

2020 Country Reports on Human Rights Practices: Cuba

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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EXECUTIVE SUMMARY

ANNOUNCEMENT: The Department of State will release an addendum to this report in mid 2021 that expands the subsection on Women in Section 6 to include a broader range of issues related to reproductive rights.

Cuba is an authoritarian state with former president Raul Castro serving as the first secretary of the Cuban Communist Party, the highest political entity of the state by law, and Miguel Diaz-Canel serving as president of the republic. A new constitution ratified in February 2019 codifies that Cuba remains a one-party system in which the Communist Party is the only legal political party. Elections were neither free nor fair nor competitive.

The Ministry of Interior controls police, internal security forces, and the prison system. The ministry's National Revolutionary Police are the primary law enforcement organization. Specialized units of the ministry's state security branch are responsible for monitoring, infiltrating, and suppressing independent political activity. The national leadership, including members of the military, maintained effective control over the security forces. Members of the security forces committed numerous abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings, by the government; forced disappearance by the government; torture and cruel, inhuman, and degrading treatment of political dissidents, detainees, and prisoners by security forces; harsh and life-threatening prison conditions; arbitrary arrests and detentions; political prisoners; significant problems with the independence of the judiciary; and arbitrary or unlawful interference with privacy. Freedom of the press functionally did not exist. Criminal libel laws were used against persons who criticized government leadership. The government engaged in censorship and internet site blocking, and there were severe limitations on academic and cultural freedom. There were severe restrictions on the right of peaceful assembly and denial of freedom of association, including refusal to recognize independent associations. There were severe restrictions on religious freedom. There were restrictions on internal and external freedom of movement. Citizens were unable to change their government through free and fair elections. Political participation was restricted to members of the ruling party. There was official corruption; trafficking in persons, including compulsory labor; and outlawing of independent trade unions.

Government officials, at the direction of their superiors, committed most human

rights abuses. As a matter of policy, officials failed to investigate or prosecute those who committed these abuses. Impunity for the perpetrators remained widespread.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS

On June 24, police killed Hansel Hernandez Galiano, an unarmed Afro-Cuban man, in Havana. State media initially refused to acknowledge the case, but news circulated quickly across social media. On June 25, the supposedly independent but in fact state-controlled blog *Guerrero Cubano* issued a detailed story about how Hansel was killed. Other official media outlets followed suit the morning of June 27 when the Ministry of Interior issued a press release with the same account of events related by *Guerrero Cubano* that was reprinted across official state media.

The official version of Hernandez Galiano's death was that in the course of a regular patrol, two members of the National Revolutionary Police discovered and chased a suspected thief. Official media stated the suspect ran from police but then confronted them and threw large rocks, some of which hit the officers. The government stated that as the suspect was throwing rocks, one officer fired two warning shots and then a final killing shot. The press release concluded by lamenting Hansel's death but denigrated his character, claiming Hansel had been found guilty of threatening persons, "lascivious abuse," and robbery with violence, for which he served a prison term and was on probation.

Outside observers identified a number of reasons to doubt the accuracy of the government's account. Photographs of the body circulated on social media by Hernandez Galiano's family members showed a single bullet wound, entering via Hansel's back and emerging from his chest, indicating he was running from the officers, not actively confronting them. The photographs also showed bruising to his face and sutures closing a cut to the head (possibly post mortem). Members of his family said his body was reportedly quickly cremated, after pressure from the government. Activists criticized the press release's emphasis on Hansel's alleged criminal record, with one lawyer saying it "demonstrates their desire to treat him as a defendant and not as a victim." Authorities stated they would investigate the death but as of December had not publicly released results of an investigation. At least eight prisoners died in custody in a variety of suspicious circumstances. Roberto Jimenez del Sol, a manager in an army-owned shoe store, died in military custody after spending one month in solitary confinement as part of an investigation into missing funds. Although authorities told his family he died of natural causes, his body displayed signs of abuse. The nongovernmental organization (NGO) Cuba Archive documented at least six other prisoners who died in suspicious circumstances. None of these deaths was reported by official media.

B. DISAPPEARANCE

There were confirmed reports of long-term disappearances by or on behalf of government authorities. There were multiple reports of detained activists whose whereabouts were unknown for days or weeks because the government did not register these detentions, many of which occurred at unregistered sites.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

There were recurring reports that members of the security forces and their agents harassed, intimidated, and physically assaulted human rights and prodemocracy advocates, political dissidents, and peaceful demonstrators, and that they did so with impunity. Some detainees and prisoners endured physical abuse by prison officials or other inmates at the instigation of guards. Although the law prohibits coercion during investigative interrogations, police and security forces at times used aggressive and physically abusive tactics, threats, and harassment during questioning. Detainees reported officers intimidated them with threats of long-term detention, loss of child-custody rights, denial of permission to depart the country, and other punishments.

State security officials frequently deployed to countries such as Venezuela and Nicaragua, where they trained and supported other organizations in their use of repressive tactics and human rights abuses and sometimes participated in the abuses directly. For instance, Cuban security force members were embedded in the Maduro regime's security and intelligence services in Venezuela and were instrumental in transforming Venezuela's Directorate General of Military Counterintelligence (DGCIM) from a small organization focused on external threats to a much larger organization focused on surveilling Venezuelans and suppressing dissent. UN reports accused the DGCIM of torture, and many former Venezuelan prisoners said that Cubans, identified by their distinctive accents, supervised while DGCIM personnel tortured prisoners.

A December 2019 report from the Casla Institute, a Czech Republic-based NGO focused on governance in Latin America, stated the Cuban ambassador in Venezuela was personally involved in organizing this training. The Casla Institute report also stated, "Cubans constantly instruct members of the FANB [Venezuelan armed forces] and intelligence in techniques of repression, intimidation, and monitoring, so that they carry out investigation work and spy on their own colleagues and their families and political and social leaders, and directly intervene in social unrest."

Impunity was pervasive. There were no known cases of prosecution of government officials for any human rights abuses, including torture and other cruel, inhuman, or degrading treatment or punishment.

PRISON AND DETENTION CENTER CONDITIONS

Prison conditions were harsh and life threatening. There were reports that prison officials assaulted prisoners. Prisons were overcrowded, and facilities, sanitation, and medical care were deficient.

The government did not publish official statistics on its prisons. In January, citing information from two senior Ministry of Interior officials, the Spain-based NGO Cuban Prisoners Defenders claimed more than 90,000 persons were in prison, with another 37,000 in other forms of custody such as labor camps, house arrest, or conditional parole.

Physical Conditions: The government provided no information regarding the number, location, or capacity of detention centers, including prisons, work camps, and other kinds of detention facilities. Cuban Prisoners Defenders claimed the government had more than 200 such facilities.

Prison and detention cells reportedly lacked adequate water, sanitation, light, ventilation, and temperature control. Although the government provided some food and medical care, many prisoners relied on their families to provide food and other basic supplies. Potable water was often unavailable. Prison cells were overcrowded. Women reported lack of access to feminine hygiene products and inadequate prenatal care.

In June political prisoner Walfrido Rodriguez Piloto told independent outlet *CubaNet* he was denied medical care in El Arco del Chico prison camp in Havana's La Lisa municipality, where he said prisoners were fed less than two ounces of food per day. He said, "This is a concentration camp; I have been here for six days with nephritic colic and without any medical attention. Between the mosquitoes [which carry dengue], the bed bugs, and hunger, I'm going to die here." He also complained that he was mistreated by fellow prisoners who did "the dirty work" of authorities in exchange for benefits.

Prisoners, family members, and NGOs reported inadequate health care in prisons, which led to or aggravated multiple maladies. Prisoners reported outbreaks of COVID-19, dengue fever, tuberculosis, hepatitis, and cholera. There were reports of prisoner deaths following official indifference to treatable medical conditions such as asthma, HIV, AIDS, and other chronic medical conditions as well as from suicide. Authorities rarely if ever supplied medicine. In May a member of the opposition group Eastern Democratic Alliance posted on Facebook that one of their members, Sandi Fernandez Ortiz, died in Mar Verde Prison in Santiago de Cuba of sepsis due to poor medical care.

Political prisoners were held jointly with the general prison population. Political prisoners who refused to wear standard prison uniforms were denied certain privileges, such as access to prison libraries, reductions in the severity of their sentence, or transfer from a maximum-security to a medium-security prison. There were credible reports that prison officials assaulted inmates. Political prisoners also reported that fellow inmates, acting on orders from or with the permission of prison authorities, threatened, beat, intimidated, and harassed them.

In July the Inter-American Commission on Human Rights (IACHR) issued a resolution granting precautionary protection measures to Silverio Portal Contreras, who was arrested and beaten in March 2018 following a protest against unsafe

housing in Havana. The IACHR resolution detailed complaints made on behalf of Contreras, including reports that following his July 2018 sentencing, prison authorities severely beat Portal on multiple occasions and placed him in an isolation cell, that he was losing his eyesight because of the beatings, that he was denied medical attention for his multiple chronic medical conditions, and that he was prohibited from contacting his family. In determining the gravity of risk to Portal, the IACHR cited the context faced by human rights defenders in Cuba, which it described as “generally characterized by a climate of hostility, abuse, and harassment, particularly with respect to those who have manifested opposition to the government.” On December 1, Portal was released in poor health.

Prisoners reported solitary confinement was a common punishment for failure to comply with prison regulations, and some prisoners were isolated for months at a time. Some prisoners were held incommunicado, without being able to contact friends or family until they were released.

The government subjected prisoners who criticized the government or engaged in hunger strikes and other forms of protest to extended solitary confinement, assaults, restrictions on family visits, and denial of medical care.

Administration: There were reports that prison officials assaulted prisoners, but authorities did not investigate credible allegations of mistreatment. Prisoners reported government officials refused to accept or respond to complaints.

Prisoners and pretrial detainees had access to visitors, although several political prisoners’ relatives reported prison officials arbitrarily canceled scheduled visits or denied visits altogether.

Authorities allowed prisoners to practice their religion, but there were isolated reports authorities did not inform inmates of their right to religious services, delayed months before responding to such requests, and limited visits by clergy to a maximum of two or three times per year.

Independent Monitoring: The government did not permit independent international or domestic human rights groups to monitor prison conditions, and it denied access to detainees by international humanitarian organizations. Although the government pledged in previous years to allow a visit by the UN special rapporteur on torture and other cruel, inhuman, and degrading treatment or punishment, no visit occurred during the year.

D. ARBITRARY ARREST OR DETENTION

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court.

Although the 2019 constitution adds explicit protections of freedom and human rights, including habeas corpus, authorities did not observe them, nor did the courts enforce them. The government denied a habeas corpus motion on behalf of political prisoner Jose Daniel Ferrer (see section 1.e., Political Prisoners and Detainees), the only time it was known to have been filed.

Arbitrary arrests and short-term detentions increased and became a routine government method for controlling independent public expression and political

activity. The government frequently detained activists arbitrarily without informing them of any charges against them and often denied them the ability to communicate with their relatives.

The government broadened arbitrary arrest powers under the pretext of controlling the COVID-19 pandemic. In December the NGO Human Rights Watch released a report documenting 34 cases in which authorities invoked rules concerning the COVID-19 pandemic to target government critics and others. Documented cases included Keilylli de la Mora Valle, a member of the Patriotic Union of Cuba (UNPACU) political group, who was arrested on April 12 for lowering her mask to smoke a cigarette on the street. She was sentenced to 18 months in prison after protesting her treatment by police. In another incident, on November 26, authorities claiming to be medical personnel entered San Isidro Movement headquarters on the pretext of requiring a COVID-19 test of journalist Carlos Manuel Alvarez who had arrived earlier in the year. They were followed by police wearing medical gowns, who proceeded to arrest the protesters, several of whom later stated they were beaten during the arrests. Officers told the dissidents that a criminal complaint had been filed against them for "spreading an epidemic." The law requires that police furnish suspects a signed "report of detention," noting the basis, date, and location of any detention in a police facility and a registry of personal items seized during a police search. Authorities routinely ignored this requirement. Police routinely stopped and questioned citizens, requested identification, and carried out search-and-seizure operations directed at known activists. Police used legal provisions against public disorder, contempt, lack of respect, aggression, and failure to pay minimal or arbitrary fines as ways to detain, threaten, and arrest civil society activists. Police routinely conducted short-term detentions in order to interfere with individuals' rights to freedom of assembly and freedom of expression, and at times assaulted detainees.

Police and security officials used short-term and sometimes violent detentions to prevent independent political activity and free assembly. Such detentions generally lasted from several hours to several days.

The law allows for "preventive detention" for up to four years of individuals not charged with an actual crime, based on a subjective determination of "precriminal dangerousness," which is defined as the "special proclivity of a person to commit crimes, demonstrated by conduct in manifest contradiction of socialist norms." Mostly used as a tool to control "antisocial" behaviors such as substance abuse or prostitution, authorities also used such detentions to silence peaceful political opponents. Several of the more than 100 individuals considered to be political prisoners by domestic and international human rights organizations were imprisoned under the "precriminal dangerousness" provision of the law.

ARREST PROCEDURES AND TREATMENT OF DETAINEES

Under criminal procedures, police have 24 hours after an arrest to present a criminal complaint to an investigative police official. Investigative police have 72 hours to investigate and prepare a report for the prosecutor, who in turn has 72

hours to recommend to the appropriate court whether to open a criminal investigation.

Within the initial 168-hour detention period, by law detainees must be informed of the basis for the arrest and criminal investigation and have access to legal representation. Those charged may be released on bail, placed in home detention, or held in continued investigative detention. Once the accused has an attorney, the defense has five days to respond to the prosecution's charges, after which a court date usually is set. Prosecutors may demand summary trials "in extraordinary circumstances" and in cases involving crimes against state security. After the COVID-19 pandemic started to spread in February, the Ministry of Justice regularly invoked "extraordinary circumstances" in order to conduct summary trials.

There were reports that defendants met with their attorneys for the first time only minutes before their trials and were not informed of the basis for their arrest within the required 168-hour period. In the case of summary trials for persons accused of "propagating an epidemic" for allegedly violating COVID-19 restrictions, accused persons were tried and sentenced without representation from legal counsel or the opportunity to present any defense.

Reports suggested bail was available, although bail was typically not granted to persons arrested for political activities. Time in detention before trial counted toward time served if convicted.

Detainees may be interrogated at any time during detention and have no right to request the presence of counsel during interrogation. Detainees have the right to remain silent, but officials do not have a legal obligation to inform them of that right.

By law investigators must complete criminal investigations within 60 days. Prosecutors may grant investigators two 60-day extensions upon request, for a total of 180 days of investigative time. The supervising court may waive this deadline in "extraordinary circumstances" and upon special request by the prosecutor. In the case of the "extraordinary circumstances" waiver, no additional legal requirement exists to complete an investigation and file criminal charges, and therefore authorities may detain a person without charge indefinitely.

Arbitrary Arrest: Officials often disregarded legal procedures governing arrest. They detained suspects longer than the legally mandated period without informing them of the nature of the arrest, without allowing them to contact family members, and without making legal counsel available to them. Police and security officials continued to use short-term and sometimes violent detentions to prevent independent political activity and free assembly. Such detentions generally lasted from several hours to several days. After being taken into custody, these suspects were typically fined and released. The record of the fines frequently lacked information about the law that was broken or the name of the official responsible for the fine, making the fines difficult to contest in court. Sometimes fines formed the basis for preventing persons from leaving the country.

In connection with a planned yearly march on September 8, several activists from UNPACU were arbitrarily detained on September 7. On September 8, immediately after leaving his house with several supporters, UNPACU leader Jose Daniel Ferrer and other supporters were arrested (see also section 2.b., Freedom of Peaceful Assembly). Human rights NGOs reported at least 70 arrests and arbitrary detentions linked to the September 8 "Sunflower Revolution," a call for nonviolent protests against the regime.

Pretrial Detention: The government held some detainees for months or years in investigative detention, in both political and nonpolitical cases. In nonpolitical cases, delays were often due to bureaucratic inefficiencies and a lack of checks on police. The percentage of prisoners and detainees in pretrial detention was unknown.

E. DENIAL OF FAIR PUBLIC TRIAL

While the constitution recognizes the independence of the judiciary, the judiciary is directly subordinate to the National Assembly and the Cuban Communist Party (PCC), which may remove or appoint judges at any time. Political considerations thoroughly dominated the judiciary, and there was no separation of powers between the judicial system, the PCC, and the Council of State.

Civilian courts exist at the municipal, provincial, and national levels. Special tribunals convene behind closed doors for political ("counterrevolutionary") cases and other cases deemed "sensitive to state security." Military tribunals may have jurisdiction over civilians if any of the defendants are active or former members of the military, police, or another law enforcement agency. The government denied admission to trials for observers on an arbitrary basis.

TRIAL PROCEDURES

The law provides for the right to a public trial, but politically motivated trials were at times held in secret, with authorities citing exceptions for crimes involving "state security" or "extraordinary circumstances." Many trials concluded quickly and were closed to the press. In April, on the basis of the COVID-19 pandemic public health emergency, most trials were converted to summary trials, with many defendants accused of poorly defined claims of "propagating an epidemic" or a range of crimes referred to as "illicit economic activity," such as hoarding scarce goods. According to state media, in summary trials neither prosecutors nor defense counsel need to be present, only a judge. This protocol, however, imposes a limit on the length of the sentence. If the potential sentence exceeds one year, defendants are to be assigned a lawyer. If persons hire a lawyer, they may bring one; however, few persons received legal representation.

Due process rights apply equally to citizens and foreigners, but courts regularly failed to protect or observe these rights. The law provides criminal defendants the right not to be compelled to testify or confess guilt. The law presumes defendants to be innocent until proven guilty, but authorities often ignored this, placing the burden on defendants to prove innocence.

The law requires that defendants be represented by an attorney, at public expense

if necessary. Defendants' attorneys may cross-examine government witnesses and present witnesses and evidence. Private attorneys are not licensed to practice in criminal courts, forcing defendants to rely on lawyers who work for the very government that is prosecuting them. These attorneys reportedly were often reluctant to defend individuals charged with political crimes or associated with human rights cases and in many cases did not appear to provide adequate counsel.

Criteria for admitting evidence were arbitrary and discriminatory. According to reports, prosecutors routinely introduced irrelevant or unreliable evidence to prove intent or they offered testimony about the defendant's "revolutionary credentials," which are demonstrations of loyalty to the PCC or lack thereof.

Defense attorneys have the right to review the investigation files of a defendant unless the charges involve "crimes against the security of the state." In "state security" cases, defense attorneys were not allowed access to investigation files until charges were filed. Many detainees, especially political detainees, reported their attorneys had difficulties accessing case files due to administrative obstacles. Interpretation was sometimes provided during trials for non-Spanish speakers, but the government claimed limited resources prevented interpreters from always being available.

In trials where defendants are charged with "precriminal dangerousness," the state must show only that the defendant has a "proclivity" for crime, so an actual criminal act need not have occurred. Penalties may be up to four years in prison. Authorities normally applied this provision to prostitutes, alcoholics, young persons who refused to report to work centers, repeat offenders of laws restricting change of domicile, and political activists who participated in public protests.

The law recognizes the right of appeal in municipal courts but limits the right of appeal in provincial courts to cases involving lengthy prison terms or the death penalty.

POLITICAL PRISONERS AND DETAINEES

The government held political prisoners and detainees but denied it did so. It refused access to its prisons and detention centers by international humanitarian organizations and the United Nations.

The NGO Cuban Prisoners Defenders estimated there were 134 convicted political prisoners serving sentences as of December 1. Other groups reported different numbers, although figures consistently ranged near 100 or higher. The lack of governmental transparency, along with systemic abuse of due process rights, obscured the true nature of criminal charges, investigations, and prosecutions. This allowed government authorities to prosecute and sentence peaceful human rights activists for criminal violations or "precriminal dangerousness." The government used the designation of "counterrevolutionary" for inmates deemed to be political opposition, but it did not publicize the number of these inmates. The government closely monitored organizations tracking political prisoner

populations, and the organizations often faced harassment from state authorities. Political prisoners reported the government held them in isolation for extended periods. They did not receive the same protections as other prisoners or detainees. The government frequently denied political prisoners access to home visits, prison classes, telephone calls, and, on occasion, family visits. The justice system systematically subjected Jose Daniel Ferrer, head of UNPACU, to a wide range of abuses after he was arrested in October 2019 with several colleagues. While he was incarcerated, Ferrer was subjected to routine abuse from fellow prisoners who told him they were being rewarded with special privileges by prison authorities for beating him. During Ferrer's detention, prison officials at times withheld food and medicine and gave Ferrer only unclean water to drink. Ferrer and his compatriots were convicted of spurious charges of *lesiones* (inflicting grievous bodily harm) and false imprisonment after a 13-hour trial on February 26 with numerous irregularities.

On the day of Ferrer's trial, the Ministry of Justice tweeted that Ferrer would get a fair trial but in the same tweet called him "a common criminal" in violation of his right to the presumption of innocence. State media conducted a propaganda campaign against him before his trial that alleged Ferrer was a habitual domestic abuser (which was contradicted by past partners of his). Authorities tightly cordoned off the courthouse and did not allow international observers; most members of the audience were in fact members of the security services. Authorities allegedly attempted to intimidate several defense witnesses. The court ignored evidence (a recorded telephone conversation) from the alleged victim's wife that suggested the injuries to the alleged victim were the result of a motorcycle accident rather than a beating. The court also ignored evidence that the victim was coerced to testify on behalf of the prosecution.

CIVIL JUDICIAL PROCEDURES AND REMEDIES

It is possible to seek judicial remedies through civil courts for violations of administrative decisions, but independent legal experts noted general procedural and bureaucratic inefficiencies often delayed or undermined the enforcement of administrative decisions and civil court orders. Civil courts, like all other courts in the country, lacked independence, impartiality, and effective procedural guarantees. No courts allowed claimants to bring lawsuits seeking remedies for human rights violations. On December 20, the National Assembly postponed approval of the Law for the Claim of Constitutional Rights before the Courts, which would have allowed for lawsuits related to rights protected in the constitution.

F. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

The constitution provides for the protection of citizens' privacy rights in their homes and correspondence, and the law requires police to have a warrant signed by a prosecutor or magistrate before entering or conducting a search. Officials, however, did not respect these protections. Reportedly, government officials routinely and systematically monitored correspondence and communications

between citizens, tracked their movements, and entered homes without legal authority and with impunity.

Security forces conducted arbitrary stops and searches, especially in urban areas and at government-controlled checkpoints at the entrances to provinces and municipalities. Authorities used dubious pretenses to enter residences where they knew activists were meeting, such as "random" inspections of utilities or spurious reports of a disturbance. Authorities also used seemingly legitimate reasons—often health-related—such as fumigating homes as part of an antimosquito campaign or door-to-door COVID-19 checks as a pretext for illegal home searches.

On November 9, musician and activist Denis Solis was arrested for "contempt" after he posted a video of himself verbally sparring with a lone police officer who entered Solis' home without permission and refused to produce a warrant. Criminal procedure requires that officers may enter persons' residences only with another officer present, and also requires a warrant or exigent circumstances, neither of which appeared to exist in this case. Solis, who had previously been arrested twice for protesting restrictions on freedom of expression, was sentenced to eight months in prison.

The Ministry of Interior employed a system of informants and neighborhood committees, known as Committees for the Defense of the Revolution, to monitor government opponents and report on their activities. Agents from the ministry's General Directorate for State Security frequently subjected foreign journalists, visiting foreign officials, diplomats, academics, and businesspersons to surveillance, including electronic surveillance.

Family members of government employees who left international work missions or similar activities (such as medical missions, athletic competitions, and research presentations) without official permission at times faced government harassment or loss of employment, access to education, and other public benefits. Family members of human rights defenders, including their minor children, reportedly suffered reprisals related to the activities of their relatives. These reprisals included reduction of salary, termination of employment, denial of acceptance into university, expulsion from university, and other forms of harassment.

Arbitrary government surveillance of internet activity was pervasive and frequently resulted in criminal cases and reprisals for persons exercising their human rights. Internet users had to identify themselves and agree they would not use the internet for anything "that could be considered...damaging or harmful to public security." User software developed by state universities gave the government access to users' personal data and communications.

Section 2. Respect for Civil Liberties, Including:

A. FREEDOM OF EXPRESSION, INCLUDING FOR THE PRESS

The constitution provides for freedom of expression, including for the press, on the condition that the expression "conforms to the aims of socialist society." The law bans criticism of government leaders and distribution of antigovernment propaganda, with penalties ranging from three months to 15 years in prison.

Freedom of Speech: The government did not tolerate public criticism of government officials or programs, and it limited public debate of topics considered politically sensitive. Several laws criminalize aspects of freedom of expression. Rather than enforce these laws, police typically used other pretexts to harass and arrest persons exercising freedom of expression. Among the individuals who protested these restrictive laws was Luis Manuel Otero Alcantara, an artist and a leader of the San Isidro Movement (MSI), an organization promoting cultural independence. Several MSI members, such as rapper Maykel Osorbo and Otero Alcantara's partner Claudia Genlui, were arrested, beaten while in custody, blackmailed by state security, and fined during the year. While some of these arrests were in conjunction with political events or Otero Alcantara's art, many arrests were arbitrary.

Otero Alcantara, arrested dozens of times in conjunction with his performance art, was charged once, for "defiling national symbols," a case that was dropped after he spent 13 days incarcerated. He was arrested, among other times: on February 7, for walking around Havana wearing a hard hat in protest of several individuals killed when their state-owned house collapsed; on February 11, for protesting a state television decision to censor a kiss between two men; on September 8, moments after stepping outside his home holding a sign with a black and white sunflower, referencing the country's patron saint; and on October 10, after gathering individuals to celebrate the anniversary of the Grito de Yara (Cry of Yara, the 1868 start of the country's independence struggle).

Otero Alcantara was also arrested several times while demonstrating for the freedom of fellow MSI member Denis Solis, including on November 12 when Otero Alcantara and another activist attempted to present a writ of habeas corpus for Solis. Otero Alcantara was arrested on November 26 when authorities raided his house to break up a hunger strike of MSI members. At year's end he remained on house arrest, despite the government's not levying charges against him.

State security regularly harassed the organizers of independent debates on cultural and social topics to force them to stop discussing matters deemed controversial. The organizers reported assaults by state security, video surveillance installed outside of venues, and detention of panelists and guests on the days they were expected to appear.

Government workers reported being fired, demoted, or censured for expressing dissenting opinions or for affiliating with independent organizations.

Alexander Raul Pupo Casas told independent media outlet *CiberCuba* that he was forced out of his residency program in neurosurgery at the Ernesto Che Guevara Hospital. His supervisor, Ponce de Leon Noriega, viewed Facebook posts from Pupo Casas that were critical of the government, including its low salaries for medical professionals. Noriega then publicly denounced Pupo Casas as "counterrevolutionary" and started proceedings to expel him from the hospital. Religious groups reported increased restrictions on expressing their opinions during sermons and at religious gatherings, with authorities sometimes using

COVID-19 restrictions to prevent persons from worshipping. Most members of the clergy exercised self-censorship. Religious leaders in some cases criticized the government, its policies, and the country's leadership without reprisals. Other religious groups, particularly those not officially state-sanctioned, reported harassment and destruction of houses of worship.

Freedom of Press and Media, Including Online Media: The government or the PCC directly owned all print and broadcast media outlets and all widely available sources of information. News and information programming were generally uniform across all government-controlled outlets. The government controlled all printing presses and nearly all publications. The party censored public screenings and performances. The government limited the importation of printed materials. Foreign correspondents had limited access to and often were denied interviews with government officials. Foreign correspondents struggled to gather facts and reliable data for stories. The government harassed and denied access to correspondents who reported stories deemed critical of the government. As a result of self-censorship and lack of access, foreign journalists rarely published stories on human rights violations while inside the country. Despite meeting government vetting requirements, journalists belonging to state media institutions who reported on sensitive subjects did so at personal risk, and the government barred them from working for unofficial media outlets in addition to their official duties. The government harassed and threatened any independent citizen journalists who reported on human rights violations.

After Camila Acosta started working as an independent journalist in August 2019, she endured nearly constant state harassment and other abuses for her work. Since February she was forced to move at least six times (including several times during the peak of the COVID-19 outbreak) due to police harassment of her landlords for "hosting a dissident." She was arbitrarily arrested, detained, abused, fined, threatened, and interrogated at length on many occasions. For example, on July 31, she was waiting for friends in a park in Havana when two officers approached her, asked for her identity document, arrested her, and took her to a police station. Inside her bag they found several facemasks reading, "No to Decree 370," a reference to legalized surveillance of electronic communication without a court order. The officers forced Acosta to strip and searched her further. Police fined her and threatened further prosecution for protesting the decree. On March 9, police arrested Acosta while she covered a demonstration for the freedom of artist and activist Luis Manuel Otero Alcantara (see section 2.a., Freedom of Speech). Police gave her a large fine and threatened her with "deportation" to her home province, Isla de la Juventud.

Violence and Harassment: The government did not recognize independent journalism, and independent journalists frequently faced government harassment, including detention and physical abuse. Most detentions were of independent journalists who filmed arrests and harassment of activists or otherwise attempted to cover politically sensitive topics. Community members and journalists for the

Cuban Institute for Freedom of Expression and of the Press reported increased repression after President Diaz-Canel took office. Independent reporters experienced harassment, violence, intimidation, aggression, and censorship, and several were confined to their homes or prevented from traveling abroad. On November 22, security forces allowed a progovernment mob to block registered foreign media teams from reporting on protests for the freedom of Denis Solis in Havana's central park. Foreign media reported the mob "pushing, shoving, and punching one cameraman four or five times in the body."

Censorship or Content Restrictions: The law prohibits distribution of printed materials considered "counterrevolutionary" or critical of the government. Foreign newspapers and magazines were generally unavailable outside of tourist areas. Distribution of material with political content—interpreted broadly to include the Universal Declaration of Human Rights, foreign newspapers, and independent information on public health—was not allowed, and possession of these materials sometimes resulted in harassment and detention. Government officials also confiscated or destroyed cameras and cell phones of individuals to prevent them from distributing photographs and videos deemed objectionable.

The government sometimes barred independent libraries from receiving materials from abroad and seized materials donated by foreign governments, religious organizations, and individuals.

Libel/Slander Laws: The government used defamation of character law to arrest or detain individuals critical of the country's leadership. Authorities frequently arrested and charged persons with the vague crime of "contempt of authority."

INTERNET FREEDOM

The government restricted access to the internet, and the country had a low internet connectivity rate. All internet access was provided through state monopoly companies, and the government has unrestricted and unregulated legal authority to monitor citizens' and foreigners' use of email, social media, internet chat rooms, and browsing. The government controlled all internet access, except for limited facilities provided by a few diplomatic missions and a small number of underground networks. The government used a combination of website blocking, pressure on website operators, arrests, intimidation, imprisonment, and unrestricted surveillance to censor information critical of the regime and to silence its critics. Despite heavy restrictions, citizens circumvented government censorship through grassroots innovations. Access to blocked outlets was generally possible only through a virtual private network.

For most internet users, the cost of accessing non-Cuban sites remained higher than the cost of accessing domestic ones, most of which were controlled by the government. Some individuals could connect at low or no cost via state institutions where they worked or studied. The government closely monitored web access points, such as Wi-Fi hotspots, cybercafes, and access centers, as well as the backbone internet infrastructure, which was directly controlled by the government.

The government selectively granted censored in-home internet access to certain areas of Havana and sectors of the population, consisting mostly of government officials, established professionals, some professors, and students, journalists, and artists. Others could access email and internet services through government-sponsored "youth clubs," internet cafes, or Wi-Fi hot spots approved and regulated by the Ministry for Information, Technology, and Communications. Users were required to purchase prepaid cards to access the internet.

During the year the government increased the number of Wi-Fi hot spots and increased mobile service that allowed persons greater access to the internet on their cell phones through the state telecommunications monopoly ETECSA without needing to connect to public Wi-Fi. The cost of this improved service was far beyond the means of most citizens; the cost of basic internet packages exceeded the average monthly wage.

In addition to public Wi-Fi hot spots, citizens and foreigners could buy internet access cards and use hotel business centers. Authorities reviewed the browsing history of users, reviewed and censored email, and blocked access to websites the government considered objectionable. The number of blocked websites fluctuated. The government blocked approximately 20 websites on a regular basis, including independent media outlets such as *CiberCuba*, *14yMedio*, *CubaNet*, *ADNCuba*, *Tremenda Nota*, *Marti Noticias*, and other websites critical of the government's human rights record. The government blocked access to Freedom House's *Freedom on the Net* report. The government blocked internet tools and websites that the government considered contrary to its interests.

Public reports revealed that the government monitored citizens' internet use and retaliated against them for their speech. The government selectively blocked the communications of government critics to prevent them from communicating with one another, sharing content, or reporting on government harassment. This occurred, for example, when activists attempted to gather in protest of the killing of Hansel Hernandez on June 30 (see section b., Freedom of Peaceful Assembly). At least 20 activists and journalists had their connectivity to the internet severed by the state that day.

Human rights activists reported frequent government monitoring and disruption of cell phone and landline services prior to planned events or key anniversaries related to human rights. ETECSA frequently disconnected the telecommunication service of human rights organizers, often just before their detention by state security or to disrupt planned activities. For example, artist and activist Tania Bruguera reported that her internet access was blocked for at least 45 days after she participated in protests on November 27 and was subsequently illegally confined to house arrest.

Human rights activists reported government employees ("trolls") tracked the social media accounts of activists. Activists also reported on the government's practice of sending mass text messages warning neighbors to avoid association with dissidents.

The government frequently targeted users of SNet (abbreviated from Street Network), a grassroots system of user-owned and user-operated wireless networks that allowed persons to exchange information outside of state control. While the law does not set specific penalties for unauthorized internet use, it is illegal to own a satellite dish that provides uncensored internet access, and authorities restricted the use of networking equipment that was key to SNet. The government restricted the importation of wireless routers, actively targeted private wireless access points, and confiscated equipment. After tolerating the growth of SNet for years, the government completed its expropriation of the system in 2019, and networks outside of government control essentially ceased to exist. The use of encryption software and the transfer of encrypted files are also technically illegal, but information on enforcement of this restriction was not available. Despite poor access, harassment, and infrastructure problems, a growing number of citizens maintained news sites and blogs in which they posted opinions critical of the government with help from persons living outside the country, often expatriate Cubans. The government blocked local access to many of these blogs. In addition a small but growing number of citizens used Twitter, Facebook, Instagram, Telegram, YouTube, and other social networks to report independently, including observations critical of the government. Like other government critics, bloggers faced government harassment, including detention, physical abuse, and often the destruction or confiscation of their internet equipment and devices.

ACADEMIC FREEDOM AND CULTURAL EVENTS

The government restricted academic freedom and controlled the curricula at all schools and universities, emphasizing the importance of reinforcing PCC rule through "revolutionary ideology" and "discipline." Most academics refrained from meeting with foreigners, including diplomats, journalists, and visiting scholars, without prior government approval. Government monitors were sometimes present at these meetings. Those persons permitted to travel abroad were aware that their actions, if deemed politically unfavorable, could negatively affect them and their relatives in Cuba. Several university professors, researchers, and students reported they were forced out of their positions, demoted, or expelled for expressing ideas or opinions outside of government-accepted norms. Outspoken artists and academics faced harassment and criticism orchestrated by the government. According to the digital magazine *Tremenda Nota*, academics and their students faced increased discrimination based on ideology and politics during the year.

On October 8, the NGO Observatory of Academic Freedom, founded in July by Cuban exiles, published the first of two reports on ideological discrimination in Cuban universities. In remarks accompanying the presentation, "Political Discrimination in Cuban Higher Education as a Violation of Academic Freedom," several former Cuban academics described the censorship and punitive actions that led to their dismissals from university positions.

During the year universities adopted new admissions criteria to give greater weight to prospective students' ideological beliefs.

Public libraries required citizens to complete a registration process before the government granted access to books or information. Citizens could be denied access if they could not demonstrate a need to visit a particular library. Libraries required a letter of permission from an employer or academic institution for access to censored, sensitive, or rare books and materials. Some religious institutions organized small libraries. Independent libraries were illegal but continued to exist, and owners faced harassment and intimidation.

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

The government restricted freedoms of peaceful assembly and association.

FREEDOM OF PEACEFUL ASSEMBLY

Although the constitution grants a limited right of assembly, the right is subject to the requirement that it may not be "exercised against the existence and objectives of the socialist state." The law requires citizens to request authorization for organized meetings of three or more persons, and failure to do so carries a penalty of up to three months in prison and a fine. The government tolerated some gatherings, and many religious groups reported the ability to gather without registering or facing sanctions. Christian Solidarity Worldwide, however, reported that in other cases the government harassed leaders of house churches and owners of homes where house church congregations met. Many house church leaders also reported frequent visits from state security agents or PCC officials. Some reported they received warnings from agents and officials that the education of their children, or their own employment, could be "threatened" if the house church leaders continued their activities.

Independent activists and political parties other than the PCC faced greater obstacles than religious groups. State security forces often suppressed attempts to assemble, even for gatherings in private dwellings and in small numbers. The government refused to allow independent demonstrations or public meetings by human rights groups or any others critical of any government activity.

The government routinely arrested individuals who attempted to assemble, by either placing them under house arrest or taking them into custody if they left their residences.

On November 27, a group of persons assembled outside the Ministry of Culture to demonstrate against the government's efforts to suppress protests. This was the sole example of a protest successfully forming and being allowed to disperse peacefully. At this event, well known cultural figures protested the government's treatment of the MSI and its members and demanded the "right to have rights."

On June 24, police killed Hansel Hernandez Galiano, an unarmed Afro-Cuban man, in Havana (see section 1.a.). Prominent activists soon adopted a #Justice4Hansel campaign and called for protests on June 30 at Havana's Yara Theater. On the eve of the planned protests, the government arrested scores of potential protesters and deployed a sophisticated media campaign modeled on the #BlueLivesMatter

countermovement. Reportedly, no one actually arrived at the protest site because at least 35 individuals were arrested and another 33 were held under house arrest before the planned protest.

State communications monopoly ETECSA, part of the Ministry of Communications, cut off internet access for targeted activists and independent journalists. A state security official informed one activist he would not be allowed to leave his house on June 30 and that whoever tried to attend the protest for Hansel Hernandez Galiano would be arrested for "propagation of an epidemic." Jose Daniel Ferrer, the leader of UNPACU and the most prominent opposition leader, endorsed the calls to protest. On June 30, police locked the front door to his house from the outside, and when Ferrer and his 17-year-old son climbed out from the roof to join the protest, police arrested them both. Two activists, artist Luis Manuel Otero Alcantara and rapper Maykel Castillo, were also arrested and taken into custody. (Days earlier, Otero Alcantara and Castillo had associated themselves with the #Justice4Hansel movement.) Police subsequently violently abused them and prevented them from filing a complaint. Everyone arrested for the June 30 protest was released within two days, except for *Diario de Cuba* reporter Jorge Enrique Rodriguez, who was held for five days after filming police violence against two young persons.

On October 10, the anniversary of the Grito de Yara proclaiming Cuban independence from Spain, the regime arrested—sometimes violently—more than 20 artists and activists in a crackdown on a peaceful demonstration for political change organized by the San Isidro Movement in Havana. According to media reports, the majority of the activists were held for approximately seven hours by police.

On numerous occasions, the government, using undercover police and Ministry of Interior agents, organized "acts of repudiation" by crowds organized to assault and disperse persons who assembled peacefully. Persons in these crowds arrived in government-owned buses or were recruited by government officials from nearby workplaces or schools. Participants arrived and departed in shifts, chanted progovernment slogans, sang progovernment songs, and verbally taunted those who had peacefully assembled. The persons targeted by this harassment at times suffered physical assault or property damage. Government security officials at the scene, often present in overwhelming numbers, did not arrest those who physically attacked the victims, and they did not respond to victims' complaints. Instead, government security officials frequently orchestrated activities against protesters or took direct part in physical assaults.

FREEDOM OF ASSOCIATION

The government routinely denied freedom of association to citizens and did not recognize independent associations. The law proscribes any political organization not officially recognized. A number of independent organizations, including opposition political parties and professional associations, operated as NGOs without legal recognition, and police sometimes raided their meetings.

For example, the Damas de Blanco (Ladies in White), an association of female political activists originally formed to protest the detention of their male relatives, was subjected to arbitrary arrest whenever it tried to meet, constant surveillance of the house that served as their headquarters, and harassment by state officials and local PCC members.

Recognized churches (including the Roman Catholic humanitarian organization Caritas), the Freemason movement, and a number of fraternal and professional organizations were the only organizations legally permitted to function outside the formal structure of the state or the ruling party. Religious groups are under the supervision of the PCC's Office of Religious Affairs, which has the authority to deny permits for religious activities; it exerted pressure on church leaders to refrain from including political topics in their sermons and often limited freedom of movement for independent pastors.

Groups are required to register through the Ministry of Justice to receive official recognition. Authorities ignored applications for legal recognition from new groups, including several new religious groups, women's rights organizations, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights organizations. The lack of official recognition left group members open to potential charges of illegal association.

The government gave preferential treatment to persons who took an active part in PCC activities and mass demonstrations in support of the government.

Preferential treatments included valued public benefits such as admissions to higher education, fellowships, and job opportunities.

C. FREEDOM OF RELIGION

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

D. FREEDOM OF MOVEMENT

There were increased restrictions on freedom of movement within the country, foreign travel, and migration with the right of return. The government controlled internal migration from rural areas to Havana, sometimes arresting and expelling persons from Havana if authorities discovered their national identity card listed them as living in another city. The government also barred some citizens and persons of Cuban descent living abroad from entering the country, apparently on grounds that these visitors were critical of the government, had "abandoned" postings abroad as low-paid medical doctors, or had defected when they were abroad as athletes. The government prevented many Cubans who normally were residents in another country but who were caught in Cuba during the COVID-19 pandemic from leaving the country.

When former government employees emigrated from the country, sometimes their family members lost public benefits or were denied passports to travel and join their family members abroad. The law provides for imprisonment of up to three years or a moderate fine for first-time "rafters" (those who attempted to depart the country clandestinely, commonly using homemade vessels), although these

attempts were less frequent than in previous years. Most persons caught attempting unauthorized departures via sea were detained briefly under quarantine as a precaution against COVID-19. In the case of military or police defectors or those traveling with children, the punishment could be more severe. Under the terms of the 1994-95 U.S.-Cuba migration accords, the government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters or from the Guantanamo U.S. Naval Station after attempting to emigrate illegally, assuming they had not committed a separate criminal offense. Some would-be migrants in these circumstances, however, alleged harassment and discrimination, such as fines, expulsion from school, and job loss.

In-country Movement: Although the constitution allows all citizens to travel anywhere within the country, establishing residence in Havana was restricted. The local housing commission and provincial government authorities must authorize any change of residence. The government may fine persons living in a location without authorization and send them back to their legally authorized residence. There were reports that authorities provided only limited social services to illegal Havana residents and at times restricted food purchases to a person's official neighborhood of residence. Police threatened to prosecute anyone who returned to Havana after expulsion.

The law permits authorities to bar an individual from a certain area within the country, or to restrict an individual to a certain area, for a maximum of 10 years. Under this provision, authorities may internally exile any person whose presence in a given location is determined to be "socially dangerous." Dissidents frequently reported authorities prevented them from leaving their home provinces, or that authorities detained and returned the dissidents to their homes, even though the dissidents had no written or formal restrictions placed against them.

Foreign Travel: The government continued to require persons from several professional and social categories to obtain permission to emigrate. The affected persons included highly specialized medical personnel; military or security personnel; many government officials, including academics; and many former political prisoners and human rights activists.

The government prohibited human rights activists, independent journalists, and artists from traveling outside the country to attend events related to human rights and democracy. The government used arbitrary or spurious reasons to deny permission for human rights activists to leave the country to participate in workshops, events, or training programs. Activists reported a significant increase in interrogations and confiscations at the airport when arriving from abroad. The government arbitrarily designated some persons as *regulados* (regulated persons), meaning the government either prohibited them from receiving a passport or from leaving the country. The policy did not appear to be supported by a legal framework, and officials denied such a policy existed, declaring the law allows for freedom of movement. Because the government did not acknowledge that persons were prevented from leaving, those subject to the policy were left

without any recourse for an appeal. The tactic served not only to restrict the movement of citizens but also their freedom of expression, because it was routinely applied when individuals attempted to travel to speak at conferences.

E. STATUS AND TREATMENT OF INTERNALLY DISPLACED PERSONS

Not applicable.

F. PROTECTION OF REFUGEES

The government allegedly cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. Information about the extent of that cooperation was not publicly available.

Access to Asylum: The constitution provides for the granting of asylum to individuals persecuted for their principles or actions involving a number of specified political grounds. The government has no formal mechanism, however, to process asylum for foreign nationals and is not a signatory to the 1951 Refugee Convention.

Temporary Protection: On the small number of cases of persons seeking asylum, the government worked with the Office of the UN High Commissioner for Refugees to provide protection and assistance pending third-country resettlement. In addition the government allowed foreign students who feared persecution in their home countries to remain in the country after the end of their studies until their claims could be substantiated or resolved.

G. STATELESS PERSONS

The government regularly rendered citizens de facto stateless persons when it withheld consular services from employees and their families as punishment for abandoning a foreign work mission. There were reports of Cubans residing abroad who were refused a passport or other proof of identity or citizenship, including for direct return to Cuba. Children born abroad to Cuban citizens in these circumstances were unable to obtain recognition of their Cuban citizenship and may not have citizenship in their country of birth. Cubans residing outside of Cuba for more than 24 months may lose full citizenship rights.

Section 3. Freedom to Participate in the Political Process

Article 5 of the constitution enshrines one-party rule by the PCC, disallowing political expression outside of that structure. The government suppressed attempts to form other parties. Candidates for office must be nominated by a PCC "mass organization" and approved by local party officials. These PCC-approved candidates win the vast majority of votes, since electors are limited to PCC representatives. Elections are neither free nor fair. Citizens do not have the ability to form political parties or run as candidates from political parties other than the PCC. The government forcefully and consistently retaliated against those who sought peaceful political change. The government orchestrated mass political mobilization on its behalf and favored citizens who actively participated.

ELECTIONS AND POLITICAL PARTICIPATION

Recent Elections: The government selected candidates for the October 2019 election for president of the republic, president of the National Assembly, and membership in the Council of State. Only members of the National Assembly—all of whom were PCC members—were allowed to vote, and candidates ran for office uncontested. For the first time since 1959, on January 18, citizens “elected” provincial governors. All of these “elections” were shams, however, since only one candidate (chosen in theory by the president but in reality by the PCC) stood for each post, and the only persons allowed to vote were loyal party members chosen as delegates of the municipal assemblies in each province. The chosen candidates were not known to the public before the election, and each one received 93 percent or more of the ballots cast, with most receiving 99 percent of the votes.

Political Parties and Political Participation: As in previous national elections, government-run commissions nominated all candidates for office for the January election. No non-PCC candidates were allowed on the ballot. The government routinely used propaganda campaigns in the state-owned media to criticize its opponents. Numerous opposition candidates were physically prevented from presenting their candidacies or were otherwise intimidated from participating in the electoral process.

The new constitution, approved in February 2019, includes many sections that restrict citizens’ ability to participate fully in political processes by deeming the PCC as the state’s only legal political party and the “superior driving force of the society and the state.” For example, Article 4 states, “Citizens have the right to combat through any means, including armed combat when other means are not available, anyone who intends to overthrow the political, social, and economic order established by this constitution.” The article effectively empowers ordinary persons to attack violently those who publicly disagree with the party. Citizens who live abroad without a registered place of abode in Cuba lose their right to vote.

Participation of Women and Members of Minority Groups: No law limits participation of women or members of minority groups in the political process, and they did participate. Women’s representation increased slightly from previous years in the most powerful decision-making bodies, but women held no senior leadership positions in the military or security services.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption. The government was highly sensitive to corruption allegations and often conducted anticorruption crackdowns.

Corruption: The law provides for three to eight years’ imprisonment for “illegal enrichment” by authorities or government employees. The government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There were numerous reports of police and other official corruption in enforcement of economic restrictions and provision of government services. For example, employees frequently stole products from government

stocks and sold them on the black market. Multiple persons reported that when searching homes and vehicles, police sometimes took the owners' belongings or sought bribes in exchange for not imposing fines or arrests. Corruption by customs officers was also reportedly common.

Financial Disclosure: The law does not require appointed and elected officials to disclose their assets.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The government did not recognize domestic human rights groups or permit them to function legally. Several human rights organizations continued to function outside the law, including UNPACU, the Christian Liberation Movement, the Assembly to Promote Civil Society, and the Lawton Foundation for Human Rights. The government subjected domestic human rights advocates to intimidation, harassment, periodic short-term detention, and long-term imprisonment on questionable charges.

No officially recognized NGOs monitored human rights. The government refused to recognize or meet with NGOs that monitored or promoted human rights. There were reports of government harassment of individuals who met with unauthorized NGOs.

The United Nations or Other International Bodies: The government continued to deny international human rights organizations, including the United Nations, its affiliated organizations, and the International Committee of the Red Cross, access to prisoners and detainees. The government continued to deny or ignore long-standing requests from the UN special rapporteurs on torture, freedom of expression, freedom of religion, and freedom of assembly to enter the country to monitor human rights.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

WOMEN

Rape and Domestic Violence: The law criminalizes rape of women, including spousal rape, and separately criminalizes "lascivious abuse" against both genders. The government enforced both laws. Penalties for rape are at least four years' imprisonment. Several reports from women's rights advocacy groups, however, suggested that crimes against women were underreported and that the state failed to investigate many cases. The government recognized the high rate of femicide for the first time in a report released in 2019, but as of October officials had not responded to requests from human rights activists for a comprehensive law against gender-based violence, despite increasing reports of femicide during the pandemic. The online platform Yo Si Te Creo (I do believe you) documented at least 32 victims of femicide, including 29 Cuban women, two Canadian women, and three minors. Official media sources failed to report any of these killings. The government specifically targeted activists organizing a campaign called the Red Femenina de Cuba (Cuban Women's Network) that asked the state to update

information on crimes against women, train officials to handle crimes against women, and define gender-based violence in the law. Police also targeted for harassment small groups of women assembling to discuss women's rights and gender matters more broadly. The government opposed any non-state-sponsored programs that focused on gender violence.

Security officials often refused to take serious action on cases of sexual violence, including several cases where security officials were themselves implicated. In September several soldiers were caught raping a 13-year-old girl. Three men were arrested, but other suspects fled, and those who were arrested were freed the next day. The mother of the victim told the Red Femenina she went to police to protest and was told that police did not have resources to investigate the case and that trials were paused due to COVID-19 anyway. She said the officer warned her that bringing further attention to the case in the independent press or on social networks would be "counterrevolutionary" and could result in her arrest.

The law prohibits all threats and violence but does not recognize domestic violence as a distinct category of violence. Penalties for violence range from fines to prison sentences of varying lengths, depending on the severity of the offense.

Sexual Harassment: The law provides penalties for sexual harassment, with potential prison sentences of three months to five years. The government did not release any statistics on arrests, prosecutions, or convictions for offenses related to sexual harassment during the year.

Coercion in Population Control: There were some reports of abortions performed by government health authorities without clear consent from the mother. For example, doctors were documented as having performed abortions or pressured mothers into having an abortion when ultrasound scans revealed fetal abnormalities because "otherwise it might raise the infant mortality rate." Health authorities used abortions to improve infant mortality statistics artificially by preventing marginally riskier births in order to meet centrally fixed targets.

Discrimination: The law accords women and men equal rights, the same legal status, and the same responsibilities with regard to marriage, divorce, parental duties, home maintenance, and employment. No information was available on whether the government enforced the law effectively.

CHILDREN

Birth Registration: Citizenship is normally derived by birth within the country's territory, and births were generally registered promptly.

Child, Early, and Forced Marriage: The legal minimum age of consent for marriage is 18. Marriage for girls age 14 or older and for boys 16 or older is permitted with parental consent. According to UNICEF, 26 percent of girls were married before 18, with higher prevalence in the provinces of Oriente and Centro.

Sexual Exploitation of Children: Prostitution is legal for individuals age 16 and older. There is no statutory rape law, although penalties for rape increase as the age of the victim decreases.

The law imposes seven to 15 years' imprisonment for pornographic acts involving

minors younger than 16. The punishment may increase to 20 to 30 years or death under aggravating circumstances. The law does not criminalize the possession of pornography, but it punishes the production or circulation of any kind of obscene graphic material with three months' to one year's imprisonment and a fine. The offer, provision, or sale of obscene or pornographic material to minors younger than 16 is punishable by two to five years in prison.

Child trafficking across international borders is punishable by seven to 15 years' imprisonment.

The law does not establish an age of consent, but sexual relations with children younger than 16 may be prosecuted if there is a determination of rape. In such cases the law leaves room for consideration of possible consent and the age of the other person, especially if the other person is also a minor. Penalties vary based on the age of the victim, ranging from four to 10 years' imprisonment if the victim is age 14 or 15, up to 15 to 30 years' imprisonment or death if the victim is younger than 12.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

ANTI-SEMITISM

There were between 1,000 and 1,500 members of the Jewish community. There were several reports of anti-Semitic acts.

In December 2019 local officials ruled against a Jewish family in Nuevitas, Camaguey, who had fought to exercise their children's right to wear religious headgear (a kippah) in school. The children's father, Olaine Tejada, said that Mary Vidal, a local state prosecutor, forced him to sign a legal document acknowledging that if his children came to school wearing a kippah on January 6, he and his wife, Yeliney Lescaille, would be arrested and charged with "acts against the normal development of a minor," with a potential one-year prison sentence. This followed a long history of the children being threatened with expulsion and bullied by schoolmates because of their faith. Tejada said the family would appeal to higher authorities to reinstate their rights. No further developments were reported during the year.

TRAFFICKING IN PERSONS

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

PERSONS WITH DISABILITIES

No law prohibits discrimination against persons with disabilities. The Ministry of Labor and Social Security oversees the Employment Program for Persons with Disabilities. The law recommends that buildings, communication facilities, air travel, and other transportation services accommodate persons with disabilities, but these facilities and services were rarely accessible to such persons.

A large number of persons with disabilities who depended on the state for their basic needs struggled to survive due to inattention and a lack of resources. Some persons with disabilities who opposed the government were denied membership in official organizations for persons with disabilities, such as the National Association for the Blind. As a result they were denied benefits and services, which included 400 minutes of telephone usage, training in the use of a white cane and in braille, and reduced fares on public transportation.

MEMBERS OF NATIONAL/RACIAL/ETHNIC MINORITY GROUPS

Afro-Cubans often suffered racial discrimination, and some were subject to racial epithets and beatings by security agents in response to political activity. Afro-Cubans also reported employment discrimination, particularly for positions of prominence within the tourism industry, media, and government. Employment advertisements were allowed to be openly sexist and racist. Police violence intensified during the year, disproportionately affecting Afro-Cubans. Police targeted Afro-Cubans for abuse during enforcement of laws requiring mask-wearing in public and against informal commercial activity. The economic crisis disproportionately affected Afro-Cubans, as seen in the scarce distribution of food and continuous water shortages affecting Havana's Afro-Cuban neighborhoods. Although the regime's defenders pointed to a few high-ranking Afro-Cuban officials, Afro-Cubans remained severely underrepresented in ministerial positions and the Politburo, and they were completely absent from the highest ranks of the Revolutionary Armed Forces and Ministry of Interior—seen as the country's true power centers.

Journalist Abraham Jimenez Enoa, hired on June 15 as a regular contributor to a foreign newspaper's opinion page, was put under house arrest after the newspaper published an article on June 29 regarding Hansel Hernandez Galiano's death in which Jimenez said police violence in the country was racist. State media subsequently formally attacked the foreign newspaper in a coordinated print and television campaign, and security officials arrested Jimenez multiple times on charges that observers considered baseless.

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY

The law prohibits discrimination based on sexual orientation in employment, housing, citizenship, education, and health care but does not extend the same protections to transgender or intersex individuals based on gender identity or gender expression.

The government did not recognize domestic human rights groups or permit them to function legally. Several unrecognized NGOs that promoted LGBTI human rights faced government harassment, not for their promotion of such topics, but for their independence from official government institutions.

Despite a history of state-sanctioned events in support of the LGBTI community, the state-funded National Center for Sex Education was muted in its support for the LGBTI community after canceling its annual conga (gay pride march) against

homophobia in 2019. Ariel Ruiz Urquiola, a biologist and activist for environmental justice and LGBTI rights, alleged the government deliberately infected him with HIV while he was detained after a peaceful protest for gay rights in the wake of 2019's cancelled pride march. He maintained that he always practiced safe sex and asserted that the government knowingly injected him with HIV when he was hospitalized during a hunger strike to discredit him because of the social stigma of HIV in the country.

HIV AND AIDS SOCIAL STIGMA

The government operated four prisons exclusively for inmates with HIV or AIDS; some inmates were serving sentences for "propagating an epidemic." Hospitals and clinics sometimes discriminated against patients with HIV.

Special diets and medications for patients with HIV were routinely unavailable, sometimes resulting in the patients' deaths from neglect.

Political prisoner Maikel Herrera Bones, a person with HIV who was a member of UNPACU, said prison officials withheld HIV treatment from him to pressure him into silence. Herrera Bones was arrested on April 16 after arguing with a plainclothes police officer about blackouts in his Havana neighborhood. Accused of simple assault, Herrera Bones said he had not been tried in court by year's end.

Section 7. Worker Rights

A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

The law, including related regulations and statutes, severely restricts worker rights by recognizing only the PCC-controlled Central Union of Cuban Workers (CTC) as the paramount trade union confederation. To operate legally, a trade group must belong to the CTC.

The law does not provide for the right to strike. The law also does not provide for collective bargaining; instead it has a complicated process for reaching collective agreements. The International Labor Organization raised concerns regarding the trade union monopoly of the CTC, the prohibition on the right to strike, and restrictions on collective bargaining and agreements, including giving government authorities and CTC officials the final say on all such agreements.

The government prevented the formation of independent trade unions in all sectors. The PCC chose the CTC's leaders. The CTC's principal responsibility is to manage government relations with the workforce. The CTC does not bargain collectively, promote worker rights, or advocate for the right to strike. The de facto prohibition on independent trade unions virtually eliminated workers' ability to organize independently and appeal against discriminatory dismissals. The government's strong influence over the judiciary and lawyers limited effective recourse through the courts. The government did not effectively enforce applicable law, and penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination.

During the year, as in the past several years, Ivan Hernandez Carrillo, general secretary of the Association of Independent Unions of Cuba, was harassed, beaten, detained, threatened, and fined. In January he was arrested, fined, and

had his cell phone confiscated after he traveled to Havana from his home in Matanzas. A government security officer told Hernandez the government would continue these sorts of abuses if Hernandez tried to leave his town. The security officer implied the government would fabricate criminal charges against Hernandez as it did to UNPACU leader Jose Daniel Ferrer (see section 2.b.). After a representative of a foreign embassy visited him on February 11, Hernandez was arrested for questioning on February 12.

Several small, independent labor organizations operated without legal recognition, including the National Independent Workers' Confederation of Cuba, National Independent Laborer Confederation of Cuba, and Unitarian Council of Workers of Cuba. Together they constituted the Independent Trade Union Association of Cuba. These organizations worked to advance the rights of workers by offering an alternative to the state-sponsored CTC and advocating for the rights of small-business owners and employees. Police reportedly harassed the independent unions, and government agents reportedly infiltrated them, limiting their capacity to represent workers effectively or work on their behalf.

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

The law does not explicitly prohibit forced labor. It prohibits unlawful imprisonment, coercion, and extortion, with penalties ranging from fines to imprisonment, but there was no evidence these provisions were used to prosecute cases of forced labor. The use of minors in forced labor, drug trafficking, commercial sex, pornography, or the organ trade is punishable by seven to 15 years' incarceration. When the government discovered the involvement of individuals or nongovernmental groups in these crimes, it enforced the law, and penalties were commensurate with those for analogous crimes, such as kidnapping. The government did not enforce laws against forced labor in its own programs.

Compulsory military service of young men was occasionally fulfilled by assignment to an economic entity, such as a farm or company owned by the military or by assignment to other government services.

Foreign entities both inside the country and abroad contracted with state-run entities to employ citizens to provide labor, often highly skilled labor such as doctors, engineers, or merchant mariners. These employees received a small fraction of the salaries paid to the state-run company, usually 10-25 percent or less; the rest went into the government's coffers. In some cases where workers were paid directly by their foreign employers, they were required to give a portion of their wages to the state.

Medical workers formed the largest sector of the government's labor exports. The NGO Cuban Prisoners Defenders collected testimony from 622 former medical workers that documented the country's coercive and abusive labor practices within this sector. The workers described how they were forced to join the program and were prevented from leaving it, despite being overworked and not earning enough to support their families. Former participants described human

trafficking indicators, including coercion, nonpayment of wages, withholding of their passports and academic credentials, and restriction on their movement. The government denied all of these allegations. Similar practices occurred in the tourism sector.

The government refused to improve the transparency of its medical missions program or address concerns about forced labor, despite persistent allegations from former participants, civil society organizations, and foreign governments. Prisoners were subject to forced labor, often in strenuous farm work without sufficient food or water, or working in hazardous environments without protective equipment, such as working in production of industrial chemicals. Prisoners were punished if they refused to work and were forced to make goods for the Ministry of the Interior's company (PROVARI or Empresa de Producciones Varias), which were exported or sold in state stores and the tourism sector. The government used high school students in rural areas to harvest crops (also see section 7.c.). Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT

The law prohibits all of the worst forms of child labor. The legal minimum working age is 17, although the law permits the employment of children ages 15 and 16 to obtain training or fill labor shortages with parental permission and a special authorization from the municipal labor director. The law does not permit children ages 15 and 16 to work more than seven hours per day, 40 hours per week, or on holidays. Children ages 15 to 18 may not work in specified hazardous occupations, such as mining, or at night.

There were no known government programs to prevent child labor or to remove children from such labor. Antitruancy programs, however, aimed to keep children in school. Children were subject to commercial sexual exploitation, and the government did not report significant efforts to reduce the presence of child sexual exploitation by tourists. The government investigated and convicted one perpetrator of forced child labor during the year.

The government used some high school students in rural areas in the Escuela al Campo (school to countryside) plan to harvest crops on government farms during peak harvest time. Student participants were not paid but as compensation received school credit and favorable recommendations for university admission. Ministry of Education officials used the Escuela al Campo plan to make students ages 11 to 17 work in the agricultural sector with no pay. Students were expected to work 45 days during the first academic quarter. Failure to participate or obtain an excused absence reportedly could result in unfavorable grades or poor university recommendations, although students were reportedly able to participate in other activities (instead of the harvest) to support their application for university admission. Children who performed agricultural work under the Escuela al Campo plan were not given proper tools, clothing, footwear, or food. Deficient and unsanitary living conditions, coupled with poor infrastructure, exposed them to

diseases such as dengue fever, zika, and chikungunya.

D. DISCRIMINATION WITH RESPECT TO EMPLOYMENT AND OCCUPATION

The law prohibits workplace discrimination against persons based on skin color, gender, religious belief, sexual orientation, nationality, "or any other distinction harmful to human dignity," but it does not explicitly protect political opinion (see section 7.a.), social origin, disability, age, language, gender identity, or HIV-positive status or other communicable diseases. No information was available on government enforcement of these provisions during the year.

The government continued to use politically motivated and discriminatory dismissals against those who criticized the government's economic or political policies. The government deemed persons "unfit" to work because of their political beliefs, including their refusal to join an official union, and for trying to depart the country illegally. The government penalized professionals who expressed interest in emigrating by limiting their job opportunities or firing them. A determination that a worker is "unfit" to work can result in job loss and the denial of job opportunities. The government did not effectively enforce applicable law, and penalties were not commensurate with laws related to civil rights, such as election interference. Persons forced out of employment in the public sector for freely expressing themselves were often further harassed after entering the emerging but highly regulated self-employment sector.

For example, Jorge Felix Vazquez Acosta was dismissed from his job in the Hotel Packard when his superiors learned in May he was against socialism. The hotel was owned by a subsidiary of the army-owned conglomerate Grupo de Administracion Empresarial S.A. and operated by European company Iberostar. A letter signed by the hotel's deputy director stated Vazquez Acosta was fired for comments "against our socialist system and the constitutional reform" as well as actions that "undermine the political-ideological state that should prevail in our workers." In the military-controlled tourism sector, military intelligence officers were often embedded in companies' staff to investigate the political loyalty of employees and fire individuals such as Vazquez Acosta when they were identified as holding views critical of the government.

Discrimination in employment occurred against members of the Afro-Cuban and LGBTI populations, especially in the state-owned but privately operated tourism sector. Leaders within the Afro-Cuban community noted some Afro-Cubans could not get jobs in better-paying sectors such as tourism and hospitality because they were "too dark." Afro-Cubans experienced low job security and were underrepresented in the business and self-employed sector, frequently obtaining lower-paying jobs, including cleaning and garbage disposal, which had no interaction with tourists, a major source of hard currency.

Hiring practices in the private sector were racist, colorist, and sexist. A job posting for an accounting or finance position usually called for women with lighter or olive skin, blonde hair, and physically fit. Postings for bodyguards and security jobs normally sought male candidates of color, who were perceived as being stronger

than other races.

There was no information available showing whether the government effectively enforced applicable law.

E. ACCEPTABLE CONDITIONS OF WORK

Authorities set a national minimum wage at a rate below the poverty line.

The standard workweek is 44 hours, with shorter workweeks in hazardous occupations such as mining. The law provides workers with a weekly minimum 24-hour rest period and one month of paid annual vacation per 11 months of effective work. These standards apply to state workers as well as to workers in the nonstate sector, but they were seldom enforced in the nonstate sector.

The law does not prohibit obligatory overtime, but it generally caps the number of overtime hours at 16 hours per week and 160 per year. The law provides few grounds for a worker to refuse to work overtime below these caps. Compensation for overtime is paid in cash at the regular hourly rate or in additional rest time. The government did not effectively enforce applicable law, and penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination.

The government set workplace occupational safety and health (OSH) standards and received technical assistance from the International Labor Organization to implement them. Information about penalties for violations of OSH law was not publicly available. The Ministry of Labor and Social Security enforced the minimum wage and workhour standards through offices at the national, provincial, and municipal levels, but the government did not effectively enforce OSH standards. No information was available regarding the number of labor inspectors. Reports from recent years suggested there were very few inspectors, and OSH standards frequently were ignored or weakened by corrupt practices. Civil society organizations reported working conditions for doctors in hospitals were severely unsanitary and that doctors worked long hours without sufficient access to food. According to government statistics, approximately 250,000 self-employed workers, or 41 percent of the 606,000 persons in the sector, voluntarily suspended their licenses to work due to the economic crisis related to the COVID-19 epidemic. Most self-employed workers worked directly in the tourism sector or in fields that support it. With most international flights suspended, the tourism sector atrophied. The lack of clear regulations about what activities were permissible (when it was clear that some were not) prevented persons from finding employment in this sector.

Despite criminal penalties for doing so, a significant number of workers participated in the informal economy, including individuals who actively traded on the black market or performed professional activities not officially permitted by the government.

Self-employed persons, such as fruit sellers, bicycle taxi drivers, and others, were frequently targeted by police for allegedly acting illegally, even when licensed. Police sometimes arbitrarily and violently closed down these businesses and

confiscated any goods.

Foreign companies operated in a limited number of sectors, such as hotels, tourism, and mining. Such companies operated via joint ventures in which the government contracted and paid company workers in pesos for a salary that was a small fraction of what the foreign company remitted in hard currency to the state for labor costs. Most formal employment took place only through government employment agencies. Employers, including international businesses and organizations, were generally prohibited from contracting or paying workers directly, although many reportedly made informal supplemental payments in the form of gratuities.

The Ministry of Labor enforces labor law on any business, organization, or foreign governmental agency based in the country, including wholly foreign-owned companies operating in the country, joint-stock companies involving foreign investors operating in the country, the United Nations, international NGOs, and embassies. Workers employed by these entities are subject to labor regulations common to most state and nonstate workers and are also subject to some regulations specific to these kinds of entities. Government bodies, including the tax collection agency and the Ministry of Finance and Prices, enforced regulations. On July 6, a total of 13 military personnel were hospitalized and 1,245 persons near La Pua were evacuated after old ammunition exploded in a military facility in Holguin. Following the initial major explosions, workers in nearby fields continued to feel several small explosions throughout the day. They received no information about the cause or the response from the government or military.

The CTC provided only limited information to workers about their rights and at times did not respond to or assist workers who complained about hazardous workplace conditions. It was generally understood that workers could not remove themselves from dangerous situations without jeopardizing their employment, and authorities did not effectively protect workers facing this dilemma.

Fuente: <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/cuba/>