



**Assemblée générale**

Distr.  
GÉNÉRALE

A/HRC/11/22  
29 mai 2009

FRANÇAIS  
Original: ANGLAIS

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CONSEIL DES DROITS DE L'HOMME  
Onzième session  
Point 6 de l'ordre du jour

**EXAMEN PÉRIODIQUE UNIVERSEL**

**Rapport du Groupe de travail sur l'Examen périodique universel\***

**Cuba**

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\* Seul le chapitre II (Conclusions et recommandations) du présent rapport est traduit. L'annexe est distribuée telle qu'elle a été reçue.

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## **Introduction**

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourth session from 2 to 13 February 2009. The review of Cuba was held at the 8th meeting on 5 February 2009. The delegation of Cuba was headed by H. E. Mrs. María Esther Reus González, Minister of Justice. At its meeting held on 9 February 2009, the Working Group adopted the present report on Cuba.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Cuba: Bosnia and Herzegovina, Gabon and Uruguay.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Cuba:
  - (a) A national report submitted made in accordance with paragraph 15 (a) (A/HRC/WG.6/4/CUB/1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/4/CUB/2);
  - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/4/CUB/3).
4. A list of questions prepared in advance by Canada, the Czech Republic, Denmark, Germany, Latvia, Liechtenstein, the Netherlands, Sweden, the United Kingdom of Great Britain and Northern Ireland, was transmitted to Cuba through the troika. These questions, as well as the answers from Cuba, are available on the extranet of the UPR.

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. H.E. Mrs. María Esther Reus, Minister of Justice of the Republic of Cuba, presented the report, which resulted from a wide and participative national process of consultations that involved all stakeholders.
6. This process coincided with the 50th anniversary of the triumph of the Cuban Revolution, a historic event that allowed all Cubans to fully enjoy all of their human rights.
7. The profound transformations taken up by the Revolution ensured the eradication of the structural injustices inherited from the colonial and neo-colonial periods.
8. The Cuban people, in the exercise of its right to self-determination, set up a truly representative and genuinely autochthonous political system which would guarantee real participation by all the people in the exercise of public power.
9. The Cuban political system respects and promotes the widest plurality of ideas, guaranteeing ways and means for participation and debate.

10. The key quality of the Cuban political system is its capacity for permanent improvement by full, genuine and periodic participation by the people.
11. The Constitution of the Republic – approved by the positive vote of 98 per cent of the electorate – establishes the basis and principles of the Cuban State.
12. The National Assembly of the Peoples' Power is the supreme body of State power. It represents and expresses the sovereign will of the people and is the only body having constituent and legislative legal authority.
13. The people nominate and elect their representatives by free, direct and secret vote. The members of the Council of State and its president must be elected as deputies. Every Cuban citizen has the right to elect and to be elected.
14. The composition of the National Assembly of the Peoples' Power represents the diversity of the Cuban society. All sectors of the population are represented by the 614 parliamentary deputies. More than 28 percent are workers, peasants, service sector workers, teachers and health workers; 43 percent are women; 36 percent are Afro-descendants. More than 56 percent were born after the triumph of the Revolution.
15. Direct forms of democracy are promoted together with a participative culture. Important decisions are passed only after the broadest possible public consensus has been reached.
16. In 2008, a broad process of debate on the subject of the Cuban reality was carried out. There were 215,687 public meetings held with the participation of more than 5 million Cubans. More than 1,300,000 observations, critiques and proposals were made; all of them are being dealt with.
17. The Constitution and domestic law enshrined citizens' rights, obligations and guarantees. Promotion and protection of human rights is guaranteed through effective legislation and institutions, as well as policies and programmes directed towards their practical implementation.
18. Human rights are duly developed and guaranteed by numerous substantive and procedural laws and norms in effect fully compatible with the rights recognized in the Universal Declaration and other international human rights instruments.
19. The right to life, liberty and security of the person constitute milestones for the conduct of Cuban authorities. Since the year 1959, there has not been one single case of extra-judicial execution, enforced disappearance or torture.
20. Cuba respects and guarantees freedom of religion with no discrimination whatsoever. There are more than 400 religions and religious institutions.
21. Freedoms of opinion, expression, and information and of the press are recognized for every citizen.
22. Information and communications technologies (ICTs) are at the service of all the people. Training in their use is free of charge and access to ICTs is facilitated through social and community centres and institutions, to provide as wide as possible access.

23. Equality and non-discrimination are fully guaranteed.
24. Advances achieved in subjects related to gender equality are substantial. Actions directed towards the advancement of women are implemented.
25. Women are 46 percent of the work force in the civil State sector. The number of women in decision-making positions represents 38 percent of the total. Women are 66 percent of the technical and professional workers in the civil State sector. In the Council of State which was elected in 2008 the number of women increased from 16 to 26 percent.
26. Cuba has also attained significant advances in the achieving of economic, social and cultural rights.
27. Education is universally accessible and free of charge at all levels. Cuba has more than surpassed the 6 goals of the UNESCO Education for All Programme.
28. Seventy-three percent of young Cubans between the ages of 18 and 23 are enrolled in universities. Cuba has 1 teacher for every 30 inhabitants. 100 percent of children with special education needs receive that kind of attention in schools outfitted for that purpose.
29. Important programmes directed towards excellence in education are implemented, among them: computer education from the primary level; technical-didactic supports such as TV and video in every classroom; the creation of two educational television channels; special university-level programmes for elderly persons; university teaching units in every municipality throughout the country, with the goal of making access to this level universal.
30. The right to culture is fully guaranteed and is within the reach of every social sector. Culture and science in all their manifestations are encouraged and promoted. Freedom of artistic creation is advocated.
31. The right to work has constitutional status. At the end of 2008, Cuba reached an unemployment rate of 1.6 percent. There are programmes that look after the special needs of women, youth, disabled persons and those people who have served sentences of deprivation of liberty, among others.
32. Every Cuban is assured access to quality health services that are free of charge. The National Health System is totally State-funded. Cuba has health indicators similar to those in developed countries. Infant mortality in children less than a year old was 4.7 for every thousand live births in 2008. Life expectancy at birth is 78 years old.
33. Cuba is moving towards preventive examinations of the entire population for the early diagnosis of diseases. The effectiveness of other programmes like the maternal-and-infant health and vaccination programmes is being improved; the vaccination programme guarantees one of the world's widest immunization coverages.
34. Cuba has also shared what it has, contributing in solidarity to the realization of human rights of other peoples throughout the world.

35. In the period from 1963 to May 31, 2008, Cuban cooperation abroad included the participation of more than 341,000 civilian collaborators in 154 countries.
36. At present, almost 51,000 Cuban professionals and technicians are providing their services in 96 countries. Of these, more than 38,000 are working in the health sector in 74 countries.
37. “Operación Milagro” (Operation Miracle) has led to more than 1,300,000 patients in 33 countries recovering their sight.
38. The Cuban method called “Yo sí Puedo” (Yes I Can) has been contributing to the eradication of illiteracy, teaching more than 3.6 million people in 26 countries to read and write.
39. Between 1961 and 2008, Cuban universities graduated more than 52,000 young people from 132 countries and 5 overseas territories.
40. Cuba has a wide and effective inter-institutional system to receive and respond to any complaint or petition in the field of human rights, which can be submitted by individuals or groups. The Attorney General’s Office, the Parliament, government and other State institutions, and civil-society organizations all participate in the system.
41. Other autochthonous mechanisms contribute to the task of supervising and enabling the enjoyment of human rights. One example is provided by social workers acting in the communities, who identify the support needs of Cuban families. In Cuba no single human being is overlooked.
42. The prison system constitutes an example of Cuba’s humanism. Cuba has developed programmes that are directed towards transforming prisons into schools. The goal is to ensure that human beings who have served their sentences are fully reintegrated into society. Cuba rigorously respects the most advanced international standards on the treatment of inmates. The system adopts a progressive approach designed to encourage good behaviour among the inmates, by gradually relaxing the detention regime, and as the basis for subsequent conditional liberty or suspension of their sentence; 82 percent of those leaving prison do so before completing their sentences. Every inmate is guaranteed medical and stomatological care on a par with the rest of the Cuban population.
43. Cuba possesses a remarkable record of international cooperation in the area of human rights. It is a party to 41 of the most important conventions in this field. Cuba has historically cooperated with the human rights mechanisms being applied on a universal and non-discriminatory basis.
44. In February 2008, Cuba signed the two International Covenants on Human Rights as a demonstration of its commitment to both instruments.
45. Cuba has just ratified the International Convention for the Protection of All Persons from Enforced Disappearance.
46. Cuba recently presented its periodic reports to the Committee on the Rights of the Child and to the Committee on the Elimination of Racial Discrimination. Cuba has begun drawing up

its report to the Committee against Torture, which should be ready at the end of the first half of the year.

47. The elimination in 2007 of the anti-Cuban mandate imposed on the Commission on Human Rights by the United States enabled a qualitative deepening of the country's traditional international cooperation in the field of human rights. Cuba received the visit of the Special Rapporteur on the right to food and recently extended an invitation to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment to visit the country as well.

48. The achievements of the Cuban Revolution in the area of human rights have been remarkable in spite of colossal obstacles. Such obstacles have been: the cruel economic, commercial and financial blockade, aggressions and terrorist acts and a permanent policy of anti-Cuban hostility by successive United States administrations; climatic phenomena; and the negative impact of an unjust economical and international order aggravated by the financial, energy, food and climatic crises.

49. Cuba is convinced that genuine and respectful dialogue adhering to the principles of objectivity, impartiality and non-selectivity is the indispensable foundation for international cooperation in the field of human rights.

50. Cuba is participating in the Universal Periodic Review in the defence of truth and justice. Cuba is open to dialogue and will offer the necessary information and clarifications. All Cuba demands is respect.

#### **B. Interactive dialogue and responses by the State under review**

51. During the interactive dialogue, statements were made by 60 delegations. Additional statements which could not be delivered during the interactive dialogue due to time constraints are also posted on the UPR extranet. Numerous delegations congratulated Cuba on the quality of its national report and presentation, which they found very informative and comprehensive. A number of delegations welcomed the broad and participatory process through which the Government engaged with civil society in the elaboration of its national report. It was further stressed that this report, which was disseminated through various means and in a timely manner, was finalized through a process involving numerous ministries and government institutions as well as a high number of NGOs and other relevant entities in the country. Cuba's efforts in preparation of the review as well as its constructive participation were also welcomed. Several delegations recognized the role played by Cuba within the Human Rights Council, and as Chair of the Non-Aligned Movement (NAM).

52. Algeria commended Cuba's tireless efforts to promote human rights. It is clear from the OHCHR's report, which could have given a more balanced picture of the views expressed by local NGOs, that despite the disastrous effects of the embargo imposed on Cuba the country has achieved record improvement in the implementation of the Millennium Development Goals (MDGs) and of the rights to education, food and health. Algeria praised Cuba's actions in supporting developing countries through international cooperation in these areas. It recommended that Cuba share at the international level, with the support of the United Nations, its experiences of bilateral cooperation in the promotion of the right to health, especially in the areas of training of human resources and of support to health services throughout the world; give

priority to enhancing its recent policies aimed at increasing agricultural production with a view to reinforcing the right to food and the realization of food security, despite the boycott imposed against Cuba; and continue to promote its initiatives for developing countries, especially in the area of the full realization of the right to development.

53. Israel expressed strong concerns at the absence in Cuba of an impartial and independent judiciary and at Cuba's practice of suppressing the most fundamental human rights, and questioned the assertion in the report that the judicial system conforms to the United Nations Basic Principles on the Independence of the Judiciary. Israel recommended that Cuba (a) ensure the right to equality before courts and tribunals and to a fair trial, as provided for by the Universal Declaration of Human Rights and ICCPR, and as outlined by the United Nations Basic Principles on the Independence of the Judiciary. Israel (b) strongly recommended the repeal or amendment of Law 88 and Article 91 of the Criminal Code and the immediate release of unlawfully imprisoned human rights defenders, journalists, and others affected by the aforementioned legislation. Noting that Cuba has prevented any form of a truly independent civil society, Israel (c) strongly recommended that Cuba allow the exercise of the right to freedom of expression, and freedom of association and assembly, by enabling such entities to obtain legal status under national law without requiring government affiliation *vis-a-vis* a State counterpart.

54. The Democratic People's Republic of Korea commended the priority given by Cuba to human rights and the considerable success and profound economic, political and social changes it made since the revolution. It praised the vitality of a series of political and judicial measures and the remarkable progress in the quality of life. It commended Cuba's contribution to de-politicize and establish objectivity and impartiality in the international human rights mechanisms. Cuba's achievements are all the more significant as they were made under extremely difficult circumstances such as the hostile and harsh economic blockade imposed by the United States of America for several decades and natural disasters. The Democratic People's Republic of Korea recommended that Cuba maintain and strengthen the economic and social model freely chosen by the Cuban people, and continue to advance in the strengthening of the participatory democracy for the full participation of the people in public affairs; and continue to pursue efforts with a view to contributing to the non-politicization and respect for dialogue and cooperation in human rights mechanisms, and to working towards the realization of the developing countries' interests such as the right to development.

55. The United Arab Emirates noted that Cuba has shared the progress made in all sectors in the area of development, especially with respect to economic, social and cultural rights. It United Arab Emirates expressed appreciation for the ambitious plan on which the State's strategy had been based to ensure social protection providing free health care to everyone. The United Arab Emirates recommended that Cuba continue its action to align national legislation with its international obligations in accordance with the treaties to which it is a party.

56. The Russian Federation noted that Cuba has undeniably achieved impressive progress in promoting and protecting human rights, in particular social rights. It recommended that Cuba (a) continue its efforts aimed at ensuring respect for freedom of religion and belief for all Cubans, including the right to choose one's belief at one's own discretion or not to profess any religion of any sort; (b) continue effective efforts to protect and promote cultural rights with a view to ensuring access of all Cubans to cultural values in all their manifestations; and (c) continue the programmes that are successfully being carried out in the area of gender equality

and access of women to decision-making positions, and continue the work to achieve equal representation for men and women not only in the national Assembly, but also at all the levels of State powers.

57. Ghana lauded Cuba's commitment to social and cultural rights, amply demonstrated by the technical support offered to several countries. Cuba met targets 1, 2, 3 and 4 of the MDGs and is on track to attaining most of the MDGs by 2015, despite well-known challenges. Ghana noted the considerable strides Cuba made in eradicating illiteracy and disease and guaranteeing a greater participation of women in the formal sector workforce. Ghana recommended that Cuba continue its ongoing efforts to promote and realize all human rights for its citizens, including the right to adequate housing; continue the programmes aimed at promoting the human rights of disabled persons and submit within the set timeframe the initial report to the Committee established by the Convention on the Rights of Persons with Disabilities; and continue the process of making its national legislation compatible with the international obligations assumed in accordance with the international human rights instruments to which it is a party.

58. Saudi Arabia noted that the system of legal protection for human rights as set out in the Constitution, as well as laws adopted and acted upon by central organs of the Government, have ensured respect of the rights and equality between citizens and non-citizens. Cuba's progress in the field of education, in particular by making it a free public service, has resulted in the elimination of illiteracy. Cuba has strengthened its efforts towards economic, social and cultural rights and embarked on dialogue with OHCHR and other United Nations bodies. This clearly reflects Cuba's commitment and willingness to strengthen and promote human rights. Saudi Arabia recommended that Cuba continue its current programmes for the protection of elderly persons and its efforts to ensure as much as possible the enjoyment of economic, social and cultural rights of its citizens, ensuring the objectives set out in the MDGs. Saudi Arabia wished every success and prosperity to Cuba for the future.

59. Nicaragua stated that the report presented is the best evidence the Council can have of the popular expression achieved when a democracy is solid and participatory, despite being subject to a cruel and brutal economic blockade for more than four consecutive decades. Cuba remains committed as a member of the Council to the struggle to ensure a fairer, democratic and impartial organ. In Cuba, there is no illiteracy, the right to education is guaranteed for all without distinction or privilege and labour law meets the fundamental standards enshrined in international law. Cuba is well known for responding to thousands of humanitarian causes through a variety of programmes such as "Operation Miracle". Nicaragua invited Cuba to continue to share, with its sense of solidarity, its experiences in the promotion and protection of the right to health of millions of people around the world, and recommended that Cuba continue efforts to guarantee the fullest possible enjoyment of economic, social and cultural rights, so that it can continue to make headway towards the attainment of the Millennium Development Goals. Nicaragua congratulated Cuba for its tireless struggle.

60. The Lao People's Democratic Republic recognized the significant progress made in the field of human rights by Cuba for over 50 years, despite obstacles and challenges faced. It supported Cuba's efforts to ensure people's rights and enhance democratization and sovereignty. It recommended that Cuba continue to defend and promote initiatives in favour of developing countries, in particular those aimed at the full implementation of the right to development; maintain and strengthen the economic, political and social model freely chosen by the Cuban

people, and continue to advance in strengthening participatory democracy as a genuine mechanism for the full participation of the population in public affairs; and share its experiences and good practices in the promotion and protection of the right to education, including the creation of conditions for free education at all levels.

61. Venezuela recognized the commitment of the Cuban Revolution to its struggle to achieve dignity for its people in the face of the oppression, the injustice, and the inhuman economic, commercial, and financial blockade imposed for decades now by the United States empire, which gravely affects the enjoyment of the Cuban population's fundamental rights. Venezuela attached special significance to Cuba's struggle to eradicate poverty, exclusion and illiteracy. Referring to the "Yes I Can" literacy programme and "Operation Miracle" in the field of health, it commended Cuba's help to millions of people from the poorest sectors of many countries. It recommended that Cuba continue with these enlightened initiatives; continue to share and extend its experiences and good practices in assisting vulnerable groups, especially through the implementation of the National Social Workers Programme, which provides assistance to communities and helps to identify needs; continue in the path towards the building of socialism, under the principles of solidarity and justice, making headway in the strengthening of participatory and proactive democracy, as a genuine mechanism to ensure citizen participation in public affairs.

62. Bolivia acknowledged the strong commitment of Cuba to human rights. Cuba has gone beyond its borders with the spirit of solidarity, despite suffering from a totally unjust economic blockade. It is thanks to the assistance of Cuba that Bolivia was declared by UNESCO the third Latin American country free from illiteracy. Furthermore Cuba's solidarity programme for ophthalmological operations had restored the eyesight of more than one million people in 34 countries. Bolivia recommended that Cuba share its experiences and good practices in cooperation and international solidarity aimed at implementing the right to education, including the eradication of illiteracy, and in particular the application of the "Yes I Can" method; that it share its experiences and good practices in protecting the right to health, as implemented in its country through universal and free coverage for all, which includes access to medicine and the advances in Cuban scientific research; that it share its experiences and good practices in international cooperation aimed at implementing the right to health of millions of people, through initiatives such as the "Comprehensive Health Programme" and "Operation Miracle", among others.

63. Bhutan commended Cuban Government's tremendous achievements in the field of human rights, including the right to development, free quality education with universal coverage at all levels; effective delivery of free health care and services through an extensive and well developed National Health System; women's full participation in all spheres of life; the promotion and preservation of Cuba's rich cultural heritage and traditions. Bhutan commended the principles of cooperation and solidarity which, despite financial and resource constraints, run strong in the Cuban national spirit. Bhutan recommended that Cuba continue to share experiences and best practices in the promotion and protection of the rights to health and to education, with cooperation programmes that provide health professionals and technicians to developing countries, and education opportunities in Cuba for students from the developing world. Bhutan is encouraged by Cuba's recent announcement of a strengthening of cooperation with the United Nations human rights machinery and recommended that Cuba continue such positive efforts and consider further actions that would strengthen, through greater integration,

complementarity and visibility, the various components of its national system for protecting human rights.

64. The United Kingdom welcomed Cuba's decision to sign the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), and highlighted positive records in health, education, gender and the right to food. It expressed concern about the detention of 79 people in 2003, over 50 of whom remained in prison, and about their conditions of detention. It (a) recommended that Cuba refrain from using such laws as those against dangerousness, enemy propaganda and contempt for authority to restrict the rights of freedom of expression and association. It expressed interest in hearing more on steps to improve prison conditions, and recommended that Cuba, (b) in support of its stated commitment to continue to improve the prison system, establish a recurrent system of review of its prisons by United Nations or other relevant international observers; and (c) ratify the Optional Protocol to the Convention against Torture (OP-CAT). Welcoming the recent invitation of the Special Rapporteur on torture to visit Cuba, it (d) recommended that Cuba invites other Special Rapporteurs, in particular on human rights defenders, freedoms of expression, religion, and independence of judges and lawyers. The United Kingdom recommended that (e) Cuba allow international independent organizations to visit.

65. Indonesia welcomed the report of Cuba, which had involved numerous ministries and government institutions as well as more than 300 non-governmental organizations and other relevant entities in the country, testifying to the high degree of transparency and openness shown by Cuba in the process. Indonesia noted that Cuba has managed to secure the right to education for every one of its citizens, contributing to the eradication of illiteracy and providing the possibility of higher education to every Cuban. Indonesia recommended that Cuba continue to pursue this noble objective. Indonesia noted that the Government has worked hard to ensure that the population has access to high-quality, free health care. Cuba health's indicator is far ahead in the developing world. Indonesia recommended that Cuba continue its commitment to fulfill the right to education and to the right to health for all its citizens and share its experiences and best practices in the promotion and protection of these two fundamental rights.

66. China stressed that Cuba has been suffering for many years from an unjust blockade and a harsh external environment, which has gravely undermined the human rights of its people. Despite this, Cuba has worked tirelessly to improve the standard of living and promote the human rights of its people, achieving their right to life and development, and guaranteeing free health services, social security, and social justice. China also indicated that Cuba has actively participated in international cooperation in human rights, having adopted a series of international human rights instruments and provided other developing countries with medical and educational assistance. China recommended that Cuba (a) further develop and share experiences and good practices regarding treatment of prisoners; and (b) continue to develop the preventive educational and social reinsertion approach as a priority channel to prevent crime.

67. South Africa paid tribute to the Cuban people for their solidarity and critical role during the South African people's struggle for freedom during the apartheid era. It applauded the significant advances made in the areas of the practical enjoyment of economic, social and cultural rights despite the tremendous suffering resulting from economic sanctions and the spate of catastrophic consequences of recent hurricanes. South Africa recommended that Cuba provide information on the coordinated approach it had taken to tackle these competing

obligations. It recognized the impressive Cuban model of education, which should serve as a best practice for all. The concept of international cooperation and solidarity could best be emulated by learning from the Cuban people. South Africa recommended that Cuba share information with and assist the international community in tackling challenges in the area of the right to education. It strongly encouraged Cuba to look into the improvement of areas such as the review of the prison system, enhancing women's economic opportunities and access to justice.

68. Malaysia noted that, despite serious constraints and challenges, Cuba continues to achieve a balance between civil and political rights and economic, social and cultural rights. It commended Cuba's significant achievements in education, health and food. It recommended that Cuba consider sharing its experience and best practices with other developing countries in achieving the MDGs, particularly in areas of primary education, gender equality and reduction of child mortality; continue its implementation of measures designed to further promote and protect the rights of children and to intensify its efforts aimed at providing greater opportunity for higher education; and step up its implementation of best practices on gender equality and women's empowerment at all levels and instances of decision-making mechanisms. Malaysia pointed out that in November 2008 it had, along with an overwhelming majority of the General Assembly, voted for the seventeenth consecutive year in favour of a resolution calling for an end to the unilateral economic sanctions imposed against Cuba. The lifting of those sanctions would contribute greatly towards the enjoyment of the full spectrum of human rights by the Cuban people.

69. The Islamic Republic of Iran commended Cuba's commitment to promoting and protecting its citizens' human rights. Iran welcomed the considerable progress made by Cuba in improving the implementation of human rights despite the tight blockade imposed by the United States of America. It requested information on how Cuba reduced the negative impact of United States economic sanctions on the full enjoyment of human rights of the Cuban population. Iran recommended that Cuba continue efforts aimed at achieving the fullest enjoyment of economic, social and cultural rights with a view to ensuring the fulfilment of the MDGs; pursue efforts at the international level aimed at strengthening the United Nations human rights machinery, particularly with a view to contributing towards making it function on the basis of non-politicization, respectful dialogue and good-faith cooperation; and share experiences and good practices regarding the treatment of inmates, particularly the plans aimed at turning prisons into education and human-improvement centres.

70. The Libyan Arab Jamahiriya noted that the Cuban Constitution enshrined all human rights, individual freedoms, freedom of opinion and expression, through a democratic framework based on people power as well as through the educational structure which allows all Cubans to benefit from educational facilities, as well as health services. It praised Cuba's efforts in ensuring equality between men and women. Cuba has taken a number of initiatives which guarantee the right to employment, free choice of employment and ensure a dignified life, especially through its establishment of officials trained in security and safety matters in the work place, of antenatal and postnatal services and of the best maternity-leave programmes in the world. The Libyan Arab Jamahiriya also welcomed the progress made in the area of protecting children and combat exploitation of children through prostitution.

71. Qatar appreciated the developments and efforts made by Cuba in the field of the promotion and protection of economic, social and cultural rights, namely, the rights to education, work and

health, in addition to the efforts aimed at the reform of the penitentiary system. Qatar recommended that Cuba consider adopting a general legal framework for the right to food, as a good practice and reference for developing countries; continue positive efforts to eliminate, in accordance with international obligations and commitments, all forms of discrimination, especially discrimination against vulnerable groups and all groups that have been historically most deprived, and share its experiences and best practices in the promotion and protection of the right to education, which have brought positive results for all Cuban citizens in spite of the obstacles faced by the country.

72. India has close, friendly and historic ties with Cuba, a fellow member of the Non-Aligned Movement. Cuba has constantly contributed to the human rights debate with its characteristic energy and intensity. India commended Cuba for its open, cooperative and constructive participation in the UPR mechanism and welcomed the fact that Cuba has signed the ICCPR and the ICESCR. India congratulated Cuba for its impressive achievements in the education and the health sectors, ensuring nearly universal school enrolment and very high university enrolment rates. Cuba's guaranteed access to high-quality, free health services through a State-funded, intensively staffed and extensively spread national health system, is a laudable achievement. India recommended that Cuba share its experiences and good practices with regard to the right to health, in particular maternal and child care programs and HIV/AIDS control programs, and, in view of the growing aging population, that it continue and consolidate its programs for the benefit of the aged and the elderly.

73. Sri Lanka thanked Cuba for standing in the vanguard of the struggle for political and social rights and for its contribution to the struggle against apartheid in South Africa and the struggles to restore sight to poor people in Latin America and rehabilitate human lives after the tsunami in Sri Lanka or earthquakes in Pakistan. Cuba has been generous, despite having suffered from a cruel blockade for over 50 years. Cuba provided answers to many problems that the Council has been wrestling with. Sri Lanka recommended that Cuba share its experiences, in all the international languages, particularly English language, of this ability to fight ethically and morally. It urged Cuba to share the experiences of, in particular, its international volunteers, whether armed fighters or doctors, and tell through multiple media, whether the internet or illustrated stories, of the experiences, values and the ethics of the Cuban struggle. Sri Lanka concluded by saying "Hasta la Victoria Siempre !" (Ever onward to victory!).

74. Brazil noted the balanced analysis in the Cuban national report of the achievements made, particularly in the area of economic, civil and social rights, and of the challenges still facing that developing country and aggravated by an economic blockade incompatible with human rights. Cuba's accession to ICCPR and ICESCR is an important victory for Cuba and an example to be followed by others. Brazil asked what further measures Cuba could take to guarantee the respect of the principle of indivisibility between civil, political, economic, social and cultural rights, and whether there are specific areas in which Cuba considers it important for international cooperation to be strengthened. Brazil recommended that Cuba consider acceding to the Rome Statute of the ICC and accelerate ratification of the International Human Rights Covenants; maintain efforts to promote the moratorium on the death penalty; and, with regard the human rights voluntary goals, seek cooperation with the United Nations human rights mechanisms, including special procedures and treaty bodies.

75. Ecuador praised Cuba's sustained efforts to promote social rights, particularly the rights to health and to education, and the significant progress made in the exercise of these rights despite the severe economic constraints resulting from an unjust and unfounded blockade. Ecuador highlighted the effort and political resolve reflected in Cuba's assignment of resources to its policies in the areas of health and education, thanks to which the country is in the highest ranks of human development indexes. Ecuador also stressed Cuba's efforts in the area of gender equality and empowerment of women and hoped they would be extended beyond the parliament to other instances and spheres of the decision-making machinery. With respect to the right to development, Ecuador stated that Cuba could usefully share with other developing countries its experiences and practices in international cooperation, particularly in the strengthening of capacities, the training of young people and the transfer of knowledge, especially in sensitive areas such as medicine, public health, science and technology, or even sports.

76. The Dominican Republic recommended that Cuba share its experiences and good practices in the promotion and protection of the right to health, which, despite the country's developing status, had yielded substantial advances for all Cubans, and that it share, in particular with the other members of the region, its experiences and good practices in coping with natural disasters, as well as its important achievements in the preservation of human life when confronted with the hurricanes that have afflicted the country and the entire region in recent years.

77. Jordan highlighted the importance that Cuba attaches to human rights and welcomed its ongoing efforts in the promotion and protection of human rights, most notably through the recent signature of ICCPR and ICESCR. Jordan was pleased to learn that Cuba will ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED). It commended Cuba for extending an invitation to the Special Rapporteur on torture and for spearheading the international efforts aiming at advancing the right to food and addressing the international food crisis. Jordan recommended that Cuba consider enhancing human rights education through the development of public-awareness campaigns and programs at all levels; and continue to provide training programs on human rights for the judiciary, law enforcement personnel and lawyers.

78. Pakistan noted that Cuba's resolve to uphold the principles of impartiality, non-selectivity and universality of human rights has withstood the tests of time and pressure, and that Pakistan and Cuba have worked together on a range of issues of great importance to the developing world. Pakistan noted a number of steps taken by Cuba to guarantee the implementation of basic human rights to its citizens without discrimination and its significant progress in the realization of economic, social and cultural rights despite financial difficulties and frequent natural disasters. Achievements in the fields of high-quality, universal education, health services, international cooperation and solidarity are examples of best practices. Pakistan recommended that Cuba implement the recommendations of the Special Rapporteur on the right to food in his report on his visit to the country; maintain its policy of respect and tolerance for all religions without discrimination; and, based on the meritorious services extended by Medical Brigade Henry Reeve to Pakistan during the 2005 earthquake, share this good practice in the field of international cooperation for the promotion of health services.

79. Canada noted recent positive developments, including the commutation of death sentences to prison terms, and the signature of ICCPR and ICESCR. It recommended that Cuba (a) ratify and implement the two International Covenants as soon as possible as well as facilitate public

dissemination of these treaties and ensure that all Cubans are aware of the rights contained therein. Noting in particular the invitation to the Special Rapporteur on torture, Canada recommended that Cuba (b) further open its doors to cooperation with human rights and humanitarian organizations, including by extending an open invitation to special procedures and providing full access to representatives of the International Committee of the Red Cross. While noting calls by President Castro for greater expression of divergent opinions, it recommended that Cuba (c) lift restrictions on the rights to freedom of expression and association, including restrictions on the media, that are not in accordance with ICCPR, and show greater tolerance for Cubans who express opposing views peacefully. While noting the declining number of political prisoners, Canada recommended that Cuba (d) unconditionally release all remaining political prisoners and allow them to reintegrate fully into their communities without prejudice.

80. Zimbabwe stressed that the national report was the outcome of a broad and inclusive process involving all stakeholders, excepting lamentably those in the territory of the United States Naval Base at Guantanamo. Zimbabwe recommended that Cuba pursue efforts at the international level aimed at strengthening the United Nations human rights machinery, with a view in particular to contribute towards making it function on the basis of non-politicization, respectful dialogue and good-faith cooperation; continue its laudable efforts to achieve the fullest enjoyment by the people of economic, social and cultural rights with a view to ensuring the fulfilment of the MDGs; and continue promoting initiatives in defence of international solidarity at the relevant United Nations organs with a view to promoting human rights and solidarity among all nations and peoples of good will.

81. Tunisia commended the efforts Cuba made in the area of human rights, and more specifically in the sphere of economic, social and cultural rights. It noted that illiteracy was eliminated and that Cuba has actively helped other countries in eliminating it. Thousands of students from all origins have benefited from high quality education in Cuban universities. On the right to health, Tunisia described as a success the Operation Miracle, and praised the solidarity based program for ophthalmologic surgery Cuba has provided to more than a million people. Tunisia congratulated Cuba on its cooperation with the United Nations human rights mechanisms and on its support for international cooperation in human rights matters, based on a frank dialogue and mutual respect.

82. France welcomed the good results achieved by Cuba in the field of education and health and asked the Cuban for the precise timetable envisaged for the ratification of ICCPR and ICESCR. It enquired about the measures envisaged by Cuba to ensure in practical terms freedom of expression and information. France recommended that Cuba adopt the necessary measures to combat sexual exploitation and adopt a law providing a legal framework to protect minor from sexual exploitation. It also recommended that Cuba adopt a law guaranteeing freedom of movement within the territory in accordance with ICCPR, which Cuba has signed, repeal the system of permits to leave the territory, and consequently delete from the criminal code the crime of illegal departure from the territory. It recommended that Cuba issue a standing invitation to the Special Rapporteurs to visit the country. It also recommended that Cuba allow ICRC to have access to prisons and visit prisoners and ratify ICCPR and ICESCR as soon as possible.

83. The Philippines stated that Cuba has been a champion of social justice, at the national and international levels, and lauded its many achievements in the promotion of economic, social and

cultural rights. It stressed that many countries could learn from Cuba's progressive policies on education, health, employment and cultural rights. It commended Cuba's initiatives on the right to food and the right to development, as well on its efforts to assist other countries in times of distress and natural disasters. The Philippines recommended that Cuba continue its actions, particularly through awareness-raising campaigns and public education programmes, to work towards the eradication of stereotypes associated with traditional roles of men and women in the family; and share its experiences, expertise, and good practices in the promotion and protection of the right to health, including initiatives in place with regard to public health and "health tourism."

84. Jamaica welcomed Cuba's signature of ICCPR and ICESCR and its ratification of a number of international instruments, including those targeting specific vulnerable groups such as CEDAW, CRC and the Convention on the Rights of Persons with Disabilities. Jamaica noted that steady progress was made in addressing specific areas of concern, especially in the fields of education, employment and healthcare, and the attainment of MDGs. Jamaica encouraged the Government to continue to take measures to honour its human rights obligations and to advance the promotion and protection of human rights and freedoms.

85. Chile welcomed the visit of the Special Rapporteur on the right to food and the recent announcement of an invitation to the Special Rapporteur on torture. It recommended that Cuba (a) receive other thematic rapporteurs who so request. Chile was explicitly opposed to the trade embargo that affects the economic, social and cultural rights of the Cuban people, and commended the significant progress made in implementing the rights to education and health. It recommended that Cuba (b) promptly ratify ICESCR. Welcoming the announcement of the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the signing of ICCPR, it recommended that Cuba (c) accelerate the ratification of this instrument. Chile noted that an effective independence in the procedures and in the judicial administration; a duly circumscribed emergency legislation; an adequate protection for human rights defenders, as well as for political opponents; and an effective guarantee of freedom of expression and respect for freedom of movement within and outside Cuba will be important to achieve the full enjoyment of human rights in Cuba.

86. Switzerland noted that Cuba has realized for fifty years performance which could serve as example and welcomed the recent announcement by Cuba of the ratification of CED. It recommended that Cuba ratify and implement ICCPR and ICESCR. While Switzerland welcomed the intention of Cuba to invite the Special Rapporteur on Torture, it recommended that Cuba issue a standing invitation to all Special Rapporteurs of the Council. It recommended that Cuba ratify the declaration on article 22 on the CAT and consider ratification of the OP-CAT. While welcoming the moratorium on death penalty, it recommended that Cuba abolish the death penalty. While acknowledging that the American embargo against Cuba affects the effective functioning of the Cuban society, Switzerland encouraged Cuba to continue its efforts in the field of economic, social and cultural rights as well as rights recognized in UDHR and ICCPR.

87. Belarus deplored the economic embargo imposed on Cuba and noted that despite the unfair and senseless sanctions, Cuba ensured the realization of human rights, including the right to development. The Commission on Human Rights, upon the pressures of an unfriendly regime for a very long time, tried to subject Cuba to unjust public ostracism, and a Special Procedure had

been established against Cuba mainly to discredit the Government. Nevertheless, Cuba has never stopped defending its human rights and the rights of other states to engage constructively in international cooperation on human rights. Noting that non-selective and fair approach to human rights was one of Cuba's priorities as the Chair of the NAM, Belarus recommended that Cuba continue consolidating work done in the international community concerning rejection of unilateral coercive measures, including the illegal embargo against Cuba; and continue playing its leading role in fostering international solidarity and equal dialogue on human rights.

88. Serbia praised the large participation of the Cuban civil society in the process of drafting and elaborating the national report and recommended that Cuba promote the active participation of civil society in the process of follow-up to the UPR; and continues applying a gender perspective in its policies and programmes, including in the follow-up to the results of the UPR. Serbia recognized the devastating consequences of the hurricanes throughout Cuba, which raise serious concerns. It recommended that Cuba continue to implement the positive ongoing programs and efforts aimed at repairing and constructing the houses of persons affected by hurricanes, with a view to guaranteeing the full enjoyment of the right to an adequate housing, including with the assistance of the international community, which is called upon to ensure adequate financial and material support to those programmes.

89. Bahrain praised the efforts made by Cuba, especially in the fields of economic, social and cultural rights; steps taken to ensure that all Cubans have access to education regardless of social class; efforts made in the field of the right to health by providing quality health services, which has led to decreased mortality rate at birth and increased life expectancy; and efforts made in guaranteeing the right to food and adequate housing. Bahrain recommended that Cuba consider adopting a general legal framework for the right to food, as a good practice and reference for developing countries; continue all work to protect and enhance cultural rights in order to ensure the enjoyment by all Cubans of these rights; and pursue positive efforts for the reconstruction of homes affected by hurricanes and continue benefiting from the material and financial assistance provided by the international community.

90. Yemen noted all the progress achieved in the area of human rights. It noted with admiration the progress made in the area of social protection and education, which has enabled Cuba to ensure that many countries benefit from many areas of support on health. Yemen indicated that many Cuban health workers work throughout the world in sometimes difficult circumstances. Yemen recommended that Cuba share its experience and good practices in the area of social protection and health when it comes to providing universal medical coverage free charge; and share its expertise in the area of upholding the right to health, particularly on HIV/AIDS programs and the special attention provided to those affected.

91. Vietnam commended the efforts and achievements made by Cuba in promoting human rights despite the constraints and harsh external conditions imposed on it. Vietnam recommended that Cuba enhance the information infrastructure for the Cuban society and share its experience in broadening access to information and communications technology, and continue the socialist path chosen by the Cuban people, which has led to better conditions for the promotion and protection of human rights for the Cuban people. Vietnam recommended that Cuba continue with its contribution to the joint endeavours of the international community, including those aimed at strengthening the United Nations human rights machinery on the basis of non-politicization, non-selectivity, dialogue and cooperation. Vietnam called on the international

community to extend further support to the cause of national development and human rights being undertaken by the Cuban people.

92. Trinidad and Tobago welcomed Cuba's social and political order to serve the broad interests and ambitions of the Cubans in building an egalitarian, compassionate, inclusive, people-centered and just society. Cuba's record performance in the sphere of social, economic and cultural rights testifies to the remarkable successes the country has achieved, against persistent odds and in maintaining the highest respect for cultural dynamism and cultural plurality. The fact that Cuba is on track to meet the MDGs sets it apart from many developing countries. Trinidad and Tobago praised and commended Cuba's performance. It welcomed the signature of ICCPR and ICESCR and recommended that Cuba continue the process of strengthening its national legislation to bring it into better conformity with its international obligations deriving from the various human rights instruments; and further strengthen its policy to foster the development and enjoyment of human rights by all Cubans, particularly in the realms of anti-discrimination.

93. Colombia, congratulating Cuba for the signing of ICCPR and ICESCR, as well as the announcement that it will ratify CED. This gesture clearly reflected the Government's and the people's commitment to continue making progress towards the full realization of the human rights for all Cubans. It added that guaranteeing access to adequate health services was not only a State obligation, but also an essential element to ensure persons can exercise their rights in an effective and appropriate manner. Colombia recognized Cuba's achievements and best practices in this area and requested more information on the progress made with the programme to prevent mother to child transmission of HIV and the coverage of anti-retroviral treatment, as well as the reduction in maternal mortality, noting that these programmes have been recognized by UNAIDS and WHO.

94. Uzbekistan commended the steps taken by Cuba to promote human rights and freedoms, in particular in the areas of gender equality, protection of the rights of women and children. It welcomed Cuba's achievements in the area of social protection and health care, the right to education, freedom of religion and belief, reforms in the prison system, as well as the ways in which they protect political, civil, social and cultural rights. It welcomed the allocation of a significant portion of the state budget to education. Uzbekistan recommended that Cuba continue efforts to ensure compatibility between national legislation and international obligations assumed by the country, in accordance with the human rights treaties that Cuba has acceded to; and consolidate further and exchange its experiences in programmes aimed at specialized care for young people, taking into account their interests and socio-economic situation, all of which helps young people to develop their full potential.

95. Mexico welcomed Cuba's achievements, particularly in meeting economic, social, and cultural rights, as well as their international generosity and solidarity despite facing adverse conditions. It welcomed the recent steps to strengthen cooperation with special procedures of the Council, and the decision to ratify three human rights instruments. It recommended that Cuba continue with the policy of openness and cooperation with United Nations human rights mechanisms, and in particular that it consider favourably the requests by the mechanisms of the Council that have already expressed their desire to visit Cuba; design and implement an inter-institutional mechanism with civil society participation for the implementation of the recommendations arising from the UPR mechanism; conduct a study on the need for legislative

and administrative adjustments for the implementation of human rights internally/domestically; establish by law a national human rights institution in accordance with the Paris Principles; and strengthen national capacities to assist victims of domestic violence.

96. Austria indicated that treaty bodies and special procedures have repeatedly noted the lack of an independent judiciary in Cuba, asked about legislative plans to strengthen the independence of the judiciary, and recommended that (a) Cuba assure to all citizens the right to be heard by an independent tribunal. In 2003, the Working group on arbitrary detention held that the deprivation of liberty of 79 persons was arbitrary and requested Cuba to remedy this situation. Austria asked about the follow-up given to these recommendations. It recommended that (b) Cuba halt the prosecution of citizens who are exercising the rights guaranteed under articles 18, 19, 20, 21, and 22 of the UDHR. Austria asked how the Government is addressing the problem of sexual exploitation of women through prostitution, and how the recommendation of CRC regarding changes to the Criminal Code to protect children from sexual exploitation are implemented. Austria recommended that (c) Cuba also address the root causes of prostitution by adopting measures enhancing women's economic opportunities.

97. Syria noted that Cuba was a model of the determination of a nation to stand up against all circumstances and to build up all the necessary components of renaissance and prosperity. Syria noted that despite the negative impact of the blockade on the acquisition of resources and medical technologies, Cuba was able to keep up its health services to the universal standards and to make scientific breakthroughs in vital specializations. Syria noted the long history of Cuba's international cooperation in the field of human rights as confirmed by the Special Rapporteur on the right to food and treaty bodies. Syria further noted that Cuba's principled support of the legitimate rights of all peoples, especially the poor and the oppressed, was a landmark in its history. Syria recommended that Cuba continue in its firm commitment to support initiatives in favour of the right of peoples to self-determination, as well as in its consistent support for all efforts aiming at putting an end to all types of foreign occupation.

98. Azerbaijan praised Cuba's efforts in ensuring human rights and fundamental freedoms of its people and noted with satisfaction the various achievements. In particular, considerable progress has been made towards ensuring gender equality, the right to education, medicine and health care and the realization of the right to food. The high percentage of women representation at all levels is also encouraging. The fact that Cuba has already met several MDGs goals, as indicated by some special procedures is commendable. Frequent natural disasters with harsh consequences on infrastructure are burdensome. Azerbaijan recommended that Cuba continue its policy of tolerance and respect towards all religions, without any distinction; consider the ratification of the ICRMW; and noting broad participation of civil society in preparation of Cuba's national report, promote the active participation of civil society in the follow-up to UPR.

99. Djibouti welcomed Cuba's signature of ICCPR and ICESCR, and its being a party to 41 important international human rights instruments. It noted the large number of programmes aimed at increasing social equity and justice, particularly those which target the excluded and discriminated people from the colonial times. It welcomed the particular attention given to the problem of vulnerability as a result of detention and assistance measures provided in addition to free healthcare for prisoners. It commended Cuba's work in the area of international solidarity and cooperation. Djibouti benefits from the assistance of Cuba in a number of sectors, specifically in the area of health. It recommended that Cuba continue to develop programmes

under way to make university studies more universal; share its experience and good practice in guaranteeing the right to education for all Cubans and in the promotion and protection of the right to health, which has yielded encouraging and positive results, particularly taken into account their under development status; and share its experience in the area of primary maternal and child health and programmes to control epidemics and to provide assistance to people who are infected by HIV/AIDS.

100. Palestine praised the legal protection framework for human rights in Cuba. Palestine noted that Cuba has signed and ratified a number of internationally legally binding human rights instruments. Palestine noted that the judicial system in Cuba is also vital for the protection of human rights, in line with international standards. Palestine further noted that the collective and individual independence of judges is enshrined in all appropriate texts. Palestine noted the progress made by Cuba in economic, social and cultural rights. Palestine recommended that Cuba continue supporting the right to self-determination and independence, particularly its support to the Palestinian cause to put an end to foreign occupation; and continue to promote and protect the right to development.

101. Sudan commended Cuba for the great achievement in economic, social and cultural rights and civil and political rights. Sudan is impressed by advances in education, with universal coverage free of cost at all levels, which surpassed the six aims of the UNESCO Education for All programs. Cuba has fulfilled its human rights obligations worldwide by playing an exemplary role in the establishment and operation of the Council. Sudan recommended that Cuba share with all United Nations members, particularly the developing countries, its experiences of international cooperation in terms of the promotion of the right to health; continue to promote initiatives in defense of international solidarity, both at the Human Rights Council and at the Third Committee of the general Assembly, with a view to promoting and protecting human rights; and continue to defend and promote initiatives in favour of all developing countries, in particular, those aimed at the full implementation of the right to development.

102. Bangladesh commended Cuba's continued efforts to promote human rights and the significant strides made in improving the socio-economic standards of the Cubans. It congratulated Cuba on its achievement of MDGs 2, 3 and 4 and noted that it was poised to attain MDGs 1, 5 and 6 by 2015. Cuba has achieved enviable results in ensuring access to education, health and social protection for all, and could be a model for South-South cooperation by sharing its best practices in education, health, employment protection, disaster mitigation and gender mainstreaming. Bangladesh recommended that Cuba share its experiences and best practices in building a robust and efficient healthcare system with other countries aspiring to have similar health architecture; broaden the scope of its cooperation in sharing and replicating its home-grown methods of combating illiteracy; and share its experiences in preparedness to prevent and mitigate the impact of hurricanes and other natural disasters.

103. Senegal had no doubt that Cuba will involve civil society once the UPR process is completed, as it will enable Cuba to consolidate and even expand the major progress already made in various areas such as the economic and social development. Those progress were made despite many obstacles and constraints. Senegal noted considerable results already obtained in the area of education and health. It noted that these are areas where Cuba is exemplary for several developing countries, many of whom are benefitting from its technical support. Senegal encouraged Cuba to continue the process, already quite well launched, to harmonize its domestic

legislation with international human rights standards, to which it freely adhered to by acceding to many important instruments.

104. Honduras congratulated Cuba for its good practices in the area of international cooperation despite its economic situation, and for its demonstrated capacity to provide solidarity assistance to countries in need. Honduras commended Cuba's Honduras praised Cuba's efforts to eradicate illiteracy. It recommended that Cuba share and transfer its experiences and good practices in the preparation and response to natural disasters, that have allowed consolidating a civil defense system with important achievements and results in the protection of the right to life and other basic human rights of citizens, in a context where meteorological phenomena is ever more recurring in Central America and the Caribbean; share its experiences and good practices in terms of organizing the national health system that has allowed substantial gains in the promotion and protection of the right to health, particularly with regards to experiences in primary and maternal-infant care; and share their experiences and result in the international cooperation oriented towards the promotion of the right to education, including the eradication of illiteracy and, in particular, in the application of the method "Yes I Can" in diverse national, regional, and local realities.

105. Slovakia recommended that Cuba (a) respond positively, as soon as possible, to the requests of the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the right to freedom of opinion and expression to visit Cuba; and (b) take all necessary measures, including reviewing its legislation, in order to avoid cases of prosecution of those who exercise their rights guaranteed under articles 18, 19 and 20 of the UDHR.

106. Italy, recognizing a decline in the detention of political dissidents, expressed concern over severe restrictions on the freedom of expression and association and the high number of political prisoners. It recommended that Cuba (a) proceed shortly to the progressive and unconditional release of persons detained for political and conscience reasons, starting with those in a precarious state of health. It welcomed the signing of ICCPR and ICESCR, adding that the conclusion of the process for the incorporation of these Covenants into domestic law would represent a very important signal for the protection and promotion of human rights. It recommended Cuba (b) proceed to the prompt ratification, without reservations, of the Covenants. It welcomed the "de facto" moratorium on the death penalty since 2003 and the policy of transforming death sentences into life imprisonment. It recommended Cuba (c) progressively reduce the number of offences liable to death penalty and consider subsequent measures towards its complete abolition.

107. Thailand commended the achievements made by Cuba in ensuring free of charge education for its citizens without discrimination. Thailand commended Cuba for the public health law and policies, which guarantees access to quality and free-of-charge health services to all Cubans. It expressed satisfaction that Cuba signed ICCPR and ICESCR, and expressed hope that Cuba would proceed to ratify these instruments expeditiously. Thailand recommended that Cuba give importance to improving human rights training for government officials at all levels, including lawyers, police, judges, and other law enforcement officials.

108. Côte d'Ivoire welcomed the progress made by Cuba despite a very difficult environment. Cuba has already achieved the goals of the world food summit of 1996 and the first MDG to reduce by half the number of people suffering from hunger by 2015. Cuba has also achieved

other MDGs, ensuring primary education for all (goal 2), promoting gender equality and empowering woman (goal 3) and reducing child mortality (goal 4). It noted that this great country intends in addition, to achieve fully goals 1, 5 and 6 by 2015. According to UNICEF, Cuba is clearly on track to achieve most of the millennium development goals by 2015. This is to its credit and to the credit of developing countries. Côte d'Ivoire made a solemn and urgent appeal to the entire international community to have all possible good wishes being brought to bear and that good offices be offered to ensure that this painful economic embargo which has victimized Cuba and its heroic people be lifted.

109. The Czech Republic appreciated the signing of ICCPR and ICESCR, and welcomed Cuba's support to the joint statement on human rights, sexual orientation and gender identity delivered in December 2008 at the GA. Noting some pending requests for visits by special procedures, the Czech Republic asked whether and in what time frame would these mandate holders be able to visit the country and (a) recommended that Cuba issue and implement a standing invitation to all special procedures. Asking about legal safeguards to ensure protection of human rights defenders against abuse of provisions for criminal prosecution, it (b) recommended that Cuba implement such safeguards and release all prisoners of conscience. Underlining that criticism of governmental policies should be acceptable in mass media and that free public discussion and peaceful assembly be allowed, it (c) recommended that Cuba revise its legal framework in this area with a view to bringing it in compliance with relevant provisions of ICCPR. Asking how civil society was able to participate in the preparation of the national report to the UPR, it (d) recommended that Cuba widely publish outcome of this UPR and make regular and inclusive consultations with civil society an integral part of the follow-up to the UPR.

110. The Netherlands welcomed the announcement that Cuba will ratify ICCPR and ICESCR. It noted the seemingly contradiction of some national legislation to these treaties. It recommended (a) that the Government ratify both treaties as soon as possible without restrictions and take measures to adapt its national legislation. The Netherlands noted limitations on the exercise of the right to assembly, association, movement or expression, and restrictions on freedom of expression due to government control on all media. It recommended that Cuba (b) reform and adapt its laws, regulations and practices relating to these basic freedoms in accordance with international standards; and (c) guarantee that independent journalists, human rights defenders and political dissidents have the possibility to exercise these basic freedoms without the risk of harassment, intimidation or persecution. Noting that, despite a decrease in the number of political prisoners, the detention of political prisoners and the conditions in prisons remain a problem, it (d) recommended that Cuba take all measures to avoid incidents of violations of the Standard Minimum Rules for the Treatment of Prisoners.

111. Ukraine noted the progress made in the realization of economic, social and cultural rights, particularly, the right to health and the right to education. It noted with satisfaction that every Cuban has guaranteed access to quality health services free of charge, and the total availability and high quality of education. It noted numerous Cuban programs on international cooperation and solidarity on rendering medical aid to the countries that suffered from natural disasters. It extended the utmost appreciation of the Ukrainian people and the Government for treatment and care of several generations of Ukrainian children affected by the Chernobyl catastrophe. It also indicated that the right to education is also granted by Cuba to these Ukrainian children. With regard to the educational system, Ukraine asked Cuba to provide more information on the University for elderly people.

112. Responding to questions, Cuba expressed that it should be understood the country is submitted to the policy of hostility, blockade and aggressions that has been implemented for more than 50 years by successive United States administrations. The declared objective of that policy has been the so-called "regime change". The Cuban people have been required to adopt and enforce the laws necessary to defend its freedom, independence and self-determination, which include an antidote law, applied under exceptional circumstances, to cope with the acts of collaboration with the Helms-Burton Act.

113. The domestic legislation in force includes severe measures to prevent any arbitrary detention as well as to prosecute and convict the responsible in case such actions may occur. All citizens in Cuba are granted equal rights and duties.

114. In Cuba there are no prisoners of conscience. All those who are serving their sentences in prison have been previously prosecuted with all the guarantees of the due process. Among them there are a few agents to the service of the United States. They are paid and used by the United States as tools of its anti-Cuban policy.

115. In Cuba, the human rights defenders are respected and exercise their rights without discrimination of any kind.

116. The Cuban state is the guarantor of promotion and protection of the human rights of all its citizens. No-one is harassed, detained or punished for exercising, enjoying or defending human rights.

117. All inmates receive adequate medical assistance. No inmate suffers from any medical condition that is incompatible with the prison system they are submitted to. Whenever that has been the case, a prison leave has always been granted.

118. In Cuba, freedom of expression is guaranteed. The material conditions to exercise it are made easier by the fact that the press, the radio, the television, the movies, and all other mass media are owned by the people. Those media can not in any way be a private property. This ensures that they are exclusively used in the interest of the working people and the society as a whole.

119. Cuban State guarantees the exercise of the right of association so that citizens are able to carry out a diverse kind of activities for the benefit of the society. Cuba has 2,238 such organizations. In 2008, 33 new associations were registered.

120. The economic, commercial and financial blockade imposed by the United States against Cuba affects, among other things, the access to Internet, with restrictions that derive from bandwidth limitations; the serious obstacles that hinder the acquisition of the required technologies and the high connectivity costs. At present, access is only possible via satellite, because the United States government imposes restrictions on the use of alternative connections. There is a political will to expand the access to the Internet by all Cubans.

121. Since the blockade was imposed 50 years ago, until May 2008, the direct economic damages caused by the application of the blockade surpassed 93 billion dollars.

122. Social Security in Cuba is conceived as a comprehensive and harmonious system, with universal coverage that includes security in the work location, in income, in working conditions, in the prioritized attention to maternity, persons with disabilities, seniors, victims of natural disasters, and all those people that need it. More than 2 million citizens receive monetary loans, in kind and in services, from the social security system.

123. The Cuban prison system complies with United Nations Standard Minimum Rules for the Treatment of Prisoners.

124. Inmates are entitled to submit complaints and requests to the authorities and to receive a proper response within a reasonable period, in accordance with the relevant legislation. Violence and mistreatment, physical or psychological, are totally prohibited and are crimes under Cuban law. All prisons are subject to a system of inspection that is independent of the authority responsible for running them.

125. Cuban Constitution and legislation safeguard the rights to freedom of movement and to travel. One of the clearest expressions of the discriminatory immigration policy pursued by the United States administration towards Cuba is the “Cuban Adjustment Act”.

126. Although provided for in Cuban legislation, imposition of the death penalty is very exceptional. Cuba has been constrained, in legitimate defence of national security, to pass and apply severe legislation against terrorist activity aimed at destroying the Cuban state or killing its citizens. This has been framed with the strictest adherence to due process and observance of judicial guarantees.

127. Cuban judges are independent and they respond only to the law. The judges are obliged to justify their decisions. All the courts' decisions are subject to appeal as provided by law in each case.

128. More than 30,000 young people from 124 countries and 5 overseas territories are studying in Cuba; of these, almost 24,000 are studying medicine.

129. Criminal laws punish any behaviour associated to the exploitation of prostitution or any form of sex trade. With regards to the human trafficking, Cuba implements several actions against it. This is not a phenomenon that significantly affects Cuba.

## II. CONCLUSIONS ET RECOMMANDATIONS

130. Les recommandations formulées au cours du dialogue ont été examinées par Cuba. Celles énumérées ci-après recueillent son adhésion:

1. Poursuivre l'édification du socialisme, dans le respect des principes de solidarité et de justice, en progressant dans le renforcement de la démocratie participative et active, véritable moyen de garantir la participation des citoyens aux affaires publiques, qui a entraîné l'amélioration des conditions nécessaires à la promotion et à la protection des droits de l'homme pour le peuple cubain (Venezuela, République populaire démocratique de Corée, République démocratique populaire lao, Viet Nam); entretenir et renforcer le modèle économique et social librement choisi par le peuple cubain et continuer à progresser vers la pleine participation du peuple aux affaires publiques (République populaire démocratique de Corée, République démocratique populaire lao).
2. Poursuivre son action visant à renforcer sa législation nationale, à l'aligner sur ses obligations internationales et à la rendre compatible avec celles-ci, conformément aux traités auxquels Cuba est partie (Émirats arabes unis, Trinité-et-Tobago, Ghana, Ouzbékistan).
3. Étudier la nécessité de procéder à des remaniements législatifs et administratifs aux fins de l'application interne des droits de l'homme (Mexique).
4. Continuer à prendre des mesures pour honorer ses obligations en matière de droits de l'homme et progresser dans la promotion et la protection des droits de l'homme et des libertés (Jamaïque).
5. Renforcer encore sa politique tendant à encourager le développement et l'exercice des droits de l'homme par tous les Cubains, en particulier dans le domaine de la lutte contre la discrimination (Trinité-et-Tobago).
6. Continuer à appliquer des mesures tendant à promouvoir et protéger plus encore les droits des enfants et à redoubler d'efforts pour offrir davantage de chances aux Cubains d'accéder à l'enseignement supérieur (Malaisie).
7. Poursuivre et renforcer ses programmes actuels de protection sociale et autre des personnes âgées (Inde, Arabie saoudite).
8. Poursuivre ses efforts en cours pour promouvoir et réaliser tous les droits de l'homme des citoyens, y compris le droit à un logement suffisant (Ghana).
9. Envisager d'améliorer l'éducation aux droits de l'homme par le lancement de campagnes de sensibilisation et de programmes à tous les niveaux (Jordanie).
10. Accorder de l'importance à la formation aux droits de l'homme des fonctionnaires à tous les niveaux, des personnels de maintien de l'ordre, des forces de police, de l'appareil judiciaire, y compris les juges et les avocats, et continuer d'assurer cette formation (Jordanie, Thaïlande).

11. Fournir des informations sur l'approche coordonnée qu'elle a adoptée pour progresser dans le domaine de l'exercice pratique des droits économiques, sociaux et culturels, relever le défi des sanctions économiques et surmonter les difficultés causées par les conséquences catastrophiques des récents ouragans (Afrique du Sud).
12. Continuer à consolider le travail réalisé au sein de la communauté internationale en vue de rejeter les mesures de coercition unilatérales, dont l'embargo illégal imposé contre Cuba (Biélorus).
13. Continuer à soutenir le droit à l'autodétermination et à l'indépendance, en particulier à apporter son soutien à la cause palestinienne pour mettre un terme à l'occupation étrangère (Palestine).
14. Continuer à soutenir fermement les initiatives en faveur du droit des peuples à l'autodétermination et demeurer ferme dans son soutien sans faille à tous les efforts déployés en vue de mettre un terme à tous les types d'occupation étrangère (République arabe syrienne).
15. Continuer à promouvoir des initiatives de défense de la solidarité internationale et de l'égalité de dialogue au sein des organes compétents des Nations Unies, y compris à la fois le Conseil des droits de l'homme et la Troisième Commission de l'Assemblée générale des Nations Unies en vue de promouvoir les droits de l'homme et la solidarité entre tous les peuples et nations de bonne volonté (Zimbabwe, Soudan, Biélorus).
16. Continuer à mettre au point les bonnes pratiques et à partager ses données d'expérience en matière de traitement des détenus, en particulier les plans visant à faire des prisons des centres d'éducation et d'amélioration de l'être humain (Chine, Iran).
17. Continuer à partager ses données d'expérience et ses bonnes pratiques en matière d'aide aux groupes vulnérables, en particulier grâce à l'application du Programme national de travailleurs sociaux, et à étendre cette expérience et ces pratiques (Venezuela).
18. Consolider encore et partager ses données d'expérience en matière de programmes visant à offrir une prise en charge spécialisée aux jeunes, compte tenu de leurs intérêts et situation socioéconomique, dans le but d'aider les jeunes à tirer le meilleur parti de leur potentiel (Ouzbékistan).
19. Améliorer l'infrastructure de l'information en faveur de la société cubaine et partager ses données d'expérience en matière d'accès plus large aux techniques d'information et de communication (Viet Nam).
20. Partager et transférer, en particulier vers d'autres membres de sa région, ses données d'expérience et ses bonnes pratiques, en matière de préparation à des fins de prévention et de réaction, tendant à atténuer les effets des ouragans et autres catastrophes naturelles, ainsi que les bons résultats obtenus dans le domaine de

la consolidation de son système de défense civile, qui contribue manifestement à protéger le droit à la vie et d'autres droits fondamentaux des citoyens (République dominicaine, Bangladesh, Honduras).

21. Partager les bonnes pratiques, dans le domaine de la coopération internationale en matière de promotion des services de santé, de la Brigade médicale Henry Reeve, qui a rendu de précieux services au Pakistan à l'occasion du tremblement de terre de 2005 (Pakistan).
22. Poursuivre des initiatives inspirées comme celle du programme d'alphabétisation «oui, je le peux» selon des réalités nationales, régionales et locales diverses, programme qui a pour objectif de mettre en œuvre le droit à l'éducation, élargir la portée de sa coopération en matière de partage et de reproduction des méthodes de lutte contre l'analphabétisme que Cuba a mises elle-même au point (Bangladesh) et de l'Opération Miracle dans le domaine de la santé (Venezuela, Bolivie, Honduras).
23. Partager ses données d'expérience et ses bonnes pratiques en matière de garantie du droit à l'éducation pour tous les Cubains et de promotion et de protection du droit à la santé, qui ont donné des résultats positifs encourageants, compte tenu en particulier du sous-développement de Cuba, et poursuivre les programmes de coopération qui offrent les services de professionnels et de techniciens de la santé aux pays en développement et la possibilité de faire des études à Cuba à des étudiants du monde en développement (Djibouti, Bhoutan).
24. Partager avec les autres États Membres des Nations Unies, en particulier ceux en développement, compte tenu de son sens de la solidarité, ses données d'expérience en matière de promotion et de protection du droit à la santé de millions de personnes dans le monde (Nicaragua, Soudan, République dominicaine).
25. Partager ses données d'expérience et ses bonnes pratiques en matière d'édification d'un système de soins de santé solide et efficace, tel celui mis en place dans le pays grâce à la couverture universelle gratuite pour tous, qui inclut l'accès aux médicaments et aux progrès de la recherche médicale cubaine, avec d'autres pays qui aspirent à se doter d'une architecture similaire (Bangladesh, Bolivie, Honduras).
26. Partager ses données d'expérience et ses bonnes pratiques en matière de coopération internationale en vue de mettre en œuvre le droit à la santé de millions d'êtres humains, grâce entre autres à des initiatives telles que le «Programme global de la santé» et l'«Opération Miracle» (Bolivie).
27. Partager ses données d'expérience et ses bonnes pratiques en matière de protection sociale et de santé, en particulier en ce qui concerne les programmes de lutte contre les épidémies, dont les programmes de lutte contre le VIH/sida et l'attention spéciale prêtée aux malades (Yémen, Djibouti), ainsi que la couverture médicale universelle gratuite (Yémen).
28. Partager ses données d'expérience et ses bonnes pratiques en matière de droit à la santé, en particulier les programmes de soins primaires, maternels et infantiles et

les programmes de lutte contre le VIH/sida et compte tenu du vieillissement croissant de la population (Inde, Djibouti, Honduras).

29. Partager ses données d'expérience, son savoir-faire et ses bonnes pratiques en matière de promotion et de protection du droit à la santé, y compris les initiatives lancées en matière de santé publique et de «tourisme sanitaire» (Philippines).
30. Partager à l'échelon international, avec le soutien de l'Organisation des Nations Unies, ses données d'expérience de coopération bilatérale en matière de promotion du droit à la santé, en particulier dans le domaine de la formation des ressources humaines et du soutien aux services de santé partout dans le monde (Algérie).
31. Partager ses données d'expérience, ses meilleures pratiques et ses informations avec la communauté internationale et aider celle-ci à surmonter les problèmes en matière de droit à l'éducation, compte tenu des résultats positifs dont tous les citoyens cubains bénéficient en dépit des obstacles rencontrés par le pays (Afrique du Sud, Qatar), y compris l'instauration de conditions propres à assurer la gratuité de l'enseignement à tous les niveaux (République démocratique populaire lao).
32. Partager ses données d'expérience, dans toutes les langues internationales, en particulier en anglais, en matière d'aptitude à lutter dans le respect des règles éthiques et morales (Sri Lanka).
33. Partager ses données d'expérience en ce qui concerne en particulier les volontaires internationaux, qu'il s'agisse de combattants armés ou de médecins, et décrire en recourant à toutes sortes de médias, à l'Internet ou à des histoires illustrées, les expériences, les valeurs et l'éthique de la lutte du peuple cubain (Sri Lanka).
34. Rechercher la coopération des mécanismes de défense des droits de l'homme mis en place par les Nations Unies, y compris les procédures spéciales et les organes conventionnels en matière d'objectifs volontaires en matière de droits de l'homme (Brésil).
35. Poursuivre ses efforts et sa contribution au niveau international en vue de renforcer les mécanismes de défense des droits de l'homme mis en place par les Nations Unies, en particulier afin de leur permettre de fonctionner en dehors de toute politisation, sur la base d'un dialogue respectueux et d'une coopération de bonne foi, et d'œuvrer en faveur de la réalisation des intérêts des pays en développement (Iran, Zimbabwe, Viet Nam, République populaire démocratique de Corée).
36. Renforcer davantage la coopération avec les mécanismes de défense des droits de l'homme mis en place par les Nations Unies et envisager de nouvelles actions qui consolideraient, grâce à une intégration, une complémentarité et une visibilité plus grandes, les différentes composantes de son système national de protection des droits de l'homme (Bhoutan).

37. Recevoir d'autres Rapporteurs thématiques que le Rapporteur spécial sur le droit à l'alimentation et le Rapporteur spécial sur la question de la torture (Chili).
38. Poursuivre ses efforts méritoires pour éliminer, conformément à ses obligations et engagements internationaux, toutes les formes de discrimination, en particulier contre les groupes vulnérables et tous les groupes historiquement les plus démunis (Qatar).
39. Accélérer l'application des meilleures pratiques en matière d'égalité des sexes et d'émancipation de la femme et poursuivre les programmes mis en œuvre avec succès en matière d'égalité des sexes et d'accès des femmes à des postes de responsabilité et poursuivre l'action entreprise pour réaliser l'égalité de représentation des hommes et des femmes non seulement à l'Assemblée nationale, mais aussi à tous les niveaux des pouvoirs de l'État (Fédération de Russie, Malaisie).
40. Continuer de rechercher l'égalité des sexes dans tous ses programmes et politiques, y compris le suivi des résultats de l'Examen périodique universel (EPU), et poursuivre son action, en particulier par des campagnes de sensibilisation et des programmes d'éducation publique, tendant à l'éradication des stéréotypes associés aux rôles traditionnels de la femme et de l'homme dans la famille (Serbie, Philippines).
41. Poursuivre ses programmes visant à promouvoir les droits de l'homme des personnes handicapées et soumettre dans le délai qui lui est imparti le rapport initial au Comité créé par la Convention internationale relative aux droits des personnes handicapées (Ghana).
42. Ne pas relâcher ses efforts pour s'abstenir d'appliquer la peine capitale (Brésil).
43. Renforcer les capacités dont le pays dispose pour venir en aide aux victimes de la violence au sein de la famille (Mexique).
44. Continuer à mettre au point l'approche de réinsertion sociale et d'éducation préventive comme moyen prioritaire de prévenir la criminalité (Chine).
45. Prendre toutes les mesures voulues pour éviter les incidents de violation de l'Ensemble de règles minima pour le traitement des détenus (Pays-Bas).
46. Ne pas relâcher ses efforts pour continuer d'assurer le respect de la liberté de religion et de conviction de tous les Cubains et conserver sa politique de respect et de tolérance de toutes les religions sans discrimination (Pakistan), y compris le droit de choisir ses convictions à son gré ou de ne professer aucune religion que ce soit (Fédération de Russie, Azerbaïdjan).
47. Poursuivre ses efforts pour garantir l'exercice dans toutes leurs dimensions possibles des droits économiques, sociaux et culturels, de façon à pouvoir continuer de progresser vers la réalisation des objectifs de développement du Millénaire (Nicaragua, Iran, Zimbabwe, Arabie saoudite).

48. Envisager de partager ses données d'expérience et ses meilleures pratiques avec d'autres pays en développement pour réaliser les objectifs de développement du Millénaire, en particulier dans les domaines de l'enseignement primaire, de l'égalité des sexes et de réduction de la mortalité infantile (Malaisie).
49. Poursuivre ses efforts dans le domaine des droits économiques, sociaux et culturels ainsi que dans celui des droits reconnus dans la Déclaration universelle des droits de l'homme et le Pacte international relatif aux droits civils et politiques (Suisse).
50. Demeurer attachée à l'engagement pris de respecter le droit à l'éducation et le droit à la santé de tous les citoyens et partager ses données d'expérience et ses meilleures pratiques en matière de promotion et de protection de ces deux droits fondamentaux (Indonésie).
51. Affiner, en leur accordant la priorité, les orientations prises dernièrement tendant à accroître la production agricole afin de mieux garantir le droit à l'alimentation et la sécurité alimentaire, malgré le boycottage imposé contre Cuba (Algérie).
52. Envisager d'adopter un cadre juridique général pour le droit à l'alimentation en tant que bonne pratique et référence pour les pays en développement (Qatar, Bahreïn).
53. Donner suite aux recommandations formulées par le Rapporteur spécial sur le droit à l'alimentation dans le rapport sur sa visite à Cuba (Pakistan).
54. Continuer d'appliquer les programmes positifs en cours et poursuivre les efforts tendant à réparer et reconstruire les maisons des personnes touchées par les ouragans afin de garantir le plein exercice du droit à un logement suffisant, y compris avec le concours de la communauté internationale, laquelle est appelée à assurer un soutien financier et matériel suffisant à ces programmes (Serbie, Bahreïn).
55. Continuer de perfectionner les programmes en cours qui visent le noble objectif d'offrir le plus de chances possible à chaque Cubain d'accéder à l'enseignement supérieur (Indonésie, Djibouti).
56. Poursuivre effectivement les efforts pour protéger et promouvoir les droits culturels afin d'assurer l'accès de tous les Cubains aux valeurs culturelles sous toutes leurs manifestations (Fédération de Russie, Bahreïn).
57. Continuer de promouvoir et de défendre des initiatives en faveur des pays en développement, en particulier dans le domaine du plein exercice du droit au développement (Algérie, République démocratique populaire lao, Soudan, Palestine).
58. Promouvoir la participation active de la société civile au processus de suivi de l'EPU (Serbie, Azerbaïdjan), compte tenu de la large participation de la société civile à l'établissement du rapport national de Cuba (Azerbaïdjan).
59. Rendre largement publics les résultats de l'EPU et intégrer des consultations régulières, sans aucune exclusive, de la société civile dans le suivi de l'EPU (République tchèque).

60. Concevoir et mettre en place un mécanisme interinstitutionnel avec la participation de la société civile en vue de donner suite aux recommandations découlant du processus d'EPU (Mexique).

131. Les recommandations ci-après seront examinées par Cuba, qui fournira des réponses en temps voulu. Les réponses de Cuba à ces recommandations figureront dans le rapport sur l'EPU que le Conseil des droits de l'homme adoptera à sa onzième session.

1. Ratifier et appliquer au plus tôt le Pacte international relatif aux droits civils et politiques et le Pacte international relatif aux droits économiques, sociaux et culturels (Canada, Pays-Bas, France, Italie, Suisse, Chili), et accélérer la ratification du Pacte international relatif aux droits civils et politiques (Chili), sans restrictions (Pays-Bas) ni réserves (Italie), et prendre des mesures pour adapter sa législation nationale (Pays-Bas), faciliter la diffusion publique de ces traités et veiller à ce que tous les Cubains aient connaissance des droits qui y sont énoncés (Canada).
2. Envisager d'accéder au Statut de Rome de la Cour pénale internationale et accélérer la ratification des Pactes relatifs aux droits de l'homme (Brésil).
3. Ratifier le Protocole facultatif à la Convention contre la torture (Royaume-Uni).
4. Faire la déclaration prévue à l'article 22 de la Convention contre la torture et envisager de ratifier le Protocole facultatif (Suisse).
5. Envisager de ratifier la Convention des Nations Unies sur la protection des droits des travailleurs migrants et des membres de leur famille (Azerbaïdjan).
6. Créer par voie législative une institution nationale des droits de l'homme conformément aux Principes de Paris (Mexique).
7. Adresser une invitation permanente à tous les titulaires de mandat au titre des procédures spéciales (République tchèque, Suisse, France) et y donner suite (République tchèque).
8. Poursuivre la politique d'ouverture et de coopération avec les mécanismes de défense des droits de l'homme des Nations Unies et en particulier réserver un accueil favorable aux demandes qu'ont adressées à Cuba les mécanismes du Conseil désireux de se rendre dans le pays (Mexique).
9. Inviter à visiter le pays tous les autres Rapporteurs spéciaux des Nations Unies, en particulier ceux qui sont chargés des défenseurs des droits de l'homme (Royaume-Uni), de la liberté d'opinion et d'expression, de la liberté de religion et de conviction, dès que possible (Royaume-Uni, Slovaquie), ainsi que le Rapporteur spécial sur l'indépendance des juges et des avocats (Royaume-Uni).
10. Ouvrir plus grandes ses portes à la coopération avec les organisations de défense des droits de l'homme et les organisations humanitaires, y compris en adressant une invitation ouverte aux titulaires de mandat au titre des procédures spéciales et en permettant le plein accès aux représentants du Comité international de la

Croix-Rouge (CICR) (Canada) et en autorisant le CICR à avoir accès aux prisons et à visiter les détenus (France).

11. Permettre à des organisations indépendantes internationales de visiter Cuba (Royaume-Uni).
12. S'attaquer aux causes profondes de la prostitution en adoptant des mesures propres à améliorer les débouchés offerts aux femmes (Autriche).
13. Réduire progressivement le nombre d'infractions passibles de la peine de mort (Italie) et envisager d'autres mesures en vue de l'abolition pure et simple de cette peine (Suisse, Italie).
14. Mettre en place un système de contrôle régulier de ses prisons par des observateurs de l'ONU et d'autres observateurs internationaux compétents pour étayer l'engagement manifesté par Cuba de continuer à améliorer son système pénitentiaire (Royaume-Uni).
15. Adopter les mesures nécessaires pour lutter contre l'exploitation sexuelle et adopter une loi qui serve de cadre juridique pour la protection des mineurs contre l'exploitation sexuelle (France).
16. Garantir le droit à l'égalité devant les tribunaux et à un procès équitable comme le prévoient la Déclaration universelle des droits de l'homme et le Pacte international relatif aux droits civils et politiques et comme le soulignent les Principes fondamentaux relatifs à l'indépendance de la magistrature (Israël), et garantir à tous les citoyens le droit d'être entendu par un tribunal indépendant (Autriche).
17. Adopter une loi garantissant la liberté de circulation sur le territoire cubain conformément au Pacte international relatif aux droits civils et politiques que Cuba a signé, abolir le système de permis de sortie du territoire et, partant, dépenaliser l'infraction de sortie illégale du territoire (France).

132. Les recommandations qui figurent dans le rapport aux paragraphes 53 b) et c), 64 a), 79 c) et d), 96 b), 105 b), 106 a), 109 b) et c) et 110 b) et c) ci-dessus n'ont pas recueilli l'adhésion de Cuba. Cuba a rejeté ces recommandations en faisant valoir l'un ou plusieurs des arguments suivants: a) aucun peuple ne saurait accepter que son droit à l'autodétermination et son droit souverain à choisir son système politique, économique, juridique, culturel et social soient mis en question; b) aucun pays ne peut accepter une recommandation qui contribue à l'application d'une politique conçue par une superpuissance étrangère dans le but de détruire l'ordre constitutionnel légitime choisi librement par son peuple; c) aucune recommandation ne peut être fondée sur des allégations fausses ou mensongères ni ne saurait découler de l'ignorance ou d'un manque d'information sur ce qui se passe réellement dans le pays.

133. Toutes les conclusions et/ou recommandations figurant dans le présent rapport reflètent la position de l'État ou des États les ayant formulées et/ou de l'État examiné à leur sujet. Elles ne sauraient être considérées comme ayant été approuvées par le Groupe de travail dans son ensemble.

**Annex**

**COMPOSITION OF THE DELEGATION**

The delegation of Cuba was headed by H. E. Mrs. María Esther Reus González and composed of 19 members:

H. E. Mrs. María Esther Reus González, Minister of Justice, Ministry of Justice;

H. E. Mr. Bruno Rodríguez Parrilla, First Deputy Minister of Foreign Affairs, Ministry of Foreign Affairs;

H. E. Mr. Rafael Pino Bécquer, Deputy Attorney General;

H. E. Mrs. Marcia Enríquez Charles, Deputy Minister, Ministry of Labour and Social Security;

H. E. Mr. Boris Moreno Cordovés, Deputy Minister, Ministry of Informatics and Communications;

H. E. Mr. José Luis Toledo Santander, Parliament Member, President of the Commission on Juridical and Constitutional Affairs of the National Assembly of the Peoples' Power, Dean of the Law Faculty, University of Havana;

H. E. Mr. Juan Antonio Fernández Palacios, Ambassador, Permanent Representative, Permanent Mission of Cuba to the United Nations Office at Geneva And other International Organisations in Switzerland;

Mr. Rodolfo Reyes Rodríguez, Director of Multilateral Affairs, Ministry of Foreign Affairs;

Mrs. Ana Teresita González, Director of Information, Ministry of Foreign Affairs;

Mrs. Ana Ercilia Audivert Coello, Director of Information, Ministry of Justice;

Mrs. María del Carmen Herrera Caseiro, Deputy Director of Multilateral Affairs, Ministry of Foreign Affairs;

Mr. Marcos Gabriel Lluch, Counsellor, Permanent Mission of Cuba to the United Nations Office at Geneva and other International Organisations in Switzerland;

Mr. Noel Rojas Sánchez, Official, Ministry of Foreign Affairs;

Mrs. Zulendrys Kindelán Áreas, Juridical Advisor, National Center for Sexual Education;

Mr. Noel Quesada González, Official, Ministry of Foreign Affairs;

Mr. Resfel Pino Álvarez, Second Secretary, Permanent Mission of Cuba to the United Nations Office at Geneva and other International Organisations in Switzerland;

Mr. Abel La Rosa Domínguez, Second Secretary Permanent Mission of Cuba to the United Nations Office at Geneva and other International Organisations in Switzerland;

Mr. Rafael García Collada, Official, Ministry of Foreign Affairs;

Mrs. Greta Díaz Rodríguez, Third Secretary, Permanent Mission of Cuba to the United Nations Office at Geneva and other International Organisations in Switzerland.

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