

Cuba

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On December 17, 2014, Cuba and the United States declared the reestablishment of diplomatic relations after more than 50 years. Following the announcement, the Cuban government pledged to release 53 political prisoners. USAID contractor Alan Gross, who had served one-third of the 15-year sentence he received for the illegal importation and distribution of internet equipment, was also released to the United States on humanitarian grounds. In a simultaneous deal, the United States agreed to release the remaining three of five Cuban agents sentenced to long prison terms for espionage, while Cuba released an imprisoned spy to the United States. While the moves mark a significant change in policy, opinions concerning the normalization of relations between the two nations have been divided, among other things, over the fact that the accord does not require that the Cuban government respect fundamental freedoms.

In 2014, the Cuban government increased its systematic use of short-term “preventive” detentions—along with harassment, beatings, and “acts of repudiation”—to intimidate the political opposition, isolate dissidents from the rest of the population, and maintain political control of all public spaces. A record number of politically motivated detentions were recorded in 2014, and crackdowns on activists continued. For example, an attempted performance that addressed social and political issues, orchestrated by artist Tania Bruguera, was met with harsh repression in December. In contrast, during the same month, the often-targeted dissident group Ladies in White was permitted to march without state interference or harassment.

Economic reforms continued, extending to increased opportunities for self-employment, streamlining of parts of the large public sector, further development of nonagricultural cooperatives, and a new foreign investment law. In September, the government clamped down on the island’s clandestine “mule” import networks, which posed a threat to the state monopoly on imports and domestic retail sales. The 2013 migration reform continued to have an impact on international relations, fueling record legal and clandestine emigration to the United States in 2014. At the end of the year, U.S. president Barack Obama announced the issuance of new regulations allowing U.S. companies to do business in Cuba to support the emerging private enterprise sector and to allow for greater telecommunications access by Cuban citizens.

Recent growth in independent media has also been noteworthy, with bloggers and citizen journalists finding new ways to disseminate news and opinions. Two notable examples are the digital magazine *On Cuba*, started in 2012, and the digital newspaper *14ymedio*, launched in May 2014.

Political Rights and Civil Liberties:

Political Rights: 1 / 40 [Key]

A. Electoral Process: 0 / 12

The Castro brothers have long dominated Cuba's one-party political system, in which the Communist Party of Cuba (PCC) controls all government offices and most civil institutions.

The 1976 constitution provides for a National Assembly, which designates 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. Raúl Castro replaced his brother Fidel as president of the Council of Ministers and the Council of State in 2008. In April 2011, the PCC elected Raúl as head of the party. Delegates also appointed a greater number of high-level military officials to the PCC Politburo and Central Committee. In the February 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, two-thirds of which entered the legislature for the first time. The new National Assembly reelected Raúl for a second five-year term as president. This will be his last, as in January 2012 a PCC national conference imposed a limit of two five-year terms on elected officials, including the president.

In recent years, the "revolutionary generation" has begun to gradually pass power to a younger "successor generation." This includes 54-year-old Miguel Díaz-Canel Bermúdez, who was appointed first vice president of the Council of State after the 2013 elections.

B. Political Pluralism and Participation: 0 / 16

All political organizing outside the PCC is illegal. Political dissent, whether spoken or written, is a punishable offense, and dissidents are systematically harassed, detained, physically assaulted, and frequently sentenced to years of imprisonment for seemingly minor infractions. The regime has called on its neighborhood-watch groups, known as Committees for the Defense of the Revolution, to strengthen vigilance against "antisocial behavior," a euphemism for opposition activity. This has led to the use of "acts of repudiation," or supposedly spontaneous mob attacks, to intimidate and silence political dissidents. In recent years, dissident leaders have reported an increase in intimidation and harassment by state-sponsored groups as well as short-term detentions by state security forces. According to the Cuban Commission for Human Rights and National Reconciliation (CCDHRN), a record number of politically motivated short-term detentions were recorded in 2014, with figures totaling 8,899 as opposed to the 6,424 cases documented in 2013.

The Cuban government relies heavily on the military as well as on members of the Castro family for control of both business and politics. President Castro's son, Alejandro—a former member of the army—plays a vital role in the administration, serving as both chief of intelligence and as a liaison with China. The president's son-in-law, Luis Alberto Rodríguez López-Callejas, is CEO of Gaesa, the sector of the military that controls all business operations. President Castro's daughter Mariela is the head of the National Center for Sexual Education (CENESEX) and has served as de facto first lady since her mother's death in 2007.

The 2013 elections were notable for the large number of women, young people, and Cubans of African descent elected to office. For example, Esteban Lazo Hernández replaced long-time national politician Ricardo Alarcón as president of Cuba's National Assembly, and Ana María Marí Machado and Miriam Brito Saroca were elected vice president and secretary, respectively.

C. Functioning of Government: 1 / 12

Corruption remains a serious problem, with widespread illegality permeating the mixture of limited private enterprise within a vast state-controlled economy. Raúl Castro's regime has made the fight against corruption a central priority, imposing long sentences on both high-placed Cuban nationals and foreign businessmen who are convicted of economic crimes. In September 2014, a Cuban court sentenced Canadian transportation executive Cy Tokmakjian to 15 years in prison for bribery, fraud, and tax evasion. The Cuban government also seized \$100 million worth of company assets and sentenced two of Tokmakjian's aides to serve prison terms of 12 and 8 years, respectively. The steady influx of new cases of high-level corruption indicates that the problem is chronic, however, and suggests that individual prosecutions will not easily resolve the situation. Cuba was ranked 63 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

Civil Liberties: 13 / 60 (+2)

D. Freedom of Expression and Belief: 4 / 16 (+1)

The Cuban news media are owned and controlled by the state. The independent press is considered illegal and its publications are classified as "enemy propaganda." Government agents routinely infiltrate the ranks of independent journalists, often accusing them of being mercenaries working at the behest of foreign powers. Independent journalists, particularly those associated with the island's dozen small independent news agencies or human rights groups, are subject to harassment. Nevertheless, some state media have begun to cover previously taboo topics, such as corruption in the health and education sectors. The national newspaper *Granma* has begun to publish letters to the editor from the public on economic issues, and state television, while generally a mouthpiece of the PCC, recently inaugurated a new program, *Cuba Dice* (Cuba Says), that features "man-on-the-street" interviews. A number of publications, especially those associated with the Catholic Church, have emerged as key players in debates over the country's future, including *Espacio Laical*, *Cuba Posible*, *Palabra Nueva*, and *Convivencia*. Low-circulation academic journals such as *Temas* are similarly able to adopt a relative level of openness and critical posture.

Despite a continued state monopoly on the mass media and one of the Western Hemisphere's lowest internet penetration rates—only 5 percent of the population—in recent years Cuba has seen a number of developments in information and communication technology (ICT) capabilities, access to uncensored news, and the availability of new digital data dissemination channels. These developments include the growth of citizen journalism

and an increase in the number of independent bloggers, the opening of more than 150 internet cafés in 2013 and 2014, and the possibility of accessing e-mail via cell phone for the first time in 2014. The appearance of a small number of independent, island-based news outlets—including the sites *Havana Times*, *On Cuba*, and *14ymedio* (launched by pioneering blogger Yoani Sánchez in May 2014)—also marks a significant advance, as do the appearance of a number of unauthorized “mesh” networks that use private wi-fi networks to share information, and the emergence of an underground digital data distribution system known as “paquete semanal” (weekly packet). Despite these improvements, however, the government restricts access to ICTs by making connections prohibitively expensive and controlling content.

While it remains illegal to print and distribute independent media, journalists have used innovative methods to share their stories both online and via data packets that circulate on the black market. A recent example of important online discussion and criticism was the revelation by blogger Carlos Alberto Pérez (“La Chiringa de Cuba”) of a major cheating scandal at the University of Havana involving both professors and students. The exposure forced the government to publicly acknowledge the misconduct and to arrest those involved.

After a June 2014 visit to the island by Google executives to promote internet freedom, the company announced that it would extend access to its Chrome browser and other applications to Cuba. Increased media freedoms may also be accelerated by a U.S. policy announced in December 2014 that allows American ICT providers to sell equipment and services in Cuba. However, this will only be the case if the Cuban government is willing to allow diversification and competition in its centralized, monopolistic system. While the government has recognized ICT limitations and has made commitments to remedy them, there is no clear timeline or procedure by which to hold state telecom provider Etecsa accountable.

The Roman Catholic Church has played an important role in civil society, enabling discussion of topics of public concern and offering material assistance to the population. The Vatican not only urged Presidents Barack Obama and Raúl Castro to discuss normalizing relations but also mediated negotiations throughout 2013 and 2014. Nevertheless, official obstacles hamper religious freedom in Cuba. Churches may not conduct ordinary educational activities, and many church-based publications are plagued by state as well as self-censorship. Progress was evident in 2014, however, when the government granted the Catholic Church permission to build a new religious center for the first time in more than 50 years.

Academic freedom is restricted in Cuba. Teaching materials commonly contain ideological content, and affiliation with PCC structures is generally needed to gain access and advancement in educational institutions. On numerous occasions, university students have been expelled for dissident behavior, a harsh punishment that effectively prevents them from pursuing higher education.

Despite the elimination of exit permits in 2013, university faculty, especially those in the social sciences, must still obtain permission from their superiors to travel to academic conferences abroad. In 2014, activist Manuel Cuesta Morúa was prevented from traveling to

the United States to present at the Latin American Studies Association conference due to his political activities. Two prominent Cuban-born U.S. academics, economist Carmelo Mesa-Lago and sociologist Jorge Duany, were denied visas to attend a conference in Cuba in 2014.

E. Associational and Organizational Rights: 0 / 12

According to the Cuban constitution, citizens' limited rights of assembly and association may not be "exercised against the existence and objectives of the Socialist State." Nearly all politically motivated short-term detentions in recent years have targeted members of independent associations, human rights groups, political parties, or trade unions.

As in past years, on International Human Rights Day on December 10, the state cracked down on human rights activists, arbitrarily detaining them for short periods of time. Surprisingly, the government allowed Ladies in White—an activist group that has long faced repression from the regime—to march uninhibited later that month, following the December 17 agreement between the United States and Cuba.

In late December, a group of artists and activists led by Tania Bruguera attempted to hold a performance in the Plaza of the Revolution to air grievances and propose solutions to national problems. Although some observers expected the Cuban government to relax internal repression in light of the sea-change in U.S. policy, the government responded as it has in the past, arresting and detaining artists, activists, and independent journalists on grounds of "political provocation" in order to prevent the event from taking place. Bruguera herself was detained on three separate occasions on December 30 and 31, her passport was seized, and she was forced to remain on the island to face charges of public disorder.

Autonomous racial advocacy or civil rights organizations are illegal. The year 2014 saw a rise in crackdowns on members of the Patriotic Union of Cuba, a human rights nongovernmental organization (NGO). Its leader, José Daniel Ferrer, was repeatedly detained between 2012 and 2014 after being released from a long prison term in 2011. Human rights activists and independent journalists and lawyers with the organizations CubaLex (a public interest legal consultancy), Hablemos Press, the Ladies in White, and CCDHRN have been subject to similar harassment inhibiting their work.

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

F. Rule of Law: 3 / 16 (+1)

The Council of State has complete control over the courts and the judiciary. Cuban government representatives signed two UN human rights treaties in 2008, but neither has been ratified or implemented. Cuba does not grant international humanitarian organizations access to its prisons, though it did allow a group of foreign correspondents access to some

prisons in April 2013, just weeks before the UN Human Rights Council's regular comprehensive review of practices on the island. This was the first such visit allowed since 2004.

In 2014, the CCDHRN estimated that Cuba had more than 100 political prisoners. In December, imprisoned USAID contractor Alan Gross was released along with U.S. intelligence officer Rolando Sarraff Trujillo as part of the deal with the U.S. government. Cuba committed to releasing 53 additional political prisoners about which the United States had expressed concern based on reports from CCDHRN. Despite this progress, human rights groups on the island have indicated that many of those released have limited freedom of movement and are at risk of rearrest.

While racial discrimination has long been outlawed as state policy, Cubans of African descent have reported widespread discrimination and profiling by law enforcement officials (many of them of African descent themselves). Many of these Cubans have only limited access to the dollar-earning sectors of the economy.

Cuba has made important strides in redressing discrimination against the LGBT (lesbian, gay, bisexual, and transgender) community, thanks in part to the advocacy work of Mariela Castro Espín, director of CENESEX. Despite Mariela's support, however, a bill proposing the legalization of same-sex marriage has been stalled in the National Assembly since 2008. The efforts of grassroots LGBT groups are largely ignored by the authorities but have, at times, been attacked by CENESEX.

G. Personal Autonomy and Individual Rights: 6 / 16

Freedom of movement and the right to choose one's residence and place of employment are restricted. In violation of International Labour Organization statutes, Cubans working abroad, in the export processing zone at the Port of Mariel, or for foreign companies on the island are not paid directly, but rather through the Cuban state in Cuban, or nonconvertible, pesos.

A January 2013 migration law rescinded the exit visa and letter of invitation that were previously required to travel abroad. During 2014, this new law was generally respected, with record numbers of Cubans either traveling abroad temporarily or emigrating permanently. Despite legal language that leaves much arbitrary discretion in state hands, the law's relatively broad implementation represents a dramatic step forward in restoring travel rights. Still, a number of the political prisoners released in 2014 are under "conditional" freedom that prevents them from traveling abroad. This is also the case for outspoken political activist Antonio Rodiles, whose passport the government refuses to renew despite his never having been convicted of a crime.

Only state enterprises can enter into economic agreements with foreigners as minority partners; ordinary citizens cannot participate. The number of self-employment licenses has rapidly expanded, from 157,000 in October 2010 to 483,000 by the end of 2014. The number of legal occupations for self-employment also grew from 178 to 201 over the same period. In addition, 498 new nonagricultural cooperatives were approved during 2013 and 2014, 329 of

which are actively doing business. The state has also begun to transfer the management of most of its restaurants and other minor retail services to the private and cooperative sectors, targeting nearly 13,000 state enterprises for the overhaul.

Despite this quantitative increase, the extent of private employment opportunities remains limited, with almost no professional jobs included in the expanded list of legal self-employment occupations. In addition, many workers in Cuba's new agricultural cooperatives were forced into their positions as the only alternative to being laid off. Private credit and wholesale access to merchandise for the nonstate sector remain largely nonexistent, which also limits the expansion of private activity. This situation could improve in coming years should the Cuban government allow U.S. companies to sell inputs to and buy products directly from Cuban entrepreneurs under the new regulations announced by the Obama administration in December 2014.

The Cuban constitution establishes full equality of women, and women hold nearly 49 percent of National Assembly seats. However, they make up only 7 percent of the PCC's politburo, 14 percent of the party secretariat, and 22 percent of the Council of Ministers. Only one woman has achieved the rank of vice president. Additionally, women make up only 38 percent of Cuba's work force, even as they are well represented in most professions due to equal access to higher education. Cuban women average less than half of what men earn, mostly because men have access to higher-paying jobs; the gender gap is exacerbated by uneven opportunities opened up by recent market-oriented reforms.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology