

# Cuba

Western Hemisphere / **Caribbean**

CAPITAL <b>Havana</b>	TERRITORY <b>103,800 km<sup>2</sup></b>	POPULATION (2020) <b>11,326,616.00</b>	GDP TOTAL (2020) <b>\$103.1B USD</b>	GDP PER CAPITA (2020) <b>\$9,099.67 USD</b>	INCOME GROUP <b>Upper middle income</b>
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## Convention Implementation



In progress

9<sup>th</sup> of 31 western hemisphere  
2<sup>nd</sup> of 11 Caribbean countries

### Prevention



Implemented

### Criminalization and law enforcement

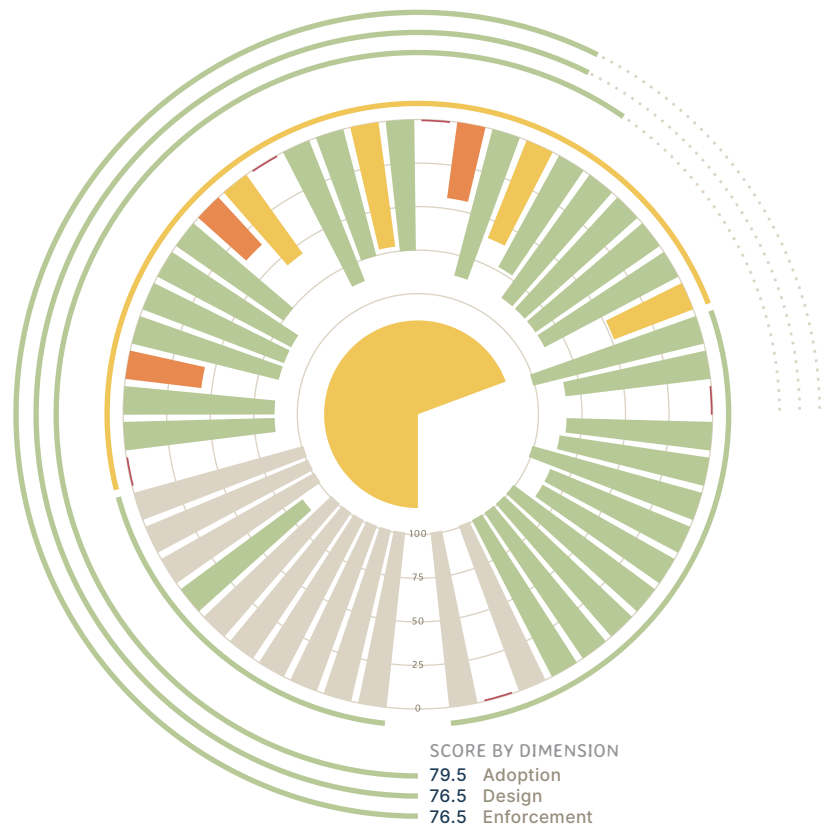


In progress

### International cooperation



Implemented



## Anti-corruption conventions timeline



### CONVENTIONS

- IACAC - Inter-American Convention Against Corruption
- UNCAC - United Nations Convention against Corruption
- OECD Anti-Bribery Convention

### KEY EVENTS

- Signed
- Ratified/acceded
- Review rounds

## Prevention

Implemented

# 85.9

✓ Adoption 100.0   ✎ Design 100.0   ⌚ Enforcement 83.3

Standards of Conduct <b>Not applicable</b> ✓ N/A ✎ N/A ⌚ N/A	Enforcement of Standards of Conduct <b>Not applicable</b> ✓ N/A ✎ N/A ⌚ N/A	Training of Public Officials <b>Not applicable</b> ✓ N/A ✎ N/A ⌚ N/A	Asset and Conflicts of Interests Declarations <b>Not applicable</b> ✓ N/A ✎ N/A ⌚ N/A	Transparency in Government Contracting <b>Not applicable</b> ✓ N/A ✎ N/A ⌚ N/A
Elimination of Favorable Tax Treatment <b>Not applicable</b> ✓ N/A ✎ N/A ⌚ N/A	Oversight Bodies <b>Implemented</b> <b>85.9</b> ✓ 100.0 ✎ 100.0 ⌚ 83.3	Measures to Deter Domestic and Foreign Bribery <b>Not applicable</b> ✓ N/A ✎ N/A ⌚ N/A	Encouraging Participation by Civil Society <b>Not applicable</b> ✓ N/A ✎ N/A ⌚ N/A	Study of Other Preventive Measures <b>Not applicable</b> ✓ N/A ✎ N/A ⌚ N/A

## Criminalization and law enforcement

In progress

# 63.8

✓ Adoption 78.0   ✎ Design 73.3   ⌚ Enforcement 73.3

Protection of Those who Report Acts of Corruption <b>No implementation</b> <b>0.0</b> ✓ 0.0 ✎ 0.0 ⌚ 0.0	Scope <b>Implemented</b> <b>85.9</b> ✓ 100.0 ✎ 100.0 ⌚ 83.3	Jurisdiction: Offense-in-Territory <b>Implemented</b> <b>85.9</b> ✓ 100.0 ✎ 100.0 ⌚ 83.3	Jurisdiction: Offense-by-National <b>Core-deficient</b> <b>43.0</b> ✓ 50.0 ✎ 50.0 ⌚ 83.3	Jurisdiction: Offender-in-Territory <b>Implemented</b> <b>85.9</b> ✓ 100.0 ✎ 100.0 ⌚ 83.3
Passive Public Bribery <b>Implemented</b> <b>85.9</b> ✓ 100.0 ✎ 100.0 ⌚ 83.3	Active Public Bribery <b>Implemented</b> <b>85.9</b> ✓ 100.0 ✎ 83.3 ⌚ 100.0	Abuse of Functions <b>Implemented</b> <b>74.2</b> ✓ 100.0 ✎ 83.3 ⌚ 83.3	Money Laundering <b>Core-deficient</b> <b>35.9</b> ✓ 75.0 ✎ 33.3 ⌚ 83.3	Participation and Attempt <b>In progress</b> <b>54.7</b> ✓ 50.0 ✎ 66.7 ⌚ 83.3
Active Foreign Bribery <b>No implementation</b> <b>0.0</b> ✓ 0.0 ✎ 0.0 ⌚ 0.0	Illicit Enrichment <b>Implemented</b> <b>85.9</b> ✓ 100.0 ✎ 100.0 ⌚ 83.3	Use of State Property <b>Implemented</b> <b>74.2</b> ✓ 100.0 ✎ 83.3 ⌚ 83.3	Illicit Acquisition of a Benefit <b>In progress</b> <b>71.1</b> ✓ 75.0 ✎ 83.3 ⌚ 83.3	Public Embezzlement <b>Implemented</b> <b>74.2</b> ✓ 100.0 ✎ 83.3 ⌚ 83.3
Passive Foreign Bribery <b>No implementation</b> <b>0.0</b> ✓ 0.0 ✎ 0.0 ⌚ 0.0	Private Bribery <b>Core-deficient</b> <b>43.0</b> ✓ 50.0 ✎ 50.0 ⌚ 83.3	Private Embezzlement <b>Implemented</b> <b>85.9</b> ✓ 100.0 ✎ 100.0 ⌚ 83.3	Obstruction of Justice <b>In progress</b> <b>59.4</b> ✓ 75.0 ✎ 66.7 ⌚ 83.3	Liability of Legal Persons <b>In progress</b> <b>71.9</b> ✓ 100.0 ✎ 100.0 ⌚ 66.7
Statute of Limitations <b>Implemented</b> <b>85.9</b> ✓ 100.0 ✎ 100.0 ⌚ 83.3	Prosecution, Adjudication and Sanctions <b>Implemented</b> <b>85.9</b> ✓ 100.0 ✎ 100.0 ⌚ 83.3	Consequences and Compensation <b>Implemented</b> <b>85.9</b> ✓ 100.0 ✎ 100.0 ⌚ 83.3	Cooperation With Law Enforcement <b>Implemented</b> <b>85.9</b> ✓ 100.0 ✎ 100.0 ⌚ 83.3	Asset Recovery <b>In progress</b> <b>47.7</b> ✓ 75.0 ✎ 50.0 ⌚ 83.3

# International cooperation

Implemented

## 78.7

✓ Adoption 80.8   ✎ Design 80.8   ⌚ Enforcement 82.1

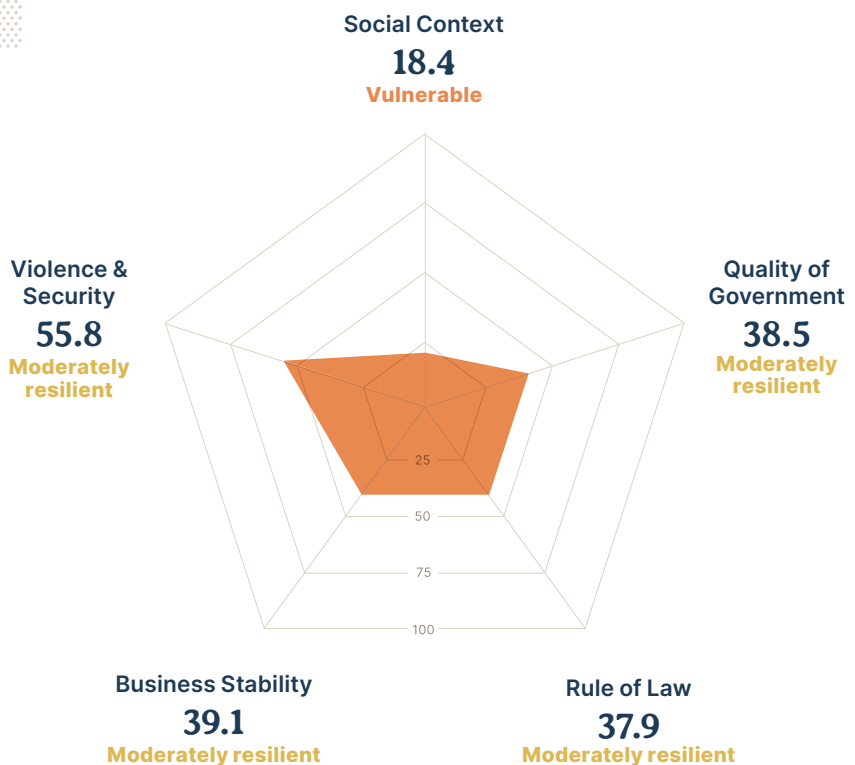
<b>Assistance Without Criminalization</b> Implemented <b>100.0</b> ✓ 100.0 ✎ 100.0 ⌚ 100.0	<b>Inclusion in Extradition Treaties</b> Implemented <b>82.8</b> ✓ 75.0 ✎ 83.3 ⌚ 100.0	<b>Convention as Legal Basis for Extradition</b> No implementation <b>0.0</b> ✓ 0.0 ✎ 0.0 ⌚ 0.0	<b>Automatic Application Without Treaty</b> Implemented <b>82.8</b> ✓ 75.0 ✎ 83.3 ⌚ 100.0	<b>Prosecution Without Extradition</b> Implemented <b>85.9</b> ✓ 100.0 ✎ 83.3 ⌚ 100.0
<b>Custody</b> Implemented <b>100.0</b> ✓ 100.0 ✎ 100.0 ⌚ 100.0	<b>Assistance</b> Implemented <b>85.9</b> ✓ 100.0 ✎ 100.0 ⌚ 83.3	<b>Impossibility of Claiming Bank Secrecy</b> Implemented <b>85.9</b> ✓ 100.0 ✎ 100.0 ⌚ 83.3	<b>Limited Use of Information</b> Implemented <b>100.0</b> ✓ 100.0 ✎ 100.0 ⌚ 100.0	<b>Nature of Act</b> Implemented <b>100.0</b> ✓ 100.0 ✎ 100.0 ⌚ 100.0
<b>Designate Central Authorities</b> Implemented <b>100.0</b> ✓ 100.0 ✎ 100.0 ⌚ 100.0	<b>Responsibilities of Central Authorities</b> Implemented <b>100.0</b> ✓ 100.0 ✎ 100.0 ⌚ 100.0	<b>Communication Between Central Authorities</b> Not applicable... ✓ N/A ✎ N/A ⌚ N/A	<b>Special Investigative Techniques</b> No implementation <b>0.0</b> ✓ 0.0 ✎ 0.0 ⌚ 0.0	<b>Technical Cooperation</b> Not applicable... ✓ N/A ✎ N/A ⌚ N/A

# Corruption Resilience

## 37.9

Vulnerable

28<sup>th</sup> of 31 western hemisphere  
10<sup>th</sup> of 11 Caribbean countries



# Analysis

## Convention Implementation

Cuba signed the United Nations Convention Against Corruption (UNCAC) on December 9, 2005, and ratified it on February 9, 2007. Accordingly, Cuba has undergone one round of review under the UNCAC review mechanism.

Cuba's record in implementing its commitments to UNCAC exhibits a large number of successes and a few failures. With an overall score of 69.3, the measures adopted place the country at the upper middle point of compliance with international norms, surrounded by Guatemala (67.2), Nicaragua (67.9), Antigua and Barbuda (69.5), and Mexico (69.7). Despite achieving higher success in regard to international cooperation rather than criminalization and law enforcement (as is the case throughout the region) the overall difference is not prominent.

Regarding the prevention of corruption, the country's absence from the Organization of American States (OAS) does not allow for the assessment of most preventive measures, as they are not covered by the UNCAC review mechanism during its first round. The sole exception is the state of oversight bodies, for which Cuba receives a score of 85.9 ("implemented") reflecting the availability of "sufficient legal tools in place to safeguard the activities of the competent authorities as regards action against corruption. Training is also provided for staff." However, no other information is available.

In terms of criminalization and law enforcement, Cuba shows promising results, with over half of all measures within this section found to be successfully implemented, including those pertaining to active and passive bribery in the public sector, the abuse of functions, illicit enrichment, and embezzlement in the public and private sectors, among others. On the other hand, a few significant measures remain fully unimplemented—the criminalization of active and passive bribery of foreign officials, and the protection of those who report acts of corruption (i.e., whistleblower protection). Concerning the latter, the UNCAC review mechanism reports that "[t]he Cuban authorities have stated that it has not, to date, been necessary to provide protection measures for witnesses or experts or for reporting persons." Other measures are considered to be deficient at core, particularly the criminalization of money laundering (35.9) and bribery in the private sector (43.0). Two measures still in progress show promising results nonetheless: the liability of legal persons and the criminalization of illicit acquisition of a benefit (i.e., influence trading), both of which receive a score of 71.9.

Finally, Cuba is found only partially compliant with its commitments to establish jurisdiction over the offenses covered by the conventions. The UNCAC review mechanism reports that "Cuba has not established special rules on jurisdiction in cases where an offense is committed against one of its nationals... According to the Cuban authorities, such a case may proceed on the basis of article 5, paragraphs 1, 2 and 3, of the Criminal Code [but there has been] no specific cases under this heading." Concerning international cooperation, "Cuba made a declaration concerning article 44, paragraph 6, stating that it would not consider the Convention to be a legal basis for cooperation on extradition." The country also lacks specific provisions on the use of special investigative techniques such as electronic surveillance, undercover operations, and others. Despite these deficiencies, the overall level of implementation of the country's commitments in this section shows a generally positive result, with an average section score of 78.7 and all but two measures classified as "implemented".

## Corruption Resilience

Cuba's social context indicator declined by 1.3 points from the previous year—and remains alarming low at 18.4—falling 46.5 points below the Western Hemisphere average in 2020. Over the last decade, Cuba's social context score failed to exceed the threshold of the lowest percentile, and this is largely caused by the decisions enacted by the country's authoritarian regime. The country's social context score was heavily influenced by the ban on independent media and severe restrictions of civil liberties, which have been in place since the 1959 revolution. As a one-party communist state, Cuba has the lowest ranks among measures of political rights within the region. The 2019 constitution has not changed the status of political rights and civil liberties in the country. According to Reporters Without Border, media outlets are controlled by the communist party, and journalists that do not support official directives are subject to threats of imprisonment, harassment, arbitrary arrests, and persecution.

In terms of the country's quality of governance and institutions, Cuba's score continues to lag within the lowest percentiles. While the quality of government indicator increased by 0.9 between 2019 and 2020, Cuba's current score (38.5) remains well below the 2020 average for Western Hemisphere countries (50.6). Over the last decade, Cuba's score has ranged between a low of 35.4 in 2013 to a high of 39.8 in 2016 but has stayed decisively within the lowest percentile. The country's 2020 score is

attributed to the lack of impartial administration, checks on government power, and fundamental rights. Like the social context indicator, the quality of government is significantly impacted by the influence of the communist party.

With respect to the rule of law indicator, Cuba's score increased by a marginal 0.7 points between 2019 and 2020—resulting in a score of 37.9—which fell below the regional average for 2020 by 13.2 points and ranked within the 25th percentile. As with the previous indicators, Cuba's score has remained consistently low throughout the decade and has largely been influenced by the lack of an independent judiciary. In many cases, the courts have been used as a political tool to prosecute the regime's political opponents.

In 2020, Cuba's business stability indicator increased by 0.5 points from the previous year, resulting in a score of 39.1. The country's score remained consistently low throughout the decade, and again, can be attributed to the nature of the country's regime. Cuba's score stayed within the lowest percentile for the region in 2020 and throughout the decade. The country's score is attributed to poor transparency, vague policymaking, and inadequate regulations.

Between 2019 and 2020, Cuba's violence and security indicator score increased by 9.2, resulting in the country's current score of 55.8 which exceeds the regional average of 55.0. Over the decade, Cuba's score has varied between a low of 35.9 in 2015 and a high of 67.8 in 2016. Reports have noted that the security environment is stable due to the country's strong military and police presence.