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Cuba

Country Reports on Human Rights Practices - [2005](#)

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Cuba, with a population of 11 million, is a totalitarian state led by a president, Fidel Castro, whose regime controls all aspects of life through the Communist Party (CP) and its affiliated mass organizations, the government bureaucracy, and the state security apparatus. Although civilian authorities generally maintained effective control of the security forces, the Ministry of Interior is the principal instrument of state security and control, and officers of the Revolutionary Armed Forces, which are led by the president's brother, have occupied most key positions in the ministry during the past 15 years.

The government's human rights record remained poor, and the government continued to commit numerous, serious abuses. At least 333 Cuban political prisoners and detainees were held at year's end. The following human rights problems were reported:

- denial of citizens' rights to change their government
- beatings and abuse of detainees and prisoners, including human rights activists, carried out with impunity
- transfers of mentally healthy prisoners to psychiatric facilities for political reasons
- frequent harassment of political opponents by government-recruited mobs
- extremely harsh and life-threatening prison conditions, including denial of medical care
- arbitrary arrest and detention of human rights advocates and members of independent professional organizations
- denial of fair trial, particularly to political prisoners
- interference with privacy, including pervasive monitoring of private communications
- 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 thousands of citizens
- refusal to recognize domestic human rights groups or to permit them to function legally
- domestic violence, underage prostitution, and sex tourism
- discrimination against persons of African descent
- severe restrictions on worker rights, including the right to form independent unions

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. However, the Cuba Archive human rights project noted in November that foul play was likely in many prison deaths recorded as "heart attacks."

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 advocates, detainees, and prisoners, particularly political prisoners, and did so with impunity.

Authorities often subjected detainees and prisoners to repeated, vigorous interrogations designed to coerce them into signing incriminating statements or to force their collaboration with authorities. Some endured physical and sexual abuse, typically by other inmates with the acquiescence of guards, or long periods in isolation or punishment cells.

On February 19, a "reeducation specialist" forced political prisoner Fidel Garcia Roldan into a cell, pushed him against the wall, then hit him repeatedly in the head.

On March 2, Juan Carlos Herrera Acosta, a prisoner at Kilo 8 prison in Camaguey, was handcuffed and dragged more than 120 feet across the floor of the prison; he suffered severe cuts and abrasions. As of that date, Herrera Acosta had not been exposed to sunlight for more than one year.

Throughout March and April, authorities subjected political prisoner Jose Daniel Ferrer Garcia to deafeningly loud music and noise from a speaker placed by the guards at the entrance to his cell from the early morning until late each night; as of April 28, he had been denied exposure to sunlight for seven months.

In August a prison guard beat dissident Arnaldo Ramos Lauzurique. On September 26, a guard at Camaguey's Kilo 8 prison punched and broke the nose of political prisoner Lamberto Hernandez Plana, following his refusal to stand for a lineup of inmates. The government knowingly sent mentally healthy prisoners to psychiatric hospitals or the psychiatric ward of a prison hospital. For most of the year, Dr. Luis Milan Fernandez, a political prisoner with no known mental ailment, was held at the psychiatric ward of the Boniato prison in Santiago. Dr. Milan was forced to share a cell with prisoners suffering from severe mental illness. In February the government regained custody of academic Orlando Vallin Diaz, who had escaped from a psychiatric hospital months earlier. Vallin had been sent to the hospital after serving approximately three months in prison for alleged drug trafficking; family members denied that Vallin had ever been involved with drugs or shown any sign of mental illness.

The government continued to subject persons who disagreed with it to "acts of repudiation." At government instigation members of state-controlled mass organizations, fellow workers, or neighbors of victims staged public protests against those who dissented from the government's policies by shouting obscenities and causing damage to the homes and property of those targeted. Physical attacks on victims or their family members sometimes occurred. Police and State Security agents often were present but took no action to prevent or end the attacks. Those who refused to participate in these actions faced disciplinary action, including loss of employment.

Prison and Detention Center Conditions

Prison conditions continued to be harsh and life threatening. Conditions in detention facilities also were harsh. Prison authorities frequently beat, neglected, isolated, and denied medical treatment to detainees and prisoners, particularly those convicted of political crimes or those who persisted in expressing their views. Authorities also often denied family visitation, adequate nutrition, exposure to natural light, pay for work, and the right to petition the prison director.

Prisoners sometimes were held in "punishment cells," which usually were located in the basement of a prison, with continuous semi-dark conditions, no available water, and only a hole for a toilet. Reading materials, including Bibles, were not allowed. Prison officials regularly denied prisoners other rights, such as the right to correspondence. Some prison directors routinely denied religious workers access to detainees and prisoners.

In November the Cuban Commission for Human Rights and National Reconciliation denounced the worsening health of dozens of political prisoners, stating that more prisoners suffered from dangerous diseases due to the "generally subhuman and degrading conditions" in which they were held.

Power and water cuts were frequent at prisons, and inmates often suffered from extreme heat. At Havana's Combinado Del Este prison, disturbances were reported after allegations surfaced that prison authorities sold gas for personal profit.

Victor Rolando Arroyo, an independent journalist serving a 26-year prison term, described his cell in Guantanamo provincial prison as a space approximately 11 feet by 34 feet, where 34 people slept on three-tiered bunks. The cell was dimly lit; there were no cleaning supplies; and water, which flowed sporadically, had a disagreeable color, odor, and taste.

The government regularly failed to provide adequate nutrition and medical attention; according to Human Rights Watch (HRW), prisoners typically lose weight during incarceration. Pedro Pablo Pulido Ortega stated that he and other prisoners at Guamajal prison in Santa Clara received only cornmeal for lunch and one small portion of potatoes for dinner.

Prisoner of conscience Blas Giraldo Reyes Rodrigues experienced medical problems for two months before authorities on May 3 transferred him to an infirmary where tests indicated he had been suffering from an infection.

On August 2, Bertha Antunez Pernet reported that authorities at Kilo 7 prison in Camaguey Province retaliated against her brother, Jorge Luis Garcia Perez, who had criticized prison conditions, by denying him medication for a respiratory condition.

There were occasional reports of prisoners dying as a result of violence by fellow prisoners, but no statistics were available. On April 4, Freddy Ibanez Blanco died from burns suffered in a prison uprising at Havana's Combinado del Este prison.

There were also occasional reports of suicide attempts by prisoners, but no statistics were available. In November political prisoner Mario Enrique Mayo twice attempted suicide.

Human rights activists alleged that prison authorities used "thugs" within the general prison population to harass political prisoners.

Sexual assault occurred at men's prisons, but the government did not disclose such incidents. In July an inmate at Aquadores prison beat and raped Orlando Rodriguez Salazar, who was denied medical attention except for a sedative.

Although officials sought to separate the juvenile and adult prisoners, juveniles sometimes were held in the same facilities as adults. Although pretrial detainees generally were held separately from convicted prisoners, some long-term detainees, including political detainees, were held with convicted prisoners.

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

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The Ministry of the Interior exercises control over police and internal security forces. 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 are responsible for monitoring, infiltrating, and suppressing opposition political groups. The PNR plays a supporting role by carrying out house searches and providing interrogation facilities for State Security agents. There were reports in both the independent and official press of corruption within the security forces.

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

Arrest and Detention

The police have broad detention powers, which they may exercise without a warrant. Under the law, police can detain without a warrant not only persons caught in the act, but someone merely accused of a crime against state security. The law requires police to file formal charges and either release a detainee or bring the case before a prosecutor within 96 hours of arrest; it also requires authorities to provide suspects with access to a lawyer within 7 days of arrest.

In practice the law was not respected. At least 39 political detainees were held at year's end without formal charges. Among them was Maximo Pradera Valdez, arrested in 2001 and still held without formal charge at year's end. On May 13, authorities in Havana detained six human rights activists, including Rene Montes de Oca Martija and Lazaro Alonso Roman, in connection with a peaceful demonstration; at year's end several of the activists remained in detention, and no formal charges had been brought. On June 22, police in Havana took into detention nine human rights activists, including Rene Gomez Manzano, Julio Cesar Lopez Rodriguez, and Jesus Alberto Reyes Sanchez, in connection with a peaceful demonstration; at year's end all remained in detention, and none had been charged.

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

The law provides that all legally recognized civil liberties may be denied to anyone who actively opposes the decision of the people to build socialism. The authorities routinely invoked this authority to deny due process to persons detained on purported state security grounds. The authorities routinely engaged in arbitrary arrest and detention of human rights advocates. Police frequently lacked warrants when carrying out arrests or issued warrants themselves at the time of arrest. Authorities sometimes employed false charges of common crimes to arrest political opponents and often did not inform detainees of the charges against them. The authorities continued to detain human rights activists and independent journalists for short periods, including house arrest, often to prevent them from attending or participating in events related to human rights issues (see sections 2.a. and 2.b.).

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." If the police decide that a person exhibits signs of dangerousness, they may bring the offender before a court or subject him to therapy or political reeducation. Government authorities regularly threatened prosecution under this provision.

During the year authorities arrested at least 53 persons for democratic or political activity; at year's end all remained in custody, and 18 of them were still awaiting trial. At year's end there were at least 39 political detainees awaiting trial, of whom 18 were detained during the year.

On April 27, the government convicted the remaining 23 citizens who had been detained since 2002 for breaking into the Mexican Embassy and requesting asylum. The individuals were sentenced to prison terms ranging from 4 to 18 years.

On July 12, the government arrested several members of the Las Marianas opposition group as they prepared to undertake a six-day hunger strike to compel the government to release non-violent dissidents from prison.

The government did not permit access to political detainees by international humanitarian organizations.

Authorities sometimes detained independent journalists to question them about contacts with foreigners or to prevent them from covering sensitive issues or criticizing the government (see section 2.a.). After months of detention, the government often released activists 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 influenced the courts.

Civilian courts existed at the municipal, provincial, and appellate levels. Panels composed of professionally certified and lay judges presided over them.

Trial Procedures

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

Moreover, the government's control over members of the lawyers' collectives compromised their ability to represent clients, especially those accused of state security crimes.

Criteria for presenting evidence, especially in cases involving human rights advocates, were arbitrary and discriminatory. Often the sole evidence provided, particularly in political cases, was the defendant's confession, usually obtained under duress and without the legal advice or knowledge of a defense lawyer. A defendant's right to present witnesses was only arbitrarily observed.

Prosecutors may introduce testimony from a member of the neighborhood-based Committee for the Defense of the Revolution (CDR) about the revolutionary background of a defendant, which may contribute to a longer or shorter sentence. The law presumes the innocence of the accused, but the authorities often ignored this right in practice. The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases involving maximum prison terms or the death penalty. Appeals in capital cases are automatic. The Council of State ultimately must affirm capital punishment.

On August 9, independent journalist Lamasiel Gutierrez was tried for "dangerousness" and sentenced to seven months of house arrest. During her trial, 25 uniformed personnel filled the courtroom. She was denied the right to speak on her own behalf during the proceedings, and was not allowed to consult with counsel.

On July 22, Rene Gomez Manzano, one of the leaders of the Assembly for the Promotion of Civil Society, was arrested and jailed indefinitely. The government refused the request of Manzano, who is an attorney by profession, to represent himself and insisted that he accept another attorney.

Military tribunals, which are governed by a special law, assumed jurisdiction for certain "counterrevolutionary" cases. The military tribunals tried civilians if a member of the military was involved with civilians in a crime. In these tribunals, there was a right to appeal, access to counsel, and the charges were made known to the defendant.

Political Prisoners

The Cuban Commission for Human Rights stated that the government held, in addition to political detainees, at least 294 political prisoners at year's end; 45 of them were convicted of terrorism and 33 of "dangerousness." The authorities incarcerated persons for such offenses as disrespect of the head of state (Fermin Scull Zulueta, three years), disrespect and scorn of patriotic symbols (Antonio Velazquez Hernandez, two years), public disorder (Orlando Zapata Tamayo, three years), and attempt to leave the country illegally (Osolanis San Miguel Rodriguez, three years). Other charges included disseminating enemy propaganda, illicit association, clandestine printing, or the broad charge of rebellion, which often was brought against advocates of peaceful democratic change. Between two thousand and five thousand teenagers were serving sentences for the crime of "potential dangerousness, with sentences ranging up to five years' imprisonment.

At year's end 60 of the 75 peaceful human rights activists, journalists, and opposition political figures arrested and convicted in 2003, mostly on charges of violating national security and aiding a foreign power, remained in prison.

Political prisoners often were held at facilities hundreds of miles from their families, making family visits more difficult. Prison conditions prompted some political prisoners to carry out lengthy hunger strikes. On October 5, dissidents Victor Arroyo and Felix Navarro ended their hunger strikes at the penal ward of a Guantanamo hospital prison after 24 days and 18 days, respectively. They were protesting actions of a "re-educator" who had seriously injured Arroyo's leg. Prison staff and inmates (at the instigation of prison staff) often targeted political prisoners for abuse (see section 1.c.). Political prisoners, such as independent journalist Fabio Prieto Llorente and Diosdado Gonzales Marrero, were held among the general prison population. Conversely, political prisoner Adolfo Fernandez, although held with the general population, reported that he was prevented from interacting with other prisoners in the cafeteria and forced to eat all meals alone in his cell. Some political prisoners preferred to stay in their cells to avoid contact with prison guards. In November, following three hunger strikes, political prisoner and attorney Mario Enrique Mayo, serving a 20-year sentence in Holguin, carved "innocent" and "liberty" into his body. The government released Mayo on December 1.

The government continued to deny human rights organizations and the International Committee of the Red Cross access to political prisoners. Authorities denied visits to families of political prisoners while they were held in "punishment cells." Prisoners in punishment cells had no access to lawyers.

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. The state assumed the right to interfere in the lives of citizens, even those who did not actively oppose the government and its practices. The authorities employed a wide range of social controls to discover and discourage nonconformity.

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

Between January and March, CDR members harassed Havana resident Noemi Arias Noe and her husband and teenage son following their unsuccessful attempt to flee the country. CDR members left a threatening sign on their door and pounded on the family's front door; Arias said neighbors broke down a common door to intimidate the family. Arias and her husband received more than 10 police citations related to their attempted migration and were obliged to appear before the local police chief twice monthly.

Authorities occasionally threatened parents with the loss of custody of their children for taking part in "counterrevolutionary" activities. On August 19, a police officer visited the Havana home of Carla Vismari Santa Leon, a pro-democracy activist, and warned her mother that Carla and her activist husband could lose custody of their two-year-old son unless they halted their activities.

The government controlled all access to the Internet and took steps to censor all electronic mail, disallowing any attachments (see section 2.a.). State Security often read international correspondence and monitored overseas telephone calls and conversations with foreigners. The government also monitored domestic phone calls and correspondence and sometimes denied telephone service to dissidents. State Security agents subjected journalists to harassment and surveillance, including electronic surveillance and surreptitious entry into their homes (see section 2.a.).

In March Lourdes Esquivel Vieyto reported that prison officials refused to give her letters written by her imprisoned husband during February.

There were numerous credible reports of forced evictions of squatters and residents who lacked official permission to reside in Havana and other major cities. On March 11, officials informed Barbaro Sanchez and two of his neighbors that they had to abandon their residences in Santiago de Cuba the next day. On March 12, officials demolished the homes because they were built without proper authorization, albeit on property owned by Mr. Sanchez and his neighbors.

On July 14, officials evicted Moises Leonardo and Roberto de Jesus Guerra, two members of the extralegal human rights organization Corriente Martiana from a fellow dissident's home on the grounds that the law prohibits citizens from changing residence without state approval.

The government sometimes punished family members for the activities of their relatives. On February 23, authorities expelled from school tenth-grade student Ernesto Luis Roque Veitia, the son of independent journalists Anna Rosa Veitia and Ernesto Roque. The stated reason for the expulsion was Roque Veitia's refusal to participate in a work brigade.

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 between three months and one year in prison; criticism of the president or members of the ANPP or Council of State is punishable by three years' imprisonment. Disseminating "enemy propaganda," which included expressing opinions at odds with those of the government, is punishable by up to 14 years' imprisonment.

The government considers such materials as the Universal Declaration of Human Rights, 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.

Police and State Security officials regularly harassed, threatened, and otherwise abused human rights advocates in public and private to intimidate them. The government subjected dissenters to "acts of repudiation." The government also obliged members of state-controlled mass organizations, co-workers, or neighbors of victims to stage public protests against those who dissented from the government's policies, for instance, by shouting obscenities and often causing damage to the homes and property of those targeted. Physical attacks on the victims and their family members sometimes occurred. Police and State Security agents often were present but took no action to prevent or end the attacks. Those who refused to participate in these actions faced disciplinary action, including loss of employment.

On March 19, four men forced their way into the home of dissident doctor Darsi Ferrer. They attacked him with a knife, seriously lacerated his right hand, and beat and threatened to kill him.

On May 8, a progovernment mob confronted and threatened the Ladies in White, spouses of political prisoners, as they took their weekly stroll after attending mass at Havana's Santa Rita church. Plainclothes government agents were visible at the scene.

On August 6, police arrested Albert Santiago DuBouchet, director of the independent Havana Press agency. He was subsequently sentenced to one year in prison for disrespect and resistance, a decision condemned by the Committee to Protect Journalists.

On September 16, in Santa Clara approximately 60 members of a progovernment mob struck independent journalist Guillermo Farinas with clubs after he took part in a protest outside a police station over the arrest of a dissident. The beating, which began after Farinas refused to say "Long Live Fidel Castro," left him badly bruised.

On October 16, a group of approximately 30 persons appeared outside the Havana home of veteran dissident Roberto de Miranda and during a four-hour period shouted insults at de Miranda and his wife.

In October and November, in the Villa Clara city of Manicaragua, 21 prodemocracy and human rights activists accused the government of forbidding them to use public transportation, frequent restaurants, use public recreation facilities or receive visitors at home. The activists stated that their photos had been posted outside public establishments and grocery stores, so that workers would know whom not to serve.

The government reportedly threatened to take custody of children of some members of the political opposition. On November 7, a State Security official warned executive-turned-whistleblower Niurka Brito, "If you continue to have ties with the opposition, you could lose custody of your children."

The constitution provides that print and electronic media are inalienably state property. The government owned and the CP controlled all media except for a few small, unauthorized church-run publications. The law bars "clandestine printing" and provides for three to six months' imprisonment for failure to identify the author of a publication or the printing press used to produce the publication. Catholic church-run publications, denied access to mass printing equipment, were subject to governmental pressure. *Vitral* magazine, a publication of the diocese of Pinar del Rio, continued to publish during the year.

Citizens did not have the right to receive or possess publications from abroad, although newsstands in hotels for foreigners and certain hard currency stores sold foreign newspapers and magazines. The government continued to jam the transmissions of Radio Marti and Television Marti.

All media must operate under CP guidelines and reflect government views. The government also pressured groups normally outside official controls, such as visiting and resident international correspondents. Cars used by foreign journalists have unique license plates, enabling monitoring by the authorities. Expulsions lessened following the adoption of a stricter visa policy; the government barred some foreign journalists from entering the country.

Law 88 prohibits a broad range of activities that purportedly undermine state security. The law provides for fines and prison terms of 7 to 20 years for each charge for anyone possessing or disseminating "subversive" literature or supplying information that U.S. authorities could use to apply U.S. legislation. At year's end 22 journalists arrested in 2003 for violating Law 88 remained in prison.

On March 24, journalist Oscar Mario Gonzalez was detained and interrogated by police. Police told him that he was considered one of the independent journalists most critical of the regime; the government continued to deny his request for an exit visa to visit his daughter.

On June 20, cartoonists in the city of Santa Clara were rounded up for interrogation after a series of antigovernment caricatures appeared in the city.

The government continued to subject independent journalists to: internal travel bans; arbitrary and periodic detentions (overnight or longer); harassment of family and friends; seizures of computers, office, and photographic equipment; and repeated threats of prolonged imprisonment. Independent journalists in Havana reported that threatening phone calls and harassment of family members continued during the year. Ministry of the Interior agents infiltrated and reported on independent journalists.

Authorities also placed journalists under house arrest to prevent them from reporting on human rights conferences and events and on court cases against activists (see section 1.d.). Police prevented independent journalists from covering "sensitive" events.

Authorities often confiscated journalists' equipment, especially photographic and recording equipment, on the grounds that it had been purchased illegally, despite receipted proof to the contrary. On November 29, state security officers in Santa Clara executed a search warrant to seize "counter-revolutionary" materials at the home of independent journalist Carlos Serpa Maceira. They reportedly confiscated his books, notes, radio, and two small recorders.

Resident foreign correspondents reported that intense government pressures, including official and informal complaints about articles, continued throughout the year. The government controlled resident foreign journalists by requiring them to obtain an exit permit each time they wished to leave the country. The government also required foreign correspondents to hire local staff from government agencies.

The government continued to control tightly distribution of information, including importation of foreign literature, which largely was unavailable to the public. The government frequently barred independent libraries from receiving materials from abroad and seized materials donated by foreign diplomats. The government prohibits diplomatic missions from printing or distributing publications, including newspapers and newspaper clippings, unless such publications exclusively address conditions in a mission's home country and prior government approval is received. Many missions did not accept this requirement and distributed prohibited materials.

On February 25, State Security agents entered the homes of Maria Elena Mir Marrero and Reinaldo Cosano Alen, directors of two independent libraries. The agents confiscated boxes containing books, radios, and copies of the Universal Declaration of Human Rights.

The government operated four national television stations, four national radio stations, one international radio station, one national magazine, and three national newspapers. Additionally, it operated many local radio stations, television stations, magazines, and newspapers. All were official organs of the CP, dedicated to promulgating its propaganda. Content was nearly uniform across all of these media; none reflected any degree of editorial independence. The regime tolerated the Catholic Church's publication and circulation of two magazines and several other publications but vigorously persecuted any other independent person or institution that attempted to distribute written, filmed, or photographed material. The only books published in the country were those published by the government, and state censors required pre-publication approval.

The government controlled all access to the Internet and subjected all electronic mail to review and censorship. In October Reporters without Borders noted that the government "does its best to keep its citizens away from the Internet." The Internet could be accessed only through government-approved institutions. Only foreigners were permitted to purchase Internet access cards from the national telephone monopoly, leading to a continued increase in clandestine Internet connections.

Direct Internet access was generally available only to certain government-approved individuals, including some doctors, professors, and journalists. The authorities continued to restrict the types and numbers of international Web sites that could be opened by citizens and did not permit church representatives to have Internet access. In November a foreign press account reported the government's acknowledgment that it blocked access to Web sites it considered to be terrorist, subversive, or pornographic.

On April 20, Internet access was suspended in Santiago de Cuba in anticipation of local elections. An employee of the only Internet cafe in the city reported that the Internet service provider routinely cut service any time a politically significant event took place.

The government restricted academic freedom and continued to emphasize the importance of reinforcing revolutionary ideology and discipline. Academics were prohibited from meeting with some diplomats without prior government approval. The Ministry of Education required teachers to evaluate students' and their parents' ideological character and to place such evaluations in school records. These reports directly affected students' educational and career prospects. Government policy required teaching materials for courses such as mathematics or literature to have ideological content. Ideological indoctrination began with textbooks for students in the early primary grades. Government-controlled public libraries denied access to books or information unless the requester produces a government letter of permission.

Academics whom the government allowed to travel abroad were aware that their actions, if deemed politically unfavorable, could negatively impact those back home.

b. Freedom of Peaceful Assembly and Association

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

Freedom of Assembly

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

On May 20, the government permitted a meeting in Havana of the Assembly to Promote Civil Society. Approximately 150 members and observers attended. However, two European journalists who sought to cover the event were expelled from the country, and for months afterwards, the government subjected participants to harassment, arrest, and other abuses. For example, on July 22, leaders of the Assembly for the Promotion of Civil Society Martha Beatriz Roque and Rene Gomez Manzano were among approximately 30 people arrested en route to a demonstration (see section 1.e.)

The authorities never have approved a public meeting by a human rights group and often detained activists to prevent them from attending meetings, demonstrations, or ceremonies. Unapproved meetings and demonstrations took place, which the government frequently disrupted, infiltrated, or attempted to prevent. Authorities sometimes used or incited violence against peaceful demonstrators.

On January 20, government agents assembled more than 500 people in the streets outside the house of Gerardo Lazcano Naranjo in efforts to disrupt a peaceful gathering at his home.

On July 13, authorities in Havana mobilized a Rapid Reaction Brigade against a small group convening at the city's sea wall for a peaceful commemoration ceremony. Brigade members verbally attacked and threatened the peaceful vigil, and police took into custody 30

participants, 7 of whom remained in custody at year's end. On August 12, at the instigation of the authorities, approximately 80 persons filled the streets in front of the home of Vladimiro Roca, leader of the outlawed political group Todos Unidos, thus preventing members of the group from attending a scheduled meeting.

On August 27, dissident doctor Darsi Ferrer organized a meeting of doctors and public health workers in Havana, which became the object of an "act of repudiation." A government-organized mob blocked and jostled would-be participants and hurled abuse at those inside.

On December 10, 13 pro-democracy activists gathered in Sancti Spiritus at the home of Irma Gomez Ortiz to mark Human Rights Day. A crowd of 70 people, including CP members, massed out front, shouting insults at those inside.

Freedom of Association

The law specifically prohibits unrecognized groups, and the government generally denied citizens the freedom of association. The authorities never have approved the existence of a human rights group; however, a number of professional associations operated as nongovernmental organizations (NGOs) without legal recognition, including the Association of Independent Teachers, the Association of Independent Lawyers, the Association of Independent Architects and Engineers, and several independent journalist organizations. The constitution proscribes any political organization other than the CP (see section 3).

Recognized churches (see section 2.c.), 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 control or influence of the state, the CP, and their mass organizations. The authorities continued to ignore applications from new groups for legal recognition, thereby subjecting members to potential charges of illegal association.

c. Freedom of Religion

Although the constitution recognizes the right of citizens to profess and practice any religious belief within the framework of respect for the law, the government continued to restrict freedom of religion. The government requires churches and other religious groups to enroll with the provincial registry of associations within the Ministry of the Interior to obtain official recognition. The government did not place any numerical limits on admissions to Catholic seminaries, and there were no constraints on ordination. In practice the government appeared to halt registration of new denominations, although no groups were known to have applied for registration during the year. The government tolerated some relatively new religions, such as the Baha'i Faith and a small congregation of the Church of Jesus Christ of Latter-day Saints. Officials frequently harassed and repressed unregistered religious groups.

The Ministry of Interior engaged in active efforts to control and monitor religious institutions, particularly through surveillance, infiltration, and harassment of religious professionals and practitioners. State Security officials visited priests and pastors prior to significant religious events to warn that dissidents were trying to "use the church." In many churches, most noticeably at Santa Rita's, in front of which relatives of political prisoners, the "Ladies in White," staged a weekly march for their release, State Security agents attended Mass for intimidation purposes.

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

The government, with rare exceptions, prohibited the construction of new churches, forcing many growing congregations to seek permits to meet in private homes. On February 18 the congregation of a Pentecostal parish in Havana rejected the government's order to demolish their church on the grounds that it was constructed illegally.

The government introduced a regulation to "legalize" thousands of private homes used for occasional church services; it set forth a number of requirements, including that the house host no more than three meetings per week and not be located within 1.2 miles of another such house. Some Protestants, whose congregations have grown in recent years, expressed worry that the regulation was aimed at them.

On January 7, Ismari de Armas lost her job at a Pinar del Rio sewing shop. The administrators of the state-owned shop told her they could not trust her because she was a Jehovah's Witness.

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

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

The CCC continued to broadcast a monthly 15-minute radio program on condition that it not include material of a political nature.

On January 6, priests of the *babalawo* cult reported that government officials visited them to pressure them to assimilate with the government-sanctioned Yoruba Cultural Association (YCA); inquired about membership roles, including the number of foreigners involved in the church; and informed the priests that if they sought to leave country all of their icons would be confiscated, unless they had a YCA membership card.

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 overtly anti-Semitic acts.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#)

d. Freedom of Movement Within the Country, Foreign

Travel, Emigration, and Repatriation

The law qualifies these rights, and the government severely restricted foreign travel and emigration. Although it generally did not restrict domestic travel, the government limited internal migration to Havana. State Security officials prohibited some human rights advocates and independent journalists from traveling outside their home provinces.

Although the law allows all citizens to travel anywhere within the country, residence is heavily restricted, thus impeding the right to move. The local housing commission and provincial government authorities consider requests for change of residence largely on the basis of housing space. According to the Cuban Commission for Human Rights, the system is fraught with corruption. During the wait for permission, which routinely lasts six months or more, the applicant cannot obtain food rations or a local identification card. Police frequently checked the identification of persons on the streets, and anyone from another province living in Havana illegally may be fined and sent home. While the regulation was in effect nationwide, it was applied most frequently in Havana. Afro-Cubans from the more impoverished eastern provinces were disproportionately affected by this regulation.

On July 14, independent journalist Lamasiel Gutierrez Romero was taken into custody for several hours when she purchased a plane ticket to travel from her home on the Isla de Juventud to Havana. While in custody, she was beaten, held without food or water, and threatened with imprisonment for up to two years.

In September independent journalist Amarilis Cortina Rey was fined for living "without official permission" in the Havana house her grandfather purchased in 1924 and for which she was the only heiress. Residency law was enforced selectively in her case, likely because of Cortina's work as an independent journalist. A similar incident occurred in December when a neighbor of activist Martha Beatriz Roque was evicted, almost certainly because of her friendship with Roque.

The government imposed restrictions on 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, thousands of citizens who received foreign travel documents were denied exit permits during the year. Most were doctors, nurses, and other health professionals. Others denied exit permits included young men of military age and citizens with certain political or religious beliefs. On December 14, the "Ladies in White"--relatives of political prisoners--were denied exit permits to receive the Sakharov Prize awarded to them by the European Parliament.

The government banned some of the professionals who were denied exit permits from working in their occupational fields or subjected them to arbitrary punishment. For instance, Doctor Amarilis Lorenzo Contreras and her dentist husband, Adalberto Dorrego Torres, were allowed to continue in their professions but were transferred to inferior government clinics after they sought exit permits.

Resolution 54 denies exit permits to medical professionals until they have performed three to five years of service in their profession after requesting permission to travel abroad. This regulation, which was normally applied to recent graduates, remained officially unpublished.

The denial of exit permits to men of military age usually covered individuals age 18 to 27; however, in most cases involving migration under the 1994 US-Cuba Migration Accords, the applicants eventually received exemption from obligatory service and were granted exit permits.

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.

Jorge Olivera, one of the 75 political prisoners summarily convicted in 2003, requested exit permission on January 6 and at year's end remained waiting for a response. Juan Carlos Gonzalez Leiva, former political prisoner and current political activist, reported that eight of his relatives, including his parents, sister, and her family, have waited since January for exit permits.

On January 17, authorities revoked the exit permit of Nelida Hernandez de Llano, a member of the Christian Liberation Movement. She and her family had qualified for refugee status abroad.

On September 20, police prevented dissident Miguel Sigler, his wife Josefa Lopez, and their two children from leaving the country as refugees, despite approved documentation. The family returned to Havana where they were forced to stay with friends because the government had already seized their house in Matanzas. On September 27, as Lopez walked along a Havana street, an assailant beat her, declaring that it was a warning to her and her husband. On October 5, the Sigler family was allowed to emigrate.

The government also used both internal and external exile to control internal opposition. 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 1 to 10 years. Under this provision, authorities may exile any person

whose presence in a given location is considered "socially dangerous."

The government routinely invoked forced exile as a condition for political prisoner releases and also pressured activists to leave the country to escape future prosecution.

Migrants must pay processing fees (approximately \$180 [4,500 pesos] for exit permission, \$66 [1,650 pesos] for a passport, and \$30 [750 pesos] for an airport tax), that amount to approximately 23 months' salary for the average citizen. Migrants to the United States faced an additional charge of approximately \$720 (18 thousand pesos or 5 years' salary) for adults and \$480 (12 thousand pesos) for children. These fees represented a significant hardship, particularly for political refugees, many of whom were fired from their jobs for being "politically unreliable" and had no income. At year's end some refugees were unable to leave the country because of inability to pay exit fees. Authorities routinely dispossessed refugees 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 3 years or a fine of \$12 to \$40 (300 to 1,000 pesos) for unauthorized departures by boat or raft. The Office of the UN High Commissioner for Refugees (UNHCR) stated that it regarded imprisonment of more than one year for simple illegal exit as excessive. Under the terms of the 1994 US-Cuba Migration Accord, the government agreed not to prosecute or retaliate against migrants returned from international or US waters, or from the US Naval Base at Guantanamo, after attempting to emigrate illegally if they had not committed a separate criminal offense. However, in practice some persons repatriated under the terms of the Accord reported harassment and discrimination.

Protection of Refugees

Although the country is not a party to the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol, the constitution provides for the granting of asylum to individuals persecuted for their ideals or actions involving a number of specified political grounds. Although the government has no formal mechanism to process asylum for foreign nationals, in practice it provided protection against *refoulement*, the return of persons to a country where they feared persecution.

The government had an established system to provide assistance to refugees. During the year 39 persons applied for refugee status, of whom 10 were approved; according to the UNHCR, there were 708 refugees in the country. The government cooperated with the UNHCR, and provided temporary protection to a small number of persons.

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. The constitution, which proscribes any political organization other than the CP, defines socialism as its "irrevocable" basis. Candidates for provincial and national office must be approved in advance by mass organizations controlled by the government. In practice a small group of leaders, under the direction of the president, selected the members of the highest policy-making bodies of the CP, the Politburo, and the Central Committee.

The government continued to reject the petition for a national referendum on political and economic reforms known as the Varela Project, despite more than 40 thousand signatures.

Elections and Political Participation

In 2003 there were national elections in which 609 candidates were approved to compete for the 609 seats in the National Assembly. The CP was the only political party allowed to participate in the elections. A small minority of candidates did not belong formally to the CP but were chosen through the same government-controlled selection process. The government saturated the media and used government ministries, CP entities, and mass organizations to urge voters to cast a "unified vote" where marking one box automatically selected all candidates on the ballot form.

During the year there were elections for nearly 15 thousand local representatives to the municipal assemblies. After the first run-off election, the government reported that 96.6 percent of the electorate had voted. While the law allows citizens not to vote, CDRs often pressured neighborhood residents to cast ballots. According to the Cuban Commission for Human Rights, the government blacklisted those who did not vote.

Although not a formal requirement, in practice CP membership was a prerequisite for high-level official positions and professional advancement.

The government rejected any change to the political system that it judged incompatible with the revolution and ignored or actively suppressed calls for democratic reform. After the Christian Liberation Movement, led by Oswaldo Paya, submitted to the National Assembly two petitions (known as the Varela Project) proposing a national referendum on political and economic reforms, the National Assembly in 2003 unanimously passed an amendment making socialism the irrevocable basis of the constitution.

Varela organizers continued to collect signatures in support of their proposal; however, activists reported increased harassment by State Security agents. Authorities arrested and detained Varela activists, confiscated signatures, fined and threatened activists and signers, and forced signers to rescind signatures. State Security impersonated canvassing volunteers and increasingly infiltrated the ranks of activists. In May and June, Oswaldo Paya reported State Security agents visited and pressured more than 50 Varela Project signatories to retract their

signatures and denounce the Varela Project activists who had collected their signatures.

There were 2 women in the 24-member Politburo and 22 in the 150-member Central Committee. Women held 5 seats in the 390 member-Council of State and 219 seats in the 609-seat National Assembly.

While the 2002 census recorded that blacks and persons of partial African descent account for 35 percent of the population, according to the 2002 census, some observers estimated that Afro-Cubans made up 50 percent or more of the population. Persons of African descent held 6 seats in the 24-member Politburo. Following the selection of the new ANPP in 2003, the government reported its composition as 67 percent white, 22 percent black, and 11 percent mixed race.

Government Corruption and Transparency

Independent and official press reported incidents of government corruption. In October the government acknowledged massive corruption at state-run gas stations and ordered youth brigades to take over their operations. Also during the year, the government released statistics indicating that prosecutors over the past three years had made 16 thousand accusations for economic crimes at state-run companies.

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

Section 4 Governmental Attitude Regarding International and

Nongovernmental Investigation of Alleged Violations of Human Rights

In violation of its own statutes, the government did not recognize any domestic human rights groups or permit them to function legally. Several human rights organizations continued to function outside the law, including the Cuban Commission for Human Rights and National Reconciliation, the Cuban Committee for Human Rights, and the Cuban Human Rights Party. The government subjected domestic human rights advocates to intense intimidation and harassment, including threats of disappearance. For example, on September 17 in Pinar del Rio city, State Security agents visited the home of human rights activist Virgilio Pita Rivero and told his wife that if he did not end his activities, they would "make him disappear."

State Security officials often infiltrated human rights organizations and subjected them to constant surveillance. Public identification of suspected state infiltrators was a crime punishable by 8 to 15 years' imprisonment.

The government took various steps to restrict the operation of domestic human rights NGOs that advocated or criticized the government's human rights policies. Government authorities regularly threatened NGOs with prosecution under the Penal Code provisions of "dangerousness" (see section 1.a.) Both the UN Commission on Human Rights (UNCHR) and the IACHR criticized this tactic for its arbitrariness, the summary nature of the judicial proceedings employed, the lack of legal safeguards, and the political considerations behind its application. Private individuals acting in response to government instigation and coercion often harassed members of human rights NGOs; crowds assembled at their homes prevented access, intimidated people, and sometimes caused material damage.

The government rejected international human rights monitoring, did not recognize the mandate of the UNCHR, and refused to acknowledge requests by the Personal Representative of the Commissioner on Human Rights, to visit the country. Meanwhile, the UNCHR renewed the status of the personal representative.

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 prohibits threats and inflicting injuries, including those associated with domestic violence. Human rights advocates reported that violence against women was a problem, and police often did not act on cases of domestic violence. Violent crime rarely was reported in the press, and there was no available data regarding the extent of domestic violence.

The law criminalizes rape (though it was unclear whether that included spousal rape) and stipulates penalties ranging from 4 to 10 years' imprisonment. If two or more rapists are involved, or if the rapist had been convicted previously of the same offense, sentences could reach 15 years. If the victim is under 12, or if the act results in injuries or grave illness, capital punishment is possible. The government enforced the law.

Prostitution is legal for persons over age 17, but pandering and economic activities facilitating prostitution, including room rentals, are illegal. Large numbers of foreign tourists visited the country specifically to patronize prostitutes, and sex tourism was a problem. Some street police officers were suspected of providing protection to individuals engaged in prostitution, who were numerous and visible in Havana and other major cities.

The law provides penalties for sexual harassment, with potential sentences of three months to five years' imprisonment. The rigor of

enforcement and the extent of the problem were unclear. The law was applied most frequently to male supervisors "abusing their power" with female subordinates, according to the Cuban Commission for Human Rights.

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

Children

The law provides that all children have equal rights and that parents have a duty to ensure their protection. Public education was free through the university level. The law requires school attendance until the ninth grade, which was the highest level achieved by most children. The government reported that 99.4 percent of primary-school-age children were enrolled in school during the 2004-05 school year, while UNICEF recorded that 93.1 percent of secondary-school-age children were enrolled in the 2003-04 school year. All elementary and secondary school students received obligatory ideological indoctrination.

Boys and girls had equal access to a national health care system that covered all citizens. UNICEF reported high vaccination rates for childhood diseases. Children up to age seven received additional food rations through the ration card system.

Although seldom covered in the official media, there were occasional reports of child abuse, but there was no societal pattern of child abuse. Researchers released the results of a six-year study of child abuse in the Santiago area, conducted by the Superior Institute of Medical Sciences, which found that 50 percent of children aged 8 to 10 reported having been punched or kicked following the ingestion of alcohol by their parents.

Police officers who found children loitering in the streets or begging from tourists frequently intervened and tried to find the parents. If a child was found bothering tourists more than once, police frequently fined the child's parents. During their summer vacation, students were pressured to enlist for up to a week of "volunteer labor" at work camps in rural areas.

Child prostitution was a problem, with young girls engaging in prostitution to help support themselves and their families (see section 5, Trafficking). Children may marry with the consent of their parents at age 14, but the law provides for 2 to 5 years' imprisonment for anyone who "induces minors under 16 years of age to practice homosexuality or prostitution."

Trafficking in Persons

The law prohibits all forms of trafficking in persons, and there were no reports that persons were trafficked to or from the country. Trafficking for underage prostitution and forced labor occurred within the country.

The law criminalizes promoting or organizing the entrance of persons into, or the exit of persons from, the country for the purpose of prostitution; violators were subject to 20 to 30 years' imprisonment.

The Ministries of Justice and Education, the PNR, and local governments are tasked with different facets of combating trafficking in persons and the problem of underage prostitution; no entity had complete autonomy dealing with these problems. The police were tasked with investigating and arresting traffickers; the Ministry of Justice with prosecuting and incarcerating traffickers; and the Ministry of Education with rehabilitating prostitutes, including underage prostitutes. No information was available concerning government assistance with international investigations of trafficking or the extradition of traffickers.

While underage prostitution was widely apparent, there were no reliable statistics available regarding its extent. Although the police generally enforced laws on underage prostitution, the phenomenon continued, with cabarets and discos catering to sex tourists. The government prosecuted persons involved in child prostitution and child pornography and assisted other countries in international investigations of child sexual abuse.

Trafficking victims came from all over the country, and most worked in the major cities and tourist resort areas. Anecdotal information indicated that victims came from poor families; in many cases, families encouraged victims to enter into prostitution.

There was no information available regarding traffickers and their methods.

There were anecdotal reports of police officers receiving bribes to allow exploitation of minors for prostitution.

Individuals engaged in prostitution, including possible trafficking victims and children, often were treated as criminals, detained, and taken to rehabilitation centers.

No civil society groups in the country assisted trafficking victims in an official capacity.

Persons with Disabilities

There was no known law prohibiting official discrimination against persons with disabilities in employment, education, access to health care,

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

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

National/Racial/Ethnic Minorities

Although there were many black police officers and army enlisted personnel, racial discrimination often occurred. Blacks complained of frequent and disproportionate stops for identity checks.

Other Societal Abuses and Discrimination

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

The government restricted persons found to be HIV-positive to sanatoriums for treatment and therapy before conditionally releasing them into the community. Even after their release, some persons with HIV/AIDS said the government monitored their movements with a de-facto chaperone to prevent the spread of the illness. HIV/AIDS sufferers also asserted that state medical professionals frequently failed to respect confidentiality, with the result that their condition was known widely throughout their neighborhoods. Some persons with HIV/AIDS said the government only offered them jobs incompatible with their medical condition.

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 have a mobilization function and do 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 CP selects the leaders of the sole legal labor confederation, the Confederation of Cuban Workers (CTC), whose principal responsibility is to ensure that government production goals are met. Virtually all workers were required to belong to the CTC, and promotions were frequently limited to CP members who take part in mandatory marches, public humiliations of dissidents, and other state-organized activities.

Workers often lost their jobs because of their political beliefs, including their refusal to join the official union. Several small independent labor organizations were created, although they functioned without legal recognition. These organizations also were subject to infiltration by government agents and were unable to represent workers effectively or work on their behalf.

On January 11, independent union organizer Juan Antonio Salazar was arbitrarily detained by police while he was walking down the street. Police threatened to charge Salazar with "threatening behavior" but after several hours released him without charges.

b. The Right to Organize and Bargain Collectively

Although provided for in the law, collective bargaining does not exist in practice. The State Committee for Work and Social Security sets wages and salaries for the state sector, which is virtually the only employer in the country. The law does not provide for strikes, and none were known to have occurred during the year. There are no special laws or exemptions from regular labor laws in the three export processing zones.

The law denies all workers, except those with special government permission, the right to contract directly with foreign companies investing in the country. Although a few firms negotiated exceptions, the government required foreign investors and diplomatic missions to contract workers through state employment agencies, which were paid in foreign currency, but which, in turn, paid workers very low wages in pesos (see section 6.e.) Workers subcontracted by state employment agencies must meet certain political qualifications. The state employment agencies consulted with the CP, the CTC, and the Union of Communist Youth to ensure that the workers chosen "deserved" to work in a joint enterprise.

c. Prohibition of Forced or Compulsory Labor

The law does not prohibit forced or compulsory labor by adults. The government maintained correctional centers for persons convicted of such crimes as "dangerousness" (see section 1.a.). Prisoners held in such centers were forced to work on farms or at sites performing construction, agricultural, or metal work. The authorities also often imprisoned persons sent to work sites who refused to work.

On July 5, Ernesto Arocha Carta, a retiree who had been declared disabled, filed a complaint with the Ministry of Justice protesting his sentence to one year's house arrest, which included forced labor.

The law prohibits forced or compulsory labor by children, but there were reports that such practices occurred (see section 6.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 post-secondary institutions (technical schools, university preparatory schools, and agricultural institutes) were expected to devote 30 to 45 days per year to primarily agricultural work. Refusal to do agricultural work could result in expulsion from school.

The legal minimum working age is 17, but the Labor Code permits the employment of 15- and 16-year-old children to obtain training or to fill labor shortages. The Labor Code does not permit teenagers to work more than 7 hours per day or 40 hours per week or on holidays. Children age 13 to 18 cannot work in specified hazardous occupations, such as mining, or at night.

e. Acceptable Conditions of Work

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

The government required foreign companies in joint ventures with state entities to hire and pay workers through the state (see section 6.b.). HRW noted that the required reliance on state-controlled employment agencies left workers without any capacity directly to negotiate wages, benefits, the basis of promotions, or the length of the workers' trial period at the job with the employer. Foreign companies paid the government as much as \$500 to \$600 per worker per month; however, because the government paid salaries in nonconvertible pesos, workers only received 5 percent of the money foreign companies paid to the government for their services.

The standard workweek was 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. Workers were occasionally asked to work overtime at their usual, non-overtime rate; refusal to do so could result in a notation in the employee's official work history that could imperil any subsequent request for vacation time.

Laws providing for workplace environmental and safety controls were inadequate, and the government lacked effective enforcement mechanisms. In December the government announced that in the first 11 months of the year, 90 people died in work-related accidents, compared with 72 for the same period in 2004. The law provides that a worker who considers his life in danger because of hazardous conditions has the right to refuse to work in a position or not to engage in specific activities until such risks are eliminated; the worker remains obligated to work temporarily in whatever other position may be assigned him at a salary provided for under the law.

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