

COMMISSION ON HUMAN RIGHTS

Report of the Special Rapporteur on the human rights situation in Cuba (E/CN.4/1998/69)

The mandate of the Special Rapporteur (SR) on the situation of human rights in Cuba was established by the Commission at its 1992 session. The government did not cooperate or extend an invitation to the SR to conduct an in-country visit. Mr. Carl-Johan Groth was the Special Rapporteur (SR) who prepared the report for the 1998 session of the Commission.

The report to the 1998 session contains information on, *inter alia*: the rights to non-discrimination on political grounds and to freedom of expression and association; prison conditions and summaries of comments made on the human rights situation in Cuba by the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee against Torture, the Committee of Experts on the Application of Conventions and Recommendations (International Labour Conference) and the ILO Committee on Freedom of Association.

Addressing the national context, the report refers to the October 1997 Fifth Communist Party Congress and the January 1998 elections for deputies to the National Assembly of People's Power and the Provincial Assemblies. The report notes that the Fifth Congress adopted various documents and resolutions in which: socialism and the single party were affirmed; minimum margins for private initiative were established; the leading role to be played in the reform process by state enterprises was stressed; and socialist principles, such as planned economic management and the role of the state as the guarantor of community ownership, were ratified. The report notes statements that changes would be directed towards maintaining the pre-eminence of socialist state ownership by making state enterprises more efficient than those subject to other forms of ownership; and self-employment will continue, based on the established legal framework within which it acts as a positive factor for the economy by increasing the supply of goods and services and representing a source of employment. The report notes that the measures adopted by the government to deal with the grave economic crisis were reaffirmed; as well as the principles of social justice, free education and health care, the right to a secure retirement and others.

Concerning elections, the report notes that: the system established by the 1992 Electoral Law does not genuinely make it possible for persons opposed to the government and not looked on favourably by the authorities to compete freely; the only information available to voters about candidates is contained in the biographical notes distributed by the government press; candidates are not able to present their own electoral platform; and the electoral process is so tightly controlled that the final phase, the voting itself, could be dispensed with without the final result being substantially affected.

The commentary on the human rights situation is prefaced by the general observation that the information pro-

vided to the SR in 1997 indicated a continuation of the pattern of human rights abuses of previous years, particularly in 1996. The report states that there was no change in such areas as non-discrimination on political grounds, the lack of independence in the administration of justice, prison conditions, the lack of trade union freedoms or the precarious working conditions caused by the economic situation. The SR also stated that there were no positive trends related to freedom of expression, assembly, and association which could indicate greater respect for and a readiness to talk to all those who, in a peaceful way, are critical of the current political, labour or educational situation.

The narrative on non-discrimination on political grounds and freedom of expression and association details incidents and cases of violations involving members of human rights groups, for various reasons and on various charges, *inter alia*: being a danger to society, criminal conspiracy and disobedience, contempt of the National Revolutionary Police (PNR), contempt and defamation, illegal broadcasting of news abroad, revealing of secrets concerning state security, contempt of the Commander-in-Chief, dissemination of false information, acts against state security, activities aimed at subverting the judicial and constitutional order, and dissemination of enemy propaganda. Commentary is also included on cases involving members of trade union groups.

With regard to the status of journalists and conditions affecting the media, the report notes that in February 1997 the government introduced a code of conduct for foreign journalists in Cuba that requires accredited journalists to carry out their work with objectivity and ensure that all facts are accurate and in accordance with the ethical principles that govern the profession of journalism. If they fail to do so, the code stipulates that they run the risk of being reprimanded by the Cuban International Press Centre or losing their accreditation. It also stipulates that all Cuban citizens working for a foreign press office must be hired through a state employment agency, with the exception of those who are providing their services on a cooperative basis. The code also allows the authorities to request samples of a journalist's work as a prerequisite for being re-accredited at the beginning of the year. The report notes that the Director of the International Press Centre stated that the code did not reflect a tightening of the policy towards the foreign press but simply formalized what was already current practice. Violations related to press freedom are noted, including systematic harassment — to prevent the dissemination of information outside official press channels — of independent journalists who are members of news agencies which they themselves created in the capital and several provinces.

The report refers to Act No. 80 Reaffirming the Dignity and Sovereignty of Cuba (December 1996) and cites article 8 which stipulates that "Any form of cooperation, direct or indirect, which facilitates implementation of the Helms-Burton Act is declared to be illegal". The report notes that many of the journalists harassed during 1997 were accused of violating the Act; such accusations were