

# **AUSTRALIA – CUBA FRIENDSHIP SOCIETY**

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October 11, 2012

To: Office of the High Commissioner for Human Rights, United Nations

By email to: [UPRsubmissions@ohchr.org](mailto:UPRsubmissions@ohchr.org)

### **Universal Periodic Review – Support for the Socialist Republic of Cuba**

Dear UN Colleague,

We write in support of the reports presented by the Socialist Republic of Cuba for the Universal Periodic Review, regarding the human rights record of Cuba.

Cuba has a long record of serious achievements for its people in the areas of universal healthcare, access to education, strong support and pathways for the unemployed, housing, political rights, scientific and technical research, culture and sports.

We believe that Cuba has a proud human rights record and has worked to ensure that every Cuban citizen enjoys wide-ranging civil, political, cultural, economic and social rights.

Cuba has demonstrated its commitment to universal human rights for its citizens through the following strategies:

## **1.The Right to Health, Education, Food and Culture**

- Cuba continues to ensure universal access, free of charge, to public health. In 2011 the infant mortality rate reached 4.9, the lowest rate in Latin America and the Caribbean.
- The UNESCO Report on *Lifelong Learning for All (2011)* acknowledges that Cuba has a high level of educational development and is placed at number 14 in the world in their *Education for All Rating (IDE)*.
- For Cuba, having all of its people enjoying the right to food and food security constitutes a matter of national security.

## **2. The total abolition of capital punishment in Cuba**

- In Cuba no death sentence has been handed down by the courts since the last UPR report.
- In April 2009, the Cuban Council of State took the decision to abolish the death penalty and to commute this sentence for all prisoners currently in custody. Their sentences were replaced with a 30-year sentence or life imprisonment.

## **3. Provision of a Legal and Institutional Framework which promotes Human Rights**

- The right to life, liberty and the inviolability of persons are recognized, along with the right to work, time off and social security, the inviolability of the home and correspondence, the right to not be prosecuted and convicted without having access to a competent court, the right to legal defence, the right of persons not to be forced to testify by the use of violence or coercion of any kind, the obligation to observe legalities and the obligation to comply with verdicts and other final court resolutions.
- Cuba's main recent achievement in the area of the legal and institutional framework of human rights has been the adopting of its *Economic and Social Policy Guidelines* in 2011, which seek to update the Cuban economic model, elevate the quality of life of Cubans and move forward towards a society that is ever fairer, freer, more independent and acting in solidarity, as well as defending the country's independence and sovereignty.

- New norms regarding the transfer of land to rural workers and other citizens have been adopted, as well as those referring to social security, employment, housing, etc.

#### **4. Cooperation with Treaty Bodies and Other Non-Discriminatory United Nations Human Rights Mechanisms**

- Cuba presented 3 reports to human rights treaty bodies, namely: the second periodic report to the Committee on the Rights of the Child (2011), the combined reports of the 14<sup>th</sup> to 18<sup>th</sup> to the Committee on the Elimination of Racial Discrimination (2011) and the combined second, third and fourth reports to the Committee Against Torture (2012).
- Cuba also submitted another 3 reports, namely: the seventh and eighth combined periodic reports by virtue of the Convention on the Elimination of All Forms of Discrimination against Women (2010), the initial report by virtue of the Optional Protocol to the Convention on the Rights of the Child on the participation of children in armed conflict (2011) and the initial report by virtue of the Convention on the Rights of Persons with Disabilities (2012).

#### **5. The Administration of Justice, including the Fight against Impunity, and the maintenance of the Rule of Law**

- Cuba has institutionalized a system of independent bodies, headed by the Supreme Court, acting collegially with broad popular participation in the delivery of justice.
- The Cuban judicial system is based on the principle of absolute independence of judges individually and of the entire system of Courts in the function of delivering justice; the popular nature of justice; the elective nature of judges (both professional and lay judges); the absolute equality of all persons before the law; the presumption of innocence; all rulings of the courts may be appealed according to stipulations established by law in each case; every accused party has the right to a legal defence.

#### **6. The Freedom of Religion and Beliefs, of Expression, of Association and Peaceful Assembly and the Right to Participate in Public and Political Life**

- Cuba has been victim of a powerful campaign aimed to discredit its performance in human rights matters and to promote ignorance of the existence of the rule of law in the country. Spreading unfounded accusations only results in obscuring Cuba's reality and performance in matters dealing with the promotion and protection of all human rights for all, and it is part of a well organized and funded political campaign that is alien to legitimate concerns over human rights.
- As part of the hostile policy of the government of the United States, projects are implemented that are directed to promoting campaigns discrediting Cuban authorities, with the aim of disrupting order, inciting violence and creating the image of a supposed climate of destabilization and unruliness in the country. These activities are financed by ultra-rightwing organizations in the city of Miami, backed by the US government, whose declared aim is the destruction of the established political and social system in Cuba.
- The so-called human rights defenders acting in Cuba are mercenaries in the service of the American government; their actions and purposes undermine and seek to destroy the internal judicial organization of Cuba
- Discrimination against any persons for religious reasons is totally illegal. There are around 400 religions and religious institutions based on the credo of their membership; they carry out their activities with no interference whatsoever by the State. All religions have their churches and places of worship for their activities which regularly take place without any impediment.

## **7. Equality and Non-discrimination**

- Cuba has promoted numerous measures and initiatives in the last four years with a view to providing broader enjoyment of all human rights and fundamental freedoms for all on an equal basis and without discrimination.
- These measures include the promotion of respect for the rights of boys and girls, youth, senior citizens, the disabled, prison inmates, etc. The Cuban government has also adopted measures to fight against all forms of discrimination based on prejudices due to sexual orientation and gender identity.

## **8. The Right to Work and to enjoy Fair Working Conditions and the Right to Social Security and an Adequate Standard of Living**

- Cuba has ratified 88 ILO Conventions. Workers' fundamental rights and those of the unions in Cuba are not only included in the Constitution but in the current Labour Code and complementary legislation ensures the full exercise of those rights.

## **9. Cuba's strong Support for UN processes**

- Cuba has fulfilled the recommendations arising from the first cycle of the Universal Periodic Review (UPR) in 2009.
- Cuba has always been ready to participate in frank and genuine dialogue about human rights whenever there was respect for its full dignity and sovereignty.

## **10. International Humanitarian Aid in the areas of Health, Education and Dealing with Natural Disasters**

- Cuba has undertaken wide ranging International Humanitarian Aid in health matters. The Comprehensive Health Program is being developed in 40 countries. Furthermore, Operation "Miracle" is being promoted to return sight to thousands of citizens in the world. From its inception on July 8, 2004 until January of 2012, 2,261,987 operations have been performed on persons all over the world whose vision had been seriously impaired.
- the international contingent of doctors specialized in disaster situations and serious epidemics, continues its humanitarian work (the Henry Reeve Brigade made up of 5,490 Cuban collaborators who have provided medical assistance to more than 3 million victims). Since 1998, 3,774 Cuban aid workers have been at work in Haiti. The Latin American School of Medicine (ELAM in its Spanish acronym) situated in Cuba, carefully trained and graduated 9,960 medical doctors from 58 countries between 2005 and 2011. Cuba is also providing tertiary training for health professionals in 11 countries and support in the area of reduction of disaster risks..
- Cuba broadened its International Aid in the areas of literacy and continuing literacy campaigns using the Cuban methods called "Yes, I can" (*Yo, sí puedo*, in Spanish) (UNESCO King Sejong Literacy Prize), "I

Can Read and Write Now” (*Ya puedo leer y escribir*, in Spanish) and “Yes, I Can Continue” (*Yo, sí puedo seguir*, in Spanish). At the end of May 2012, the number of graduates of the *Yo, sí puedo* program totalled 6,775,332 and for the *Yo, sí puedo seguir* program, the total number was 853,088.

### **11.Obstacles and Problems devised by the US to interfere with the Promotion and Protection of Human Rights in Cuba**

- Among these obstacles are: The ongoing policy of hostility, blockade and aggressions by successive US administrations, the illegal occupation of a portion of national territory on which, at a US naval base, an international centre for torture and other crimes against humanity are being perpetrated; recruitment, financing and use of mercenaries and terrorists at the service of the anti-Cuban US policy which acts against the Cuban people, and the increase of US government funds and means destined to finance the so-called “human rights defenders” in Cuba, among others.
- For 2010 and 2011, the administration of President Obama earmarked 40 million dollars (20 million per fiscal year) through USAID and the State Department, for public operations directed to impose a “change of regime” in Cuba. Much more money has been channelled for its intelligence service undercover actions.

### **12. Ongoing transformation and improvement of the Cuban Socialist system**

- Between 2009 until 2012, Cuba continued to move through a process of permanent transformation to improve the socialist system.
- The policy of hostility, blockade and aggressions by successive United States administrations against Cuba has been a serious obstacle to the full enjoyment of human rights and the basic freedoms of all Cubans, including their rights to life, peace, free self-determination and development. The most serious aspect of that policy is that it violates the most elementary rights of the Cuban people.

### **13. Unfair and malicious media campaigns**

- The unfair and malicious political-media campaigns against Cuba promoted by the United States demonstrate ignorance about the

achievements of the country in human rights and have a negative impact on the UN human rights instruments. The US government funds and guides individuals to commit illegal acts in Cuba and, for this purpose, it urges them to abuse official UN human rights mechanisms and procedures.

- The policy of hostility, blockade and aggressions by successive United States administrations against Cuba has been a serious obstacle to the full enjoyment of human rights and the basic freedoms of all Cubans, including their rights to life, peace, free self-determination and development. The most serious aspect of this policy is that it violates the most elementary rights of the Cuban people.

Cuba has always maintained a high level of cooperation with United Nations human rights procedures and we repeat that we strongly support Cuba's submissions to the Universal Periodic Review, regarding the human rights record of Cuba.

Yours sincerely,

Maree Dellora

President

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