

MIGRATION &  
ASYLUM LAB

2023



# CUBA

## COUNTRY CONDITIONS BULLETIN

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MIGRATION &  
ASYLUM LAB

The Migration and Asylum Lab seeks to inform immigration courts about country conditions in Latin America through the use of the most up-to-date and rigorous research on issues relevant to asylum cases. The scholars involved in the lab are supremely qualified to provide current and dependable information on country conditions in the context of asylum proceedings. They include political scientists, data analysts, historians, and international relations scholars. They have decades of experience in their field and are widely recognized for their work, which includes peer-reviewed books published by university presses and articles in the top academic journals.

The Lab's mission is to provide thorough, dependable country conditions information to help adjudicators to make well informed decisions as to the merit of claims for asylum protection. Our role as expert witnesses is not to act as advocates, but rather to conduct impartial analysis of country conditions based on a wide range of sources, including academic scholarship, government and non-government reports, and media reporting from inside the country and the international press.

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# CUBA

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# Chapter One: Cuba Country Profile

## History

In 1959, Fidel Castro established an authoritarian system in Cuba after leading a revolution that toppled the corrupt and abusive government of Fulgencio Batista. He ruled by decree until 1976, when a new constitution reformed the structure of the government. The Cuban government has relied heavily upon state surveillance and control in order to repress political dissent throughout the country. Until he transferred power to his brother Raúl in July 2006, Fidel Castro held all three of the most powerful positions in Cuba's government: president of the Council of State, president of the Council of Ministers, and first secretary of the Cuban Communist Party. Castro did not officially relinquish his title as president of the councils of state and ministers until February 2008, and stepped down as first secretary on April 19, 2011.<sup>1</sup>

While Cuba made important advances under Castro in economic, social, and cultural rights such as education and healthcare, these advances were never matched in terms of political or civil rights. The denial of fundamental human rights has been characteristic of Castro's regime, marked by periods of heightened repression, such as the 2003 "Black Spring" crackdown on 75 human rights defenders, journalists, trade unionists, and other critics of the government accused of being agents of the United States government. These individuals were summarily tried in closed hearings, and spent years in solitary confinement and experiencing torture by prison guards. In 2010, 52 of the 75 continued to languish in Cuban prisons, prompting Amnesty International to urge the release of these "prisoners of conscience."<sup>2</sup> Under Fidel Castro, his brother Raul Castro and the current president, Miguel Díaz-Canel, the Cuban government has refused to recognize the legitimacy of Cuban human rights organizations, alternative political parties, independent labor unions, or a free press. The government has also denied organizations such as the International Committee of the Red Cross and Human Rights Watch access to the country to investigate human rights conditions. Cuba's legal system limits various civil and political rights, including the rights to freedom of speech, assembly and religion, and academic freedom and labor rights are also restricted in the name of security and political conformity.<sup>3</sup>

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<sup>1</sup> "Cuba: Fidel Castro's Record of Repression," Human Rights Watch, Nov. 26, 2016, [https://www.hrw.org/news/2016/11/26/cuba-fidel-castros-record-repression?gclid=Cj0KCCQjwxuCnBhDLARIsAB-cq1ogrpmoGz2Bc1C4uJWuZ45nbE0IVdi7Ano9KgLMhuqXp\\_0QMTCHSWwaAmp3EALw\\_wcB](https://www.hrw.org/news/2016/11/26/cuba-fidel-castros-record-repression?gclid=Cj0KCCQjwxuCnBhDLARIsAB-cq1ogrpmoGz2Bc1C4uJWuZ45nbE0IVdi7Ano9KgLMhuqXp_0QMTCHSWwaAmp3EALw_wcB).

<sup>2</sup> Amnesty International, "Cuba urged to release all prisoners of conscience," July 10, 2010, <https://www.amnesty.org/en/latest/news/2010/07/se-llama-cuba-liberar-todos-poc/>.

<sup>3</sup> Susan Kemp, "Human Rights in Cuba," *Review Digest: Human Rights in Latin America*, Graduate School of International Studies, University of Denver, 2006, <https://www.du.edu/korbel/hrhw/researchdigest/latinamerica/cuba.pdf>.

In 1960, in response to the nationalization of US businesses, US President Dwight Eisenhower established an economic embargo on Cuban trade, which was later expanded by President John F Kennedy in 1962. In 1996, Congress codified the embargo into law and imposed even harsher penalties through passage of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act. Rather than improving the human rights situation in Cuba, the embargo has inflicted indiscriminate hardship on the Cuban population, limiting Cubans' access to essential goods like medical supplies, food, technology, and even family remittances; and limiting international investments and their ability to trade with some of the largest markets in the world.<sup>4</sup> In December 2014, President Barack Obama began a shift in foreign policy towards Cuba, announcing that the US would normalize diplomatic relations by easing restrictions on travel and commerce and call on Congress to lift the embargo. In exchange, the government of Raúl Castro granted conditional release to 53 political prisoners. The Trump administration reversed this thawing of US-Cuba relations, reducing embassy and consular service in Cuba, and imposing new restrictions on investment, cultural exchange, educational and family travel, and remittances.<sup>5</sup> he

Today, US-Cuban relations are at a standstill. The Cuban government continues to repress individuals and groups who criticize the government or call for basic human rights. Arbitrary arrests and detentions continue to prevent human rights defenders, independent journalists, and others from gathering or moving freely, and detention is often used preemptively to prevent people from participating in political demonstrations or meetings.<sup>6</sup>

## Current Security Situation

The U.S. State Department's 2022 report on human rights in Cuba noted "unlawful or arbitrary killings, including extrajudicial killings, by the government; torture and cruel, inhuman, and degrading treatment of political dissidents, detainees, and prisoners by security forces; harsh and life-threatening prison conditions; arbitrary arrests and detentions; political prisoners; transnational repression against individuals in another country; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on freedom of expression and media, including violence or threats of

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<sup>4</sup> For an accounting of sanctions on Cuba see U.S. Department of State, "Cuba Sanctions," accessed October 15, 2023, <https://www.state.gov/cuba-sanctions/>. See also Isabella Oliver and Mariakarla Nodarse Vinancio, "Understanding the Failure Of the U.S. Embargo on Cuba," Washington Office on Latin America, February 4, 2022, <https://www.wola.org/analysis/understanding-failure-of-us-cuba-embargo/>.

<sup>5</sup> Congressional Research Service, "Cuba: Trump Administration Expands Sanctions," Updated June 24, 2019, <https://crsreports.congress.gov/product/pdf/IN/IN11120>.

<sup>6</sup> "Cuba: Fidel Castro's Record of Repression," Human Rights Watch, Nov. 26, 2016, [https://www.hrw.org/news/2016/11/26/cuba-fidel-castros-record-repression?gclid=Cj0KCQjwXuCnBhDLARIsAB-cq1ogrpmoGz2Be1C4uJWuZ45nbE0IVdi7Ano9KgLMhuqXp\\_0QMTCHSWwaAmP3EALw\\_wcB](https://www.hrw.org/news/2016/11/26/cuba-fidel-castros-record-repression?gclid=Cj0KCQjwXuCnBhDLARIsAB-cq1ogrpmoGz2Be1C4uJWuZ45nbE0IVdi7Ano9KgLMhuqXp_0QMTCHSWwaAmP3EALw_wcB).

violence against journalists, censorship, unjustified arrests or prosecutions of journalists, and enforcement or threat to enforce criminal libel laws to limit expression; serious restrictions on internet freedom; substantial interference with the right of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental and civil society organizations; severe restrictions on religious freedom; restrictions on freedom of movement and residence within the country and on the right to leave the country; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; lack of investigation of and accountability for gender-based violence, including femicide; trafficking in persons, including forced labor; and outlawing of independent trade unions,” as the most serious human rights abuses, mostly committed by Cuban government officials.<sup>7</sup>

Although Fidel Castro has died and his brother has passed the presidency to Miguel Díaz-Canel, the government continues to persecute dissidents and those considered to be “anti-social.” According to a 2022 Human Rights Watch report, “The Cuban government continues to repress and punish virtually all forms of dissent and public criticism. . . . [and] employs arbitrary detention to harass and intimidate critics, independent activists, political opponents and others.”<sup>8</sup> Arbitrary detention of political dissidents is still common in Cuba, and they are generally denied due process and fair hearings.<sup>9</sup> In terms of freedom of expression, the government controls virtually all media in Cuba and greatly restricts access to outside information or dissident political news outlets. Independent journalists and academics who publish material considered to be critical of the Cuban state are subject to harassment and arbitrary arrests.

## **Lack of Press and Internet Freedom**

The 2019 Cuban constitution permits freedom of expression, including for members of the press, as long as that expression “conforms to the aims of socialist society,” but the state still finds multiple ways to restrict and penalize that expression.<sup>10</sup> According to Reporters Without Borders, “Cuba remains, year in and year out, the worst country for press freedom in Latin America.”<sup>11</sup> Television, radio, and newspapers are all closely monitored by the government, with all major press outlets under state control, and the private ownership of

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<sup>7</sup> US State Department, “Cuba 2021 Human Rights Report,” <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/cuba/>, p. 1.

<sup>8</sup> “Cuba: Events of 2021,” Human Rights Watch, <https://www.hrw.org/world-report/2022/country-chapters/cuba>.

<sup>9</sup> “Cuba: Events of 2021,” Human Rights Watch, <https://www.hrw.org/world-report/2022/country-chapters/cuba>.

<sup>10</sup> U.S. Department of State, “2022 Country reports on Human Rights Practices: Cuba,” <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/cuba/>.

<sup>11</sup> “Cuba,” Reporters Without Borders, 2023, <https://rsf.org/en/country/cuba>.

media outlets prohibited.<sup>12</sup> Armando Franco, the editor of the state-owned magazine *Alma Mater*, was fired from his job for publishing information on the dissidents arrested in the protests of July 2021.<sup>13</sup>

Independent journalists are also surveilled by state security officers, who restrict their movement and periodically interrogate them, deleting information from their phones and laptops and censoring their reports. They are often fined and/or threatened with imprisonment. In April 2021, for example, the government fined Ismario Rodríguez, the audiovisual director of the independent journal *Periodismo de Barrio*, 4,000 pesos (\$33, the equivalent of a month's salary) for "illicit economic activity," a charge that is often used to punish those who practice journalism without the regime's permission; officials subsequently threatened Rodríguez with imprisonment for his "counterrevolutionary activity."<sup>14</sup>

Access to the internet is also controlled by the state. New regulations in 2021 completely violated the right to freedom of expression and information in the digital domain, and a new penal code adopted in 2022 reinforces the norm of Cuban repression by introducing vague charges such as "public disturbances", "contempt", and "danger to constitutional order" as grounds for prosecuting journalists.<sup>15</sup> Independent bloggers and citizen-journalists are subjected to harassment that may range from being held for questioning to being placed under house arrest. Those critical of the government are especially harassed. For example, officials prevented journalists at 14ymedio, a blog established by prominent cyber activist Yoani Sanchez, from reporting on a protest coordinated by human rights groups on International Human Rights Day in 2015. According to one journalist, state security agents blocked the door to the building they worked in and told him: "Today you are not going out."<sup>16</sup> According to a US State Department report, Cuban officials also draw on a defamation of character law to arrest or detain individuals critical of Cuban leaders, charging them with "the vague crime of 'contempt of authority.'" In April 2022, for example, Yoandi Montiel, a Cuban social media "influencer" known as *el gato de Cuba*, was sentenced to two years' imprisonment for contempt of authority for criticizing Díaz-Canel on Facebook. A few months later, activist Omar Ortega Mendoza was sentenced to three and one-half years' imprisonment for contempt of authority, also for criticizing Díaz-Canel on Facebook.

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<sup>12</sup> "Six facts about censorship in Cuba," Amnesty International, March 11, 2016, <https://www.amnesty.org/en/latest/campaigns/2016/03/six-facts-about-censorship-in-cuba/>.

<sup>13</sup> U.S. Department of State, "2022 Country reports on Human Rights Practices: Cuba," <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/cuba/>.

<sup>14</sup> U.S. Department of State, "2022 Country reports on Human Rights Practices: Cuba," <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/cuba/>.

<sup>15</sup> "Cuba," Reporters Without Borders, 2023, <https://rsf.org/en/country/cuba>.

<sup>16</sup> "Six facts about censorship in Cuba," Amnesty International, March 11, 2016, <https://www.amnesty.org/en/latest/campaigns/2016/03/six-facts-about-censorship-in-cuba/>.

According to the US State Department, in 2021 Ortega Mendoza served a 10-month sentence for contempt after sharing photographs on social media of persons who died of COVID-19 in the municipality of Morón.<sup>17</sup>

Freedom House's 2022 report on internet freedom in Cuba chronicles other examples of governmental repression of freedom of expression and freedom of the press. During the nationwide protests in 2021 authorities took repressive measures to disrupt protests by restricting internet connectivity, blocking social media and communications platforms, and selectively disrupting the internet service of political dissidents. Despite continued improvements to technical infrastructure, Cuba has one of the lowest internet connectivity rates in the Western Hemisphere.. State authorities monitor the internet usage of residents by reviewing browsing histories, censoring email, "trolling" social media accounts, and blocking access to certain websites; internet traffic is redirected to government-controlled sites. The government also closely monitors web access points such as Wi-Fi hotspots and cybercafes. The government manipulates content on independent media outlets or blocks access altogether. *El Estornudo*, *14ymedio*, *Diario de Cuba*, *Cibercuba*, *CubaNet*, *Cuba Encuentro*, *Periódico Cubano*, *Gato Pardo*, *Tremenda Nota*, *Proyecto Inventario*, *Rialta*, and *Martí Noticias* are among the websites routinely blocked. Not surprisingly, the Cuban government even blocked access to Freedom House's *Freedom on the Net* report.<sup>18</sup> Political dissent is punishable under multiple laws in Cuba, including Decree Laws 35 and 370, which have been used to intimidate and censor online journalists.<sup>19</sup>

## Political Opposition Groups

Despite fierce political repression, dissident groups have emerged to protest the near total control of the Cuban Communist Party. These independent civil society organizations frequently suffer attacks from the state: meetings are raided and activists detained on arbitrary charges, imprisoned, prevented from traveling abroad, or forced into exile. Citing the 1985 Law on Associations, the government denies freedom of association and refuses to register any new organization that is not state supervised. Nearly all politically motivated short-term detentions in recent years have targeted members of independent associations such as think tanks, human rights groups, opposition political parties, or trade unions. The

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<sup>17</sup> U.S. Department of State, "2022 Country reports on Human Rights Practices: Cuba," <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/cuba/>; 14ymedio, "El Gato de Cuba' Sentenced to Two Years in Prison for Contempt," *Translating Cuba: English Translations of Cubans Writing from the Island*, April 11, 2022, <https://translatingcuba.com/el-gato-de-cuba-sentenced-to-two-years-in-prison-for-contempt/>.

<sup>18</sup> U.S. Department of State, "2022 Country reports on Human Rights Practices: Cuba," <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/cuba/>

<sup>19</sup> "Freedom on the Net 2022: Cuba," Freedom House, <https://freedomhouse.org/country/cuba/freedom-net/2022>.



dissident groups most commonly persecuted by the government include the Movimiento San Isidro (MSI) a collective of dissident artists, Ladies in White (Damas de Blanco) formed in 2003 after the “Black Spring” arrests of 75 political dissidents, the Patriotic Union of Cuba (UNPACU) an umbrella group encompassing various Cuban dissident organizations since 2011, the Christian Liberation Movement (MCL) a Secular Catholic-led unofficial dissident political party, the United Anti-Totalitarian Forum (FANTU), and the Cuban Association of Electoral Observers (ACOE).<sup>20</sup>

By September 2021, Human Rights Watch reported that Cuba was holding 251 political prisoners, including more than 40 members of UNPACU.<sup>21</sup> UNPACU was founded by Cuban dissident Jose Daniel Ferrer, a former member of MCL, after his release from prison in 2011. Ferrer was detained during the Black Spring government crackdown of March 2003 and sentenced to 25 years imprisonment for being one of the main promoters of the Varela Project, in which 25,000 petitioners demanded the Cuban government guarantee freedom of speech and assembly, as well as a multi-party democracy. Members of other opposition groups, such as the Foro Anti-Totalitario Unido (FANTU), have also been regularly threatened, harassed and imprisoned. In the span of just one month during 2020, seven members of FANTU reported receiving threats from the Cuban government, including one activist who received a fine, and another who reported from outside Cuba that her family was threatened by police in their home.<sup>22</sup> In 2011, two well-known activists with the human rights organization Pedro Luis Boitel based in Holguin, Cuba were sentenced to three years in prison on fabricated charges in retaliation for their activism against the government.<sup>23</sup> Leaders and activists of various opposition groups have faced routine arrests, alongside journalists who have published opinions supporting these groups, and many have also received threats to leave the island or risk long-term imprisonment.<sup>24</sup> Berta Soler, the leader of the Catholic dissident group Ladies in White (*Damas de Blanco*) has been arrested numerous times for protesting the incarceration of dissidents, including a week before Pope Francis’ visit to the island.

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<sup>20</sup> “Freedom in the World 2021: Cuba,” Freedom House,

<https://freedomhouse.org/country/cuba/freedom-world/2021>.

<sup>21</sup> “Cuba: Events of 2021,” Human Rights Watch, <https://www.hrw.org/world-report/2022/country-chapters/cuba>.

<sup>22</sup> “Activistas del FANTU: Nos multan para intentar silenciarnos,” *Radio Televisión Martí*, April 23, 2020,

<https://www.radiotelevisionmarti.com/a/activistas-del-fantu-nos-multan-para-intentar-silenciarnos/263116.html>.

<sup>23</sup> “Cuba: Stop Imprisoning Peaceful Dissidents,” Human Rights Watch, June 1, 2011,

<https://www.hrw.org/news/2011/06/01/cuba-stop-imprisoning-peaceful-dissidents>.

<sup>24</sup> “Liberado el opositor cubano Guillermo Fariñas en una jornada con varias detenciones en La Habana,” *El Diario de Cuba*, Sept. 9, 2021, [https://diariodecuba.com/derechos-humanos/1631187263\\_33978.html](https://diariodecuba.com/derechos-humanos/1631187263_33978.html).

## Economic Trends and Transitions

In August 2010, Raúl Castro began to institute a series of sweeping economic reforms, providing for the creation of a limited private sector within the Cuban economy.<sup>25</sup> These reforms offered incentives to ordinary Cubans to set up small businesses, to lease unused farmland for their own cultivation, and to buy and sell homes and automobiles for the first time. Plans were announced to lay off workers in state-owned enterprises in waves, requiring them to seek self-employment in the private sector. Between 2010 and 2014, the population of small-business entrepreneurs in Cuba jumped from about 150,000 to roughly 600,000. Paladares, restaurants in private homes, sprang up across the country, along with beauty parlors, repair shops, and a variety of other small private businesses.<sup>26</sup> The 2010 economic reforms limited private employment opportunities to 127 narrow categories defined by the government, with most of the 600,000 licenses granted by 2020 covering service industry jobs like running a restaurant, or driving a taxi. In 2021, under pressure from the economic impact of COVID-19 and U.S. sanctions, the labor ministry opened the private sector to more than 2,000 legal economic activities identified by the government.<sup>27</sup>

While the private sector has been expanding in Cuba since 2021 (more than 8,000 small to medium-size businesses have registered with the state) inequality has also grown.<sup>28</sup> The economic crisis in Cuba, which deepened as a result of the Trump administration's tightening of the embargo and the Covid-19 pandemic, has severely impacted peoples' social and economic rights and opportunities. Energy blackouts are common: in July 2022, for example, blackouts occurred 29 out of 31 days. Cuban authorities said that the country's energy service was in a "complex situation" that "paralyzed an important part of the economy."<sup>29</sup> The Inter-American Commission on Human Rights has reported a "collapse of the public healthcare system" and a "widespread rise in poverty and inequality."<sup>30</sup> Since 2020, the state has not had enough income to supply the population with food, medicines and other basic items. This has led some to draw comparisons with the economic crisis known as the

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<sup>25</sup>Michael O'Sullivan, "THE ECONOMIC REFORMS IN CUBA: STRENGTHENING THE COUNTRY'S ESSENTIAL SOCIALIST CHARACTER OR A TRANSITION TO CAPITALISM? THE IMPACT ON EDUCATED YOUTH," *International Journal of Cuban Studies*, Autumn/Winter 2012, Vol. 4, No. 3/4, Special double issue: Cuba in the 21st Century (Autumn/Winter 2012), pp. 321-346

<sup>26</sup>Roy C. Smith and Ingo Walter, "Understanding a Cuban Transition." *The Independent Review (Oakland)* 20, no. 4 (2016): 531–546.

<sup>27</sup>Ciara Nugent, "Cuba Is Opening Up Its Economy. But Don't Call It a Shift to Capitalism Just Yet," *Time*, Feb. 9, 2021, <https://time.com/5937706/cuba-private-business/>.

<sup>28</sup>Ed Augustin, "As Cuba's private sector roars back, choices and inequality rise," *Al Jazeera*, July 19, 2023, <https://www.aljazeera.com/economy/2023/7/19/as-cubas-private-sector-roars-back-choices-and-inequality-rise>.

<sup>29</sup>"Cuba: Events of 2022," Human Rights Watch,

[https://www.hrw.org/world-report/2023/country-chapters/cuba?gclid=Cj0KCQjwxuCnBhDLARIsAB-cq1rIaa022KrFyV1BVbN-sFBFudV9DjL6QJetLy6iUREpXiEF0YZ0o3QaAITREALw\\_wcB#4483b2](https://www.hrw.org/world-report/2023/country-chapters/cuba?gclid=Cj0KCQjwxuCnBhDLARIsAB-cq1rIaa022KrFyV1BVbN-sFBFudV9DjL6QJetLy6iUREpXiEF0YZ0o3QaAITREALw_wcB#4483b2)

<sup>30</sup>"Cuba: Events of 2022," Human Rights Watch,

[https://www.hrw.org/world-report/2023/country-chapters/cuba?gclid=Cj0KCQjwxuCnBhDLARIsAB-cq1rIaa022KrFyV1BVbN-sFBFudV9DjL6QJetLy6iUREpXiEF0YZ0o3QaAITREALw\\_wcB#4483b2](https://www.hrw.org/world-report/2023/country-chapters/cuba?gclid=Cj0KCQjwxuCnBhDLARIsAB-cq1rIaa022KrFyV1BVbN-sFBFudV9DjL6QJetLy6iUREpXiEF0YZ0o3QaAITREALw_wcB#4483b2)

“special period” of the early 1990s, when Cuba lost its Soviet subsidies and market.<sup>31</sup> In this context, Cuba’s nascent private sector is trying to boost supply and is projected to import \$1 billion of goods by the end of 2023.<sup>32</sup>

The government’s repression and apparent unwillingness to address the underlying economic causes that motivated widespread protests have forced Cubans to leave the country in unprecedented numbers. The number of Cubans leaving their country dramatically increased in 2022, surpassing historic peaks in the 1980s and 1990s. The US Border Patrol apprehended over 203,000 Cubans between January and September 2022, marking a dramatic increase over the 33,000 Cubans apprehended during the same period the year before. The US Coast Guard apprehended over 6,182 Cubans at sea from October 2021 through September 2022, a dramatic increase from the past five years.<sup>33</sup> Among those departing are medical professionals, engineers, and other highly trained workers, who are barred from opening private practices and thus make significantly lower salaries at their state jobs than those in private businesses.<sup>34</sup> Prior to January 2017, Cubans who entered the US without authorization were rarely deported as a consequence of a very generous interpretation of the Cuban Adjustment Act known as the “wet foot/dry foot policy.” In January 2017, just weeks before Donald Trump took office, Obama announced that Cubans who entered the US without authorization and did not qualify for humanitarian relief would be subject to deportation. This change in policy makes the dramatic increase in Cuban departures all the more significant.

## Sources on State Persecution

### *Political Prisoners*

- This source details the conditions of Cuban Prisons including torture and deprivation of basic human necessities/rights: Deutsche Welle, “Prisoners Defenders documenta torturas en cárceles de Cuba,” May 31st, 2023, <https://www.dw.com/es/prisoners-defenders-documenta-torturas-en-c%C3%A1rcel-es-de-cuba/a-65775975>

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<sup>31</sup> See, for example, “Crisis, migration and unrest: is Cuba going through a new special period?” CubaNews, May 24, 2022, <https://oncubanews.com/en/cuba/crisis-migration-and-unrest-is-cuba-going-through-a-new-special-period/>.

<sup>32</sup> Ed Augustin, “As Cuba’s private sector roars back, choices and inequality rise,” *Al Jazeera*, July 19, 2023, <https://www.aljazeera.com/economy/2023/7/19/as-cubas-private-sector-roars-back-choices-and-inequality-rise>.

<sup>33</sup> “Cuba: Events of 2022,” Human Rights Watch, [https://www.hrw.org/world-report/2023/country-chapters/cuba?gclid=Cj0KCQjwxuCnBhDLARIsAB-cq1rIaa022KrFyV1BVbN-sFBFudV9DjL6QJetLy6iUREpXiEF0YZ0o3QaAITREALw\\_wcB#4483b2](https://www.hrw.org/world-report/2023/country-chapters/cuba?gclid=Cj0KCQjwxuCnBhDLARIsAB-cq1rIaa022KrFyV1BVbN-sFBFudV9DjL6QJetLy6iUREpXiEF0YZ0o3QaAITREALw_wcB#4483b2)

<sup>34</sup> Ed Augustin, “As Cuba’s private sector roars back, choices and inequality rise,” *Al Jazeera*, July 19, 2023, <https://www.aljazeera.com/economy/2023/7/19/as-cubas-private-sector-roars-back-choices-and-inequality-rise>.

- This gives an account of illegal arrests made. Yearly assessments are continually updated. This site currently has information up to the first half of 2022 with monthly assessments dating back to 2014: Observatorio Cubano de Derechos Humanos, “2022 - Detenciones Arbitrarias,” <https://observacuba.org/informes-ddhh/detenciones-arbitrarias/2022-detenciones-arbitrarias/>
- An outline of the progression of total prisoners and number of prisons in Cuba over time:  
Observatorio Cubano de Derechos Humanos, “Cárceles Cubanas,” Observatorio Cubano de Derechos Humanos, 2017, <https://observacuba.org/informes-ddhh/carceles-cubanas/>.
- This has a monthly breakdown of the number of political prisoners at any given time. Prisoners Defenders, “17 nuevos presos políticos más en Cuba este mayo suman un total de 1.037” Prisoners Defenders, June 14th, 2023, <https://www.prisonersdefenders.org/2023/06/14/17-nuevos-presos-politicos-mas-en-cuba-este-mayo-suman-un-total-de-1-037/>.  
Statistics are published monthly with current political prisoners and political prisoners added. Direct link to current stats is here:  
<https://www.prisonersdefenders.org/prisioneros-politicos/prisioneros-politicos-2023/>.

#### *International Reports on Human Rights*

- US State Department, “State Department’s Country Reports on Human Rights Practices: Cuba,” Released in March/April yearly: <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/cuba/>
- State Dept.’s International Religious Freedom Report: Reports on Human Rights Practices (published yearly): <https://www.justice.gov/eoir/country/cuba-topical>.
- Human Rights Watch, “Cuba: Events of 2021” (published yearly), Human Rights Watch, <https://www.hrw.org/world-report/2022/country-chapters/cuba>.

# Chapter Two: Afro Cubans and Racial Discrimination

Cuba's history of racism and white supremacy traces back to its colonial past, when the indigenous Taíno population was virtually decimated by smallpox epidemics, warfare and enslavement by Spanish colonists. Enslaved Africans were forcibly brought to Cuba beginning in the 1500s, with their presence on the island growing substantially in the 18th and 19th centuries. By 1840 the African slave population had grown to more than 40% of the total Cuban population, as Cuba became the world's largest sugar producer, and Havana became the largest market for enslaved Africans in the Caribbean by 1839, importing around 10,000 slaves a year. Consistent slave resistance and rebellions, coupled with fear of the nearby Haitian slave revolution, kept many white Cuban-born elites fearful of an independence movement from Spain while the rest of the Latin American continent had erupted in struggles against colonial rule.<sup>35</sup>

From this context of racist violence and colonial hierarchy emerged a surprising Cuban nationalist revolution in 1868, fought by a racially integrated army and whose intellectual leaders promoted a “powerful rhetoric of antiracism,” according to historian Ada Ferrer. “In late-nineteenth-century Cuba,” argues Ferrer, “national unity was cast as the product of joint political action by armed black, mulatto, and white men fighting in a war against the colonizer.”<sup>36</sup> This armed struggle and intellectual revolution laid the groundwork for the ideological notion that Cuba was a “raceless” nation, where in the words of the mulatto general Antonio Maceo, there were “no whites nor blacks, but only Cubans.” This concept of “raceless nationality” as described by Ferrer persists today, and was reiterated by the nationalist revolution led by Fidel Castro in 1959, which embraced the 19th century independence movement as its intellectual predecessor.<sup>37</sup>

While Cuba is unique in the establishment of a racial democracy, where its very nationhood was founded on ideas of racial equality and equal participation, the legacies of slavery and racial discrimination have inevitably lingered, and were further exacerbated by Cuba's semi-colonial status under U.S. hegemony. While legal segregation never existed in Cuba, even before the revolution, there was resistance from white Cubans to the growing political

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<sup>35</sup> “Afro-Cubans,” Minority Rights Group, <https://minorityrights.org/minorities/afro-cubans/>.

<sup>36</sup> Ada Ferrer, *Insurgent Cuba: Race, Nation, and Revolution, 1868-1898*, Chapel Hill: University of North Carolina Press, 1999.

<sup>37</sup> Ada Ferrer, *Insurgent Cuba: Race, Nation, and Revolution, 1868-1898*, Chapel Hill: University of North Carolina Press, 1999.

enfranchisement of black and mixed-race Cubans in the early 20th century. In 1908, as a response to the continuing inequalities faced by Afro-Cubans after independence in 1898, the Independent Party of Color was formed, provoking racial tensions and a political smear campaign that ultimately culminated in the 1912 massacre of thousands of Afro-Cuban party members and sympathizers, including the party's leaders, by government troops and white militias, backed by U.S. forces.<sup>38</sup> According to historian Julia Sweig, U.S. presence and intervention in Cuba following its independence from Spain continued to promote social and economic divisions along racial lines, with Afro-Cubans enduring segregated facilities, discrimination under the guise of eugenics, and blatant racism at the hands of groups as extreme as the Ku Klux Klan Kubano.<sup>39</sup>

In this context, Fidel Castro came to power in 1959, and his revolutionary socialist government aimed to eliminate racial discrimination within the public sphere and integrate public spaces, as well as promote education and employment for Afro-Cubans. The government focused on expanding education and health care to the whole population as a means of reducing racial inequality. While attempting to eliminate differences within the population, the government also outlawed organizations structured around racial identity, including the black social clubs that had sprung up in the 1930s and 1940s in response to the de facto segregation that existed before the revolution. Castro's government essentially prohibited any public discourse on racial difference, which has had a stifling effect on race-based organizing on the island.<sup>40</sup>

As argued by Cuban scholars of race such as Roberto Zurbano and Alejandro de la Fuente, while certain indicators of social inequality were achieved under Castro's revolutionary government, its claims that racism had been eradicated on the island are resoundingly false.<sup>41</sup> As de la Fuente has argued, Castro's approach to racial equality "had serious shortcomings," where "some of its own policies contributed in fact to reaffirm the social importance of race and to reproduce ingrained racist stereotypes." In areas where the revolution was less successful such as housing inequality, black Cubans continue to represent a majority living in poor areas of the city. Incarceration rates for black Cubans remain higher than for white Cubans, with certain practices related to Afro-Cuban culture such as *santería* criminalized by

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<sup>38</sup> Rebecca Bodenheimer, "Cuba's Government Needs to Look Within as It Denounces U.S. Racism," *Foreign Policy*, Sept. 9, 2020, [https://foreignpolicy.com/2020/09/09/cuba-government-blm-police-racism-black-lives-needs-to-look-within-as-it-denounces-us/#cookie\\_message\\_anchor](https://foreignpolicy.com/2020/09/09/cuba-government-blm-police-racism-black-lives-needs-to-look-within-as-it-denounces-us/#cookie_message_anchor).

<sup>39</sup> Julia Sweig, *Cuba: What Everyone Needs to Know*, Oxford University Press, 2009, p. 34.

<sup>40</sup> Rebecca Bodenheimer, "Cuba's Government Needs to Look Within as It Denounces U.S. Racism," *Foreign Policy*, Sept. 9, 2020, [https://foreignpolicy.com/2020/09/09/cuba-government-blm-police-racism-black-lives-needs-to-look-within-as-it-denounces-us/#cookie\\_message\\_anchor](https://foreignpolicy.com/2020/09/09/cuba-government-blm-police-racism-black-lives-needs-to-look-within-as-it-denounces-us/#cookie_message_anchor).

<sup>41</sup> Roberto Zurbano, "For Blacks in Cuba, the Revolution Hasn't Begun," *New York Times*, March 23, 2013, <https://www.nytimes.com/2013/03/24/opinion/sunday/for-blacks-in-cuba-the-revolution-hasnt-begun.html>.

the Cuban state and black Cubans facing racial profiling by police. However, as de la Fuente has argued, the major problem with the approach of the Cuban government has been precisely the silencing of discourse around racial inequality, assuming that tackling root problems of structural inequality would make racism disappear, while cultural and ideological racism continue to persist.<sup>42</sup>

As Roberto Zurbano has argued, including in a controversial op-ed piece for the *New York Times* that resulted in his demotion from a position at Cuban publishing house Casa de las Americas, the persistence of racism and racial inequality in Cuba can be seen in the growing tourism and private sectors, which “blacks are not well positioned to take advantage of.”<sup>43</sup> White Cubans have generally had more access to emerging private enterprises, where their historically more upscale homes are easier to convert into rented space for tourists, with the remittances from the United States that disproportionately come from White Cuban relatives (an estimated 60-90% of white households have relatives living abroad, while only 30-40% of Afro Cuban households have a family member outside the island).<sup>44</sup> Blatant racism is also present within the tourism industry, where hotel managers disproportionately hire white staff, utilizing a pretext of *buena presencia* (“pleasant appearance”) to discriminate against prospective black employees. According to research done by the Centro de Antropología de Cuba, black Cubans only represented 5% of the labor force employed in tourism and other dollar-related activities by the early 2000s.<sup>45</sup> As Zurbano concludes, “Now in the 21st century, it has become all too apparent that the black population is underrepresented at universities and in spheres of economic and political power, and overrepresented in the underground economy, in the criminal sphere and in marginal neighborhoods.”<sup>46</sup> Excluded from formal employment in the tourism industry, many black Cubans have turned to informal jobs that have been criminalized by police and other state authorities.

Many scholars and activists continue to recognize that racism exists in Cuba, with the opening of diplomatic relations and economic capitalism only contributing to reinforce social inequalities between black and white Cubans.<sup>47</sup> Migration networks, remittances and

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<sup>42</sup> Alejandro de la Fuente, “Racism, Culture and Mobilization,” Cuban Research Institute: Florida International University, <https://cri.fiu.edu/research/commissioned-reports/racism-fuente.pdf>.

<sup>43</sup> Roberto Zurbano, “For Blacks in Cuba, the Revolution Hasn’t Begun,” *New York Times*, March 23, 2013, <https://www.nytimes.com/2013/03/24/opinion/sunday/for-blacks-in-cuba-the-revolution-hasnt-begun.html>

<sup>44</sup> Maria Luisa Paul, “A powder keg about to explode?: Long marginalized Afro Cubans at forefront of island’s unrest,” *Washington Post*, July 19, 2021, <https://www.washingtonpost.com/world/2021/07/19/cuba-protests-afro-cubans/>.

<sup>45</sup> Alejandro de la Fuente, “Racism, Culture and Mobilization,” Cuban Research Institute: Florida International University, <https://cri.fiu.edu/research/commissioned-reports/racism-fuente.pdf>.

<sup>46</sup> Roberto Zurbano, “For Blacks in Cuba, the Revolution Hasn’t Begun,” *New York Times*, March 23, 2013, <https://www.nytimes.com/2013/03/24/opinion/sunday/for-blacks-in-cuba-the-revolution-hasnt-begun.html>

<sup>47</sup> Hanna Garth, “‘There Is No Race in Cuba’: Level of Culture and the Logics of Transnational Anti-Blackness,” *Anthropological quarterly* 94, no. 3 (2021): 385–410.

broader economic changes continue to be driving factors in the growing inequality.<sup>48</sup> Since the pandemic, as Cuba has experienced a new wave of economic insecurity, including shortages of food and electricity, black families have often been hit the hardest.

In protests across the island since 2021, black activists have been at the forefront of political movements against the government, and have also been disproportionately targeted by the Cuban state. The conviction of a black rapper, Denis Solis, on charges of “contempt of authority” spurred initial protests in front of the Ministry of Culture in November 2020. The San Isidro movement of dissident artists, of which Solis belongs, is named after a poor, predominantly black Havana neighborhood where the artists meet. In response to these initial protests, numerous Afro-cuban artists and activists were detained or put under house arrest. Afro-Cuban artists also wrote the anthem of recent protests, “Patria y Vida,” a song that gives new meaning to the traditional revolutionary slogan “Patria o Muerte.”<sup>49</sup> In 2022, two of the artists behind the protest anthem were sentenced to five and nine year prison terms, while another was put under house arrest. They are being held at a high-security prison in Cuba and are reportedly in poor health.<sup>50</sup> These protests, and the subsequent targeting of Afro-Cuban activists leading the movement serve to challenge the government’s narrative of racial harmony on the island and bring into focus the deep divisions between white and black Cubans, legacies of Cuba’s racist colonial past.

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<sup>48</sup> Chris Arsenault, “In Cuba, racial inequality deepens with tourism boom,” *Reuters*, Feb. 2, 2016, <https://www.reuters.com/article/us-cuba-inequality/in-cuba-racial-inequality-deepens-with-tourism-boom-idUSKCN0VB1LT>.

<sup>49</sup> Maria Luisa Paul, “‘A powder keg about to explode’: Long marginalized Afro Cubans at forefront of island’s unrest,” *Washington Post*, July 19, 2021, <https://www.washingtonpost.com/world/2021/07/19/cuba-protests-afro-cubans/>.

<sup>50</sup> Tibusay Zea, “Cuban dissident artists behind hit protest song ‘Patria y Vida’ sentenced to prison,” *The World*, July 1, 2022, <https://theworld.org/stories/2022-07-01/cuban-dissident-artists-behind-hit-protest-song-patria-y-vida-sentenced-prison>.



# Chapter Three: Stigma and Violence Towards LGBTQ People in Cuba

Cuba's revolutionary government has a particularly complicated history with regards to LGBT rights on the island. In the 1960s Fidel Castro and other leading revolutionaries considered homosexuality a product of capitalism and the bourgeois, which needed to be eradicated from society. Academics have explored how even earlier, the nationalist Cuban project was constructed around the time of independence through a hypermasculine vision of the Cuban soldier, rejecting "effeminate" men and "manly" women as ideal national subjects. Thus these subjectivities were actually used to define the nationalist discourse, ironically becoming a part of the nation albeit through exclusion.<sup>51</sup> Throughout the 1960s and 1970s in Cuba, the Castro regime regarded the "lumpen," including homosexuals, as counterrevolutionary individuals who did not represent the "diligent, virile, and altruistic proletarian man."<sup>52</sup> Gay men were routinely imprisoned for soliciting sex in public locations, government workers lost their jobs because of their homosexuality, and many gay artists were censored, imprisoned or expelled from the country. From 1965 to 1968, openly homosexual men were rounded up and incarcerated in UMAP (Military Units to Aid Production) camps designed to convert them to "revolutionary" ideals. Critics have since denounced UMAP camps as brutal military labor camps, where internees suffered from physical and verbal mistreatment and chronic shortages of food among other abuses.<sup>53</sup>

During the Mariel Boatlift of 1980, the Castro regime expelled thousands of homosexual Cubans he considered "undesirable." Academic studies have shown how the Mariel boatlift was a clear episode of the Castro regime's institutional homophobia. Ian Lumsden has argued that the boatlift was a strategic and "explicitly homophobic campaign by the government" to purge Cuba of homosexuals.<sup>54</sup> According to historian Julio Capo, "the Castro government largely based its institutionalized homophobia on the notion that homosexuals, particularly effeminate men, represented the antithesis of Cuba's virile machismo and hyper-masculine 'Revolutionary' man."<sup>55</sup> In the late 1980s, the HIV epidemic arrived in Cuba, and Cuban physicians, researchers, and lawmakers aggressively addressed its

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<sup>51</sup> Emilio Bejel, "Martí, Los Estados Unidos y El 'Hombre Afeminado.'" *Confluencia (Greeley, Colo.)* 27, no. 1 (2011): 45.

<sup>52</sup> Julio Capo, "Queering Mariel: Mediating Cold War Foreign Policy and U.S. Citizenship Among Cuba's Homosexual Exile Community, 1978–1994," *Journal of American ethnic history* 29, no. 4 (2010): 78–106.

<sup>53</sup> "From Persecution to Acceptance? The History of LGBT Rights in Cuba," Council on Hemispheric Affairs, Oct. 24, 2012, <https://www.coha.org/from-persecution-to-acceptance-history-of-lgbt-in-cuba/>.

<sup>54</sup> Ian Lumsden, *Machos, Maricones, and Gays: Cuba and Homosexuality* (Philadelphia, 1996), 78.

<sup>55</sup> Julio Capo, "Queering Mariel: Mediating Cold War Foreign Policy and U.S. Citizenship Among Cuba's Homosexual Exile Community, 1978–1994," *Journal of American ethnic history* 29, no. 4 (2010): 78–106.

spread. One of the first steps taken was to quarantine people testing positive for HIV in mandatory “sanatorios” between 1986 and 1989, where approximately 700 individuals, many who were homosexual, were quarantined in 1988.<sup>56</sup>

In a move criticized by many as merely an attempt to change international perceptions of Cuba’s record on human rights, the Cuban Women’s Federation founded the Cuban National Center for Sex Education (CENESEX) in 1977, which “encouraged a more enlightened outlook on homosexuality and started to undermine traditional sexual prejudices and taboos.” In 1979 the Cuban government finally removed homosexual acts among consenting adults from the Penal Code as a criminal offense. Despite this major legislative reform, the government continued to prohibit “ostentatious displays of homosexuality” along with “homosexual acts in public places” until 1986.<sup>57</sup>

Nevertheless, the social stigma attached to being gay in predominantly Catholic Cuba has persisted. While the 2019 constitution explicitly prohibits discrimination on the basis of sexual orientation or gender identity, many LGBT people continue to suffer violence and discrimination, especially in rural provinces. In its 2020 report on Cuba, the Inter-American Commission on Human Rights (IACHR) stated that “LGBTI people and human rights defenders working on issues of sexual orientation, gender identity and/or expression, and sexual characteristics still suffer violence, discrimination, restrictions on their rights of assembly and association, and curtailment of their freedom of expression and dissemination of thought.”<sup>58</sup> Human Rights Watch reported in 2022 that police often refuse to investigate anti-LGBT attacks and that LGBT people have been fired or excluded from university education due to their sexual orientation or gender identity.<sup>59</sup>

Many claim that the only permitted LGBT movement in Cuba is the official, state-run one that Raul Castro’s daughter Mariela Castro has created through CENESEX. The government in Havana refuses to recognize the international week of LGBT rights celebrations, allowing only an officially sanctioned gathering on May 17 to mark International Day Against Homophobia.<sup>60</sup> In 2019, the government unexpectedly canceled the 12th annual march against homophobia because of “new tensions in the international and regional context,” prompting LGBT activists to take to Facebook to organize an unauthorized march. Numerous activists were arrested at the illegal march after state

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<sup>56</sup> Gilbert Gonzales and Bárbara Navaza, “Lesbian, Gay, Bisexual, and Transgender (LGBT) Health in Cuba: A Report from the Field,” *Journal of Health Care for the Poor and Underserved* 32, no. 1 (2021): 30-36. doi:10.1353/hpu.2021.0005.

<sup>57</sup> “From Persecution to Acceptance? The History of LGBT Rights in Cuba,” Council on Hemispheric Affairs, Oct. 24, 2012, <https://www.coha.org/from-persecution-to-acceptance-history-of-lgbt-in-cuba/>.

<sup>58</sup> “The Situation of Human Rights in Cuba,” Inter-American Commission on Human Rights, Feb. 3, 2020, <https://www.oas.org/en/iachr/reports/pdfs/Cuba2020-en.pdf>.

<sup>59</sup> “World Report 2021: Cuba,” Human Rights Watch, <https://www.hrw.org/world-report/2021/country-chapters/cuba#e81181>.

<sup>60</sup> Justin Rohrlich, “Cuba Wants You to Think It’s a Gay Paradise. It’s Not.” *Foreign Policy*, July 3, 2014, <https://foreignpolicy.com/2014/07/03/cuba-wants-you-to-think-its-a-gay-paradise-its-not/>.

authorities were sent to shut down the protest, beating and brutalizing many of the individuals present.<sup>61</sup>

An earlier 2018 decision to withdraw an amendment to Cuba's new constitution that would have opened the doorway to same-sex unions provoked large-scale outrage from Cuba's LGBT community. The decision was seen as a product of campaigning by evangelical churches.<sup>62</sup> The issue was again presented in reforms to the national Family Code in September 2022, which was approved in a special referendum vote. There was again significant opposition to the reforms among religious groups and conservatives however, and some anti-government activists considered the referendum an effort by the state to improve its human rights image following the intense repression of political opposition in recent years.<sup>63</sup>

While trans Cubans are in theory able to receive free sex-reassignment surgery under the country's national health care system since 2008, advocates critical of CENESEX maintain that fewer than 30 people have been able to access the procedure.<sup>64</sup> As of 2016, more than 200 people were on the waiting list for surgery, with doctors only operating on five patients each year. This reality has prompted many trans Cubans to acquire surgeries illegally, which can be risky both medically and politically. One trans woman told journalists: "For getting a pair of implants, police search your house. They detain you. They interrogate you to find out where you got your implants and who the doctor was, so they can jail the doctor." In 2012, the BBC reported that the director of a Havana hospital and dozens of employees had been arrested for providing breast implants, liposuction and other procedures.<sup>65</sup> Trans advocates have said that many trans Cubans are forced to engage in sex work because they are unable to work in other industries and receive basic support from the government in terms of accessing education and other services. Trans Cubans also face harassment from the police who are quick to accuse them of prostitution.<sup>66</sup>

Police violence towards gay and transgender Cubans is a common occurrence. In November 2013, LGBT activist and journalist Mario Jose Delgado was headed home to the Alamar section of Havana when three men in civilian clothes threw him into the backseat of a car.

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<sup>61</sup> "Cuba Gay Rights Activists Arrested at Pride March in Havana," *BBC*, May 12, 2019, <https://www.bbc.com/news/world-latin-america-48242255>.

<sup>62</sup> "Havana Dons Giant Rainbow Flags in Key Year for Cuban LGBT+ Rights," *Reuters*, May 17, 2021, <https://www.reuters.com/lifestyle/havana-dons-giant-rainbow-flags-key-year-cuban-lgbt-rights-2021-05-18/>.

<sup>63</sup> "Cuba Family Code: Country votes to legalise same-sex marriage," *BBC*, Sept. 26, 2022, <https://www.bbc.com/news/world-latin-america-63035426>.

<sup>64</sup> Michael K. Lavers, "Cuban Trans Advocate: Government Seeks to 'Destroy Us,'" *Washington Blade*, May, 20, 2015, <https://www.washingtonblade.com/2015/05/20/cuban-trans-advocate-government-seeks-to-destroy-us/>.

<sup>65</sup> Tracey Eaton, "Transgender Cubans Struggle for Equal Rights in Macho Cuba," *On Cuba*, Jan. 20, 2016, <https://pulitzercenter.org/stories/transgender-cubans-struggle-equal-rights-macho-cuba>.

<sup>66</sup> Michael K. Lavers, "Cuban Trans Advocate: Government Seeks to 'Destroy Us,'" *Washington Blade*, May, 20, 2015, <https://www.washingtonblade.com/2015/05/20/cuban-trans-advocate-government-seeks-to-destroy-us/>.

He was then driven to the outskirts of town and beaten in the face with a rock. Delgado says the men, who have never been identified, were interested in information he was carrying, which included names of members of a Christian LGBT group Delgado belonged to called Divine Hope. The attackers took his cellphone and USB drive, as well as his notes and calendar, where the details of a demonstration Divine Hope was organizing were held, causing Delgado to believe the attackers were State security agents.<sup>67</sup> Trans sex worker Yosvani Muñoz Robaina was murdered in April 2015, in what authorities concluded was a “crime of passion” despite reports by LGBT advocates indicating that six teenagers had stoned her to death.<sup>68</sup> In 2011, according to several Cuban expatriate websites, a transgender man arrested during a raid of “homosexuals, transvestites, and transsexuals in Old Havana” died while in police custody. On September 8, after repeated warnings to police that he had hypertension, Nelson Linares García, 34, succumbed to what doctors called “respiratory arrest.”<sup>69</sup>

Despite recent changes to legislation, LGBT Cubans continue to face arbitrary detention, imprisonment, or state harassment. Many LGBT Cubans have fled the country after facing discrimination, violence and threats in Cuba due to their sexual orientation. Aside from the threat of continued persecution and imprisonment, if they are returned, LGBT Cubans continue to suffer stigma and harassment because of their identity, and more generally because of their decision to flee the country.

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<sup>67</sup> Justin Rohrlich, “Cuba Wants You to Think It’s a Gay Paradise. It’s Not.” *Foreign Policy*, July 3, 2014, <https://foreignpolicy.com/2014/07/03/cuba-wants-you-to-think-its-a-gay-paradise-its-not/>.

<sup>68</sup> Michael K. Lavers, “Cuban Trans Advocate: Government Seeks to ‘Destroy Us,’” *Washington Blade*, May, 20, 2015, <https://www.washingtonblade.com/2015/05/20/cuban-trans-advocate-government-seeks-to-destroy-us/>.

<sup>69</sup> Winston Gieseke, “Cuban Trans Man Reportedly Dies in Police Custody,” *Advocate*, Sept. 15, 2011, <https://www.advocate.com/news/daily-news/2011/09/15/cuban-trans-man-reportedly-dies-police-custody>.

# Chapter Four: Discrimination Towards Mariel Refugees Upon Return to Cuba

Many Cubans came to the United States during what is known as the “Mariel Boatlift,” a mass emigration of approximately 125,000 Cubans to the United States between April and October of 1980. Amidst an economic downturn in Cuba and an increasing number of political dissidents seeking to leave the country, Fidel Castro reversed Cuba’s closed emigration policy on April 20, 1980, prompting thousands of Cubans to flee the country through the port of Mariel. A 1980 US State Department report estimated nearly 60 per cent of the refugees were adult men, 22 per cent were adult women and roughly 18 per cent were minors under the age of 18.<sup>70</sup> The Cuban government also released some prisoners to travel to the U.S., prompting the “Marielitos,” as the refugees are commonly known, to be viewed in a generally negative light as criminals.<sup>71</sup> Castro deemed those who fled the country as “undesirable” and “scum,” contributing to the negative reputation of the Marielitos.<sup>72</sup> As explored by the work of historian Jillian Marie Jacklin, the Cuban press reinforced this classification, and US media sources followed, representing Cuban refugees as criminals in popular news outlets and influencing the reception these refugees received in communities across the U.S.<sup>73</sup>

Among the Marielitos were some Cuban prisoners, who generally are believed to have been forced to join the boatlift under threat of longer prison sentences if they didn’t leave. The aim of including criminals in the boatlift was to further discredit the migrants as pathological and taint the entire groups as criminals. Scholars who have investigated the criminal backgrounds of the Marielitos have found that even among those who were labeled as “hardened criminals,” many were imprisoned for petty theft or acts of “rebellion” against the state, often acting out of desperation due to the economic crisis at the time.<sup>74</sup> The Migration Policy Institute has found that less than 2 percent of the Marielitos were in fact criminals, while up to 25 percent had been imprisoned in Cuba for various political reasons, including violating the Cuban law of *peligrosidad*, or “dangerous behavior,” which included public

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<sup>70</sup> Jillian Marie Jacklin, “The Cuban Refugee Criminal: Media Reporting and the Production of a Popular Image,” *The international journal of Cuban studies* 11, no. 1 (2019): 61–83.

<sup>71</sup> “Mariel Boatlift of 1980,” *Immigration History*, <https://immigrationhistory.org/item/mariel-boatlift/>.

<sup>72</sup> Madeline Baro Diaz, “All carried stigma of Castro policy,” *Chicago Tribune*, May 3, 2005 <https://www.chicagotribune.com/news/ct-xpm-2005-05-03-0505030134-story.html>.

<sup>73</sup> Jillian Marie Jacklin, “The Cuban Refugee Criminal: Media Reporting and the Production of a Popular Image,” *The international journal of Cuban studies* 11, no. 1 (2019): 61–83.

<sup>74</sup> Gastón A. Fernández, “Race, Gender, and Class in the Persistence of the Mariel Stigma Twenty Years after the Exodus from Cuba,” *The International Migration Review* 41, no. 3 (2007): 602–22, <http://www.jstor.org/stable/27645686>.

displays of homosexuality or other behavior perceived as counter-revolutionary.<sup>75</sup> Furthermore, concerns about the race, class status, and sexuality of Mariel refugees influenced how federal officials and communities in the United States responded to the Cuban exiles. This group of Cuban refugees was younger, blacker and more single males than previous waves of Cuban migration to the U.S., contributing to the stigmatization and criminalization these immigrants faced.<sup>76</sup>

The treatment of the Marielitos in Cuba before and after their departure has also been overwhelmingly negative. The refugees were harassed, beaten, and targeted in their homes in Cuba during the days after they sought their exit permit to the United States. The disparaging portrayals of the Marielitos in popular discourse and the media, particularly in Cuba, has resulted in discrimination and even detention or incarceration of these individuals when deported to Cuba. The Cuban government has branded these refugees as *escoria* (scum) because it considered them antisocial and counterrevolutionary elements and that stigma has stuck with the group for the last forty years. According to historian Julio Capó Jr., “Fidel Castro claimed that those who wanted to leave were the dregs of society who could never be productive to the Cuban revolution.”<sup>77</sup> Immigration attorney and Department of Homeland Security Deputy Chief Counsel Rebeca Sanchez-Roig has pointed out the kinds of difficulties that dissident Cubans would face upon return to the island: “Imagine this. You are repatriated, deported to a country that knows and will find out that you made a political claim against them in the United States, and you allege that you were persecuted. How does one think that the Cuban government is going to handle this?”<sup>78</sup>

Initially, Cuba refused to take back the Mariel refugees, a clear sign of the disdain and stigma attached to these Cubans that fled the country. It was not until the early 1990s that the first Mariel refugees were deported to Cuba. While the Cuban government eventually agreed to take back 2,746 of the “criminal” Mariel refugees, the deportations were slow, and in some years did not take place at all.<sup>79</sup> Although it is difficult to ascertain information about Mariel Cubans who were deported in the 1990s, there is credible evidence that many of them were sent straight to Cuban prisons when they arrived back on the island. A documentary by Estela Bravo titled, “The Cuban Excludables,” follows a group of Mariel Cubans who were deported to Cuba from the United States in 1990. These Cubans had criminal records in the

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<sup>75</sup> Jorge Duany, “Cuban Migration: A Postrevolution Exodus Ebbs and Flows,” *Migration Policy Institute*, July 6, 2017, <https://www.migrationpolicy.org/article/cuban-migration-postrevolution-exodus-ebbs-and-flows>.

<sup>76</sup> Jillian Marie Jacklin, “The Cuban Refugee Criminal: Media Reporting and the Production of a Popular Image,” *The international journal of Cuban studies* 11, no. 1 (2019): 72.

<sup>77</sup> Isvett Verde, “Gay, Cuban and in Love,” *New York Times*, June 28, 2019, <https://www.nytimes.com/2019/06/28/style/gay-cuban-and-in-love.html>.

<sup>78</sup> “Cuban Deportations and What They Mean for Florida,” *NPR*, Sept. 15, 2019, <https://www.npr.org/2019/09/15/760936512/cuban-deportations-and-what-they-mean-for-florida>.

<sup>79</sup> Frances Robles, “‘Marielitos’ Face Long-Delayed Reckoning: Expulsion to Cuba,” *New York Times*, Jan. 14, 2017, <https://www.nytimes.com/2017/01/14/us/cuba-us-migrants.html>.

United States, and when they arrived in Havana, they were taken directly to prison.<sup>80</sup> Historian Elliott Young describes in his book *Forever Prisoners* how Mariel Cubans faced varying lengths of imprisonment when they were returned, and even upon release, faced re-incarceration for charges such as being “anti-social” due to the stigmatization of this group.<sup>81</sup>

Until recently, the lack of normal relations with Cuba made it impossible for the Marielitos to be sent back, unless they were on the 1984 list that allowed for the deportation of 2,700 of the refugees. Both at home and in the United States, those who fled Cuba during and after 1980 are often viewed with public scorn, and sometimes face even more dangerous consequences. Since President Barack Obama normalized relations with Cuba, increasing numbers of Cubans have been deported from the United States. Even as tourists have been accepted for travel to the island, Cuban deportees still face stigmatization as people who fled from the Revolution.

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<sup>80</sup> Estela Bravo, “The Cuban Excludables,” 1997, <https://www.youtube.com/watch?v=zL6juhMmQbI>.

<sup>81</sup> Elliott Young, *Forever Prisoners: How the United States Made the Largest Immigrant Detention System in the World* (New York: Oxford University Press, 2021), ch. 4.

# Chapter Five: Religious Freedom in Cuba and Persecution of Congregations and Leaders

Approximately two-thirds of Cubans identify as Catholics, and at least as many claim to practice *santería*, an indicator of the religious syncretism that exists in Cuba. According to Cuba scholar Margaret E. Crahan, religious efforts to build a national socioeconomic, political agenda and leadership are limited however by the Cuban state. Crahan argues that the consolidation of the communist government in the 1960s substantially weakened institutional religion in Cuba, alongside the mass departure of Church leaders and activists after Fidel Castro came to power. Laws adopted between 1976 and 1985 to institutionalize the revolutionary process codified the state's efforts to control civil society and religious groups.<sup>82</sup> The rejection of religious practice by the Communist state also affected Afro-Cuban practitioners of *santería*, many of whom found themselves without prospects during the early years of the revolution. According to her study of *santería*, scholar Maha Marouan finds that the religion's practitioners at this time were not allowed to join the Communist Party, and were often denied professional training, college degrees, promotion, travel outside the country and decent housing.<sup>83</sup>

Religious freedom remains limited in Cuba, where despite constitutional provisions protecting this right, religious groups have complained of threats, detentions and other tactics by government authorities to restrict certain groups and religious activities. According to the U.S. State Department's 2018 report on International Religious Freedom, the Cuban Communist Party "continued to control most aspects of religious life." The report further states that the government used threats, international and domestic travel restrictions, detentions, and violence against religious leaders and their followers, and restricted the rights of prisoners to practice religion freely. Religious leaders advocating for greater freedom have been detained, and the government has refused official registration to certain groups in order to limit their ability to practice.<sup>84</sup> According to the religious advocacy groups EchoCuba and Christian Solidarity Worldwide (CSW), the Cuban government gives preference to some religious groups and discriminates against others, prioritizing the construction and registration of Catholic churches over Christian and other minority religious groups.<sup>85</sup>

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<sup>82</sup> Margaret E. Crahan, "Cuba: Religion and Civil Society," *Social research* 84, no. 2 (2017): 383–405.

<sup>83</sup> Maha Marouan, "Santería in Cuba: Contested Issues at a Time of Transition," *Transition (Kampala, Uganda)*, no. 125 (2018): 57.

<sup>84</sup> U.S. Embassy Havana, "2018 Report on International Religious Freedom: Cuba," 27 June, 2019.

<sup>85</sup> "Homeland, Faith, Life: a call for freedom in Cuba," Christian Solidarity Worldwide, Feb. 2022, <https://www.csw.org.uk/HomelandFaithLife>.



In 2003, a group of women whose husbands were imprisoned for their dissident views formed a group called the Damas de Blanco (Women in White). The group organizes mass and public processions to raise awareness about their husbands' situation. Over the years, the group has been harassed and beaten by government-sponsored agents and its leaders arrested.<sup>86</sup> The Liberation Christian Movement (MCL), led by Cuban dissident Oswaldo Paya, organized major popular movements against the Cuban state including a 1998 campaign called Proyecto Varela, aimed at collecting 10,000 signatures to request a referendum for political changes. State repression against the Proyecto Varela leaders led to mass arrests known as the "Black Spring" and the creation of the Damas de Blanco solidarity group.<sup>87</sup> The hostility toward these religious-based movements suggests the lack of tolerance in Cuba for free expression of religion.

Religious leaders and advocates for greater religious freedom have continued to face persecution by the Cuban state in more recent years. According to CSW and other sources, on February 28, 2018, police arrested and detained Leonardo Rodriguez Alonso, a regional coordinator for a religious freedom advocacy organization. In July 2018, Cuban security agents threatened a pastor with arrest and eviction after he distributed pamphlets against the government's plan to adopt a new constitution. Authorities then denied the pastor permission to travel abroad. Prisoners, including political prisoners, reported being denied the right to pastoral visits or to join with other prisoners for worship, prayer, and study. Many reported that authorities confiscated their Bibles or other religious literature. According to CSW, prison guards prohibited Eduardo Cardet, whom Amnesty International has identified as a "prisoner of conscience," from receiving visits from a pastor and confiscated his Bible as punishment at different points throughout 2018.<sup>88</sup> CSW reports that members of religious groups also routinely experience discrimination, most commonly in educational institutions and places of employment. The Christian organization has reported cases of individuals passed over for promotion, excluded from important meetings and activities, or demoted or transferred to undesirable locations because their religious affiliation makes them "untrustworthy."<sup>89</sup>

During mass protests against the Cuban state in 2021, religious leaders and groups were targeted disproportionately and CSW documented 272 cases involving 498 violations of freedom of religion or belief, up from 203 cases in 2020 and 260 in 2019. According to CSW's 2022 report, the most frequently reported violation was prevention from attending religious services (115 reports), mostly affecting civil society activists such as the Damas de

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<sup>86</sup> "Las Damas de Blanco," *Cato Report*, July/August 2018, <https://www.cato.org/sites/cato.org/files/serials/files/policy-report/2018/8/cpr-v40n4-5.pdf>.

<sup>87</sup> Oswaldo Jose Paya Sardinias, "As Cuba Awakes." *European view* 7, no. 1 (2008): 91–94.

<sup>88</sup> U.S. Embassy Havana, "2018 Report on International Religious Freedom: Cuba," 27 June, 2019,

<sup>89</sup> "Homeland, Faith, Life: a call for freedom in Cuba," Christian Solidarity Worldwide, Feb. 2022.

Blanco, who are frequently stopped from attending mass. Violations involving harassment or threats were close behind at 107 and 101 reports respectively. 79 reports concerned arbitrary detention linked in some way to freedom of religion. Most of these cases involved short-term detention ranging from a number of hours to a few days, usually in order to prevent the targeted person from attending religious services. CSW's report documented an increase in repressive acts targeting religious leaders and individuals in 2021, especially those who are critical of the government for its human rights record. The report concludes, "It is clear that the Cuban government continues to view religious groups – which comprise the largest sector of independent civil society – with suspicion and fear, especially because of their potential to mobilize large groups of people."<sup>90</sup>

In December 2022, the U.S. Department of State designated Cuba as a "Country of Particular Concern" for committing "systematic, ongoing, and egregious religious freedom violations." The Cuban state regulates and controls religious institutions through the Office of Religious Affairs of the Central Committee of the Cuban Communist Party (ORA), and criminalizes all religious groups that are not registered with the ORA. According to the State Department, "Religious leaders and groups that are unregistered or conduct unsanctioned religious activity faced relentless oppression from the ORA and state security forces throughout the year." The government also uses other tactics such as surveillance, forced exile, fines, and ill treatment of religious prisoners in order to criminalize religious Cubans.<sup>91</sup>

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<sup>90</sup> "Homeland, Faith, Life: a call for freedom in Cuba," Christian Solidarity Worldwide, Feb. 2022.

<sup>91</sup> "USCIRF Releases Report on Religious Freedom in Cuba," US Commission on International Religious Freedom, Dec. 21, 2022, <https://www.uscirf.gov/release-statements/uscirf-releases-report-religious-freedom-cuba>.

# Chapter Six: Persecution and Violence Against Opponents of Regime in Cuba

## Introduction

Political repression in Cuba has been codified into law and is enforced by both state security forces and militant civilian groups sympathetic to the regime. Academics and human rights defenders have extensively studied and denounced the lack of basic political and civil liberties in Cuba, noting the lack of a strong opposition due to state-sanctioned repression.<sup>92</sup> While there is a long history of political repression in Cuba, in the last eight years, opponents of the regime have been increasingly targeted for arbitrary arrests, beatings and incarceration. According to a 2016 Human Rights Watch report, “Arbitrary arrests and short-term detention routinely prevent human rights defenders, independent journalists, and others from gathering or moving freely. Detention is often used preemptively to prevent people from participating in peaceful marches or political meetings.”<sup>93</sup>

Human Rights Watch has further found that “Cubans who criticize the government risk criminal prosecution. They do not benefit from due process guarantees, such as the right to fair and public hearings by a competent, independent and impartial tribunal. In practice, courts are subordinate to the executive branch.”<sup>94</sup> On July 11, 2021, the most serious and widespread protests against the Communist regime erupted throughout the island. The response from the government was to label the protestors as looters and criminals, begin a media campaign to whip up revolutionary fervor and arrest almost 700 people involved in the demonstrations in the immediate aftermath.<sup>95</sup> Given these generally repressive conditions in Cuba, Cubans with a history of political dissent are likely to face targeting and punishment by the government if returned to the island.

## 2021 Protests in Cuba and State Repression

In July 2021, mass protests erupted in cities and towns throughout Cuba, calling for freedom of expression and an end to the communist regime. Many citizens joined the protests inspired by their frustrations with wide-scale electrical blackouts and surging Covid-19 cases

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<sup>92</sup>Jeffrey L. Roberg and Alyson Kuttruff, “Cuba: Ideological Success or Ideological Failure?” *Human rights quarterly* 29, no. 3 (2007): 793-794.

<sup>93</sup> “Cuba: Fidel Castro’s Record of Repression,” Human Rights Watch, Nov. 26, 2016, <https://www.hrw.org/news/2016/11/26/cuba-fidel-castros-record-repression>.

<sup>94</sup> “Cuba: Events of 2021,” Human Rights Watch, <https://www.hrw.org/world-report/2022/country-chapters/cuba>.

<sup>95</sup> Ernesto Londoño and Daniel Politi, “‘Terror’: Crackdown After Protests in Cuba Sends a Chilling Message,” *New York Times*, 28 July 2021, <https://www.nytimes.com/2021/07/28/world/americas/cuba-protests-crackdown-arrests.html>.

in the country, as well as lack of access to proper medical care or medications. Protests were coordinated mainly through social media, and widely disseminated by opposition activists both within Cuba and outside the country. In the immediate aftermath of the first protests, internet access was suspended throughout the island. Many Cubans who had participated in the first days of protest around July 11th began facing harassment from police officers and arrests in their homes in the days following. Amid the opposition protests, President Miguel Diaz-Canal and other government officials called on revolutionary supporters to take to the streets and defend the country, and organized massive pro-government rallies. Calls for national mobilization began circulating on Facebook and other social media, and opposition leaders called for a day of action on November 15, although Cuban state officials denied permission for the proposed marches.<sup>96</sup>

Those who vocally supported the November 15th protest described their houses as being “under siege” for days before the march was set to take place, with police and plainclothes security agents surrounding their homes to prevent them from leaving. Dissidents filmed police outside their homes and posted the videos on social media, and a few who were able to take to the streets filmed themselves in white as an act of protest. At least forty protesters were also arrested that day. Juan Pappier, a researcher at Human Rights Watch, deemed the Cuban government strategy following these national protests as one of “total suppression—not even repression,” and explained how fear of imprisonment deterred many from participating in the November 15th marches.<sup>97</sup> State backlash for those who organized or participated in the July protests was harsh, with over one thousand arrests made, according to the BBC. Over 700 of the arrestees faced charges, and approximately 128 protesters were given lengthy prison sentences of between six and thirty years. The charges against the defendants included sedition, public disorder, vandalism and theft.<sup>98</sup> According to the US State Department’s 2021 report on human rights regarding the July 2021 protests, “The government conducted summary trials for some protesters; sought long prison sentences, some up to 30 years, in hundreds of cases; and held other protesters in extended pretrial detention. Some activists chose to go into exile, and the government forced others to do so.”<sup>99</sup>

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<sup>96</sup> Helen Yaffe, “11 July Protests in Cuba: A Personal Narrative of Events,” American University Center for Latin American and Latino Studies, [https://www.american.edu/centers/latin-american-latino-studies/upload/yaffe\\_11-july-protests-in-cuba-a-personal-narrative-of-events-3.pdf](https://www.american.edu/centers/latin-american-latino-studies/upload/yaffe_11-july-protests-in-cuba-a-personal-narrative-of-events-3.pdf)

<sup>97</sup> Frances Robles, “As Cuba Crushes Dissent, a Nationwide Protest Fizzles,” *New York Times*, Nov. 15, 2021, <https://www.nytimes.com/2021/11/15/world/americas/cuba-protests.html>.

<sup>98</sup> “Cuba anti-government protesters jailed for up to 30 years,” *BBC News*, March 17, 2021, <https://www.bbc.com/news/world-latin-america-60764403>.

<sup>99</sup> US State Department, “Cuba 2021 Human Rights Report,” <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/cuba/>, p. 1.

On November 16, 2021, the US State Department issued a statement criticizing the repression of protesters in Cuba at the July 11<sup>th</sup> demonstrations: “They wanted to speak freely to their government, to decry the corruption and economic mismanagement that has left them without food, medicine, or medical supplies. The Cuban regime again denied them that chance. The authorities surrounded the homes of organizers and influencers to prevent them from exercising their rights of freedom of expression and peaceful assembly, repressed the protests where they did occur, and arrested demonstrators.”<sup>100</sup> The US government position on this latest round of protests has been clear. The US government condemns the “mass arrest of Cuban protestors” and joins with the international community in “seeking the release of those unjustly detained in Cuba, and supporting the Cuban people’s desire to determine their own future.”<sup>101</sup> Given the increasingly repressive conditions in Cuba due to recent widespread protests on the island, returnees who are affiliated with the opposition would likely be subjected to surveillance, detention or physical harm.

## “Anti-Social” Cubans

Returnees with a history of political activism against the Cuban state also face the risk of being labeled as counter-revolutionary and “anti-social”, which would make it difficult to find employment and reintegrate into society if returned to Cuba. Unemployed individuals in Cuba are often labeled “anti-social” because of their failure to participate in the revolutionary project. Paradoxically, many Cubans who have been critical of the state or have been otherwise deemed “anti-social,” face either harassment at work or are prevented from working jobs by state authorities who use their control over the labor market as a tool of social control. According to Amnesty International, the Cuban government is the largest employer in the country where approximately 70% of jobs are in the public sector, but the state also controls the small and highly regulated private sector. In a 2017 report, Amnesty International found that the Cuban government used criminal laws and other unlawful practices, such as discriminatory and wrongful job dismissals, to prevent state critics from holding public jobs in the country. Of 60 Cuban migrants interviewed by the organization, over half said they were arrested and imprisoned at least once, and most were accused of crimes that are inconsistent with international law. Many of the migrants interviewed said that after being dismissed from a job, they were systematically denied other employment opportunities and often told they were “untrustworthy” as the only reason for being denied.

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<sup>100</sup> Ned Price, US State Department Spokesperson, “Denunciation of Cuban Government’s Response to Peaceful Demonstrations,” US State Department, 16 Nov. 2021, <https://www.state.gov/denunciation-of-cuban-governments-response-to-peaceful-demonstrations/>.

<sup>101</sup> Ned Price, US State Department Spokesperson, “Denunciation of Cuban Government’s Response to Peaceful Demonstrations,” US State Department, 16 Nov. 2021, <https://www.state.gov/denunciation-of-cuban-governments-response-to-peaceful-demonstrations/>.

Just fleeing Cuba can be reason itself for denial of employment. Amnesty International states that, “those who leave the country are labeled as ‘deserters,’ ‘traitors’ and ‘counter-revolutionaries’ – detained and excluded from access to state employment in the same way as others who peacefully exercise their right to freedom of expression.”<sup>102</sup>

Evasion of military service is another act of resistance often labeled as counter-revolutionary, the risks of which are most likely detention or imprisonment. Conscription or military service in Cuba is mandatory, and the constitution establishes that: “The defense of the socialist motherland is the greatest honor and the supreme duty of every Cuban.... Treason of the motherland is the most serious crime; he who commits said crime is subject to the most severe sanctions.” Evading conscription and desertion are both punishable by law. According to War Resisters’ International, “If the intention to evade military service is evident, the offense is considered to be committed regardless of the elapsed time,” meaning returned Cubans would face punishment even if they resisted conscription before fleeing the country. Additionally, Cubans are given an official document accrediting the termination of military service after completion, which means those without this document could face future difficulties when returned to Cuba, including while trying to get a job or housing, or in other state procedures.<sup>103</sup>

Denial of medical attention or state services is an additional repressive tactic employed by the Cuban state in the punishment of dissidents. Human Rights Watch reported in 2022 that “those who criticize the government or engage in hunger strikes often endure extended solitary confinement, beatings, restriction of family visits, and denial of medical care” within state-run prisons.<sup>104</sup> Maria Werlau, director of the NGO Archivo Cuba, has stated that Cuba suffers a medical apartheid that “favors the governing elite and foreigners who pay in dollars, while imprisoned Cubans and dissidents are denied medical attention for political motives.”<sup>105</sup> For disabled Cubans, the situation is even more dire. According to the U.S. State Department, no law in Cuba prohibits discrimination against persons with disabilities. In the 2021 Country Report on Human Rights Practices, the State Department found that “Many persons with disabilities who depended on the state for their basic needs struggled to survive due to inattention and a lack of resources. Some persons with disabilities who opposed the

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<sup>102</sup> “Cuba: Job Sector, a Tool of Repression as Perceived Critics Face Jobless Life,” Amnesty International, Nov. 16, 2017, <https://www.amnesty.org/en/latest/news/2017/11/cuba-job-sector-a-tool-of-repression-as-perceived-critics-face-jobless-life/>.

<sup>103</sup> Jimmy Roque Martínez, “Cuba,” War Resisters’ International, Dec. 14, 2017, [https://wri-irg.org/en/programmes/world\\_survey/reports/Cuba](https://wri-irg.org/en/programmes/world_survey/reports/Cuba).

<sup>104</sup> “Cuba: Events of 2022,” Human Rights Watch, <https://www.hrw.org/world-report/2023/country-chapters/cuba>

<sup>105</sup> Carmen Muñoz, “El falso mito de la sanidad cubana,” *ABC International*, March 17, 2013, <https://www.abc.es/internacional/20130317/abci-falso-mito-sanidad-cubana-201303161813.html>.

government were denied membership in official organizations for persons with disabilities... as a result, they were denied benefits and services.”<sup>106</sup>

In addition to state harassment or systematic denial of unemployment or medical attention, those deemed “anti-social” or counter-revolutionary in Cuba are also subjected to arbitrary detentions or imprisonment. In January 2020, a former high-ranking Cuban judge revealed information from secret government documents that show Cuba’s incarceration rate to be the highest in the world, and many of its inmates to be held on such charges. Ex-judge Edel González Jiménez claimed that Cuba’s judiciary is controlled by state security forces that often create cases out of nowhere to incriminate political dissidents. In documents reviewed by the *New York Times*, journalists found that 92 percent of those accused in the more than 32,000 cases that go to trial in Cuba every year are found guilty, and nearly 4,000 people every year are accused of being “antisocial” or “dangerous” as their only crimes. Cuban court documents have revealed that dozens of people received two-to-four-year prison sentences for offenses deemed “anti-social,” which is often applied to people who are unemployed, do not belong to civic organizations supporting the state, behave in ways deemed disorderly, harass tourists, and associate with other “anti-social” people. According to González, those accused of being a threat to the Cuban state are subjected to summary trials and have no right to a defense or to present evidence, and 99.5 percent of those accused are found guilty. In many cases, descriptions of the crime committed are identical, indicating that police cut and paste words into investigative reports. González has also stated that cases against dissidents are orchestrated by the state security apparatus, as judges often go along with faulty evidence in order to keep their positions.<sup>107</sup>

During the trials in the aftermath of the July 2021 protests, only one defendant has been acquitted thus far, according to the BBC.<sup>108</sup> Human Rights Watch has amply documented cases of dissidents being arrested for their “antisocial” behavior, and has also shown that close family members of dissidents were subject to government investigations and threats. In one case, a 35 year-old dissident from Holguín, Juan Luís Rodríguez Desdín, was arrested for participating in two unofficial civil society groups that discussed democratic change in Cuba. Police tried to pressure his wife to divorce him and subjected his parents to police investigations and citations.<sup>109</sup>

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<sup>106</sup> US State Department, “Cuba 2021 Human Rights Report,” <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/cuba/>

<sup>107</sup> Frances Robles, “Ex-Judge Reveals Secrets of How Cuba Suppresses Dissent,” *New York Times*, Jan. 13, 2020, <https://www.nytimes.com/2020/01/13/world/americas/cuba-judge.html>.

<sup>108</sup> “Cuba anti-government protesters jailed for up to 30 years,” *BBC News*, March 17, 2021, <https://www.bbc.com/news/world-latin-america-60764403>.

<sup>109</sup> “New Castro, Same Cuba: Political Prisoners in the Post-Fidel Era,” Human Rights Watch, Nov. 18, 2009, <https://www.hrw.org/report/2009/11/18/new-castro-same-cuba/political-prisoners-post-fidel-era>.

## Prison Conditions in Cuba

Those that do face detention and arrest in Cuba are held in unsanitary and inhumane conditions and subjected to violence and harassment by police and prison guards. Records show that Cuba's prison system holds more than 90,000 prisoners, although the Cuban government has only publicly released the figure once in 2012, when it claimed that 57,000 people were jailed.<sup>110</sup> Human Rights Watch has released multiple reports condemning prison conditions in Cuba, noting that prisons are often overcrowded and prisoners are forced to work for up to 12 hours a day. Additionally, inmates have no effective way to complain or seek redress for abuses committed within state prisons. According to Human Rights Watch's 2022 report, "Those who criticize the government or engage in hunger strikes or other forms of protest often endure extended solitary confinement, beatings, and restriction of family visits, and denial of medical care."<sup>111</sup> The US State Department's 2021 Cuba report indicated that "Prison conditions were harsh and life threatening. There were credible reports of assault by prison officials, overcrowding, and deficiencies in facilities, sanitation, and medical care."<sup>112</sup> Human rights organizations within Cuba and internationally are denied access to prisons within the country, indicating poor conditions and a desire to hide abuses. In August 2018, Alejandro Pupo Echemendía died in police custody at Placetás, Villa Clara. Family members say his body showed signs of severe beatings, while authorities claim that he threw himself against a wall and died of a heart attack.<sup>113</sup> In June 2020, political prisoner Walfrido Rodríguez Piloto reported that he was denied medical care and fed less than two ounces a day. As he put it, "This is a concentration camp."<sup>114</sup>

Human rights organizations from around the world have investigated conditions in Cuban prisons and reported on the high numbers of incarcerated people and the poor conditions in prisons there. According to the Cuban Human Rights Observatory in Madrid, "Cuba is literally a huge penitentiary center... Half a century on, there are around 200 prisons for 11 million citizens. The population has multiplied by two, but prisons have multiplied by a factor of 14."<sup>115</sup> Although the Cuban government provided a highly orchestrated prison tour in 2013 for foreign journalists, political prisoners have said their experiences in prison differ substantially from the conditions shown on the tour. Marcelino Abreu Bonora, a former

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<sup>110</sup> Frances Robles, "Ex-Judge Reveals Secrets of How Cuba Suppresses Dissent," *New York Times*, Jan. 13, 2020, <https://www.nytimes.com/2020/01/13/world/americas/cuba-judge.html>.

<sup>111</sup> "Cuba: Events of 2018," Human Rights Watch, <https://www.hrw.org/world-report/2019/country-chapters/cuba>.

<sup>112</sup> US State Department, "Cuba 2021 Human Rights Report," <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/cuba/> p. 5.

<sup>113</sup> "Cuba: Events of 2018," Human Rights Watch, <https://www.hrw.org/world-report/2019/country-chapters/cuba>.

<sup>114</sup> US State Department, "Cuba 2020 Human Rights Report," <https://www.state.gov/wp-content/uploads/2021/10/CUBA-2020-HUMAN-RIGHTS-REPORT.pdf>, p. 5.

<sup>115</sup> Arián Guerra Pérez, "Tough Times in Cuba's Prisons," *Institute for War & Peace Reporting*, Oct. 20, 2015, <https://iwpr.net/global-voices/tough-times-cubas-prisons>.



prisoner, said he was held in buildings with leaking roofs and caving ceilings, was only let out to exercise for four or five minutes a day, and the main daily meal consisted of minced fish full of bones. He also described being held in a single cell with up to 60 individuals. According to interviews with former prisoners by the Institute for War & Peace Reporting, prisoners have described being handcuffed with their legs to their hands behind their backs for seven days, beaten and “tortured,” lack of adequate food and medical care, limited access to exercise, as well as being forced to work with no safety regulations or basic workers’ rights.<sup>116</sup> A French citizen who was incarcerated in the high-security Departamento Técnico de Investigaciones and later La Condesa Penitentiary in Mayabeque Province, told *Prison Insider* that the food provided to prisoners was rotting and often filled with maggots, flies, or other vermin, and that the prison facilities were extremely dirty, with access to water supplies often interrupted for up to several days or even weeks.<sup>117</sup> Food shortages are also widespread, with many prisoners relying on family parcels of food and other supplies brought on visits to survive. According to the International Labor Organization, vermin and insect infestations are also common in living quarters, with prisoners reporting rats, cockroaches, fleas, lice, bedbugs, ants, flies and mosquitoes.<sup>118</sup>

Medical attention is also severely lacking in Cuba’s prisons and detention centers, and has been reportedly used as a weapon against political prisoners or those who file complaints or otherwise disobey the prison system. Cuban news sources reported in 2018 the case of Yosvany Maragaña, a prisoner with tuberculosis who was systematically denied medical attention in the 1580 Prison in San Miguel del Padron. Multiple prisoners have died from lack of medical attention in recent years, including Primitivo Sánchez González, who died in 2016 after prison officials denied him medication for his epilepsy, Angel Manuel Cabrera, who died in 2017 after an asthma attack went untreated by prison guards, and Ridel García Otero, who died in January 2018 after being transferred to the hospital already in a coma.<sup>119</sup> In its 2020 report on Cuba, the Inter-American Commission on Human Rights described “cases of negligent medical care, lack of provision of medicines and the delay or total lack of medical care” within Cuban prisons. The report goes on to list numerous Cubans who died within the past three years due to medical negligence, adding that “people held in prisons

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<sup>116</sup> Arián Guerra Pérez, “Tough Times in Cuba’s Prisons,” *Institute for War & Peace Reporting*, Oct. 20, 2015, <https://iwpr.net/global-voices/tough-times-cubas-prisons>.

<sup>117</sup> “Cuba: Humiliation non-stop,” *Prison Insider*, July 15, 2020, <https://www.prison-insider.com/en/articles/cuba-l-humiliation-est-constante?referrer=%2Fen%2Farticles%3Fpage%3D1%26country%255B0%255D%3Dcu>.

<sup>118</sup> “Cuba Human Rights Report,” International Labour Organization, 2010, <https://www.ilo.org/dyn/travail/docs/1330/Human%20Rights%20Report.pdf>.

<sup>119</sup> “Niegan atención médica en cárcel cubana a preso con tuberculosis,” *Radio Televisión Martí*, Sept. 4, 2018, <https://www.radiotelevisionmarti.com/a/niegan-atenci%C3%B3n-m%C3%A9dica-en-cuba-a-presos-con-tuberculosis/209052.html>.

frequently resort to hunger strikes, self-flagellation, and even suicide, in order to demand improvements in prison conditions,” including medical attention.<sup>120</sup> Given the horrific conditions of prisons in Cuba, returnees with a history of political dissent would be at significant risk if detained or imprisoned upon return.

## Harm to Political Dissidents Deported to Cuba

Given the restrictions on press freedoms in Cuba, there is no reporting on the fate of recent Cuban deportees, but the acts of self-mutilation and protest by Cuban held in detention in the United States indicates the fear that many Cubans, especially those who have been labeled as “anti-social” or “counter-revolutionary,” have about being returned to the island. In October 2019, one twenty-six-year-old Cuban, Osleivy Carnaval, who was in ICE detention in Pine Prairie, Louisiana, sewed his mouth shut to protest his impending deportation. A Tampa resident commented that “his return to Cuba will not be an easy thing after everything that happened to him over there.”<sup>121</sup> In October 2019, three Cubans in ICE detention attempted to commit suicide by slitting their wrists with plastic identification cards, fearing return to Cuba.<sup>122</sup> Since the 1980s up until the present, repeated hunger strikes and suicide attempts by Cuban detainees speak to the fears they have of returning to Cuba, where they expect to be jailed, beaten and tortured. For some, death is preferable to the fate that awaits them in Cuba.

The act of leaving Cuba without permission is penalized in the latest Criminal Code passed in September 2022, as it was in the earlier criminal codes. Article 283.1 states that “Those who leave Cuba or make arrangements to leave national territory without complying with the legal formalities, incur the sanction of deprivation of liberty for one to three years or a fine of 300 to 1000 quotas, or both.” The new code goes even further than earlier ones by increasing the punishment to 3-5 years in prison if the person illegally exits the country “habitually.”<sup>123</sup> This criminalization of the act of fleeing the country suggests that the Cuban government views exiles as criminals.

The history of state agents targeting political dissidents in Cuba means that deportees who have demonstrated opposition to the Cuban state are likely to be considered

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<sup>120</sup> “The Situation of Human Rights in Cuba,” Inter-American Commission on Human Rights, Feb. 3, 2020, <https://www.oas.org/en/iachr/reports/pdfs/Cuba2020-en.pdf>.

<sup>121</sup> “Deportan a cubano que se cosió la boca en una cárcel de EEUU,” *OncubaNews*, 24 Oct. 2019, <https://oncubanews.com/cuba-ee-uu/deportan-a-cubano-que-se-cosio-la-boca-en-una-carcel-de-eeuu/>.

<sup>122</sup> Rui Ferreira, “Cubans’ Revolt Increases in U.S. Immigration Prisons,” *OncubaNews*, 28 Oct. 2019, <https://oncubanews.com/en/cuba-usa/cubans-revolt-increases-in-u-s-immigration-prisons/>.

<sup>123</sup> Ley 151/2022 “Código Penal,” Asamblea Nacional del Poder Popular, Cap. II, art. 283.1, September 1, 2022, [https://www.gacetaoficial.gob.cu/sites/default/files/goc-2022-o93\\_0\\_0.pdf](https://www.gacetaoficial.gob.cu/sites/default/files/goc-2022-o93_0_0.pdf).

“anti-social” upon return, and therefore face harassment, beatings, arbitrary arrest and imprisonment. It would be difficult for returnees with a history of political dissent to find employment in Cuba, which contributes to their being labeled as “anti-social.” Given the conditions of prisons and detention centers in Cuba, deportees are likely to be harmed either through physical beatings or psychological punishment if imprisoned upon return due to their history of political dissent. Asylum seekers’ fears of continued political repression in Cuba, especially towards “anti-social” Cubans, match journalistic, government and scholarly reports coming out of Cuba that describe an abysmal situation in terms of human rights and freedom of religion and expression.

## Conclusion

Given the political climate in Cuba currently, political dissidents face the risk of constant government repression, including detention, beatings and torture. The history of stigmatized Cubans like the Mariel refugees who were deported from the United States and taken straight to prison when they landed is a cautionary tale. The political tensions on the island and the fear of dissidents puts returnees in extreme danger if returned to Cuba.

Many Cubans who oppose the state have fled their country because of the violent persecution and threats they received from Cuban state authorities as a consequence of their political activism. Aside from the threat of continued persecution and imprisonment, if returned, these deportees would continue to suffer stigma and harassment because of their anti-communist political beliefs and decision to flee the country. Regardless of where returnees relocate within the country, the Cuban state would be aware of their location. The Cuban government controls the residency of its citizens and tourists, and keeps track of where people are living. In fact, it is illegal for Cubans to simply change their domicile without the permission of the government.<sup>124</sup>

Cubans who have been openly critical of the communist regime and seen as dissidents before they left would face arbitrary detention, imprisonment, or state harassment if forced to return to Cuba. These reasons would also make it difficult to find employment in Cuba, which would in turn further their stigmatization as anti-social. It is likely that political dissidents would be targeted by police upon return and placed into detention or long-term imprisonment, a situation which would put them in danger given the prison conditions in Cuba and the proven history of inhumane treatment of political prisoners on the island. For the above reasons, political dissidents are at risk of harm or even death if forced to return to Cuba.

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<sup>124</sup> “Addressing 3 Civil Rights Issues in Cuba,” Borgen Project, <https://borgenproject.org/civil-rights-issues-in-cuba/>.