



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2009 Country Reports on Human Rights Practices](#) » [Western Hemisphere](#) » [Cuba](#)

## 2009 Human Rights Report: Cuba

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

March 11, 2010

Cuba, with a population of approximately 11 million, is a totalitarian state that does not tolerate opposition to official policy. The country is led by Raul Castro, who holds the positions of chief of state, president of the council of state and council of ministers, and commander in chief of the Revolutionary Armed Forces. Although the constitution recognizes the unicameral National Assembly as the supreme authority, the Communist Party (CP) is recognized in the constitution as the only legal party and "the superior leading force of society and of the state." Fidel Castro remained the first secretary of the CP. The January 2008 elections for the National Assembly were neither free nor fair, and all of the candidates had to be preapproved by a CP candidacy commission, with the result that the CP candidates and their allies won 98.7 percent of the vote and 607 of 614 seats in the National Assembly. Civilian authorities, through the Ministry of the Interior, exercised control over the police, the internal security forces, and the prison system.

The government continued to deny its citizens their basic human rights, including the right to change their government, and committed numerous and serious abuses. The following human rights problems were reported: beatings and abuse of prisoners and detainees, 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 acting with impunity; arbitrary arrest and detention of human rights advocates and members of independent professional organizations; and denial of fair trial, including for at least 194 political prisoners and as many as 5,000 persons who have been convicted of potential "dangerousness" without being charged with any specific crime.

Authorities interfered with privacy and engaged in 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 hometowns; and restrictions on freedom of religion and refusal to recognize domestic human rights groups or permit them to function legally. Discrimination against persons of African descent, domestic violence, underage prostitution, trafficking in persons, 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

There were no reports that the government or its agents committed arbitrary or unlawful killings.

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, there were verifiable reports that members of the security forces harassed and sometimes physically assaulted human rights and prodemocracy advocates, dissidents, detainees, and prisoners, and did so with impunity.

Authorities sometimes beat and threatened dissidents and their families. Some detainees and prisoners endured physical abuse, sometimes by other inmates with the acquiescence of guards, or long periods in isolation cells.

In some cases authorities psychologically abused political dissidents. For example, during a three-day interrogation beginning on February 27, opposition activist Lilvio Fernandez Luis was falsely told that his father-in-law had suffered a heart attack, while his wife, who was not told of his whereabouts, received multiple telephone calls from a woman claiming to be Fernandez's lover.

The government continued to subject opposition activists and their families to abuse by organizing "acts of repudiation," or staged public protests, often in front of their homes. Participants were drawn from the CP, the Union of Communist Youth (UJC), Committees for the Defense of the Revolution (CDRs), the Federation of Cuban Women, and the Association of Veterans of the Cuban Revolution or were brought in by the authorities from nearby workplaces or schools. Mob actions included shouting insults and obscenities, sometimes over loudspeakers, and throwing rocks, fruit, and other objects at their homes. In extreme cases, mobs assaulted the victims or their relatives or damaged their homes' or property, as was the case in the July 9 arrest of Dr. Darsi Ferrer, when neighbors, apparently acting in coordination with the arresting officers, ransacked Ferrer's home.

Although the government characterized these "acts of repudiation" as spontaneous, as in past years, undercover police and agents from the General Directorate for State Security (DGSE) 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 involved in these acts, including those who physically attacked the victims, nor did police respond to victims' complaints.

Members of the Damas de Blanco ("Ladies in White"), a group of relatives and supporters of the 75 political prisoners who were arrested in the spring of 2003 (of whom 53 remained in detention), were targeted several times during the year with detentions and acts of repudiation designed to disrupt or discredit their activities. On March 20, 30 members of the group gathered in front of the Supreme Court building for a planned march requesting freedom for their family members. Dozens of individuals, some of whom were identified as DGSE agents, surrounded the protesters. The mob shouted obscenities and insults and pursued the protesters as they left the scene.

On December 9 and 10, the Damas de Blanco organized peaceful marches in commemoration of Human Rights Day. On both days the marchers were met by large, state-organized, counterdemonstrations of between 300 and 500 individuals, who surrounded the human rights activists, shouted obscenities and insults, and tried to assault them. Foreign diplomats observed state security agents organizing the mob even while establishing a defensive corridor around the women to protect them. The mob followed the women back to the house of one of the organizers and continued chanting and shouting in front of the house for more than an hour. Some of the Damas reported minor injuries.

The C  
Affair  
the U  
Exter  
cons:  
polici

Also on December 10, supporters of imprisoned human rights activist Dr. Darsi Ferrer attempted to gather in the park where he and his followers have traditionally assembled to commemorate Human Rights Day. Again, state security officers served the dual roles of organizing the counterdemonstrators and keeping them in check. The mob of approximately 300 assaulted the marchers upon their arrival at the park, hitting, shoving, and spitting at them. Eventually, state security officers detained the human rights activists, drove them away in unmarked cars, and detained them for several hours before releasing them without charges.

#### Prison and Detention Center Conditions

Prison conditions continued to be harsh and life threatening. Food shortages were widespread, due in part to corruption. Meals were often spoiled or infested with vermin. Prisoners' relatives were authorized to visit every two to three months and bring a hot meal and up to 30 pounds of food and other basic supplies. Political prisoner Ariel Sigler-Amaya suffered from malnutrition, lost almost 50 percent of his body weight, and began to suffer from paraplegia before he was moved to a hospital in Havana for treatment.

Reports of beatings of prisoners were commonplace. Political prisoner Felix Navarro reported from Canaleta Provincial Prison in the province of Ciego de Avila that guards beat prisoners on numerous occasions, sometimes employing attack dogs. There were reports of prisoner-on-prisoner sexual assaults, generally due to lax security by prison guards.

Prison cells lacked adequate water, sanitation, space, light, ventilation, and temperature control. Running water was rare and, if available, generally ran only for a limited time in the morning and evening. Water for drinking and bathing was foul and frequently contaminated with parasites. Many prisoners reported receiving only one small glass of water per day, even when confined to sweltering cells during the summer. Vermin and insect infestations were common, with inmates reporting rats, cockroaches, fleas, lice, bedbugs, stinging ants, flies, and mosquitoes.

Prison cells were overcrowded, requiring prisoners to sleep on the floor and limiting freedom of movement during the day. Prisoners often slept on concrete bunks without a mattress. Where available, mattresses were thin and often infested with vermin. Prisoners reported increased mattress distribution during the year and transfers of prisoners from maximum-security prisons to rural work camps, which alleviated some prison overcrowding.

Prisoners were often held in isolation to punish misconduct. In general, prisoners in isolation had restrictions on family visits.

Prisoners, family members, and nongovernmental organizations (NGOs) reported inadequate health care, which led to or aggravated hypertension, diabetes, heart conditions, asthma, skin disease, infections, digestive disorders, and conjunctivitis, among other maladies. Prisoners also reported outbreaks of dengue, tuberculosis, and hepatitis. Prison health workers often reused syringes, despite existence of communicable diseases among inmates.

The Cuban Commission for Human Rights and National Reconciliation (CCDHRN) reported multiple prison deaths from heart attacks, asthma attacks, and other chronic medical conditions, as well as from suicide. While exact figures were not available, the CCDHRN indicated that overall incidence of prison deaths appeared to have declined slightly compared with previous years.

The government placed healthy prisoners in cells with mentally disturbed inmates. Political prisoners were placed in the same cells as common prisoners and sometimes reported being threatened or harassed by fellow inmates acting on the orders of prison authorities.

Some pretrial detainees were held at maximum-security prisons, where they stayed for months or years without being charged. Darsi Ferrer was arrested on July 9 and taken directly to Valle Grande maximum-security prison, where at year's

end he remained without being formally charged. Jose Diaz Silva was arrested June 10 and was also being held at Valle Grande without charge at year's end. Vladimir Alejo Miranda was arrested in 2007 and spent 18 months in a maximum-security prison before being sentenced to a two-year prison term in June. He was released from prison on October 23, two months shy of completing the full two-year sentence.

The government did not publish the number of prisoners or detainees, nor did it provide information regarding the number or location of detention centers, which include not only prisons but also work camps and other kinds of detention facilities.

Men and women were held in separate prisons and police detention facilities. Women reported suffering the same poor prison conditions as men. In addition women reported lack of access to feminine hygiene products and adequate prenatal care. The government did not release information on the treatment of minors at either youth or adult prisons or detention centers. There were reports of inmates as young as 15 in maximum-security prisons.

Prison officials regularly denied prisoners the right to correspondence and often denied family visits as a form of punishment or shortened the visits capriciously.

While the government sometimes denied political detainees and prisoners pastoral visits, in September the government authorized Catholic and Protestant religious services in prisons throughout the island, and detainees reported that authorities increasingly honored written requests to receive visits from clergy. Religious leaders reported an increased ability to hold Christian services in prisons.

Many political prisoners were serving sentences in prisons located long distances from their home provinces, increasing their and their families' sense of isolation and directly affecting their families' ability to visit them or supply them with food and other aid. The government did not permit independent monitoring of prison conditions by international or national human rights groups and did not permit access to detainees by international humanitarian organizations. The government has not granted prison visits by the International Committee of the Red Cross, Amnesty International, or Human Rights Watch since 1988.

Although the government has not traditionally allowed independent human rights observers to monitor prison conditions, it invited Manfred Nowak, UN special rapporteur for torture and other cruel, inhuman, or degrading treatment or punishment, to conduct a mission to the country, although no date for the visit had been agreed to by year's end. Improvements in prison conditions, including facilities upgrades and some prisoner transfers to reduce overcrowding, were reported throughout the year by prisoners and NGOs. Prisoners' families and NGOs perceived these improvements as being directly linked to the special rapporteur's planned visit.

#### d. Arbitrary Arrest or Detention

Although prohibited by law, the government effectively and frequently used arbitrary arrest and detention to harass opponents. The law denies all legally recognized civil liberties 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.

On July 9, Darsi Ferrer, a physician and director of the Juan Bruno Zayas Center for Health and Human Rights, and his wife were detained for most of the day to prevent their participation in a planned human rights march. At year's end no formal charges had been brought against Ferrer, and he continued to be held with common prisoners in a maximum-security prison.

On November 6, state security stopped bloggers Yoani Sanchez and Orlando Luis Pardo while they were on their way to a peaceful demonstration against violence. Sanchez and Pardo were beaten during their brief detention. On November 27,

state security also detained Juan Almeida Garcia while he was en route to a protest march; he was released on November 30.

#### 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 was moderately 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 providing 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 Ministry of the Interior regulations ban police brutality, security forces continued to employ aggressive and physically abusive tactics, and the government did not announce any investigations into police misconduct during the year. Nor were any training or reform initiatives announced during the year. Corruption among police was a problem.

CP officials and leaders of neighborhood CDR branches lacked formal law enforcement powers but wielded considerable authority and often used it to mobilize action against persons criticizing the government or its leaders.

#### Arrest Procedures and Treatment While in Detention

The law places few formal limits on police discretion to stop or interrogate citizens. Police street surveillance was heavy, and police frequently and randomly stopped cars and pedestrians for questioning. There are no formal protections under the law to protect citizens from these investigative stops, and there were many reports that such stops continued during the year.

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. Police, by law, cannot conduct a search without a warrant, but both the CCDHRN and human rights lawyer Rene Gomez Manzano reported that police always had available a supply of signed and stamped blank warrants that they merely filled out on the spot.

The criminal process begins with the filing of a criminal complaint by either a citizen or a police officer. By law, after an arrest police have 24 hours to present the complaint to a police official called an instructor. The instructor then has 72 hours to investigate and prepare a report for the prosecutor. The prosecutor then has an additional 72 hours to recommend to the appropriate court whether an investigation should continue or the case should be dropped. If the court approves further investigation, the detained person can be released on bail, released into home detention or to the custody of an official entity (such as a CDR), or kept in custody while the investigation proceeds. By law, after this 144-hour period, the person under arrest must be informed of the reasons for the detention. Following this notification, the accused can continue to be legally detained until charges are filed. However, under special circumstances where a court determines that further investigation is necessary, this requirement can be waived and the accused can be held, without charges, indefinitely. This requirement is commonly waived in cases involving political detainees, who are frequently held for months or years without being informed of any formal charges.

At year's end political dissidents Ihosvani Suris de la Torre and Maximo Pradera Valdez, held without charges since 2001, remained in detention while their cases underwent further investigation.

The law provides for detainees' prompt access to a lawyer. After being notified of the reasons for detention, the accused has the right to engage an attorney at any time. However, access to a public defender is not available until after formal

charges are filed. If the accused has not engaged an attorney within five days of being formally charged, the court will appoint a public defender. Once the accused has an attorney, the defense has five days to respond formally to the charges, after which a court date usually is set. However, a prosecutor can demand a summary trial, in which case the defense has minimal time to prepare its case and may only meet the client minutes before the hearing starts.

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

Although the authorities continued to resort to brief detentions of human rights advocates, the trend appeared to be declining compared with 2008. In most cases, dissidents were held for several hours and then released without charges. Such detentions generally coincided with planned activities by human rights activists and prevented their participation in these activities. The CCDHRN received reports of as many as 800 such detentions during the year but suspected there were many more.

In August authorities detained two lesbian, gay, bisexual or transgender (LGBT) activists without charges for 13 days, in connection with their efforts to plan a "Mr. Gay Cuba" competition; during that period they were held incommunicado for more than 24 hours. On September 23, police detained Belinda Salas Tapanes, president of the Federation of Rural Latin American Women–Cuba, for several hours and questioned her about her advocacy activities. Salas was 38 weeks pregnant, and her family was not notified of her location. In the week leading up to the September 20 "Peace without Borders" concert in Havana, more than 40 leading dissidents were briefly detained and threatened with imprisonment if they attended. On the day of the concert, PNR officers were stationed outside many dissidents' houses to prevent them from leaving.

Dissident Jorge Luis Garcia Perez (also known as Antunez) remained under virtual house arrest in his hometown of Placetas for most of the year. Antunez was confined to his home at least once a month for several hours at a time and detained in Havana and forcibly returned to Placentas many times throughout the year. After each detention, he was released without charges.

#### e. Denial of Fair Public Trial

While the constitution provides for independent courts, it explicitly subordinates them to the National Assembly and the Council of State. Through the National and Provincial Assemblies, which choose all judges, the CP exerts near total influence over the courts.

Civilian courts existed at the municipal, provincial, and Supreme Court levels. Panels composed of professionally certified and lay judges presided over them. Military tribunals, which are governed by a special law, assumed jurisdiction for certain "counterrevolutionary" (almost always political in nature) cases. Military tribunals may also have jurisdiction over civilians in cases where any of the defendants were members of the military, police force, or other law enforcement agency. In these tribunals defendants have the right to know the charges, the right to an attorney, and the right to appeal.

#### Trial Procedures

The courts often failed to observe due process rights nominally available to defendants. The law presumes defendants are innocent until proven guilty, but authorities often ignored this in practice. The law does not provide for jury trials. While most trials ostensibly were public, trials were closed whenever state security was at stake, a frequent occurrence. Almost all cases were tried in less than one day.

The law provides the accused with the right to an attorney, the right to be present during the trial, and the right to consult with an attorney in a timely manner. When necessary, an attorney is provided at public expense. However, prosecutors' requests for summary judgment sometimes left defendants with little or no time to consult with a defense attorney. Summary judgment was particularly common in cases involving charges of "dangerousness."

On September 29, Oswaldo Paya, leader of the Christian Liberation Movement (MCL), reported the arrest and summary judgement of Agustin Cervantes, who was sentenced to two years in prison for collecting signatures for the Varela project, an effort to present citizen petitions advocating freedom of speech and of assembly to the National Assembly.

Criteria for presenting evidence were arbitrary and discriminatory. While defendants have the right to present witnesses, and they or their attorneys can question witnesses against them, these rights were observed arbitrarily, particularly in cases involving alleged threats to security of the state. Defense attorneys have the right to review the investigation file at any time, unless the investigation involves "crimes against the security of the state." In these cases, defense attorneys are not allowed access to the file until charges have been filed. In practice, many political detainees have reported that their attorneys had difficulties accessing their files due to bureaucratic and administrative obstacles that seemed politically motivated. Because of these constraints and because most trials last less than eight hours, defense attorneys often did not have time to arrange for testimony by defense experts.

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 evidence is required for a conviction for this offense. The CCDHRN estimated that between 3,000 and 5,000 citizens were serving time in detention for this offense, including approximately 1,000 women (mostly for suspicion of prostitution). The authorities mostly applied this law in nonpolitical cases to target prostitutes, young persons who refused to report to work centers, and repeat offenders of laws restricting change of domicile. The CCDHRN listed six new cases of political prisoners convicted of "potential dangerousness" during the year, the same number of cases as the previous year.

Prosecutors may introduce testimony from a CDR member about the revolutionary background of a defendant, which may contribute to longer or shorter sentences.

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.

On August 4, Juan Carlos Gonzalez Marco, commonly known as Panfilo, was arrested and charged with "dangerousness" as a result of a series of three video clips that appeared on YouTube. In the clips, Panfilo drunkenly complained about hunger and food shortages and later expressed concern about his own safety and the security of his family should he be arrested. It was widely reported that he had been threatened by state security following the dissemination of the first video. Following his arrest, Panfilo was sentenced to two years in prison. On September 21, his sentence was commuted, and he was sent to a psychiatric hospital for a 21-day alcohol treatment program.

#### Political Prisoners and Detainees

At year's end there were at least 194 political prisoners and detainees, compared with 205 at the end of 2008. Convictions were for offenses such as "disrespect of the head of state," "disrespect and scorn of patriotic symbols," public disorder, and attempting to leave the country illegally. Other inmates were 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. On August 3, opposition member Ernesto Medero Arozarena was stopped by authorities while returning home from an event commemorating the 15th anniversary of the "Maleconazo" (a 1994 antigovernment

demonstration). Medero reportedly resisted arrest and was being held without charges in the Aguica maximum-security prison in Matanzas Province at year's end.

Authorities more frequently used short-term detention rather than prosecution to harass political opponents and dissuade them from public action. During these detentions, authorities frequently threatened dissidents with prosecutions for "dangerousness," although few were charged and sentenced. The number of convictions for "dangerousness" remained significant during the reporting period, but most of those convicted were not politically affiliated. Human rights groups also reported an increased tendency to incarcerate dissidents in maximum-security prisons, usually reserved for violent convicts or career criminals, on nonviolent, common criminal charges.

At year's end 53 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. On March 7, Yasmani Reina Pardo was reportedly beaten by prison guards in full view of other prisoners while senior prison leadership watched without intervening. On March 10, and again on March 13, guards reportedly beat Abel Vento Garcia. Following the beating on the night of the 13th, guards threw cold water on him and left him in a frigid cell.

Many political prisoners were denied privileges given to ordinary prisoners, such as access to outdoor activities or exercise. The government continued to deny human rights organizations and the International Committee of the Red Cross access to political prisoners and detainees. Authorities sometimes denied visits to families of political prisoners and detainees. Prisoners in punishment cells had no access to lawyers.

#### Civil Judicial Procedures and Remedies

Civil matters such as family relations, debt, property, and commercial disputes are handled by civil courts. However, these courts were not widely utilized outside of family issues, such as divorce and child custody, due to a lack of public awareness about legal options and an insufficient supply of well-trained and affordable lawyers. Most torts provisions typically associated with civil courts were remedied in criminal court. The only way a citizen can seek redress for a human rights violation is to convince a prosecutor to file criminal charges. The CCDHRN was not aware of any successful human rights-related prosecutions during the year or of any damages ordered by any court in connection with a human rights case. In cases of police brutality or cases involving a member of the military, charges must be presented before a military tribunal. The CCDHRN stated that CP and government control of the prosecutors' offices and the courts discouraged citizens from seeking legal redress.

#### 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 political opponents, interfered in the lives of citizens, and employed a wide range of social controls to discover and discourage nonconformity.

DGSE agents routinely read correspondence from abroad. Most letters from overseas were delivered with the envelope torn and resealed; many were placed in a different envelope. The DGSE also monitored domestic and overseas telephone calls and conversations with foreigners. In September the MCL reported that authorities had broken into the home of Agustin Cervantes and stolen several pages of signatures collected as part of the Varela Project. At least one other group reported a similar break-in and theft. Dissidents often reported that their phones were tapped and expressed frequent concerns about electronic surveillance of their homes.

DGSE agents subjected journalists and foreign diplomats to harassment and surveillance, including electronic surveillance and surreptitious entry into their homes. Civil society organizations reported intensified government monitoring of dissidents. The government took no known action on a judge's order that it investigate the August 2008 complaint of prominent dissidents Martha Beatriz Roque, Vladimiro Roca, and Jorge Luis Perez Garcia (Antunez), who filed a formal complaint that dissemination of personal communications and documents in the media violated their privacy. Civil society organizations continued to report property seizures by local police or state security agents who refused to provide legally required documentation of the seizure.

Workers subcontracted by state employment agencies must satisfy political qualifications, and those agencies consulted with the CP, the Cuban Confederation of Workers (CTC), and the UJC to vet applicants for work in joint enterprises. The law requires workers to have government permission to contract directly with foreign companies. Although a few firms negotiated exceptions, the government required foreign investors and foreign diplomatic missions to contract workers through state employment agencies.

Unlike in 2008, there were few reports of forced evictions of squatters. However, residents who lacked official permission to reside in Havana continued to be forcibly removed to their city of legal residence.

The Ministry of Interior employed a system of informants and CDR block committees to report on suspicious activities, including "conspicuous consumption," unauthorized meetings, including those with foreigners; and what they considered defiant attitudes toward the government and the revolution.

Relatives of political dissidents sometimes suffered reprisals. Some wives and children of opposition figures were denied employment for being "untrustworthy," prevented from matriculating into universities or denied academic distinctions or exit permits to leave the country. Children reported being insulted, mocked, or otherwise mistreated by teachers and school administrators, who labeled them and their parents "counterrevolutionaries" in front of their classmates.

## 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. In practice the government did not allow criticism of the revolution or its leaders. Laws against antigovernment propaganda, graffiti, and disrespect of officials carried penalties of between three months and one year in prison; criticism of the president or members of the National Assembly or Council of State is punishable by one to three years' imprisonment. Disseminating "enemy propaganda," which includes expressing opinions at odds with those of the government, is punishable by up to 15 years' imprisonment if the "propaganda" was distributed by means of mass media. The government considered international reports of human rights violations to be enemy propaganda. Local CDRs inhibited freedom of speech by monitoring and reporting dissent or criticism.

Catholic priests and other clergy were able to deliver sermons without prior government approval and in some cases made veiled criticisms of the government without immediate reprisal. Catholic Church officials were allowed to broadcast 15-minute radio programs on special occasions such as Christmas, as long as the programs 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 authorized media. The government operated four national television stations, six national radio stations, one international radio station, one national magazine, and three national newspapers, as well as numerous local media outlets. All were official CP organs. Content was nearly uniform across all of these media; none enjoyed editorial independence. The regime vigorously prosecuted attempts to distribute unauthorized 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 publications by the Catholic Church and other denominations, 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. DGSE agents posed as independent journalists to gather information on activists and spread misinformation and mistrust within independent journalist circles. At least 25 journalists were in prison during the year.

The law prohibits distribution of printed material from foreign sources that are considered counterrevolutionary or suspicious. Foreign newspapers or magazines were generally unavailable. Persons distributing copies of the Universal Declaration of Human Rights continued to be harassed and, in some instances, detained. 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 governments.

#### Internet Freedom

The government controlled nearly all Internet access. Authorities reviewed and censored e-mail. Authorities employed Internet search filters and also blocked access to Web sites that they considered objectionable. Citizens could access the Internet only through government-approved institutions, except at Internet facilities provided by a few diplomatic missions. Despite the government's March 2008 decision to allow citizens to purchase personal computers, access to the Internet was strictly controlled and given only to those deemed "ideologically trustworthy." The only citizens granted direct Internet access were some government officials and certain government-approved doctors, professors, students, and journalists. The government restricted Internet use in government offices and applied extensive filters that both restricted access to content and slowed download times. Numerous human rights groups also reported that authorities used mobile patrols to search for unauthorized Internet, satellite television, and digital cable users. When police discovered violators, they confiscated the equipment and cited the owners.

Both foreigners and citizens were allowed to buy Internet access cards from the national telecommunications provider and to use hotel business centers, where Internet access can be purchased only in convertible currency. Access usually cost between five and 10 convertible pesos (\$5.40 to \$10.80) an hour, a rate beyond the means of most citizens. The International Telecommunication Union reported that 13 percent of the population used Internet services in 2008. This figure included citizens who had access to the government Intranet only at work.

The law requires all public Internet centers to register with the government and permits the Ministry for Information Technology and Communications to control and supervise all such centers without prior warning.

While the law does not set specific penalties for unauthorized Internet use, it is illegal to own a satellite dish that would provide uncensored Internet access. In October 2008 the government instructed providers of public Internet access to block access to sites "whose contents are contrary to social and moral interests and community standards" or applications that "affect the integrity or the security of the State." The same resolution ordered Internet providers to prevent the use of encryption software and the transfer of encrypted files. A growing number of citizens maintained blogs where they often posted opinions critical of the government; in October authorities banned one such blogger, Yoani Sanchez, from travelling abroad to receive a journalism award. Local access to all of these blogs was blocked.

#### Academic Freedom and Cultural Events

The government restricted academic freedom and controlled the curriculum at all schools and universities, emphasizing the importance of reinforcing "revolutionary ideology" and "discipline." Students were required to swear by the principles of the CP and to model their lives after Ernesto "Che" Guevara. Academics were prohibited from meeting with some diplomats without prior government approval, and those permitted to travel abroad were aware that their actions, if deemed politically unfavorable, could negatively affect them and their relatives back home.

In July, 29 students selected for scholarships to study abroad were denied exit permits. In addition some of the students reported being harassed by university and CP officials and threatened with expulsion from CP organizations at their universities. Officials denied that university officials harassed or threatened any of the individuals.

Government-controlled public libraries required a government letter of permission for access to books or information.

There were reports that university admission was denied to the children of political dissidents.

#### 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 allows for punishment of 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 government did not grant permission to any antigovernment demonstrators or approve any public meeting by a human rights group.

Civil society organizations reported continued suppression of the right to assemble. Dissident Jose Diaz Silva reported that on May 25, police forcibly entered his home and violently broke up a gathering of 40 persons who were commemorating the anniversary of his organization. The authorities detained activists for short periods to prevent them from attending meetings, demonstrations, or ceremonies. The CCDHRN reported that there were at least 700 short-term detentions, compared with approximately 1,500 such detentions in 2008.

Although unauthorized, the Damas de Blanco generally were allowed to assemble and stage marches each Sunday demanding freedom for their imprisoned family members. However, the organization reported that their activities beyond the traditional weekly marches were disrupted on several occasions during the year. Members reported brief detentions aimed at blocking participation in events, threats from state security agents that visits or calls to imprisoned family members would be limited or discontinued if activities continued, and "acts of repudiation" during marches and activities.

During the first week of August, prior to the "Maleconazo" anniversary commemoration, human rights activists reported a significant increase in monitoring and detentions. More than a dozen activists were detained for several days to prevent them from leading or participating in commemorative events.

Human rights activists reported frequent government monitoring and disruption of cell phone and landline services prior to planned events or key anniversaries related to human rights.

##### Freedom of Association

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

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 of the state, the CP, and their mass organizations. The authorities continued to ignore applications from new groups for legal recognition, including several new religious groups as well as women's rights and gay rights organizations, thereby subjecting members to potential charges of illegal association. However, the Cuban Council of Churches (CCC) reported that six new religious denominations were legally recognized during the year.

### c. Freedom of Religion

The constitution recognizes the right of citizens to practice any religious belief within the framework of the law; however, the government continued to restrict freedom of religion.

Although it did not favor any particular religion or church, the government cosponsored public events with some churches through the CCC. The CCC includes 25 religious organizations as full members, eight associate members, and two with observer status. It does not include the Catholic Church, among others.

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. A government directive requires house-church operators to register their house churches with the government. To register, an operator must meet a number of requirements, such as limiting weekly meetings to a number specified by local authorities. The CCC reported that there were approximately 2,400 registered house churches, while the status of another 300 to 400 remained pending.

The government rarely permitted the construction of new churches, although it increasingly permitted the restoration and expansion of existing churches.

Education was secular, and no primary or secondary religious educational institutions were allowed. However, the Catholic Church, Protestant churches, and Jewish synagogues were permitted to offer religious education classes to their members and adult education classes to the general public.

Leaders from several different Protestant denominations reported efforts by DGSE agents to infiltrate congregations and to report on the content of sermons and religious activities. In addition the NGO Christian Solidarity Worldwide (CSW) reported that more than 30 pastors were detained during the year and threatened with charges of "dangerousness" in association with their religious activities. One pastor, Omar Gude Perez, was convicted in July on charges of "falsification of documents" and sentenced to six years in prison; Gude claimed he was targeted because of his religious activities.

Religious literature and other materials generally are imported through a registered religious group and distributed to officially recognized religious groups.

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

The CSW also reported that in May authorities confiscated the home of pastor Tomaza Victoria Ayala Zeller of Las Tunas Province, which also served as her church, leaving the family homeless. The government threatened to charge Ayala with "dangerousness" if she continued to participate in religious services. Authorities also closed the family's carpentry shop, depriving them of all sources of income.

There were isolated but decreasing reports of mistreatment and discrimination against Seventh-day Adventists and Jehovah's Witnesses in employment and education.

### 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 *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf/](http://www.state.gov/g/drl/rls/irf/).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law qualifies freedom of movement within the country, foreign travel, emigration, and repatriation, and in practice the government severely restricted these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to the small number of refugees and asylum seekers in the country.

The government tightly restricted foreign and domestic travel and limited internal migration from rural areas to Havana. Authorities frequently picked up dissidents visiting Havana and promptly escorted them back to their home provinces.

Although the constitution allows all citizens to travel anywhere within the country, changes of residence were heavily restricted. 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 in the new location. 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. Human rights organizations estimated that the expulsion from Havana of young persons and individuals from the eastern provinces averaged more than 100 persons a week. Police threatened to prosecute for "dangerousness" anyone who returned to Havana after having been expelled.

The government restricted both emigration and temporary foreign travel, mainly by requiring an exit permit. The government allowed the majority of persons who qualified for immigrant or refugee status in other countries to depart. However, at least 450 citizens who had received foreign travel documents were denied exit permits during the year. Persons routinely denied exit permits included medical personnel, men of military age, and citizens with certain political beliefs. An unpublished government policy denies exit permits to medical professionals until they have performed, on average, six to eight years of service in their profession after requesting permission to travel abroad; nurses and medical technicians waited an average of two to three years to receive exit permission.

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 from dissidents. After a wait of more than 15 years, dissident physician Hilda Molina received an exit visa in June to visit her elderly mother and son in Argentina.

The government also denied exit permission to citizens who held valid foreign travel documents. In October blogger Yoani Sanchez was denied permission to travel abroad to receive a prestigious journalism award, the most recent in a series of denials.

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 internally exile any person whose presence in a given location is considered "socially dangerous." Authorities routinely warned emigrants and their family members that speaking out against the government abroad could result in repercussions for relatives remaining in Cuba, such as loss of employment or denial of permission to leave the country.

Those seeking to emigrate legally alleged they also faced fines, reprisals, harassment, and intimidation by the government, including involuntary job transfers, threatened arrest, and dismissal from employment. Government employees who apply to emigrate legally to the United States are usually fired from their jobs when their plans become known, which is not normally the case for those who seek to emigrate to other countries. The government routinely waited up to eight years to grant permission to doctors or other professionals with advanced degrees to emigrate.

Fees for medical exams, exit permissions, passport costs, and airport taxes are payable only in convertible pesos and amounted to approximately 580 convertible pesos (approximately \$625) for an adult, or nearly three years' salary. These fees represented a significant hardship, particularly for migrants who had been forced from their jobs 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 law provides for imprisonment of up to three years or a fine of 300 to 1,000 pesos (approximately \$11 to \$38) for unauthorized departures by boat or raft. The government also sometimes applied a law on trafficking in persons to would-be migrants charged with organizing or promoting illegal exits. The law provides for imprisonment from two to five years for those who organize, promote, or incite illegal exit from national territory. The CCDHRN estimated that at year's end approximately 300 citizens had been fined, were awaiting charges, or were serving sentences on trafficking charges. Jail terms were more common for persons attempting to flee to the United States through the Guantanamo U.S. Naval Base. 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, and job loss.

The government generally refused to accept nationals returned from U.S. territory beyond the maritime limits of the Migration Accord. However, under a 2008 migration accord with Mexico, the government accepted the return of approximately 100 migrants in three separate repatriations.

#### Protection of Refugees

Although the country is not a party to the 1951 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 the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. These protections were also provided to some fugitives from justice, whom the government defined as refugees for political reasons.

The government allowed a small number of asylum seekers identified by the UNHCR to remain in the country while third-country settlement was being sought. In addition the government allowed foreign medical students who feared persecution in their home countries to remain in the country after the end of their studies so that an investigation of their concerns could be conducted.

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

While the constitution provides for direct election of provincial, municipal, and National Assembly members, citizens do not have the right to change their government, and the government retaliated against those who sought peaceful political change.

In February 2008 the National Assembly unanimously elected Raul Castro to succeed his brother as chief of state, president, and commander in chief of the armed forces. Without citizen participation, existing undemocratic institutions, including the armed forces, the CP, and the National Assembly, endorsed the transfer of power.

In the elections for the National Assembly held in 2008, the government promoted a unified CP-approved slate of candidates. The CP candidates and their allies won 98.7 percent of the vote and 607 of 614 seats in the National Assembly.

#### Elections and Political Participation

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. 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 non-CP members can contest elections, all candidates must be approved by CP-dominated candidacy commissions, and the commissions approve only one candidate per office. Although not a formal requirement, in practice CP membership was a prerequisite for high-level official positions and professional advancement.

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.

There were two women in the 24-member Politburo and 15 in the 107-member Central Committee. Women held eight seats in the 27-member Council of State and 265 seats in the 614-seat National Assembly.

Persons of African descent held five seats in the Politburo. Following the selection of the National Assembly in February 2008, the government reported its composition as 64 percent white, 19 percent black, and 16 percent mixed race.

#### Section 4 Official Corruption and Government 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. The World Bank's worldwide governance indicators reflected that government corruption was a problem.

Unofficial reports indicated that in April the military, which controls most state-run enterprises and joint ventures with international firms, detained several high-ranking officials as part of an investigation into corruption and black-market sales. In August the National Assembly voted to establish a new Office of the General Comptroller and ratified the nominee to take charge of the office as part of an effort to address corruption and to increase control over state assets. The office began functioning immediately and performed audits during the year.

Government officials are not subject to any special financial disclosure laws. The law provides for three to eight years' imprisonment for "illegal enrichment" by authorities or government employees. All government agencies, especially the Ministry of Auditing and Control and the Ministry of the Interior, are tasked with combating corruption and unlawfulness, including through prosecution of government officials.

The law provides for public access to government information, but in practice requests for information routinely were rejected, often on the grounds that access is not a right.

## Section 5 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 MCL, 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.

The government occasionally staged acts of repudiation, mobilizing Communist militants and others to hold public rallies aimed at intimidating and ostracizing members of dissident organizations.

There are no officially recognized, independent NGOs that monitor human rights. The government refused to recognize or meet with any unauthorized NGOs who monitor human rights.

The government continued to deny human rights organizations and the International Committee of the Red Cross access to political prisoners and detainees. However, it invited Manfred Nowak, UN special rapporteur for torture and other cruel, inhuman, or degrading treatment or punishment, to conduct a mission to the country during the year, although a date had not been agreed upon by year's end.

## Section 6 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 the government enforced the law. The government did not release statistics during the year on arrests, prosecutions, or convictions for rape, and no reliable information regarding the incidence of rape was available.

The law does not recognize domestic violence as a distinct category of violence but prohibits threats and inflicting injuries, including those associated with domestic violence. Penalties for domestic violence are covered by the laws against assault and 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 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 continued to carry out media campaigns during the year. The CCDHRN believed that many women did not report acts of domestic violence because they feared doing so could trigger another attack. Government-sponsored NGOs continued efforts to establish more accurately the prevalence of domestic violence. In March several government-sponsored NGOs cooperated with foreign NGOs to hold a workshop on the prevention of gender violence.

Prostitution is legal for persons 16 and older, but pandering and economic activities facilitating prostitution, including room rentals, are illegal. Women engaged in prostitution were routinely arrested under loitering and "dangerousness" laws. The CCDHRN estimated that there were at least 500 women serving sentences for prostitution-related activities. Large numbers of foreign tourists visiting the country patronized prostitutes. Some police officers were suspected of providing protection to individuals engaged in prostitution.

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

Couples and individuals had the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

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

Citizenship is derived by birth within the country's territory.

There was no societal pattern of child abuse.

While there was underage prostitution, there were no reliable statistics available regarding its extent. The minimum age of consent for consensual sex is 16. There is no statutory rape law; however, penalties for rape increase as the age of the victim decreases, from four to 10 years' imprisonment if the victim is 14 or 15 years old, to 15 to 30 years' imprisonment, or death, if the victim is under 12. While the law does not specifically prohibit child pornography, it prohibits the production or distribution of any kind of obscene graphic material, with possible sanctions ranging from three months to one year in prison and a fine.

The government, in cooperation with the British government and a British NGO, ran a center in Havana for the treatment of child sexual abuse victims, including victims of trafficking. The center employed modern treatment techniques, including the preparation of children to be witnesses in criminal prosecutions.

#### Trafficking in Persons

The law prohibits most forms of trafficking in persons; however, there were reports that women were trafficked to Mexico, the Bahamas, and Europe. There were also unverified reports that children were trafficked within the country for purposes of sexual exploitation.

The nature and extent of trafficking 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 and, according to foreign law enforcement officials, female migrants were sometimes raped or forced into prostitution by the traffickers. There was no information available regarding types of persons who engaged in trafficking or their methods.

The law provides penalties for anyone who "induces, cooperates with, promotes, or gets a benefit from the exercise of prostitut

A criminal court can levy damages, called "responsibilities," and can assess damages to be paid through the court to the victim. The CCDHRN stated that in cases of internal trafficking, rather than bring a trafficking charge, the government might charge the individual with facilitating prostitution.

There were no reliable statistics on the number of traffickers prosecuted or convicted during the year. The CCDHRN stated that although it could not make reliable estimates, many individuals were serving sentences for facilitating prostitution, but it was unclear whether these individuals actually trafficked in persons or merely facilitated work by willing individuals. The CCDHRN reported that those prosecuted or convicted had entered the country from the United States, Mexico, or other nearby countries such as the Bahamas, but the government did not provide any information about these individuals.

There were no known investigations or prosecution of public officials for complicity in trafficking during the year, although some police officers reportedly accepted bribes in connection with prostitution.

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. Police were responsible for investigating and arresting traffickers, the Ministry of Justice with prosecuting and incarcerating traffickers, and the Ministry of Education with helping women resettle into the community. No information was available concerning government assistance with international investigations of trafficking or the extradition of traffickers.

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 adequately trained or equipped to care for trafficking victims.

There were no known government programs to prevent trafficking.

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### 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 Ministry of Labor and Social Security 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

Afro-Cubans often suffered racial discrimination, including frequent and disproportionate stops for identity checks and searches of backpacks and personal items, insults, and racial epithets. Afro-Cubans were disproportionately represented in neighborhoods with the worst housing conditions and were economically disadvantaged in part because of employment discrimination, notably in the tourist industry. The government made no efforts to address racial discrimination because it denied that any such discrimination existed. A former political prisoner stated that Afro-Cuban political prisoners were targeted for even worse treatment than the norm.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Officially, there was no discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. However, societal discrimination on the basis of sexual orientation or gender identity persisted,

as police occasionally conducted sweeps in areas where gay men congregated, particularly along sections of Havana's waterfront. On March 24, police arrested 20 male transvestites in Central Havana. Some were reportedly detained for several hours and ordered to stop dressing in women's clothing. Gay rights organizations also reported cases of individuals discharged from their jobs due to their sexual orientation.

Mariela Castro, the president's daughter, headed the national Center for Sexual Education and continued to be outspoken in promoting gay rights. Despite these efforts, several nongovernment gay rights activists asserted that the government had done nothing to stop frequent cases of police brutality and harassment of LGBT persons. In August two LGBT activists were detained without charges for 13 days in connection with their efforts to plan a "Mr. Gay Cuba" competition. During the detention, police destroyed or damaged personal property and seized computer equipment used by the activists. The activists were held incommunicado for more than 24 hours. On September 3, the contest winner reported that he had been detained for several hours and threatened with expulsion from medical school as a result of his participation in the contest.

#### Other Societal Violence or Discrimination

Some persons with HIV/AIDS suffered job discrimination or were rejected by their families. The government operated four prisons exclusively for inmates with HIV/AIDS; some inmates were serving sentences for "propagating an epidemic."

#### Section 7 Worker Rights

##### a. The Right of Association

The law does not allow workers to form and join unions of their choice. The only legal labor union in the country was the CTC, whose leaders were chosen by the CP. The CTC's principal responsibility was to ensure that government production goals were met. It did not bargain collectively, promote worker rights or protect the right to strike. Virtually all workers were required to belong to the CTC, and promotions frequently were limited to CP members who took part in mandatory marches, public humiliations of dissidents, and other state-organized activities.

The government can determine that a worker is "unfit" to work, resulting in job loss and the denial of job opportunities. Persons were deemed unfit for their political beliefs, including their refusal to join the official union, or for trying to depart the country illegally. Several small independent labor organizations operated without legal recognition, including the Union of Bicycle Taxi Drivers, the Christian Labor Organization, and the National Independent Workers' Confederation of Cuba. These organizations also were subject to police harassment and infiltration by government agents and were unable to represent workers effectively or work on their behalf.

The government continued to incarcerate independent labor activists. Of the 75 dissidents jailed in 2003, seven were independent labor leaders and five remained in prison during the year, serving sentences of between 12 and 25 years.

The law does not provide for the right to strike, and no strikes were known to have occurred during the year.

##### b. The Right to Organize and Bargain Collectively

Although provided for in the law, collective bargaining did not exist in practice. Because the only legal union is a government entity, antiunion discrimination, by definition, did not exist.

There are no export processing zones.

##### c. Prohibition of Forced or Compulsory Labor

The law does not prohibit forced or compulsory labor by adults. Convicts were often forced to work on farms or in construction, agricultural, or metal work. Authorities also often imprisoned persons who refused to participate in mandatory work.

Compulsory and unpaid labor, called "voluntary work," was regularly organized to accomplish ordinary production or to complete other tasks such as repairs, cleaning, painting, and decorating or to mobilize a large agricultural labor force.

The law prohibits forced or compulsory labor by children, but the government required children to work in various situations (see section 7.d.).

#### 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 or some substitute could result in expulsion from school, although such expulsions rarely occurred.

The legal minimum working age is 17, although the labor code permits the employment of 15- and 16-year-old children to obtain training or to fill labor shortages. However, in practice it was rare that children under 17 worked. 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 monthly minimum wage, which is established and enforced by the Ministry of Labor and Social Security (MLSS), was fixed at 225 pesos (approximately \$10). There is no fixed period for review or revision of the minimum wage, which was last revised in 2005. The MLSS did not engage in any public consultation with workers or employers prior to fixing the wage. The MLSS enforced the minimum wage requirement through offices at the national, provincial, and municipal level and did so effectively. The government supplemented the minimum wage with free education, subsidized medical care (daily pay is reduced by 40 percent after the third day of a hospital stay), housing, and some subsidized food. However, the amount of food provided by the government for each individual (through the ration card system) was reduced in June. The government stopped providing free lunches at some government ministries late in the year, replacing it with an additional payment of 15 pesos (\$0.62) per day. Even with subsidies, the government acknowledged that the minimum wage did not provide a decent standard of living for a worker and family. In practice even the average wage of 415 pesos per month (approximately \$18) combined with government subsidies did not provide a reasonable standard of living.

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 but places a cap on the number of overtime hours that may be worked per week or per year. Compensation for overtime is paid either in cash at the regular hourly rate or in additional rest time, particularly for workers directly linked to production or services, and does not apply to management. Workers frequently complained that overtime compensation was either not paid or not paid in a timely manner. The law provides

little grounds for a worker to refuse to work 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 at a salary provided for under the law.

Official reports noted an increase in work-related accidents and fatalities during the year, particularly in sectors where safety-related spending had fallen short in 2008. According to the former president of the Confederation of Independent Workers of Cuba, there were numerous violations of health and safety laws at worksites throughout the country, and conditions were particularly dangerous in the construction industry. Welders and persons who work with pesticides, he alleged, were rarely provided with protective equipment. Truck drivers for state firms frequently had to drive vehicles in poor repair. He stated that the CTC seldom informed workers of their rights and did not respond to or assist workers who complained about hazardous workplace conditions.