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Cuba

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**CHAPTER IV.B: CUBA**

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## CHAPTER IV.B

### CUBA

#### I. INTRODUCTION

1. The Inter-American Commission on Human Rights has consistently held that it is competent to examine the human rights situation in Cuba and to process individual petitions submitted by Cuban citizens. The Commission considers that the exclusion from the inter-American system occurred with respect to the Government of Cuba, not the State. The State of Cuba is party to international instruments on human rights in the Hemisphere, such as the American Declaration of the Rights and Duties of Man and the Charter of the Organization of American States; it also signed Resolution VIII of the Fifth Meeting of Consultation of Ministers of Foreign Affairs (Santiago, Chile, 1959), which established that the Inter-American Commission on Human Rights is “charged with furthering respect for such rights.” Therefore, the international obligations entered into the State of Cuba have legitimized the competence of the IACHR.

2. Furthermore, with respect to the States that have not ratified the American Convention on Human Rights, the States conferred on the Commission the power “to pay particular attention to the observance of the human rights referred to in Articles I, II, III, IV, XVIII, XXV and XXVI of the American Declaration of the Rights and Duties of Man,” as established in Article 20(a) of the Statute of the IACHR. Accordingly, it is incumbent on the IACHR to monitor human rights in Cuba.

3. In the exercise of its competence to promote and protect human rights in the Americas, the Commission followed up on the human rights situation in Cuba, in particular the events of 2024, which could have a bearing on the full enjoyment of human rights.

4. The IACHR published its latest country report on Cuba in June 2020, which provides an overview of the human rights situation in the country between 2017 and 2019.<sup>1</sup> Following the publication of that report, the IACHR continued to monitor the human rights situation in Cuba and noted that the main concerns identified in the report persisted and were exacerbated in recent years. Since 2021, the IACHR has decided to continue to publish special reports on Cuba in Chapter IV-B of its Annual Report.

5. Also, in April 2023, the IACHR and its Special Rapporteurship for Economic, Social, Cultural, and Environmental Rights (REDESCA) published a thematic report on labor and trade union rights in Cuba. In connection with that report, they were able to identify patterns of violation of labor and union rights, related to the following: (a) discrimination and persecution for political reasons in the workplace; (b) workplace harassment; (c) impediments to access to justice in labor-related matters; (d) violations of due process; (e) insufficient wages to meet basic needs; (f) unjustified obstacles to freedom to choose a profession; (g) gender discrimination; (h) violation of academic freedoms; (i) lack of trade union and professional association freedoms; and (j) abusive disciplinary measures.<sup>2</sup>

6. During 2024, the IACHR continued to take cognizance of various facts that constituted obstacles to the enjoyment of the rights of persons under the jurisdiction of the Cuban State, such as arbitrary restrictions to the right to assembly and association, and to freedom of expression and dissemination of thought - particularly in the context of the various social protests that have occurred in the country since July 2021, and that continued in 2022, 2023, and 2024 -.

7. In addition, the IACHR notes that Cuba continues to face structural human rights challenges. These challenges are rooted in the aforementioned absence of the essential elements of representative

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<sup>1</sup> IACHR, [Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II. Doc. February 23, 2020.

<sup>2</sup> IACHR, [Labor and Union Rights in Cuba](#), OEA/Ser.L/V/II, Doc. 53, of April 5, 2023.

democracy, especially the continuity of a single-party model, the absence of free elections and political pluralism, and the prohibition of association for political purposes.

8. This political model of the State has a negative impact on human rights in two main ways. On the one hand, there is an active tendency on the part of the State to systematically intimidate and repress those who express disagreement with the government or are considered dissidents/opponents of the Communist Party. On the other, it prevents implementation of the reforms needed to reestablish the separation and independence of public powers, improve living conditions, and combat impunity in cases of human rights violations.

9. In addition, the IACHR continued to receive numerous complaints of massive violations of freedom, security, and personal integrity; of protection against arbitrary detention; of inviolability of the home; and of Cubans' freedom of movement and circulation. The IACHR also continues to observe serious ongoing violations of minimum judicial guarantees and judicial protection. The Commission ascertained that these human rights violations have mainly affected human rights defenders, dissident social and political leaders, activists and independent journalists, as well as Afro-descendants, women, LGBTI people, and other vulnerable groups.

10. In evaluating the human rights situation in Cuba in 2024, the IACHR decided to include the country in Chapter IV-B of its annual report, given that it considers that the country's situation falls within the provisions of Article 59, paragraph 6.a.i of its Rules of Procedure, which refers to:

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

11. The IACHR also found that the foregoing situation meets the criteria set forth in Article 59(6)(c) of the Rules of Procedure, which provides that:

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

12. In accordance with Article 59.5 of its Rules of Procedure, in preparing this report, the Commission relied on information provided by international agencies, civil society organizations, and the Government itself through its official Ministry of Foreign Affairs of Cuba website and other official media. The IACHR has also relied on information obtained through its other monitoring and protection mechanisms, such as, inter alia, the system of petitions and cases, precautionary measures, and public hearings. The IACHR analyzes the information received in light of Inter-American human rights norms and standards and issues recommendations to the State. It also takes this opportunity to report on the activities carried out during 2024 with respect to Cuba.

13. As part of the process of preparing this report, the Commission received abundant information from civil society organizations, particularly in connection with the four meetings of the Network of Civil Society Organizations regarding the human rights situation in Cuba (RED Cuba) held in 2024. With this initiative, the IACHR has been reinforcing its strategic monitoring of the human rights situation in the country through its various mechanisms and mandates, while promoting inter-American standards for the protection of human rights in a more synergistic manner and in direct and constant cooperation with civil society. In addition, RED Cuba meetings have successfully increased the exchange of information, the receipt of complaints, and the reception of specialized inputs from civil society.

14. The IACHR approved this report on December 10<sup>th</sup>, 2024. On January 24<sup>th</sup>, 2025, the Commission sent the State a copy of the preliminary draft of this report in accordance with Articles 59(7) and 59(10) of its Rules of Procedure, giving it one month to submit its comments. The State did not submit any observations.

## II. DEMOCRATIC INSTITUTIONS AND THE RULE OF LAW

15. Article XX of the American Declaration of the Rights and Duties of Man (1948) establishes that: "Every person having legal capacity is entitled to participate in the government of his country, directly or through his representatives, and to take part in popular elections, which shall be by secret ballot, and shall be honest, periodic and free."<sup>3</sup>

16. Moreover, upon adopting the Inter-American Democratic Charter in 2001, the OAS member states recognized that representative democracy is the system through which stability, peace, and development in the region can be achieved, and that it is fundamental for attaining the full exercise of fundamental rights. Article 3 of the Inter-American Democratic Charter<sup>4</sup> states that:

Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.<sup>5</sup>

17. For its part, by way of reference, the Inter-American Court of Human Rights (Inter-American Court of Human Rights), in the case of *San Miguel Sosa et al. vs. Venezuela* (2018), indicated that the Inter-American Democratic Charter "is a rule of authentic interpretation of the treaties to which it refers, since it reflects the interpretation that the OAS Member States themselves, including the States Parties to the Convention, make of the norms pertaining to democracy in both the OAS Charter and the Convention."<sup>6</sup> Thus, the Inter-American Court of Human Rights concluded that "the effective exercise of democracy in the American States is, therefore, an international legal obligation and they have sovereignly agreed that such exercise is no longer a matter solely for their domestic, internal or exclusive jurisdiction."<sup>7</sup>

18. At the same time, the IACHR teaches that the exercise of the right to political participation implies "the right to organize parties and political associations, which through open discussion and ideological struggle, can improve the social level and economic circumstances of the masses and prevent a monopoly on power by any one group or individual."<sup>8</sup> In addition, the Commission has considered that:

Governments have, in the face of political rights and the right to political participation, the obligation to permit and guarantee: the organization of all political parties and other associations, unless they are constituted to violate human rights; open debate of the principal themes of socioeconomic

<sup>3</sup>OAS, [American Declaration of the Rights and Duties of Man](#), Adopted at the Ninth International Conference of American States, Bogotá, Colombia, 1948.

<sup>4</sup>This report will refer to the Inter-American Democratic Charter and the decisions and advisory opinions of the Inter-American Court for purposes of interpreting the American Declaration of the Rights and Duties of Man.

<sup>5</sup>OAS, [Inter-American Democratic Charter](#), Article 3, Adopted at the Twenty-eighth special session, Lima, Peru, September 11, 2001.

<sup>6</sup>Inter-American Court of Human Rights, Case of *San Miguel Sosa et al. v. Venezuela*, Merits, Reparations, and Costs, Judgment of February 8, 2018, Series C No. 348, par. 114.

<sup>7</sup>Inter-American Court of Human Rights, Case of *San Miguel Sosa et al. v. Venezuela*, Merits, Reparations, and Costs, Judgment of February 8, 2018, Series C No. 348, par. 114.

<sup>8</sup>IACHR, [Annual Report, Chapter IV, Cuba, "a. Political Rights"](#), 2002, par. 12.

development; the celebration of general and free elections with all the necessary guarantees so that the results represent the popular will.<sup>9</sup>

19. Accordingly, as reflected in its annual reports, the IACHR has postulated a direct relationship between the exercise of political rights and the concept of democracy as a form of governmental organization, which, in turn, implies the exercise of other fundamental human rights.<sup>10</sup> Indeed, for the IACHR, the concept of representative democracy is based on the principle that political sovereignty resides with the people and that, in the exercise of that sovereignty, they elect their representatives to exercise political power. These representatives are also elected by citizens to implement specific policy measures, which in turn implies that there has been broad debate on the nature of the policies to be applied – freedom of expression – among organized political groups – freedom of association – that have had the opportunity to express themselves and meet publicly – right of assembly.<sup>11</sup> The exercise of political rights is therefore inseparable from other fundamental human rights.

#### **A. Serious violation of the fundamental elements and institutions of representative democracy**

20. Pursuant to Article 59, paragraph 6.a.i of its Rules of Procedure, the IACHR considers that there exists in Cuba a serious violation of the fundamental elements and institutions of representative democracy, including an abusive exercise of power that contravenes the rule of law through the systematic infringement of the independence of the Judiciary. There are three structural reasons for this: (1) continuity of a single-party political model; (2) concentration of faculties and powers in the management of public affairs; (3) subordination of the administration of justice to political power.

##### **1. Continuity of a single-party model**

21. The current Cuban Constitution promulgated in 2019 confirmed the establishment of the Communist Party of Cuba (PCC) as the superior driving force of the society and the State and, effectively, the only party in Cuba.<sup>12</sup> The Commission notes that this results, formally and in practice, in the non-existence of opposition political parties and of diverse schools of thought.<sup>13</sup>

22. Likewise, although Cuba's electoral law establishes active and passive suffrage for Cuban citizens without ideological restrictions,<sup>14</sup> in practice, as indicated to the IACHR,<sup>15</sup> the Candidacy Commissions<sup>16</sup> -bodies in charge of preparing and presenting the draft candidacies for deputies to the National Assembly of People's Power and filling the positions elected by this and the municipal assemblies of People's Power- reportedly continue to act as an ideological filter in order to ensure that people who do not identify with official state views and the PCC do not occupy public elective positions.

23. Thus, the Commission notes that, although *de jure* the law allows free political participation of citizens, *de facto* the Communist Party reportedly continues to regulate, control, and direct electoral processes

<sup>9</sup> IACHR, [Annual Report, Chapter IV, Cuba, "a. Political Rights"](#), 2002, par. 12.

<sup>10</sup> IACHR, [Annual reports, Chapter IV.B, Cuba](#), 2022, par. 16.

<sup>11</sup> IACHR, [Report on the Situation of Human Rights in Haiti](#), OEA/Ser.L/V/II.77.rev.1, doc. 18, May 8, 1990, Chapter 1. "Political Rights," par. 15.

<sup>12</sup> Specifically, Article 5 of the current Constitution establishes: "The Communist Party of Cuba, unique, Martiano, Fidelista, and Marxist-Leninist, the organized vanguard of the Cuban nation, sustained in its democratic character as well as its permanent linkage to the people, is the superior driving force of the society and the State." Cuba, Official Gazette, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019. Available at: [https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5\\_0.pdf](https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf).

<sup>13</sup> IACHR, [Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II. Doc.2, February 3, 2020, par. 141.

<sup>14</sup> Cuba, Official Gazette, Law No. 127 "Electoral Law" (GOC- 2019-735-060), August 19, 2019. Available at <https://www.gacetaoficial.gob.cu/>.

<sup>15</sup> Testimonies received by the IACHR in connection with the [Report on the Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II. Doc. 2, February 3, 2020, par. 155.

<sup>16</sup> Cuba, Official Gazette, Law No. 127 "Electoral Law" (GOC- 2019-735-060), August 19, 2019. Available at <https://www.gacetaoficial.gob.cu/>, Article 152.

in the country. Furthermore, the Commission notes that the official departure of former President Raúl Castro from the leadership of the Communist Party in 2021 did not result in changes with respect to political participation or in openness to party and ideological pluralism.<sup>17</sup>

24. During 2024, the National Electoral Council of Cuba conducted multiple electoral processes to fill vacant seats in the Municipal Assemblies of People's Power,<sup>18</sup> in accordance with the provisions of Article 144 of the 2019 Electoral Law.<sup>19</sup> In this regard, the Commission took note of the complaints made by civil society organizations regarding the lack of transparency of these processes. In particular, they mentioned the lack of information surrounding the vacancies and the reasons for them, the constituencies involved, and voter turnout or results.<sup>20</sup>

25. Also, on May 4, special indirect elections<sup>21</sup> were held in Cuba to renew the governorships of the provinces of Matanzas, Cienfuegos, Villa Clara, and Santiago de Cuba. Civil society organizations referred to this process as "ghost voting" (*votación fantasma*) due to the lack of information and the fact that the delegates of the Municipal Assemblies of People's Power in the respective provinces did not have the option of rejecting the candidacies proposed by the President of the Republic.<sup>22</sup>

26. As indicated by the Inter-American Court of Human Rights in the case of *Castañeda Gutman v. Mexico* of 2008, although the Inter-American system does not impose a specific electoral system or a specific means of exercising the rights to vote and to be elected, there are general guidelines that determine a minimum content of political rights that must be observed.<sup>23</sup> Consequently, as highlighted by the Court in the case of *Yatama v. Nicaragua* of 2005, "the full scope of political rights cannot be restricted in such a way that their regulation or the decisions adopted in application of this regulation prevent people from participating effectively in the governance of the State or cause this participation to become illusory, depriving such rights of their essential content."<sup>24</sup>

27. In the case of Cuba, the IACHR observes that the single-party system and the monopoly of power in a single political group negate the fundamental essence of political rights, by, inter alia, permanently restricting the exercise of political participation. This, in turn, fosters a political structure characterized by the absence of democratic institutions.

<sup>17</sup> Granma, [Elegido Miguel Díaz-Canel Bermúdez como Primer Secretario del Comité Central del Partido Comunista de Cuba \(Miguel Díaz-Canel Bermúdez elected as First Secretary of the Central Committee of the Communist Party of Cuba\)](#), April 19, 2021; Los tiempos, [Raúl Castro se va, pero seguirá presente en decisiones estratégicas en Cuba \(Raúl Castro leaves, but will still be present in strategic decisions in Cuba\)](#), April 20, 2021; El país, [Miguel Díaz-Canel asume el mando del Partido Comunista cubano tras la salida de Raúl Castro \(Miguel Díaz-Canel assumes command of the Cuban Communist Party after Raúl Castro's departure\)](#), April 19, 2021.

<sup>18</sup> National Electoral Council of Cuba [@Elecciones\_Cuba] (May 5, 2024), IACHR [@CIDH], (November 21, 2023) IACHR calls on the State to promptly and impartially investigate the death of Luis Barrios Díaz on November 19 [Tweet].

<sup>19</sup> Cuba, Official Gazette, Law No. 127 "Electoral Law" (GOC- 2019-735-060), August 19, 2019. Available at <https://www.gacetaoficial.gob.cu/>, Article 152.

<sup>20</sup> DemoAmLat: Electoral Transparency, [Elegir no es una opción: \(Choosing is not an option:\) 5to aniversario del Consejo Electoral Nacional de Cuba \(5th anniversary of the National Electoral Council of Cuba\)](#), 2024; El Toque, [Las particularidades de las elecciones para vacantes en Cuba \(Particular features of the elections to fill vacant seats in Cuba\)](#), June 7, 2024.

<sup>21</sup> Articles 175 and 180 of the Constitution establish that governors and vice-governors are elected by the delegates to the Municipal Assemblies of People's Power, at the proposal of the President of the Republic. Cuba, Official Gazette, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019. Available at: [https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5\\_0.pdf](https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf).

<sup>22</sup> DemoAmLat, [Elecciones fantasma en Cuba: sin electores, candidatos ni resultados \(Ghost elections in Cuba: without voters, candidates, or results\)](#), April 23, 2024; Granma, [En cuatro provincias del país, elecciones hoy de gobernadores y vicegobernadores \(In four provinces of the country, elections of governors and vice-governors will be held today\)](#), May 4, 2024.

<sup>23</sup> Inter-American Court of Human Rights, *Case of Castañeda Gutman v. Mexico*, Preliminary objections, merits, reparations, and costs, Judgment of August 6, 2008, Series C No. 184, par. 166.

<sup>24</sup> Inter-American Court of Human Rights, *Case of Yatama v. Nicaragua*, Preliminary objections, merits, reparations and costs, Judgment of June 23, 2005, Series C No. 127, par. 204.



## 2. Concentration of powers and authority for the conduct of public affairs

28. According to Article 3 of the Inter-American Democratic Charter, the separation of powers and independence of the branches of government are essential elements of democracy. In this regard, the Inter-American Court of Human Rights specified, in *Advisory Opinion No. 28 of 2021*, that:

In this regard, the Inter-American Court has stated that "The separation of State powers into different branches and organs is linked closely with the aim of preserving related freedoms, with the understanding that concentration of power leads to tyranny and oppression. At the same time, the separation of State powers allows for the efficient fulfillment of the various aims entrusted to the State."<sup>25</sup>

29. In the same vein, the Inter-American Court of Human Rights considers that "the separation and independence of powers assumes the existence of a system of controls and oversight to constantly regulate the balance of powers."<sup>26</sup> This system of "checks and balances" would therefore require the existence of guarantees that allow the powers to act freely and autonomously, without interference or subordination to one another.<sup>27</sup>

30. In the case of Cuba, the foundations of the State and the characteristics of the branches of government show that the main powers for the conduct of public affairs remain concentrated in a small number of authorities. The Commission observes that the National Assembly of People's Power (ANPP) continues to be an institution with very high concentration of functions, including broad powers to adopt laws and appoint the leaders of the main judicial, oversight, and administrative institutions.<sup>28</sup> In addition, it can dismiss officials, a role that could affect independent and impartial decision-making.<sup>29</sup>

31. The Commission considers that this structure, which did not change in 2024, continues to create an environment in which political affiliation and loyalty to the government and its ideology become fundamental requirements to access and remain in such positions. This situation perpetuates a structure in which power and decision-making remain concentrated in the ruling political group, rather than being based on diverse and truly democratic representation. It also makes it impossible to implement reforms in the country.

## 3. Subordination of the administration of justice to political power

32. Regarding the right to justice, the American Declaration contemplates in Article XVIII that: "Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights."<sup>30</sup> The Declaration also provides in Article XXVI the right to due

<sup>25</sup> Inter-American Court of Human Rights, The figure of indefinite presidential reelection in Presidential Systems in the context of the inter-American human rights system (Interpretation and scope of Articles 1, 23, 24, and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3.d of the Charter of the Organization of American States and the Inter-American Democratic Charter), Advisory Opinion OC-28/21, June 7, 2021, Series A No.28, par. 80.

<sup>26</sup> Inter-American Court of Human Rights, The figure of indefinite presidential reelection in Presidential Systems in the context of the inter-American human rights system (Interpretation and scope of Articles 1, 23, 24, and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3.d of the Charter of the Organization of American States and the Inter-American Democratic Charter), Advisory Opinion OC-28/21, June 7, 2021, Series A No.28, par. 82.

<sup>27</sup> IACHR, [Annual Report, Chapter IV.B. Cuba](#), 2022, par. 30.

<sup>28</sup> Article 109 of the Constitution sets out all its electoral powers. The National Assembly elects the President and Vice President of the Republic from among its members. It also elects the members of the Council of State and appoints, on the proposal of the President of the Republic, the Prime Minister and members of the Council of Ministers. In addition, it elects the President and Justices of the People's Supreme Court, the Attorney General of the Republic, the Comptroller General of the Republic, and the President and members of the National Electoral Council. Cuba, Official Gazette, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019. Available at: [https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5\\_0.pdf](https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf).

<sup>29</sup> IACHR, [Situation of Human Rights in the Cuba](#), OEA/Ser.L/V/II. Doc. 2, February 3, 2020, par. 113.

<sup>30</sup> OAS, [American Declaration of the Rights and Duties of Man](#), Adopted at the Ninth International Conference of American States, Bogotá, Colombia, 1948.



process of law, establishing that "Every person accused of an offense has the right to be given an impartial and public hearing, and to be tried by courts previously established in accordance with pre-existing laws, and not to receive cruel, infamous or unusual punishment."<sup>31</sup>

33. In addition, with respect to judicial independence, the Commission has discussed how critical the guarantee of independence is to the administration of justice, as it is a condition sine qua non for compliance with the standards of due process established by international law.<sup>32</sup> The IACHR has emphasized that independence is two dimensional: the first dimension is institutional or systemic, while the second is functional, referring to justice operators' individual independence in performing their functions. Regarding the first dimension, it has pointed out that the independence of the Judiciary must be guaranteed by the State and proclaimed by the Constitution or legislation of the country.<sup>33</sup> The IACHR also stresses the importance of judges they need to be guarantees as soon as they are elected for carrying out their work independently, impartially, in accordance with the law, and with respect for human rights.<sup>34</sup>

34. In the case of Cuba, the Commission notes that although Article 150 of the 2019 Constitution states that "Magistrates and judges, in their function of imparting justice, are independent and do not owe obedience except to the law."<sup>35</sup>, testimonies gathered by the IACHR from former members of the Cuban Judicial System indicate that, in practice, judicial independence is not respected. The following accounts in particular are worth highlighting:

Judicial independence, as established by the Constitution, the law of the courts and the law of the prosecution, is not achieved in practice. Everything is judicial arbitrariness in all senses and processes. [...] Since the complaint is filed, the investigative process is opened, and it is presented to the court, arbitrariness has been verified. Everything is directed by the Communist Party and the interests of the Government, structures that have the "leading voice" in all the processes in which they have an interest.<sup>36</sup>

Judicial independence is highly compromised in Cuba, since all the actors have to be part of the Communist Party of Cuba. Independence is very well conceived from the legal and constitutional point of view, but, in practice, the pressures to which we are subjected force us away from what we would like to do.<sup>37</sup>

35. The Commission also notes that the Assemblies of People's Power continue to have a high degree of interference in the appointment of judges, who are accountable to it for their actions and can be revoked by the body that elects them.<sup>38</sup> In this way, judges who do not conform to the government's ideology are persecuted and removed from office, undermining the integrity of the judicial system.<sup>39</sup> With regard to the Office of the Attorney General of the Republic, the Constitution provides that it is an indivisible organic unit subordinate to the President of the Republic.<sup>40</sup> In the Commission's opinion, these provisions violate the fundamental principle of separation of powers and negatively affect public confidence in the impartiality of the judicial system.

<sup>31</sup> OAS, [American Declaration of the Rights and Duties of Man](#), adopted at the Ninth International Conference of American States, Bogotá, Colombia, 1948.

<sup>32</sup> IACHR, [Guarantees for the Independence of Justice Operators](#), OEA/Ser.L/V/II. Doc. 44, December 5, 2014, par. 25.

<sup>33</sup> IACHR, [Guarantees for the Independence of Justice Operators](#), OEA/Ser.L/V/II. Doc. 44, December 5, 2014, par. 31.

<sup>34</sup> IACHR, [IACHR, Report on the Human Rights Situation in Cuba](#), OEA/Ser.L/V/II. Doc. 2, February 3, 2020, par. 121.

<sup>35</sup> Cuba, Official Gazette, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019. Available at: [https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5\\_0.pdf](https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf), Article 150.

<sup>36</sup> IACHR, [Labor and Union Rights in Cuba report](#), OEA/Ser.L/V/II. Doc. 53, April 5, 2023, par. 346 (interview 41).

<sup>37</sup> IACHR, [Labor and Union Rights in Cuba report](#), OEA/Ser.L/V/II. Doc. 53, April 5, 2023, par. 346 (interview 52).

<sup>38</sup> Cuba, Official Gazette, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019. Available at: [https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5\\_0.pdf](https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf), Articles 149, 154-155.

<sup>39</sup> IACHR, interviews with P.O.R.; F.Y.Y.; A.R.Y., S.F.M., August 12, 2022. IACHR archive.

<sup>40</sup> Cuba, Official Gazette, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019. Available at: [https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5\\_0.pdf](https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf), Chapter VI - Office of the Attorney General.

36. The Commission notes that the absence of judicial independence has serious repercussions on judges' decisions. In specific cases of dissidents and activists, there are complaints regarding a lack of impartiality and guarantees such as the right to a public trial are not fully respected.<sup>41</sup>

37. Thus, in the framework of the follow-up hearing on precautionary measures for beneficiaries deprived of liberty held on November 7, 2023, during the 188<sup>th</sup> Period of Sessions, the Commission took note of comments by civil society regarding structural violations of due process, such as: the absence of judicial protection in cases of deprivation of liberty; the non-existence of independent defense attorneys; legal organizational dependence of judges and courts on political power; restrictions on the use of evidence and the right to defense; summary proceedings with verbal sentences of which there is no documentary record; and the use of military criminal proceedings against civilians.<sup>42</sup>

38. In turn, in the report on labor and trade union rights in Cuba, published in April 2023, the IACHR highlighted serious impairments of due process in the framework of labor-related proceedings, including: the lack of independence and impartiality of the Labor Justice bodies; failure to substantiate rulings handed down in labor cases; the lack of effective review of the rulings of Labor Justice Organs by Municipal Courts, which should be functioning as a second instance; and the difficulties in obtaining legal representation through the National Organization of Collective Law Firms and, even when it is possible to obtain it, it could be biased. According to complaints from civil society organizations, there is extensive government interference in the National Organization of Collective Law Firms.<sup>43</sup>

39. On this last point, during the hearing on freedom of association in Cuba held on February 29, 2024 during the 189<sup>th</sup> Session, the Commission noted the restrictions on the right to practice law.<sup>44</sup> Attorneys who are not members of the National Organization of Collective Law Firms are prohibited from practicing before the courts. In addition, to be a lawyer, a person must meet certain "morality requirements" determined by the ideology of the State; not have been convicted of an intentional crime that "dishonors the public concept", nor be subject to criminal proceedings for such a crime; and not exercise judicial, fiscal, administrative, or arbitration functions.<sup>45</sup>

40. In this regard, the Commission notes that the functioning of the judicial system in Cuba reflects the subordination of the Judiciary to the political power, which results in the lack of real independence and autonomy of the public authorities, and leads to the absolute lack of legal certainty, effective access to justice, and judicial protection. This has a direct impact on the violation of the rights to justice (Article XVIII) and to due process of law (Article XXVI) as established in the American Declaration of the Rights and Duties of Man. Ultimately, the lack of independence of the Judiciary undermines its ability to guarantee the full exercise of human rights. It therefore not only compromises its ability to provide fair and impartial trials in the interest of securing human rights but also threatens the rule of law as a whole.

### III. SITUATION OF HUMAN RIGHTS IN CUBA

#### A. Massive, gross, and systematic violations of human rights

41. For decades, the IACHR has continued to ascertain, with extreme concern, arbitrary restrictions on the right to assembly and free expression of the population, as well as the persistence of violations of the right to liberty, security, and integrity of individuals, of protection from arbitrary detention, inviolability of the home, minimum judicial guarantees, and judicial protection, to which political dissidents,

<sup>41</sup>Human Rights Watch, [World Report 2019: Chapter: Cuba](#), 2023.

<sup>42</sup>IACHR. Thematic Hearing "Cuba: Follow-up (Ex Officio)," 188<sup>th</sup> regular session, Washington D.C., United States, November 7, 2023.

<sup>43</sup> IACHR, [Labor and Union Rights in Cuba report](#), OEA/Ser.L/V/II. Doc. 53, April 5, 2023.

<sup>44</sup> IACHR, [189<sup>th</sup> Period of Sessions](#), Cuba: Right to freedom of association, February 29, 2024.

<sup>45</sup>Cuba, 1984. Decree-Law No. 81 on the Practice of Law and the National Organization of Collective Law Firms. Available at: [https://www.ciegodeavila.gob.cu/images/PDF/nuestraRegion/Otras\\_Direcciones/Justicia/DECRETO LEY 81 DE LA ABOGACIA.pdf](https://www.ciegodeavila.gob.cu/images/PDF/nuestraRegion/Otras_Direcciones/Justicia/DECRETO LEY 81 DE LA ABOGACIA.pdf), Chapter IV - Local Organization of Collective Law Firms.

social leaders, activists, human rights defenders, and independent journalists are subjected. In particular, between 2021 and 2024, the IACHR warned that repression of dissent has got worse, especially since the July 2021 protests in Cuba.<sup>46</sup>

42. In 2024, the IACHR continued to observe systematic repression by state agents and pro-government groups seeking to prevent peaceful gatherings and protests organized by people who dissent from the positions imposed by the government in the country. Repressive practices have included, inter alia, arbitrary detentions, criminalization, house arrests, surveillance, interrogations, threats, fines, and internet shutdowns. All this is taking place in a context of deep social and economic crisis, which has included power outages for prolonged periods of time, making it difficult to access essential basic goods, already in short supply, such as food, water, and medicines.

43. The Commission considers that these state practices constitute massive, serious, and systematic violations of human rights. This conclusion is based on the large number of victims, the seriousness of the actions undertaken, and the existence of certain patterns of conduct carried out with state resources in response to a policy defined and endorsed by the top echelons of the state. Therefore, the IACHR considers that the current human rights situation in Cuba is covered by the provisions of Article 59, paragraph 6.c of its Rules of Procedure.

44. The following are the main rights violations identified in 2024.

### Human rights defenders

45. In 2024, human rights defenders in Cuba continued to carry out their defense and denunciation activities under a hostile environment characterized by repressive actions against them by the State and total curtailment of civic liberties. In the course of its monitoring activities, the IACHR observed that human rights defenders in the country face arbitrary detentions, house arrests, threats and coercion, surveillance, internal mobility restrictions, and police summonses, among other obstacles.<sup>47</sup>

46. Civil society organizations have notified the Commission of patterns of repression that are intended to silence and obstruct the work of human rights organizations.<sup>48</sup> In particular, the Commission has learned of threats and intimidation directed at human rights defenders. For example, activist Yamilka Laffita publicly denounced having been the victim of death threats through social networks due to her humanitarian work.<sup>49</sup> For their part, Consuelo Rodríguez Hernández and Lázaro Roberto Aguiar Mendoza, members of the Independent Trade Union Association of Cuba (ASIC) in Cruces, Cienfuegos, were summoned to appear at the local police unit. While there, State Security allegedly warned them that they should stop making their denunciations on social networks or else they could be sent to prison for between 2 and 8 years.<sup>50</sup>

47. The Commission has ascertained that these threats and acts of intimidation have also been directed at family members of human rights defenders. On May 8, 2024, the Commission granted precautionary measures in favor of Mariens Pavó Oñate, wife of public defender Julio Alfredo Ferrer Tamayo, who has been

<sup>46</sup> IACHR, [Annual Report, Chapter IV.B Cuba](#), 2021, par. 19.

<sup>47</sup> IACHR, Press Release No. 38/24, [The IACHR and Its Special Rapporteurship for Freedom of Expression Condemn Persistent Repression Against Journalists and Civil Society in Cuba](#), February 21, 2024; IACHR, Press Release No. 306/24, [Cuba: IACHR, SRFE and REDESCA condemn repression of organizations and media in the context of a serious social and economic crisis](#), December 4, 2024.

<sup>48</sup> IACHR, Public Hearing "[Cuba: Right of Association](#)", held in the framework of the 189th Period of Sessions, February 29, 2024.

<sup>49</sup> CiberCuba, [Activista cubana Lara Crofs denuncia amenazas en su contra](#) (Cuban activist Lara Crofs denounces threats against her), September 25, 2024; Periódico Cubano, [La dictadura cubana amenaza a la activista Lara Crofs. \(Cuban dictatorship threatens activist Lara Crofs\)](#), September 25, 2024.

<sup>50</sup> Martí Noticias, [Seguridad del Estado impone restricción de movimiento a matrimonio de sindicalistas en Cuba \(State security restricts freedom of movement for a trade union couple in Cuba\)](#), June 27, 2024; ADN Cuba, [Régimen cubano acosa y amenaza a activistas sindicales \(Cuban regime harasses and threatens trade union activists\)](#), June 28, 2024.

followed by State agents, and has been the target of threatening phone calls and visits to her workplace to prevent her husband, who is outside the country, from returning.<sup>51</sup>

48. Likewise, human rights defenders are continuously monitored and tracked by state security forces. The home of the leader of the Damas de Blanco (Ladies in White), Berta Soler, is reportedly surrounded by surveillance cameras, while she herself is allegedly subjected to constant surveillance.<sup>52</sup> The same is reportedly true for Coco Fariñas, leader of the United Anti-Totalitarian Front (FANTU), who, according to the information received, is often persecuted and detained by State security agents in order to curtail his freedom of movement.<sup>53</sup> In September, activist Jenn Pantoja's home was surrounded by state security cars, and she was subsequently detained after denouncing this situation on her social networks.<sup>54</sup> The activist was released a few hours later.<sup>55</sup> The Commission also learned about the case of activist Julio César Góngora Milo, whose home is said to be under constant surveillance by police officers and who is reportedly constantly threatened with contempt of court and incitement to commit a crime proceedings.<sup>56</sup>

49. The IACHR again received information on *de facto* prohibitions to prevent human rights defenders from carrying out peaceful protests. In this case, the information referred to the case of activists Wilber Aguilar Bravo, Jorge Fernández Era, and Miryory García, whose homes were reportedly visited by police cars in order to prevent them from leaving, in an effort to prevent citizen demonstrations on the eve of the anniversary of the death in combat of the Cuban National Hero, José Martí.<sup>57</sup> As for activist and intellectual Jorge Fernández, the Commission learned that in August he was detained by officers of the National Revolutionary Police as he left his home after having called for a peaceful march.<sup>58</sup> The activist was released eleven hours later.<sup>59</sup>

50. During 2024, the Commission continued to receive information about activists who are frequently arbitrarily detained by State security in retaliation for their advocacy activities. For example, defender Berta Soler was detained on December 4 and released after 69 hours; she had previously been detained on September 22 (67 hours of detention) and November 10 (76 hours of detention).<sup>60</sup> In September, information emerged regarding the case of Mirdael Matos Gainza, a member of the Patriotic Union of Cuba (UNPACU), who was reportedly detained and transferred to Guantanamo prison, where he remains to this day.<sup>61</sup> In March, activist and former political prisoner Ramón Jesús Velázquez Toranzo was arrested at the

<sup>51</sup> IACHR, [Resolution 29/2024](#), Precautionary Measure No. 96-15, Marienys Pavó Oñate regarding Cuba, Extension, May 11, 2024.

<sup>52</sup> IACHR, Public Hearing "[Cuba: Right of Association](#)", held in the framework of the 189th Period of Sessions, February 29, 2024; Cubalex, [Berta Soler: Un año de represión sistemática y desaparición forzada en Cuba \(One year of systematic repression and forced disappearance in Cuba\)](#), September 25, 2024.

<sup>53</sup> IACHR, Public Hearing "[Cuba: Right of Association](#)", held in connection with the 189th Period of Sessions, February 29, 2024.

<sup>54</sup> CiberCuba, [Seguridad del Estado detiene a la intelectual cubana Jenny Pantoja \(State Security detains Cuban intellectual Jenny Pantoja\)](#), September 18, 2024; [Cuba Headlines, Intellectual Jenny Pantoja Detained by Cuban State Security](#), September 18, 2024.

<sup>55</sup> Adn Cuba, [Régimen detiene a profesora Jenny Pantoja y la libera horas más tarde \(Regime detains teacher Jenny Pantoja and releases her hours later\)](#), September 19, 2024.

<sup>56</sup> IACHR, [Resolution 21/2024](#), Precautionary Measure No. 280-24, Julio César Góngora Millo regarding Cuba, April 10, 2024, par. 5.

<sup>57</sup> CiberCuba, [Régimen se moviliza para evitar protestas en Cuba, activistas denuncian acoso policial \(Regime moves to prevent protests in Cuba, activists denounce police harassment\)](#), May 18, 2024.

<sup>58</sup> CiberCuba, [Denuncian detención arbitraria del escritor Jorge Fernández Era y de la académica Alina Bárbara López \(Reports of the arbitrary arrest of writer Jorge Fernández Era and academic Alina Bárbara López\)](#), August 18, 2024; Diario de Cuba, [El régimen cubano detiene a los intelectuales Alina Bárbara López Hernández y Jorge Fernández Era \(Cuban regime arrests intellectuals Jorge Fernández Era and Alina Bárbara López\)](#), August 18, 2024.

<sup>59</sup> Catorce y medio, [La Policía detuvo a Alina Bárbara López y a Jorge Fernández por "desafiar" reclusión domiciliaria \(Police arrested Alina Bárbara López and Jorge Fernández for "defying" house arrest\)](#), August 20, 2024.

<sup>60</sup> Raza e Igualdad, [Régimen cubano recrudescere represión contra Berta Soler, líder de las Damas de Blanco \(Cuban regime steps up repression against Berta Soler, leader of the Damas de Blanco\)](#), December 9, 2024; Cubalex, [Berta Soler: Un año de represión sistemática y desaparición forzada en Cuba \(One year of systematic repression and forced disappearance in Cuba\)](#), September 25, 2024; CiberCuba, [Domingo represivo en Cuba: \(Repressive Sunday in Cuba:.\) Detienen a la Dama de Blanco Berta Soler en la Habana \(Lady in White Berta Soler is arrested in Havana\)](#), September 30, 2024.

<sup>61</sup> Cubanet, [Arrestan a opositor Mirdael Matos, miembro de la UNPACU \(Oppositionist Mirdael Matos, member of UNPACU, is arrested\)](#), September 13, 2024; Diario de Cuba, [El opositor Mirdael Matos Gainza, plantado en Guantánamo en protesta por una detención arbitraria \(Opposition figure Mirdael Matos Gainza detained in Guantanamo protests arbitrary arrest\)](#), October 8, 2024.

Sanctuary of the Virgen de la Caridad del Cobre, in Santiago de Cuba, after calling for a peaceful march on the church. After a month of detention in Villa Marista prison, the activist was released.<sup>62</sup>

51. The Commission is concerned about the persistent use of criminal law as a tool of the Cuban State to limit the exercise of the defense of human rights in the country. In June, the People's Provincial Court of Havana sentenced activists Josiel Guía Piloto and Lázaro Romero Piloto to seven years in prison; while Jesús Alfredo Pérez Rivas and William Cepero García received five-year prison sentences and Alain Yosvani Cruz Suescum was sentenced to five years of correctional work without internment, all for the crime of "propaganda against the constitutional order", after demonstrating in February, 2023.<sup>63</sup>

52. In connection with its precautionary measures, the Commission has been informed about defenders who have been sentenced and deprived of their liberty and whose life and personal integrity are at risk due to their conditions of detention. On June 28, the Commission granted precautionary measures in favor of human rights defender J.M.M.B., who has been deprived of his liberty since July 12, 2021. After his arrest he was subjected to a "brutal" beating, interrogations, and a "torture method" known as "the bicycle." There were also reports that he was subjected to an attempted rape and further beatings.<sup>64</sup> On April 26, the Commission granted precautionary measures in favor of activist Aniette González García, who is deprived of liberty and sentenced for the crime of "insulting the national symbols."<sup>65</sup>

53. In addition, the Commission continued to receive information on the imposition of fines on human rights defenders as a way to dissuade them from continuing their defense activities. Activist Alberto Turis Betancourt Pérez was arrested and fined for "public disorder" on September 4, after taking to the streets to denounce drug sales in his neighborhood.<sup>66</sup> The IACHR has warned that the principal aim of imposing fines or other penalties on the work of human rights defenders and depriving them of their liberty is to criminalize their activities in promoting and defending human rights, as well as deterring them from continuing to advance their causes.<sup>67</sup> The organs of the inter-American system have indicated that attacks on the lives of human rights defenders have a multiplier effect, which goes beyond the person of the defender, because it produces a chilling effect on those defending similar causes.<sup>68</sup>

54. The defense of human rights in Cuba continues to be carried out in an environment that prohibits any kind of dissidence or opposition to the regime. Civil society organizations have told the Commission that human rights defenders are stigmatized and delegitimized by being labeled by the State as "mercenaries", "traitors", or "terrorists" in an attempt to diminish public support and socially isolate them.<sup>69</sup> The organizations also reported continuous blocking of their websites, which reportedly limited their ability to operate.<sup>70</sup>

55. In view of the facts described above, the Inter-American Commission considers that the situation of human rights defenders continues to be of concern. In Cuba, the minimum conditions needed to

<sup>62</sup> CiberCuba, [Detienen a opositor que se plantó con su familia en Santuario de El Cobre \(Opposition member is arrested for protesting with his family at the El Cobre Sanctuary\)](#), March 12, 2024; 14 y medio, [El ex preso político Ramón Jesús Velázquez regresa a EE UU tras pasar detenido más de un mes en Villa Marista \(Former political prisoner Ramón Jesús Velázquez returns to the US after spending more than a month in Villa Marista\)](#), April 21, 2024.

<sup>63</sup> Martí Noticias, [Condenan a cinco activistas cubanos que se manifestaron en 2023 \(Five Cuban activists who demonstrated in 2023 convicted\)](#), June 28, 2024; Diario de Cuba, [Hasta siete años de cárcel para cinco activistas cubanos que se manifestaron en 2023 \(Up to seven years in prison for five Cuban activists who demonstrated in 2023\)](#), June 28, 2024.

<sup>64</sup> IACHR, [Resolution 40/2024](#), J.M.M.B. regarding Cuba, June 28, 2024.

<sup>65</sup> IACHR, [Resolution 24/2024](#), Precautionary Measure No. 352-23 Aniette González García regarding Cuba, April 26, 2024, par. 17.

<sup>66</sup> Catorce y medio, [Multado por "desorden público" un hombre que denuncia la venta de droga en La Habana Vieja \(A man complaining about drug sales in Havana is fined for causing "public disorder"\)](#), September 5, 2024; Periódico Cubano, [Arrestan a activista por denunciar la venta de drogas en La Habana Vieja \(Activist arrested for reporting drug sales in Havana\)](#), September 6, 2024.

<sup>67</sup> IACHR, [Report on the Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II. Doc. 2, February 3, 2020, par. 193.

<sup>68</sup> IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/SER.L/V/II/Doc.66, December 31, 2011, par. 25.

<sup>69</sup> IACHR, Public Hearing "Cuba: Right of Association", held in connection with the 189th Period of Sessions, February 29, 2024.

<sup>70</sup> IACHR, Public Hearing "Cuba: Right of Association", held in connection with the 189th Period of Sessions, February 29, 2024.



guarantee the defense of human rights do not exist. On the contrary, it is observed that these activities are carried out in a hostile environment, characterized by acts of intimidation and harassment by state authorities and subjection to unjustified criminal proceedings as a way of criminalizing those who seek to defend human rights in the country.

56. The IACHR reiterates its call to the State to adopt effective measures to guarantee and protect the rights of human rights defenders, activists, journalists, and other social leaders. In this regard, the Commission urges the Cuban State to refrain from actions that arbitrarily interfere with the exercise of human rights related to opportunities for citizens to participate in society ("civic space") and to guarantee an environment conducive to the defense of human rights.

### Persons deprived of liberty

57. Regarding persons deprived of liberty, the Commission reiterates its concern about the lack of updated official information on the situation of this segment of the population, the high rate of incarceration, and the deplorable conditions of detention and difficulties in accessing rights that reportedly lead to hunger strikes and acts of corruption. It is also concerned about the prevalence of acts of torture and ill-treatment in Cuban prisons, including the practice of forced labor.

58. With regard to the lack of updated official information and the high rate of incarceration, the Commission regrets that the Cuban State persists in its refusal to publish official data on persons detained in the country.<sup>71</sup> In particular, the most recent official data were published in 2012, at which time 57,337 persons were detained in the country's prisons.<sup>72</sup> Notwithstanding, as the IACHR indicated in its Annual Reports for 2021, 2022, and 2023,<sup>73</sup> this figure contrasts sharply with the most recent figure, from January 2024, documented by the Institute for Research on Crime and Justice in the *World Prison Brief* (WPB), which reports that there are said to be close to 90,000 people detained in Cuban prisons.<sup>74</sup> Thus, considering that the total number of inhabitants of the country reported by the World Bank is 11,194,449,<sup>75</sup> the above prison population figure means that Cuba, together with El Salvador, would be one of the two countries with the highest per capita prison population rate worldwide. Specifically, Cuba has 893 persons deprived of liberty per 100,000 inhabitants.<sup>76</sup>

59. Regarding detention conditions, the IACHR continued to receive information on overcrowding - although the exact percentage is unknown - inadequate food, lack of water and medicine supply, deficiencies in medical care, and poor hygiene conditions.<sup>77</sup> According to public information, the lack of medical care reportedly caused the death of two persons deprived of liberty in the Kilo 7 and Prison 1580 prisons in August

<sup>71</sup>IACHR, [Annual Report, Chapter IV. B "Cuba"](#), 2021, par. 121; IACHR, [2021 Annual Report, Chapter IV. B "Cuba"](#), 2022, par. 150; and IACHR, [Annual Report, Chapter IV. B "Cuba"](#), 2023, par. 60.

<sup>72</sup>IACHR, [Annual Report, Chapter IV. B "Cuba"](#), 2022, par. 150.

<sup>73</sup>IACHR, [Annual Report, Chapter IV. B "Cuba"](#), 2021, par. 121; IACHR, [2021 Annual Report, Chapter IV. B "Cuba"](#), 2022, par. 150; and IACHR, [Annual Report, Chapter IV. B "Cuba"](#), 2023, par. 60.

<sup>74</sup>World Prison Brief (WPB), [Highest to Lowest - Prison Population Total](#) European Parliament, [European Parliament resolution of 29 February 2024 on the critical situation in Cuba \(2024/2584\(RSP\)\)](#), February 29, 2024.

<sup>75</sup>World Bank, Data: Cuba. <https://data.worldbank.org/country/cuba?view=chart>. Accessed on: September 30, 2024

<sup>76</sup>The calculation was made by the IACHR using the figures indicated. See also: IACHR, [Annual Report, Chapter IV. B "Cuba"](#), 2021, par. 121; and IACHR, [Annual Report, Chapter IV. B "Cuba"](#), 2022, par. 150; IACHR Annual Report, [Chapter IV. B "Cuba"](#), 2023, par. 60; World Bank, [Cuba total population](#), 2023; and Cuban Observatory of Human Rights, [OCDH denuncia situación del Covid-19 en cárceles de Camagüey \(Cuba\) y la nula transparencia del gobierno en la gestión de la pandemia \(OCDH denounces the situation of Covid-19 in prisons in Camagüey \(Cuba\) and the lack of government transparency in the management of the pandemic\)](#), March 30, 2021.

<sup>77</sup>Human Rights Watch, [World Report 2024](#), January 11, 2024, p. 173; Cubanet, ["Cárceles cubanas: \('Cuban prisons:\) Crecen las denuncias por represión, falta de atención médica y mala alimentación" \(Increasing reports of repression, lack of medical care, and inadequate food\)](#), April 12, 2024; Cubanet, ["Reportan dos muertes por negligencia médica en prisión durante agosto de 2024" \("Two deaths reported due to medical negligence in prison in August 2024"\)](#), September 20, 2024; Cubanet, ["Campaña de Cubalex exige atención médica para presos con padecimientos mentales en Cuba" \("Cubalex campaign demands medical care for prisoners suffering from mental disorders in Cuba"\)](#), March 5, 2024; CiberCuba, ["Crisis en las cárceles cubanas: \('Crisis in Cuban prisons:\) 'A los presos hay que llevarles de todo' \('Prisoners must be given everything'\)"](#), October 4, 2024.

2024.<sup>78</sup> In this regard, from January to September 2024, the Cuban Prison Documentation Center received 466 complaints about denial of medical care or deficient care in more than 29 prisons.<sup>79</sup>

60. Likewise, available data indicate a shortage of medical supplies and medicines as they are sometimes rationed.<sup>80</sup> With regard to food, according to information from civil society organizations, detainees have reported a reduction in rations and poor quality food, as well as the absence of main courses. In some prisons such as Guantánamo, Boniato, Veguitas 1, and Kilo 7, cases of malnutrition have even been reported.<sup>81</sup> In addition, persons detained for political reasons reportedly also face a lack of communication with their families.<sup>82</sup>

61. In this scenario, characterized by deplorable detention conditions, there were hunger strikes, mostly by people deprived of liberty for political reasons, who reportedly demanded basic rights, better conditions, adequate food, medical attention, and the cessation of arbitrariness within the penitentiary centers.<sup>83</sup> Specifically, according to data published in 2024, the organization Cubalex allegedly documented 100 cases of hunger strikes during 2023, of which 94 were men and 70 corresponded to people detained for political reasons.<sup>84</sup>

62. Likewise, the Commission notes that, according to available information, the lack of access to rights in prison leads to practices of abuse of authority and corruption in Cuba's prison system by guards, who would withhold medicines or food and then sell them to detainees. Reportedly there are even cases in which prisoners and guards together engage in illicit business and allow some detainees to carry weapons. In addition, prison agents are said to introduce prohibited substances such as alcohol or drugs to offer them to inmates in exchange for money or "favors."<sup>85</sup>

63. Moreover, the IACHR reiterates that, under international human rights law, overcrowding of persons deprived of liberty in itself could constitute a form of cruel, inhuman, or degrading treatment, which means that the State cannot continue to fill already collapsed prisons with additional inmates.<sup>86</sup> In addition, it reminds Cuba of the obligation of States to ensure that persons deprived of their liberty are held in conditions

<sup>78</sup> Centro de Documentación de Prisiones Cubanas, "[Actualización sobre condiciones en prisiones \(agosto de 2024\)](#)" ("[Update on prison conditions \(August 2024\)](#)"), September 17, 2024. See also: Cubanet, "[Reportan dos muertes por negligencia médica en prisión durante agosto de 2024](#)" ("[Two deaths reported due to medical negligence in prison during August 2024](#)"), September 20, 2024.

<sup>79</sup> Cuban Prison Documentation Center, "[Update on Prison Conditions \(January 2024\)](#)", February 16, 2024; "[Update on Prison Conditions \(February 2024\)](#)", March 7, 2024; "[Update on Prison Conditions \(March 2024\)](#)", April 10, 2024; "[Update on Prison Conditions \(April 2024\)](#)", May 10, 2024; "[Prison Conditions Update \(May 2024\)](#)", June 11, 2024; "[Prison Conditions Update \(June 2024\)](#)", July 12, 2024; "[Prison Conditions Update \(July 2024\)](#)", August 8, 2024; "[Prison Conditions Update \(August 2024\)](#)", September 17, 2024; "[Prison Conditions Update \(September 2024\)](#)", October 9, 2024.

<sup>80</sup> Cubanet, "[Cárceles cubanas: \('Cuban prisons:\) Crecen las denuncias por represión, falta de atención médica y mala alimentación](#)" ("[Increased reports of repression, lack of medical care, and inadequate food](#)"), April 12, 2024; CiberCuba, "[Crisis en las cárceles cubanas: \('Crisis in Cuban prisons:\) 'A los presos hay que llevarles de todo'](#)" ("[Prisoners must be given everything](#)"), April 10, 2024.

<sup>81</sup> Centro de Documentación de Prisiones Cubanas, "[Actualización sobre condiciones en prisiones](#)" ("[Update on prison conditions](#)"), March 2024. See also: Martí Noticias, "[Cárceles cubanas violan reglas establecidas por ONU: \('Cuban prisons violate rules established by UN:\) 'a los presos hay que llevárselo todo'](#)" ("[Prisoners must be given everything](#)"), April 10, 2024; CiberCuba, "[Crisis en las cárceles cubanas: \('Crisis in Cuban prisons:\) 'A los presos hay que llevarles de todo'](#)" ("[Prisoners must be given everything](#)"), April 10, 2024.

<sup>82</sup> Martí Noticias, "[La Habana prolonga por 20 meses el aislamiento a José Daniel Ferrer en prisión](#)" ("[Havana extends Jose Daniel Ferrer's solitary confinement in prison for 20 months](#)"), November 15, 2024; CiberCuba, "[Maykel Osorbo incomunicado en prisión](#)" ("[Maykel Osorbo held incommunicado in prison](#)"), March 31, 2024.

<sup>83</sup> Cuban Prison Documentation Center, "[Update on Prison Conditions \(July 2024\)](#)", August 8, 2024; "[Update on Prison Conditions \(August 2024\)](#)", September 17, 2024; "[Update on Prison Conditions \(June 2024\)](#)", July 12, 2024.

<sup>84</sup> Cubalex, "[La huelga de hambre como forma de protesta: \('Hunger strikes as a form of protest:\) un derecho humano fundamental](#)" ("[a fundamental human right](#)"), February 23, 2024; Diario de Cuba, "[En 2023 hubo 100 huelgas de hambre en las cárceles cubanas, 70 de ellas de presos políticos](#)" ("[In 2023, there were 100 hunger strikes in Cuban prisons, 70 of them by political prisoners](#)"), February 27, 2024.

<sup>85</sup> Centro de Documentación de Prisiones Cubanas, "[Hambre, robos y armas de fuego: corrupción en prisiones cubanas](#)" ("[Hunger, robberies and firearms: corruption in Cuban prisons](#)"), April 8, 2024; originally published by Diario de Cuba, "[Hambre, robos y armas de fuego: corrupción en prisiones cubanas](#)" ("[Hunger, robberies and firearms: corruption in Cuban prisons](#)"), April 8, 2024. See also: Centro de Documentación de Prisiones Cubanas, "[Incidentes represivos o violatorios de derechos humanos en centros penitenciarios cubanos](#)" ("[Repression or human rights violation in Cuban prisons](#)"), August 12, 2024, p. 21.

<sup>86</sup> IACHR, [Report on the Use of Pretrial Detention in the Americas](#), par. 290.



of detention compatible with their human dignity. These include, among others, access to safe drinking water, sufficient and quality food, and appropriate hygienic conditions.<sup>87</sup> In addition, it is essential to provide timely, adequate, and specialized health care services to persons in their custody.<sup>88</sup> Measures should also be adopted to prevent, identify, and punish acts of corruption in prisons.<sup>89</sup>

64. On the other hand, the Commission reiterates its concern over the persistence of acts of mistreatment and torture in Cuban prisons which, according to data from civil society, between March 1, 2023 and June 30, 2024, reportedly resulted in the death of five persons in custody due to physical torture and beatings by officials.<sup>90</sup> Along the same lines, in connection with public hearing held during its 189th Period of Sessions, the IACHR was informed of 5,685 acts of repression in Cuba between 2022 and 2023.<sup>91</sup> Likewise, the Prison Documentation Center recorded at least 1,100 cases of human rights violations in detention centers between January and August 2024. Most of the violations were allegedly committed by prison staff, State Security officials, and the judicial system, and consist of incidents of harassment of inmates, beatings, and physical torture, as well as a lack of food or food in poor condition.<sup>92</sup>

65. In addition, civil society documented solitary confinement, degrading treatment, sexual abuse, forced labor, denial of religious attendance, denial and monitoring of telephone calls, transfers to prisons outside the province, and denial of special temporary releases in sensitive cases.<sup>93</sup> In addition, sanctions administered by the Disciplinary Council against people who refuse to receive food include temporary transfers or transfers to other provinces, confinement in punishment cells, physical violence and corporal punishment, prohibition of the use of white or black clothing, and threats.<sup>94</sup>

66. In addition to the above, regarding forced labor, on January 17, 2024, Decree-Law No. 81/2023 was adopted, which establishes a labor regime to guarantee the labor rights of persons deprived of liberty both inside and outside penitentiary centers, and provides that the penitentiary authority is empowered to enter into labor contracts.<sup>95</sup> However, the Commission notes that this legal framework has been criticized by civil society because it reportedly does not prevent the persistence of exploitative labor conditions against persons deprived of liberty, who cite irregular contracts and inadequate remuneration. A special case concerns people who produce charcoal in the country, whose working conditions are reportedly "inhumane".<sup>96</sup>

67. The Commission warns that persons detained for political reasons are disproportionately singled out for ill-treatment and torture. Specifically, according to *Prisoners Defenders*, this group is constantly and systematically subjected to acts of physical and psychological violence that include, in addition to those

<sup>87</sup> In this regard, IACHR. [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), OEA/Ser.L/V/II, adopted on December 31, 2011, par. 432.

<sup>88</sup> Inter-American Court of Human Rights [Case of Chinchilla Sandoval et al. v. Guatemala. Preliminary Objection, Merits, Reparations, and Costs, Judgment of February 29, 2016](#). Series C No. 312, paras. 171-72.

<sup>89</sup> See: IACHR, [Personas Privadas de Libertad en Ecuador \(Persons Deprived of Liberty in Ecuador\)](#), OEA/Ser.L/V/II, February 21, 2022, recommendation A, 1.4.

<sup>90</sup> Centro de Documentación de Prisiones Cubanas, ["Incidentes represivos o violatorios de derechos humanos en centros penitenciarios cubanos"](#) ("Repression or violations of human rights in Cuban prisons"), August 12, 2024, p. 6.

<sup>91</sup> Cubalex, Justice 11 J, Robert F. Kennedy Human Rights and Civil Rights Defenders, ["Situación del derecho a la libertad de asociación en Cuba"](#) ("Status of the Right to Freedom of Association in Cuba"), February 2024. See also: ADN Cuba, ["Entregan informe a CIDH sobre 5 685 actos de represión en Cuba entre 2022 y 2023"](#) ("Report delivered to the IACHR regarding 5,685 acts of repression in Cuba between 2022 and 2023"), February 29, 2024.

<sup>92</sup> Centro de Documentación de Prisiones Cubanas, [Actualización sobre condiciones en prisiones \(agosto de 2024\)](#) (Update on Prison Conditions (August 2024)), September 17, 2024.

<sup>93</sup> Centro de Documentación de Prisiones Cubanas, ["Incidentes represivos o violatorios de derechos humanos en centros penitenciarios cubanos"](#), August 12, 2024, pp. 4–20.

<sup>94</sup> Centro de Documentación de Prisiones Cubanas, ["Actualización sobre condiciones en prisiones \(julio de 2024\)"](#) ("Update on Prison Conditions (July 2024)"), August 8, 2024.

<sup>95</sup> Official Gazette of the Republic of Cuba, Government of Cuba, [Decree-Law No. 81/2023](#), January 17, 2024.

<sup>96</sup> Observatorio Cubano de Derechos Humanos, ["OCDH denuncia ante Naciones Unidas el 'trabajo forzoso' al que son sometidos los presos que producen carbón en Cuba"](#) ("OCDH denounces before the United Nations the 'forced labor' to which prisoners who produce charcoal in Cuba are subjected"), May 2, 2024. See also: Diario de Cuba, ["El trabajo forzoso de los presos cubanos viola la Constitución, pero dos normas lo apuntalan"](#) ("Cuban prisoners' forced labor violates the Constitution, but two norms shore it up"), May 24, 2024; Diario de Cuba, ["Activistas denuncian en la ONU el 'trabajo forzoso' al que son sometidos en Cuba presos que producen carbón"](#) ("Activists denounce at the UN the 'forced labor' to which prisoners who produce charcoal are subjected in Cuba"), May 3, 2024.

mentioned above, the denial of food and medicine, no medical attention, and denial of visits, as well as threats against their family members.<sup>97</sup> Specifically, on the denial of medical care, it was reported that, up to September 2024, none of the 356 persons detained for political reasons with serious medical pathologies including chronic illnesses and none of the 62 with serious mental health disorders received adequate medical or psychiatric treatment.<sup>98</sup>

68. In addition, women deprived of their liberty as a result of their participation in independent civil society organizations reportedly face greater subjection to acts of violence. In particular, at a public hearing held in July 2024 in connection with the 190th Period of Sessions, the IACHR was informed that, according to civil society records of human rights violations in Cuba, most of the violations recorded in the last 16 months were committed against women. Specifically, 860 of the 1,577 incidents in 2023 were violations against women's rights and, up to July 2024, 416 of the 702 incidents recorded involved women as victims, who were abused, tortured, harassed, vexed, and harassed by representatives of the State.<sup>99</sup>

69. In the same vein, in connection with the 189th Period of Sessions, the IACHR received data indicating that the years 2022 and 2023 were characterized by intense repression against women activists in Cuba, which included measures such as isolation in punishment cells, threats, and severe restrictions on communications. Added to this is the institutional gender violence exercised by the Cuban State against mothers, through coercion, intimidation, and threats to take away custody of their children.<sup>100</sup>

70. In light of the above, the IACHR reiterates its condemnation of all forms of torture or cruel, inhuman, or degrading treatment, and recalls that these acts must be absolutely prohibited and prevented under any circumstances. In this regard, it recalls that States have the obligation to condemn such practices, to carry out investigations ex officio and with due diligence, and to punish all perpetrators and instigators.<sup>101</sup> In addition, the IACHR insists on the duty of States to act with enhanced due diligence and, in this regard, to adopt and apply a gender and intersectional perspective to prevent, investigate, punish, and redress all acts of discrimination and violence perpetrated against women deprived of liberty.<sup>102</sup>

## Freedom of expression

### *Attacks, threats, and intimidation against journalists and the media*

71. In 2024, the Office of the Special Rapporteur for Freedom of Expression (SRFE) of the IACHR continued to record cases of harassment, attacks, and intimidation against journalists and independent media in Cuba, mainly by State agents. These actions include harassment, police operations, searches, seizures, arbitrary arrests, summonses, and interrogations, as well as threats of criminalization or exile. According to public reports, the government uses these tactics to intimidate and restrict independent and critical journalism in the country.

72. In 2024, the IACHR and its Office of the Special Rapporteur received reports of arbitrary detentions and the imposition of criminal sanctions against journalists and communicators in Cuba for going

<sup>97</sup> Prisoners Defenders, ["Continúa la escalada de represión criminal del régimen de Cuba: \("The escalation of criminal repression by the Cuban regime continues:\)"](#) [5 nuevos prisioneros políticos este mes suman 1.117 hoy en Cuba](#) (5 new political prisoners this month total 1,117 today in Cuba"), July 11, 2024; ["Nuevos presos políticos mantienen el número de prisioneros políticos en Cuba en 1.105, que enfrentan hambruna, nula atención médica y torturas"](#) ("New political prisoners keep number of political prisoners in Cuba at 1,105, facing starvation, no medical care and torture"), September 16, 2024; ["Familiares de presos políticos y activistas incrementan la lista de prisioneros políticos en Cuba hasta los 1.113 en septiembre"](#) ("Relatives of political prisoners and activists increase list of political prisoners in Cuba to 1,113 in September"), October 17, 2024.

<sup>98</sup> Prisoners Defenders, ["Familiares de presos políticos y activistas incrementan la lista de prisioneros políticos en Cuba hasta los 1.113 en septiembre"](#) ("Relatives of political prisoners and activists increase list of political prisoners in Cuba to 1,113 in September"), October 17, 2024.

<sup>99</sup> IACHR, 190th Period of Sessions, [Public Hearing - Cuba: Human Rights of Persons Arbitrarily Deprived of Liberty for Political Reasons](#), July 8, 2024.

<sup>100</sup> IACHR, 189th Period of Sessions, [Public Hearing - Cuba: Right to freedom of association](#), February 29, 2024.

<sup>101</sup> In this regard, see IACHR, [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), paras. 343 and 350.

<sup>102</sup> IACHR, [Women Deprived of Liberty in the Americas](#), OEA/Ser.L/V/II. Doc. 91/23, March 8, 2023, par. 141.

about their legitimate work. Thus, for example, reporter Luis Ángel Cuza Alfonso, a contributor to *CubaNet*, was sentenced on November 7, 2023 to one year and six months in prison for allegedly committing the crime of "public disorder."<sup>103</sup> According to the organization Cubalex, between January 2022 and November 2023, Cuza Alfonso was subjected to ten arbitrary detentions, eight surveillance operations with house arrest, four illegal summonses, and four threats, as well as interruptions in internet service.<sup>104</sup> The journalist is currently being held in the Combinado del Este maximum security prison in Havana.

73. The Rapporteurship also learned that journalist Yeris Curbelo Aguilera, a contributor to *CubaNet*, was sentenced to two years in prison by the Municipal Court of Niceto Pérez, Guantánamo, charged with causing "minor injuries."<sup>105</sup> According to reports from civil society organizations, this sentence follows acts of aggression against him by the political police in June of this year. The conviction is considered a reprisal for his participation in the Camareira demonstrations in May 2023. After sentencing, Curbelo Aguilera was reportedly transferred to the Combined Prison of Guantánamo.<sup>106</sup>

74. According to public information, on March 18, *CubaNet* journalist Osniel Carmona Breijo was detained by State Security and National Revolutionary Police (PNR) forces and later released.<sup>107</sup> This arrest occurred in the context of anti-government protests in the east of the island, triggered by the increase in power outages and the food crisis.<sup>108</sup> Likewise, in April 2024, it was reported that another *CubaNet* contributor, Armando Sardiñas, was also detained for more than five hours in a police station in Havana after posting a live broadcast of a march in the capital.<sup>109</sup>

75. On April 26, 2024, according to public reports, Cuban authorities detained journalist José Luis Tan Estrada while he was on board a bus, accusing him of "being a mercenary and spreading false information."<sup>110</sup> Subsequently, he was transferred to Villa Marista, the State Security detention center in Havana.<sup>111</sup> On April 29, his family reportedly filed a writ of habeas corpus with a court, requesting information on his whereabouts and the reasons for his detention.<sup>112</sup> For their part, civil society organizations reported that Tan Estrada was reportedly interrogated on at least two occasions in a period of less than 72 hours and fined 3,000 pesos under Decree-Law 370.<sup>113</sup> According to public information, during his detention, the communicator was subjected to multiple daily interrogations in which he received threats and was told to

<sup>103</sup> Article 19 MX-CA, [Exigimos la liberación inmediata del reportero y activista Ángel Cuza, sentenciado a prisión por el delito de desorden público en Cuba](#) (We demand the immediate release of reporter and activist Ángel Cuza, sentenced to prison for the crime of public disorder in Cuba), January 10, 2024.

<sup>104</sup> Article 19 MX-CA, [Exigimos la liberación inmediata del reportero y activista Ángel Cuza, sentenciado a prisión por el delito de desorden público en Cuba](#) (We demand the immediate release of reporter and activist Ángel Cuza, sentenced to prison for the crime of public disorder in Cuba), January 10, 2024.

<sup>105</sup> Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#) (Cuban state continues and amplifies violence against journalists and activists), September 30, 2024; 14ymedio, [La familia del reportero Yeris Curbelo denuncia que su juicio fue "amañado" por la Seguridad del Estado](#) (Family of journalist Yeris Curbelo denounces that his trial was "rigged" by State Security), September 25, 2024.

<sup>106</sup> Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#) (Cuban state continues and amplifies violence against journalists and activists), September 30, 2024; Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly Report on the Situation of Human Rights in Cuba), September 2024.

<sup>107</sup> Cubanet, [En paradero desconocido el reportero de 'CubaNet' Osniel Carmona Breijo](#) (CubaNet reporter Osniel Carmona Breijo, whereabouts unknown), March 18, 2024.

<sup>108</sup> Cubanet, [En paradero desconocido el reportero de 'CubaNet' Osniel Carmona Breijo](#) (CubaNet reporter Osniel Carmona Breijo, whereabouts unknown), March 18, 2024.

<sup>109</sup> Race and Equality, [@raceandequality], (Apr. 15, 2024), Rechazamos que las autoridades cubanas hayan amenazado y detenido en las últimas horas a dos periodistas independientes en la Isla, X, (We protest the fact that Cuban authorities have in recent hours threatened and detained two independent journalists on the Island, X.), <https://x.com/raceandequality/status/1779905404950004143?t=Bzcx-OMt4nucH-DV6Rgyhw&s=19>.

<sup>110</sup> La Nación, [Periodista independiente cubano es liberado tras cinco días de arresto](#) (Cuban independent journalist is released after five days of arrest), May 2, 2024.

<sup>111</sup> La Nación, [Periodista independiente cubano es liberado tras cinco días de arresto](#) (Cuban independent journalist is released after five days of arrest), May 2, 2024.

<sup>112</sup> Committee to Protect Journalists (CPJ), [Cuban journalist questioned about social media posts, jailed](#), May 7, 2024.

<sup>113</sup> 14ymedio.com, [Organizaciones y periodistas independientes reclaman la liberación de José Luis Tan Estrada](#) (Organisations and independent journalists call for the release of José Luis Tan Estrada), April 29, 2024.

abandon his profession and cease his publications on social networks.<sup>114</sup> The Office of the Special Rapporteur learned that journalist Tan Estrada was released in early May 2024.<sup>115</sup> The journalist also publicly denounced that State Security agents informed him that his publications "incited undue actions" and warned him that he could be accused of the crimes of "incitement, disobedience, or contempt" if he did not stop his activity.<sup>116</sup>

76. Similarly, in April 2024, Camila Acosta, a journalist for *CubaNet* and *ABC* correspondent, was also reportedly detained while on her way to Cárdenas, in the province of Matanzas, to interview relatives of political prisoners. According to public reports, the journalist was taken to the Cárdenas police station, where she was held for an hour and told that she would be taken to Havana.<sup>117</sup>

77. In addition, the Office of the Special Rapporteur has also followed the case of journalist Lázaro Yuri Valle Roca, sentenced on July 28, 2022 by the People's Provincial Court of Havana to five years in prison for allegedly repeatedly committing the crimes of resistance and enemy propaganda.<sup>118</sup> On May 15, 2024, Valle Roca was transferred from the Combinado del Este prison to complete immigration procedures, and then returned to prison until his release. According to public reports, on June 5, 2024, the journalist was exiled by the regime and arrived in the city of Miami, in the United States, after obtaining a humanitarian parole.<sup>119</sup> During his imprisonment, relatives of the journalist reported that they were detained by political police officers while trying to visit him. In addition, it is reported that he was physically assaulted and his physical and mental condition deteriorated due to confinement and various illnesses, including loss of vision, pulmonary disorders, and multiple skin conditions.<sup>120</sup>

78. On May 4, 2024, the Rapporteurship learned of the detention of independent journalist and activist Carlos Michel Morales Rodríguez, accused of "disobedience." This arrest followed his release after serving a sentence of two years and ten months for his participation in the protests of July 11, 2021 in Caibarién, Villa Clara.<sup>121</sup> According to public information, the detention was the result of the authorities' threat to imprison him again if he did not abandon independent journalism and his activism in *Cuba Decide*.<sup>122</sup> On July 22, journalist Morales Rodríguez was sentenced to eight months of house arrest.<sup>123</sup> Subsequently, on October 16, he was summoned to the Municipal Court of Caibarién, where he was given an *ultimatum* to work with state entities. Reports in the public domain indicate that the authorities reportedly rejected a request from the local Baptist church for his maintenance work at the institution to be considered valid for the remaining five months

<sup>114</sup> La Nación, [Periodista independiente cubano es liberado tras cinco días de arresto](#) (Cuban independent journalist is released after five days of arrest), May 2, 2024.

<sup>115</sup> Cubalex, [CubalexDDHH], (May 1, 2024), Journalist @JLperiodista96 released. Activist Yamilka Lafita (Lara Crofts) reported on her Facebook profile that she communicated with him via telephone and he told her that he had been transferred that day to #Camagüey, X, <https://x.com/CubalexDDHH/status/1785829423478129021?t=CbKUX8Ib8WvYXMK9AbTiUhQ&s=08>.

<sup>116</sup> Tan Estrada, J.L., [JLperiodista96], (April 13, 2023), Cuando la Seguridad del Estado le teme al verdadero #periodismo (When State security fears real journalism), X, [https://x.com/JLperiodista96/status/1779249050530783614?t=f7CmG6uWeTLId\\_mYUWMNFw&s=19](https://x.com/JLperiodista96/status/1779249050530783614?t=f7CmG6uWeTLId_mYUWMNFw&s=19); Cubalex, [ALERT: Plazo legal para resolver el recurso de Habeas Corpus a favor de José Luis Tan Estrada](#) (Legal deadline to resolve the Habeas Corpus appeal in favor of José Luis Tan Estrada), May 1, 2024.

<sup>117</sup> ABC International, [El régimen cubano detiene a la corresponsal de ABC para que no informe de temas «sensibles» como los presos políticos](#) (Cuban regime detains ABC correspondent to stop her from reporting on "sensitive" issues such as political prisoners), April 22, 2024.

<sup>118</sup> IACHR, Annual Report 2022, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/ II/ Doc. 50, March 6, 2023, paras. 445, 451; IACHR, Annual Report 2023, [Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/ II/doc. Doc. 386, December 6, 2023, par. 522.

<sup>119</sup> La Prensa, [Periodista cubano Lázaro Yuri Valle sale de prisión y viaja a Estados Unidos con permiso especial](#) (Cuban journalist Lázaro Yuri Valle leaves prison and travels to the United States on special leave), June 5, 2024; Univisión noticias, [Llega a Miami el periodista y preso político cubano desterrado por el régimen](#) (Cuban journalist and political prisoner exiled by the regime arrives in Miami), June 5, 2024.

<sup>120</sup> Diario de Cuba, [El régimen cubano niega atención médica al periodista preso Lázaro Yuri Valle Roca, denuncia su esposa](#) (Cuban regime denies medical attention to imprisoned journalist Lázaro Yuri Valle Roca, according to his wife), January 25, 2024.

<sup>121</sup> 14ymedio, [Liberado el periodista independiente Carlos Michel Morales, preso político del 11J en Cuba](#) (Independent journalist Carlos Michel Morales, 11J political prisoner in Cuba released), March 6, 2024.

<sup>122</sup> Justice 11J, [Represión contra manifestante del 11J Carlos Michael Morales: enfrenta juicio tras huelga de hambre](#) (Repression against 11J protester Carlos Michael Morales: faces trial after hunger strike), 2024.

<sup>123</sup> CiberCuba, [Régimen cubano excarcela a preso político del 11J visiblemente deteriorado](#) (Cuban regime releases visibly deteriorated 11J political prisoner), 23 July 2024; 14ymedio.com, [El periodista independiente Carlos Michel Morales, condenado a ocho meses de reclusión domiciliaria](#) (Independent journalist Carlos Michel Morales sentenced to eight months' house arrest), 23 July 2024.



of his sanction. Morales Rodríguez described this refusal as a "violation of religious freedom" and as disregard for a legally established institution.<sup>124</sup>

79. In May 2024, in the municipality of Pinar del Río, there were reports of repression against journalists and activists through house searches, arbitrary detentions, and confiscation of equipment. Journalists Yosmaury Casares Soto and Raciél Álvarez Díaz of Panorama Pinareño were arrested and their equipment confiscated, according to the Cuban Institute for Freedom of Expression and the Press (ICLEP).<sup>125</sup> They were also transferred to the training center known as "El Técnico", where they reportedly received threats of imprisonment for practicing independent journalism and for alleged ties with the opposition. In particular, journalist Casares Soto was reportedly warned that he could face the same fate as his brother, José Rolando Casares, imprisoned for political reasons in 2017.<sup>126</sup>

80. The Office of the Special Rapporteur has also received reports of threats, summonses, and interrogations of journalists and press workers. Emilio Almaguer de la Cruz, an independent journalist in Baracoa, was summoned on April 16 by an agent of the National Revolutionary Police. According to public reports, during the meeting, an official of the Department of State Security warned him that his publications in international press agencies constituted crimes and indicated that, in order to lift the regulation that prevented him from leaving Cuba, he should cease such publications.<sup>127</sup> In addition, during the interrogation, he was allegedly physically assaulted and threatened with legal proceedings that could lead to a minimum sentence of eight years in prison.<sup>128</sup>

81. Also, on June 20, 2024, journalist Julio Aleaga Pesant was reportedly summoned by State Security agents to the Ministry of Communications in Havana, accused of breaking Decree Law 370.<sup>129</sup> According to public reports, he was fined 3,000 Cuban pesos (approximately US\$116) for violating Article 68 of the Decree. In addition, he was allegedly threatened with the seizure of his equipment and with being accused of committing enemy propaganda if he continued to publish.<sup>130</sup>

82. Likewise, the organization Cubalex recorded a repressive peak on April 30, on the eve of the official celebration of International Workers' Day. Since April 29, independent journalists from ICLEP reported being under siege and threatened with criminal prosecution for taking to the streets. Between that day and the

<sup>124</sup> ADN Cuba, [Periodista cubano Carlos Michael Morales Rodríguez denuncia acoso del régimen](#) (Cuban journalist Carlos Michael Morales Rodríguez denounces harassment by the regime), October 25, 2024.

<sup>125</sup> Sociedad Interamericana de Prensa (SIP), [Organizaciones de prensa del hemisferio reclaman contra la violencia, la injusticia y la impunidad](#) (Hemispheric press organizations call for action against violence, injustice, and impunity), May 17, 2024.

<sup>126</sup> Sociedad Interamericana de Prensa (SIP), [Organizaciones de prensa del hemisferio reclaman contra la violencia, la injusticia y la impunidad](#) (Hemispheric press organizations call for action against violence, injustice, and impunity), May 17, 2024.

<sup>127</sup> Article MX-CA, [Cuba: \(Cuba:\) El periodista independiente Emilio Almaguer es víctima de amenazas de ir a prisión](#) (Independent journalist Emilio Almaguer is threatened with imprisonment), April 16, 2024.

<sup>128</sup> Diario de Cuba, [La Seguridad del Estado amenaza al periodista independiente Emilio Almaguer](#) (State Security Threatens Independent Journalist Emilio Almaguer), April 16, 2024.

<sup>129</sup> Article 19 MX-CA, [[@article19mex](#)], (June 24, 2024), [#Cuba](#): On June 20, journalist Julio Aleaga Pesant was summoned by State Security agents to the Ministry of Communications in the Plaza Municipality in Havana, accused of violating Decree Law 370, X, <https://x.com/article19mex/status/1805346880504971487>; Observatorio Cubano de Derechos Humanos, [[@bservacuba](#)], (June 21, 2024), El periodista Julio Aleaga Pesant relata cómo sucedieron los hechos ayer jueves al asistir a citación policial, en la cual fue interrogado y multado debido a sus publicaciones en redes sociales (Journalist Julio Aleaga Pesant recounts how events transpired yesterday, Thursday, when he attended a police summons, in which he was interrogated and fined due to his publications on social networks) <https://x.com/observacuba/status/1804227788871995873>.

<sup>130</sup> Article 19 MX-CA, [[@article19mex](#)], (June 24, 2024), [#Cuba](#): On June 20, journalist Julio Aleaga Pesant was summoned by State Security agents to the Ministry of Communications in the Plaza Municipality in Havana, accused of violating Decree Law 370, X, <https://x.com/article19mex/status/1805346880504971487>; Observatorio Cubano de Derechos Humanos, [[@bservacuba](#)], (June 21, 2024), El periodista Julio Aleaga Pesant relata cómo sucedieron los hechos ayer jueves al asistir a citación policial, en la cual fue interrogado y multado debido a sus publicaciones en redes sociales (Journalist Julio Aleaga Pesant recounts how events transpired yesterday, Thursday, when he attended a police summons, in which he was interrogated and fined due to his publications on social networks) <https://x.com/observacuba/status/1804227788871995873>.

next, Cubalex documented at least seven arbitrary house arrests, four detentions, and 17 cases of Internet outages.<sup>131</sup>

83. In addition, in July 2024, José Jasán Nieves Cárdenas, a Cuban journalist in Miami and director of *El Toque*, reported having received threats from an unknown number, saying: "we know exactly where to find you," along with a photo and video of a car driving past his house.<sup>132</sup> According to published reports, there are indications that the message came from Cuban State Security agents. For their part, civil society organizations have stressed the importance of the U.S. authorities guaranteeing the safety of the journalist and conducting an investigation into these threats.<sup>133</sup>

84. In September 2024, the Rapporteurship received reports of a new escalation of repression against the independent press in Cuba. At least six women journalists publicly resigned from media and activist work, in some cases under threat of imprisonment by State Security. They include María Lucía Expósito (*Alas Tensas*), Adriana Normand (*El Toque*), Yennys Hernández Molina, Annery Rivera Velasco, Yadira Álvarez Betancourt, and Lucy G. Morell (*Periodismo de Barrio*). In addition, several *CubaNet* journalists, who chose to remain anonymous, also resigned.<sup>134</sup>

85. Elaine Díaz, director of *Periodismo de Barrio*, denounced through the social network X (formerly Twitter) that State Security agents are forcing innocent people to film videos of themselves incriminating themselves for crimes they did not commit and to publicly resign from the media in which they worked.<sup>135</sup>

86. *CubaNet* also reported acts of intimidations against people working for it, indicating that several have been detained and threatened with long prison sentences or threats against the safety of their families. In addition, it was reported that they have been recorded against their will and that electronic devices and savings have been confiscated.<sup>136</sup> In October 2024, there were also cases of summonses and intimidation of several media directors, including Orlidia Barceló Pérez (*El Espirituano*) and Mabel Páez Díaz (*El Majadero de Artemisa*).<sup>137</sup>

87. The Office of the Special Rapporteur has also received reports that Cuban authorities, including agents of State Security and the National Revolutionary Police, are reportedly using the new Law on Social Communication to persecute journalists who refuse to go along with the regime's official version of events. Since October 2024, at least 11 journalists have been summoned, interrogated, and forced to resign from their profession, as reported by Reporters Without Borders (RSF).<sup>138</sup> In addition, journalists have

<sup>131</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba \(Monthly Report on the Situation of Human Rights in Cuba\)](#), April, 2024.

<sup>132</sup> CPJ, [CPJ calls on US to investigate threats against exiled Cuban journalist](#), July 12, 2024.

<sup>133</sup> CPJ, [CPJ calls on US to investigate threats against exiled Cuban journalist](#), July 12, 2024.

<sup>134</sup> Yucabyte, [Violaciones de derechos digitales en Cuba \(September 2024\)](#) (Digital rights violations in Cuba (September 2024)), October 28, 2024; ADN Cuba, [Nueva ola represiva en Cuba contra periodistas independientes](#) (New wave of repression in Cuba against independent journalists), October 4, 2024; La Nación, [Medio independiente cubano denuncia detención de dos colaboradoras](#) (Cuban independent news outlet denounces detention of two collaborators), October 4, 2024; Reporters Without Borders (RSF), [CUBA | Se intensifica el acoso a los periodistas con la nueva Ley de Comunicación Social](#) (CUBA | Harassment of journalists intensifies with new Social Communication Law), October 22, 2024.

<sup>135</sup> ADN Cuba, [Nueva ola represiva en Cuba contra periodistas independientes](#) (New wave of repression in Cuba against independent journalists), October 4, 2024.

<sup>136</sup> ADN Cuba, [New wave of repression in Cuba against independent journalists](#), October 4, 2024;

<sup>137</sup> Padrón Cueto, C., [@adroncueto], (October 3, 2024), Denunciamos la escalada represiva de la Seguridad del Estado Cubana contra periodistas de @CubaneNoticias, X, (We denounce the repressive escalation of the Cuban State Security against journalists of @CubaneNoticias, X) <https://x.com/padroncueto/status/1841964880989237640?t=mG IPiOrT yDNtsgWp-SuQ&s=08>; Voces del Sur, [@VDSborg], (Oct. 7, 2024), Condenamos la represión contra periodistas del @ICLEP: (We condemn the repression against @ICLEP journalists) Basta de hostigamiento y citaciones arbitrarias (Enough harassment and arbitrary subpoenas), X, <https://x.com/VDSorg/status/1843323336438206924?t=UkTBDH-cOXBdJcAGtqDi2Q&s=08>; Diario Las Américas, [PEN de Escritores Cubanos condena represión en contra de periodistas de medios independientes \(Cuban Writers' PEN condemns repression against independent media journalists\)](#), October 11, 2024.

<sup>138</sup> RSF, [CUBA | Se intensifica el acoso a los periodistas con la nueva Ley de Comunicación Social](#) (CUBA : Harassment of journalists intensifies with the new Law of Social Communication), October 22, 2024.

reportedly been charged with "propaganda against the government" and "mercenary activities" under this law.<sup>139</sup>

88. The Office of the Special Rapporteur reiterates that journalism is the primary and principal manifestation of freedom of expression, since it is journalists and the media that keep society informed on matters of public interest and contribute to the existence of broad, robust, and pluralistic public debate. For this reason, States have the obligation to create the conditions for journalists to freely, independently, and safely go about their work.<sup>140</sup>

89. According to Principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR, the murder, kidnapping, intimidation of and/or threats to social communicators violate the fundamental rights of individuals and strongly restrict freedom of expression. The IACHR and its Special Rapporteurship have considered that these kinds of actions are intended to restrict or hinder the work of journalists who investigate abuses, abuses, irregularities, or illicit acts of any kind, whether carried out by public officials or private individuals. Likewise, they are intended to be tools of intimidation, through which a message is sent to all those members of civil society who investigate irregularities in public administration. The SRFE has also argued that this practice "seeks to silence the press in its watchdog role", preventing society from being informed about events of public interest.<sup>141</sup>

***Persecution of critical voices and restrictions on citizens' opportunities to participate in society (civic arena)***

90. In 2024, the Commission and its Special Rapporteurship continued to document the Cuban government's persecution of a series of social sectors, including political opponents, activists, and human rights defenders. A prominent case is that of Aniette González García, sentenced in February 2024 to three years in prison for "insulting symbols of the homeland" after posting photos with the Cuban flag on Facebook.<sup>142</sup> As mentioned above, on April 26, 2024, the Inter-American Commission granted precautionary measures in her favor, upon noting the seriousness of her situation and the irreparable risk to her life, integrity, and health.<sup>143</sup> During her detention, Aniette was labeled "counterrevolutionary." She was subjected to interrogation and received constant threats from State security agents, who told her that her conviction would ensure that "[she] will never again use the Internet as a platform for expression using the national flag."<sup>144</sup> Currently, she is allegedly being kept isolated as much as possible from the other inmates. Her rights are said to be controlled by a State Security officer, which is said to be evidence of different treatment for political reasons.<sup>145</sup>

91. The Office of the Special Rapporteur also documented the case of Lizandra Góngora, sentenced to 14 years in prison for her participation in the protests of July 11, 2021 in Güira de Melena, Artemisa.<sup>146</sup> According to published reports, Góngora was charged with "sabotage", "robbery using force", and "public

<sup>139</sup> RSF, [CUBA | Se intensifica el acoso a los periodistas con la nueva Ley de Comunicación Social](#) (CUBA : Harassment of journalists intensifies with the new Law of Social Communication), October 22, 2024.

<sup>140</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [The Inter-American Legal Framework regarding the Right to Freedom of Expression](#), OEA Ser.L/V/II CIDH/RELE/INF. 2/9, December 30, 2009, par. 8 and paras. 165 ff.

<sup>141</sup> IACHR, [Background and Interpretation of the Declaration of Principles](#).

<sup>142</sup> Race and Equality, [[@raceandequality](#)], (Feb. 2, 2024), Rechazamos que las autoridades cubanas hayan sentenciado a la activista Aniette González, quien fue detenida el 23 de marzo de 2023 por tomarse fotos envuelta en la bandera de #Cuba (We reject Cuban authorities' sentencing of activist Aniette Gonzalez, who was arrested on March 23, 2023 for taking photos of herself wrapped in the #Cuba flag), X, <https://x.com/raceandequality/status/1753550018726793411>; Swissinfo.ch, [Una activista cubana condenada a tres años de prisión por unas fotos envuelta en la bandera](#) (Cuban activist sentenced to three years in prison for flag-wrapped photos), February 3, 2024.

<sup>143</sup> IACHR, [Resolution 24/2024](#), Precautionary Measure No. 352-23, Aniette González García regarding Cuba, April 26, 2024, par. 3.

<sup>144</sup> IACHR, [Resolution 24/2024](#), Precautionary Measure No. 352-23, Aniette González García regarding Cuba, April 26, 2024, paras. 7-8.

<sup>145</sup> IACHR, [Resolution 24/2024](#), Precautionary Measure No. 352-23, Aniette González García regarding Cuba, April 26, 2024, par. 8.

<sup>146</sup> Diario de las Américas, [Cuba: ¿Dónde está Lizandra Góngora?](#) (Where is Lizandra Góngora?), October 23, 2024; El Toque, [Rostros de los presos políticos](#): (Faces of political prisoners:) [Lizandra Góngora](#) (Lizandra Góngora), January 16, 2024.



disorder."<sup>147</sup> In March 2023, she was reportedly transferred from El Guatao prison in Havana to the Isla de la Juventud. In addition, public allegations indicate that she has suffered from several forms of abuse in prison, including punishment cells, physical violence, and harassment by prison officials.<sup>148</sup> It is alleged that she was transferred to isolate her from her family. Her relatives reported that in March 2024 she was diagnosed with a uterine fibroid, in addition to other health problems, such as Sick cell disease and swollen lymph nodes.<sup>149</sup>

92. Likewise, the Office of the Special Rapporteur has closely monitored reports of repression against the organization Damas de Blanco. Thus, for example, on September 22, 2024, it was reported that Berta Soler, leader of the group, was arbitrarily detained and suffered an enforced disappearance in Havana while on her way to protest.<sup>150</sup> On October 14, 2024, the Damas de Blanco denounced the temporary detention of at least 12 members during the 100th "repressive Sunday" since 2022.<sup>151</sup> Berta Soler reported through social networks about ten arrests in Matanzas and one in Villa Clara, in addition to her own arrest, which lasted more than 16 hours in Havana.<sup>152</sup> She reported that she was intercepted by "paramilitaries in civilian clothes" ordered by State Security when she attempted to exercise her "freedom to demonstrate peacefully."<sup>153</sup>

93. The Office of the Special Rapporteur has received reports of digital repression by the Cuban State. In particular, it has been reported that activist José Manuel Barreiro Rouco faces the risk of being sentenced to two and a half years in prison for "contempt" and "illegal possession and sale in dollars", after making publications about the president of Cuba in a family chat on Facebook, considered by the government as "denigrating actions" that affect the honor of key figures of the Cuban Revolution.<sup>154</sup> In addition, it has been reported that activist Yamilka Laffita, known as "Lara Crofs," received a death threat on September 24 on Facebook.<sup>155</sup> The message claims that she meets with "counterrevolutionary people" and mentions the academic Alina Bárba López Hernández, who is also allegedly a victim of harassment by the State.<sup>156</sup>

### ***Social Protest***

94. During the first half of 2024, 137 protests were registered, mainly triggered by blackouts, water problems, food shortages, violence, and growing social discontent among the Cuban population.<sup>157</sup> In March 2024, the first mass protests reportedly took place in Cuba in Santiago de Cuba, Granma, Matanzas, and Sancti Spíritus.<sup>158</sup> During that month, blackouts reportedly lasted more than 15 hours, and public services, such

<sup>147</sup> Cubanet, "[Es muy duro ver a mi hija presa](#)": ("It is very hard to see my daughter in prison":) [Madre de la presa política Lizandra Góngora](#) (Mother of political prisoner Lizandra Góngora), October 24, 2024.

<sup>148</sup> Cubanet, [Presa política Lizandra Góngora está incomunicada en prisión, denuncia activista](#) (Political prisoner Lizandra Góngora is held incommunicado in prison, activist denounces), September 4, 2024.

<sup>149</sup> Cubanet, "[Es muy duro ver a mi hija presa](#)": ("It is very hard to see my daughter in prison":) [Madre de la presa política Lizandra Góngora](#) (Mother of political prisoner Lizandra Góngora), October 24, 2024; Martí noticias, [La presa política cubana Lizandra Góngora lleva más de un mes esperando por una cirugía](#) (Cuban political prisoner Lizandra Góngora has been waiting for more than a month for surgery), May 1, 2024.

<sup>150</sup> Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#) (Cuban state continues and steps up violence against journalists and activists), September 30, 2024.

<sup>151</sup> ABC, [Las disidentes cubanas Damas de Blanco denuncian 100 domingos de arrestos](#) (Cuban dissidents Damas de Blanco denounce 100 Sundays of arrests), October 14, 2024.

<sup>152</sup> ABC, [Las disidentes cubanas Damas de Blanco denuncian 100 domingos de arrestos](#) (Cuban dissidents Damas de Blanco denounce 100 Sundays of arrests), October 14, 2024.

<sup>153</sup> ABC, [Las disidentes cubanas Damas de Blanco denuncian 100 domingos de arrestos](#) (Cuban dissidents Damas de Blanco denounce 100 Sundays of arrests), October 14, 2024.

<sup>154</sup> Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#) (Cuban state continues and steps up violence against journalists and activists), September 30, 2024; Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), September 2024.

<sup>155</sup> Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#) (Cuban state continues and steps up violence against journalists and activists), September 30, 2024.

<sup>156</sup> Article 19 MX-CA, [El Estado cubano continúa y amplifica la violencia contra periodistas y activistas](#) (Cuban state continues and steps up violence against journalists and activists), September 30, 2024.

<sup>157</sup> Cubalex, [Tendencias y patrones de represión en Cuba: \(Trends and patterns of repression in Cuba\): Primer semestre 2024](#) (First semester 2024), July 2024.

<sup>158</sup> Martí VeriCuba, [@MartíVeriCuba], (Mar. 18, 2024), Corriente y comida", "[#PatriaYVida](#)" y "[#Libertad](#)", exigieron el 17 de marzo cientos de [#cubanos](#) en varias localidades del país, para manifestarse contra la escasez, los cortes eléctricos y la gestión gubernamental, X (Hundreds of #Cubans in several locations in the country demanded "Electricity and food", "[#PatriaYVida](#)" and "[#Libertad](#)", on March 17, to demonstrate against shortages, power cuts, and government management, X)

as water supply, garbage collection, and the health system, continued to face serious problems. In addition, a protest was held outside the El Cobre police station in Santiago de Cuba, where citizens expressed their disapproval of the arbitrary arrests carried out during the protest.<sup>159</sup> In light of these events, the IACHR urged the State to respect the right to free demonstration and to refrain from the use of force.<sup>160</sup>

95. According to public reports, the harassment continued after the March 17 demonstrations, with targeted arrests and police summonses.<sup>161</sup> The political police allegedly carried out "prophylactic" actions in localities where no protests were registered, with the presumed objective of inhibiting future demonstrations and violating the rights of possible leaders or sympathizers, according to the organization Cubalex.<sup>162</sup> As of March 31, Cubalex documented at least 37 arrests linked to these protests. Of those arrested, 19 people reportedly remain imprisoned.<sup>163</sup> In addition, it was reported that Holy Week processions were banned in parishes in Villa Clara, Havana, Granma, and Camagüey.<sup>164</sup>

96. In May 2024, the Office of the Special Rapporteur received reports of repressive acts in connection with the commemorations of International Workers' Day (May 1) and the founding of the Republic of Cuba (May 20).<sup>165</sup> Cubalex documented at least 63 incidents aimed at restricting the movement and communications of activists, journalists, and citizens, including internet shutdowns, house arrests, surveillance operations, arbitrary detentions, fines, and police summonses.<sup>166</sup> Reports also indicate that repression intensified with gunfire and physical violence in response to peaceful protests triggered by blackouts and economic crisis. In particular, in a protest in Ciudad Nuclear, Cienfuegos, at least 11 arrests were recorded, on charges of public disorder, contempt, and assault. According to reports in the public domain, those detained face prison sentences and bail of up to 200,000 pesos (equivalent to 95 times the minimum wage in Cuba).<sup>167</sup> Persecution against those who recorded the events was also documented, including summonses, interrogations, and warnings.<sup>168</sup>

97. In addition, there were reports of pot-banging at the Cienfuegos Nuclear Power Plant on the night of May 28, in response to the prolonged power cuts imposed by the Cuban regime.<sup>169</sup> At least ten people were arrested during the protest, as reported by the group Justicia 11J. The protesters were reportedly

[https://x.com/MartiVeriCuba/status/1769677268178043028?t=6\\_QFqHLAlxy61bNCt-yh7A&s=08](https://x.com/MartiVeriCuba/status/1769677268178043028?t=6_QFqHLAlxy61bNCt-yh7A&s=08); Cubalex, [Monthly Report on the Situation of Human Rights in Cuba](#), March 2024.

<sup>159</sup> Cubalex, [@CubalexDDHH], (March 18, 2024), Este domingo 17 de marzo se reportaron varias protestas masivas contra los apagones, la situación económica y la falta de libertades, X (This Sunday, March 17, several mass protests against blackouts, economic situation and lack of freedoms were reported, X)

<https://x.com/CubalexDDHH/status/1769800142826148147?t=RTiuHL3XGR68oChkZwhCJA&s=08>.

<sup>160</sup> IACHR, [IACHR], (Mar. 19, 2024), Faced with the social protests that began on [#17Mar](#) due to food shortages and lack of electricity, the #IACHR urges the State to respect the right to free demonstration and to refrain from the use of force, X, <https://x.com/cidh/status/1770096841742242296?s=46&t=MqOVYcsFpR9jsgswGplsmw>.

<sup>161</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), March 2024.

<sup>162</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), March 2024.

<sup>163</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), March 2024.

<sup>164</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), March 2024.

<sup>165</sup> ADN Cuba, [Otro 20 de mayo bajo represión en Cuba](#) (Another May 20 under repression in Cuba), May 21, 2024; Cubanet, [Detenido y en paradero desconocido opositor pacífico Agustín López Canino](#) (Peaceful opponent Agustín López Canino arrested, whereabouts unknown), May 20, 2024.

<sup>166</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), May 2024; CiberCuba, [Régimen deja sin internet a periodistas independientes en Cuba](#) (Regime leaves independent journalists without Internet in Cuba), May 2, 2024.

<sup>167</sup> Cubalex, [Monthly report on the Situation of Human Rights in Cuba](#), May, 2024.

<sup>168</sup> Cubalex, [Monthly report on the Situation of Human Rights in Cuba](#), May, 2024.

<sup>169</sup> Cubita Now, [Se informa sobre un cacerolazo nocturno en Cienfuegos en protesta por los apagones del régimen en Cuba](#) (Nighttime pot-banging is reported in Cienfuegos to protest the regime's blackouts in Cuba), May 29, 2024.

transferred to the Provincial Criminal Investigation and Operations Unit (Upico), the State Security Investigation Unit, and the First Station of the National Revolutionary Police (PNR).<sup>170</sup>

98. In July 2024, surveillance operations, house arrests, and internet shutdowns were reportedly stepped up around the anniversary of the July 11 protests and the assault on the Moncada barracks on July 26.<sup>171</sup> The Office of the Special Rapporteur learned that the regime has reportedly interrupted Internet access and, in some cases, the use of cellphones, affecting at least 42 activists, independent journalists, and opponents.<sup>172</sup> In addition, at least 52 citizens were reportedly besieged or monitored in their homes by State Security patrols to prevent them from leaving.<sup>173</sup> According to published reports, these measures lasted for several days and were accompanied by threats of criminal prosecution, arrests, and reprisals against family members if the restrictions imposed were violated.<sup>174</sup>

99. Three years after the mass protests in Cuba, the IACHR and its Special Rapporteurship condemned the growing state repression against activists and human rights defenders. They also called on the government to address the legitimate demands of the people and called for the release of all persons detained for participating in the social protests.<sup>175</sup>

100. Furthermore, the Office of the Special Rapporteur documented at least 70 protests in Cuba as a result of the collapse of the national electricity system on October 18, 2024. As of the evening of October 20, demonstrations were recorded in Havana, Villa Clara, Holguín, Mayabeque, Santiago de Cuba, Sancti Spíritus, and Artemisa.<sup>176</sup>

101. The Office of the Special Rapporteur also observed the activation and continuation of judicial proceedings and criminal sanctions for the alleged commission of the crimes of sabotage, sedition, disrespect, and public disorder, directed against those who participate in protests and social demonstrations. Thus, for example, on July 17, the Municipal People's Court of Niceto Perez, in Guantanamo province, convicted six activists for their participation in the May 6, 2023 Caimanera protests. According to public reports, the persons sentenced are Daniel Álvarez González, Luis Miguel Alarcón Martínez, Freddy Sarquíz González, for public disorder and instigation to commit a crime, and Felipe Octavio Correa Martínez, sentenced to two years for assault.<sup>177</sup>

102. In addition, Cuban authorities have reportedly threatened to charge those who promote or participate in mass protests against the regime with the crime of sedition. In the program "Hacemos Cuba",

<sup>170</sup> Diario de Cuba, [Al menos diez detenidos por la protesta en Juraguá, acusados de 'desorden público, desacato o atentado'](#) (At least ten arrested for the protest in Juraguá, accused of 'public disorder, contempt, or attack'), 5 June 2024; Cuba Noticias 360, [Reportan protesta en Cienfuegos por los apagones](#); (Protest reported in Cienfuegos over blackouts:) ["Suenan la ollas"](#) (The pots are rattling), May 29, 2024; Cubita Now, [Se informa sobre un cacerolazo nocturno en Cienfuegos en protesta por los apagones del régimen en Cuba](#) (Reports of overnight pot-banging in Cienfuegos to protest regime blackouts in Cuba), May 29, 2024.

<sup>171</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), July 2024.

<sup>172</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), July 2024.

<sup>173</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), July 2024.

<sup>174</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly report on the human rights situation in Cuba), July 2024.

<sup>175</sup> IACHR, Press release No. 162/24 [Cuba: Three years after the protests of July 11 in Cuba, IACHR and Its Special Rapporteurship for Freedom of Expression Condemn Persistent Repression](#), July 11, 2024.

<sup>176</sup> Justicia 11J Detenciones por Motivos Políticos, [@justicia11j], (21 de octubre de 2024), ¡Todos los ojos en #Cuba! (Detentions for political reasons [ @justicia11j], (October 21, 2024), All eyes on #Cuba!) Hemos registrado al menos 28 protestas en el país en los últimos días desde que el pasado 18 de octubre colapsó el sistema eléctrico nacional, profundizando la crisis general que sufren las familias cubanas, X, (We have registered at least 28 protests in the country in the last few days since the collapse of the national electricity system on October 18, deepening the general crisis suffered by Cuban families, X.) <https://x.com/justicia11j/status/1848380715731189922?t=XY7GLTFpGtbUgM3Ppo2Nxxw&s=08>; Justicia 11J, [Boletín: Ola represiva en Cuba para frenar nuevas protestas legítimas](#) (Wave of repression in Cuba to stop new legitimate protests), November 14, 2024.

<sup>177</sup> Article 19 MX-CA, [Estado cubano busca inhibir la libertad de expresión al condenar a prisión a activistas por protestas en Guantánamo](#) (Cuban state seeks to inhibit freedom of expression by sentencing activists to prison for protests at Guantánamo), July 18, 2024.

officials of the Ministry of the Interior, including Colonel Hugo Morales Karell, reportedly accused alleged terrorists in the United States of instigating acts against the authorities, arguing that their objective is to provoke excessive reactions from the Police to discredit the Government. According to the available information, Morales dismissed the allegations of abuse of power, attributing them to "unconventional war plans" of the enemy.

103. For his part, Otto Molina Rodríguez, president of the Criminal Chamber of the Supreme People's Court, warned about calls on social networks to disrupt public order and threatened to apply the crime of sedition, which has been used against protesters on July 11, 2021, with penalties that can reach up to 30 years in prison, life imprisonment, or the death penalty in exceptional circumstances.<sup>178</sup> On May 3, 2024, the IACHR and its Special Rapporteurship recalled that the death penalty is contrary to the American Declaration of the Rights and Duties of Man and, if in force, only applies for the most serious crimes, never for political or related crimes.<sup>179</sup>

104. Finally, the Special Rapporteurship learned with grave concern of the death of Yosandri Mulet Almarales, Gerardo Díaz Alonso, and Jesús de Guillen Esplugas, who had been convicted of demonstrating in July 2021.<sup>180</sup> These cases are in addition to that of Luis Barrios Díaz, who died in prison on November 21, 2023.<sup>181</sup>

105. The Office of the Special Rapporteur reiterates that social protest, which includes the exercise of the right to freedom of peaceful assembly without arms, freedom of association, and freedom of expression, is a fundamental tool in the defense of democracy and human rights, and the State is obliged to respect, protect, and guarantee these rights.<sup>182</sup> Regarding the obligation to respect these rights, the Commission and its Special Rapporteurship reiterate that "the exercise of freedom of assembly through social protest should not be subject to government authorization or excessive requirements that make it difficult to carry out."<sup>183</sup> Likewise, with respect to the obligation to protect and facilitate, the Commission has emphasized that "the overriding social interest in the right to take part in public demonstrations gives rise to a general presumption in favor of its exercise."<sup>184</sup> As mentioned in the IACHR report on protest and human rights, States must act on the basis of the lawfulness of protests and public demonstrations and on the assumption that they do not constitute a threat

<sup>178</sup> Diario de Cuba, [El régimen amenaza con aplicar cadena perpetua o muerte en caso de protestas masivas](#) (Regime threatens life imprisonment or death in case of mass protests), April 26, 2024; Cubanet, [Pena de muerte, amenaza del régimen como herramienta de represión contra las protestas](#) (Death penalty, the regime's threat as a tool of repression against protests), April 26, 2024; ABC Internacional, [Régimen cubano amenaza con la pena de muerte a quienes participen en protestas masivas](#) (Cuban regime threatens death penalty for those who participate in mass protests), April 27, 2024.

<sup>179</sup> IACHR, [@IACHR], (May 3, 2024), #IACHR and @RELE\_CIDH express concern over statements by authorities and public officials warning of possible criminal penalties for those who promote or participate in mass protests, including lengthy prison sentences and even the death penalty, X, <https://x.com/cidh/status/1786401995315626325?s=46&t=MqOVYcsFpR9isgswGplsmw>.

<sup>180</sup> Cuban Prisons Documentation Center, [@docubprisiones], (August 26, 2024), Lamentamos profundamente el fallecimiento de Yosandri Mulet Almarales, condenado por manifestarse en julio de 2021 y de cuyo intento de suicidio el 22 de agosto informamos la pasada semana (We deeply regret the death of Yosandri Mulet Almarales, convicted for demonstrating in July 2021 in #Cuba, and whose suicide attempt on August 22 we reported last week.) <https://x.com/docubprisiones/status/1828227906679828531>; Diario Las Américas, [Cuba: Muere el preso político del 11J Yosandri Mulet Almarales](#) (11J political prisoner Yosandri Mulet Almarales dies), August 27, 2024; Martí noticias, [Muere manifestante del 11J encarcelado en Cuba de aparente suicidio, según familiares](#) (11J protester imprisoned in Cuba dies of apparent suicide, family says), August 26, 2024; 14ymedio, [Muere de un infarto en prisión Gerardo Díaz Alonso, detenido durante el 11J en Cárdenas \(Gerardo Díaz Alonso, arrested during the 11J in Cárdenas, dies of a heart attack in prison.\)](#) October 18, 2024; CiberCuba, [Fallece el preso político Gerardo Díaz Alonso, condenado por las protestas del 11J](#) (Political prisoner Gerardo Díaz Alonso, convicted for the 11J protests, dies) October 17, 2024; El País, ["They beat him and killed him": the death of a political prisoner in a Cuban jail](#), December 2, 2024.

<sup>181</sup> Martí News, [Acusan al régimen cubano por la muerte de 4 presos políticos del 11J \(Cuban regime accused of the death of 4 political prisoners on 11J\)](#), December 4, 2024; Diario de Cuba, [Es un asesinato: un familiar del preso político Luis Barrios denuncia que murió por falta de asistencia médica \('It's a murder': family member of political prisoner Luis Barrios denounces that he died due to lack of medical assistance\)](#), November 21, 2023.

<sup>182</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [Protest Social and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September, 2019, Prologue and paras. 1–46

<sup>183</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, par. 56.

<sup>184</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, par. 91.



to public order, even in cases where they are unannounced.<sup>185</sup> Finally, in relation to the obligation to guarantee, the IACHR has established that "it entails first and foremost the duty to investigate and punish any violation that occurs within the framework of a public demonstration."<sup>186</sup>

### ***Legal Framework restricting the Right to Freedom of Expression***

106. In October 2024, the Office of the Special Rapporteur became aware of the entry into force of the new Social Communication Law.<sup>187</sup> Recently, five opposition figures in Havana were reportedly sentenced under this legislation to prison terms of up to seven years for "propaganda against the constitutional order" after peacefully demonstrating with posters and disseminating their messages on social networks.<sup>188</sup> On June 16, 2023, the Office of the Special Rapporteur warned that this law severely restricts the exercise of freedom of the press by imposing certain duties on journalists and social communicators that are excessive, discretionary, and contrary to the very nature of journalistic work.<sup>189</sup> In this regard, the Office reiterated its call to the State to align the legal framework with international standards on freedom of expression, and to respect and guarantee this right without prior conditions.

107. In addition, the Office of the Special Rapporteur draws attention to the adoption of new regulations that could have an impact on the exercise of freedom of expression and access to information in Cuba. On July 18, 2024, during the third term of its tenth legislature, the National Assembly approved the Law on Transparency and Access to Public Information<sup>190</sup>. The Minister of Science, Technology, and Environment presented the legislation, highlighting that it regulates and promotes the culture of transparency in public management. The Minister affirmed that the regulation reflects "the highest expression of the political will of the State and the Government to make its management transparent"<sup>191</sup>. He also argued that the law seeks to reduce administrative corruption and bribery, in addition to creating effective and transparent institutions that respond to the needs of access to public information<sup>192</sup>. He also pointed out that mechanisms are established to guarantee that citizens have access to Public Administration information, namely "that which is generated or kept by the subjects in the exercise of their public functions, as well as by natural and legal persons that receive financing and other public benefits".<sup>193</sup>

108. According to available information, the new Law on Transparency and Access to Public Information could be used to reinforce control over information, instead of facilitating genuine access to data of public interest<sup>194</sup>. In this context, the Office of the Special Rapporteur has received reports from civil society organizations that indicate that the provisions of the law could contravene international standards on access to public information. In particular, they warn that the regulation contains a restrictive interpretation of "public information", limiting it to that in possession of the official reporting entities (*sujetos obligados*), instead of covering the "Activity of Public Interest", which includes those "matters or areas of management that should be resolved through governmental political decisions, at any of the levels of administrative, legislative or

<sup>185</sup>IACHR, Office of the Special Rapporteur for Freedom of Expression, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, par. 93.

<sup>186</sup> IACHR. IACHR, Office of the Special Rapporteur for Freedom of Expression, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, par. 246.

<sup>187</sup>Diario Las Américas, [Cuba: The Social Communication Law, a new censorship mechanism, enters into force](#), October 4, 2024

<sup>188</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba \(Monthly report on the human rights situation in Cuba\)](#), June 2024.

<sup>189</sup> Office of the Special Rapporteur for Freedom of Expression, Press Release No. 125/23, [La RELE manifiesta su preocupación por nueva ley de Comunicación Social en Cuba \(The SRFOE expresses its concern about new Social Communication Law in Cuba\)](#), June 16, 2023.

<sup>190</sup> Cuba Debate, [Cuba aprueba Ley de Transparencia y Acceso a la Información Pública \(Cuba approves Law on Transparency and Access to Public Information\)](#), July 18, 2024.

<sup>191</sup> La Jornada, [Aprueba Cuba inédita ley de transparencia y acceso a la información \(Cuba approves unprecedented law on transparency and access to information\)](#), July 18, 2024.

<sup>192</sup> La Jornada, [Aprueba Cuba inédita ley de transparencia y acceso a la información \(Cuba approves unprecedented law on transparency and access to information\)](#), July 18, 2024.

<sup>193</sup> La Jornada, [Aprueba Cuba inédita ley de transparencia y acceso a la información \(Cuba approves unprecedented law on transparency and access to information\)](#), July 18, 2024.

<sup>194</sup> CiberCuba, [Gobierno aprueba Ley para controlar el acceso a la información en Cuba \(Government approves law to control access to information in Cuba\)](#), July 19, 2024.

judicial political organization, that seek to satisfy the maximum interest of the community".<sup>195</sup> In addition, the law does not incorporate the principle of "maximum disclosure" and does not establish that those requesting information are exempt from justifying their reasons for doing so. Likewise, the organizations point out that the wording of the regulations regarding regulated entities/persons is not clear.<sup>196</sup>

109. The organizations also informed the Special Rapporteur that the law stipulates that requesters are responsible for the use of public information and may face administrative, civil, or criminal sanctions for misuse.<sup>197</sup> They emphasize that it establishes exceptions to public access, including classified information and any fact that, when disclosed, could cause damage, danger, impairment, or violation of sovereignty, defense, and national security.<sup>198</sup> In addition, they note that exceptions are included for personal data, pending legal proceedings, intellectual property rights, commercial confidentiality, and the environment.<sup>199</sup> The organizations warn that these exceptions are broad and vague, which may facilitate censorship and control over sensitive information.

110. In addition, the new transparency law would exclude independent media from its scope of application, stipulating that "the request for information made by journalists and managers of media organizations, for the management of communication processes in the exercise of their social function, is governed by the specific legislation of Social Communication"<sup>200</sup>. This provision has raised concern among civil society organizations, as it could constitute a form of discrimination against the practice of journalism and a serious risk to freedom of expression.<sup>201</sup>

111. The Office of the Special Rapporteur recalls that Article 13 of the American Convention guarantees the right of citizens to "seek" and "receive" information and ideas of any kind, thereby requiring the State to provide the information in its possession. Likewise, Principle 4 of the IACHR Declaration of Principles on Freedom of Expression establishes that access to state information is a fundamental right, subject only to exceptional and legally established limitations, only in cases of real and imminent danger to national security in democratic societies.<sup>202</sup> In accordance with the principle of maximum disclosure, all information must be accessible, except for strictly delimited and legally defined exceptions designed to protect imperative public interests.<sup>203</sup>

### ***Internet and Human Rights***

112. Finally, in 2024, the Office of the Special Rapporteur continued to document an increase in internet outages in connection with social protests and activists' calls for meetings. In addition, according to public reports, surveillance operations are often accompanied by interruptions in Internet access, which prevents the dissemination of information of public interest. This practice, allegedly ordered by State Security and executed by the Cuban Telecommunications Company (ETECSA), is implemented selectively, as well as on commemorative dates and in entire territories during protests. The persistent blocking of *websites* of

<sup>195</sup> Information sent by the Alianza Regional por la Libre Expresión e Información in conjunction with its local members Fundación Colectivo + Voces, and Observatorio Cubano de Derechos Humanos, on file with the Special Rapporteurship, July 19, 2024.

<sup>196</sup> Information sent by la Alianza Regional por la Libre Expresión e Información in conjunction with its local members Fundación Colectivo + Voces, and Observatorio Cubano de Derechos Humanos, on file with the Special Rapporteurship, July 19, 2024.

<sup>197</sup> La Jornada, [Aprueba Cuba inédita ley de transparencia y acceso a la información \(Cuba approves unprecedented law on transparency and access to information\)](#), July 18, 2024.

<sup>198</sup> La Jornada, [Aprueba Cuba inédita ley de transparencia y acceso a la información \(Cuba approves unprecedented law on transparency and access to information\)](#), July 18, 2024.

<sup>199</sup> La Jornada, [Aprueba Cuba inédita ley de transparencia y acceso a la información \(Cuba approves unprecedented law on transparency and access to information\)](#), July 18, 2024.

<sup>200</sup> Observatorio Legislativo de Cuba, [Ley de Transparencia y Acceso a la Información Pública en Cuba \(Law on Transparency and Access to Public Information in Cuba: Análisis y desafíos \(Analysis and challenges\)\)](#), August 30, 2024.

<sup>201</sup> Information sent by the Alianza Regional por la Libre Expresión e Información in conjunction with its local members Fundación Colectivo + Voces, and Observatorio Cubano de Derechos Humanos, on file with the Special Rapporteurship, July 19, 2024.

<sup>202</sup> IACHR, [Declaration of Principles on Freedom of Expression](#), Adopted by the IACHR at its 108<sup>th</sup> regular session held from October 2-20, 2000, Principle No. 4.

<sup>203</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [The right to access information in the Inter-American Legal Framework](#), OEA/Ser.L/V/II CIDH/RELE/INF. 1/09, December 30, 2009, paras. 9–10.

independent media and human rights organizations is also observed, along with massive blackouts and power outages.<sup>204</sup> Throughout the year, anomalies were also recorded in the operation of social networks such as *Signal*.<sup>205</sup>

113. The Rapporteurship recalls that, just as States must ensure access to public spaces, such as streets, roads and public squares for holding meetings, they must also ensure that the Internet is available and accessible to all citizens in order for them to be able to form associations and arrange meetings to participate in the political life of the country.<sup>206</sup>

### Economic, Social, Cultural, and Environmental Rights

114. The Inter-American Commission on Human Rights (IACHR), through the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA), is constantly monitoring the situation of economic, social, cultural and environmental rights (ESCR) in Cuba. In general terms, the information gathered from different sources indicates that exercising and guaranteeing ESCR in the country is still precarious. This occurs in a context of low economic growth, high inflation, reduced food production and sales, and infrastructure problems, particularly in the electricity sector.

115. The Commission and REDESCA take note of the package of fiscal and economic measures announced by the Government of Cuba at the end of 2023, which seeks to correct distortions and reactivate the economy. The measures include an increase in fuel prices, an increase in basic services tariffs, and the elimination of the basic food basket subsidy.<sup>207</sup> However, these adjustment measures have made it more difficult for the population to exercise ESCR, triggering new social protests during 2024.<sup>208</sup>

116. Worth noting, in this context, is the importance of the peaceful and spontaneous demonstrations that began on March 17 in Santiago de Cuba and quickly spread throughout the country, motivated by citizens' demands related to electricity supply and food shortages. According to data provided by civil society, in the month of September 2024 alone, 855 spontaneous protests and complaints were registered, 79.4% of which were linked to the demand for economic and social rights, particularly in areas such as health, public services, insecurity, food, social problems and housing.<sup>209</sup>

117. The IACHR and its REDESCA are alarmed by the findings of the VII Report "State of Social Rights in Cuba" of the Cuban Observatory of Human Rights, which states that extreme poverty rose to 89% of the Cuban population in 2024, one point higher than a year ago. More than a thousand interviews conducted for this study revealed that the main concern of the Cuban population is the food crisis, followed by electricity blackouts, inflation, low purchasing power of wages and the precarious situation of public health.<sup>210</sup>

<sup>204</sup> Cubalex, [Tendencias y patrones de represión en Cuba](#): (Trends and patterns of repression in Cuba:) [First semester 2024](#), July 2024; La Prensa Nicaragua, [laprensa], (Oct. 18, 2024), Cuba sufre un apagón masivo que deja sin electricidad a toda la isla, X, (Cuba suffers massive blackout that leaves the entire island without electricity, X.) [https://x.com/laprensa/status/1847385988483719602?t=qnh\\_YWTN-d3wQcPSWbM40A&s=08](https://x.com/laprensa/status/1847385988483719602?t=qnh_YWTN-d3wQcPSWbM40A&s=08); Ve Sin Filtro, [vesinfiltro], (Oct. 18, 2024), Mientras #CubaApagada se queda sin luz, también queda menos conectada a internet, X, (As #CubaApagada goes without power, it also becomes less connected to the internet, X.) <https://x.com/vesinfiltro/status/1847381359058448532?t=cbFy1PdkaKW6Q43AhnzuaA&s=08>.

<sup>205</sup> Guardianes Digitales, [Informe #6 sobre la salud del Internet en Cuba \(Report #6 on the health of the Internet in Cuba\)](#), 2024.

<sup>206</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, [Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, par. 297.

<sup>207</sup> Granma, ["Proyecciones de gobierno para corregir distorsiones y reimpulsar la economía durante el año 2024 \(Government projections to correct distortions and revive the economy during 2024\)"](#), January 24, 2024.

<sup>208</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) (Monthly Report on the Situation of Human Rights in Cuba), January, 2024.

<sup>209</sup> Observatorio Cubano de Conflictos, ["Cuba: 855 protestas y denuncias en septiembre \(855 protests and complaints in September\)"](#), October 1, 2024.

<sup>210</sup> Observatorio Cubano de Derechos Humanos (OCDH), ["El Estado de los Derechos Sociales en Cuba](#) (State of Social Rights in Cuba)", VII Report, July 2024, p. 3.



118. Regarding the food crisis situation, the report of the Cuban Observatory of Human Rights emphasizes that 7 out of 10 Cuban people have stopped eating some food due to lack of money or food shortages. It also underscores the disproportionate impact this situation has on people of African descent, affecting 80% of this group, as well as 79% of the elderly, which exacerbates pre-existing social and economic inequalities.<sup>211</sup> For its part, a study conducted by the *Food Monitor Program* reveals that at least 60% of the people surveyed consider that they have significantly lost access to food.<sup>212</sup>

119. The IACHR and REDESCA note that shortages of basic products such as milk, flour, rice, sugar, sugar, chicken, and oil have become a daily reality for many Cubans. The crisis in the production and supply of subsidized food and the high prices in illegal markets and MSMEs have triggered demonstrations throughout the country. In this regard, note was taken of the Cuban Government's request for support from the United Nations World Food Program (WFP) to continue delivering milk to children under seven years of age at a subsidized price.<sup>213</sup> Also, during February, authorities of the Ministry of Food Industry (MINAL) declared the need to reduce the supply of bread for the standard family basket due to delays in shipments of wheat and flour<sup>214</sup> and, as a substitute, to use sweet potato, cassava or pumpkin, reducing the quality of the bread produced, forcing the population to consume other ingredients without alternatives. In September, it transpired that a decision had been made to reduce the size of a loaf of bread in order to guarantee its production and distribution without affecting consumers or priority facilities such as schools and hospitals.<sup>215</sup>

120. Lack of essential medicines and medical supplies also remains a widespread problem in Cuba, with a direct impact on the health of the population. According to statements made by the Minister of Public Health, the public drug network is facing significant shortages.<sup>216</sup> This shortage is especially critical for people with chronic diseases, who are often forced to purchase drugs on the black market or, in the worst cases, to do without them, putting their well-being at risk.<sup>217</sup> Testimonies provided to the IACHR and the Office of the Special Rapporteur reveal that, due to the shortage of supplies in hospitals, it is the patients themselves who must bring their own kit of medical supplies, including items such as anesthesia, for their surgical procedures.<sup>218</sup> In addition, the purchase of medicines in pharmacies has become extremely difficult, as many products are not available, which forces the population to resort to the illegal purchase and sale of imported products offered at high prices on the island. This situation highlights the crisis of the Cuban health system and its repercussions on the quality of life of its population.

121. The IACHR and REDESCA welcome the Cuban Government's decision to extend until January 31, 2025 the tariff exemption for food, medicines, and other products imported by individuals for non-commercial purposes, which will help alleviate scarcity and generalized shortages.<sup>219</sup> Likewise, as has been stated on several occasions<sup>220</sup>, they reiterate their concern about the effects of the tightening of the economic, financial, and commercial embargo sanctions imposed by the United States, while calling for their lifting in order to safeguard the human rights affected by this measure.

<sup>211</sup> Observatorio Cubano de Derechos Humanos (OCDH), "[El Estado de los Derechos Sociales en Cuba](#) (State of Social Rights in Cuba)", VII Report, July 2024, p. 12.

<sup>212</sup> Food Monitor Program, [Food Insecurity Survey 2024](#), May 2024.

<sup>213</sup> Agencia EFE, "[Cuba pide por primera vez ayuda al PMA de la ONU por problemas de distribución de leche \(Cuba asks UN WFP for help for the first time due to milk distribution problems\)](#)", February 28, 2024.

<sup>214</sup> Cubadebate, "[Ministerio de la Industria Alimentaria informa sobre disponibilidad de harina de trigo \(Food Industry Ministry reports on availability of wheat flour\)](#)", February 25, 2024.

<sup>215</sup> Granma, "[Disminuye el gramaje del pan de la canasta familiar para no afectar su producción \(Fewer grams of wheat in family bread basket to keep production going\)](#)", September 12, 2024.

<sup>216</sup> Cubadebate, "[Que las farmacias funcionen acorde con las necesidades de la población es una prioridad, sostienen diputados \(Pharmacies must function in accordance with the needs of the population, members of parliament say\)](#)", July 15, 2024.

<sup>217</sup> CiberCuba, "[Díaz-Canel en Día contra el Cáncer: \(Díaz-Canel in Day against Cancer:\) 'Cuba dará la atención que merece cada paciente \('Cuba will provide the care that every patient deserves\)'](#)", February 5, 2024.

<sup>218</sup> Testimony of two Cuban exiles, received by the IACHR and REDESCA in Washington D.C., September 26, 2024.

<sup>219</sup> Gaceta Oficial de la República de Cuba, [Resolución 311/2024](#), September 28, 2024.

<sup>220</sup> IACHR, Press Release No. 81/24, [Cuba: IACHR and REDESCA express concern over worsening food shortages and prolonged power outages](#), April 29, 2024.

122. In relation to the existence of power outages, the IACHR and REDESCA take note of the creation of four solar parks in the province of Santiago de Cuba with the aim of reducing energy dependence in the area.<sup>221</sup> However, they warn that widespread and prolonged power cuts continue to affect the daily life of the majority of the Cuban population, and are one of the main reasons behind the street protests. At the same time, press reports indicate a significant increase in the frequency of blackouts, mainly in provinces in the interior, where in some cases these outages can last up to 20 hours a day.<sup>222</sup> In October there was a generalized collapse of the electricity service that affected the power supply in a large part of the island for several consecutive days, which led to new protests<sup>223</sup> and the suspension of classes and cultural events.<sup>224</sup> Reports showed up to 35 hours without electricity and cases of food shortages and water rationing.<sup>225</sup> The power outages experienced by the population not only affect daily life, but also have a direct impact on the safeguarding of other ESCR such as access to food in adequate conditions for consumption; the quality of health and education services, or the supply of drinking water given the dependence on electrical systems for its distribution.

123. Regarding access to drinking water, more than 600,000 people in Cuba, 7% of the total population, lack adequate access.<sup>226</sup> This deficit is mainly attributed to power outages and breakdowns in pumping equipment and hydraulic networks, which have seriously impaired the distribution of this essential resource. The figure represents a 25% increase in the number of people affected in the last ten months, and is evidence of a trend that reflects not only the infrastructure crisis, but also the deficiencies in the management of basic services in the country. In this context, the Commission and REDESCA urge the Cuban State to adopt effective measures to guarantee access to essential public services and improve the resilience of infrastructure in order to meet the vital needs of the population and promote its comprehensive development, especially in a context of growing vulnerability to the effects of climate change.

124. The IACHR and REDESCA express their concern over the significant loss of purchasing power of wages and salaries and pensions in Cuba, a situation that translates into economic hardship for a large part of the population and particularly affects groups in especially vulnerable situations. Based on the information available, 86% of Cuban households find it hard to subsist on their income; and of these 61% indicate that they have difficulties even in acquiring the most essential goods for their survival.<sup>227</sup> Widespread price increases also impact the elderly, who in many cases spend more than half of their pension to cover their basic needs.<sup>228</sup> According to official sources, 39% of the beneficiaries receive minimum pensions amounting to 1,528 Cuban pesos, equivalent to 4.70 dollars at the exchange rate in the informal market.<sup>229</sup> Given this situation, elderly people can be seen in the streets of Havana going through the garbage in order to find recyclable materials to sell and to be able to collect a little money to make ends meet.<sup>230</sup>

125. Regarding persons deprived of their liberty, the Commission and REDESCA continued to receive complaints about detention conditions related to overcrowding, poor food, lack of access to drinking

<sup>221</sup> Granma, "[Cuatro grandes parques solares reducirán la dependencia energética de Santiago de Cuba \(Four large solar parks will reduce energy dependence of Santiago de Cuba\)](#)", June 4, 2024.

<sup>222</sup> Cubanet, "[Veinte horas de apagón, y aquí no ha pasado nada \(Twenty hours of blackout, and nothing has happened here\)](#)" September 27, 2024.

<sup>223</sup> France24, "[Cuba encara un apagón prolongado, mientras el Gobierno amenaza con socavar las protestas](#)" ("Cuba faces prolonged blackout as government threatens to repress protests"), October 21, 2024.

<sup>224</sup> Artemisa, "[Medidas dada la emergencia electroenergética en la que se encuentra el país](#)" (Measures to address the energy crisis), October 18, 2024.

<sup>225</sup> Diario de Cuba, "[Con toda Cuba apagada, al menos una sede del Partido Comunista tenía electricidad](#)" ("With all of Cuba shut down, at least one Communist Party headquarters had electricity"), October 19, 2024.

<sup>226</sup> Granma, "[La compleja situación del abasto de agua afecta a más de 600.000 clientes en el país \(The complex water supply situation is affecting more than 600,000 customers in the country\)](#)", September 3, 2024.

<sup>227</sup> Observatorio Cubano de Derechos Humanos (OCDH), "[El Estado de los Derechos Sociales en Cuba \(The state of social rights in Cuba\)](#)", VII Report, July 2024.

<sup>228</sup> CiberCuba, "[La compra de un anciano cubano con 860 pesos en Holguín \(The purchase of an elderly Cuban for 860 pesos in Holguín\)](#)", February 7, 2024.

<sup>229</sup> Cubadebate, "[¿Desprotegidos sin el Inass? \(Unprotected without the National Social Security Institute-Inass?\)](#)", October 13, 2024.

<sup>230</sup> CiberCuba, "[Ancianos cubanos reciclan basura para sobrevivir en La Habana \(Elderly Cubans recycle garbage to survive in Havana\)](#)", April 24, 2024.

water, medicines, and medical care.<sup>231</sup> Civil society organizations documented between March 2023 and May 2024 at least 2,093 cases of human rights violations in detention centers, of which 739 are related to lack of medical care and health problems. Most of these abuses are perpetrated by prison staff, State Security agents, and members of the judicial system, and include harassment of inmates, beatings, physical torture, and insufficient or spoiled food.<sup>232</sup> Likewise, the food received by people in State custody is scarce, poorly balanced, and, in many cases, in a state of decomposition.<sup>233</sup> There is also a lack of adequate and timely medical care; medication sent by family members is not delivered and necessary tests are not performed, even for those with chronic illnesses and people with disabilities.<sup>234</sup> During the same period (March 2023 and May 2024), 44 people are reported to have died in prison, mainly due to lack of medicines and lack of adequate medical care.<sup>235</sup>

126. In addition, note was taken of the reports made by civil society on forced labor imposed in prisons on political prisoners, who are forced to work for state-owned companies in coal production and sugarcane harvesting without the necessary protective equipment. In addition, they denounce that persons deprived of their liberty receive insignificant salaries and are coerced to perform their work under threats and reprisals.<sup>236</sup>

127. Regarding the situation of Cuban workers abroad, especially those involved in medical missions, the IACHR and REDESCA received information on the serious human rights violations experienced by health personnel, who face exploitative working conditions, inadequate salaries, and various forms of harassment and pressure.<sup>237</sup> However, as reported, abandoning these missions carries severe penalties, including prison sentences of up to eight years or a ban on returning to the country. In addition, precarious housing conditions, withholding of salaries in favor of the government, reprisals against family members of those who express dissent, and serious allegations of sexual harassment and constant surveillance were reported. Annually, the Cuban government sends more than 50,000 doctors and other specialists abroad, generating revenues ranging from 7 to 11 billion dollars, which is equivalent to three to four times the income from tourism. Regarding this situation, the Commission and the Office of the Special Rapporteur take note of the Resolution of the European Parliament, in which it expresses its concern about the existence of forced labor in Cuba and condemns this type of practice promoted by the State, especially the medical brigades, but which also affects teachers, sailors, engineers, artists, athletes, and other persons.<sup>238</sup>

128. The housing deficit in Cuba continues to be a structural problem that affects a large part of the population. According to the official press, the country faces a deficit of more than 856,500 housing units, given that in 2023 only 65% of planned housing projects were executed.<sup>239</sup> In 2024, as of August, 5,262 homes were completed, representing an execution rate of 39%.<sup>240</sup> This deficit is aggravated by factors such as population growth, urbanization, the deterioration of many existing buildings, and the lack of economic resources of individuals to improve them.

129. In relation to the guarantee of the right to a healthy environment and actions in the face of the climate emergency, the IACHR and REDESCA take note of the development of a national air monitoring system to measure pollution; and that, among the actions planned for its revitalization, are the updated characterization of air quality behavior, the acquisition of equipment and technologies to measure the main

<sup>231</sup> IACHR, Thematic Hearing, "[Human Rights of Persons Arbitrarily Deprived of Liberty for Political Reasons in Cuba](#)," 190th regular session, Washington, DC, United States, July 8, 2024.

<sup>232</sup> Centro de Documentación de Prisiones Cubanas, [Update on Prison Conditions \(May 2024\)](#), June 11, 2024.

<sup>233</sup> Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba \(Monthly Report on the Human Rights Situation in Cuba\)](#), August 2024; Prisoner Defenders, "[Brief Report on Forced Labor in Cuban Prisons](#)," June 14, 2024.

<sup>234</sup> IACHR, Thematic Hearing "[Cuba: Monitoring of Precautionary Measures for Beneficiaries Deprived of their Liberty \(Ex Officio\)](#)," 188th regular session, Washington D.C., United States, November 7, 2023.

<sup>235</sup> Centro de Documentación de Prisiones Cubanas, [Update on Prison Conditions \(May 2024\)](#), June 11, 2024.

<sup>236</sup> Prisoners Defenders, [United Nations condemns forced prison labor imposed on political prisoners in Cuba](#), August 28, 2024.

<sup>237</sup> IACHR, Thematic Hearing, "[Human Rights of Persons Participating in Medical Missions](#)," 189th regular session, Washington, DC, United States, February 29, 2024, information provided by Prisoners Defenders.

<sup>238</sup> European Parliament, [Critical Situation in Cuba](#), European Parliament Resolution (2024/2584(RSP)), February 29, 2024.

<sup>239</sup> Granma, "[El Programa de la Vivienda necesita otras alternativas \(The Housing Program needs other alternatives\)](#)," February 27, 2024.

<sup>240</sup> Granma, "[Todos los cuadros tienen que hablar con el pueblo \(All officials must talk to the people\)](#)," October 1, 2024.

pollutants, the improvement of transport and dispersion models of these compounds, and the adoption of mitigation measures.<sup>241</sup>

## **B. Groups in situations of vulnerability and discrimination**

130. In 2024, the Commission continued to receive information on the human rights situation of vulnerable groups and groups traditionally subject to discrimination. In the following section it addresses the main concerns in relation to certain populations in Cuba, such as people of African descent, women, LGBTI persons, persons in situations of human mobility, people deprived of their liberty, and persons with disability.

### **People of African descent**

131. In relation to the situation of Afro-descendants, the Commission emphasizes its concern regarding the persistence of challenges in the implementation of actions and measures for the elimination of racial and structural discrimination in the country, as well as the situation of extreme vulnerability to which this ethnic-racial group continues to be exposed.

132. According to information received by the IACHR during its 190th session, racially profiled violence and structural discrimination are persistent problems in Cuba, especially within the justice system and the actions of police forces. Cases documented by civil society show that Afro-Cubans are more likely to be perceived as dangerous and criminal, leading to increased police persecution, imprisonment, and repression.<sup>242</sup>

133. In this regard, according to publicly available information, state repression during the "11J" protests has disproportionately affected Afro-descendants. Also, according to information systematized by the organization Cubalex, Afro-descendants accused of sedition for participating in the aforementioned protests have received harsher sentences than non-Afro-descendants tried for the same crime. According to them, these sentences reflect racial profiling, within the framework of a judicial system with entrenched structural racism.<sup>243</sup>

134. Likewise, in the framework of the aforementioned hearing, civil society organizations denounced the lack of facilities to participate and build a social and political agenda that would lead the State to espouse public practices that would enable them to occupy a place in society to advocate for respect for their rights. They denounced that Afro-descendant human rights defenders were harassed by State security agents when attempting to assemble peacefully and suffered arbitrary detentions, without the right to an effective defense, and with greater violence on the part of police forces.<sup>244</sup>

135. On the other hand, the IACHR has warned of the special impact on the economic, social, cultural, and environmental rights of Afro-Cuban people, particularly in the areas of health, housing, unemployment, and access to sanitation and drinking water.<sup>245</sup> On this point, civil society organizations emphasized that poverty and extreme poverty mainly affect people of African descent, who live in a precarious situation, in unhealthy areas, with low salaries, no remittances, and little schooling.<sup>246</sup> In addition to the

<sup>241</sup> Granma, [Desarrollan un sistema nacional de vigilancia del aire para solucionar problemas de contaminación atmosférica \(National system being developed to monitor air and resolve atmospheric contamination problems\)](#), May 30, 2024.

<sup>242</sup> IACHR, 190th Period of Sessions, [Public Hearing - Cuba: Human Rights Violations in the context of institutional violence](#), July 11, 2024.

<sup>243</sup> Diario de Cuba, [Los afrodescendientes recibieron condenas más severas por el 11J, denuncia Cubalex \(Afro-descendants received harsher sentences from the 11J, according to Cubalex\)](#), September 2, 2024.

<sup>244</sup> IACHR, 190th Period of Sessions, [Public Hearing - Cuba: Human Rights Violations in the context of institutional violence](#), July 11, 2024.

<sup>245</sup> IACHR, [Situación de derechos humanos en Cuba](#) (Situation of Human Rights in Cuba), 2020, par. 304.

<sup>246</sup> Raza e Igualdad, [En Cuba, la pobreza extrema afecta principalmente a las personas afrodescendientes de la Isla \(In Cuba, extreme poverty mainly affects people of African descent on the island\)](#), October 29, 2024.

difficulty of finding employment in decent conditions, Afro-Cuban activists have denounced that they have been fired from their jobs in retaliation for speaking out against racial discrimination and human rights violations.<sup>247</sup>

136. In addition, there is apparently no recent official information that would allow us to verify the inequalities affecting people of African descent and to design public policies to combat the growing racial inequality in Cuba. According to civil society representatives, the last population census of 2012 did not account for these inequities because it did not include the existence of segments of the population differentiated according to ethno-racial descent. Moreover, the population census that was to be carried out in 2022 was postponed until at least 2025.<sup>248</sup>

137. The Commission continues to take note of the follow-up actions to the National Program against Racism and Racial Discrimination adopted by the Cuban State in 2019 and in effect until 2030, which include the inauguration in October 2023 of the Laboratorio Social Color Cubano, which monitors implementation of the Program.<sup>249</sup> However, civil society organizations denounce significant challenges in terms of implementation and impact, such as the lack of communication and dissemination of the few actions that are carried out<sup>250</sup> and the lack of measurable objectives that can be evaluated by citizens.<sup>251</sup>

138. The Commission also reiterates its call on the State to take positive steps to ensure the political participation of people of African descent in public bodies, either by adopting a system of electoral quotas or by creating channels for civil society participation in legislative processes and public policy development. The IACHR believes that their participation would contribute substantially to the modification of racist patterns and enable their specific needs to be highlighted, by heeding their right to equality before the law, provided for in Article II of the American Declaration, as well as the substantive dimension of the principle of equality.

## Women

139. Regarding the human rights situation of women, the Commission reiterates its concern about the harassment, intimidation, and persecution suffered by women human rights defenders, Afro-Cuban activists, and women deprived of their liberty in Cuba. Particularly notable is the absence of public policies and specialized legislation to combat violence against women in the country and the lack of official and updated statistical data on this type of violence.

140. The Commission appreciates the enactment of Decree 109, which created the National System for the Integral Care of Life that aims to contribute to the redistribution of care work taking the gender approach into account in order to transform unequal relations between men and women.<sup>252</sup> However, it notes with concern the lack of adoption of specialized regulations to prevent, investigate, and punish gender-based violence against women.<sup>253</sup> Despite repeated demands by civil society organizations, the discussion of the Comprehensive Law against Violence and the classification of femicide as a crime has not yet been included

<sup>247</sup> IACHR, 190th Period of Sessions, [Public Hearing - Cuba: Human Rights Violations in the context of institutional violence](#), July 11, 2024.

<sup>248</sup> Martí Noticias, [Cofradía de la Negritud: desigualdad racial se acentúa en Cuba a la par de la pobreza y la exclusión \(Cofradía de la Negritud: racial inequality exacerbated in Cuba along with inequalities based on poverty and exclusion\)](#), July 30, 2024; Raza e Igualdad, [En Cuba, la pobreza extrema afecta principalmente a las personas afrodescendientes de la Isla \(In Cuba, extreme poverty mainly affects people of African descent\)](#), October 29, 2024.

<sup>249</sup> Cuba Información, [En Cuba hace cuatro años se aprobó el Programa Nacional contra el Racismo y la Discriminación Racial \(In Cuba, the National Program against Racism and Racial Discrimination was approved four years ago\)](#), October 19, 2023.

<sup>250</sup> IPS Cuba, [Programa contra el racismo en Cuba reclama más visibilidad y difusión \(Program against racism in Cuba calls for more visibility and dissemination\)](#), February 9, 2024.

<sup>251</sup> La Joven Cuba, [¿Existe el color cubano? \(Is there such a thing as Cuban color?\) Desigualdades tras la máscara del mestizaje \(Inequalities masked by racial mingling\)](#), August 15, 2024.

<sup>252</sup> Ministry of Justice, Decree 109/2024 "[Sistema Nacional para el Cuidado Integral de la Vida \(National System for Integral Life Care\)](#)" (GOC-2024-578-099), October 15, 2024, articles 4 and 6.

<sup>253</sup> CEDAW Committee, [IX Report of Cuba to the Committee on the Elimination of Discrimination against Women](#), 12 December 2022, para. 262.



in the legislative agenda.<sup>254</sup> In this regard, the Commission regrets the lack of ratification of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, the main regional instrument for the protection of women's human rights.<sup>255</sup>

141. On the other hand, the Commission warns of the prevalence of femicidal violence and the absence of measures to combat it, such as prevention protocols and temporary housing for victims of violence.<sup>256</sup> Publicly available information indicates that, between January and October 2024, 40 violent deaths of women were recorded, most of them perpetrated by their partners or ex-partners.<sup>257</sup> In addition to these data are the people affected by these deaths, mainly family members who depended on the victims.<sup>258</sup> The Commission appreciates the recognition in the Cuban regulatory framework of the right to reparation in cases of gender violence. However, civil society organizations have pointed out that there are challenges to its timely implementation, such as the absence of a gender focus in legislation, the limitation of reparation to compensation, and bureaucratic obstacles.<sup>259</sup>

142. Likewise, the Commission warns that, during 2024, women activists and human rights defenders continued to face acts of repression to discourage their participation in protests, activism, or defense work.<sup>260</sup> The persistence of short-term arbitrary detentions<sup>261</sup>, harassment, physical, psychological, and vicarious violence<sup>262</sup>, sexual violence, and threats by State officials has been reported, particularly affecting Afro-Cuban women.<sup>263</sup> Also notable were reprisals against family members of women defenders in the form of harassment, forced disappearance, and expulsion from schools and workplaces.<sup>264</sup> In addition, women deprived of their liberty face inadequate detention conditions that put their personal integrity at risk,<sup>265</sup> as well as physical and sexual assaults committed by state agents.<sup>266</sup> Along these lines, the Commission was informed

<sup>254</sup> La Coalición, Request for a Thematic Hearing, "State Violence in Cuba: Deaths in Custody and Patterns of Violence from an Intersectional Perspective," 190th Session of the IACHR, p. 2. On file at IACHR. Alas Tensas, [La Asamblea Nacional responde a petición de aprobación de una Ley Integral contra la Violencia de Género \(National Assembly responds to request for approval of a Comprehensive Law against Gender Violence\)](#), February 21, 2024.

<sup>255</sup> IACHR, [Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II. Doc. 2, February 3, 2020, par. 311; General Information on the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, [Signatory Countries](#), accessed on October 18, 2024.

<sup>256</sup> Prisoners Defenders, [The reality of the current femicide crisis in Cuba. Report for CEDAW](#), September 2024, p. 2; Diario de Cuba, [Violencia machista y política en Cuba, bajo la lupa del Comité para la Eliminación de la Discriminación contra la Mujer \(Machista and political violence in Cuba monitored by the Committee for the Elimination of Discrimination against Women\)](#), October 9, 2024.

<sup>257</sup> Alas Tensas, [Listado de feminicidios en Cuba en el año 2024 \(List of feminicides in Cuba in 2024\)](#), October 15, 2024; Alas Tensas, [El asesinato de una joven de 18 años eleva a 39 los feminicidios en Cuba en 2024 \(The murder of an 18-year-old woman raises the number of feminicides in Cuba in 2024 to 39\)](#), October 10, 2024.

<sup>258</sup> Casa Palanca, [Víctimas de las que no se habla \(Victims nobody talks about\)](#), September 18, 2024; Alas Tensas, [Violencia de género contra la mujer en Cuba: feminicidios, trata y explotación \(Gender-based violence against women in Cuba: feminicides, trafficking, and exploitation\) \(Contribution to CEDAW\)](#), October 16, 2024.

<sup>259</sup> Cubalex, Solicitud de Audiencia "Obligación de reparar a las víctimas de violencia de género en Cuba (Request for Hearing "Obligation to Make Reparations to Victims of Gender Violence in Cuba)", August 20, 2024, 191st IACHR Period of Sessions, p. 1. On file at IACHR.

<sup>260</sup> La Coalición, et al. Solicitud de Audiencia "Violencia de Estado en Cuba" (Request for Hearing "State Violence in Cuba"), p. 8. On file at IACHR.

<sup>261</sup> DW, [Cuba: las Damas de Blanco denuncian 100 domingos de arrestos \(Cuba: Ladies in White denounce 100 Sundays of arrests\)](#), October 15, 2024.

<sup>262</sup> Race & Equality, [En Cuba se vive el 8M entre la violencia de género y la represión \(Cuba lives 8M between gender violence and repression\)](#), March 8, 2024.

<sup>263</sup> La Coalición, et al., Solicitud de Audiencia "Violencia de Estado en Cuba" (The Coalition, et al., Request for a Hearing on "State Violence in Cuba"), p. 2. On file at IACHR.

<sup>264</sup> Red Femenina de Cuba, et al, Solicitud de Audiencia "Represión Estatal contra Mujeres Activistas" (Request for Hearing on "State Repression against Women Activists"), p. 2. On file at IACHR.

<sup>265</sup> IACHR, [IACHR Grants Precautionary Measures to Aniette González García, Human Rights Defender in Cuba, May 6, 2024; Red Femenina de Cuba, et al](#), May 6, 2024; Red Femenina de Cuba, et al, Request for Hearing "State Repression against Women Activists", 191st Regular Session, August 20, 2024, p. 2. On file at the IACHR.

<sup>266</sup> La Coalición, et al. Solicitud de Audiencia "Violencia de Estado en Cuba" (Request for Hearing "State Violence in Cuba"), p. 8. On file at IACHR.

about the denial of food and adequate medical care to a pregnant woman deprived of liberty who was pressured to terminate her pregnancy.<sup>267</sup>

143. The aforementioned acts of violence collide with the rights enshrined in the American Declaration of the Rights and Duties of Man. Article II recognizes the right to equality without distinction as to race, sex, and other categories.<sup>268</sup> However, Cuban women defenders and prisoners face discrimination, firstly, due to the absence of regulations that guarantee the exercise of their rights and, secondly, due to the various forms of violence they suffer in both the public and private spheres. In addition, the exercise of the right to protection of motherhood and childhood<sup>269</sup> is affected by the conditions inside detention centers and the reprisals faced by family members of women defenders, including children.

144. In summary, serious deficiencies persist in the protection of the rights of women, who are deprived of public policies and adequate legislation to prevent and punish gender violence, which exacerbates the vulnerability of specific groups such as women defenders, Afro-Cuban activists, and women deprived of liberty. This absence of protection mechanisms increases the commission of acts of violence as reflected in the number of violent deaths. Finally, there is evidence of a pattern of discrimination and violence against women activists and human rights defenders exercised by state agents that particularly affects Afro-descendant women.

### LGBTI persons

145. Regarding the rights of LGBTI persons, the Commission remains concerned about the situation of generalized violence against this group. At the same time, there are numerous complaints from civil society about the lack of investigations by the authorities into violent crimes, possibly motivated by prejudice. Concern is also reiterated about transgender political prisoners and the lack of official data on the rights of LGBTI people.

146. The IACHR notes that between May 3 and 18, 2024, the country conducted “Cuban Days against Homophobia and Transphobia”.<sup>270</sup> On those days, peaceful association meetings were organized by the State to draw attention to the struggle for the rights of LGBTI people. Likewise, political leaders and high-level public officials expressed their support for LGBTI rights during the year.<sup>271</sup>

147. On the other hand, the Commission warns about the lack of official and public data and information on the human rights situation of LGBTI persons, a situation that makes monitoring difficult. The IACHR notes that most of the data are generated by civil society organizations and the independent press.

148. The IACHR also continues to receive information related to acts of violence and repression against LGBTI persons in Cuba. In February, for example, the murder of Helen García Artelles, a trans woman and human rights defender from Camagüey, was reported.<sup>272</sup> In July, according to information in the public domain, Cuban activist and artist Kiriam Gutiérrez Pérez was banned from participating in and even attending an event known as “Reina de la Copla en Cuba” (Queen of the Couplet in Cuba). This was due to an anonymous

<sup>267</sup> Request for precautionary measure, Lisdany Rodríguez Isaac, pregnant prisoner, April 12, 2024, on file at the IACHR; Cubita Now, [Presa del 11 | se embaraza en prisión: el régimen la está presionando para que aborte \(11 | prisoner becomes pregnant in prison: the regime is pressuring her to have an abortion\)](#), January 24, 2024.

<sup>268</sup> Organization of American States, [American Declaration of the Rights and Duties of Man](#), 1948, Article II.

<sup>269</sup> *Idem*, Article VII.

<sup>270</sup> Tribuna de la Habana, [Celebran Jornadas Cubanas contra la Homofobia y la Transfobia \(Celebration of Cuban Days against homophobia and transphobia\)](#), May 6, 2024; Radio Rebelde, Concluye XVII edición de las Jornadas contra la homofobia y la transfobia en Cuba, May 16, 2024.

<sup>271</sup> CMXX, Radio Bayamo, [En Cuba el amor es ley y lo seguirá siendo, asevera presidente \(In Cuba, love is the law and will continue to be so, President asserts\)](#), May 17, 2024; CUBADEBATE, [Jornadas contra la Homofobia y Transfobia: Educar en el respeto y la no discriminación \(Educating for respect and non-discrimination\)](#), May 6, 2024.

<sup>272</sup> CubitaNOW, [Asesinato de Mujer Trans en Camagüey Eleva a Seis los Feminicidios en Cuba en 2024 \(Murder of Trans Woman in Camagüey Raises the Number of Feminicides in Cuba to Six in 2024\)](#), February 5, 2024.



accusation that an act of protest could take place at the event.<sup>273</sup> Likewise, the Commission learned about the lack of interest of the authorities in investigating crimes allegedly motivated by prejudice and that the impunity that this generates is one reason why LGBTI people want to leave the island.<sup>274</sup>

149. In addition, the Commission reiterates its concern about the wellbeing of trans activist and political prisoner Brenda Díaz, who has been housed in a male prison since her arrest during the July 11, 2021 demonstrations. According to information in the public domain, Brenda was transferred to a punishment cell on January 1, 2024 and, although she is no longer in this cell, she reports being in inhumane conditions and being the victim of acts of violence by guards.<sup>275</sup>

150. In light of the above, the IACHR urges the State to make efforts to collect and analyze data regarding the prevalence and nature of violence and bias-based discrimination against LGBTI persons.<sup>276</sup> It also reiterates the recommendation made in 2023 on guaranteeing the right to life and integrity of LGBTI people; first by refraining from practicing, through its agents, acts of violence against them; and, secondly by ensuring a legal framework that protects them against actions by third parties.<sup>277</sup>

151. Finally, the Commission reiterates to the State the urgent need to adopt protocols that provide security for trans persons deprived of their liberty.<sup>278</sup> Likewise, the State is called upon to investigate acts of violence against LGBTI persons in accordance with international standards of due diligence to guarantee adequate access to justice for LGBTI persons and ensure measures of non-repetition.

### People in a situation of human mobility

152. Regarding the population in a situation of human mobility, the Commission noted with concern the enactment of the new Citizenship Law, which contains provisions that would allow depriving persons of their nationality for acts contrary to political, economic, and social interests. It also reiterates its alarm at the persistence of arbitrary restrictions on the right of movement and residence, including the right of nationals to leave and return freely to the country, and continues to closely observe the increase in the massive outflow of Cuban nationals from the country.

153. Regarding the new Citizenship Law,<sup>279</sup> approved in July 2024 by the National Assembly of People's Power, the Commission notes with concern that the norm allows depriving a person of Cuban nationality if he or she, in the opinion of the corresponding citizenship authority, "from abroad perform acts contrary to the high political, economic, and social interests of the Republic of Cuba". In addition, the aforementioned law provides that "when any person gives cause for deprivation of citizenship and causes serious damage to the country in relation to national security, endangers the stability of the State, international relations, or the general health of the population, the citizenship authority may issue a Presidential Decree without complying with the requirements and formalities for the processing of the case". In this regard, the

<sup>273</sup> CiberCuba, [Denuncian censura contra la artista trans Kiriam Gutiérrez \(Censorship against trans artist Kiriam Gutiérrez denounced\)](#), July 9, 2024.

<sup>274</sup> CiberCuba, ["¿Qué voy a poder aquí en Cuba, qué voy a construir aquí?" \(What am I going to be able to do here in Cuba, what am I going to build here?\)](#), June 28, 2024.

<sup>275</sup> Diario de Cuba, ["Si la maltrataron", denuncia la madre de la presa política del 11j Brenda Díaz \("Yes, they did mistreat her." complains the mother of 11j political prisoner Brenda Díaz\)](#), January 4, 2024; ADN Cuba, [Maltratan y llevan a celda de castigo a presa política del 11j Brenda Díaz \(They mistreat 11j political prisoner Brenda Díaz and move her to a punishment cell\)](#), January 1, 2024.

<sup>276</sup> IACHR, [Report on Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas](#), 2015 Recommendations 1, p. 290.

<sup>277</sup> IACHR, [Annual Report 2023 Chapter IV-B 'Cuba'](#), 2023, par. 145; IACHR, [Report on Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas](#), 2015. Recommendations 25-27, p. 294; Recommendations 31 and 32, p. 295.

<sup>278</sup> Inter-American Court of Human Rights, Advisory Opinion OC-29/22 of 30 May 2022, Differential approaches with respect to certain groups of persons deprived of liberty (interpretation and scope of Articles 1(1), 4(1), 5, 11(2), 12, 13, 17(1), 19, 24, and 26 of the American Convention on Human Rights and other instruments concerning the protection of human rights), paras. 242ff; IACHR, [Report on Women Deprived of Liberty in the Americas](#), adopted by the Inter-American Commission on Human Rights on March 8, 2023, par. 295.

<sup>279</sup> Cuba, [Proyecto de Ley de Ciudadanía \(Draft Citizenship Law\)](#), approved by the National Assembly of People's Power on July 19, 2024.

IACHR stresses that nationality constitutes a non-derogable right, and that its arbitrary deprivation, especially as a punishment or sanction for political reasons, is contrary to international human rights law.<sup>280</sup>

154. With regard to restrictions on the right of movement and residence, during 2024, the Commission continued to observe that the exercise of this right is extremely restricted in law and in fact, especially for those who have espoused critical positions towards the Government. The IACHR learned of new cases of activists and independent journalists who have been banned from leaving the country by Cuban authorities. In March, activist Martha Beatriz Roque was prevented from leaving the country to attend a ceremony in which she was awarded the International Women of Courage Award by the U.S. State Department.<sup>281</sup> Similarly, on June 6, CubaNet contributor Armando Sardiñas was prevented from boarding a flight to Nicaragua.<sup>282</sup> In turn, writer Adriana Normand denounced on November 13 that she was informed that she was under surveillance (*se encuentra regulada*) when she was in the office in charge of issuing passports in Havana.<sup>283</sup>

155. In particular, the Commission is concerned about certain provisions of the new Migration Law<sup>284</sup> that allow limiting the entry into the country of Cuban citizens for the purpose of guaranteeing defense, national security, internal order, or public order and interest. The IACHR stresses that, in accordance with Article VIII of the American Declaration, every person has the right to establish his or her residence within the territory of the state of which he or she is a national, to move about freely within such territory, and not to leave it except by her or his own will.<sup>285</sup> Likewise, the refusal to return nationals to their country is considered a serious violation of the rights associated with the exercise of nationality.

156. In addition, the IACHR continues to take note of the significant increase in the migration of Cuban persons to the United States in 2024. In this regard, according to the most recent Customs and Border Protection (CBP) statistical update, between October 2023 and September 2024, 217,615 Cuban nationals arrived in the United States.<sup>286</sup> This number already exceeds 641,000 for fiscal years 2022 to 2024, and continues to surpass the 125,000 who emigrated in 1980 during the historic Mariel exodus. In 2024, the IACHR continued to receive information linking this increase in migration to the severe economic crisis in the country, constant power outages, and restrictions on the exercise of basic human rights, as well as ongoing state repression of social demonstrations in the country.

157. Given this reality, the Commission urges the State to eliminate any provisions of the new Citizenship Law that may lead to arbitrary deprivation of nationality for political and/or ideological reasons. In addition, it reiterates its call on the State of Cuba to eliminate restrictions on exit and entry into the country imposed on individuals due to their activities as activists or for political reasons, as well as to adopt urgent and comprehensive measures to address the factors that are generating the massive outflow of its nationals from the country, including violations of basic human rights and fundamental freedoms.

<sup>280</sup> IACHR, Press Release No. 230/24, [IACHR calls on States to continue adopting measures to prevent and eradicate statelessness in the region](#), September 27, 2024.

<sup>281</sup> ADN Cuba, [Régimen impide a Martha Beatriz Roque viajar a EEUU para recoger premio \(Regime prevents Martha Beatriz Roque from traveling to the U.S. to collect award\)](#), March 5, 2024; 14 y Medio, [El régimen cubano impide a Martha Beatriz Roque recoger un premio en EE UU \(Cuban regime prevents Martha Beatriz Roque from collecting an award in the U.S.\)](#), March 1, 2024.

<sup>282</sup> CubaNet, [Régimen impide a colaborador de 'CubaNet' salir del país: \(Regime prevents 'CubaNet' collaborator from leaving the country\) "Los sueños se volvieron pesadilla" \("Dreams turned into nightmares"\)](#), June 7, 2024; Diario de Cuba, [La Seguridad del Estado impide salir del país al colaborador de 'Cubane' Armando Sardiñas \(State Security prevents 'Cubane' contributor Armando Sardiñas from leaving the country\)](#), June 10, 2024.

<sup>283</sup> Cubanos por el Mundo, [Prohíben a la escritora cubana, Adriana Normand, salir del país \(Cuban writer Adriana Normand banned from leaving the country\)](#), November 13, 2024; ADN Cuba, [Régimen cubano impone prohibición de salida del país a escritora Adriana Normand \(Cuban regime bans writer Adriana Normand from leaving the country\)](#), November 13, 2024.

<sup>284</sup> Cuba, [Proyecto de Ley de Migración \(Migration Bill\)](#), approved by the National Assembly of People's Power on July 19, 2024.

<sup>285</sup> OAS, [American Declaration of the Rights and Duties of Man](#), adopted at the Ninth International Conference of American States, Bogotá, Colombia, in 1948.

<sup>286</sup> U.S. Customs and Border Protection (CBP), [Nationwide Encounters](#), Data is available for the Northern Land Border, Southwest Land Border, and Nationwide (i.e., air, land, and sea modes of transportation) encounters by Fiscal Year (FY). Last modified: October 22, 2024.

## Older persons

158. Regarding the situation of the rights of the elderly, the IACHR is concerned about social protection and the exercise of the rights to housing, food, and health with independence and autonomy, particularly given the impoverishment of this segment of the population. The Commission also takes note of arbitrary detentions of elderly opposition members.

159. According to available information, the aging population in Cuba is one of the largest in the region, with 24.4% of the population over 60 years of age.<sup>287</sup> Given the current economic, energy, water and food crisis,<sup>288</sup> this population is in a situation of extreme vulnerability. According to the aforementioned civil society reports, extreme poverty escalated to 89% of the general population.<sup>289</sup> Among people over 60 years of age, this percentage rises to 91%, and among those over 70 years of age, it reaches 94%.<sup>290</sup> Likewise, these reports indicate that the pension received by most of the elderly is insufficient to cover food, health and housing expenses.<sup>291</sup>

160. In relation to the right to food, information gathered by civil society organizations indicates that more than 80% of the elderly have experienced a significant loss of access to essential foodstuffs.<sup>292</sup> This population faces different, specific difficulties in acquiring food, due, among other causes, to the need to travel long distances and stand in long lines to do so, and to the lack of access to remittances.<sup>293</sup> In this regard, multiple public information sources report that the elderly have been seen scavenging for food.<sup>294</sup> Regular lack of potable water, electricity, and liquefied gas directly impacts food storage and cooking.<sup>295</sup> In this situation, reports point out the difficulty of accessing data or evaluation reports on the status of the food services provided by the Family Assistance System.<sup>296</sup>

161. With regard to the right to housing, the Commission learned from public information about the poor quality of housing for some elderly people and the relationship between housing and the disintegration of family nuclei due to migration. In this regard, worrying photos have circulated on social

<sup>287</sup> IACHR, [Public Hearing, Cuba: Rights of older people](#), November 11, 2024; Radio Angulo, [Envejecimiento demográfico en Cuba, más allá de las cifras \(Demographic aging in Cuba: beyond the statistics\)](#), June 2, 2024; Granma, [El envejecimiento poblacional implica más de un desafío \(Population aging involves more than one challenge\)](#), October 13, 2024

<sup>288</sup> Observatorio Cubano de Derechos Humanos (OCDH), ["El Estado de los Derechos Sociales en Cuba \(The state of social rights in Cuba\)"](#), VII Report, July 2024.

<sup>289</sup> Observatorio Cubano de Derechos Humanos (OCDH), ["El Estado de los Derechos Sociales en Cuba \(State of Social Rights in Cuba\)"](#), VII Report, July 2024, p. 3.

<sup>290</sup> IACHR, [Public Hearing, Cuba: Rights of older people](#), November 11, 2024.

<sup>291</sup> Martí Noticias, [Cuba está sumida en varias crisis y los ancianos son los más afectados, asegura activista. \(Cuba is swamped in crises and the elderly are the hardest-hit, activist says\)](#), January 18, 2024; CiberCuba, [Ancianos constituyen el único grupo poblacional que crece en Cuba \(The elderly are the only segment of the population in Cuba that is increasing\)](#), May 5, 2024; Periódico cubano, [Severo envejecimiento en Cuba: más del 20% de la población en la Isla supera los 60 años \(Severe aging in Cuba: more than 20% of the population of the island is over 60\)](#), October 15, 2024; IACHR. Hearing, [Cuba: Rights of older people](#), November 11, 2024

<sup>292</sup> IACHR, [Public Hearing, Cuba: Rights of older people](#), November 11, 2024.

<sup>293</sup> Martí Noticias, [Ancianos, niños y embarazadas, los que más resienten el impacto de la falta de alimentos en Cuba \(The elderly, children, and pregnant women are the most affected by the lack of food in Cuba\)](#), May 25, 2024; IACHR Hearing, [Cuba: Rights of older people](#), November 11, 2024.

<sup>294</sup> CiberCuba, [Ancianos cubanos buscan alimentos en la basura \(Elderly Cubans search for food in the garbage\)](#), February 8, 2024; CiberCuba, [Dramáticas imágenes: \(Dramatic images:\) Ancianos en Cuba hurgan la basura en busca de comida \(Elderly people in Cuba scavenge for food\)](#), April 8, 2024; Martí Noticias, [Falta voluntad política en Cuba para atender a los ancianos desamparados, opina periodista \(There is a lack of political will in Cuba to care for the helpless elderly, says journalist\)](#), April 11, 2024; Cuido 60, Press Release No. 11, [Etnografía del aumento de personas mayores "buzos" en la ciudad de Cienfuegos \(Ethnography of the increase in the number of elderly people scavenging for food in the city of Cienfuegos\)](#), April 18, 2024.

<sup>295</sup> EFE, [Cubano, octogenario y sin corriente: el drama de los apagones para personas con movilidad reducida \(80-year-old Cuban without electricity: the dramatic impact of blackouts on persons with reduced mobility\)](#), October 18, 2024; ADN Cuba, [Organizaciones independientes alertan sobre crisis humanitaria en Cuba tras apagón general \(Independent organizations warn of humanitarian crisis in Cuba after general blackout\)](#), October 22, 2024; La Cadera de Eva, [Apagón en Cuba: la crisis energética afecta más a mujeres y adultos mayores \(Blackout in Cuba: energy crisis affects women and older adults the most\)](#), October 22, 2024; Cuido 60, [Press Release No. 16, Impacto de la crisis energética en las personas mayores \(Impact of the energy crisis on the elderly\)](#), October 31, 2024.

<sup>296</sup> Cuido 60, Press Release No. 15, [Inseguridad alimentaria y agravamiento de los servicios de alimentación del sistema de atención a la familia \(SAF\) \(Food insecurity and worsening food services in the family care system \(SAF\)\)](#), April 18, 2024.

networks of extremely precarious dwellings in which elderly people live alone.<sup>297</sup> In addition, heavy migration is reportedly having a serious impact on the disintegration of family nuclei and intergenerational care, since homes are being sold to pay for the migration expenses of the rest of the family group, leaving the elderly who do not migrate homeless.<sup>298</sup> In the same vein, the Deputy Director of Social Work at the Center for the Care of Homeless People in Havana publicly acknowledged that there has been an increase in the number of people living on the street in recent months<sup>299</sup>, most of whom are older people.<sup>300</sup>

162. The IACHR has highlighted the need for care facilities for the elderly to guarantee decent living conditions.<sup>301</sup> On this point, the Cuban Prime Minister noted in April 2024 that difficulties persist in the implementation of multisectoral policies and programs related to the care of "grandparents' homes, homes for the elderly and psycho-pedagogical medical centers". Problems reported in these establishments include poor food quality, non-compliance with established schedules, lack of recreational options, lack of hygiene, and deterioration of facilities.<sup>302</sup>

163. The Commission has also received information on gender violence and femicide involving women over 65 years of age, who are more vulnerable because they are more socially isolated and do not have the resources to end violent relationships. Likewise, the scant attention paid to this form of violence reportedly leads to those women not identifying themselves as victims and, therefore, not reporting their situation or asking for help. Civil society organizations have expressed concern about the few official statistics on gender-based violence against the elderly and the social and economic impact of this violence, which greatly impairs the stability of the dependents of the murdered women.<sup>303</sup>

164. The Commission also continued to receive information on the situation of elderly persons deprived of their liberty for political reasons. Félix Navarro, founder of the Pedro Luis Boitel Party for Democracy, now 71 years old, is serving his third sentence for political reasons.<sup>304</sup> According to available information, Navarro, a beneficiary of precautionary measures, is reportedly very thin and is not receiving the medications he needs to treat his diabetes.<sup>305</sup>

165. Finally, the IACHR has also taken cognizance of temporary deprivations of liberty involving elderly persons whose political opinions are contrary to the regime. Academic Alina Bárbara López Hernández was detained on April 18 and June 18 when she traveled to Havana to protest against acts of censorship. In the first case, she was detained for 7 hours, held incommunicado, and suffered physical violence that caused a sprain in her right shoulder.<sup>306</sup> In the second case, she was physically assaulted at the time of arrest and was

<sup>297</sup> CiberCuba, [Ancianos cubanos viven en la extrema pobreza en Holguín \(Elderly Cubans live in extreme poverty in Holguín\)](#), February 17, 2024.

<sup>298</sup> Martí Noticias, [Falta voluntad política en Cuba para atender a los ancianos desamparados, opina periodista \(Lack of political will in Cuba to care for neglected elderly, according to journalist\)](#), April 11, 2024; Voice of America, [Private enterprise begins to provide care for the elderly in Cuba](#), March 14, 2024.

<sup>299</sup> Martí Noticias, [Crece el número de cubanos que viven en la calle, reconocen las autoridades y la ciudadanía \(According to authorities and citizens, a growing number of Cubans are living on the streets\)](#), February 21, 2024; Cubanet, [Prensa oficial reconoce aumento de personas deambulantes en Cuba \(Official press acknowledges increase of homeless people in Cuba\)](#), February 20, 2024.

<sup>300</sup> IACHR, [Public Hearing, Cuba: Rights of older people](#), November 11, 2024.

<sup>301</sup> IACHR, [Annual Report, Ch. IV.B. Cuba](#), 2023, par. 160.

<sup>302</sup> Prensa Latina, [Analiza primer ministro situación de hogares de ancianos en Cuba \(Prime Minister analyzes situation of nursing homes in Cuba\)](#), April 30, 2024; Martí Noticias, [Desatención en Hogares de Ancianos en Cuba: \(Neglect in Nursing Homes in Cuba:\) "Están sin comida, sin medicinas... están en cero" \("They're out of food, they're out of medicine...they're at zero."\)](#), May 10, 2024.

<sup>303</sup> IACHR, [Public Hearing, Cuba: Rights of older persons](#), November 11, 2024.

<sup>304</sup> IACHR, [Public Hearing, Cuba: Rights of older persons](#), November 11, 2024; Amnesty International, [Cuba: Amnistía Internacional nombra cuatro personas como presas de conciencia en medio de una nueva ola de represión estatal \(Amnesty International names four people as prisoners of conscience amid a new wave of state repression\)](#), October 23, 2024.

<sup>305</sup> Diario de Cuba, [El preso político cubano Félix Navarro sufre la reiterada falta de atención médica \(Cuban political prisoner Félix Navarro suffers from repeated lack of medical attention\)](#), July 5, 2024; Cubanet, [Preocupación por el estado de salud del preso político Félix Navarro: \(Concern for the health condition of political prisoner Félix Navarro:\) "Sigue muy delgado y enfermo" \("He is still very thin and sick."\)](#), January 11, 2024.

<sup>306</sup> Observatorio Cubano de Derechos Humanos, [OCDH denuncia el repunte de la represión en Cuba contra intelectuales, sindicalistas y periodistas independientes. \(OCDH denounces the increase in repression in Cuba against intellectuals, trade unionists, and independent journalists.\)](#), April 22, 2024; PEN International, [Cuba: The authorities must put an end to the harassment and arbitrary](#)

deprived of her liberty for 11 hours.<sup>307</sup> Similarly, in the framework of the celebration of its twenty-second anniversary, 18 people from the Opposition Movement for a New Republic were arrested by the National Revolutionary Police, among them 71-year-old Luis Jesús Gutiérrez Campos.<sup>308</sup>

166. Based on the above, the IACHR reiterates that older persons have the right to access a social security system that protects them against the consequences of old age that make it physically or mentally impossible for them to obtain the means of subsistence.<sup>309</sup> Thus, the right to food is a human right that has been linked to guaranteeing the preservation of the health of all people in the Americas.<sup>310</sup> The IACHR also highlights the importance of ensuring the active and full social participation and integration into the community of older persons<sup>311</sup>, without fear of reprisals regarding their personal liberty. In addition, the Commission notes that the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas outlaw discrimination against the prison population on the basis of age or political opinion.<sup>312</sup>

### Persons with disabilities

167. With respect to persons with disabilities, the IACHR continues to observe with concern the obstacles faced by these persons in the exercise of their rights under conditions of equality and non-discrimination. It also highlights the serious situation of persons with disabilities deprived of their liberty for political reasons or as a result of exercising their right to defend human rights.<sup>313</sup>

168. During 2024, the Commission continued to register complaints of physical and psychological abuse against these individuals. In particular, the Commission learned of physical aggressions against Iliván Fuentes Fonseca, who has been a psychiatric patient since he was 12 years old, for protesting after the food his family had provided him was taken away from him.<sup>314</sup> Likewise, civil society organizations denounced the lack of medical care for people with disabilities who are deprived of their liberty for having participated in the protests of July 11, 2021.<sup>315</sup> According to available information, Ismael Rodríguez González, who has a diagnosis of intellectual disability, suicidal risk, and personality disorder, is not receiving the medications and medical attention he needs.<sup>316</sup> Similarly, Walnier Luis Aguilar Rivera, a beneficiary of precautionary measures

detention of writers and artists. May 9, 2024; Diario de Cuba, Liberada después de siete horas, golpeada y sin cargos, la intelectual cubana Alina Bárbara López (Released after seven hours, beaten, and without charges, Cuban intellectual Alina Bárbara López), April 19, 2024.

<sup>307</sup>PEN International, Cuba: The arrest and harassment of Alina Bárbara López and Jenny Pantoja highlight the repression of critical voices, June 28, 2024; Cubanet, Seguridad del Estado detiene a las profesoras Alina Bárbara López y Jenny Pantoja Torres (State Security detains teachers Alina Bárbara López and Jenny Pantoja Torres), June 18, 2024.

<sup>308</sup>ADN Cuba, Represión contra activistas del MONR en su 22 aniversario (Repression against MONR activists on their 22nd anniversary), May 27, 2024; Diario de Cuba, El régimen reprime a 18 miembros de una organización opositora cubana que cumple 22 años (The regime represses 18 members of a 22-year-old Cuban opposition organization), May 27, 2024.

<sup>309</sup>American Declaration of the Rights and Duties of Man (ADRDM), Article XVI.

<sup>310</sup>ADRDM, Article XI.

<sup>311</sup>IACHR, Human Rights of Older Persons and National Protection Systems in the Americas, OEA/Ser.L/V/II.doc.397/22, December 31, 2022, paras. 265–266.

<sup>312</sup>IACHR, Human Rights of Older Persons and National Systems of Protection in the Americas: Approved by the Inter-American Commission on Human Rights, OEA/Ser.L/V/II.doc.397/22, December 31, 2022, par. 375 and conclusion six.

<sup>313</sup>According to information systematized by Justicia 11J, there are at least 15 persons with disabilities who are deprived of liberty for political reasons. Justicia 11J. Database of persons detained in connection with protests. Available at: <https://justicia11j.org/personas-detenido-as-en-relacion-con-protestas/> (accessed November 10, 2024).

<sup>314</sup>Red de Cultura Inclusiva de Cuba: Contribution Report of the Inclusive Culture Network to the 17th meeting of the Cuba Network of the Inter-American Commission on Human Rights, November 10, 2024. On file at the IACHR; Prisoners Defenders [@PrisonersDFNdrs], (May 7, 2024). Political prisoner Iliván Fuentes Fonseca was TORTURED with a brutal beating by agents at Boniato prison in Santiago de Cuba for protesting when the food his family brought him on a family visit was taken away [Tweet]. X. <https://twitter.com/PrisonersDFNdrs/status/1787909142125887781>.

<sup>315</sup>Diario de Cuba, Cubalex denuncia en una campaña la falta de atención médica a presos políticos con enfermedades mentales (Cubalex denounces in a campaign the lack of medical attention to political prisoners with mental illnesses), March 5, 2024; Centro de Documentación de Prisiones Cubanas, Personas privadas de libertad con situaciones delicadas de salud reportadas durante el mes de abril de 2024 (Persons deprived of liberty reportedly in poor health in April 2024), May 2024.

<sup>316</sup>Cubalex [@CubalexDDHH], (March 2, 2024) Queremos recordar la historia de Ismael Rodríguez González, prisionero del #11J cuya salud mental se ha deteriorado gravemente debido a la falta de atención médica en las prisiones cubanas [Tweet], (We would like to recall the story of Ismael Rodríguez González, prisoner of #11J whose mental health has seriously deteriorated due to the lack of medical care in Cuban prisons [Tweet]), X, <https://x.com/CubalexDDHH/status/1764017835469414743>; Diario de Cuba, Padre e hijo



who has an intellectual disability, is detained in a highly dangerous area, suffers mistreatment, and cannot access his medication.<sup>317</sup>

169. The Commission was also informed about the denial of medical treatment to Iran Almaguer Labrada, a member of the Christian Liberation Movement (MCL), who suffers from retinitis pigmentosa, which causes progressive loss of vision. Almaguer Labrada, who is a beneficiary of precautionary measures, has been subjected to persecution, intimidation, short-term detentions and threats of suspension of treatment in retaliation for his activism. In early 2020 this threat materialized, and since then he has not received medical attention. According to information provided by the civil society, this situation has caused the total loss of vision in his right eye and an almost total decrease in his left eye.<sup>318</sup>

170. Likewise, the Commission continues to observe that the organizations that assist persons with disabilities in the exercise of their rights are selective in their actions and abide by a political-ideological profile established in their Bylaws, which prevents persons with disabilities who do not share the ideology of the governing party from joining as associates. For example, the statute of the National Association of the Blind (ANCI) states that those who wish to join the association must "maintain moral and social conduct in accordance with the principles of socialist society".<sup>319</sup>

171. The IACHR reminds the Cuban State that, according to international standards on the rights of persons with disabilities, those persons are a priority group for protection and States have the role of primary guarantor of their human rights and inherent dignity, including the right to life, health, liberty, and personal integrity throughout the life cycle, and especially when they are in their care in a situation of deprivation of liberty. The IACHR stresses that States are responsible for protecting persons with disabilities against discrimination of any kind and for ensuring that they are not subjected to cruel, inhuman, and degrading treatment for any reason. In addition, they must ensure that they have equal access to the justice system and due process, with all the facilities required to ensure accessibility.

#### IV. RELATIONSHIP BETWEEN THE STATE AND OTHER STAKEHOLDERS

##### A. Situation of the Cuban State vis-à-vis the OAS and the IACHR

172. On January 31, 1962, the Government of Cuba was excluded from participation in the inter-American system by means of Resolution VI, adopted at the Eighth Meeting of Consultation of Ministers of Foreign Affairs, held in Punta del Este (Uruguay).<sup>320</sup> That resolution ceased to have effect on June 3, 2009, when the General Assembly of the Organization of American States, at its Thirty-Ninth Regular Session in San Pedro Sula, Honduras, determined by resolution AG/RES. 2438 (XXXIX-O/09) that "the participation of the Republic

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[condenados por el 11J denuncian represión en la cárcel \(Father and son convicted of 11J denounce repression in prison\)](#), February 15, 2024.

<sup>317</sup>Martí Noticias, [Joven del 11J sin antecedentes penales y con discapacidad está encerrado con reos de gran criminalidad \(11J youth with no criminal record and a disability is locked up with high-crime inmates\)](#), June 12, 2024; Cubanet, ["Casi 40 días sin nada, pasando hambre": \("Almost 40 days with nothing, going hungry."\) Níegan visita familiar al preso político Walmier Aguilar \(Family visit denied to political prisoner Walmier Aguilar\)](#), May 14, 2024; CiberCuba, [Padre del preso político cubano Walmier Aguilar: \(Father of Cuban political prisoner Walmier Aguilar\): "La libertad en Cuba está de luto" \("Freedom in Cuba is in mourning"\)](#), February 12, 2024.

<sup>318</sup>Christian Liberation Movement, [Detenido Irán Almaguer Labrada, miembro del Movimiento Cristiano Liberación \(Arrested Iran Almaguer Labrada, member of the Christian Liberation Movement\)](#), January 19, 2024; Race and Equality, Information provided to the IACHR in connection with precautionary measure 1068-20 (Yandier García Labrada and Iran Almaguer Labrada), October 8, 2024, on file at the IACHR.

<sup>319</sup>Red de Cultura Inclusiva de Cuba, Contribution Report of the Inclusive Culture Network to the 17th meeting of the Cuba Network of the Inter-American Commission on Human Rights, November 10, 2024, on file at the IACHR.

<sup>320</sup>The text of resolution VI can be found in "Eighth Meeting of Consultation of the Ministers of Foreign Affairs to serve as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance, Punta del Este, Uruguay, January 22 to 31, 1962, Meeting Documents," Organization of American States, OEA/Ser.F/II.8, doc. 68, pp. 13-15.

of Cuba in the OAS will be the result of a process of dialogue initiated at the request of the Government of Cuba, and in accordance with the practices, purposes, and principles of the OAS.”<sup>321</sup>

173. As of the date of adoption of this report, the annulment of the 1962 resolution that excluded the Cuban Government from the inter-American system has not resulted in Cuba's reincorporation in the OAS. In 2018, for example, at the Eighth Summit of the Americas, Cuba sent a delegation and, despite walking out of the inaugural session prior to the address delivered by the Secretary General of the Organization, it announced that it would continue to “exercise [its] legitimate right to participate at a forum to which it should have been a party for a long time.” At the same event, Foreign Minister Bruno Rodríguez reiterated the position of the Cuban State with respect to what it views as the use of the OAS as an instrument of the geopolitical interests of United States.

174. The exclusion of the Cuban government by the OAS has not prevented the Commission from fulfilling its mandate to promote and protect human rights<sup>322</sup>; since it recognizes it as “legally responsible before the Inter-American Commission with respect to human rights”, since it is “party to the international instruments that were initially established in the American Hemisphere to protect human rights”, and because Resolution VI of the Eighth Meeting of Consultation “excluded the government of Cuba, and not the State, from participation in the Inter-American system”.<sup>323</sup>

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

176. Under this mandate, the Commission has prepared eight country reports and one thematic report, with the last country report dated 2020 and the thematic report dated 2023. Cuba has also been included in Chapter IV, or its equivalent, of the Annual Report in the years 1984-1985 to 1994, and continuously since 1996. In the wake of the regulatory amendments in 2013, Cuba's inclusion in the annual reports was based on the criteria set forth in article 59(6)(a.i) and (c) of the Rules of Procedure.

177. Over the past ten years, the IACHR has held an average of two public hearings per year with respect to Cuba. In 2024, the Commission held 5 hearings: Cuba: Human rights of persons participating in medical missions” and “Cuba: Right to freedom of association” (189th Session); “Cuba: Human rights violations in the context of institutional violence” and “Cuba: Human Rights of Persons Arbitrarily Deprived of Liberty for Political Reasons” (190th Session); and “Rights of the Elderly in Cuba” (191st Session).

178. Likewise, information has been requested from the State in accordance with the powers set forth in Article 18, paragraph d, of the Statute; and, in addition, individual petitions, cases, and precautionary measures continue to be received, processed, and examined.

179. With regard to precautionary measures, as of the date of preparation of this report, Cuba has 52 precautionary measures in force. Of these, 7 were granted in 2024. In 2024, the IACHR highlights the approval of Follow-up Resolution 27/24 regarding precautionary measure MC 484-11, whose beneficiary is José Daniel Ferrer García, who is deprived of his liberty. The Commission decided to issue this Follow-up Resolution, considering that State agents have been pursuing actions that intensify the beneficiary's risk

<sup>321</sup> The text of resolution AG/RES. 2438 (XXXIX-O/09) can be found in “Thirty-ninth Regular Session, San Pedro Sula, Honduras, June 2–4, 2009, Proceedings, Volume I,” Organization of American States, OEA/Ser.P/XXXIX-O.2, p. 12.

<sup>322</sup> During 2018, the IACHR issued two letters requesting information from the State and published two press releases: IACHR, Press Release R82/2018, [IACHR publishes merits report in case related to criminalization of political opinion and deliberation in Cuba](#) April 11, 2018 and IACHR, Press Release R152/2018, [The Office of the Special Rapporteur Expresses Concern over Criminal Convictions for desacato laws in Cuba](#), July 17, 2018.

<sup>323</sup> IACHR, [2002 Annual Report, Chapter IV. Human Rights Developments in the Region, Cuba](#), OEA/Ser.L/V/II.117 Doc. 1 rev. 1, March 7, 2003, paras. 3-7; [IACHR, Seventh Report on the Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II.61, Doc.29 rev. 1, October 4, 1983, paras. 16-46.

situation, instead of mitigating it. In this regard, the Commission observed that, after the granting of the precautionary measure, the beneficiary was again deprived of liberty on July 11, 2021 and has been subjected to punishment cells, prolonged periods of incommunicado detention, physical and psychological torture, inadequate food, and lack of medical care.<sup>324</sup>

180. Although the Cuban government does not respond to the communications and decisions of the IACHR, civil society organizations report experiencing the cessation or decrease in intensity, sometimes temporarily, of the mistreatment, reprisals, harassment and/or aggressions to which they were subjected prior to the Commission's actions.

## B. U.S.-Cuba Relations

181. The U.S. economic embargo against Cuba, initiated more than 60 years ago, is based on a set of U.S. laws and regulations that prohibit or limit trade relations with the island, in particular: the Trading with the Enemy Act (1917), the Foreign Assistance Act (1961), the Cuban Democracy Act (1992), the Cuban Liberty and Democratic Solidarity Act, known as Helms-Burton (1996) and the Trade Sanctions and Trade Enhancement Act (2000).<sup>325</sup>

182. Over time, the intensity of the blockade has fluctuated between easing and adding restrictions. Since the announcement on December 17, 2014 of the reestablishment of relations between Cuba and the United States of America<sup>326</sup>, the Commission has continued to monitor the partial lifting of the economic blockade by the U.S. Congress.<sup>327</sup>

183. As of 2019, the United States Government reactivated some sanctions imposed on the Cuban Government.<sup>328</sup> In early 2020, the United States established restrictions on private flights to all airports in the country, with the exception of Havana's José Martí International Airport,<sup>329</sup> in addition to having previously restricted the sending of remittances to the island.<sup>330</sup> During 2021, the Commission observed that the U.S. government did not resume the policy of rapprochement of relations with Cuba.

184. In 2022, the IACHR took note of the relaxation of some restrictions. Thus, in May 2022, the U.S. government announced measures that seek to make Cuba policy more flexible and that represent a reversal of the decisions taken by former President Donald Trump. In particular, the State Department reported the reestablishment of commercial flights to several Cuban cities, which since August 2020 had only reached Havana; that the \$1,000 per quarter limit on remittances will be suspended; and that family reunification will be facilitated through the reestablishment of the *Cuban Family Reunification Parole (CFRP) Program*.<sup>331</sup>

185. In 2023, the IACHR took note of the new processes adopted by the Department of Homeland Security (DHS) targeting Cuban, Haitian, Nicaraguan, and Venezuelan individuals. According to these, Cuban individuals who have support in the United States (financial or other support person) and travel by air will be able to reside temporarily in the United States for two years and apply for employment authorization.<sup>332</sup> By the end of September 2024, more than 111,000 Cubans reportedly arrived under this program.<sup>333</sup> In August 2024,

<sup>324</sup> IACHR, [Resolution No. 27/24](#), MC 484-11 - José Daniel Ferrer, Cuba, May 6, 2024.

<sup>325</sup> U.S. Department of State, [Cuba Sanctions](#).

<sup>326</sup> The White House, Press Release, [Fact Sheet: Charting A New Course On Cuba](#), December 17, 2014.

<sup>327</sup> IACHR, Press Release No. 156/2014, [IACHR Welcomes Announcement to Re-establish Relations between the United States and Cuba](#), December 18, 2014.

<sup>328</sup> Congressional Research Service, ["Cuba: U.S. Policy in the 116th Congress"](#), May 14, 2020, p. 24.

<sup>329</sup> El Nuevo Herald, ["Estados Unidos elimina los vuelos chárteres a Cuba excepto a La Habana"](#) ("U.S. eliminates charter flights to Cuba except Havana"), January 10, 2020.

<sup>330</sup> U.S. State Department, ["U.S. restricts remittances and 'U-Turn' transactions to Cuba."](#), September 6, 2019.

<sup>331</sup> U.S. Department of State, [Biden Administration Measures to Support the Cuban People](#), May 16, 2022; BBC, [Cuba-EE. U.S.: Biden administration relaxes its policy toward the island and undoes measures adopted by Trump](#), May 17, 2022.

<sup>332</sup> U.S. Citizenship and Immigration Services, [DHS Implements New Processes for Cubans, Haitians and Nicaraguans and Eliminates Numerical Limit for Venezuelans](#), January 6, 2023.

<sup>333</sup> US Customs and Border Protection, [CBP Releases September 2024 Monthly Update](#), October 22, 2024.

the processing of Advance Travel Authorizations was briefly suspended to investigate possible sponsor-related irregularities and was then resumed with increased scrutiny of financial supporters.<sup>334</sup> Also, in early October 2024, it was reported that humanitarian parole will not be extended after two years, and that those who have not applied for legal status will have to leave the country at the end of their permit.<sup>335</sup>

186. As it has reiterated on several occasions, the IACHR calls for the lifting of the U.S. economic blockade of Cuba due to its impact on the Cuban population and their rights. On the other hand, it reiterates that the blockade does not exempt the Cuban State from complying with its international obligations, nor does it excuse it for the violations of the American Declaration.<sup>336</sup>

187. The blockade of Cuba has also been criticized by the United Nations on several occasions. Since 1992, the UN General Assembly has called on the United States to lift sanctions on Cuba, so far without success. In this regard, on October 30, 2024, for the thirty-second time, the General Assembly approved a new resolution calling for an end to the economic, commercial, and financial embargo imposed on Cuba. The resolution received 187 votes in favor, two against, those of the United States and Israel, and one abstention, that of Moldova.<sup>337</sup>

## V. CONCLUSIONS AND RECOMMENDATIONS

188. The IACHR notes with great concern that, in light of the information gathered in 2024, taking into account the recommendations made in its most recent country report and in chapters IV of previous annual reports, it does not observe an improvement in structural aspects, such as violations of the rights to personal liberty and integrity, arbitrary restrictions on the right to vote and to participate in government, freedom of expression and dissemination of thought. In addition, violations of due process guarantees, undue restrictions on the right of transit, among other anomalies, persist. In addition, the IACHR regrets the limited official information available and the State's historical distancing from this regional human rights body.

189. At the same time, the IACHR reiterates its interest in carrying out an on-site visit to Cuba, in order to initiate rapprochement and dialogue with the Cuban State, and thus provide technical support in human rights matters as required, in order to promote respect and guarantees for human rights on the island.

190. In light of the above, in compliance with its mandate, the Commission urges the State of Cuba:

### Representative democracy and political rights

1. To guarantee access to public information in the framework of electoral processes and to allow electoral observation in the country, ensuring an environment conducive to public scrutiny and transparency in such processes.
2. To eliminate the use of the Candidacy Commissions as tools of ideological control and guarantee that no opposition candidate is arbitrarily excluded from the electoral process.
3. To provide periodic reports on measures taken with respect to legislative changes for the institutionalization of representative democracy in the country and respect for human rights related to its exercise.
4. To release persons detained for political reasons or reasons of conscience, including activists, artists, and journalists prosecuted for their work or advocacy.

<sup>334</sup> Voice of America, [Suspension of travel permits for humanitarian parole applicants: what to know](#), August 9, 2024; CNN, [US to resume key immigration program for Cubans, Haitians, Nicaraguans and Venezuelans](#), August 29, 2024; US Citizenship and Immigration Services, [Processes for Cubans, Haitians, Nicaraguans and Venezuelans](#).

<sup>335</sup> El País, [Biden acaba con el 'parole' humanitario para medio millón de venezolanos, haitianos, cubanos y nicaragüenses \(Biden ends humanitarian parole for half a million Venezuelans, Haitians, Cubans and Nicaraguans\)](#), October 4, 2024; The Washington Post, [Biden administration won't renew parole for immigrants from four countries](#), October 4, 2024.

<sup>336</sup> IACHR, [The Situation of Human Rights in Cuba](#), OEA/Ser.L/V/II. Doc. 2, February 3, 2020, par. 49.

<sup>337</sup> United Nations, [General Assembly votes overwhelmingly against US Cuba embargo](#), October 30, 2024.

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**Independence of public authorities, procedural guarantees, and judicial protection**

5. To ensure that judicial system operators have safeguards as soon as they are elected to enable them to carry out their work independently, impartially, in accordance with the law, and with respect for human rights. To this end, appointment and dismissal processes must be conducted on the basis of previously established legal requirements and without ideological conditioning.
6. To investigate alleged human rights violations, punish those responsible, and take measures to prevent impunity due to a lack of judicial independence.
7. To review and reform criminal legislation to avoid the use of broad criminal offenses to unduly restrict the rights of dissidents, activists or critics of state officialdom.
8. To prohibit illegal or arbitrary detentions, ensuring that deprivation of liberty is an exceptional measure and that all legal guarantees are respected, including the right to be immediately brought before a judge.
9. To adopt measures to ensure that lawyers can practice their profession without restrictions for political reasons and without threats or harassment.

**Human rights defenders**

10. To refrain from acts of harassment, threats, aggression, persecution, arbitrary detentions, and criminalization committed by State authorities, to the detriment of human rights defenders.
11. To provide an environment free of hostilities and with respect for fundamental freedoms for the defense of human rights. Accordingly, to refrain from actions that could impair opportunities to participate in society (espacio cívico abierto y participativo).
12. To avoid imposing arbitrary restrictions on the right to free movement of human rights defenders, allowing them to exercise their right to freedom of movement on Cuban territory.

**Persons deprived of liberty**

13. To develop a public registry of persons deprived of their liberty that is easily accessible and regularly updated. In particular, the registry must contain, at least, the following data: (i) number of persons detained in each place of deprivation of liberty, and installed capacity of each center; (ii) age; (iii) gender, sexual orientation, gender identity and expression; (iv) nationality, migratory status and ethnic-racial origin; (v) special risk situation, such as the existence of disability; (vi) family composition; (vii) procedural situation; (viii) sentence or measure applied and estimated date of release; (ix) causes of imprisonment; and (x) data on the court or tribunal that ordered and oversees the detention.
14. To ensure that persons deprived of liberty are treated with dignity. In particular, to ensure that persons held in prisons have access to the medical care that their particular health status requires and are provided with sufficient food of high nutritional value and safe drinking water. Likewise, to take measures to ensure that infrastructure conditions comply with sanitation and hygiene requirements.
15. To implement actions to prevent and combat all forms of torture or ill-treatment. To this end, to create an independent mechanism with broad powers to examine detention centers, hold private interviews with detainees, and receive complaints and initiate investigations into acts of torture or ill-treatment.

**Freedom of expression**

16. To guarantee the legal conditions needed for the full exercise of the right to freedom of expression, freedom of the press, freedom of peaceful assembly, and freedom of association, both online and offline. This includes making domestic regulation compatible with international human rights standards on the subject.



17. To ensure that all individuals and groups, including journalists, artists, human rights defenders, political opponents, among others, can exercise their right to freedom of expression, peaceful assembly, and association without fear of reprisals or criminalization.
18. To refrain from arbitrarily obstructing -even by indirect means- the journalistic activities of both the local press and international correspondents.
19. To immediately cease all forms of harassment, threats, intimidation, and censorship, such as subpoenas, interrogations, arbitrary detentions, and police intimidation, among others, against any person for causes related to the exercise of their freedom of expression, and freedom of association and assembly.
20. To respect, protect, and guarantee the right to social protest. In particular, to refrain from imposing requirements contrary to international human rights law, such as prior authorization; and to refrain from applying criminal sanctions against individuals solely for participating in public demonstrations.
21. To guarantee universal access to the Internet without restrictions, discrimination, blocking, or arbitrary interference. In particular, to avoid any kind of discrimination in the treatment of data and Internet traffic based on factors such as devices, content, author, origin and/or destination of the material, service or application, in accordance with the principle of net neutrality.
22. To adapt the internal legal framework, including the recently approved Law on Transparency and Access to Public Information, to abide by international standards on freedom of expression and access to information. In particular, to adhere to the guiding principles of maximum disclosure and good faith. The right of access to information includes the State's obligation to produce or collect information on human rights violations and judicial investigations into them.
23. To facilitate the operation of international observation mechanisms regarding the situation of the right to freedom of expression in Cuba, including providing all official information considered relevant.
24. To guarantee pluralism and diversity in the media and adopt measures to prevent the existence of public media monopolies. Likewise, to adopt the necessary measures to ensure that the State's media are subject to appropriate legislation and regulation.

### **Economic, Social, and Cultural Rights**

25. To guarantee economic, social, cultural and environmental rights without discrimination and under conditions of equality, paying special attention to vulnerable groups, such as people living in poverty and people deprived of their liberty.
26. To take concrete steps to ensure access to adequate food or the means to obtain it and to essential public services. The international community should foster cooperation in the supply of food, medicines, and basic commodities in Cuba.
27. To promote effective measures to ensure access to essential public services such as water and electricity and enhance the resilience of infrastructure in order to meet the vital needs of the population and promote their integral development, especially in a context of growing vulnerability to the effects of climate change.

### **People of African descent**

28. To generate updated and disaggregated data on the Afro-Cuban population, after first agreeing with grassroots and civil society organizations, through adequate and accessible communication channels, on the ethnic-racial self-identification questions to be used in surveys, censuses, and other statistical tools. To have specialized technical teams for data collection and analysis, and to train them in intercultural perspective, rights of Afro-descendants, and racial discrimination.

29. To ensure compliance with international standards on the use of force based on the principles of legality, proportionality, and absolute necessity, including a gender focus and the prevention of racial profiling. Therefore, to sensitize and train justice operators and officials of the criminal justice system and police bodies on the prohibition of racial profiling and other explicit or implicit discriminatory practices based on ethno-racial origin, color, or national origin.
30. To adopt measures to guarantee the effective enjoyment of the economic, social, cultural, and environmental rights of Afro-descendants, with an intersectional perspective. In particular to ensure access to education, health, work, drinking water, and a healthy environment.
31. To guarantee the effective participation of Afro-descendants in decision-making.

## **Women**

32. To ratify the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women ("Convention of Belém do Pará").
33. To adopt comprehensive legislation with an intersectional and gender-based approach to address gender-based violence in all its forms and facilitate the prevention, investigation, and punishment of gender-based violence against women, considering the particular risks faced by women activists, human rights defenders, and women deprived of liberty.
34. To establish specialized protection mechanisms for women who are victims of gender-based violence, including the creation of safe temporary shelters and emergency hotlines staffed with personnel trained in a gender perspective.

## **LGBTI persons**

35. To guarantee the right to life and integrity of LGBTI persons, fulfilling its obligation to act with due diligence to prevent, investigate, prosecute, punish, and redress human rights violations against them.
36. To collect and analyze data regarding the prevalence and nature of violence and bias-based discrimination against LGBTI people.
37. To refrain from carrying out, through its agents, acts of violence against LGBTI people and guarantee a legal framework that protects them from the actions of third parties.
38. To adopt protocols that guarantee the dignified treatment and safety of LGBTI persons deprived of liberty, following the inter-American standards on the matter, and to guarantee respect for the gender identity of persons identified as trans women by providing accommodation that suits their needs and avoiding contexts that may put them at risk.

## **People in a situation of human mobility**

39. To eliminate the provisions of the new Citizenship Law that could lead to arbitrary deprivation of nationality for political and/or ideological reasons.
40. To create an expeditious and public procedure to determine the grounds for imposing restrictions on freedom of movement between provinces or leaving the country, and ensure in all circumstances that the procedure does not entail any type of discrimination, including for political reasons. This policy should clearly explain the valid constitutional and legal grounds for labeling a person "regulated." In any case, there must be a procedure that avoids arbitrariness and is expeditious and impartial, so that citizens can denounce restrictions on leaving the country or on taking up residence in another part of Cuba and obtain a response in a reasonable time, before preparing their travel.
41. To remove travel restrictions imposed on individuals because of their activities as activists or for political reasons.
42. To refrain from impeding or creating legal or administrative obstacles for Cuban nationals to return to the country.

43. To adopt urgent and comprehensive measures to address the factors that lead its nationals to leave the country, including violations of basic human rights and fundamental freedoms.

**Older persons**

44. To provide and disseminate disaggregated statistical information on the situation of food security, access to housing, access to the right to health, and gender violence against the elderly in Cuba.
45. To address the situation acknowledged by the State authorities in relation to the care of the elderly in residences and community homes.
46. To account for the reasons for the detention of the elderly and review the procedural situation of those who have not been granted access to alternative or substitute measures to the deprivation of liberty based on allegedly discriminatory criteria.

**Persons with disabilities**

47. To promote a reform of the penitentiary system to make it accessible and establish oversight, sanctions, and training of personnel in full respect for the human rights of persons deprived of liberty with disabilities, with a differential focus on women and elderly persons with disabilities.
48. To take measures to guarantee access to health services for all persons with disabilities, without discrimination for political, ideological, or any other reasons.
49. To develop public policies and programs that favor the exercise of the rights of persons with disabilities, including their right to organized and representative participation in organizations that assist persons with disabilities, regardless of their political position and ideology.