



Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Country updates: Cuba

Latest Update: 31 December 2013

In the last three months, the Cuban government's reform programme has continued. However, whilst in some areas progress is being made, others areas are regressing.

According to human rights monitoring groups, short-term detentions of opposition activists have continued to rise since September. Both the Cuban Commission for Human Rights and National Reconciliation (CCDHRN) and Hablemos Press reported over 2200 politically-motivated detentions from October to December. Many took place around International Human Rights Day on 10 December as state security blocked activists' efforts to march or participate in seminars. The Cuban government marked Human Rights Day by organising a human rights forum focused on gender, LGBT and religious freedoms. The six internationally recognised prisoners of conscience identified in the previous update remain in detention (Emilio Planas Robert; Rafael Matos Montes de Oca; Alexeis, Diango, and Vianco Vargas Martín; and Iván Fernández Depestre). Both CCHRNR and Hablemos Press have published lists of political prisoners citing further potential cases, although it remains difficult to verify this information. Some opposition activists engaged in hunger strikes during this reporting period in protest at their detentions or those of fellow activists.

A new "Cuban Civil Society Expert Group", bringing together various opposition groups and human rights defenders, was recently established. The group, whose membership and chair will rotate, aims to publish quarterly reports on the political, economic and social situation in Cuba. The group's 13 members are drawn from a wide range of Cuban opposition groups: Estado de SATS, Ladies in White, UNPACU (The Cuban Patriotic Union), CCDHRN etc. It is not meant to be an umbrella group or to "represent" civil society but to "promote debate, better understand Cuba's problems and propose solutions".

A reform to the criminal code came into force on 1 October. The new measures give the police the ability to use fines as punishment for some crimes instead of processing individuals through the courts. The reform should help reduce prison numbers, which remain among the highest globally per capita. The Supreme Court meanwhile established a new mechanism to handle "complaints and other requests" with a commitment to reply within 60 days, which may signal greater accountability and transparency.

Implementation of President Raul Castro's economic reform programme continued. The majority of measures have expanded individual economic freedoms, including the right to buy new and used

vehicles from the state without government permission and a decree law that, if implemented, will reform food production and sales in a way that will end the government's monopoly on distribution. However, the government announced on 2 November that privately-run 3D cinemas would be closed immediately and that the sale of imported clothes would be prohibited from 31 December. Both the cinemas and clothes shops have proved popular with ordinary Cubans and the measures represent a regressive step on economic and cultural rights.

Update: 30 September 2013

In the last three months, the Cuban government's reform programme has continued, but the overall human rights picture remains mixed.

Following their Universal Periodic Review at the UN Human Rights Council in May, Cuba's final report was adopted by the Council on 20 September. Of 292 recommendations, the Cuban government accepted 230 and did not accept 62. However, most of their accepted recommendations have already been completed. Recommendations concerning more pressing concerns on freedom of expression and association, such as those expressed by the UK and many others, were not accepted.

Amnesty International named six new prisoners of conscience in the last three months. 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. Alexeis Vargas Martín and his twin brothers Diango and Vianco Vargas Martín have been held in detention since their arrests on 27 November and 2 December 2012. All are members of the opposition group Unión Patriótica de Cuba. Amnesty declared them prisoners of conscience on 2 August. Iván Fernández Depestre was arrested on 30 July and sentenced on 2 August to three years' imprisonment for "dangerousness" after participating in an opposition protest. He began hunger strike shortly after his arrest and was named a prisoner of conscience on 11 September.

Opposition activists have continued to face short-term detentions according to human rights groups. Illegal but tolerated monitoring organisations, such as the Cuban Commission for Human Rights and National Reconciliation, and Hablemos Press, reported over 700 politically-motivated detentions during July and August, an increase on previous months, although we cannot verify statistics. Prominent opposition activist and economist Oscar Espinosa Chepe, 72, died from cancer on 23 September.

During a concert broadcast live across Cuba, prominent jazz singer Robertico Carcasses called for direct elections and freedom of information in Cuba. As a result the authorities banned Carcasses from playing in government-owned theatres or concert halls; they then reversed the decision after cultural icons such as popular singer Silvio Rodríguez criticized the government's response. Meanwhile, the Conference of Cuban Catholic bishops published an open letter that, amongst other issues, called for greater political freedoms in line with the economic opening.

In the last three months, the Cuban government's reform programme has continued. New cyber cafés have been established but the access they provide to the internet is restricted and prohibitively expensive. Opposition activists who have travelled abroad under the new migration law and subsequently returned have not reported additional harassment by the authorities; however, some former prisoners of conscience released on parole have not been able to travel. A penal code reform announced in July and due to come into effect from October is aimed at reducing the prison

population (one of the highest in the world per capita) by offering alternatives to imprisonment. It also includes new legal guarantees for persons suffering from mental illnesses. The government also announced measures to allow Cuban athletes to sign professional contracts abroad that may prevent baseball stars in particular from emigrating illegally in search of such opportunities.

Update: 30 June 2013

Cuba's Universal Periodic Review took place in Geneva on 1 May 2013. The UK welcomed the new migration law, which came into force on 14 January, but called on the Cuban government to end measures restricting freedom of expression and assembly, and to take steps to improve prison conditions and the right to a fair trial. The Cuban Foreign Minister confirmed, at the end of the session, that Cuba was likely to accept most of the recommendations received. The report will be adopted during the September session of the Human Rights Council, when Cuba must formally state which of the recommendations it will accept or reject.

The new migration law has 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 Group; Elizardo Sanchez, founder of the Cuban Human Rights and National Reconciliation Commission, and other Human Rights Defenders have been able to express their views overseas and have since returned to Cuba with new ideas. The Ladies in White were finally able to collect in April the European Parliament's Sakharov Prize that they were awarded in 2005. The family of late activist Oswaldo Payá were recently granted asylum in the US.

Independent journalist Calixto Ramon Martinez Arias was released on 9 April after 204 days in prison and two hunger strikes. Although he was never officially charged, Martinez was reportedly arrested for investigating allegations that medicine provided by the World Health Organization was not being properly distributed. The last remaining prisoner of conscience Marcos Máiquez Lima Cruz, was recently released from prison on health grounds. He was detained together with his brother Antonio Michel (released on 24 October 2012) on Christmas Day 2010 for "public disorder" and "insulting national symbols".

Politically motivated short-term detentions have continued. Illegal but tolerated human rights monitoring groups, such as Hablamos Press and the Cuban Commission for Human Rights and National Reconciliation, reported over 700 such detentions in April and May combined, although the figures are impossible to verify. There 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.

Cuba opened its prisons to Cuban and foreign journalists on 9 April 2013. This was the first time journalists have been able to visit Cuban prisons since 2004. While a positive step, international organisations such as the Red Cross have not been granted access to Cuba's prisons.

On 4 June, the Cuban government opened 118 new internet cafes in a welcome but overdue move. At \$4.50 per hour, the service remains prohibitively expensive given average state salaries of around \$20 per month. However, the development represents a positive step towards greater freedom of expression and access to information.

Over the last three months, the government's limited economic reform programme has continued gradually to enhance economic opportunities for ordinary Cubans. The Council of Ministers announced in May, for example, that private intermediaries would be allowed to supply and buy from farmers.

Update: 31 March 2013

The new migration law represented a major step forward on freedom of movement in the past three months. This in turn has allowed Cubans freedom to express their views when travelling abroad. Broader economic reforms continue to generate new economic freedoms and opportunities. The elections to the National Assembly were conducted partly in accordance with international standards, but genuine opposition parties and candidates could not participate. Politically motivated short-term detentions have continued and Amnesty International designated a second prisoner of conscience.

The new migration law, which came into force on 14 January, has lifted travel restrictions for the majority of Cubans leaving and returning to the island. Measures include the abolition of exit visa requirements and an extension from 12 to 24 months of the time Cubans can remain outside the country without special permission. This significant development for freedom of movement has been popular and has had a positive impact on freedom of expression, since Cubans are able to speak freely while travelling abroad. The Cuban Government allowed activist Yoani Sanchez to leave the country for the first time in nearly a decade; she is expressing her views on the situation in Cuba during an 80-day international tour. Berta Soler, leader of the group "Ladies in White", was also able to travel abroad recently. In the long term the migration law should also have a positive economic impact as Cubans return with new ideas, experience and capital.

Good Friday has been declared a public holiday this year in honour of the new Pope, in a further sign of improving religious freedoms. Separately, reports of faster internet connections following the installation of the broadband cable from Venezuela in 2012 could soon herald improved access to information on the Internet, although this may depend on whether the Cuban Government allows unfettered access.

The New National Assembly met on 24 February to elect its leadership for the next five years. Raul Castro was elected as President until 2018 and confirmed that he will step down after that. The electoral process itself was conducted partly in line with international standards with fair access to polls and a transparent secret balloting process. The vote also produced a legislature with a healthy gender and racial balance, with women and minority groups, including one transsexual, well represented. Genuine opposition candidates were unable to stand, however. An Embassy official monitored the elections.

Politically motivated short-term detentions have continued. Illegal but tolerated human rights monitoring groups Hablamos Press and the Cuban Commission for Human Rights and National Reconciliation reported over 750 such detentions in January and February, though figures are impossible to verify. Berta Soler mentioned during her recent visit to Spain that Cuban security authorities continue to intimidate and harass opposition activists despite recent reforms.

Independent journalist Calixto Ramón Martínez Arias, detained since 16 September, was designated a Prisoner of Conscience on 30 January by Amnesty International. No formal charges have been

laid against him, although he was reportedly arrested as he investigated allegations that medicine provided by the World Health Organization was not being properly distributed. According to various reports, including from Amnesty International, he went on hunger strike on 6 March to protest against his detention and was subsequently placed in solitary confinement. The other Prisoner of Conscience is Marcos Lima Cruz, detained on 25 December 2010 and sentenced to three years in jail for insulting national symbols and public disorder.

In March the Foreign and Commonwealth's Americas Director visited Cuba, where she met a range of Cuban government and civil society interlocutors and reiterated the UK's commitment to human rights.

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