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World Report 2023 - Cuba

The government continues to repress and punish virtually all forms of dissent and public criticism, as Cubans endure a dire economic crisis affecting their rights.

Authorities responded with brutal, systematic repression and censorship when thousands of Cubans took to the streets in July 2021 to protest the Covid-19 response, scarcity of food and medicines, and long-standing restrictions on rights. Trials of hundreds of such protesters in 2022 often violated basic due process guarantees and resulted in disproportionate prison terms.

Demonstrations across the country continued in 2022, triggered by blackouts, shortages, and deterioration of living conditions.

The government's repression and apparent unwillingness to address the underlying causes that took people to the streets have forced Cubans to leave the country in unprecedented numbers.

The United States continued a failed policy of isolation towards Cuba, including a decades-long embargo on trade with Cuba.

Arbitrary Detention and Prosecution

The government continued to employ arbitrary detention to harass and intimidate critics, independent activists, political opponents, and others.

Security officers rarely presented arrest warrants when detaining critics. Officers prevented people from attending protests, arresting critics and journalists on their way—or keeping them from leaving home.

On July 11, 2021, thousands took to the streets in the largest nationwide demonstrations against the government since the Cuban revolution. One protester, Diubis Laurencio Tejeda, a 36-year-old singer, died, seemingly at the hands of police.

Cuban rights groups counted more than 1,500 people, mostly peaceful demonstrators or bystanders, detained; more than 660 remained behind bars as of October 2022. Many were periodically held incommunicado. Some suffered ill-treatment—in some cases, torture.

The government acknowledged convicting over 380 detainees, including several children, of a broad range of public order offences. Many were prosecuted in summary trials on vaguely defined charges such as “public disorder” or “contempt.” Others were charged in ordinary trials with “sedition”—accused of violence such as rock-throwing—and received disproportionate prison terms of up to 25 years. Some trials were carried out in military courts, contravening international law.

Prosecutors framed as criminal behavior such actions as protesting peacefully, signing songs that criticize the government or insulting the president or police—lawful exercises of freedom of expression and association. Prosecutors and judges used unreliable or uncorroborated evidence to prosecute and convict demonstrators, including statements solely from security officers or supposed “traces” of protesters’ “odor” on rocks they were accused of throwing.

Some victims and their relatives, repeatedly harassed by security forces, left Cuba.

Migration

The number of Cubans leaving their country dramatically increased in 2022, surpassing historic peaks in the 80s and 90s.

The US Border Patrol apprehended over 203,000 Cubans between January and September 2022—a dramatic increase over the 33,000 Cubans apprehended during the same period of 2021. The US Coast Guard interdicted over 6,182 Cubans at sea from October 2021 through September 2022, by far the most in five years.

Cubans who journey to the US face abuses by gangs and security forces throughout the route, particularly in the Darien Gap—at the Colombia-Panama border—and at Mexico’s southern border.

After Nicaragua waived visa requirements for Cubans in late 2021, many Cubans now begin their journey there.

Travel Restrictions

Since reforms in 2013, many people previously denied permission to travel to and from Cuba have been able to do so, including human rights defenders and bloggers. The reforms, however, give the government broad discretionary power to restrict travel on grounds of “defense and national security” or “other reasons of public interest.” Authorities selectively deny dissidents the ability to exit or return to the country.

On February 16, 2022, Cuban authorities denied entry to Anamely Ramos, a Cuban art curator and activist. Ramos was in the US for personal business when she decided to return to Cuba. An airline employee in Miami informed her that the Cuban government was refusing her admission. She remains in the US.

Economic, Social, and Cultural Rights

The economic crisis in Cuba, which deepened during the Covid-19 pandemic, severely impacts peoples’ enjoyment of social and economic rights, including through blackouts, and acute shortages of food, medicines and other basic items.

In January 2022, authorities recognized that medicine shortages had worsened, and blamed the US embargo. The head of the state-run pharmaceutical industry group said that 88 of the 262 most needed medicines were “unavailable.”

In May, authorities said that the country’s energy service was in a “complex situation” that “paralyzed an important part of the economy.” There were blackouts in parts of Cuba during 29 of the 31 days of July, according to official information reviewed by the news organization EFE.

In August, the Inter-American Commission on Human Rights said that Cubans were suffering a “collapse of the public healthcare system” and a “widespread rise in poverty and inequality.”

Political Prisoners

Cuba was holding over 1,020 people who met the definition of political prisoners as of September, Prisoners Defenders, a Madrid-based organization said. These included 235 under house arrest or on conditional release.

Cubans who criticize the government risk prosecution. They are not guaranteed due process or a fair trial by a competent, independent, and impartial tribunal. In practice, courts are subordinate to the executive branch.

José Daniel Ferrer, leader of the Cuban Patriotic Union, the main opposition party, remained in prison as of October. In April 2020, a court in Santiago de Cuba sentenced him to four-and-a-half years of “restrictions on freedom” for alleged “assault.” In July 2021, officers arrested Ferrer as he was heading to a demonstration. Charged with “public disorder” for “deciding to join” the demonstrations, he was held in pretrial detention. A Santiago de Cuba court ruled in August 2021, that Ferrer had failed to comply with the “restrictions on freedom” and sent him to prison.

In June 2022, a court in Havana convicted activists Luis Manuel Otero Alcántara and Maykel Castillo Pérez, who performed in the 2021 music video for “Motherland and Life,” which repurposes the government’s old slogan, “Motherland or Death” (*patria o muerte*), to criticize repression. They were prosecuted for exercising their freedom of expression, for example, by posting a meme of President Díaz Canel, and were sentenced to five-year and nine-year prison sentences, respectively.

Prison Conditions

Prisons are often overcrowded. Detainees have no effective mechanism to seek redress for abuses. Those who criticize the government or engage in hunger strikes often endure extended solitary confinement, beatings, restriction of family visits, and denial of medical care.

The government continues to deny Cuban and international human rights groups access to prisons.

In April 2020, to reduce Covid-19 risks, authorities suspended family visits. This, coupled with their refusal to allow detainees to call their families, left many people incommunicado for days, sometimes weeks.

In June 2022, the nongovernmental organizations 11J and Cubalex—citing findings of poor sanitary conditions, lack of food and medical attention, and degrading conditions—launched the campaign “Look at Cuba’s prisons” to press authorities to authorize visits by international organizations and United Nations experts.

Freedom of Expression

The government controls virtually all media in Cuba, restricts access to outside information, and periodically censors critics and independent journalists.

In February and August 2021, authorities expanded the number of permitted private economic activities, yet independent journalism remained forbidden.

Journalists, bloggers, social media influencers, artists, and academics who publish information considered critical of authorities are routinely subject to harassment, violence, smear campaigns, travel restrictions, internet cuts, raids on homes and offices, confiscation of working materials, and arbitrary arrests.

Starting in 2019, authorities allowed importation of routers and other equipment, and connection of private wired and Wi-Fi internet in homes and businesses. Increased access has enabled activists to communicate, report on abuses, and organize protests. Some journalists and bloggers publish articles, videos, and news on websites and social media, including Twitter and Facebook. Yet high costs and limited access prevent most of Cubans from reading independent news.

Authorities routinely block access to many news websites within Cuba and have repeatedly imposed targeted and at times widespread restrictions on critics' access to mobile phone data. When the July 11, 2021, protests began, several organizations reported countrywide internet outages, followed by erratic connectivity, including restricted social media and messaging platforms.

In August 2021, authorities published Decree Law 35, regulating use of telecommunications and severely restricting freedom of expression online.

In May 2022, the National Assembly passed a criminal code that, among many broadly defined restrictions, includes a provision punishing with up to 10 years in prison whoever provides, receives, or has funds intended to pay for "activities against the State and its constitutional order." Such broad language opens the door to prosecutions that would undermine Cubans' right to mobilize and peacefully question government abuse.

Authorities continue to use Decree Law 370/2018—prohibiting dissemination of information "contrary to" people's "social interest, morals, good manners and integrity"—to interrogate and fine journalists and critics and confiscate their materials.

Labor Rights

Cuba has ratified International Labour Organization treaties protecting workers' rights on freedom of association and collective bargaining, yet its Labor Code, updated in 2014, violates them. While Cuba allows formation of independent unions, in practice, authorities only allow one confederation of state-controlled unions, the Workers' Central Union of Cuba.

Thousands of Cuban health workers deployed abroad provide valuable services, including in response to the Covid-19 pandemic. But the

government imposes rules on them that violate their basic rights, including to privacy, liberty, movement, and freedom of expression and association.

Human Rights Defenders

The government refuses to recognize human rights monitoring as a legitimate activity and denies legal status to Cuban rights groups. Authorities have harassed, assaulted, and imprisoned human rights defenders documenting abuses.

In May, the UN Committee against Torture urged Cuba to adopt measures to prevent or stop arbitrary detentions, harassment, intimidation, threats, and discrediting of human rights defenders.

Sexual Orientation and Gender Identity

The 2019 constitution explicitly prohibits discrimination based on sexual orientation and gender identity. However, many lesbian, gay, bisexual, and transgender (LGBT) people suffer violence and discrimination, particularly in Cuba's interior.

Structural discrimination affects in different ways women, Afro-Cuban, and LGBT people, the special rapporteur on economic, social, cultural, and environmental rights of the Inter-American Commission on Human Rights said in August 2022.

In September, a new family code that included a gender-neutral definition of marriage, opening the door to same-sex marriage, was approved by referendum.

Women's Rights

Cuba decriminalized abortion in 1965. It is available and free at public hospitals.

The new family code strengthens women's and girls' rights, reinforcing sexual and reproductive rights, including the right to assisted reproduction, prohibiting domestic violence and all forms of physical punishment, and recognizing the right to equitable distribution of domestic and caretaking work among all family members.

Key International Actors

The international community has, for decades, been unable to secure sustained progress on human rights in Cuba.

The US embargo gives the Cuban government an excuse for problems, a pretext for abuses, and sympathy from governments that might otherwise condemn repressive practices. In May, the EU welcomed the US government's lifting of some restrictions.

US President Joe Biden has not lifted former President Donald Trump's re-designation of Cuba as a state sponsor of terrorism. He has repeatedly condemned abuses against protesters and imposed targeted sanctions on several officials credibly linked to repression. In May 2022, the US announced it would increase visa processing in Havana; expand authorization of professional and educational travel; increase support for Cuban entrepreneurs and remove the limit on family remittances.

During its third review of Cuba, in June, the UN Committee on the Rights of the Child expressed concerns over reports of mistreatment and arbitrary detention of children who participated in the 2021 protests.

In July, the newly elected government of Colombian President Gustavo Petro and the National Liberation Army (ELN) guerrillas announced in Havana their intention to re-start peace talks. In early October, the ELN delegation left for Venezuela and announced that negotiations would restart in November.

In November, the UN General Assembly voted overwhelmingly—185 countries in favor; the US and Israel opposed; and Brazil and Ukraine abstaining— to condemn the embargo.

Since being elected to the UN Human Rights Council in 2020—its fifth term in the past 15 years—Cuba has consistently opposed resolutions spotlighting human rights abuses, including in Russia, Ethiopia, Syria, and Nicaragua.

The European Union continued its policy of "critical engagement" with Cuba, and issued statements of concern around human rights violations by the government. Frustrated by the lack of progress on Cuba's human rights record, in December 2021 the European Parliament adopted a resolution condemning "systematic abuses" against dissidents and critics and urged the EU to consider suspending the bilateral Political Dialogue and Cooperation Agreement on human rights grounds.

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