

## Cuba



New Year's Day 2009 marked 50 years since the Cuban Revolution. In its anniversary year Cuba could rightly celebrate its achievements in providing universal access to healthcare and an impressive 99.8 per cent literacy rate. But there have been few concrete improvements in the human rights situation on the ground during 2009 and there are signs that repression may be increasing. Cuba is an authoritarian, centralised, one-party state where people are regularly denied their civil, political and economic rights.

In line with the 1996 EU Common Position on Cuba, human rights remain a priority in the UK's relations with Cuba. During the annual review of Cuban policy in June, EU Foreign Ministers expressed serious concern at the lack of human rights progress, and reaffirmed the relevance of the Common Position and "dual track" engagement with the Cuban government and Cuban civil society. UK ministers and officials continue to raise human rights with the Cuban government in bilateral and multilateral fora, and support activities to promote and improve human rights in the country. Human rights have also formed an essential part of the EU's political dialogue with Cuba since its establishment in 2008.

Through this engagement we hope to encourage the Cuban government to take seriously its international human rights commitments, actively address areas of concern and allow independent scrutiny of human rights, for example, by permitting international human rights organisations to visit the country. It is positive that Cuba ratified the International



Cuban military applaud during celebrations for the 50th anniversary of the revolution on 1 January

Convention for the Protection of All Persons from Enforced Disappearance in February. Cuba also took part in its Universal Periodic Review (UPR) at the UN Human Rights Council that February, although we had some concerns about the manner in which they engaged with this process. We were disappointed that the Cuban government did not accept any of the UK's recommendations, including ratification and implementation of the two key human rights conventions: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of which Cuba signed in February 2008. The government also rejected all recommendations from other countries relating to our main human rights concerns on the grounds that they represented interference in Cuban citizens' right to self-determination.

Our Embassy in Havana closely follows the human rights situation throughout Cuba and, along with EU partners, maintains contacts with a range of members of civil society and the political opposition. Visits to families of political prisoners and attending peaceful protests as observers are intended to demonstrate our concern over human rights to the government.

### Fundamental Freedoms

Although fundamental rights are guaranteed under the Cuban constitution, these rights may not be exercised "contrary to the existence and objectives of the socialist state", and Cuba's penal code effectively criminalises dissent. Charges of "pre-criminal social dangerousness" – a pre-emptive charge based on the likelihood of a person committing a crime in the future – are often used to target potential or actual dissent. The unofficial Cuban Commission for Human Rights and National Reconciliation estimates that there may be between 3–5,000 people sentenced with up to four years in prison under "pre-criminal dangerousness" charges, including prostitutes, alcoholics and unemployed people. We wrote to the Cuban Justice Ministry in March asking for official figures for people held on this charge. Ten months later we had not received a response.

Although President Raúl Castro has talked about economic reforms, there have been no substantial structural changes in the past year, other than positive moves in agriculture. Property rights are extremely limited. Cubans cannot, for example, freely buy and sell houses and cars, even if they legally own them. Private enterprise is permitted only on a very small scale and the state employs the vast majority of the

### Workers' Rights: *Under Cuban Skies*

On 3 August, four independent trades union activists from the Independent National Workers' Confederation of Cuba were summoned to a police station in Havana and detained until the following day. Maria Elena Mir Marrero and her colleagues allege they were threatened with further harassment and physical harm unless they stopped their activities. They believe that the summons and detention were because of their participation in the film *Under Cuban Skies: Workers and their Rights* (produced by Washington-based Montalvan & Associates LLC with the Cuba Study Group). It highlights violations of workers' rights in Cuba, including the denial of the right to form independent trades unions and the right to strike.



Workers' rights activists in the film *Under Cuban Skies*

population who struggle to get by on a state salary of the equivalent of approximately US\$15 a month. This leads many to rely on the black market and makes them vulnerable to criminal charges. The government also controls trades unions. Although workers are consulted on issues of concern, collective bargaining and the right to strike are denied, and independent trades unions are illegal.

Freedom of movement remains an issue of concern. Cuba limits domestic migration into the capital, and for travel outside the island Cuban citizens require expensive, government-authorized exit permits. If a Cuban citizen stays outside the country for longer than their exit permit validity, they risk being denied re-entry to their own country and are rendered effectively stateless. Denial of exit permits is often used as a further means of controlling dissent. In October 2009, acclaimed blogger Yoani Sánchez was barred from travelling to the US to receive an award from Columbia University's School of Journalism – the fourth time she has recently been denied permission to travel abroad. However, during 2009 a handful

of dissidents have been granted permission to leave if travelling for non-political reasons or leaving the country permanently. Notably, former neurosurgeon and regime opponent Dr Hilda Molina was finally granted an exit permit to visit her son in Argentina after a 15-year wait.

### Access to Information

Access to information is severely restricted in Cuba. Reporters Without Borders ranks Cuba 170 out of 175 countries in its 2009 Press Freedom Index. The Cuban media is state-run and heavily censored to reflect only official government views. There is virtually no access to international media or publications, and private access to foreign broadcasting is illegal. Books seen as counter-revolutionary are not available in Cuba, and setting up an independent library is seen as an act of dissent. Cuba has one of the lowest rates of internet use in the Americas, despite high literacy and educational attainment. Internet access is censored and monitored, and it is prohibitively expensive and slow – with an hour's connection costing almost a third of a Cuban citizen's monthly salary.

Independent journalists can fall foul of Cuba's laws on dissent, as can Cuba's nascent blogging community. Despite the difficulties, blogging in Cuba is a growing phenomenon and covers a wide spectrum from official pro-government bloggers to its critics. Yoani Sánchez's "Generation Y" blog is the best known and the government has recently stepped up efforts to silence her.

### Political Prisoners and Repression of Dissent

Given that political opposition is not tolerated, dissenters, including human rights defenders and independent journalists, risk serious consequences. These range from imprisonment, short-term arrests, trumped-up criminal charges, intimidation, denial of opportunities to work and of the right to travel within or outside of the island, and occasionally violence. There are signs that this repression may be increasing. The lack of separation of powers in Cuba means that the judiciary is not independent and trials of dissidents are often politically influenced.

The Cuban government does not publicise official information about its prisons and independent human rights organisations are not permitted to visit. According to the Cuban Commission for Human Rights and National Reconciliation there are over 200 political prisoners, including 53 of the 75 dissidents arrested in the "Black Spring" of 2003. English PEN

Pro-government Cubans harrass and intimidate the *Damas de Blanco* on Human Rights Day 2009



and Reporters Without Borders draw attention to over 20 journalists, writers and librarians detained in Cuba's prisons and Amnesty International recognises 57 Cuban prisoners of conscience. One of the 75, Nelson Aguiar Ramírez, whose case the EU repeatedly raised with the Cuban government due to his poor health, was released in 2009.

Political prisoners' families allege routine use of solitary confinement, denial of medical care and restrictions on family visits. Reports indicate that overall prison conditions are poor for both common and political prisoners. During Cuba's UPR at the UN, the UK recommended that Cuba establish a recurrent system of review of its prisons by UN or other relevant independent observers. This recommendation was not adopted by Cuba.

We hope that after issuing an invitation in January, the Cuban government will agree a date and actively facilitate the visit of Manfred Nowak, UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, who wants to visit all categories of detention facilities and every type of detainee in Cuba.

A group of female relatives of imprisoned dissidents – known as the *Damas de Blanco* – are campaigning for the release of political prisoners. In March, they marked the occasion of the sixth anniversary of the 2003 "Black Spring" with peaceful marches through Havana, handing out flowers. Although they are usually not prevented from walking in peaceful

protest, they were met by an angry mob shouting insults at them, known as an "act of repudiation". The same tactics were used to disrupt and intimidate them as they walked peacefully through the streets of Havana both before, and on, Human Rights Day in December 2009.

### Supporting a Human Rights Defender

Dr Darsi Ferrer, an opponent of the regime, was arrested in July allegedly for possessing two bags of black-market cement. In January 2010 he remained in prison awaiting trial. The EU is concerned that his arrest and detention may have been linked to his political activities and beliefs. British and other European diplomats visited his wife, Yusnaimy Jorge, in August to show our concern. A British diplomat also went to observe the annual peaceful protest on UN Human Rights Day, usually organised by Dr Ferrer, and this year held in his absence to show support for him. The event, involving around 12 protestors, was disrupted by a counter-demonstration of several hundred people which turned violent, with Dr Ferrer's supporters bundled into cars. They were detained but released later that day. The mob also surrounded the British diplomat when he was speaking to the media, forcing him to leave the area. Plain-clothes state security officers appeared to be coordinating the counter-demonstration, which the Cuban government claimed was spontaneous.