

2024

UNIVERSAL PERIODIC REVIEW (UPR) OF CUBA. SHADOW REPORT

EVOLUTION OF THE COMMITMENTS UNDERTAKEN

RIGHTS TO ACCESS TO INFORMATION,
FREEDOM OF EXPRESSION, ASSOCIATION,
AND PEACEFUL ASSEMBLY



Prepared and submitted by





EXECUTIVE SUMMARY

The objective of this report is to assess the Cuban state's performance regarding the implementation of the commitments undertaken during the Universal Periodic Review (UPR) of November 2023. Specifically, we will focus on the commitments related to the advancement of the rights to freedom of expression, association, peaceful assembly, and access to information in the country.

Additionally, the report includes some recommendations for the international community and human rights organizations, urging them to intensify their efforts in monitoring the situation in Cuba concerning these rights and to demand concrete progress and improvements based on the commitments made during the 2023 UPR.

On the Right to Freedom of Expression

- The publication of Law 162/2023 on “Social Communication” in June 2024, along with two additional regulations—the law’s own regulation and another related to advertising and sponsorship—represents a serious threat to freedom of expression for journalists and communicators across the country. The legislation, aimed at comprehensively regulating the Social Communication System (SCS), poses significant risks because:
 - It imposes the official party's ideology on the SCS, as it mandates that the system must operate “in accordance with the socialist state of law and social justice, democratic, independent, and sovereign, reflecting the thought and example of Martí and Fidel, as well as the emancipatory ideas of Marx, Engels, and Lenin.”
 - It restricts the dissemination of content in a discretionary and ideological manner.
 - It limits the selection of advertising agents.
 - It establishes a specific system for public information access for journalists.
 - It enforces strict control over outdoor advertising and announcements.
- The continuation and intensification of restrictions on freedom of expression related to the work of independent press have been significant. According to assessments conducted by human rights organizations, 493 violations of freedom of expression and the press were identified on the island in the year 2024 (up to and including August), representing just one violation fewer than the total number recorded for the entire year of 2023. Among the most frequent violations are threats, surveillance, and harassment at private homes and workplaces, internet outages, unjustified summons and interrogations, as well as arbitrary detentions and sentences in the most extreme cases. This concerning situation facing independent journalism within the island has led, between 2022 and 2024, to at least 150 Cuban journalists seeking exile due to the constant harassment they receive from the government.

On the Right to Freedom of Association and Peaceful Assembly

- The continuation and intensification of repression against the civilian population exercising their right to free association and peaceful assembly have been evident. Between November 2023 and August 2024, multiple incidents were identified, confirming a notable regression in this area. According to the Cuban Observatory of Human Rights (OCDH), the first half of the year has been characterized by illegal detentions, abuses against political prisoners and their families, illegal home raids, threats, police summons, harassment, fines, trials, and sentences, as well as violations of religious rights, among other forms of repression. Indeed, the OCDH has identified a total of 1,932 repressive actions in the first half of 2024, of which 488 correspond to arbitrary detentions. This number is nearly identical to that identified for the same period in 2023 (1,940 repressive actions and 489 arbitrary detentions), highlighting that the Cuban government has maintained the same repressive and authoritarian line this year, as denounced by the international community in the context of the UPR in November 2023.

On the Right to Access to Public Information

- The approval of Law 168 on “Transparency and Access to Public Information” in July 2024 may seem like a concrete advance in this area. However, it exhibits a series of significant gaps and limitations concerning regional and international standards and existing best practices, among which are noteworthy:
 - The presence of an extremely broad and discretionary regime of exceptions, particularly in cases related to national defense and security;
 - The omission of judicial and legislative bodies from the list of obligated subjects;
 - The lack of the creation/designation of an autonomous and independent guarantor body;
 - State superior agencies are not subject to external oversight; instead, they can designate their own specific mechanisms for controlling and monitoring activities related to information requests.
- The enactment of Decree 104/2024 aims to update and regulate the norm established in October 2023 concerning “the security and protection of classified information.” In the context of the approval of a new “Law on Transparency and Access to Public Information,” this regulation is highly concerning as it imposes serious restrictions and arbitrary measures on the handling of public information held by the state, for the following reasons:
 - The guidelines for classifying information as “State Secret,” “Secret,” and “Confidential” are extremely ambiguous and vague.
 - The “State Commission for the Classification and Declassification of Classified Information” has an institutional and procedural design intended to serve the interests of the government, without the mediation of external competent authorities that could influence decisions regarding the classification of information in the hands of the state.

Despite the fact that less than a year has passed since Cuba's last UPR, the episodes documented in this report reveal a concerning lack of willingness on the part of the government to improve indicators related to the fundamental rights demanded by the international community. Restrictions on freedom of expression, repression of peaceful protests, and limitations on access to public information have not decreased; rather, they have demonstrated a sustained pattern of violations that contradict the commitments made by the Cuban state.

In this regard, we consider it essential for the international community and human rights organizations to intensify their efforts to monitor the situation in Cuba and demand concrete progress from the government regarding the rights to freedom of expression, association, peaceful assembly, and access to public information. Specifically:

- **We consider it essential to request the Cuban government to amend the “Social Communication Law” in order to allow journalistic practice to be carried out without censorship, undue restrictions, or threats of reprisals.**
- **We reiterate the importance of the international community urging the Cuban government to cease repression, censorship, and harassment against civil society members who attempt to exercise their rights to freedom of expression, association, and peaceful assembly, and to allow independent journalism to conduct its work without fear of reprisals and extortion.**
- **We ask the international community not to recognize the current law's enactment as effective compliance with its commitments and to continue demanding that the Cuban government enact a law that meets adequate standards regarding access to public information, ensuring governmental transparency, citizens' rights to know and participate in public affairs, and accountability.**
- **We demand the repeal of Decrees 78/2023 and 104/2024 concerning “the security and protection of classified information” to ensure that the population can access information held by the state in accordance with international standards in this area, that classified information is not subject to the government's discretion, and that the set of exceptions and denials is appropriately defined and justified.**

Scan the code and access the full report:

