



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

Publisher [United Kingdom: Foreign and Commonwealth Office](#)

Publication Date 15 April 2013

Cite as United Kingdom: Foreign and Commonwealth Office, *Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Cuba*, 15 April 2013, available at: <http://www.refworld.org/docid/516fb7cd9.html> [accessed 31 October 2013]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

There were some encouraging improvements in the human rights situation in Cuba in 2012, although there remain significant areas of concern. The announcement of the lifting of travel restrictions represents a major advance for freedom of movement. The Cuban government's ongoing economic reform programme opened up further economic freedoms and provided greater space for debate on economic issues, while respect for social and cultural rights, including free universal access to healthcare and education, were maintained. Religious freedom and lesbian, gay, bisexual and transgender (LGBT) rights continued to follow a positive trajectory. However, the government continued to silence dissent and deny basic civil and political rights. Of particular concern was the continued use of politically motivated short-term detentions throughout the year. Media freedom and Internet access remain heavily restricted, and the judiciary is tightly controlled by the ruling Communist Party. There is one internationally recognised prisoner of conscience in Cuba.

Our aims in 2012 were to encourage further progress on political and economic freedoms, and we continued to engage with the Cuban government, human rights defenders, opposition activists and broader civil society (including the Catholic Church) to encourage positive change on human rights. The British Ambassador in Cuba has regularly raised human rights concerns with the Cuban authorities. Our Embassy met opposition figures within Havana and across the country and regularly monitored demonstrations. We played an active role in the EU, in Brussels, and Havana, arguing for a robust but constructive position on human rights.

In 2013, we will continue to promote progress on human rights with an active and balanced approach, both bilaterally and through the EU. We will maintain our engagement with key actors and continue to raise concerns with the Cuban government within the context of our wider political engagement. We will maintain a dialogue with opposition activists and continue to monitor peaceful opposition demonstrations. We expect that the government will continue to expand economic freedoms and tackle corruption. Greater freedom to travel should in principle allow more Cubans to work and study abroad and return with new ideas, knowledge and capital. But the Cuban government is likely to continue to restrict basic civil and political rights as it seeks

to prevent public protest. Despite some positive signals from the Cuban leadership about media and judicial reform, any change is likely to be incremental.

Elections

Cuba is a one-party state governed by the Cuban Communist Party. The President is elected by the National Assembly. Local elections took place in autumn 2012 and successful candidates will elect delegates to the National Assembly in 2013. While Communist Party membership is not a legal requirement to stand, in practice prospective candidates need the approval of party representatives, and genuine opposition candidates could not participate.

Freedom of expression and assembly

Restrictions on freedom of expression and assembly remained throughout 2012. Independent trade unions are not permitted and there is no legal right to strike. Short-term detentions of those expressing anti-government views were increasingly used to intimidate activists and prevent them attending planned anti-government demonstrations, which are banned. The Havana-based human rights monitoring group Cuban Commission for Human Rights and National Reconciliation reported over 6,000 such detentions in 2012, compared with 4,000 in 2011. These figures are impossible to verify.

More encouragingly, in 2012, the space for debate and criticism of government policy in relation to economic and social issues continued to expand, partially reflecting President Raúl Castro's call at the Cuban Communist Party Conference on 28 January for more open debate and a more objective press. Intellectuals, artists and "accepted" non-governmental institutions have all been able to speak more openly. The Catholic Church hosted a conference with Cuban Americans and opposition activists in April to discuss the economic reforms. Some critical letters about government economic policy from members of the public have also been printed in state media. Nevertheless, media freedom remained heavily constrained. Cuba ranked 167 out of 179 in the Reporters Without Borders 2011-2012 World Press Freedom Index, while on World Press Freedom Day on 3 May, the Committee to Protect Journalists cited Cuba as the ninth most censored state in the world.

Access to the Internet remained tightly controlled. The National Statistics Office announced in June that Internet access had increased to 2.6 million users (23% of the population). However, this reflects access to a Cuban intranet consisting of email and select websites. A Freedom House report estimated real Internet penetration at 5%. The main obstacles to greater access are lack of Internet access points, the prohibitive cost (\$8 an hour, while average wages are \$20 a month) and strict control over who can have the Internet at home. Those with access relied on the black market. One obstacle was removed in 2012, however, when an expensive charge to receive telephone calls was lifted, further easing private communications.

Human rights defenders

The Cuban authorities continued to harass human rights defenders throughout 2012 with short-term detentions, house arrests, fines and threats. According to the Cuban Commission for Human Rights and National Reconciliation, over 1,000 opposition activists were arrested in March, many pre-emptively detained in connection with the Pope's visit. Human Rights Day on 10 December and the 24 July funeral of leading opposition activist Oswaldo Payá, who died in a car crash, also gave rise to spikes in the detention figures.

Payá's contribution to improving human rights in Cuba was recognised in a statement by the former FCO Minister of State for Latin America, Jeremy Browne. Notable individual short-term detentions during 2012 included those of leading Cuban blogger Yoani Sanchez, Hablemos Press director Roberto de Jesus Guerra Perez and Antonio Rodriles, who runs a forum encouraging debate on social, cultural, economic and political issues.

By the end of 2012, one internationally recognised prisoner of conscience remained in custody in Cuba. Brothers Antonio Michel Lima Cruz and Marcos MáiqueLima Cruz were detained on Christmas Day 2010 and charged with public disorder and insulting national symbols after listening to music criticising the lack of free expression in Cuba and dancing with the Cuban flag. They were sentenced to two and three years in prison respectively.

Antonio was released on 24 October but Marcos remains in prison. Two other Amnesty International prisoners of conscience, Yasmin Conyedo Riverón and Yusmani Rafael Álvarez Esmori, were released on bail on 5 April. Amnesty also adopted José Daniel Ferrer García, Ivonne Malleza Galano, Ignacio Martínez Montejo and Isabel Haydee Álvarez as prisoners of conscience in 2012, but all have now been released.

Prominent activist group Damas de Blanco ("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 2012. They were, however, subjected to acts of intimidation on several occasions, including being surrounded by pro-government supporters chanting abusive slogans and being prevented from marching. Some were subjected to short periods of detention, others spent longer in custody. Niurka Luque Álvarez was detained on 17 March during a protest and released on 5 October pending trial. Sonia Garro Alfonso and her husband Ramón Alejandro Muñoz, who were arrested on 18 March, continue to be held without charge. A British Embassy official regularly observed planned marches and demonstrations throughout 2012.

Opposition activists continued to use short-term hunger strikes throughout 2012 as a means of protest against poor prison conditions or the detention of fellow activists. Some 30 opposition activists went on hunger strikes between 10 and 17 September to protest about opposition activist Jorge Vasquez Chaviano remaining in custody beyond the completion of his prison sentence. He was subsequently released. Hablemos Press journalist Calixto Martínez spent 33 days on hunger strike from 10 November in protest against prison conditions.

Access to justice and the rule of law

There remains a lack of judicial independence in Cuba. 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. The Vice President of the Supreme Court announced plans to modernise Cuba's legal system in December.

During 2012, we continued to receive reports of poor prison and detention conditions. Opposition activists have complained about punishment cells, poor sanitation and insufficient food and water. A number of prisoners went on hunger strike over the past year in protest against prison conditions. Cuba maintains that its prisons meet UN standards. The authorities have not yet organised a visit by the UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, despite having extended an invitation in 2009.

Death penalty

The Cuban government maintained its moratorium on the death penalty, last used in 2003. Capital punishment remains in Cuban law but there are no prisoners currently facing the death penalty. There have been no indications that Cuba will re-employ the death penalty in the near future. In December, Cuba abstained on the biennial UN resolution on a global moratorium.

Freedom of religion or belief

A climate of religious freedom and tolerance was maintained in Cuba throughout 2012. This was highlighted by the Pope's visit in late March, as large crowds turned out for masses held in Havana and Santiago with the support of the Cuban authorities, and Good Friday was designated a public

holiday. The visit also reflected the expanding role of the Catholic Church in society, and its growing influence in politics, building on its work in 2010 and 2011 to mediate and facilitate the release of political prisoners. Other religious groups enjoy comparable levels of religious freedom and tolerance, with the ability to cultivate new members, hold religious activities, express religious views, and conduct charitable and community service projects. However, the Cuban government continued to detain opposition activists who used religious centres as platforms for gathering support or expressing political views.

Women's rights

The constitution guarantees women political, economic, social, cultural and family rights and opportunities equal to men. Respect for women's rights is generally observed in practice. Cuba ranked 19 out of 135 countries on the World Economic Forum's 2012 Global Gender Gap Index. This includes the strong participation of women in public life. According to the Inter Parliamentary Union, the Cuban parliament has the third-highest proportion (45%) of parliamentary seats held by women.

Lesbian, gay, bisexual and transgender rights

There was progress on LGBT rights in 2012. Cuba held its second annual Gay Pride march to celebrate the International Day Against Homophobia and Transphobia on 17 May. The parade was endorsed by the government and led by President Castro's daughter, Mariela Castro. At the Communist Party National Conference in January, the government also officially recognised the need to address discrimination on the basis of sexual orientation. The National Centre for Sex Education, headed by Mariela Castro, continued to raise awareness of LGBT issues through educational campaigns.

Other issues

In October, in a major advance on freedom of movement, the Cuban government announced the lifting of travel restrictions on Cubans leaving and returning to the island, including the abolition of exit visa requirements, cheaper passports and an extension from 12 to 24 months of the time Cubans can remain outside the country without special permission. However, the new migration law, which came into force on 14 January 2013, will retain a few controls. An FCO spokesperson welcomed the new law in a statement on 17 October.

Raúl Castro's economic reform programme, agreed in April 2011, continued to be implemented throughout 2012, bringing increased economic opportunities and freedoms to ordinary Cubans. The expansion of categories for self-employment, the extension of private cooperatives beyond the agricultural sector and access to credit has allowed more Cubans to set up businesses, and in a wider range of sectors, in 2012. Meanwhile, greater flexibility for private businesses to employ workers offers the prospect of more jobs and higher wages than those traditionally paid through the state-controlled economy. The new tax system, means-tested benefits and the easing of foreign-currency controls should help reduce poverty and spur growth.

The Cuban government continued to tackle corruption in 2012, and a number of high-ranking Cubans and foreign business people were dismissed or given stringent jail terms. Low-level corruption is endemic. Many Cubans rely on the black market to subsidise their low state income.

Cubans also continue to benefit from good social provision, with Cuba ranking 51st on the latest UN Human Development Index. Universal access to Cuba's education and healthcare systems was maintained and in general the quality of teaching and care remained high.

Search Refworld

by keyword

and / or country

All countries



Clear

Search

[Advanced Search](#) | [Search Tips](#)

Countries

- [Cuba](#)

Topics

- [Death penalty](#)
- [Freedom of assembly and association](#)
- [Freedom of expression](#)
- [Freedom of religion](#)
- [Human rights activists](#)
- [Lesbian, gay, bisexual, transgender and intersex \(LGBTI\)](#)
- [Right to justice](#)
- [Rule of law / Due process / Procedural fairness](#)
- [Women's rights](#)