



Cuba

Events of 2019

Cuban police detain gay rights activists taking part in an unauthorized march in Havana, Cuba, Saturday, May 11, 2019.

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The Cuban government continues to repress and punish dissent and public criticism. The number of short-term arbitrary arrests of human rights defenders, independent journalists, and others was lower in 2019 than in 2018, but remained high, with more than 1,800 arbitrary detentions reported through August. The government continues to use other repressive tactics against critics, including beatings, public shaming, travel restrictions, and termination of employment.

In February, a new Constitution of the Republic of Cuba was approved in a referendum, which entered into force in April. Prior to the referendum, authorities repressed activists opposing its adoption, including through raids and short detentions, and blocked several news sites seen as critical of the regime.

On October 10, Miguel Díaz-Canel was confirmed as president of Cuba with 96.76 percent of votes of National Assembly members.

Arbitrary Detention and Short-Term Imprisonment

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

The number of reports of arbitrary detentions continued to drop in 2019, with 1,818 from January through August, a decrease of 10 percent compared to the 2,024 reports during the same period in 2018.

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

Detention is often used 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 September, in an effort to prevent a demonstration organized by the Cuban Patriotic Union, authorities detained over 90 activists and protestors and raided the union’s headquarters, media reported. The protest supported the Ladies in White and other persecuted groups, and rejected the 2017 Political Dialogue and Cooperation Agreement between the Cuban government and the European Union. It coincided with a high level European delegation visit to Cuba.

Freedom of Expression

The government controls virtually all media outlets in Cuba and restricts access to outside information. According to the Committee to Protect Journalists (CPJ), an independent organization that promotes press freedom worldwide, Cuba has the “most restricted climate for the press in the Americas.”

A small number of independent journalists and bloggers manage to write articles for websites or blogs, or publish tweets. The government routinely blocks access within Cuba to these websites. In February, before the referendum on the new constitution, it blocked several news sites seen as critical of the regime, including 14ymedio, Tremenda Nota, CiberCuba, Diario de Cuba and Cubanet. Since then, it has continued to block other websites.

Only a fraction of Cubans can read independent websites and blogs because of the high cost of, and limited access to, the internet. In 2017, Cuba announced it would gradually extend home internet services. In July 2019, the government issued new regulations allowing for the creation of private wired and Wi-Fi internet networks in homes and businesses and to import routers and other equipment.

Independent journalists who publish information considered critical of the government are routinely subject to harassment, violence, smear campaigns, travel restrictions, raids on their homes and offices, confiscation of their working materials, and arbitrary arrests. The journalists are held incommunicado, as are artists and academics who demand greater freedoms.

In April, police agents detained Roberto de Jesús Quiñones, an independent journalist who publishes on the news site CubaNet, outside the Guantánamo Municipal Tribunal when he was covering a trial. They beat him while transporting him to the police station. Authorities released him five days later but initiated criminal proceedings against him. According to a local free speech group, in August a municipal court sentenced Quiñones to a year in prison on charges of “resistance” and, for failing to pay a fine imposed upon his release in April, “disobedience.” He was detained on September 11 and transferred to the Guantánamo Provincial Prison, where he was serving his one-year prison sentence at time of writing.

In July, **Decree-Law 370/2018** on the “informatization of society” entered into force, making it illegal for Cubans to host their websites from a server in a foreign country, “other than as a mirror or replica of the main site on servers located in national territory.” Though the scope of the rule remains unclear, it could affect most Cuban critical independent news sites and blogs, which are purposely hosted abroad. It also prohibits the dissemination of information “contrary to the social interest, morals, good manners and integrity of people.” Violations can lead to fines and confiscation of equipment.

In April, Decree 349, establishing broad and vague restrictions on artistic expression, entered into force. Under it, people cannot “provide artistic services” in public or private spaces without prior approval from the Ministry of Culture. Those who hire or make payments to people for artistic services without authorization are subject to sanctions, as are the artists. Sanctions include fines, confiscation of materials, cancellation of artistic events, and revocation of licenses. Local independent artists have protested the decree, both before and after it entered force. Three were detained in December 2018 when attempting to join protests, media reported.

Political Prisoners

According to the Cuban Commission for Human Rights and National Reconciliation, as of October, Cuba was holding 109 political prisoners. The government denies independent human rights groups access to its prisons. The groups believe that additional political prisoners, whose cases they have been unable to document, remain locked up.

Cubans who criticize the government continue to face the threat of criminal prosecution. They do not benefit from due process guarantees, such as the right to fair and public hearings by a competent and impartial tribunal. In practice, courts are subordinate to the executive and legislative branches.

In December 2018, activist Hugo Damián Prieto Blanco, of the Orlando Zapata Civic Action Front, was sentenced to a year in prison for the crime of “pre-delinquent social dangerousness.” Under the Penal Code, a person can be considered in a “dangerous state” when found to have a “special proclivity” to commit crimes—even before any have been committed—“due to conduct in clear contradiction to the norms of the socialist morals.” Zapata had been arrested in November 2018 when participating in a protest. In April, his sentence was suspended and he was released.

In May, after more than two years in prison, Dr. Eduardo Cardet Concepción, leader of the Christian Liberation Movement, was released with limits on his movement and activities. Cardet, a supporter of the “One Cuban, One Vote” campaign, had been sentenced to three years in prison in March 2017.

During his imprisonment, he was held in solitary confinement and denied visits and contact with family members, even by phone. Authorities argued that family visits were not “contributing to his re-education.”

In October, José Daniel Ferrer, opposition leader and founder of the Patriotic Union of Cuba (UNPACU), the largest and most active pro-democracy group in Cuba, was detained at his home by police forces. He has not been informed of any charges against him and has not been brought before a judge. He remained in detention at time of writing.

That same month, Armando Sosa Fortuny, the oldest political prisoner in Cuba, died from health complications at a hospital in Camaguey, where he was transferred from prison last August. Sosa had served 26 of a 30-year sentence issued in 1993 for illegal entry to Cuba and “other acts against the security of the state.” Sosa, a well-known dissenter, spent 43 of his 76 years imprisoned in Cuba.

Travel Restrictions

Since reforms in 2003, many people who had previously been denied permission to travel have been able to do so, including human rights defenders and independent bloggers. The travel 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,” and authorities have continued to selectively deny exit to people who express dissent without due process.

The government restricts the movement of citizens within Cuba through a 1997 law known as 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 May 2019, journalist Luz Escobar, of the independent website 14yMedio, was barred from traveling to Miami. In August, she was barred from traveling to Argentina, and journalist Javier Valdés from the publication *Convivencia*, from traveling to Spain. Agents informed them only that they were not authorized to travel. Also in August, evangelical pastor Adrián del Sol was barred from traveling to Trinidad and Tobago, where he was scheduled to participate in an event on religious persecution.

Prison Conditions

Prisons are overcrowded. Prisoners are forced to work 12-hour days and are punished if they do not meet production quotas, according to former political prisoners. Inmates have no effective complaint mechanism to seek redress for abuses. Those who criticize the government or engage in hunger strikes and other forms of protest often endure extended solitary confinement, beatings, restriction of family visits, and denial of medical care.

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

Labor Rights

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

Human Rights Defenders

The Cuban government still refuses to recognize human rights monitoring as a legitimate activity and denies legal status to local human rights groups. Government authorities have harassed, assaulted, and imprisoned human rights defenders who attempt to document abuses. In July, Ricardo Fernández Izaguirre, a rights defender and journalist, was detained after leaving the Ladies in White headquarters in Havana, where he had been documenting violations of freedom of religion. He was released after nine days in prison.

Sexual Orientation and Gender Identity

Following public protest, the Cuban government decided to remove language from the draft of the new constitution approved in February 2018 that would have redefined marriage to include same-sex couples. However, transitory disposition No. 11 of the constitution mandates that within two years after approval, a new Family Code will be submitted to popular referendum "in which the manner in which to construct marriage must be included."

In May, security forces cracked down on a protest in Havana promoting lesbian, gay, bisexual, and transgender (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 Gay Pride parade.

Key International Actors

In November 2017, the US government reinstated restrictions on Americans' right to travel to Cuba and to do business with any entity tied to the Cuban military, or to Cuban security or intelligence services. In March 2019, the Trump administration opened up a month-long window in which US citizens could sue dozens of Cuban companies blacklisted by the US administration.

In June, the US administration imposed new restrictions on US citizens traveling to Cuba, banning cruise ship stops and group educational trips. The US Treasury Secretary said the restrictions are a result of Cuba continuing to "play a destabilizing role in the Western Hemisphere, providing a communist foothold in the region and propping up US adversaries in places like Venezuela and Nicaragua by fomenting instability, undermining the rule of law, and suppressing democratic processes."

In March, the Inter-American Commission on Human Rights reiterated a request to the Cuban government to be allowed to visit the country to monitor the human rights situation.

In September, the European Union's foreign policy chief, Federica Mogherini, visited Cuba to co-chair the second EU-Cuba Joint Council which discussed EU-Cuban relations, in particular in the EU-Cuba political dialogues as well as political and trade cooperation.

Cuba's term as a member of the United Nations Human Rights Council expired at the end of 2019. During its time on the council, Cuba regularly voted to prevent scrutiny of human rights violations, opposing resolutions addressing abuses in countries including Venezuela, Syria, Myanmar, Belarus, Burundi, Iran, and the Philippines.

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