

# Cuba Friendship Society-New Zealand – Individual UPR submission – CUBA – May 2013



*Cuba Friendship Society - New Zealand*



## **Cuba Friendship Society – New Zealand**

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### **Founded**

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### **Purpose**

To promote friendship, understanding and goodwill between the peoples of New Zealand and Cuba through the development of 'people to people' contact by encouraging visits and exchanges of ideas, information, culture and trade between the two countries.

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## Introduction

1. The following submission in relation to Cuba is made by the Cuba Friendship Societies of New Zealand. (CFS) The submission addresses various aspects of Cuba's situation relevant to this 2nd cycle of the universal periodic review.

## The right of self-determination

2. Although this is any nation's basic right and recognised as such by the UN Charter, it cannot be emphasised enough in Cuba's case. This is because, since the Cuban Revolution of 1959, Cuba has developed as an enduring socialist state incurring the enmity of its nearest neighbour and world's most powerful country, the United States. Facing an imbalance of communication and other resources, Cuba has been perceived as having a political system which is "undemocratic". The CFS submits this is an inaccurate and unhelpful label to apply in considering Cuba's case. If the basis of democracy is the ability to participate in the political life of one's country including participation by lawful expression of political dissent, then Cuba is no less democratic than most multi- party democracies. The CFS submits that there has been a tendency to conflate market capitalism with democracy when in reality the two concepts are not the same. Cuba has unjustly suffered from this erroneous branding. There is a clear political conduit in Cuba for local community participation through to the highest levels of government.
3. History has shown the people of Cuba to be fearless in resisting an oppressive political yoke as both the Spanish Empire and the US supported Battista government experienced. If the will of the Cuban people is alienated by its government, including its present one, that government will not survive. The promotion of "regime change" from outside<sup>[i]</sup> is not only unnecessary but illegitimate for the Cuban people.

## Adherence to U.N. Principles

4. Since the first cycle review, the committee will be aware that Cuba has presented reports to human rights committees such as the Committee on the Rights of the Child (2011); reports to the Committee on the Elimination of Racial Discrimination (2012) and the Committee Against Torture (2012). Further reports have been sent to Committees considering the rights of women, the committee concerning the use of children in armed conflict and the committee on persons with disabilities.
5. CFS submits that this shows a high level of participation in and commitment to with UN institutions. Cuba is a state which is party to many human rights conventions,<sup>[ii]</sup> and maintains a high level of cooperation with UN human rights procedures and mechanisms of universal application.

## Administration of Justice and rule of law

6. It is submitted that the Cuban legal system compares well with countries which adhere to democratic 'rule of law' principles. It has an independent judiciary, gives persons a right to legal representation and appeal. Subject to limited and specific exceptions as might apply in western democracies, proceedings are held in public. In criminal proceedings a presumption of innocence applies and, following the first review cycle, the death penalty has now been abolished. Equality before the law is paramount and the application of the law is non- discriminatory.<sup>[iii]</sup> Children under 16 are not subject to criminal justice. Detention without trial is subject to clearly defined limits comparable with Western countries.<sup>[iv]</sup> There are no political prisoners in Cuba and torture is prohibited. The treatment of detainees at Guantanamo Bay, for example, falls well below the standards applied in the rest of Cuba and would be regarded as unacceptable by the Cuban Government.

## Health and Education

7. CFS submits that Cuba's achievements in these two areas are now acknowledged by most of the international community to be impressive. This reflects the humanitarian priorities of the Cuban state

both domestically and internationally. In our global region (the South Pacific) for example, Cuban doctors and teachers are providing much needed assistance in poorer countries such as Timor-Leste, Solomon Islands, Kiribati, Tuvalu and Vanuatu. Cuba's medical assistance in times of natural disaster to countries such as Haiti is well known. We submit that not much more need be said in this area.

### **Socio-economic issues**

8. It is to Cuba's great credit that, despite economic difficulty, it is one country that has managed to reduce within its society, the disparities of wealth and opportunity that exist within the populations of many more affluent countries of the West. It cannot be avoided however that the Cuban people suffer shortages and limitations which one might not expect from a nation which can achieve so well in health and education. CFS submits that it is impossible and immoral to ignore the root cause of this problem namely the US-inspired economic blockade of the country. The blockade restrains the development of the country and seriously damages the Cuban economy.
9. While the blockade has had the positive effect of strengthening the fortitude and resilience of the people in the principle of self-determination, the ongoing injustice of it is thwarting the legitimate aspirations of the Cuban people for the better living conditions to which they are entitled. Similarly, it is submitted that they deserve a freedom from armed aggression and terrorist activity against their government supported either overtly or tacitly by the US<sup>[v]</sup>.
10. In spite of the US blockade and hostile policy, Cuba has continued to move through a process of permanent and profound transformation to improve the socialist system, freely endorsed by its people, and to elevate the quality of life of all Cubans.
11. We submit that it must be possible for Cuba to be more fully integrated into the family of nations by the simple application of the principle that democracy allows the choice of socialism over capitalism whether or not that choice is liked by other nations. The infliction of punishment for the making of that choice is not worthy of democracy. In making that choice Cuba is not only exercising the fundamental right of self-determination but also acting in accordance with its history.
12. Richard Gott, the respected British journalist and historian, when assessing the prospect of a dire future for Cuba by historical recurrence of internal rebellion and external intervention said:
  - a. *"Set against that possibility is Castro's legacy of half a century of social peace as well as the long tradition of the Cuban people in seeking their own solutions to their own problems"*<sup>[vi]</sup>
13. Not only are Cuba's current solutions an entitlement but we submit they are solutions in accordance with the principles of the United Nations.

Date 7<sup>th</sup> October 2012

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<sup>[i]</sup> President Obama has provided \$20m for each of the 2010 and 2011 fiscal years to promote "change of regime" in Cuba.

<sup>[ii]</sup> these include; The International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of Discrimination Against Women; Convention on Rights of the Child; Optional Protocols on Sale of Children, Child Pornography, Child Prostitution, Children in Armed Conflict; Convention on Apartheid; UNESCO Convention Against Discrimination in Education; Convention Against Torture; Convention Against the Use of Mercenaries.

<sup>[iii]</sup> This is a vexed area for many countries. In New Zealand for example which has the second highest imprisonment rate behind the US of western democracies, over 50% of the prison population comes from the

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indigenous race (Maori) which comprises only 15% of the total population. Even greater disproportions exist in the US in relation to the death penalty where blacks are disproportionately executed compared with whites.

<sup>[iv]</sup> In Cuba this is limited to 48hrs, (c.f. the UK which authorises a 28 day period).

<sup>[v]</sup> Since the foundation of the Socialist Republic in 1959 approximately 3,500 Cubans have been killed by these attacks. Attempts by the Cuban Government to get the US to act against such terrorism have not only been shunned but harsh punishments have been meted out to those exposing terrorist cells, such as in the case of the "Cuban Five" where life sentences were imposed in 2001.

<sup>[vi]</sup> Richard Gott - "Cuba - A New History" Yale University Press 2994, p324.