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2010 Country Reports on Human Rights Practices - Cuba

Bureau of Democracy, Human Rights, and Labor
April 8, 2011

Cuba, with a population of approximately 11.4 million, is a totalitarian state led by Raul Castro, who held the positions of chief of state, president of the council of state and council of ministers, and commander in chief of the Revolutionary Armed Forces. The constitution recognizes the Communist Party (CP) as the only legal party and "the superior leading force of society and of the state." Fidel Castro, who formally relinquished power to his brother in 2008, remained the First Secretary of the CP. The 2008 legislative elections were neither free nor fair; a CP candidacy commission preapproved all candidates, resulting in the CP candidates and their allies winning 98.7 percent of the vote and 607 of 614 seats in the National Assembly. Security forces reported to civilian authorities.

The government denied citizens the right to change their government. In addition, the following human rights abuses were reported: harassment, beatings, and threats against political opponents by government-organized mobs and state security officials acting with impunity; harsh and life-threatening prison conditions, including selective denial of medical care; arbitrary detention of human rights advocates and members of independent organizations; and selective prosecution and denial of fair trial. Authorities interfered with privacy and engaged in pervasive monitoring of private communications. The government also placed severe limitations on freedom of speech and press, constrained the right of peaceful assembly and association, restricted freedom of movement, and limited freedom of religion. The government refused to recognize independent human rights groups or permit them to function legally. In addition, the government continued to place severe restrictions on worker rights, including the right to form independent unions.

The government released more than 40 political prisoners, including many notable human rights activists arrested in 2003. Although most of these were released on the condition they leave the country, during the reporting period the government allowed one to remain in the country. The releases, mediated by the Cuban Catholic Church, came in the wake of street protests and severe international criticism following the death from hunger-strike of political prisoner Orlando Zapata Tamayo. During conversations with the church, the government indicated that it planned to release all political prisoners in the near future.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits abusive treatment of detainees and prisoners. However, there were verified reports that members of the security forces harassed and sometimes physically assaulted human rights and prodemocracy advocates, dissidents, detainees, and prisoners, and did so with impunity. Some detainees and prisoners endured physical abuse, sometimes by other inmates with the acquiescence of guards, or long periods in isolation cells.

The government continued to stage public protests to harass and abuse activists and their families. Although the government characterized the mobs as spontaneous, participants frequently arrived in government-owned vehicles or were recruited by local CP leaders from nearby workplaces or schools. In extreme cases, government-orchestrated mobs assaulted the targets or damaged their homes or property. Undercover police and agents from the Ministry of the Interior's General Directorate for State Security (DGSE) were often present and coordinated activities with mob leaders. Government officials at the scene did not arrest those who physically attacked the victims or respond to victims' complaints. On more than one occasion, officials took part in the beatings.

Many of these state-orchestrated "acts of repudiation" were directed against the Damas de Blanco ("Ladies in White"), a group of mostly female relatives and supporters of political prisoners, many of those prisoners were arrested in the spring of 2003.

During the week leading up to the March 18 anniversary of the 2003 arrests, the Damas held daily marches to commemorate the anniversary. On March 16, the government bused in approximately 100 counter-demonstrators who surrounded the Damas and shouted insults and progovernment slogans. On March 17, the Damas attempted to march through a neighborhood on the outskirts of Havana, but as the march progressed, approximately 300 progovernment counterdemonstrators arrived on buses, surrounded the Damas, shouted insults, and physically assaulted the marchers. Plainclothes police formed a ring around the Damas, providing protection from the worst of the blows, while state security officers were observed coordinating with mob leaders. Eventually, the mob completely blocked the path of the Damas, and police dragged the marchers onto a waiting bus. Foreign diplomats also observed state security officials drag a male relative of one of the marchers away, then repeatedly kick and punch him. All participants in the march were detained briefly and then released without charges.

In the first half of the year, the government also tried to prevent the Damas from staging their weekly march after Sunday Mass, which they had been doing unimpeded since their spouses were arrested in 2003. The confrontation escalated over the subsequent weeks, as the crowd of counterdemonstrators swelled in numbers and intensity, while police prevented all but a handful of Damas from reaching the church. On April 18, progovernment forces surrounded the Damas as they left the church and prevented them from marching, screaming insults and obscenities while banging on pots and pans. On April 25, they again were surrounded after leaving church, forced into a nearby public park where they were assaulted, taunted, including with sexual and ethnic insults, and prevented from moving for more than seven hours. State security officials intervened and forced the ladies onto a public bus. The standoffs ended the following

week, when Catholic Cardinal Jaime Ortega received assurances from President Castro that the Damas would be allowed to resume their Sunday marches.

Prison and Detention Center Conditions

Prison conditions continued to be harsh and life threatening. The government did not permit independent monitoring of prison conditions by international or national human rights groups and did not permit access to detainees by international humanitarian organizations. Food shortages were widespread, available food was often spoiled or infested with vermin, and many prisoners relied on family parcels of up to 30 pounds of food and other basic supplies that were brought during each visit.

Prison cells lacked adequate water, sanitation, space, light, ventilation, and temperature control. Running water was rare and, if available, generally ran only for a limited time. Water for drinking and bathing was foul and frequently contaminated with parasites. Many prisoners reported receiving only one small glass of water per day, even when confined to sweltering cells during the summer. Vermin and insect infestations were common, with inmates reporting rats, cockroaches, fleas, lice, bedbugs, stinging ants, flies, and mosquitoes. Prisoners reported that they lacked access to basic and emergency medical care, including dental care. Prisoners engaged in hunger strikes throughout the year to demand medical treatment.

Reports of beatings of prisoners were commonplace, and included beatings by prison officials as well as among prisoners. There were some reports of prisoner-on-prisoner sexual assaults, generally due to lax security by prison guards, and at least one report of rape by prison guards, although reports of sexual abuse were generally rare.

On February 24, political prisoner Orlando Zapata Tamayo died in government custody after conducting an 11-week hunger strike. Zapata's family alleged that prison officials denied him adequate care and medical treatment during the strike. Government officials, including President Castro, countered that Zapata received adequate treatment and had been informed of the health risks of a hunger strike.

On June 12, the government released political prisoner Ariel Sigler Amaya, who suffered from paraplegia as a side effect of severe malnutrition, after seven years in prison. On July 28, Sigler Amaya departed the country to seek medical treatment abroad.

Prison cells were overcrowded, requiring prisoners to sleep on the floor and limiting freedom of movement during the day. Prisoners often slept on concrete bunks without a mattress. Where available, mattresses were thin and often infested with vermin. Prisoners reported that slight improvements at the end of 2009 (such as increases in mattress distributions and some alleviation of overcrowding) did not continue during the year.

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

The Cuban Commission for Human Rights and National Reconciliation (CCDHRN) reported multiple prison deaths from heart attacks, asthma attacks, and other chronic medical conditions, as well as from suicide.

The government did not publish the number of prisoners or detainees, nor did it provide information regarding the number or location of detention centers, which included not only prisons but also work camps and other kinds of detention facilities. Estimates from unofficial sources of the prison and detention center population size vary widely, from as low as 30,000 to as high as 80,000. Men and women were held in separate prisons and

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

Political prisoners and the general prison population were kept in similar conditions. By refusing to wear standard prison uniforms, political prisoners frequently were denied certain privileges such as access to prison libraries and standard reductions in the severity of their sentence (for example, being transferred from a maximum security to a medium security prison, or to a work camp). Political prisoners also reported being threatened or harassed by fellow inmates whom they thought were acting on orders of prison authorities.

Prisoners reported that solitary confinement was a common punishment for misconduct and that some had been held in isolation for months or even years at a time. In general prisoners in isolation had restrictions on family visits. The government sometimes placed healthy prisoners in cells with mentally disturbed inmates.

Prisoners and pretrial detainees had access to visitors, although some political prisoners' relatives reported that prison officials arbitrarily canceled scheduled visits. Prisoners were permitted limited religious observance. Both the Catholic Church and the Cuban Council of Churches (CCC) reported improved access to prisoners during the reporting period. In 2009 member churches of the CCC began holding regular services in selected prisons, mostly in the province of Havana. The CCC reported that the government allowed continued expansion of this program during the year, with services offered in most if not all provinces. As in 2009, there were isolated reports that prison authorities did not inform inmates of their right to religious assistance, delayed months before responding to such requests, and limited visits to a maximum of two or three times a year.

By law, prisoners and detainees may seek redress regarding prison conditions and procedural violations, such as continued incarceration after their prison sentence has expired. Prisoners reported that in practice government officials often refused to allow or accept complaints, or failed to respond to the complaints once submitted. However, the family of a political prisoner reported that central authorities resolved their complaints regarding prison living conditions after local authorities failed to do so. In another case, central government authorities instructed the local prison to stop denying privileges to a political prisoner who refused to wear the prison uniform. It is not clear whether the government investigated or monitored allegations of inhumane conditions. If investigations did occur, the results were not publicly accessible.

Although the government had invited the UN special rapporteur for torture and other cruel, inhuman, or degrading treatment or punishment, to conduct a fact-finding mission to the country, no such visit occurred during the year. In June Special Rapporteur Manfred Nowak announced that the government had failed to provide him with a date for the visit, despite several attempts on his part to come to an agreement. Nowak was not able to conduct the mission before his mandate expired on October 31.

d. Arbitrary Arrest or Detention

The code of criminal procedure broadly governs arrests, pretrial, and trial procedures. Police have wide discretion to stop citizens and request their identification and to carry out arrests and searches.

The law provides that police officials provide suspects with a signed "act of detention," noting the basis, date, and location of any detention in a police facility, and a registry of any personal items seized during a police search. In practice police officials routinely failed to comply with these requirements during detentions or searches. Arbitrary stops and searches were most common in urban areas and at government-controlled

checkpoints located at the entrances to provinces and municipalities. There were reports that police disproportionately stopped and questioned Afro-Cubans, particularly within Havana and in tourist areas.

Police and security officials frequently utilized short-term detentions to prevent those it perceived as government opponents from assembling freely. Detentions generally lasted from several hours to several days. For example, on December 10 police detained dozens of political activists who attempted to participate in demonstrations marking International Human Rights Day. Most of the detainees were released within a few hours, after the demonstrations had been prevented.

The CCDHRN reported that the government increasingly relied on short-term preventive detentions to harass opponents rather than prosecution and incarceration, citing at least 2074 such detentions during the year, compared with fewer than 900 in 2009. Long-term incarcerations to punish opponents decreased, according to the CCDHRN. However, sources reported several cases late in the year in which the government detained human rights activists who remained in detention at year's end.

On December 25, brothers Marcos Maikel Lima Cruz and Antonio Michel Lima Cruz were detained for accusations of desecrating the Cuban flag and public disorder. The detentions followed a celebration the night before in which they reportedly danced on the street with the Cuban flag to the music of a well-known rap group that is sometimes critical of the government. On December 9, Guantanamo-based activist Nestor Rodriguez Lobaina was detained as he was preparing to participate in events marking International Human Rights Day on December 10. On December 13, Rodriguez was moved to a maximum security prison. In November independent journalist Jose Agramonte Leyva was detained in Camaguey. At the end of the reporting period, all four continued to be held without charges.

House detention without due process was another method commonly employed by the government to prevent free assembly. Throughout April supporters of the Damas de Blanco reported being told that they would be arrested if they attempted to join public demonstrations. In Holguin Province the mother and supporters of deceased hunger striker and prisoner of conscience Orlando Zapata Tamayo reported throughout the summer and fall that state security agents, uniformed police, and government-organized mobs prevented them from visiting the nearby Catholic Church or Zapata's grave by blockading their neighborhood. The mobs often directed insults and ethnic slurs against Zapata's family, and there were reports that some of their supporters were roughed up. During house detentions, plainclothes state security officers or uniformed police officers stood directly in front of their homes or at the corner of their block.

Role of the Police and Security Apparatus

The Ministry of the Interior (MOI) exercises control over police, the internal security forces, and the prison system. The National Revolutionary Police (PNR) is the primary law enforcement organization and was moderately effective in investigating common crimes. Specialized units of the MOI's state security service are responsible for monitoring, infiltrating, and suppressing opposition political groups. The PNR supports the MOI by carrying out house searches, arresting persons of interest to the MOI, and providing interrogation facilities for state security agents.

Police routinely violated procedural laws with impunity and often failed or refused to provide citizens with legally required documentation, particularly during arbitrary detentions and searches. Members of the security forces acted with impunity in committing numerous, serious civil rights and human rights abuses. While the PNR ethics code and MOI regulations forbid brutality, security forces continued to employ aggressive and physically abusive tactics. The government did not announce any investigations into police misconduct during the year.

Although the law on criminal procedure prohibits the use of coercion during investigative interrogations, police and security forces routinely relied on threats and

harassment during questioning. Detainees reported that officers threatened them with long-term detention, loss of child custody rights, denial of permission to depart the country, and suggestions designed to intimidate, such as that an elderly relative might suffer an accident or that a child might not pass the end-of-year exams.

For example, during a December 1 detention, state security officers told former political prisoner Darsi Ferrer and his wife that if they continued to engage in dissident activity, the government might take custody of their nine-year-old son.

There were no mechanisms available to investigate government abuses.

Arrest Procedures and Treatment While in Detention

The code of criminal procedure broadly governs arrests, pretrial, and trial procedures, including investigative and pretrial detention. After an arrest, police have 24 hours to present a criminal complaint to a police official called an instructor. The instructor then has 72 hours to investigate and prepare a report for the prosecutor. The prosecutor then has an additional 72 hours to recommend to the appropriate court whether to open a criminal investigation.

Detainees have no right to counsel during this period. By law, after the 168-hour detention period, detainees must be informed of the basis for the arrest and criminal investigation, and have access to legal representation. Detainees facing formal charges must retain counsel within five days of being charged or the state can appoint an attorney on their behalf. Those charged can be released on bail, placed in home detention, or held in continued investigative detention.

In practice, however, officials often disregard many of these procedures. Suspects often are detained longer than 168 hours without being informed of the nature of the arrest or being afforded legal counsel. In a survey of fellow prisoners conducted in 2009 and 2010, a noted dissident reported that 64 percent of pretrial detainees where he was being held had spent weeks and sometimes months without having ever seen an attorney or being informed of the charges against them.

Once the accused has an attorney, the defense has five days to respond to the prosecution's charges, after which a court date usually is set. There were many reports that defendants with public defenders met their attorneys for the first time only minutes before their trials. Prosecutors can demand summary trials "in extraordinary circumstances" and in cases involving crimes against state security.

Bail was available, although typically not granted in cases involving alleged antigovernment activity. Time in detention before trial counted toward time served if convicted.

Detainees can be interrogated at any time during detention and have no right to request the presence of counsel. Detainees have the right to remain silent, but officials do not have a legal obligation to inform them specifically of that right.

By law, investigators must complete criminal investigations within 60 days. Prosecutors may grant investigators two 60-day extensions upon request, for a total of 180 days of investigative time. This deadline, however, can be waived by the supervising court in "extraordinary circumstances" and upon special request by the prosecutor. In that instance, no additional legal requirement exists to complete an investigation and file criminal charges. Detainees have been held for months or years in investigative detention, in both political and nonpolitical cases. In nonpolitical cases delays were often due to bureaucratic inefficiencies, a lack of checks on police, and prosecutorial or judicial excesses.

Foreign development worker Alan Gross was arrested in December 2009 and at year's end had been held for over a year without having been informed of the charges against

him or ever having been brought before the courts. Darsi Ferrer was held for 11 months before being formally charged, tried, convicted, sentenced, and released for time served, all on June 21. In August prosecutors charged political dissidents Ihosvani Suris de la Torre, Santiago Padron Quintero, and Maximo Pradera Valdez, who had been detained without charges since 2001.

e. Denial of Fair Public Trial

While the constitution recognizes the independence of the judiciary, the judiciary is subordinate to the imperatives of the socialist state. The National Assembly appoints all judges and can remove them at any time. Through the National Assembly, the state exerted near-total influence over the courts and their rulings.

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

Trial Procedures

Due process rights applied equally to all citizens as well as foreigners, but courts often failed to protect or observe these rights. The law presumes defendants are innocent until proven guilty, but authorities often ignored this in practice, placing the burden on the defendant to prove innocence rather than on the prosecution to prove guilt.

Defendants generally have the right to a public trial, but politically motivated trials are often held in secret, citing exceptions for crimes involving "state security" or "extraordinary circumstances." The law does not provide for jury trials. Almost all cases concluded in less than one day.

The law provides the accused with the right to be present during trial and requires that defendants be represented by an attorney at trial, if necessary at public expense. Defendants' attorneys can cross-examine state witnesses and/or present witnesses and evidence on the defendants' behalf.

Criteria for presenting evidence were often arbitrary and discriminatory. According to numerous reports, prosecutors routinely introduced irrelevant or unreliable evidence, such as character witnesses who testified about the revolutionary background of a defendant.

Defense attorneys have the right to review the police investigation file at any time, unless the investigation involves "crimes against the security of the state." In these cases defense attorneys are not allowed access to the file until charges have been filed. In practice many detainees reported that their attorneys had difficulties accessing their files due to bureaucratic and administrative obstacles. Attorneys of political detainees reported that they often had greater difficulty gaining access to their clients' files.

The Penal Code includes the concept of "potential dangerousness," defined as the "special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of socialist norms." The authorities mostly applied this law to target prostitutes, alcoholics, young persons who refused to report to work centers, and repeat offenders of laws restricting change of domicile. The CCDHRN estimated 200-300 people were convicted on charges of potential dangerousness during the reporting period.

On September 15, twenty-five-year-old Yanisleidys Ramirez Teruel of Ciego de Avila was sentenced to four years in prison on dangerousness charges. According to trial

documents, the prosecutor alleged that since July 23, Ramirez had engaged in sexual relationships with foreigners in Havana "with the goal of obtaining economic benefits." Family members reported that Ramirez had been living in Havana with her aunt, and that both she and her family were longstanding opponents of the government. They also noted that Ramirez's pre-trial interrogations focused on her connections to various political opposition groups.

Ramirez's defense attorney was allowed 13 minutes before the trial to review the prosecution's evidence and speak with Ramirez. Because dangerousness is a "precriminal" sanction, the law does not require evidence of the commission of a crime in order to convict. The court recounted the prosecution's allegations in its sentence and stated that, because Ramirez had failed to show a "positive change" in her behavior despite two meetings with local authorities, "it was necessary to remove her from her current environment in order to reeducate and, afterward, reincorporate [her] into society." The court then sentenced Ramirez to four years in a "Specialized Center for Work or Study" (known locally as a "reeducation camp"). Ramirez was given three days to appeal her sentence; her appeal was denied on September 24 in a thirty minute trial.

The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases involving lengthy prison terms or the death penalty. In December, for instance, the Supreme Court reduced the death sentences of two Salvadoran nationals to life imprisonment, following an appeal.

Political Prisoners and Detainees

During the year the Catholic Church mediated the release of dozens of political prisoners and prisoners of conscience. The government indicated that it not only would release the remaining 52 political prisoners arrested in March 2003, but that it would release all political prisoners, including dozens of civil society activists like independent journalist Santiago Du Bouchet Hernandez, who was arrested in April 2009 and Agustin Cervantes, a leader in the Christian Liberation Movement's Varela Project, who was arrested in September 2009.

At year's end the CCDHRN reported that at least 105 political prisoners remained in jail, compared to 194 at the end of 2009. The government continued to deny the existence of political prisoners, claiming that all of the country's prisoners had been justly convicted. International and domestic NGOs and opposition figures note that the law criminalizes even peaceful anti-government activity or expression.

Political prisoners were charged with crimes such as: "aiding a foreign power," distributing "enemy propaganda," "contempt" of authorities, "sabotage," and violating national security. Others were convicted of attempting to leave the country illegally, assault, or social dangerousness.

Lack of governmental transparency and systemic violations of due process rights obfuscated the true nature of criminal prosecutions and investigations, allowing government authorities to prosecute and sentence human rights activists for common crimes. This issue continued to complicate attempts by observers to calculate the number of political prisoners.

Political prisoners were not given the same protections as other prisoners or detainees. In particular they were frequently denied early parole or transfers to lower-security facilities that were commonly granted to other prisoners. Political prisoners also generally were denied access to home visits, prison classes, phone calls, and on occasion, family visits. Some political prisoners refused to wear a prison uniform. Although prison authorities generally punished such refusals, many prisoners reported that they were eventually given permission to wear clothing of their own choosing.

The government continued to refuse international humanitarian organizations access to political prisoners, although many political prisoners were able to communicate information about their living conditions through phone calls to human rights observers

and reports to family members.

Civil Judicial Procedures and Remedies

Civil courts exist at the municipal, provincial, and Supreme Court levels, and oversee civil, administrative, labor, and economic matters. These can include child custody determinations, marriage annulments, contractual disputes, claims for economic damages, forced expropriations, and other matters existing between either natural or legal persons, so long as one party to the dispute is Cuban. Civil courts, like all courts in the country, lack an independent or impartial judiciary as well as effective procedural guarantees. Although it is legally possible to seek judicial remedies through civil courts for violations of administrative determinations, contacts noted that general procedural and bureaucratic inefficiencies often delayed or undermined the enforcement of both administrative determinations and civil court orders. No courts allowed claimants to bring lawsuits seeking remedies for human rights violations.

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

The constitution protects citizens' privacy rights in their homes and correspondence, and police must have a warrant signed by the prosecutor or magistrate before entering or conducting a search. In practice, however, police searched homes and seized personal goods without the legally required documentation. The government also physically and electronically monitored civil society activists. The MOI employed a system of informants and block committees (known as "Committees for the Defense of the Revolution" or CDRs) to monitor government opponents and report on their activities. DGSE agents subjected foreign journalists and diplomats to occasional harassment and surveillance, including electronic surveillance and surreptitious entry into their homes.

To fend off criticism after the death of political prisoner Orlando Zapata Tamayo, the government aired on state television footage of meetings between Zapata Tamayo's physicians and family, taken without their knowledge and used without their consent.

The CP is the only legally recognized political party, and the government actively suppressed attempts to form other parties. Party membership is not required to obtain common government services, like rations, housing, or medical care. However, the government encouraged mass political mobilization and favored citizens who actively participated, especially when awarding valued public benefits like admissions to higher education, fellowships, jobs and other benefits.

Relatives of political dissidents sometimes suffered reprisals. Some wives and children of opposition figures were denied employment for being "untrustworthy," prevented from enrolling at universities, or denied academic distinctions or exit permits to leave the country and return.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press only insofar as they "conform to the aims of socialist society." In practice the government had little tolerance for public criticism of government officials or programs. Laws banning criticism of government leaders and distribution of antigovernment propaganda carry penalties ranging from three months' to 15 years' imprisonment.

The government directly owned and the CP controlled all print and broadcast media outlets and did not allow editorial independence. News and information programming was nearly uniform across all outlets. Controls on information were so tight that even the state-run media complained at times, as evidenced by an op-ed that appeared briefly on the CP Youth newspaper's website before being pulled down. The government also controlled nearly all book publications, requiring CP approval before materials

could go to press.

The government does not recognize independent journalism, and subjected some independent journalists to travel bans, detentions, harassment, equipment seizures, and threats of imprisonment. DGSE agents have been known to pose as independent journalists in order to gather information. Twenty of the political prisoners that the government released into exile this year had worked as independent journalists prior to their imprisonment in 2003; at least five others remained in prison.

Catholic priests and other clergy were able to deliver sermons without prior government approval and in some cases criticized the government without reprisals. Priests and senior clergy openly and publicly criticized President Castro and the country's leadership in church publications and media interviews without reprisals, openly questioning how the country's leadership dealt with criticism and managed the economy. Catholic publications in Havana and Pinar del Rio often challenged government policies and assumptions. In February the Cuban Council of Churches issued a statement lamenting the death of hunger striker Zapata.

The Catholic Church received permission to broadcast Easter Mass on state-run stations, in addition to the broadcast of Christmas Mass that has been permitted since the 1990s. On August 8, the government also allowed the broadcast of a special Mass marking the beginning of a year-long celebration for the 400th anniversary of the Virgin of Charity, named by the Catholic Church as the patron saint of the country. In addition, the government authorized the CCC, the government-recognized Protestant umbrella organization, to host a series of hour-long radio broadcasts throughout the country.

The law prohibits distribution of printed material from foreign sources that are considered "counterrevolutionary" or critical of the government. Foreign newspapers or magazines were generally unavailable. Distribution of material with political content, interpreted broadly to include the Universal Declaration of Human Rights, was not allowed and resulted in harassment and even detention. The government continued to jam the transmissions of Radio Marti and Television Marti.

The government sometimes barred independent libraries from receiving materials from abroad and sometimes seized materials donated by foreign governments.

Internet Freedom

There were significant government restrictions on access to the Internet and widespread reports that the government monitored e-mail and Internet chat rooms and browsing. The government controlled all Internet access, with the exception of extremely limited facilities provided by a few diplomatic missions and some black market facilities. While the government claimed 14 percent of the population had access to the Internet, in many cases this access was limited to a domestic "intranet" which offered only e-mail or highly restricted access to the World Wide Web.

Since there is no fiber optic cable connection to the country, all Internet traffic passes through dial-up or limited satellite connections. Citing these limitations, the government granted Internet access only to a chosen few, consisting mostly of government officials, established professionals, professors, students, journalists, and artists. Others could access limited e-mail and Internet services through government-sponsored "youth clubs" or Internet centers approved and regulated by the Ministry for Information Technology and Communications.

Authorities reviewed the browsing history of authorized users, reviewed and censored e-mail, employed Internet search filters, and blocked access to Web sites considered objectionable. Numerous human rights groups reported that authorities used mobile patrols to search for unauthorized Internet and satellite television equipment. When police discovered violators, they confiscated the equipment and fined the owners.

While the law does not set specific penalties for unauthorized Internet use, it is illegal to own a satellite dish that would provide uncensored Internet access. In 2008 the government instructed providers of public Internet access to block access to sites "whose contents are contrary to social and moral interests and community standards" or applications that "affect the integrity or the security of the state." The same resolution ordered Internet providers to prevent the use of encryption software and the transfer of encrypted files. Despite the limited access, the harassment, and the infrastructure challenges, a growing number of citizens maintained blogs where they often posted opinions critical of the government, with help from foreign supporters who often built and kept the blog sites. Local access to the majority of these blogs was blocked.

Both foreigners and citizens were allowed to buy Internet access cards from the national telecommunications provider and to use hotel business centers, where Internet access could be purchased only in hard currency. Access usually cost between five and 10 convertible pesos (\$5.40 to \$10.80) an hour, a rate beyond the means of most citizens.

Academic Freedom and Cultural Events

The government restricted academic freedom and controlled the curriculum at all schools and universities, emphasizing the importance of reinforcing "revolutionary ideology" and "discipline." Most academics refrained from meeting with foreigners, including diplomats, journalists, and academics, without prior government approval, and those permitted to travel abroad were aware that their actions, if deemed politically unfavorable, could negatively affect them and their relatives back home.

In a well-publicized case in June, the CP expelled Professor Esteban Morales from the party after he published an article addressing the challenges posed by government corruption. Morales, a senior University of Havana professor, had been a frequent guest on the state-run television nightly news program *Mesa Redonda* ("Roundtable") prior to the publication of the article but has not appeared on the show since.

Public libraries required a letter of permission from an employer or academic institution for access to books or information.

b. Freedom of Peaceful Assembly and Association

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

Freedom of Assembly

Unauthorized assemblies of more than three persons, including those for private religious services in private homes, can be punished by up to three months in prison and a fine, although these meetings were more likely to be broken up than prosecuted. The government did not grant permission to antigovernment demonstrators or approve public meetings by human rights groups. Early in the year, the government tried to prevent the Damas de Blanco from marching without permits, but their defiance in the face of state-organized mobs eventually led the government to relent (see section 1. c).

Civil society organizations reported continued suppression of the right to assemble. On October 29, more than three dozen independent lawyers, journalists, and human rights activists attempted to gather in a private home to discuss UN treaties and domestic laws that affect civil society organizations. In the hours before the scheduled meeting, plainclothes security forces surrounded the building and demanded identification from the people who attempted to enter. With assistance from uniformed police, several prominent attendees were detained and driven to police stations where they were held for several hours, then released without charges.

The government continued to allow religious processions in celebration of important

religious holidays, and at least two religious groups held public processions without obtaining a permit without repercussions.

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

Freedom of Association

The government routinely denied its citizens freedom of association, and did not recognize independent associations. The constitution proscribes any political organization that is not officially recognized. Authorities have never recognized an independent human rights organization; however, a number of independent organizations and professional associations operated as NGOs without legal recognition.

Recognized churches, the Roman Catholic humanitarian organization Caritas, the Freemason movement, and a number of fraternal and professional organizations were the only associations legally permitted to function outside the formal structure of the state, the CP, and the government-organized organizations. All religious groups are accountable to the government's Office of Religious Affairs, which has the authority to deny permits for religious activities and exerts pressure on church leaders. The authorities continued to ignore applications for legal recognition from new groups, including several new religious groups as well as women's rights and gay rights organizations, thereby subjecting members to potential charges of illegal association.

c. Freedom of Religion

For a complete description of religious freedom, please see the Department of State's [2010 International Religious Freedom Report](#).

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

There are severe restrictions on freedom of movement within the country, on foreign travel, and on migration with the right of return.

The government tightly restricted foreign and domestic travel and limited internal migration from rural areas to Havana. Some dissidents reported that they were prevented from leaving their home provinces or detained by authorities and returned.

Although the constitution allows all citizens to travel anywhere within the country, changes of residence were heavily restricted. The local housing commission and provincial government authorities must authorize any change of residence. Anyone living in a location illegally may be fined and sent back to their place of residence. While the regulation was in effect nationwide, it was applied most frequently in Havana. Thousands of people lived in Havana illegally and without access to food rations or local identification cards. There were cases where police had threatened to prosecute for "dangerousness" anyone who returned to Havana after having been expelled.

The government restricted both migration and temporary foreign travel, by requiring exit permits and forcing would-be migrants to forfeit most of their belongings, including houses. The government allowed the majority of persons who qualified for immigrant or refugee status in other countries to depart. However, at least 300 citizens who had received foreign travel documents were denied exit permits during the year. Persons routinely denied exit permits included medical personnel, men of military age, former military or security personnel, and members of the opposition. The government requires university graduates to perform social service work for periods that run for up to five years, during which they are not allowed to leave the country.

The government denied exit permits for several years to relatives of individuals who

migrated illegally (for example, merchant seamen and sports figures who defected while out of the country). The government frequently withheld exit visas from dissidents.

Juan Juan Almeida, son of deceased leader of the Cuban Revolution Juan Almeida Bosque, was repeatedly denied an exit permit to seek medical treatment. Early in the year, he launched a blog featuring the stories of others who had been denied exit permits, and in June he began a hunger strike to demand the right to leave. In August Cardinal Ortega intervened, and the government let Almeida depart.

The law permits authorities to bar an individual from a certain area, or to restrict an individual to a certain area, for a period of one to 10 years. Under this provision, authorities may internally exile any person whose presence in a given location is considered "socially dangerous."

Those seeking to migrate legally alleged they also faced police interrogation, fines, house searches, harassment, and intimidation by the government, including involuntary dismissal from employment. Government employees who applied to migrate legally to the United States sometimes were fired from their jobs when their plans became known.

Fees for medical exams, exit permissions, passport costs, and airport taxes are payable only in hard currency and amounted to approximately 630 convertible pesos (approximately \$680) for an adult, or nearly three years' salary. These fees represented a significant hardship, particularly for migrants who had been forced from their jobs and had no income. At year's end some would-be migrants were unable to leave the country because of their inability to pay exit fees. Authorities dispossessed migrants and their families of their homes and most of their belongings before permitting them to leave the country.

The law provides for imprisonment of up to three years or a fine of 300 to 1,000 pesos (approximately \$11 to \$38) for unauthorized departures by boat or raft. In practice, however, most were detained for no more than two to three weeks and given a fine. The government sometimes applied a law on human smuggling to would-be migrants charged with organizing or promoting illegal exits. The law provides for imprisonment from two to five years for those who organize, promote, or incite illegal exit from national territory. The CCDHRN estimated that at year's end approximately 300 citizens had been fined, were awaiting charges, or were serving sentences on smuggling charges. Jail terms were more common for persons attempting to flee to the United States through the Guantanamo U.S. Naval Base. Under the terms of the 1994 U.S. Cuba Migration Accord, the government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the U.S. Naval Station at Guantanamo, after attempting to emigrate illegally if they had not committed a separate criminal offense. However, in practice some would-be migrants experienced harassment and discrimination such as fines, expulsion from school, and job loss.

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

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol, but the constitution provides for the granting of asylum to individuals persecuted for their ideals or actions involving a number of specified political grounds. Although the government has no formal mechanism to process asylum for foreign nationals, in practice it provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. These protections were also provided to some fugitives from justice, whom the government defined as refugees for political reasons.

The government worked with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to

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

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

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

In 2008 the National Assembly unanimously elected Raul Castro to succeed his brother as chief of state and president.

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

Elections and Political Participation

Candidates for provincial and national office must be approved in advance by state-run mass organizations, such as the women's and CP youth organizations. A small group of leaders selected all senior positions, including the presidency and vice presidencies, the Council of State, and the members of the CP Politburo and the Central Committee, to be rubber stamped by the larger bodies of the National Assembly or the CP. In theory, non CP members could contest elections, but in practice CP membership was a prerequisite for high-level official positions except for municipal assemblies, the lowest elected bodies which are largely symbolic. All candidates must be approved by CP dominated candidacy commissions that approve only one candidate per office.

There was one woman in the 24 member Politburo and 15 in the 107 member Central Committee. Women held eight seats in the 27 member Council of State and 265 seats in the 614 seat National Assembly.

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

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government is highly sensitive to corruption allegations and often conducts anticorruption crackdowns. In 2009 it created the post of comptroller to handle better the growing problem of corruption, while during the year, over a dozen high-level officials and prominent business people were detained under suspicion of corruption. The World Bank's worldwide governance indicators reflected that government corruption was a growing problem.

There were widespread reports of corruption in the police and courts. Multiple sources reported that police sometimes conducted searches of homes and vehicles, then sought bribes in place of fines or arrests. A prominent independent lawyer reported that prosecutors and judges accepted money in exchange for reduced charges or shorter sentences.

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

The law provides for public access to government information, but in practice requests for information were routinely rejected.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government did not recognize domestic human rights groups or permit them to function legally. Several human rights organizations continued to function outside the law, including the CCDHRN, the Christian Liberation Movement (MCL), the Assembly to Promote Civil Society, and the Lawton Foundation for Human Rights. The government subjected domestic human rights advocates to intimidation and harassment.

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

The government continued to deny human rights organizations, the UN, and the International Committee of the Red Cross access to all prisoners and detainees.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

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

The law does not recognize domestic violence as a distinct category of violence but prohibits threats and violence, including those associated with domestic violence. Penalties for domestic violence are covered by the laws against assault and range from fines to prison sentences of varying lengths, depending on the severity of the offense.

To raise awareness about domestic violence, the government continued to carry out media campaigns during the year. In addition a few government-organized organizations held conferences and worked with local communities to improve services. UNICEF reported that the government ran shelters for women and children in most communities, with staff trained in assisting victims of abuse. The director of the Center for Women's Studies (part of the state-run Federation of Cuban Women) acknowledged the problem during a conference held in November and expressed the organization's commitment to improving services, especially in rural areas. Other conference participants discussed reasons many women did not report domestic violence and ways to encourage more women to come forward.

The law provides penalties for sexual harassment, with potential sentences of three months to five years' imprisonment. The government did not release any statistics on arrests, prosecutions, or convictions for offenses related to sexual harassment.

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. The UN Population Fund reported in 2008 that 77 percent of women ages 15 to 49 used some form of birth control and UNICEF reported that the maternal mortality ratio in 2008 was 53 maternal deaths per 100,000 live births.

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

Children

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

There was no societal pattern of child abuse.

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

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

The country is not a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

There were between 1,000 and 1,500 members of the Jewish community. There were no reports of anti-Semitic acts or other societal abuses or discrimination based on religious affiliation, belief, or practice.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual [*Trafficking in Persons Report*](#).

Persons with Disabilities

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

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

In January at least 26 patients died at the government-run "Mazorra" Psychiatric Hospital in Havana when temperatures dropped to near freezing. Havana residents familiar with the hospital alleged that the deaths were due to negligence, and reported that the patients, many of them elderly, suffered from severe malnutrition, lived in unheated

rooms with broken windows, and lacked jackets or blankets. On January 16, the Ministry of Public Health acknowledged the deaths, cited "deficiencies" in the hospital's administration, and stated that responsible officials would face criminal charges. On July 22, President Castro replaced the minister of public health. Unofficial reports at the end of the year indicated that the government was preparing charges against several people involved in the case.

National/Racial/Ethnic Minorities

Afro Cubans often suffered racial discrimination, including disproportionate stops for identity checks and searches, and could be subject to racial epithets. Afro Cubans were represented disproportionately in neighborhoods with the worst housing conditions and were economically disadvantaged.

At a conference in July, a prominent University of Havana professor led an open discussion on racism and discrimination against Afro-Cubans. Students, community leaders, and local residents participated in the discussion, shared personal stories of discrimination, and discussed policy and educational approaches to improving the situation.

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

Officially, there was no discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. However, societal discrimination based on sexual orientation or gender identity persisted, and police occasionally conducted sweeps in areas where gay men congregated. In November gay rights activists reported that police conducted raids on several areas frequented by gay men in Santa Clara and detained a number of gay men. The men were taken to local police stations where they were fined and threatened with prosecution for social dangerousness.

In September during an interview with the foreign press, former president Fidel Castro acknowledged and accepted responsibility for the mistreatment of gays and lesbians during the 1960s and 70s, when they were considered "counter-revolutionaries" and many were sent to re-education camps. Mariela Castro, President Castro's daughter, headed the national Center for Sexual Education and continued to be outspoken in promoting gay rights. In January she acknowledged publicly that some discrimination continued to exist against lesbian, gay, bisexual, and transgender (LGBT) persons and called on the CP to take steps to eliminate it. Despite these efforts, several nongovernment gay rights activists asserted that the government had not done enough to stop harassment of LGBT persons.

Other Societal Violence or Discrimination

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

Section 7 Worker Rights

a. The Right of Association

The law does not allow workers to form and join independent unions of their choice. The only legal labor union in the country was the Central de Trabajadores de Cuba (CTC), or the Workers' Central Union of Cuba, whose leaders were chosen by the CP. The CTC's principal responsibility was to ensure that government production goals were met. It did not bargain collectively, promote worker rights, or protect the right to strike. Most workers were required to belong to the CTC, and promotions frequently were limited to CP members who took part in mandatory marches, public humiliations of

dissidents, and other state organized activities.

The CTC took a lead role in disseminating information regarding the government's planned layoffs of one million government workers, which began in October. This will affect approximately one-fifth of the active workforce of approximately five million. Although the CTC stated its role included defending workers by ensuring that the layoff process was fair, it was not clear what, if any, action the CTC took in this regard. It further stated that "our state cannot and should not continue supporting businesses, production entities, and services with inflated payrolls; it will no longer be possible to apply a formula of protecting and subsidizing salaries on an unlimited basis to workers."

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

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

Of the 75 dissidents jailed in 2003, seven were independent labor leaders. All but one (Iván Hernández Carillo) were released during the year.

b. The Right to Organize and Bargain Collectively

The law does not provide for collective bargaining, though it does provide a complicated process for collective agreements. The International Labor Organization's Committee (ILO) of Experts on the Application of Conventions and Recommendations continued to raise concerns with restrictions on collective bargaining and agreements, in particular that government authorities and CTC officials had the final say on all such agreements. The CTC was the only legally recognized trade union, and the government continued to take active steps to prevent the formation of independent trade unions in all sectors.

Foreign embassies and multinational corporations generally did not directly hire Cuban citizens, but were required to contract them through a government agency. Multinationals set wages for their employees, and wages and benefits are generally reported to be in line with national averages. No minimum wage applies to the private sector.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

While the law does not specifically prohibit forced or compulsory labor by adults, statutes forbidding slavery, bondage, and kidnapping would apply to situations of compulsory or forced labor. Convicts were often forced to work on farms or in construction, agricultural, or metal work.

The law prohibits forced or compulsory labor by children; in contrast to previous years, there were no reports that such practices occurred. Also see the Department of State's annual [Trafficking in Persons Report](#).

d. Prohibition of Child Labor and Minimum Age for Employment

The legal minimum working age is 17, although the labor code permits the employment of 15 and 16 year old children to obtain training or to fill labor shortages. However, in practice it was rare that children under 17 worked. The labor code does not permit 15

and 16 year olds to work more than seven hours per day or 40 hours per week, or on holidays. Children ages 13 to 18 cannot work in specified hazardous occupations, such as mining, or at night.

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

e. Acceptable Conditions of Work

The monthly minimum wage, which is established and enforced by the Ministry of Labor and Social Security, was fixed at 225 pesos (approximately \$10). There is no fixed period for review or revision of the minimum wage, which was last revised in 2005. The ministry enforced the minimum wage requirement through offices at the national, provincial, and municipal level and did so effectively. The minimum wage requirement does not apply to the small non-state sector. The government supplemented the minimum wage with free education, subsidized medical care (daily pay is reduced by 40 percent after the third day of a hospital stay), housing, and some food. Even with subsidies, the government acknowledged that the average wage of 415 pesos per month (approximately \$18) did not provide a reasonable standard of living.

Multinational companies continued to operate in a limited number of sectors, such as hotels, tourism, and mining. Such companies operate on the basis of a joint venture policy, in which the employers are prohibited from paying the workers directly, though many reportedly made supplemental payments under the table. The government is the exclusive labor contractor and received the foreign exchange from such multinational companies. The government subsequently paid the workers in pesos, an amount which was a small fraction of what the company paid the state for labor costs. Multinational companies set wages for their employees.

The standard workweek is 44 hours, with shorter workweeks in hazardous occupations, such as mining. The law provides workers with a weekly 24 hour rest period. These standards applied to state workers as well as to the small non-state sector (but not to the self-employed) and were effectively enforced. The law does not provide for premium pay for overtime or prohibit obligatory overtime but generally caps the number of overtime hours at twelve per week or 160 per year. The Ministry of Labor has the authority to establish different caps as needed. Compensation for overtime is paid either in cash at the regular hourly rate or in additional rest time, particularly for workers directly linked to production or services, and does not apply to management. Workers frequently complained that overtime compensation was either not paid or not paid in a timely manner. The law provides little grounds for a worker to refuse to work overtime. Refusal to work overtime could result in a notation in the employee's official work history that could imperil subsequent requests for vacation time.

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

The independent and illegal Confederation of Independent Workers of Cuba reported numerous violations of health and safety laws at worksites throughout the country, including inadequate and poorly maintained equipment and protective gear. The CTC seldom informed workers of their rights and did not respond to or assist workers who complained about hazardous workplace conditions.
