

2013 Human Rights and Democracy Report - Cuba

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There were some improvements in the human rights situation in Cuba in 2013, although there are still significant areas of concern. The Cuban government's economic reform programme continued to slowly expand economic freedoms. Ordinary Cubans appeared more willing to speak openly, particularly on economic issues, and were able to travel more freely, thanks to a new migration law. The fact that the Cuban government did not take any action in response to critical statements from the Catholic Church and others may also indicate greater tolerance for debate. Support for social and cultural rights, including free universal access to healthcare and education, were broadly maintained. Religious freedom and LGBT rights continued to be respected. The Cuban government marked Human Rights Day by organising a human rights forum focused on gender, LGBT, and religious freedoms.

However, we also had significant human rights concerns in 2013. The government continued to silence dissent; deny basic civil and political rights; and opposition activists faced short-term detentions throughout the year, including around Human Rights Day. Media freedom and internet access remain heavily restricted and, although the Cuban government opened 118 new internet cafes on 4 June, the access they provide is restricted and expensive. The judiciary is tightly controlled by the ruling Communist Party. There were six internationally recognised prisoners of conscience in Cuba at the end of 2013.

In 2013, the UK continued to raise human rights concerns with Cuban authorities while at the same time engaging constructively to promote reform. We encouraged further progress on political and economic freedoms, and we maintained our engagement with the Cuban government, human rights defenders (HRDs), opposition activists and broader civil society, including the Catholic Church, to encourage positive change on human rights. Human rights were also raised during a visit by the Foreign & Commonwealth Office (FCO) Director for the Americas in March 2013.

A key area of concern to the UK is Cuba's restrictions on freedom of expression and assembly. Cuba's 2nd Universal Periodic Review (UPR) was held at the UN Human Rights Council on 1 May 2013. The UK's statement raised concerns over the lack of freedom of expression and assembly, and asked the Cuban government to take steps to strengthen the right to a fair trial and to improve prison conditions. We also called on Cuba to ratify the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and to extend standing invitations to all UN Special Rapporteurs. Cuba did not accept either of the UK recommendations. It took note of our recommendation to strengthen the right to a fair trial and improve prison conditions and rejected the recommendations from the UK and others to remove restrictions on freedom of expression. Cuba accepted 230 of the 292 UPR recommendations. However, many of the recommendations concerning more serious abuses, such as those on freedom of expression and association, arbitrary detentions and the lack of protection on HRDs were rejected by Cuba.

In 2014, the UK will continue to work bilaterally and with the EU and international organisations to promote progress on human rights. We will focus in particular on the areas of freedom of expression and assembly. Despite the recent advances in certain economic and travel rights, we expect that the Cuban government will continue to place restrictions on basic civil and political rights. We will maintain our dialogue with opposition activists, and seek to raise concerns with the Cuban government.

Elections

Cuba is a one-party state governed by the Cuban Communist Party. The President is elected by the National Assembly. The National Assembly met on February 2013 to elect its leadership for the next five years. Raúl Castro was elected as President until 2018, when he confirmed he will step down. Although the voting process generally allowed fair access to polls and a secret balloting process, the elections could not be termed free or fair, as genuine opposition candidates were unable to stand. The vote produced a legislature with a healthy gender and racial balance, with women and minority groups, including one transsexual, well-represented. A British Embassy official monitored the elections.

Freedom of expression and assembly

Freedom of expression and assembly were restricted throughout 2013. The government continued to harass, intimidate and prevent HRDs and those expressing anti-government views from attending planned protests. Illegal but tolerated human rights monitoring organisations, including the Cuban Commission for Human Rights and National Reconciliation and Hablemos Press, reported over 5,500 such detentions in 2013, compared with 6,000 in 2012. These figures are, however, impossible to verify.

There was some space for debate on economic and social issues. These took the shape of panel discussions and seminars, publications from non-state institutions including the Catholic Church, and the letters section of daily government newspapers. The Cuban government did not take any action in response to highly critical letters from bishops and leading economists (although they did not receive any media coverage). Popular musician, Robertico Carcasses, called for direct elections during a concert broadcast live on TV and, although his upcoming performances were quickly cancelled, other cultural figures spoke out in support and the authorities reversed their decision to cancel the performances.

Direct criticism of the political system and its leaders, however, remains highly sensitive and is normally punished. Those identified by the government as "opposition" members have less leeway than ordinary Cubans to speak freely, without risking harassment by state security. Broader media freedom remains heavily constrained and Cuba ranked 171 out of 179 in the Reporters Without Borders 2013 World Press Freedom Index.

There were marginal improvements in internet access. On 4 June, 118 new internet points were opened, but the cost of getting online was priced at US\$4.50 per hour (prohibitively expensive for many, given average state salaries of US\$20 per month). Internet access in Cuba remains limited and tightly controlled. Most ordinary Cubans are not allowed the internet at home, although some obtain it through illegal connections and account sharing. While many foreign websites can be accessed, exceptionally slow connection speeds hamper connectivity. The International Telecommunications Union estimates total internet penetration at 26%; however, this refers predominantly to a Cuban "intranet" of websites and email, and to access for organised pro-government bloggers, tweeters and journalists. Freedom House estimates real internet access at around 5%.

Human rights defenders

Former prisoners of conscience Marcos Máiquel Lima Cruz and Calixto Ramon Martinez Arias were released in 2013. Lima Cruz was released on health grounds on 25 April. He was initially detained together with his brother Antonio Michel (released in 2012) on Christmas Day 2010 and sentenced to three years' imprisonment for "public disorder" and "insulting national symbols". Independent journalist Martinez Arias, who was designated a prisoner of conscience on 30 January 2013, was released on 9 April after 204 days in prison and two hunger strikes. Although never officially charged, Martinez was reportedly arrested for investigating allegations that medicine provided by the World Health Organisation had not been properly distributed.

Despite these developments, HRDs continued to face short-term detentions, house arrests, fines and threats throughout 2013. Amnesty International identified six further prisoners of conscience in 2013. Emilio Planas Robert and Rafael Matos Montes de Oca were convicted of "dangerousness" in October 2012 and sentenced to three-and-a-half and two-and-a-half years' imprisonment respectively. The authorities had accused the men of distributing posters with slogans such as "down with Fidel" and "down with hunger", although their families deny this.

Alexeis Vargas Martín and his twin 17-year-old brothers Diango and Vianco Vargas Martín have been held in detention since their arrests in 2012. According to reports, Alexeis was arrested outside his home on 27 November 2012 by security officials, who were there to intimidate his mother, Miraida Martín Calderín, a member of the prominent activist group Damas de Blanco ("Ladies in White"), and other women meeting in the house. On 2 December 2012, Diango and Vianco, then aged 16, were arrested outside a police station for protesting their brother's detention. The three brothers are yet to be formally charged. All five individuals are members of the opposition group Unión Patriótica de Cuba and were declared prisoners of conscience on 2 August.

Iván Fernández Depestre was arrested on 30 July in Central Cuba and sentenced on 2 August to three years' imprisonment for "dangerousness" after participating in an opposition protest. He was named a prisoner of conscience on 11 September.

Ladies in White, made up of female relatives of ex-political prisoners, were generally allowed to continue their regular marches in Havana on Sundays throughout 2013. They were, however, frequently subjected to short-term detentions and "repudiation acts", where pro-government supporters surround the women to chant abusive slogans and prevent them from marching. Ladies in White member Sonia Garro Alfonso and her husband Ramón Alejandro Muñoz, who were arrested on 18 March 2012, continue to be held on charges of "contempt, public disorder and attempted murder". Their trial, together with fellow activist Eugenio Hernández Hernández, was due to take place on 1 November, but was unexpectedly suspended.

Opposition activists continued to use short-term hunger strikes throughout 2013 as a means of protest against poor prison conditions or the detention of fellow activists. While it would be difficult to detail all reported hunger strikes, of particular note was a hunger strike in Eastern Cuba involving up to 60 people in protest at the detention on 9 April of 17-year-old activist Luis Enrique Lozada Igarza. The strike ended when Lozada Igarza was released from jail on 8 May 2013.

A new "Cuban Civil Society Expert Group" bringing together various opposition groups and HRDs was established in 2013.

During Cuba's UPR at the UN Human Rights Council in May, the UK Government called on the Cuban government to end measures to restrict freedom of expression and assembly, including short-term detentions and the use of criminal charges such as "pre-criminal social dangerousness", "contempt" and "resistance".

The new migration law, which came into force on 14 January 2013, lifted travel restrictions for the majority of Cubans leaving and returning to the country. Blogger and activist Yoani Sanchez, Berta Soler (leader of the Ladies in White), Elizardo Sanchez (founder of the Cuban Human Rights and National Reconciliation Commission), and other HRDs were able to travel and express their views overseas, but some faced "orchestrated" protests at their public appearances. In April, the Ladies in White and Guillermo Fariñas were finally able to collect their European Parliament Sakharov Prizes that they were awarded in 2005 and 2010 respectively. Activists subject to "licencia extrapenal" (on parole), including some former prisoners of conscience, were, however, prohibited from travelling.

Prominent opposition activist and economist Oscar Espinosa Chepe, 72, died on 23 September.

Access to justice and the rule of law

Concerns remain about the lack of judicial independence in Cuba and continued use of short-term arrests. A reform to the criminal code entered into force on 1 October. The new measures give the police the ability to use fines as punishment for some crimes instead of processing them through the courts. The reform should help reduce prison numbers which remain among the highest globally per capita. It also includes new legal guarantees for persons suffering from mental illnesses.

The Supreme Court announced on 16 November 2013 a new mechanism to handle "complaints and other requests" with a commitment to reply within 60 days, which may signal greater accountability and transparency.

There is limited due process or scope for independent lawyers, and suspects are sometimes detained for months without being notified of the charges against them. Cubans trying to offer independent legal advice faced harassment from the security services.

At Cuba's second UPR, the UK Government urged Cuba to take steps to strengthen the right to a fair trial and improve prison conditions through adherence to the UN Basic Principles on the Independence of the Judiciary and the Role of Lawyers, Article 14 of the International Covenant on Civil and Political Rights, and the Standard Minimum Rules on the Treatment of Prisoners. Cuba did not accept these recommendations.

During 2013, reports of poor prison conditions continued to emerge. The authorities have still not yet organised a visit by the UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. However, Cuba opened some of its prisons to Cuban and foreign journalists on 9 April 2013. This was the first time journalists had been able to visit some of Cuban prisons since 2004. While a useful one-off initiative, neither international organisations such as the Red Cross nor journalists have been granted regular access to Cuba's prisons.

Death penalty

Capital punishment is included in Cuban criminal legislation but, in practice, the Cuban government has maintained a moratorium since 2003. Speaking in Santiago in January at the Summit of the Community of Latin American and Caribbean States, President Raúl Castro emphasised that the penalty could only be imposed in extremely serious cases. This message was reinforced by the Cuban government later in the year in their report on their UPR. There are no prisoners in Cuba currently facing the death penalty.

Freedom of religion or belief

The Cuban constitution protects freedom of religion or belief, and this right was generally observed in Cuba throughout 2013. However, the government continued to detain opposition activists who used religious centres for political purposes. The British Embassy in Havana engaged with a limited number of religious representatives during the year.

Cuban Catholic bishops wrote a public letter to the government in September 2013 asking for political changes, and greater openness and acceptance of groups and people who have ideas different from the official ones. There was no official reaction to the letter.

Women's rights

Cuba ranked 15 out of 136 countries on the World Economic Forum's 2013 Global Gender Gap Index. More female leaders were elected in the parliamentary elections in February 2013 and, out of 31 Council of State members, 13 are women. 49% of National Assembly members are female. We have encouraged the Cuban government to sign the UK-led Declaration on Preventing Sexual Violence in Conflict.

Other issues

Economic and social rights

Raúl Castro's government continued to introduce economic reforms throughout 2013, bringing increased economic opportunities and freedoms to ordinary Cubans. These measures included the introduction of independent cooperatives in more sectors; further measures to promote the private sector; and the introduction of new income taxes and of wholesale agricultural markets. The government also announced plans to unify the country's dual currency system. Some of these measures should help reduce poverty and encourage growth. However, the announcement on 2 November, that privately-run 3D cinemas and the sale of imported clothes would be prohibited, represented a step back for economic and cultural freedom. The authorities also announced that the need for a pre-approved government licence to purchase new and used vehicles will be removed in 2014. While this was a positive development, the extraordinarily high taxes imposed by the government mean that very few Cubans will be able to take advantage of the reform.