



Cuba

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Cuba is a totalitarian state controlled by President Fidel Castro, who is Chief of State, Head of Government, First Secretary of the Communist Party, and commander-in-chief of the armed forces. President Castro exercises control over all aspects of life through the Communist Party and its affiliated mass organizations, the government bureaucracy, and the state security apparatus. The Communist Party is the only legal political entity, and President Castro personally chooses the membership of the Politburo, the select group that heads the party. There are no contested elections for the 601-member National Assembly of People's Power (ANPP), which meets twice a year for a few days to rubber stamp decisions and policies already decided by the Government. The Party controls all government positions, including judicial offices. The judiciary is completely subordinate to the Government and to the Communist Party.

The Ministry of Interior is the principal organ of state security and totalitarian control. Officers of the Revolutionary Armed Forces (FAR), which are led by President Castro's brother, Raul, have been assigned to the majority of key positions in the Ministry of Interior in recent years. In addition to the routine law enforcement functions of regulating migration and controlling the Border Guard and the regular police forces, the Interior Ministry's Department of State Security investigates and actively suppresses opposition and dissent. It maintains a pervasive system of vigilance through undercover agents, informers, the rapid response brigades, and the Committees for the Defense of the Revolution (CDR's). The Government traditionally uses the CDR's to mobilize citizens against dissenters, impose ideological conformity, and root out "counterrevolutionary" behavior. During the early 1990's, economic problems reduced the Government's ability to reward participation in the CDR's and hence the willingness of citizens to participate in them, thereby lessening the CDR's effectiveness. Other mass organizations also inject government and Communist Party control into citizens' daily activities at home, work, and school. Members of the security forces committed serious human rights abuses.

The Government continued to control all significant means of production and remained the predominant employer, despite permitting some carefully controlled foreign investment in joint ventures with it. Foreign companies are required to contract workers only through Cuban state agencies, which receive hard currency payments for the workers' labor but in turn pay the workers a fraction of this (usually 5 percent) in local currency. In 1998 the Government retracted some of the changes that had led to the rise of legal nongovernmental business activity when it further tightened restrictions on the self-employed sector by reducing the number of categories allowed and by imposing relatively high taxes on self-employed persons. In September the Minister of Labor and Social Security publicly stated that more stringent laws should be promulgated to govern self-employment. He suggested that the Ministry of Interior, the National Tax Office, and the Ministry of Finance act in a coordinated fashion in order to reduce "the illegal activities" of the many self-employed. According to government officials, the number of self-employed persons as of September was 156,000, a decrease from the 166,000 reported in 1999.

According to official figures, the economy grew 5.6 percent during the year. Despite this, overall economic output remains below the levels prior to the drop of at least 35 percent in gross domestic product that occurred in the early 1990's due to the inefficiencies of the centrally controlled economic system; the loss of billions of dollars of annual Soviet bloc trade and Soviet subsidies; the ongoing deterioration of plants, equipment, and the transportation system; and the continued poor performance of the important sugar sector. The 1999-2000 sugar harvest (just over 4 million tons) was marginally better than the 1998-99 harvest. The 1997-98 harvest was considered the worst in more than 50 years. For the tenth straight year, the Government continued its austerity measures known as the "special period in peacetime." Agricultural markets, legalized in 1994, provide consumers wider access to meat and produce, although at prices beyond the reach of most citizens living on peso-only incomes or pensions. Given these conditions, the flow of hundreds of millions of dollars in

remittances from the exile community significantly helps those who receive dollars to survive. Tourism remained a key source of revenue for the Government. The system of so-called tourist apartheid continued, with foreign visitors who pay in hard currency receiving preference over citizens for food, consumer products, and medical services. Most citizens remain barred from tourist hotels, beaches, and resorts.

The Government's human rights record remained poor. It continued to violate systematically the fundamental civil and political rights of its citizens. Citizens do not have the right to change their government peacefully. There were unconfirmed reports of extrajudicial killings by the police, and reports that prisoners died in jail due to lack of medical care. Members of the security forces and prison officials continued to beat and otherwise abuse detainees and prisoners. The Government failed to prosecute or sanction adequately members of the security forces and prison guards who committed abuses. Prison conditions remained harsh. The authorities continued routinely to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country. The Government used internal and external exile against such persons, and it offered political prisoners the choice of exile or continued imprisonment. The Government denied political dissidents and human rights advocates due process and subjected them to unfair trials. The Government infringed on citizens' privacy rights. The Government denied citizens the freedoms of speech, press, assembly, and association. It limited the distribution of foreign publications and news, reserving them for selected party faithful, and maintained strict censorship of news and information to the public. The Government restricts some religious activities but permits others. Before and after the January 1998 visit of Pope John Paul II, the Government permitted some public processions on feast days, and reinstated Christmas as an official holiday; however, it has not responded to the papal appeal that the Church be allowed to play a greater role in society. During the year, the Government allowed two new priests to enter the country (as professors in a seminary) and another two to replace two priests whose visas were not renewed. However, the applications of many priests and religious workers remained pending, and some visas were issued for periods of only 3 to 6 months. The Government kept tight restrictions on freedom of movement, including foreign travel. The Government was sharply and publicly antagonistic to all criticism of its human rights practices and discouraged foreign contacts with human rights activists. Violence against women, especially domestic violence, and child prostitution are problems. Racial discrimination occurs. The Government severely restricted worker rights, including the right to form independent unions. The Government prohibits forced and bonded labor by children; however, it requires children to do farm work without compensation during their summer vacation.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated killings. There were unconfirmed reports of deaths due to the excessive use of force by the national police.

On October 6, according to a report by the Agencia de Prensa Libre Oriental (APLO--an independent news agency), a policeman shot 41-year-old Leovigildo Oliva, from El Poblado, Dos Caminos de San Luis, Santiago province, as he was returning home in the early morning on horseback carrying a bag of animal feed. Oliva was taken to the hospital and died a few hours later. No explanation was given for the shooting.

On December 28, 27-year-old Leonardo Horta Camacho was shot and killed. According to some reports, Horta apparently was shot while trying to steal a pig; a policeman reportedly told Horta's girlfriend that he was accidentally shot while struggling with a policeman. Another version was that police thought Horta was one of two escaped prisoners that they were searching for.

Government sanctions against perpetrators were light or nonexistent in the cases of deaths due to excessive use of force that occurred in 1998. There was no information available about the results of any investigations into the 1998 deaths of Wilfredo Martinez Perez, Yuset Ochoterena, and Reinery Marrera Toldedo.

During the year, there were reports that prisoners died in jail due to lack of medical care (see Section 1.c.).

In 1996 the Inter-American Commission on Human Rights (IACHR) issued its final report on the Government's July 1994 sinking of the 13th of March tugboat, which killed 41 persons. The IACHR ordered the Government to indemnify the survivors and the relatives of the victims for the damages caused. At year's end, the Government still had not done so. The Government detained a number of human rights activists to prevent them from participating in a Mass in memory of the victims on the anniversary of the deaths (see Sections 1.d.

and 2.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits abusive treatment of detainees and prisoners; however, there were instances in which members of the security forces beat and otherwise abused human rights advocates, detainees, and prisoners. There were numerous reports of disproportionate police harassment of black youths (see Section 5).

On January 22, Communist Party members attacked members of the Sigler Amaya family in their home in Pedro Betancourt, in the province of Matanzas, in the presence of police officers. The family was concluding a fast for the release of two of their family members, Guido Sigler Amaya and Ariel Sigler Amaya, who were detained on December 15, 1999. After destroying a number of placards, the 10 party members attacked several persons in the family with sticks. Juan Francisco Sigler Amaya was knocked unconscious; Miguel Sigler Amaya suffered a broken rib; Gulliver and Ulises Sigler Gonzalez, the sons of Juan Francisco, received lesser injuries. Party members also beat Gloria Amaya Gonzalez, the grandmother. After the attack, police officers entered the house and arrested all the men in the house. The police did not arrest the attackers. On January 23, the authorities released Juan Rogelio "Yeyo" Gonzalez, Juan Francisco Martinez, and Miguel Sigler Amaya but fined them for disturbing the peace and causing public disorder. At year's end, the Government had not sanctioned any of the Communist Party members for this attack. Police released Guido Sigler Amaya on July 9, and Ariel Sigler Amaya on August 5.

On July 13, Ernesto La O Ramos of the "Maximo Gomez National Civic Movement," reportedly planned to place flowers in a nearby river in commemoration of the death of 41 persons, who died in the sinking of the 13th of March tugboat in 1994. A policeman warned La O Ramos not to go to the river. When he refused, the policeman brought him to the police station. On the way to the police station, La O Ramos greeted a friend, and the policeman reportedly interpreted this as an indication that La O Ramos intended to run away. The officer hit La O Ramos in the face, fracturing his nose and breaking his eye glasses. La O Ramos was cited for disrespect and his trial on August 3 was postponed until further notice. However, on September 29, the judge dismissed the charges against La O Ramos.

The Government continued to subject persons who disagree with it to acts of repudiation. At government instigation, members of state-controlled mass organizations, fellow workers, or neighbors of intended victims are obliged to stage public protests against those who dissent with the Government's policies, shouting obscenities and often causing damage to the homes and property of those targeted; physical attacks on the victims sometimes occur. Police and state security agents are often present but take no action to prevent or end the attacks. Those who refuse to participate in these actions face disciplinary action, including loss of employment.

During the year, there were no massive acts of repudiation directed against the homes of individual human rights activists; however, there were smaller-scale acts of repudiation, known as "reuniones relampagos," or rapid repudiations. These acts are conducted by a small number of persons, usually not from the person's neighborhood, and can last up to 30 minutes. These individuals shout epithets and throw stones or other objects at the target's house. For example, in the early morning on June 21, a small group of persons threw stones, tomatoes, and eggs for about 10 minutes at the home of Yvette Rodriguez Manzanares in Santiago de Cuba. Rodriguez is a member of Followers of Chibas Movement (MSC).

On the night of August 12, unknown persons threw stones at the house of Nelson Parra Polanco, a member of the Democratic Solidarity Party in Manzanillo in the province of Granma. On September 27, just before midnight, an unknown number of persons entered the yard of the house of Isabel del Pino, president of the Association of Humanitarian Followers of Christ the King, and knocked loudly on her door. The crowd also shouted abusive language, such as "Down with the Worm" ("Abajo la gusanera"), "Let the worms leave" ("Que se vayan los gusanos"), etc.

Prison conditions continued to be harsh and life threatening, and conditions in detention facilities also are harsh. The Government claims that prisoners have rights, such as family visitation, adequate nutrition, pay for work, the right to request parole, and the right to petition the prison director. However, police and prison officials often denied these rights in practice, and beat, neglected, isolated, and denied medical treatment to detainees and prisoners, including those convicted of political crimes or those who persisted in expressing their views. Human Rights Watch (HRW) reported that in February 1999, the Government revised the Penal

Code to provide that prisoners cannot be subjected to corporal punishment, nor is it permitted to employ any means against them to humiliate them or to lessen their dignity. However, the revised code failed to establish penalties for committing such acts.

The Government regularly violated prisoners' rights by failing to provide adequate nutrition and medical attention. On June 1, APLO reported that Marcelo Diosdado Amelo Rodriguez, imprisoned in Boniato, was not receiving medicine for hypertension and circulatory problems. In June the Inter-American Press Association (IAPA) called on the Government to provide medical treatment to two journalists serving prison sentences. The two journalists suffered from hepatitis and serious influenza, and the IAPA feared that one might contract tuberculosis. On July 27, an independent press agency reported the death of common prisoner Lucia Castelua Padron because prison authorities did not transfer her to a hospital to receive treatment for hepatitis. In 1997 the IACHR described the nutritional and hygienic situation in the prisons, together with the deficiencies in medical care, as "alarming." Both the IACHR and the former U.N. Special Rapporteur on Cuba, as well as other human rights monitoring organizations, reported the widespread incidence in prisons of tuberculosis, scabies, hepatitis, parasitic infections, and malnutrition.

On April 10, over 100 prisoners in Prison 1580, located in the Havana City municipality of San Miguel del Padron, protested the lack of medical attention and requested better prison conditions. On May 3, a number of prisoners reportedly rioted in Kilo 7, a prison in Camaguey, and requested better medical treatment, better food, and personal respect. Special police forces apparently attacked the prisoners and terminated the strike, an action that resulted in 20 prisoners being hospitalized.

Prison guards and state security officials also subjected human rights and prodemocracy activists to threats of physical violence; to systematic psychological intimidation; and to detention or imprisonment in cells with common and violent criminals, sexually aggressive inmates, or state security agents posing as prisoners.

There are separate prison facilities for women and for minors.

Prison officials regularly denied prisoners other rights, such as the right to correspondence, and continued to confiscate medications and food brought by family members for political prisoners. Prison authorities also routinely denied religious workers access to detainees and prisoners.

Political prisoners are required to comply with the rules for common criminals and often are punished severely if they refuse. They often are placed in punishment cells and held in isolation. Detainees and prisoners often are subjected to repeated vigorous interrogations designed to coerce them into signing incriminating statements, to force collaboration with authorities, or to intimidate victims.

Vladimiro Roca Antunez, a member of the Internal Dissidents Working Group, remains in prison, and was moved from solitary confinement in early July to a section of the prison for common prisoners. Prison officials denied Roca prison furloughs over weekends, which were granted to the three other members of the group before their release in May (see Section 1.e.).

The authorities took Dr. Oscar Elias Biscet to a prison in Holguin, located about 450 miles from Havana where his family lives, immediately following his 1-day trial in February. On June 7, Biscet was placed in a "punishment cell" and could not receive visitors nor receive food, clothes, or publications. He was not allowed to take any reading materials to the punishment cell, not even the Bible. The authorities allegedly placed Biscet in a punishment cell because he started a 6-hour fast to commemorate the 40 days of fasting that he started on June 7, 1999, in an apartment on Tamarindo 34 in the 10th of October municipality in Havana. On July 1, Biscet left the punishment cell; however, authorities sent him back to the punishment cell again when he announced his intention to fast on July 13 in honor of the Cubans who died when the 13th of March tugboat sank in 1994. Prison authorities reportedly told Biscet that such actions were disruptive of prison life and could lead to violence. Biscet served 42 days in solitary confinement. In November prison authorities punished Biscet again, this time for protesting inadequate medical attention for 10 common prisoners suffering from diarrhea. Guards allegedly denied him food that his family brought and refused to allow a scheduled family visit. Biscet still was imprisoned at year's end.

From May 24 to June 1, political prisoners Jorge Garcia Perez (Antunez) conducted a hunger strike to protest the lack of medical attention, the arbitrary removal of books and literature, including the Bible, and suspension of family visits. He reportedly received improved treatment from prison officials following the hunger strike.

On August 22, the parents of Jesus Joel Diaz Hernandez reported that he was placed in a punishment cell in the provincial prison of Canaleta in Ciego de Avila. Prison officials did not allow him to have any literature, including the Bible.

Although no longer in solitary confinement in a punishment cell, Francisco Chaviano Gonzalez, who was president of the National Council for Civil Rights in Cuba and who has been imprisoned since 1994 on charges of espionage and disrespect, refuses to see family members until prison officials guarantee that he can receive visits from his family members once a month, in accordance with prison regulations. Presently Chaviano and his wife exchange letters.

The Government does not permit independent monitoring of prison conditions by international or national human rights monitoring groups. The Government has refused to allow prison visits by the International Committee of the Red Cross (ICRC) since 1989 and continues to refuse requests to renew such visits.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention continued to be problems, and they remained the Government's most effective weapons for harassing opponents. The Law of Penal Procedures 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 the authorities to provide suspects with access to a lawyer within 7 days of arrest. However, the Constitution states that all legally recognized civil liberties can be denied to anyone who actively opposes the decision of the Cuban people to build socialism. The authorities routinely invoke this sweeping authority to deny due process to those detained on purported state security grounds.

The authorities routinely engage in arbitrary arrest and detention of human rights advocates, subjecting them to interrogations, threats, and degrading treatment and unsanitary conditions for hours or days at a time. A survey by the illegal nongovernmental organization (NGO) the Cuban Commission of Human Rights and National Reconciliation reported that the Government sanctioned or processed 368 persons for political motives in 1999. Amnesty International (AI) further recognized the increase of arrests and harassment of dissidents at year's end, particularly around the anniversary of the Universal Declaration of Human Rights, when the authorities arrested approximately 200 persons to prevent them from participating in a celebration of that anniversary. Human rights activists characterized this escalation as the worst in a decade. Elizardo Sanchez Santa Cruz, president of the Cuban Commission of Human Rights and National Reconciliation, said that he especially was disturbed about the new and unlawful methods that the security forces used to harass dissidents, including the use of force when arresting activists.

For example, the police arrested Victor Rolando Arroyo Carmona, an independent journalist, and Pedro Pablo Hernandez Mijares during a birthday party celebration for Noel Ascanio Montero in Guines. The police beat Rolando Arroyo, confiscated his cassette recorder (he is an independent journalist) and \$15. Police subsequently left the two men on the side of a road, far from Guines. The men returned to Guines and went to the local police station to lodge a formal complaint against the police, but instead were again driven away and left on the road more than 20 miles away. On returning to Guines in the early morning, Rolando Arroyo again went to the police station, but police intercepted him and took him to the next municipality of Guanajay.

In December 1999, police detained Jose Aguilar Hernandez and Carlos Oquendo Rodriguez of the July 13 Movement, Diosdado Gonzalez Marrero of the Peace, Love, and Liberty Party, and Marcel Valenzuela Salt of the Brotherly Civic Organization when they attempted to demonstrate during the religious festivities in honor of St. Lazarus, near the small town of El Rincon, near Havana. On June 13, the authorities released the four men.

In December 1999, the authorities arrested Maritza Lugo Fernandez, the vice president of the Democratic November 30 Party and released her only on June 2. Maritza Lugo had been released from jail in August 1999, then was detained various times before her subsequent arrest in December 1999. When Maritza Lugo was released, state security officials told her to prepare the papers for the departure of her family, including her husband, Rafael Ibarra Roque, who still was in jail. However, in December the authorities again arrested Maritza Lugo and detained her until year's end without filing charges against her.

The authorities continued to detain human rights activists and independent journalists for short periods, often to prevent them from attending or participating in events related to human rights issues. The authorities also placed such activists under house arrest for short periods for similar reasons.

On January 13, security personnel impeded a number of human rights activists and independent journalists from attending the trial of independent journalist Victor Rolando Arroyo Carmona. Victor Rolando received a 6-month jail sentence for allegedly hoarding toys. He bought toys to distribute to poor children on January 6. The Government confined Juan Carlos Perez Arencibia, Feliciano Alvarez, and Cecilio Gonzalez to their homes so that they could not attend Arroyo's trial in Pinar del Rio. In 1996 Arroyo Carmona served a 1-year and 9 months' prison term for showing disrespect to authorities.

On January 25, police detained Oswaldo Paya Sardinias, president of the Christian Liberation Movement and Hector Palacios Ruiz, director of the Center for Social Studies. According to Elizardo Sanchez Santa Cruz, the two were detained to prevent a meeting from taking place at Palacios' house regarding "All United," a document that was issued just before the Ninth Ibero-American Summit in November 1999 in Havana. The police also detained a number of other dissidents, including Jose Orlando Gonzalez Bridon, Secretary General of the Confederation of the Democratic Workers Union of Cuba, and an independent journalist; all were released the same afternoon. Police had detained Bridon on January 20 and questioned him about his journalistic activities.

State Security officers detained human rights activists and independent journalists, including Alejandro Chang of the Movement of Fraternal Brothers for Dignity; Nelson Aquiar Ramirez of the Orthodox Party, Maria A. Garcia Delgado of the Movement of 24 February, Carlos Alberto Dominguez of the November 30 Democratic Party, Carlos Rios of Change 2000, Clara Morales Martinez of the July 13 Movement, Angel Polanco, Rafael Peraza, Maria de los Angeles Gonzalez Amaro, and Jose Antonio Fornaris Ramos to make sure they did not attend the 1-day public trial of Dr. Oscar Elias Biscet, Eduardo Diaz Fleitas, and Fermin Scull Zulueta, which took place on February 25 in Havana. In addition, the authorities told many dissidents and independent journalists not to attend. The authorities ordered prominent dissident Jesus Yanez Pelletier not to leave his house, and placed guards outside to ensure compliance. Others who were ordered to stay in their homes were Maria Esther Suarez Valdes of the Confederation of Democratic Workers Union of Cuba; Ileana Gonzalez of the Democratic Party November 30; Ruben Camalleri of the Movement of February 24; Carlos Raul Jimenez Carrero of Nationalist Agenda; and Odilia Collazo Valdes of the Pro-Human Rights Party of Cuba. The authorities placed independent journalists Omar Rodriguez Saludes and Jorge Olivera Castillo under 1-day house arrest.

On May 24, security police detained four human rights activists who were on their way to deliver a letter requesting better prison conditions for political prisoners to prison authorities in Vedado, Havana. The letter also protested Dr. Biscet's incarceration 450 miles away from his family. Police detained Armando Dominguez and Iosvani Aquilar Camejo of the Movement of Fraternal Brothers for Dignity, and Alejandro Chang Cantillo and Marlon Cabrera of the Brotherly Civic Movement. On October 23, the police released Marlon Cabrera Rivero and Alejandro Chang Cantillo; they released Armando Dominguez Gonzalez on October 20 and Iosvani Aquilar Camejo on October 30. The authorities also fined Aquilar Camejo about \$30 (600 pesos) for disturbing the peace in the prison.

On June 29, the police arrested Rafael Iturralde Bello, president of the Libertad independent agricultural cooperative in Santiago de Cuba, outside a bus station in Pinar del Rio. They arrested Iturralde before he could meet with other members of the National Association of Independent Farmers of Cuba in Pinar del Rio. They released Iturralde 24 hours later and placed him on a bus to Santiago de Cuba.

As in previous years, on July 13, police prevented activists from commemorating in any way the 1994 incident in which 41 persons drowned when the Border Guard sank the 13th of March tugboat (see Section 1.a.). Beginning on July 12, police detained activists in a number of provinces, and ordered others to remain in their homes on July 13. The authorities told dissidents that if they did not obey they would be prosecuted for illegal assembly and distribution of enemy propaganda, or for incitement to rebellion. In Santiago de Cuba, more than 80 state security agents reportedly attacked about 30 dissidents who had thrown bouquets of flowers into the ocean in honor of those who died in 1994. State Security agents allegedly also beat women in the group. Security agents accused the dissidents of being thieves and delinquents (see Section 2.b.).

On July 21, the authorities also prevented activists in Santiago de Cuba, including independent journalist Luis Alberto Rivera and Fidel Soria Torres and Ivette Rodriguez Manzanares of the MSC, from attending the trial of Nestor Rodriguez Lobaina and Eddy Alfredo Mena Gonzalez of the Movement of Cuban Youth for Democracy. The two men were charged with disrespect, causing damages, and causing public disorder. On August 15, the court gave Rodriguez a 6-year prison sentence and sentenced Mena to 5 years in prison (see Section 1.e.).

On September 8, security police ordered a number of human rights activists not to attend the annual procession in honor of the Virgin of Charity (see Section 2.c.).

The Penal Code includes the concept of "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 threaten prosecution under this article. Both the U.N. Commission on Human Rights (UNCHR) and the IACHR have criticized this concept for its subjectivity, the summary nature of the judicial proceedings employed, the lack of legal safeguards, and the political considerations behind its application. According to the IACHR, the so-called special inclination to commit crimes referred to in the Criminal Code amounts to a subjective criterion used by the Government to justify violations of the rights to individual freedom and due process of persons whose sole crime has been an

inclination to hold a view different from the official view.

On August 8, police summoned Manuel Lantigua Dominguez, a member of the dissident Council of Cuban Workers (CUTC) in the province of Guantanamo, to the local police office. After taking his photograph and fingerprints, the police told Lantigua that a case on charges of dangerousness would be opened against him.

The Government also used exile as a tool for controlling and eliminating the internal opposition. AI has noted that the Government detains human rights activists repeatedly for short periods and threatens them with imprisonment unless they gave up their activities or left the country. The Government used these incremental aggressive tactics to compel Ruben Ruiz Armenteros, vice president of the Human Rights Party of Cuba, to leave the country on September 28. On October 26, Orestes Rodriguez Horroutines, president of the MSC, also left the country. Rodriguez had been imprisoned from July 1997 to April 7.

The Government also has pressured imprisoned human rights activists and political prisoners to apply for emigration and regularly conditioned their release on acceptance of exile. HRW observed that the Government routinely invokes forced exile as a condition for prisoner releases and also pressures activists to leave the country to escape future prosecution.

AI has expressed particular concern about the Government's practice of threatening to charge, try, and imprison human rights advocates and independent journalists prior to arrest or sentencing if they did not leave the country. According to AI, this practice "effectively prevents those concerned from being able to act in public life in their own country."

e. Denial of Fair Public Trial

The Constitution provides for independent courts; however, it explicitly subordinates the courts to the ANPP and the Council of State, which is headed by Fidel Castro. The ANPP and its lower level counterparts choose all judges. The subordination of the courts to the Communist Party, which the Constitution designates as the superior directive force of the society and the State further compromises the judiciary's independence. The courts undermine the right to a fair trial by restricting the right to a defense and often failed to observe the few due process rights available to defendants.

Civil courts exist at municipal, provincial, and supreme court levels. Panels composed of a mix of professionally certified and lay judges preside over them. Military tribunals assume jurisdiction for certain counterrevolutionary cases.

The law and trial practices do not meet international standards for fair public trials. Almost all cases are tried in less than a day; there are no jury trials. While most trials are public, trials are closed when there are alleged violations of state security. Prosecutors may introduce testimony from a CDR member about the revolutionary background of a defendant, which may contribute to either a longer or shorter sentence. The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases such as those involving maximum prison terms or the death penalty. Appeals in death penalty cases are automatic. The death penalty ultimately must be affirmed by the Council of State.

Criteria for presenting evidence, especially in cases of human rights advocates, are arbitrary and discriminatory. Often the sole evidence provided, particularly in political cases, is the defendant's confession, usually obtained under duress and without the legal advice or knowledge of a defense lawyer. The authorities regularly deny defendants access to their lawyers until the day of the trial. Several dissidents who have served prison terms reported that they were tried and sentenced without counsel and were not allowed to speak on their own behalf. AI concluded in 1996 that "trials in all cases fall far short of international standards for a fair trial."

The law provides the accused with the right to an attorney, but the control that the Government exerts over the livelihood of members of the state-controlled lawyers' collectives--especially when they defend persons accused of state security crimes--compromises their ability to represent clients. Attorneys have reported reluctance to defend those charged in political cases due to fear of jeopardizing their own careers.

In January a Havana court reaffirmed the 4-year prison term for dangerousness imposed in 1998 on Lazaro Constantin Duran, leader of the Friends Club of an independent teachers' organization. On January 18, a court sentenced independent journalist Jesus Joel Diaz Hernandez to 4 years imprisonment for dangerousness (see Section 2.a.).

On February 25, diplomats and members of the international press attended the 1-day trial of Dr. Oscar Elias

Biscet, president of the Lawton Foundation for Human Rights. Biscet was convicted of disrespect, creating a public disturbance by hanging a Cuban flag upside down during a press conference in his home, and encouraging others to violate the law. In his opening statement, Biscet denied all charges against him, and insisted that he was a nonviolent activist for human rights. The three judge panel heard six witnesses and listened to the opening and closing arguments of both the prosecutor and defense attorney. The court sentenced Biscet to 3 years in prison (less than the 7 years the prosecution sought). The same court sentenced Fermin Scull Zulueta to 1 year in prison, and released Eduardo Diaz Fleitas. The latter two men were charged with insulting national symbols, creating a public disturbance, and instigating a crime. The authorities transferred Biscet to the Cuba Si prison in Holguin (see Section 1.c.). The authorities detained and prevented human rights activists and independent journalists from attending the trial (see Section 1.d.).

On July 13, prison authorities accused Egberto Angel Escobedo Morales, serving a 24-year sentence for the crimes of espionage, propagating enemy propaganda, and theft of the additional crimes of disrespect and causing disturbances in a penitentiary. The prosecution requested an additional 20-year sentence.

On July 21, in Santiago de Cuba, Nestor Rodriguez Lobaina and Eddy Alfredo Mena Gonzalez of the Movement of Cuban Youth for Democracy went on trial for disrespect, causing damages, and causing public disorder. On August 15, Rodriguez received a 6-year prison sentence, while Mena was sentenced to 5 years in prison.

During the year, three of the four members of the Internal Dissident Working Group received conditional release from prison--Felix Antonio Bonne Carcasses, on May 12; Martha Beatriz Roque Cabello, on May 15; and Rene de Jesus Gomez Manzano, on May 23. Police arrested the four persons in July 1997 for expressing peacefully their disagreement with the Government. In September 1998, they were charged with acts against the security of the state in relation to the crime of sedition. Despite the prosecution's demand for sentences from 5 to 6 years, Felix Bonne and Rene Gomez received a 4-year jail sentence while Martha received a 3-1/2 year sentence. The fourth member of the group, Vladimiro Roca Antunez, received a 5-year sentence. In early July, Roca was moved from solitary confinement to a section of the prison for common prisoners; he remained in prison at year's end.

Human rights monitoring groups inside the country estimate the number of political prisoners at between 300 and 400 persons. On July 16, the Cuban Commission on Human Rights and National Reconciliation reported that 314 persons were in prison for political reasons. The authorities have imprisoned persons on charges such as disseminating enemy propaganda, illicit association, contempt for the authorities (usually for criticizing Fidel Castro), clandestine printing, or the broad charge of rebellion, which is often brought against advocates of peaceful democratic change.

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

Although the Constitution provides for the inviolability of a citizen's home and correspondence, official surveillance of private and family affairs by government-controlled mass organizations, such as the CDR's, remains one of the most pervasive and repressive features of daily life. The State has assumed the right to interfere in the lives of citizens, even those who do not actively oppose the Government and its practices. The mass organizations' ostensible purpose is to improve the citizenry, but in fact their goal is to discover and discourage nonconformity. Citizen participation in these mass organizations has declined; the economic crisis both has reduced the Government's ability to provide material incentives for their participation and has forced many persons to engage in black market activities, which the mass organizations are supposed to report to the authorities.

The authorities utilize a wide range of social controls.

The Interior Ministry employs an intricate system of informants and block committees (the CDR's) to monitor and control public opinion. While less capable than in the past, CDR's continue to report on suspicious activity, including conspicuous consumption; unauthorized meetings, including those with foreigners; and defiant attitudes toward the Government and the revolution.

The Government controls all access to the Internet, and all electronic mail messages are subject to censorship. The Department of State Security often reads international correspondence and monitors overseas telephone calls and conversations with foreigners. The Government also monitors domestic phone calls and correspondence.

In January the authorities dismissed Teidy Betancourt Gonzalez from her job as an assistant teacher in a kindergarten because her husband, Ruben Perez Pons, a member of the Democratic Action group in Sancti

Spiritus, is a dissident. On April 29, the authorities expelled from his workplace Jose Carlos Malina Gonzalez, conditionally released from jail, because he refused to participate in a government-sponsored public event for the return of Elian Gonzalez Brotons. The administrator of Molina's workplace threatened to inform the police so that he could be returned to prison.

In August Romilio de Jesus Garcia Mauri, member of the Club of Prisoners and Former Political Prisoners, was convoked three times to appear at the local police station in Santiago de Cuba for possible drug trafficking. Every time Mauri arrived at the police station, he was asked to submit a writing test for examination. On August 10, police detained Yuri Tier Pineiro on the La Victoria beach in the province of Sancti Spiritus and interrogated him for 3 days about the political activities of his father, Marcelo Tier Perez, and his older brother Marcelo Tier Pineiro, members of the Democratic Solidarity Party. He himself is not a political activist.

There were numerous credible reports of forced evictions of squatters and residents who lacked official permission to reside in Havana (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government does not allow criticism of the revolution or its leaders. Laws against antigovernment propaganda, graffiti, and disrespect of officials carry penalties of between 3 months and 1 year in prison. If President Castro or members of the National Assembly or Council of State are the objects of criticism, the sentence can be extended to 3 years. Charges of disseminating enemy propaganda (which includes merely expressing opinions at odds with those of the Government) can bring sentences of up to 14 years. In the Government's view, such materials as the Universal Declaration of Human Rights, international reports of human rights violations, and mainstream foreign newspapers and magazines constitute enemy propaganda. Local CDR's inhibit 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 as a means of intimidation and control.

The Constitution states that print and electronic media are state property and cannot become in any case private property. The Communist Party controls all media--except a few small church-run publications. Even the church-run publications, denied access to mass printing equipment, are subject to governmental pressure. In particular, the Government publicly criticized the publisher of the magazine Vitral, a publication of the diocese of Pinar del Rio, twice during the year; President Castro had criticized publicly an article that the magazine printed in 1999. The Government reported extensively on Vitral articles and on the publisher's activities and contacts, which it labeled as counterrevolutionary. As of October, Vitral had not been shut down, but as of year's end, the Church was still being subjected to considerable pressure to avoid political topics.

The Government controls all access to the Internet, and all electronic mail messages are subject to censorship. Citizens do not have the right to receive publications from abroad, although newsstands in hotels for foreigners and certain hard currency stores sell foreign newspapers and magazines. The Government continued to jam the transmission of Radio Marti and Television Marti. Radio Marti broadcasts generally overcame the jamming attempts on short-wave bands, but its medium-wave transmissions are blocked completely in Havana. Security agents subjected dissidents, foreign diplomats, and journalists to harassment and surveillance, including electronic surveillance.

All media must operate under party guidelines and reflect government views. The Government attempts to shape media coverage to such a degree that it not only continued to exert pressure on domestic journalists but also kept up a steady barrage of pressure on groups normally outside the official realm of control, such as visiting international correspondents. Fidel Castro continued to criticize publicly the international press, often by name.

Resident foreign correspondents reported that the very high-level of government pressure experienced in 1999, including official and informal complaints about articles, threatening phone calls, and lack of access to officials, continued throughout the year. The Government strengthened its ability to control the foreign press by ceasing to issue multiple entry visas to journalists from foreign press organizations who reside in Havana. Such journalists are now required to apply for a new visa each time they leave the country.

In August Radio Moron, a small government-run radio station in the central part of the country, dismissed the host of one of its programs after he read on the air a poem by Raul Rivero (founder and director of the Cuba Press news agency).

The 1999 Law to Protect National Independence and the Economy outlaws a broad range of activities as undermining state security, and toughens penalties for criminal activity. Under the law, anyone caught possessing or disseminating literature deemed subversive, or supplying information that could be used by U.S. authorities in the application of U.S. legislation, is subject to fines and to prison terms of 7 to 20 years. While many activities between Cuban nationals and foreigners possibly could fall within the purview of this new law, it appears to be aimed primarily at independent journalists.

This law increased the penalties and broadened the definitions of activities covered by the 1996 Cuban Dignity and Sovereignty Act, which already proscribed citizens from providing information to any representatives of the U.S. Government, or seeking any information from them, that might be used directly or indirectly in the application of U.S. legislation against the Government. This includes accepting or distributing Publications, documents or other material from any origin, which the authorities might interpret as facilitating implementation of such legislation.

The Government continued to threaten independent journalists, either anonymously or openly, with arrest and conviction based on the new law. Some journalists have been threatened repeatedly since the law took effect. Independent journalists noted that the law's very existence had some effect on their activities and increased self censorship, and some noted that it is the Government's most effective tool to harass members of the independent press.

In February 1999, National Assembly President Ricardo Alarcon told foreign correspondents that under the new law, even reporters working for accredited foreign media could be sentenced to up to 20 years in prison if the information they publish is deemed to serve U.S. interests.

The Government continues 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 (see Sections 1.d., 1.f., and 2.d.). Independent journalists in Havana reported that threatening phone calls and harassment of family members continued during the year. More than 20 independent journalists experienced varying degrees of harassment, and certain individuals appear to have been singled out. Since January dozens of reporters were repeatedly detained, some for several days. Authorities also placed journalists under house arrest to prevent them from reporting on conferences sponsored by human rights activists, human rights events, and court cases against activists.

Family members have lost their jobs because they refuse to condemn or inform on these so-called counterrevolutionaries (see Section 1.f.). Acts of intimidation have been reported less frequently since 1999. However, police have tried more often to prevent independent journalists from covering so-called sensitive events.

In January an unidentified assailant attacked Mary Miranda, of Cuba Press, and beat her unconscious.

In February police briefly detained Edel Garcia, Director of the Centro Norte del Pais agency, as he left church after attending a memorial Mass for the Brothers to the Rescue pilots who were aboard planes that the air force shot down in 1996. Police frequently stop Garcia on fabricated traffic violations. Garcia's wife receives weekly death threats and his teenage daughters are harassed with increasing frequency. Garcia has a criminal trial pending, but the date and the charges are as yet not known. Charges that have been mentioned include: insulting the President, illicit association, collaboration with the enemy, spreading false news, and espionage.

In February security officials ordered several journalists to remain home and not to attend the trial of a member of the opposition. Jose Antonio Fornaris, of Agencia Cuba Verdad, refused to stay home; the police detained him at the local jail for the entire day.

In March the University of Havana expelled the daughter of Maria de los Angeles Gonzalez Amaro, Director of the Union de Periodistas y Escritores Cubanos Independientes, after a university dean warned her not to follow in her mother's footsteps. In September on two occasions, security officials intimidated Mrs. Gonzalez in her home.

In April the Government's Juventud Rebelde newspaper accused Raul Rivero, Tania Quintero, Manuel David Orrio, Lucas Garve, and Vicente Escobal of being counterrevolutionary leaders.

In May the authorities went to the home of Manuel Vasquez Portal, Director of Agencia Decoro, who was scheduled to speak that day on "Globalization and Culture" at the Centro de Estudios Sociales. Two officials from State Security threatened Vasquez with detention if he give his speech. State Security officials also

visited 17 other persons and told them not to attend the speech.

In July the authorities confiscated equipment (video cameras, camera, and cassette recorders) and all office supplies from the Agencia Yara in Bayamo.

In August police detained Ricardo Arabi Jimenez, director of Agencia Yara, for attending a meeting about organizing the first congress of independent trade unions by the CUTC, scheduled to be held in October (see Section 6.a.).

In September Dorca Cespedes, Havana Press reporter, was told by the director of her daughter's day care center, that the toddler could no longer attend. The authorities had instructed the director not to care for the child due to the mother's counterrevolutionary activities.

In September the security police took octogenarian Nestor Baguer, independent journalist and founder of the original Independent Press Agency of Cuba, to a private home in Havana where he was questioned about his activities. The authorities also made calls to contacts of Baguer to invite them to a meeting at his home. The authorities then went to Baguer's home to inform him that they knew about the alleged meeting.

In September individuals posing as vandals, but thought to be security officials, threw rocks at the home of Juan Tellez, Agencia Libertad.

In September the authorities jailed Joaquin Cabeza de Leon in Camaguey because he helped to organize a literary award ceremony.

In September police arrested brothers Jesus and Jadir Hernandez Hernandez, of Havana-Press, in Guines, and charged them with illegal trafficking in persons and collaboration with a foreign diplomatic mission. For several weeks, both men had been disseminating information about the unification of several dissident groups in Havana Province. In October authorities again threatened the brothers and their family members.

In October a security official showed a photograph to Dr. Jose Luis Garcia, Agencia Libertad, in which Garcia was conversing with a man that he had just casually met. Garcia was told that the man was a member of state security and that the photograph would be shown to other members of the opposition to make it look like Garcia was actually collaborating with state security.

In October the police detained Jesus Alvarez Castillo and Pedro Duque, Cuba Press correspondents from Ciego de Avila, in front of the office of Cuba Press and accused them of involvement in a murder. The authorities later dismissed the accusation as a case of mistaken identity.

The authorities often confiscate equipment when arresting journalists, especially photographic and recording equipment. It is now possible to buy a fax machine or computer, payable in dollars; if a receipt can be produced, this equipment is usually not confiscated. Photocopiers and printers are impossible to find on the local market, which makes them a particularly valuable commodity for journalists. A fax machine that a friend brought from overseas for journalist Reinaldo Cosano Alen, arrived damaged and was not usable after 10 days in Customs. Equipment lost due to burglary also has been reported. In January unidentified persons entered the home of journalist Juan Gonzalez Febles and stole his tape recorder, recorded tapes, and several articles. In August a couple posing as employees of Cuba Press stole all the documents, books, and office materials collected by the agency after the owner of the premises had asked the agency to move due to pressure from the police.

Outside the capital of Havana, independent journalists reported that detentions, threats, and harassment are more severe than in the capital.

AI, HRW, the IAPA, Reporters Sans Frontieres (RSF), and the Committee to Protect Journalists repeatedly called international attention to the Government's continued practice of detaining independent journalists and others simply for exercising their right to free speech (see Section 1.d.).

In June the IAPA called on the Government to provide medical treatment to two independent journalists serving prison sentences. Joel de Jesus Diaz, in prison in Ciego de Avila, was suffering from hepatitis and Manuel Antonio Gonzalez Castellanos in Holguin was suffering from severe influenza and possibly tuberculosis. The IAPA also called for the release of independent journalists Victor Rolando Arroyo and Bernardo Arevalo Pardon, both of whom are serving prison sentences (see Section 1.c.).

In July police detained Ricardo Gonzalez, RSF correspondent, for 6 hours as they tried to coerce him to collaborate with them. In August French journalist Martine Jacot, sent by RSF to the country, was in contact with a dozen independent journalists in Havana and Ciego de Avila. She also met with the families of two of the three journalists currently in prison. On August 17, just before she was to leave the country, security police arrested her, questioned her at the Havana airport, and seized a video camera, two videotapes, and documents. The police never returned this equipment to RSF.

In August the authorities detained three Swedish journalists and later expelled them from the country. The journalists had met with independent journalists and had organized a seminar for two groups of independent journalists. The authorities said that the journalists, including Martine Jacot, violated immigration laws by traveling on tourist visas, instead of traveling on visas issued to journalists.

Distribution of information continues to be controlled tightly. Importation of foreign literature is controlled, and the public has no access to foreign magazines or newspapers. Leading members of the Government have indicated that citizens do not read foreign newspapers and magazines to obtain news because they do not speak English and they have access to the daily televised round tables on issues with which they need to concern themselves. Access to computers is limited. E-mail use is growing slowly as the Government incrementally allows access to more users; however, the Government generally controls its use, and only very few persons or groups have access. The Government opened a national gateway to some journalists, artists, and municipal-level youth community centers, but the authorities still restrict the types and numbers of international sites that can be accessed.

Independent journalist Reinaldo Cosano Alen received a letter from Customs informing him that two magazines were confiscated for being counterrevolutionary. Customs also confiscated several editions of the *Cartas de Cuba* magazine that were addressed to independent journalist Tania Quintero Antunez.

The Government officially prohibits all diplomatic missions in Havana from printing or distributing publications, particularly newspapers and newspaper clippings, unless these publications deal exclusively with conditions in a mission's home country and prior Government approval is received. Many missions do not accept this requirement and send materials out liberally; however, the Government's threats to expel embassy officers who provide published materials had a chilling effect on some missions.

The Government restricts literary and academic freedoms and continued to emphasize the importance of reinforcing revolutionary ideology and discipline over any freedom of expression. The educational system teaches that the State's interests have precedence over all other commitments. Academics and other government officials are prohibited from meeting with some diplomats without prior approval from the Ministry of Foreign Affairs. The Ministry of Education requires teachers to evaluate students' and their parents' ideological character, and note such evaluations in school record that students carry throughout their schooling. These reports directly affect the students' educational and career prospects. As a matter of policy, the Government demands that teaching materials for courses such as mathematics or literature have an ideological content. Government efforts to undermine dissidents include denying them advanced education and professional opportunities. Fidel Castro has stated publicly that the universities are available only to those who share his revolutionary beliefs.

Artistic expression is less restricted. The Government encourages the cultural community to attain the highest international standards in order to sell its work overseas for hard currency. However, the Government began implementing a program in the fall called "Broadening of Culture" that ties art, socialism, and modern "revolutionary" ideology and legends into its own vision of culture. The Government uses the government media and the schools to impose this vision on the public, particularly the youth.

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." The law punishes any unauthorized assembly of more than three persons, including those for private religious services in a private home, by up to 3 months in prison and a fine. The authorities selectively enforce this prohibition and often use it as a legal pretext to harass and imprison human rights advocates.

The Government's policy of selectively authorizing the Catholic Church to hold outdoor processions at specific locations on important feast days continued during the year. For the third consecutive year, it permitted a procession in connection with Masses in celebration of the feast day of Our Lady of Charity in Havana on September 8. The Government also authorized other denominations to hold a few public events in late November. However, the Government continued routinely and arbitrarily to deny requests for other processions and events. Just before Holy Week, the Government informed Catholic Church officials that no

processions would be allowed. When the Church made this information public, state officials changed their position and decided that churches that had requested permission for a procession could proceed.

The authorities have never approved a public meeting by a human rights group. On February 22, state security officers detained prodemocracy activists in different parts of the country to prevent them from staging activities commemorating the February 24, 1996, shutdown of two civilian aircraft over international airspace by the air force. Security agents also warned many more activists against staging any public demonstrations on February 24, and warned independent journalists not to cover such incidents.

In early August, security agents detained in Havana leaders of the Council of Cuban Workers from various provinces to ensure that members could not hold a preparatory meeting for the CUTC's first congress. Although scheduled to take place in October, it never was held. On October 13, state security arrested Pedro Pablo Alvarez Ramos, the Secretary General of the CUTC, as he was about to conduct a press conference. At year's end, he remained in jail without being charged.

On August 15, state security informed a number of activists not to gather in the cemetery in Havana in honor of Eduardo Chibas, a well-known politician of the 1940's and early 1950's.

A march from the Church of the Sacred Heart of Jesus to the Church of La Merced and which was organized by dissidents for the release of political prisoners on September 17 did not take place because of police intimidation and detentions.

On September 25, police again prevented a number of activists from marching from the Church of the Sacred Heart of Jesus to the Church of Mercedes. Police took the activists to a police station to review their identification documents.

On November 2, the Day of the Dead, state security personnel prevented activists from entering the chapel in Havana's Colon Cemetery where a number of human rights activists are buried.

On November 10, police in Santiago de Cuba prevented activists from marching from the Plaza de Marte in honor of the first anniversary of the attempt to demonstrate in Dolores Park in Havana.

During the year the Government organized a number of marches and rallies in front of diplomatic missions. The Government mobilizes thousand of persons in these marches, including school children and workers. Anyone who does not attend the event can be easily identified since persons congregate at certain points from factories or schools. Sometimes small identification papers are given to participants; they must present these papers to their immediate supervisor or school officials the next day to demonstrate that they attended the rally.

The Government generally denies citizens freedom of association. The Penal Code specifically outlaws illegal or unrecognized groups. The Minister of Justice, in consultation with the Interior Ministry, decides whether to give organizations legal recognition. The authorities have never approved the existence of a human rights group. However, there are a number of professional associations that operate as NGO's but without legal recognition. For example, some scientists formed the Zoological Society, and some teachers established an Association of Independent Teachers.

Along with recognized churches, the Roman Catholic humanitarian organization Caritas, the Masonic Lodge, small human rights groups, and a number of nascent fraternal or professional organizations are the only associations outside the control or influence of the State, the Communist Party, and their mass organizations. With the exception of the Masons, who have been established in the country for more than a century, the authorities continue to ignore those groups' applications for legal recognition, thereby subjecting members to potential charges of illegal association. All other legally recognized nongovernmental groups are at least nominally affiliated with, or controlled by the Government.

c. Freedom of Religion

The Constitution recognizes the right of citizens to profess and practice any religious belief, within the framework of respect for the law; however, in law and in practice, the Government continues to restrict freedom of religion.

In 1991 the Government allowed religious adherents to join the Communist Party. In 1992 it amended the Constitution to prohibit religious discrimination and removed references to "scientific materialism," i.e., atheism,

as the basis for the State. Members of the armed forces do not attend religious services in their uniform, probably to avoid possible reprimand by superiors.

The Government requires churches and other religious groups to register with the provincial registry of associations within the Ministry of the Interior to obtain official recognition. In practice, the Government refuses to recognize new denominations. The Government prohibits, with occasional exceptions, the construction of new churches, forcing many growing congregations to violate the law and meet in private homes. Government harassment of private houses of worship continued, with evangelical denominations reporting evictions from houses used for these purposes. According to the Cuban Council of Churches (CCC) officials, most of the private houses of worship that the Government closed were unregistered, making them technically illegal. In addition CCC Pentecostal members have complained about the preaching activities of foreign missionaries that led some of their members to establish new denominations without obtaining the required permits. Because of these complaints by the Pentecostals, the CCC has formally requested overseas member church organizations to assist them in dissuading foreign missionaries from establishing Pentecostal churches.

The Government's main interaction with religious denominations is through the Office of Religious Affairs of the Communist Party. The Ministry of Interior engages in active efforts to control and monitor the country's religious institutions, including surveillance, infiltration, and harassment of religious professionals and laypersons.

In 1998 following Pope John Paul II's January visit, the country's Roman Catholic bishops called on the Government to recognize the Church's role in civil society and the family, as well as in the temporal areas of work, the economy, the arts, and the scientific and technical worlds. The Government continued to limit the Church's access to the media and refused to allow the Church to have a legal independent printing capability. It maintained a prohibition against the establishment of religious-affiliated schools. Nonetheless, in September local government authorities, for the third time since 1961, allowed the Catholic Church to hold an outdoor procession to mark the feast day of Our Lady of Charity in Havana. Although visibly present, state security personnel did not harass any participants or observers, as they did in 1998. However, prior to the event, security police ordered a number of human rights activists not to attend the procession. On December 25, 1999, the Government permitted the Catholic Church to hold a Christmas procession in Havana. Catholic Church authorities received permission to conduct the closing ceremonies for the jubilee year celebration and the Cuba Eucharistic Congress (the last one took place in 1959) on December 9 and 10. On December 9, 1,500 children from all over the country received their first communion in the square outside the San Carlos Seminary. On December 10 Cardinal Jaime Lucas Ortega Alamino, carrying the eucharist, led a procession of bishops, priests, and believers from the Church of Christ (Iglesia del Cristo del Buen Viaje) to the San Carlos Seminary. Unlike 1999, there was no broadcast of the Pope's annual Christmas Day message from the Vatican, but it was mentioned in the evening television news.

In 1998 the Government announced in a Politburo declaration that henceforth citizens would be allowed to celebrate Christmas as an official holiday. (The holiday had been cancelled, ostensibly to spur the sugar harvest, in 1969, and restored in 1997 as part of the preparations for the Pope's 1998 visit.) However, despite the Government's decision to allow citizens to celebrate Christmas as a national holiday, it also maintained a December 1995 decree prohibiting nativity scenes in public buildings.

The Government allowed two new foreign priests to enter the country during the year and two to replace two priests whose visas were not renewed during the year. Some visas were issued only for periods from 3 to 6 months, and the applications of many other priests and religious workers remain pending.

The Government continued to enforce a resolution that prevented any national or joint enterprise (except those with specific authorization) from selling computers, fax machines, photocopiers, or other equipment to any church at other than official--and exorbitant--retail prices.

On July 9, dissidents attended the Jubilee Mass for prisoners celebrated by Cardinal Jaime Ortega Alamino at the Church of Our Lady of Charity. The Church distributed leaflets that invited worshippers to attend the Mass and to pray for prisoners and requested former prisoners and prisoners on conditional release to attend. Recently released members of the Internal Dissident Working Group, Martha Beatriz Roque Cabello, Rene de Jesus Gomez Manzano, and Felix Antonio Bonne Carcasses also attended. During the ceremony a white dove was released from its cage, and the congregation spontaneously started to clap and some persons shouted "liberty, liberty." State security officials outside the church did not intervene. The Church normally uses lay members to provide security at events like these. Apart from ensuring that people remain in their places or in the procession line during the service, these church guards also prevent any activities from taking place that could lead to a response from state security officials such as occurred at the July 9 Mass.

On August 30, the independent press agency Grupo Decoro reported that evangelical pastor Pablo Rodriguez

Oropeza and his wife Enma Cabrera Cabrera were evicted from the house where they had lived for 6 years. The press agency did not report the reason for the eviction. Santos Osmany Dominguez Borjas, a bishop of the United Pentecostal Church of Cuba (Apostolic), returned to Havana after he was expelled to Holguin on October 8, 1999. In recent years, the Government has relaxed restrictions on some religious denominations, including Seventh-Day Adventists and Jehovah's Witnesses. The CCC continues to broadcast a monthly 15-minute program on a national classical music radio station, under the condition that the program not include material of a political character.

State security officials visited some priests and pastors, prior to significant religious events, ostensibly to warn them about dissidents; however, some critics claim that these visits are done in an effort to foster mistrust between the churches and human rights or prodemocracy activists. State security officers also regularly harassed, including inside churches and during religious ceremonies, human rights advocates who sought to attend religious services commemorating special feast days or before significant national days.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Government tightly restricted freedom of movement. The Government generally has not imposed legal restrictions on domestic travel, except for persons found to be HIV-positive, whom it initially restricts to sanatoriums for treatment and therapy before conditionally releasing them into the community. However, in recent years state security officials have forbidden human rights advocates and independent journalists from traveling outside their home provinces, and the Government also has sentenced others to internal exile. On December 12, a court sentenced Angel Moya Acosta to 1 year in prison and banned him from traveling to Havana from his home province of Matanzas for 10 years after serving his prison term.

In 1997 the Council of Ministers approved Decree 217, aimed at stemming the flow of migration from the provinces to the capital. Persons from other provinces may travel and visit Havana; however, they cannot move into the city, on the grounds that if internal migration is left unchecked, the city's problems regarding housing, public transport, water and electrical supplies will become worse. The Government recently noted that since the decree went into effect, 17,000 fewer people have migrated to Havana. Police frequently check the identification of persons on the streets, and if someone is found from another province living in Havana illegally, they are fined \$15 (300 pesos) and sent back home. Fines are higher (\$50 - 1,000 pesos) for those who are residing illegally in the neighborhoods of Old Havana and Cerro. Human rights observers noted that while the decree affected migration countrywide, it was targeted at individuals and families, who are predominantly of African descent, from the more impoverished eastern provinces.

The Government imposed some restrictions on both emigration and temporary foreign travel. In June the Government denied an exit permit to Pedro Pablo Alvarez Ramos, secretary-general of the CUTC to attend a labor conference in the United States organized by the AFL-CIO. No explanation was given. Elizardo Sanchez Santa Cruz, president of the Cuban Commission for Human Rights and National Reconciliation also was not allowed to leave the country. Mexico's Partido Accion Nacional (PAN) had invited Sanchez to witness the Mexican presidential election on July 2. The PAN also invited members of the Moderate Reflection Group, but Osvaldo Alfonso Valdes, president of the Democratic Liberal Party and a member of the Moderate Reflection Group, said that the group decided not to apply for an exit permit because of lack of funds to pay for the application fees for exit permits. PAN also issued an invitation to Elizardo Sanchez to attend the inauguration of the new President on December 1. According to Sanchez, even though PAN officials requested an exit visa for him directly from the Government, he never received it. Similarly, the authorities denied an exit visa to Osvaldo Alfonso Valdes, president of the Liberal Party, who was invited to attend the International Liberal Party's convention that took place in Canada in October.

The Government did issue an exit permit to Manuel Costa Morua of the Socialist Movement to travel to Europe in April; Costa Morua also is a member of the Moderate Reflection Group.

The Government allows the majority of persons who qualify for immigrant or refugee status in other countries to depart; however, in certain cases the authorities delay or deny exit permits, usually without explanation. Some denials involve professionals who have tried to emigrate and whom the Government subsequently banned from working in their occupational field. The Government refused permission to others because it considers their cases sensitive for political or state security reasons. In July 1999, the Ministry of Health issued an internal regulation, known as Resolution 54, that provides for the denial of exit permits to medical professionals, until they have performed 3 to 5 years of service in their profession after requesting permission to travel abroad. This regulation normally applied to recent graduates. This regulation was not published as part of the legal provisions, and may apply to other professionals as well.

The Government also routinely denies exit permits to young men approaching the age of military service, and until they reach the age of 27, even when it has authorized the rest of the family to leave. However, in most of

those cases approved for migration to the United States under the September 1, 1994, U.S.-Cuban migration agreement, the applicants eventually receive exemption from obligatory service and are granted exit permits.

In September two independent journalists, Jesus Labrador, Cuba Press reporter, and Gustavo Cardero, (NotiCuba reporter) planned to leave the country as refugees until the authorities confiscated their exit permit.

The Government has a policy of denying exit permission for several years to relatives of individuals who successfully migrated illegally (e.g., merchant seamen who have defected while overseas, and sports figures who have defected while on tour abroad).

Migrants who travel to the United States must pay the Government a total of about \$500 per adult and \$400 per child, plus airfare. These government fees for medical exam, passport, and exit visa--which must be paid in dollars--are equivalent to about 5 years of a professional person's accumulated peso salary and represent a significant hardship, particularly for political refugees who usually are marginalized and have no income. In 1996 the Government agreed to allow 1,000 needy refugees to leave each year with reduced exit fees. However, after the first group of 1,000 in 1996, no further refugees have been accorded reduced fees. At year's end, 85 approved refugees remained in the country because they were unable to pay government exit fees for themselves and their families.

The Penal Code provides for imprisonment from 1 to 3 years or a fine of \$15 to \$50 dollars (300 to 1,000 pesos) for unauthorized departures by boat or raft. The office of the U.N. High Commissioner for Refugees (UNHCR) has stated that it regards any sentence of over 1 year for simple illegal exit as harsh and excessive. Under the terms of the May 2, 1995, 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 Base at Guantanamo, after attempting to emigrate illegally.

In 1994 the Government eased restrictions on visits by, and repatriation of, Cuban emigrants. Citizens who establish residency abroad and who are in possession of government-issued permits to reside abroad may travel to the country without visas. The Government reduced the age of persons eligible to travel abroad from 20 to 18 years and extended the period for a temporary stay abroad from 6 to 11 months. In 1995 the Government announced that emigrants who are considered not to have engaged in so-called hostile actions against the Government and who are not subject to criminal proceedings in their country of residence may apply at Cuban consulates for renewable, 2-year multiple-entry travel authorizations. However, in 1999 the Government announced that it would deny entry permits for emigrants who had left the country illegally after September 1994. It remains unclear whether the Government actually was implementing such a policy.

The Constitution provides for the granting of asylum to individuals persecuted "for their ideals or struggles for democratic rights against imperialism, fascism, colonialism, and neocolonialism; against discrimination and racism; for national liberation; for the rights of workers, peasants, and students; for their progressive political, scientific, artistic, and literary activities; and for socialism and peace." However, the Government has no formal mechanism to process asylum for foreign nationals. Nonetheless, the Government honors the principle of first asylum and has provided it to a small number of persons. There was no information available on its use during the year. According to the UNHCR, since January the authorities received 75 applications for refugee status within the country. Of the 75 applicants, 24 persons were recognized as refugees. There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens do not have the legal right to change their Government or to advocate change, and the Government retaliates systematically against those who seek peaceful political change. The Constitution proscribes any political organization other than the Communist Party. While the Constitution provides for direct election of provincial, municipal, and National Assembly members, the candidates must be approved in advance by mass organizations controlled by the Government. In practice, a small group of leaders, under the direction of President Castro, selects the members of the highest policy-making bodies of the Communist Party--the Politburo and the Central Committee.

The authorities tightly control the selection of candidates and all elections for government and party positions. The candidacy committees are composed of members of government-controlled mass organizations such as the Confederation of Cuban Workers (CTC) and the CDR's and are responsible for selecting candidates, whose names are then sent to municipal assemblies that select a single candidate for each regional seat in the ANPP. An opposition or independent candidate has never been allowed to run for national office.

In January 1998, the Government held national elections in which 601 candidates were approved to compete

for the 601 seats in the National Assembly. According to the official state media, the candidates were voted in by over 93 percent of the electorate. No candidates with views independent from or in opposition to the Government were allowed to run, and no views contrary to the Government or the Communist Party were expressed in the government-controlled national media. The Government saturated the media and used government ministries, Communist Party organs, and mass organizations to urge voters to cast a "unified vote" where marking one box automatically selected all candidates on the ballot form. In practice, the Communist Party approved candidates for all offices. A small minority of candidates did not belong formally to the Communist Party. The Communist Party was the only political party allowed to participate in the elections.

On April 23, elections for local representatives to the municipal assembly were held. Government newspapers reported that 98 percent of voters participated in the election. Slightly more than 50 percent of those elected were the incumbents, 20 percent were women, and about 9 percent of all candidates were between the ages of 16 and 30. The reports also claim that nationwide the number of blank ballots decreased from 3.2 percent to 2.8 percent, while the number of annulled votes also decreased to 3 percent from nearly 4 percent, compared with the last election. Municipal elections are held every 2 1/2 years to elect 14,686 local representatives to the municipal assemblies. Deputies to the National Assembly, delegates to the provincial assemblies, and members of the council of state are elected during general elections held every 5 years. The municipal assemblies constitute the lowest level of the Government's structure.

Although not a formal requirement, Communist Party membership is in fact a prerequisite for high-level official positions and professional advancement.

The Government rejects any change to the political system judged incompatible with the revolution and ignored and actively suppressed calls for democratic reform. Although President Castro signed the Declaration of Vina del Mar at the Sixth Ibero-American Summit in 1996, in which government leaders reaffirmed their commitment to democracy and political pluralism, the Government continued to oppose independent political activity on the ground that the national system provides a "perfected" form of democracy and that pluralism exists within the one-party structure.

Government leadership positions continue to be dominated by men, and women remain underrepresented. There are very few women or minorities in policymaking positions in the Government or the Party. There are 2 women in the 24-member Politburo, 18 in the 150-member Central Committee, and 166 in the 601-seat ANPP. Although blacks and persons of African descent make up over half the population, they hold only six seats in the Politburo.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not recognize any domestic human rights groups, or permit them to function legally. The Government subjects domestic human rights advocates to intense intimidation, harassment, and repression. In violation of its own statutes, the Government refuses to consider applications for legal recognition submitted by human rights monitoring groups (see Section 2.b.).

Dissidents generally believe that most human rights organizations have been infiltrated and are subjected to constant surveillance. Activists believe that some, perhaps many, of the dissidents are either state security or are persons attempting to qualify for refugee status to leave the country.

In its 1997 report, the IACHR examined measures taken by the Government and found that they did not "comprise the bedrock of a substantive reform in the present political system that would permit the ideological and partisan pluralism implicit in the wellspring from which a democratic system of government develops." The IACHR recommended that the Government provide reasonable safeguards to prevent violations of human rights, unconditionally release political prisoners and those jailed for trying to leave the country, abolish the concept of dangerousness in the Penal Code, eliminate other legal restriction on basic freedoms, cease harassing human rights groups, and establish a separation of powers so that the judiciary would no longer be subordinate to political power.

The Government steadfastly has rejected international human rights monitoring. In 1992 the country's U.N. representative stated that Cuba would not recognize the mandate of the U.N. Commission on Human Rights (UNCHR) on Cuba and would not cooperate with the Special Rapporteur on Cuba, despite being a UNCHR member. This policy remained unchanged and the Government refused even to acknowledge requests by the Special Rapporteur to visit the country. In April 1998, the UNCHR did not renew the mandate of the Special Rapporteur, following as yet unfulfilled assertions by the Government that it would improve human rights practices if it was not under formal sanction from the UNCHR. As in 1999, the UNCHR again passed a resolution on April 18, introduced by the Czech Republic and Poland, which expressed concern about the

human rights situation in the country. The Government responded by organizing a march of an estimated 200,000 persons past the Czech Embassy in Havana. On April 19, national television featured a round-table discussion on the UNCHR vote in which the Foreign Minister strongly criticized the UNCHR resolution and accused it of discriminating against third world countries.

During this same UNCHR session, the U.N. Special Rapporteur on Violence Against Women released her report, which was critical of the Government on issues of women's rights and on other human rights problems.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Cuba is a multiracial society with a black and mixed-race majority. The Constitution forbids discrimination based on race, sex, or national origin, although evidence suggests that racial discrimination occurs frequently.

Women

Violent crime rarely is reported in the press, and there are no publicly available data regarding the incidence of domestic violence and rape; however, human rights advocates report that violence against women is a problem. The law establishes strict penalties for rape, and the Government appears to enforce the rape law; however, according to human rights advocates, the police do not act on cases of domestic violence.

Radhika Coomaraswamy, the U.N. Special Rapporteur on violence against women, visited the country in 1999 and issued a report on her findings in February. The report states that she was surprised to find that most government officials did not see violence against women as a prevalent problem. However, she noted that activists at the grassroots level are very attuned to problems of violence affecting women. Coomaraswamy urged the Government to take comprehensive steps to enhance the legal protection against violence against women and specifically urged the adoption of legislation to address domestic violence and sexual harassment.

Prostitution is legal (except for prostitution by children under 17 years of age); however, pandering or otherwise benefiting from prostitution is a felony. Prostitution has increased greatly in the last few years; press reports indicate that tourists from various countries visit specifically to patronize inexpensive prostitutes. A government crackdown on prostitution that began in late 1998 initially had some effect, but prostitutes (known as "jineteras") were still visible in Havana and other major cities during the year. The early success was obtained by stationing police on nearly every major street corner where tourists are present. Some street police officers are suspected of providing protection to the jineteras. Most observers believe that the Government clamped down on prostitution to combat the perception that the Government promotes sex tourism. The Government set up centers to take prostitutes off the streets and reeducate them; the newest center reportedly opened in September in Valle Grande near Havana. In her February report, U.N. Special Rapporteur Coomaraswamy recommended that the Government dismantle the centers and find "other mechanisms that do not violate the rights of the prostitutes."

The Family Code states that women and men have equal rights and responsibilities regarding marriage, divorce, raising children, maintaining the home, and pursuing a career. Women are subject to the same restrictions on property ownership as men. The maternity law provides 18 weeks of maternity leave and grants working mothers preferential access to goods and services. About 40 percent of all women work, and they are well represented in many professions. According to the Cuban Women's Federation (FMC), women hold 33 percent of managerial positions. The FMC also asserted that 11,200 women have received land parcels to cultivate; that more than 561,000 women have begun working as agricultural workers, and that women devote 34 hours a week to domestic work, about the same number of hours they spend working outside the home.

Children

The Constitution provides that the Government protect family, maternity, and matrimony. It also states that children, legitimate or not, have the same rights under the law and notes the duties of parents to protect them. Education is free and compulsory to the ninth grade, but it is grounded in Marxist ideology. State organizations and schools are charged with the integral formation of children and youth. The national health care system covers all citizens. There is no societal pattern of abuse of children. However, child prostitution is a problem, with young girls engaging in prostitution to help support themselves and their families. It is illegal for a child under 17 years of age to engage in prostitution. The police began to enforce this law more actively in late 1998 and continued to do so during the year, as part of their crackdown on prostitution in general. However, the phenomenon continues as more cabarets and discos open for the growing tourist industry which make it easier for tourists to come into contact with child prostitutes.

Police officers who find children loitering in the streets or begging from tourists frequently will intervene and try

to find the parents. If the child is found bothering tourists a second time, police frequently fine the child's parents.

People with Disabilities

The law prohibits discrimination based on disability, and there have been few complaints of such discrimination. However, a young married blind couple, members of the Fraternity of Independent Blind People of Cuba were told to leave a cafe in Moron where they sang for tips. There are no laws that mandate accessibility to buildings for the disabled. In practice buildings and transportation are rarely accessible to disabled people.

On November 8, a special police operation dislodged a number of persons with disabilities from selling their products in Central Havana. Police arrested two persons; a court sentenced one of them to 1 year in jail for selling stolen goods.

National/Racial/Ethnic Minorities

Many persons of African descent have benefited from access to basic education and medical care since the 1959 revolution, and much of the police force and army enlisted personnel is black. Nevertheless, racial discrimination often occurs, and is acknowledged publicly by high governmental officials, including Castro. There have been numerous reports of disproportionate police harassment of black youths. In 1997 there were numerous credible reports of forced evictions of squatters and residents lacking official permission to reside in Havana. The evictions, exacerbated by Decree 217 (see Section 2.d.), primarily targeted individuals and families from the eastern provinces, which are traditionally areas of black or mixed-race populations.

Section 6 Worker Rights

a. The Right of Association

The Constitution gives priority to state or collective needs over individual choices regarding free association or provision of employment. The demands of the economy and society take precedence over individual workers' preferences. The law prohibits strikes; none are known to have occurred. Established official labor organizations have a mobilization function and do not act as trade unions, promote worker rights, or protect the right to strike. Such organizations are under the control of the State and the Communist Party, which also manage the enterprises for which the laborers work.

The Communist Party selects the leaders of the sole legal labor confederation, the Confederation of Cuban Workers, whose principal responsibility is to ensure that government production goals are met. Despite disclaimers in international forums, the Government explicitly prohibits independent unions and none are recognized. There has been no change in conditions since the 1992 International Labor Organization (ILO) finding that the Government violated ILO norms on freedom of association and the right to organize. Those who attempt to engage in unofficial union activities face government persecution.

Workers can and have lost their jobs for their political beliefs, including their refusal to join the official union. Several small independent labor organizations have been created, but function without legal recognition and are unable to represent workers effectively or work on their behalf. The Government actively harasses these organizations. Police detained independent labor activist Jose Orlando Gonzalez Bridon of the CUTC for brief periods in January. Most political dissidents lose their jobs and remain unemployed; the only work they are offered is cleaning streets.

The CTC is a member of the Communist, formerly Soviet-dominated World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

Collective bargaining does not exist. The State Committee for Work and Social Security (CETSS) sets wages and salaries for the state sector, which is almost the only employer in the country. Since all legal unions are government entities, antiunion discrimination by definition does not exist.

The 1995 Foreign Investment Law (Law 77) continued to deny workers the right to contract directly with foreign companies investing in the country without special government permission. Although a few firms have managed to negotiate exceptions, the Government requires foreign investors to contract workers through state employment agencies, which are paid in foreign currency and, in turn, pay workers very low wages in pesos.

Workers subcontracted by state employment agencies must meet certain political qualifications. According to Minister of Basic Industry Marcos Portal, the state employment agencies consult with the Party, the CTC, and the Union of Communist Youth to ensure that the workers chosen deserve to work in a joint enterprise.

There are no functioning export processing zones, although the law authorizes the establishment of free trade zones and industrial parks.

c. Prohibition of Forced or Compulsory Labor

Neither the Constitution nor the Labor Code prohibits forced labor. The Government maintains correctional centers where it sends persons for crimes such as dangerousness. Prisoners held there are forced to work on farms or building sites. The authorities often imprison internees who do not cooperate.

The Government employs special groups of workers, known as microbrigades, that are temporarily reassigned from their usual jobs, to work on special building projects. These microbrigades become increasingly important in the Government's efforts to complete tourist and other priority projects. Workers who refuse to volunteer for these jobs often risk discrimination or job loss. Microbrigade workers reportedly receive priority consideration for housing assignments. The military assigns some conscripts to the Youth Labor Army, where they serve their 2-year military service requirement working on farms that supply both the armed forces and the civilian population.

The Government prohibits forced and bonded labor by children; however, the Government requires children to work without compensation. All students over age 11 are expected to devote 30 to 45 days of their summer vacation to farm work, laboring up to 8 hours per day. The Ministry of Agriculture uses "voluntary labor" by student work brigades extensively in the farming sector.

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum working age is 17 years. However, the Labor Code permits the employment of 15- and 16-year-old children to obtain training or fill labor shortages. The law requires school attendance until the ninth grade, and this law generally is respected. The Government prohibits forced and bonded child labor; however, it strongly encourages children to work without compensation (see Section 6.c.).

e. Acceptable Conditions of Work

The minimum wage varies by occupation and is set by the CETSS. For example, the minimum monthly wage for a maid is \$8.25 (165 pesos); for a bilingual office clerk, \$9.50 (190 pesos); and for a gardener \$10.75 (216 pesos). The Government supplements the minimum wage with free education and subsidized medical care (but reduces daily pay by 40 percent after the third day of being admitted to a hospital), housing, and some food (this subsidized food is enough for about 1 week per month). However, even with these subsidies, the minimum wage does not provide a decent standard of living for a worker and family. Corruption and black market activities are pervasive. The Government rations most basic necessities such as food, medicine, clothing, and cooking gas, which are in very short supply.

The Government requires foreign companies in joint ventures with state entities to hire and pay workers through the State. HRW noted that the required reliance on state-controlled employment agencies effectively leaves workers without any capacity directly to negotiate wages, benefits, the basis of promotions, and the length of the workers' trial period at the job with the employer. Reportedly these exploitative labor practices force foreign companies to pay the Government as much as \$500 to \$600 per month for workers, while the workers in turn receive only a small peso wage from the Government.

The standard workweek is 44 hours, with shorter workdays in hazardous occupations, such as mining. The Government reduced the workday in some government offices and state enterprises to save energy.

Workplace environmental and safety controls are usually inadequate, and the Government lacks effective enforcement mechanisms. Industrial accidents apparently are frequent, but the Government suppresses such reports. The Labor Code establishes that a worker who considers his life in danger because of hazardous conditions has the right not to work in his position or not to engage in specific activities until such risks are eliminated. According to the Labor Code, the worker remains obligated to work temporarily in whatever other position may be assigned him at a salary provided for under the law.

f. Trafficking in Persons

In February 1999, the National Assembly revised the Penal Code to prohibit trafficking in persons through or from the country and provided the following penalties for violations: a term of 7 to 15 years' imprisonment for organizing or cooperating in alien smuggling through the country; 10 to 20 years' imprisonment for entering the country to smuggle persons out of the country; and 20 years to life in prison for using violence, causing harm or death, or putting lives in danger, in engaging in such smuggling. These provisions are directed primarily at persons engaging in organized smuggling of would-be emigrants. In addition, the revised code made it illegal to promote or organize the entrance of persons into or the exit of persons from the country for the purpose of prostitution; violators are subject to 20 to 30 years' imprisonment.

There were no reports that persons were trafficked to, from, within, or through the country for the purpose of providing forced labor or services.

[End.]