

CUBA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Cuba is an authoritarian state led by Raul Castro, who is president of the Council of State and Council of Ministers, Communist Party (CP) first secretary, and commander in chief of security forces. The constitution recognizes the CP as the only legal party and the leading force of society and of the state. The government postponed October municipal elections due to recovery efforts related to Hurricane Irma but conducted them in November, although they were neither free nor fair. A CP candidacy commission prescreened all candidates, and the government actively worked to block non-CP approved candidates.

The national leadership, including members of the military, maintained effective control over the security forces.

The most significant human rights issues included torture of perceived political opponents; harsh and life-threatening prison conditions; politically motivated, sometimes violent, detentions and arrests; a complete absence of judicial independence; arbitrary arrest and detention that was politically motivated and sometimes violent; trial processes that effectively put the burden on the defendant to prove innocence; and political prisoners. There was arbitrary interference with privacy, including search-and-seizure operations in homes and monitoring and censoring private communications. Freedom of expression was limited to expression that “conforms to the goals of socialist society,” with strict censorship punishing even distribution of the Universal Declaration of Human Rights. There were bans on importation of informational materials; strict control of all forms of media; restrictions on the internet, including severely limiting availability and site blocking; restrictions on academic freedom, including punishment for any deviation from the government line; criminalization of criticism of government leaders; and severe limitations on academic and cultural freedom, including on library access. There were restrictions on rights of assembly to those that the government deemed to be “against the existence and objectives of the socialist state”; criminalization of gatherings of three or more not authorized by the government, and use of government-organized acts of repudiation in the form of mobs organized to assault and disperse those who assembled peacefully; denial of freedom of association, including refusal to recognize independent associations; restrictions on internal and external freedom of movement; restriction of participation in the political process to those approved by the government; official

corruption; outlawing of independent trade unions; compulsory labor; and trafficking in persons.

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

There were no confirmed reports that the government or its agents committed arbitrary or unlawful killings during the year.

b. Disappearance

There were no reports of long-term disappearances by or on behalf of government authorities, but there were several reports of detained activists whose whereabouts were temporarily unknown because the government did not register these detentions.

On October 23, police detained civil society activist Roberto Jimenez, a leader of the youth organization Active Youth, United Cuba, along with Cesar Ivan Mendoza Regal. Authorities did not permit Jimenez to contact family or friends during his 16-day detention and reportedly beat him and refused to tell him where he was being held. The international human rights organization Freedom House publicized Mendoza and Jimenez's case and called on the government to provide information about their status. Authorities released Jimenez on November 8 after charging him for "illicit association, meetings, and protest," a crime that can carry a three- to 12-month sentence. In the case of Mendoza, although no longer incommunicado, his family was still unaware of any charges brought against him more than two months after his detention.

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

The law prohibits abusive treatment of detainees and prisoners. There were reports, however, 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 other inmates with the acquiescence of guards.

There were reports of police assaulting detainees or being complicit in public harassment of and physical assaults on peaceful demonstrators (see section 2.b.).

State security forces held graffiti artist and political dissident Danilo Maldonado from November 26, 2016 to January 21 for spray-painting “se fue” (he’s gone) on a building the night of Fidel Castro’s death. According to Maldonado, prison authorities stripped him naked and held him in solitary confinement on International Human Rights Day, laced his food with sedatives, beat and gagged him on at least one occasion, and perpetuated a rumor that he would be shot and killed in a staged escape attempt. He said authorities moved him to six different prisons over the eight-week period to make it difficult for his family and girlfriend to visit him; routinely cancelled, denied, or changed visits; and did not provide adequate medical treatment.

Prison and Detention Center Conditions

Prison conditions continued to be harsh. Prisons were overcrowded, and facilities, sanitation, and medical care were deficient. There were reports of prison officials assaulting 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, space, 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 also 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, 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 and standard reductions in the severity of their sentence (for example, being transferred from a maximum-security to a medium-security prison). 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 that solitary confinement was a common punishment for misconduct and that some prisoners were isolated for months at a time.

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: A legal department within the Attorney General's Office is empowered to investigate allegations of abuse in the prison system. The results of these investigations were not publicly accessible. By law prisoners and detainees may seek redress regarding prison conditions and procedural violations, such as continued incarceration after a prison sentence has expired. Prisoners reported that government officials refused to accept complaints, or failed to respond to complaints.

Prisoners and pretrial detainees had access to visitors, although some political prisoners' relatives reported that prison officials arbitrarily canceled scheduled visits. Some prisoners were able to communicate information about their living conditions through telephone calls to human rights observers and family members.

The Cuban Council of Churches, the largest Protestant religious organization, reported that it organized weekly chaplain services for all prisons in the country; the Roman Catholic Church also engaged in a prison chaplain program. Persons of other faiths were also allowed to practice their religion. There were isolated reports that prison 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/her arrest or detention in court. Nevertheless, arbitrary arrests and short-term detentions continued to be a common government method for controlling independent public expression and political activity. Challenges of arrests or detentions were rarely successful, especially regarding detentions alleged to be politically motivated.

By law police have wide discretion to stop and question citizens, request identification, and carry out search-and-seizure operations. Police used laws against public disorder, contempt, lack of respect, aggression, and failing 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. 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 this law was frequently not followed. Arbitrary stops and searches were most common in urban areas and at government-controlled checkpoints at the entrances to provinces and municipalities.

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 NGO Cuban Commission on Human Rights and National Reconciliation (CCDHRN) counted more than 4,800 detentions through November, compared with 9,940 in all of 2016. Members of the Todos Marchamos campaign, which included Damas de Blanco, reported weekly detentions of members to prevent demonstrations. Long-term imprisonment of peaceful government critics, while rare, sometimes occurred. In March the largest human rights and political opposition group, Patriotic Union of Cuba (UNPACU), published a list of 54 political prisoners throughout the country serving more than one month in prison for crimes such as contempt, “precriminal dangerousness,” failure to pay fines, and assault. According to UNPACU these individuals were in prison because they participated in peaceful protests and assemblies or otherwise defied the government.

The law allows a maximum four-year preventive detention of individuals not charged with an actual crime, with a subjective determination of “precriminal dangerousness,” 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 published lists of persons they considered political prisoners, and at least five individuals appearing on these lists remained imprisoned under the “precriminal dangerousness” provision of the law as of December.

Role of the Police and Security Apparatus

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 police supported these units by carrying out search-and-seizure operations of homes and headquarters of human rights organizations, arresting persons of interest to the ministry, and providing interrogation facilities.

The police routinely violated procedural laws with impunity and at times failed or refused to provide citizens with legally required documentation, particularly during arbitrary detentions and searches. Security force members also committed civil rights and human rights abuses with impunity.

Although the law on criminal procedure 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 that officers intimidated them with threats of long-term detention, loss of child custody rights, denial of permission to depart the country, and other punishments.

There were no official mechanisms readily available to investigate government abuses.

Undercover police and Ministry of Interior agents were often present and directed activities to disrupt efforts at peaceful assembly (see section 2.b.).

According to independent reports, state-orchestrated “acts of repudiation” directed against independent civil society groups and individuals, including the Damas de Blanco and other organizations, were organized to prevent meetings or to shame participants publicly (see section 2.a.). In August the human rights group Estado de SANTS leaked a video of First Vice President Miguel Diaz-Canel giving a lecture in February to CP leadership during which he instructed party members to use such “acts of repudiation” as a tool to silence members of civil society who attempt to criticize the government during public forums or town hall events.

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. The 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.

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 168 hours without informing them of the nature of the arrest, allowing them to contact family members, or affording them legal counsel.

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.

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 CP, which may remove or appoint judges at any time. Political considerations thoroughly dominated the judiciary, and there was virtually no separation of powers between the judicial system, the CP, 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.” Officials denied entry to some observers to trials during the year. 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, but not if 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 that limited resources prevented interpreters from always being available.

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, but denied it did so and refused access to its prisons and detention centers by international humanitarian organizations and the United Nations.

The exact number of political prisoners was difficult to determine, though independent human rights organizations estimated there were 65 to 100 political prisoners. The government continued to deny holding any political prisoners and refused access to its prisons and detention centers by international humanitarian organizations and the United Nations. This 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, which often faced harassment from state police.

On March 20, authorities sentenced Eduardo Cardet, director of the human rights organization Christian Liberation Movement (MCL), to three years in prison for assaulting a police officer. Amnesty International called Cardet a prisoner of conscience and stated that he was arrested because he spoke critically of Fidel Castro and the government. According to MCL and witness reports, authorities quickly and violently restrained Cardet after stopping him on his bicycle. Authorities claimed that Cardet shoved one of the officers when they stopped him. Cardet’s arrest took place five days after the death of Fidel Castro and two days after Cardet criticized the forced period of mourning, the prohibitions on music and alcohol, and other government actions during a radio interview with a Spanish news organization.

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.

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 that general procedural and bureaucratic inefficiencies often delayed or undermined the enforcement of administrative determinations and civil court orders. Civil courts, like all 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.

Property Restitution

In November 2016 the government passed a regulation governing the process by which nonprofit organizations, including religious organizations, may petition to reclaim property confiscated by the government at the beginning of the revolution. It was unclear if any organizations applied this procedure to reclaim property during the year.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution protects citizens' privacy rights in their homes and correspondence, and police must have a warrant signed by a prosecutor or magistrate before entering or conducting a search. Nevertheless there were reports that government officials routinely and systematically monitored correspondence and communications between citizens, tracked their movements, and entered homes without legal authority and with impunity.

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 CP 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 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.

On April 11, the University of Marta Abreu in Las Villas expelled university professor Dalila Rodriguez Gonzalez for having “a social and ethical attitude that undermines the teaching process and the instruction of students.” According to Rodriguez, university authorities did not tell her what specific attitude or behavior was inappropriate and did not offer her the opportunity to defend herself or appeal the decision. Rodriguez stated she believed authorities expelled her, in part, because her father was a human rights defender.

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, only insofar as 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 had little tolerance for public criticism of government officials or programs and limited public debate of issues considered politically sensitive. 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. Forum organizers reported assaults by state security, video surveillance installed outside of venues, and detention of panelists and guests on the days they were expected to appear.

Government workers reported being fired, demoted, or censured for expressing dissenting opinions or 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 April the University of Marta Abreu in Las Villas expelled first-year journalism student Karla Maria Perez for “counterrevolutionary projections, actions, membership in organizations, and online publishing.” The university’s government-affiliated student group, the Federation of University Students, supported this decision in an open letter, stating that Perez was a “known member of an illegal and counterrevolutionary organization that is against the principles, objectives, and values of the Cuban revolution,” and quoted Fidel Castro’s famous dictum, “Within the revolution, everything; against the revolution, nothing.”

During the year some religious groups reported greater latitude to express their opinions during sermons and at religious gatherings, although 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. The Catholic Church operated a cultural and educational center in Havana that hosted debates featuring participants expressing different opinions about the country's future. Reverends Mario Travieso and Alain Toledano, both affiliated with the Apostolic Movement, reported frequent police harassment, including surveillance, threats, intimidation, and arbitrary fines. Both Travieso and Toledano claimed that the government was harassing them because of their outspoken criticism of certain government policies during their sermons.

Press and Media Freedom: The government directly owned all print and broadcast media outlets and all widely available sources of information. News and information programming was generally uniform across all outlets, with the exception of broadcasts of Venezuelan government news programming. 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.

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 Todos Marchamos activists or otherwise attempted to cover politically sensitive topics. Two journalists were detained, had their equipment confiscated, and were harassed for covering the aftermath of Hurricane Irma. Some independent journalists reported interrogations by state security agents for publishing articles critical of government institutions.

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 sometimes resulted in harassment and detention.

The government sometimes barred independent libraries from receiving materials from abroad and seized materials donated by foreign governments, religious organizations, and individuals. Government officials also confiscated or destroyed cameras and cell phones of individuals to prevent them from distributing photographs and videos deemed objectionable, such as those taken during arrests and detentions. Activists reported interrogations and confiscations at the airport when arriving from the United States. On April 6, airport authorities detained Eliecer Avila, leader of the human rights organization Somos+, for six hours upon his return from a human rights conference in Colombia. Authorities reportedly confiscated Avila's laptop computer, training materials, memory drives, and other personal belongings.

Libel/Slander Laws: The government uses defamation of character laws to arrest or detain individuals critical of the country's leadership.

Internet Freedom

The government restricted access to the internet, and there were credible reports that 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.

While the International Telecommunication Union reported that 39 percent of citizens used the internet in 2016, that number included many whose access was limited to a national intranet that offered only government-run email and government-generated websites, at a fraction of the price of open internet. Other international groups reported lower internet penetration, stating approximately 15 percent of the population had access to open internet.

The government selectively granted 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 in order to access the internet.

During the year the government increased the number of Wi-Fi hot spots to more than 500 countrywide and lowered the cost to one convertible peso (CUC) (\$1) per hour, still beyond the means of some citizens, whose average official income was approximately 29 CUC (\$29) per month. The cost of access to the national intranet was 10 cents per hour. Authorities reviewed the browsing history of users, reviewed and censored email, and blocked access to at least 41 websites considered objectionable. In addition to internet access at public Wi-Fi hot spots, citizens and foreigners could buy internet access cards and use hotel business centers. Access usually cost between five and 10 CUC (\$5 to \$10) an hour, a rate well beyond the means of most citizens.

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. The government restricted the importation of wireless routers, actively targeted private wireless access points, and confiscated equipment.

The use of encryption software and 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. The government-owned telecommunications provider ETECSA often disconnected service for human rights organizers, often just before their detention by state security, or to disrupt planned activities.

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.” Some 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 space to operate.

Outspoken artists and academics faced some harassment and criticism orchestrated by the government.

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. 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.

Independent activists faced greater obstacles, and state security forces often suppressed attempts to assemble, even for gatherings in private dwellings and in small numbers.

On August 19, more than 100 state security agents reportedly used force to break up a family-themed event organized by the political and human rights organization UNPACU. According to UNPACU president Jose Daniel Ferrer, approximately

50 activists, family members, and neighbors had gathered for a picnic on the banks of a river before authorities arrived and used violence and intimidation, including against minors, women, and elderly attendees, to disperse the gathering. Authorities reportedly severely beat five UNPACU members, with some suffering broken noses and at least one requiring stitches.

The government also continued to organize 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 revolutionary slogans, sang revolutionary 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.

The government did not grant permission to independent demonstrators or approve public meetings by human rights groups or others critical of any government activity.

Freedom of Association

The government routinely denied citizens freedom of association and did not recognize independent associations. The constitution 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.

Recognized churches (including the Roman Catholic humanitarian organization Caritas), the Freemason movement, and a number of fraternal and professional organizations were the only associations legally permitted to function outside the formal structure of the state or the CP. Religious groups are under the supervision of the CP'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 CP 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 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.

Individuals seeking to migrate legally stated they faced police interrogation, fines, harassment, and intimidation, including involuntary dismissal from employment. Government employees who applied to migrate legally to the United States reportedly sometimes lost positions when their plans became known. 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 nonconvertible pesos (CUP) (\$20) for first-time “rafters” (those who attempted to depart clandestinely, commonly using homemade vessels). 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. Prison terms were also more common for persons attempting to flee to the United States through the Guantanamo U.S. Naval Station.

Under the terms of the 1994-95 U.S.-Cuba Migration Accords, the government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the Guantanamo U.S. Naval Station, after attempting to emigrate illegally if they had not committed a separate criminal offense. The government prevented independent trips to monitor repatriated Cubans outside of

Havana. 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 that 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 that 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 classes of citizens 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 island to participate in workshops, events, or training programs. For example, the CCDHRN reported that authorities denied at least 12 human rights defenders permission to leave during August alone.

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.

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 and other humanitarian organizations 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.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: Government-run bodies prescreened all candidates in the November municipal elections, and once approved by the CP, candidates ran for office mostly uncontested. There were reports that a municipal-level electoral commission denied at least one candidate from competing in municipal elections because she lacked “commitment to the goals of the revolution.”

Political Parties and Political Participation: Government-run commissions had to preapprove all candidates for office and rejected certain candidates without explanation or the right of appeal. Dissident candidates reported the government organized protests and town hall meetings to besmirch 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.

Participation of Women and Minorities: No laws limit participation of women or minorities in the political process, and they did participate. Women constituted 23 percent of the Council of Ministers, 42 percent of the Council of State, 49 percent of the National Assembly, and more than half of the provincial presidents. Women remained underrepresented in the most powerful decision-making bodies; there were no women on the executive committee of the Council of Ministers or in senior positions of 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. 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 the CCDHRN, UNPACU, MCL, 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 unauthorized NGOs.

The United Nations or Other International Bodies: The government continued to deny international human rights organizations, including the United Nations, its affiliate organizations, and the International Committee of the Red Cross, access to prisoners and detainees. In September the United Nations issued a report describing Cuba as a country of concern related to intimidation and reprisals against individuals and groups seeking to cooperate or having cooperated with the United Nations, its representatives, and mechanisms in the field of human rights.

The UN special rapporteur on trafficking in persons visited in April, and the UN independent expert on human rights and international solidarity visited in July. The government tightly controlled the visits of both UN experts, and neither

representative met with independent individuals or organizations not approved by the government.

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 enforced both laws. Penalties for rape are at least four years’ imprisonment.

The law does not recognize domestic violence as a distinct category of violence but prohibits threats and violence, including those associated with domestic 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, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law accords women and men equal rights, the same legal status, and the same responsibilities with regard to marriage/divorce, parental duties, home maintenance, and professional careers.

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 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 those age 16 and older. There is no statutory rape law, although penalties for rape increase as the age of the victim decreases. The law imposes seven to 15 years' imprisonment for involving minors under 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 under 16 is punishable with two to five years in prison. Child trafficking across international borders is punishable with seven to 15 years' imprisonment.

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 travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

There were between 1,000 and 1,500 members of the Jewish community. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

No known law prohibits discrimination against persons with disabilities. The Ministry of Labor and Social Security is in charge of 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.

National/Racial/Ethnic Minorities

Afro-Cubans often suffered racial discrimination, and some were subject to racial epithets while undergoing unlawful beatings at the hands of security agents in response to political activity. Afro-Cubans also reported employment discrimination, particularly in sought-after positions within the tourism industry and at high levels within the government.

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.

Throughout the year the government promoted the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, including nonviolence and nondiscrimination, in regional and international fora. Several unrecognized NGOs promoted LGBTI rights and faced government harassment, not for their promotion of such topics, but for their independence from official government institutions.

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.” Special diets and medications for HIV patients were routinely unavailable.

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 CP-controlled Central Union of Cuban Workers (CTC) as the paramount trade union confederation. All trade groups must belong to the CTC to operate legally. 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 continued to raise concerns regarding the trade union monopoly of the CTC, the prohibition on the right to strike, and restrictions to 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 CP 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.

Several small, independent labor organizations operated without legal recognition, including the National Independent Workers' Confederation of Cuba, the National Independent Laborer Confederation of Cuba, and the Unitarian Council of Workers of Cuba; together they comprise the Independent Trade Union Association of Cuba. These organizations worked to advance the rights of workers by offering an alternative to the state-sponsored CTC and 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.

The government may determine that a worker is "unfit" to work, resulting in job loss and the denial of job opportunities. The government deemed persons unfit 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.

b. Prohibition of Forced or Compulsory Labor

The law does not prohibit forced labor explicitly. It prohibits unlawful imprisonment, coercion, and extortion, with penalties ranging from fines to imprisonment, but there was no evidence that these provisions were used to prosecute forced labor cases. The use of minors in forced labor, drug trafficking, prostitution, pornography, or 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. Allegations of forced or coerced labor in foreign medical missions persisted, although the government denied these allegations.

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 www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

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 or 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 remove children from such labor. Anti-truancy programs, however, aimed to keep children in school. Inspections and penalties appeared adequate to enforce the law, as inspections for child labor were included in all other regular labor inspections. The government reported 346 such inspections of state-run and private sector enterprises from November 2016 through February. The government penalizes unlawful child labor with fines and suspension of work permits. There were no credible reports that children under the age of 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 did not receive pay but received school credit and favorable recommendations for university admission. 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. There were no reports of abusive or dangerous working conditions.

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, 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.

Discrimination in employment occurred with respect to members of the Afro-Cuban population. Leaders within the Afro-Cuban community noted that some Afro-Cubans could not get jobs in sectors such as tourism and hospitality because they were “too dark.” Afro-Cuban leaders explained that fairer-skinned citizens filled jobs in sectors that deal with tourists, and these jobs were often among the best-paying positions available. Afro-Cubans more frequently obtained lower-paying jobs, including cleaning and garbage disposal, which prevented them from interacting with tourists, a major source of hard currency.

There were no statistics stating whether the government effectively enforced applicable laws.

e. Acceptable Conditions of Work

The monthly minimum wage was fixed at 225 CUP (\$9). The minimum wage requirement does not apply to the nonstate sector, including the self-employed. The government supplemented the minimum wage with free education, subsidized medical care (daily wages are reduced by 40 percent after the third day of a hospital stay), housing, and some food. Even with subsidies, the government acknowledged that the average wage of 700 CUP (\$29) per month 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 24 days of paid annual vacation. These standards apply to state workers as well as to workers in the nonstate sector, but not to the self-employed. The law does not provide for premium pay for overtime or prohibit obligatory overtime, but it generally caps the number of overtime hours at 12 hours per week, or 160 per year. The law provides few grounds for a worker to refuse to work overtime. Refusal to work overtime can result in a notation in the employee’s official work history that could imperil subsequent requests for vacation time. The Ministry of Labor and Social Security (MTSS) has the authority to establish different overtime caps as needed. Compensation for overtime is paid in cash at the regular hourly rate or in additional rest time, particularly for workers directly linked to production or services, and it does not apply to management. Workers complained that overtime compensation was either not paid or not paid in a timely manner.

The government set workplace safety standards and received technical assistance from the International Labor Organization to implement them. The MTSS

enforced the minimum wage and hours-of-work standards through offices at the national, provincial, and municipal levels, but the government lacked mechanisms to enforce occupational safety and health standards adequately. There was no information 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, 567,982 workers (33 percent of whom were female) were self-employed at the end of June, a 5 percent increase from 2016. The percentage of the total workforce in the private sector increased from approximately 25 percent in 2012 to 29 percent at the end of 2016. The government maintained a list of fewer than 200 trades in which citizens were allowed to operate privately, including hiring labor. Self-employed and private sector workers obtained licenses by applying to the MTSS and were subject to inspection by the government. In August the government suspended the issuance of new licenses for certain activities in the lucrative hospitality sector. Despite criminal penalties for doing so, a significant number of workers participated in the informal economy, including individuals who actively traded on the black market or performed professional activities not officially permitted by the government. There were no reliable reports or statistics about the informal economy.

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 MTSS 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-collecting agency, the Ministry of Finance and Prices, enforced regulations. There were no reports about protections for migrant workers' rights.

Official government reports cited 3,576 workplace accidents in 2016 (an increase of 92 compared with 2015) and 89 workplace deaths (an increase of 18 compared with 2015). 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.