



Media Briefing

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Cuba: Human Rights at a glance

Short-term arbitrary detention

Peaceful demonstrators and human rights activists are routinely detained for exercising their rights to freedom of expression, association, assembly and movement.

Activists are often detained to stop them from attending public demonstrations or private meetings. Independent journalists reporting on these detentions are themselves harassed by the authorities or put behind bars. Often, the relatives of those detained are never informed of their loved ones' whereabouts.

According to the Cuban Commission for Human Rights and National Reconciliation (Comisión Cubana de Derechos Humanos y Reconciliación Nacional), there were 768 "politically" motivated detentions in August 2015 alone – up from 674 in July 2015.

Harassment and "acts of repudiation"

Laws on "public disorder", "contempt", "disrespect", "dangerousness" and "aggression" are used to prosecute government opponents, many of whom then become subject to politically motivated criminal prosecutions and other forms of harassment.

Acts of repudiation (*actos de repudio*) are government orchestrated demonstrations, usually carried out in front of the homes of government critics, and attended by government supporters, state officials and law enforcement agencies. Police are usually present, but fail to intervene to stop these assaults.

Legal restrictions to freedom of expression and assembly

Cuban authorities often misuse a number of laws to harass and imprison activists.

They include Article 91 of the Criminal Code which provides for sentences of ten to 20 years for anyone who "in the interest of a foreign state, commits an act with the aim of damaging the independence or territorial integrity of the Cuban state".

According to article 72 of the Criminal Code "any person shall be deemed dangerous if he or she has shown a proclivity to commit crimes demonstrated by conduct that is in manifest contradiction with the norms of socialist morality" and article 75.1 states that any police officer can issue a warning for such "dangerousness". The declaration of "dangerous disposition" can be decided summarily, and is being increasingly used as a means to incarcerate government critics.

The Law for the Protection of the National Independence and Economy of Cuba (Law No. 88) imposes further limitations to the exercise of civil and political rights. Law No. 88 provides for terms of imprisonment of up to five years for collaborating with radio, TV stations or publications deemed to be assisting US policy.

Law 88 provides for seven to 15 years' imprisonment for passing information to the United States that could be used to bolster anti-Cuban measures, such as the US economic blockade. The legislation also bans the ownership, distribution or reproduction of "subversive materials" from the US government, and proposes terms of imprisonment of up to five years for collaborating with radio, TV stations or publications considered supportive of US policy.

The right to freedom of expression is also limited by the Constitution. The state has a complete monopoly on all media outlets: television, radio, the press, internet service providers, and other electronic means of communication. Article 53 of the Constitution recognizes and limits freedom of the press, but expressly prohibits private ownership of the mass media.

Lack of freedom of association

All human rights, civil and professional associations, and unions in Cuba that lie outside the state apparatus and mass organizations controlled by the government are not allowed legal status.

According to Article 208 of the Criminal Code, members of unofficial organizations may be sentenced to one to three months' imprisonment, and directors of such organizations may be sentenced to three to nine months' imprisonment.

Independence of the judiciary and right to a fair trial

In Cuba, the judicial system is firmly under political control, severely undermining the right to a fair trial.

Cuba's National Assembly elects the President, Vice-President and the other judges of the Peoples' Supreme Court, as well as the Attorney General and the Deputy Attorney General.

Defense lawyers are employed by the government and tend not to challenge prosecutors or evidence presented by the state intelligence services.

Reforms to migration law

Amendments to the migration law which entered into force in January 2013 represent a positive recent step by the authorities. These changes, which include the removal of mandatory exit visas, have facilitated travel abroad for all Cubans, including human rights defenders and government critics.

The exception to this are the 15 prisoners of conscience who were imprisoned as part of the March 2003 crackdown on dissidence, and who opted to stay in Cuba rather than being exiled to Spain in 2011. They were released conditionally in 2010 and are serving the remainder of their sentences outside of prison. As far as Amnesty International is aware, none of these individuals have been allowed to travel abroad.

The US embargo against Cuba

In September 2015, the United States once again renewed the Trading with the Enemy Act, which imposes financial and economic sanctions on Cuba.

Amnesty International has repeatedly called on the US government to lift its embargo, as it is highly detrimental to Cubans' enjoyment of a range of economic, social and cultural rights, such as the right to food, health and sanitation.

The World Health Organization, UNICEF and other UN agencies have reported on the negative impact of the embargo on the health and wellbeing of Cubans due to the lack of access to medical equipment, medicines and laboratory materials produced under US patents.

Although the Cuban government is primarily responsible for respecting, protecting and fulfilling human rights in Cuba, Amnesty International believes that the US embargo has helped to undermine the enjoyment of key civil and political rights in Cuba by fuelling a climate in which fundamental rights such as freedom of association, expression and assembly are routinely denied.

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