

Is it Time to Lift the Ban on Travel to Cuba?

Statement to the Committee on Foreign Affairs U.S. House of Representatives

**Freedom House
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Chairman Berman, Ranking Member Ros-Lehtinen, Honorable Committee Members,

Ten days ago, the 20th anniversary of the fall of the Berlin Wall provided a powerful reminder of freedom's appeal. The Berlin Wall was built during the height of the Cold War to block the movement of East German citizens—to keep them from choosing where they would travel or live—and to obstruct the ideas of political liberty from coming in from the West. In a 1987 speech at the Brandenburg Gate, President Ronald Reagan famously called out to the Soviet leader, “Mr. Gorbachev, tear down this wall.” Yet it was not Mikhail Gorbachev who brought down the wall a little more than two years later, but rather the citizens of Berlin on both sides of the wall. They literally tore the wall down, because they wanted to go where they pleased, to say what was on their mind, and to choose the kind of country they wanted to live in.

East Germany, at the time of its collapse, was as repressive as Cuba is today. Both countries received the lowest rating for political rights in the *Freedom in the World* survey (for 1989 and 2009 respectively) and the next lowest rating, 6 out of 7, for civil liberties. Cuba's restrictions on travel are among the tightest of any country. Cuban citizens may travel outside their country only with explicit government permission. These travel restrictions, along with strict controls on the flow of information, greatly limit the exposure of Cuban citizens to the outside world, particularly to the values and experiences of freedom that will point Cuba toward a brighter future.

Freedom House wants to see the U.S. ban on travel to Cuba lifted, so that the flow of information to Cuban citizens will increase and the spread of the ideas of liberty will be far more difficult for the Cuban government to contain. Removal of this travel ban, as Freedom House declared in its January 7, 2009 statement, will reinvigorate efforts to advance human rights and democracy in Cuba. Moreover, freedom of movement is a fundamental right. Repeal of the U.S. ban on travel to Cuba will reaffirm the right of all Americans to travel wherever they want.

Repression in Cuba

Cuba remains one of the most repressive countries on earth. It is among the 17 countries worldwide labeled by Freedom House as the *Worst of the Worst* in 2009. The Communist Party of Cuba, under the leadership of Raul Castro, maintains a monopoly on political power. There is no tolerance for any political organization outside of the Communist Party. Neighbor-watch groups, known as Committees for the Defense of the Revolution, extend the regime's reach throughout society to monitor and limit opposition activity. The unauthorized assembly of more

than three people is punishable by law with up to three months in prison. Critics of the regime risk arrest or physical assault. Press freedom is sharply curtailed, and access to the internet is tightly controlled. In Freedom House's survey of *Freedom on the Net* in 15 countries, released earlier this year, Cuba received the lowest rating for internet and digital media freedom, even below China, Tunisia, and Iran.

Although Raul Castro has introduced modest reforms, they are primarily aimed at improving Cuba's macroeconomic performance and have had a minimal effect, if any, in loosening the Communist regime's grip on society. The reforms have done nothing to loosen constraints on political rights in Cuba. The regime continues to crack down brutally on dissent. Just two weeks ago, for instance, prominent bloggers Yoani Sanchez, Orlando Luis Pardo, and Claudia Cadelo were thrown into the back of a car by plain clothes government security agents while they were walking to participate in a peaceful march in downtown Havana. They were punched in the head, chest, and kidneys and were taken to a place 20 minutes away, where they were thrown out of the car.

Cuba's Travel Restrictions

Foreign travel by Cuban citizens remains tightly restricted. According to *Freedom in the World*, which assesses freedom of travel, among other individual rights, only two other countries have tighter restrictions on foreign travel: North Korea, where there is no freedom of movement; and Saudi Arabia, which denies women the right to travel within or outside of the country without a male relative. Cuba's travel restrictions are on a par with those of Uzbekistan, Turkmenistan, and Equatorial Guinea.

Despite reports in April 2008 of plans by Raul Castro to lift restrictions on foreign travel by Cuban citizens, these restrictions remain in place. Citizens are only allowed to leave the island if they receive an exit visa, known as a *tarjeta blanca* ("white card"). The process to obtain a *tarjeta blanca* can take months, and citizens can be denied a *tarjeta blanca* without official explanation.

In the past year and a half, the process may have become a bit easier for average citizens, but most of the dissidents who received permission to leave the island had a European or Latin American government intervene on their behalf, and other independent writers and activists are still prevented from traveling abroad. Juan Juan Almeida, whose father was a leader of the 1959 Cuban Revolution, is being refused permission to leave the country because he criticized the government, while Yoani Sanchez was denied an exit visa to travel to New York last month to receive a prestigious journalism prize from Columbia University. In September 2009, the Cuban government refused to grant exit permits to about 30 students who had received U.S. government-funded scholarships to study at U.S. universities.

Isolation of Cuban Citizens

The restrictions on travel, independent media, and internet access have left Cubans isolated from the outside world. Cubans are cut off from news and views that challenge the warped "reality" presented in official propaganda. This isolation is reflected in the bleak outlook of Cubans, as

reported in two Freedom House studies on *How Citizens View Their Country's Future*, entitled *Change in Cuba* (September 14, 2008) and *Another "Special Period" in Cuba?* (March 25, 2009). Each study was based on more than 160 in-depth interviews with a broad range of Cuban citizens in five provinces.

These studies found that while many Cubans expect the communist system to collapse eventually, they view change in Cuba as a distant prospect, and they have difficulty envisioning a better future for their country. They are uninformed or misinformed about Cuba's democracy movement, and they seem incapable of organizing a popular response to government oppression. Even younger Cubans express little if any interest in participating in a future transition.

Many of the respondents in Freedom House's surveys are so absorbed with day-to-day survival that they think it is a luxury to image what life might be like in a year or two, let alone whether they could be free. A 37-year-old doctor in Santiago, for example, said that all he could do was to "be resigned and try to live better. Two students, when asked what they thought about life in Cuba, responded sarcastically, "We have to like it. It's our country and we can't leave."

Moreover, while Cubans see little prospect for change, even that prospect seems to give them more anxiety than hope. There is significant fear that political change will bring crime and insecurity to Cuba.

Some of the respondents to Freedom House's surveys expressed a desire for freedom. Among the three reforms they specifically want to see is the freedom of movement.

The bleak outlook of Cubans reported in Freedom House's surveys has taken root over decades of government propaganda and intimidation. Cubans are unlikely to gain hope for a better future unless they begin to see real alternatives to Communist-party rule and to hear first-hand about the benefits of free markets and open political systems. Such hope is critical to give Cuban citizens a sense of empowerment and to inspire them to assert their rights and demand freedom for Cuba.

Removal of the U.S. ban on travel to Cuba offers the prospect of greatly expanding the flow of information to Cuban citizens about the outside world, particularly the values and experiences of democracy. American travelers can explain the benefits our vibrant civil society and our open system of government, counteract the propaganda that the Castro regime uses to make Cubans afraid of change, and convey the promise to Cuban citizens of political alternatives. Lifting the travel ban is expected to lead to a huge increase in the number of American travelers to Cuba, which in turn will greatly complicate the Cuban government's efforts to block interaction between U.S. and Cuban citizens and to keep Cubans isolated.

Rights of U.S. Citizens

Removal of the U.S. travel ban will not only benefit Cubans but also respect the rights of U.S. citizens. Freedom of movement is recognized as a fundamental right under Article 13 of the Universal Declaration on Human Rights and under Article 12 of the International Covenant on Civil and Political Rights. The U.S. Supreme Court, in its 1958 ruling on *Kent v. Dulles*,

established the freedom of travel as a Fifth Amendment right, and in its 1964 ruling on *Aptheker v. Secretary of State*, Justice William Douglas declared that “Free movement by the citizen is, of course, as dangerous to a tyrant as free expression of ideas or the right of assembly... Freedom of movement is the very essence of our free society... Once the right to travel is curtailed, all other rights suffer.” Supreme Court Justice Arthur Goldberg concurred: “Travel abroad, like travel within the country, ... may be as close to the heart of the individual as the choice of what he eats, or wears, or reads. Freedom of movement is basic in our scheme of values.” Nonetheless, the Supreme Court in 1984 overturned its previous decisions and ruled that foreign policy concerns of the executive branch could override the Fifth Amendment right.

As part of the U.S. economic sanctions on Cuba, U.S. citizens are banned from travel to Cuba without the U.S. Treasury’s explicit authorization. There is no such ban in place for travel by U.S. citizens to any other country, not even to the countries designated by the U.S. State Department as state sponsors of terrorism—Iran, Sudan, or Syria.

U.S. legislation limits travel to Cuba to 12 categories of activities, including family visits, agricultural exports, journalism, and professional research. The effects of this limit are discriminatory. Cuban-Americans may receive U.S. Treasury authorization to visit Cuba, while Irish-Americans and African-Americans generally may not. Exporters of U.S. agricultural products can travel to Cuba, but exporters of other products cannot.

Conclusion

The ban on travel to Cuba is an anomaly for U.S. citizens in today’s world. Americans expect to travel freely, as well they should. Their visits to Cuba will serve to break through the barriers that the Cuban government maintains in its effort to keep out the values of democracy and the prospects for freedom. Let us put our trust in U.S. citizens to serve as ambassadors for our ideals—to convey the virtues of free expression and other fundamental rights, to explain how democracy is a choice made every day, to show Cubans the alternatives to the decrepit communist system, and to give Cubans hope for a brighter future.