

Cuba

Cuba remains the one country in Latin America that represses nearly all forms of political dissent. There have been no significant policy changes since Fidel Castro relinquished direct control of the government to his brother Raul Castro in August 2006. The government continues to enforce political conformity using criminal prosecutions, long-term 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.

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 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 July 2007 the Cuban Commission for Human Rights and National Reconciliation, a respected local human rights group, issued a list of 240 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, five of whom were being held on charges of “dangerousness.” Of 75 political dissidents, independent journalists, and human rights advocates who were summarily tried in April 2003, 59 remain imprisoned. Serving sentences that average nearly 20 years, the incarcerated dissidents endure poor conditions and punitive treatment in prison.

While the number of political prisoners has decreased in the last year, this decrease cannot be attributed to leniency or policy change on the part of the government. The political prisoners who were released had already served out their full sentences. In September 2007, approximately 30 activists were arrested and held for 24 hours. According to one of the released prisoners, Jorge Luis Garcia Perez—who was released from prison in May 2007 after serving out a 17-year sentence—the prisoners endured beatings, strip searches, and threats of future arrest.

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 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 nonexistent. 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, 25 journalists were serving prison terms in Cuba as of July 2007, 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 email 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 in punitive isolation cells, restrictions on visits, or denial of medical treatment. In October 2006, Juan Carlos Herrera Acosta, who was sentenced to 20 years in prison following the government’s 2003 crackdown on dissidents, was beaten and placed in a cell infested with rats and insects after demanding the right to telephone his family. 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 impeding their efforts to document 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. 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

In June 2007, bowing to political pressure, the UN Human Rights Council terminated the mandate of the UN expert charged with reporting on human rights conditions in Cuba.

In December, the Cuban government announced its intention to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The ratification, if it occurs, would represent an important break from Cuba's longstanding refusal to recognize these core human rights treaties.

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.

In January 2005 the European Union 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, and again in June 2007, the EU decided to renew the suspensions, but not lift the sanctions outright. It offered to resume discussions with the Castro government, stipulating that if it were to accept the invitation, the Cuban government must be willing to discuss human rights, political prisoners, and democracy. In response, the Cuban foreign ministry indicated that Cuba would not participate in talks unless the sanctions were fully dropped. Nevertheless, representatives of the EU and Cuba held "informal, exploratory talks" at the United Nations in September 2007 and agreed to meet again in early 2008.