



**ALL INDIA DEMOCRATIC WOMEN'S ASSOCIATION(AIDWA)**

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#### ABOUT AIDWA (nature of activities)

The All India Democratic Women's Association (AIDWA) is an independent, activist women's organization committed to achieving democracy, equality and women's emancipation. It upholds secular values, and has been actively countering all forms of fundamentalism, and communal violence. It questions and works to change cultural practices demeaning to women. AIDWA responds to the issues of women from all strata, regardless of caste, class or creed. At the same time, it retains a central focus among the poorer sections of women who constitute the majority of India's female population. It mobilizes women to struggle for and claim their democratic entitlements.

Since the 1980s, AIDWA has been consistently questioning the adverse impact of neo liberal policies on women in developing countries like India, which has led to greater gender inequalities, increased marginalization of the poor, and exacerbated the trend of violence against women. AIDWA had taken the initiative to formulate an alternate document at the time of the UN Conference for Women held in Beijing (1995), highlighting these trends, which was submitted on behalf of a wide platform of women's organizations to the representative bodies of the UN situated in India. Subsequently, we have worked on policy initiatives relating to women on multiple issues, both at the national and international level. There has been no prior communication established with ECOSOC by AIDWA.

*AIDWA was founded as an all India organisation in 1981.* It has an organizational presence in 24 states in the country. The bulk of its membership, of over 11 million women (in 2011), comprises the urban and rural poor, although a diverse a range of women find a place in it.

Web site details : [www.aidwaonline.org](http://www.aidwaonline.org)

## **Submission on Cuba to the UPR**

1. At the outset, we would like to express our concern with regard to the human rights abuse resorted to by the US, in pursuit of its own agenda of establishing global hegemony. While making political use of so called human rights violations by countries not in line with its own policies, it would be pertinent to note that the US itself has been guilty of the worst transgressions on this score. The torture of prisoners in Guantanamo, US refusal to sign the Geneva protocol on treatment of POWs, its illegal policy of “extraordinary rendition’ are but a few such examples. No country can set itself up as the arbiter of human rights when its own record is so objectionable.
2. The case of the Cuban Five has been proved to be essentially political in nature. Despite widespread international support by Governments, parliaments, religious, legal and human rights organizations as well as personalities including 10 Nobel laureates, the US administration is not releasing them. The Cuban Five political prisoners are antiterrorist fighters who have been unjustly incarcerated in US jails for 14 years. They were acting in the defense of their nation and were not involved in collecting information on national security matters. The U.S. President, Barack Obama must use his constitutional authority and release the Cuban Five, and thus put an end to the long suffering endured by their families and relatives.
3. Since 2009 Cuba has initiated steps towards significant transformations to improve the socialist system, which has contributed to advancing the rights of women and children, with an added emphasis on the more marginalized and disadvantaged sections. Many measures have been undertaken to ensure that development is equitable. It has adopted the Economic and Social Policy Guidelines in 2011, which seeks to improve the Cuban economic model, and hence the quality of life of Cubans and advance towards a freer, more independent society providing equal and just opportunities for all its citizens while at the same time defending the country’s independence and sovereignty.
4. We would like to point out that, unfortunately, the hostile policies of the United States governments towards Cuba, especially the imposition of an economic blockade and sanctions, has been and continues to be a serious obstacle to the full enjoyment of human rights and the basic freedom of all Cubans, including their rights to life, peace, self-determination and development. Furthermore, these policies result in the grave infringement and violation of the most basic rights of the Cuban people. The economic blockade of Cuba is in violation of International Law and contrary to the principles of the United Nations Charter. It is illegal and goes against the right to peace, development and security of a sovereign state. It is also one of the main obstacles to normalizing relations between Cuba and the United States.
5. We wish to emphasize that the Cuban state has always shown its readiness to participate in frank and genuine debates about human rights provided that these processes accord full dignity and sovereignty to the Cuban state and acknowledge the right of a people to choose its economic, political and social system. It has also implemented the recommendations following the first cycle of the Universal Periodic Review (UPR) in 2009.

6. We express our objection to the unfair and malicious political-media campaigns against Cuba which are promoted by the United States government and which deny the achievements made by the Cuban state in the field of health and education, thereby creating unfavorable media opinions against Cuba.
7. It should be recognised that the Cuban Constitution recognizes basic human rights and freedoms, most important among these being the right to life, liberty and the inviolability of persons and their personal integrity, 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 by virtue of laws prior to the crime and with the formalities and guarantees established therein, the right to legal defense, the right of persons not to be forced to testify by the use of violence or coercion of any kind, the application of retroactivity of criminal law when favorable to the prosecuted, the obligation to observe legalities, the obligation to comply with verdicts and other final court resolutions and control and preservation of legalities by the Attorney General's Office. Very concrete measures have been undertaken to ensure that people's right to land and livelihood is safeguarded. New norms have been adopted with regard to transfer of land to peasants and other citizens, ensuring their efficacy. Measures to provide social security, employment, housing, etc., are being implemented. Women are also the beneficiaries of this approach. They are guaranteed equal pay and childcare assistance. Progressive laws such as the Family Code Bill, which calls for equal participation in the household duties, ensure that women can engage fully in productive work.
8. In the international arena, Cuba has shown its readiness to respect human rights as well as other basic rights of all its citizens and is party to numerous international instruments dealing with the matter<sup>1</sup>. In February of 2009, it ratified the International Convention for the Protection of All Persons from Enforced Disappearance. More recently it has adhered to: the International Convention for the Protection of Persons from Enforced Disappearance (February 2, 2009); ILO Recommendation 200 concerning HIV and AIDS and the world of work (February 13, 2012); the UN Convention against Corruption (July 28, 2008). The numerous international conventions that Cuba has become party to are examples of its willingness to accept universal rights for all its citizens and its firm belief in ensuring a peaceful, free, democratic and equitable social order.
9. Cuba has presented three 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). At the same time, it has also sent three reports for corresponding consideration, 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). All this indicates Cuba's commitment to fight against all forms of discrimination, and to take positive steps towards ending injustices and inequalities in all spheres of life. Some of these steps include measures taken in the last four years for specific groups like boys and girls, youth, senior citizens, the disabled, prison inmates, etc. Measures have also been adopted to fight against forms of discrimination based on prejudices due to sexual orientation and gender identity.

10. The Council of State of Cuba took a decision in 2009 to commute death sentences to 30 year or life sentences and today there is no one in Cuba facing death sentence. This, in our view, is a positive step taken by the Cuban State since the last UPR.
11. Cuba has been victim of a sustained and ferocious campaign to discredit its performance in human rights matters. These campaigns gain currency as there is widespread ignorance about the rule of law in Cuba and its judicial system. Hence, it becomes important to reaffirm that the Cuban judicial system is free and fair and is based on the principle of absolute independence of judges individually and of the entire system of Courts in the function of dealing 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 trials are public, except in cases excepted by law; all rulings of the courts may be appealed according to stipulations established by law in each case; every accused party has the right to legal defense.
12. The Cuban state has on various occasions reiterated its firm commitment to protecting various universal rights guaranteed in its Constitution to all citizens. There is no discrimination against people for the views they hold, all people have the right to free expression and association and neither is anyone discriminated against for religious reasons. These are attested to by the harmonious co-existence of people from all communities in Cuba.
13. It is well known that Cuba has made significant gains in the field of education and health. The Cuban state continues to ensure universal access, free of charge, to public health for all its citizens. This is an achievement even developed countries cannot boast of. The excellent and progressive health system is seen as being particularly 'women friendly'. Maternal care is a major priority. Cuban law ensures that women are guaranteed a total of eighteen weeks paid leave with an extra two weeks if the birth is delayed. There is an option of an extended leave at 60 per cent pay until the child is one year old, with the right to return to the same job at the end of the leave - an option which can be taken by the mother or the father. The government also subsidizes abortion and family planning, places a high value on pre-natal care and breastfeeding and offers 'maternity housing' to women before giving birth.
14. In the field of education too, it has been internationally [The UNESCO Report on Lifelong Learning for All (2011)] acknowledged that Cuba's educational development is

very high, in fact, it is placed at number 14 in the world in their Education for All Rating (IDE). Both these attest to the better status of women and children in Cuba, who have access to free education and health, whatever their economic situation maybe.

15. The Cuban state has shown its firm commitment to ensure their people's right to food and food security. Systems are in place to provide the people with the minimum essentials. It must be emphasized that the economic blockade against Cuba by the United States and its impact specifically on food imports is a serious impediment to ensuring national food security.
16. The Cuban State has been active in various programmes of International Cooperation which has led to significant gains in the fields of health and education. Listed below are some of the most significant collaborations:
  - a) More than 56,200 Cuban collaborators are serving in 101 countries and 4 overseas territories.
  - b) More than 29,300 young students from 115 countries are studying in Cuba, among them more than 18,800 are from Latin America and the Caribbean. There are seven Indian students too, studying Medicine.
  - c) The "Operation Miracle" program has 63 ophthalmological centers, 84 surgery units and 821 Cuban collaborators in 16 countries. In Latin America and the Caribbean, more than 2 million patients have benefited from surgeries.
  - d) The "Yo si puedo" (Yes, I can) literacy program has been implemented in 28 countries teaching over 5 million people. More than 690 collaborators are working under this project in 19 countries. Venezuela, Bolivia and Nicaragua have been declared illiteracy-free territories after they implemented the "Yes, I can" program.
17. Notwithstanding the gains made by the Cuban state in the field of health, education, human rights in the form of universal rights to all its citizens, there are serious obstacles which prevent the promotion and protection of human rights in Cuba. The most important obstacle that has been emphasized at all international forums and continues to pose a constant threat to the Cuban state and its people is the continuous onslaught of the policies of blockade and aggression adopted by successive US governments. The nature, purpose and impact of the blockade are inhuman and unjust. Further, the financing of mercenaries and terrorists to carry out anti-Cuba activities are also an issue of grave concern which is a campaign directed to imposing a "change of regime" in Cuba. The present US administration has also been earmarking huge amounts to this end. This is a serious violation of the rights of the Cuban people to self-determination and sovereignty. The United States government must immediately lift the blockade unconditionally as it has been rejected by the international community. The US administration must pay attention to public opinion in its own country regarding normalization of relations with Cuba.

#### **Adverse effects on health care and food**

18. Between May 2011 and April 2012, expenses in this sector were estimated to have increased around 10 million dollars, mainly because of the need to resort to further away markets and the increase in the prices of imports of medical consumables and instruments, as well as medicines, reagents, spare parts and equipment.
19. Although exports of medicines, accessories and medical devices to Cuba are authorized under the Torricelli Act (1992) and the Trade Sanctions Reform and Export Enhancement Act of 2000, significant restrictions continue to be in place. Sales of products in the health sector are not being benefited by license waivers (or automatic license) established by the Department of Commerce for agricultural products. A specific license is required, granted on a case by case basis, with a specific term of validity and under special conditions.
20. Furthermore, the products eligible for authorization must meet the control and classification requirements under the Export Administration Regulations issued by the Department of Commerce, which establish Control Lists based on the provisions approved for reasons of national security or others associated to the biotechnology industry.

**The damage and distress caused in the health sector due to the blockade.**

21. **The ‘William Soler’ Pediatric Cardiological Centre** lacks a medicine called *Levosimendan* that is used in the treatment of decreased cardiac output and is only manufactured by ABBOTT Laboratories in the United States. The hospital lacks the nutritional formulas to feed newly-born and under-sized infants. The hospital is prevented from the possibility of purchasing the laminar tissue in the US market required for tissue expanders, used to treat children suffering from deep burns.
22. There is also a lack of temporary skin substitutes, such as the artificial skin INTEGRA and the acellular human dermis ALLODERM, both of them manufactured in the United States, which are used to treat patients with extensive second and third-degree burns, as was denounced by the Cuban Plastic Surgery and Burned Patients Society.
23. Between 100 and 110 children under the age of one are treated every year at the cardiovascular surgery service of the ‘William Soler’ children’s hospital. More than 90 per cent of them require parenteral nutrition before undergoing surgery for a better prognosis. Cuba has no access to the parenteral food supplements that are manufactured in the United States, considered to be the best for the uses they would be destined for at that hospital.
24. The Cuban company *Medicuba S.A.* which imports medicines, reagents and medical supplies has found it impossible to acquire obstetrics and gynecology instruments because the Panamanian supplier *A/E* cancelled this operation claiming that the factory that manufactured them had been acquired by a US company, which prevented it from exporting those products to Cuba.
25. A Canadian intermediary company cancelled the sales contract it had signed with *Medicuba* for the acquisition of the US-manufactured HIV-1P24 ELISA kits used to diagnose AIDS in children born from mothers who test positive for HIV/AIDS after it learned that the final destination of these products was Cuba. The Cuban health authorities have been forced ever since to resort to other options that involves the searching out and import of those kits from farther away markets at much higher prices.

26. **The Neurology and Neurosurgery Institute** has been unable to purchase the lab kit CanAg NSE EIA (ref 420-10) manufactured by the US company *Fujirebio Diagnostics Inc.* This kit is used to detect the neuron-specific enolase (NSE) protein in serums and the cerebrospinal fluid as a diagnosis and prognosis marker for ischemic cerebrovascular diseases, which show high rates of mortality and morbidity in Cuba.
27. **The Cuban Cardiology and Cardiovascular Surgery Institute** has scheduled 400 surgeries for 2012; 70 per cent of them will be aortocoronary revascularizations and the remaining 30 per cent will be replacements of mitral and aortic valves. The impossibility of acquiring in the United States the valve replacements, cardiac stabilizers and mobilizers and other equipment and materials associated to these surgeries has almost doubled their cost for Cuba, along with other difficulties this situation has brought about.
28. With the US company *St. Jude* leaving Cuba as a result of the implementation of the blockade, the Pace-maker and Electro-physiological Service of the aforementioned institute does not have the equipment to carry out non-fluoroscopic three-dimensional anatomic mapping, which prevent the performance of complex arrhythmia ablations. The patients requiring these procedures have to be sent to Europe for treatment, with all the associated risks and costs.
29. Distress to the old and infirmed
30. Cuba is one of the Latin American and the Caribbean countries with the most aged population. Approximately 18.1 per cent of Cuba's population is over 60 years of age. Some 130,000 persons suffer from Alzheimer's or associated dementia. The treatment of these patients becomes difficult because Cuba has no access to the main cholinesterase inhibitors, particularly the medicine called *Aricept (Donepezil)*, which is manufactured by the US company *Pfizer*. The same thing happens with the new atypical neuroleptic medicines used for the control of psychic and behavioral symptoms that are the prime cause for the patients to be institutionalized.
31. On the other hand, Cuba is still being banned from purchasing new US-manufactured cytostatics that are specifically designed to treat certain diseases. Cuba is being denied access to medical literature, Internet sites created to facilitate the free exchange of information and softwares which are indispensable for Scientific Modeling and Simulation, which allow for the visualization of advanced systems of image processing for diagnostic purposes.

## FOOD

32. The blockade has been basically designed to cause damage and impose restrictions in this sector.
33. From March, 2011, to March, 2012, the damages caused were estimated at around 131 572 967 dollars. This figure includes the purchase of foods in faraway markets, with the usual increase in insurance and freight costs and the additional cost of the immobilization of resources in inventories, among other factors.
34. Apart from the possibility of importing agricultural products and foodstuffs from the United States, there is no commercial relationship in this area between the two countries. The limited possibility to buy food continues to be governed by very strict regulations and is subject to a complex mechanism of licenses which are applicable to the

trips by US businesspeople, the signing of contracts, transportation and the payments for these transactions. Additionally, OFAC reserves the right to cancel these licenses without prior notice and without further explanation.

35. We submit the above details to the UPR and hope that the review will move towards doing away with the long time injustices being meted out to Socialist Cuba.