

## Cuba

Cuba remains the one country in Latin America that represses nearly all forms of political dissent. President Fidel Castro, during his 47 years in power, has shown no willingness to consider even minor reforms. Instead, the Cuban government continues to enforce political conformity using criminal prosecutions, long- and short-term detentions, mob harassment, police warnings, surveillance, house arrests, travel restrictions, and politically-motivated dismissals from employment. The end result is that Cubans are systematically denied basic rights to free expression, association, assembly, privacy, movement, and due process of law.

Castro's decision in early August to temporarily cede power as a result of medical problems to his brother, Raúl Castro, has prompted intense speculation about the possibility of reform in Cuba. As of this writing, it was unclear whether the older Castro would be able to return to power and what his political absence might signal for the island's future.

### Legal and Institutional Failings

Cuba's legal and institutional structures are at the root of rights violations. Although in theory the different branches of government have separate and defined areas of authority, in practice the executive retains clear control over all levers of power. The courts, which lack independence, undermine the right to fair trial by severely restricting the right to a defense.

Cuba's Criminal Code provides the legal basis for repression of dissent. Laws criminalizing enemy propaganda, the spreading of "unauthorized news," and insult to patriotic symbols are used to restrict freedom of speech under the guise of protecting state security. The government also imprisons or orders the surveillance of individuals who have committed no illegal act, relying upon provisions that penalize "dangerousness" (*estado peligroso*) and allow for "official warning" (*advertencia oficial*).

## **Political Imprisonment**

In early July 2006 the Cuban Commission for Human Rights and National Reconciliation, a respected local human rights group, issued a list of 316 prisoners who it said were incarcerated for political reasons. The list included the names of 12 peaceful dissidents who had been arrested and detained in the first half of 2006, of whom five were being held on charges of “dangerousness.” Of 75 political dissidents, independent journalists, and human rights advocates who were summarily tried in April 2003, 60 remain imprisoned. Serving sentences that average nearly 20 years, the incarcerated dissidents endure poor conditions and punitive treatment in prison.

## **Travel Restrictions and Family Separations**

The Cuban government forbids the country’s citizens from leaving or returning to Cuba without first obtaining official permission, which is often denied. Unauthorized travel can result in criminal prosecution. In May 2006 Oswaldo Payá, the well-known Cuban human rights advocate, was awarded an honorary doctor of laws by Columbia University in New York City in recognition of his work. However, he was denied an exit visa by the Cuban authorities and therefore could not receive the degree in person.

The government also frequently bars citizens engaged in authorized travel from taking their children with them overseas, essentially holding the children hostage to guarantee the parents’ return. Given the widespread fear of forced family separation, these travel restrictions provide the Cuban government with a powerful tool for punishing defectors and silencing critics.

## **Freedom of Expression and Assembly**

The Cuban government maintains a media monopoly on the island, ensuring that freedom of expression is virtually non-existent. Although a small number of independent journalists manage to write articles for foreign websites or publish underground newsletters, the risks associated with these activities are considerable. According to Reporters Without Borders, there are currently 23 journalists serving prison terms in Cuba, most of them charged with threatening “the national independence and economy of Cuba.” This makes the country second only to China for the number of journalists in prison.

Access to information via the internet is also highly restricted in Cuba. In late August 2006 the dissident and independent journalist Guillermo Fariñas ended a seven-month hunger strike in opposition to the regime's internet policy. He began the strike after the Cuban authorities shut down his e-mail access, which he had been using to send dispatches abroad describing attacks on dissidents and other human rights abuses.

Freedom of assembly is severely restricted in Cuba, and political dissidents are generally prohibited from meeting in large groups. This was evident in mid-September 2006 during the 14th summit of the Non-Aligned Movement in Havana, when the Cuban government issued a ban on all gatherings that might damage "the image" of the city.

### **Prison Conditions**

Prisoners are generally kept in poor and abusive conditions, often in overcrowded cells. They typically lose weight during incarceration, and some receive inadequate medical care. Some also endure physical and sexual abuse, typically by other inmates and with the acquiescence of guards.

Political prisoners who denounce poor conditions of imprisonment or who otherwise fail to observe prison rules are frequently punished with long periods spent in punitive isolation cells, restrictions on visits, or denial of medical treatment. Some political prisoners have carried out long hunger strikes to protest abusive conditions and mistreatment by guards.

### **Death Penalty**

Under Cuban law the death penalty exists for a broad range of crimes. It is difficult to ascertain the frequency with which this penalty is employed because Cuba does not release information regarding its use. However, as far as is known, no executions have been carried out since April 2003.

### **Human Rights Defenders**

Refusing to recognize human rights monitoring as a legitimate activity, the government denies legal status to local human rights groups. Individuals who belong to these groups face systematic harassment, with the government putting up obstacles to impede them from documenting human rights conditions. In addition,

international human rights groups such as Human Rights Watch and Amnesty International are barred from sending fact-finding missions to Cuba. In fact, Cuba remains one of the few countries in the world to deny the International Committee of the Red Cross access to its prisons.

### **Key International Actors**

Cuba's election to the new United Nations Human Rights Council in June 2006 was contrary to the Council's requirement that its members "uphold the highest standards of human rights promotion and protection." Although the new body was designed to replace the discredited Human Rights Commission, whose membership often included notorious human rights violators, the election of Cuba and other countries with poor human rights records confirmed that the Council has not yet risen above this disturbing practice. Equally troubling was the Cuban government's characterization of the mandate of the High Commissioner of Human Rights as "spurious" and its assertion that it would not cooperate with her office.

The US economic embargo on Cuba, in effect for more than four decades, continues to impose indiscriminate hardship on the Cuban people and to block travel to the island. An exception to the embargo that allows food sales to Cuba on a cash-only basis, however, has led to substantial trade between the two countries.

In an effort to deprive the Cuban government of funding, the United States government enacted new restrictions on family-related travel to Cuba in June 2004. Under these rules, individuals are allowed to visit relatives in Cuba only once every three years, and only if the relatives fit the US government's narrow definition of family—a definition that excludes aunts, uncles, cousins, and other next-of-kin who are often integral members of Cuban families. Justified as a means of promoting freedom in Cuba, the new travel policies undermine the freedom of movement of hundreds of thousands of Cubans and Cuban Americans, and inflict profound harm on Cuban families.

Countries within the European Union continue to disagree with respect to the best approach to take toward Cuba. In January 2005 the EU decided to temporarily suspend the diplomatic sanctions that it had adopted in the wake of the Cuban government's 2003 crackdown against dissidents. In June 2006 the EU decided to maintain the

sanctions freeze for an additional year, although it also issued a statement lamenting the “further deterioration of the human rights situation in Cuba” and “several dozen acts of violent harassment and intimidation” over the past year. The Czech Republic was the member country most strongly in favor of a tougher stance towards Cuba.