



**UNIVERSAL PERIODIC REVIEW OFR THE HUMAN RIGHTS COUNCIL  
- CUBA-  
SUBMITTED BY THE BANKING, INSURANCE AND GENERAL WORKERS UNION**

**Contribution to the Cuba UPR, April – May 2013**

The **Banking Insurance and General Workers Union** of Trinidad and Tobago is a trade union that was formed out of a merger between the Bank and General Workers Union and the Bank Employees Union and formally launched on February 21st 2003. These two predecessor trade unions were both formed in 1974. Our Mission Statement posits that “BIGWU organizes, educates and empowers all members in order to effectively defend their rights, improve conditions of work and advance their socio-economic goals. We represent over 5,000 members in the Banking, Credit Union, Insurance, other financial services, Supermarket, Media, Tertiary and Energy Sectors of the economy.

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Our union is affiliated to the National Trade Union Centre of Trinidad and Tobago and to UNI Global Union in Switzerland.

Our Union has always had a fraternal relationship with the Government and people of Cuba. In this regard, our Union has had the opportunity to visit Cuba and to build fraternal relations with the Cuban Trade Union Centre. It is useful to point out that over the years, many Cuban doctors have and continue to give yeoman service in our nation's health services. In addition, several of our nationals have studied and a graduated in Cuba in several fields including medicine, economics and dentistry to name a few. We hasten to add that Cuba continues to provide us with coaches for many fields of sports. Our first

ever Olympic gold medalist in the javelin throwing event, Keshorn Walcott, was trained by a Cuban coach. For this, our country will forever be grateful for the contribution that Cuba and its people have made and the opportunity to stand as equals before the world's best at the Olympics

BIGWU welcomes this opportunity to give our views on the question of Human Rights in Cuba as Human Rights Committee undertakes its Universal Periodic Review. Our response will look at the following:

- The legal and Institutional Framework for the Promotion of Human Rights
- Co-operation with Treaty bodies and other non-discriminatory United Nations Human Rights Mechanisms
- Equality and non-discrimination
- The right to life, liberty and personal security
- The administration of justice, including the fight against impunity and the rule of law
- The freedom of religion and beliefs, of expression, of association and peaceful assembly and the right to participate in public and private life
- The right to work and fair and satisfactory working conditions and the right to social security and an adequate Standard of living
- The right to health, education, and culture
- International co-operation in dealing with natural disasters
- Obstacles and problems preventing the promotion and protection of Human rights in Cuba.

### **1. The legal and institutional framework for the protection of Human Rights**

In our view, the basic Human rights and freedoms are recognized in the Cuban Constitution. These include the right to life, liberty and the inviolability of persons and their personal integrity are incorporated in the constitution. There is also 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 duty to observe legalities, the duty to comply with verdicts and other final court resolutions and control the preservation of legalities by the Attorney General's Office

Furthermore, Cuba has strengthened its Constitution by ratifying the International Convention for the protection of all persons from enforced disappearance. It has also implemented the ILO Recommendation 200 concerning HIV and AIDS and the world of work. In so doing, workers are protected against discrimination on the grounds of real or

perceived HIV status, while workers and their families have access to and benefit from prevention, treatment, care and support in relation to HIV and AIDS. All of this is in addition to the numerous international instruments to which Cuba is a party. These instruments include: Conventions on the Rights of the Child, on the Sale of Children, Child prostitution and Child Pornography; International Convention on the Elimination of All Forms of Racial Discrimination; UNESCO Convention against Discrimination in Education; Convention against torture and other cruel, inhuman or degrading treatment or punishment; Convention on the elimination of all forms of discrimination against women; International Convention against the Recruitment, use, financing and training of mercenaries; International Convention on the suppression and punishment of the Crime of Apartheid.

Within recent times, Cuba has taken steps to improve on national policies regarding the transfer of land to peasants and other citizens. This has also been done in the area of social security, housing and employment. It is expected that there will be amendments in the areas of the Criminal Code, The Family Code and the Labour Code which will build upon the existing foundation of Human Rights.

## **2. The Right To Life, Liberty and Personal Security**

Consistent with the international trends of abolition of the death penalty, we salute the recent decision of the Cuban Council of State to commute the death penalty to a 30-year imprisonment or life sentence. This is a shining example of the approach taken by Amnesty International on Article 5 of the Universal Declaration of Human Rights and the resolutions adopted by the UN General Assembly calling for a moratorium on the use of the death penalty.

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

**“It is with joy that in Cuba there have been steps so that the church can carry out its mission, but the country must continue to strengthen this path,”** so said Pope Benedict when he visited Cuba on 28/03/12. ([www.cnn.com/2012/03/28/world.../cuba-pope-visit/index.html](http://www.cnn.com/2012/03/28/world.../cuba-pope-visit/index.html)).

Also carried in the above CNN report was a statement by Elside Martinez, a Havana resident who said she watched from the square when John Paul spoke in 1998. She said there was a noticeable difference between the two pontiffs. Cuba itself was also different: "When we saw John Paul, Cubans didn't really know anything about religion," Martinez said. "Now we're open more. We practice (religion) more. We believe more."

The above clearly illustrates that Cuba has progressively respected these freedoms and fundamental Human Rights. Moreover, no one has been persecuted or penalized for exercising their rights, including those of expression, opinion and association within the framework of the laws and the Constitution of Cuba. This is notwithstanding the many attempts to destabilise the country through campaigns to discredit its performance in human rights issues and activities that are financed by ultra right wing organizations in Miami.

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

Perhaps the best example of Cuba's respect for Human Rights can be seen in the 88 Conventions of the ILO that the country has ratified. The list includes the following: C87- Freedom of Association and Protection of the Right to Organise; C 187- Promotional Framework for Occupational Safety and Health; C135- Workers' Representatives; C 98- Right to Organise and Collective Bargaining; C138- Minimum Age; C131- Minimum Wage Fixing; C183- Maternity Protection; C 111- Discrimination; C 104- Abolition of Penal Sanctions; C105- Abolition of Forced Labour; C4 – Night Work (Women). These are just a few examples of the international rights the Cuban workers enjoy. The country's constitution not only includes these rights but complementary legislation ensures the full exercise of those rights.

#### **5. Equality and Non- Discrimination**

During the period under review, Cuba has adopted measures to fight against forms of discrimination based on prejudices due to sexual orientation and gender identity. These measures extend to boys and girls, youth senior citizens, the disabled and even prisoners. In so doing, citizens have been able to enjoy a broader range of rights and fundamental freedoms.

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

Despite the economic blockade, we are convinced that Cuba has to be doing something right to achieve the high standards that it has achieved in the area of Health care. This is complimented by the universal access, free of charge to public health. So much so that our own former Prime Minister opted for heart care treatment in Cuba. Through Gov't to Gov't arrangements, there are currently over 70 doctors and nurses working in our nation's hospitals helping to fill the big gap for health care professionals. This co-operation program in health care is not unique to our country. It is our understanding that such programs have been instituted in 40 other countries around the world. This has enabled not only Cuban citizens to enjoy the right to proper health care but also millions around the world as well.

In addition, Cuba also provides a very high level of education and is thus ranked at number 14 in the world in the Education for All Rating.

Cultural exchanges between our countries continue to develop especially at the grassroots level where we recently trained several of their musicians to play our national instrument – the steelpan. These exchanges have developed strong bonds between our peoples and their respective cultural institutions.

#### **7. Co-operation with Treaty Bodies and other UN Human Rights Mechanisms**

As far as BIGWU is aware, Cuba continues to co-operate and interact with the above agencies and has submitted periodic reports to them on various matters. These reports included reports on the Convention on the rights of persons with disabilities and on the Convention on the Elimination of all forms of discrimination against women

#### **8. The Administration of Justice and the Rule of Law**

The Cuban judicial system is based on the independence of the judiciary; the principles of Natural Justice; the absolute equality of all persons before the law and the presumption of innocence; the right to legal defence and the right of appeal in accordance with the law. This important system of the administration of justice allows for a mechanism to address any infractions against human rights and freedoms.

#### **9. Natural Disasters**

We are informed that Cuba has always lent a helping hand to various Latin American and Caribbean countries in the area of reducing disaster risks while participating in the programs of UN agencies in related projects. In fact, since 1998 close to 4,000 Cubans have been at work in Haiti helping in disaster situations and epidemics.

#### **10. Obstacles and Problems Preventing the Promotion of Human Rights in Cuba**

Having ended his visit to Cuba, in a farewell speech just before boarding the plane, Pope Benedict criticized the U.S. trade embargo on Cuba, saying "restrictive economic measures, imposed from outside the country, unfairly burden its people." This fifty year old embargo that continues to defy worldwide denunciation must be ended once and for all so that the Cuban people would not be made to suffer because they hold the sovereign view that there is life after capitalism and indeed a better one at that for all mankind. Their ideology is their fundamental right and freedom to hold.

SUBMITTED BY

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