



# भारतीय ट्रेड यूनियन केन्द्र CENTRE OF INDIAN TRADE UNIONS

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October 1, 2012

## About our organization

Established in 1970, The Centre of Indian Trade Unions, briefly called as 'CITU', is one of the major central trade unions in India, recognized as such by the Government of India and by ILO. It has about 5.5 million membership of workers in all states and union territories in India. Main activities of CITU are for protection of the workers Constitutional, legal and human rights; for their economic and social justice; their inclusion in national growth; for equitable economic distribution; etc. CITU works with several other trade unions and organizations of the peasants, youths, women, students and of professionals encompassing multiple of millions of working people in India.

### **Subject: CITU – UPR submission – Cuba– Session 16 (22 April - 3 May 2013)**

CITU makes this written submission to the UPR relating to Cuba. This submission is based on our own experience and observation, based on facts and true to our best knowledge about Cuba.

#### **1. Constitutional and Legal Framework**

The crucible of test of human rights is in the constitutional and legal framework of the country. Under constitutional and legal framework in Cuba following are guaranteed.

- Basic human rights and freedom are enshrined in the Cuban Constitution and law.
- Right to life and liberty; inviolability of persons and their personal integrity are also recognized.

- The Constitutional and legal framework guarantee
  - Right to Work;
  - Rest;
  - Social Security;
  - Inviolability of the home and correspondence.
  - Right not to be prosecuted and convicted without fair trial in competent court with right of self-defence; not to be forced to testify by the use of violence or coercion of any kind; the application of retroactivity of criminal law when favourable to the prosecuted; the obligation to observe legalities; the obligation to comply with verdicts and other final court decisions; and control and preservation of legalities by the Attorney General's Office.

## **2. International Convention and Treaties.**

- Cuba is party to several international instruments dealing with human rights. 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.
- Cuba presented 3 reports to human rights treaty bodies, namely:
  1. The second periodic report to the Committee on the Rights of the Child (2011),
  2. 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
  3. The combined second, third and fourth reports to the Committee Against Torture (2012).
- Cuba sent 3 more reports for corresponding consideration, namely:
  1. The seventh and eighth combined periodic reports by virtue of the Convention on the Elimination of All Forms of Discrimination against Women (2010);,
  2. 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
  3. The initial report by virtue of the Convention on the Rights of Persons with Disabilities (2012).

## **3. For Equality and Non-discrimination**

- Cuba has taken several measures and initiatives in the last four years to continue moving forward in its effort to attain broader enjoyment of all human rights and fundamental freedoms for all on an equal basis and without discrimination for any reason whatsoever. Those measures include boys and girls, youths, senior citizens, the disabled, prison inmates, etc. The Cuban government has also adopted measures to fight against any forms of



discrimination based on prejudices due to sexual orientation and gender identity.

**4. The Administration of Justice, Fight against Impunity and the Rule of Law**

- Cuba has institutionalized a system of independent bodies, headed by the Supreme Court, acting collegially, composed according to their competency and with broad popular participation in the dealing of justice.
- 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 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.

**5. The Freedom of Religion and Beliefs, and of Expression.**

- In Cuba, human rights defenders are protected, in equal conditions, according to the postulates of the Declaration on Human Rights Defenders. Nobody in Cuba has been persecuted or penalized for peacefully exercising their rights, including those of expression, opinion and association, within the framework of the broad liberties guaranteed by the Constitution of the Republic and its laws, completely compatible with international human rights instruments.
- Discrimination for religious reasons does not exist. 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 impediments.

**6. Right to Work; Fair Working Conditions and the Right to Social Security.**

- 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 Labor Code in force and complementary legislation ensures full exercise of those rights.

**7. Right to Health, Education and Food**

Cuba excels in providing basic human needs of its citizens which are integral to Human Rights.

- Cuba excels in the area of 'Health for All' of Alma Ata Declaration of WHO. It 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. In 2011, the maternal mortality rate was at 40.6 per 100,000, a very low rate on an international scale.

- The UNESCO Report on Lifelong Learning for All (2011) acknowledges Cuba to have high educational development and is placed at number 14 in the world in their Education for All Rating (IDE).
- All people of Cuba enjoy the 'Right to Food' and food security constitutes a matter of national security for Cuba. The government's political will has been steadfast in order to attain advances in the subject of the right to food, in spite of the economic blockade against Cuba by the United States and its specific impact on availabilities of funding for the importing of foods and investment of capital and technology in that field.

## **8. International Cooperation for Protection of Life and Health**

Cuba has been promoting various international cooperation programs and projects in the area of protection of life and health.

- The Comprehensive Health Program by Cuba is being developed in 40 countries.
- Operation "Miracle" is being promoted to return eye sights to thousands of citizens in the world. 2,261,987 surgeries have been successfully performed since its inception on July 8, 2004 to January of 2012.
- Cuba's international contingent of doctors, specialized in disaster situations and serious epidemics, continue with its work. Henry Reeve Brigade consists of 5,490 Cubans who have provided medical assistance to more than 3 million victims. 3,774 Cubans have been helping in this area in Haiti since 1998.
- 9,960 medical doctors from 58 countries have graduated from the Latin American School of Medicine in Cuba during 2005 - 2011. Health professionals of 11 countries are being trained.
- Cuba has been providing its international cooperation to various Latin American and Caribbean countries in the reduction of disaster risks. It also participates with agencies and bodies in the United Nations System on projects in reducing disaster risks.

## **9. Updating of Cuban Economic Model**

- The economic model of Cuba is being updated, for improving it, preserving the basic principles of socialism. The guidelines for updating are expressed in the will of the Cuban people, who discussed, amended and approved them. The updating process aims at making a better use of resources according to the needs.
- Progress is taking place in adjusting the existing legislation in line with the changes. The guidelines of the economic policy of the Revolution are strategic and give priority to the development of productive forces.



- The goal of increasing growth and the living standards of the population depend on a greater economic efficiency, the incentives to work and a more equitable redistribution of the national income.
- The updating of the economic model is based on two principles: first, the foundation of the economic system is the socialist ownership of all the people over the basic means of production; and second, the preponderance of planning and not of the market. The socialist principle of distribution will prevail: 'from each according to his ability, to each according to his work.'
- The agricultural sector is given a full priority in view of the need to reduce the imports of food products that can be produced in Cuba.
- Updating the economic model would contribute to increased production and ensure the sustainability and irreversibility of socialism.

#### **10.Cuban Political Prisoners in United States**

- The Cuban Five political prisoners are anti-terrorist fighters who have been unjustly incarcerated in US jails for 14 years, in an unjust confinement. They were not collecting information on national security matters. They were trying to prevent actions taken by Florida-based terrorist groups which act with impunity against Cuba. It has been demonstrated that the case of the Cuban Five is essentially political. It has been supported by Governments, Parliaments, and religious, legal and human rights organizations. Personalities from around the world, including 10 Nobel laureates, have supported their cause.
- Rene Gonzalez should be allowed to return to Cuba to complete his term of supervised release along with his relatives, at home, in his homeland. The only just and humane decision that the Government of the United States should take is to allow Rene's return to his homeland.

#### **11.Human Rights and Freedom of Expression**

- In Cuba the freedom of opinion and expression has their fullest realization. Cuba attaches highest importance to protect and promote the right to freedom of information. It is a right which is fully provided in the Cuban Constitution.
- All Cubans have equal access to quality basic services like education, health care and social assistance and security. Education is universal and free at all levels of the education system.
- In Cuba, nobody is repressed by reason of thinking differently. There are projects encouraged by the State to protect minorities and respect sexual, racial, ethnic, and gender diversity.
- In 2009, Cuba was the object of a Universal Periodic Review of the Human Rights Council which had satisfactory conclusions. Cuba's progress in the field of human rights was recognized. Numerous international organizations,

including UNESCO, have also recognized Cuba's achievements in ensuring the full enjoyment of human rights by the Cuban people.

## 12. USA Report on Terrorism

- The sole purpose for the United States to maintain Cuba on a unilateral and arbitrary list of "State Sponsors of Terrorism" is to merely justify the blockade policy against Cuba. It is intended also to justify the adoption of new measures to pursue financial and commercial transactions, which are linked to terrorism in order to strangle Cuban economy. The US government attempts to keep up with its exercise using a new and slanderous insinuation about the alleged lack of measures present in the Cuban banking system to deal with money laundering and financial transactions linked to terrorism.
- It has been deliberately ignored that in February 2012, the Cuban government renewed its proposal to agree on a bilateral program for countering terrorism. The US government has not answered to said proposal.
- It is surprisingly known that the government of USA has been using 'terrorism' as a political weapon against Cuba, and in the process has brought 3,478 deaths and 2,099 disabled persons.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'A.K. Padmanabhan', with a horizontal line underneath it.

(A.K. Padmanabhan)  
President, CITU