

- ▶ review, as a matter of urgency, the minimum legal age of sexual consent with a view to raising it;
- ▶ take further psycho-social measures to prevent and control the debilitating effects of behavioural problems affecting children;
- ▶ take further measures to implement the recommendations of the ILO Committee of Experts on the Application of Conventions and Recommendations with respect to the obligations arising from ILO Convention No. 79, providing for a period of rest at night of at least 12 consecutive hours, including the interval between 10 p.m. and 6 a.m., for young persons under the age of 18;
- ▶ undertake additional efforts to monitor more closely the implementation of articles 28 (education) and 32 (economic exploitation) of the Convention, including through the development and use of selected indicators to track trends in areas such as the drop-out rate from school and the entry of children into the informal labour market;
- ▶ monitor closely the issues of begging, drug abuse and trafficking and child prostitution with a view to their early prevention;
- ▶ establish in the Criminal Code protection of children up to the age of 18 from sexual exploitation; and,
- ▶ take further measures to address matters relating to the sexual exploitation of children, particularly through tourism.

## COMMISSION ON HUMAN RIGHTS

### Special Rapporteur on the situation of human rights in Cuba

The Commission on Human Rights (CHR) at its 47th session in 1991 requested the Secretary-General to appoint a Special Representative to maintain direct contact with the government and citizens in Cuba, following a CHR mission to Cuba in 1988. In 1992, after considering the report of the Special Representative, the CHR requested that the Special Representative be designated as its Special Rapporteur to review and report on the situation of human rights in Cuba. The mandate of the Special Rapporteur (SR) has been renewed annually since that time. Mr. Carl-Johan Groth was appointed as Special Rapporteur in August 1992 and reported to the 1997 sessions of the Commission and the General Assembly.

The report of the SR (E/CN.4/1997/53) notes that, under the terms of the Helms-Burton Act (officially, the Cuban Liberty and Democratic Solidarity Act) and the Torricelli Act (officially, the Cuban Democracy Act), specific conditions and time-frames for the lifting of the US embargo are set out. The SR comments that, through these laws, the United States has assumed the right to determine the rules for converting the current totalitarian system in Cuba into a different, more pluralist one. The SR further comments that this inspires doubt rather than confidence about the future and may cause some dissidents to feel that their own criteria are irrelevant, that Cuba's future will be decided without consulting them and cause a decline in the trend towards overt political activity and the risk it implies. The report notes that a great many people identified with dissident groups have left the country or

are preparing to do so, partly as a result of the government's policy of coercing dissidents to leave.

The report of the SR clearly indicates that, in areas related to civil and political rights, the government continues to violate rights. In particular, the report notes that information continues to be received about incidents of imprisonment and harassment, house searches, threats, temporary arrest, loss of employment or other kinds of reprisal connected with exercise of the freedom of expression and association or due to discrimination on political grounds. The report also considers weaknesses in the protection of economic, social and cultural rights and includes commentary on violations such as preferential health care for foreigners bringing in foreign currency, extremely low wages in nearly every sector of the economy, lack of trade union freedoms and collective bargaining for people working in enterprises funded by foreign capital and the system of wage payments in those enterprises whereby workers' wages are paid in hard currency to the government employment authority which then redirects payment of wages to the workers in the national currency, and refusal of the government to grant legal personality to the Confederation of Democratic Workers of Cuba.

Following these and other observations on economic and social issues, the report states that Cuba's economic free-fall, accelerated by the break-up of the Soviet Union and the disappearance of the socialist bloc, seems to have stopped. The report suggests that the ability of the government to survive the free-fall and the loss of one third of its national product may derive, in part, from a greater credibility and greater stores of loyalty among broad segments of the population than many observers thought possible. Another contributing factor to the government's success in withstanding pressures created by the change in economic circumstances is identified in the report as the system's flexibility, demonstrated by the economic reforms introduced in the 1990s. The report states that the most significant of those reforms was the one which involved legalizing the possession of dollars and self-employment.

The conclusions and recommendations in the report cover a number of issues, including that the government:

- ▶ cease persecution and punishment of citizens exercising their right to freedom of peaceful expression and association;
- ▶ release unconditionally from prison all persons sentenced to terms on grounds related to the exercise of rights provided in international human rights instruments;
- ▶ permit legalization of independent associations particularly in the areas of political activities, trade unionism, professional association and human rights and allow them to act without interference from authorities;
- ▶ ratify the Covenant on Civil and Political Rights and its two Optional Protocols and the Covenant on Economic, Social and Cultural Rights;
- ▶ amend laws to delete offences related to freedom of expression and association, such as enemy propaganda, unlawful association, and possession of illegal printed matter, and restrict the range of applicability of other offences such as rebellion;