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Joint submission to the mid-term Universal Periodic Review of Cuba by Freemuse, PEN International, Christian Solidarity Worldwide (CSW) and Artist at Risk Connection (ARC) – PEN America

4 June 2021

Executive summary

Freemuse, PEN International, Christian Solidarity Worldwide (CSW), and Artist at Risk Connection (ARC) – PEN America, welcome the opportunity to contribute to the mid-term review of the Universal Periodic Review (UPR) on Cuba. This submission evaluates the implementation of recommendations made in the third cycle UPR and assesses the Cuban authorities' compliance with international human rights obligations with respect to fundamental freedoms and cultural rights, particularly concerning:

- Attacks on freedom of artistic expression;
- Restrictions on accessing internet and online services; and
- Limitations on the right to peaceful assembly.

As part of the third cycle UPR process in 2018, the Government of Cuba received 339 recommendations. Of these, 226 were accepted, 30 were not supported on the grounds of being "incompatible with constitutional principles and domestic legal order"¹ and 83 were noted. Some of the accepted and noted recommendations aimed at ensuring the rights to freedom of expression, freedom of peaceful assembly and freedom of religion or belief. However, a crackdown on fundamental freedoms has intensified since the third cycle UPR in 2018 and independent artists, journalists and human rights defenders have been subject to systematic censorship initiated by Cuban authorities.

This UPR mid-term review was compiled based on information collected and verified by Freemuse, PEN International, Christian Solidarity Worldwide (CSW), and Artist at Risk Connection (ARC) – PEN America.

¹ A/HRC/39/16/Add.1 (2018). *Report of the Working Group on the Universal Periodic Review – Cuba*. https://www.upr-info.org/sites/default/files/document/cuba/session_30_-_may_2018/a_hrc_39_16_add.1_e.pdf



SECTION A

RESTRICTIONS ON THE RIGHTS TO FREEDOM OF ARTISTIC EXPRESSION AND PEACEFUL ASSEMBLY

Third cycle UPR recommendations

The Government of Cuba accepted recommendations **24.164** and **24.165** concerning the role of civil society and the need to guarantee the rights to freedom of opinion and expression, the right to peaceful assembly and association, and access to information and culture.

Whilst the Government of Cuba did not specifically comment on accepting recommendations regarding freedom of expression and culture, in accepting all 226 recommendations the government stated:

"Cuba expresses its acceptance of the vast majority of the recommendations, either because it agrees with their intent and is determined to put them into practice or because they are already being implemented".²

The Government of Cuba also took note of recommendations **24.179**, **24.181**, **24.187**, **24.198** and **24.203** which called for guarantees on freedom of opinion and expression, the right to peaceful assembly and association, and access to freedom of movement.

In noting 83 recommendations, the government stated:

"Cuba has addressed, is currently addressing or has plans to address many of the issues raised. It is not yet possible to ensure compliance with some of the recommendations because of the way that they are worded. They will continue to be analysed in accordance with Cuban law, the country's institutional processes and the principles governing the political system chosen by the sovereign will of the Cuban people."

Notwithstanding this, 24 recommendations calling for improvements to freedom of expression and ending arbitrary detention were rejected by the Government of Cuba in the third cycle UPR.

Brief assessment

In September 2018, Cuba accepted and noted 90 recommendations guaranteeing the right to freedom of expression, peaceful assembly and freedom of religion or belief in accordance with international standards on human rights. However, at the national level, the space for freedom of artistic and creative expressions has deteriorated through an increased use of arbitrary detentions and excessive use of force against artists by authorities for their peaceful expressions. Artists have also been subject to police brutality, unsanitary detention conditions, and have faced restrictions on the right to legal assistance and communication whilst detained.

In the period between 2018 and 2020, Freemuse documented 97 incidents of artistic freedom violations in Cuba. These violations were predominantly initiated subsequent to the introduction of Decrees 349 and 370 after the third cycle UPR. Operating in tandem to proactively and reactively silence creative and political opinions that transgress those articulated by the Cuban authorities,

² A/HRC/39/16/Add.1 (2018). Report of the Working Group on the Universal Periodic Review – Cuba. https://www.upr-info.org/sites/default/files/document/cuba/session_30_-_may_2018/a_hrc_39_16_add.1_e.pdf



Decree 349 requires artists to obtain prior approval from the Ministry of Culture for public exhibitions, whilst Decree 370 penalises the digital dissemination of information contrary to social interests and customs in public and political vernaculars. Furthermore, despite Cuba signing the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 28 February 2008, they are yet to be ratified. Forty recommendations in the third cycle UPR focused on this topic and requested that Cuba accept standing invitations to UN mechanisms, of which the government noted all.

1. LEGISLATIVE RESTRICTIONS ON FREEDOM OF ARTISTIC EXPRESSION

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24.164 Publicly acknowledge the role and work of members of civil society and take the necessary steps to ensure that human rights defenders and members of civil society organisations can exercise their rights to peaceful freedom of expression, assembly, and association, in conformity with Cuba's international obligations (Belgium)

24.165 Continue its efforts to expand access to information and culture to its people (Bhutan)

Legislation

Despite Cuba accepting recommendations 24.164 and 24.165 in the third cycle UPR in 2018, the introduction of Decree 349 and Decree 370 has contributed to a deterioration in fundamental freedoms in the country, especially freedom of expression. Freemuse, PEN International, CSW and ARC - PEN America have documented that both decrees are seldom implemented directly to restrict artistic expressions but are used as a guise to suppress peaceful expressions of opposition, wherein artists and creatives who protest the legislations are subject to varying forms of censorship, repeated short-term detentions, and state harassment. The introduction and enforcement of both decrees undermines Article 54 of the Cuban Constitution, adopted in February 2019, which protects freedom of expression and opinion.

Signed in April 2018 and entered into force on 7 December 2018, Decree 349 prevents independent artists from unhindered participation in cultural life by requiring them to obtain prior approval from the Ministry of Culture for any public presentation or exhibition. Under this decree, authorities have the power to immediately suspend a performance, confiscate artistic materials and artworks, and sanction individuals or businesses who hire artists without prior authorisation. This has created a legislative mechanism where cultural events can be cancelled and artworks can be censored if the expressions are not in line with the narratives propagated by the authorities, and unregistered artistic labour is rendered illegal based on overly broad categories of what constitutes impermissible content.³ After Decree 349 entered into force, Cuban Minister of Culture Alpidio Alonso Grau announced it would only be applied in a consensual and gradual manner, recognising that it would not regulate artistic and cultural services.⁴ These comments were echoed by Cuban Vice-Minister of Culture Fernando Rojas, who said the decree would only apply in clear situations.⁵

³ PEN America- Artist at Risk Connection (2019). *Art Under Pressure Decree 349 Restricts Creative Freedom in Cuba* https://pen.org/wp-content/uploads/2019/09/Art-Under-Pressure_online.pdf

⁴ 14YMEDIO (2018). *El Gobierno frena la aplicación total del Decreto 349 y propone que sea gradual.* https://www.14ymedio.com/cuba/Gobierno-aplicacion-Decreto-propone-gradual_0_2561143863.html

⁵ AP Exclusive (2018). *Cuba softens new law on artistic expression* <https://apnews.com/article/f618c920e5a74d0b82a6c2cbb8184931>



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However, Freemuse documented that between April and December 2018, artists who organised or engaged with alternative cultural events, peaceful protests, and campaigns like #NoAlDecreto349 in opposition of Decree 349 were harassed and censored by the authorities. This includes members of the artistic collective San Isidro Movement (MSI), which was created in 2018 to advocate for greater protections to artistic freedom in Cuba after Decree 349 was signed.⁶ These violations reflect the concerns raised by the Inter-American Commission on Human Rights (IACHR) on Decree 349 functioning as punishment for “artists who do not share the official ideological discourse or disagree with the ideology imposed by the Cuban Government”.⁷

Similarly, Decree 370—introduced on 4 July 2019—has been employed by the authorities to restrict the right to freedom of artistic expression and access to information in Cuba. In particular, the decree penalises the dissemination of information contrary to social interest, morals, and good customs in the public and political spheres. It also imposes a vague legal breach on “spreading information contrary to the common good, morals, decency, and integrity through public data transmission networks”;⁸ classifications which inhibit freedom of expression and opinion. Opponents of the legislation have faced systematic persecution since its introduction and Freemuse, PEN International, CSW and ARC - PEN America have documented a proliferation of artists, writers and journalists being fined and detained for publishing their opinions on social media during the COVID-19 pandemic. Furthermore, the decree creates a framework under which the Cuban state can limit the use of information and communication technologies, thus threatening freedom of expression.

Violations on freedom of artistic expression

Following the third cycle UPR, authorities in Cuba have prevented independent artists from organising and participating in public gatherings, have exercised arbitrary detentions against artists, and have prevented artists from reporting incidents of alleged police brutality. In the period following the ratification of Decree 349, PEN International and ARC – PEN America received several confidential reports of writers, artists and musicians threatened, summoned, or visited by police while they are working on independent artistic projects. In August 2019, literary events attended by writers and artists critical of the government were suspended by authorities after participants were arrested and fined. Further, in 2020 alone, Freemuse documented 60 attacks on artistic freedom in Cuba against individual creatives and groups of artists.⁹

In a protest held after Decree 349 was adopted, poet Amaury Pacheco and producer Michel Matos were detained outside the Ministry of Culture, whilst visual artist Luis Manuel Otero Alcántara, art curator Yanelys Núñez Leyva and multidisciplinary visual artist Tania Bruguera were detained for a third time in one week enroute to the same protest.¹⁰ Similarly, on 24 September 2018, rapper Maykel Castillo Pérez ('Osorbo') was arrested after performing at a concert where he and other rappers publicly opposed Decree 349. After this incident, on 20 March 2019, Osorbo was sentenced to one and a half years in prison for allegedly assaulting a police officer during an altercation in July 2018 with the judicial system strengthening the punishment for the prior allegation following Osorbo's public opposition to the decree. After serving the full duration of the sentence, the musician was again detained for three days in April 2020 under Decree 370 for promoting “illegal images” whilst streaming

⁶ Freemuse (2020). *The State of Artistic Freedom 2020*. <https://freemuse.org/news/the-state-of-artistic-freedom-2020/>

⁷ IACR (2020). *The situation of human rights in Cuba*. P. 90. <http://www.oas.org/en/iachr/reports/pdfs/Cuba2020-en.pdf>

⁸ Gaceta Oficial de la República de Cuba. *Decreto Ley 370 de 2018, “Sobre la Informatización de la Sociedad Cubana”*. Available here: <https://www.gacetaoficial.gob.cu/es/gaceta-oficial-no-45-ordinaria-de-2019>.

⁹ Freemuse (2021). *The State of Artistic Freedom Report 2021*. <https://freemuse.org/news/the-state-of-artistic-freedom-2021/>

¹⁰ Arrestados varios activistas que protestaban en el Ministerio de Cultura contra el Decreto 349 (2019) https://www.14ymedio.com/cuba/Arrestados-protestaban-Decreto-Ministerio-Cultura_0_2558144169.html



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a Facebook Live video where he discussed local politics, COVID-19 in Cuba, and criticised the authorities.¹¹

Another incident linked to Decree 349 is the arrest of rapper Lázaro Leonardo Rodríguez Betancourt, also known as Pupito en Sy, for expressing opposition to Decree 349 and the Cuban authorities.¹² Betancourt was arrested on 12 November 2018 and accused of assault and bribery following a performance at a concert in opposition of Decree 349 organised by Maykel Osorbo. The artist was later released on 23 August 2019 and acquitted for lack of evidence.¹³ However, highlighting the protracted nature of arrests and detentions against artists in Cuba, on 21 November 2019, Betancourt was again detained for refusing to have his house searched by public health inspectors and on 21 November 2019, the rapper was sentenced to one year in prison for the crime of “spreading an epidemic”. Further, in March 2020, the musician was sentenced to three years in prison, in addition to the first conviction, on charges of “attack and resistance” under articles 142 and 143 of the Cuban Penal Code. During the trial, the judge referred to Betancourt’s promotion of slogans against the government and its leaders.¹⁴

Highlighting the impact of the authorities working collaboratively with cultural organisers to remove dissenting content by independent artists is the censorship of a visual artist performance in May 2019 at the 13th Havana Biennial. The art piece was constructed in solidarity with artists protesting Decree 349. After performing it for one day, the artist was asked to meet the Vice-Minister of Culture to explain the motives behind his performance. Shortly after, the installation and the label of his work were removed from the Biennial and destroyed by the event organisers.¹⁵

The systemic repression of artists, writers, and journalists has also permeated digital spaces. On 17 April 2020, poet, author, and independent journalist Mónica Baró Sánchez was fined 3,000 Cuban pesos and interrogated by police officers over Facebook posts which criticised the government and articles written for the El Estornudo magazine which were deemed to violate Article 168 of Decree 370.¹⁶ Similarly, on 21 April 2020, Yoel Suárez, writer and independent journalist—who regularly covers freedom of religion or belief issues in Cuba—was interrogated and intimidated by two State Security agents who presented Suárez a copy of Decree 370 and the Penal Code and threatened him specifically with applying the section referring to the crime of enemy propaganda. Since 2018, Suárez has been arbitrarily detained on multiple occasions for his work as an independent journalist. On 22 April 2021, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures to Yoel Suárez and his family.¹⁷

The right to peaceful assembly for artists and creatives has also been restricted since the third cycle UPR. On 14 August 2019, police arrested poet and journalist Jorge Olivera Castillo with his wife and human rights defender Nancy Alfaya Hernández for attending a cultural event organised by the

¹¹ Prisoner Defenders (2020). *Cuba establishes the legislative standardization of the repression of freedom of expression and prisoner's defenders denounces it in the United Nations.* <https://www.prisonersdefenders.org/2020/06/16/cuba-establishes-the-legislative-standardization-of-the-repression-of-freedom-of-expression-and-prisoners-defenders-denounces-it-in-the-united-nations/>

¹² IACHR (2020) Situation of Human Rights in Cuba. P. 90 <https://www.oas.org/en/iachr/reports/pdfs/Cuba2020-en.pdf>

¹³ Index of Censorship, PEN International, PEN America- Artist at Risk Connection (2019). <https://www.indexoncensorship.org/2019/04/pen-international-and-arc-join-index-on-censorship-in-show-of-solidarity-with-cubas-independent-artists/>

¹⁴ The PEN International Case List 2019 and 2020. <https://pen-international.org/who-we-are/case-lists>

¹⁵ Contemporary and Art (2019). 13th Havana Biennial the Artists Censored in Cuba Speak Out. <https://contemporaryand.com/magazines/the-artists-censored-speak-out/>

¹⁶ Fine of Mónica Baró under Decree 370 <https://www.facebook.com/photo.php?fbid=10157267688696395&set=a.1015316064036395&type=3>

¹⁷ IACHR (2021), https://www.oas.org/es/cidh/decisiones/mc/2021/res_34-21_mc_241-21_cu_es.pdf



Citizens Committee of Racial Integration and the Writers and Artists of Cuba Club.¹⁸ Castillo was later fined 100 Cuban pesos after a five-hour detention. The literary event, attended by more than 30 independent artists and writers, was blocked by the authorities who intercepted participants in close proximity to the house where the event was scheduled to occur, whilst others were forced to leave the place *ipso facto*. On June 2020, Castillo informed PEN International that the Cuban authorities attempted to censor his recent music album, and his producer and photographers were threatened that their equipment would be confiscated if they continued working with Olivera.¹⁹ On 5 February 2020, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures to Jorge Olivera and rights activist Nancy Alfaya Hernández.²⁰

Recommendations

Despite Cuba signing the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 28 February 2008, they are yet to be observed and ratified. This is particularly concerning due to Cuba's recent election to the Human Rights Council for the period 2021 to 2023.

The Government of Cuba should:

1. Immediately ratify and implement the ICCPR and ICESCR.
2. Repeal Decree 349 and 370. Both Decrees are illegitimate according to Article 19 of the International Declaration of Human Rights and Article 19 of the ICCPR.
3. Accept the standing invitations by UN Special Procedures for visits to Cuba, in particular the Special Rapporteur in the field of cultural rights and the Special Rapporteur on the right to freedom of assembly.
4. Comply with the Human Rights Council resolution 40/6 of 2019 on the right to engage in cultural life.
5. Refrain from imposing criminal sanctions against individuals and groups of individuals who attempt to act collectively and be constituted in association.

2. ARBITRARY DETENTIONS TO SILENCE DISSIDENT VOICES

NOT IMPLEMENTED
NO PROGRESS PERCEIVED

24.53 Continue to strengthen the principle of legality in the actions of the law enforcement authorities (Kuwait)

24.126 Encourage less use of pretrial detention as a precautionary measure and ensure its use only for the most serious crimes (Sudan)

¹⁸Cubanet (2019). *Multas, amenazas y detención: el precio de ser opositor en Cuba* <https://www.cubanet.org/destacados/multas-amenazas-detencion-represion-oppositor-cuba/>

¹⁹The PEN International Case list 2019 and 2020. <https://pen-international.org/who-we-are/case-lists> and PEN Internacional (2019) *Cuba: Acoso y detención de escritores y periodistas exponen una renovada ola represiva*. <https://pen-international.org/es/noticias/cuba-acoso-y-detencion-de-escritores-y-periodistas-exponen-una-renovada-ola-represiva>

²⁰IACHR (2020). <https://www.oas.org/es/cidh/decisiones/pdf/2020/12-20MC1116-19-CU.pdf>



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24.127 Continue to ensure that prisoners and detainees are treated with the dignity inherent to the human condition, in compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Sudan)

24.129 Intensify efforts aimed at improving detention conditions in prisons (Georgia)

24.141 Strengthen the penal protection afforded by national legislation against violations of civil and political rights, in particular when they are committed by public officials or law enforcement officers (Algeria)

Legislation

Despite the Government of Cuba accepting five recommendations committing to a reduction in arbitrary detentions and the improvement of conditions of those detained, Freemuse has documented an increase since the third cycle UPR, in the number of artists and human rights defenders subjected to repeated, short-term arbitrary detentions without charge since 2018. Prior to the third cycle UPR, the Office of the United Nations High Commissioner for Human Rights (OHCHR) raised concern about the use of short-term detentions of political opponents, human rights activists, and members of civil society organisations in Cuba and urged the Cuban authorities to “respect the rights to freedom of expression, peaceful assembly and association, and to stop arbitrarily arresting people within the context of peaceful demonstrations”²¹ also noted that in 2015, the OHCHR raised concerns about short-term detentions in the country and received numerous reports over the previous four years of such detentions. These concerns were echoed in 2018 by the Inter-American Commission on Human Rights, who noted that no specific independent mechanism had been established to carry out regular visits to locations where people deprived of liberty were held.²²

Further, recommendation 24.126 calls on the Cuban authorities to reduce the frequency of pre-trial detention as a precautionary measure. In the 2018 OHCHR report, the Committee on Enforced Disappearances expressed its concern over the fact that persons under arrest were not brought before a judge until the investigation process had been completed.²³ Artists have disproportionately been subject to pre-trial detention since the third cycle UPR and a climate of fear has consequently permeated through cultural spaces in Cuba. COVID-19 has amplified this situation as the pandemic has been weaponised by authorities in Cuba to further undermine artistic expression, with artists subject to fines and citations to police stations for expressing opinions that oppose those propagated by the authorities. Freemuse, PEN International, CSW, and ARC – PEN America are alarmed about the impact of these detentions during the pandemic where public health concerns are paramount.

Violations on artistic freedom of expression

In 2020, Freemuse documented at least 22 dissident artists arbitrarily detained by police officers and state security agents in Cuba. These detentions seek to silence cultural expressions and an increased number of artists are subject to police brutality and deprivation from external contact whilst detained. Particularly impacted by these violations are MSI members and those within the artistic collective 27N, in response to their actions raising concerns about the escalation of repression in Cuba and deterioration of free artistic and creative expressions. Despite the Cuban authorities affirming an

²¹A/HRC/WG.6/30/CUB/2, Pag 3. Compilation on Cuba https://www.upr-info.org/sites/default/files/document/cuba/session_30_-_mai_2018/a_hrc_wg.6_30_cub_2_en.pdf.

²² IACHR (2020). *The situation of human rights in Cuba*. Pag 65.

²³A/HRC/WG.6/30/CUB/2, Pag 3. (2018). https://www.upr-info.org/sites/default/files/document/cuba/session_30_-_mai_2018/a_hrc_wg.6_30_cub_2_en.pdf.



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interest to meet with members of 27N on 27 January 2021, the Ministry of Culture cancelled the dialogue. This contributed to demonstrators outside of the Ministry being detained with force whilst other members from the 27N collective faced home surveillance or were detained when trying to leave their homes to prevent them from joining the event.

MSI members who have become a focal point of artistic resistance against the authorities in Cuba since 2018 have been systematically targeted since the third cycle UPR. The repression escalated after 9 November 2020, when National Revolutionary Police officers detained rap singer and MSI member Denis Solís in Havana without providing a valid warrant or reason for the arrest. Solís was held incommunicado between 10-23 November 2020 and during that period was sentenced on 11 November 2020 to eight months in prison on the charge of contempt under the Criminal Procedure Law for streaming a video of police officers entering his house without authorisation.²⁴ Freemuse, PEN International, CSW, and ARC – PEN America, call for the immediate release of Solís from prison.

Visual artist Alcántara and rapper Osorbo, who are at MSI's forefront, have suffered the most frequent reprisals since the third cycle UPR. Both artists were detained at least 16 times during 2020 and since 17 April 2021, Alcántara and Osorbo have been under house surveillance.²⁵ Alcántara is also facing pending charges for “misusing the national flag” in a 2019 artistic performance, *Le Drapeau*, despite the trial being suspended. According to Freemuse’s research, Alcántara has been subject to 32 incidents of harassment since Decree 349 was adopted.²⁶ More recently, on 16 April 2021, whilst performing *Garrote Vil* at the MSI headquarters in Havana, Alcántara was detained by police officers using force. After the detention, police officers and state security agents destroyed Alcántara’s artwork *Candies Without Saliva* at the MSI headquarters.

Alongside prosecution, Freemuse has documented that artist from MSI and 27N are systematically placed under house surveillance by authorities in the country, face restrictions on leaving their houses and face short-term detentions where they are taken to police stations and are then subsequently often released without charge. PEN International has documented least 30 cases²⁷ where brief detentions and house arrests are part of an ongoing campaign of harassment and systematic threats, as the case of poet Katherine Bisquet illustrates. Bisquet was briefly detained by police on 10 October and again on 14 November 2020 with a group of artists and activists during a peaceful protest.²⁸ On 15 December 2020, the State Security withdrew a poster that Bisquet had placed outside her house in which she announced that she had been under house arrest for 13 days.²⁹

House surveillance without a judicial order is another repressive action reflecting a broader increase in repression in Cuba. Freemuse has documented situations where artists have been prevented from leaving their homes by police officers and state security agents on occasions where they have organised a public gathering or where national holiday celebrations occur. On 30 June 2020, at least 132 people—including artists and activists—were subject to varying forms of human rights violations

²⁴ Freemuse (2020). ‘Joint call for the release of imprisoned rappers Denis Solis Gonzalez and Didier Almagro in Cuba and an end to police harassment against artists in the country’ <https://freemuse.org/news/joint-call-for-the-release-of-imprisoned-rappers-denis-solis-gonzalez-and-didier-almagro-in-cuba-and-an-end-to-police-harassment-against-artists-in-the-country/>

²⁵ Freemuse (2021). *The State of Artistic Freedom Report 2021*. Pag. 99

²⁶ Freemuse (2020). *Cuba: Alert from Luis Manuel Otero Alcántara arbitrary detention and the increasing attacks against freedom of artistic expression*’ <https://freemuse.org/news/cuba-alert-from-luis-manuel-otero-alcantara-arbitrary-detention-and-the-increasing-attacks-against-freedom-of-artistic-expression/>

²⁷ The PEN International Case list 2019 and 2020. <https://pen-international.org/who-we-are/case-lists>

²⁸ Omara Ruiz Urquiola Facebook post from the moment of the detentions (2020) <https://www.facebook.com/omara.ruizurquiola.12/posts/1727549897399872>

²⁹ Seguridad del Estado retira cartel de denuncia de la casa de Katherine Bisquet y mantiene vigilancia (2020), <https://www.cibercuba.com/noticias/2020-12-15-u1-e186450-s27061-seguridad-estado-retira-cartel-denuncia-casa-katherine-bisquet>



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including arrests, restrictions on leaving their homes, and limitations on Internet access after participating in or reporting on protests concerning police violence. Similarly, on 17 June 2020, producer Michel Matos and poet and President of the Cuban Association for the Dissemination of Islam Abu Duyanah Tamayo faced limitations on leaving their homes by police officers and state security agents and were prevented from attending an action at a police station with MSI members. On 19 March 2021, visual artist and art historian Carolina Barrero was detained after leaving house surveillance aimed at preventing the artist from participating in a protest. Barrero was released after being interrogated for hours.

The repressive actions led by the Cuban authorities have also targeted religious groups and artists who practise their religion as an individual. In 2021, CSW received reports of a Muslim curator and independent artist—invoking her right to anonymity—who became a target following her conversion to Islam in 2007. Between December 2007 and October 2010 during her time at an art gallery, the curator was repeatedly harassed by a state security official who pressured the gallery director to fire the artist and forbid her from wearing Islamic dress. On the two occasions when she succeeded in exhibiting her Islamic paintings, the gallery removed her artwork, claiming that it was not Cuban culture. Having resumed working with the Fund of Cultural Assets in 2019, the institution's directives prohibit the artist from performing prayers or any act of worship and must hide her belief, violating her right to wear a hijab.

Recommendations

The Government of Cuba should:

1. Immediately release all artists currently detained or imprisoned for their peaceful expressions.
2. In accordance with the recommendations expressed by the Committee on Enforced Disappearances on the 2018 OHCHR report for the Working Group in the 13th session, Cuba should guarantee that all persons deprived of liberty have access to a lawyer from the outset of the deprivation of liberty.
3. Develop a national strategy and action plan to uphold the safety of artists and cultural workers in advance of the next UPR review. Priority should be given to measures to protect artists from prosecution and arbitrary arrests due their exercise of the right to freedom of artistic expression.