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Cuba

Country:

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Year:

2018

Freedom Status:

Not Free

Political Rights:

7

Civil Liberties:

6

Aggregate Score:

14

Freedom Rating:

6.5

Overview:

Cuba is a one-party communist state that outlaws political pluralism, suppresses dissent, and severely restricts freedoms of the press, assembly, speech, and association. The government of Raúl Castro, who succeeded his brother Fidel as president in 2008, continues to monopolize most economic activity in state enterprises despite recent reforms that permit some self-employment. The regime's repressive, undemocratic character has not been significantly affected by efforts toward a "normalization" of relations with Washington under the administration of former U.S. president Barack Obama.

Political Rights and Civil Liberties:**POLITICAL RIGHTS: 1 / 40****A. ELECTORAL PROCESS: 0 / 12**

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Under the country's one-party political system, the Communist Party of Cuba (PCC) controls all government offices and most civil institutions. Every five years, the National Assembly designates the members of the Council of State. This body in turn appoints the Council of Ministers in consultation with its president, who serves as chief of state and head of government. The overlap between state and party is almost total: All members of the National Assembly are PCC members, and most members of the PCC Political Bureau also serve on the Council of State.

Raúl Castro became president in 2008, succeeding his brother Fidel, who died in 2016. Raúl, who secured a second term in 2013, had long promised to step down as president after the elections due in February 2018. A 2012 law imposed a limit of two five-year terms on all senior officials. However, in December 2017 the government announced that the election process would be postponed until April, citing the effects of Hurricane Irma, which struck the island in September. Castro was expected to remain first secretary of the PCC until at least 2021, having won a new five-year term in that post at a party congress in 2016.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

In the 2013 National Assembly elections, voters were asked to either support or reject a single PCC-approved candidate for each of the 612 seats. All candidates were elected. The two-month delay in elections announced in December 2017 affected both the national and provincial legislatures. Elections for the country's 168 municipal assemblies were postponed from October to November 2017.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The only Cuban elections that offer a choice of more than one candidate per office are those for municipal assemblies, and no campaigning is allowed. Ahead of the municipal voting held in November 2017, the government worked to discredit or disqualify potential opposition candidates and to intimidate voters. Some candidates were convicted on trumped-up charges in summary trials, or detained to prevent them from attending nomination meetings. In other cases, local residents were never advised of the date and time of the nomination meetings, allowing government supporters to block independent candidacies. A group of 175 activists associated with the opposition coalition Otro18 sought to run in the elections, but none were ultimately able to secure a place on the ballot. Activists also faced detentions and intimidation while attempting to monitor polling places and vote counting.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

Political parties other than the PCC are illegal. Political dissent is a punishable offense, and dissidents are systematically harassed, detained, physically assaulted, and frequently imprisoned for minor infractions. Supposedly spontaneous mob attacks, known as "acts of

repudiation,” are often used to silence political dissidents. The Cuban Commission for Human Rights and National Reconciliation (CCDHRN), a nongovernmental organization, reported 5,155 arbitrary arrests of peaceful opponents during 2017. These brief politically motivated detentions have become a key repressive tactic for the government, with a total of 51,833 cases documented by the CCDHRN since 2010, though the 2017 figure was the lowest since 2011.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The Castro brothers have dominated government and politics in Cuba since 1959, allowing no transfer or rotation of power between rival groups. The attempt by Otro18 to field independent candidates in the 2017 municipal elections was aimed in part at challenging the PCC’s monopoly at higher levels of government as well, since many of the candidates submitted for election to the provincial and national legislatures are also municipal assembly members. The authorities’ successful campaign to block the dissidents’ candidacies helped to ensure that the 2018 elections would again feature no independent candidates for national office.

B3. Are the people’s political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4

The authoritarian one-party system in Cuba largely excludes the public from any genuine and autonomous political participation. The military and intelligence agencies play an important role in suppressing dissent, and several members of the extended Castro family hold government positions, though none were granted seats in the PCC’s Central Committee during the Seventh Party Congress in 2016.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Since political rights are denied to all Cuban citizens, women and members of minority groups are unable to choose their representatives or organize independently to assert their interests in the political sphere. The PCC leadership does exhibit some gender and racial diversity in its ranks. At the 2016 party congress, the proportion of women on the PCC Central Committee rose to 44.4 percent, from 41.7 percent in 2011. Afro-Cubans accounted for 35.9 percent, up from 31.3 percent in 2011. Women hold nearly half of the National Assembly seats, but they are far less well represented in the top decision-making bodies of the party and state.

C. FUNCTIONING OF GOVERNMENT: 1 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

None of Cuba’s nominally elected officials are chosen through free and fair contests, and major policy decisions are reserved for the PCC leadership in practice. The National

Assembly, which the constitution describes as the “supreme organ of state power,” has little independent influence and meets for brief sessions only twice a year.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains a serious problem in Cuba, with widespread illegality permeating everyday life. The state enjoys a monopoly on most business transactions, and there are no independent mechanisms to hold officials accountable for wrongdoing. Raúl Castro has prioritized the fight against corruption, and long sentences have been imposed in various cases involving Cuban officials and foreign businessmen. However, the government has not enacted internal reforms that would make the system more transparent and less prone to abuse, nor does it allow civil society groups, journalists, or courts to serve as external checks on its authority.

C3. Does the government operate with openness and transparency? 0 / 4

Cuba lacks effective laws that provide for freedom of information and access to official records. Recent demands by journalists for a new media law that would grant citizens the right to information and offer legal protection for the emerging nonstate media sector have made little headway with the government.

CIVIL LIBERTIES: 13 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 5 / 16

D1. Are there free and independent media? 1 / 4

The Cuban news media are owned and controlled by the state. The tiny independent press corps is illegal, and its publications are considered “enemy propaganda.” Government agents routinely accuse independent journalists of being mercenaries, and many faced charges of “usurpation of legal capacity” or other trumped-up offenses during 2017. Despite these obstacles, a small number of independent digital media outlets have emerged in recent years.

In August 2017, a leaked video from a closed-door PCC gathering showed First Vice President Miguel Díaz-Canel, who was expected to succeed Raúl Castro as president in 2018, threatening both the unlicensed online newspaper *14ymedio* and the legally credentialed website *OnCuba*. He described *OnCuba*, owned by a Miami-based company, as “very aggressive against the revolution,” concluding, “We will shut it down.... And let the scandal ensue. Let them say we censor, it’s fine.”

Only a small percentage of the population has access to the global internet, as opposed to a government-controlled national intranet. Critical blogs and websites are often blocked. In December 2016, Etecsa, the state telecommunications company, began a pilot program to provide some residents of Old Havana with home internet access. The experiment spread gradually to a half-dozen other cities during 2017. Users can also access the internet from hundreds of public Wi-Fi hotspots that have been established across the island since 2015. Initial rates of \$5 per hour gradually fell to \$1 by late 2017.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Official obstacles hamper religious freedom in Cuba. Churches cannot conduct ordinary educational activities. In the context of its positive role in U.S.-Cuban diplomatic negotiations, the Roman Catholic Church has enjoyed a recent expansion of its pastoral rights, including periodic access to state media and public spaces, as well as the ability to build new churches and distribute its own publications. Smaller Protestant and evangelical groups tend to face greater restrictions, though many have expanded their activities and operated with little interference in recent years.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4

Academic freedom is restricted in Cuba. While a variety of private supplementary education cooperatives have emerged in recent years, formal private schools and universities remain illegal. Teaching materials commonly contain ideological content, and affiliation with the PCC is generally needed to advance in educational institutions. University students have been expelled for dissident behavior, effectively preventing them from pursuing higher education. Despite the elimination of exit visas in 2013, university faculty must still obtain permission from their superiors to travel to academic conferences abroad. Cuban officials also often prevent dissident intellectuals from traveling abroad and deny entry to prominent exile intellectuals who have been critical of the regime.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Neighborhood-level “Committees for the Defense of the Revolution” assist security agencies by monitoring, reporting, and suppressing dissent. Cubans often engage in robust private discussions regarding everyday issues like the economy, food prices, foreign travel, and the lack of internet access, but they tend to avoid discussing more sensitive political issues such as human rights and civil liberties.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12**E1. Is there freedom of assembly? 0 / 4**

Restrictions on freedom of assembly remain a key form of political control. The constitution limits the rights of assembly and association to prevent their “exercise against the existence and objectives of the Socialist State.” Security forces and government-backed thugs routinely break up peaceful gatherings or protests by political dissidents and civic activists.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 0 / 4

Based on the 1985 Law on Associations, the government refuses to register any new organization that is not state supervised. Nearly all politically motivated short-term detentions in recent years have targeted members of independent associations, think tanks, human rights groups, political parties, or trade unions.

A number of independent civil society organizations suffered raids and confiscations during 2017, and some activists were also detained on arbitrary charges or forced into exile. For example, 14 members of the CubaLex Center for Legal Information, a pro-bono, public-interest legal consultancy, sought asylum in the United States beginning in May after coming under government pressure.

In the video leaked in August, First Vice President Díaz-Canel denounced “counterrevolutionary” organizations including Cuba Emprende, an entrepreneurial training program supported by the Catholic Church, and the independent think tank Cuba Posible.

E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

Cuban workers do not have the right to strike or bargain collectively, and independent labor unions are illegal.

F. RULE OF LAW: 2 / 16 (-1)

F1. Is there an independent judiciary? 0 / 4

The Council of State has full control over the courts and the judiciary, whose rulings typically conform to the interests of the PCC. Laws on vaguely defined offenses such as “public disorder,” “contempt,” “disrespect for authority,” “pre-criminal dangerousness,” and “aggression” are used to prosecute the regime’s political opponents.

F2. Does due process prevail in civil and criminal matters? 0 / 4 (-1)

Multiple legal cases against dissidents during 2017 illustrated the systematic violation of due process. These included a three-year prison sentence in March against Christian Liberation Movement activist Eduardo Cardet for criticizing Fidel Castro; the conviction, detention, and subsequent harassment of four family members associated with the Cuban Reflection Movement; and the detention—from May until August—of Patriotic Union of Cuba activist Jorge Cervantes on “contempt” charges. In September, Convivencia economist Karina Gálvez was convicted on charges of tax evasion in connection with the purchase of her home, which doubled as the independent think tank’s offices. The home was confiscated, and she was sentenced to three years of “deprivation of liberty.”

Score Change: The score declined from 1 to 0 due to a pattern of due process violations in multiple cases against political dissidents and civic activists.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Opposition activists, human rights defenders, and other perceived enemies of the regime are routinely subjected to public assaults as well as abuse in custody. For example, in October 2017 alone, the CCDHRN documented 13 cases of physical aggression, 27 acts of harassment, and two so-called acts of repudiation against dissidents that were organized or encouraged by state security forces.

Prison conditions are poor, featuring overcrowding, forced labor, inadequate sanitation and medical care, and physical abuse.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Women enjoy legal equality and are well represented in most professions, though their labor force participation rate stands at 41 percent, suggesting persistent economic disadvantages.

While racial discrimination has long been outlawed, Cubans of African descent have reported widespread discrimination and profiling by police. Many lack access to the dollar economy.

Discrimination based on sexual orientation is illegal in areas such as employment and housing, and Mariela Castro Espín, Raúl Castro's daughter and the director of the National Center for Sexual Education (CENESEX), has advocated on behalf of the LGBT (lesbian, gay, bisexual, and transgender) community. However, the advocacy efforts of independent LGBT groups are either ignored or actively suppressed. Independent activists have denounced CENESEX and the government for resisting further legal reforms on issues such as marriage and adoption, among other criticisms.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Freedom of movement and the right to choose one's residence and place of employment are restricted. Cubans who move to Havana without authorization are subject to removal. Some dissidents are barred from foreign travel, despite a 2013 migration law that rescinded Cuba's exit visa requirement. Many Cubans working abroad are bound by unfair labor contracts that transfer most of their earnings to the Cuban government.

In November 2017, the government announced that as of January 2018 it would lighten restrictions on visits by Cuban Americans by eliminating their need to periodically "habilitate" their passports, allowing them to visit on yachts, removing the residency requirement for the foreign-born children of Cuban émigrés who want to become citizens, and allowing others who had emigrated illegally to visit. Nevertheless, Cuban émigrés still face large passport fees, and Cuban doctors, diplomats, and athletes who "defected" are barred from visiting for eight years.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

While the number of Cubans licensed as "self-employed" reached a record of 579,415 by September 2017, in August the government banned some popular licenses and issued a freeze on the issuance of others in many of the most lucrative occupations in order to curb "illegality" such as tax evasion in the sector. Private employment opportunities remain limited, with most professions unavailable. Moreover, the small businesses of licensed

entrepreneurs still lack a legal personality, stunting their growth and often placing them in legal jeopardy.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Violent crime, including personalized forms of violence, is believed to be relatively rare, though official statistics on crime are rarely published, and domestic violence is not treated as a separate legal category. Individuals enjoy broad freedom in their interpersonal, romantic, and sexual relationships. Same-sex marriages and civil unions are not recognized, however. While divorce is common, men and women enjoy equal rights to marital goods and child custody.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

State salaries remain extremely low at about \$27 per month, and the national currency is very weak, encouraging an exodus of trained personnel into the private and tourism sectors, where the convertible peso—pegged to the U.S. dollar—is used. Cubans employed by foreign firms are often much better remunerated than their fellow citizens, even though most are contracted through a state employment agency that siphons off the bulk of their wages and uses political criteria in screening applicants. Economic opportunity in general is severely constrained by the inefficient and unproductive state sector.

State employees who express political dissent or disagreement with the authorities often face harassment or dismissal. Professionals dismissed from their jobs in the state sector have difficulty continuing their careers, as licenses for professions are not available in the private sector.

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