



I. Presentation

Chairman Sires, Ranking Member Rooney, and members of the Subcommittee on the Western Hemisphere, Civilian Security, and Trade, thank you for the opportunity to appear before you today to share critical information regarding the human rights situation in Cuba, prospects for democratic reform, and options for U.S. policy. I commend the Committee for holding this important and timely hearing.

My name is Carlos Quesada, Executive Director of the International Institute on Race, Equality and Human Rights. We are an apolitical human rights capacity building organization focused on strengthening the use of regional and international human rights protection mechanisms by Latin American civil society, including Cuba.

Given our extensive work with independent Cuban civil society, my testimony today and that which I am submitting for the record will focus on threats and challenges to human rights defenders in Cuba and the methods employed by the Cuban government to criminalize or otherwise restrict the work of civil society organizations and activists. This criminalization has resulted in a population of political prisoners totaling nearly 100, and disproportionately impacts historically marginalized populations, including women, Afro-descendants, and members of the LGBTI community.

I. Introduction: Current Human Rights Context

a. Overview

The human rights situation in Cuba is dire and can be characterized as a war of attrition between the government and independent civil society activists. State authorities routinely violate the fundamental freedoms enshrined in the Universal Declaration of Human Rights by harassing, threatening, detaining, and interrogating activists and their families.

II. Threats and Challenges to Human Rights Defenders in Cuba

The principal threats and challenges to human rights defenders in Cuba include a) the new Constitution and b) restrictions on fundamental rights. Furthermore, the arbitrary manner in which the Cuban justice system operates – the principal method by which activists are criminalized – is a threat in and of itself.

a. Constitution

The contrived approval of the new Constitution in the February 24th referendum ushered in a new era with regard to legal guarantees for human rights in Cuba. In a calculated move to create a loophole through which it can avoid complying with international human rights treaty obligations, the Cuban government altered the text of the new Constitution to grant it supremacy over international law. This poses a challenge for work on human rights in Cuba, as the government has created for itself an easy excuse for not complying with treaty obligations.

b. Restrictions on Fundamental Rights

Freedom of expression and opinion is nonexistent in Cuba. Independent civil society organizations are not permitted to legally register, in violation of their right to **freedom of association**. Activists and their family members face constant **psychological torture**. Cases of

activists and their family members not receiving adequate **health** services are numerous. And, we just found out that private companies, such as Western Union, may collaborate with government authorities to criminalize human rights activists, in clear violation of those activists' **right to privacy**. Finally, **arbitrary detentions and further violations of due process guarantees** are commonplace.

III. Methods Employed by the Cuban Government to Criminalize or Otherwise Restrict the Work of Civil Society Organizations and Activists

The principal methods employed by the Cuban Government to criminalize or otherwise restrict the work of civil society organizations or activists include a) the misuse of the justice system and b) travel restrictions.

a. Criminalization of Activists through the Administration of Justice

Police and investigating authorities have broad and unchecked powers to detain and investigate individuals for up to seven days without the right to counsel or judicial review. Crimes in the Cuban Penal Code are so vaguely defined that they can be used to criminalize almost any behavior. Sham trials involving false witnesses are used to convict activists.

For the past two years, we have been documenting cases of political prisoners – currently totaling 88 – and the crimes for which they are convicted. Let me be clear – although the vast majority of these individuals are charged with common crimes, they are political prisoners, criminalized because of their activism. In the coming weeks, we will be publishing a report exposing the intricacies of the administration of justice in Cuba and how the justice system is utilized to silence opposition voices, in violation of international human rights standards.

b. Travel Restrictions

Independent civil society activists are frequently prohibited from leaving Cuba to participate in regional and international advocacy spaces as a tactic to prevent the world from knowing the reality of the human rights situation in Cuba. Most recently, for example, five independent activists that my organization had planned to bring to the Organization of American States General Assembly were prevented from leaving the country to attend. The only justification ever offered is “national security interests”.

IV. Historically Marginalized Populations

It is worth noting that activists who are women, Afro-descendants, and members of the LGBTI community disproportionately suffer human rights violations in Cuba. Their intersectional characteristics make them particularly vulnerable to multiple forms of repression. Female activists, for example, routinely confront physical and psychological violence against which they have no recourse, given Cuba’s lack of legislation prohibiting gender-based violence. Racial slurs are commonly employed against Afro-descendant activists who, the saying goes, should be grateful because the Revolution made black people human. And members of the LGBTI community are facing a new reality after the violent crackdown they experienced during the independently-organized Pride March on May 11 of this year.

V. Conclusion

Chairman Sires, Ranking Member Rooney, and members of the Subcommittee on the Western Hemisphere, Civilian Security, and Trade, human rights in Cuba should remain a priority area of

focus for the U.S. Government. The fundamental rights of activists, whose work is the country's best prospect for democratic reform, are systematically violated. As such, I would like to offer the following recommendations:

VI. Recommendations – Options for U.S. Policy

1. Continue to monitor and expose the human rights situation in Cuba.
2. Offer public support for independent civil society activists and journalists.
3. Expand the U.S. diplomatic presence in order to have more direct contact with independent civil society activists.
4. Encourage the Cuban government to engage in a dialogue with independent civil society regarding human rights issues.
5. Request from Western Union information about how it operates in Cuba and how government officials could have access to information about activists receiving money from abroad.

Thank you and I look forward to your questions.