

CUBA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Cuba is an authoritarian state. The 2019 constitution codifies that Cuba remains a one-party system in which the Communist Party is the only legal political party. On April 19, President Miguel Diaz-Canel replaced former president Raul Castro as first secretary of the Communist Party, the highest political entity of the state by law. 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. There were credible reports that members of the security forces committed numerous abuses, and the number of political prisoners increased dramatically, with many held in pretrial detention under extremely harsh and degrading conditions.

On January 28, security forces violently arrested more than 20 artists and journalist peacefully protesting in front of the Ministry of Culture for the release of detained artists. On July 11, spontaneous peaceful protests broke out across the island. In the largest and most widespread demonstrations in decades, tens of thousands of citizens across the country poured into the streets to demand an end to repression as well as to criticize the government's failure to meet their basic needs and its poor response to COVID-19. Social media posts helped spread news of the protests among citizens. Security forces responded with tear gas, beatings, and arrests. First Secretary of the Communist Party and President Miguel Diaz-Canel went on national television to call on "all revolutionaries and communists to confront these protests," a reference to Article Four of the 2019 constitution, which gives citizens the right to "combat through any means, including armed combat" any who "intend to topple the political, social, and economic order established by this constitution." Many of those arrested reported cruel and degrading treatment in prison. In October authorities denied permission for a protest planned for

November 15 and threatened organizers. The government conducted summary trials for some protesters; sought long prison sentences, some up to 30 years, in hundreds of cases; and held other protesters in extended pretrial detention. Some activists chose to go into exile, and the government forced others to do so.

Significant human rights issues included credible reports of: 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; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; reprisals against family members for offenses allegedly committed by an individual; serious restrictions on freedom of expression and media including violence or threats of violence against journalists, censorship, and criminal libel laws used against persons who criticized government leadership; serious restrictions on internet freedom; severe restrictions on the right of peaceful assembly and denial of freedom of association, including refusal to recognize independent associations; severe restrictions on religious freedom; restrictions on internal and external freedom of movement; inability of citizens to change their government peacefully through free and fair elections, including serious and unreasonable restrictions on political participation; serious government corruption; a lack of investigation of and accountability for gender-based violence; trafficking in persons, including forced 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 those who committed these abuses. Impunity for the perpetrators remained widespread, as was impunity for official corruption.

Section 1. Respect for the Integrity of the Person

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

There were numerous confirmed reports that the government or its agents committed arbitrary or unlawful killings.

On July 12, a police officer shot and killed Diubis Laurencio Tejeda, an unarmed Afro-Cuban man in the Havana neighborhood of Guinera. The state-run Cubadebate website acknowledged the death of the 36-year-old man but characterized Tejeda as a criminal with a record of contempt, theft, and disorderly conduct. The government further reported that organized groups of criminals had tried to attack the local police station, vandalized homes, set fires, and attacked agents and civilians with knives, rocks, and blunt weapons. The independent media outlet *Diario de Cuba* obtained testimony from witnesses and acquired documents that contradicted the official statement. A prosecutor declared the police officer was acting in self-defense against direct aggression, and the officer was exonerated of all charges.

On November 1, oncologist Carlos Leonardo Vazquez Gonzalez, also known as “agent Fernando,” admitted on state television to working as an informant for State Security for 25 years. Following Vazquez’ confession, multiple sources came forward and credibly accused him of intentionally denying medical care to dissidents. Friends and relatives of deceased activist Laura Pollan and independent journalists accused Vazquez and other doctors of playing a role in her 2011 death and falsifying the medical certificate of death.

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.

The unprecedented and spontaneous protests that erupted on July 11 were met with systemic and violent repression. On July 14, the UN Committee on Enforced Disappearances submitted a request for urgent government action regarding the alleged enforced disappearance of 187 persons in the previous few days. The committee gave the government a deadline of August 24 to respond to the inquiry, but the government did not respond.

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 and sexual 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.

On July 11, police violently arrested Gabriela Zequeira Hernandez, a 17-year-old who happened upon the protests while walking home from the hairdresser. Upon her admission to Cien y Alabo Prison where she was held 10 days incommunicado, authorities forced her to remove her clothes and put a finger in her vagina to verify she was concealing nothing. Officers kept interrupting her attempts to sleep, and one officer made sexual taunts and threatened her with sexual violence. She was sentenced to eight months' house arrest for "public disorder," for participating in the demonstrations.

On July 12, uniformed policemen arrested and beat Maria Cristina Garrido Rodriguez and her sister Angelica Garrido Rodriguez for participating in the July 11 protests in Quivican. Angelica passed out three times from the beatings. They transferred the sisters to a police station, where Maria Cristina received another beating. That afternoon police transferred them to the "del Sida" prison located in San Jose de las Lajas, where a female guard beat Maria Cristina. Authorities then put her in a cell so small she could not sit or lie down, and she began to experience severe headaches. Later they repeatedly forced her to shout "Long Live Fidel!" Authorities accused both sisters of public disorder, resistance, spreading an epidemic, attacks, and being protest organizers, despite having no evidence against them.

Amid the worst wave of the COVID-19 pandemic in the country, prisoners reported being crowded into communal cells with only two cups to share for water

and then being charged with “propagating an epidemic” for having participated in a protest. Prisoners reported being told they would not be released until the wounds from their beatings at the hands of police were healed. Others were told the local head of the Communist Party’s Comites de Defensa de la Revolucion (Committees for the Defense of the Revolution, local groups used for political surveillance) would be notified when they were released.

State security officials frequently deployed to countries such as Venezuela and Nicaragua, where they trained and supported other organizations in the use of repressive tactics and human rights abuses and sometimes participated in the abuses directly. Cuban security force members embedded in the Maduro regime’s security and intelligence services in Venezuela were instrumental in transforming Venezuela’s Directorate General of Military Counterintelligence (DGCIM) into a large 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.

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 credible reports of assault by prison officials, overcrowding, and deficiencies in facilities, sanitation, and medical care.

The government did not publish official statistics on its prisons or allow international monitors to inspect them. The government provided no information regarding the number, location, or capacity of detention centers, including prisons, work camps, and other kinds of detention facilities. The Spain-based nongovernmental organization (NGO) Cuban Prisoners Defenders estimated that the government had more than 200 such facilities.

Physical Conditions: 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 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. Prison officials also arbitrarily denied friends, family, and diplomatic personnel visitor access to prisoners, citing COVID-19 as their rationale.

Dissident artist Hamlet Lavastida said he shared a 10-foot by 2.5-foot cell with three other prisoners. A white light remained on at all hours, while government propaganda played constantly and loudly nearby. While prisoners were supposed to go outside daily for 10-minute intervals, prison authorities permitted Lavastida to go outside only five times during his three-month incarceration.

Prisoners, family members, and NGOs reported inadequate health care in prisons, which led to or aggravated multiple maladies. Prisoners reported outbreaks of dengue fever, tuberculosis, hepatitis, and cholera. Uncontrolled COVID-19 outbreaks ravaged several detention facilities. 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 suicide. Authorities rarely if ever supplied medicine. Radio Marti reported that prison officials in Cienfuegos denied medical assistance to Carlos Samir Cardenas Cartalla, the Cuban Union (UNPACU) political group Camaguey coordinator.

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 family visits, 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.

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, repeated interrogations, assaults, restrictions on family visits, and denial of medical care.

Administration: Authorities did not investigate credible allegations of mistreatment. Prisoners reported government officials refused to accept or respond to complaints.

Some prisoners and pretrial detainees had access to visitors, although it was not unusual for political prisoners' relatives to report that prison officials arbitrarily canceled scheduled visits or denied visits altogether. This was particularly true for persons incarcerated following the July 11 protests.

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 broadened arbitrary arrest powers under the pretext of controlling the COVID-19 pandemic. A May 2020 resolution permits security forces to carry out active and systematic screening of the entire population, prioritizing suspected cases and populations at risk. Travel restrictions barring persons from leaving their homes except in cases of emergency made it harder for activists and political dissidents to communicate.

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 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

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 early 2020, the Ministry of Justice regularly invoked "extraordinary circumstances" to conduct summary trials.

Reports suggested bail was available, although bail was typically not granted to persons arrested for political activities. Time in detention before trial may be 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.

Officials often disregarded legal procedures governing arrest. Following the July protests, 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. Family members of convicted protesters and protesters released pending trial or appeal reported that none of those released was provided with copies of the charges filed against them or of the evidence against them.

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.

Arbitrary Arrest: 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. 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. At times fines formed the basis for preventing persons from leaving the country.

As a result of the July 11 protests, the number of arbitrary arrests rose steeply, with 5,000 to 8,000 arrests and detentions, according to estimates by the NGO Cuban Prisoners Defenders. The NGO Justicia 11J estimated 710 remained in detention as of December. The regime used expansively a section of the penal code that allows the government to sentence persons to one to four years in prison for noncriminal acts that are considered antisocial.

Police arrested and imprisoned 18-year-old Marco Antonio Pintules Marrero during the July 11 protests in Holguin and did not allow his mother to see him for more than 46 days, even after he contracted COVID-19 and was transferred to a prison. His mother reported authorities beat him and coerced him into saying he had thrown stones at a Special Brigades car. Christian Solidarity Worldwide reported police arrested and imprisoned Pastor Lorenzo Rosales Fajardo during the July 11 protests. Rosales Fajardo was held for more than one month in Versalles Prison before being transferred to Boniato Maximum Security Prison. Guards at Versalles beat him and urinated on him; the beating caused him to lose a tooth. Following five months in detention, he was scheduled to stand trial on December 21. He faced a possible sentence of 10 years' imprisonment.

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.

As of December, Luis Robles Elizastigui spent more than one year in pretrial detention, his trial postponed indefinitely. Police arrested him in December 2020, when he carried out a solitary, peaceful protest in Havana to request that the government release imprisoned rapper Denis Solis. The Prosecutor's Office requested a sentence of six years for the alleged crimes of "disobedience" and "enemy propaganda." On October 11, the UN Working Group on Arbitrary Detentions found that Robles' detention resulted directly from his peaceful protest and called for his release. Solis, for whom Robles protested, was released from prison in July after serving his full sentence.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees cannot challenge the lawfulness of their detention in court. Summary trial procedures do not allow defendants to contest the facts of the case as presented by the state, only why they committed the alleged offense.

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 or if they are civilian employees of a military business, which comprise the majority of economic output, such as hotels. 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, because 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. Defendants may hire lawyers and bring them to the trial; 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, provided by the Ministry of Justice. 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, often meeting their clients for the first time when the trial was convened.

Criteria for admitting evidence were arbitrary and discriminatory. According to reports, prosecutors routinely introduced irrelevant or unreliable evidence to prove intent or offered testimony about the defendant’s “revolutionary credentials,” which refers to a defendant’s perceived loyalty to the PCC or lack thereof. Generally, the government discounted testimony of defense witnesses if they provided information unhelpful to the government’s case.

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 NGO Cuban Prisoners Defenders noted that of the estimated 90,000 persons in prison, 11,000 were convicted or charged with “precriminal dangerousness.”

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.

On July 21, Anyelo Troya, cinematographer for the music video “Patria y Vida” (Homeland and Life), was sentenced in a secret summary trial to 10 months in prison for “public disorder” but was released on July 24 pending appeal.

As of July 23, at least 19 summary trials were completed against 59 persons accused of participating in the July 11 protests, judicial authorities stated to international media. According to Supreme Court president Ruben Remigio Ferro, most of the cases heard in municipal courts were of individuals convicted of committing less serious crimes, such as public disorder and contempt, and all the accused “had been given every opportunity” to appoint a lawyer, although some had chosen not to do so.

As of December 21, the NGO Justicia 11J confirmed through the review of legal documents that at least 407 July protesters faced possible harsh sentences of up to 30 years’ imprisonment. Prosecutors had inappropriately charged several

protesters, including those who were minors at the time of their arrest, with serious crimes such as attack, assault, and sedition to seek the maximum sentence possible. Justicia 11J confirmed at least 141 protesters faced sedition charges. On November 18, a court sentenced 23-year-old Sissi Abascal, the youngest member of Ladies in White, a nonviolent organization, to six years' imprisonment for protesting on July 11 and alleged assault.

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 at least 712 political prisoners in detention as of November. 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. Political prisoners did not receive appropriate health care, including while suffering COVID-19 symptoms.

On June 15, authorities arrested journalist Lazaro Yuri Valle Roca of the independent press agency Delibera on charges of crimes against state security after summoning him to the police station under the guise of closing a court case regarding contempt that had been open since the previous August. (Valle Roca is the nephew of opposition leader Vladimir Roca.) Valle Roca had no communications with his family or lawyer for more than 100 days, and he went on

a hunger strike but stopped due to kidney failure. International press organizations denounced the arrest as a trap and called for his release.

On July 11, security forces arrested Jose Daniel Ferrer, the leader of UNPACU, one of the largest active opposition organizations in the country, and held Ferrer incommunicado for 89 days. In August a court document showed authorities reversed the terms for his home detention and required him to serve the remaining four years of a February 2020 sentence in prison. Ferrer was held in solitary confinement with poor ventilation and inadequate amounts of food or water. Prison authorities refused him medical assistance although he suffered from high blood pressure, severe headaches, chills, pain, constant bleeding from his mouth, stomach problems, a cough, and shortness of breath. Additionally, prison authorities arbitrarily rejected much of the food, clothing, and bedding his family brought for him.

On July 12, security forces arrested Felix Navarro for attempting to join the protests the day before. Navarro was one of the 75 dissidents jailed during the 2003 “Black Spring” crackdown. Navarro engaged in a 25-day hunger strike to protest his unjust detention and fell ill with COVID-19. At year’s end family members stated that he remained in precarious health. He faced a possible 15-year prison sentence.

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.

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, for epidemiological reasons, 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 May 2, security officers taunted and threatened human rights activist and UNPACU member Orestes Varona Medina in what observers said was an unsuccessful effort to provoke a confrontation. The next morning, after he received a summons to go to the Minas police station, several policemen raided his house while he was with his wife and young children, arrested him, carried him out by his hands and feet, and beat him. On May 8, he was sentenced for “propagating an epidemic” and contempt and sentenced to 10 months in prison.

The Ministry of Interior employed a system of informants and neighborhood groups, the 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

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, 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. On August 17, the government imposed a new law restricting online speech and dissent. Decree 35, enacted in response to the widespread July 11 antigovernment protests, penalizes categories of internet activity determined to be critical of the government and provides criminal penalties for violations. Network providers were obligated to report any such activity to the new Office of Security for Computer Networks. According to the NGO Proyecto Inventario, the government utilized another decree that prohibits the online publication of information contrary to the “social interest, morals, [and] good manners,” to target, temporarily detain, fine, and sometimes confiscate the telephones of 14 citizens, journalists, and activists. In addition to restricting access to the internet, authorities prohibited access to specific social media platforms, including WhatsApp, Facebook, Instagram, and Telegram.

Freedom of Expression: 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,

such as Decree 349, which empowers the Ministry of Culture to regulate all artistic and cultural activity. Rather than enforce these laws, police typically used other pretexts to harass and arrest persons exercising freedom of expression.

On January 28, security officials violently arrested more than 20 activists from the 27N movement, a collection of artists advocating for freedom of expression. Vice Minister of Culture Fernando Rojas had invited three 27N members, including artist Camila Lobon, to a private meeting that day under the guise of discussing artistic freedom. Prior to the meeting, the government arrested several other 27N activists on their way to a separate gathering. When Lobon and others gathered in protest in front of the Ministry of Culture, Rojas confronted the group, punching independent journalist Mauricio Mendoza, after which Ministry of Culture bureaucrats began attacking the protesters. Security officials violently arrested the protesters, breaking activist Alfredo Martinez's finger. On a bus in transit to the police station, three security officials assaulted Lobon when she refused to surrender her cell phone. Another security official punched artist Celia Gonzalez for verbally protesting her detention. The activists were released within 24 hours, but their phones were returned with all data erased. The next day state media released a half-hour news program on the incident, attempting to defame the activists and independent journalists by alleging they went to the Ministry of Culture with the intention of provoking government employees. Among the individuals who protested these restrictive laws was Luis Manuel Otero Alcantara, an internationally recognized artist and leader of the San Isidro Movement, an organization promoting greater respect for civil rights and freedoms, especially for freedom of expression, as well as artistic rights. Otero Alcantara, who appeared in the video for the Latin Grammy Award-winning song "Patria y Vida" that became an anthem of the July 11 protests, had been arrested dozens of times previously and either detained or placed under house arrest.

On May 2, state security forces detained Otero Alcantara at his home, where he was on a hunger strike, and held him for more than four weeks before releasing him on May 31, under permanent surveillance. Police arrested him again during the July 11 protests and held him in the maximum-security prison in Guanajay, where he remained at year's end. He went on a hunger strike again from September 27 to October 14 and then contracted COVID-19.

On May 18, state security forces arbitrarily detained rapper, fellow San Isidro activist, and “Patria y Vida” performer Maykel “Osorbo” Castillo. As of December, he remained in pretrial detention in Pinar del Rio, where he undertook a hunger and thirst strike and was kept in isolation. When Castillo publicly dedicated his Grammy to the Cuban people, prison officials responded by restricting his telephone calls for 30 days. They increased the restriction to 90 days after Castillo signed “Patria y Vida” under his name on the disciplinary measure, a document that prisoners are obliged to sign acknowledging they were punished.

State security regularly harassed the organizers of independent debates on cultural, political, economic, 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 Jesus Figueredo Izaguirre was detained with others during the July 11 protests in Bayamo, Granma. A physician of 15 years, he was fired in May 2020 and no longer permitted to practice medicine for his social media postings calling for medicine and personnel, rather than restrictive measures alone, to combat COVID-19. Gremio Medico Cubano Libre, an organization dedicated to fighting for doctors’ rights to practice medicine without interference of politics or doctrine, reported that he was one of 11 doctors the regime punished.

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. The Communist Party’s (PCC) Office of Religious Affairs directed government policies against religious groups.

Freedom of Expression for Members of the Press and Other Media, Including

Online Media: The government or the PCC directly owned all print and broadcast media outlets and virtually 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. On November 14, the day before the opposition had prepared to stage announced protests, the government revoked the media credentials of five journalists affiliated with the Spanish media agency EFE. Following engagement from the Spanish government, two of the journalists had their credentials reinstated the same day. As a result of self-censorship and lack of access, many 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.

On April 30, plainclothes security forces arrested Esteban Lazaro Rodriguez Lopez, an independent citizen journalist, and others during a peaceful demonstration in Havana. Rodriguez attempted to visit Otero Alcantara at his home, where the artist had gone on a hunger and thirst strike for several days, when military forces blocked access. Rodriguez reportedly sat on the ground and linked arms with other demonstrators in a nearby park, and agents arrested them by force. Habeas corpus appeals failed, and Rodriguez Lopez remained in detention as of November.

Security forces repeatedly threatened, detained, and harassed 22-year-old YouTuber Ruhama Fernandez for criticizing the government in online discussions of social and political issues. On October 24, when she traveled to Florida to visit her parents, security forces escorted Fernandez to her plane; she stated upon arrival

in Florida that the government forced her to leave the country.

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 July 11, police beat Associated Press reporter Ramon Espinosa while he was covering the protests in Havana. Photographs documented the journalist bleeding from his face. Security forces prevented dozens of independent journalists from leaving their homes on November 15 to keep them from covering planned civic marches called for that day. Many reported the state telecom provider cut off service to their cell phones.

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, including through bandwidth throttling – dramatically slowing connection speeds, individually targeted censorship, and physically disabling access during and in the days following the July 11 protests. On August 17, the government enacted a new law criminalizing online information authorities considered to be “false; offensive, or harmful to human dignity; against personal and family privacy; against collective safety, general welfare, public morality, respect for public order; or which constitutes a means to commit illicit acts.” State telecommunications monopoly ETECSA closed networks and service to users who transmitted such information. The law does not define the criminalized terms, leaving it to the interpretation of the authorities.

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 restrictive laws, targeted website censorship, bandwidth throttling, 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 foreign websites 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. Activists reported that the government drained their cards of talk and internet time.

ETECSA allowed persons to access the internet without needing to connect to public Wi-Fi, but 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 numerous 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. 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.

Human rights activists reported government employees tracked and “trolled” 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 -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. The government expropriated the SNet 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 illegal, but information on enforcement of this restriction was not available. Despite poor access, harassment, and infrastructure problems, there was a growing number of private news sites and blogs in which users 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 growing number of citizens used Twitter, Facebook, Instagram, Telegram, YouTube, TikTok, 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. 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.

On October 19, David Alejandro Martinez Espinosa, professor of chemical engineering at the University of Medical Sciences of Cienfuegos, was removed from his position by the university's rector for supporting the civil society group Archipiélago and its proposed November 15 civic march, and for claims that he repeated false information about national events and criticized political leaders and the system.

Universities admissions criteria gave great weight to prospective students' ideological beliefs, and public libraries required citizens to complete a registration process before authorities 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 law allows for freedom of assembly and association. The government, however, restricted these freedoms in practice. The government routinely blocked any attempts to assemble that it opposed, such as by repressing peaceful gatherings and denying requests to hold marches for the release of political prisoners.

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. According to the evangelical Christian missionary initiative EchoCuba, several religious leaders, particularly those from smaller, independent house churches or Santeria communities, described the government as less tolerant of groups that relied on informal locations, including private residences and other private meeting spaces, to practice their beliefs. They said the

government monitored them and at times prevented them from holding religious meetings in their spaces.

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 15, security forces arbitrarily detained dozens of persons as part of a massive nationwide security operation to repress participation in preannounced protest marches. Security forces deployed across the island to harass and detain march organizers. In Central Havana, police closed streets and joined state security personnel in plain clothes to monitor routes into the area to prevent marchers from gathering. Playwright Yunion Garcia and other leading organizers from the civil society group Archipiélago either could not leave their homes to participate or were arrested if they tried. NGOs documented dozens of “repudiation acts” in front of homes of known march supporters, including Santa Clara-based entrepreneur Saily Gonzalez, another prominent online supporter of the march. Security forces also prevented many independent reporters from leaving their homes, while ETECSA, part of the Ministry of Communications, cut off internet access for targeted journalists to prevent them from reporting remotely. At least one, Jorge Enrique Rodriguez of the daily newspaper *Diario de Cuba*, was reported as missing and likely detained.

On numerous occasions the government, using undercover police and Ministry of Interior agents, organized “acts of repudiation” by crowds of civilians 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. Several independent organizations, including opposition political parties and professional associations, operated as NGOs without legal recognition, and police sometimes raided their meetings.

For example, members of the Damas de Blanco (Ladies in White), an association of female political activists originally formed to protest the 2003 detention of their male relatives during the infamous "Black Spring," were subjected to arbitrary arrest whenever they tried to meet, constant surveillance of the house that served as the organization's headquarters, and harassment by state officials and local PCC members. Berta Soler, the leader of the Ladies in White, stated in an interview with the independent media outlet *14ymedio* that those who tried to visit their headquarters were detained and arrested. Soler was arrested again with her husband Angel Moya, a former political prisoner, on September 23, while attempting to deliver a petition in support of detained UNPACU leader Jose Daniel Ferrer.

Recognized churches, the Freemason movement, and several 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, queer, and intersex (LGBTQI+) rights organizations. The lack of official recognition left group members open to potential charges of illegal association.

Any association that does not depend on the government was prevented from being registered through legal loopholes. Legal code does not allow an association to exist if there is already an association within that scope that is tied to the PCC. Furthermore, any association required PCC approval and control and, therefore, an independent civic association could not exist within the legal framework.

On February 19, unregistered animal rights groups, such as Cubanos en Defensa de los Animales, peacefully protested in front of the Ministry of Agriculture for the enactment of a delayed law on animal welfare. Ministry officials invited the activists inside to discuss their views, and as a result, the government enacted the law on February 26. The government-recognized association, Asociacion Cubana para la Proteccion de Animales y Plantas, did not participate in the demonstration. Independent animal rights activists had repeatedly reported government repression and abuse. In September activist Javier Larrea, who participated in the February demonstration, stepped down from the presidency of Bienestar Animal Cuba and left the university, citing government harassment, including the alleged poisoning of his pets.

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 and the Right to Leave the Country

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. These policies disproportionately affected Afro-Cubans from the eastern region of the country who resided in large numbers in marginalized communities in Havana without residential permits. 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 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.

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. Intraprovincial travel was also generally highly restricted.

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 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, religious leaders, 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 and religious leaders 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.

Exile: The government continued to pressure activists into exile to avoid extreme prison sentences or threats to their family, which was a growing trend.

On June 26, political dissident artist Hamlet Lavastida was arrested after returning

from Poland where he had put on an art exhibit that was critical of the government. Authorities threatened him with a 15- to 20-year sentence for “fomenting rebellion” for an idea he had allegedly shared via private chat with an activist group, but never executed, to stamp symbols related to activist movements on Cuban money. As interrogations became more intense after the July 11 protests, and after three months in prison and believing he would not receive a fair trial, Lavastida agreed to go into exile in Poland with his partner, writer and activist Katherine Bisquet. After authorities released him from a state security facility, 20 agents escorted the couple directly to the airport, not allowing either of them to say goodbye to their families. Authorities told Lavastida that he would be arrested and sentenced to a long prison term if he continued to criticize the government and attempted to return.

Citizenship: 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. Consular documents explicitly stated employees who were considered deserters for leaving their jobs, such as medical mission personnel, would be barred from reentering the country and reuniting with their family for eight years. Any citizen residing outside of the country for more than 24 months may lose full citizenship rights.

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 (UNHCR) 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 several 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 UNHCR to provide protection and assistance pending third-country resettlement.

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; however, 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 2019 constitution 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 violently attack 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 and minority representatives in the Central Committee and Politburo declined re-election in the Eighth Party Congress. 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; however, the government did not implement the law effectively. There were numerous reports of government corruption, supported by a poorly regulated and opaque banking sector. The government was highly sensitive to corruption allegations and often conducted anticorruption crackdowns.

Corruption: 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. Corruption by customs officers was also reportedly common. The government and state-controlled businesses engaged in international money laundering to evade sanctions.

Section 5. Governmental Posture Towards 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, Christian Liberation Movement, Assembly to Promote Civil Society, and 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 that government agents harassed 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, despite being a member of the UN Human Rights Council. 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 and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of women, including

spousal rape, and separately criminalizes “lascivious abuse” against both genders. The government did not effectively enforce the law. 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 there was no comprehensive law against gender-based violence, despite increasing reports of femicide during the pandemic. The online platforms Red Femenina de Cuba (Cuban Women’s Network), YoSiTeCreoEnCuba (I Do Believe You), and *Alas Tensas* (Taut Wings) magazine independently confirmed at least 27 femicides during the first eight months of the year, compared with 25 reported in all of 2020. These figures included the July 25 killing of a young woman and her mother in their home in a rural community in Villa Clara. Daniela Cintra Martin was allegedly stabbed to death by her young child’s father, who then fatally wounded her mother, Liena Martin, when she tried to defend her daughter. Official media sources failed to report any of these killings or to report on femicide statistics.

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

Reproductive Rights: 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.” According to the journal *Health Policy and Planning* and other international sources, health authorities used abortions to improve infant mortality statistics artificially by preventing marginally riskier births to meet centrally fixed targets.

Many women, especially poor and young mothers, were required to spend their pregnancies in a state-run maternity home and could be involuntarily committed if they were deemed noncompliant with a physician’s advice. These establishments provided steady nutrition and access to medical care; however, they could deprive expecting mothers of the support of their partners, families, and communities. Pregnant women with COVID-19 were placed in isolation centers. One report described the stark conditions at Lenin Vocational Hospital, where the women were located on different floors from the doctors, requiring the pregnant COVID-19-positive patients to walk up and down three flights of stairs to be examined by a doctor. Beds at the facility were not changed between COVID-19-positive patients, and there was no water available, even for hand washing. The quarters were infested with mosquitoes, frogs, bats, and mice.

The government was the sole legal importer of all goods, which resulted in constant acute shortages of contraceptive products, particularly condoms. Nearly all births were attended by a skilled health worker, whom the law requires be employed by the state. It is illegal for private citizens, no matter their qualifications, to provide health attendance during pregnancy and childbirth.

By law the government provides access to sexual, psychosocial, and reproductive health services for survivors of sexual violence; in practice, however, the health care provided by the state was insufficient to meet survivors’ needs.

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

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibits discrimination based on race. Nevertheless, Afro-Cubans often suffered racial discrimination. Afro-Cubans 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 targeting Afro-Cubans 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. Afro-Cubans constitute the majority of some of the most impoverished Havana neighborhoods such as 10 de Octubre and Guinera, where the fiercest clashes with security officials occurred during the July protests, resulting in violent detentions and the police killing of unarmed Afro-Cuban Diubis Laurencio Tejeda. Afro-Cubans who migrated to Havana seeking economic opportunity were also disproportionately affected by restrictions on movement that resulted in deportations to rural parts of the country. Although the regime's defenders pointed to a few high-ranking 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.

Children

Birth Registration: Citizenship is normally derived by birth within the country's territory, and births were generally registered promptly (see section 2.d. for information about citizens born abroad).

Child, Early, and Forced Marriage: The legal minimum age of consent for marriage is 18. Marriage for girls ages 14 or older and for boys 16 or older is permitted with parental consent. According to UNICEF's latest figures from 2019, 29.4 percent of girls were married before 18, with higher prevalence in the provinces of Oriente and Centro, and 4.8 percent of girls were married before 15. There were no known government prevention and mitigation efforts to reduce these percentages.

Sexual Exploitation of Children: Prostitution is legal for individuals ages 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 imprisonment of three months to one year 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.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

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

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 public buildings, communication facilities, health services, and transportation services accommodate persons with disabilities, but these facilities and services were rarely accessible to such persons. A 2020 UNESCO report on inclusion noted the education system included programs to accommodate children with disabilities and incorporated them into nonsegregated classrooms where possible.

Many 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.

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” in relation to their HIV status. Hospitals and clinics sometimes discriminated against patients with HIV.

Medication for patients with HIV was routinely unavailable, sometimes resulting in the patients’ deaths from neglect. Some advocates reported scarcity of medicines as the government dedicated funds to develop domestic vaccines for COVID-19.

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 LGBTQI+ human rights faced government harassment, not for their promotion of such topics, but for their independence from official government institutions.

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 (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 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. 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.

The Ministry of Labor enforced 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.

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. 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. In some cases where workers were paid directly by their foreign employers, they were required to give a significant portion of their wages to the state.

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 sexual exploitation, 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. Medical workers formed the largest sector of the government's labor exports, but the forced labor situation was almost identical for the merchant marines, musicians, athletes, architects, teachers, and others. For the third consecutive year, the NGO Cuban Prisoners Defenders collected testimony from former workers who participated in overseas missions that documented the country's coercive and abusive labor practices. They collected 1,100 testimonies, contracts, and official consular documents. 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 restriction on their movement. The documents provided showed that any worker who left the job was declared a deserter and would be barred from re-entry into the country for eight years. Furthermore, included in the contract was a fine for the company if the worker deserted the job, which led to some employers withholding their passports and denying them freedom of movement.

Interviews with nearly 900 former workers showed that more than 30 percent did not receive any type of contract for their work, and an additional 35 percent signed a contract but did not receive a copy for themselves. Almost 90 percent of the contracts neglected to include any danger pay, overtime clauses, or casualty insurance. Prior to their departure, three-fourths of the interviewees were forced to attend a course on reinforcing the ideological principles of the PCC. 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.

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 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.

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.

Discrimination in employment occurred against members of the Afro-Cuban and LGBTQI+ 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.

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

e. Acceptable Conditions of Work

Wage and Hour Laws: 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.

Occupational Safety and Health: The government set workplace occupational safety and health (OSH) standards and received technical assistance from the ILO to implement them. Information about penalties for violations of OSH law was not publicly available. The Ministry of Labor and Social Security was responsible for enforcing 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, self-employed workers made up 16 percent of the 3.7 million jobs in the country, and unemployment was slightly less than 4 percent. Most self-employed workers worked directly in the tourism sector or in fields that support it, and the tourist industry was decimated by the impact of COVID-19. The lack of clear regulations about which activities were permissible (when it was clear that some were not) prevented persons from finding employment in this sector.

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.

Informal Sector: Despite criminal penalties for doing so, a significant number of workers participated in the informal economy, including individuals who 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 these businesses and confiscated any goods.