



## 2008 Human Rights Report: Cuba

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR  
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Cuba, with a population of approximately 11.2 million, is a totalitarian state formally led by President Raul Castro. In 2006 General Castro was granted provisional control of the government by his brother, Fidel Castro, who officially resigned as president on February 19. On February 24, the National Assembly unanimously elected Raul Castro to succeed his brother as chief of state, president, and commander in chief of the Armed Forces. Fidel Castro remains officially the first secretary of the Communist Party (CP). In the January 20 elections for the National Assembly, which were neither free nor fair, the CP won as much as 98 percent of the vote and 606 of the 614 seats in the National Assembly. 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. At year's end there were at least 205 political prisoners and detainees. As many as 5,000 citizens served sentences for "dangerousness," without being charged with any specific crime. The following human rights problems were reported: 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 hometowns; 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

The government or its agents were not known to have committed any politically motivated 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, 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 detained repeatedly, interrogated, and threatened with physical harm to themselves and their families. 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.

Political prisoner Tomas Ramos Rodriguez, released on June 16 after 18 years' imprisonment, stated that in the Combinado de Este prison in Havana Province, prison authorities beat prisoners with truncheons on a near-daily basis with impunity. Families of prisoners continued to report that prison staff sometimes goaded inmates with promises of rewards to beat a political prisoner.

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, continued to show a marked decline. 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. 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.

In February Rodolfo Martinez Vigoa, a physician, complained to the Ministry of Public Health about the condition of the local health clinic in Artemisa as well as the salaries of its employees. On March 7, approximately 300 persons arrived at Martinez's house and shouted insults, calling him a traitor and a counterrevolutionary. The government later stripped Martinez of his medical license.

In some cases local authorities put psychological pressure on dissidents. On July 4, prodemocracy activist Antonio Chelanes Cruz was taken in handcuffs from his home, although he offered no resistance. The local police chief reportedly stated that Chelanes Cruz would be prosecuted for "dangerousness" unless he ceased his activities for the opposition group New Republic. On July 11, the local police chief brought Chelanes Cruz before a group of neighbors and stated that Chelanes Cruz was opposed to society, lazy, and a counterrevolutionary and warned that he could be imprisoned at any time.

Children of dissidents were routinely refused entry into universities and reported that teacher and school administrators insulted them and labeled them as counterrevolutionaries in front of classmates.

#### 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 spent months in isolation in narrow, dark punishment cells. The Cuban Commission for Human Rights and National Reconciliation (CCDHRN) stated that inmates reported widespread overcrowding, especially in maximum security prisons. Many cells were damp and subject to

temperature extremes, provoking serious respiratory problems and arthritis. Authorities also often denied medical treatment, family visitation, adequate nutrition, exposure to natural light, pay for prisoners' work, and the right to petition the prison director.

Health conditions and hygiene at prisons were very poor. Many prisoners, such as Tomas Ramos Rodriguez, released in June after serving 17 years, said that cell floors had standing pools of water contaminated with sewage. There were several reports that toilets were essentially wooden platforms above an open sewer, with no process for treating the waste. Family members reported widespread serious disease and illnesses among political prisoners, for which the prison staff sometimes withheld treatment. Digestive disorders, dengue fever, and outbreaks of skin diseases caused by contaminated water were frequent. The family of political prisoner Ariel Sigler Amaya stated that a doctor diagnosed him as suffering from a variety of serious medical conditions due to malnutrition. According to the local NGO Council of Rapporteurs of Human Rights in Cuba (CRDHC), in March and April several inmates in Quivicán prison died in a tuberculosis outbreak. A former female political prisoner stated that in the Provincial Women's Prison in Havana, tuberculosis outbreaks were common and that prisoners with tuberculosis were put in the same infirmary as pregnant inmates. The CRDHC maintained that the prison authorities did little to prevent or treat the disease. The CRDHC documented during the year several cases of prisoners who died of heart attacks and acute asthma attacks after pleading unsuccessfully for assistance for several hours. Frequently prisoners, including Tomas Ramos Rodriguez, extracted their own teeth because authorities refused to arrange dental visits.

The CRDHC reported several suicides of prisoners every month in prisons and detention centers, but the government did not reveal information on this subject.

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 or to protest prison conditions. On July 18, Juan Carlos Herrera Acosta, one of the journalists arrested in 2003 and held in Holguín Provincial Prison, began a protest hunger strike by sewing his mouth shut. On July 31, prison authorities subdued him and removed the stitches.

Prison food often was inedible, and food from outside was essential to meet nutritional needs. Prisoners' typical diet consisted of undercooked rice that was often infested with worms or a mash made of soybeans and a very small amount of meat. Prisoners' relatives ostensibly were 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. Typically, 40 inmates shared quarters meant for 30, so that many inmates had to sleep on bare concrete floors. Ana Rosa Ledea Rios, imprisoned in 2003 and released in 2007, stated in September that for more than 18 months she was confined with two other inmates to a cell approximately six feet in length and four feet wide, in which they ate all of their meals.

Sexual assault occurred at prisons. Reports suggested that there was a higher rate of incidence of sexual assault at female prisons. Former political prisoners speculated that the disparity in the rate of sexual assaults was due to assaults by other female prisoners as well as male guards, and because the prison community typically did not tolerate forced participation in male homosexual activity. When such assaults occurred in either male or female prison facilities, 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.

Families of prisoners stated that other than some novels, they were unable to deliver reading material to the inmates. 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 authorities increasingly honored written requests to see a Catholic priest.

Many political prisoners were serving sentences in prisons located long distances from their home provinces, increasing their and their families' sense of isolation. However, during the year the government transferred seven of the political prisoners arrested in 2003 to facilities in their home provinces. In July prison authorities granted Luis Milan Fernandez, one of the 75 dissidents arrested in 2003, a weekend pass to visit his family. In September authorities allowed Oscar Biscet, another of the dissidents incarcerated in 2003, a four-hour escorted bereavement visit.

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 not granted prison visits by the International Committee of the Red Cross, Amnesty International, or Human Rights Watch since 1988.

#### d. Arbitrary Arrest or Detention

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

#### 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 Ministry of the Interior regulations ban police brutality, the government did not announce any investigations into police misconduct during the year. Corruption was a problem. Human rights groups stated that because so much economic activity was illegal, and so many citizens worked in the informal economy to survive, policemen frequently used the threat of arrest to coerce bribes and kickbacks. Former political prisoner and prodemocracy activist Francisco Chaviano documented several cases in which the police assisted a prostitute in renting a room in a private home and then evicted the residents and confiscated the property, accusing the residents of being involved in "trafficking of persons."

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 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 increased 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 decide whether to proceed with criminal charges. By law, after this 144-hour period, the person under arrest either should be charged or released, but in practice officials often delayed the process by repeatedly calling for further investigation, a practice that is permitted under the law. After criminal charges are filed, a defense attorney has the right to review the charges against the accused. The law provides for access to a lawyer within seven days, and sources stated that this normally was honored in practice. However, a prosecutor can demand a summary trial, in which case an attorney often meets the client minutes before the hearing starts.

Bail was available, although typically not in cases involving alleged antigovernment activity. Time in detention before trial counted toward time served if convicted. The law provides for detainees' prompt access to a lawyer; a public defender is appointed five days after the notification of a trial date to the defendant by the court if the defendant fails to name one. However, other provisions of the law permit delays in access to a lawyer while a case remains under investigation. The government denied prisoners and detainees prompt access to family members.

The authorities routinely engaged in arbitrary arrest and detention of human rights advocates. In most cases, dissidents were held for several hours and then released without charges. The CCDHRN confirmed 1,500 such detentions during the year but suspected there were many more. There were 325 similar detentions in 2007. On January 30, the government-banned Assembly to Promote Civil Society reported that seven dissidents, including Jorge Luis Garcia Perez (Antunez) and his wife Iris Perez, were beaten and arrested in Santa Clara while trying to pay homage to the hero of Cuban independence, Jose Marti, as a form of protest against the government. On April 21, 10 members of the Damas de Blanco ("Ladies in White") gathered in a central Havana square to protest the continued imprisonment of family members who were among a large group arrested in 2003. They were met by a caravan of police officials, apprehended by force, placed onto buses, and removed from the area. On July 29, the political police and rapid response brigade prevented 20 dissidents from participating in a peaceful march in Holguin designed to be an act of solidarity with political prisoners of conscience. Angel Luis Tellez Aguilera, the vice president of the United Commission on Human Rights, was arrested, detained for several hours, and released without charges. On July 12, State Security detained dissident Francisco Chaviano and at least five other activists in Havana who were planning to attend a public demonstration.

The law sets six months as the maximum period that a defendant can remain in prison before the case is brought to trial; however, if the prosecutor decides after charges are filed that the case requires more investigation, the case can be returned to the instructor. While the law outlines guidelines, it does not prescribe a time frame for the instructor to return the case to the prosecutor, and persons have been held without trial for several years after their cases had been returned to the instructor. At year's end dissident Vladimir Alejo Miranda had been in jail since February 2007 without charges being filed, and Ihosvani Suris de la Torre and Maximo Pradera Valdez had both been imprisoned without charges since 2001.

Dissident Jorge Luis Garcia Perez (Antunez) was under virtual house arrest in his hometown of Placentas. 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 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 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, police, or any uniformed member of the government 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 restricted the right to a defense and often failed to observe due process rights nominally available to defendants. While most trials ostensibly were public, trials were closed when there were alleged violations of state security. Almost all cases were tried in less than one day; the law does not provide for 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. However, in (now relatively rare) cases where the prosecutor asked for a summary judgment, many defendants either had no defense attorney or met an attorney only minutes before the start of their trial. This was particularly true in cases involving charges of "dangerousness." In November, in the wake of shortages after two devastating hurricanes, authorities arrested hundreds of individuals for activities such as unauthorized street vending and possession of construction materials. The judiciary sentenced several defendants to jail terms of one to four years in summary trials, many of which were held in police stations and not in courts of law. 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. A defendant's right to present witnesses was observed arbitrarily. Defense attorneys were given access to the police dossier and the prosecutor's written accusation--sometimes at, or minutes before--the trial. 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. In cases involving "state security," defense attorneys were not allowed access to the police files and the investigation by the prosecutor's office. 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 proof is required for a conviction for this offense. The CCDHRN estimated that as many as 5,000 citizens, including 1,000 women, were in jail for this offense. The CCDHRN listed six new cases of political prisoners convicted of "potential dangerousness" during the year. However, authorities applied this law most frequently to young persons without political connections who refused to report to work centers because of the low salaries, to young women who engaged in prostitution, and to persons who repeatedly returned to Havana after being sent back to their home provinces.

On August 25, Gorki Aguila Corrasco, a musician known for ridiculing the communist system and especially the Castro brothers, was arrested. On August 29, after a two-hour trial, he was convicted of public disorder, fined 600 pesos (\$28), and released. The more serious charge of "dangerousness" against him was dismissed, but he was ordered to pay his fine in 300 weekly installments of 2 pesos (less than 10 cents), effectively placing him in parole status for more than five years.

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. On April 29, General Raul Castro commuted an unspecified number of death penalty cases to life imprisonment. The CCDHRN stated that this decision affected 30 prisoners.

#### Political Prisoners and Detainees

The CCDHRN stated that the government held at least 205 political prisoners and detainees at year's end, compared with 240 at the end of 2007. 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 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. For example, on February 2, police beat and detained human rights activist Mijail Capote Aranda for expressing antigovernment sentiments in the city of Manzanillo, Granma Province. A court sentenced him to three years in prison for "disrespect to the head of state" and "attack on police officers."

Authorities continued to use short-term detention at a greatly increased rate, instead of bringing charges for offenses that carry long prison terms. Dissidents frequently were threatened during the reporting period with prosecutions for "dangerousness," although few were actually charged and sentenced. The number of convictions for "dangerousness" still remained high during the reporting period, but most of those convicted were not politically affiliated.

At year's end 55 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. On February 18, President Raul Castro released into exile four of the original 75 to Spanish authorities for humanitarian reasons.

Mistreatment of political prisoners and detainees was widespread. Beatings were not uncommon. On May 20, guards at the Guantanamo Provincial Prison attacked Jose Daniel Ferrer Garcia as he attempted to telephone human rights activist Juan Carlos Gonzalez Leiva.

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; however, these courts are utilized almost exclusively for family issues, such as divorce and child custody. Most torts provisions typically associated with civil courts are remedied in criminal court. The only way a citizen can seek redress for a human rights violation is to convince a prosecutor to file a criminal charge. The CCDHRN was not aware of any successful human rights-related prosecution 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 court 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 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. During the year a defector publicly stated that the government has permanent taps on thousands of telephone lines and alleged that the government monitored the telephone lines of foreign diplomats, foreign press, foreign businessmen, and local dissidents.

State Security agents subjected journalists and foreign diplomats to harassment and surveillance, including electronic surveillance and surreptitious entry into their homes. Authorities also applied psychological pressure to former prisoners, one of whom reported that the government painted "Viva la Revolucion" on his living room wall and was told that he would be arrested if he painted over it.

Civil society organizations reported intensified government monitoring of dissidents. On August 25, three prominent dissidents, Martha Beatriz Roque, Vladimiro Roca, and Jorge Luis Perez Garcia (Antunez), filed a formal complaint before the attorney general, charging that their e-mails, telephone calls, personal videos, photographs, and other documents had been made public in both the written press and on television without their consent and in violation of the country's privacy laws. After 60 days elapsed, the three dissidents filed another complaint that the responsible official had broken the law by failing to respond within the time frame mandated by law. A judge determined that the case should be reviewed because of the severity of the accusation and sent the second complaint to the same office for action. By year's end no official action had been taken.

There were numerous credible reports of forced evictions of squatters and residents who lacked official permission to reside in Havana and other major cities. An official government publication, *Juventud Rebelde*, stated on August 3 that since 2006 authorities had evicted more than 20,000 persons living in the vicinity of Havana in improvised squatter villages and sent them back to their home provinces.

The Ministry of Interior employed a system of informants and CDR block committees to monitor and control public opinion. Several sources stated that in September, surveillance increased after hurricanes Gustav and Ike and State Security agents were positioned around farmers' markets to eavesdrop on any implied criticisms of the government respecting food shortages. It was widely believed that State Security would attempt to identify such critics for possible future punishment. 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.

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 in prison. Disseminating "enemy propaganda," which includes 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.

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 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 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 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. 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. In March demonstrators distributing copies of the Universal Declaration of Human Rights were attacked by a government-orchestrated mob and later 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 diplomats.

#### 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 they considered objectionable. Citizens could access the Internet only through government-approved institutions, except at Internet facilities provided by a few diplomatic offices. Despite the government's March 21 decision to permit 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, and journalists. The government restricted Internet use in government offices, confining most officials to Web pages related to their work. In March and April authorities tightened Internet restrictions to block citizens' access to certain independent Web sites. 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 pesos. Access usually costs between 128 and 288 convertible pesos (\$5.76 to \$12.51) an hour, a rate beyond the means of most citizens. The government stated that less than 12 percent of the

population used Internet services in 2007, a figure that 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 provide for any specific punishments for Internet use, it is illegal to own a satellite dish that would provide uncensored Internet access. In December 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 that "affect the integrity or the security of the State." The same decree ordered Internet providers to prevent the use of encryption software and the transfer of material to encrypted files.

On December 3, State Security agents warned blogger Yoani Sanchez against holding a planned conference of Cuban bloggers; despite hosting the conference, Sanchez had not suffered any consequences by year's end.

#### 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 swear to follow 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 impact their relatives back home.

Dismissals of teachers and professors for political reasons occurred during the year. For example, on June 30, public school authorities dismissed physical education teacher Raul Velazquez Valdes for talking disrespectfully "about the institutions of the republic and the heroes and martyrs of the country." However, independent academic Roberto de Miranda stated that the number of such dismissals during the reporting period was significantly lower than in previous years.

Expulsions of university students for political reasons also declined during the year, but did occur. In March Nestor Perez Gonzalez was expelled from the law school of the University of Pinar del Rio for coauthoring an article on the transition to democracy in Spain for the online periodical *Convivencia*.

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

University admission was normally contingent upon whether a student participated in government-encouraged secondary school activities.

#### 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. Civil society organizations reported intensified suppression of the right to assemble. The authorities have never approved a public meeting by a human

rights group and detained activists for short periods at an increased rate compared with previous years to prevent activists from attending meetings, demonstrations, or ceremonies. The CCDHRN reported that temporary detentions increased from 325 in 2007 to more than 1,500 during the year. The detentions appeared to coincide with planned meetings and demonstrations, including events at foreign diplomatic establishments.

#### 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, including several new religious groups as well as homosexual-rights organizations, 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.

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). The CCC includes 25 religious organizations as full members, nine associate members, and three with observer status. It does not include the Cuban Catholic Church. In January three Protestant ministers and a babalow (Santeria priest) were elected to the National Assembly.

There were numerous reports of official discrimination against Seventh-day Adventists and Jehovah's Witnesses in employment and education. The discrimination was 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.

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

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 the local official. 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 and adult education classes to the general public.

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 Catholic diocese to request broadcast time for a 15-minute broadcast on Christmas, Easter, and the feast day of the Virgin of Charity, the country's patron saint.

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 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### 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 tightly restricted foreign and domestic travel by dissidents 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, 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 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 asserted that the expulsion from Havana of young persons and individuals from the eastern provinces increased to 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. Although the government allowed the majority of persons who qualified for immigrant or refugee status in other countries to depart, at least 247 citizens or their dependents who had received foreign travel documents were denied exit permits during the year. This figure represented only persons who reported their difficulties to a foreign diplomatic establishment. Persons routinely 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, 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 to control dissidents. Dissident physician Hilda Molina continued to wait for exit permission, as she had for 15 years, although her elderly mother was allowed to join relatives in Argentina in June.

The government denied exit permission to human rights activists who held valid foreign travel documents. In April authorities refused permission to blogger Yoani Sanchez to travel to Spain to receive a prestigious prize for journalism. Noted dissidents Francisco Chaviano and Jorge Luis Perez Garcia (Antunez) were both refused permission to travel abroad for treatment of serious medical conditions that developed during their long prison

terms.

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 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; involuntary job transfers; threatened arrest; and dismissal from employment.

Fees for medical exams, exit permissions, passport costs, and airport taxes are payable only in convertible pesos, and amounted to approximately 630 convertible pesos (\$680.40) for an adult, or nearly three years' salary. 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 attempts to leave the country illegally.

The law provides for imprisonment of up to three years or a fine of 300 to 1,000 pesos (\$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. 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 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 many 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 Accord. On December 4, under a new migration accord with Mexico, the country accepted the repatriation of 41 Cubans from Mexico.

#### 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 the expulsion or return of refugees to countries where their lives or freedom would be threatened, including to some fugitives from justice, whom the government defined as refugees for political reasons.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting the small number of refugees and asylum seekers in the country. 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 ANPP members, citizens do not have the right to change their government, and the government retaliated against those who sought peaceful political change.

On February 19, Fidel Castro officially resigned as president, ending nearly 50 years of rule. On February 24, 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 ANPP, endorsed the transfer of power.

In the elections for the National Assembly held during the year, voters were strongly encouraged simply to indicate approval or disapproval of a unified CP-approved slate of candidates. The government promoted this "voto unido" or unified slate; all of the candidates who had been preapproved by the candidacy commissions were elected, with the result that the CP won 98 percent of the vote and 606 of 614 seats in the National Assembly. The government reported that more than 1.4 million voters, or 17 percent of the electorate, defaced ballots or otherwise abstained from the election.

#### 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 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 118-member Central Committee. Women held six seats in the 31-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 ANPP in February, the government reported its composition as 64 percent white, 19 percent black, and 16 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.

The World Bank's worldwide governance indicators reflected that government corruption was a problem. Independent and official press reported incidents of government corruption. Several reliable sources confirmed that early in the year a court sentenced Carlos Garcia, director of the state-run firm Guama, and Miguel Quintana, director of the state-owned import firm MATCO, to 20 years' imprisonment for illegal transactions and corruption. The Supreme Court upheld the verdicts in July.

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 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.

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

The government also took steps to prevent the movement of activists; on many occasions, State Security, police, and mobs prevented "Ladies in White" members and members of other dissident groups from traveling to Havana, or elsewhere within the country, to take part in peaceful assembly.

The government rejected international human rights monitoring. No UN Special Rapporteurs visited the country. The government continued to deny human rights organizations and the International Committee of the Red Cross access to political prisoners and detainees.

#### 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 the government enforced the law. The government did not release statistics during the year on arrests, prosecutions, or convictions for rape. The Havana office of the NGO Women's News Service for Latin America and the Caribbean (SEMIac), which advocates for women's issues, did not estimate the incidence of rape to be very high.

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.

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 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. Based on anecdotal evidence, SEMIac claimed that sexual harassment was widespread.

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 government generally was committed to children's rights and welfare; the law provides that all children have equal rights and that parents have a duty to ensure their protection.

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 apparent, there were no reliable statistics available regarding its extent.

#### Trafficking in Persons

The law prohibits most forms of trafficking in persons; however, there were reports that women were trafficked from the country to Mexico, the Bahamas, and Europe and 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.

The law provides penalties for anyone who "induces, cooperates with, promotes, or gets a benefit from the exercise of prostitution." If the offense involves the victim's entry or exit from the country, the penalty ranges from 20 to 30 years' imprisonment. The law provides for penalties of seven to 15 years' imprisonment for trafficking for forced labor, prostitution, and trade in organs, both domestically and internationally. The law provides for penalties of four to 10 years' imprisonment for "inducing, in any way, or promoting another person to engage in prostitution or bodily commerce." The sentence increases to 10 to 20 years for anyone who threatens or forces another to engage in prostitution. The law also provides sentences of 20 to 30 years for anyone convicted of pimping after a previous conviction or anyone accused of habitually promoting prostitution.

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

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, a large number of persons 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.

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 rehabilitating prostitutes. No information was available concerning government assistance with international investigations of trafficking or the extradition of traffickers.

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 the country's sex trade.

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.

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 the most modern treatment techniques, including the preparation of children to be witnesses in criminal prosecutions. There were no known government programs to prevent trafficking.

The State Department'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. A black foreign diplomat was frequently stopped by police and questioned as to whether she was a citizen and what she was doing in certain areas. 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.

#### 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. Homosexual rights organizations also reported cases of individuals discharged from their jobs due to their sexual orientation.

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."

Mariela Castro, the president's daughter, headed the national Center for Sexual Education and was outspoken in promoting homosexual rights. In May she organized a week of programs to mark International Anti-Homophobia Day. Television programs promoted tolerance for homosexuals. On June 6, the government announced the availability of free gender-reassignment surgery. However, nongovernment homosexual rights organizations, such as the Movement of Homosexual Liberation, asserted that the government had done nothing to stop frequent cases of police brutality and harassment of homosexuals, and that Mariela Castro did not respond to their requests to meet with her. On June 25, State Security forces prevented a coalition of homosexual rights groups from holding a "Gay Pride" march in Havana by detaining the organizers and intimidating would-be participants by maintaining a heavy police presence at the parade's starting point.

#### 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 frequently were 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. On July 20, the National Bureau of Taxation removed Luis Gomez Perez's license to practice as a barber because he was a member of the independent trade union, the Central Christian Union (CSC).

Several small independent labor organizations operated without legal recognition, most notably the Union of Bicycle Taxi Drivers, the CSC, 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. Five of the seven independent labor leaders

jailed in 2003 remained in prison, serving sentences of between 12 and 25 years. Pedro Pablo Alvarez Pedrosa, president of the Unitary Workers Council, was released on February 15 after serving 17 years of a 30-year sentence; he and three other political prisoners were released to Spain.

The law does not provide for strikes, and none 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. In February the government issued a resolution aimed at linking pay to worker performance, but it had not been implemented by year's end.

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. The foreign firms and diplomatic missions paid the agencies in hard currency, but the agencies paid the workers only a fraction of that income. 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.

The last export processing zone was closed in 2006.

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

The law does not prohibit forced or compulsory labor by adults; prisoners convicted of crimes such as "dangerousness" were forced to work on farms or in construction, agricultural, or metal work. The authorities also often imprisoned persons sent to work sites who refused to work.

Compulsory, unpaid labor, called "voluntary work," was regularly organized by official trade unions, either to accomplish ordinary production or to complete other tasks such as repairs, cleaning, painting, 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 6.d.).

On August 8, a judge in a foreign court ruled in favor of three Cuban men who in 2006 sued the Curacao Drydock Corporation, alleging that it, in collusion with the Cuban government, forced them to work without compensation to repay a Cuban government debt to the company. On October 20, the foreign court awarded the men an \$80 million judgment.

#### 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 minimum wage, which is enforced by the Ministry of Labor and Social Security, varies by occupation. On average, the minimum monthly wage was approximately 225 pesos (\$9). 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. Even with subsidies, the government acknowledged that the minimum wage did not provide a decent standard of living for a worker and family.

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.

A former president of the Confederation of Independent Workers of Cuba stated on October 19 that there were numerous violations of health and safety laws at worksites throughout the country, and that 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. For example, on July 20, 12 workers from the Work Center Minimax de la Lisa officially complained to the chief for trade for the La Lisa district about unsanitary conditions, broken and clogged toilets, and a roof in imminent danger of collapse but never received a reply.