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Cuba

There were significant developments in the human rights situation in Cuba in 2010, with progress in some areas but negative trends elsewhere. In a positive step forward, the Cuban government began a programme of releasing political prisoners, whose numbers are now at the lowest level recorded. However, there was continued repression of dissidents and human rights defenders, and a high number of short-term detentions. The Cuban Catholic Church assumed an important new role in 2010, mediating between the government and human rights defenders, which is yielding positive results.

In December, the Cuban government announced a package of economic reforms, with the granting of some greater freedoms. The government has pledged to maintain Cuba's universal access to free healthcare and education, which has led to a 99.8% literacy rate and average life expectancy and infant mortality indicators on a par with developed

countries. The government has increasingly become more open to criticism on economic issues, but this does not apply to the political system where there are no signs of democratic reforms.

We also raised human rights in concert with EU partners, including through the bilateral EU–Cuba political dialogue. The Cuban government continued to react strongly to criticism of its human rights record, as it did to a European Parliament resolution in March condemning Cuba’s treatment of independent journalists and human rights defenders.

Human rights remained a priority in our engagement with the Cuban government, both in London and in Havana. Our Embassy maintained contact with human rights defenders and monitored significant human rights events.

The first Communist Party Congress since 1997 is scheduled for April 2011 to pass economic changes. It is not due to address democratic reforms. Given Cubans’ concerns over job losses and welfare cuts, we hope that the government’s openness to debate on the economic reforms, including President Castro’s statement that “difference of opinion is a right that shouldn’t be denied”, will translate into respect for peaceful protest and wider freedom of expression for all Cubans.

Elections

Cuba held municipal elections in April. Although candidates could be nominated at a grassroots level rather than being chosen by a political party, in practice all candidates were members of the Communist Party or one of its affiliate organisations. One illegal dissident group, the Liberal Party of the Republic of Cuba, tried to put forward potential candidates, but was unsuccessful. The government did however make a conscious and successful effort to increase the levels of women and younger people as candidates as well as a greater racial mix: almost 36% of candidates were women and 41% were black or mixed-race.

Access to justice

There is no separation of powers in Cuba, and the judiciary is heavily controlled by the state. The government has the authority to appoint and dismiss judges at any time.

Opponents of the regime tend not to gain proper or timely access to independent legal advice. They are unlikely to receive a fair trial and may also receive disproportionate sentences. Lay judges, elected by Communist Party members and often lacking legal training, sit alongside appointed judges, occupying two of the three seats on judicial panels, further undermining any court independence.

Rule of law

The Cuban government cracked down on high-level corruption in 2010, including dismissing the civil aviation minister, General Rogelio Acevedo, and other high-ranking officials. Low-level corruption remains endemic, with many state employees supplementing their meagre income (the equivalent of around \$20 per month) by stealing from their employers and selling goods and services on the black market. The law is often selectively applied, with dissidents more likely to be arrested than government supporters. Prominent government critic Darsi Ferrer was arrested in July 2009 for illegally obtaining two bags of cement and assaulting a neighbour but was only charged and tried in June 2010. He was sentenced to 15 months' imprisonment, but was released after his trial due to the time already spent behind bars. The authorities fail to routinely follow their own legal procedures and frequently detain suspects without charge.

Death penalty

In December, the Supreme Court commuted the sentences of the three remaining prisoners facing the death penalty who had been convicted of terrorism. Capital punishment remains on Cuba's statute books, although there has been a *de facto* moratorium since the last executions in 2003.

Prisons and detention issues

In January 2009 the Cuban government invited the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to visit the island. In June 2010, Manfred Nowak, the former special rapporteur, expressed disappointment that the Cuban authorities had been unable to arrange a visit before the end of his mandate in October. We urge the Cuban government to set a date for Mr Nowak's successor, Juan Méndez, to visit, which should include granting Mr Méndez unrestricted access to any detention centres and prisoners in Cuba.

In June, the authorities released political prisoner Ariel Sigler Amaya, who had been jailed in 2003, and allowed him to travel to the US for medical treatment. His release followed lobbying from the EU, at our instigation.

On 7 July, the Catholic Church announced that the remaining 52 political prisoners from the 75 arrested in 2003 would be released to Spain. This followed talks between the head of the Cuban Catholic Church Cardinal, Jaime Ortega, and former Spanish Foreign Minister Miguel Ángel Moratinos. By mid-February 2011, 46 had been released, with 40 travelling to exile in Spain and the rest permitted to stay in Cuba. Minister of State Jeremy Browne welcomed the releases, saying: "The release of political prisoners in Cuba has been a longstanding priority for the UK, and this is a welcome and positive step. I hope this will help lead to further human rights improvements, including the release of all political prisoners, in Cuba." In addition, the authorities released a number of other political prisoners convicted of common offences, including violent crimes, who agreed to move to Spain. Other former political prisoners who had been granted conditional release were also offered exile in Spain, which some accepted. We continue to insist that all released prisoners should have the option of remaining in Cuba.

The Cuban government also released Rolando Jiménez Posada, a prisoner of conscience recognised by Amnesty International, who was granted asylum in the Czech Republic in October.

The illegal but tolerated Cuban Commission for Human Rights and National Reconciliation estimated that at the end of 2010 there were still around 100 political prisoners in Cuba.

This figure includes the remaining political prisoners from the group of 75 who are recognised as prisoners of conscience by Amnesty International. Due to the opaqueness of the Cuban legal system and lack of independent access to prisons, it is impossible to verify numbers.

Although the number of political prisoners is at its lowest level since the 1959 revolution, arbitrary short-term detentions, where activists are detained between a couple of hours and a few days, usually to break up or prevent a demonstration or meeting, have increased.

Human rights defenders in Cuba estimate that there were more than 2,000 short-term detentions in 2010.

In 2010 we continued to receive reports of poor prison conditions in Cuba, particularly for political detainees, such as poor quality food, unsanitary conditions, high heat and humidity levels and mistreatment by some prison wardens. Prisoners' families allege that these conditions have led to serious health problems. These claims are unverifiable, since the Cuban government does not allow independent inspectors access to prisons. With EU partners, we urged the government to agree to independent international inspection of its detention facilities.

Human rights defenders

In February, imprisoned activist Orlando Zapata Tamayo died after more than 80 days on hunger strike. This provoked increased criticism of the Cuban government, which in turn led to greater repression of human rights defenders. The *Damas de Blanco* (Ladies in White) are the relatives of the 75 dissidents arrested in 2003. They have protested peacefully every week for seven years outside a church in Havana, calling for the release of their relatives. On the anniversary of the 2003 arrests in March, the Damas were confronted by mobs that were clearly organised by the authorities, and subjected to verbal and physical abuse. Following the unprecedented intervention of Cardinal Ortega and his meeting with the president, the Damas were able to resume their weekly protests.

But repression of protesters has continued, with particular heavy-handedness reserved for Orlando Zapata's mother and her supporters. Pro-government mobs also harassed the *Damas de Blanco* again around Human Rights Day on 10 December. Other protests planned for that day in support of the political prisoners were disrupted by the government through pre-emptive short-term detentions. Some civil society groups claim that 100 to 200 human rights activists were detained. The violence witnessed on 10 December 2009 was not repeated although there were reports that one dissident, Eduardo Pacheco Ortiz, was severely beaten, together with his wife and daughter.

Our Embassy in Havana continues to engage closely with human rights defenders and political activists in Cuba and regularly monitors planned protests. We also raise individual

cases, such as the *Damas de Blanco*, with the Cuban government.

Freedom of expression

Freedom of expression and access to information are severely restricted. The International Telecommunications Union estimates that 14% of Cuba's population has access to the internet, although this includes those who only have access to e-mail or a Cuban intranet. Therefore the true figure is likely to be far lower. The Cuban government restricts internet use through limited availability of access points and high charges (one hour of internet use costs around a third of the average monthly state salary). The government blames the US embargo for limits on internet access. We welcome the government's recent decision to unblock access to websites considered to be against the regime, including those from the growing movement of bloggers who, together with independent journalists, have faced repression from the authorities.

Guillermo Fariñas, a dissident who spent more than 130 days on hunger strike, was awarded the European Parliament's Sakharov Prize for Freedom of Expression in October. Like most opponents of the regime, he was denied an exit visa so could not travel to Strasbourg to collect the prize in December.

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