



U.S. DEPARTMENT of STATE

Cuba

Country Reports on Human Rights Practices - [2007](#)

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Cuba, with a population of approximately 11 million, is a totalitarian state formally led by an acting president, General Raul Castro. In the 2003 elections for the National Assembly, which were neither free nor fair, the Communist Party (CP) won 98 percent of the vote and all 609 seats in the National Assembly. The government exercises control through the CP and its affiliated mass organizations, the bureaucracy, and the state security apparatus. General Castro was granted provisional control by his brother, Fidel Castro, in a proclamation issued in July 2006 after the latter underwent medical treatment; however, Fidel Castro continued to dominate policy on a wide range of issues. The Ministry of the Interior exercises control over police, the internal security forces, and the prison system.

The government continued to deny its citizens their basic human rights and committed numerous, serious abuses. The government denied citizens the right to change their government. There were at least 240 political prisoners and detainees held at year's end. As many as 5,000 citizens served sentences for "dangerousness," with no more specific criminal behavior charged. The following human rights problems were reported: unlawful killings; killings, beatings, and abuse of detainees and prisoners, including human rights activists, carried out with impunity; harsh and life-threatening prison conditions, including denial of medical care; harassment, beatings, and threats against political opponents by government-recruited mobs, police, and state security officials; arbitrary arrest and detention of human rights advocates and members of independent professional organizations; denial of fair trial, and interference with privacy, including pervasive monitoring of private communications. There were also severe limitations on freedom of speech and press; denial of peaceful assembly and association; restrictions on freedom of movement, including selective denial of exit permits to citizens and the forcible removal of persons from Havana to their home towns; and refusal to recognize domestic human rights groups or permit them to function legally. Domestic violence, underage prostitution, sex tourism, discrimination against persons of African descent, and severe restrictions on worker rights, including the right to form independent unions, were also problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents were not known to have committed any politically motivated killings.

On March 20, in the city of Matanzas, an off-duty police officer shot and killed 34-year-old Rangel Enrique Pons, who was unarmed. Allegedly the police officer demanded that Pons give him his motorbike in exchange for the officer not revealing information about Pons' illegal rum business. When Pons refused to hand over the motorbike, the officer shot him in the head.

On July 29, the prison director ordered guards in Kilo 8 Prison in Camaguey Province to quell an altercation between inmates. The guards used clubs and metal poles to beat the prisoners with such force that they killed two of them, Carlos Rafael Labrada and Amauri Medina, and seriously injured another inmate. Witnesses stated that the guards continued to beat the prisoners after they were unconscious.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits abusive treatment of detainees and prisoners; however, members of the security forces sometimes beat

and otherwise abused human rights and prodemocracy advocates, detainees, and prisoners and did so with impunity.

Although physical torture was rare, authorities beat, harassed, and made death threats against dissidents, both inside and outside of prison. Many were interrogated and pressured to sign incriminating statements or to collaborate with authorities. Some detainees and prisoners endured physical abuse, sometimes by other inmates with the acquiescence of guards, or long periods in isolation or punishment cells. Political prisoners and detainees who refused to wear the prison uniform or take part in "reeducation" activities were targeted for mistreatment.

Independent journalist Armando Betancourt Reina, freed on August 20 after completing a 15-month sentence in the Ceramica Rota prison, said that, unlike in previous years, guards avoided the abuse of political prisoners in front of witnesses. Prisoners who had been beaten reported that they were placed in isolation and not returned to the general population for 15 to 20 days, by which time bruises or other injuries had healed. Families of prisoners said they believed that prison staff sometimes goaded inmates with promises of rewards to beat a political prisoner, although reportedly this practice was less common than in previous years. On September 7, the mother of political prisoner Jose Luis Diaz Paneque stated that, with the collusion of staff, another prisoner in Las Mangas Prison in Granma Province beat her son so that he required four stitches. On September 7, independent journalist Adolfo Fernandez, incarcerated in Canaleta Prison in Ciego de Avila, witnessed military guards beat with their fists, boots, and batons nonpolitical prisoner Many Adan Perez for resisting transfer to another facility. The same day Fernandez saw two guards beat a prisoner for attempting to put his lunch in a container when rules specify that meals must be eaten in the mess hall.

The government continued to subject persons who disagreed with it to "acts of repudiation," although these incidents, especially those that occurred in front of the homes of dissidents, were notably fewer and less intense than in previous years. The government targeted dissenters by directing militants from the CP, the Union of Communist Youth (UJC), Committees for the Defense of the Revolution (CDRs), the Federation of Cuban Women, the Association of Veterans of the Cuban Revolution, and other groups and individuals to stage public protests against the dissidents, usually in front of their homes. Participants shouted insults and obscenities. Mobs sometimes damaged the victim's home or property and occasionally assaulted the victim or his relatives. On March 2, a mob in the city of Santa Clara beat independent journalist Guillermo Farinas. On August 23, a crowd surrounded Jose Armando Torres at his work place in Bayamo, Granma, and insulted him in front of his coworkers. Leading dissidents, such as Martha Beatriz Roque, continued to receive death threats. Although the government characterized acts of repudiation as spontaneous, undercover police and State Security agents were often present and clearly directed the activities, for example by threatening neighbors with job loss if they did not participate. The government did not detain any participants in acts of repudiation, even those who physically attacked the victim, nor did police respond to victims' complaints.

The police also attacked dissidents in individual confrontations and did so with impunity. On September 15, three police officers arrived at the home of dissident and independent librarian Jose Diaz Silva and took him to the police station, where seven policemen struck him on the face and torso and strangled him. Diaz, who suffered multiple injuries, was released without charges. When Diaz sought to file a complaint, the officer in charge dismissed the incident as a "personal quarrel."

Prison and Detention Center Conditions

Prison conditions continued to be harsh and life threatening. Conditions at approximately 200 detention facilities and jails were even worse, with cells that were routinely vermin infested and lacked water, sanitation facilities, adequate ventilation, and lighting. Many prisoners, such as Francisco Chaviano, released in August after serving 13 years and three months, spent months in isolation in narrow, dark punishment cells. Many cells were damp and caused respiratory problems. Authorities also often denied medical treatment, family visitation, adequate nutrition, exposure to natural light, pay for work, and the right to petition the prison director. The government sent most political convicts to prisons located far from their families, increasing their and their families' sense of isolation, due to the difficulty of domestic travel.

The government stated that prison guards only used force when strictly necessary to restore order, but there were instances of unnecessary force and brutality, sometimes resulting in killings. On September 13, prisoner Angel Garcia Rivero, incarcerated at Kilo 7 Prison in Camaguey, said that he saw the chief guard of the prison block throw a mentally retarded inmate, Erialdo Gonzalez Betancourt, to the ground, causing him to lose consciousness. Garcia said that Gonzalez was then placed in a punishment cell nude with both hands chained to the bars so that he hung suspended off the floor for several hours. Prisoner Yarlo Chavez Salazar reported that on September 23, in Unit 1 of the Havana prison Combinado del Este, he was subjected to electric shocks.

Health conditions and hygiene at prisons were very poor. Family members reported widespread serious disease and illnesses among political prisoners, for which the prison staff sometimes withheld treatment. Digestive disorders were widely reported, and preventable ailments such as beri-beri and dengue fever were common. Outbreaks of skin diseases caused by contaminated water were frequent. A serious skin disease epidemic broke out in mid-September in Kilo 8 Prison in Camaguey. There were also instances of food poisoning. On September 7, 900 inmates at Kilo 7 Prison experienced severe intestinal upset and hives after eating a meat-flavored pasta dish. The prison doctor treated the ill prisoners with only boiled guava leaves. Freed prisoners, such as Francisco Chaviano and Armando Betancourt Reina, said that frequently prisoners extracted their own teeth because authorities refused to arrange dental visits. In July the head of medical services of Kilo 7 Prison acknowledged that 60 percent of the prison population was infected with tuberculosis.

Prisoners stated that the staff did not try to stem the tuberculosis outbreak and that the prison director in fact expelled prisoners from the dispensary prior to the July 26 holiday and kept it closed for several weeks. On August 12, prisoner Raul Ferro Rodriguez died after guards at Quivicán Prison repeatedly ignored his pleas for assistance during an acute asthma attack. On September 10, in the provincial prison of Sancti Spiritus, Geovany Figueroa Reyes died of cardiac problems after unsuccessfully pleading for several days for heart medication.

Human rights groups stated that suicides were common in prisons and detention centers, but the government did not reveal information on this subject. The family of dissident Manuel Acosta Larena, who according to police hanged himself in his cell at the police station of Aguada de Pasajeros in Cienfuegos, suspected foul play and asked for an investigation. Family members said that Acosta was in good physical and mental health and had been detained in the past without becoming significantly depressed. The police refused to investigate the incident.

The government placed some mentally healthy prisoners in cells with mentally disturbed inmates.

Some inmates resorted to self mutilation, often to seek a transfer to a prison closer to family. Independent journalist Armando Betancourt Reina said that he witnessed inmates inflicting large gashes on their arms.

Prison food was often inedible, and food from outside was essential to meet nutritional needs. Prisoners' typical diet consisted of undercooked rice that was often infested with worms and sometimes toasted corn or wheat flour cakes. Prisoners' relatives were ostensibly allowed to bring them 30 to 40 pounds of food at two- to three-month intervals, but families reported that prison guards often prevented food deliveries. Typically, water for drinking, bathing, and flushing the hole in the cell floor that served as the common toilet was contaminated, for example with visible parasites.

Overcrowding was common. Released political prisoner Armando Betancourt Reina stated that during his 15 months' confinement he shared a 13- by 16-foot cell with 11 other inmates. Prisoners in other facilities reported similar densities.

Sexual assault occurred at prisons. At Manto Negro Prison in Havana, the country's largest women's prison, forced homosexual relationships were common. In many such cases, women serving lengthy sentences targeted younger women. Those who resisted faced potential violence, including beatings and stabbings. Guards frequently looked the other way and failed to punish perpetrators. The government did not release information on the treatment of minors at either youth or adult prisons or detention centers.

Reading materials were either prohibited or heavily restricted. Prison officials regularly denied prisoners other rights, such as the right to correspondence.

The government sometimes denied political detainees and prisoners pastoral visits. However, detainees stated that, more frequently than in the past, authorities honored written requests to see a Catholic priest.

The government did not permit independent monitoring of prison conditions by international or national human rights groups. The government did not permit access to political detainees by international humanitarian organizations. The government has denied prison visits by the International Committee of the Red Cross since 1989.

d. Arbitrary Arrest or Detention

Although prohibited by law, the government effectively and frequently used arbitrary arrest and detention to harass opponents.

The police have broad detention powers, which they may exercise without a warrant. Under the law, police can detain without a warrant not only persons caught in the act but also someone merely accused of a crime against state security.

Role of the Police and Security Apparatus

The Ministry of the Interior exercises control over police, the internal security forces, and the prison system. The National Revolutionary Police (PNR) is the primary law enforcement organization and generally was effective in investigating common crimes. Specialized units of the Ministry of the Interior's State Security service are responsible for monitoring, infiltrating, and suppressing opposition political groups. The PNR played a supporting role by carrying out house searches and provided interrogation facilities for State Security agents.

Members of the security forces acted with impunity in committing numerous, serious human rights abuses. While the PNR ethics code and Interior Ministry regulations ban police brutality, the government did not announce any investigations into police misconduct during the year. Corruption was a problem.

CP officials and leaders of neighborhood CDR branches lack formal law enforcement powers but wielded considerable

authority and often used it to mobilize action against anyone criticizing the government or its leaders.

Arrest and Detention

The law requires police to file formal charges and either release a detainee or bring the case before a prosecutor within 96 hours of arrest; it also requires authorities to provide suspects with access to a lawyer within seven days of arrest. The penal code sets six months as the maximum period that a defendant can remain in prison before the case is brought to trial. In practice the law was not respected. In May 2006 journalist Armando Betancourt Reina was arrested at the scene of an eviction. He was held in isolation without access to family members or attorneys until his transfer to a different prison in June 2006. Pretrial hearings began February 8; defense witnesses were not allowed to testify, and the court held the case for further investigation; finally, on July 3, authorities charged him with creating a public disorder.

Bail was available, although typically not in cases involving alleged antigovernment activity. Time in detention before trial counted toward time served if convicted. The government denied prisoners and detainees prompt access to family members.

The law provides that all legally recognized civil liberties may be denied to anyone who "actively opposes the decision of the people to build socialism." Government officials routinely invoked this authority to deny due process to persons detained on purported state security grounds. Police frequently lacked warrants when carrying out arrests or issued warrants themselves at the time of arrest. The Cuban Commission for Human Rights and National Reconciliation (CCDHRN) reported that police frequently had a stack of blank court-stamped warrants, which were filled out on the spot. Authorities sometimes employed false charges of common crimes to arrest political opponents and often did not inform detainees of the charges against them.

The authorities routinely engaged in arbitrary arrest and detention of human rights advocates. In the vast majority of instances, dissidents were held for several hours and then released without charges. The CCDHRN listed 146 such detentions from January to August. On September 24, police in the city of Santa Clara took into custody 42 participants in a peaceful march and then released all of them after several hours without charges. On September 27, police detained in various cities 45 dissidents who were en route to a protest at the Ministry of Justice. All were released without charges within 24 hours.

The penal code includes the concept of "potential dangerousness," defined as the "special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of socialist norms." No proof is required for a conviction for this offense. The CCDHRN estimated that 3,000 to 5,000 citizens, including 1,000 women, were in jail for this offense. The CCDHRN also noted that eight of the nine political prisoners imprisoned during the year were convicted of "potential dangerousness."

Dissident Jorge Luis Perez Garcia ("Antunez") was confined to his home for 24 hours on December 9-10, after he was forcibly returned to his home town of Placetas for participating in a demonstration for International Human Rights Day in Havana.

Ramon de Jesus Verdecia Canejo, of the "Peace, Love and Freedom" Party, was confined to his home in Colon, Matanzas Province, from December 8 to 10.

e. Denial of Fair Public Trial

While the constitution provides for independent courts, it explicitly subordinates them to the National Assembly of People's Power (ANPP) and the Council of State. The ANPP and its lower-level counterparts choose all judges. Thus, in practice the CP controlled the courts.

Civilian courts existed at the municipal, provincial, and appellate levels. Panels composed of professionally-certified and lay judges presided over them. Military tribunals, which were governed by a special law, assumed jurisdiction for certain "counterrevolutionary" cases. The military tribunals tried civilians if a member of the military was involved with civilians in a crime. In these tribunals, there was a right to appeal and access to counsel, and the charges were made known to the defendant.

Trial Procedures

The courts undermined the right to a fair trial by restricting the right to a defense and often failed to observe due process rights nominally available to defendants. While most trials were ostensibly public, trials were closed when there were alleged violations of state security. Almost all cases were tried in less than one day; there were no jury trials. The law provides the accused with the right to an attorney and, except in cases involving state security, the right to consult an attorney in a timely manner, but many defendants either had no defense attorney or met an attorney only minutes before the start of their trial. Moreover, the government's control over members of the lawyers' collectives compromised their

ability to represent clients, especially those accused of state security crimes.

Criteria for presenting evidence were arbitrary and discriminatory. Often the sole evidence provided, particularly in political cases, was the defendant's confession, usually obtained under duress and without legal advice. A defendant's right to present witnesses was arbitrarily observed. Defense attorneys were given access to the police dossier and the prosecutor's written accusation only at, or minutes before, the trial. Because of this constraint and because most trials last less than eight hours, defense attorneys did not have time to arrange for testimony by defense experts.

In April dissident lawyer Rolando Posada Jimenez was tried in absentia by a secret court, without the presence of family members or legal representation, since the court rejected his request to serve as his own defense attorney. Posada had been arrested in 2003. The court sentenced him to 12 years' imprisonment for revealing secrets that compromised state security, the exact nature of which were never revealed to the defendant, and for disrespect to Commander in Chief Fidel Castro.

Prosecutors may introduce testimony from a CDR member about the revolutionary background of a defendant, which may contribute to a longer or shorter sentence. The law presumes defendants innocent until proven guilty, but authorities often ignored this presumption in practice. The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases involving lengthy prison terms or the death penalty. Appeals in capital cases are automatic. The Council of State must affirm capital punishment.

Political Prisoners and Detainees

The CCDHRN stated that the government held at least 240 political prisoners and detainees at year's end; 47 of them had been convicted of terrorism and 30 of dangerousness. The convictions were for such offenses as disrespect of the head of state, disrespect and scorn of patriotic symbols, public disorder, and attempting to leave the country illegally. Other inmates had been convicted of disseminating enemy propaganda, illicit association, clandestine printing, or the broad charge of rebellion, which sometimes has been brought against advocates of peaceful democratic change. In a significant shift, authorities used short term detention and charges of potential dangerousness against political dissidents, instead of charges for offenses that carry long prison terms, which were frequently employed in the past.

At year's end 59 of the 75 peaceful activists, journalists, union organizers, and opposition figures arrested and convicted in 2003, mostly on charges of violating national security and aiding a foreign power, remained in prison.

Mistreatment of political prisoners and detainees was widespread. Beatings were not uncommon, and many political inmates were denied privileges given to ordinary prisoners, such as access to an exercise yard or sunshine. The government continued to deny human rights organizations and the International Committee of the Red Cross access to political prisoners and detainees. Authorities denied visits to families of political prisoners and detainees. Prisoners in punishment cells had no access to lawyers.

Civil Judicial Procedures and Remedies

There is a judiciary for civil matters. The law provides citizens alleging human rights violations the right to lodge a formal complaint with prosecutors, but the CCDHRN noted that CP control of the courts discouraged citizens from seeking recourse to the civil judiciary. The CCDHRN was not aware of any successful human rights-related lawsuit during the year or of any damages ordered by any court in connection with a human rights case.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

While the constitution provides for the inviolability of a citizen's home and correspondence, official surveillance of private and family affairs by government-controlled organizations, such as the CDRs, remained pervasive. The government employed physical and electronic surveillance against nonviolent political opponents and interfered in the lives of citizens. The authorities employed a wide range of social controls to discover and discourage nonconformity.

State Security routinely read correspondence coming from abroad. Most letters from overseas were delivered with the envelope obviously torn and resealed; many were placed in a different envelope. State Security monitored domestic and overseas telephone calls, correspondence, and conversations with foreigners. The CCDHRN estimated that the government has permanent taps on 30,000 phone lines. During the year, State Security agents subjected journalists and foreign diplomats to harassment and surveillance, including electronic surveillance and surreptitious entry into their homes. In September Uruguayan Congressman Gustavo Espinosa filed an official complaint that his telephone communications with dissidents were jammed.

There were numerous credible reports of forced evictions of squatters and residents who lacked official permission to reside in Havana and other major cities.

The Ministry of Interior employed a system of informants and CDR block committees to monitor and control public opinion. CDRs continued to report on suspicious activity, including conspicuous consumption; unauthorized meetings, including those with foreigners; and what it considered defiant attitudes toward the government and the revolution.

In some instances the government pressured individuals to join the CP or CDRs. Candidates for jobs at a company that supplied hotel personnel had to provide documentation proving their participation in a CP or CDR or other similar organization to be eligible for employment. In September a human rights activist was arrested, detained for several hours, and fined approximately \$25 (600 pesos) for failing to turn on his porch light during CDR festivities held on his street.

Government officials retaliated against the spouses and children of dissidents. On February 2, in Buenaventura, Holguin Province, police detained Leyanis Dominuez, the 13-year-old child of Reverend Delmides Fidalgo, and interrogated her for one hour about her father's activities; two months later, police brought her to the station for questioning a second time. On March 17, in Corralillo, Villa Clara Province, police threatened Silvia Aguado, wife of a political prisoner, with the loss of custody of her child. On July 18, Yoselin Becquer Gonzalez was fired from her job for being the wife of a dissident.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press insofar as they "conform to the aims of socialist society," a clause effectively barring free speech, and in practice the government did not allow criticism of the revolution or its leaders. Laws against antigovernment propaganda, graffiti, and disrespect of officials impose penalties of between three months and one year in prison; criticism of the president or members of the ANPP or Council of State is punishable by three years' imprisonment. Disseminating "enemy propaganda," which included expressing opinions at odds with those of the government, is punishable by up to 14 years' imprisonment. The government considered international reports of human rights violations and mainstream foreign newspapers and magazines to be enemy propaganda. Local CDRs inhibited freedom of speech by monitoring and reporting dissent or criticism.

Citizens who spoke with independent journalists risked government retaliation. On March 14, in the town of Ciego de Avila, evangelical minister Luis Enrique Cervantes lost his job for speaking with an independent journalist. Catholic priests and other clergy were able to deliver sermons without prior government approval. Catholic Church officials were allowed to broadcast 15-minute radio programs on special occasions such as Christmas as long as they did not have any political content.

The government considered print and electronic media to be state property. The government owned and the CP controlled all media except for a number of underground newsletters. The government operated four national television stations, six national radio stations, one international radio station, one national magazine, and three national newspapers. Additionally, it operated many local radio stations, television stations, magazines, and newspapers. All were official organs of the CP. Content was nearly uniform across all of these media; none enjoyed editorial independence. With the exception of a few Catholic publications, the regime vigorously prosecuted anyone attempting to distribute written, filmed, or photographed material. The law bars "clandestine printing." The government was the sole book publisher in the country, and with the exception of some Catholic Church publications, state censors required prepublication approval.

The government subjected independent journalists to travel bans, detentions, harassment of family and friends, equipment seizures, imprisonment, and threats of imprisonment. State Security agents posed as independent journalists in order to gather information on activists and spread misinformation and mistrust within independent journalist circles. A total of 24 journalists were in prison during the year. On April 17, a court in Matanzas Province sentenced independent journalist Oscar Sanchez Madam to four years' imprisonment for potential dangerousness. Sanchez had written articles that attempted to document the actual size of the sugar cane harvest, which was smaller than the government's official harvest figures. Authorities fined independent journalist Alvaro Yero Felipe \$250 (6,000 pesos) for potential dangerousness. The government continued to harass some journalists even after freeing them from prison. In August journalist Albert Santiago Dubouchet, who was released in 2005 after a conviction resulting from an article he had written, was sentenced to six years' imprisonment for the alleged theft of a handkerchief signed by Fidel Castro. Reporters Without Borders called the charge "grotesque and disgraceful." In September police warned recently released journalist Armando Betancourt Reina that they would shut off his phone service if he used it for "counter-revolutionary activities."

Catholic church-run publications were subject to governmental pressure. In April Dagoberto Valdes Hernandez, the editor of *Vitral* magazine, a publication of the diocese of Pinar del Rio that had gained a reputation for independent opinion, announced he was ceasing publication due to a lack of paper and ink. The *Vitral* editorial board also lost their Internet access at that time. The new bishop of Pinar del Rio Diocese disputed the claim that *Vitral* was forced to close; however, the bishop acknowledged that without necessary supplies the magazine would not be able to continue production. In June *Vitral* resumed publication under new editorial management and with less bold content.

In February the government ordered Cesar Gonzalez-Calero, of the Mexican City daily *El Universal*, and Gary Marx, of the *Chicago Tribune*, to leave the country. Marx stated that government authorities deemed his articles "too negative." Also in

February the government denied a visa to BBC reporter Stephen Gibbs.

The law prohibits distribution of printed material from foreign sources. Citizens did not have the right to receive or possess publications from abroad, although newsstands at some hotels for foreigners and certain hard-currency stores sold limited numbers of foreign newspapers and magazines. Dissident Marta Beatriz Roque reported cases of persons being fined up to \$1,560 (approximately 30,000 pesos) for possession of illegal satellite television equipment; televisions and video players were subject to confiscation. On June 1, Raul Castro revoked the law criminalizing possession of a DVD player. The government continued to jam the transmissions of Radio Marti and Television Marti.

The government frequently barred independent libraries from receiving materials from abroad and seized materials donated by foreign diplomats. The government prohibited diplomatic missions from printing or distributing publications, including newspapers and newspaper clippings, unless such publications exclusively addressed conditions in a mission's home country and prior government approval was received.

Internet Freedom

The government controlled nearly all Internet access. Authorities reviewed and censored e-mail and forbade any attachments. Authorities also blocked access to Web sites they considered objectionable. Citizens could access the Internet only through government-approved institutions, except at Internet facilities provided by a few diplomatic offices. In August authorities shut down Internet access in four government-run Internet cafes, including one located in the Ministry of Communications. The only citizens granted direct Internet access were some government officials and certain government-approved doctors, professors, and journalists. The government also further restricted Internet use in government offices, confining most officials to Web pages related to their work. Foreigners, but not citizens, were allowed to buy Internet access cards from the national telecommunications provider and to use hotel business centers where Internet access cost \$10 (240 pesos) an hour. The government stated that 8 percent of the population had Internet access, but independent studies concluded that only 2 percent of the population had access to the Internet.

A 2004 law stipulates that all public Internet centers must register with the government, and that all such centers may be the object of control and supervision, without prior warning, by the Agency of Ministry for Information Technology and Communications. While the law does not provide for any specific punishments for Internet use, it is illegal to own a satellite dish that would provide uncensored Internet access.

Academic Freedom and Cultural Events

The government restricted academic freedom and continued to emphasize the importance of reinforcing revolutionary ideology and discipline. Students are required to participate in patriotic school ceremonies and to swear to follow the principles of Fidel Castro and the CP. Academics were prohibited from meeting with some diplomats without prior government approval. Academics permitted to travel abroad were aware that their actions, if deemed politically unfavorable, could negatively impact their relatives back home.

Independent academic Roberto de Miranda, head of the Cuban Independent Educators' College, compiled a list of approximately 300 educators who lost their jobs on the basis of political beliefs since 2004, none of whom had been reinstated or had found a new position within the education system after being discharged.

Government-controlled public libraries denied access to books or information unless the requester produced a government letter of permission.

University admission was normally based on whether the student participated in government-encouraged secondary school activities, rather than on academic achievement.

b. Freedom of Peaceful Assembly and Association

Although the constitution grants limited rights of assembly and association, these rights are subject to the requirement that they may not be "exercised against the existence and objectives of the Socialist State."

Freedom of Assembly

The law punishes any unauthorized assembly of more than three persons, including those for private religious services in private homes, by up to three months in prison and a fine. The authorities selectively enforced this prohibition and often used it as a pretext to harass and imprison human rights advocates.

The authorities never have approved a public meeting by a human rights group and often detained activists to prevent them from attending meetings, demonstrations, or ceremonies. Unapproved meetings and demonstrations took place,

which the government frequently disrupted, infiltrated, or attempted to prevent. On September 27, authorities detained dozens of protesters at various locations, some upon arrival at a bus terminal, hours before they planned to join a protest at the Ministry of Justice. Authorities sometimes used or incited violence against peaceful demonstrators. On December 6, police struck and pepper sprayed dissident Jorge Luis Garcia Perez ("Antunez") and his wife, Iris Perez, outside their home as they prepared to hold a peaceful march.

Freedom of Association

The law specifically prohibits unrecognized groups, and the government denied citizens freedom of association. Authorities have never approved the existence of a human rights group; however, a number of professional associations operated as nongovernmental organizations (NGOs) without legal recognition. The constitution proscribes any political organization other than the CP.

Recognized churches, the Roman Catholic humanitarian organization Caritas, the Freemason movement, and a number of fraternal or professional organizations were the only associations permitted to function outside the formal structure, but not the influence, of the state, the CP, and their mass organizations. The authorities continued to ignore applications from new groups for legal recognition, thereby subjecting members to potential charges of illegal association.

c. Freedom of Religion

Although the constitution recognizes the right of citizens to practice any religious belief within the framework of respect for the law, the government continued to restrict freedom of religion. The government required churches and other religious groups to enroll with the provincial registry of associations within the Ministry of Justice to obtain official recognition.

The government continued to allow foreign priests and religious workers, including a newly appointed bishop from Spain, into the country, generally to replace foreign priests and nuns who had died or whose residence permits had expired.

On December 4, police forcibly entered a church in Santiago de Cuba Province and pepper sprayed and beat a group of approximately 18 dissidents awaiting Mass. Police arrested seven of the dissidents, who were released the following day. The Catholic Bishops' Conference of Cuba condemned the incident, and government officials subsequently apologized to the Church. Church officials accepted the apology and no further investigation was expected.

Although it did not favor any particular religion or church, the government appeared most tolerant of churches that maintained close relations to the state through the Cuban Council of Churches (CCC).

There were numerous reports of official discrimination against Seventh Day Adventists and Jehovah's Witnesses in employment and education due to these groups' refusal to work or participate in mandatory school activities on Saturdays, and for Jehovah's Witnesses' refusal to comply with compulsory military training.

There were reports that persons engaged in religious practices experienced harassment because of ignorance or personal prejudice by a local official. Jehovah's Witnesses from Holguin Province reported that in November the government prohibited a bus company from renting buses to the Jehovah's Witnesses who wished to transport several thousand worshippers to a series of district assemblies.

The government rarely permitted the construction of new churches, forcing many growing congregations to seek permits to meet in private homes. The CCC reported that none of its members received government permission to construct a new church building during the reporting period. Most registered religious groups were able to hold services in private homes.

A government directive requires house-church operators to register their house churches with the government. To register one's house church, an operator must meet a number of requirements: the house church must host no more than three meetings per week, it must not be located within 1.2 miles of another house church, it cannot be in a multifamily residence, and it may be open only between 5 p.m. and 10 p.m. on workdays, and between 9 a.m. and 10 p.m. on other days. The vast majority of house churches were unregistered and thus technically illegal.

Education was secular, and no religious educational institutions were allowed; however, the Catholic Church, Protestant churches, and Jewish synagogues were permitted to offer religious education classes to their members.

Religious literature and materials may be imported only through a registered religious group and distributed only to officially recognized religious groups.

The government permitted each diocese to request airtime for a 15-minute broadcast on Christmas, Easter, and the feast day of Our Lady of Copper. The Archbishop of Santiago, Dionisio Garcia Ibanez, was allowed to broadcast a Christmas message, the first time the Santiago Diocese was granted airtime since the Pope's visit in 1998.

Religious groups were required to submit a request to local CP officials before holding processions or events outside of religious buildings.

Societal Abuses and Discrimination

There were no reports of societal violence, harassment, or discrimination against members of religious groups. There were between 1,000 and 1,500 members of the Jewish community. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons,

Protection of Refugees, and Stateless Persons

The law qualifies these rights, and the government severely restricted foreign travel and emigration. The government tightly restricted foreign and domestic travel by dissidents and limited internal migration to Havana. Dissident blacklists were maintained at bus stations, railway terminals, and airports, and those appearing on the list were unable to purchase tickets.

Although the constitution allows all citizens to travel anywhere within the country, residence is heavily restricted, thus impeding free movement. The local housing commission and provincial government authorities considered requests for change of residence largely on the basis of housing space. During the wait for permission, which routinely lasted six months or more, the applicant could not obtain food rations or a local identification card. Anyone living in a location illegally may be fined and sent home. While the regulation was in effect nationwide, it was applied most frequently in Havana. The CCDHRN reported discovering a specially designated train car, in which 50 to 100 young people lacking appropriate identity cards were returned to their home localities each week.

The government restricted both emigration and temporary foreign travel, mainly by requiring an exit permit. Although the government allowed the majority of persons who qualified for immigrant or refugee status in other countries to depart, at least 544 citizens who had received foreign travel documents, or their dependents, were denied exit permits during the year. This figure represented only persons who reported their difficulties to a foreign diplomatic establishment. Persons denied exit permits included medical personnel, men of military age, dissidents, and citizens with certain political or religious beliefs.

An unpublished government policy denies exit permits to medical professionals until they have performed three to five years of service in their profession after requesting permission to travel abroad.

The government denied exit permits for several years to relatives of individuals who migrated illegally (for example, merchant seamen and sports figures who defected while out of the country). The government frequently withheld exit visas to control dissidents. Dissident doctor Hilda Molina continued to wait for exit permission, as she had for more than 12 years. In addition, Molina's elderly mother was not allowed to apply for exit permission.

The government denied exit permission to human rights activists who held valid foreign travel documents. The government continued to refuse permission to dissident Oswaldo Paya or members of the Ladies in White, the wives of political prisoners, to travel abroad to attend conferences or to receive awards from international human rights groups.

The government used both internal and external exile. The law permits authorities to bar an individual from a certain area, or to restrict an individual to a certain area, for a period of one to 10 years. Under this provision, authorities may exile any person whose presence in a given location is considered "socially dangerous." The authorities routinely warned emigrating dissidents or their family members that speaking out against the government abroad could result in relatives' loss of employment or denial of permission to leave the country.

Those seeking to emigrate legally also faced reprisals, harassment, and intimidation by the government, including expulsion from school, involuntary job transfers, threatened arrest, and dismissal from employment.

Those wishing to migrate must pay processing fees of approximately \$180 (4,500 pesos) for exit permission, \$66 (1,650 pesos) for a passport, and \$30 (750 pesos) for an airport tax, which amounted to approximately 23 months' salary for the average citizen. Citizens applying for exit permission to the United States faced an additional charge of approximately \$625 (15,000 pesos, or six months' salary, for adults and \$444 (10,656 pesos) for children. These fees represented a significant hardship, particularly for migrants who had been fired from their jobs for being "politically unreliable" and had no income. At year's end some would-be migrants were unable to leave the country because of inability to pay exit fees. Authorities routinely dispossessed migrants and their families of their homes and most of their belongings before permitting them to leave the country. The government also demanded payment of hefty fines for past unsuccessful attempts to leave the country illegally.

The law provides for imprisonment of up to three years or a fine of \$12 to \$40 (300 to 1,000 pesos) for unauthorized departures by boat or raft. The government also sometimes applied a law on trafficking in persons to would-be migrants. The CCDHRN estimated that at year's end, between 300 and 500 citizens were serving sentences or awaiting trial on this charge, which ordinarily carries a term of 15 to 20 years' imprisonment. Under the terms of the 1994 U.S.-Cuba Migration Accord, the government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the U.S. Naval Station at Guantanamo, after attempting to emigrate illegally if they had not committed a separate criminal offense. However, in practice some would-be migrants experienced harassment and discrimination such as fines, expulsion from school, job loss, and detention in prison.

The government generally refused to accept nationals returned from U.S. territory beyond the maritime limits of the Migration Accords.

Protection of Refugees

Although the country is not a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the constitution provides for the granting of asylum to individuals persecuted for their ideals or actions involving a number of specified political grounds. Although the government has no formal mechanism to process asylum for foreign nationals, in practice it provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, including to some fugitives from justice, whom it defines as refugees for political reasons.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In the 2003 elections for the National Assembly, which were neither free nor fair, the Communist Party (CP) won 98 percent of the vote and all 609 seats in the National Assembly.

In July 2006 due to an ongoing health problem, President Castro provisionally transferred power to his brother, General Raul Castro. Without citizen participation, existing undemocratic institutions, including the armed forces, the CP, and the ANPP endorsed the transfer.

Elections and Political Participation

While the constitution provides for direct election of provincial, municipal, and ANPP members, citizens do not have the right to change their government, and the government retaliated against those who sought peaceful political change. On September 6, dissident Oswaldo Paya handed to the Council of State a demand that the electoral law be annulled for violating the constitution, which provides for free and fair elections. The government made no response.

Candidates for provincial and national office must be approved in advance by mass organizations, such as the women's and youth party organizations controlled by the government. For the first time, up to eight candidates could run for each municipal seat in the October 21 municipal elections. Previously, each municipality could only nominate a single candidate. In practice a small group of leaders, under the direction of the president, selected the members of the highest policy-making bodies of the CP, the Politburo, and the Central Committee. Although not a formal requirement, in practice CP membership was a prerequisite for high-level official positions and professional advancement.

There were two women in the 21-member Politburo and 17 in the 126-member Central Committee. Women held five seats in the 29-member Council of State and 219 seats in the 608-seat National Assembly.

Persons of African descent held four seats in the Politburo. Following the selection of the ANPP in 2003, the government reported its composition as 67 percent white, 22 percent black, and 11 percent mixed race.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

According to the World Bank's worldwide governance indicators, government corruption was a problem. Independent and official press reported incidents of government corruption. Government officials occasionally engaged in extortions of citizens legally residing overseas who returned to visit relatives. Customs officials occasionally confiscated the belongings of such visitors or requested unauthorized fees to pass through the customs process.

Government officials are not subject to any special financial disclosure laws and government officials are not required to

comply with specific laws beyond those that apply to the general population regarding revealing sources of income for tax purposes and obedience of the law against "illegal enrichment"; however, all officials must sign a code of ethical conduct that includes not accepting funds from illicit sources. No government agencies were specially tasked with combating government corruption.

The law provides for public access to government information, but in practice requests for information routinely were rejected, often on the grounds that access was not a right. Many convicts and their defense attorneys never received a copy of the sentence certification to which they were legally entitled.

Section 4 Governmental Attitude Regarding International and

Nongovernmental Investigation of Alleged Violations of Human Rights

In violation of its own statutes, the government did not recognize any domestic human rights groups or permit them to function legally. Several human rights organizations continued to function outside the law, including the CCDHRN, the Christian Liberation Movement, the Assembly to Promote Civil Society, and the Lawton Foundation for Human Rights. The government subjected domestic human rights advocates to violence, intense intimidation, and harassment, including threats of death and disappearance.

Although it employed this tactic less frequently than in the past, the government also staged acts of repudiation, in which it mobilized Communist militants and others to hold a public rally aimed at intimidating and ostracizing a member of a human rights NGO.

The government also took steps to prevent the movement of activists; on many occasions, State Security, police, and mobs prevented Ladies in White members from traveling to Havana to take part in marches.

The government rejected international human rights monitoring, did not recognize the mandate of the UN Human Rights Council, and refused to acknowledge requests by the personal representative of the UN High Commissioner for Human Rights to visit the country. The government continued to deny human rights organizations and the International Committee of the Red Cross access to political prisoners and detainees. UN Special Rapporteur for Food Jean Zeigler visited the country from October 28 to November 6.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, or social status; however, racial discrimination occurred frequently.

Women

The law criminalizes rape, including spousal rape, and a victim has the right to report the matter to the police. Police rarely forwarded cases to a court if the victim did not suffer visible physical injuries.

Although the government did not release statistics during the year on arrests, prosecutions or convictions for rape, the law stipulates penalties ranging from four to 10 years' imprisonment. If two or more rapists are involved, or if the rapist had been convicted previously of the same offense, sentences could reach 15 years. If the victim is under 12, or if the act results in injuries or grave illness, capital punishment is possible. The government enforced the law.

The law prohibits threats and inflicting injuries, including those associated with domestic violence. The law provides for the same penalties for domestic violence as those for assault, which range from fines to prison sentences of varying lengths, depending on the severity of the offense.

Human rights advocates reported that violence against women was a problem, and police often did not act on cases of domestic violence. The press rarely reported on violent crime, and the government did not release data on the extent of domestic violence. However, the CCDHRN, and organizations such as the Center for Studies and Training for Women "Rosa Berre" and the Cuban Chapter of the Latin American Federation of Rural Women, reported that domestic violence was a serious problem and that there was a lack of programs to protect victims.

To raise awareness about domestic violence, the government carried out a media campaign during the year. However, judges remained extremely reluctant to issue a restraining order in the event of a domestic dispute. The CCDHRN believed that many women did not report acts of domestic violence because they feared doing so could trigger another attack.

Prostitution is legal for persons over age 17, but pandering and economic activities facilitating prostitution, including room rentals, are illegal. Large numbers of foreign tourists visited the country specifically to patronize prostitutes, and sex

tourism was a problem. Some police officers were suspected of providing protection to individuals engaged in prostitution. Journalist Lamasiel Gutierrez uncovered a large ring of persons in Isla de la Juventud who were recruiting students ages 14 to 20 to appear in sexually explicit materials that were then posted on the Internet or sold as DVDs.

The law provides penalties for sexual harassment, with potential sentences of three months' to five years' imprisonment. The government did not release any statistics during the year on arrests, prosecutions, or convictions for offenses related to sexual harassment. The law was applied most frequently to male supervisors "abusing their power" over female subordinates, according to the CCDHRN.

The law provides that women and men have equal rights and responsibilities regarding marriage, divorce, raising children, maintaining the home, and pursuing a career. The law grants working mothers preferential access to goods and services. The law provides for equal pay for equal work, and women generally received pay comparable to men for similar work.

Children

The law provides that all children have equal rights and that parents have a duty to ensure their protection. Public education was free through the university level, but advancement in the school system depended on participation in political activities. The law requires school attendance until the ninth grade, which was the highest level achieved by most children. The government reported that 97 percent of primary-school-age children were enrolled in school during the 2006-07 school year and that attendance by secondary-school-age children was 92 percent. All elementary and secondary school students received obligatory ideological indoctrination.

The government maintained a dossier on every child from kindergarten through high school, which included a record of the child's participation in political activities, such as mandatory marches. Full participation in political activities, such as membership in the Union of Pioneers of Cuba, a regimented youth organization used by the government for political indoctrination, was essential to advance in the school system.

Boys and girls had equal access to a national health care system that claimed to cover all citizens. The UN Children's Fund reported high vaccination rates for childhood diseases. Children up to age seven received additional food rations through the ration card system.

There was no societal pattern of child abuse.

Child prostitution was a problem, with young girls engaging in prostitution to help support themselves and their families. While underage prostitution was widely apparent, there were no reliable statistics available regarding its extent. Children may marry with the consent of their parents at age 14, but the law provides for two to five years' imprisonment for anyone who "induces minors under 16 years of age to practice homosexuality or prostitution." Minors played a key role in the country's thriving sex trade, which was fueled by visits by thousands of foreign tourists. There was anecdotal evidence that, on an individual basis, workers in state-run hotels, travel company employees, taxi drivers, bar and restaurant workers, and law enforcement personnel were complicit in the commercial sexual exploitation of children.

Although the police sometimes enforced laws on underage prostitution, cabarets and discos catered to sex tourists. Sex-tourism revenues provided an important, direct source of hard currency to the government.

There were no reports of abuse involving institutionalized children during the year, and the government did not release information on any steps taken to prevent or punish such abuse.

Trafficking in Persons

The law prohibits most forms of trafficking in persons. However, there were reports that women were trafficked from the country. Trafficking for underage prostitution and forced labor occurred within the country.

The nature and extent of trafficking in the country were difficult to gauge due to the closed nature of the government and the lack of NGO reporting. However, some citizens who had successfully emigrated on "go-fast" vessels were forced to work as deckhands on subsequent smuggling trips, to pay off smuggling debts.

Trafficking victims came from all over the country, and most worked in the major cities and tourist resort areas. Some anecdotal information indicated that victims generally came from poor families, but other sources reported the phenomenon at all levels of society, including families of government officials. In some cases, families encouraged victims to enter into prostitution for the additional income that such activities could provide. In many cases, traffickers lured victims from rural areas with bus tickets and promises of well-paid jobs in urban areas.

The law criminalizes promoting or organizing the entrance of persons into, or the exit of persons from, the country for the

purpose of prostitution; violators were subject to 20 to 30 years' imprisonment. The Penal Code provides penalties of between four and 20 years in prison for trafficking for purposes related to prostitution or sex commerce, and penalties of seven to 15 years for international trafficking of minors. There were no known statutes against trafficking in adults for the purposes of forced labor. Civil penalties are referred to as "responsibilities" and, for an offense such as damaging a government-owned boat, can include indemnifications or other reparations. The CCHRN stated that in cases of internal trafficking, rather than bring a trafficking charge, the government might charge the individual with "pimping."

The Ministries of Justice and Education, the PNR, and local governments were tasked with different facets of combating trafficking in persons and the problem of underage prostitution; no single entity had complete autonomy dealing with these problems. The police were responsible for investigating and arresting traffickers, the Ministry of Justice with prosecuting and incarcerating traffickers, and the Ministry of Education with rehabilitating prostitutes.

There were no reliable statistics on the number of traffickers prosecuted or convicted during the year. The CCDHRN estimates that between 500 and 1,000 citizens were serving sentences for "pimping," but it was unclear whether these individuals actually trafficked in persons or merely facilitated work by willing individuals. All those prosecuted or convicted had come to the country from the United States, Mexico, or other countries such as the Bahamas, apparently to traffic persons out of Cuba. No information was available concerning government assistance with international investigations of trafficking or the extradition of traffickers.

There was anecdotal evidence that state-run hotel workers, law enforcement personnel, and others involved in the tourist industry were complicit in the commercial sexual exploitation of children involved in the sex trade targeting tourists. There were no known investigations or prosecution of public officials for complicity in trafficking during the year.

Although prostitution is not a crime per se, individuals who engaged in prostitution, including possible trafficking victims and children, often were treated as criminals, detained, and taken to rehabilitation centers that were not staffed with personnel who were trained or equipped to adequately care for trafficking victims.

No civil society groups in the country assisted trafficking victims in an official capacity. The government did not coordinate on trafficking-related matters with international organizations or NGOs operating in the country. There were no known government programs to prevent trafficking.

Persons with Disabilities

There was no known law prohibiting official discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. However, a Labor Ministry resolution gives persons with disabilities the right to equal employment opportunities and to equal pay for equal work. There was no official discrimination against persons with disabilities. There are no laws mandating accessibility to buildings for persons with disabilities, and in practice, buildings and transportation rarely were accessible to persons with disabilities.

The Special Education Division of the Ministry of Education was responsible for the education and training of children with disabilities. The Ministry of Labor and Social Security was in charge of the Job Program for the Handicapped.

National/Racial/Ethnic Minorities

Although there were many black police officers and army enlisted personnel, Afro-Cubans often suffered racial discrimination. Afro-Cubans complained of frequent and disproportionate stops for identity checks and stated that often persons shouted insults and racial epithets at them in public. Afro-Cubans were disproportionately represented in neighborhoods with the worst housing conditions. Only 3 percent of the officer corps of the military was made up of Afro-Cubans, although Afro-Cubans were heavily represented in the rank and file. Few of the children in the elite schools attended by the higher-ranking CP members were of African descent. Non-whites, who comprised an estimated 50 percent or more of the population, constituted an estimated three-quarters of the country's prison population.

Other Societal Abuses and Discrimination

Societal discrimination against homosexuals persisted, as police occasionally conducted sweeps in areas where homosexuals congregated, particularly along sections of Havana's waterfront.

The government continued to restrict some persons found to be HIV-positive to sanatoriums for treatment and therapy before conditionally releasing them into the community. Even after their release, some persons with HIV/AIDS said the government monitored their movements with a chaperone to prevent the spread of the illness. Some persons with HIV/AIDS suffered job discrimination or were rejected by their families. The government operated four prisons exclusively for HIV/AIDS sufferers; some inmates were serving sentences for "propagating an epidemic." A person with HIV/AIDS released in November from a Havana prison for HIV/AIDS sufferers reported that prison conditions were poor, medical care was erratic, and antiviral drugs and other HIV treatment were not provided regularly.

Section 6 Worker Rights

a. The Right of Association

The law does not allow workers to form and join unions of their choice. Rather, the state established official unions and did not permit competing independent unions. Official labor unions had a mobilization function and did not act as trade unions, promote worker rights, or protect the right to strike. Such organizations were under the control of the state and the CP, which also managed the enterprises for which the laborers worked. Because all legal unions were government entities, antiunion discrimination by definition did not exist.

The only legal labor confederation was the Confederation of Cuban Workers (CTC), whose leaders were chosen by the CP. The CTC's principal responsibility was to ensure that government production goals were met. Virtually all workers were required to belong to the CTC, and promotions were frequently limited to CP members who took part in mandatory marches, public humiliations of dissidents, and other state-organized activities.

Workers often lost their jobs because of their political beliefs, including their refusal to join the official union.

Several small independent labor organizations operated without legal recognition, most notably the Union of Bicycle Taxi Drivers. These organizations also were subject to infiltration by government agents and were unable to represent workers effectively or work on their behalf.

The government continued to incarcerate independent labor activists, including Pedro Pablo Alvarez Pedroso, president of the Unitary Workers Council, who was serving a 25-year sentence.

Six of the seven independent labor leaders jailed in 2003 remained in prison, serving sentences of between 12 and 25 years.

b. The Right to Organize and Bargain Collectively

Although provided for in the law, collective bargaining did not exist in practice. The State Committee for Work and Social Security set wages and salaries for the state sector, which was virtually the only employer in the country. The law does not provide for strikes, and none were known to have occurred during the year.

There are no special laws or exemptions from regular labor laws in the three export processing zones.

The law denies all workers, except those with special government permission, the right to contract directly with foreign companies investing in the country. Although a few firms negotiated exceptions, the government required foreign investors and diplomatic missions to contract workers through state employment agencies, which were paid well in foreign currency, but which in turn paid workers very low wages in pesos. Workers subcontracted by state employment agencies must meet certain political qualifications. The state employment agencies consulted with the CP, the CTC, and the UJC to ensure that the workers chosen "deserved" to work in a joint enterprise.

c. Prohibition of Forced or Compulsory Labor

The law does not prohibit forced or compulsory labor by adults. The government maintained correctional centers for persons convicted of such crimes as dangerousness. Prisoners held in such centers were forced to work on farms or at sites performing construction, agricultural, or metal work. The authorities also often imprisoned persons sent to work sites who refused to work.

The law prohibits forced or compulsory labor by children, but such practices occurred.

In May a judge postponed the hearing of three citizens living abroad who had filed suit in a foreign court in 2006 alleging that they were among hundreds of Cubans forced by the government to work at a shipyard in Curacao. The men asserted that Cuban guards threatened them with prison or worse if they refused to work 112-hour weeks. The case was pending at year's end.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits forced and compulsory labor by children, and the Ministry of Labor and Social Security was responsible for enforcement. Nonetheless, the government required children to work in various situations.

Students at rural boarding schools were expected to participate in several hours of manual labor per day. Secondary

school students were expected to devote up to 15 days of their summer vacation completing a variety of tasks ranging from farm labor to urban cleanup projects, and were paid a small wage for this labor. Students in postsecondary institutions (technical schools, university preparatory schools, and agricultural institutes) were expected to devote 30 to 45 days per year to primarily agricultural work. Refusal to do agricultural work could result in expulsion from school.

The legal minimum working age is 17, but the labor code permits the employment of 15- and 16-year-old children to obtain training or to fill labor shortages. The labor code does not permit teenagers to work more than seven hours per day or 40 hours per week or on holidays. Children ages 13 to 18 cannot work in specified hazardous occupations, such as mining, or at night.

There were no known government programs to prevent child labor or remove children from such labor.

e. Acceptable Conditions of Work

The minimum wage, which is enforced by the Labor Ministry, varies by occupation. On average, the minimum monthly wage was approximately \$9 (225 pesos). The government supplemented the minimum wage with free education, subsidized medical care (daily pay is reduced by 40 percent after the third day of being admitted to a hospital), housing, and some subsidized food. Even with subsidies, by the government's own admission the minimum wage did not provide a decent standard of living for a worker and family.

The law requires foreign investors to contract workers through government employment agencies. Foreign companies pay the government as much as \$600 to \$800 per worker per month. However, because the government pays salaries in nonconvertible pesos, workers only receive approximately 3 percent of the money paid by their foreign employer.

The standard workweek is 44 hours, with shorter workweeks in hazardous occupations, such as mining. The law provides workers with a weekly 24-hour rest period. These standards were effectively enforced. The law does not provide for premium pay for overtime or prohibit obligatory overtime. Refusal to work overtime could result in a notation in the employee's official work history that could imperil subsequent requests for vacation time.

Laws providing for workplace environmental and safety controls were inadequate, and the government lacked effective enforcement mechanisms. The law provides that a worker who considers his life in danger because of hazardous conditions has the right to refuse to work in a position or not to engage in specific activities until such risks are eliminated; the worker remains obligated to work temporarily in whatever other position may be assigned him at a salary provided for under the law.

