



EYE on CUBA

INSTITUTIONAL GENDER-BASED VIOLENCE IN CUBA 2016-2020



EYE on CUBA

Monitoring Human Rights Abuses in Cuba

www.eyeoncuba.org



People in Need

Center for Human Rights and Democracy

Prague, June 2021

Contact: cuba@peopleinneed.cz

The EYE on CUBA project started to be developed in 2012
and published its first case in March 2013

THE FORMS THAT GENDER-BASED VIOLENCE TAKES IN CUBA VARY from symbolic violence¹, persistent harassment on the street, domestic violence, repression directed at women or people who identify as LGBTQIA+, to its most extreme expression: femicides².

The hostility that Cuban women have to face on a daily basis is nourished by the culture of acceptance and tolerance of violence, where, for example, many women consider it normal for a doctor to yell at them during childbirth or associate abuse only with violence physical instances and not those that are psychological. The lack of information about all of this is related both to the absence of the feminist movement and to the complicity, inefficiency and, on many occasions, the deliberate machismo that manifest itself within state institutions.



**“In Cuba we are also murdered for being women. The state says we can wait. But the year 2028 is a long way off.”
Marta Maria Ramirez**

Cuban institutions are built on a basis of unequal power relations in terms of gender, therefore it is

logical that they continue to reproduce this inequality through the underestimation of mistreatment by the Police, the ineffectiveness of the support network for women who find themselves in situations of violence, and the lack of interest in approving the Comprehensive Law against Gender-Based Violence in Cuba. “There are many debts on the island working against us: there is a lack of a Comprehensive Law on Gender-Based Violence, there is no official classification of femicide as a crime, there is no official record of femicides, there are no shelters for women that are victims of gender-based violence, among other issues,” says journalist Karla Pérez.

The indifference of the Cuban State towards gender-based violence is not accidental; naming it and admitting that it exists would destroy the triumphalist discourse that attributes gender equality as one of the achievements of the Cuban Revolution. Mariela Castro³ herself claimed in a 2016 interview that there were no femicides in Cuba thanks to the Revolution⁴. Her assertion

1 According to the United Nations “gender-based violence refers to harmful acts directed against a person or a group of people based on their gender. It has its origin in gender inequality, the abuse of power and the existence of harmful norms.”

2 Diana Russell and Jane Caputi defined femicide as “the murder of women by men motivated by hatred, contempt, pleasure, or a sense of ownership of women” in 1990.

3 Mariela Castro is the director of the National Center for Sex Education of Cuba, promoter of the rights of the LGBT community and the daughter of Raúl Castro.

4 “En Cuba No Hay Femicidios y Eso Es Efecto de La Revolución: Mariela Castro.” *Somos Más* 99, 5 Dec. 2016, (Spanish only) <https://www.somosmass99.com.mx/en-cuba-no-hay-femicidios-y-eso-es-efecto-de-la-revolucion-mariela-castro/>

directly contradicts different statistics published later that year⁵⁶, which, when analyzed together, show that approximately 50 women were murdered in 2016 as a result of crimes officially qualifiable as femicides (González, 2019).⁷

Thus far EYE on CUBA, which documents human rights violations on the island, has registered violations against women activists and non-activists. Regarding the latter, there is evidence of a significant number of cases of women who were denied forms of social assistance. These women are often in situations of particularly serious socioeconomic vulnerability, living in homes with serious structural damage or at risk of collapse, lacking sufficient resources to obtain basic nutrition not only for themselves, but also for their children. These types of cases are also considered within this report as a form of gender-based violence by omission on the part of the institutions.

The majority of the cases documented in EYE on CUBA, however, reflect the reality of the direct actions taken by Cuban institutions that result in repression against women activists. Creating obstacles that prevent them from attending religious services, the use of short-term detentions, and issuing threats during interrogation are the most common. Additionally, it has been known that other repressive tactics are used especially against women by the National Revolutionary Police, the Political Police and the Department of State Security consist of detaining them without adequate sanitary conditions, forcing them to undress in order to perform full body searches, or searching for way to evoke the feeling in them of being “bad mothers” if

5 “Cuba Informe Nacional sobre la Implementación de la Agenda 2030.” SITEAL, 2019, (Spanish only) https://siteal.iiep.unesco.org/sites/default/files/sit_accion_files/11173.pdf.

6 According to the National Statistics Office of Cuba, in 2016 the population that counted as women from the age of 15 was 5,052,239.

7 González, Clara According to the National Statistics Office of Cuba, in 2016 the population that counted as women from the age of 15 was 5,052,239.. *Violencias Machistas En Cuba: Exploración Sobre El Escenario Actual*. 2019.



they engage in activism and thus endanger their children. “The most common thing during the last year [2020] has been the prohibition of leaving their homes (illegal house arrest); express detentions where women are sometimes stripped at police stations, and this rarely happens with men; and threats to take away their custody of their children,” said Pérez.

The use of tailored repression tactics is not limited exclusively to women, since it is also experienced by LGBTQIA+ people. Cuban feminist activist Simonne Marthy comments that “LGBTQIA+ activists are not treated in line with their gender identity, but based on the name they were assigned at birth, they are also referred to with offensive adjectives and they are discriminated against with greater force and violence.”



“It was something that confused me. How did that stranger know my legal name? Why was there a guy on the street calling me by a name that I don’t use in my social life? Who were they? And if they were who I imagined, with all the information they would have had about me, didn’t they know that they were violating my gender identity?” Mel Herrera⁸

Added to all of the above is the non-existence of the previously mentioned Comprehensive Law against Gender-Based Violence in Cuba, which was requested from the Cuban government by an independent initiative by a group of 40 Cuban women linked to academia in 2019. The proposal of this group does not only focus on the punitive intention, but also highlights the need to implement a comprehensive system for the prevention of and dealing with gender-based violence.

⁸ Herrera, Mel. “Negar Nuestra Identidad, Una Forma Particular de Violencia de Género Que Se Usa Contra Las Personas Trans.” Tremenda Nota, 10 de mayo 2021, <https://www.tremendanota.com/negar-nuestra-identidad-una-forma-particular-de-violencia-de-genero-que-se-usa-contra-las-personas-trans/>



EYE ON CUBA DATABASE

INSTITUTIONAL GENDER-BASED VIOLENCE

The EYE on CUBA network is in charge of collecting and documenting in detail human rights violations against civilians and individuals who carry out activism on the island. The defenders that comprise the network provide psychosocial and/or material support to the victims of the cases on which they report.

The intention of this database is not to gather information on all violations, but rather to collect a sample of well-documented and verified cases that entail a sufficiently broad representation of the human rights violations that occur on the island. This sample allows us to study the cases, their characteristics, evolution and similarities. The database also collects the identities of the perpetrators, which could be useful in the face of any future accountability.

The gathered and analyzed data can be seen on the webpage www.eyeoncuba.org that publicly displays the cases, seeking to raise awareness about the human rights situation on the island and reduce the use of repression by the state.

The cases of institutional gender-based violence presented here reflect the cases documented so far by a limited number of collaborators who have managed to register these violations without focusing their attention on gender-based violence in Cuba and who are reporting on these matters according to the sociocultural context to which they belong.

327 IN 2016

153 IN 2017

194 IN 2018

166 IN 2019

146 IN 2020

Institutional Gender-Based Violence Cases documented in Cuba between 2016 and 2020

METHODOLOGY

This report was prepared from an exhaustive analysis of the 1,212 cases registered in the EYE on CUBA database that had a woman as the victim and that were documented between the dates of 1/1/2016 and 12/31/2020.

When analyzing the cases, 226 cases that were not relevant in terms of institutional gender-based violence were discarded. For the purposes of this report, institutional gender-based violence is understood to be the situations in which the State commits repressive actions against women or engages in deliberate omissions rather than prevent and eradicate violence against women, that is, when State itself becomes one of the drivers of institutional violence.⁹

The facts of the 986 remaining cases that comprise this definition were analyzed to identify in each one: the perpetrators; if the victim was an activist, she was acting as an activist at the time of the human rights violation or if the violation was a consequence of her activism; the civil and political rights and/or the economic, social and cultural rights that were violated. Additionally, 27 categories were generated that brought together each one of the situations in which a violation of human rights took place in the cases under this investigation. Subsequently, each case was analyzed and classified into one or more of these categories.

For example, an LGBTIA+ activist is detained for participating in an opposition march against the government, is humiliated because of her sexual orientation, is fined and is threatened that her mother will be deprived of her liberty. In this case, it would be noted that the violation occurred (i) against a female activist (ii) while she was taking some kind of action as an activist. In addition, the violation of the (iii) rights to freedom of opinion and expression, personal freedom and equality and non-discrimination would be recorded. Continuing with the example, the case would be classified into the following categories: (iv) arbitrary detention, (v) discrimination against LGBTIA+ persons, (vi) fine, threats against daughters, sons and relatives, and (vii) threats for engaging in activism.

⁹ Fernandez, Jackeline. "Violencia Institucional Contra Las Mujeres: Vulnerables y Revictimizadas." Amnistia.Org, 24 de julio 2017, <https://www.amnistia.org/ve/blog/2017/07/3195/violencia-institucional-contra-las-mujeres>

986
CASES

**institutional gender-
based violence
2016-20**

INSTITUTIONAL GENDER-BASED VIOLENCE IN NUMBERS

986

cases documented
by the network of
collaborators

15

provinces in Cuba
in which cases were
documented

800

HRR violations
against women
who are activists

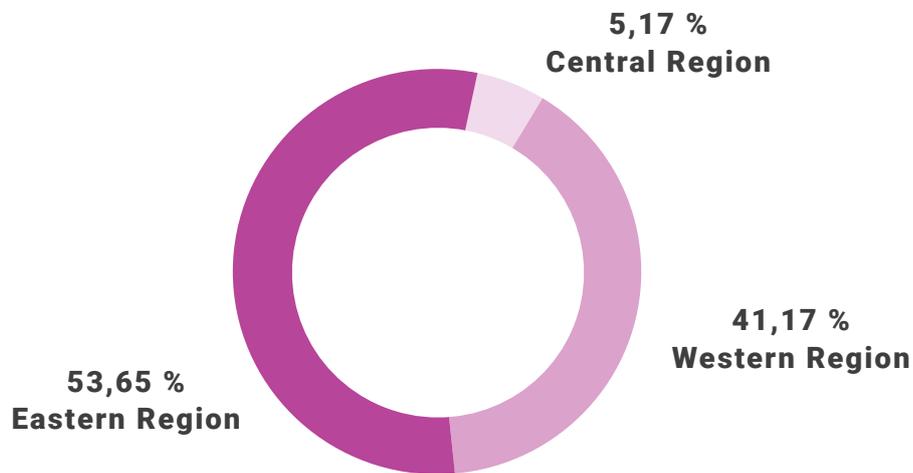
189

HRR violations
against women
who were not
activists



GEOGRAPHICAL DISTRIBUTION

DISTRIBUTION BY REGIONS



DISTRIBUTION BY PROVINCE

- | | |
|----------------------|--------------------------|
| > Guantánamo: 340 | > Pinar del Río: 55 |
| > Holguín: 119 | > Las Tunas: 6 |
| > La Habana: 229 | > Santiago de Cuba: 44 |
| > Granma: 26 | > Cienfuegos: 6 |
| > Villa Clara: 27 | > Mayabeque: 2 |
| > Sancti Spíritus: 1 | > Ciego de Ávila: 3 |
| > Matanzas: 103 | > Artemisa: 17 |
| > Camagüey: 8 | > Isla de la Juventud: 0 |



WOMEN ACTIVISTS

In the majority of documented cases the victims were identified as activists. In a significant proportion of these cases, the human rights violations occurred when the women were carrying out activist actions or as a consequence of having carried out activism in the past. Human rights violations against activists tend to focus on civil and political rights, the most frequently violated rights being: to not to be arbitrarily detained; to freedom of opinion and expression; and to freedom of movement and transit.

81% of the victims were identified as activists

95% cases in which the human rights violations were a consequence of having participated in acts of activism

71% cases in which the abuse took place when the victim was acting in their capacity as an activist

99% cases of violations of the civil and political rights of women activists

The activists are mainly victims of violations of their civil and political rights (99.75%). In only 10.87% of the documented cases were there violations of the economic, social and cultural rights of the activists.¹

Most of the documented cases constitute violations of freedom of opinion and expression (79.12%) since the other rights violations are usually consequences for their attempt to exercise this right. Thus, in 32% of the reported cases, the threats were expressed by agents of the state due to these women engaging in activism. In 7.5% of the cases, the women received a fine because of their activism.

¹⁰ Violations of civil and political rights and economic, social and cultural rights can be found in the same case

4,1%

Cases in which activists are threatened that their sons, daughters or relatives will suffer consequences for the activism that she performs

In 4.1% of the cases, women are threatened that their sons, daughters or relatives will suffer consequences for the activism performed by the woman, these types of threats have only been registered in cases concerning women activists. This data concurs with the findings of the exploratory research study “Sexist violence in Cuba: exploration of the current scenario” carried out by González in 2019 in which the women interviewed affirmed that the Police or State Security usually reprimand them during the inter-

views for their alleged charge of being a bad mother as a consequence of the activism to which they have devoted themselves.



On January 16, 2016, Anabel Vera¹¹, an activist of the Patriotic Union of Cuba, was detained by an officer Mayor Alayo from State Security Department while heading to the Sanctuary of El Cobre (Santiago de Cuba). She was threatened with losing custody of her daughter by the National Civil Police in the municipality of El Salvador (Guantánamo).¹²

The experience Marta María Ramírez, journalist, activist and a signatory of the Request for a Comprehensive Law against Gender-Based Violence in Cuba, illustrates what it means to be a mother and an activist in Cuba: “My daughter Nina and I, since she was in my womb, we have threats to our physical integrity. An anonymous threat. In addition, there are no laws for that, much less for women who they consider to be from the political opposition. I do not know if it is from an agent of the State who decided to violate his orders or someone who was following his orders, or simply a man that was angry with me because I am a feminist. Since that when I open my door, I get a little scared and walk looking over my shoulder. It is difficult to live that way. I have had interviews, as they call them, with State Security, the first being when I was 8 months pregnant and the second with Nina when she was 8 months old. I had to go there with her and sit with her in front of a policeman.”

¹¹ The name of the victim has been changed in order to protect her identity.

¹² This case is taken from the EYE on CUBA database.



There is evidence of a significant number of violations of personal liberty (71%) 569 and of arbitrary detentions (66.12%). Usually these are short detentions (between 2 and 72 hours) that seek to stop their participation in religious services where activist groups meet (47.27%), activist meetings (17.39%) and their participation in protests (5.62 %). Restrictions on personal liberty can occur in state detention centers or by preventing the activist from leaving her home. Similarly, there are restrictions on personal freedom where activists are transferred to distant places and are simply abandoned there to return by their own means (5.25%) or are held for long periods inside the vehicles of state agents. (1.12%).



On April 21, 2019, Celina Osoria Claro, a member of the Ladies in White, was attacked by two agents of the Political Police when she was going to a Catholic Church to participate in a mass. Later, she was picked up by agents of the Department of State Security. During her detention, she was beaten, interrogated, and threatened with being taken to prison if she did not leave the organization.¹³

Restrictions on freedom of movement are also constantly used against activists. Of the total number of violations registered against activists, in 48% of the cases they are prevented from moving freely within Cuba and in 6.5% of the cases they are prevented from leaving the island.

6,5%

Cases the right of women activists to leave and return to the country was violated

Several respondents in the study on sexist violence in Cuba (González, 2019), said that the regulation, as government restrictions on foreign travel are called, was perceived as a tool that is used more frequently towards women. This happened to a Cuban woman who comments that when she presented, together with another Cuban woman and 3 men, a report to the Inter-American Commission on Human Rights on racism in Cuba, only one of the men was 'regulated' for a short period of time, while the two women were 'regulated' for a longer period. "This is one of the types of violent practices performed by

State Security to remind women of their place that is used hand in hand with the political goal of eliminating opposition to the government, that is informed by the patriarchal logic of domination over women, in order to relegate them to their domestic role as women and mothers and to limit their movements more than men, in order to remind them what is their place," says González.

¹³ This case is taken from the EYE on CUBA database



1,37%

**Cases in which women
activists suffer sexual
violence**

Additionally, it has been commonly observed that impediments or reprisals for exercising the right to assembly (66.75%). On the other hand, activists are subjected to violations of the right to personal integrity, as in 9.8% of the cases they are victims of physical violence by state agents. In 2.5% of all of the documented cases, activists were denied their political rights, mainly by preventing them from being able to cast their votes in the constitutional referendum in 2019 or by preventing them from taking part in political events outside of Cuba.

It is important to note that the EYE on CUBA database has also recorded cases in which activists are victims of discrimination based on their sexual orientation, race or political opinion (1.37%) or are victims of sexual violence (1, 37%). The latter is another type of human rights violation that has only been documented in cases when the activists were women.

Institutional repression has its own specific nuances when it comes to women activists (González, 2019). The Ladies in White, an opposition group made up of female relatives of political prisoners detained during the Black Spring, “have continuously denounced the violence of the agents during their arrests, many of whose acts are specifically applied to them because they are women, such as holding them in custody in inadequate sanitary conditions, making insults or comments of a sexual nature, as well as being forcibly and violently undressed by them and forced to squat to have their genitals examined.”



“I did not take off my clothes because it was legal. I did not shake my hair because it was legal. I did not bend down, push and cough, when the officer told me to ‘bend over, push and cough’, so that I could prove that I hadn’t hidden anything in my vagina or my anus, because it was legal.” Monica Baró ¹⁵

14 Diversent, Laritza. “Cuba: Situación de Derechos Humanos de Las ‘Damas de Blanco Laura Pollán.” Cubalex, 29 de octubre 2013, <https://www.fhrcuba.org/wp-content/uploads/2012/02/Informe-General-2013-Damas-de-Blanco-Cubalex.pdf>

15 Baró, Mónica. “Agáchate, Puja y Tose.” El Estornudo, 9 de marzo 2020, <https://revistaelestornudo.com/detenciones-periodistas-cuba-policia/>

WOMEN SURVIVORS

As in the case of women activists, violations of the rights of women that do not identify as activists are also concentrated on disregard of their civil and political rights. These cases mainly consist of arrests (35.4%) and violations of freedom of expression where these women suffered negative consequences for expressing their disagreement with the government's actions or omissions that affect them or their families (22.58%). In addition, there were violations of due process (14.51%) and, to the same extent, violations of the personal integrity of women through the use of physical violence by state agents (14.51%).

70%

cases were of violations of civil and political rights

57%

cases were of violations of economic, social and cultural rights

19%

of the survivors are women who do not identify as activists

WOMEN SURVIVORS





On May 27, 2017, Mrs. Claudia Cruz¹⁶ was detained by officers of the National Revolutionary Police. After 24 hours of being deprived of her liberty, she was informed that she had been detained for having threatened an officer of the municipal prison on May 26 when she went to visit her detained husband. She was also threatened with being prosecuted in court.¹⁷

In the case of non-activist women, however, a greater number of cases are observed where there is evidence of violations of their economic, social and cultural rights. Among the most common issues that were documented are violations of the right to housing due to evictions or due to collapse or risk of collapse (25.8%), cases in which women (and their families) did not have adequate living conditions (22%), or were living in vulnerable conditions due to the lack of social assistance by the Cuban State to these women (12.9%). Additionally, there is a significant number of cases in which the right to property of the women is violated (10.21%).



On September 17, 2016, Lazara Yairis García Cruz was sexually assaulted by the forest ranger Alfonso Rodríguez Pérez, who tried to rape her in the presence of her two young children. When the survivor of this assault went to report her aggressor, the Police imprisoned her for 6 days for the crime of an alleged attack of authority, reported by the ranger himself. At the trial held on March 2, 2017, the survivor had to go through a trial without access to the defense and her aggressor was present.¹⁹

There were cases documented where non-activist women suffered consequences for being relatives of activists (4.83%) and in 2.68% of these cases women were threatened that their sons and/or daughters would suffer consequences for the actions of their mothers, although they were a smaller proportion of cases. There were also cases of violations of the right to a life free of violence, because these women were victims of sexual harassment by state agents who demand sexual favors in exchange for using their position to benefit them or because, after being victims of sexual violence by individuals, women are not guaranteed access to justice (2.68%).

¹⁶ The name of the victim has been changed to protect her identity.

¹⁷ This case is taken from the EYE on CUBA database

¹⁸ Violations of civil and political rights and economic, social and cultural rights can be found in the same case

¹⁹ This case is taken from the EYE on CUBA database. According to Radio Televisión Martí, the survivor served a three-year sentence of home confinement. The survivor claimed that the forest ranger continues to work in the region, he has even attacked another woman, who “does not dare to report him out of fear, and the rest of the people in the area are also afraid of him.”

SOCIAL MEDIA NETWORKS



@EYEonCUBA



@EYECUBA

WWW.EYEONCUBA.ORG

ADDITIONAL DOCUMENTS

Observations on Gender Based Violence (Spanish only) – Revista Alas Tensas

<https://alastensas.com/category/observatorio/>

Gender based violence and the human rights of women in Cuba - Hearing of the Inter-American Commission on Human Rights (Spanish only)

<https://www.youtube.com/watch?v=KkfwBOjb0gE>

Cuban Women Off the 2030 Agenda – María Matienzo

https://raceandequality.org/wp-content/uploads/2021/02/Mujeres_cubanas_maria_matienzo_FINAL.pdf

The new international context and the renewed forces and initiatives of Cuban civil society are creating an unprecedented opportunity to carry out profound changes on the island, ensuring progress, prosperity and respect for all human rights. It is essential that women are guaranteed a leading role in this process.

We urge the Cuban State to implement legislative reforms and training for state officials that seek full respect for the rights of Cuban women and the guarantee of a life free of violence. We also urge the Cuban government to begin taking the necessary steps towards reforming the country in other areas, always taking into account the participation of independent civil society and the gender perspective. Opening the doors to a more equitable, plural and inclusive society in which no one is discriminated against or punished for their gender, sexual orientation, race or ideas.

IN APPRECIATION

On behalf of People in Need we thank all the collaborators of the EYE on CUBA network, as well as all the people who help or have helped them in one way or another, and for their dedication, support, courage, and determination. The grain of sand contributed by each of these individuals and organizations helps to keep this initiative alive, so that the scope and the impact of the work can continue improving year after year. More importantly, we reiterate our unconditional support to all Cuban men and women who have seen their rights violated. From here we remember that human rights transcend ideology and political affiliation, and therefore, ideological or economic confrontations should not be used as an excuse for their violation. We would like to especially thank Marta María Ramírez, Simonne Marthy, Nodardo Perea and Karla Pérez who, through their invaluable experiences, observations and knowledge, allowed us to build a more complete and comprehensive picture of the reality of gender-based violence in Cuba.



EYE on CUBA
Monitoring Human Rights Abuses in Cuba



www.clovekvtisni.cz/en/

EYE on CUBA

**INSTITUTIONAL GENDER-BASED
VIOLENCE IN CUBA**

2016-2020



EYE on CUBA

Monitoring Human Rights Abuses in Cuba

www.eyoncuba.org