

chapter

IV.b

Cuba

CHAPTER IV.B

CUBA

I. INTRODUCTION

1. In exercising its competence to promote and protect human rights in the Americas, the Inter-American Commission on Human Rights (“IACHR” or “the Commission”) monitored the human rights situation in Cuba, in particular, events of late 2020 to 2021, which could be relevant to the full enjoyment of human rights.

2. In June 2020, the IACHR published its country report "Human Rights Situation in Cuba," which provides a general overview of the human rights situation in the country between 2017 and 2019.¹ Following publication of this report, the IACHR noted with concern that the situation analyzed therein, persisted into 2021. In particular, the Commission noted a lack of political participation and of free elections due to the persistence of a single party, the lack of provisions to ensure the separation of powers, through a National Assembly that exercises broad powers to ensure the separation of powers, and the lack of conditions that provide guarantees for judicial independence.

3. In this context, during 2021, the IACHR continued in 2021 to become aware of several issues that prevented the enjoyment of rights by people under the jurisdiction of the Cuban State, such as arbitrary restrictions to the right of assembly, the existence of only one party, a ban on association for political purposes, and refusal to incorporate proposals from groups that oppose the government. Further, the IACHR learned of restrictions to political rights, the rights to assembly and association, and the right to freedom of expression and opinion. Additionally, it followed up on the massive violations of freedom rights to personal liberty, security, and personal integrity; protection from arbitrary detention; the inviolability of the home and of transmitting correspondence. In like manner, violations of rights to minimum judicial guarantees and to judicial protection continue to systematically limit the human rights of Cuba’s inhabitants. This context has mainly affected human rights defenders, social and political leaders, activists, and independent journalists, as well as persons of African descent, women, LGBTI persons, and members of other vulnerable groups. In this regard, the IACHR expresses serious concern about the levels of harassment against human rights defenders, activists, and members of the opposition in Cuba, who have reported being victims of arbitrary detentions, processes of criminalization charges, and persecution.

4. Specifically, in 2021 the Commission closely monitored repercussions of the protests of July 11, in Cuba, which have led to the stiffening of repression of dissidence throughout the country and to serious contraventions of human rights. Since the protests began, the Commission has received numerous complaints by civil society organizations that report the existence of systematic criminal prosecution and persecution of peaceful demonstrators, activists, and political opponents through harassment, arbitrary detention, and criminal proceedings that do not observe even minimal due process guarantees.

¹ IACHR, [Situation of Human Rights in Cuba](#), February 3, 2020.

5. To this end, the Commission will dedicate a specific section of this Report to the analysis of social unrest in Cuba, from a perspective that considers the different stages of repression by the State.

6. In assessing the human rights situation in Cuba, the IACHR decided to include the country in chapter IV-B of its annual report, on the grounds that the country's situation meets the criteria provided for in Article 59, subsection 6.a.i of its Rules of Procedure, which reads:

- (a) A serious breach of the core requirements and institutions of representative democracy mentioned in the Inter-American Democratic Charter, which are essential means of achieving human rights, including:
 - (i) there is discriminatory access to or abusive exercise of power that undermines or denies the rule of law, such as systematic infringement of the independence of the judiciary or lack of subordination of State institutions to the legally constituted civilian authority.

7. The IACHR also concluded that the situation in question meets the criteria set forth in Article 59, subsection 6.c of the same Rules of Procedure, which provides that:

- (c) The State has committed or is committing massive, serious and widespread violations of human rights guaranteed in the American Declaration, the American Convention, or the other applicable human rights instruments.

8. Pursuant to Article 59(5) of the IACHR's Rules of Procedure, in drawing up this report, the Commission has utilized information from international organizations, civil society, and the Cuban Government itself through the website of the Ministry of Foreign Affairs of Cuba and other official media outlets. It has also drawn on information obtained through other mechanisms of monitoring and protection available to the IACHR, including the system of petitions and cases, precautionary measures, and public hearings. The IACHR examines the information received in light of Inter-American human rights norms and standards, identifies sound government practices, and issues recommendations to the State. It also avails itself of this opportunity to describe its activities in relation to Cuba in 2021.

9. The Commission is aware of the mounting challenges States face when it comes to securing the full and effective enjoyment of human rights in the hemisphere. The IACHR is available to all actors, especially to authorities of the Cuban State, to provide technical support, as needed, to promote respect for the human rights of all persons in Cuba.

10. As part of the process of preparing this report, the Commission received ample information from civil society organizations, especially from the Network of Civil Society Organizations (RED Cuba) regarding the human rights situation in Cuba, which was inaugurated on July 12, along with the Office of the Special Rapporteur for Economic, Social, and Cultural Rights (REDESCA, its Spanish acronym). Through this initiative, the IACHR and its REDESCA hope to deepen their work of strategic monitoring through various mechanisms and mandates, while promoting Inter-American standards in matters of human rights protection as synergistically as possible through direct and ongoing cooperation with civil society. Furthermore, the monthly meetings of RED Cuba have successfully made it possible to share more information, receive complaints, and deliver specialized inputs for civil society.

11. On November 30, 2021, the Commission sent the State of Cuba a copy of the preliminary draft of this report in accordance with Articles 59.7 and 59.10 of its Regulations with a period of one month to receive its observations. The State did not present observations. The IACHR approved this report on January 12, 2022.

II. SITUATION OF HUMAN RIGHTS IN CUBA

A. Democratic Institutions

12. Upon adopting the Inter-American Democratic Charter, the OAS member states recognized that representative democracy is the system by which stability, peace, and development in the region can be achieved, and that it is fundamental for attaining the full exercise of fundamental rights. Article 3 of the Inter-American Democratic Charter establishes that:

Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.²

13. The persistent failure to observe core elements of representative democracy and its institutions is one of the main criteria for including Cuba in this chapter of the Annual Report, pursuant to Article 59(6)(a)(i) of the IACHR's Rules of Procedure. Historically, the IACHR has been critical of the absence of conditions that allow for genuine political participation by sectors that take a different line of thought in Cuba; in particular, it has criticized the holding of elections that lack plurality and independence, and insurmountable obstacles that hinder free access to diverse sources of information. Voices and viewpoints that oppose the government that intend to express views and participate in the conduct of the country's affairs are suppressed because of the single-party system, bans against association for political purposes, and arbitrary restrictions on freedoms of expression, the right of assembly, and other fundamental rights.

B. Right to Vote and Participate in Government and Constitutional Reform

14. In the wake of an electoral process that began in 2017, Raúl Castro Ruz was relieved of the office of President of the Council of State and of Ministers of the Republic of Cuba in April 2018. He was replaced by Miguel Díaz-Canel Bermúdez, as ratified by the National Assembly of the People's Power (ANPP), after being nominated the day before as the sole candidate. During the course of the electoral process, persistent conditions standing in the way of genuine political participation of different sectors of society were observed.

15. Likewise, on April 19, 2021, in the context of the 8th Congress of the Cuban Communist Party (CCP), former President Raúl Castro officially ended his leadership of the Party. Current President Miguel Díaz-Canel assumed the position of First-Secretary of the Party's Central Committee, the highest position in the hierarchy of the Cuban Communist Party.³ Despite this, in his address at the closing of the 8th Congress of the CCP, Díaz-Canel indicated that he would continue to consult with Raúl Castro on matters that are strategic for the country.⁴ The Congress also considered a few other changes in the configuration of the Party's top leadership, such as reducing its size from 17 to 14 members and eliminating the position of Second-Secretary. Five new members were brought into this new leadership structure, and nine of its members were ratified.⁵ However, the Commission notes that these changes of Party form and composition have not had any

² OAS, [Inter-American Democratic Charter](#), Art. 3, adopted at the 28th Special Session, September 11, 2001, Lima, Peru.

³ Granma, [Miguel Díaz-Canel elected as first secretary of the Communist Party of Cuba Central Committee](#), April 19, 2021.

⁴ *Los tiempos*, [Raúl Castro se va, pero seguirá presente en decisiones estratégicas en Cuba](#), April 20, 2021.

⁵ *El País*, [Miguel Díaz-Canel asume el mando del Partido Comunista cubano tras la salida de Raúl Castro](#), April 19, 2021.

substantive political impact, so Cuba continues under a single-party model, without free elections and with a State-controlled economy.

16. The IACHR has also continued to pay close attention to the implementation of the new Constitution of the Republic of Cuba, proclaimed on April 10, 2019.⁶ As was highlighted in the country report of 2020, the Commission has noted that the 2019 Constitution maintains the characteristic features of the Cuban Government, describes the State of Cuba as socialist and the Communist Party as its highest political and leadership force in society and in the State, and establishes that it organizes and guides common efforts in the construction of socialism and in advances toward a socialist society. In particular, the Commission reiterates its concern about the restriction of democracy that is an implication of the absence of political pluralism and representativeness. Also deeply troubling are the effects of this norm on political rights, freedom of expression, freedom of thought, and even equality and non-discrimination in relation to political ideas, as described later in this chapter.⁷

17. Despite the foregoing, the IACHR continues to note that in matters of human rights, the new Constitution gives constitutional rank to judicial guarantees such as habeas corpus and the principle of the presumption of innocence, and to a catalogue of fundamental rights, both civil and political, including the right to life and the prohibition of forced disappearance, torture, and cruel, inhuman, or degrading treatment and punishment. It also enshrines economic, social, cultural, and environmental rights, including the rights to water, health, and education free of charge, among other rights. Likewise, the right to private property is incorporated and the principle of equality is expanded by including a ban on discrimination based on gender, sexual orientation, gender identity, ethnic origin, and disability. The Constitution states that international relations are to be based on the defense and protection of human rights and establishes that the State has an obligation to ensure “the inalienable, indivisible and interdependent enjoyment and exercise of human rights, in keeping with the principle of progressive realization and without discrimination.”⁸

18. In this regard, the IACHR reiterates that the effective observance of the rights to justice (Article XVIII) and due process of law (Article XXVI) of the American Declaration—emanating from the classic separation of powers—is based on the independence of the judicial branch, which is an essential requirement for the practical observance of human rights. In the view of the Commission, the subordination of the courts to the Council of State, headed by the Head of State, means that in Cuba, the Judicial Branch is directly subordinate to the directives of the Executive Branch. Accordingly, the lack of independence of the Judicial Branch compromises its ability to provide guarantees for the enjoyment of human rights.

C. Dissidence and Political Activism

19. In 2021, the IACHR observed in Cuba persistence of violations of the rights to personal liberty, security, and integrity, protection from arbitrary detention, the inviolability of the home, minimum judicial guarantees, and judicial protection for human rights defenders, social and political leaders, and independent

⁶ IACHR, [The Situation of Human Rights in Cuba](#). OEA/SER.L/V/II. Doc. 2. February 3, 2020, para. 80.

⁷ In this regard, see IACHR [The Situation of Human Rights in Cuba](#). OEA/SER.L/V/II. Doc. 2. February 3, 2020, para. 82. With respect to the rights expressly recognized in the Constitution, the Commission takes note of the recognition of the rights to life, the prohibition of forced disappearance, and the prohibition of torture and cruel, inhuman, or degrading treatment or punishment. It also introduces the prohibition of discrimination based on sexual orientation, gender identity, and disability, as well as including the right to privacy. It also establishes the rights to health, education, work, housing, environment, food, and clean water. Most of those economic, social, cultural and environmental rights were enshrined in the previous Constitution as goals or duties of the State, but not as rights of the Cuban population. The Constitution also states that the State, society, and families have obligations about older persons and persons with disabilities.

⁸ IACHR, Press release 58/2019, “[IACHR Concerned about Cuba’s New Constitution and its Implementation](#),” March 4, 2019.

journalists, in the practice of their professions. The IACHR particularly highlights that, in 2021, repression of dissidence has been stricter in the context of the social unrest that began in Cuba on July 11.

20. As the IACHR has noted in prior opportunities, there exists in Cuba systematic repression by State agents and groups aligned with the government that seek to block peaceful protests and gatherings organized by defenders of human rights, activists, and those opposed to the government that complain about human rights violations and/or political or social matters. Thus, the Commission perceives that ideological discrepancy remains the primary motive for repressing and prosecuting various kinds of artistic and ideological expression the purpose of which is to protest.

1. General considerations

a. *Right to personal liberty, security, and integrity, and protection from arbitrary detention*

21. Since its 1992-1993 Annual Report⁹, the Commission has been observing with great concern the systematic use of arbitrary summary detentions as a method of harassment by Cuban authorities, exacerbated in the context of the July 11 protests¹⁰. It has also observed the status of those sentenced for political reasons and the differentiated treatment they have received in matters of access to penitentiary benefits.

22. Specifically, according to available data, through November 15, 2021, at least 2,872 repressive actions were documented.¹¹ Of that number, according to the Cuban Human Rights Observatory (OCDH, its Spanish acronym), 713 took place in June¹², when there were 114 detentions and 599 abuses, primarily harassments, parking outside homes of activists, fines, threats, citations, and acts of repudiation.¹³ Additionally, at least 1,745 repressive actions occurred in the context of the July 11 protests.¹⁴ These actions included 1,103 arbitrary detentions.¹⁵ Additionally, according to publicly available information, over 200 repressive actions were reported between November 13 and early on November 15, which were attributed to the Government's increased pressure to deter people from participating in the protests.¹⁶ These included at least 49 house detentions and 25 threats.¹⁷

⁹ IACHR, Annual Report 1992-1993, [Chapter IV. Status of Human Rights in Several Countries. Cuba](#): III. Methods of Harassment Used against Human Rights Activists, OEA/Ser.L/V/II.83, Doc. 14, March 12, 1993.

¹⁰ See section "Social uprising in Cuba."

¹¹ See *Observatorio Cubano de Derechos Humanos*: [OCDH: 713 acciones represivas en Cuba en junio, de las cuales 114 fueron detenciones arbitrarias](#), July 5, 2021 and [OCDH: Protestas de julio dejaron al menos 1.745 acciones represivas en Cuba, de las cuales 1.103 fueron detenciones arbitrarias](#), August 3, 2021; and *La Gaceta de la Iberosfera*, [Desapariciones, detenciones, amenazas... el régimen castrista intensifica la represión antes de la protesta por la libertad](#), November 15, 2021.

¹² *Observatorio Cubano de Derechos Humanos*, [OCDH: 713 acciones represivas en Cuba en junio, de las cuales 114 fueron detenciones arbitrarias](#), July 5, 2021.

¹³ *Observatorio Cubano de Derechos Humanos*, [OCDH: 713 acciones represivas en Cuba en junio, de las cuales 114 fueron detenciones arbitrarias](#), July 5, 2021.

¹⁴ *Observatorio Cubano de Derechos Humanos*, [OCDH: Protestas de julio dejaron al menos 1.745 acciones represivas en Cuba, de las cuales 1.103 fueron detenciones arbitrarias](#), August 3, 2021.

¹⁵ *Observatorio Cubano de Derechos Humanos*, [OCDH: Protestas de julio dejaron al menos 1.745 acciones represivas en Cuba, de las cuales 1.103 fueron detenciones arbitrarias](#), August 3, 2021.

¹⁶ *La Gaceta de la Iberosfera*, [Desapariciones, detenciones, amenazas... el régimen castrista intensifica la represión antes de la protesta por la libertad](#), November 15, 2021.

¹⁷ *La Gaceta de la Iberosfera*, [Desapariciones, detenciones, amenazas... el régimen castrista intensifica la represión antes de la protesta por la libertad](#), November 15, 2021.

23. As regards persons convicted as “convicts of conscience” or for political reasons, Prisoners Defenders documented 683 cases over a single year, from November 2020 to October 31, 2021.¹⁸ Of these, the organization determined that between July 11 and October 31 there were 591 active cases, of which 370 occurred in the context of the July 11 repression. Those 591 individuals were: i) 375 “convicts of conscience”: these are individuals deprived of liberty solely for reasons of conscience, the accusations against which are false or for non-crimes; ii) 143 “condemned of conscience”: these are individuals who have been prosecuted or sentenced that are subject to forced work at home, measures to limit their freedom, conditional release, and other restrictions on freedom; and iii) 73 “other political prisoners” whose status does not fit the prior categories because of the presence of some form of violence, or for having committed – coupled with their political imprisonment – punishable crimes.¹⁹

24. Furthermore, in this context characterized by arbitrary detentions, the IACHR has noted with concern the existence of a judicial and penitentiary policy that grants differentiated treatment when it comes to benefits, a policy that is detrimental to persons detained for political reasons. Regarding this, in 2015 the Cuban Government began a process known as “draining the prisons”, which involves offering widespread pardons and prison releases that benefit solely those inmates who are detained for common crimes.²⁰ In particular, according to a study of prison releases conducted by civil society between June 1, 2020 and May 31, 2021, individuals deprived of liberty for presumably political or “conscience” reasons were denied prison release and other penitentiary benefits that include a 60-day reduction per year served, an additional 60-day reduction for good behavior, and reductions in severity of sentencing regimes, from the most to least severe.²¹ The implication of this is that most of these individuals will regain their freedom only after serving full sentences.²²

25. Lastly, in 2021 the IACHR granted six precautionary measures in favor of individuals who are human rights defenders, after considering them to be at grave or urgent risk of suffering irreparable damage to their rights. In this regard, the Commission considered the information it had received to be sufficient to decide, *prima facie*, that these individuals are the object of threats, harassment, surveillance, persecutions, detentions, or acts of violence by State and third-party agents, presumably because of their work as human rights defenders in the country. To this end, the IACHR requested that the State of Cuba adopt the necessary measures to protect the rights to life and personal integrity of the beneficiaries.

26. Specifically, on January 19, 2021, the IACHR granted precautionary measures on behalf of Juan Antonio Madrazo Luna, Marthadela Tamayo, and Oswaldo Navarro Velos, members of the Comité de Ciudadanos por la Integración Racial [Citizens’ Committee for Racial Integration], who faced threats, harassment, surveillance, persecution, detentions, and acts of violence.²³ On February 11, 2021, the Commission granted precautionary measures on behalf of 20 members identified with the San Isidro Movement (MSI), who were facing risk due to threats, harassment, surveillance, persecution, detentions, and acts of violence.²⁴ On March 24, 2021, the IACHR expanded precautionary measures on behalf of Aminta

¹⁸ Prisoners Defenders, [Political prisoners in Cuba: new record of 683 in the last 12 months](#), November 4, 2021.

¹⁹ Prisoners Defenders, [Political prisoners in Cuba: new record of 683 in the last 12 months](#), November 4, 2021.

²⁰ Prison Insider, [Cuba: la mayor cárcel del mundo](#), 17 January 2020. See also: Prison Insider, [Cuba: el régimen excarcelará a más de 2.600 presos por el hacinamiento en sus cárceles](#), July 20, 2019.

²¹ Prisoners Defenders, [Convicts of Conscience in Cuba: Analysis of the systematic violation of the right to early release and prison benefits](#), June 23, 2021.

²² Prisoners Defenders, [Convicts of Conscience in Cuba: Analysis of the systematic violation of the right to early release and prison benefits](#), June 23, 2021.

²³ IACHR, [Resolution 7/21, Precautionary measure 211/20 - Juan Antonio Madrazo Luna, Marthadela Tamayo and Oswaldo Navarro Veloz regarding Cuba](#)

²⁴ IACHR, [Resolution 14/21, Precautionary measure 1101/20 - 20 identified members of the San Isidro Movement \(MSI\) regarding Cuba](#)

D'Cárdenas Soroa and Carlos Manuel Álvarez, who were at risk because of their association with the San Isidro Movement (MSI) and objects of stalking, harassment, and aggression.²⁵ On April 5, 2021, the IACHR broadened precautionary measures on behalf of Esber Rafael Ramírez Argota, a member of the Comité de Ciudadanos por la Integración Racial (CIR) and a victim of harassment and other risk events.²⁶

27. On August 22, 2021, the IACHR expanded precautionary measures on behalf of Lázara Eumelia Ayllón Reyes, Richard Adrián Zamora Brito, and Roberto Miguel Santana, members of the Comité de Ciudadanos por la Integración Racial (CIR), who were at risk.²⁷ Lastly, on August 28, 2021, the IACHR broadened precautionary measures on behalf of Irán Almaguer Labrada, who faced threats, intimidation, and harassment because they belonged to the Movimiento Cristiano Liberación (MCL) and for demanding justice on behalf of their brother, Yander García Labrada (himself a beneficiary of precautionary measures).²⁸ The Commission regrets not having received comment from the State regarding these precautionary measures despite having requested a response pursuant to Article 25(5) of its Rules of Procedure.

b. Minimum Due Process Guarantees

28. The IACHR again expresses its concern that the death penalty remains on the books as a punishment for a significant number of criminal offenses in Cuba.²⁹ Capital punishment is specifically designated for crimes against the security of the State that are described in broad or ambiguous language, and may be imposed in the most summary of proceedings without defendants enjoying even minimal guarantees of the right to adequate legal defense.³⁰ Based on the information available, the last time that the death penalty was imposed in Cuba was in 2003.³¹ The IACHR expresses disappointment that the process to adopt a new constitution in 2019 did not include the *de jure* abolition of that punishment. In any event, the IACHR finds that the fact that it is in force in domestic legislation and could potentially be applied constitutes a latent threat to

²⁵ IACHR, [Resolution 29/21. Precautionary measure 1101/20 - Aminta D'Cárdenas Soroa and Carlos Manuel Álvarez regarding Cuba \(Persons associated with the San Isidro Movement\)](#)

²⁶ IACHR, [Resolution 30/21. Precautionary measure 211/20 - Esber Rafael Ramírez Argota regarding Cuba \(Member of the Citizens Committee for Racial Integration - CIR\)](#)

²⁷ IACHR, [Resolución 64/2021. MC 211/20 - Richard Adrián Zamora Brito respecto de Cuba \(integrante del Comité Ciudadanos por la Integración Racial - CIR\)](#)

²⁸ IACHR, [Resolution 68/2021. Precautionary measure 1068/20 - Irán Almaguer Labrada regarding Cuba](#)

²⁹ IACHR, [The Situation of Human Rights in Cuba](#). OEA/SER.L/V/II. Doc. 2. February 3, 2020, para. 188. The maximum punishment of death is provided for under the categories of crimes against the security of the State; peace and international law; public health; life and corporal integrity; normal course of sexual relations; normal development of childhood and youth and against proprietary rights. Under the category of crimes against the security of the State, the criminal offenses which are subject to the death penalty as the maximum punishment are as follows: Acts against the independence or the territorial integrity of the State; promotion of armed action against Cuba; armed service against the State; aiding the enemy; espionage; rebellion; sedition; usurping political or military command; sabotage; terrorism; hostile acts against a foreign State; genocide; piracy; mercenaryism; crime of apartheid and; other acts against the security of the State. Additionally, the law provides for punishment by the death penalty with the following criminal offense: Production, sale, demand, trafficking, distribution and illicit possession of drugs, narcotics, psychotropic substances, and other items of similar effects; murder; rape; pederasty with violence; corruption of minors; robbery with violence or intimidation of persons. Likewise, the death penalty remains on the books as punishment for a significant number of broad or vague criminal offenses, such as "state of dangerousness."

³⁰ The Law on Criminal Procedure provides for summary proceedings under Articles 479 and 480 thereof. Article 479 establishes: If exceptional circumstances so warrant, the Attorney General of the Republic may request of the President of the People's Supreme Court, and the latter decide that the criminal acts of the jurisdiction of the Courts of Justice shall be adjudicated through summary proceeding, except for those that are under the jurisdiction of the People's Municipal Courts. For its part, Article 480 establishes as follows: At a summary proceeding, to the extent that the competent Court deems necessary, the deadlines that this Law establishes for the processing of preliminary investigations, the oral trial proceeding and motions and appeals process are reduced. Law on Criminal Procedure. Special Proceedings. Title X. Summary Proceeding. Articles 479 and 480.

³¹ IACHR, [The Situation of Human Rights in Cuba](#). OEA/SER.L/V/II. Doc. 2. February 3, 2020, para. 88.

the right to life. Accordingly, the Commission reiterates its appeal to the Cuban State to abolish the death penalty, inasmuch as this is the trend throughout the hemisphere.³²

29. The Commission has also noted similar vagueness in the definition of “dangerous state,” (*Estado peligroso*), as set forth in Article 72 ff. of the Criminal Code.³³ As established therein, “dangerous state” can be deduced from a special proclivity of the individual to commit criminal offenses, given the observed “manifest contradiction with the norms of socialist morality,” which is demonstrated when any of the “indications of dangerousness,” are present, which are: habitual intoxication and dipsomania, narcomania, and antisocial conduct; the latter is understood as a person who habitually breaks the rules of social interaction by acts of violence, or by other provocative acts, violates the rights of others or by his or her behavior in general undermines the rules of interaction or disturbs the order of the community or lives, as a social parasite, off other people’s work or exploits or engages in socially reprehensible vices.³⁴

30. According to Articles 415 ff. of Decree-Law No. 128 of June 18, 1991³⁵, a declaration of pre-criminal dangerousness of antisocial conduct is also issued through a summary proceeding, and may result in arbitrary deprivation of liberty through trial proceedings that do not have the minimum judicial guarantees set forth in the American Declaration of the Rights and Duties of Man.³⁶ In this regard, the bodies of the Inter-American human rights system have concurred that “ambiguity in describing crimes creates doubts and the opportunity for abuse of power, particularly when it comes to ascertaining the criminal responsibility of individuals and punishing their criminal behavior with penalties that exact their toll on the things that are most precious, such as life and liberty.”³⁷

31. Separately, the IACHR noted with concern statements by the Chief of the Division of Criminal Processes of Cuba’s Office of the Prosecutor, José Luis Reyes Blanco, in which he announced the plan to prosecute Cuban activists living abroad who are accused of financing, convening, coordinating, or participating in human rights activities. According to publicly available information, individuals with some level of involvement in these activities could be prosecuted in absentia, and the government would invoke international cooperation to seek extradition of anyone found guilty.³⁸

32. Lastly, and to be addressed in the next section, the Commission has observed a series of violations of due process guarantees in the context of State actions in response to the July 11 protests. Specifically, the IACHR is aware of different violations of the principle of legality and judicial guarantees, such as: i) the use of undefined crimes as pretext to criminalize and arrest those who participated in the protests; ii) keeping detained individuals incommunicado; iii) the absence of legal defense and timely access to the criminal

³² IACHR, [The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition](#), 31 December 2011, OEA/Ser.L/V/II Doc.68I.

³³ *Gaceta Oficial*, Law No. 62, [Criminal Code](#), December 29, 1987. Articles 72 to 74: “Article 72. Dangerous state is understood as a special proclivity of a person to commit criminal offenses, as demonstrated by the conduct observed, in manifest contradiction to the norms of socialist morality; Article 73.1. Dangerous state is manifested when any of the following indications of dangerousness appears in the individual: (a) habitual intoxication and dipsomania; (b) narcomania; (c) antisocial conduct. 2. A person who habitually breaks the rules of social interaction by acts of violence, or by other provocative acts, violates the rights of others or due to his behavior in general undermines the rules of interaction or disturbs community order or lives, as a social parasite, off other people’s work or exploits or engages in socially reprehensible vices, is considered in a dangerous state. Article 74. The state of mental derangement and of persons with delayed mental development is also considered a dangerous state, if for this reason, they do not possess the faculty to grasp the scope of their actions or of controlling their conduct when it poses a threat to the security of persons or the social order.

³⁴ *Gaceta Oficial*, Law No. 62, [Criminal Code](#), December 29, 1987.

³⁵ [Official Gazette No. 7 Special Issue, Law Decree No. 128](#), June 18, 1991.

³⁶ IACHR, [The Situation of Human Rights in Cuba](#). OEA/SER.L/V/II. Doc. 2. February 3, 2020, para. 189.

³⁷ Inter-American Court. *Case of Castillo Petruzzi et al. v. Peru*, Judgment of May 30, 1999, Series C. N° 52, para. 121.

³⁸ [OCDH condena la decisión del gobierno cubano de enjuiciar «en ausencia» a exiliados que critiquen la situación de la isla](#), May 17, 2021.

files; iv) the rendering of summary judgments; and v) the application of baseless and disproportionate sentences.

2. Social uprising in Cuba

a. July 11 protests

33. According to publicly available information, on Sunday, July 11, 2021, thousands of Cubans took to the streets in more than 40 cities throughout the country to protest peacefully, demanding the exercise of civil liberties and changes to the country's political structure, as well as to protest the lack of access to economic, social, and cultural rights, primarily owing to the persistent shortages of food and medications and the worsening consequences of the Covid-19 pandemic on the island. According to civil society and international bodies, such as the European Parliament, the mass protest of July 11 became one of the largest protests in recent Cuban history.³⁹

34. However, the protests unleashed immediate reactions from the State against the demonstrators and, since July 11, the IACHR has documented the different stages of repression by the State.

35. In the first stage of reaction by the State, the Commission took note of civil society reports that documented dozens of reports of injuries to individuals caused by excessive use of force by police, as well as threats, harassment, and official statements meant to stigmatize demonstrators and their supporters.⁴⁰ In this regard, the Commission and its Offices of Special Rapporteurs issued a press release on July 15 that condemned the State's repression and use of force in the context of the protests, and deemed official statements that characterized demonstrators as enemies to be unacceptable and reckless.⁴¹

36. Further, the Commission noted the deliberate internet service outages on the day of the protest, which aimed to block communication about the movement on social media and the independent press. According to information from civil society, the internet disruptions included blocking mobile texting apps and social media platforms, intermittent mobile internet service outages, and slowing internet traffic to and from Cuba, which, according to a report by Internet Outage Detection and Analysis (IODA), slowed to zero on Sunday, July 11.⁴²

37. Additionally, in the weeks following the protest, the Commission was informed about another set of repressive measures that included hundreds of arbitrary detentions and other violations of due process guarantees, mistreatment, deplorable detention conditions, as well as engagement of a reinforced surveillance strategy on the streets throughout the country and monitoring activists' residences. Regarding this, through press releases on July 23 and August 12, 2021, the Commission and the Offices of the Special Rapporteurs

³⁹ European Parliament, [European Parliament resolution of 16 September 2021 on the government crackdown on protests and citizens in Cuba](#) (2021/2872(RSP)) and Human Rights Watch, [Cuba responds to landmark demonstrations with brutal repression](#), July 20, 2021.

⁴⁰ Prisoners Defenders, [Organisations and independent medial call on the Cuban government to respect the right to demonstrate and freedom of expression and to stop violence against demonstrators](#), July 13, 2021.

⁴¹ IACHR, Press Release No. 177/21 - [The IACHR and Its Special Rapporteurships Condemn State Repression and the Use of Force during Peaceful Social Protests in Cuba, and Call for Dialogue on Citizen Demands](#), July 15, 2021.

⁴² IACHR, Press Release No. 177/21 - [The IACHR and Its Special Rapporteurships Condemn State Repression and the Use of Force during Peaceful Social Protests in Cuba, and Call for Dialogue on Citizen Demands](#), July 15, 2021.

expressed their deep concern about these facts, calling on the State to cease the repression, guarantee due process, and provide dignified treatment to those in its custody.⁴³

38. Later, the IACHR noted the enactment of new telecommunications and cybersecurity regulations, Decree Law 35 for Telecommunications, and Resolution 105 for Responding to Cybersecurity Incidents, published in the Official Gazette of August 17.⁴⁴ These laws could be employed as mechanisms for State control over social demonstrations, given that the internet has become a critical space for exercising the right to protest in Cuba. Regarding this, through a communiqué on September 22, the Commission and its Office of the Special Rapporteur for Freedom of Expression expressed their concern that these regulations could place users' rights to privacy at risk.⁴⁵

39. Additionally, as the third modality of repression, during the hearing on the "Human rights situation in the context of the protests in Cuba", held on October 21, 2021, civil society organizations reported, regarding those who participated in the protests, that the Office of the Prosecutor has initiated legal actions that seek to criminally charge, and request stiffer sentences for, those who participated in the protests. They also report that these prosecutions are characterized by infringements of judicial guarantees, such as: i) detained persons being held incommunicado; ii) interrogations aimed at intimidating; and iii) no access to adequate legal defense.⁴⁶

40. In this regard, through a press release on November 5, the IACHR urged the State to guarantee that the crimes contained in its legislation is not used inappropriately to restrict other rights, or against dissident persons. Likewise, it reminded the State of its obligation to adopt all necessary measures to prevent State investigations from being used to subject those who legitimately defend their rights through social protest to unfair or baseless prosecution.⁴⁷

41. Lastly, while monitoring the planned civil protest in Cuba for November 15, the Commission received reports that the State of Cuba engaged in a new wave of repression and intimidation aimed at preventing the protest from taking place. On this specific matter, the IACHR and its Office of the Special Rapporteur for Freedom of Expression made clear in a press release on November 29, 2021, that the various repressive acts carried out on November 12 and 15 have created an environment of generalized terror and self-censorship in the country and have discouraged citizens from exercising the right to protest. Among these acts of repression, they highlight alleged house detentions with police surveillance, arbitrary detentions, acts of repudiation and harassment, summonses to interrogations at police stations, threats of criminal charges, and deliberate internet service outages.⁴⁸

42. Along these lines, in the next section, the IACHR describes the different responses by the State that have been identified since July 11, 2021, as well as the systematic patterns of human rights violations

⁴³ IACHR-RFOE, Press Release No. R189/21 - [The Office of the Special Rapporteur expresses concern over the reports of serious human rights violations in the context of the protests in Cuba](#), 23 July 2021; y Press Release No. 211/21 - [IACHR and Special Rapporteurs Express Concern over Reports of Arbitrary Detentions, Incommunicado Detention, Lack of Legal Defense, and Other Violations of Due Process during the July 11 Protests in Cuba](#), August 12, 2021.

⁴⁴ Cuba, Ministerio de Justicia, [Gaceta Oficial de la República No. 92](#), August 17, 2021.

⁴⁵ IACHR, Press Release No. 249/21 - [Concerned About New Telecommunications and Cybersecurity Regulations in Cuba. IACHR and Its Special Rapporteurship for Freedom of Expression Note the Risks these New Regulations Pose for the Exercise of Fundamental Liberties on the Internet](#), September 22, 2021.

⁴⁶ IACHR, Hearing: Human rights situation in the context of the protest in Cuba "[Situación de los derechos humanos en el contexto de la protesta en Cuba](#)", 181 period of sessions virtual, October 21, 2021.

⁴⁷ IACHR, Press Release No. 295/21 - [IACHR Concerned About Tougher Repression and Human Rights Violations in Cuba Since the Protests that Took Place in July](#), November 5, 2021.

⁴⁸ IACHR, Press Release No. 317/21 - [IACHR and Its Special Rapporteurship for Freedom of Expression Concerned About State Repression that Prevented Civic Rally in Cuba on November 15](#), November 29, 2021.

recorded in the context that was examined, such as: i) use of force and campaigns to intimidate and stigmatize; ii) arbitrary detention, mistreatment, and deplorable detention conditions; iii) criminal prosecution of demonstrators, judicial persecution, and violations of due process; and iv) shutting down democratic spaces through repressive and intimidating strategies that seek to discourage new social demonstrations.

b. Responses by the State

i. Use of force and campaigns to intimidate and stigmatize

43. In Cuba, the use of force and strategies deployed to deter the protests of July 11 were evidence of implementation of coordinated actions by the Government to control the public square. According to information from civil society, the State's initial response was characterized by the use of police violence in different locations in the country, which resulted in injuries to dozens of people.⁴⁹ Likewise, according to publicly available information, the day after the protests some anti-government activities that stemmed from those protests took place on the island and, on this occasion, in addition to reports of violence against protesters, one person was reported to have died in the municipality of Arroyo Naranjo, in the outskirts of Havana⁵⁰, a report the State has confirmed.⁵¹

44. Regarding the use of force, the Commission reiterates that it is a "last resort that, limited both qualitatively and quantitatively, intends to prevent a more serious incident than the one that provokes the reaction by the State."⁵² Within this context that is characterized by its exceptionalism, both the Commission and the Inter-American Court of Human Rights, have agreed that for the use of force to be justified the principles of legality – absolute necessity and proportionality – must be satisfied. Likewise, police agents organized in the context of protests must be oriented toward, as a rule, the guarantee of exercise of the right to social protest and the protection of protesters and third-parties present. When a demonstration or a protest leads to situations of violence, the interpretation must be that the State was incapable of guaranteeing the exercise of this right.⁵³

45. Furthermore, regarding incitement to violence among civilians, the IACHR noted with concern the speech by the President of the Republic, Miguel Díaz-Canel Bermúdez, on July 12, 2021, in which he incites the civilian population to act, even with violence, against the demonstrators, whom he called "counter-revolutionaries".⁵⁴ In that speech, Díaz-Canel said: "There are many of us revolutionaries in this population that are willing to give our lives, and not under orders but rather by conviction. They'll have to step over our dead bodies if they wish to take on the Revolution, and we are willing to do anything and we will be fighting in the streets". In that same vein, the Head of State concluded: "This is why we are calling on all revolutionaries in our country, on all communists, to take to the streets anywhere these provocations are going to take place today, whether now or the coming days."⁵⁵ Additionally, the Cubalex organization reported that young Cubans of

⁴⁹ Prisoners Defenders, [Organisations and independent medial call on the Cuban government to respect the right to demonstrate and freedom of expression and to stop violence against demonstrators](#), July 13, 2021.

⁵⁰ BBC News Mundo, [Protestas en Cuba: el gobierno confirma un muerto en nuevos disturbios a las afueras de La Habana](#), July 13, 2021.

⁵¹ Cubadebate, [Ministerio del Interior informa sobre hechos vandálicos en La Güinera](#), July 13, 2021.

⁵² IACHR, [Report on the situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II.124. Doc. 5 rev.1, March 7, 2006, para. 64.

⁵³ IACHR, [Annual Report 2015 Chapter IV.A The Use of Force](#), paras. 7 and 68.

⁵⁴ Granma, [A la Revolución la defendemos ante todo](#), July 12, 2021.

⁵⁵ Granma, [A la Revolución la defendemos ante todo](#), July 12, 2021.

military-draft age (16 to 20 years of age) are being enlisted to repress demonstrators in the context of the protests.⁵⁶

46. Additionally, the Commission notes that the response by the State has also included dissemination of propaganda and stigmatization campaigns. Since the protests began, information has been disseminated in which the demands of the protests are rebuked, while excluding any information about police repression and accusing those who protest of being “criminals”, “vandals”, “mercenaries”, and “enemies of the State”. The Commission also noted the statements by the Minister of the Interior and the office of the Attorney General of the Republic indicating that individuals who participated in the protests could face summary trials within 96 hours.⁵⁷ The IACHR also received reports of attacks, acts of intimidation, threats, and campaigns to discredit political dissidents of the regime, journalists, young demonstrators, social leaders, and human rights defenders.

47. Regarding this, the Commission reminds that social protest is a manifestation of the joint exercise of the rights to assemble and freedom of expression, as well as being a mechanism for political participation and for defending human rights, thus encompassing a fundamental social interest in guaranteeing the functioning of the democratic system and human rights defense.⁵⁸ Thus, in line with the jurisprudence of the Inter-American Court, the IACHR indicates that public demonstrations and other forms of protest against government policies and/or the defense of basic liberties, far from being a provocation of public disorder, are part of any pluralist democracy and deserve maximum protection.⁵⁹

48. The Commission also notes that the repetition of stigmatizing statements can exacerbate the climate of hostility and intolerance of some sectors of the population, which could jeopardize the life and personal integrity of, for example, human rights defenders. This is because, pursuant to the ruling of the Inter-American Court of Human Rights, official addresses could provoke, suggest actions, or be interpreted by public servants or by sectors of society as instructions, instigations, authorizations, or support in the commission of acts.⁶⁰

49. In parallel, the IACHR notes the intensification of threats, verbal attacks, and aggressions against journalists and those working for the independent media, aimed at silencing them. About this, the Office of the Special Rapporteur for Freedom of Expression (SRFOE) has received reports that the photojournalist for the agency *AP Noticias*, Ramón Espinosa, was assaulted by police agents while covering the demonstration in Havana. Another cameraman working for the same agency was allegedly assaulted by a group of pro-Government citizens.⁶¹

50. The Special Rapporteur for Freedom of Expression also received reports of numerous detentions of journalists from media outlets like *Cubamet*, *Tremenda Nota*, *Palenque Visión*, *ADN Cuba*, and *La*

⁵⁶ Cubalex, [El gobierno cubano obliga a jóvenes a sumarse a los grupos de represión](#), July 13, 2021.

⁵⁷ Hacemos Cuba, [EN VIVO | Edición especial del programa Hacemos Cuba](#), July, 12 2021; Diario de Cuba, [La Fiscalía de Cuba y el MININT anuncian juicios rápidos para los manifestantes y condenas de hasta 20 años](#), July 15, 2021.

⁵⁸ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), 2011, para 106; IACHR, Annual Report 2005. Volumen III. [Report of the Office of the Special Rapporteur for Freedom of Expression, Chapter V: Public Demonstrations as an exercise of Freedom of Expression and Freedom of Assembly](#), para 91; and IACHR Annual Report 2015, [Chapter IV.A The Use of Force](#), para. 64 and following.

⁵⁹ I/A Court H.R., Case of López Lone et al. v. Honduras. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 5, 2015. Series C No. 302, para. 160.

⁶⁰ [I/A Court H.R. Case of Ríos et al. v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs. Judgment of January 28, 2009. Series C No. 194.](#) para. 143.

⁶¹ Twitter Agence France-Presse (@AFPespanol). [July 11, 2021](#); Diario de Cuba, July 12, 2021. [Grupos prorrégimen hieren a un corresponsal de AP durante la represión de las protestas en La Habana.](#)

Hora de Cuba; and about police agents that blocked several reporters from leaving their homes.⁶² The SRFOE also documented the case of journalist Camila Acosta, a female reporter for *Cubanet* and correspondent for the Spanish daily, *ABC*, who was detained on July 12 as she was leaving her home in Havana to run a personal errand with her father.⁶³ According to the information received, on this occasion, security agents showed up and searched her home, taking with them equipment she used in her work, including her personal computer.⁶⁴

51. In addition to the foregoing, in the days following the protest, the Commission received complaints of actions by the police and other actors tied to the Cuban government to surveil and monitor residences, creating an environment of fear and self-censorship in the country. According to reports from civil society, in the days following July 11, the homes of activists whose work is well-known, and the homes of their families, were allegedly surveilled by police. Regarding this, the Special Rapporteur for Freedom of Expression received reports indicating that family members of protest participants have chosen not to question the authorities, file complaints, or publicly expose those cases for fear that this could put their lives or personal integrity at risk.⁶⁵

52. Given these initial responses by the State to the July 11 protest, the Commission noted the beginning of a new wave of repression by the State of Cuba to silence social movements by political opponents and social dissent by using coordinated strategies to delegitimize the social actors involved and to stop their movements through threats of retaliation.

53. In light of this situation, the IACHR reiterates its condemnation of these repressive actions and the excessive use of force that has been reported, and it calls on authorities to investigate the alleged facts with due diligence. Likewise, the Commission urges the State to channel social discontent through dialogue and active listening to citizen complaints and to take the measures necessary to satisfy them.

ii. Arbitrary detentions, mistreatment, and deplorable detention conditions

54. The Commission has also monitored the widespread, illegal, and arbitrary detentions that have occurred in Cuba in the context of the social protests that started on July 11, which have reached alarming numbers. Additionally, the IACHR has followed detention conditions experienced by persons who have been deprived of liberty in this scenario.

55. Specifically, in the case of the recent protest-related detentions, the Commission has been following the number of persons detained, the circumstances of the detentions, the persons who remain deprived of liberty, and the detentions of adolescents. It has also highlighted the lack of official information about these issues. According to *Cubalex y Justicia* 11J of y Justicia 11J on December 9th, the number of persons who have been deprived of liberty in the context of the protests is 1314⁶⁶. Regarding this, the IACHR has noted that a significant number of those detained are activists, artists, journalists, male and female leaders of political

⁶² La Nación. July 13, 2021. [Protestas en Cuba: denuncian que comenzaron los arrestos de periodistas para impedir que informen](#); VOA. July 19, 2021. [Cuba detiene e interroga a decenas de periodistas por las coberturas de las protestas](#).

⁶³ Europa Press. July 12, 2021. [Detenida Camila Acosta, la corresponsal de ABC en Cuba](#); Infobae. July 12, 2021. [La dictadura cubana detuvo a la corresponsal del diario español ABC](#).

⁶⁴ Infobae. July 17, 2021. [El testimonio de Camila Acosta, la periodista que estuvo presa en las celdas de la dictadura cubana: "Dios me puso ahí para contar lo que sucede"](#); ABC. July 14, 2021. [La corresponsal de ABC en Cuba, Camila Acosta, será procesada por «delitos contra la seguridad del Estado»](#).

⁶⁵ IACHR-RFOE, Press Release No. R189/21 - [The Office of the Special Rapporteur expresses concern over the reports of serious human rights violations in the context of the protests in Cuba](#), July 23, 2021.

⁶⁶ Information was provided by the Cubalex organization and the Working Group on Political Prisoners, Justicia 11J, on December 9, 2021.

movements that oppose the government, teachers, students, medical personnel, professors, and clergy of several religious denominations.⁶⁷

56. As for the circumstances that produced these detentions, they took place while the protests were underway or at the homes [of persons who participated] during the days following the protests after they were identified from videos posted on social media.⁶⁸ Regarding those individuals who remain in detention, based on data from Cubalex and Justicia 11J de on December 9th, 699 persons were still detained because of their participation in or support of the July 11 protests⁶⁹.

57. Based on the foregoing, the Commission reiterates that, pursuant to what is set forth in its report on Protest and Human Rights, no person who participates in social protests may be subjected to arbitrary detention or imprisonment. Likewise, in the context of social protests, States must refrain from engaging in practices of widespread, collective, or indiscriminate detention or imprisonment.⁷⁰ Likewise, the IACHR recalls that, in the context of protests, States must adjust domestic legislation and institutional procedures and practices to prevent, and when it occurs to investigate and punish, cases of arbitrary detention by State agents.⁷¹ This must include, among other obligations, establishing that the liberty of any person may only be deprived in circumstances that are explicitly established by Law.⁷²

58. Likewise, according to information from Cubalex and Justicia 11J as of December 9, at least 44 adolescents have been detained in the context of the protests, of which 14 continue to be deprived of their liberty⁷³. In this regard, the Commission recalls that the detention of adolescents is a measure that must be used as a last resort, only exceptionally, and for the shortest period possible.⁷⁴ The States have the duty to take necessary measures to reduce to a minimum the contact between adolescents and the criminal justice systems, as well as to limit the use of deprivation of liberty, whether as a preventive or as punishment.⁷⁵

59. Furthermore, the IACHR has noted with concern the absence of data about detained persons. In particular, the Commission learned that detained persons were being held incommunicado and their whereabouts are unknown to their families.⁷⁶ Further, to this date the State has not yet provided information

⁶⁷ See IACHR Press Release No. 211/21 - [IACHR and Special Rapporteurs Express Concern over Reports of Arbitrary Detentions, Incommunicado Detention, Lack of Legal Defense, and Other Violations of Due Process during the July 11 Protests in Cuba](#), August 12, 2021; and IACHR-RFOE, Press Release No. R189/21 - [The Office of the Special Rapporteur expresses concern over the reports of serious human rights violations in the context of the protests in Cuba](#), July 23, 2021. About arrest and detention of journalists, see: IACHR, Press Release No. 177/21 - [The IACHR and Its Special Rapporteurs Condemn State Repression and the Use of Force during Peaceful Social Protests in Cuba, and Call for Dialogue on Citizen Demands](#), July 15, 2021.

⁶⁸ Prisoners Defenders, [Tenebrous balance of 11j in Cuba: more than 5000 arbitrary arrested, 381 convicts and condemned](#), September 2, 2021.

⁶⁹ Information was provided by the Cubalex organization and the Working Group on Political Prisoners, Justicia 11J, on December 9, 2021.

⁷⁰ IACHR-RFOE, [Protest and Human Rights: Standards on the rights involved in social protest and the obligations to guide the response of the State](#), OEA/Ser.L/V/II CIDH/RELE/INF.22/19, Septiembre 2019, para. 138.

⁷¹ IACHR-RFOE, [Protest and Human Rights: Standards on the rights involved in social protest and the obligations to guide the response of the State](#), OEA/Ser.L/V/II CIDH/RELE/INF.22/19, Septiembre 2019, para. 140.

⁷² IACHR-RFOE, [Protest and Human Rights: Standards on the rights involved in social protest and the obligations to guide the response of the State](#), OEA/Ser.L/V/II CIDH/RELE/INF.22/19, Septiembre 2019, para. 140.

⁷³ Information was provided by the Cubalex organization and the Working Group on Political Prisoners, Justicia 11J, on December 9, 2021.

⁷⁴ IACHR [Juvenile Justice and Human Rights in the Americas](#), OEA/Ser.L/V/II. Doc. 78, July 13, 2011, para. 80.

⁷⁵ IACHR [Juvenile Justice and Human Rights in the Americas](#), OEA/Ser.L/V/II. Doc. 78, July 13, 2011, para. 80.

⁷⁶ IACHR Press Release No. 211/21 - [IACHR and Special Rapporteurs Express Concern over Reports of Arbitrary Detentions, Incommunicado Detention, Lack of Legal Defense, and Other Violations of Due Process during the July 11 Protests in Cuba](#), August 12, 2021.

about the number of persons detained in the context of the protests, nor has it provided official information about any whose whereabouts are unknown.⁷⁷

60. Regarding the foregoing, the Commission reminds the State of Cuba that persons who have been deprived of liberty and their families have the right to receive accurate information about the grounds for detention and the location where the person is being held.⁷⁸ Additionally, the States have the obligation to transmit this data and to set up a public registry of detained persons.⁷⁹

61. The IACHR has also monitored the conditions under which individuals detained in the context of the protests are serving time in custody. In particular, the Commission and its Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA in Spanish) have received information indicating that individuals being held in custody are experiencing deplorable detention conditions and are victims of mistreatment.⁸⁰ Based on available data, the Commission notes that detention conditions are characterized by: i) high levels overcrowding; ii) lack of access to adequate drinking water and food; iii) employment of isolation methods; and iv) cells that have structural defects.⁸¹ In the context of the Covid-19 pandemic, the Commission advises that overcrowding and the lack of access to water could increase the risk of contagion among persons who are in custody.

62. Based on the foregoing, the Commission recalls that overcrowding of individuals being held in custody can itself be a form of cruel, inhumane, or degrading treatment that violates the right to personal integrity and other human rights.⁸² Consequently, when a penitentiary system or facility is overcrowded to the point that it becomes materially impossible to provide decent conditions to inmates, it is unreasonable for the State to continue to place individuals in those spaces, because doing so deliberately subjects them to a situation in which their basic rights are violated.⁸³ Add to this, it is the duty of States to ensure that persons deprived of liberty are given conditions in detention that are compatible with their human dignity. These include access to safe drinking water and food that is sufficient and of quality.⁸⁴ Lastly, the Commission reiterates the duty of States to adopt immediate and urgent measures to protect the life, health, and integrity of persons held in custody during the pandemic.⁸⁵ This includes outfitting detention conditions in a way that prevents contagion

⁷⁷ See IACHR Press Release No. 211/21 - [IACHR and Special Rapporteurs Express Concern over Reports of Arbitrary Detentions, Incommunicado Detention, Lack of Legal Defense, and Other Violations of Due Process during the July 11 Protests in Cuba](#), August 12, 2021. See also Press Release No. R189/21 - [The Office of the Special Rapporteur expresses concern over the reports of serious human rights violations in the context of the protests in Cuba](#), July 23, 2021.

⁷⁸ IACHR-RFOE, [Protest and Human Rights: Standards on the rights involved in social protest and the obligations to guide the response of the State](#), OEA/Ser.L/V/II CIDH/RELE/INF.22/19, Septiembre 2019, para. 231.

⁷⁹ IACHR-RFOE, [Protest and Human Rights: Standards on the rights involved in social protest and the obligations to guide the response of the State](#), OEA/Ser.L/V/II CIDH/RELE/INF.22/19, Septiembre 2019, para. 231 and 140.

⁸⁰ IACHR Press Release No. 211/21 - [IACHR and Special Rapporteurs Express Concern over Reports of Arbitrary Detentions, Incommunicado Detention, Lack of Legal Defense, and Other Violations of Due Process during the July 11 Protests in Cuba](#), August 12, 2021.

⁸¹ IACHR Press Release No. 211/21 - [IACHR and Special Rapporteurs Express Concern over Reports of Arbitrary Detentions, Incommunicado Detention, Lack of Legal Defense, and Other Violations of Due Process during the July 11 Protests in Cuba](#), August 12, 2021; Information provided to the IACHR during a meeting with Amnesty International, August 26, 2021; and Prisoners Defenders, [Tenebrous balance of 11j in Cuba: more than 5000 arbitrary arrested, 381 convicts and condemned](#), September 2, 2021.

⁸² IACHR, [Report on the Use of Pretrial Detention in the Americas](#), para. 290.

⁸³ IACHR, [Report on the Use of Pretrial Detention in the Americas](#), para. 290.

⁸⁴ IACHR [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), OEA/Ser.L/V/II Doc 64, adopted on December 31, 2011, para. 432.

⁸⁵ IACHR, [Resolution No. 01/2020 Pandemic and Human Rights in the Americas](#), adopted on April 10, 2020, Operative Part: Persons Deprived of Liberty, para. 45 to 48.

and, regarding vaccines, creating conditions of true equality for groups that have historically seen their rights violated, prison populations being one such group.⁸⁶

63. Regarding the mistreatment of detained persons, the IACHR was made aware that individuals who participated in the protests have been the targets of torture and cruel and inhumane treatment.⁸⁷ This includes beatings, abuse, acts of violence, and being held in patrol vehicles or made to stand in direct sunlight for several hours at a time.⁸⁸ In particular, according to data from civil society, many of the persons detained in the context of the protests have been victims of beatings, indignities, and insults.⁸⁹ Furthermore, according to publicly available information, detained women, including teenagers, have been victims of forced nudity and have been forced to squat to show they are not hiding anything.⁹⁰ Regarding this, the Commission reiterates its condemnation of all forms of cruel, inhumane, and degrading treatment, and reminds that it is absolutely prohibited in any circumstance.⁹¹ Likewise, it reminds that the State has an inalienable responsibility to prevent these acts and in every instance to condemn and punish all material and intellectual perpetrators.⁹²

64. Regarding women deprived of liberty, the IACHR reiterates that, under the control of State authorities, they are at increased risk of suffering various forms of violence, harassment, and hostilities, including sexually.⁹³ Thus, to prevent and combat these types of acts against detained women, the IACHR recalls that a gender perspective means taking into account this specific risk in all its manifestations, as well as those risks that are specific to women belonging to groups that have historically been objects of discrimination.⁹⁴ Therefore, the Commission calls on the State of Cuba to adopt concrete measures with due diligence, to prevent and combat torture of women deprived of liberty.

⁸⁶ IACHR, [Resolution No. 01/2021 Covid-19 vaccines and Inter-American Human Rights Obligations](#), approved on April 6, 2021, Operative Part, para. 1 and 4.

⁸⁷ IACHR Press Release No. 211/21 - [IACHR and Special Rapporteurs Express Concern over Reports of Arbitrary Detentions, Incommunicado Detention, Lack of Legal Defense, and Other Violations of Due Process during the July 11 Protests in Cuba](#), August 12, 2021. In this regard, information provided to the IACHR by Race & Equality during a meeting held with civil society, August 4, 2021.

⁸⁸ IACHR Press Release No. 211/21 - [IACHR and Special Rapporteurs Express Concern over Reports of Arbitrary Detentions, Incommunicado Detention, Lack of Legal Defense, and Other Violations of Due Process during the July 11 Protests in Cuba](#), August 12, 2021; and information provided to the IACHR by Race & Equality during a meeting held with civil society, August 4, 2021.

⁸⁹ Prisoners Defenders, [Tenebrous balance of 11j in Cuba: more than 5000 arbitrary arrested, 381 convicts and condemned](#), September 2, 2021.

⁹⁰ ADN Cuba, [Adolescente cubana en prisión: "Me tuve que quitar el short y el blúmer"](#), July 28, 2021; and Diario de Cuba, [El régimen se ensaña con las cubanas presas y con sus hijos, e ignora las reglas de la ONU](#), September 17, 2021.

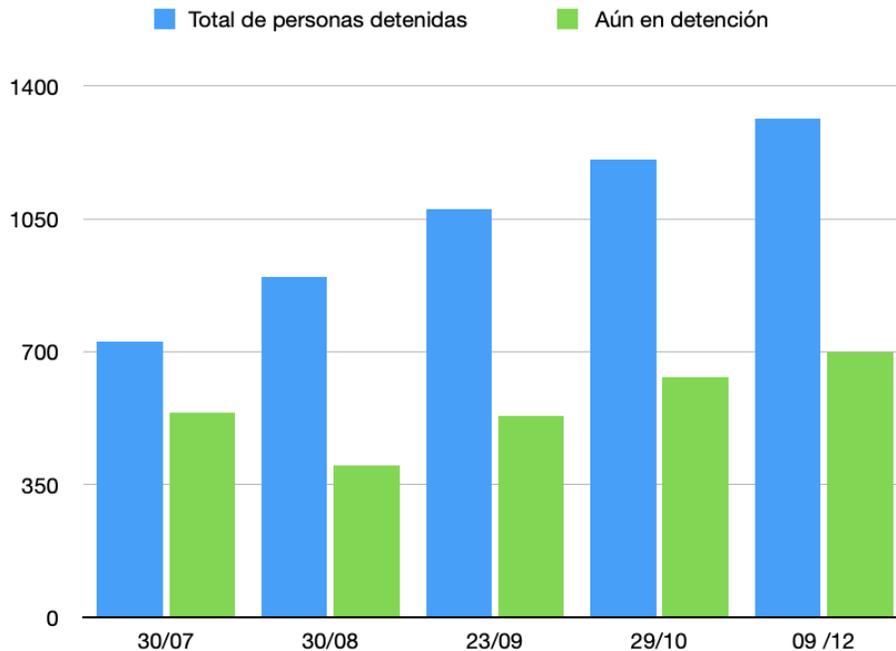
⁹¹ IACHR [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), para. 343.

⁹² IACHR [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), para. 350.

⁹³ IACHR, [Report on Measures Aimed at Reducing the Use of Pretrial Detention in the Americas](#), para. 195.

⁹⁴ IACHR, [Report on Measures Aimed at Reducing the Use of Pretrial Detention in the Americas](#), para. 199.

65. The graph below⁹⁵ shows the number of people that have been detained because of the protests, as well as the number of persons who remain in custody.



[Translation of graph: (blue) Total detainees, (green) Remain in detention]

ii. **Criminal charges against demonstrators, judicial persecution, and due process violations**

66. About 10 days after the protests, the Commission was made aware of the first prison sentences for some of the individuals arrested in the context of the protests. According to available information, after summary trials by way of direct testimony – an expedited procedure that moves from the police investigation phase directly to trial, without formal charges or pretrial proceedings⁹⁶, and in which cases most defendants had no legal counsel, 12 persons were sentenced to 10 months to one year in jail.⁹⁷ In particular, the IACHR noted the case of Anyelo Troya, one of the performers of the song, “*Patria y vida*” [Homeland and Life], which has become the anthem for demonstrators in Cuba because it plays on Fidel Castro’s classic motto (“*Patria o muerte*” [Homeland or Death]). According to publicly available information, Anyelo’s summary trial took place

⁹⁵ Graphic based on information provided by Cubalex on October 29, 2021 and December 9, 2021.

⁹⁶ Prisoners Defenders, [Direct Attestation: This is how peaceful demonstrators are being judged in Cuba](#), July 17, 2021.

⁹⁷ BBC News, [Protestas en Cuba: dictan penas de prisión para 12 detenidos en las recientes manifestaciones en la isla](#), July 22, 2021.

on July 19, 2021, using the legal construct of direct testimony, disregarding the guarantees of legal due process, including the right to a technical defense through the assistance of counsel.⁹⁸

67. Later, four months after the July 11 protests, the IACHR noted a third wave of repression in Cuba, which primarily took the form of legal proceedings that sought criminal charges and punishment for those who participated in the protests and resulted in the Office of the Prosecutor seeking stiffer sentences.

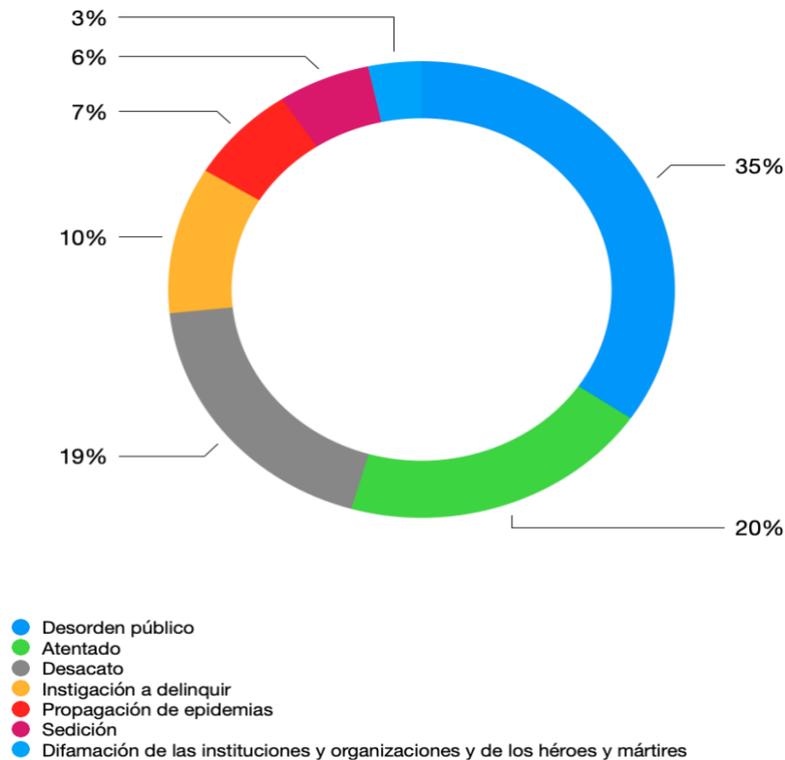
68. In this regard, in the context of the hearing on the “Human rights situation in the context of the protests in Cuba”, held on October 21, civil society organizations indicated that those legal proceedings are characterized by violations of judicial guarantees, such as: holding detainees incommunicado; interrogations that aim to intimidate; and not allowing adequate legal defense.⁹⁹

69. Regarding criminal charges issued against protest participants, the IACHR noted that the State of Cuba has taken actions aimed at charging these individuals with crimes by using non-specific crimes. According to available information, they have charged people with crimes such as: public disorder, acts of opposition, contempt, incitement to commit crime, propagation of epidemics, sedition, illegal demonstrations,

⁹⁸ Cubalex, [Valoración de Cubalex sobre el caso de Anyelo Troya, realizador condenado a un año de cárcel](#), July 23, 2021; Diario de Cuba, [Anyelo Troya, uno de los realizadores de 'Patria y Vida', condenado a un año de prisión en un juicio sumario](#), July 21, 2021.

⁹⁹ IACHR, Hearing: Human rights situation in the context of the protest in Cuba [“Situación de los derechos humanos en el contexto de la protesta en Cuba”](#), 181 period of sessions virtual, October 21, 2021.

damage and defamation against institutions and organizations and against heroes and martyrs. The graph below¹⁰⁰ shows the main charges applied and their proportionality:



[Translation of graph legend:

- public disorder
- acts of opposition [attempted]
- contempt
- incitement to commit crime
- propagation of epidemics
- sedition
- defamation of institutes and organization and of heroes and martyrs]

70. Additionally, regarding procedural violations, the IACHR identified a systematic pattern of due process violations in the context of deprivation of liberty of persons who participated in the protests, including among others: individuals in custody being held incommunicado, interrogations that aim to intimidate, no

¹⁰⁰ Graphic based on information provided by Cubalex on October 29, 2021. Data includes persons in detention and imprisoned who have been able to obtain information about the charges against them in the pre-trial phase. Most have been charged for more than one crime.

notification of the legal grounds for detention, lack of access or obstacles to access to timely and adequate technical legal defense.

71. Specifically, in a press release on November 5, the IACHR expressed its concern about reports that detainees are held incommunicado for weeks, and that they are given limited opportunities to communicate with their families and legal counsel. At the time, the IACHR called attention to dissident leaders who are being deprived of liberty are being held incommunicado or having their communications restricted, among whom are José Daniel Ferrer García, leader of *Unión Patriótica de Cuba* (UNPACU); Félix Navarro, president of the Party for Democracy, and Luis Manuel Otero Alcántara, member of San Isidro Movement.¹⁰¹

72. Likewise, according to information available to the Commission, most of the detainees were subjected to interrogations that aimed at intimidation and they did not have adequate legal counsel. In this regard, the IACHR received information that these individuals have been interrogated without knowing the motive or whether the interrogations were related to a criminal investigation. Nor have they been informed of their right to remain silent and their right to the assistance of counsel. Specifically, in the context of these interrogations the IACHR has received reports of threats and acts of intimidation by police and State security agents seeking to obtain information about the protests, about alleged organizers, and financial backers.

73. Additionally, according to the Human Rights Watch report of October 19, 2021, detainees were held for several days without knowing the grounds for their arrest, and their families and defense counsel rarely had access to the criminal files or copies of the sentences. Add to this, according to the report, many people were tried as a group, without segregation of cases, mostly in closed-door hearings at which the only evidence presented was the testimony of State security agents¹⁰².

74. On the other hand, according to data from the organization Cubalex and Justice 11J of December 9, of the almost 700 people who would still be in detention, 631 would be under preventive detention; of these, 348 people would have their cases under investigation, pending formal charges by the prosecution before the judicial bodies; and 283 would have been formally charged of crimes and their trials are in the oral trial phase¹⁰³. Of this last group, the Prosecutor's Office would have requested prison sentences that vary between 1 and 30 years in prison.

75. In particular, on November 9 the Commission learned of the case of Yosvany Rosell García Caso, who was charged with sedition by the Office of the Prosecutor that seeks a 30-year prison sentence for supposedly having convened a protest in her neighborhood on July 10, due to a lack of electricity and, on the following day, having participated in the mass protests of July 11.¹⁰⁴ The IACHR notes that this is the stiffest sentence being sought for the July 11 protesters and it expresses its deep concern about use of the crime of "sedition", one of the most serious crimes in the Cuban Criminal Code, as a means to punish those who participated in the peaceful protests of July 11.

76. Finally, on December 9, the IACHR received updated information from civil society regarding the total number of people convicted in court for their participation in the protests. According to these data, 83

¹⁰¹ IACHR, Press Release No. 295/21 - [IACHR Concerned About Tougher Repression and Human Rights Violations in Cuba Since the Protests that Took Place in July](#), November 5, 2021.

¹⁰² Human Rights Watch, [Cuba: Peaceful Protesters Systematically Detained, Abused Arbitrary Detention, Ill-Treatment, Abusive Trials Affect Hundreds](#), October 19, 2021.

¹⁰³ Information was provided by the Cubalex organization and the Working Group on Political Prisoners, Justicia 11J, on December 9, 2021.

¹⁰⁴ *Diario de Cuba*, [Obrero y padre de tres hijos, otro cubano que se enfrenta a 30 años de cárcel por las protestas del 11J](#), November 9, 2021; *Periódico cubano*, [Soldador de Holguín enfrentaría una condena de 30 años por participar en las protestas del 11J](#), November 8, 2021.

people would have been tried, of which 64 would have been sanctioned with the deprivation of liberty, 18 with alternative work sanctions without internment or limitation of freedom, and one person would have had the benefit of parole revoked¹⁰⁵.

77. Considering these facts, the IACHR reinforces its earlier pronouncements, calling on the State to adopt all necessary measures to prevent the use of state investigations to subject those who legitimately demanded their rights through social protest to unfair or groundless trials. This includes ensuring the guarantees of due process to all who were detained or charged in the context of the protests, pursuant to Inter-American standards.

iv) Shutting down democratic spaces through repressive and intimidating strategies aimed at discouraging new social demonstrations

78. In November 2021, a new wave of repressive actions by the state was identified in Cuba, which sought to impede new demonstrations in the country. The Commission has received reports about the continuation of arbitrary arrests and detentions, criminal charges, and judicial persecution of dissidents, activists, independent journalists, and human rights defenders, along with an increase in acts of harassment and repudiation against individuals who were trying to organize new protests in the country. All of this is part of a strategy of the State to silence, intimidate, and criminally charge any voice that is contrary to the government position.

79. Specifically, the Commission and its Special Rapporteur for the Freedom of Expression have monitored the repercussions of the civil march that was scheduled for November 15, in Cuba. According to publicly available information, members of the *Archipiélago* platform and of other civil society groups requested authorization from the competent authorities to conduct a peaceful march against violence, calling for respect for human rights and for the liberation of political prisoners in the country. Nevertheless, the Cuban authorities denied the request, considering it illegitimate and illegal.

80. Likewise, as indicated in the press release of November 29, the Commission noted that the Office of the Attorney General of the Republic had warned organizers that, if they insisted on the protest, they would be charged with several crimes, including disobedience, illegal demonstrations, and incitement to commit a crime. Additionally, the IACHR received information about various repressive and intimidating acts on November 12 and 15. These include: house arrest with police surveillance, arbitrary detentions, acts of repudiation and harassment against the organizers and any who supported the demonstration, summonses and interrogations at police stations, threats of criminal charges, and deliberate internet service outages.¹⁰⁶

81. Additionally, according to information received by the Special Rapporteur for the Freedom of Expression, journalists from several independent media outlets, such as *14yMedio*, *ADN Cuba*, and *La Hora de Cuba* received summonses for interrogations by the police in the preceding days. In this regard, the Special Rapporteur underscored the persistent siege by State security agents at the residences of reporters who actively report on matters of public interest and who question the government. Specifically, it learned that the International Press Center of Cuba withdrew the credentials of five correspondents from the *Agencia EFE* in

¹⁰⁵ Information was provided by the Cubalex organization and the Working Group on Political Prisoners, Justicia 11J, on December 9, 2021.

¹⁰⁶ IACHR, Press Release No. 317/21 - [IACHR and Its Special Rapporteurship for Freedom of Expression Concerned About State Repression that Prevented Civic Rally in Cuba on November 15](#), November 29, 2021.

Havana, two of which were returned hours later. The news agency called this an unprecedented measure against the international press working on the island.¹⁰⁷

82. Lastly, the IACHR and SRFOE noted the departure into exile of Yunior García, on November 17, who had been one of the leaders of the *Archipiélago* Platform and one of the promoters of the civil demonstration. According to available information, his departure from the country was driven by threats, house arrest, and acts of harassment against him and his family.

D. Topics of special concern and priority groups for the IACHR

1. Freedom of expression

83. The facts documented by the Rapporteur in 2021 reaffirm the premise that no guarantees currently exist for exercising freedom of expression in Cuba, as was stated in the previous report by this Office. Although the forms of harassment of independent journalists, artists, activists, and any who question official voices are not new, the Rapporteur notes that they are worsening quickly. The reports received from civil society in the context of the protests that began on July 11 are serious and include arbitrary arrests and detentions, holding detainees incommunicado, the use of general crimes to charge individuals who participate in the protests, the employment of summary judgments that do not respect minimal legal due process guarantees, and statements by authorities that seek to stigmatize demonstrators. From what this Office has been able to ascertain, one frequent strategy used by the State to silence critical voices has been internet service disruption, particularly in the context of social unrest.

84. The context of persecution of the independent press reported by this Office in its previous annual report continued to worsen in 2021. As was indicated in the special report about freedom of expression in Cuba, repression by Cuban authorities against independent journalists is a systematic practice that has existed for a long time. It involves threatening acts, summonses, and interrogations that aim to intimidate; irregular and/or arbitrary arrests and detentions; searches and seizures of journalism equipment and other assets; disrupting internet service; blocking exit and other restrictions to the freedom to circulate; pressure and threats against families and social circles; and other censorship strategies.

85. In February 2021, journalists and directors of the Cuban Institute for Freedom of Expression and the Press (ICLEP), a Cuban organization that publishes seven free newspapers in the country, suffered constant interrogations and threats by the State's Department of Security. For example, on February 5 the Rapporteur recorded the arrest of Alberto Corzo, the organization's executive director, who was held for more than 24 hours in the province of Matanzas.¹⁰⁸ According to available information, he was interrogated about the work, financing, and editorial policies of ICLEP, specifically related to coverage given to the complaints and activities of the San Isidro Movement (MSI).¹⁰⁹ On that same day, in Havana, Juan Manuel Moreno Borrego was arrested. Borrego is a journalist for *Amanecer Habanero*, one of ICLEP's community media outlets. He was threatened for having published a series of interviews of MSI members.¹¹⁰ On February 6, the director of training for ICLEP, Pedro Luis Hernández, was detained and threatened both physically and verbally in the

¹⁰⁷ IACHR, Press Release No. 317/21 - [IACHR and Its Special Rapporteurship for Freedom of Expression Concerned About State Repression that Prevented Civic Rally in Cuba on November 15](#), November 29, 2021.

¹⁰⁸ Voces del Sur. February 6, 2021. [Régimen cubano mantiene en paradero desconocido al periodista y director ejecutivo del ICLEP Alberto Corzo](#); Cubanet. February 8, 2021. [Cuba: Reprimen a varios directivos del ICLEP en operativo nacional](#).

¹⁰⁹ ICLEP. February 8, 2021. [Policía Política despliega un operativo nacional para reprimir a directivos del ICLEP](#); CPJ. March 5, 2021. [El personal de la organización cubana defensora de la libertad de prensa ICLEP pierde el servicio de Internet y teme ser objeto de interrupciones selectivas](#).

¹¹⁰ ICLEP. February 8, 2021. [Policía Política despliega un operativo nacional para reprimir a directivos del ICLEP](#); Cubanet. February 8, 2021. [Cuba: Reprimen a varios directivos del ICLEP en operativo nacional](#).

province of Sancti Spíritus, by officers of the political police, who warned him that “ICLEP’s days are numbered.”¹¹¹

86. Furthermore, in this context, police forces targeted the facilities of the newspaper, *Páginas Villareñas*, which was placed under siege. The telephones of the directors of the following media outlets were blocked intermittently: *Cocodrilo Callejero*, *Cimarrón de Mayabeque*, *El Majadero de Artemisa*, *Panorama Pinareño*, *Páginas Villareñas*, and *El Espirituano*. All of these belong to ICLEP.¹¹² On February 16, according to information received, the journalist Carlos Torres Fleites, of *Páginas Villareñas*, was threatened with prison and death.¹¹³ At least 42 journalists, members of ICLEP, reported outages in both their internet and cell phone service, and irregularities with their personal computers’ network connections, according to information received by the Office of the Special Rapporteur.¹¹⁴

87. Among other strategies the government has deployed to restrict journalistic work by media belonging to ICLEP, this Office became aware of the detentions, by agents of the National Revolutionary Police (PNR) and the political police, of the *Páginas Villareñas* reporters, Yoandy Cuéllar, Yunier Pérez, Leticia Torres, Raíza López, Juan Carlos Gutiérrez, and Michel González, on March 14 and 15, 2021.¹¹⁵ These journalists were released on the same day, following interrogation. Furthermore, in this same context the Police searched the newspaper’s headquarters, located in the province of Santa Clara, and confiscated two printers, two laptop computers, four mobile telephones, a tablet, four USB memory sticks, paper, and ink, according to a communiqué from ICLEP.¹¹⁶ As a result of having their work equipment confiscated, the media outlet’s ability to publish the newspaper was seriously affected over the following weeks.¹¹⁷ *Páginas Villareñas* is a biweekly and free local tabloid that is produced, printed, and distributed in the city of Santa Clara.

88. On March 18, 2021, the Special Rapporteur recorded with concern the complaint about Cuban authorities having blocked journalist Karla Pérez from entering the country, supposedly because they considered that she was returning to Cuba with “subversive purposes”, according to an announcement by the government of Havana.¹¹⁸ The journalist received permission to fly back to Costa Rica, where she petitioned refugee status, which was ultimately granted to her in August.¹¹⁹ According to publicly available information, Karla Pérez, 22, was in Costa Rica to study journalism after having been expelled in 2017 from the university

¹¹¹ ICLEP. February 8, 2021. [Policía Política despliega un operativo nacional para reprimir a directivos del ICLEP](#).

¹¹² ICLEP. February 8, 2021. [Policía Política despliega un operativo nacional para reprimir a directivos del ICLEP](#); Cubanet. February 8, 2021. [Cuba: Reprimen a varios directivos del ICLEP en operativo nacional](#).

¹¹³ ICLEP. February 15, 2021. [Policía Política cubana amenaza de muerte al periodista Carlos Torres Fleites](#); Voces del Sur. February 15, 2021. [Policía Política cubana amenaza de muerte al periodista Carlos Torres Fleites](#).

¹¹⁴ CPJ. March 5, 2021. [El personal de la organización cubana defensora de la libertad de prensa ICLEP pierde el servicio de Internet y teme ser objeto de interrupciones selectivas](#); Diario Las Américas. March 1, 2021. [Régimen cubano espía e interrumpe comunicaciones del ICLEP](#); Radio Televisión Martí. [ICLEP denuncia que ETECSA vigila y corta la comunicación entre sus periodistas y directivos](#).

¹¹⁵ Radio Televisión Martí. March 16, 2021. [Detienen y amenazan en Santa Clara a seis periodistas del ICLEP](#); CPJ. March 18, 2021. [La Policía cubana allana el periódico Páginas Villareñas, confisca equipos de trabajo y hostiga al personal](#).

¹¹⁶ ICLEP. March 16, 2021. [Represión del régimen cubano obliga al ICLEP a cerrar uno de sus medios de comunicación comunitarios](#); Radio Televisión Martí. March 16, 2021. [Detienen y amenazan en Santa Clara a seis periodistas del ICLEP](#); CPJ. March 18, 2021. [La Policía cubana allana el periódico Páginas Villareñas, confisca equipos de trabajo y hostiga al personal](#).

¹¹⁷ ICLEP. March 16, 2021. [Represión del régimen cubano obliga al ICLEP a cerrar uno de sus medios de comunicación comunitarios](#); CPJ. March 18, 2021. [La Policía cubana allana el periódico Páginas Villareñas, confisca equipos de trabajo y hostiga al personal](#); Voz de América. April 24, 2021. [Redadas, multas y detenciones para bloquear la prensa independiente en Cuba](#).

¹¹⁸ El Mundo CR. March 18, 2021. [Impiden ingreso a Cuba de la periodista Karla Pérez González y queda varada en Panamá](#); Deutsche Welle (DW). March 19, 2021. [Cuba alega "propósitos subversivos" para vetar el regreso de joven periodista a su país](#); Infobae. March 18, 2021. [La periodista cubana está varada en Panamá con prohibición de regresar a su país](#)

¹¹⁹ Swiss Info. March 19, 2021. [Periodista solicita refugio en Costa Rica tras impedimento de regresar a Cuba](#); Cubanet. August 9, 2021. [Costa Rica concede refugio político a la periodista cubana Karla Pérez González](#); France 24. August 11, 2021. [Costa Rica concede refugio a periodista cubana impedida de volver a la isla](#).

of Las Villas, in the Cuban province of Villa Clara, because she belonged to a political organization accused of being “counter-revolutionary”, according to the information received by this Office.¹²⁰

89. Stigmatizing speech against the independent press in Cuba, promoted by government spheres, clearly has the potential to stir up violence against any who criticize official voices. In this context, the Special Rapporteur recorded with concern the complaint filed on May 23 by the journalist, Héctor Valdés Cocho, of *ADN Cuba*, regarding death threats he had received through social media, which were associated with his work as an independent reporter. From what the Rapporteur was able to learn, the threats also extended to his partner, family members, and persons close to him. Among other things, the message warned that his “piquetico” is the only one that is not in prison: “we have you there for a reason, for a reason that will not be very good for you.”¹²¹

90. Furthermore, in 2021 the Office continued to note the use of Decree-Law 370 about the digitalization of society in Cuba to impose fines on journalists that publish information or opinions that are contrary to official interests.¹²²

91. Another prevalent practice is for the police to establish a siege around the home of some reporters¹²³, as well as irregular detentions¹²⁴, intimidation¹²⁵, and internet outages.¹²⁶ One of the cases of concern the Office of the Rapporteur highlights is that of journalist Luz Escobar, of *14yMedio*, who was allegedly the target of a police siege. On January 27, in the context of a demonstration to celebrate the birth date of José Martí, and to recall the “27N” protest just two months earlier, Escobar was allegedly obligated to remain in her home for at least four days, by a State Security agent, who remained near her door.¹²⁷ Following the days of protest that began in Cuba on July 11, 2021, Escobar remained under house arrest for at least 17 days, with police officers at the door of her home.¹²⁸ Iliana Hernández, a reporter for *Cibercuba*, was also the target of

¹²⁰ Deutsche Welle (DW). March 19, 2021. [Cuba alega “propósitos subversivos” para vetar el regreso de joven periodista a su país.](#)

¹²¹ Héctor Luis Valdés Cocho Twitter account (@HectorValdes_91). [May 23, 2021](#); ADN Cuba. May 23, 2021. [Amenazan de muerte al activista Héctor Valdés, colaborador de ADN Cuba](#); Radio Televisión Martí. May 24, 2021. [Periodista cubano recibe amenazas de muerte contra él y su familia: “No dejaré de decir la verdad”.](#)

¹²² Cibercuba. March 17, 2021. [Multan a periodista independiente que grabó la protesta de un cuentapropista en Guantánamo](#); Diario de Cuba. March 16, 2021. [El régimen vuelve a echar mano al Decreto-Ley 370 para evitar que la represión sea divulgada](#); Cibercuba. September 14, 2021. [Multan por segunda vez al periodista cubano Emilio Almaguer mientras mostraba síntomas de coronavirus](#); Radio Televisión Martí. February 17, 2021. [Buscaron ayuda para una persona con discapacidad y Seguridad del Estado los amenazó con Decreto 370 \(VIDEO\).](#)

¹²³ Periódico Cubano. August 4, 2021. [La Seguridad del Estado mantiene una fuerte vigilancia contra la periodista Luz Escobar](#); Diario de Cuba. June 4, 2021. [Prisión domiciliar, vigilancia y restricción de movimientos en Cuba: la ley para cercenar libertades individuales](#); Voces del Sur. March 9, 2021. [Bajo arresto domiciliar sin orden judicial periodistas y activistas de derechos humanos](#); Radio Televisión Martí. June 5, 2021. [Detienen a periodista Héctor Luis Valdés Cocho, su colega Iliana Hernández estuvo a punto de ser arrestada \(VIDEO\).](#)

¹²⁴ Diario de Cuba. July 18, 2021. [La Seguridad del Estado detiene al periodista cubano Maykel González y lo amenaza con procesarlo por las protestas](#); Periódico Cubano. March 12, 2021. [Detienen a la periodista cubana María Matienzo cuando salía a botar la basura](#); CPJ. June 23, 2021. [El periodista cubano Lázaro Yuri Valle Roca ha estado detenido por la Policía desde el 15 de junio.](#)

¹²⁵ Cibercuba. June 30, 2021. [Seguridad del Estado amenaza a esposa de periodista independiente con retirarles la custodia de su hijo](#); Cubanet. June 29, 2021. [La familia cubana: un instrumento en manos de la dictadura](#); Cubanet. February 26, 2021. [Amenazan a reportero de CubaNet con multa de 15 000 pesos](#); ADN Cuba. April 11, 2021. [Activistas y periodistas independientes, blancos de otro domingo de represión](#); ADN Cuba. July 25, 2021. [Amenazan a otro periodista independiente con la cárcel](#); Cibercuba. October 11, 2021. [Periodistas y activistas sitiados por la Seguridad del Estado por segundo día consecutivo.](#)

¹²⁶ See section B *infra* about internet and freedom of expression.

¹²⁷ IACHR. The Office of the Special Rapporteur for Freedom of Expression. February 5, 2021. Press Release R28/21. [The Office of the Special Rapporteur expresses concern about the persistent harassment against journalists, artists, and human rights defenders who exercise their freedom of expression in Cuba](#); IPYS Venezuela. February 3, 2021. [Enero: 38 hechos violatorios a la libertad de prensa en Cuba / ICLEP.](#)

¹²⁸ Cibercuba. July 28, 2021. [Luz Escobar, 17 días sin poder salir de su casa: “Con la patrulla de la policía en la entrada del edificio”](#); Deutsche Welle. August 6, 2021. [Prensa en alemán: arrestos en Cuba y fracaso del referéndum en México.](#)

ongoing acts of harassment, from what this Office was able to ascertain. On April 8, she was arrested by State Security agents while walking in a public thoroughfare and, in the months that followed, was obligated to remain under house arrest without a court order or formal charges, confined by a police fence that surrounded her house and remained in place for several months.¹²⁹

92. In another case, Camila Acosta was allegedly violently detained by the Cuban political police while she was on her way to report on the January 27 protests in Havana.¹³⁰ Acosta, a reporter for *Cubanet* and correspondent for the Spanish daily, *ABC*, was on several occasions allegedly threatened with charges for the crimes of contempt and disobedience.¹³¹ After being released she had to remain under house arrest without a court order for at least four days in a row.¹³² She was also the target of harassment in the weeks following the start of the July protests.¹³³ She was detained on July 12 while leaving her home in Havana to run a personal errand with her father.¹³⁴ According to the information the Office of the Rapporteur received, on this occasion security agents showed up and conducted a search of her home, from which they took all of her job-related equipment, including her personal computer.¹³⁵ Like in other cases documented by the Rapporteur in the context of the protests, Acosta was charged with the crimes of contempt and public disorder.¹³⁶ After spending four days in prison being held incommunicado, she was placed under a house arrest regime, where she remained for at least ten days.¹³⁷ On July 27 she was once again detained for several hours by State security when she attempted to leave her home to ask police about alleged retaliations against her circle of friends and family.¹³⁸

93. On April 22, 2021, the IACHR resolved to grant precautionary measures on behalf of Joel Suárez Fernández, a journalist for the *Diario de Cuba*, after considering that he is in a situation of serious and urgent risk of irreparable harm to his rights in Cuba. Among the facts that motivated the resolution are several

¹²⁹ 14yMedio. April 8, 2021. [La reportera Iliana Hernández es detenida junto a unos amigos mientras caminaban por La Habana](#); Radio Televisión Martí. July 20, 2021. [Iliana Hernández cumple 90 días de reclusión domiciliaria sin cargos ni juicio](#); Human Rights Watch. June 30, 2021. [Cuba: Clampdown on Artists, Journalists Arbitrary Detention, Restrictions on Movement, Communications](#)

¹³⁰ Cubanet. January 27, 2021. [Seguridad del Estado detiene a Camila Acosta durante transmisión en vivo](#); ICLEP. January 27, 2021. [Periodistas y artistas son agredidos por el Ministro de Cultura de Cuba y arrestados por la Policía Política](#).

¹³¹ IPYS Venezuela. February 3, 2021. [Enero: 38 hechos violatorios a la libertad de prensa en Cuba | ICLEP](#); Asociación Pro Libertad de Prensa (APLP). February 4, 2021. [Periodistas agredidos en Cuba \(Enero 2021\)](#).

¹³² Cubanet. January 28, 2021. [Periodista Camila Acosta: "Estoy bajo arresto domiciliario, sin orden judicial"](#); IPYS Venezuela. February 3, 2021. [Enero: 38 hechos violatorios a la libertad de prensa en Cuba | ICLEP](#).

¹³³ RSF Reporters Without Borders. August 13, 2021. [Cuba urged to free reporters under house arrest or jailed since a wave of protests a month ago](#).

¹³⁴ Europa Press. July 12, 2021. [Detenida Camila Acosta, la corresponsal de ABC en Cuba](#); Infobae. July 12, 2021. [La dictadura cubana detuvo a la corresponsal del diario español ABC](#).

¹³⁵ Infobae. July 17, 2021. [El testimonio de Camila Acosta, la periodista que estuvo presa en las celdas de la dictadura cubana: "Dios me puso ahí para contar lo que sucede"](#); ABC. July 14, 2021. [La corresponsal de ABC en Cuba, Camila Acosta, será procesada por «delitos contra la seguridad del Estado»](#).

¹³⁶ Cubanet. July 13, 2021. [Modifican cargos contra Camila Acosta, acusada ahora de "desorden público"](#); ABC. July 14, 2021. [Modifican los cargos contra la corresponsal de ABC en Cuba, Camila Acosta, a «desorden público» y «desacato»](#).

¹³⁷ TN. July 17, 2021. [Interrogatorios, golpes y maltratos: la periodista Camila Acosta contó detalles de sus días en prisión en Cuba](#); Infobae. July 17, 2021. [El testimonio de Camila Acosta, la periodista que estuvo presa en las celdas de la dictadura cubana: "Dios me puso ahí para contar lo que sucede"](#).

¹³⁸ La Vanguardia. July 27, 2021. [Detenida de nuevo la periodista Camila Acosta en Cuba](#); ABC. July 27, 2021. [Liberada la corresponsal de ABC en La Habana, Camila Acosta, tras ser detenida e interrogada durante horas](#)

police citations in which he allegedly was interrogated about his reporting on social media and threatened with prosecution and with consequences to his life and the lives of his family.¹³⁹

94. Additionally, on April 30, 2021, agents of the Revolutionary National Police and the political police arrested Mary Karla Ares, a reporter for the community newspaper, *Amanecer Habanero*, while she was giving live coverage of a demonstration in support of artist Luis Manuel Otero Alcántara, who at the time was on a hunger and thirst strike to decry the lack of civil liberties in Cuba. Mary Karla Ares was initially taken to a police station in the municipality of Playa, where she was charged for the alleged crime of public disorder and resisting [arrest]. Later, on May 27, she was taken to the Women's Prison of Occidente, located in the municipality of La Lisa.¹⁴⁰ After one month in prison, where she was allegedly held incommunicado and under cruel, inhuman, and degrading treatment, Mary Karla Ares was released on May 29, under a house arrest regime.¹⁴¹ Of further concern to this Office is the case of journalist Esteban Rodríguez, contributor to *ADN Cuba*, who was detained at the same time as Mary Karla Ares and was charged with the same crimes.¹⁴² Since then and through the date this report was written, Esteban Rodríguez has spent more than 175 days in prison, where he contracted coronavirus.¹⁴³ According to the information in the complaint, the journalist, currently being held in the jail at *Combinado del Este* where he awaits trial, was subjected to cruel, inhumane, and degrading treatment.¹⁴⁴ On October 18, he began a hunger and thirst strike to protest the irregularities of his detention and to demand his own release and that his judicial guarantees be respected.

95. In the context of the July 11 protests, the independent press has reported that it is a constant target of physical aggression, intimidation, detention, and virtual attacks against its news portals. For example, the Rapporteur's Office received reports that the photojournalist for *AP Noticias*, Ramón Espinosa, was assaulted by police agents while he was covering the demonstrations in Havana. Another cameraman for the same agency was allegedly assaulted by a group of pro-Government citizens.¹⁴⁵ Likewise, the Rapporteur's Office received reports about numerous detentions of journalists for outlets such as *Cubamet*, *Tremenda Nota*, *Palenque Visión*, *ADN Cuba*, and *La Hora de Cuba*, and about police operations that blocked several journalists from leaving their homes.¹⁴⁶ Some media outlets in the country's interior were left inoperable as a result of the extended detentions of their reporters. Others had to suspend distribution of their newspapers and in some

¹³⁹ IACHR. April 23, 2021. Press Release 101/21. [IACHR adopts precautionary measures in favour of Yoel Suárez Fernández in Cuba.](#)

¹⁴⁰ CPJ. May 4, 2021. [Detienen a la periodista cubana Mary Karla Ares por dar cobertura a protesta](#); CiberCuba. May 2, 2021. [Acusan a periodista Mary Karla Ares de desorden público tras reportar protesta por Luis Manuel Otero en La Habana](#); ICLEP. May 26, 2021. [Trasladan a prisión a la periodista del ICLEP Mary Karla Ares.](#)

¹⁴¹ Periódico Cubano. May 12, 2021. [Régimen niega medicamentos a la periodista Mary Karla Ares](#); 14yMedio. May 13, 2021. [Cumple dos semanas en prisión Mary Karla Ares por filmar la protesta de la calle Obispo](#); ICLEP. May 22, 2021. [Torturan y trasladarán a prisión a reportera del ICLEP Mary Karla Ares](#); Cubamet. May 29, 2021. [Régimen libera a Mary Karla Ares, pero le impone prisión domiciliaria](#); 14yMedio. June 2, 2021. [Mary Karla Ares denuncia "largas horas de interrogatorios" y "tortura psicológica".](#)

¹⁴² CiberCuba. April 26, 2021. [Seguridad del Estado detiene a Esteban Rodríguez cerca de la casa de Luis Manuel Otero](#); Amnesty International. August 19, 2021. [Cuba: Amnesty International names prisoners of conscience amidst crackdown on protesters.](#)

¹⁴³ Radio Televisión Martí. August 28, 2021. [Movimiento San Isidro denuncia que periodista cubano Esteban Rodríguez vuelve a contagiarse de COVID-19 en la cárcel](#); CiberCuba. August 28, 2021. [Activista cubano Esteban Rodríguez vuelve a contagiarse de coronavirus en prisión.](#)

¹⁴⁴ Diario de Cuba. June 15, 2021. [El activista cubano Esteban Rodríguez, a una cárcel de máxima seguridad, 'esposado de pies y manos'](#); CiberCuba. June 14, 2021. [Esteban Rodríguez, esposado de pies y manos, es trasladado a cárcel de máxima seguridad](#); Norges Rodríguez Twitter account (@norges14). [June 16, 2021.](#)

¹⁴⁵ Agence France-Presse Twitter account (@AFPespanol). [July 11, 2021](#); Diario de Cuba. 12 de julio de 2021. [Grupos prorrégimen hieren a un corresponsal de AP durante la represión de las protestas en La Habana.](#)

¹⁴⁶ La Nación. July 13, 2021. [Protestas en Cuba: denuncian que comenzaron los arrestos de periodistas para impedir que informen](#); VOA. July 19, 2021. [Cuba detiene e interroga a decenas de periodistas por las coberturas de las protestas.](#)

municipalities, there were reports that by merely pulling out a cell phone on the street police repression was activated.¹⁴⁷

96. The IACHR and its Office of the Special Rapporteur have indicated in their special Report about the situation of freedom of expression in Cuba that state agents are the main source of threats and aggression against the press in that country, a practice that must be scrapped and penalized. The Report recommended that the State of Cuba bring an end to the harassment, including citations, detentions of any length, and judicial harassment of any person for reasons related to the exercise of their freedoms of expression, association, assembly, and others related to these.

97. Likewise, the IACHR and its SRFOE recall that both the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man, as well as Article 19 of the International Covenant on Civil and Political Rights, signed by Cuba on February 28, 2008, protect journalism work, artistic work, and the defense of human rights. Therefore, those expressing themselves legitimately must not be pressured on how to do their work, cover, and/or disseminate facts in the public interest.

2. Human Rights Defenders

98. The IACHR observes that, in 2021, the serious human rights crisis in Cuba has deteriorated the human rights situation of human rights defenders as compared with prior years. According to information received and monitoring conducted by this Commission, human rights defenders in the country continue to face acts of harassment and arbitrary violations of the right of free movement, liberty, security, and personal integrity. As reflected above, there is an unrelenting number of petitions that the Commission grant precautionary measures to protect human rights defenders in Cuba.¹⁴⁸

99. Since the beginning of 2021 the Inter-American Commission has received information that tells of the escalating repression against human rights defenders. In this context, of special concern is the harassment of members of the San Isidro Movement (MSI), who since November 2020 have been targets of harassment by the police and the Department of State Security. In this regard, the Commission was informed of numerous detentions of individuals who are part of MSI and its allies who have also faced ongoing police surveillance outside their homes, a situation that led the Commission to grant precautionary measures.¹⁴⁹

100. Furthermore, according to reports from civil society, through May 2021, 52% of aggressions were committed against female human rights defenders. These reports indicate that in Cuba, female human rights defenders face additional harassment because of their gender, with differentiated impacts.¹⁵⁰ In this regard, the Commission received information about the specific situation of María de los Ángeles Matienzo Puerto and Kirenia Yalit Núñez Pérez, a human rights defender and an independent journalist who have experienced several risk events on a persistent basis between 2013 and 2021, including threats, stalking,

¹⁴⁷ Archive of the Special Rapporteur for Freedom of Expression. Listening session with Cuban journalists and media outlets. July 20, 2021; Listening session with female Cuban journalists. July 30, 2021.

¹⁴⁸ IACHR, [Resolution 78/21](#) PM 515-21 - Manuel de Jesús Rodríguez García regarding Cuba, October 3, 2021; [Resolution 68/21](#), PM 1068-20 - Irán Almaguer Labrada regarding Cuba, August 28, 2021; [Resolution 64/21](#), PM 211-20 - Richard Adrián Zamora Brito regarding Cuba, August 22, 2021; [Resolution 30/21](#), PM 211-20 - Esber Rafael Ramírez Argota regarding Cuba, April 5, 2021; [Resolution 29/21](#), PM 1101-20 - Aminta D'Cardenas Soroa and Carlos Manuel Álvarez regarding Cuba, March 24, 2021; [Resolution 26/21](#), PM 552-20 - María de los Ángeles Matienzo Puerto and Kirenia Yalit Núñez Pérez regarding Cuba, March 14, 2021; [Resolution 14/21](#), PM 1101-20 - 20 identified members of the San Isidro Movement (MSI) regarding Cuba, February 11, 2021; [Resolution 7/21](#) PM 211-20 - Juan Antonio Madrazo Luna, Marthadela Tamayo and Oswaldo Navarro Veloz regarding Cuba, January 19, 2021; [Resolution 5/21](#) PM 1068-20 - Yandier García Labrada regarding Cuba, January 7, 2021.

¹⁴⁹ IACHR, [Resolution 14/21](#), PM 1101-20, 20 identified members of the San Isidro Movement (MSI) regarding Cuba, February 11, 2021.

¹⁵⁰ FDP - Fundación para la Democracia Panamericana, Report 2021 [Situación de los Derechos de las Mujeres Defensoras de Derechos Humanos en Cuba](#), June 19, 2021, at 11.

intimidation, aggression, and messages that discredit them. The Commission noted the unique risk Ms. Matienzo Puerto and Ms. Núñez Pérez are facing as female human rights defenders because of gender stereotypes, historical discrimination, and related prejudicial ideas about how they should act or about the roles women should have in society.¹⁵¹ The Commission emphasizes that in addition to the violation of the right to defend human rights, violence against female defenders carries with it other types of consequences that affect women in a differentiated way because of their gender.¹⁵²

101. The Commission also received reports of persistent arbitrary detentions as a method of harassment by the police and State Security agents. Likewise, the Commission has identified that human rights defenders in Cuba are consistently deprived of liberty for specific crimes, such as contempt, acts of opposition, and public disorder. On occasion, inside penitentiary facilities, they are the objects of aggression, threats, and mistreatment.¹⁵³ The Commission learned, for example, of the case of Yandier García Labrada, an activist and member of the *Movimiento Cristiano Liberación*, who currently is an inmate in the “*El Típico*” prison for “contempt and public disorder.”¹⁵⁴ It also granted precautionary measures on behalf of Aminta D’Cárdenas Soroa and Carlos Manuel Álvarez, individuals associated with the San Isidro Movement (MSI). Regarding Aminta D’Cárdenas, the Commission was informed of her detention after she participated in a demonstration, whereas Carlos Manuel Álvarez was detained as he was leaving his relatives’ home. According to the information submitted to the IACHR, Carlos Manuel Álvarez was allegedly assaulted after receiving summonses to appear at the police station.¹⁵⁵

102. Furthermore, as was laid out in the preceding section, a series of demonstrations began on July 11, 2021, to demand the exercise of civil liberties and changes to the country’s political structure, as well as to decry shortages of food, medications, and basic-needs products that had worsened because of the Covid-19 pandemic. As a result of these protests, the latest records of the civil society organization, Cubalex, dated August 10, indicate that 805 persons have been detained, a significant number of which are activists, artists, journalists, leaders of political movements that oppose the government, as well as professors and students. The facts in complaints submitted also include individuals being held incommunicado and families not knowing their whereabouts.¹⁵⁶

103. The Commission also received information about the specific situation of José Daniel Ferrer, leader of *Unión Patriótica de Cuba* (UNPACU), in Altamira, Santiago de Cuba. According to the information the Commission received, José Daniel Ferrer began a hunger strike on March 20, 2021, which he sustained for 21 days, in protest of the fact that agents in patrol vehicles had circled the organization’s headquarters so as to stop the organization from functioning.¹⁵⁷ Later, the Commission was informed that José Daniel Ferrer had been sentenced to four and a half years of house arrest on April 22, then on July 11 he was sentenced to remain

¹⁵¹ IACHR, [Resolution 26/21](#), PM 552-20 María de los Ángeles Matienzo Puerto and Kirenia Yalit Núñez Pérez regarding Cuba, March 14, 2021.

¹⁵² IACHR, [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#), OEA/Ser.L/V/II. Doc. 262, December 6, 2019, para. 74.

¹⁵³ IACHR, [SPECIAL REPORT ON THE SITUATION OF FREEDOM OF EXPRESSION IN CUBA](#), OEA/SER.L/V/II, CIDH/RELE/INF.21/18, December 31, 2018, para 136.

¹⁵⁴ IACHR, [Resolution 5/21](#) PM 1068-20 - Yandier García Labrada regarding Cuba, January 7, 2021.

¹⁵⁵ IACHR, [Resolution 29/21](#), PM 1101-20 - Aminta D’Cárdenas Soroa and Carlos Manuel Álvarez regarding Cuba, March 24, 2021.

¹⁵⁶ Press Release No. 211/21 - [IACHR and Special Rapporteurs Express Concern over Reports of Arbitrary Detentions, Incommunicado Detention, Lack of Legal Defense, and Other Violations of Due Process during the July 11 Protests in Cuba](#), August 12, 2021.

¹⁵⁷ France 24, [Opositor Cubano levanta huelga de hambre tras retiro de cerco policial](#), April 12, 2021.

in jail. It concerns the Commission that, according to the information it received, Ferrer is being held in isolation and is in poor health.¹⁵⁸

104. During 2021, the Commission also was informed of other acts of harassment against defenders in Cuba. It learned about the case of Juan Antonio Madrazo Luna, Marthadela Tamayo, and Oswaldo Navarro Veloz, members of the *Comité Ciudadanos por la Integración Racial* (CIR), who reported to the Commission about repressive acts of harassment by the State, seeking to impede the CIR members from circulating, assembling, or freely expressing. They indicated that on several occasions they have been blocked from leaving the country, fined for “civil disobedience”, and they have been identified as “traitors” or “opponents”. Based on the information it has received, the Commission granted precautionary measures on their behalf, considering that the facts described suggest that the at-risk situation of Juan Antonio Madrazo Luna, Marthadela Tamayo, and Oswaldo Navarro Veloz is susceptible to continue and worsen over time, such that given the imminence of the risk materializing, the Commission deemed it necessary to adopt measures to safeguard their rights to live and personal integrity.¹⁵⁹

105. Likewise, in the context of the 180th Period of Session, held in June 2021, the Commission received information about new patterns of violence against human rights defenders in Cuba. Civil Society organizations specifically reported the following: i) health centers being used as spaces for confinement and isolation of defenders, and for imposing involuntary treatments; ii) arbitrary confiscation of humanitarian aid and disruption of assistance efforts by activists and civil society organizations; and iii) abuse of Covid-19 prevention regulations as pretext for imposing fines and arbitrary detentions. Furthermore, the organizations stressed the differentiated impacts on female defenders who face acts of harassment and intimidation, such as requiring nudity during detention, and threats directed at their children.¹⁶⁰

106. The IACHR recalls that the main purpose of imposing fines or other sanctions on defenders because of their work and of depriving them of their liberty is to criminalize their activities that promote and defend human rights, as well as to deter them from continuing to promote their causes.¹⁶¹ Likewise, the Commission reiterates that the bodies of the Inter-American system have indicated that attacks against human rights defenders have a multiplying effect that goes beyond the direct affectation of the individual defender, because when the aggression is committed in retaliation for their activities, it produces fear that spreads to all who defend similar causes.¹⁶²

107. In this light, the Inter-American Commission considers that the situation of human rights defenders continues to be of concern. The IACHR reiterates the importance of the rights of human rights defenders and their irreplaceable role in guaranteeing the rule of law and the construction of a society that is democratic, solid, and enduring.¹⁶³ Therefore, the IACHR reiterates its call on the State to adopt effective measures to guarantee and protect the rights of human rights defenders, activists, journalists, and other social

¹⁵⁸ Infobae, [El régimen Cubano mantiene al opositor José Daniel Ferrer en una celda de aislamiento en condiciones inhumanas y degradantes](#), October 10, 2021; AméricaTeve, [José Daniel Ferrer, enfermo y semidesnudo en una celda de aislamiento](#), October 10, 2021; Diario Las Américas, [Régimen mantiene a José Daniel Ferrer incomunicado](#), October 2, 2021.

¹⁵⁹ [Resolution 7/21](#) PM 211-20 - Juan Antonio Madrazo Luna, Marthadela Tamayo and Oswaldo Navarro Veloz regarding Cuba, January 19, 2021.

¹⁶⁰ IACHR, Hearing, 180th period of sessions, [New persecution patterns of HR defenders and the situation of women HR defenders in Cuba](#), June 25, 2021.

¹⁶¹ IACHR, [Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II. Doc. 2, February 3, 2020, para. 193.

¹⁶² IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 25.

¹⁶³ IACHR, [Criminalization of the Work of Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 49/15, December 31, 2015, para. 22; Press Release 288/2019 [IACHR and UN Human Rights Presences Once Again Call for the Creation of a Safe, Favorable Environment for Human Rights Defenders in the Americas](#), November 27, 2019.

leaders. The IACHR reminds the States of their obligation to prevent threats, aggression, and harassment against these groups and to take all necessary measures to safeguard and provide conditions that enable them to do their work.

3. LGBTI Persons

108. Regarding the human rights situation of lesbian, gay, bisexual, trans and gender-diverse, and intersex (LGBTI) persons, the Commission takes note of the publication of the Family Code draft legislation, which if approved would recognize access to the legal institution of marriage without discrimination.¹⁶⁴ The Commission notes, however, that this reform will eventually be submitted to a process of consultation and referendum. The Commission once again expresses concern that a human right like marriage equality might be subjected to a mechanism of popular consultation. Along these lines, the IACHR calls on the State to take all measures necessary to legally recognize unions or marriage of persons of the same sex, granting them the same rights conferred to couples of different sexes, including property rights and all other rights that derive from the relationship, without distinction based on sexual orientation or gender identity, under penalty of violating the rights to equality and non-discrimination.¹⁶⁵

109. The Commission also received information of complaints about the censorship of a video by a transgender activist on State television¹⁶⁶, as well as complaints about the summons and interrogation of a gay man for reasons related to his work as an activist and defender of the human rights of LGBTI persons.¹⁶⁷ In response, the Commission recalls that the right to freedom of expression enshrined in Article 13 of the American Convention includes the right of individuals to express their sexual orientation and gender identity, and that this type of expression enjoys a special level of protection under the Inter-American instruments, because it relates to an integral element of personal identity and dignity. Further, special protection of this type of expression imposes greater limits on State intervention in human rights defense activities, including demands of recognition, protection, or exercise of a right in the context of social protests.

110. Lastly, the IACHR underscores that there is no official and disaggregated statistical data about acts of violence against LGBTI persons. Regarding this, the Commission reiterates the importance of the collection of reliable data for planning, adopting, and implementing measures that guarantee full equality for LGBTI persons. It also recalls that data are instrumental for the appropriate application of the due diligence standard for prevention, mitigation, sanction, and reparation for this type of violence.

4. Women

111. Regarding the situation of the rights of women, the Commission notes that legal limitations persist that hinder the right of women to live a life free of violence and discrimination. The Commission underscores the absence of legislation containing a general definition of discrimination against women, and the inexistence of legislation that addresses and expressly prohibits gender-based violence.¹⁶⁸ Along these lines, the Commission also notes that the Cuba is not yet a party to the Inter-American Convention to Prevent,

¹⁶⁴ Ministry of Justice, [Anteproyecto Código de las Familias versión 22](#), August 1, 2021.

¹⁶⁵ IACHR, [Situation of Human Rights in Cuba](#), 2020, para. 328.

¹⁶⁶ Diario de Cuba, "[Censurado en Cuba el videoclip 'Es mi vida' de la comunidad LGTBI por razones políticas](#)", May 21, 2021; Radio Televisión Martí, "[Televisión cubana censura videoclip dedicado a la comunidad LGTBI](#)", May 20, 2021

¹⁶⁷ ADN Cuba, "[Policía política cita a activista Raúl Soublett](#)", February 25, 2021; Diario de Cuba, "[La Seguridad del Estado amenaza a un activista cubano por los derechos LGTBI con procesarlo por 'mercenarismo'](#)", October 10, 2021.

¹⁶⁸ Observatorio de Femicidios. [Yo Sí te Creo en Cuba](#), accessed October 21, 2021; Cuba Debate. [Mujeres tras las sombras: Desafíos del feminicidio en Cuba](#), May 18, 2021; Diario de Cuba. [¿Cuántas mujeres tienen que ser asesinadas para que el Estado cubano asuma su responsabilidad?](#), May 26, 2021; BID. [Un vistazo a la violencia contra la mujer en la región](#), accessed October 26, de 2021.

Sanction, and Eradicate Violence Against Women (“Belém do Pará Convention”)¹⁶⁹, the principal Inter-American instrument for the defense and protection of the right of women to live a life free of violence and discrimination. Further, the IACHR notes with concern that femicide is not classified as a crime¹⁷⁰, as well as the lack of an effective protection framework for women who face violence, by establishing that rape cases always be investigated *ex parte* and by permitting criminal prosecutions to be interrupted if victims withdraw their complaint.¹⁷¹

112. The Commission recalls that legislative prohibition of every form of violence and discrimination against women is essential to combat this scourge, and it highlights the duty to conduct *ex officio* investigation of possible discriminatory connotations because of gender, especially in cases of sexual violence.¹⁷² In this regard, the Commission calls on the State to adopt a legislative framework that makes visible the structural imbalance women face in the enjoyment of their rights, and that is in keeping with the guiding principles for eradication of gender-based violence and discrimination. Further, the Commission reiterates its call on the State to sign and ratify the Belém do Pará Convention.

113. The Commission also observes that the State does not have official consolidated, up-to-date, and properly disaggregated data with which to analyze the situation of violence and discrimination against women in Cuba, making it challenging to improve policies and evaluate their impacts and effectiveness in changing conditions of structural discrimination and violence.¹⁷³ The Commission notes that the National Program for the Advancement of Women establishes as an area of attention the incorporation of a gender focus in statistics and research in order to more thoroughly understand problems that affect women, identify inequalities, and adopt public policies.¹⁷⁴ Regarding this, the Commission calls on the State to ensure the collection of research and data, as well as other pertinent information regarding the causes, consequences, and frequency of violence against women, and to compile, make available, and publish complete, itemized, and periodic information for the purpose of evaluating the impact and efficacy of adopted policies, and to formulate and implement necessary changes.

114. Regarding the situation of violence women face, and given the absence of official data, the Commission notes the information compiled by civil society organizations, which reports 11 femicides thus far in 2021, highlighting that in most cases the author of the crime was the victim’s partner or ex-partner.¹⁷⁵ Likewise, in the specific context of the social protests, the Commission takes note of complaints by human rights defenders who indicate they have suffered acts of harassment, intimidation, required nudity during detention, and threats against their children.¹⁷⁶ Regarding this, the Commission calls on the State to adopt and strengthen policies that prevent acts of violence against women and that take a wholistic approach toward the various

¹⁶⁹ General Information of the Treaty: Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, [Ratification/Accession by Country](#), accessed October 21.

¹⁷⁰ *Ibid.*

¹⁷¹ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, [A/HRC/47/26](#), April 19, 2021.

¹⁷² IACHR Violence and Discrimination against Women and Girls, [Annex 1 Standards and Recommendations](#), OEA.SER.L/V/II. Doc. 233, November 14, 2019, para. 12-75.

¹⁷³ IACHR Violence and Discrimination against Women and Girls, [Annex 1 Standards and Recommendations](#), OEA.SER.L/V/II. Doc. 233, November 14, 2019, para. 15-16.

¹⁷⁴ [Decreto Presidencial 198/2021](#), Official Gazette No. 14 Special Issue, March 8, 2021.

¹⁷⁵ Observatorio de Femicidios. [Yo Sí te Creo en Cuba](#), accessed October 21, 2021; Diario de Cuba. [Otros dos feminicidios en Cuba, denuncian plataformas independientes](#). April 14, 2021

¹⁷⁶ IACHR [Annex to Press Release 165/21 on the 180th Period of Sessions](#), July 2, 2021; IACHR, Hearing, 180th period of sessions, [New persecution patterns of HR defenders and the situation of women HR defenders in Cuba](#), June 25, 2021; Human Rights Watch, [Cuba: Peaceful Protesters Systematically Detained, Abused, Arbitrary Detention, Ill-Treatment, Abusive Trials Affect Hundreds](#), October 19, 2021.

manifestations of violence, having in mind the specific risks women face in certain contexts. It also calls on the State to investigate, sanction, and remedy with due diligence any acts of gender-based violence against women.

115. Lastly, the Commission notes complaints by civil society organizations about the lack of access to menstrual hygiene products.¹⁷⁷ The Commission highlights that dignified menstruation management is an integral part of the right to sexual and reproductive health, and the lack of access to menstrual hygiene products can have negative effects on health of women, girls, teenagers and menstruating persons. The Commission reiterates its call upon the State to ensure sufficient public health facilities, goods, and services that are sensitive to gender needs¹⁷⁸, including access to menstrual hygiene products.

5. Persons of African Descent

116. The IACHR observes patterns of racial discrimination in Cuba. In particular, public sources highlight that, following the abolition of slavery in Cuba, persons of African descent have not stopped suffering historical inequalities. They assert that structural racism has led to the denial by the State that racism even exists and that there are no public policies to counter it.¹⁷⁹ The Commission also notes the lack of disaggregated official statistics, as well as the lack of awareness campaigns for society regarding ethnic-racial self-identification.

117. The Commission also highlights, from information received, the precarization of economic, social, cultural, and environmental rights, with differentiated impacts on women and older persons of African descent.¹⁸⁰ Regarding the right to housing, the IACHR observes that, according to available data, 37% of Cuba's housing fund is classified as having mediocre or poor condition of technical construction. At the same time, there is a deficit of 863,000 properties. Therefore, various sectors state the urgent need to accelerate home-building to reduce social gaps.¹⁸¹

118. In the context of the protests that took place on July 11, 2021, the Commission observes that civil society organizations have reported that racial inequality was one of the original triggers of those social demonstrations, given that persons of African descent have historically been excluded from different sectors, and that the prevailing model in Cuba would exacerbate the conditions of inequality to which they have been historically exposed.¹⁸² Along these lines, the IACHR takes note that, in the opinion of experts, Afro-descendent communities in Cuba allegedly receive greater repression from the regime.¹⁸³

119. In this context, various sources of available public information have made known that, of the more than 600 Cubans that, as of October 27, 2021, were in prison for having demonstrated on July 11, 2021, a large percentage are persons of African descent.¹⁸⁴ A number of organizations have reported to the IACHR that law enforcement authorities had applied social profiling practices and the excessive use of force against

¹⁷⁷ Plataforma Femenina, [Menstruación y Derechos Humanos en Cuba](#), 2021; Race & Equality, [Menstruación y Derechos Humanos, un debate necesario para avanzar hacia la plena garantía de Derechos Humanos en la región](#), May 28, 2021; El Toque, [Higiene Femenina en Cuba: Invento y otros trapos](#), January 2021.

¹⁷⁸ IACHR, [Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II. Doc. 2, February 3, 2020, Recommendation 24.

¹⁷⁹ The Washington post, [La 'revolución' no erradicó el racismo en Cuba](#), August 31, 2021.

¹⁸⁰ Document submitted to the IACHR, CIR, Flamur & Mujeres Esperanza, and DESCA in Cuba, reflections from the perspective of intersectionality, October 2021.

¹⁸¹ Rebelión, [A Cuba le urge acelerar construcción de viviendas para atajar brechas sociales](#), October 30, 2021.

¹⁸² BBC News, Protests in Cuba: "[Los que protestaron el 11 de julio fueron los perdedores del capitalismo de Estado y entre ellos están los afrocubanos](#)", August 20, 2021.

¹⁸³ Sentido Común, [Las comunidades negras de Cuba reciben la mayor represión del régimen](#), August 25, 2021.

¹⁸⁴ Martí, [Más de 600 cubanos siguen en prisión por manifestarse el 11J](#), October 27, 2021.

Afro-Cuban persons that participated in the social protests. In this context, the Commission noted the death of Diubis Laurencio Tejeda, a 36-year-old of African descent, who died in the contest of the demonstrations, the death having occurred near a police station in the municipality of Arroyo Naranjo, on the outskirts of Havana, one of the poorest areas.¹⁸⁵

6. Persons deprived of liberty

120. Regarding persons deprived of liberty, the Commission notes the persistently high rates of persons deprived of liberty and the deplorable conditions of their detention. In particular, the IACHR observes that the situation this population faces places their lives and integrity at risk. Likewise, the IACHR expresses its concern over the absence of up-to-date official data about the situation of detained persons.

121. Regarding the lack of State information about persons deprived of liberty, the Commission calls attention to the fact that the most recent official data was published in 2012, at which time 57,337 persons were detained in the country's prisons.¹⁸⁶ Nevertheless, the Commission reiterates that this number contrasts significantly with the most recent number recorded by civil society organizations, which document almost twice that number as of March 30, 2021: nearly 100,000 persons detained.¹⁸⁷ Considering the country's total population as reported by the World Bank, and the figures submitted by civil society regarding the population of detainees¹⁸⁸, Cuba would rank as having the world's highest prison population per 100,000 inhabitants, namely, 882 persons deprived of liberty per 100,000 inhabitants.

122. Likewise, the IACHR observes that the State has adopted crime policies that favor an increase in detentions and their respective sentences. According to data contributed by civil society in 2020, more than 32,000 criminal cases are filed per year, which would mean that approximately 40,000 individuals are formally charged each year.¹⁸⁹ Of that total, about 93% are found guilty (approximately 37,200 people), of which 69% (25,500 individuals) are sentenced to prison or correctional labor within a penitentiary facility.¹⁹⁰

123. Additionally, regarding the conditions of detention, the Commission notes that the same problems that have been studied on various occasions persist in Cuba's prisons. These conditions of detention are characterized by overcrowding, negligence with medical care, inadequate food, shortages of water for personal hygiene, lack of ventilation, and precarious health and hygiene conditions.¹⁹¹ According to information reported by civil society, these deplorable conditions have caused tuberculosis outbreaks, acute diarrhea, and other parasite-borne diseases such as scabies.¹⁹² Furthermore, according to publicly available information,

¹⁸⁵ BBC Mundo, [Protestas en Cuba: el gobierno confirma un muerto en nuevos disturbios a las afueras de La Habana](#), July 13, 2021.

¹⁸⁶ Institute for Crime & Justice Policy Research, [World Prison Brief Database: Cuba](#), Agosto de 2021.

¹⁸⁷ Observatorio Cubano de Derechos Humanos, [OCDH denuncia situación del Covid-19 en cárceles de Camagüey \(Cuba\) y la nula transparencia del gobierno en la gestión de la pandemia](#), March 30, 2021.

¹⁸⁸ The World Bank, [Population, total - Cuba](#), 2020.

¹⁸⁹ Prison Insider, [Cuba: la mayor cárcel del mundo](#), January 17, 2020.

¹⁹⁰ Prison Insider, [Cuba: la mayor cárcel del mundo](#), January 17, 2020.

¹⁹¹ See IACHR [Annual Report 2020, Chapter IV.B - Cuba](#), para. 117; IACHR, [Situation of Human Rights in Cuba](#), para. 379; IACHR [Annual Report 2018, Chapter IV.B - Cuba](#), para. 96; Observatorio Cubano de Derechos Humanos, [OCDH denuncia situación del Covid-19 en cárceles de Camagüey \(Cuba\) y la nula transparencia del gobierno en la gestión de la pandemia](#), March 30, 2021; Diario de Cuba, [Observatorio Cubano de Derechos Humanos: hay más de 200 presos con Covid-19 en las cárceles de Camagüey](#), March 31, 2021; y La Gaceta, [Ausencia de agua, sarna, coronavirus... las lamentables condiciones de las cárceles de la dictadura cubana](#), May 13, 2021.

¹⁹² Observatorio Cubano de Derechos Humanos, [OCDH denuncia situación del Covid-19 en cárceles de Camagüey \(Cuba\) y la nula transparencia del gobierno en la gestión de la pandemia](#), March 30, 2021.

these conditions have also caused persons deprived of liberty to contract mange and leprosy.¹⁹³ Based on the foregoing, the IACHR recalls that States have the duty to ensure that persons deprived of liberty be detained under conditions that are compatible with their human dignity. These include adequate medical care; access to safe drinking water; sufficient quality food; appropriate space and ventilations; and adequate hygiene conditions.¹⁹⁴

124. Regarding the impact of the COVID-19 pandemic in prisons, according to publicly available information the Commission observes that in 2021 outbreaks were documented in several facilities. For example, the Provincial Prison of Guantánamo¹⁹⁵, the *Combinado Surlas* Provincial Prison¹⁹⁶, the *Melena Uno* prison in Mayabeque¹⁹⁷, the *Cinco y Medio* jail in Pinar del Río¹⁹⁸, the Kilo 7 and Kilo 8 prisons in Camagüey¹⁹⁹, the jail known as “*La Ladrillera*”, in Holguín²⁰⁰, and in the Territorial Criminal Investigation Unit No. 3, in Havana²⁰¹. Given this scenario, the IACHR notes with concern that the causes of the ongoing mass infections include: i) insufficient cleaning resources for sanitizing the cell blocks; ii) lack of safe water for personal hygiene; and iii) lack of adequate ventilation.²⁰²

125. Given the foregoing, the Commission reiterates the obligation States in the region must adopt immediate and urgent measures designed to protect the life, health, and integrity of individuals under its custody during the COVID-19 pandemic.²⁰³ This includes the duty of preparing detention conditions to prevent infection and providing treatment for COVID-19. Additionally, in the context of vaccinations, pursuant to Resolution No. 01/21 by the IACHR and its Office of Special Rapporteurs addressing COVID-19 vaccines, the States shall, among other matters, abstain from discriminatory treatments and create conditions of real equality for groups that have historically seen their rights violated, the prison population being one of these groups.²⁰⁴

126. In addition to the foregoing, the Commission notes the existence of mistreatment practices in Cuba’s prisons. According to *Human Rights Watch*, persons deprived of liberty are forced to work 12-hour days and, if they do not meet pre-established production quotas, they are punished.²⁰⁵ Likewise, any who speak out against the government or engage in strikes or other forms of protest in detention are frequently placed in

¹⁹³ See Diario las Américas, [Cuba cierra unidad de penal por brotes de Sarna y COVID-19](#), April 23, 2021; and La Gaceta, [Ausencia de agua, sarna, coronavirus... las lamentables condiciones de las cárceles de la dictadura cubana](#), May 13, 2021.

¹⁹⁴ See IACHR [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), OEA/Ser.L/V/II. Doc. 64, December 31, 2011, para. 432 and 557.

¹⁹⁵ Cuba net, [Confirman brote de COVID-19 en la Prisión Provincial de Guantánamo](#), February 11, 2021.

¹⁹⁶ Diario de Cuba, [Activistas denuncian un 'gran brote' de Covid-19 en una prisión de Guantánamo y critican la falta de claridad del Gobierno](#), February 12, 2021.

¹⁹⁷ Radiotelevisión Martí, [Prisiones cubanas desbordadas de COVID-19, reportan desde la isla](#), March 2, 2021.

¹⁹⁸ Cubanet, [Prensa independiente reporta brotes de COVID-19 en varias prisiones de Cuba](#), March 3, 2021.

¹⁹⁹ Diario de Cuba, [Observatorio Cubano de Derechos Humanos: hay más de 200 presos con Covid-19 en las cárceles de Camagüey](#), March 31, 2021.

²⁰⁰ ADN Cuba, [Denuncian brote de COVID-19 en cárcel de Holguín](#), April 23, 2021.

²⁰¹ Diario las Américas, [Cuba cierra unidad de penal por brotes de Sarna y COVID-19](#), April 23, 2021.

²⁰² See IACHR [Annual Report 2020. Chapter IV.B - Cuba](#), para. 119; and Diario de Cuba, [Observatorio Cubano de Derechos Humanos: hay más de 200 presos con Covid-19 en las cárceles de Camagüey](#), March 31, 2021.

²⁰³ IACHR, [Resolution No. 01/2020 Pandemic and Human Rights in the Americas](#), adopted on April 10, 2020, Operative Part: Persons Deprived of Liberty, para. 45 to 48.

²⁰⁴ IACHR, [Resolution No. 01/2021 Covid-19 vaccines and Inter-American Human Rights Obligations](#), approved on April 6, 2021, Operative Part, para. 1 and 4.

²⁰⁵ Human Rights Watch, [World Report 2021 - Cuba](#), 2021.

isolation cells for extended periods of time and are beaten. Their visitations are also restricted, and they are denied medical care.²⁰⁶ In this regard, the Commission reiterates its condemnation of all forms of cruel, inhumane, or degrading treatment, and recalls their absolute prohibition in any situation.²⁰⁷ It further emphasizes that it is an inalienable duty of the State to prevent these acts, condemn their practice, and sanction, in every case, all of their material and intellectual perpetrators.²⁰⁸ Likewise, it recalls that pursuant to its *Principles and Best Practices for the Protection of Persons Deprived of Liberty in the Americas*, detained persons have the right to lodge complaints or claims about acts of torture, prison violence, corporal punishment, cruel, inhuman, or degrading treatment or punishment.²⁰⁹

7. Economic, Social, Cultural, and Environmental Rights (ESKER)

127. Through its different mechanisms, the Inter-American Commission for Human Rights (IACHR) and the Special Rapporteur for Economic, Social, Cultural, and Environmental Rights (REDESCA, in Spanish), have been constantly following of the situation of Economic, Social, Cultural, and Environmental Rights (ESKER) in Cuba. Likewise, the IACHR and its REDESCA have been monitoring with special concern the challenges to guaranteeing the right to health care in Cuba and, particularly, have paid close attention to the reports of infections and deaths due to COVID-19 during 2021, and to the various obstacles to implementation of a national COVID-19 vaccination plan to ensure that all people under the jurisdiction of the State have speedy and efficient universal access to vaccines.

128. According to Cuba's Ministry of Public Health, through October 28, 2021, there had been 950,613 confirmed cases of COVID-19 in the country, with 8,223 fatalities.²¹⁰ This data notwithstanding, REDESCA notes that civil society organizations have decried the opacity of information and presumably political handling of the figures.²¹¹ In this regard, based on what is set forth in IACHR Resolution 1/2020, REDESCA urges the State to establish a transparent strategy that provides precise data about the pandemic and vaccinations.²¹²

129. Furthermore, in this context of a health emergency, the Office of the Rapporteur has taken noted that in July and August 2021, Cuba experienced one of the COVID-19 infection and hospitalization rates in the Caribbean²¹³, despite the scientific advances in developing vaccines. Likewise, the IACHR and REDESCA express their concern about the abundant information about limitations in the provision of health services, the shortage of beds or ambulances for treating infected persons²¹⁴, the overcrowding of hospitals on the island²¹⁵,

²⁰⁶ Human Rights Watch, [World Report 2021 – Cuba](#), 2021.

²⁰⁷ IACHR [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), para. 343.

²⁰⁸ IACHR [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), para. 350.

²⁰⁹ IACHR [Principles and Best Practices for the Protection of Persons Deprived of Liberty in the Americas](#), Principle V.

²¹⁰ Ministry of Public Health - Cuba, [Coronavirus en Cuba](#), October 29, 2021.

²¹¹ Race and equality, inputs for the umbrella of the networks of civil society organizations whose work relates to the right to health care in Cuba, September 1, 2021. IACHR/REDESCA integrated network of civil society organizations whose work is in Cuba. Minutes of the meeting on the right to health care and Access to COVID-19 vaccines, September 1, 2021.

²¹² IACHR Resolution No. 01/2021 Covid-19 vaccines and Inter-American Human Rights Obligations, approved on April 6, 2021.

²¹³ Radio Televisión Martí, OPS, [Cuba reporta el mayor número de casos en el Caribe](#), July 7, 2021.

²¹⁴ Race and equality, Meeting held under the umbrella network of civil society organizations whose work relates to health rights in Cuba, September 1, 2021.

²¹⁵ Diario de Cuba, [Colapso hospitalario en Cuba](#), July 6, 2021.

the shortage of essential medications, oxygen, and other supplies²¹⁶, as well as difficulties in accessing treatment for other diseases and pathologies in the context of the pandemic.²¹⁷

130. Regarding the shortage of essential medications, according to information gathered, eight of every 10 Cuban citizens were unable to obtain medications from pharmacies due to shortages, and 20% reported taking medications that had expired.²¹⁸ Likewise, REDESCA continues to be concerned about the fact that people have to turn to the informal marketplace to access medications or essential products²¹⁹, as well as about the Government's recommendation that medicinal plants be used as a workaround to the shortage of medications in communities and hospitals.²²⁰

131. Additionally, the Commission and its REDESCA have been made aware of a critical situation of necrology services in handling deaths from COVID-19, as well as the existence of common graves, a lack of hearses to transport remains to cemeteries, overcrowded morgues, and problems manufacturing enough caskets.²²¹ Regarding this, the IACHR and its REDESCA reiterate that, according to IACHR Resolution 4/21, family members of deceased victims during the COVID-19 pandemic must be able to grieve and conduct their burial rites according to their own traditions and world view.²²²

132. Regarding vaccination against COVID-19, REDESCA notes that since the beginning of the pandemic the Cuban government has focused on research and production of vaccines, instead of relying on international support for this matter. Despite being a major achievement for the country, a consequence of this decision was a delay in the initial vaccination process and the overcrowding of health services, as has been mentioned.²²³ At the end of March 2021, the State began phase 3 trials of the Soberana 2 and Abdala vaccines, as well as an intervention study that initially inoculated health workers and at-risk groups.²²⁴ At the beginning of May 2021, a health intervention was approved for vaccine candidates to receive the Abdala and Soberana 2 vaccines, prioritizing older persons and persons with risk factors. It was only on July 9 that the Center for State Control of Medications, Equipment, and Medical Devices (CECMED) decided to grant emergency use authorization for the Cuban Abdala vaccine and, on August 20, to the Soberana 2 and Soberana Plus vaccines.²²⁵

133. Additionally, REDESCA is concerned about the health conditions of persons deprived of liberty. Though Cuba has one of the highest populations of persons deprived of liberty in the world, almost 100,000 people and some 200 prisons, the penitentiary facilities on the island are in poor condition from a health standpoint, with overcrowding, bad food, and inadequate medical care for persons deprived of liberty²²⁶,

²¹⁶ New York Times, '[Ingresan para morir': el coronavirus muestra las fallas del sistema de salud cubano](#), August 18, 2021.

²¹⁷ IACHR/REDESCA, Meeting held under the umbrella of the network of civil society organizations whose work relates to Cuba. Minutes of the meeting on the right to health care and access to COVID-19 vaccines, September 1, 2021

²¹⁸ Observatorio Cubano de Derechos Humanos, [El Estado de los derechos sociales en Cuba](#), September 26, 2021.

²¹⁹ República, [SOS Cuba: Azitromicina, el antibiótico más buscado en el mercado negro cubano](#), August 6, 2021.

²²⁰ Tv Avila, [Plantas Medicinales: una alternativa eficaz en estos tiempos](#), June 3, 2021.

²²¹ Diario de Cuba, [No solo hay fosas comunes en Santiago de Cuba: las morgues y las funerarias están colapsadas](#), August 6, 2021.

²²² IACHR [Resolution 4/20 - Human Rights of Persons with COVID-19](#), July 27, 2020, para. 52.

²²³ IACHR/REDESCA, minutes of the meeting held under the umbrella of the networks of civil society organizations whose work relates to the right to health care in Cuba, September 1, 2021.

²²⁴ Ministry of Public Health - Cuba, [Actualización de la estrategia para el desarrollo de las vacunas cubanas](#), October 28, 2021.

²²⁵ Ministry of Public Health - Cuba, [Actualización de la estrategia para el desarrollo de las vacunas cubanas](#), October 28, 2021.

²²⁶ Observatorio Cubano de Derechos Humanos, [OCDH denuncia situación del Covid-19 en cárceles de Camagüey \(Cuba\) y la nula transparencia del gobierno en la gestión de la pandemia](#), March 30, 2021.

with reports of COVID-19 and scabies/mange infections.²²⁷ Regarding this, information has been received about overcrowding in prison facilities and a high number of COVID-19 infections among detainees, as well as the absence of medical care for individuals who participated in the July 11 protests or who are known for their work in activism and dissidence in the country.²²⁸

134. Regarding the right to food, the IACHR and its REDESCA received information about shortages of basic and essential foods in Cuba, which is affecting the proper nutrition of the population, especially the following groups: older persons, those with chronic illnesses, pregnant women, boys, girls, and adolescents. This situation is currently one of the primary challenges the people are facing, which reveals a situation of extreme socioeconomic vulnerability and food insecurity in the country.²²⁹ Of additional concern are the data from the survey conducted by the Cuban Human Rights Observatory, showing that in 2021, 45% of the Cuban population had to go without at least one meal, 73% classify their family's food as deficient, and only 3% indicated that the rations booklet provides enough to cover their food needs for an entire month.²³⁰

135. Insofar as this situation is ongoing, the IACHR and its REDESCA reiterate their call on the State to take concrete actions to guarantee all persons, without discrimination, access to adequate food or the means to obtain it, even in situations where resources are limited, such as what is happening during the COVID-19 pandemic. Likewise, they reiterate to the State the call to take urgent action to ensure the provision of sufficient and affordable food to satisfy national demand, especially ensuring the protection of the more vulnerable populations.

136. Regarding labor and union rights, the IACHR and its REDESCA express their concern about the following: the absence of the full exercise of union freedoms and the right to free association; the existence of arbitrary restriction of free academic expression for professors, and the application of disciplinary sanctions for political reasons. Add to these the structural discrimination that affects women, older persons, Afro-Cuban persons, LGBTI populations, and persons with disabilities; the absence of a decent wage for workers that, given the inflationary situation, makes it impossible to have sufficient purchasing power to meet basic needs to enjoy other rights, such as health care, food, and housing. Also of concern is the general difficulty of access to labor justice and due process for workers.²³¹

137. Regarding persons of African descent, REDESCA takes note that these persons are underrepresented in the labor and economic spheres in Cuba, given that they have fewer opportunities to access decent and salaried jobs and therefore hold jobs on the margins of the economy, for which they receive low wages and persecution if they join independent unions or groups.²³² The IACHR and its REDESCA have indicated that States must guarantee that persons of African descent be able to access decent jobs in the major economic and occupational sectors, without any discrimination, which includes having policies to eradicate discrimination and segregation in both the public and private sectors.²³³

²²⁷ Diario de Cuba, [Sarna y Covid-19 en una unidad de procesamiento penal en Cuba: 'Partía el alma oír a los presos gritar](#), April 23, 2021.

²²⁸ Race and equality, Meeting held under the umbrella network of civil society organizations whose work relates to health rights in Cuba, September 1, 2021.

²²⁹ IACHR Press Release 136/2021 [IACHR and Its Special Rapporteurship on Economic, Social, Cultural and Environmental Rights Concerned about Persistent Food Shortages in Cuba](#), May 25, 2021.

²³⁰ Observatorio Cubano de Derechos Humanos, [El Estado de los derechos sociales en Cuba](#), September 26, 2021.

²³¹ IACHR/REDESCA, Integrated Network of Civil Society Organizations in Cuba. Minutes of the meeting on labor and union rights, October 6, 2021.

²³² International Labour Organization, [Observation \(CEACR\) - adopted 2016, published 106th ILC session](#) (2017)

²³³ IACHR [Economic, Social, Cultural and Environmental Rights of Persons of African Descent Inter-American Standards to Prevent, Combat and Eradicate Structural Racial Discrimination](#), March 16, 2021, para. 200.

138. The IACHR and its REDESCA have also received information that several cases of workplace violence and discrimination against LGBTI persons have been documented in Cuba, including difficulties accessing and retaining jobs and receiving promotions, as well as mistreatment of every kind that hinders them from enjoying decent labor conditions in safe job spaces.²³⁴ In particular, the Commission and the Office of the Special Rapporteur note the situation of workers that are transgender and of African descent, who are more vulnerable to being denied access to jobs, leaving them with prostitution as a last resort. The information received reports that several people in this community have gone to various centers seeking employment, but is observed are cases of discrimination, insults, and harassment, as well as persecution by police who issue fines and warnings to transgender persons for remaining on the streets. In some cases they have been deprived of liberty.²³⁵

139. The Commission and its REDESCA also received information lesbian women suffering discrimination and being expelled from their jobs because of their sexual orientation. Likewise, they faced harassment and humiliation from colleagues at work, such that they felt obligated to hide their sexuality in order to keep their jobs.²³⁶ Regarding the situation of women, the IACHR and the Office of the Special Rapporteur became aware that their access to jobs remains limited, a situation exacerbated by the pandemic, and of discriminatory treatment given the inequality of wages when compared with men, which has led to the need to work double shifts. REDESCA is also concerned about the absence of oversight in the case of domestic and health care workers, which has worsened during the pandemic.²³⁷

140. The IACHR and its REDESCA also note that at the end of March 2021, 606,429 individuals were self-employed, of which 212,536 were women (35%).²³⁸ In 2021, the Council of Ministers approved the elimination of the list of 127 approved self-employment activities in Cuba. According to the government, by way of the National Classifier of Economic Activities, there are over 2,000 non-State [self-employment] activities now permitted.²³⁹ Nevertheless, the Office of the Special Rapporteur is concerned about the standards, regulations, and interventions by the State that threaten the freedom of professional exercise of those who are self-employed. Specifically, decree-laws 44/2021 and 45/202, respectively, restrict self-employment and establish sanctions and other measures that contravene self-employment regulations, such as fines and confiscation of instruments, equipment, and raw materials.²⁴⁰

141. In light of the foregoing, the IACHR and its REDESCA recall that the right to work includes the following essential elements: freedom to exercise any legal profession without intrusion by any authority; the right to have a job, which implies the positive obligation of the State to create jobs; and dignity, such that a job must comply with minimal fair conditions.²⁴¹ Thus, they urge the State of Cuba to respect the rights of persons to freely choose and accept a job, and not deny or restrict equal access to dignified work.

²³⁴ IACHR/REDESCA, Integrated Network of Civil Society Organizations in Cuba. Minutes of the meeting on labor and union rights, October 6, 2021.

²³⁵ IACHR/REDESCA, Integrated Network of Civil Society Organizations in Cuba. Minutes of the meeting on labor and union rights, October 6, 2021.

²³⁶ FLAMUR/CIR/Organización Mujeres Esperanza. *Mujeres y DESCA en Cuba: Reflexiones desde la perspectiva de las interseccionalidades*, October, 2021, p. 24/25.

²³⁷ IACHR/REDESCA, Integrated Network of Civil Society Organizations in Cuba. Minutes of the meeting on labor and union rights, October 6, 2021.

²³⁸ ECLAC, *Economic Survey of Latin America and the Caribbean 2021, Cuba*, July 30, 2021, p. 6.

²³⁹ MTSS, [Preguntas y respuestas relacionadas con el perfeccionamiento del trabajo por cuenta propia](#), March 30, 2021.

²⁴⁰ CiberCuba, [Reforma del trabajo por cuenta propia en Cuba: Cómo se prepara el Gobierno para controlar y sancionar](#), September 2, 2021

²⁴¹ Committee on Economic, Social and Cultural Rights, General Comment No. 18, *The Right to Work*, adopted on November 24, 2005.

142. The IACHR and its REDESCA continue to be concerned about the situation of international medical missions. Although they recognize the support the Cuban government has provided to other countries, complaints persist about unequal pay and exploitation of health professionals. On June 10, 2021, the European Parliament approved a resolution that condemns systematic human and labor rights violations by the State of Cuba against its health personnel sent on medical missions to provide services abroad, counter to the fundamental ILO conventions Cuba has ratified.²⁴² Therefore, the IACHR and its REDESCA reiterate the need to adopt public policies that guarantee effective protection of the rights of health staff providing service in Cuba, as well as in the international missions, pursuant to international human rights standards in this matter, including ILO regulations.

143. Regarding union rights, the IACHR and its REDESCA express their deep concern about the report submitted by the Independent Association of Cuba (ASIC), which tells of seven independent union activists that participated in the July 11 protest in the province of Holguín, who were repressed and detained.²⁴³ Ramón Zamora Rodríguez, for example, suffered heavy kicks and blows that caused head trauma to the occipital bones and right temple, and injuries to the capsule and ligaments of the middle finger of his right hand. Also, according to the report, because of his union activity was subjected to constant arrests lasting over 72 hours in walled cells and on other occasions was beaten, in addition to acts of repudiation against him and his family.²⁴⁴ The Commission and its REDESCA reiterate that the freedom to associate with a union is a right that promotes democracy, good governance of the job market, and decent working conditions, and guarantees the right of workers to organize collectively so that they might enjoy their labor rights and engage their autonomous development.²⁴⁵

144. Regarding cultural rights, the IACHR and its Offices of Special Rapporteurs remain concerned about repressive actions against independent journalists and artists, who suffer rights violations for exercising their right to freedom of expression and artistic creativity in Cuba. Of special concern is the harassment of members of the San Isidro Movement (MSI), who are the object of harassment by the political police and the Department of Security of the State.²⁴⁶ Along these lines, the American Declaration of the Rights and Duties of Man, in addition to guaranteeing the right of all persons to freedom of expression and dissemination of thought, establishes the right to benefit from culture, thus protecting artists and their work, as well as the right to work in conditions that are dignified and free.²⁴⁷

145. Regarding the right to education and academic freedom, the IACHR and its REDESCA express their concern about the information submitted by the Observatory for Academic Freedom (OLA), regarding several cases of violations of academic freedom, university autonomy, and other connected human rights.²⁴⁸ Through June 2021, OLA recorded 44 cases (22 historical and 22 recent) that are in some way related to the

²⁴² European Parliament, [resolution of 10 June 2021 on the human rights and political situation in Cuba](#)

²⁴³ ASIC, Informe de la Asociación Sindical Independiente de Cuba sobre los sucesos ocurridos durante el sonado estallido popular del domingo 11 de julio de 2021, July 20, 2021.

²⁴⁴ ASIC, Informe de la Asociación Sindical Independiente de Cuba sobre los sucesos ocurridos durante el sonado estallido popular del domingo 11 de julio de 2021, July 20, 2021.

²⁴⁵ IACHR, Compendium, Labor and Trade Union Rights, para. 50/51.

²⁴⁶ IACHR, Press Release 119/21 [IACHR and Offices of Special Rapporteurs Condemn Harassment of Artists, Journalists, and Activists in Cuba and Call on State to Cease Acts of Persecution Against Those Exercising the Right to Freedom of Expression and Artistic Creation](#), May 13, 2021.

²⁴⁷ IACHR, Press Release 119/21 [IACHR and Offices of Special Rapporteurs Condemn Harassment of Artists, Journalists, and Activists in Cuba and Call on State to Cease Acts of Persecution Against Those Exercising the Right to Freedom of Expression and Artistic Creation](#), May 13, 2021.

²⁴⁸ Observatorio de Libertad Académica, [Informe n. 11](#), June, 2021, p. 11.

rights of academic freedom and university autonomy, and 29 institutions that have engaged in the systematic and widespread violation of human rights.²⁴⁹

146. Additionally, and along the same lines, the IACHR and its REDESCA also express their concern regarding the situation of professors and students that participated in the peaceful protests of July 11, 2021²⁵⁰, as well as those who announced their participation in the protests of November 15. One such case that came to light was that of the professor, David Alejandro Martínez Espinosa who, according to the information gathered, was expelled from the University of Medical Science in Cienfuegos on October 19, 2021, for having been one of those who signed the notification of the peaceful march for change, scheduled to take place on November 15, 2021.²⁵¹

III. THE STATE'S RELATIONSHIP WITH OTHER ACTORS

147. Despite the Cuban government's indications that it was willing to cooperate with human rights bodies²⁵², there were no reports during 2020 of visits by international monitoring bodies. For its part, despite repeated requests for consent, the IACHR has not visited the country. It hereby reiterates again its request to the Cuban State for consent to and facilitation of the realization of its first country visit to the island to enable it to observe the human rights situation firsthand, as well as the progress and challenges it faces on the subject matter, with the aim of guaranteeing respect for human rights in Cuba.

A. Status of Cuba in the OAS

148. On January 31, 1962, the Government of Cuba was excluded from participating in the Inter-American System under Resolution VI, adopted at the Eighth Meeting of Consultation of Ministers of Foreign Affairs, held in Punta del Este, Uruguay.²⁵³ Subsequently, on June 3, 2009, during the 39th Regular Session of the General Assembly, held in San Pedro Sula, Honduras, the General Assembly of the Organization of American States (OAS), by means of Resolution No. 2438, annulled that Resolution, and provided: "That the participation of the Republic of Cuba in the OAS will be the result of a process of dialogue initiated at the request of the Government of Cuba, and in accordance with the practices, purposes, and principles of the OAS."²⁵⁴

149. As of the date of adoption of this report, the annulment of the 1962 resolution that excluded the Cuban Government from the inter-American system has not resulted in Cuba's reincorporation in the OAS. For example, in 2018, at the Eighth Summit of the Americas, Cuba sent a delegation, and despite walking out of the inaugural session prior to the address delivered by Secretary General of the OAS, it announced that it would continue to "exercise [its] legitimate right to participate at a forum to which it should have been a party for a

²⁴⁹ Observatorio de Libertad Académica, [Informe n. 11](#), June, 2021, p. 11.

²⁵⁰ IACHR/REDESCA, Integrated Network of Civil Society Organizations in Cuba. Minutes of the meeting on protests, freedom of expression, and ESCER, August 4, 2021.

²⁵¹ Diario de Cuba, [Represión por el 15N en Cuba: Expulsado un profesor universitario por 'pérdida de ideología' revolucionaria](#), October 20, 2021.

²⁵² Prensa Latina, [Cuba reitera voluntad de cooperar con órganos de derechos humanos](#), October 29, 2018.

²⁵³ See the text of Resolution VI in the [Final Act of the Eighth Meeting of Consultation of Ministers of Foreign Affairs](#) serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance, Punta del Este, Uruguay, January 22 to 31, 1962, Doc. OEA/Ser.F/II.8, doc. 68, pp. 13-15

²⁵⁴ The text of Resolution AG/RES. 2438 (XXXIX-0/09) can be found in the "Thirty-Ninth Regular Session, San Pedro Sula, Honduras, June 2 to 4, 2009, Acts and Documents, Volume I," Organization of American States, OAS/Ser.P/XXXIX-0.2, p. 12.

long time.” At the same event, Foreign Minister Bruno Rodríguez reiterated the position of the Cuban State with respect to what it views as the use of the OAS as an instrument of the geopolitical interests of the United States.

150. The exclusion of the Cuban government by the OAS has not impeded the Commission from fulfilling its mandate of human rights promotion and protection²⁵⁵, inasmuch as it recognizes Cuba as “juridically responsible to the Inter-American Commission in matters concerning human rights” because it is “a party to the international instruments initially established to protect human rights in the American hemisphere” and because Resolution VI of the Eighth Meeting of Consultation “excluded the Government of Cuba and not the Cuban State from participation in the Inter-American system.”²⁵⁶

151. The Commission reminds that States that have not ratified the American Convention on Human Rights conferred on the Commission the power “to pay particular attention to the observance of the human rights referred to in Articles I, II, III, IV, XVIII, XXV and XXVI of the American Declaration of the Rights and Duties of Man,” as established in Article 20(a) of the Statute of the IACHR.

152. In the framework of this mandate, the Commission has written eight country reports on Cuba, the last one in 2020. Cuba was included in Chapter IV, or the equivalent thereof, of the Annual Report in 1984-1985 to 1994, and uninterruptedly from 1996 to 2018. As of the 2013 amendments to the Rules of Procedure, Cuba’s inclusion in annual reports has been based on the criteria under Article 59, section 6, subsections a.i and c of the Rules of Procedure.

153. Over the past 10 years, the IACHR has held an average of two public hearings per year on Cuba. Additionally, pursuant to Article 18(d) of the Statute, information has been requested from the State, and in turn, individual petitions, cases, and requests for precautionary measures continue to be received, processed and examined.

154. As of the drafting of this report, Cuba has 41 active precautionary measures, the majority for the protection of activists, dissidents, opposition members, human rights defenders, and political prisoners. Of those, eight were granted in 2020. While the Cuban State does not reply to the IACHR’s communications and decisions, civil society organizations report experiencing a cessation or decrease in intensity, temporarily, of the mistreatment, retaliation, harassment and/or assaults to which they were subjected prior to the Commission acting.

B. Relations between Cuba and the United States

155. Since the announcement on December 17, 2014, of the reestablishment of relations between Cuba and the United States of America²⁵⁷, the Commission has been continually monitoring partial lifting of the economic blockade by the US Congress.²⁵⁸

²⁵⁵ In 2018, the IACHR sent two letters requesting information from the State and published two press releases: IACHR, Press release R152/2018, [The IACHR publishes merit report in case related to the criminalization of political opinion and deliberation in Cuba](#), April 11, 2018; and IACHR, Press release R82/2018, [The Office of the Special Rapporteur Expresses Concern over Criminal Convictions for desacato laws in Cuba](#), July 17, 2018.

²⁵⁶ IACHR, [2002 Annual Report, Chapter IV, Development of human rights in the region, Cuba](#), OEA/Ser.L/V/II.117 Doc. 1 rev. 1, March 7, 2003, paragraphs 3-7; [The Situation of Human Rights in Cuba, Seventh Report](#), OEA/Ser.L/V/II.61, Doc.29 rev. 1, October 4, 1983, paragraphs 16-46.

²⁵⁷ The White House, Press Release, [Fact Sheet: Charting A New Course On Cuba](#), December 17, 2014.

²⁵⁸ IACHR, press release 156/2014: [IACHR Welcomes Announcement to Reestablish Relations between the United States and Cuba](#), December 18, 2014.

156. In 2019, the U.S. government reactivated several sanctions imposed on the Cuban government.²⁵⁹ Toward the beginning 2020, the United States placed restrictions on private flights to all Cuban airports, apart from the José Martí International Airport in Havana.²⁶⁰ It had also previously restricted the sending of remittances to the island.²⁶¹ Additionally, it limited the number of flights to a maximum of 3,600 starting on June 1 and through May 31, 2021.

157. The Commission observed that in 2021 the United States government did not resume its policy of rapprochement with Cuba, nor did it withdraw measures to tighten the embargo.

158. In particular, the IACHR noted that on May 4, U.S. Secretary of State expressed, during the 51st Conference of the Council of the Americas, that his country, “will condemn repression of human rights on the island” and will defend “the human rights of the Cuban people, including the right to freedom of expression and assembly”. For its part, the Cuban Minister of Foreign Relations responded to those statements with the following words: “If Secretary Blinken were interested the human rights of Cubans, he would lift the blockade and the 243 measures applied by the prior administration that are in force today in the midst of COVID-19. He would reestablish consular and family reunification services.”²⁶²

159. The Commission also observed that on June 23, the United Nations General Assembly (UNGA), in its 75th period of sessions, approved by a vote that carried by 184 votes in favor, Resolution A/RES/75/289, about the need to bring an end to the economic, trade, and financial blockade imposed by the United States of America against Cuba. In the framework of that Resolution, the General Assembly expressed its concern about continuing the blockade because of the negative effects those measures have on the Cuban people and on Cubans who reside in other countries. Additionally, the UNGA reiterated its exhortation that the States bring an end to the coercive laws and measures that implement the blockade in practice.²⁶³

160. Furthermore, in the context of the July 11 protests, the government of the United States, based on the Magnitsky Law, announced sanctions against the Minister of the Revolutionary Armed Forces (FAR) and the special forces unit (“black berets”) of Cuba’s Ministry of Interior²⁶⁴, the National Revolutionary Police (PNR) and two of its leaders²⁶⁵, as well as against high-level officials of the Ministry of Interior and the unit known as the “red berets”, for the repression of the protests and, in particular, the use of violence against peaceful protesters.²⁶⁶ Additionally, on August 3, the United States Senate passed a resolution condemning the government of Miguel Díaz-Canel for the manner in which it brought an end to the demonstrations and in support of those who cried out for liberty.²⁶⁷

²⁵⁹ Congressional Research Service, [“Cuba: U.S. Policy in the 116th Congress”](#), May 14, 2020, pg. 24.

²⁶⁰ *El Nuevo Herald*, [“Estados Unidos elimina los vuelos chárter a Cuba excepto a La Habana”](#), January 10, 2020.

²⁶¹ United States Department of State, [United States Restricts Remittances and “U-Turn” Transactions to Cuba](#), September 6, 2019.

²⁶² El País, [Cuba y EE.UU. vuelven a los tiempos de la confrontación](#), May 31, 2021.

²⁶³ United Nations, General Assembly, [Resolution 75/289 Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba](#), 75th sesión, June 23, 2021.

²⁶⁴ U.S. Department of State, [Sanctioning Cuban Security Forces in Response to Violent Repression of Protests](#), July 22, 2021.

²⁶⁵ U.S. Department of State, [Sanctioning Cuban Police in Response to Violent Repression of Peaceful Protests](#), July 30, 2021.

²⁶⁶ U.S. Department of State, [Treasury Sanctions Cuban Ministry of Interior Officials and Military Unit in Response to Violence Against Peaceful Demonstrators](#), August 13, 2021.

²⁶⁷ Agencia EFE, [El Senado de EE.UU. condena la “represión” de las protestas en Cuba](#), August 4, 2021.

161. Lastly, the Commission notes that the U.S. government is pursuing strategies to facilitate internet access for Cubans²⁶⁸, especially given the context of deliberate outages and interruptions to service by Cuban authorities. According to publicly available information, the U.S. government is also evaluating ways to facilitate the flow of remittances to Cuba.²⁶⁹

IV. CONCLUSIONS AND RECOMMENDATIONS

162. The IACHR reiterates its interest in conducting its first country visit to Cuba to reach out and open a respectful dialogue with the Cuban State, and thus provide any technical support in the area of human rights that may be required, in the interest of promoting respect and guarantee of human rights on the island. Additionally, the IACHR again recognizes and appreciates the actions taken to foster rights in Cuba and highlights the international cooperation that is offered by the Cuban people to the countries of the region in the fields of health, education, culture, and others.

163. However, the IACHR notes with great concern that in view of the information collected in 2020 and taking into account the recommendations issued in its most recent country report and in Chapter IV of the Annual Reports of previous years, the Commission observes no improvements in structural aspects such as violations of the rights to liberty and personal integrity, arbitrary restrictions on the right to vote and to participation in government, freedom of expression and the dissemination of ideas. Likewise, violations of due process guarantees and unlawful limitations on the right of residence and movement persist. Moreover, the IACHR finds it unfortunate that the official information available is so limited, and also laments the history of the State distancing itself from this regional human rights body.

164. Therefore, in compliance with its mandate, the Commission urges the Cuban State to:

Right to vote and to Participate in Government

1. Adopt the legislative and other measures necessary to ensure an electoral system that is inclusive and that ensures the free circulation of ideas and thought, enabling free political participation for all Cuban citizens on an equal footing.

Representative Democracy and Political Rights

2. Adopt measures to guarantee for Cubans the full exercise of political rights provided in the new Constitution.
3. Adopt the legislative and other measures necessary to ensure an electoral system that is inclusive and ensures the free circulation of ideas and thought, making possible free political participation for all Cuban citizens on an equal footing.
4. Adopt measures allowing the rights to freedom of assembly and of association for individuals, organizations, and political movements.
5. Release all persons detained for political reasons or reasons of conscience, including activists, artists, and journalists processed because of their work or activism.

²⁶⁸ Agencia EFE, [Biden evalúa opciones para facilitar a los cubanos el acceso a internet](#), July 30, 2021.

²⁶⁹ Agencia EFE, [Biden evalúa opciones para facilitar a los cubanos el acceso a internet](#), July 30, 2021.

Independence of the Judicial Branch and Due Process Guarantees

6. Adopt the measures necessary to ensure the full independence of the judicial branch from the other branches of government. The IACHR recommends adopting measures to ensure judges have guarantees as soon as they are selected for carrying out their work independently, impartially, in accordance with the law, and with respect for human rights.
7. Guarantee that crimes codified in legislation is not used inappropriately to restrict other rights, nor used against dissidents.
8. Refrain from making illegal or arbitrary detentions, and when a person is deprived of liberty, ensure that the measure is exceptional and complies with all guarantees for restricting this right, including the requirement to be brought immediately before a judge.
9. Adopt all necessary measures to prevent State-led investigations from leading to unfair or baseless prosecution of those who through social protest legitimately claim their rights. This includes ensuring due process guarantees for all who are detained or charged, in keeping with Inter-American standards.

Freedom of Expression

10. Immediately end the harassment, including the summonses, detentions of any length, and harassment of anyone for reasons related to the exercise of their freedom of expression, freedom of association, freedom of assembly, and related rights.
11. Guarantee that citizens and groups, including artists, political dissidents, human rights defenders, and others, have the right to peaceful assembly, to political participation, and to freedom of expression without fear of suffering retaliation or criminalization, thereby enabling and fostering a plural, expansive, and robust public debate.
12. Guarantee the conditions for the free exercise of journalism, establish legal guarantees enshrining the freedom of the press without obstructions, and allow the existence of non-government media outlets.
13. Guarantee access to the Internet without restrictions, thereby promoting universal access to Internet to ensure the effective enjoyment of the right to freedom of expression. In this sense, ensure that provisions of law regulating Internet access in the country are compatible with international human rights law, including the right to freedom of expression and thought and the right to privacy, as well as the principles of equal protection, nondiscrimination, pluralism, and net neutrality. This also includes making the costs of accessing the Internet and expanding connectivity affordable.
14. Refrain from conducting any type of surveillance or data processing, including the storage, analysis, and disclosure of personal information, except when it has a legitimate purpose to do so, or it has the informed consent of the person affected; and adopt normative measures aimed at banning these practices and establish mechanisms of effective and independent oversight.

Human Rights Defenders

15. Adopt adequate prevention mechanisms to avoid acts of harassment, threats, assaults, stigmatization, persecution, and criminalization committed by State officials, or with their acquiescence, to the detriment of human rights defenders.

16. Refrain from imposing arbitrary restrictions on the right to free movement of human rights defenders, allowing them to freely exercise their right to freedom of movement on Cuban territory, as well as to depart and return to the country.
17. Refrain from arbitrarily deprived of their liberty human rights defenders, who perform legitimate human rights defense work in the country.

LGBTI persons

18. Take all measures necessary to legally recognize unions or marriage of persons of the same sex, granting them the same rights conferred to couples of different sexes, including property rights and all other rights that derive from the relationship, without distinction based on sexual orientation or gender identity, under penalty of violating the rights to equality and nondiscrimination.
19. Make efforts and allocate sufficient resources to systematically collect and analyze statistics on the prevalence and nature of the violence and discrimination based on prejudice against LGBTI persons or those perceived as such.
20. Guarantee protection of LGBTI persons and address the underlying causes of violence and discrimination against them, and its obligation to act with due diligence to prevent, investigate, try, punish, and provide reparations for human rights violations against LGBTI persons.
21. Adopt gender identity laws that recognize the right of trans and gender-diverse persons to change their images, their names, and “sex” or “gender” markers on birth certificates, identity documents, and other legal documents.

Women

22. Ratify the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) and adopt a general legal definition of all forms of discrimination against women that includes direct and indirect discrimination, pursuant to inter-American and universal standards on the issue.
23. Regularly produce complete statistics on violence and discrimination against women, disaggregated at a minimum by gender, age, ethnic-racial origin, socioeconomic status, disability, and sexual orientation and gender identity/expression, as well as the location of the incidents, with the aim of building an accurate picture of the specific ways in which violence and discrimination affect women.
24. Take measures to guarantee training for public officials at all levels on the rights of women, including security forces and penitentiary staff, even when they are not involved in processing cases of discrimination and violence.
25. Guarantee the lives, security, and integrity of women who perform human rights defense work.

Persons of African Descent

26. Adopt special measures to combat all forms of discrimination against persons of African descent, especially as it relates to the access and effective enjoyment of their economic, social, cultural, and environmental rights.

27. Prevent or eradicate the various types of violence against persons of African descent in Cuba and conduct independent investigations into acts of violence and discrimination against them, considering prejudice as a possible motive for such acts.

Persons Deprived of Liberty

28. Establish an up-to-date and public registry whose access is simple and unrestricted, with regular updates, on persons deprived of liberty, containing the following information at a minimum: (a) the number of persons deprived of liberty at the respective detention facility; (b) procedural status or situation; (c) gender and age. Specifically, factors such as race, ethnicity, age, sexual orientation, gender identity and expression, interculturality, intersectionality, and disability status, should be included.
29. Guarantee that people in State custody are treated with dignity. Specifically, ensure that detained individuals have the medical care they need for their specific health conditions, receive sufficient food with high nutritional value, and have hygienic living conditions.
30. In the context of the global COVID-19 pandemic, adopt measures to address prison overcrowding, including by reevaluating cases of pretrial detention to identify the ones in which alternatives to deprivation of liberty can be used, giving priority to the populations with the greatest health risks. Additionally, implement actions to create conditions of true equality of access to vaccines for all persons deprived of liberty.

Economic, social, cultural, and environmental rights

31. Immediately, urgently, and with due diligence adopt all adequate measures to protect the economic, social, cultural, and environmental rights of the population without any discrimination, with a particular focus on vulnerable populations such as persons with COVID-19—pursuant to the terms of Resolution 4/2020 of the IACHR—older persons, persons with disabilities, persons with comorbidities, children, adolescents, persons in a state of human mobility, and caretakers, as well as anyone who is in spaces controlled by the State, such as penitentiary facilities, isolation facilities, and others.
32. Establish a transparent strategy for confronting the COVID-19 pandemic, making publicly available all relevant information about the pandemic and vaccinations.
33. Adopt public policies and measures that guarantee the effective protection of the rights of health care personnel who are rendering services in Cuba, as well as those on international medical missions, in keeping with the international standards for human rights in that matter, including ILO regulations.
34. Take urgent action to ensure the provision of sufficient and affordable food and medicine to meet national demand, particularly ensuring the protection of the most vulnerable populations.
35. Adopt measures aimed at eradicating discrimination and segregation of vulnerable persons in the workplace, whether in the public or private sector, and respect the rights of individuals to freely choose and accept work, refraining from denial of equal access to dignified work.
36. Refrain from creating barriers to collective organization of workers and respect the right of individuals to protest in defense of their interests in conformity with their decisions.
37. Recognize and protect cultural rights and immediately cease persecution of artists or any other action against their work.

38. Take measures to guarantee the autonomy of universities and the academic freedom of their faculty and students.