised underground networks. Inventive strategies include an island-wide distribution system for offline digital data paquetes (packets, also known as the “sneaker-net”), a series of local area networks such as Havana’s SNET linking up thousands of users in cities, and the use of various signal-amplification devices such as NanoStations to share or sell Wi-Fi signals. 33 Networks like SNET, however, were effectively declared illegal in July 2019 (see A1). Two popular apps that aid Cubans in sharing digital data are Zapya, which allows for easy wireless sharing of data across two or more devices, and Connectify, which allows users to share a Wi-Fi internet signal with others. Another popular app called Psiphon allows users to create a virtual private network (VPN) that simultaneously protects their anonymity and allows them to connect from a Nauta Wi-Fi hotspot to blocked sites in Cuba, such as CubaNet, 14ymedio, or Diario de Cuba. 34 The app Aurora Suite allows Cuban users to access websites, including blocked ones, by using Nauta’s email interface, thus requiring neither a data plan nor an active connection to a Wi-Fi hotspot. 35 The underground economy of internet access also includes account sharing, in which authorized users illegally sell access to those without an official account for between 1 and 2 CUC per hour.

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity? 3/6
The backbone infrastructure of the internet in Cuba is entirely controlled by the government, and state authorities have the capability and the legal mandate to restrict connectivity at will. At times of heightened political sensitivity, the government has used its complete control of the mobile network to selectively obstruct citizens’ communications. For example, in the period under review, users including activists, journalists, and dissidents reported that their mobile data connections had been selectively disrupted for a few hours to a few days. The temporary service blocks seemed aimed at preventing these users from broadcasting independent content, participating in online events, or reporting on harassment that they experienced. 36 Such targeted service interruptions continued after the coverage period in June 2020, when nearly 20 independent activists and journalists had their mobile service temporarily suspended by ETECSA as part of a state security operation intended to prevent their attendance at a gathering to protest the police killing of Hansel Hernández, an Afro-Cuban man, a few days earlier. In all, more than 35 people were detained, and 40 others were placed under house arrest, in the crackdown. 37

A4 0-6 pts

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<th>Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?</th>
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The ICT sector remains dominated by government firms. Cuba’s monopoly telecommunications service provider, ETECSA, is owned by the state. 38 Cubacel, a subsidiary of ETECSA, is the only mobile service provider.

In 2013, ETECSA announced that it would allow private workers to market local and long-distance telephone services to the population as self-employed communications agents. The agents may also sell prepaid cards for fixed-line and mobile telephone services and internet access. 39

In June 2020, after the coverage period, it was reported that a new law regulating telecommunications and ICTs would be published in early 2021. 40

A5 0-4 pts
Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner? 0/4

No independent regulatory body for managing the ICT sector exists in Cuba. In 2000, the Ministry of Communications (MINCOM) was created to serve as the regulatory authority for the internet. Within MINCOM, the Cuban Supervision and Control Agency oversees the development of internet-related technologies. 41

B. Limits on Content

Independent websites focused on Cuban news continued to be blocked. Government manipulation of online information also persisted during the coverage period. At the same time, activists were able to mobilize various grassroots campaigns via social media, including movements against high internet prices and the closure of SNET.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content? 3/6

Though multiple independent Cuban news sites are blocked, the government limits users’ access to information primarily by making technology unavailable and by imposing prohibitive costs for access. Social media platforms such as Facebook and Twitter are accessible—with consistent monitoring and varying reliability—from Wi-Fi hotspots, some cybercafés, and hotels, and via 3G and 4G mobile service. Skype has been blocked in the past, but alternative applications such as Imo, Facebook Messenger, and especially WhatsApp have become a popular way to send direct messages and video chat with contacts abroad. 42

The websites of foreign news outlets—including the British Broadcasting Corporation (BBC), El País, the Financial Times, and El Nuevo Herald (a Miami-based Spanish-language daily with ample coverage of Cuba)—remain accessible in Cuba. However, ETECSA commonly blocks dissident or independent news outlets and the
sites of Cuban activists and dissident organizations. For example, in July 2019 the digital magazine *ADN Cuba* reported that it had been blocked in the country; the block coincided with the implementation of Decree Law 370, which gives the authorities broad powers to ensure “information security” (see B2, B6, C2, and C3).

On February 24, 2019, the day of a much-anticipated constitutional referendum, five leading independent Cuban news sites—14ymedio, Tremenda Nota, Cibercuba, Diario de Cuba, and CubaNet—reported that their pages were inaccessible on the island. The blocking was apparently meant to silence calls from the opposition to abstain from voting, or to vote against the new charter. Analysts at the Open Observatory of Network Interference (OONI) found that while ETECSA had mainly blocked the HTTP versions of sites in the past, it had since “changed its censorship techniques, blocking both the HTTP and HTTPS version of sites by means of IP [internet protocol address] blocking.”

The lead-up to the vote also featured reports that ETECSA was systematically blocking text messages advocating for “no” votes (#YoVotoNo) or abstention (#YoNoVoto), whereas progovernment campaigning on digital platforms (#YoVotoSi) was not only permitted but actively and enthusiastically engaged in by both government officials and private citizens. ETECSA notably charged customers for sending antigovernment texts without actually delivering the messages. In 2016, a series of tests conducted by the domestic news outlet 14ymedio had found that ETECSA’s mobile network, Cubacel, systematically filtered text messages containing specific terms, such as *democracia* (democracy), *dictadura* (dictatorship), and *derechos humanos* (human rights).

The independent online newsmagazine El Estornudo reported that it was blocked in Cuba in 2018 and 2019. It remained inaccessible during the coverage period did the independent, critical news and information sites 14ymedio, Diario de Cuba, Cibercuba, CubaNet, Cuba Encuentro, and Martí Noticias, and the site of the Damas de Blanco (Ladies in White) protest movement, founded by female relatives of jailed dissidents. Most of these sites have been systematically blocked for several years, though Tremenda Nota, which had been blocked with the others, appeared to have
become available around the end of the coverage period. Access to the blocked outlets was generally possible only through a VPN. Several anonymity and circumvention tools such as Anonymouse are also blocked.  

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content?

Since the activation of Decree Law 370 in July 2019, Cuba has seen a wave of interrogations of independent journalists that include threats against their families as well as pressure to delete and discontinue their critical coverage of the government on social media (mainly on Facebook) and on Cuba’s crop of new independent digital news outlets. Article 68 of Decree Law 370 explicitly makes it illegal for Cubans to have their content hosted on websites or platforms that are not mirror copies of the same site hosted locally on Cuban servers. The vast majority of Cuba’s independent digital media platforms have long relied on foreign servers and hosts to post and protect their content from government censorship and deletion—especially since local privately owned media are systematically denied any legal recognition or protection in the domestic media environment (see B6).

While ETECSA does not proactively delete online content, several blogs hosted on the government-sponsored blog platform Reflejos have faced censorship by its moderators. In April 2017, for example, a technology blog called TuAndroid was temporarily suspended, and an article that criticized new top-up deals offered by ETECSA was removed. An earlier takedown in February 2016 involved Proyecto Arcoiris (Rainbow Project), a blog on sexual diversity. Articles from the independent digital newspaper 14ymedio were removed permanently in March 2015.

While the government has denied prohibiting certain topics on Reflejos, it requires bloggers to register with their identity cards and bans the publication of unlawful or “counterrevolutionary” content.

B3 0-4 pts
Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?  

The vague wording of government provisions regarding content regulation allows the authorities to censor a wide array of posts without judicial oversight. Resolution 179/2008 empowers ETECSA to “take the necessary steps to prevent access to sites whose contents are contrary to social interests, ethics, and morals, as well as the use of applications that affect the integrity or security of the state.” Resolution 56/1999 stipulates that all materials intended for publication or dissemination on the internet must first be approved by the National Registry of Serial Publications.

B4  0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?

Online journalists, commentators, and users frequently self-censor in order to avoid repercussions from the state, including harassment, criminal prosecution, detention, and travel bans. While grassroots digital innovations such as El Paquete Semanal and SNET have provided access to large selections of often pirated digital content, these are technically illegal and depend on de facto government toleration. As a result, many administrators have sought to reduce the risk of a government crackdown through active self-censorship of content that could be considered inappropriately political, religious, or pornographic. Journalists who work for the state media also reportedly practice self-censorship.

B5  0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?

The government manipulates the online information landscape through policies and other initiatives aimed at maintaining the dominance of progovernment outlets and
narratives, and discrediting independent sources of information.

According to the 2019 Global Inventory of Organised Social Media Manipulation, Cuban actors including government agencies have permanent “cyber troop” teams that manipulate social media by spreading disinformation, amplifying certain content, and trolling. 61 Fake proregime social media accounts known as ciberclarias support the government on social media platforms, particularly Facebook and Twitter, by attacking dissidents and activists, posting state media articles, and sharing posts by high-level officials. The ciberclarias are reportedly composed of young people, many from Havana’s Computer Science University (UCI), who receive benefits like more time on the internet and 3G data plans. 62

Networks of progovernment journalists have disseminated content online to counter alternative discourses. In February 2020, for example, as part of an online propaganda campaign, an article titled “The Internet Is Widely Accessible in Cuba. Why Is the US Insisting It Isn’t?” circulated widely in different languages, but it neglected to mention website blocking or Cubans’ use of encryption tools and VPNs to circumvent censorship. 63

In September 2019, Twitter temporarily suspended the accounts of many official media outlets and government figures, including that of former president Raúl Castro. The company noted that they were working in a coordinated manner to “artificially amplify or disrupt conversations through the use of multiple accounts.” 64

The Cuban Democratic Directorate found that dozens of automated “bot” accounts were posting progovernment messages on Twitter during the 2018 parliamentary and provincial election period. 65 A 2016 report on digital journalism published by Fundación Telefónica noted that Cuban authorities have accused critical and independent sites of perpetrating a constant media campaign against the island, which a narrative “converts independent voices into ‘mercenaries’ or traitors, with the ultimate objective of criminalizing dissent,” according to the group. 66 More recently, Twitter accounts promoting misleading photos appeared in the lead-up to the February 2019 constitutional referendum. 67
The Associated Press reported in June 2018 that the ruling Communist Party's Political Bureau had quietly approved a policy that would grant greater autonomy to official journalists by allowing newspaper editors to publish political stories without prior authorization and to accept advertising. While its effects are so far unclear, the policy seems to have arisen in part from the need for official journalists to compete more successfully against the new crop of independent journalists and their start-up news outlets. 68

Authorities continue to direct popular demand for videos, games, and online social networking to government-controlled platforms. In mid-2018, the government launched a national version of the popular application WhatsApp, called ToDus, along with a national “app store” site for locally developed mobile apps called Apklis; both were developed at UCI. The crucial difference between these and their more popular, global counterparts is that they are designed to be run on Cuba’s national intranet, not the global internet, making costs lower and performance for national users better.

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content online? 0/3

Cuba has one of the most restrictive media environments in the world. The constitution prohibits privately owned media and restricts speech that does not “conform to the aims of a socialist society.” The government closely monitors users who post or access political information online and delivers harsh penalties to those it perceives as dissidents.

In July 2019, Decree Law 370 went into effect. By prohibiting the hosting of websites on foreign servers and the circulation of “information contrary to the social interest, morals, good customs, and integrity of people,” the decree places further restrictions on independent media and puts them in legal jeopardy. 69 The vague language of the decree allowed officials to use it during the coverage period to punish independent
journalists and other users, who faced fines and confiscation of their work equipment, 70 for their posts on social media sites like Facebook (see C3). 71

The cost of technologies that facilitate information sharing remains high, and the government has sought to penalize individuals who violate laws restricting access to telecommunications equipment and services.

Cubans are often able to break through infrastructural barriers by building their own antennas, using illegal dial-up connections, or developing blogs on foreign-based platforms. 72 There are also thriving improvisational systems like the paquetes, in which USB flash drives and data discs are used to distribute articles, prohibited photos, satirical cartoons, video clips, and other materials that have been downloaded from the internet or stolen from government offices. 73

In 2017 the government announced a temporary freeze on the issuance of any new licenses for private computer programmers, along with more than 25 other popular freelancer occupations, until “violations and irregularities” could be addressed. 74 New private-sector rules issued in July 2018 allowed the resumption of licensing for the frozen occupations—except for computer programming licenses, which remained frozen during the coverage period. 75

B7 0-4 pts

Does the online information landscape lack diversity? 1/4

Despite the persistence of severe restrictions on media outlets that are not controlled by the Communist Party, grassroots and citizen-led media initiatives have succeeded in developing a significant online presence. Since 2014, Cuba has seen the appearance of a number of independent or alternative digital media platforms covering a broad, diverse spectrum of themes from a variety of professional and political viewpoints. While the government still holds a monopoly on the mass media—especially printed matter—it has lost that position in the digital sphere thanks to such projects, whose impact continues to grow as more people gain access to the internet.
The surge in the number of independent digital media sites has developed together with an increase in their reliability, credibility, and professionalism—qualities that have in turn forced the state-controlled media to make internal changes to compete. The majority of independent sites are run by teams of journalists on the island, who often work in concert with collaborators abroad. For example, while the independent news site 14ymedio has been blocked in Cuba, the editorial team is able to post content by emailing it to friends abroad. Cubans on the island can also subscribe to a weekly email digest of the digital newspaper, follow the news via Facebook, or request a daily WhatsApp digest of top stories with embedded links. These distribution methods are much more difficult to block, since they utilize popular social media applications that have many other uses in Cuba. (Similar strategies are used by Diario de Cuba, among many other independent digital platforms.) Users also access content from the site through proxies, VPN apps on their mobile devices, and offline versions that are shared via USB flash drives.

Not all independent digital outlets consider themselves dissident operations. Sites such as Periodismo de Barrio, El Estornudo, and El Toque produce critical investigative journalism, while others such as Tremenda Nota, Vistar Magazine, Garbos, Play-Off, Negolution, and OnCuba report on a wide variety of topics, including entertainment, sports, fashion, entrepreneurship, and culture, while expressing a cross-section of views on social issues, such as LGBT+ topics. Three other recently launched independent digital projects are the data journalism sites Postdata Club and Inventario, and the independent news site ADN Cuba. Rounding out the alternative Cuban digital media landscape are the leaders of Cuba’s “digital diaspora,” sites run from abroad that closely monitor events on the island and often have Cuba-based reporters: Miami-based CubaNet and Madrid-based Diario de Cuba and Cuba Encuentro.

Independent journalism sites have been both innovative and influential by covering issues omitted in the official press, experimenting with new genres and formats, diversifying content-distribution spaces, establishing alliances with other national and international media, and winning awards, recognition, and sometimes financial support from a variety of international journalism organizations.
Many of these emergent sites struggle to survive given the government’s open repression of nonaffiliated media outlets and the lack of a legal framework that would protect them. Cuba presently has no laws that allow for the legalization of independent media or the protection of user rights in a social media environment, nor is such legislation expected to be introduced. ⁸⁰

Many of these new, independent digital outlets are staffed not by political dissidents—as was the case with Cuba’s independent media for many years—but by young graduates from journalism programs at Cuban universities who refuse to work for the official media.

El Paquete Semanal (The Weekly Packet) has become a popular offline alternative for accessing music, movies, television series, content from mobile apps, magazines, and classifieds. ⁸¹ However, given the routine self-censorship practiced by its compilers, particularly regarding sensitive political topics, some users feel it has become too tame. As a result, a more clandestine competitor, El Paketito (The Little Packet), has appeared in recent years, attempting to fill the gaps left by the more mainstream packet. The government has joined this battle over alternative digital media, with JCCEs producing their own compendium of material originally known as El Maletín (The Briefcase) and more recently La Mochila (The Backpack). ⁸²

The use of the podcast format and YouTube channels expanded domestically in the 18 months following the introduction of 3G mobile access and data plans, with numerous independent journalists, digital news outlets, and others launching their own programs. These include El Enjambre, hosted by El Toque, and Ventana 14, recorded by Yoani Sánchez, the director of 14ymedio. ⁸³

In November 2018 Twitter quietly made it possible for Cubans on the island to open personal accounts using their local telephone numbers, a change announced by state media. ⁸⁴ In June 2018, the ToDus app, known as the Cuban WhatsApp, was downloaded 200,000 times in the first two weeks following its launch, revealing demand for a social media chat application. ⁸⁵

During the coverage period, as 3G and 4G mobile use expanded, Facebook garnered the largest share of users on social media. As of May 2020, the platform represented
73.6 percent of all traffic, followed by Pinterest (16.31 percent), YouTube (7.76 percent), and Twitter (1.93 percent), while Instagram and Tumblr had negligible shares. The availability of 3G has also made global communications apps more accessible and increasingly popular in Cuba, particularly WhatsApp.

**B8 0-6 pts**

**Do conditions impede users’ ability to mobilize, form communities, and campaign, particularly on political and social issues?**

3/6

Although Cuba still has a low internet penetration rate, the use of social media sites has rapidly increased as mobile devices, Wi-Fi hotspots, and 3G and 4G mobile access become more common. The vast majority of users access these sites for nonpolitical ends and pointedly avoid controversial topics or political activism. Cubans only very rarely use the internet to organize large-scale campaigns around political objectives. However, smaller and more subtle actions do take place.

The introduction of 3G and 4G plans contributed to a number of online mobilization efforts, also known as *infoactivismo*, during the coverage period. For example, one campaign targeted ETECSA’s internet prices and service quality with the hashtag #BajenLosPreciosDelInternet (Lower Internet Prices) and became a trending topic on Twitter in June 2019. Based on data analysis by Inventario, an independent data journalism organization, the campaign included 1,061 unique Twitter users and 7,412 tweets, including 5,156 retweets. While the effort took place mainly on consecutive Saturdays in June and July 2019, the hashtag remained in use throughout the remainder of 2019 as a way to periodically demand accountability from ETECSA. Government accounts, in turn, responded with #CubaInformatiza (Cuba Is Computerizing), along with hashtags referencing the US trade embargo.

Separately, the hashtag #YoSoySnet (I Am SNET) proliferated beginning in June 2019, in protest against the closure of SNET. These online protests were preceded in February 2019 by a digital campaign that urged Cubans to either abstain from (#YoNoVoto) or vote “no” in (#YoVotoNo) the referendum on Cuba’s new constitution.
Other, similar online memes, movements, or collective denunciations that appeared in Cuban cyberspace during 2019—sometimes linked to public actions, marches, or protests—included profile pictures taken with the Cuban flag in solidarity with the Cuban artist Luis Manuel Otero Alcántara, who was punished for using the flag in one of his pieces, under the hashtag #LaBanderaEsDeTodos (The Flag Belongs to Us All); a challenge named #LaColaChallenge (The Line Challenge) by originators Norges Rodríguez and Taylor Escalona, who aimed to draw attention to the long lines in which Cubans have to wait for nearly all government-issued products and services; and the hashtag-enabled denunciation of rolling electricity blackouts after the government publicly claimed to have eliminated them (#ReportoApagonCuba, or Reporting Cuban Blackout). These efforts were accompanied by a digital protest against ETECSA for the poor quality and repeated dropped signals of its costly, pay-per-minute 3G mobile internet service (#ApagonEtecsa, or ETECSA Blackout); a digitally enabled, grassroots relief effort aimed at providing assistance to those displaced by a rare tornado that ripped through Havana neighborhoods in early 2019; an independently organized if government-approved march convened mostly through social media to prevent cruelty to animals; and an independent LGBT+ march spontaneously organized via social media after the island’s officially condoned and controlled annual march was canceled without explanation.

Social media have been used in support of independent journalists, whose detentions have been periodically denounced via sites like Twitter and Facebook, leading to their release. In addition, various mocking memes were shared during the coverage period in response to what were interpreted as cynical or dubious government pronouncements, including President Díaz-Canel’s televised explanation in September 2019 that continued economic problems and sharp fuel shortages were only “conyuntural” (conjunctural) or temporary problems. 90

Unlike past leaders who frequently sought to portray social media and US-based technology companies as enemies of the state, Díaz-Canel has embraced them, arguing that the government should be active on such sites and services in order to combat what he sees as biased images of Cuba online. 91 The president himself joined Twitter during the summer of 2018 and began posting about government policy, and he has encouraged his ministers and other top government officials to do
the same. Camilo Condis, an entrepreneur and pioneering Twitter user on the island, has taken advantage of the government’s new presence on the platform to ask a variety of ministers a series of direct, often highly critical questions about policies. Though some have ignored or even blocked him, others have responded respectfully.

A burgeoning sector of tech start-ups with websites and online and offline apps has also developed in recent years. Taking advantage of ETECSA’s 3G mobile service, a group of young programmers developed infrastructure for a Cuban ride-sharing service called Sube (Get In), and more than 2,000 people had downloaded the app by early 2019. Leading business directories include ConoceCuba, Isladentro, and AlaMesa, which focuses on private “paladar” restaurants. Other start-ups include Cubazon, a grassroots Cuban version of Amazon that allows users to order goods for delivery; Knales, a data retrieval app that allows users to gain access to web data via SMS; and Kwelta, a cultural calendar and publicity service.

C. Violations of User Rights

The government outlaws a wide range of speech that is deemed to be counterrevolutionary or a threat to public order, most recently through Decree Law 370. During the coverage period, authorities invoked the law to impose short-term detentions, fines, and confiscation of devices as a means of harassing independent journalists, particularly amid the COVID-19 pandemic. Journalist Roberto Quiñones was sentenced to one year of correctional labor after refusing to pay a fine. LGBT+ activists and independent journalists were also targeted with online threats and intimidation that may have been linked to the state.

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?
The Cuban legal structure is not favorable to internet freedom, and the country lacks an independent judicial system that could counter government efforts to suppress independent online activity.

The constitution as updated in February 2019 explicitly subordinates freedom of speech to the objectives of a socialist society, and freedom of cultural expression is guaranteed only if such expression is not contrary to “the revolution.” Article 55 of the constitution states that ownership of the “fundamental means of social communication” are “the socialist property of all the people ... and cannot be subject to any other type of ownership,” which essentially outlaws private media in Cuba. The constitution is silent about citizens’ rights of access to information or to ICTs, though a new access to information law will reportedly be published in July 2021. The only mention of the internet or cyberspace is in Article 16, which states that the country “defends the democratization of cyberspace ... and condemns its use toward the subversion and destabilization of sovereign nations.”

C2  0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities?  0 / 4

Online activity is subject to punishment under a variety of laws, including some with broader applications and others that are specific to ICT usage. Four measures that took effect during the coverage period—Decree Laws 370 and 389 and Resolutions 98 and 99—together constituted a serious threat to online expression, essentially codifying the surveillance, inspections, harassment, control, arbitrary detention, interrogation, fines, and confiscation of equipment that had already been routinely employed against independent online voices (see C3, C4, and C5).

Decree Law 370, published in July 2019, prohibits the use of foreign servers to vaguely defined “sites” under Article 68(f). Article 68(i) outlaws the spread, “through public data transmission networks,” of information against “the social interest, morals, good customs, and integrity of people.” The latter terms are also poorly defined. Violators are subject to “confiscation of the equipment and means used to
commit the violations,” “temporary or permanent suspension of the license,” “closure of the facilities,” and disproportionate fines amounting to hundreds of US dollars. 99 Agents from MINCOM can determine who to target under Article 68(i), with no judicial oversight. 100

The penal code (Law 62, Fifth Section) sets penalties ranging from a few months to 20 years in prison for any activity considered to be a threat to the Cuban state or public order; one provision authorizes the state to detain, reeducate, or monitor anyone who shows a “proclivity to commit crime” by violating the norms of the socialist society. 101 The Law to Protect Cuba’s National Independence and Economy (Law 88), passed in 1999, punishes any activity that threatens Cuban sovereignty or facilitates the US trade embargo. Anyone who passes information to the US government that could bolster the embargo can face up to 15 years in prison. Spreading subversive materials can incur a penalty of three to eight years in prison, while collaborating with foreign media outlets is punishable by up to five years in prison. 102

In 1996, the government passed Decree Law 209, which states that the internet cannot be used “in violation of Cuban society’s moral principles or the country’s laws,” and that email messages must not “jeopardize national security.” 103 In 2007, a network security measure, Resolution 127, banned the use of public data-transmission networks to spread information that is against the social interest, norms of good behavior, the integrity of people, or national security. The decree requires access providers to install controls that enable them to detect and prevent the proscribed activities, and to report them to the relevant authorities. 104 Article 149 of the penal code prohibits “carrying out acts belonging to a profession for whose exercise one is not duly qualified,” which has been used to prosecute journalists for “usurpation of legal capacity.”

C3 0-6 pts

Are individuals penalized for online activities? 2/6

https://freedomhouse.org/country/cuba/freedom-net/2020
Penalization for online activity is common, though in recent years the government has tended to employ short-term detentions, interrogations, legal harassment, and travel bans, as opposed to the lengthy prison terms favored in the past. Bloggers and online activists are often caught up in crackdowns that accompany political or social unrest.

The Cuban Observatory of Human Rights (OCDH), a nongovernmental organization based in Spain, reported 3,157 arbitrary arrests of peaceful opponents during 2019, a notable increase over the 2,525 incidents documented in 2018. These detentions normally took place without legal oversight and were often “accompanied by home raids, fines, confiscation of belongings, beatings, and threats,” according to the OCDH. Such brief politically motivated detentions of dissidents and independent journalists were a key repressive tactic during the presidency of Raúl Castro, and they have continued in a similar fashion under Díaz-Canel. However, it is often impossible to determine whether the detentions are in retaliation for online speech specifically.

Dissident bloggers, independent journalists, and human rights defenders are subject to punishments ranging from searches and confiscation of equipment to fines and detentions. Many were also placed under house arrest and prevented from traveling abroad during the coverage period. One of the most severe cases was that of Roberto Quiñones, a lawyer and independent journalist at CubaNet, who in August 2019 was sentenced to one year of correctional labor for refusing to pay a fine. He had been arrested in April while covering a trial and was charged with “resistance” and “disobedience.” In September 2019, Quiñones entered the Guantánamo Provincial Prison and was still serving out his sentence at the end of the coverage period.

Use of Decree Law 370 to penalize online activity accelerated during the first five months of 2020, particularly amid the COVID-19 pandemic that began in March. A total of 27 journalists and activists were each fined the equivalent of about $120 by MINCOM and state security agents, and nine of them also had their mobile phones seized, all under Article 68(i) of the law (see C2). The individuals interrogated, threatened, or fined under this law included El Estornudo journalist Mónica Baró, and
those who were both fined and had their phones confiscated included journalist Iliana Hernández, Diario de Cuba journalist Boris González, and CubaNet journalist Camila Acosta. Sanctions against Acosta were imposed after she posted information about COVID-19 on Facebook. 109 Other users have also been sanctioned under the decree. In July 2020, after the coverage period, a Cuban Facebook user reported that he had been fined after posting about hunger. 110

Henry Constantín, the Cuban representative of the Inter-American Press Association (SIP) who also runs the independent news site La Hora de Cuba, was finally able to leave the country in March 2019 after travel restrictions were lifted, though after returning he was again prevented from leaving Cuba in June 2019. 111 Accusations of “usurpation of legal capacity” had been levied against him in 2017, along with fellow journalist Sol García Basulto.

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption? 1/4

Anonymity and encryption technologies are legally prohibited in Cuba. 112 Web access points, such as Wi-Fi hotspots, cybercafés, and access centers, are closely monitored, and users are required to register with their identification information. 113 MINCOM Resolution 99/2019 explicitly demands that service providers obtain approval before using encryption technology to protect the privacy of the information they transmit. 114 Still, many Cubans with internet access on their phones, whether via a Wi-Fi hotspot or 3G or 4G mobile service, use encrypted communication services such as WhatsApp to communicate privately among trusted friends.

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ right to privacy? TOP 1/6
The constitution protects various forms of communication, and portions of the penal code establish punishments for the violation of the secrecy of communications and of users’ privacy, but these safeguards are frequently breached in practice. Surveillance of internet activity in Cuba is pervasive and frequently results in criminal cases or other reprisals for users deemed to have violated various laws.

Part of Decree Law 389, which was approved in November 2019 by the Council of State without review by Cuba’s National Assembly, formally authorizes investigators to engage in electronic surveillance and use the resulting information as evidence in criminal cases. The law permits “voice listening and recording, localization and following, photographs and image recording, intervention of any kind of communication, access to IT systems and other technical resources which allow the discovery of and proof of the crime.” Prior judicial approval is not required to conduct such surveillance.\(^{115}\)

A 2013 decree from MINCOM reaffirmed the government’s continued monitoring of internet traffic, stating that ETECSA will immediately end a user’s access if he or she commits “any violation of the norms of ethical behavior promoted by the Cuban state.”\(^{116}\) Users must show their national identity cards and sign an agreement stating that they will not use the service for anything “that could be considered ... damaging or harmful to public security”—a vague statement that can be applied to political dissent.\(^{117}\)

Another form of surveillance takes place in public parks with Wi-Fi hotspots, where *ciberclarias* monitor other users and report when they detect visits to “suspicious” pages.\(^{118}\)

ToDus and a national app store, launched in 2018, were both developed by Havana’s state-run UCI, in effect granting state authorities access to users’ personal data, and presumably to the communications that take place through those platforms.\(^{1}\) The government justifies these and other developments toward the “computerization” of Cuban society as part of its declared plan to reinforce Cuba’s “technological sovereignty.”\(^{120}\)
In April 2020, the government released a coronavirus tracking app. It was developed by the UCI, in partnership with the education and health ministries and ETECSA.

C6 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring the communications of their users?

Internet service providers are required to register and retain the addresses of all traffic for at least one year. Reports indicate that the government routes most connections through proxy servers and is able to obtain user names and passwords through special monitoring software called Avila Link, which is installed at most ETECSA and public access points. In addition, delivery of email messages is consistently delayed, and it is not unusual for a message to arrive censored or without its attachments.

New legislation that would protect personal data was expected to be announced in February 2021.

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in retribution for their online activities?

Journalists and other prominent online voices frequently face violence by police who arrest or interrogate them, as well as intimidation tactics such as unjustified searches and equipment confiscation. Users who have been jailed for extended periods of time report being mistreated in custody. Many journalists working for nonstate media have experienced systematic harassment and threats, including death threats, and online smear campaigns. Quiñones of CubaNet was beaten by police following his arrest on trumped-up charges in April 2019 (see C3).

There were multiple instances of threats against and intimidation of independent journalists, SNET community members, and political activists in the context of interrogations by state security agents during the coverage period. In one of the
most egregious cases, security officials held multiple threatening meetings with 14ymedio journalist Luz Escobar in order to dissuade her from continuing her work. Also notable were the threats against SNET member Ernesto de Armas that were intended to facilitate the breakup and takeover of the network. Independent journalists Iliana Hernández, Boris González, Nancy Alfaya, Camila Acosta, Waldo Fernández Cuenca, and Yoe Suárez were similarly threatened during their interrogations in the 2019–20 period.  

During the same period, numerous cyberbullying attacks, including death threats, were directed against LGBT+ activists and independent journalists, among others. Death threats delivered in May 2020 originated from a fake Facebook account and involved the exposure of private information about the individuals being attacked, indicating that Cuban state security agencies may have been behind them. Targets included independent online journalists Yosmany Mayeta and Maykel González Vivero, the Spain-based visual artist Nonardo Perea, and the writer Jorge Ángel Pérez. Independent journalist Ezequiel Fuentes was also harassed by a Facebook account believed to have been created by state security officials. After authorities arrested and confiscated the phone of YouTube content producer Nelson Julio Álvarez Mairata (known as Nexy J Show) in October 2019, his Facebook profile was altered to show support for the regime and to criticize freelance work.  

Technical attacks do not appear to be a primary method of censorship in the country, though some online outlets have reported them. The director of 14ymedio Yoani Sánchez, said her Gmail account had been hacked in March 2019. A month earlier, various activists with the Patriotic Union of Cuba (UNPACU) dissident group reported that their social media accounts had been hacked after they used the platforms to report on human rights abuses by the government.
Footnotes


2 Cuban programmer Salvi Pascual of Apretaste.com found that while 30 percent of Cubans (3 million people) have some sort of “internet” access, the vast majority of these (2.8 million) have access to e-mail only, with just 5 percent (560,000) enjoying full web access. This estimate is based on an anonymous survey of approximately 1,000 users in Cuba, collected in 2016 through the app Apretaste, which offers uncensored access to the internet via email. See: https://apretaste.com/welcome.

3 “The Inclusive Internet Index 2020 – Availability,” The Economist Intelligence Unit, 2020, https://theinclusiveinternet.eiu.com/explore/countries/performance/avai...


5 “Cuba is testing 3G Internet access,” The Internet in Cuba, August 15, 2018, http://laredcubana.blogspot.com/2018/08/cuba-testing-3g-internet-access...; “Cuba’s 3G mobile access trial -- is the glass half full or half empty?,” The Internet in Cuba, August 19, 2018, http://laredcubana.blogspot.com/2018/08/cubas-3g-mobile-access-trial-is... Zunilda Mata, “Etecma fracasa en su tercera prueba de acceso a internet desde los moviles [Etecsa fails in its third test of internet access from mobile phones],” 14ymedio, September 10, 2018, https://www.14ymedio.com/cienciaytecnologia/Etecsa-fracasa-tercera-inte...
On Cuba
See all data, scores & information on this country or territory.
See More

Country Facts

Global Freedom Score
14/100 Not Free

Internet Freedom Score
22/100 Not Free

Freedom in the World Status
Not Free

Networks Restricted
Yes

Social Media Blocked
No

Websites Blocked
Yes

Pro-government Commentators
Yes

Users Arrested
Yes

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TAB 11
'¿Por qué la única posibilidad de empleo en Cuba para una chica transexual es limpiar el piso de un hospital?'

Una transexual cubana denuncia la discriminación laboral que sufre la comunidad LGBTI en la Isla.
Yeilis María Ríos Miranda, una transexual cubana residente en La Habana, publicó un mensaje en sus redes sociales dirigido a Malú Cano, coordinadora nacional del proyecto TransCuba, donde reclama que tras perder su trabajo en un bar debido a la pandemia del coronavirus solo le ofrecen empleo como conserje en hospitales y policlínicos.

"¿Por qué la única posibilidad de empleo de una chica transexual con título universitario y 12 grado es limpiar piso en un policlínico o un hospital?", preguntó Ríos Miranda.

"Hablo en mi nombre y también en el de todas las chicas transexuales que, por llevar el pelo largo, un poco de maquillaje y una conducta sexual diferente a los que piensan ser normales no tenemos derecho a un trabajo digno", agregó, pues dijo haber sufrido rechazo en la mayor parte de los sitios en los que se ha presentado buscando empleo.
académica, esa es la única oferta que recibimos", continuó.

Ríos Miranda contó que presentarse en la sede del Ministerio del Trabajo (https://diariodecuba.com/etiquetas/ministerio-del-trabajo.html) de su municipio fue uno de los momentos más duros que ha vivido en los últimos tiempos, pues la persona que la atendió la discriminó visiblemente.

"Lo único que le faltó fue sacar una pistola y darme un tiro en la frente, o qué se yo, mandarme a apresar y todo por ser transexual. Me dijo que la única oferta de empleo para una persona como yo era limpiar piso en un hospital", contó.

"Luego de una querella, la funcionaria me dijo que me acercara a algún centro de trabajo y que buscara por mis propios medios. Para qué decirte, si debes tener una idea de lo que es una chica trans tocando puertas en centros de trabajo, y solo por ser lo que se es te dicen que no tienen empleo", escribió Ríos Miranda a Cano.

Ríos también contó que antes de conseguir empleo en el bar tuvo que acudir a la prostitución (https://diariodecuba.com/cuba/1531903866_40730.html) para poder subsistir, lo que calificó como "el único trabajo al que tenemos derecho las transexuales en Cuba".

TransCuba es una red social comunitaria que cuenta con el acompañamiento técnico del Centro Nacional de Educación Sexual (CENESEX), dirigido por Mariela Castro.

La relación entre el CENESEX y la comunidad LGBTI cubana se deterioró notablemente en mayo de 2019, cuando tras la suspensión de la "Conga contra la Homofobia" convocada anualmente por la institución oficial un grupo de activistas convocó una marcha por el Paseo del Prado habanero (https://diariodecuba.com/derechos-humanos/1557607163_46299.html), lo que les valió todo tipo de ataques por parte de la entidad.
EEUU la cancelación de los visados a los principales directivos del CENESEX y prohibir el financiamiento de la institución por entidades y personas de ese país.

Pepsi Esta Contratando
Empleados en una área


MÁS INFORMACIÓN
A Cuban transsexual woman denounces the labor discrimination that the LGBTI community faces on the island.

Yeilis María Ríos Miranda, a transsexual Cuban resident of Havana, publicized a message on her social media directed at Malú Cano, the national coordinator of the TransCuba project, where she claims that after losing her job at a bar due to the coronavirus pandemic, she has only been offered work as a janitor for hospitals and clinics.

“Why is the only employment opportunity in Cuba for a transsexual woman with a university degree and technical degree cleaning the floors of a clinic or hospital?” questioned Ríos Miranda.

“I speak for myself as well as in the name of all transgender women who, because of wearing their hair long, a bit of make-up, and having a sexual conduct different to those that believe themselves to be normal do not have the right to dignified work,” she adds, saying that she has faced rejection in the majority of places where she has presented herself in search of employment.

“I am not saying that cleaning floors isn’t dignified work, on the contrary, but why is it that when there are many of us who are graduates, hold degrees and have a good academic formation, that is the only offer that we receive?” she continues.

Ríos Miranda explains that presenting herself at the branch of the Ministry of Labor in her municipality was one of the hardest moments of her life in recent times, due to the person attending her being visibly discriminating against her.

“The only thing that was left was [for them] to pull out a gun and shoot me in the face, or I don’t know, send for my arrest, and all for being transgender. They told me that the only employment opportunity for a person like me was cleaning the floors at a hospital,” she explains.

“After a complaint, the official told me to go to some workplace and search by my own means. Why explain [further], you should have an idea of what is like to be a trans woman knocking on the doors of workplaces and, just for being who you are, they tell you that they are not hiring,” writes Ríos Miranda to Cano.

Ríos also explains that before finding employment at a bar, she had to resort to prostitution in order to sustain herself, what she qualified as, “The only job that we have rights to as transexuals in Cuba.”
TransCuba is a social community network that counts with the technical cooperation of the National Center on Sexual Education (CENESEX), led by Mariela Castro.

The relationship between the CENESEX and the LGBTI community deteriorated notably in May of 2019, when following the suspension of the “Conga against Homophobia” organized annually by the official institution, a group of activists organized a march by the Paseo del Prado in Havana, which cost them all sorts of attacks from the organization.

In May of this past year a campaign on social media received more than 7,000 signatures asking the government of the United States to cancel the visas of the executive directors of the CENESEX and to prohibit the financing of the institution by entities and persons in that country.
CERTIFICATE OF TRANSLATION

I, William Gutierrez, am competent to translate from Spanish into English, and certify that the translation of "Why is the only employment opportunity in Cuba for a transsexual woman cleaning the floor of a hospital?" is true and accurate to the best of my abilities.

_____________________________
(signature of translator)

William Gutierrez
(typed/printed name of translator)

594 Dean St., Brooklyn, NY 11238, Office: 212-714-2904
(address and phone number of translator)

03/08/2021
(date)
TAB 12
JACKSONVILLE, Fla. — A transgender woman who spent nearly eight months in U.S. Immigration and Customs Enforcement custody won asylum in the U.S. last August because of the persecution she suffered in her native Cuba.

Dayana Mena López on July 25 noted to the Washington Blade during an interview at a restaurant in Jacksonville, Fla., where she now lives that she suffered persecution in her homeland because of her gender identity and her opposition to the Cuban government.

Mena, who is of African descent, is from the town of Placetas in Cuba’s Villa Clara province.

She told the Blade she came out as trans when she lived in Cienfuegos, a city in Central Cuba. Mena said her family supported her.

“I would have been able to consider myself lucky and happy in this regard because my entire family accepted me: My parents, my grandparents,” she said. “My entire family always accepted me and I never had any problem in my neighborhood in this sense. In this sense I lived well, with respect to this part of my life.”

A federal lawsuit the Southern Poverty Law Center filed on behalf of Mena and other ICE detainees who had been denied parole that would have allowed her to pursue her case out of detention notes she “refused to complete compulsory military service” in the Communist country, but “authorities misidentified her as a gay man and attempted to force her to serve in the military.”
Mena told the Blade the men in the unit to which she was brought insulted her because she is trans. Mena said she could not wear a female uniform and was unable to do her make up or hair.

“The environment was very tense,” she said.

The Southern Poverty Law Center lawsuit further details her life in Cuba.

“Due to her political beliefs and identity, Cuban authorities have beaten her, taunted her with homophobic slurs, locked her in a frigid chamber for hours, and held her under arrest,” it reads.

Mena said she received death threats. She also told the Blade that police officers harass trans women who gather along Havana’s oceanfront promenade known as the Malecón because they think they are sex workers.

Mariela Castro, the daughter of former Cuban President Raúl Castro who directs the country’s National Center for Sexual Education, spearheads LGBTQ-specific issues on the island.

Her supporters note Cuba provides free sex-reassignment surgery under its health care system. They also point out that Mariela Castro, who is a member of the Cuban National Assembly, in 2013 voted against a proposal to ban anti-gay discrimination in the workplace because it did not include gender identity.

“She is something very, very fake,” said Mena in response to the Blade’s question about Mariela Castro. “She is something created, (they are creating something) fake to sell an image.”

A woman and girl sit on Havana’s oceanfront promenade known as the Malecón on Feb. 28, 2019. (Washington Blade photo by Michael K. Lavers)

‘I left Cuba to flee persecution’

Mena left Cuba on Dec. 22, 2018.

“I left Cuba to flee persecution and physical and psychological abuse I also suffered because I am a trans woman,” she said.

Mena said a friend helped her pay for the flight from Havana to Panama. The Panamanian government granted Mena a visa that allowed her to travel to the country, but she told the Blade she could not return to Cuba.

“I had to stay there in Panama because they would have detained me if I returned to Cuba,” she said.

Mena and a gay man from Cuba asked for asylum in the U.S. at a port of entry in El Paso, Texas, in January 2019. Mena presented herself as a gay man, as opposed to a trans woman, because her friend did not want to be separated from her.

“He was very afraid to be alone,” said Mena. “That’s why I asked for asylum like this.”

Mena was separated from her friend when ICE transferred her to the Cibola County Correctional Center, a privately-run detention center in Milan, N.M., that once had a unit for trans ICE detainees. The friend with whom she entered the U.S. was eventually deported back to Cuba.

ICE transferred Mena to the Tallahatchie County Correctional Center, another privately-run prison in Tutwiler, Miss.

The Southern Poverty Law Center lawsuit notes Mena “again identified as trans” and she was held in solitary confinement for a month while she waited for her credible fear interview.

Mena told the Blade she was isolated “supposedly for my protection, to not suffer violations, etc.” Mena said she was able to speak with fellow detainees through the glass window of her cell's door. She also said a guard of Puerto Rican descent allowed her to leave her cell and did not close the door when he was on duty.

ICE initially placed Mena in general population when it transferred her to the Pine Prairie ICE Processing Center, another privately-run detention center in Pine Prairie, La. The Southern Poverty Law Center lawsuit notes ICE placed her back into solitary confinement for “several days” after she told a psychologist she is trans.

“The prison warden had me placed in the hole for four days when, after a medical and psychological evaluation, I said that I identified as a transgender person,” Mena told the Blade. “I was detained together with another companion.”

Mena said Southern Poverty Law Center lawyers raised the issue with the warden and challenged the decision.

“They then freed us from the hole and they made us sign a paper that said it was our responsibility if something happened,” Mena told the Blade. “They also gave me another paper to present to officials saying that they couldn't check me or even touch me.”

“I never had problems with anyone,” she said. “I was not a victim of homophobia, to the contrary. The Cubans were always defending me.”

Mena's attorneys in May 2019 asked ICE to transfer her to the Cibola County Correctional Center's unit for trans women, but the request was not granted.

The Cibola County Correctional Center in Milan, N.M. (Photo courtesy of U.S. Immigration and Customs Enforcement)

New life in Jacksonville ‘has been awesome’

Mena's final hearing in her asylum case took place on Aug. 1, 2019, which took place against the backdrop of the Trump administration's hardline immigration policy that, among other things, seeks to drastically limit the number of asylum seekers allowed into the U.S. Mena told the Blade her hearing lasted upwards of six hours.
"I had a super bad time with the (government) prosecutor, who treated me badly," said Mena. "He called me a liar, even as an expert the day before my court hearing examined my body to verify the injuries and scars that I had on my body were real."

The judge granted her asylum, but ICE did not release her until Aug. 5, 2019.

"The day that I saw my name on the list to leave I cried more than anyone in this world," Mena told the Blade. "I cried more than when I left Cuba. I cried because I had a happiness that many other people crave."

"I couldn't eat that day and I saw people next to me crying," she added. "The entire pod, 140 people, clapped for me when I left through the door. It is something gratifying, but at the same time it hurt a lot."

A friend of Mena's father picked her up and drove her to Jacksonville.

Nearly a year later, she is working two jobs. Mena told the Blade her life in Jacksonville "has been awesome for me," even though none of her relatives live in the city.

"Thank you to people and the city who have welcomed me without discrimination, who have given me support and helped me get ahead in a country as difficult as this," she said.

Mena further described the U.S. as "free."

"I am hopeful that the new laws that allow people like me to live free don't change," she added.
June 17, 2020 at 11:41 am EDT | by Yariel Valdés González

Lesbian couple from Cuba fights for life together in US

From left: Yanelkys Moreno Agramonte and her partner, Dayana Rodríguez González. (Photo courtesy of Dayana Rodríguez González)

Editor’s note: Yariel Valdés González is a journalist from Cuba who has been granted asylum in the U.S. He spent nearly a year in U.S. Immigration and Customs Enforcement custody until his release from the River Correctional Center in Ferriday, La., on March 4.

Yanelkys Moreno Agramonte, 36, and Dayana Rodríguez González, 31, had never been apart in the nearly five years since they began dating. Their lives were one until Nov. 3, 2019, when they both applied for asylum in the U.S. at a port of entry in El Paso, Texas, and they were separated a short time later.

Moreno and Rodríguez were placed into different cells as their entry into the country was processed.

“They locked me up in a small, lonely place,” Moreno told the Washington Blade on June 9 during a telephone call from the South Louisiana ICE Processing Center in Basile, La., where she remains in U.S. Immigration and Customs Enforcement custody. “I was there for two days and my partner was transferred the day after we arrived.”

“We lost all ties,” Rodríguez told the Blade during a telephone interview from Phoenix on June 10 where she now lives. “I didn’t know where she was and she didn’t know where I was. On the fourth day, they moved me at night to the detention center and there I was, still unsure whether they would send her there.”
The next day, they saw each other for a few minutes in the El Paso Service Processing Center's dining room, since they were not in the same dorm. Rodríguez and Moreno did whatever they could to see each other.

“They scolded us twice because I was the last one in line in order to wait for her to come and eat together,” recalled Rodríguez.

Both devised a strategy to see each other in the library and even during Catholic Masses held in the El Paso facility.

“Yanelkys made the requests for visits a couple of times and they allowed us to be together only once,” said Rodríguez. “All of the couples were together in the same room, one next to the other. We couldn't touch each other, just a kiss at the entrance and a kiss at the exit and with an officer watching over us the entire time.”

Perhaps this story would not have been so bitter if the two women had been married because ICE, in theory, allows a married asylum seeker to sponsor their spouse once it grants them “derivative” status. This process allows them to stay together as long as they present a marriage or civil union certificate.

But Moreno and Rodríguez are citizens of Cuba, an island where same-sex marriage is not yet legal. The government's policies and social attitudes also emphasize discrimination against the LGBTQ community.

Their immigration cases are the same, but Moreno in December was once again separated from Rodríguez. She was sent more than 900 miles east of El Paso to the South Louisiana ICE Correctional Center, where she currently remains in ICE custody. Rodríguez was detained in El Paso until Feb. 4 when she was released on parole and a $7,500 bond.

The two women saw each other for the last time through a door's glass window, sending their love to each other with signs after a conversation that would define both of their lives forever. Moreno was gone the next morning and the frustration of not being able to say goodbye to her partner is painful to this day.

Downtown El Paso and Ciudad Juárez, Mexico, from the Scenic Drive Overlook in El Paso, Texas, on July 15, 2019. Yanelkys Moreno Agramonte and her partner, Dayana Rodríguez González, asked for asylum in the U.S. at a port of entry in El Paso. (Washington Blade photo by Michael K. Lavers)

Couple suffered homophobia, police harassment in Cuba

Moreno and Rodríguez's families never accepted that two women could fall in love and live together. The prejudices that still persist in Cuba and especially in Zulueta, a small town in the center of the country where they lived, were constant hurdles to their social lives and their life together as a couple.

“My parents divorced because of my sexual orientation,” said Moreno. “My father is the typical Cuban man, who said that his children could not be homosexual. My sister was the only one who always supported me.”

Rodríguez was kicked out of her home when her family found out she was in a romantic relationship with another girl.

“They took all of my things from me and that was terrible,” she said. “It was raining and also in the middle of a blackout. I had to collect my things and go to her home. It was something we did not expect.”

Rodríguez’s family’s decision to disown her was compounded by her neighbor’s accusatory looks, so she and her partner did not even dare to hold hands in the street. Moreno told the Blade that such intolerance suffocated her “because there (in Cuba) homosexuals are not well regarded, neither by family, nor by the authorities, we are quite discriminated against. I felt bad because in the end we are also good people. We have rights and the government constantly violates them. We cannot have our own family.”

Because of the impossibility of getting married, gay and lesbian Cubans cannot adopt children.

The current labor law does not protect transgender people, and they can only change their gender and photo on identity documents if they undergo sex-reassignment surgery. Members of Cuba’s National Revolutionary Police have also been accused of targeting LGBTQ Cubans.

Rodríguez in her asylum claim says a police officer constantly followed her and Moreno

“There was an officer named Sosa, who appeared wherever she was,” writes Rodríguez. “He was very rude to us. He insulted us on two occasions by saying that we were not setting a good example for society or children.”

“On the other occasion, we were sitting in the park during some local celebrations, holding hands, without disrespecting anyone and he also came and took us to the police station because, according to him, we could not do that,” continues Rodríguez. “He did not agree that we were a couple or that we showed it in public. He fined us 500 pesos ($20) because he didn’t want to see us together on the street any more. It was like a warning and we were detained for 73 hours. The officer in the police station told everyone that we were lesbians and they also started making fun of us and calling us names. And the truth is that we felt very bad about all that. Life for us was very difficult there.”

Tired of this familial and societal rejection that Cuban governmental institutions also perpetuate, this young couple exclusively told the Blade they ed the country in order to be able to walk the streets without fear. Now, after seven months in the U.S., they are terrified that Moreno will be deported back to Cuba.

Moreno has already been denied parole twice, which would have allowed her to pursue her asylum case outside of ICE custody.

“ICE’s two responses to my request for parole have told me that I am a flight risk,” said Moreno. “The first was on Jan. 5 and a group of lawyers prepared the second request... it turned out very well, with everything they ask for: A very complete request and they denied me again. They set a date for an interview that they never did.”

ICE’s own directives mandate an asylum seeker must be released while awaiting their asylum hearing if they pass their credible fear interview and background check, prove they
Lesbian couple from Cuba fights for life together in US

District Court for the District of Columbia's ruling that granted a preliminary injunction in a class-action lawsuit that other asylum seekers filed.

“I meet all the requirements they ask for: I entered through a (port of entry), I have someone who will receive me and I have a credible positive fear,” said Moreno. “I met with my deportation officer when I was denied parole for the second time and they did not know how to give me a convincing explanation. They just told me that when they were evaluating my case they determined that I was not going to show up to court hearings.”

Liza Doubossarskaia is a legal assistant for Immigration Equality who prepared Moreno's second parole application under the supervision of Bridget Crawford, a lawyer who is the group's legal director. Doubossarskaia in an interview with the Blade said ICE's denial of Moreno's parole applications is discriminatory based on the fact that another LGBTQ person who is not a blood relative will receive her upon her release.

“There is no provision in any document that the person receiving the immigrant must be his or her close relative,” said Doubossarskaia. “In the parole request, we affirm that her family does not support her because she is gay, but she does have ties to this country because she has a friend who is willing to take her in and the support of various organizations, including Immigration Equality, which will ensure that she attends immigration appointments. She is also not a danger, because we presented her criminal record and it is clean. ICE never explains why she is a flight risk.”

ICE declined to comment to the Blade on Moreno's case.

“When we had the second negative response on parole, it was as if they were throwing a bucket of cold water at both of us,” said Rodríguez. “It shows in the tone of her voice, in her physique when I can see her on a video call that all that confinement and this time apart is affecting her. It is affecting both of us.”

Moreno is still awaiting her second court hearing, which is scheduled to take place on July 28.

She said her greatest fear is her final appearance before an immigration judge “because it is a lot of stress, for all the time I have been here, for all we have lived through. That moment will be very difficult.”

Rodríguez is terrified her girlfriend will be deported to Cuba “and everything is over.” Her voice cracked on the phone when she discussed this possibility.

“Today I ended the call with her in the morning crying because this absence has affected me a lot,” Rodríguez told the Blade. “The calls are also short because we have to save the little money that you have to communicate. When she tells me that she feels bad and ends up crying, the truth is that it makes me very bad.”

Congressman urges ICE to release LGBTQ detainees

Illinois Congressman Mike Quigley in a letter he sent to Acting Secretary of Homeland Security Chad Wolf last week requested ICE release Moreno and all other LGBTQ detainees. Quigley described the detention of these detainees in the midst of the coronavirus pandemic as “dangerous and irrational.” More than two dozen other members of the U.S. House of Representatives signed his letter.

Quigley last week told the Blade during a telephone interview that he considers this issue a matter of “basic human decency” and says ICE is “ignoring” social distancing and other guidelines from the Centers for Disease Control and Prevention and not “providing protective equipment or hygiene products to detainees.” The Illinois Democrat also said LGBTQ detainees in ICE detention centers “are treated worse under these conditions than the general population, and no one is treated well.”

Moreno told the Blade the South Louisiana ICE Processing Center can house around 1,000 people.

She said around 190 female detainees remain at the facility. Moreno told the Blade that more than 50 of the 72 beds in the dorm where she lives are occupied.

"We are many for such a small room," said Moreno. "The food is not good, one day a week it
improves a little, but it is generally bad."

"Cleanliness is not very good either," she added. Now, since there are so few of us, the
cleaning supplies have improved, but when I was in the center it was very difficult to get a
roll of toilet paper or a shampoo. They don't give soap here. We have to shower with
shampoo and the commissary is very expensive."

From left: Yanelkys Moreno Agramonte speaks with her partner, Dayana
Rodríguez González, from the South Louisiana ICE Processing Center in Basile,
La. (Photo courtesy of Dayana Rodríguez González)

Doubossarskaia confirms the detention center in which Moreno lives now has room to
promote social distancing, but staff have chosen not to enforce it.

Moreno told the Blade a group of female detainees from different housing units were
transferred to her dorm in early May. Moreno said an officer at the detention center said it
was to make “better use of space” when someone asked about it.

There were 871 ICE detainees with confirmed coronavirus cases as of deadline. ICE's
website says 7,364 of the 24,713 people who were still in their custody have been tested for
the virus.

ICE says it has evaluated its detained population based on the CDC's guidance for people
who may be at increased risk for serious illness as a result of the coronavirus. ICE has
released more than 900 people from their custody after evaluating their immigration
history, criminal record, potential threat to public safety, flight risk and national security
concerns.

Despite the fact there are no confirmed coronavirus cases in her detention center, Moreno
says she does not feel safe because the transfer of detainees into the facility has not
stopped during the pandemic.

“Not all officers wear masks or gloves,” she said. "They say they do take precautions when
they enter the center, but I am not sure. They are the ones that go in and out and do not
protect us. We are required to be six feet away from each other and when we go to
recreation or to the dining room there are only the detainees from one dorm. We do not
mix with the others."

Moreno also says she has experienced several instances of discrimination at the South
“I went to go to the bathroom twice and they told me that I couldn't go in because they were sorry to bathe with me,” Moreno told the Blade. “I decided to bathe alone from that moment in order to avoid a problem. It has happened to me with the officers when I ask them, for example, for a paper and they don't give it to me, but they give it to someone else who is behind me. I feel discriminated against because of things like that.”

Doubossarskaia said she believes ICE does not do enough to protect LGBTQ people at its facilities.

“We have heard many stories of detainees who suffer homophobia after their detention,” she said.

Moreno told the Blade that some of the officers at the South Louisiana ICE Processing Center “insult us, humiliate us.” Moreno also said she never thought she would have been “detained for so long.”

“In fact, my partner and I thought that it would be a maximum of two months and that we could go out, get married, make a life together, but none of this has happened,” she lamented. “We can only talk on the phone, but the separation is hard and very sad. I get depressed and cry a lot. ”

The Blade asked what Moreno misses the most and without hesitation she said her freedom, and above all, her partner.

“I want to see her, embrace her …”, she says, followed by a long pause.

“I don't feel like Yanelkys is well,” Rodríguez told the Blade. “In fact, we are seeking psychological help. She has already had two appointments with a professional because she is very stressed and I find her very downcast (...) and they (ICE) are not interested in her life.”

*Michael K. Lavers contributed to this article.*
TAB 14
Homofobia y (ciber)acoso: las estrategias que usa el gobierno cubano contra periodistas LGBTI+

Reporteros y activistas denunciaron esta semana varios incidentes de ciberacoso en sus redes sociales.

«La Seguridad del Estado se quedó con mi teléfono y hackeó todas mis cuentas», dijo el yutúber Nelson Julio Álvarez Mairata, conocido en las redes sociales como Nexy J Show, tras su detención de este miércoles, la segunda que sufrió en menos de tres días.
Nelson fue detenido por primera vez este lunes en Santa Clara, al centro de Cuba, mientras transmitía en directo para la página de Facebook Paparazzi Cubano. Poco después fue acusado de «alteración del orden público», según confirmó a Tremenda Nota.

Nexy es uno de los pocos youtubers cubanos con una imagen queer. Últimamente se desempeña como reportero en redes sociales y ha colaborado con medios como ADN Cuba y Tremenda Nota.

Este miércoles, a las pocas horas de su liberación, fue arrestado por segunda vez. En esta ocasión la policía retuvo sus medios de trabajo, incluido su teléfono. A las pocas horas del decomiso aparecieron contenidos inusuales en las redes sociales que gestiona.

María la del Barrio fue el nombre que asignó el hacker al perfil del youtuber en Facebook. Añadió una portada con un mensaje de apoyo a la Revolución Cubana y posteó textos usurpando la identidad de Álvarez Mairata para quejarse por los presuntos bajos salarios que ha conseguido como freelancer.

Decenas de activistas LGBTI+ y periodistas denunciaron en Facebook el hackeo de la cuenta hasta que fue suspendida.

Nelson recibió con humor la denominación de María la del Barrio. «Intentan ridiculizarme por ser gay, pero no entienden que estos aparentes insultos los tengo bien asumidos», dijo a Tremenda Nota.

Yandy García, que opera una página con contenidos dedicados a la comunidad de Sagua la Grande, la ciudad de origen de Álvarez Mairata, denunció que otra cuenta falsa de Facebook publicó anoche «fotografías íntimas de Nelson». El perfil fue reportado y ya no está disponible.
El pasado 22 de octubre otro reportero y activista LGBTI+ avisó haber sido acosado en sus redes sociales.

«[La] Seguridad arremete, esta vez contra mi persona y aprovechando mi separación», escribió Ezequiel Fuentes, colaborador de los periódicos independientes CubaNet, 14ymedio y CiberCuba.

Fuentes atribuye a la Seguridad del Estado un post publicado en Facebook por un perfil sin foto que se hace llamar María Lourdes González.

El post, publicado como comentario, amenaza a Fuentes y le advierte que está siendo vigilado.

El ciberacoso es una de las estrategias principales del gobierno cubano para desalentar el trabajo de periodistas independientes, defensores de derechos humanos y opositores políticos, aunque también es una de las más difíciles de monitorear y verificar.

Las cuentas usadas suelen desaparecer en poco tiempo, a veces por voluntad de sus propios operadores o cuando son denunciadas por los afectados y sus colegas.

La difusión de fotos privadas, a menudo de contenido sexual, es una de las prácticas más comunes de estos hackers.

Tags: En Portada

Tremenda Nota

Una revista marginal

Comments (12)

¿Por qué Cuba es de los países con menor libertad en Internet? (Parte II)
4 junio, 2020 at 10:50 pm | #

[...] este período hubo amenazas de muerte y hostigamientos con tintes homofóbicos y sexistas hacia periodistas independientes y activistas. Se mantiene en línea el blog Teo Pereira [...]
Reporters and activists denounced various incidents of cyber-harassment this week on their social media.

“State security stayed with my phone and hacked all of my accounts,” said YouTuber Nelson Julio Álvarez Mairata, known on social media as Nexy J Show, after his detention on Wednesday, the second suffered in less than three days.

Nelson was detained for the first time on Monday in Santa Clara, in the center of Cuba, while live streaming for the Facebook page, Paparazzi Cubano. Shortly after, he was accused of “altering the public order,” as confirmed by Tremenda Nota.

Nexy is one of the few Cuban YouTubers with a queer image. Recently, he has worked as a reporter on social media and has collaborated with outlets like ADN Cuba and Tremenda Nota.

This Wednesday, a few hours after his release, he was arrested a second time. On this occasion, the police retained his work means, including his phone. A few hours following the confiscation, unusual content began appearing on the social media sites he manages.

María la del Barrio was the name that the hacker assigned to the YouTuber’s Facebook page. They added a cover photo with a message of support for the Cuban Revolution and posted texts assuming the identity of Álvarez Mairata to complain about the supposed [poor salaries he has faced as a freelancer.

Dozens of LGBTI+ activists and journalists denounced the hacked Facebook account until it was suspended.

Nelson reacted to the designation of María la del Barrio with humor. “They try to ridicule me for being gay, but don’t understand that these supposed insults, I take well,” he told Tremenda Nota.

Yandry García, who runs a page with content dedicated to the community of Sagua la Grande, Álvarez Mairata’s city of origin, claimed that another false Facebook account posted “intimate photographs of Nelson” last night. The profile was reported and is no longer available.

The past 22nd of October, another reporter and LGBTI+ activist warned that they had been harassed on their social media.
“[State] Security lashes out, this time against my character and taking advantage of my separation,” wrote Ezequiel Fuentes, collaborator for the independent newspapers, CubaNet, 14ymedio and CiberCuba.

Fuentes attributes a post published on Facebook by a picture-less profile, going under the name María Lourdes González, to State Security.

The post, published as a comment, threatens Fuentes, and cautions him that he is being watched.

Cyber-harassment is one of the main strategies of the Cuban government to deter the work of independent journalists, human rights defenders, and political opponents, however, it is also one of the most difficult to monitor and verify.

The accounts tend to disappear after a short time, sometimes willingly by the account operators themselves or when they are reported by those affected and their colleagues.

The dissemination of private photos, often sexual in content, is one of the most common practices of these hackers.
CERTIFICATE OF TRANSLATION

I, William Gutierrez, am competent to translate from Spanish into English, and certify that the translation of "Homophobia and (cyber)harassment: the strategies used by the Cuban government against LGBTI+ journalists" is true and accurate to the best of my abilities.

_____________________________
(signature of translator)

William Gutierrez
(typed/printed name of translator)

594 Dean St., Brooklyn, NY 11238, Office: 212-714-2904
(address and phone number of translator)

03/08/2021
(date)
TAB 15
HAVANA — Chanting “Long live a diverse Cuba” and carrying rainbow flags, Cuban gay rights activists held an unauthorized pride parade in Havana this weekend despite a warning against it by the Communist government, which called it subversive, in a highly unusual show of civil disobedience in the one-party state.

More than 100 Cubans marched from Havana’s Central Park to the seafront boulevard before being stopped by dozens of security officials. At least three activists were arrested by plainclothes police officers, and others were ordered to disperse because the march did not have an official permit.

Activists had called for their own parade after the state-run National Center for Sex Education, or Cenesex, last week abruptly canceled its 12th annual conga against homophobia, Cuba's equivalent of gay pride.

The national center denounced the alternative parade as a “provocation,” and several activists said that they had received threats either anonymously on social media or from state security in person not to attend — not that it stopped them.

The march on Saturday was the second such event organized independently of state institutions — previously a rare occurrence in Cuba — in just over a month. Still, the previous one, in defense of animal rights, had received a permit from the authorities.

“This moment marks a before and an after for the lesbian, gay, bisexual and transgender community, but also for Cuban civil society more generally,” Maykel González Vivero, an independent journalist and L.G.B.T. activist, said of the pride parade.

“Social media is playing its role, and civil society demonstrated it has strength and can go out onto the streets if necessary,” he said. “And from now on, the government will have to take that into account.”

After the cancellation, Cenesex, led by Mariela Castro, the daughter of the Communist Party leader, Raúl Castro, said in a statement that certain groups had been planning to use the event to undermine the government, emboldened by the escalation of aggression by the Trump administration against Cuba and against Cuba’s leftist ally Venezuela.

The United States has for decades financed covert programs to promote democracy on the island and undermine the Communist government.
But many L.G.B.T. activists said that they believed the government was reacting more to pressure from evangelical churches, which have a growing following in Cuba and have campaigned against the expansion of gay rights.

“This isn’t a political march; this is a celebration to give the L.G.B.T. community visibility,” said one activist, Myrna Rosa Padrón Dickson.

The march was promoted on social networks thanks to an expansion of the internet in Cuba in recent years that has more broadly resulted in increasing numbers of Cubans mobilizing online over certain issues, sometimes apparently managing to influence policy.

The government, for example, postponed the full start of a decree clamping down on the arts after an online campaign protesting the law, and stepped back on regulations governing the private sector after entrepreneurs and experts complained.

So far, however, the government has retained tight control over physical public spaces, mostly restricting marches to expressions of support for the government, like the recent Labor Day parade.

The conga in Havana was an exception that had become a regular occurrence. It was also a reminder that the government, which once sent gay men to work camps in the early days of Fidel Castro’s rule, had made considerable advances in L.G.B.T. rights in recent years.

The country guarantees rights such as free sex-change operations and forbids discrimination on the basis of sexuality in a region where some countries still have anti-sodomy laws.

Some L.G.B.T. activists said that they believed the cancellation of the conga was a sign that those rights were being eroded, possibly because a recent public consultation over a new Constitution had suggested that there was more opposition to the community than previously thought.

Many Cubans expressed their opposition to a change in the draft Constitution that would have explicitly opened the door to same-sex marriage. Evangelical churches also ran extensive campaigns against the change, which was eventually watered down.
TAB 16
A number of gay rights activists have been arrested after clashing with policia at an unauthorised pride march in Cuba's capital, Havana.

Saturday's event followed the unexpected cancellation by the communist authorities of the country's 12th annual march against homophobia.

Activists condemned the move and then organised their own demonstration, largely through social media.

Marching in Cuba without permiso can be met with a strong policia response.
On Saturday, more than 100 demonstrators took to the streets of the capital. Some said they were subjected to violence after they were stopped by plainclothes security officers.

After setting out on Havana’s Paseo del Prado, uno of the city’s main boulevards, the marchers came up against a large number of policia and state security forces.

At least three activists participating in the gay desfile in Havana were detained.

Havana’s annual gay orgullo march is an important event for the island’s gay and lesbian community, which spent decades in the shadows and under
persecution, says the BBC's Cuba correspondent Will Grant.

As such, our correspondent adds, the decision by the government to cancel this year's event was met with disbelief by many of those who had intended to participate.

Last week, the state-run Nacional Centre for Sex Education (CENESEX) said the official Cuban Conga against Homophobia and Transphobia march was cancelled because of "new tensions in the international and regional context".

In response, activists set up Facebook groups calling for a gathering in la capital on Saturday afternoon.

- **Cuban president backs same-sex marriage**

Cuba holds events around esta vez cada year adelante of the International Día Against Homophobia on 17 May.

Other official events celebrating LGBT rights in the country will reportedly be going ahead as planned.

Discrimination due to someone's sex or gender is illegal in Cuba.

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TAB 17
Testimonio de un homosexual cubano que sueña con estudiar y trabajar sin que lo discriminen
Amanda, como prefirió ser llamado un joven homosexual que no quiso revelar su verdadera identidad por temor a represalias, cuenta a CiberCuba los duros momentos que ha vivido debido a su preferencia sexual, al punto de ser discriminado (https://www.cibercuba.com/noticias/2019-03-11-u1-e129488-s27061-doble-discriminacion-ex-reclusa-lesbiana-no-encuentra-trabajo), incluso, por su propia familia.

“Desde niño me gustaban las muñecas y los juegos de cocina, me reunía con las niñas del barrio y jugaba a las casitas, siempre quería ser la mamá en el juego, aunque a mi familia no le gustaba. En ese entonces, no entendía por qué se molestaban conmigo”,

“Recuerdo una vez que mi mamá me agarró con unos cuantos pintalabios y algunos collares frente al espejo, me dio tantos golpes que los moretones me duraron semanas (https://www.cibercuba.com/noticias/2019-01-22-u157374-e157374-s27061-golpean-cortan-cara-joven-cuba-ser-homosexual), y eso que tenía 9 años”, añade.
Amanda tuvo una niñez llena de confusiones y miles de preguntas sin respuestas, que solo al cumplir los 15 años fue entendiendo, al enamorarse de otro adolescente de su misma escuela, pero nunca pudo imaginar lo que vendría después.

“Mi padre se enteró de que mi novio era un chico que estudiaba en la misma escuela que yo. Nunca me importó lo que la gente dijera, solo me guiaba por lo que creía y sentía”, pero tras la noticia su padre no lo soportó, “cuando un día llegó a la casa, mi papá
Su padre, quien es militante del Partido Comunista y fiel seguidor de las ideas fidelistas, no quiso escuchar más, “no había terminado de contarle cuando se levantó y me tiró un puño, de ahí otro, y otro más; me golpeó tanto que me desfiguró el rostro, solo vino en mi ayuda mi tía materna, que en aquel entonces vivía en la casa de al lado, y logró encarar a mi papá y me salvó de aquel horrible momento”, relata en tanto muestra las marcas que le quedaron en su cara por la brutal golpiza.

 Dice que, tras el incidente, fue llevado por su tía al hospital con la cara ensangrentada, donde le suturaron las lesiones, las cuales sanaron con el tiempo, pero las heridas que quedaron en su ser -asegura entre lágrimas-, “nunca fueron reconstruidas“.
“Los primeros días dormía en la calle y en cualquier lugar donde podía guarecerme de la lluvia y del frío”, cuenta. Tras el hecho que marcó su vida empezó a “hacer las calles” (prostituirse) escogiendo los lugares apartados y los centros gay para subsistir.

“A veces me voy para las discotecas, porque ahí van muchos extranjeros que son los que tienen la plata y te pagan más, porque los cubanos solo te dan una miseria, pero solo en pocas ocasiones, ya que estoy muy marcado con la policía en esos lugares”.

Tiene varias cartas de advertencias por la Policía Nacional Revolucionaria (PNR) por asedio al turismo y ha sido amenazado con ser encarcelado bajo cargos de Peligrosidad Social Predelictiva si continúa prostituyéndose, “tengo una pila de cartas, ¿no sé de
El joven vestido de mujer, delgado y algo maltratado, nunca se ha definido como transgénero, solo dice que es un homosexual que se viste de mujer para atraer más clientes en las crudas noches santiagueras.

Asegura que en varias ocasiones ha contactado al Centro Nacional de Educación Sexual (Cenesex), pero nunca ha tenido resultados, “la última vez que llamé al Cenesex, tratando de que mi caso pueda tener alguna solución y conseguir algún trabajo, no tuve respuesta. No quiero prostituirme toda la vida, una cosa es sobrevivir y otra cosa es hacerlo por placer, lo cual, no es mi caso, quisiera estudiar y trabajar como todo el mundo, pero sin que me discriminen”, puntualiza Amanda.
testimonio de un homosexual cubano que sueña con estudiar y trabajar sin que lo discriminen

"Una vez me atendió Manuel Vázquez Seijido, el segundo de Mariela Castro, él me dijo que atenderían el caso, pero como siempre, nunca he tenido ni un mensaje de ellos, parece que estaban enredados con las langostas (https://www.cibercuba.com/noticias/2018-11-27-u157374-e157374-s27061-mariela-castro-disfruta-langosta-cuba-junto-cantante) y no tenían tiempo para un maricón", satirizó el joven santiaguero, quien no alcanza a cumplir los 21 años de edad.
Como Amanda, miles de homosexuales sufren en Cuba discriminación laboral, familiar y social, debido a los arraigados conceptos machistas en Cuba.

Opiniones recogidas por este portal, dentro de la comunidad LGBTI en Santiago de Cuba, concuerdan en que no se han brindado las posibilidades, ni verdaderas estructuras de amparo a la comunidad LGBTI+ cubana. Aseguran que las organizaciones estatales existentes en la isla [dejan mucho que desear en cuanto a beneficios a este colectivo](https://www.cibercuba.com/noticias/2018-12-01-u1-e20037-s27061-carta-abierta-pastora-soler-joven-cubano-homosexual-solicitante) y que, lejos de ayudar a la obtención de espacios en la sociedad, son reprimidos sin antes crear programas de protección concretos.
Mientras tanto, Amanda sigue haciendo las crueles calles cada noche. Aunque, cansado de buscar trabajo en lo estatal y también en lo privado sin haber obtenido resultados, mantiene la esperanza de que un día, en Cuba, pueda gozar de total y plena libertad laborar y social, y que en la isla se establezcan leyes que acaben con la discriminación y el machismo.

Este artículo es de hace 1 año

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Amanda, as a young homosexual person who did not want to reveal their true identity for fear of reprisals preferred to be called, told CiberCuba about the hard moments they have experienced because of their sexual preference, to the point of being discriminated against, even by their own family.

"Since I was a kid, I like to play with dolls and cooking games. I would meet with the girls in the neighborhood and play house, I always wanted to be the mom in the game, although my family didn't like it. Then, I didn't understand why they were bothered by me," confessed the youth between sighs.

"I remember one time that my mother caught me with some lipsticks and necklaces in front of a mirror, she hit me so hard that the bruises lasted for weeks, and that was when I was 9 years old," they added.

Amanda had a childhood full of confusion and thousands of questions without answers that they only began to understand once they turned 15, when they fell in love with another teenager from their school, but they could never imagine what would come next.

“My father found out that my boyfriend was a boy who studied in the same school as me. I never cared what people said, I was only guided by what I believed and felt." But upon the news their father couldn't stand it, “when I got home one day, my dad was sitting in a corner of the living room, I figured that something wasn't right, he sat me next to him and asked me what was happening, and that is when I told him.”

Their father, who is a militant of the Communist Party and a loyal follower of the Fidel's ideas, did not want to hear more, "I hadn't finished telling him when he got up and threw one first at me, then another, and another; he hit me so hard that he disfigured my face. Only my maternal aunt came to my rescue, who lived in the house next door at the time, and managed to confront my dad and save me from that horrible moment," they recount as they show the marks left on their face from the brutal beating.

They say that, after the incident, they were taken by their aunt to the hospital with a bloody face, where they stitched up the cuts, which healed over time, but the wounds that were left in their being - they say between tears -, "were never reconstructed."

It was then that he decided to leave their home without looking back, surviving from what they could "scrape", as he himself describes.
"The first days I slept in the street and in any place where I could hide from the rain and the cold," he says. After the act that marked his life he began to "make the streets" (prostitution) choosing secluded places and gay centers to survive.

"Sometimes I go to the clubs, because there are many foreigners who are the ones who have the money and pay more, because the Cubans only give you a miserable sum, but only on very few occasions, now that I am very marked by the police in those places."

They have several warning letters from the Revolutionary National Police for siege of tourism and have been threatened with imprisonment under the charges of pre-criminal social dangerousness if they continue prostituting themselves, "I have a pile of letters. I don't know where the cops come from? But the case is that they always catch you when you try to work at night, but if I stop doing the streets, I don't eat," they clarified.

The young person dressed like a woman, thin and somewhat battered, has never been defined themselves as transgender, they just say that they are a homosexual who dresses as a woman to attract more customers on the raw Santiago nights.

They say that they have contacted the National Center for Sex Education (Cenesex) on several occasions, but have never had results, "the last time I called Cenesex, trying to get my case resolved and get a job, I did not receive an answer. I do not want to prostitute myself all my life, it is one thing to do it to survive and another thing to do it for pleasure, which, is not my case. I would want to study and work like everyone else, but without being discriminated against," Amanda emphasizes.

Like Amanda, thousands of homosexuals suffer labor, familial, and social discrimination in Cuba due to ingrained machoistic ideas in Cuba.

Opinions collected by this website, from within the LGBTI community in Santiago de Cuba, agree that there have been no opportunities, nor true structural protections, offered to the Cuban LGBTI+ community. They assure that the existing state organizations on the island leave a lot to be desired in so much as benefits to the community and that, far from helping create spaces within broader society, they are repressed before even creating concrete social protection programs.

Meanwhile, Amanda continues to make the cruel streets every night. Although, tired of looking for work in the state and the private sector without obtaining results, they maintain the hope that one day, in Cuba, they may enjoy total and full social and labor freedoms, and that on the island laws be created that the end discrimination and machismo.
CERTIFICATE OF TRANSLATION

I, William Gutierrez, am competent to translate from Spanish into English, and certify that the translation of "Testimony of a homosexual Cuban who dreams of studying and working without discrimination" is true and accurate to the best of my abilities.

William Gutierrez
594 Dean St., Brooklyn, NY 11238, Office: 212-714-2904
03/08/2021

(signature of translator)

William Gutierrez
(typed/printed name of translator)

594 Dean St., Brooklyn, NY 11238, Office: 212-714-2904
(address and phone number of translator)

03/08/2021
(date)
TAB 18
In Cuba, progress is no longer revolutionary. It comes slowly, and cloaked in moderation.
new and revised constitution, a move that disappointed some gay rights activists.

An article that would have redefined marriage as a “union between two people” — rather than a “union between a man and a woman” — was eliminated from a proposed new constitution, which was written last year by the National Assembly, analyzed and debated in thousands of public meetings across the island and, on Feb. 24, approved by the Cuban people at referendum.

But marriage equality is not totally off the table in Cuba.

Marriage is now defined in the constitution as “a social and legal institution” and “one form of family organization.” In other words, same-sex marriage is not explicitly permitted — but it’s no longer strictly prohibited, either.

This is how social change works these days in Cuba, my home country and the subject of my academic research. Progress is no longer revolutionary. It comes slowly and cloaked in moderation.

**Slow change**

In this way, Cuba has undergone a gradual and dramatic metamorphosis under the governments of Raúl Castro and his successor, President Miguel Díaz-Canel.

Thanks to a thaw in US-Cuba relations under President Barack Obama, American tourists began visiting the communist country for the first time since the Kennedy administration placed a trade embargo on Cuba after Fidel Castro’s 1959 communist revolution.

Starting in 2008, Castro opened the economy to some foreign investment and allowed Cuban workers — once confined to government jobs — to start small businesses.
Many Cubans hoped the reform process would also expand civil liberties, bringing Cuban law more into line with its changing society.

**LGBTQ rights groups**, in particular, launched public awareness campaigns about sexual diversity. By late 2018, the path seemed to have been paved for gay marriage.

But **religious groups fiercely opposed the move**, and ultimately the government removed new language defining marriage as a “union between two people.”

**Some hits, some misses**

Still, the **newly approved constitution** does substantially expand social, political and economic rights in Cuba.

It limits Cuban presidents to two five-year terms. Previously, Cuba had no term limits. It also creates a prime minister position and strengthens local government, shifting power out of the executive. The criminal justice system in Cuba now operates on the presumption of innocence, not guilt.

Freedom of assembly, long restricted on the island, has also been expanded.

Previously, Cubans had the “right to meet, demonstrate and associate, for licit and peaceful purposes,” but only as part of a so-called “organización de masa” — the Cuban term for state-run groups. The new constitution removes the words “organizaciones de masa,” depoliticizing the freedom of assembly.

It remains to be seen whether the government will actually respect Cubans’ new right to form **independent organizations** – especially if those groups are political in nature.
“Spontaneous gatherings [in Cuba] are not seen positively and are always perceived to be the product of a foreign power,” wrote José Gabriel Barrenechea of La Trinchera, a blog for and by “young Marxists,” in a recent post.

**Greater equality**

*Cuba’s prior constitution* prohibited discrimination on the basis of race, skin color, sex, national origin and religious belief. Now *gender, sexual orientation, gender identity, age, ethnic origin, disability and territorial origin* have been added to the list.

The National Assembly stopped short of proposing any affirmative action policies, however, which would have been a more radical step toward equality.

The 1959 Cuban Revolution aimed to abolish all economic and racial differences among the Cubans, at least 36 percent of whom are Afro-Cuban. And Cuba’s inequality levels still remain well below other *countries in the region*.

But the recent economic reforms that increased prosperity for some have left certain minority groups — namely *Afro-Cubans* and the elderly — behind. Anti-discrimination statutes do nothing to close the widening wage gap.

The verdict is also mixed on how women fare under new laws.

Abortion, which unlike in the *majority of Latin America and Caribbean* has long been easily accessible in Cuba, is now officially protected in a provision guaranteeing women’s access to reproductive health services. And all forms of gender-based violence, not just domestic abuse and sexual assault, but also *street harassment and workplace intimidation*, are criminalized.
However, a popular constitutional guarantee that the government will provide free, universal child care and elder care to all working families women was eliminated.

This shifts the burden of care away from the government and onto the family. In a patriarchal society like Cuba’s, I believe women will inevitably assume these domestic duties.

Cubans evidently feared that other heralded rights would be lost, too.

In last year’s island-wide public meetings, people frequently requested assurances that universal health care and free public education through the post-graduate level would be maintained.

They were.

**Rights deferred**

But some long-hoped-for rights remain elusive.

Independent media is still prohibited, a blow to the blogs and alternative news sites that have cropped up to fill the information vacuum of a country where all news sources are government-owned.

Some analysts have observed that, as in the case of gay marriage, language defining the role of the media in Cuba was loosened somewhat. And in December the government announced it would allow Cubans to access the internet on their smartphones.

This may leave the door open for greater press freedom in the future.

However, in my analysis, regional politics make that unlikely to occur any time soon.
the ground.”

This revelation will likely only strengthen the Cuban government’s resolve to limit Cubans’ access to information.

The constitutional reform process has confirmed that radical progress in Cuba will have to wait. But Cuba is changing, in zigs and in zags — just perhaps not as fast as some might hope.

*María Isabel Alfonso* is a professor of Spanish at *St. Joseph's College of New York.*

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TAB 19
Un joven cuenta cómo es su vida con VIH en Cuba: "La Policía quiere que trabaje para el Estado por 200 pesos"
Se llama Juan (nombre ficticio), es muy joven, de La Habana y tiene VIH. Se puso en contacto con CiberCuba para quejarse de que los pacientes portadores del Virus de Inmunodeficiencia Humana pasan "tremendo trabajo" en La Habana para hacerse los análisis de carga viral y de CD4 (recuento de linfocitos). "Siempre es una complicación distinta", comenta por teléfono a este portal.

Ahora está preocupado porque la Policía lo ha amenazado con enviarlo a la cárcel si no empieza a trabajar para el Estado por 200-300 pesos cubanos al mes.
Como si no tuviera bastante con lo que está viviendo, la Policía pasó por su casa hace cuatro meses y le abrió un "profiláctico", acusándolo de prostitución "sólo por estar en una zona proclive al delito".
Las zonas "proclives al delito" son las llamadas "potajeras", sitios de reunión de la comunidad LGTBI en la Isla.

"La Policía me abrió el profiláctico y me dijo que era por seis meses. Ahora quieren que trabaje para el Estado por 200 o 300 pesos al mes. Yo lo que hago es vender ropa que traen las personas que vienen de Panamá, México, Rusia y Guyana. Le estuve comentando al oficial que me atiende que yo tengo VIH y que tengo las defensas bajas y me estoy sintiendo muy mal ya que me dan mareos, vómitos y me siento decaído y sin fuerzas, que yo puedo firmar todos los meses, pero trabajar, no porque paso dos días bien y cinco mal en la casa. Apenas salgo a la calle".
ha dicho que me van a mandar para San José, una prisión para personas con VIH si no empiezo a trabajar. Como si yo fuera un delincuente de esos que matan, roban y hacen disímiles cosas, entre ellas estar en la calle y dedicarse a la chivatería para ellos. Hacen lo que les da la gana y no les pasa nada".

"Quieren encerrarme a mí, que tengo una buena imagen en mi reparto; que me verificaron en mi CDR y mis vecinos les dijeron que soy un buen muchacho; no sé ni qué hacer. Estoy pensando en sacarme una licencia de cuentapropista y ponerme a trabajar a ver si me dejan en paz".

La burocracia
Un joven cuenta cómo es su vida con VIH en Cuba: "La Policía quiere que trabaje para el Estado por 200 pesos"

Según explica, a los portadores de VIH en Cuba los citan antes de las 8 de la mañana en el policlínico que les corresponde para evitar que tengan que desplazarse hasta la Benéfica (Hospital Miguel Enriquez). Sin embargo, los contratiempos llueven. De hecho, esta semana ha tenido que ir dos veces. "Primero no había agua destilada y luego no había jeringa", dice.

Finalmente pudo hacerse los análisis normales, pero no así los de carga viral ni los de CD4. "¡Qué falta de respeto con nosotros! Esto es lo nunca visto".

Cuando le diagnosticaron el VIH, insiste, "fue un problema serio. No hay confidencialidad con los datos de los pacientes. Tremenda burocracia y ni hablar para que me dieran tres medicamentos".
Un joven cuenta cómo es su vida con VIH en Cuba: “La Policía quiere que trabaje para el Estado por 200 pesos”

en las consultas y pasó dos meses sin revisiones. “Tuve que dar con mi mamá un escándalo y decir que iba a buscar a Díaz-Canel y a la prensa para que me firmaran el certificado para buscar los medicamentos”, señala a CiberCuba.

El joven confiesa que él creía que en Cuba se le daba otro tipo de tratamiento a las personas con VIH, pero ha comprobado en carne propia que se lo ponen muy difícil, sobre todo, porque existen enfermeras “serofóbicas”.

"¿Éste también está cogido?"
Bajamos al banco de sangre la enfermera de ITS y yo y cuando me senté para que otra enfermera que estaba allí me sacara la sangre le dijo a la de ITS bajito: "¿Éste también está cogido?" La otra le contestó que sí con la cabeza.

"Estuve dos semanas sacándome sangre. En total fueron cuatro veces porque la sangre siempre se contaminaba en el laboratorio y tenía que volver nuevamente".

La cosa paró porque él asegura que protestó en mala forma: "¡Yo no me saco más sangre ni pinga! ¿Qué hacen ustedes que mi sangre siempre se contamina?"

A partir de ese momento, no tuvo que volver más. "Al parecer, ésa era la clave", dice con desgana.
Un joven cuenta cómo es su vida con VIH en Cuba: "La Policía quiere que trabaje para el Estado por 200 pesos"

Pero lo peor lo vivió cuando pidió el papel de la dieta. "Fue otro espectáculo. En realidad yo no estoy necesitado de las cuatro cosas que dan ahí, pero sí de la leche, ya que en la tienda casi nunca hay y por la calle es a suerte y verdad si te la encuentras a 80 pesos la bolsa. Por eso fue que la luché. Como lo oye, la luché porque cuando eso a nosotros no nos tocaba. El tratamiento me lo dieron seis meses después de diagnosticado. La dieta fueron como siete meses y medio después. En uno de los viajes que logré ver a la clínica me dijo que la dieta no era una cosa tan importante ni urgente para mí, que podía esperar. Ahí fue cuando nuevamente me transformé y viré aquello al revés con mi mamá".

La dieta para los portadores de VIH son tres bolsas de leche, 40 libras de viandas, dos libras de carne de res, ocho libras de pescado y 30 huevos mensuales. "Dice el carnicero del barrio que en la Oficoda donde te asientan la dieta ponen 8 libras pero que en
A finales de 2017 había 23.200 personas con VIH en Cuba, según datos del Ministerio de Salud Pública. La mayoría (81%) son hombres. Hasta ese año, la enfermedad tenía una tasa de mortalidad del 17%.

Este artículo es de hace 2 años

¿Tienes algo que reportar? escribe a CiberCuba:

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Contribuye ahora (http://bit.ly/ContribuirConCiberCuba)
A young man tells what his life with HIV is like in Cuba: “The Police want me to work for the State for 200 pesos”

February 21st, 2019

His name is Juan (fictitious name), he is very young, from Havana and has HIV. He contacted CiberCuba to complain that patients carrying the Human Immunodeficiency Virus spend "tremendous work" in Havana to get viral load and CD4 (lymphocyte count) tests. "It's always a different complication," he comments via phone to this website.

Currently, he is worried because the police have threatened to send him to jail if he does not start working for the State for 200-300 Cuban pesos a month.

As if he didn't have enough with what he is living with, the police went through his house four months ago and opened a "condom", accusing him of prostitution "just for being in an area prone to crime."

The areas "prone to crime" are the so-called "potajeras", meeting places of the LGTBI community on the Island.

"The police opened the condom and told me it was for six months. Now they want me to work for the State for 200 or 300 pesos a month. What I do is sell clothes brought by people who come from Panama, Mexico, Russia, and Guyana. I was telling the officer who looks after me that I have HIV and that I have low defenses and am feeling very sick since I get dizzy, vomiting and I feel down and without strength; that I can sign every month, but not work, because I spend two days well and five unwell in the house. I barely go out."

Juan also told the police officer that he is having many adverse symptoms to the treatment he is receiving. "It was all for pleasure. This last trip he told me that they will send me to San Jose, a prison for people with HIV if I don't start working. As if I were a criminal of those who kill, steal and do dismal things, among them being in the street and dedicating myself to snitching for them. They do what they want, and nothing happens to them."

"They want to lock me up, that I have a good image in my neighborhood; that they verified me in my CDR and my neighbors told them that I am a good guy; I don't even know what to do. I am thinking about getting a self-employed license and getting to work to see if they leave me alone."

The Bureaucracy

As he explains, HIV carriers in Cuba are scheduled before 8 in the morning by their corresponding polyclinic to avoid having to travel to la Benéfica (Miguel Enríquez Hospital). However, setbacks rain. In fact, this week he had to go twice. "First there was no distilled water and then there was no syringe," he says.
Finally, he could get the normal tests done, but not those for viral load nor those for CD4. "What a lack of respect for us! This is what is never seen."

When he was diagnosed with HIV, he insists, "it was a serious problem. There is no confidentiality with patient data. Tremendous bureaucracy and that’s not even talking about what it took for them to give me three medications."

And that is not all. It took four months to give him "the index case" (that is what the patient zero is called in epidemiology), then the clinical doctor who was to attend him was not in consultation and he spent two months without reviews. "I had to throw a fit with my mom and say that I was going to look for Diaz-Canel and the press to sign the certificate to find the medications," he tells CiberCuba.

The young man confesses that he believed that in Cuba another type of treatment was given to people with HIV, but he has proved in his own flesh that they make it very difficult, especially because there are "serophobic" nurses.

"Is this one fucked too?"

"The day I received a positive rapid test result for HIV, what is normal is to get regular bloodwork done in the moment to check how the hemoglobin is, etc. We went down to the blood bank, the STI nurse and I, and when I sat down for another nurse who was there to draw my blood, she said to the STI nurse softly: "Is this one fucked too?" The other nurse nodded yes."

"I spent two weeks drawing blood. In total it was four times because the blood always got contaminated in the laboratory and I had to go back again."

The thing stopped because he says he protested in a bad manner: "I will not get more blood drawn or nothing! What do you do that my blood is always contaminated?"

From that moment on, he did not have to come back. "Apparently, that was the key," he says reluctantly.

But he lived the worst when he asked for diet sheet. "It was another spectacle. In reality, I am not in need of the four things that they give there, except the milk, since in the store there is almost never any and in the street it by luck and truth if you find it at 80 pesos the bag. That is why I fought it. As you are hearing it, I fought it because right then that was not going to happen to us. The treatment was given to me six months after I was diagnosed, the diet was about seven and a half months later. On one of the trips when I managed to see the clinician, they told me that diet was not such an important or urgent thing for me, that I could wait. That's when I transformed again and turned upside down with my mom."

The diet for HIV carriers is three bags of milk, 40 pounds of food, two pounds of beef, eight pounds of fish and 30 eggs per month. "The butcher of the neighborhood says that in the Office where they settle your diet, they write 8 pounds but in reality, it is six. I don't know what to tell you anymore. I didn't fight any more with any of that. They won't make me crazy over two pounds of fish."
At the end of 2017 there were 23,200 people with HIV in Cuba, according to data from the Ministry of Public Health. The majority (81%) are men. Until that year, the disease had a mortality rate of 17%.
CERTIFICATE OF TRANSLATION

I, William Gutierrez, am competent to translate from Spanish into English, and certify that the translation of "A young man tells what his life with HIV is like in Cuba: 'The Police want me to work for the State for 200 pesos'" is true and accurate to the best of my abilities.

_____________________________
(signature of translator)

William Gutierrez
(typed/printed name of translator)

594 Dean St., Brooklyn, NY 11238, Office: 212-714-2904
(address and phone number of translator)

03/08/2021
(date)
TAB 20
Concerns over Homophobic Acts of Violence Surface Again in Cuba

January 26, 2019

An alleged hate crime, that is already being handled by the competent authorities, has once again sparked debate around this problem and the pressing need to finally recognize LGBTI rights.

IPS Cuba

HAVANA TIMES – The report of an alleged violent act of homophobia in Guira de Melena has revived repeated demands on social media to take perpetrators to court as soon as possible and to pass stricter anti-discriminatory laws in Cuba.

Sources from the state-run National Center for Sex Education (CENESEX) have confirmed that on January 21st, the Legal Services Department received a complaint about this case from the victim, actor and set designer Alex Garcia, and passed this information on to the Attorney-General's office and the National Office of Cuba's Revolutionary Police Forces.

They also said that they had received a response and are moving ahead with the investigation of this shameful event.

Background
Numerous alleged hate crimes have emerged on social media, in a country where there isn't a framework to specifically identify and condemn crimes motivated by prejudice against a person's race, sexual orientation, gender identity, etc.

The last reported case emerged in July 2017, when CENESEX announced that it was reviewing a case of homophobic violence against a young man from Moron, in the interior Ciego de Avila province.

The organization then argued that “these displays of violence confirm the need to continue promoting a social, cultural and political debate in Cuba about every individual's right to live and express their sexual orientation and gender identity without fear of being rejected or even physically assaulted, like they were in this case.”

Ever since 2007, CENESEX has been organizing yearly educational campaigns focused on the prevention of homophobic and transphobic violence in different social environments, such as families, the workplace and schools.

Thanks to Ruben Alarcon, a social activist and quick-change artist who plays the popular character Margot Parapar, the news emerged on social media that very same day with photos of the injuries the victim sustained to his face.

Alarcon posted on his Facebook page that a young man, who he said was a friend, was assaulted by three young men in the early morning of January 20th, in Guira de Melena, 40 km south of the Cuban capital.

“They jumped him, for no other reason than him being gay and saying this, they cut his face with a bottle and beat him without mercy,” he wrote.

He also criticized the local police for “still letting the perpetrators run loose and on the fringes of the law, while my friend was sent home and told to come back on Monday so they could decide how serious the attack had been, not knowing or being able to predict if he would be threatened or attacked again.”

Then, Alarcon removed the name of the young man who was beaten claiming that “he was terrified”, but then his real name emerged and campaigns of support for the victim have been created using the slogan “I am Alex”.

Hundreds of comments follow the different posts and news reports about the case, condemning this violence and calling for discrimination related to sexual orientation and gender identity to be tackled, an issue that has been at the heart of Cuba's current constitutional reform process.

Context

This complaint has come at a difficult time, marked by tensions surrounding the possibility that Cuba is paving the way for same-sex marriage or at least a legal union between two people of the same sex.

Ever since the initial constitutional draft included an amended definition of marriage as the “union between two people”, extremist groups joined together to protest against it in its popular consultation phase and have taken the change to this
proposal in December (which will now be submitted to a referendum vote on February 24th) as a victory.

The current wording in Article 82 moves the definition of marriage to the Family Code and establishes that this should be redrafted in the next two years and then be submitted to a new referendum vote.

Different peaceful movements and social media platforms have been reporting these clashes ever since, especially between LGBTI activists and neo-Pentecosal extremists, who have been the most visible face against same-sex marriage.

In his Facebook post, Riuber Alarcon said that “some wrongly named “religious pastors” (…) have been promoting some campaigns talking about immoral acts, about stoning or burning people, among other barbaric acts. After these religious campaigns, a series of violent acts have been perpetrated against the gay community.”

Many researchers and LGBTI (lesbians, gays, bisexuals, trans, and intersexuals) activists have drawn people's attention to what they believe to be an open demonstration of extremist, macho, homophobic and discriminatory positions by these civic society groups.

According to Alarcon, this proves “to what extent and what reach they have by inciting the country to be against the legal rights of equality as a citizen, but particularly as a human being.”

Reactions

In the face of this news, dozens of internet users reacted angrily, demanding that the government take immediate action and bring these perpetrators to justice without any delay.

Aniel Hidalgo, Osvaldo Dumenigo and Andy Rumbaut agreed with them, demanding “that the Law fall with all its might upon these aggressors.”

Gleisy Perez said that “nobody has the right to physically or verbally attack or harass anyone,” while Jancel Moreno believed “it necessary to denounce these acts and take action together.”

Activist Isel Calzadilla believes that “it’s horrible that cases like this one exist and that homophobia has been energetically revived. We all need to come together and demand respect and safety, we are all human beings.

And, Yasiel Alejandro questions the absence of reports of this nature in Cuban state-controlled media and asked if a massacre like the mass shooting in a LGBTI club in Orlando, Florida on June 20th 2016 (which killed 50 people and injured 53) has to happen for the media to finally open its eyes.

Dachelys Valdes believes “that laws regulating any form of discrimination are needed and the State realizing the vulnerable position they are putting us in by not taking a stance.”
Meanwhile, Emilio Marrero summarizes and says: “The first thing the government needs to do is pass a law against Homophobia.”

Havana Times needs your help!

One thought on “Concerns over Homophobic Acts of Violence Surface Again in Cuba”

Gardezafol
January 26, 2019 at 9:51 am
Permalink

Homophobia in Cuba and other countries causes an adverse effect on tourism; which is the bread and butter needed to thrive. Hate is Hate is Hate... Basta!

Leave a Reply
Your email address will not be published. Required fields are marked *

Comment
TAB 21
Cuban bars use right of admission to throw out LGBTI+ people

HAVANA — Recently private bars in Havana have used the “right of admission reserved” to keep the doors closed on LGBTI+ people. Recent incidents expose the lack of Cuban legislation to prevent discrimination and protect victims.

At midnight on July 8, while Brian Canelles and Arian Abreu were having a drink at the Efe Bar in El Vedado, Havana, they decided to take a selfie of themselves giving each other a kiss. The bouncer told them they were not allowed to take the photo and the couple was eventually kicked out because “the bar didn’t want to have a gay image.” The bouncer argued, “We’re not interested in that type of publicity, and we don’t want to get that reputation.”

The Efe Bar is a disco and nightclub in Havana’s Vedado neighborhood. (Photo courtesy of Facebook)

Editor’s note: Tremenda Nota is an independent e-magazine in Cuba that reports on the country’s LGBT and other minority communities and young people. It is a Washington Blade media partner in Latin America.

Tremenda Nota originally published this story on its website in Spanish.

Gay asylum seeker in Mexico receives date to enter U.S.

Bill to ban LGBTQ panic defense in Va. hurdle

Embattled Golden Globes scramble for show of diversity

Multicultural Womxn’s Conference runs March 1-5

POPULAR STORIES

Gay asylum seeker in Mexico

Bill to ban LGBTQ panic defense in Va.

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Cuban bars use right of admission to throw out LGBTI+ people

José Luis asked to see the manager and asked whether they refused his friend entry because he was gay. The unnerved manager told him; “No, no, it's not about that but we reserve the right of admission,” but gave no further explanation.

Brian Canelles called out the Efe Bar on his Facebook profile, generating reactions from dozens of LGBTI+ activists. The Efe Bar published a response saying that it will “always raise the flag against homophobia.” They also argued that their “policy has been and will always be to respect others as people, regardless of their sex, race, sexual orientation or social status.” According to management, “it’s a shame that a false and damaging opinion is being created about many people based on the opinion of just one.”

An Efe Bar employee who identified himself as Roberto, “one of the managers,” took Tremenda Nota’s call to the bar but refused to offer their version of the incident which led to Brian Canelles and his boyfriend being thrown out.

He revealed, “I was working that day…but I’m not going to make any comment. I’d need the bar owner's permission.”

Brian says he was not given the opportunity to talk to this manager. “I asked him [the bouncer] to call the supervisor, but he said that he wasn’t going to waste his time and we should leave the bar.”

“I told him that I wasn't going anywhere, that I had already spent 100 CUC ($100) at the bar, for them to just kick me out without even taking the photo,” Brian added.

His complaints, along with those of his boyfriend and sister, hastened their removal.

“He grabbed me by the arm and took me to the exit,” Brian remembers. “They told me they had the right of admission reserved and they decided who was allowed to enter their bar. We argued back that being a private business didn’t give them the right to treat us like that, but they just shut the door.”

**Homophobia in private bars, with rights?**

KingBar is just a block away from the Efe Bar. Its logo makes a bold reference to anal sex.

Initially it wanted to present itself as a gay-friendly space. Mariela Castro, director of the National Center for Sexual Education and the country’s most famous LGBT activist, even attended the opening.

However, LGBT activists have reported KingBar because of exclusions that seem to be based on sexual orientation, gender identity and class.  

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King Bar is a disco and nightclub in Havana's Vedado neighborhood. (Photo courtesy of Facebook)
On June 27, 2015, to commemorate the Stonewall riots, playwright Norge Espinosa and a
dozen gay men and lesbians went to KingBar for a “public kissing” to call attention to
discriminatory access to public spaces.

According to Espinosa’s article published on the Proyecto Arcoiris blog, the owners of the
bar “didn’t feel comfortable with so many gays and lesbians inside their property” and
applied a “selective entry policy.”

The playwright argues that the activists’ visit led to “an argument regarding the house
reserving the right to admission.”

A tourism website recently listed KingBar as one of the “seven best gay parties in Havana.”

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

However, the Cuban Criminal Code includes the crime against the right to equality, for
people who “discriminate against another person or promote and incite discrimination”
which can be punished with a fine or up to two years in jail.

In the three decades since the law was established only one person has been charged with
this crime. It was used last year when student Yanay Aguirre reported that a driver threw
her out of a private taxi because of the color of her skin. The Attorney General’s Office said,
“Cuba does not need laws against racism.”

Maykel González Vivero

Comments are closed
Cuban bars use right of admission to throw out LGBTI+ people

[Link to article: https://www.washingtonblade.com/2018/07/16/cuban-bars-use-right-of-admission-to-throw-out-lgbti-people/]

3/3/2021
TAB 22
"El maltrato a los homosexuales en Cuba fue política de estado, y esos frutos se recogen todavía"
Yosuán, el peluquero, tenía 19 años cuando llegó a La Habana, pero su fuga comenzó el mismo día en que una vecina corrió escandalizada hasta su casa. «Yo estaba lavando unos tenis en el patio, y escuché cuando ella se lo dijo a mami: “En el pueblo están diciendo que anoche vieron a tu hijo apretándose con otro macho cerca del estadio”. Casi me muero la de vergüenza».

Entonces se escuchó el grito ahogado de Mariana, y comenzó el largo silencio de Pacheco. El tornero del pueblo, el antiguo combatiente internacionalista en tierras africanas, el hombre rudo y obstinado, jamás volvió a mirarle la cara a su hijo varón.
«Una mañana escribieron un letrero ofensivo en la puerta de la casa. A la semana ya no soportaba aquello —recuerda el joven—, papi se fue, mami no dormía y tampoco cocinaba, y mi hermana prefería quedarse en la universidad los fines de semana. Yo no me atrevía a salir a la calle, dejé la escuela de economía, y solo seguí yendo a la iglesia». 
Fue precisamente en la iglesia católica del pueblo donde algunos se solidarizaron con él. Una mujer mayor le sugirió que se marchara, y le habló de una hermana suya que vivía sola, y necesitaba compañía en la Habana. Entonces, a los 23 días del escándalo, dejó el cuarto y se subió al tren.

«Allí mismo vendí una cadena, dos pantalones y unas zapatillas de marca. No tenía dinero y jamás había estado a La Habana. Al llegar llamé a mima del primer teléfono que encontré, ella pensaba que me había suicidado porque no me encontraban, pero a mí jamás me dio por eso. Yo sé que me quiere, pero se alegró de mi partida, pensó que así papi volvería.»
comenzó a trabajar en una fábrica particular de escobas. A los ocho meses de su llegada se enamoró de un profesor y se fue a vivir con él a un cuarto de la Universidad de Ciencias Informáticas (UCI).

«Me iba casi de noche para el trabajo, para que nadie me viera salir, y también de noche regresaba. Allí cocinábamos, nos lavábamos la ropa, sentíamos aquel lugar como si fuera nuestra casa. Pero un día nos delataron, Ernesto perdió el trabajo, y lo sancionaron por el partido. Muchos de los que estuvieron de acuerdo con la expulsión vivían con sus novias o mujeres, pero a nosotros nos juzgaban diferente. Nos botaran por ser gays». 
luego Ernesto consiguió trabajo en un banco del Cerro.

Ahora viven rentados en una casa donde además montaron un salón de belleza. «Esta felicidad nos cuesta 170 dólares al mes, pero deja mayores ganancias», asegura Yosuán, tan diestro con la tijera como con las palabras.

¿Todo lo que has logrado aquí, no era posible conseguirlo allá en Las Tunas?

Claro que no. En oriente todo es más difícil, resulta el doble de complicado asumirte como homosexual. La incultura tiene mucho que ver con la pobreza y el mismo desbalance económico que hoy existe entre occidente y oriente, se expresa en términos
¿En La Habana no te sientes marginado?

La marginación existe en todas partes, porque en primer lugar no tenemos leyes que nos amparen. Pero aquí se vive diferente, la gente se centra más en otras cosas, todo el mundo está en “su lucha” y tratando de buscarse los cuatro pesos, y entonces no importa tanto el hecho de con quién te vas a la cama.
otros le salgan al paso y lo reprendan por eso. Ya muchas veces el sentido común indica que eso no está bien. Pero en oriente o en las zonas rurales del país, si alguien te agredes es muy probable que otros se sumen.

“El homosexual o el travesti son fuente de chistes, pero ya no tanto de agresiones y ofensas en la calle. Si a algún intolerante se le ocurre ofenderte o gritarte, es posible que otros le salgan al paso y lo reprendan por eso.

¿Crees que en Cuba somos más homofóbicos que en el resto del mundo?

No he viajado. Pero no, no creo. Aunque, claro, depende del país con el que nos estemos comparando. Como te decía, considero que la pobreza implica atraso cultural y dependencia. En otros países cuando ganas lo suficiente para mantenerte, y tienes tus necesidades cubiertas no estás obligado a intercambiar con tus vecinos, no le pides prestada un poco de sal a la mujer de al lado, no ves quién sale y quién entra en su casa, por lo tanto, no te metes en la intimidad de los demás, eres más respetuoso. Y si a eso le sumas una educación más humanista, y un cuerpo legal que respalde a los homosexuales, pues evidentemente estamos hablando de un ambiente de mayor aceptación.

¿Qué leyes consideras que deben adoptarse ahora mismo en Cuba?

Mira, no soy abogado, y ya te dije que no pude ni entrar a la universidad, pero me gusta leer, y analizar a fondo las cosas. Yo considero que debiera reconocérsenos en primera instancia. Por ejemplo, Ernesto y yo llevamos 6 años juntos, nuestra relación es más seria que la de muchos matrimonios heterosexuales y, sin embargo, no se nos reconoce como esposos, y eso nos afecta, no solo desde el punto legal.

También es importante legislar en materia de derecho familiar, laboral o educativo, para que no se cometan injusticias o al menos para que las injusticias no queden impunes.

“
¿Qué piensas acerca del trabajo que ha desarrollado Mariela Castro al frente del Centro Nacional de Educación Sexual, el CENESEX?

Ha sido un trabajo importante, pero de alcance muy limitado.

¿Consideras que podía haber llegado más lejos?

Ha tenido mucha oposición dentro del gobierno. El hecho de ser la hija de Raúl le abrió muchas puertas, pero igualmente le ha cerrado otras. Es como si el padre mismo le dijera: 'Hasta aquí, si te pasas de este límite dirán entonces que te he permitido demasiado porque eres mi hija'. Sin embargo, creo que Raúl debió haber propiciado esos
a los homosexuales en Cuba fue política de estado, y esos frutos se recogen todavía.

“Raúl debió haber propiciado esos cambios durante su mandato, sobre todo para, de alguna manera, tratar de subsanar los atropellos del pasado. No se puede olvidar que en los años sesenta y setenta el maltrato a los homosexuales en Cuba fue política de estado, y esos frutos se recogen todavía.

Algunos consideran que con Díaz-Canel como presidente se abren nuevas posibilidades de avanzar en materia de igualdad de género.
planes tiene. De cualquier manera, los dinosaurios que se han opuesto en el pasado a cualquier avance en materia de igualdad de género siguen allá arriba, y son los que deciden, a pesar de tener un nuevo presidente.

¿Dinosaurios?

Dirigentones de esos bien cuadrados, anticuados con poder, machistas y homofóbicos recalcitrantes. Los que dicen que aún no se puede ir más lejos, que no se puede aprobar una ley para que dos mujeres o dos hombres se casen, porque sencillamente el pueblo no está preparado para entender eso.

Y yo pregunto: ¿acaso debimos esperar que el pueblo estuviera preparado para aceptar a los negros como iguales y entonces después adoptar las leyes que así lo consagraran en la constitución?

No. Las injusticias hay que acabarlas, y las leyes deben anteceder a los cambios de mentalidad.

A nadie se le ocurriría adoptar una ley para respetar a las rubias, porque todo el mundo ya las respeta.

Cuando todos en Cuba entiendan que el homosexualismo no es una enfermedad, ni una desviación o degeneración moral, ya no hace falta la ley.

Cuando el pueblo nos vea como iguales, y nos respete como a los rubios, a los altos o a los bajitos, ya no hace falta la ley.

“Cuando el pueblo nos vea como iguales, y nos respete como a los rubios, a los altos o a los bajitos, ya no hace falta la ley”

Las leyes se necesitan ahora, para que nadie se sienta con el derecho de pisotearnos, de maltratarnos, o de impedirnos que nos casemos con la persona que amamos, más allá del sexo biológico.

¿Consideras entonces que estamos muy atrasados en ese sentido?
como fue el hecho de negarle el voto a la mujer en otros momentos de la historia. Son visiones atrasadas y profundamente injustas.

¿Qué les dirías a aquellos que aún ven el homosexualismo como algo torcido y repudiable?

A esos que piensan como mi padre, me gustaría hacerles entender que ser homosexual no es una enfermedad, y tampoco es una elección. De la misma manera que ningún heterosexual decidió un día que le gustaría el sexo opuesto, nosotros tampoco elegimos que nos gustaría el mismo sexo. Ser homosexual es tan natural como ser heterosexual, como que unos tengan el pelo crespo, y otros lo tengan lacio, rubio o negro.

Este artículo es de hace 2 años

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[Full Translation of Article entitled: "El maltrato a los homosexuales en Cuba fue política de estado, y esos frutos se recogen todavía"]

“The abuse of homosexuals in Cuba was state policy, and those fruits are still being collected”

May 16th, 2018

Yosuan, the hairdresser, was 19 when he arrived in Havana, but his escape began the same day that a neighbor ran scandalized to his home. "I was washing some shoes in the yard, and I heard when she told Mom: 'In town they are saying that last night they saw your son pressing up against another male near the stadium.' I almost died of the embarrassment."

Then Mariana's choked scream was heard, and Pacheco's long silence began. The village turner, the former internationalist combatant in African lands, the rude and stubborn man, never looked back at his son's face.

"One morning they wrote an offensive sign on the door of the house. A week later I could not stand it anymore," recalls the young man, "Dad left, Mom did not sleep and did not cook, and my sister preferred to stay at the university on weekends. I did not dare to go out, I left economics school, and just kept going to church."

It was precisely in the town's Catholic church that some sympathized with him. An older woman suggested he leave and told him about a sister of hers who lived alone and needed company in Havana. Then, 23 days after the scandal, he left the room and got on the train.

"Right there I sold a chain, two pants and some brand shoes. I had no money and had never been to Havana. When I arrived, I called my mom from the first phone I found. She thought I had killed myself because they couldn't find me, but she never gave me up because of that. I know she loves me, but she was glad about my departure, she thought that way daddy would come back."

Yosuan wanted to study, but was illegal in Havana; Ophelia, a good old woman, but somewhat grumpy, never allowed him to change the address to her home. Then he started working in a particular broom factory. Eight months after his arrival he fell in love with a teacher and went to live with him in a room at the University of Computer Science (UCI).

"I would leave almost at night for work, so that no one would see me go out, and also at night I would come back. There we cooked, washed our clothes, felt as if that place were our home. But one day they ratted us out, Ernesto lost his job, and he was sanctioned by the party. Many of those who agreed with expulsion lived with their girlfriends or women, but we were judged differently. They'll throw us out because we're gay."
Lucky Ophelia, who once again welcomed them both into her home. They first defended themselves by reselling shopping items, until they started a hairdressing course and then Ernesto got a job at a bank in Cerro.

Now they live rented in a house where they also set up a beauty salon. "This happiness costs us $170 a month, but leaves us with higher profits," says Yosuan, as skilled with scissors as with words.

**Everything you have accomplished here, was it not possible to get back in Las Tunas?**

Of course not. In the East everything is more difficult, it is twice as complicated to identify as a homosexual. The lack of culture has a lot to do with poverty and the same economic imbalance that exists between the West and the East, is expressed in social and cultural terms. There they close all the doors on you, they offend you, they attack you. My own father said that for him I was dead. The differences are not understood as here.

**In Havana do you not feel marginalized?**

Marginalization exists everywhere, because in the first place we have no laws to protect us. But here you live differently, people focus more on other things, everyone is in "their struggle" and trying to find four pesos for themselves, and so it doesn't matter so much the issue of who you go to bed with.

The homosexual or the transvestite are a source of jokes, but not so much of aggressions and offenses in the street. If some intolerant person thinks of offending or yelling at you, it is possible for others to step out and reprimand them for it. Many times, common sense indicates that that is not right. But in the east or in the rural areas of the country, if someone attacks you, it is very likely that others will join.

**Do you think that in Cuba we are more homophobic than in the rest of the world?**

I have not traveled. But no, I don't believe so. Although, of course, it depends on the country with which we are comparing ourselves. As I said, I believe that poverty implies cultural backwardness and dependence. In other countries when you earn enough to maintain yourself, and you have your needs covered, you are not obliged to exchange with your neighbors, you do not borrow some salt from the woman next door, you do not see who goes out and who enters your house, Therefore, do not get into the privacy of others, you are more respectful. And if you add to that a more humanistic education, and a legal body that supports homosexuals, we are obviously talking about an environment of greater acceptance.

**What laws do you think should be adopted right now in Cuba?**

Look, I'm not a lawyer, and I already told you that I couldn't even go to university, but I like to read, and analyze things thoroughly. I consider that we should recognized in the first place. For example, Ernesto and I have been together for 6 years, our relationship is more serious than that
of many heterosexual marriages, and yet we are not recognized as husbands, and that affects us, not only from the legal point of view.

It is also important to legislate on family, labor or educational law, so that injustices are not committed or at least so that injustices do not go unpunished.

**What do you think about the work Mariela Castro has developed at the head of the National Center for Sex Education, CENESEX?**

It has been important work, but very limited in scope.

**Do you think it could have gone further?**

It has had a lot of opposition within the government. Being Raul's daughter opened many doors, but also closed others. It is as if the father himself said to her: 'Until here, if you go beyond this limit they will say then that I have allowed you too much because you are my daughter'. However, I believe that Raul should have led to these changes during his tenure, especially to somehow try to remedy the abuses of the past. It cannot be forgotten that in the sixties and seventies the abuse of homosexuals in Cuba was state policy, and those fruits are still collected.

**Some believe that with Diaz-Canel as president, new possibilities for advancing gender equality matters become available**

Perhaps some steps can be taken, perhaps Diaz-Canel, being younger, brings another mentality. But I don’t know the President, I don't know how he thinks, nor what plans he has. In any case, the dinosaurs that have opposed in the past any advance in gender equality are still up there, and they are the ones who decide, despite having a new president.

**Dinosaurs?**

Those very square leaders, old-fashioned with power, *machistas* and stubborn homophobes. Those who say that you cannot go any further, that you cannot pass a law for two women or two men to get married, because the town is simply not prepared to understand that.

And I ask: should we have waited for the people to be prepared to accept Black people as equals and only then adopt the laws that enshrine it in the constitution?

No. Injustices must be terminated, and laws must precede mentality changes.

Nobody would think of adopting a law to respect blondes because everyone already respects them.

When everyone in Cuba understands that homosexuality is not a disease, nor a moral deviation or degeneration, the law is no longer needed.

When the people see us as equals, and respect us as they respect blondes, the tall or the short, then the law is no longer needed.
Laws are needed now, so that no one feels the right to trample on us, to mistreat us, or to prevent us from marrying the person we love, beyond biological sex.

**Do you consider then that we are very late in that sense?**

And the worst part is that many of those who do not accept these differences today call themselves socialist, progressives, when being homophobic in the 21st century is as unfair as being racist, or how it was to deny women the vote at other moments in history. They are backward visions and profoundly unjust.

**What would you say to those who still see homosexuality as something crooked and repudiable?**

To those who think like my father, I would like to make them understand that being gay is not a disease, nor is it a choice. In the same way that no heterosexual decided one day that he would like the opposite sex, we also did not choose that we would like the same sex. Being gay is as natural as being straight, as some having frizzy hair, and others having straight, blond or black hair.
CERTIFICATE OF TRANSLATION

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[Signature]
William Gutierrez
(typed/printed name of translator)

594 Dean St., Brooklyn, NY 11238, Office: 212-714-2904
(address and phone number of translator)

03/08/2021
(date)
TAB 23
El acoso homo y transfóbico en las escuelas cubanas incide en el abandono escolar
La Habana, 8 may.- Personas trans y mujeres lesbianas refirieron haber abandonado sus estudios debido a situaciones de acoso escolar, reveló una investigación retrospectiva sobre homofobia y transfobia en el ámbito escolar que realizó el estatal Centro Nacional de Educación Sexual (Cenesex)

Realizado por un colectivo de cinco autoras, el estudio exploratorio y retrospectivo sobre violencia homofóbica y transfóbica en la trayectoria escolar de activistas lesbianas, gays, bi, trans e intersexuales (LGBTI) sirve de base a la oncesa edición de las Jornadas Cubanas
El acoso homo y transfóbico en las escuelas cubanas incide en el abandono escolar
De acuerdo con el informe al cual IPS tuvo acceso, las investigadoras del Cenesex encuestaron a 90 personas adultas de las redes sociales comunitarias acompañadas por esa institución estatal cubana, provenientes de La Habana, Villa Clara y Santiago de Cuba.
La escolaridad concluida de la población estudiada estuvo concentrada en la enseñanza media y, en el momento de la investigación, 25 personas se encontraban cursando estudios superiores, en su mayoría hombres gays.

**Abandono escolar**

No obstante, 22 sujetos indicaron haber abandonado los estudios en algún momento de su trayectoria escolar y solo nueve volvieron a reincorporarse, la mayor parte fueron personas trans que buscaron concluir el bachillerato.

La edad promedio del abandono de estudios estuvo concentrada en los 16,6 años, al culminar la enseñanza secundaria, con una representación mayoritaria de personas trans.

De las 22 personas que refirieron haber abandonado los estudios, 13 alegaron que la decisión estuvo vinculada con las situaciones de violencia de las que fueron víctimas en el espacio escolar, una vivencia que predominó entre personas trans y mujeres lesbianas.
“De las 22 personas que refirieron haber abandonado los estudios, 13 alegaron que la decisión estuvo vinculada con las situaciones de violencia de las que fueron víctimas en el espacio escolar”

Las burlas e insultos fueron las manifestaciones de acoso más frecuentes que rememoraron las personas encuestadas, seguidas por las amenazas, los maltratos físicos, ignorarles y robarles pertenencias.
“No hay ningún lugar del ámbito escolar que escape del fenómeno”, distinguió el informe, que identificó como momentos de mayor riesgo la salida y entrada a la escuela, el tiempo entre clases y el receso en el patio.

Según el estudio, los baños y los albergues fueron los espacios de mayor ocurrencia de actos de abuso en escuelas de régimen interno, con agresiones verbales que podían acompañarse de violencia física.

La respuesta de las instituciones educativas se centró en el cambio de régimen de estudios o en el aislamiento de las personas víctimas, apuntó el informe.
Las investigadoras enfatizaron que las medidas implementadas pudieran considerarse una forma de revictimización, pues impactaban en las personas que sufrían el acoso y no en quienes lo cometían.

¿Quiénes son?

Como personas perpetradoras de la violencia o acoso, predominaron por amplio margen el propio estudiantado, seguido del claustro docente, el personal de apoyo y familiares de las víctimas.
Como personas perpetradoras de la violencia o acoso, predominaron por amplio margen el propio estudiantado, seguido del claustro docente, el personal de apoyo y familiares de las víctimas.

Las redes de apoyo dentro de la escuela fueron prácticamente inexistentes, precisó la investigación, la cual constató una tendencia a normalizar las situaciones de violencia.

El apoyo, cuando ocurrió, provino de estudiantes que intervenían para que cesara el maltrato. La actitud del profesorado estuvo dirigida a silenciar los hechos y a ubicar la culpa en las víctimas, refirió la muestra estudiada.
Las personas afectadas decidieron no hacer la denuncia cuando sufrieron violencia por homofobia y transfobia, ya fuera por no sentirse preparadas para hacer pública su orientación sexual, el inmovilismo del profesorado y temor a las consecuencias por la doble estigmatización.

Ante las situaciones violentas, los mecanismos más utilizados por las víctimas fueron ignorar lo que les decían, aislarse, tratar de no llamar la atención o responder también con agresividad.

“Ante las situaciones violentas, los mecanismos más utilizados por las víctimas fueron ignorar lo que les decían, aislarse, tratar de no llamar la atención o responder también con agresividad”

La violencia homofóbica y transfóbica experimentada tuvo un impacto en la salud mental de las víctimas, asegura el estudio.

Temores, miedo ante la reacción de las personas cuando denunciaban, bajo rendimiento escolar y rechazo a la escuela, fueron algunas de las consecuencias observadas.
Sin embargo, adujo el informe que, cuando participantes en la investigación reflexionan y evalúan esas etapas de sus vidas, refieren que tales situaciones influyeron de manera positiva con el paso del tiempo porque robustecieron su carácter.

**Conclusiones**

El estudio concluye que la violencia homofóbica y transfóbica en el escenario escolar es reflejo de la homofobia y la transfobia social existente en Cuba.

La reincorporación a los estudios y la recomposición de los proyectos de vida de las víctimas es un indicador del cambio para la sociedad y la escuela cubana, evaluó el informe.

Sensibilizar a las organizaciones juveniles para que funcionen como redes de apoyo ante situaciones de violencia en el ámbito escolar y potenciar la formación de docentes y personal de apoyo para la prevención del acoso homofóbico y transfóbico, son recomendaciones del estudio.

También sugiere a las autoridades educativas fortalecer la supervisión de los lugares de mayor prevalencia de la violencia homofóbica y transfóbica.
El acceso universal y gratuito a la educación y la salud, así como los principios de igualdad establecidos, constituyen conquistas que se refrendan en la Constitución vigente (1976), en sus artículos 39 y 50, plantean las investigadoras en la introducción del estudio.

Sin embargo, a su juicio queda pendiente la reducción de la homofobia y la transfobia a la que están expuestas lesbianas, gays, bisexuales y personas trans en la isla caribeña. (2018)
Homophobic and Transphobic bullying in Cuban schools influences school dropouts

May 9th, 2018

Habana, 8 May. - Trans people and lesbian women reported having to drop out of school due to situations of school bullying, revealed a retrospective investigation about homophobia and transphobia in the school environment conducted by the state National Center for Sexual Education (Cenesex).

Conducted by a group of five authors, the retrospective and exploratory study on homophobic and transphobic violence in the school careers of lesbian, gay, bi, trans, and intersex activists (LGBTI) serves as the base for the eleventh edition of the Cuban Days against Homophobia and Transphobia, which for the second year has centered its attention on schools.

According to the report to which IPS had access, the Cenesex researchers surveyed 90 adults from the community social networks accompanied by the Cuban state institution, from Havana, Villa Clara and Santiago de Cuba.

The completed schooling of the population studied was concentrated in secondary education and, at the time of the investigation, 25 people were studying higher education, mostly gay men.

School Dropout

Nonetheless, 22 subjects indicated that they had dropped out of school at some point in their school career and only nine went back and returned, most of them were trans people who sought to finish high school. The average age of dropping out of school was concentrated at 16.6 years, at the end of secondary education, with a majority representation of trans people.

Of the 22 people who reported having dropped out of school, 13 claimed that the decision was linked to situations of violence of which they were victims in the school space, an experience that prevailed among trans people and lesbian women.

Teasing and insults were the most frequent manifestations of harassment that the people surveyed recalled, followed by threats, physical abuse, others ignoring them and stealing their belongings.

"There is no place in the school setting that escapes this phenomenon," distinguished the report, which identified, as moments of highest risk, the exit and entrance to school, the time between classes and the recess in the courtyard.

According to the study, restrooms and shelters were the areas with the highest occurrence of acts of abuse in internal schools, with verbal aggressions that could be accompanied by physical violence.
The response of educational institutions centered on changing class schedules or the isolation of victims, the report said.

The researchers emphasized that the measures implemented could be considered a form of revictimization, as they impacted people who suffered harassment and not those who committed it.

**Who are they?**

Among perpetrators of violence or harassment, the student body itself predominated by a wide margin, followed by the teaching staff, support staff and relatives of the victims.

The networks of support within the school were practically nonexistent, said the investigation, which found a tendency to normalize situations of violence.

The support, when it occurred, came from students who intervened to stop the abuse. The attitude of the teaching staff was aimed at silencing the facts and locating blaming the victims, said the sample studied.

The persons affected decided not to make a complaint when they suffered violence due to homophobia and transphobia, either because they did not feel prepared to make their sexual orientation public, because of the immobility of teachers, or the fear of the consequences of double stigmatization.

In the face of violent situations, the mechanisms most used by victims were to ignore what they were told, isolate themselves, try not to attract attention or respond aggressively.

The homophobic and transphobic violence experienced had an impact on the mental health of the victims, said the study.

Terrors, fear of the reaction of people when they complained, poor school performance and rejection of school, were some of the consequences observed.

However, the report argued that, when research participants reflect upon and evaluate these stages of their lives, they report that such situations influenced them positively over time because they strengthened their character.

**Conclusions**

The study concludes that homophobic and transphobic violence in the school setting reflects the social homophobia and transphobia in Cuba.

The return to studies and the re-composition of the victims' life projects is an indicator of change for society and the Cuban school, the report evaluated.

Raising awareness among youth organizations to function as networks of support in the face of situations of violence in the school environment and enhancing the training of teachers and support staff for the prevention of homophobic and transphobic bullying are recommendations made by the study.
It also suggests educational authorities strengthen the supervision of the most prevalent places of homophobic and transphobic violence.

The free and universal access to education and health, as well as the established principles of equality, constitute goals endorsed by the current Constitution (1976), in articles 39 and 50, propose the researchers in the introduction of the study.

Nonetheless, judgment is still pending on the reduction of homophobia and transphobia to which lesbians, gays, bisexuals, and trans people on the Caribbean island are exposed (2018).
CERTIFICATE OF TRANSLATION

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William Gutierrez
594 Dean St., Brooklyn, NY 11238, Office: 212-714-2904
03/08/2021

William Gutierrez
(signature of translator)

William Gutierrez
(typed/printed name of translator)

594 Dean St., Brooklyn, NY 11238, Office: 212-714-2904
(address and phone number of translator)

03/08/2021
(date)
TAB 24
A half-dozen LGBT Cubans arrived in Amsterdam's Schiphol Airport Saturday, seeking asylum.

Mariela Castro has long been the face of Cuba’s LGBT movement, which is a little unusual given she’s a heterosexual cisgender woman and daughter of president Raul Castro.
A member of the Cuban Parliament and director of the government-sanctioned Cuban National Center for Sex Education, she’s marched at the front of Havana’s Pride parade and has spoken out in support of marriage equality, though she’s claimed it’s not the main goal of the movement. A 2016 HBO documentary, *Mariela Castro’s March: Cuba’s LGBT Revolution*, painted her as something of a Mother Teresa for the LGBT community.

But critics say the situation for gay and trans people is still dire there: on Sunday, a group of LGBT Cubans requested asylum in the Netherlands, claiming they faced persecution in their homeland.
One of them, activist Victor Manuel Dueñas, told the *Washington Blade* he was being targeted by the government for his work advocating same-sex marriage and calling attention to police mistreatment of LGBT people.

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

The group will reportedly stay in the airport until they are interviewed and processed by Dutch authorities.

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

He claims he could face eight years in prison if he is sent back to Cuba.

From the 1960s to the 1990s, Fidel Castro’s regime was marked by stark human rights abuses: Batista supporters were executed, political opponents were imprisoned, and the press was muzzled. Effeminate boys were made to undergo conversion therapy and thousands of gay men were sent to forced labor camps, known as Military Units to Aid Production.
"We would never come to believe that a homosexual could embody the conditions and requirements of conduct that would enable us to consider him a true revolutionary, a true Communist militant," Castro said in 1965. "A deviation of that nature clashes with the concept we have of what a militant communist must be."

By the 1990s, Castro had publicly denounced anti-LGBT policies but raids on gay clubs and harassment of homosexuals and trans people continued. People living with HIV/AIDS were quarantined in state-run sanitariums until 1993.

Dan Avery [http://www.newnownext.com/author/averyd/]

@ItsDanAvery [http://www.twitter.com/ItsDanAvery]
TAB 25
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.
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CIENFUEGOS, Cuba — An independent Cuban activist says the government continues to target him because he publicly criticizes President Raúl Castro’s daughter who spearheads LGBT-specific issues on the communist island.

Nelson Gandulla, president of the Cuban Foundation for LGBTI Rights, told the Washington Blade on May 16 during an exclusive interview at his home on the outskirts of the city of Cienfuegos that three security officials interrogated him for two and a half hours last December.

Gandulla told the Blade the interrogation took place on Dec. 10 — International Human Rights Day that commemorates the ratification of the Universal Declaration of Human Rights by the U.N. General Assembly in 1948 — in Cienfuegos, which is roughly three hours southeast of Havana on Cuba’s southern coast.

Gandulla said he had just returned from Switzerland and Spain where he participated in a U.N. forum and met with several officials. Gandulla also criticized Mariela Castro, director of Cuba’s National Center for Sexual Education, while he was in Europe.
The interrogation about which Gandulla spoke to the Blade took place 15 days after Mariela Castro’s uncle, former Cuban President Fidel Castro, died. His ashes were interred at Santa Ifigenia Cemetery in the city of Santiago on Dec. 4.

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

Gandulla, who is a doctor, said the authorities also threatened to rescind his medical license and prevent him from leaving Cuba.

“I was accused of being a worm, a mercenary,” he told the Blade. “They told me that I was an employee of the CIA and that they could also accuse me of the crime of illicit misappropriation of funds and economic activity.”

Gandulla accused of having ‘clandestine Internet network’

Gandulla said he was waiting to pass through immigration at Havana’s José Martí International Airport on Jan. 9 in order to board a flight to Panama City’s Tocumen International Airport when security agents “pulled me out of the line” and said he was not allowed to leave the country. Gandulla was to have flown from Panama City to the Colombian city of Cartagena in order to attend a workshop organized by Caribe Afirmativo, an LGBT advocacy group, that focused on documenting human rights abuses.

Gandulla told the Blade he and his partner returned to Cienfuegos two days later. He said they were arrested when they asked local immigration officials why he was prevented from leaving 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.
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.
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 sanitaria 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.
TAB 27
Justice

Once a prisoner in Cuba, a transgender Cuban woman vows to never return

The World
January 28, 2016 · 12:45 PM EST
By Nadege Green

Ana Marrero, a transgender woman, says she was repeatedly thrown in prison in Cuba for wearing makeup and women’s clothing.

Credit: Tim Padgett/WLRN

Ana Marrero pulls back her shirt sleeve and holds out her left arm.

“In Cuban prisons, I tried on various occasions to kill myself with knives,” she says.

Eight times.

“Uno, dos, tres, quarto, cinco, seis, siete, ocho,” she counts in Spanish. She counts the healed scars on her forearm. They look like horizontal tally marks.

These days, it’s a lot easier to travel between the US and Cuba, but some Cubans have no interest in going back to their homeland.
Once a prisoner in Cuba, a transgender Cuban woman vows to never return to her homeland.

That's especially true for transgender Cubans, like Marrero, 54, who lived in Cuba in the '60s and '70s. Back then, the Cuban government had very rigid gender expectations and it regularly sent gay and transgender people to prisons and labor camps for leading a so-called “deviant lifestyle.”

“It was horrible,” says Marrero, who fled Cuba in 1980 during the Mariel boatlift. “We couldn't have a life. In those days the Cuban government was very backward and cruel about homosexuality.”

She says gay and transgender prisoners were at the mercy of cruel guards.

“I met a gay man who had naturally large breasts and that bothered the prison authorities so much that they operated on him to get rid of those breasts,” she says.

Marrero identified as female from a very young age. In Cuba, she would wear her mother’s clothes and makeup — and she paid the consequences.

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

That Cuba, the Cuba Marrero knew, is changing.

Mariela Castro, President Raul Castro's daughter, is director of the government’s National Center for Sex Education and she’s a leading advocate for the gay and transgender community in Cuba — even leading anti-homophobia marches in Havana.

In 2013, Cuba’s parliament passed a law forbidding discrimination in the workplace based on sexual orientation. Mariela Castro, who is also a parliament member, voted against the ban because it didn’t include protections for transgender people.

Since 2008, Cuba has offered free sex changes through the public health system.

“In Cuba this is a slow process,” Castro told Daily Xtra, a Canadian website that covers the gay community. “We are trying to create a new society, but changing people's conscience can be a slow process.”

Castro added that in Cuba, homophobia and transphobia are still widespread.

Mariette Pathy Allen, an American photographer, has been photographing transgender women in Cuba since 2013.

Allen says that for the women she’s met, “it’s a very hard life.”

Despite some of the progress happening in the LGBT movement in Cuba, many of the trans women Allen photographs say they’re still harassed and detained by police. They also say they can’t get jobs.

“A lot of them have no choice but to become prostitutes,” says Allen.

And there are the threats of violence, especially outside Havana.

Earlier this year, a trans woman was stoned to death near the western city of Pinar del Rio, according to Cuban media reports. Activists in Cuba called it a hate crime.

Still, many point to Mariela Castro as a beacon of hope and perhaps a sign of long-term change for trans Cubans.

In Miami, Marrero says she knows there's an evolution happening in Cuba.
“Mariela Castro has changed and opened up a lot of things there,” she says. “If Mariela Castro had been there when I was living there, maybe I wouldn't have had to come here.”

Marrero says the transphobia she experienced living in Cuba, she also experienced here early on in Miami’s Cuban exile community.

She says Cuban American police officers used to stop her and accuse her of being a prostitute. They questioned her gender and made unwanted sexual advances toward her.

“I felt very powerless,” she says.

Just as a shift is happening slowly in Cuba, Marrero says she’s also seeing more acceptance of transgender people in Miami.

“Today I can walk more freely. I can go where I want. And I can be who I want to be, without facing so much discrimination,” she says.

And even with US and Cuba relations normalizing now, she still can’t bring herself to ever go back home.

“I suffered too much trauma in Cuba. It would cause me too much panic to return there. I wouldn't go back, even for a short visit.”

Her resolve hardens when she looks down at her arm. The self-inflicted scars left from her life in Cuba’s prisons are a permanent reminder of a time when she could not be free — could no be herself.

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TAB 28
Transgender Cubans Struggle for Equal Rights in Macho Cuba

Country: CUBA

Author: Tracey Eaton

Article

Related Events

Lessons
HAVANA, Cuba – Just past 4 a.m., most of the bars and clubs have closed down and the party has spilled into the streets.

Yessi Castro, 28, had hoped to find a boyfriend willing to spend some time and money with her that night, but had no luck. Now she has no money for a taxi home, so she'll have to wait until the buses start running again at 5 a.m.

Castro lives seven miles away in a neighborhood called Arrojo Naranjo. Her concrete block home sits along an unpaved road near the bottom of a hill.

"It will take me more than an hour to get home," she says. But she's upbeat and smiling. She spots a friend with a bottle of rum, grabs it from his hands and takes a few swigs.

Two police officers stroll by, bothering no one. Waves ripple along the Malecón, Havana's famed seawall, just 400 feet away. A buxom transgender wearing a short skirt steps onto the sidewalk at the corner of Infanta and 23rd streets.

"Wow!" Castro says. "She looks divine."

Castro says she'd love to have a pair of breast implants herself, but the operation can be risky. Some transgender patients acquire implants illegally, paying doctors to operate on them after hours.

"During a shift when the doctor is there, everything's arranged, the price and everything," Castro says.

Operations are done with local anesthesia and usually take place "anytime after midnight and before 5 a.m.," she says.

It's "very dangerous because you've got to go home with that fresh wound. It could open up. It could get infected. Anything could happen."

The doctor later goes to the patient's house for follow-up care. Neighbors sometimes report suspicious activity and the authorities investigate.

"For getting a pair of implants, police search your house," Castro says. "They detain you. They interrogate you to find out where you got your implants and who the doctor was, so they can jail the doctor."
"Just imagine. That’s a problem. When they find out who the doctor is, they question everyone, everyone who got implants, and they imprison the doctor."

In 2012, the BBC reported that the director of a Havana hospital and dozens of employees had been arrested for providing breast implants, liposuction and other procedures after hours.

The Cuban government offers free health care, but that generally doesn’t include cosmetic surgery.

The government does provide free sex-reassignment surgery for eligible patients. Belgian doctors travel to Cuba to assist with the operations once per year. More than 200 people are on the waiting list for surgery, but doctors only operate on five patients each year.

Castro says she knows of about 30 transgender Cubans who grew weary of life on the island and emigrated to the U.S. She keeps in touch with them on Facebook.

"They’re doing well," she says. "They’re very happy there. Besides, they’re fulfilling their dreams. They’ve gotten breast implants. They’ve gotten body hair removed. They do everything over there. They fulfill themselves as people."

Castro has considered going to Florida herself.

"I’d like to get a pair of breasts. I am almost 30 years old and I would like a pair of breasts, but I haven’t gotten them. In any country in the world, I would already have breasts and I would be working in a normal job.

"In any other country in the world, if I wanted electrolysis to get rid of the hair on the face, my arms, my underarms, I would have done it. Because it can be done. But here in Cuba, you can’t. That is very difficult for us."

She says she’s also tired of the homophobia she faces in traditionally macho Cuba.

"People always make fun of you. They yell, they throw rocks, bottles, anything."

Castro acknowledges that things have improved for transgender and gay people on the island. She credits Mariela Castro, daughter of Cuban President Raul Castro and head of Cuba’s National Center for Sex Education.

"Thank God she’s helped us so much and has pushed forward gays, transsexuals, lesbians," says Castro, who is not related to the president’s daughter.

Each May, Mariela Castro organizes events to mark International Day Against Homophobia and Transphobia. She has called for equal treatment of gay and transgender people in the workplace. She also supports same-sex marriage, which is not legal in Cuba.

But some rights activists say change isn’t happening quickly enough. In early 2015, they filed a complaint with the sex education center, accusing police of arbitrarily arresting gays. Then in December, activists launched a grassroots campaign to legalize same-sex marriage. They passed out flyers along the Malecón and signed a letter asking Cuban lawmakers to take action.

Daniela Martinez, 25, of Havana, jokes that she will find herself "one or two husbands" if same-sex unions are made legal.

She says she began dressing as a woman seven years ago.

"At 18, I realized that I liked to dress as a woman. So I started to change the way I dress. Little by little, I faced society."

Martinez agrees that discrimination against gay and transgender people has lessened over the years.

"Now there isn't as much homophobia," she says. "We can walk freely...without people attacking us. People are a little more open-minded."

She supports same-sex marriage. "It would be good because it would be a step forward. We'd be accepted, having the same rights as heterosexual people."

During the 1960s, gays in Cuba weren't allowed to attend college, join the military or become teachers. Some gays were sent to government work camps where they picked fruit and vegetables for up to 12 hours a day.

"There were moment of great injustice, great injustice! If someone is responsible, it’s me," former President Fidel Castro said in a 2010 interview with Mexico’s La Jornada newspaper.
"We had so many and such terrible problems, problems of life or death, that we didn't pay it enough attention," said Castro, referring to how gays and lesbians were treated.

Even today, some gay and transgender people say life can be difficult in Cuba.

Castro says she endures bullying and "psychological violence" when going out in public.

"Why should I have to get on a bus in my country and be disrespected? I don't bother anyone. I respect all people, their sexual preferences, their diversity, whatever, I respect them. Why do they have to get into it with me? It's very, very painful. Very painful.

"We live in a country that has a lot of taboos...a lot of beliefs in machismo. My grandmother grew up with that. My grandfather, too. My father, too. My mother was different. She always supported me."

But Castro says her mother was killed in a car accident at age 39. She hasn't seen her father in 16 years.

She says improved U.S.-Cuba relations has had little impact on her life. She still struggles to put food on the table.

"I have many dreams, but it's difficult to imagine they will become reality because economically we live in a country that has been beaten down, you understand, by the U.S. regime and this one, and that makes it hard to dream.

"Sometimes dreams are frustrated. Why? Because we have no chance. We have no chance of saying: 'I can be a store employee.' Because then comes the rejection, the transphobia, the homophobia, you understand? Because they think that we are not equal human beings. That we do not have an IQ. People think we are ... that we are the bubonic plague."

Naomi, 28, who is also transgender, says she realized when she was a small child that she was different.

"Since I was very young, I felt like a female, a woman. I carry it inside me. I always felt like a complete woman."

She says she started dressing as a girl when she was 16.

"Well, I've had some bad experiences because I live in a country where there's a lot of homophobia and transphobia," she says. "So for me it was a shock because I had to face society to be able to be like I had always wanted.

"Society has to accept me because I am like this and I will be like this until I die."

She says her father does not accept her.

"He disinherited me because he doesn't want a homosexual son," she says. "It was difficult for me to accept that because as the daughter that I am, I love him. I adore him." But once he disinherited her, she says she "also closed her heart" and has tried to forget about him.

"With much pain, I tried to get him out of my heart."

She says her mother died of cancer four years ago. Survivors include her brother, 22, and sister, 20.

"They adore me! I am a second mother for them because my mother died and I was left to raise them since they were teenagers."

She hopes to eventually have sex-reassignment surgery and adopt two children.

"I feel totally like a woman. I plan to get married, have a family and be happy. That's my dream."

She says some Cubans see transgender people as "disgusting," but says she didn't choose her sexual orientation. She says she's transgender "because we feel it in our heart."

Even so, she says some Cubans harass cross-dressers when they go out at night.

"The streets are dangerous because you have to face society, people. There are people who don't accept you, who see you in the street dressed as a woman and they assault you. They throw rocks at you.

"Well, that has happened to me on occasion and I, because I have very high self-esteem, what I do is to keep walking because if I, if I go to the police, it's possible they'll throw the blame on me because here there are big problems with the police and us."
In April, Cuban authorities arrested two people in connection with the stoning death of Diosvany Muñoz Robaina, 41, in the western city of Pinar del Rio. Some activists described the killing as a hate crime. Diario de Cuba, a news website, later reported that the authorities jailed two gay men in connection with the crime.

The people who hang out at 23rd and Infanta say all they want is a little respect.

“My dream is that society accepts me just as it accepts you,” Daniela Martinez said.

For more photos and a video, read his post at OnCuba Magazine's website here
TAB 29
Havana, May 16 2015 (IPS) - During the events surrounding the eighth annual celebration of the Day Against Homophobia in Cuba, it emerged that a young transsexual had recently been killed in the city of Pinar del Río near the western tip of this Caribbean island nation.

While efforts to combat discrimination against lesbians, gays, bisexuals and transsexuals (LGBT) are stepped up in Cuba, this segment of the population remains vulnerable to harassment and violence – and even death.

The Apr. 26 murder of Yosvani Muñoz, 24, which is under investigation, as the legal advice office of the National Centre for Sex Education (CENESEX) confirmed to IPS, raised questions about a sensitive and little-known issue in Cuba: hate crimes.

IPS asked experts and members of the LBGT community about the causes of killings of “men who have sex with men” (MSM), of which no official statistics have been published, but which have been reported periodically since 2013 by word of mouth, or in blogs or alternative media outlets.

Hate crimes include verbal abuse, threats, physical assaults and homicides motivated by prejudice based on questions like sexual orientation, gender identity, race, ethnic group or religion.

“We are fighting hate crimes together with the Interior Ministry (which the police answers to),” CENESEX director Mariela Castro said in exclusive comments to IPS. Castro is the most visible face of the national campaign in favour of freedom from discrimination based on sexual orientation and gender identity.

“A thorough expert analysis is needed to determine what kind of killing it was because not all crimes involving LGBT persons as victims are motivated by hatred,” Castro, a sexologist, explained during the May 5-16 events surrounding the Day Against Homophobia.
In Havana and the eastern province of Las Tunas, this year’s activities, focused on the right to work, had the support for the first time of Cuba’s trade union federation Central de Trabajadores de Cuba and the blessing of Protestant pastors for more than 30 gay and lesbian couples.

The activities involved a festive conga line and demonstration with signs and banners, video clips, and debates on the rights of LGBT persons to information, freedom of thought, access to justice, personal safety, and violence-free lives.

They preceded the International Day Against Homophobia and Transphobia, which is observed on May 17 because on that date in 1990, the World Health Organization (WHO) general assembly removed homosexuality from the global body’s list of mental disorders.

Castro said “theft and common crime are more frequent aspects in murders of homosexuals, according to the data presented to us by the DGICO (criminal investigation bureau),” which receives advice from and collaborates with CENESEX.

“There might be a hate crime murder once in a while, but they are very few,” she said.

The sexologist added, however, that “the number of hate crimes is not completely clear because of the lack of a specialised institution dedicated to classifying them….and this classification is important because the old term ‘crime of passion’ hides gender violence, violence between men, and violence between couples.”

Violent crime is generally surrounded by silence in this island nation of 11.2 million people, and killings of LGBT individuals are no exception. The 1987 penal code does not specifically recognise hate crimes, or sexual orientation and gender identity as aggravating circumstances in murders.

The law provides for sentences of 15 to 30 years in cases of homicide, and the death penalty is still on the books, although it has not been applied since 2003.

“MSM are at greater risk of being killed than women,” Castro said, citing the results of DGICO investigations regarding a category of men that includes gays, bisexuals and transsexuals.

“Part of the gay population does not perceive the danger when they irresponsibly choose sexual partners, without information,” she said. “They seek out young men who work as prostitutes, some of whom are criminals and try to rob them, and even kill when they defend themselves.”

Along with its work raising awareness to prevent HIV/AIDS, CENESEX warns of other risks posed by irresponsible sexual practices in gay meeting and recreational places or community social networks.

Oneida Paz, a 59-year-old manager, has not heard of murders or rapes of lesbians, a population group she belongs to. “Violence among women can exist, but it’s not common,” she said. “I do have friends who have been injured, because they were married to men who beat them when they got into a relationship with another woman.”

CENESEX said the number of murders of MSM in 2013 and 2014 was high. At that time the issue came to the forefront because of the deaths of two high-profile openly gay cultural figures, who died in strange circumstances, according to activists.

The local media, which is entirely state-owned, gave ample coverage to the violent deaths of choreographer Alfredo Velázquez, 44, in September 2013 in the eastern city of Guantánamo, and theatre director Tony Díaz, 69, found dead in his Havana home in January 2014. But they only mentioned their careers in the arts.

“I haven’t seen statistics and I’m no expert, but the murders I know about were ruthless. We’re killed for some reason, like theft or vengeance, but also because we’re gay,” said Leonel Bárzaga, a 53-year-old chemical engineer who told IPS about the murder of his friend Marcel Rodríguez.

Rodríguez, a 28-year-old gay professional, was stabbed 12 times on Jan. 6 in his central Havana home. “The police haven’t shared the results of their investigation yet,” said Bárzaga, who preferred not to discuss the specific motives for the murder.

Veterinarian Manuel Hernández, 41, said “I haven’t heard of murders of gays. But verbal attacks are definitely common in small towns, and in the workplace there’s a lot of discrimination,” above all in the rural town where he lives, Quivicán, 45 km south of Havana.
“It wouldn’t be crazy to talk about ‘hate crimes’ against LGBT persons in Cuba,” said Jorge Carrasco, a journalist who investigated gay gathering places in the capital in 2013. “That’s a term used by the Cuban police, in fact, and it’s not a product of paranoia. But I know as little about them as any other Cuban.”

Based on his interviews conducted in lonely outlying parts of the city, like the Playa del Chivo, a beach frequented by MSM to talk, arrange meetings and have sex with strangers, Carrasco explained by email that “many criminals go to those places to steal, and there have been murders. That’s why the police patrol them.”