

freedom of the CTDC to operate and to ensure that the authorities refrain from any interference aimed at limiting the organization's exercise of fundamental rights recognized in ILO Convention No. 87 on freedom of association and the right to organize. The Committee also requested the government to guarantee the exercise of human rights related to trade union rights, including the right of individuals not to be subjected to measures depriving them of their freedom on grounds related to their legitimate activities.

The conclusions in the SR's report state, *inter alia*, that: no evidence was found to suggest a trend towards greater tolerance for behaviour that does not fully conform to the existing system; the ongoing U.S. embargo was contributing to the rigidity of the system currently in place in the country, in the sense that the embargo served as a pretext for keeping the population under strict control and for punishing or suppressing in various ways those who work for political change or social space for the individual; the embargo was largely responsible for the shortage of material goods in Cuba and had caused the population untold hardship, with major negative repercussions in such key areas as health and nutrition; concern over the embargo's impact had led some members of the U.S. House of Representatives and the Senate to introduce bills aimed at allowing the export of food, medicines and medical equipment to Cuba; recent phenomena, such as unemployment and working conditions in foreign companies, made the establishment of free trade unions even more necessary; and, ideological considerations continued to have an impact on self-employment.

The SR reiterated recommendations made in previous reports, namely that the government:

- ♦ cease persecuting and punishing citizens for reasons relating to the exercise of the freedom of peaceful expression and association;
- ♦ take immediate steps to release unconditionally all those persons serving sentences for reasons relating to the exercise of rights recognized in international human rights instruments;
- ♦ permit the legalization of independent associations, especially those seeking to carry out activities in the political, trade union, professional or human rights field, and allow them to act within the law, but without undue interference on the part of the authorities;
- ♦ ratify the principal human rights instruments to which Cuba is not yet a party, in particular, the ICCPR and its two Optional Protocols and the ICESCR;
- ♦ delete from penal legislation types of offences related to freedom of expression and association — such as enemy propaganda, unlawful association and possession of illegal printed matter — and restrict the application of other offences, such as the offence of rebellion;

- ♦ review in depth the legal provisions relating to the concept of "dangerousness" and the relevant security measures with a view to eliminating all those aspects liable to infringe the rights and freedoms of individuals;
- ♦ repeal all those legal provisions which imply discrimination between citizens on political grounds, in particular in the employment and education sectors, and to the extent possible take measures to redress abuses committed in the past, for example, by reinstating in their former posts persons who have been dismissed;
- ♦ repeal the legal provisions barring Cuban citizens from exercising their right to enter and leave the country freely without prior administrative authorization;
- ♦ reform trial law so as to ensure that the guarantees of due process, including the independence of the judiciary, are safeguarded;
- ♦ ensure that the competent national authorities investigate thoroughly all incidents involving violations of the right to life and, where appropriate, punish those responsible and provide compensation to the relatives of the victims;
- ♦ ensure greater transparency and guarantees in the prison system so as to prevent, to the extent possible, excessive violence and physical and psychological suffering from being inflicted on prisoners;
- ♦ allow non-governmental humanitarian organizations and international humanitarian agencies to visit prisons; and
- ♦ allow international non-governmental human rights organizations to enter the country frequently so that they can evaluate the human rights situation and offer their competence and cooperation with a view to securing improvements.

#### **Resolution of the Commission on Human Rights (E/CN.4/1998/L.89)**

The Commission considered a resolution on the situation in Cuba which was ultimately defeated by roll call vote. In the proposed text, the Commission, *inter alia*, would have: reaffirmed the universality of the obligation of all member states to promote and protect human rights and fundamental freedoms; expressed concern at continued violations in Cuba in such areas as freedom of thought, opinion and expression, assembly and association, and rights associated with the administration of justice; welcomed release of a significant number of political prisoners; welcomed increased tolerance granted to religious institutions; called on the government to allow the SR to visit Cuba; expressed particular concern at the failure of the government to cooperate with the Commission on Human Rights; called on the government to consider acceding to human rights instruments to which Cuba is not yet a party; and called on the government to ensure freedom of expression and assembly and freedom to demonstrate peacefully, including by allowing political