



2016 ANNUAL REPORT FROM THE CUBAN HUMAN RIGHTS OBSERVATORY (OCDH)

INTRODUCTION

2016, which has just come to an end, was a negative year for exercising human rights in Cuba. Unfortunately, progress in the “normalisation” process of relations between the governments of the United States and Cuba, which is now in its third year, did not have a positive effect in terms of exercising human rights on the island or economic rights, which underlie the theory that, thanks to the establishment of economic and commercial ties with Cuba, other freedoms will reach Cubans.

The aforementioned limited influence on human rights has also been one of the features of the framework of relations between the European Union and Cuba. The newly approved bilateral agreement crystallises more than a decade of European policy towards Cuba, characterised by a proactive, acquiescent attitude to the actions of the Cuban government in the field of human rights, even when the Common Position was valid at a formal level.

We cannot assess the Cuban situation and the effectiveness of international changes related to Cuba from a perspective that does not take into account the exercise of rights and freedoms. That is why we are presenting this overview with several critical points on the state of human rights in Cuba.

2016 ended with 9,351 arbitrary arrests, 5,383 against women and 3,968 against men.

These figures reflect the resurgence of repression compared to previous years; to be specific, in 2015 the Cuban Human Rights Observatory (OCDH) documented 8,314 incidents of this nature.

Most of these arrests were made by the political police to prevent the exercise of rights of association, meeting and peaceful demonstration. This also shows the grim climate in which the defenders of human rights on the island carry out their work.

The peaceful organisations that were most repressed and hounded by the regime in 2016 include the Unión Patriótica de Cuba (UNPACU) (Patriotic Union of Cuba) and the Movimiento Damas de Blanco (Ladies in White Movement).

The Ladies in White have suffered relentlessly for more than 80 Sundays from repression by the police and civil groups encouraged and organised by the government. These actions have increased following the death of Fidel Castro, as has the violence used by the political police when making arrests.



In the last week of the year, the police arbitrarily arrested 138 members of the UNPACU.

Currently, 48 members of the organisation are in prison, the majority accused of the alleged crime of 'attacks'. In 2016, more than 70 raids were made on the homes of its members, accompanied by the confiscation of work material and personal objects, the latest 'repressive mode' used against different organisations.

Moreover, the doctor and dissident Eduardo Cardet, national coordinator of the Christian Liberation Movement, was violently detained on November 30, five days after the death of Fidel Castro, allegedly for criticising the legacy of repression left by the dictator. Prosecutors are asking for up to three years in prison for the alleged crime of "attacking authority".

The artist, Danilo Maldonado "El Sexto" (the Sixth) was arrested on November 26, after the death of Fidel Castro, a few hours after writing "Gone" on the walls of the Habana Libre Hotel. He is currently in the Combinado del Este prison in Havana.

Neither political parties nor pluralist elections

The undemocratic one-party system that guarantees the supremacy and omnipresence of the Communist Party of Cuba (PCC) is still in force in Cuba. Although there are groups in Cuba that are considered political and, indeed, some of these are recognised by different international politicians, they are considered to be mercenary groups by the government and their leaders and members are likely to be threatened, discriminated against, repressed or imprisoned for exercising a recognised human right, as is the case of the aforementioned leader of the Christian Liberation Movement.

Furthermore, despite the announcement that there would be a new electoral law, 2016 ended without this happening, leaving Cuba with the most obsolete and undemocratic electoral system in the Western Hemisphere, due to not respecting the right to self-nomination of candidates at a provincial and national level, among other things.

The electoral system, like the Constitution and the structure of the Cuban political system, shut out any sign of political pluralism. It is a framework that ensures power, via the Communist Party, for a ruthless military oligarchy.



Repression has come from the margins of the opposition, entering other sectors of civil society forcefully.

From a legal point of view, the exercise of freedom of association in Cuba is regulated by Law No. 54, the Law of Associations of December 27, 1985, which restricts this right by means of three provisions that constitute barriers or constraints:

1. There can only be one association for each topic, work or service. If a civil society group organises an association of lawyers, for example, the state will not register it in the Registry of Associations because one already exists that was founded by and dependent on the State.
2. Each association or civil society group recognised by the State must be linked to the state agency or ministry to which it is related. This government agency sponsors, monitors and guides the work of the association.
3. The Constitution and laws provide that no human rights or civil and political liberties can be constituted in opposition to the construction of socialism and communism in Cuba. The 1976 Constitution, as amended in 2002, states in Article 62: "None of the liberties recognised for citizens can be exercised contrary to the provisions of the Constitution and laws, nor against the existence and objectives of the socialist State, or against the decision of the Cuban people to build socialism and communism. Violation of this principle is punishable."

Independent associations point out the practical difficulties arising from the failure to recognise legal identity by the state.

In addition to these legal impediments, the political police keep "track", i.e. spy, threaten, repress and try to infiltrate each civic or political, economic or religious, cultural or peasant group, association or project which, despite the aforementioned restrictions, citizens form at their own risk.

For Dagoberto Valdes, Director of the Coexistence Studies Centre, it is a demonstrable reality and publicly accepted by the Cuban government, that the growth and sustainability of human rights groups, trade associations, media outlets, artistic and religious projects, independent study centres and opposition political parties have grown exponentially in the last 20 years throughout Cuba compared to the small human rights group founded in the late 70s, which had no more than a dozen men and women.

Repression against the freedom of association, assembly and expression has changed as a result of the growth of civil society. At the start of this century, repression was very intense, with long sentences, but for a rather narrower and more limited profile of opponents. Now, repression is of a low to medium intensity for a profile that is increasingly wide and which encompasses all social strata, opponents, self-employed individuals, artists, sportsmen and women, entrepreneurs, clergy, etc.

The Coexistence Studies Centre is a sign of the extent of the repression of civic and cultural rights; this Independent Study Centre has also been repressed, threatened and some of its courses and meetings of the minds suspended, especially in the last four months of 2016.



The deterioration of the Cuban economy and restrictions on free enterprise is ruining the already desperately poor standard of living on the island

The economic reality in Cuba in 2016 was characterised in the macroeconomic order by the economic downturn, a result of the structural imbalances in the economic model, the unfavourable international situation due to the crisis affecting the states providing subsidies to the Cuban economy, the fall in the prices of export products and services, the reduction in its import capacity, a variable on which its growth is dependent and the insufficient impact of the private sector in the current production space due to the complementary role given to this by the Regime.

This adverse economic performance had a negative impact on the already desperately poor living standards of citizens in a context where the official rhetoric was aimed at advertising the development of self-employment.

Enix Berrio, Director of the Centre for Studies and Alternatives for Democratic Transition in Cuba, stated for this report that during 2016 the Cuban stage was affected by the tightening of government action aimed at discouraging or eliminating private actors, especially in the restoration, housing and public transport sectors, with successful economic performance as a result of initiative and good business management, although these activities have low added value and significant limitations for development because of the ban on the import of capital goods, which prevents the use of financial resources in the form of remittances sent by the diaspora in the expansion of business and the application of stifling tax policies.

As part of the restrictive policy on economic rights, especially on free initiative, up to November, 2,560 entrepreneurs had their licences withdrawn, mostly residents in the capital.

Another manifestation of the violation of economic rights during the 2016 Cuban financial year was the arbitrary withdrawal of the self-employment licences of 4 workers for making use of the citizens' right to publicly disagree with the Cuban Regime.

In Cuba, the economic rights of many professionals continue to be violated, by preventing them from choosing sources of employment and taking part in the labour market based on their skills, to obtain remuneration corresponding to their social contribution. By not allowing private, independent work, they were forced to stay in the public sector with wage policies that are out of step with current inflation levels or go to the market outside the law.

Until there is real reform that allows free economic initiative and private property, two natural rights that are recognised worldwide, any economic benefit for Cuba will be exclusively for the Cuban state and, within it, for those who control the business fabric of the country from positions of power.

Cuba, the country that systematically violates workers' rights.

In the last 6 years, the Cuban government has fired 1,300,000 workers, has announced greater repressive and disciplinary measures in the workplace under a model that aims to maintain the



essence of the system: collectivism, state ownership of production means, planning, centralisation of decisions and a ban on the individual accumulation of wealth.

Ivan Hernandez Carrillo, Director of the Trade Union Association (ASIC), founded in late 2016, claims that the government is systematically violating Conventions 87 and 98 on trade union freedom and collective bargaining of the International Labour Organization (ILO), mainly in terms of freedom of association and assembly. They also claimed that workers have no right to collective bargaining, to receive a fair wage, to directly negotiate work conditions with the employer; neither those working for foreign companies nor state workers. Paradoxically, the Workers' Central Union of Cuba (CTC), which is the union that is supposed to represent and defend workers, acts as a transmission belt for government.

Cuban workers who provide services to foreign companies are not allowed to receive wages directly from the employer. The state appropriates it and gives a small percentage which it deems appropriate to the employee. In the case of Cuban doctors who carry out missions in Brazil, they receive 10% of the overall salary and 90% is appropriated by the regime. It is not possible to determine the exact amount, as negotiations on these issues are secret.

Indian workers working in the construction sector in Cuba receive between US\$ 1,400 and US\$ 1,600, while Cuban workers usually receive between US\$ 25 and US\$ 30.

In the country of revolution, demanding LGBTI rights is more expensive than being gay.

Lesbian, gay, bisexual, transgender and intersex (LGBTI) organisations in Cuban civil society have had their rights violated during 2016. The work of activists from these organisations takes place in a hostile environment, as the Cuban government prevents its legalisation, forcing them to do it illegally, a reason why their right to freedom of expression is systematically being violated, preventing their participation in national and international events.

One such organisation is the Cuban Foundation for LGBTI Rights, founded in 2014 and led by Dr. Nelson Gandulla. Activists in this organisation are harassed by members of state security, who persecute them, arrest them and summon them to make statements for many hours in police custody. They also prevent them from holding events, surrounding the headquarters and taking pictures of anyone entering and leaving the place, thus constraining their freedom and preventing them from taking part in these events. Their phones, e-mails and social networks are tapped and often blocked, to prevent communication with the outside.

Police operations are particularly violent against the Trans community (transsexuals and transgender), one of the most vulnerable groups on the island, which does not have any employment or training opportunities because it has been excluded from the approved labour code in Cuba, where it has no gender identity.

The Cuban government has not legislated in favour of the LGBTI community, making it legally helpless. Sexual minorities are deprived of their rights on a daily basis, are not taken into account and there is no political will for their defence.



Afro-descendants, a 'non-existent' racial minority for the Cuban government.

Of the 11.2 million people in Cuba, 64% of them are white, 26% are mixed race and 9% are black. The Cuban government does not recognise the existence of racial inequality and discrimination.

The state only sets formal distinctions in terms of sex, age, marital status, etc. and ignores the undeniable existence of a significant population which, due to their race, is being discriminated against both as a result of a lack of interest or political will by the government and the perpetuation of social situations of segregation and exclusion.

In fact, the population of African descent is subjected to suspicion and police persecution with obvious, unjustified frequency.

Real data on complaints or incidents of racial discrimination consciously do not exist or are hidden, fuelling the lack of confidence of this minority in the police and the government in general.

All of these situations are considerably greater for women of this race, and there are data, including official data, which show that afro-descendant women have less access to employment, housing, education and health than any other group.

The social situation of afro-descendant women linked to the opposition movement has led to discrimination and repression being greater.

One of the organisations working for the Cuban racial issue to be discussed openly in the public sphere is the Citizens Committee for Racial Integration (CIR), a Cuban civil society platform, whose national coordinator is Juan Antonio Madrazo Luna.

This is a national organisation but is not recognised by the Cuban State, which means that in addition to facing serious limitations in its mobility and advocacy strategy, the scenario in which it operates is hostile. In 2016, the members of CIR were victims of constant violations of their rights and freedoms.

CONCLUSIONS

Cuba continues to be a country in which human rights are generally and systematically violated and which represses, persecutes and intimidates human rights supporters. The more that peaceful opposition grows and the polychrome spaces of civil society expand, the more evident the intolerant nature of the current system becomes.

Although we often focus on statistics relating to the arbitrary arrests of opponents, the siege of citizens is today reaching sectors that directly have nothing to do with democratic political activism, such as self-employed workers, street vendors, alternative journalists or minorities who see their rights violated despite the regime's propaganda indicating otherwise.



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The viciousness of the Cuban regime with minorities such as afro-descendants and the LGBTI community contrasts with the fascination for them demonstrated by progressive forces in other countries.

Despite these and many other contradictions, we need to continue to request support from the international community for the Cuban people in their desire and need for reform.

The only solution to the problem for all Cubans is comprehensive reform, i.e. constitutional and legal changes that cover all spheres of social life. It does not matter where we start, the important thing is to start, accompanied by the proclamation of public policies that respond to the enormous problems Cubans face, especially the poorest and most vulnerable, which is the vast majority of citizens.

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