

HUMAN RIGHTS IN CUBA

Introduction

Cuba is a country under authoritarian rule, where civil and political rights are severely restricted by law and by practice and often violated. The Constitution itself subordinates the exercise and enjoyment of rights to the protection of the revolutionⁱ and political power is concentrated in the ruling Communist Party, headed since more than fifty years by the Castro family. A very restrictive Association Law further prevents the development of a healthy civil society in the country. All this together means that human rights and democracy work is actually illegal in Cuba; human rights organizations cannot be registered and therefore officially do not exist and are not entitled to receive funding; and human rights defenders can be and actually are legally persecuted. This also applies to trade unions, lawyers, political parties and some religious denominations, and their members.

International Human Rights Law Framework

Between 1972 and 2009 Cuba ratified [eight international human rights conventions](#), the last one being the Convention for the Protection of All Persons from Enforced Disappearance (CED). It accepted the inquiry procedure for two of them (the Convention against Torture and CED)ⁱⁱ and the individual complaint procedure for none.ⁱⁱⁱ Cuban law is deficient with regard to the incorporation of international treaties into national law, as the 1976 Constitution does not regulate the issue and subsequent legislation fails to clearly resolve it (in particular the Decree Law 191 of 1999), thus leaving great uncertainties on the application of international human rights law in the country.^{iv}

In 2008, the Cuban Government signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. At the moment of signature, the Cuban Government stated: "The Republic of Cuba hereby declares that it was the Revolution that enabled its people to enjoy the rights set out in the International Covenant on Civil and Political Rights. The economic, commercial and financial embargo imposed by the United States and its policy of hostility and aggression against Cuba constitute the most serious obstacle to the Cuban people's enjoyment of the rights set out in the Covenant. The rights protected under this Covenant are enshrined in the Constitution of the Republic and in national legislation. The State's policies and programs guarantee the effective exercise and protection of these rights for all Cubans. With respect to the scope and

implementation of some of this international instrument, Cuba will make such reservations or interpretative declarations as it may deem appropriate.” Up to this day, though, none of the two Covenants has been ratified.

At the regional level, Cuba is a member of the Organisation of American States (OAS) but has not ratified the Inter-American Convention on Human Rights, which means that the Inter-American Court on Human Rights has no jurisdiction in the country. According to OAS interpretation, though, the Inter-American Commission of Human Rights (created before the Convention) “possesses additional faculties which pre-date and are not derived directly from the Convention, such as the processing of cases involving countries which are still not parties to the Convention.”^v In keeping with this interpretation, the Commission monitors the human rights situation in Cuba, makes statements about it and requests the Government to adopt precautionary measures, in particular to protect human rights defenders. The Cuban Government, though, refutes the Commission’s mandate and has therefore never complied with the Commission’s requests so far.

The Situation of Human Rights Defenders in Cuba

Over the years, the Cuban Government has created a legal framework that severely restricts the capacity of human rights defenders to operate in the country. Apart from several articles in the Constitution subordinating the exercise of rights to the objectives of the socialist society, in particular in the civil and political areas,^{vi} additional laws have been adopted to make human rights work a dangerous endeavor and human rights defenders a category highly at risk. Perceived threats to Cuba, its political regime or its sovereignty – particularly in the form of supposed foreign interference in internal affairs – have been used as reasons to hinder, repress and punish human rights work and those attempting to conduct it. Political rights and freedoms of association, expression, speech and movement have been particularly affected.

Faced nevertheless with persistent attempts to encourage democratic developments in the island, the Government has used a number of different tactics to prevent human rights work from being conducted. In recent years, human rights defenders have increasingly been the target of so-called acts of repudiation,^{vii} arbitrary arrests followed by short-term arbitrary detentions and restrictions to travel, both within the country (particularly in conjunction with their participation in human rights events or pacific demonstrations against the Government) and outside it. For 2015 the Cuban Commission for Human Rights and National Reconciliation reported 8,616 cases of individuals arbitrarily arrested for political reasons and detained during hours or days. Almost 8,000 cases have already been reported up to August 2016. Human rights defenders also often face dismissals from work or school, which have an immediate impact on the enjoyment of their rights and their capacity to continue human rights work.

Rights in Focus

The right to life and physical integrity

The death penalty still exists in Cuba. It is inadequately regulated by a number of articles in the Penal Code – main concerns relate to the vagueness of definitions used, the wide range of crimes covered^{viii} and the potential unfairness of trials, due to the lack of competent, independent and impartial courts. Although there is no formal moratorium, the last known executions took place in 2003 and in 2008 all death row prisoners saw their sentences commuted to 30 years' or life detention. The Government, nevertheless, has publicly stated its determination to keep the death penalty as a possible punishment, in particular in the context of increasing challenges related to regional security,^{ix} and has abstained in the voting of the 2012 and 2014 United Nations General Assembly Resolution on the death penalty moratorium.

Cuba has ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1995, declining to accept its individual complaint procedure. In spite of the obligation to do so stated in the Convention (art. 4), it has not typified torture as a crime in national legislation. This gap seriously affects the possibility of processing and punishing cases.^x A great number of cases of torture and cruel, inhuman and degrading treatment have been reported over the last five decades, particularly in detention facilities and prisons and including extended solitary confinement, beatings, restrictions on family visits and denial of medical care. Reports of beatings while in detention, including short-term ones, or during arrest and transfer to police stations are routinely received from human rights defenders.

The right to liberty and security of person

The reason why people can be deprived of their liberty is at the basis of the exercise of their right to it. A great number of arrests and detentions in Cuba are based on constitutional and legal provisions that link legally-accepted behavior to the socialist nature of the State. The Constitution restricts freedoms and therefore allows subsequent punishment when their exercise is deemed as “*contrary to the existence and objectives of the socialist State.*” As a legal construct of particular concern, Title XI of the Penal Code, also referred to as the ‘Ley de Peligrosidad’ (‘Dangerousness Law’), defines the security measures allowed by law to deal with ‘dangerous state’, defined in art. 72 as “*the special proclivity of a person to commit crimes, demonstrated by the conduct they observe in manifest contradiction with the norms of socialist morality.*” Such security measures, applicable as prevention before any crime is actually committed, include therapeutic, re-educational and vigilance measures of periods up to four years and that can comprise detention.^{xi} Decree Law no. 128 of 1991 further

establishes that the declaration of ‘dangerous state’ is emitted at the end of a summary judgement – thus potentially making the use of this figure even more arbitrary.

Individuals can be arrested by the Police or other undefined authorities for crimes as widely interpretable as “creating alarm or being among those most frequently committed in the territory of the municipality.”^{xii} Once under arrest, they can be detained for up to 24 hours by the Police; a further 72 hours by the person instructing the case; and 72 more hours by the prosecutor in charge of the case – for a total of seven days before appearing in front of a court, which is in excess of the reasonable time allowed under international human rights standards. Many individuals are kept in pre-trial detention for long periods, in violation of legal obligations. In 2015, the artist Danilo Maldonado, known as ‘El Sexto’, was held in prison for a period of ten months without trial: he had painted two pigs green and, having written ‘Fidel’ and ‘Raul’ on them, was planning to bring them to a square in Havana.

While in the past the Government used to arrest defenders and get them tried and sentenced quickly to long-term prison terms, since the early 2000s tactics have switched to repeated short-term detentions that have the advantage of coupling maximum disruption of human rights work with minimum consequences for the Government. Such detentions are usually arbitrary, at least with regard to the legal requirement for detainees to sign the legal act requested by art. 244 of the Criminal Procedure Code to acknowledge the detention. The increase of short-term arbitrary detention of defenders is reported to have quadrupled since 2010. In a further development, defenders are now often subjected to forms of illegal house arrest by which Police and other authorities are stationed outside their homes and detain them if they try to get out to conduct human rights work.

Recent reports (official and from independent organizations) place the number of prisoners in Cuba between 60,000 and 70,000, hosted in around 200 places of detention. For 2013, the rate of 510 prisoners per 100,000 inhabitants placed Cuba sixth in the list of countries with most detainees in the world.^{xiii} Conditions in prison have been reported as unhygienic and unhealthy and prisoners have denounced various types of ill-treatments as well as lack of access to health assistance and adequate food. Since the Penal Code contemplates forced labour as a subsidiary sanction to imprisonment, prisoners can be forced to work up to twelve hours a day. Prisoners have reported being punished if they do not meet the production quotas.

According to the Cuban Commission for Human Rights and National Reconciliation at present there are approximately 70 to 100 political prisoners in the country. However, this number could be higher, considering that political prisoners are usually formally accused of common crimes. The Cuban Government denies holding any political prisoners.^{xiv} Political prisoners

regularly recur to hunger strikes to protest against their treatment. In January 2012, political prisoner William Villar Mendoza died after 50 days of hunger strike.

The right to security of person is also endangered by the practice of the Government to vilify perceived opponents of the regime in a way that incites and legitimizes violence against them by the population. The public solicitation of hatred – particularly when originating in state agents – creates an atmosphere of violence that is a danger to the security of those it targets.

The right to respect for private and family life

The right to respect for private and family life is enshrined in the Constitution (art. 56 and 57). Nevertheless, cases of grave concerns as to the protection of these rights in the island have been and continue to be reported on a daily basis.

In particular, territorial and communications' privacy is threatened by Government-led or Government-supported surveillance. It is widely reported that all means of communications are controlled by State security, including internet. The use of neighborhood organization in the form of the 'Committees for the Defence of the Revolution' to control and denounce the activities of human rights defenders to state agents is also of great concern.

A specific form of violation of the right to private life (and in particular to honour and reputation) that continues to be used against human rights defenders are the so-called 'acts of repudiation.'^{xv} The participation of State agents in these acts directly violates the rights of those subjected to them; at the same time, the fact that State agents are not deployed to protect those subjected to such acts implies a violation by omission of the right to the protection of the law from interferences and attacks against private and family life.

House raids without a warrant or judicial order are also a common violation of the right to private life, targeting in particular human rights defenders and their families. During the raids, the illegal seizure of personal belongings is frequent. In an evident attempt to hinder human rights work, most targeted items include those used to register, store and disseminate written and visual information on human rights violations such as mobile phones, computers, memory sticks, cameras, photocopy machines, scanners, etc. Abusive house searches are also conducted in disregard of the obligations not to undertake them during night hours or not to create undue distress in those on the premises at the time of the search, in particular children.

Another form of violation of family life is guilt by association, whereby family members of perceived dissidents are the targets of school or work discrimination, arbitrary arrests and detentions, unfair trials, etc. – all in an attempt to convince individuals to renounce their activities in order to protect their relatives.

The right to a fair trial and an effective remedy

The Cuban legal framework presents several weaknesses, both at constitutional and at lower levels, with regard to the right to a fair trial. Art. 121 of the Constitution, while establishing functional independence of courts also states their subordination to the National Assembly and the Council of State, headed by the President, thus defeating the principle of independence of the judiciary vis-à-vis the other powers of the State. The Inter-American Commission on Human Rights has in several instances defined tribunals in Cuba as lacking in independence, competence and impartiality.^{xvi}

The crucial principle of presumption of innocence is put in jeopardy by the existence of preventive measures foreseen in the Penal Code, targeting individuals before any crime is even committed and allowing detention for up to four years through summary trials.

The fact that individuals accused of crimes are only allowed to have access to defence counsel late in the instruction procedure is also of concern as it increases the chances of violations of the rights of the accused. Overall, delays in processing persons in preventive detention are common and a source of concern particularly as they are regularly practiced against human rights defenders. The legal construct of summary trials, included in the Criminal Procedure Code,^{xvii} is a specific problem as it is of common use in cases of political interest and does not provide sufficient guarantees for the accused to prepare a defence or to collect and present evidence in their favour.

Defence rights are also severely affected by the lack of independent lawyers. All lawyers must be part of the National Organization of Collective Law Firms (ONBC), an entity dependent on the Ministry of Justice, that inspects it, supervises it and controls it. To be members, lawyers must “have moral conditions in agreement with the principles of socialist society.”^{xviii} While those who are not members can theoretically exercise the profession for non-governmental organizations, the fact that so far no such organizations have been able to receive authorization to register makes this option virtually inexistent. As a result, the great majority of lawyers have direct links with the State, which makes their independence – particularly in defence of dissidents – highly questionable.

The right to freedom of thought, conscience and religion

The fact that the exercise of freedoms is limited by their abidance to the norms of the socialist order, as specified by the Constitution, makes it impossible for Cubans to fully enjoy the right to freedom of thought and conscience. Freedom of religion is guaranteed under article 55 of the Constitution. Nevertheless, “Churches may not conduct ordinary educational activities, and many church-based publications are plagued by state as well as self-censorship.”^{xix} As of late, reports of repression against officially unrecognised apostolic churches, including the destruction of places of cult, have increased.

As previously shown, citizens feel obliged to participate in ideology-based organizations, such as the Committees for the Defence of the Revolution (officially counting almost eight million members), or in ideology-based acts, such as the repudiation acts to which children from school are often taken. While there are no legally-specified sanctions for refusal to participate in such entities or events, it is clear that there frequently are consequences for dissenting individuals, including the risk of losing one's job and housing or seeing access to higher education and health services severely limited.

Article 75.1 of the Penal Code specifies that persons who without being themselves 'dangerous' have links or relationships with people potentially dangerous to other people and to the social, economic and political order of the socialist State can be the object of official warnings by the competent police authorities. This means that even being friend with someone can create serious consequences in Cuba.

The right to freedom of expression

Article 53 of the Constitutions establishes that "citizens have freedom of speech and of the press in keeping with the objectives of socialist society"^{xx} and that the law regulates the exercise of freedoms. The legal framework adopted further limits the right to freedom of expression. The Penal Code lists a number of crimes that are used to restrict this right: contempt, dissemination of false information, defamation, etc. Such crimes can be punished with detention sentences of up to four years – or more, if it is found that they created a danger to the State. Special laws – such as the infamous 'Gag Law' ('Ley Mordaza') no. 88, with its "high levels of abstraction and ambiguity (...) making the interpretation and application of this legal disposition a source of arbitrariness"^{xxi} – further restrict the exercise of freedom of expression.

The will of the Government to strictly control what citizens say about its rule makes freedom of expression one of the most restricted rights in Cuba. Artistic expressions such as music and painting are also restricted if they are considered a risk to national security or a way to offend public authorities. According to article 144 of the Penal Code, a person who "threatens, slanders, defames, insults, libels or in any way outrages or offends, orally or in writing, the dignity or decorum of an authority, public functionary, or his agents or assistants" can be punished with imprisonment of three months to one year – extendable to three years if the authorities in question are the President of the State Council, the President of the Nacional Assembly, members of the State Council or of the Ministerial Council, Ministers or Parliamentarians.

Also of particular concern is section V of the Penal Code on enemy propaganda. Article 103 in particular establishes that those who "incite against the social order, international solidarity or the socialist State, through oral or written or any other kind of propaganda" can be sentenced

to between one and eight years of detention. Also punishable are those who put together, distribute or own such propaganda. This makes work for democracy impossible.

The right to freedom of the press is also constitutionally limited to the aims of the socialist society. The State has a constitutional monopoly on communication media and the private property of them is forbidden. This means that there are no legally recognized independent media in the country. Independent and critical journalists and bloggers are continuously harassed for their reporting on topics that are considered sensitive, suffering arbitrary short-term detentions, internal deportations, house arrest, public acts of repudiations, demotions and the blocking of individuals' mobile-telephone service are frequent occurrences for them.

The state has also a strict control of access to and surveillance of internet. Control of access is achieved by restricting private connections, access to needed hardware and high connection costs (\$2 dollars per hour in a country where the official average salary for 2015 was \$25 per month). The Government also blocks access to a number of international websites, particularly social media, blogs and newspapers critical to it.

The right to freedom of assembly and association

The Cuban Constitution (art. 54) has a highly unusual formulation when it comes to the right to freedom of assembly and association as instead of stating that this is a right it goes directly into defining who can exercise it as a right: "The rights of assembly, demonstration and association are exercised by workers, both manual and intellectual; peasants; women; students; and other sectors of the working people, [rights] to which they have the necessary ability (*los medios necesarios*) to exercise. The social and mass organizations have all the facilities they need to carry out those activities in which the members have full freedom of speech and opinion based on the unlimited right of initiative and criticism."^{xxii}

Similarly, the Association Law no. 54 of 1985 surprisingly provides a detailed list of associations allowed by law (scientific or technical; cultural and artistic; sportive; of friendship and solidarity; and any others that in conformity with the Constitution and this law have objectives of social interest) that sees human rights organizations left in a limbo. The procedure provided by the law to gain recognition for an organization is cumbersome and arbitrary and in practice no human rights organizations so far have managed to successfully go through it. As a result, "independent racial advocacy or civil rights organizations are illegal",^{xxiii} as are people working for them.

Freedom of assembly is similarly curtailed in practice. Peaceful demonstrations are as a rule disbanded, sometimes violently, and demonstrators beaten, arrested, detained, ill-treated or tortured. Several human rights defenders have been arrested a great number of times and

their movements are monitored and restricted. The Sunday demonstration of the Forum for Rights and Liberties and the Ladies in White have been particularly targeted.

The need for a Government authorization in order to reside elsewhere than in the original place of birth is also commonly used to prevent individuals from participating in associations or demonstrations: there have been reports of several human rights defenders being forced to return to their place of origin when trying to work in or travel to Havana.

Cuba has ratified the International Labour Organization (ILO) Conventions no. 87 and 98 on the right to freedom of association and collective bargaining. The right of workers to freely associate has been recently recognized in the new Labour Law (Law no. 116 of December 2013). It appears, though, that in spite of a theoretical right to freedom of association, trade unions in Cuba are still not officially recognized – with the exception of the traditional Cuba Workers Union (CTC), which is considered to be to all effects an appendix of the State and has been severely criticized for its role in support of Government policies to the detriment of workers. Several independent unions have been created over the years and are recognized internationally, including by ILO, but their members have not been able to get their organizations registered according to the Association Law and continue to be the frequent victims of repression, including harassment, beatings and imprisonment.

The right to political rights

Cuba is a one-party republic where, as established by article 5 of the Constitution, the Communist Party (PCC) “is the highest leading force of society and the state.” While other political parties currently do exist in Cuba, they are not officially recognised and their activities are as a consequence restricted by law. Political opponents are regularly targeted by the Government, arbitrarily arrested and prevented from carrying out political work.

Citizens in Cuba have a right to vote but not a right to choose. Individuals who have a desire to be elected must make it known at the district assemblies taking place one month before elections. Participants in the assembly vote for each of the candidates by show of hands, meaning that opposition candidates would have to be publicly supported by other citizens in a strictly monitored environment. Candidates who are supported at district level are then presented for election to the Municipal Assemblies. Once that election has taken place, Nomination Committees, composed of Government-controlled mass organizations,^{xxiv} decide which candidates to present to each of the available posts at provincial and national level. Only one candidate per post is allowed: electors can only decide whether to approve them or not. If the candidate does not get more than 50% of the votes, another candidate is presented at a partial election. Throughout the process, no campaigning is allowed and candidates are only made known to the electorate by their CV and previous history.^{xxv}

In 2015, two dissidents (Hildebrando Chaviano, an independent journalist and lawyer, and Yuniel Lopez, a member of the Independent and Democratic Cuba Party) were the first opposition candidates ever to “be selected by a show of hands in a local neighbourhood meeting.”^{xxvi} The Government accused them of being contra-revolutionaries and members of anti-governmental organizations and they failed to be elected in the final scrutiny.

The right to protection against discrimination

Cuba’s official demographics of 2012 show a population composed of people with white skin (64%), mulatto/mestizo skin (27%) and black skin (9%).^{xxvii} Article 42 of the Constitution formally prohibits discrimination on the grounds of “race, colour of the skin, sex, national origin, religious creeds, or any other type offending human dignity.”

Concerns have nevertheless been expressed by national and international organizations about the effective enjoyment of equal rights by women, Afro-Cubans and people with different sexual orientations. In particular, in its Annual Report 2015 the Inter-American Commission on Human Rights highlighted the challenges faced by such groups with regard to their rights to work, pay, and education and specifically for Lesbians, Gays, Bisexuals and Transsexuals (LGBT) to physical integrity and freedom of expression. The issue of the different degrees of economic and social development for predominantly Afro-Cuban areas and/or for Afro-Cuban populations has also been regularly raised in reports on the island and is a continued source of concern.

The Role of Civil Rights Defenders in Cuba

Civil Rights Defenders has broad contacts in the human rights movement in Cuba, and regularly invites Cuban human rights defenders to Defenders’ Days. In December 2016 we published a report on the agreement between the European Union and Cuba “Nothing but a Dialogue on Human Rights”, highlighting the challenges to fully integrating a human rights-based approach to negotiations and political and cooperation agreements.

References

ⁱ See for example article 62: “None of the freedoms which are recognized for citizens can be exercised contrary to what is established in the Constitution and the law, or contrary to the existence and objectives of the socialist State, or contrary to the decision of the Cuban people to build socialism and communism. Violations of this principle can be punished by law.”

ⁱⁱ “Upon receipt of reliable information on serious, grave or systematic violations by a State party of the conventions they monitor, (the respective Committees) may, on their own initiative, initiate inquiries if they have received reliable information containing well-founded indications of serious or systematic violations of the conventions in a State party. (...) Inquiries may only be conducted with respect to States parties that have recognized the competence of the

relevant Committee in this regard. States parties may opt out from the inquiry procedure, at the time of signature or ratification or accession (...) The Convention on Enforced Disappearances is an exception as the competence to conduct inquiries is not subject to the acceptance by States parties”, from the [website](#) of the Office of the High Commissioner for Human Rights (OHCHR).

ⁱⁱⁱ “Currently, eight of the human rights treaty bodies (CCPR, CERD, CAT, CEDAW, CRPD, CED, CESC and CRC) may, under certain conditions, receive and consider individual complaints or communications from individuals”, also from OHCHR’s website, cited above.

^{iv} “The regulation of the reception of international treaties in our normative framework is remiss, since our Constitution does not contain a clause regulating how the norms that the Cuban state has generated in the international environment will have validity in its own territory, nor the hierarchy that they will have in the internal body of laws. The Decree Law 191 and its complementary Resolutions do not fill the constitutional omission, deficiently regulating the issue of publication as a mechanism for the treaty to be integrated into the internal legal system and as a way for it to be known and applied.” Rodríguez, Levya and Martínez, “Recepción de los Tratados Internacionales en el Ordenamiento Jurídico Cubano”, in *Entre Líneas*, April-June 2010 (own translation).

^v See for example Precautionary Measure 236/16, issued by the Commission in July 2016 – Juana Mora Cedeño et al., Cuba, available at <http://www.oas.org/en/iachr/decisions/precautionary.asp>.

^{vi} See for example art. 53 of the Cuban Constitution, stating: “Citizens have freedom of speech and of the press in **keeping with the objectives of socialist society.**” (emphasis added).

^{vii} Acts of repudiation (“actos de repudio” in Spanish) are supposedly spontaneous but always well-organized citizens’ demonstrations of disapproval vis-a-vis individuals or organizations perceived to behave against Cuba or the revolution’s interests. For a visual rendering of such an act, see the video “Documental Gusano” by the organization Estado de Sats, available at <https://www.youtube.com/watch?v=pW7i48fSCZ4>. It also shows how children are often co-opted from school to take part in these acts and how the Police, sometimes in plain clothes, participates.

^{viii} Crimes punishable with the death penalty are crimes against peace, the State, life and physical integrity, family, etc. such as murder, aggravated rape, conspiracy, piracy, sabotage, etc.

^{ix} See article on La Nación of 19 November 2015 <http://www.lanacion.com.ar/1549737-cuba-el-presidente-raul-castro-justifico-la-pena-de-muerte>.

^x See for example the Concluding Observation of the Committee against Torture to Cuba’s report of 1997, available at <http://www.acnur.org/t3/fileadmin/Documentos/BDL/2012/8607.pdf?view=1>.

^{xi} Art. 75 establishes that those who have ties or relations with people who are potentially dangerous to society can be given official warnings by “the competent police authority.”

^{xii} Article 243 of the Cuban Criminal Procedure Code. The possibility of “other authorities” and – in specific cases – of any citizens to conduct arrests are of particular concern. Since many years, there have been reports of para-authorities such as the Quick Response Brigades, reportedly recruited and paid by the Ministry of Interior, operating in Cuba at the margin of the law to punish dissidents, disrupt demonstrations, conduct acts of harassment, etc.

^{xiii} “Tough Times in Cuba’s Prisons”, by Arián Guerra Pérez on Institute for War and Peace Reporting, 20 October 2015: <https://iwpr.net/global-voices/tough-times-cubas-prisons-0>.

^{xiv} “The Cuban government claims it holds no prisoners of conscience, but various rights groups assert that there remained between 27 and 70 political prisoners at the end of 2015”, Freedom House Annual Report 2016.

^{xv} For a description of such acts see footnote no. 10. The Inter-American Commission on Human Rights “has confirmed that these acts of harassment are calculated to discredit the victims and damage their reputations and good name vis-à-vis the public” – see report N° 67/06 case 12.476 available at <https://www.cidh.oas.org/annualrep/2006eng/CUBA.12476eng.htm>.

^{xvi} See for example par. 55-57 of the 2015 Annual Report of the Commission (section on Cuba – page 625).

^{xvii} Book six, Title XI of the Criminal Procedure Code, as revised by Decree Law 151 of 10 June 1994.

^{xviii} Law Decree No. 81 “On the exercise of the law profession and the National Organization of Collective Law Firms” of 8 June 1984. The quote is from the Cubalex article “The exercise of the legal profession in Cuba” of June 2014, available at

<https://centrocubalex.com/2014/06/09/el-ejercicio-de-la-abogacia-en-cuba/>.

^{xix} Freedom House Annual Report 2016, Cuba, available at <https://freedomhouse.org/report/freedom-world/2016/cuba>.

^{xx} State ideology – as opposed to national security – cannot be considered an accepted ground for the limitation of freedom of expression in international human rights law. For a summary of Cuban laws affecting right to freedom of expression, see “The Right to Freedom of Expression: Restrictions on a Foundational Right”, International Center for Not-for-Profit Law, 2015, page 8 – available at <http://www.icnl.org/research/trends/trends6-1.pdf>.

^{xxi} “Situation of the Right to Freedom of Opinion and Expression in Cuba”, Report to the Special Rapporteur on Freedom of Opinion and Expression prepared by a group of Cuban NGOs, July 2016, page 9.

^{xxii} Translation available at https://www.constituteproject.org/constitution/Cuba_2002?lang=en

^{xxiii} Freedom House, 2016 Annual Report.

^{xxiv} The six organizations involved in this process are the Cuba Workers Union, the Committees for the Defence of the Revolution, the Cuban Women Federation, the National Association of Small Peasants, the Federation of University Students and the Federation of Middle-Education Students.

^{xxv} For a more detailed description of the system, see “You have to get the Police out of your head”, E. Jennische, Ertigo 2016, chapter 26 (Spanish and Swedish only).

^{xxvi} “Two Cuban dissidents concede defeat in local elections”, BBC News, 20 April 2015.

^{xxvii} The question appearing in the 2012 Census, required people to state whether the colour of their skin was white, black or mulatto/mestizo.