

# **CUBA 2019 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Cuba is an authoritarian state led by Miguel Diaz-Canel, president of the republic, with former president Raul Castro serving as the first secretary of the Cuban Communist Party (CCP). Despite ratifying a new constitution on February 24, Cuba remains a one-party system in which the constitution states the CCP is the only legal political party and the highest political entity of the state.

The Ministry of Interior exercises control over the police, internal security forces, and the prison system. The ministry's National Revolutionary Police is 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.

Significant human rights issues included: reports of abuse of political dissidents, detainees, and prisoners by security forces; harsh and life-threatening prison conditions; arbitrary arrests and detentions; significant problems with the independence of the judiciary; political prisoners; and arbitrary or unlawful interference with privacy. The government severely restricted freedom of the press, used criminal libel laws against persons critical of leadership, and engaged in censorship and site blocking. There were limitations on academic and cultural freedom; restrictions on the right of peaceful assembly; denial of freedom of association, including refusal to recognize independent associations; restrictions on internal and external freedom of movement and severe restrictions of religious freedom. Political participation was restricted to members of the ruling party, and elections were not free and fair. There was official corruption, trafficking in persons, outlawing of independent trade unions, and compulsory labor.

On February 24, the country adopted a new constitution in a coerced referendum marred by violent government repression against those that opposed the proposed constitution. On February 12, for example, 200 police and security agents raided the homes of leaders of the Patriotic Union of Cuba (UNPACU) for openly campaigning against the draft constitution, detaining and reportedly beating UNPACU members. Other opponents reported that the government had blocked their email and texts to keep them from disseminating opposition campaign materials. Article 5 of the constitution enshrines one-party rule by the CCP, disallowing for additional political expression outside of that structure. Although

the new constitution adds explicit protections of freedom and human rights, including habeas corpus, authorities did not respect them, nor did the courts enforce them.

Government officials, at the direction of their superiors, committed most human rights abuses and failed to investigate or prosecute those who committed the 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**

In contrast with 2018, there were no reports that the government or its agents committed arbitrary or unlawful killings.

### **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 detentions occurred in unregistered sites. For example, authorities detained UNPACU leader Jose Daniel Ferrer several times during the year. He was often held for several days at a time incommunicado or without being charged in court. Although uniformed security officials were present for his arrest, authorities denied having him in their custody (see also sections 1.d. and 2.d.). On October 1, police detained him for almost six weeks before allowing his family to see him and did not announce charges against him until November 15, 45 days after his disappearance. In the interim, authorities rejected writs of habeas corpus filed by his wife. As of December, Jose Daniel Ferrer remained in custody.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

There were reports that members of the security forces intimidated and physically assaulted human rights and prodemocracy advocates, political dissidents, and other detainees and prisoners during detention and imprisonment, and that they did so with impunity. Some detainees and prisoners also endured physical abuse by prison officials or by other inmates with the acquiescence of guards.

There were reports police assaulted detainees or were complicit in public harassment of and physical assaults on peaceful demonstrators (see section 2.b.). For example, in August several videos showed police attacking with police dogs and truncheons persons assembled for carnivals, despite receiving little resistance. Police also were recorded severely beating a private taxi driver in a separate August incident as part of a campaign against persons working for themselves.

On August 12, authorities prevented evangelical Christian activist Adrian del Sol from departing the country for a workshop of Christian Solidarity Worldwide, a religious freedom organization, as part of a broader policy of arbitrarily preventing certain individuals from leaving the country (see section 2.d.). In response, Adrian's father Guillermo del Sol--an activist himself--started a hunger strike against the policy on August 12. On September 20, on the 40th day of his hunger strike, del Sol was admitted to Arnaldo Milian Castro Provincial State University Hospital for medical treatment and received intravenous nutrients and other care for several hours. On September 21, a state doctor pronounced him in perfect health, despite his being in obviously ill health and suffering from several chronic conditions exacerbated by his hunger strike. Police agents dragged the emaciated del Sol to a van from the Brigada Especial, a Ministry of Interior unit responsible for repressing dissidents. The van took him to his home, which was surrounded by police. According to del Sol, one of the security agents told him the order to remove him from the hospital came from the very top: "General Raul Castro gave us the order to take you to die in your home, and you will die like the anticommunist dog that you are." Several activists who attempted to visit him were arrested and fined, and the family's telephones were confiscated.

When authorities did allow Nelva Ismarays Ortega Tamayo, the wife of Jose Daniel Ferrer (see section 1.b.), to visit him in prison, she found him emaciated with signs of repeated physical torture. He was reportedly unable to lift his arms and recounted daily psychological trauma inflicted at the instruction of his jailers.

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 them directly. For instance, Cubans 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 the Venezuelan armed forces in order to suppress dissent and ensure loyalty to the Maduro regime. A July 5 UN report accused the DGCIM of torture,

and many former prisoners said that Cubans, identified by their distinctive accents, supervised as DGCIM personnel tortured them.

### **Prison and Detention Center Conditions**

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

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.

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 family for 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.

Prisoners, family members, and nongovernmental organizations (NGOs) reported inadequate health care, which led to or aggravated multiple maladies. Prisoners also reported outbreaks of dengue fever, tuberculosis, hepatitis, and cholera. There were reports of prisoner deaths from heart attacks, asthma, HIV/AIDS, and other chronic medical conditions as well as from suicide.

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 being transferred from a maximum-security to a medium-security prison.

There are credible reports that prison officials assaulted inmates. On June 11, prisoner of conscience Josiel Guia Piloto, a member of the Republican Party of Cuba, suffered a collapsed lung after being beaten by prison guards, according to his mother. Political prisoners also reported that fellow inmates, acting on orders from or with the permission of prison authorities, threatened, beat, intimidated, and harassed them.

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: Authorities did not conduct investigations of credible allegations of mistreatment. Prisoners reported government officials refused to accept complaints or failed to 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 access religious services, delayed months before responding to such requests, and limited visits by religious groups to a maximum of two or three times per year.

Independent Monitoring: The government did not permit monitoring of prison conditions by independent international or domestic human rights groups and did not permit 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. The government did not observe these requirements. Arbitrary arrests and short-term detentions increased, becoming a routine government method for controlling independent public expression and political activity. Activists were frequently arbitrarily detained without being informed of any charges against them and often denied the ability to communicate with their relatives immediately or at all.

The law provides that police officials 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, but authorities routinely ignored this requirement. Police routinely stopped and questioned citizens, requested identification, and carried out search-and-seizure operations. Police used laws 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 officials routinely conducted short-term detentions, at times assaulting detainees.

Police and security officials continued to use short-term and sometimes violent detentions to prevent independent political activity or 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 detention to silence peaceful political opponents. Multiple domestic human rights organizations, including the Spain-based NGO Cuban Prisoners’ Defenders, published lists of persons they considered political prisoners; individuals appearing on these lists remained 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, 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.

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.

Reports suggested bail was available, although typically not granted to those 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. Although the law prohibits the use of coercion during investigative interrogations, police and security forces at times relied on 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.

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 that instance no additional legal requirement exists to complete an investigation and file criminal charges, and authorities may detain a person without charge indefinitely.

Arbitrary Arrest: Officials often disregarded legal procedures governing arrest, detaining suspects longer than the legally mandated period without informing them of the nature of the arrest, allowing them to contact family members, or affording them legal counsel. Police and security officials continued to use short-term and sometimes violent detentions to prevent independent political activity or free assembly. Such detentions generally lasted from several hours to several days. In the month of August alone, the NGO Cuban Human Rights Observatory reported at least 267 arbitrary detentions, more than half of whom were members of the human rights organization Damas de Blanco (Women in White). Observers noted that the detentions increased after August.

Throughout the year the leader of Damas de Blanco, Berta de los Angeles Soler Fernandez, was arrested every single Sunday she tried to exit her house to protest.

She and other Damas de Blanco members were frequently physically abused while in police custody, as shown by videos of their arrests. After being taken into custody, they were typically fined and released. The fines frequently lacked information about what portion of law formed the basis for the fine or the name of the official responsible for fining them, making the fines difficult to contest in court. Sometimes the fines formed the basis for restricting persons from leaving the country (see section 2.d., Freedom of Movement).

Pretrial Detention: The government held 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.

On August 27, authorities detained UNPACU leader Jose Daniel Ferrer in connection with a fabricated murder case from 2018. He was previously detained in August 2018 in Santiago de Cuba for 12 days and charged with attempted murder following a car accident in which he hit and injured an official in Palmarito del Cauto. There were reports the official intentionally jumped in front of the vehicle Ferrer was driving, resulting in minor injuries to the official. Despite reported coercion of witnesses, police could not obtain corroborating evidence against Ferrer, and the prosecution was forced eventually to release him. Police, however, continued to use the case as justification for detaining him.

In connection with a planned march on September 8, several UNPACU activists were arbitrarily detained on September 7. On September 8, immediately after leaving his house with several supporters, Ferrer and other supporters were arrested (see section 2.b. for more information). On October 1, he was arrested again, this time on different charges that he was involved in a physical assault of an UNPACU member. The charges were likely fabricated, due to testimony from multiple individuals that the alleged victim left UNPACU headquarters unharmed and testimony from the alleged victim's wife that the injuries were sustained in a motorcycle accident. A separate activist said she was threatened with prison if she did not sign a false statement implicating Ferrer in the alleged crime.

Ferrer was held incommunicado for 72 hours before authorities acknowledged he was in custody, and they denied his wife access to him. Several days later, she was finally allowed access to him and received permission to send him a change of clothes, but not medication to tend to his chronic medical condition. On October 18, after not seeing him for more than two weeks, she filed a writ of habeas corpus stating Ferrer's family did not know his whereabouts or if he was still alive, and

that they had not been informed of charges filed against him or been given the opportunity to provide a lawyer to represent him. The court ruled against the petition, claiming that charges were brought on October 3 and formally filed October 7, without stating his location or the charges against him.

On October 25, still without access to her husband for herself or her lawyers, and still without knowing the public charges, Ferrer's wife and his three minor children demonstrated against her husband's mistreatment in a public park in Santiago de Cuba; security officials arrested all individuals. On November 7, she was allowed a five-minute supervised visit with him--the first proof she had received in more than one month that Ferrer was still alive. He described extremely punishing treatment he received at the hands of his jailers, who chained him hand and feet, offered him only spoiled food and foul water, and held him with a known violent criminal who said he was offered privileges in exchange for beating Ferrer (which he did regularly).

Prison officials refused to consider pleas from Ferrer's wife to consider his failing health or accept medicine she brought to the prison for him, and they banned her from further visits to the facility. On November 15, the government provided her a copy of the charges filed against Ferrer on October 7. As of December 3, Ferrer still had not received access to a lawyer, and a trial date had not been set.

### **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 CCP, 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 CCP, 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." The government's practice was to deny admission to observers to trial on an arbitrary basis. Military tribunals may also have jurisdiction over civilians if any of the defendants are active or former members of the military, police, or other law enforcement agency.

### **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 cases concluded quickly and were closed to the press.

Due process rights apply equally to all citizens as well as foreigners, but courts regularly failed to protect or observe these rights. 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 provides criminal defendants the right not to be compelled to testify or confess guilt.

The law requires that defendants be represented by an attorney, at public expense if necessary. Privately hired attorneys were often reluctant to defend individuals charged with political crimes or associated with human rights cases. Defendants’ attorneys may cross-examine government witnesses and present witnesses and evidence. Only state attorneys are licensed to practice in criminal courts.

Criteria for admitting evidence were arbitrary and discriminatory. According to reports, prosecutors routinely introduced irrelevant or unreliable evidence to prove intent or testimony about the revolutionary credentials of a defendant.

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 these cases defense attorneys were not allowed access 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.

On August 7, a provincial court sentenced journalist Roberto de Jesus Quinones Haces to one year in prison after allowing him only 30 minutes to review the charges of “resistance and disobedience” and prepare a defense without being provided access to a lawyer. Quinones had photographs and other evidence that he was beaten during his arrest, but the court refused to allow him to present this material in his defense. During his appeal the court denied his right to call witnesses. The court then substituted the original complainant for a different accuser (for additional information on Quinones’ cases, see section 2.a.).

In trials where defendants are charged with “precriminal dangerousness” (see section 1.d.), the state must show only that the defendant has “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 it in provincial courts to cases involving lengthy prison terms or the death penalty.

### **Political Prisoners and Detainees**

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

The Spain-based NGO Cuban Prisoners Defenders estimated there were 125 convicted political prisoners serving sentences as of September 1, while other credible groups put the number slightly higher. The lack of governmental transparency, along with systemic violations of due process rights, obfuscated the true nature of criminal charges, investigations, and prosecutions, allowing 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 those numbers. 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 also frequently denied political prisoners access to home visits, prison classes, telephone calls, and, on occasion, family visits.

On July 16, Elias Perez Bocourt was released from custody after spending more than 27 years in prison for “piracy” due to his involvement in an attempt to escape the country when he was 22 years old. Despite having a mild mental disability, he was given a full sentence and initially incarcerated in Camaguey special prison, where he spent eight years in solitary confinement. According to credible media sources, during that time he was beaten once a week by his jailers, who sometimes sprayed his small cell with mace and encouraged other inmates to defecate into his cell. Later, when he was put in a communal cell, he was frequently abused,

including raped, by other prisoners with the complicity of the prison staff. For the entire 27 years of his confinement, guards beat him every year on the anniversary of his attempt to escape Cuba.

On August 27, 20 to 30 special police members raided the house of Micaela Roll Gibert and detained her two adult children, Alexander Roll Gibert and his sister Sheyla, all three of whom supported the Miami-based, pro-Cuban democracy organization run by Oswaldo Paya's surviving daughter, Rosa Maria Paya, and allied with UNPACU. Although Sheyla was quickly released, it was not until September 6 that Micaela was permitted to visit her son in a Havana detention center, El Vivac de Calabazar, where political prisoners were often detained. She was informed that a man accused Alexander of shooting at him; Alexander claimed he did not know the accuser. She said her son told her that state security officials asked him to work for them, but he refused. They then offered to free him if he ceased his political activism and convinced his mother and sister to do the same, and again he refused. On September 6, Alexander was transferred to Valle Grande prison.

### **Civil Judicial Procedures and Remedies**

It is possible to seek judicial remedies through civil courts for violations of administrative determinations, but independent legal experts noted general procedural and bureaucratic inefficiencies often delayed or undermined the enforcement of administrative determinations and civil court orders. Civil courts, like all other courts in the country, lacked independence and impartiality as well as effective procedural guarantees. No courts allowed claimants to bring lawsuits seeking remedies for human rights violations.

#### **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 police are required by law 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.

On November 18, the Council of State approved amendments to the criminal code legalizing covert techniques to obtain information that could be used as evidence in a criminal trial without a judge's approval or supervision. The techniques included information gathering by undercover officers, voice recording, location monitoring, filming, communications intercepts, and surreptitious access to computer systems. The government already routinely and widely employed these procedures before they became officially legal.

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 legitimate reasons to access residences, such as to fumigate homes as part of a campaign to eliminate disease-carrying mosquitos, as a pretext for illegal searches.

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 subjected foreign journalists, visiting foreign officials and diplomats, academics, and businesspersons to frequent surveillance, including electronic surveillance.

The CCP is the only legally recognized political party, and the government actively suppressed attempts to form other parties (see section 3). The government encouraged mass political mobilization and favored citizens who actively participated (see section 2.b.).

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, or 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 reduced salaries and termination of employment, denial of acceptance into university, expulsion from university, and other forms of harassment.

## **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 condition that it “conforms to the aims of socialist society.” Laws banning criticism of government leaders and distribution of antigovernment propaganda carry penalties ranging from three months to 15 years in prison.

Freedom of Expression: The government did not tolerate public criticism of government officials or programs and limited public debate of issues considered politically sensitive. The government passed two additional laws further criminalizing freedom of expression: Decree 349, which came into effect in December 2018, institutionalizes censorship of independent art and culture and establishes violations for art that was not regulated or recognized by the official cultural institutions. The decree also allows “supervising inspectors” to review cultural events and empowers them to immediately close any exhibition they deem violates the law and confiscate the business license of any business hosting the offending event. The National Symbols Law criminalizes the way the national flag may be displayed or used in other creative contexts.

Police arrested several persons who protested these laws during the year, including Luis Manuel Otero Alcantara, a leader of the San Isidro Movement, an organization promoting cultural independence, who was arrested at least 18 times in 2018 and 2019, with the last arrest occurring on December 10, International Human Rights Day. On August 9, police arrested him in front of his privately owned Museum of Dissidence for his performance art protest against the National Symbols Law. His performance consisted of wearing a national flag draped over his shoulders. He was also arrested on September 12, when three uniformed police officers and two plainclothes officers beat him and took him away in an unmarked vehicle, holding him incommunicado for more than 72 hours. On September 13, he was charged with violating the National Symbols Law and then released on the condition that he not leave his home after midnight, drink alcohol in a public place, or frequent public places. Several other members of the San Isidro Movement were assaulted, arrested, and fined during the year.

State security regularly harassed the organizers of independent fora for debates on cultural and social topics to force them to stop discussing issues deemed controversial. The fora’s 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. In addition, human rights activists, independent journalists, and artists were prohibited from traveling outside the country to attend events in international fora related to human rights and

democracy in the country. Media and religious leaders said the government continued to harass or detain members of religious groups advocating for greater religious and political freedom.

Government workers reported being fired, demoted, or censured for expressing dissenting opinions or affiliating with independent organizations. Several university professors, researchers, and students reported they were forced from their positions, demoted, or expelled for expressing ideas or opinions outside of government-accepted norms.

In contrast with 2018, some religious groups reported increased restrictions to express their opinions during sermons and at religious gatherings. Most members of the clergy continued to exercise 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.

Press and Media, Including Online Media: The government directly owned all print and broadcast media outlets and all widely available sources of information. News and information programming were generally uniform across all outlets. The government also controlled nearly all publications and printing presses. The party censored public screenings and performances. The government also limited the importation of printed materials. Foreign correspondents in the country had limited access to and often were denied interviews with government officials. They also struggled to gather facts and reliable data for stories. Despite meeting government vetting requirements, official journalists who reported on sensitive subjects did so at personal risk, and the government barred official journalists 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 in the country.

On October 10, 19 independent media outlets published a joint declaration on the state of independent journalism in the country. They denounced the 183 documented incidents of state aggression against journalists since January 2018, part of a broader wave of repression of independent journalism, and demanded the state respect a more open, transparent, and diverse independent media.

On April 22, journalist and lawyer Roberto Quinones was arrested and assaulted while reporting on a trial involving religious expression. Quinones was interviewing a daughter of two Protestant pastors who were facing a court sentence

because they wanted to homeschool their children when police officers approached to arrest him. Quinones asked why he was being arrested. Rather than answer, an officer pulled Quinones' hands behind his back, handcuffed him, and threw him to the ground. The officers then dragged him to their police car. One of the arresting officers struck 65-year-old Quinones several times, including once on the side of the head with enough force to rupture his eardrum. On August 7, he was sentenced to one year of "correctional labor" for "resistance and disobedience," and on September 11, he was taken to prison, after authorities processed and then denied his appeal. Quinones continued to write while in prison, especially about the bleak conditions of the facility, although he wrote a letter saying he was happy to "be here for having put my dignity before blackmail." When the letter was published on CubaNet, an independent domestic online outlet, Quinones was reportedly punished and threatened with "disciplinary action."

Violence and Harassment: The government does not recognize independent journalism, and independent journalists sometimes faced government harassment, including detention and physical abuse. Most detentions involved 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.

Censorship or Content Restrictions: The law prohibits distribution of printed materials considered "counterrevolutionary" or critical of the government. Foreign newspapers or 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. Among many blocked websites, in September the government blocked Change.org after several petitions critical of the government appeared on the website. 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 laws to arrest or detain individuals critical of the country's leadership. Authorities frequently arrested and charged persons for the ambiguous crime of "contempt of authority."

Human rights activists reported government internet trolls tracking their social media accounts and reported on the government's practice of sending mass text messages warning neighbors to avoid association with dissidents.

### **Internet Freedom**

The government restricted access to the internet, and there were reports the government monitored without appropriate legal authority 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 but increasing number of underground networks. The government used a combination of website blocking, pressure on website operators, arrests, intimidation, imprisonment, and extralegal surveillance to censor information critical to the regime and to silence its critics.

Internet access was limited to a national network that offered only government-run email and government-generated websites, at a fraction of the price of internet available to the public. The government closely monitored web access points, such as Wi-Fi hotspots, cybercafes, and access centers. The government selectively granted highly 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 in December 2018 it launched third generation (3G) mobile service that allowed persons for the first time to access the internet on their cell phones without needing to connect to public Wi-Fi, but the cost was beyond the means of most citizens. 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 websites blocked fluctuated, with approximately 20 websites blocked on a regular basis, including independent

media outlets such as *CubaNet* and *Marti Noticias* and websites critical of the government's human rights record. The government also blocked voice ports used by the Session Initiation Protocol, one of the most common protocols used in voice, video, and messaging applications, and any webpage that the government considered contrary to its interests. Public reports revealed that the government used the Avila Link program to route connections to a proxy server, allowing the government to monitor citizens' internet use and retaliate.

The government frequently targeted users of SNet (abbreviated from Street Network), a system of user-owned and -operated grassroots wireless community networks that allowed persons to exchange information outside of state control. On July 29, new regulations came into effect designed to bring these independent networks under state regulation by transferring SNet services and content to Empresa de Telecomunicaciones de Cuba S.A (ETECSA), the government-monopoly internet service provider. Users who protested the decision or merely resisted it were surveilled, threatened, and arrested by state security agents. Ariel Maceo Tellez, one of the SNet coordinators, was arrested on August 16.

While the law does not set specific penalties for unauthorized internet use, it is illegal to own a satellite dish that would provide 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 August.

The use of encryption software and the transfer of encrypted files are also illegal. Despite poor access, harassment, and infrastructure challenges, a growing number of citizens maintained blogs in which they posted opinions critical of the government with help from foreign supporters, who often built and maintained the blog sites overseas. The government blocked local access to many of these blogs. In addition, a small but growing number of citizens used Twitter, Facebook, Instagram, and other social media to report independently on developments in the country, including observations critical of the government. Like other government critics, bloggers faced government harassment, including detention and physical abuse.

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 service for human

rights organizers, often just before their detention by state security or to disrupt planned activities. For example, on September 6-7, the internet access of several UNPACU members was suspended ahead of a planned march, and on October 3, the government suspended the internet access of UNPACU national committee member Katherine Mojena Hernandez after she repeatedly tweeted about a government crackdown on the group.

### **Academic Freedom and Cultural Events**

The government restricted academic freedom and controlled the curricula at all schools and universities, emphasizing the importance of reinforcing “revolutionary ideology” and “discipline.” Most academics refrained from meeting with foreigners, including diplomats, journalists, and visiting scholars, without prior government approval and, at times, the presence of a government monitor. Those permitted to travel abroad were aware that their actions, if deemed politically unfavorable, could negatively affect them and their relatives back home. During the year the government allowed some religious educational centers greater latitude to operate.

Outspoken artists and academics faced harassment and criticism orchestrated by the government. According to the digital magazine *Tremenda Nota*, at least 30 professors were expelled from universities from 1991 to 2019, and academics and their students faced increased ideological discrimination during the year. For example, on August 20, Martha del Carmen Mesa Valenciano, vice minister of higher education, published an open letter announcing, “Whoever does not feel they are an activist of our Party’s revolutionary politics, an advocate of our ideology, our morality, our political convictions, must resign their position as a university professor.” This statement attempted to justify the firing of university professor Omara Ruiz Urquiola. While it was unclear if the open letter was written government policy, it acknowledged a longstanding practice of firing university professors for their ideology. During a September 16 appearance on *Mesa Redonda* (Roundtable), a popular program on state television, State Minister of Higher Education Jose Ramon Saborido Loidi confirmed that public universities censored and expelled professors and students who contradicted the CCP or its leaders.

The increasingly public hostility toward dissent had a chilling effect on academic discourse and led some institutions to go even farther, such as Universidad de Oriente, which published a long article on October 2 justifying the termination of law professor Rene Fidel Gonzalez Garcia. The university faulted him for a series

of “controversial, contradictory, and disrespectful” articles written from 2012 to 2016 that assumed hypothetical positions in order to examine their intellectual merit. The university alleged the articles “caused teachers, students, and citizens in general to question the contents or sometimes sympathized with the positions in their confusion” and generally generated debate. University officials took offense when Gonzales asserted his free speech rights under the constitution and declared he “did not understand the limits of this right.” They subsequently suspended him from teaching duties and expelled him from the CCP.

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 could carry 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 CCP officials. Some reported they received warnings from the 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, as well as political parties other than the CCP, faced greater obstacles, and state security forces often suppressed attempts to assemble, even for gatherings in private dwellings and in small numbers. The government refused to allow independent demonstrators or public meetings by human rights groups or any others critical of any government activity.

On May 11, authorities violently halted an independent march by lesbian, gay, bisexual, transgender, and intersex (LGBTI) activists, beating and detaining several participants. In another instance the government suppressed marches planned for September 8, the feast day of the country's patron saint, organized by UNPACU. The march, named the Sunflower March in honor of the flower that represents the patron saint, prompted the government to ban sales of sunflowers in cities in the days leading up to the march. Several UNPACU activists were arbitrarily detained on September 7, and on September 8, immediately after leaving his house with several supporters, UNPACU leader Jose Daniel Ferrer and other supporters were arrested. In total, the government arrested at least 130 individuals after raiding several UNPACU offices and homes of UNPACU members as well as accosting others already in the streets, many of whom were beaten during their arrest. Most persons arrested were released within a few days, often after paying a fine, but one organizer, Ovidio Martin Castellano, was sentenced to five months in prison for refusing to pay a 2,000 nonconvertible pesos (CUP) (\$80) fine. On September 10, the government followed up by raiding UNPACU headquarters again. Several UNPACU leaders and their family members were arrested and held incommunicado for days. The government routinely barred independent meetings related to animal rights, gender violence, and other forms of civil society activism not officially sanctioned by the state.

The government, using undercover police and Ministry of Interior agents, organized "acts of repudiation" in the form of mobs organized to assault and disperse those who assembled peacefully. Participants 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 assembled peacefully. The targets of 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 or respond to victims' complaints and instead frequently orchestrated the activities or took direct part in physical assaults.

## **Freedom of Association**

The government routinely denied citizens freedom of association 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, on August 31, state security agents raided a meeting of the Pena del Jucaro Martiano, a group of intellectuals who met to study and celebrate the life of national writer Jose Marti. Officials prevented persons from entering the house where the meeting was held, entered the house on the pretense of an “electrical meter check,” threatened and photographed persons who arrived, and arrested and then interrogated one member, Alenmichel Aguilo, for several hours.

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 party’s Office of Religious Affairs, which has the authority to deny permits for religious activities and exerted pressure on church leaders to refrain from including political topics in their sermons.

Groups must register through the Ministry of Justice to receive official recognition. Authorities continued to ignore applications for legal recognition from new groups, including several new religious groups as well as women’s rights and gay rights organizations, thereby subjecting members to potential charges of illegal association.

The government continued to afford preferential treatment to those who took an active part in CCP activities and mass demonstrations in support of the government, especially when awarding 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 continued to be restrictions on freedom of movement within the country, foreign travel, and migration with the right of return. The government also controlled internal migration from rural areas to Havana, sometimes arresting persons in Havana if authorities discovered their national identity card listed them as living in another city. The government also barred citizens and persons of Cuban descent living abroad from entering the country, apparently on grounds that they were critical of the government or for having “abandoned” postings abroad as low-paid medical doctors or defected athletes. Chess master Jennifer Perez was denied a passport at least four times because, as Cuban authorities in Ecuador told her, she was considered a deserter for deciding to reside abroad to take advantage of better job opportunities.

Some family members of former government employees who emigrated from the island 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 fine of 500 CUP (\$20) for first-time “rafters” (those who attempted to depart clandestinely, commonly using homemade vessels), although these attempts were becoming infrequent. Most persons caught attempting unauthorized departures via sea were detained briefly. In the case of military or police defectors or those traveling with children, the punishment could be more severe.

Under the terms of the 1994-1995 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 if they had not committed a separate criminal offense. Some would-be migrants 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, changes of residence to Havana were 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 from these bodies and send them back to their legally authorized place of residence. There were reports authorities limited social services to illegal Havana residents. 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 detained and returned them to their homes, even though they had no written or formal restrictions placed against them.

Foreign Travel: The government continued to require several professional and social categories of individuals to obtain permission for emigrant travel, including highly specialized medical personnel; military or security personnel; many government officials, including academics; and many former political prisoners and human rights activists. It also 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. According to the NGO Patmos Institute, as of October there were at least 202 citizens whom authorities designated as *regulados*, 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 in an October 1 interview with the Associated Press, Foreign Minister Bruno Rodriguez Parrilla denied such a policy existed, declaring the law allows for freedom of movement. Because citizens are prohibited from leaving without explanation or justification, and the government did not acknowledge that persons were prevented from leaving, those subject to the policy were left without any recourse. The tactic served not only to restrict the movement of citizens but also their freedom of expression.

#### **e. Internally Displaced Persons**

Not applicable.

#### **f. Protection of Refugees**

Access to Asylum: The constitution provides for the granting of asylum to individuals persecuted for their ideals or actions involving a number of specified political grounds. The government has no formal mechanism 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. In June, however, 142 Congolese medical students protesting unpaid stipends at their embassy in Havana for several months were arrested and deported to the Republic of the Congo, despite several of them expressing fears for their safety if returned.

#### **g. Stateless Persons**

Not applicable.

### **Section 3. Freedom to Participate in the Political Process**

While a voting process to choose CCP-approved candidates exists, citizens do not have the ability to form political parties or choose their government through the right to vote in free and fair elections or run as candidates from political parties other than the CCP. The government forcefully and consistently retaliated against those who sought peaceful political change.

#### **Elections and Political Participation**

Recent Elections: The government selected candidates for the October 10 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 CCP members--were allowed to vote, and candidates ran for office uncontested.

Political Parties and Political Participation: As in previous national elections, for the October election, government-run commissions had to preapprove all candidates for office and rejected certain candidates without explanation or the right of appeal. The few dissident candidates who ran for election reported the government organized protests and town hall meetings to slander their names. 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 otherwise intimidated from participating in the electoral process.

On February 24, a national referendum nominally approved a new constitution drafted without public input or debate, although there were several months of controlled public consultation. The independent journalism organization CubaData estimated more than 45 percent of citizens did not participate in the government-controlled consultation process. Some members of independent civil society

alleged the official number of public consultations was grossly exaggerated and were not designed to gather public comments, and that some citizens who spoke up or criticized the constitutional draft during this consultation period were harassed. In the weeks preceding the constitutional referendum, there was a sharp increase in repression against those who peacefully opposed the new draft constitution, especially targeting those who advocated abstaining or voting “No,” despite an article of the constitution providing that “sovereignty resides nontransferably with the people...”

The new constitution includes many sections that restrict citizens’ ability to participate fully in political processes by deeming the CCP 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.” Because the CCP and its ideology are so entrenched in the document, the article effectively empowers ordinary persons to violently attack those who publicly disagree with the party.

Citizens who live abroad without a registered place of abode on the island lose their right to vote.

Participation of Women and Minorities: No laws limit participation of women or minorities in the political process, and they did participate. Women’s representation increased slightly from previous years in the most powerful decision-making bodies; women held no senior positions in the military leadership.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption, and 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 law enforcement and other official corruption in enforcement of myriad economic restrictions and provision of government services. For example, employees frequently siphoned fuel from government stocks for sale on the black market. As of the end of June, there were 339 criminal proceedings related to fuel theft, according to the Attorney

General's Office. Multiple sources reported that when searching homes and vehicles, police sometimes took the owner's belongings or sought bribes in place of fines or arrests.

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 any unauthorized NGOs that monitored or promoted human rights. There were reports of explicit government harassment of individuals who met with these 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.

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

### **Women**

Rape and Domestic Violence: The law specifically criminalizes rape of women, including spousal rape, and separately criminalizes "lascivious abuse" against both genders. The government often enforced both laws. Penalties for rape are at least four years' imprisonment. Several reports, however, suggested that crimes against women were underreported and the state failed to investigate many cases. The government recognized the high rate of femicides for the first time in a report released on May 19.

The government specifically targeted activists organizing a campaign called Women United for Our Rights that asked the state to update data on crimes against women, train officials to handle crimes against women, and define gender-based violence in the law. Nancy Alfaya Hernandez, one of the organizers of the group, was detained and threatened by state security officials in August, September, October, and December and warned that because of the “current situation,” activities designed to call attention to gender-based issues would not be allowed “not now, not ever.” Police also targeted small groups of women assembling to discuss women’s rights and gender issues more broadly, including at least once when authorities surrounded a house where such a meeting was about to take place, prevented persons from leaving and arriving freely, and told the homeowner that “we know you aren’t just meeting with your neighbors.” The government opposed any programs not state-sponsored that focused on gender violence.

The law prohibits all threats and violence but does not recognize domestic violence as a distinct category of violence. Penalties for domestic 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 no reports of coerced abortion or involuntary sterilization.

Discrimination: The law accords women and men equal rights, the same legal status, and the same responsibilities with regard to marriage and divorce, parental duties, home maintenance, and professional careers. 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. Those who emigrate abroad and subsequently have children must request a Cuban passport for the child before re-entering Cuba.

Early and Forced Marriage: The legal minimum age of consent for marriage is 18. Marriage for girls as young as 14 and for boys as young as 16 is permitted with parental consent.

Sexual Exploitation of Children: Prostitution is legal for individuals 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 involving minors younger than 16 in pornographic acts. 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 can 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. A determination of rape may be made if victims lack the ability to understand the extent of the action or is not in command of their conduct, which could be applied or claimed for a person age 15 or 14. The penalty ranges from four to 10 years' imprisonment. If the victim is older than 12 and younger than 14, the penalty is seven to 15 years' imprisonment. The punishment for having sex with a minor age 12 is 15 to 30 years' imprisonment or death.

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 authorities expelled a Jewish group from a hospital during a postcircumcision ceremony, even though the children were still in need of medical care. In another case police interrupted a Jewish ceremony, entering the property with police dogs without a warrant and harassing members of the congregation. Police officers said they were investigating a reported robbery, but no member of the congregation had reported a

robbery. There were also several reports of local police refusing to investigate or file reports of threats and harassment against Jews and, in one case, a report of a Jewish child repeatedly beaten at school in the presence of school administration and staff. According to credible media sources, on December 13, municipal officials in Nuevitas, Camaguey, prohibited a 12-year-old child from attending school if he wore a kippah (religious headgear).

### **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 known 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 persons with disabilities.

A large number of persons with disabilities who depended on the state for their basic needs struggled to survive due to lack of resources and inattention. Some persons with disabilities who opposed the government were denied membership in official organizations for the disabled, 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.

### **National/Racial/Ethnic Minorities**

Afro-Cubans often suffered racial discrimination, and some were subject to racial epithets while undergoing beatings at the hands of security agents in response to political activity. Afro-Cubans also reported employment discrimination, particularly in positions of prominence within the tourism industry, media, and government. Employment advertisements were allowed to be openly sexist and racist. State agents threatened antiracist activists, such as Norberto Mesa Carbonell, founder of The Brotherhood of Black People, who received threatening telephone calls after publishing on August 15 an open letter to the government on structural racism in the country.

## **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

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

The government did not recognize domestic human rights groups or permit them to function legally. Several unrecognized NGOs that promote 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, state-funded, the National Center for Sex Education (CENESEX) canceled its annual conga (gay pride march) against homophobia. Activists, including many trained and supported by CENESEX in the past, quickly organized a peaceful march in support of LGBTI rights on May 11. Despite explicit declarations in the preceding days that the purpose of the march was not a demonstration against the government but rather a call for reforms within the system, the government detained, assaulted, and attempted to intimidate activists participating in the event on the day of the march and in the months that followed, including Iliana Hernandez, Boris Gonzalez, Ariel Ruiz Urquiola, Oscar Casanella, and Yasmany Sanchez. On May 8, the government refused entry into Havana to *Washington Blade* journalist Michael Lavers as he was traveling to cover the event. Multiple NGOs and international organizations, such as the Inter-American Commission on Human Rights, protested the repression from authorities and the violation of freedom of expression and assembly, and three LGBTI activists--Roberto Ramos Mori, Leodan Suarez Quinones, and Yasmany Sanchez (again)--were detained in the days following the event.

## **HIV and AIDS Social Stigma**

The government operated four prisons exclusively for inmates with HIV/AIDS; some inmates were serving sentences for “propagating an epidemic.” Hospitals and clinics sometimes discriminated against HIV-positive patients.

Special diets and medications for HIV patients were routinely unavailable, sometimes resulting in their death from state neglect. On April 12, HIV/AIDS

sufferer Ramon Acosta Galetto died, according to his mother, because the state provided insufficient medical assistance, despite her son having been approved for it.

## **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 CCP-controlled Central Union of Cuban Workers (CTC) as the paramount trade union confederation. To operate legally, all trade groups 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 setting up a complicated process for reaching collective agreements. The International Labor Organization (ILO) 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 that government authorities and CTC officials have the final say on all such agreements.

The government continued to prevent the formation of independent trade unions in all sectors. The CCP 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 limited 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.

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. After being detained for several hours in July, he was released only to have his house surrounded by security officers.

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 (ASIC). These organizations worked to advance the rights of workers by offering an alternative to the state-sponsored CTC and purported to advocate 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.

In late 2017 ASIC filed a complaint with the ILO in which the trade union alleged harassment and persecution of independent trade unionists involving aggression, arrests, assaults and dismissals; other acts of antiunion discrimination and interference on the part of the public authorities; official recognition of only one trade union federation controlled by the state; absence of collective bargaining; and no legal recognition of the right to strike. In June 2018 the ILO requested the government ensure ASIC be given recognition to freely operate and carry out its trade union activities, in accordance with freedom of association. ASIC was the first domestic independent trade union in more than 50 years to participate in the International Labor Conference, held in Geneva in June. During the conference the ILO Committee of Experts on the Applications of Conventions requested the government provide statistical data on the number of collective agreements indicating the number of workers covered by sector.

#### **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, prostitution, pornography, or the organ trade is punishable by seven to 15 years' incarceration. The government enforced the laws, and the penalties appeared sufficient to deter violations.

Compulsory military service of young men was occasionally fulfilled by assignment to an economic entity controlled by the military or by assignment to other government services. Many citizens were employed by state-run entities contracted by foreign entities inside the country and abroad to provide labor, often highly skilled labor such as doctors or engineers. These employees received a small fraction of the salaries paid to the state-run company, often less than 10 percent. For example, in the "Mais Medicos" program run in cooperation with the Pan-American Health Organization in Brazil, of \$1.3 billion the Brazilian government paid for the services of Cuban doctors, less than 1 percent--only \$125 million--was paid to the doctors who provided the services. The rest went into the Cuban government's coffers. Doctors in the program complained of being overworked and not earning enough to support their families. Former participants described coercion, nonpayment of wages, withholding of their passports, and

restriction on their movement, which the government denied. Similar practices occurred in the tourism sector.

Prisoners were subject to forced labor. The government did not facilitate payment of decent wages to those incarcerated. The government continued to use high school students in rural areas to harvest agricultural products (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 cannot 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. Inspections and penalties appeared adequate to enforce the law, because inspections for child labor were included in all other regular labor inspections. The government penalizes unlawful child labor with fines and suspension of work permits. There were no credible reports that children younger than 17 worked in significant numbers.

The government used some high school students in rural areas to harvest agricultural products for government farms during peak harvest time. Student participants were not paid but 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 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 the proper tools, clothing, footwear, or food. Deficient and unsanitary living

conditions, coupled with a crumbling 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 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 model. The government deemed persons “unfit” to work because of their political beliefs, including their refusal to join the official union, and for trying to depart the country illegally. The government also penalized professionals who expressed interest in emigrating by limiting job opportunities or firing them. A determination that a worker is “unfit” to work could result in job loss and the denial of job opportunities. 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.

Discrimination in employment occurred with respect to members of the Afro-Cuban and LGBTI populations. 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 more frequently obtained 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, 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 were no statistics stating whether the government effectively enforced applicable laws.

#### **e. Acceptable Conditions of Work**

Authorities set a national minimum wage at a rate below the poverty line, which even with subsidies did not provide a reasonable standard of living.

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 set workplace safety standards and received technical assistance from the ILO to implement them. The Ministry of Labor and Social Security enforced the minimum wage and working-hours standards through offices at the national, provincial, and municipal levels, but the government did not effectively enforce occupational safety and health standards. No information was available about the number of labor inspectors. Reports from recent years suggested there were very few inspectors and that health and safety standards frequently were ignored or weakened by corrupt practices.

According to government statistics, approximately 618,000 (36 percent of whom were women) were self-employed by the end of September, a 4.9 percent increase from December 2018. The percentage of the total workforce in the private sector increased from approximately 25 percent in 2012 to 31.6 percent at the end of 2018. In December 2018 the government resumed the issuance of new licenses for self-employed persons and small private businesses that had been frozen since 2017.

Rules implemented in 2018 ban businesses operating under the license of “facilitator of home swaps and home sales-purchases” to operate as real estate or dwelling management companies or to hire employees. The rules also apply to music, art, or language teachers, other teachers, and sport trainers. The rules forbid the creation of schools or academies. They are particularly restrictive for the cultural sector, forbidding artists from dealing directly with the private sector, i.e., avoiding the intermediation and supervision of state-run agencies. The number of economic activities allowed to self-employed persons and small private businesses decreased, mostly due to merging and regrouping activities.

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 a joint venture in which the government contracted and paid company workers in pesos an amount that was a small fraction of what the company remitted 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 supplemental payments under the table. The Ministry of Labor enforces labor laws on any business, organization, or foreign governmental agency based in the country, including wholly owned foreign companies operating in the country, joint-stock companies involving foreign investors operating in the country, the United Nations, international NGOs, and embassies. Cuban workers employed by these entities are subject to labor regulations common to most state and nonstate workers and 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. There were no reports about protections of migrant workers' rights.

After increasing 4 percent in 2016, workplace accidents registered a downward trend, decreasing 10 percent in 2017 and 5 percent in 2018. Deaths related to workplace accidents increased 27 percent in 2016 and then decreased 2 percent in 2017 and 20 percent in 2018. By sector, in 2018 most deaths related to workplace accidents were concentrated in defense and public administration (17 percent), communal services and other services (16 percent), mining and quarries (14 percent), and construction (13 percent).

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.