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## **SUBMISSIONS ON CUBA'S UNIVERSAL PERIODIC REVIEW COUNCIL OF HUMAN RIGHTS**

Cuba Support Group Ireland respectfully submits the following document to the Council of Human Rights in relation to the Universal Periodic Review process for the Republic of Cuba.

Cuba Support Group Ireland was established in 1991 and is a membership organization with branches all across Ireland. It is self-funded and entirely reliant on membership subscription to fund its activities. As a matter of principal, it accepts no funding from any government either in Ireland or abroad. It was established to promote understanding of the Cuban revolutionary process among Irish people and to advance the relations between Ireland and Cuba on an individual, trade, sectoral and governmental basis.

Cuba Support Group Ireland takes part in the Irish Government's annual NGO Forum organized by the Department of Foreign Affairs, contributing to its discussions. It organizes public meetings around the country with speakers from Cuba. It manages a Twitter account which provides links to a vast database of information in English on matters relating to Cuba and a website outlining the main aspects of our work.

Cuba Support Group Ireland has strong links with the Irish trades union movement. It facilitates group travel on an educational basis to Cuba. It also offers material aid to Cuba via an international network based in Geneva Switzerland and is represented on the board of the governing body of MediCuba.

Cuba Support Group Ireland has presented to the Irish parliament foreign affairs joint committee and maintains regular contact with a wide range of elected members of the Irish Parliament wherein it enjoys widespread cross-party support for its activities. The former UN High Commissioner for Human Rights and former President of Ireland, Mary Robinson has supported our campaigning in relation to the Cuban Five who are arbitrarily detained in the USA.

We trust this background information will be of assistance to the Council.

Yours faithfully,

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Simon McGuinness,  
National Coordinator,  
Cuba Support Group Ireland.

# Submission on Cuba's Universal Periodic Review (2nd CYCLE)

## COUNCIL OF HUMAN RIGHTS

Prepared by **Cuba Support Group Ireland**

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1. Cuba has successfully guaranteed the human right of its citizens in the face of the most extreme aggression from its neighbours in the region for over half a century. Throughout this time it has been confronted with an illegal economic blockade which was deliberately instigated in an attempt to starve its citizens in the hope they would overthrow their government and allow the aggressor nation to install a government more favorable to its will. That blockade is rightly condemned by the overwhelming majority of member nations of the General Assembly each year.
2. Cuba is to be commended for the extent to which it has managed the impact of the illegal blockade and associated violent acts of aggression (up to and including armed military invasion) on the human rights of its citizens. It has effectively deployed its sovereignty in the way most likely to achieve the blockaded nation's stated aim of providing for the universal human rights of all of its citizens. No other country has managed to achieve this level of HR success in any similar circumstance. Indeed, the rights enjoyed by Cuban citizens remain the envy of many in the region who are not subject to blockade.
3. The failure, abject failure, of the United Nations to secure the rights of Cuba to trade with the free nations of the world stands as a continuing and escalating indictment of the UN's choice of priorities. There is no higher duty of the United Nations than to defend the rights of small nations against the aggression of the powerful, yet year after year the UN persists with the charade of voting overwhelmingly against the policies of the aggressor nation and then studiously avoiding any attempt to do anything about it, at least until it is again time to organize the annual voting charade. Cuba is entitled to the support of the United Nations in the vindication of its sovereign rights. The UN's continuing failure to vindicate those rights is a significant source of the well of mistrust that infects that organization globally. The UN will only begin to become relevant to the cause of world peace when it resolves to use all of its power to end the illegal blockade of Cuba.
4. The blockade imposed on Cuba by the aggressor nation is the single greatest human rights abuse experienced by the citizens of Cuba.
5. The single greatest human rights abuse perpetrated on Cuban territory is undoubtedly the continuing detention without trial of an unknown number of kidnapped and trafficked persons who are denied all legal protections listed in the UN convention. Their ongoing illegal detention in the extra-judicial concentration camp at Guantanamo Bay, itself an integral part of the national territory of the Republic of Cuba which is currently illegally occupied by the aggressor nation, is an affront to the international architecture of human rights. Cuba has invited the United Nations Special Rapporteur on Torture to visit the island

and this visit should be scheduled by the Rapporteur as soon as possible. No reason for the extended delay in the acceptance of the invitation has been notified in the international media allowing the impression of collusion with the illegally occupying aggressor nation which has blocked all requests to visit its illegal concentration camp located on the island of Cuba.

6. The continuing threat of terrorism eliminating from the state of Florida is a significant source of insecurity for the Cuban people. Numerous requests from countries in the region including Panama, Venezuela and Barbados have failed too secure the extradition of convicted terrorist fugitives, like Luis Posada Carriles, who find sanctuary in that state where they are lionized and enjoy celebrity status. They also appear to enjoy immunity under the laws of the aggressor nation for violations of federal law, for example, illegal entry into the national territory. Yet, five thousand five hundred and seventy seven Cubans have either lost their lives or have been left maimed as a direct result of acts of aggression perpetrated by such terrorists.<sup>1</sup>
7. The past 12 months has seen an escalation of the economic aggression against Cuba, inspite of better global news management by the aggressor nation. The value of fines imposed on multinational corporations by the aggressor for trading with Cuba have increased significantly. Most of these fines have been imposed on foreign corporations which are not otherwise subject to the laws of the aggressor nation: the trading activities are almost invariably entirely legal in the jurisdictions in which the transactions occurred. The extra-territoriality of the aggressor's legal system is contrary to international law, yet the United Nations continues to turn a blind the to the matter. This is 'prima facia' evidence of its unwillingness to police international trade, if not, indeed, of its subjugation to the bullying of the aggressor nation.
8. Cuba was identified as the only country developing sustainably by the World Wildlife Fund in its Living Planet Report of 2006. This leadership demonstrates eloquently the Cuban governments intention to underwrite its constitutional guarantees to its citizens now and in the future. No other country can provide similar independently verified evidence of the success of its strategic planning of is economy, society or environment so as to ensure the sustainability of its economic, political, civic, social and cultural constitutional guarantees. Rather, in a period of global recession caused largely by the flagrant, and even reckless, disregard for the need to plan strategically so as to protect the long term economic interests of the overwhelming majority of humankind, it would be hypocritical of those who have failed their own citizens and threatened the remainder of humanity to review the work of the Cuban government in this regard with anything other than the deepest humility.
9. And yet, Cuba subjects itself to UPR in the interests of strengthening the UN and extending the greatest possible spread of the universal human rights defined in the UN convention. Cuba has always maintained a high level of cooperation with UN institutions and with its universal and nondiscriminatory processes and enjoys considerable praise from various UN observers and officials. Since the last review the following specific advances have been made in relation to human rights:

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<sup>1</sup> [http://www.cubaminrex.cu/english/SpeechesContributions/BrunoRP/2010/03\\_03\\_ing.html](http://www.cubaminrex.cu/english/SpeechesContributions/BrunoRP/2010/03_03_ing.html)

10. Cuba has embarked on a radical transformation of its economy to enable the power of the private enterprise of its citizens to support the nation's constitutional objectives and raise their living standards. Hundreds of thousands of its citizens, many formerly employed in the public sector, have been assisted to open new microbusinesses. The taxation code has been re-written to allow their profits to be taxed in a fair and equitable manner and large parts of the civil code adjusted to encourage and facilitate this transformation.
11. Cuba has transferred public land to peasant farmers on a usufruct basis in order to allow them to set up food production agri-businesses and through that process increase the availability of affordable, high quality and nutritious food to the general population. Significant expansion of food security has been realised as a result. The government has provided finance for the purchase of tools and seeds and assisted with land reclamation activities. It provides technical and educational support to farmers advancing organic methodologies on a "peasano-a-peasano" basis. It also now provides relocation assistance and educational and income guarantees.
12. Cuba has adjusted its penal code to eliminate the death penalty and replace it with a thirty year jail sentence. Any existing death sentence in place has been automatically commuted (in accordance with Cuba's existing constitutional guarantees to adjust sentences in step with changes in the law where these benefit the convicted person).
13. The Cuban government has become the first government in the world to provide gender reorientation surgeries to transgender persons free of charge. This has been accompanied by a widespread public information campaign aimed at reducing prejudice against transgender persons. Cuba has an enviable record in the official prohibition of discrimination in relation to gender, sexual orientation and transgenderism. It has also developed innovative and widely distributed public information, in the form of TV and radio programs and newspaper articles seeking to raise public awareness towards sexual discrimination and its prohibition in the legal code.
14. Cuba continues to have one of the lowest rates of HIV infection in the world at a time when rates have been climbing in the region. Cuba provides medication to 100% of AIDS victims including a full social and economic support program to secure the best possible health outcomes from the anti-retroviral medicines provided to all persons who have contracted the virus free of charge.
15. Cuba has one of the highest rates of female participation in the elected national parliament.<sup>2</sup> The most recent general election took place in January 2008<sup>3</sup> and returned a total of 43% women to the Popular Power assembly (national parliament)
16. The Cuban constitution guarantees, inter alia, the following rights to its citizens:
  - the right to life or the inviolability of persons and their personal integrity
  - the right to work and to time off
  - the right to social security

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<sup>2</sup> <http://www.ipu.org/wmn-e/classif.htm>

<sup>3</sup> [http://www.ipu.org/parline-e/reports/2079\\_A.htm](http://www.ipu.org/parline-e/reports/2079_A.htm)

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 established prior to the commission of any crime

the right to legal defense

the right of persons not to be forced to testify by the use of violence or coercion

the presumption of innocence

the right of appeal

These rights have been scrupulously upheld in the period from the last review which is more than can be said for several other countries in the region who do not, any longer, recognize such rights for their own citizens or for the citizens of sister nations of the UN.

17. There is no persecution on the grounds of religion in Cuba, in spite of the aggressor nation specifically targeting religious groups for infiltration through the use of mercenaries and agents, such as Alan Gross. All religions are free to practice their beliefs subject only to public safety and the rule of law. Cuba has hosted a visit by His Holiness Pope Benedict XVI in March 2009 who celebrated mass in revolution square in a ceremony broadcast live and without interruption on nation television. The various statements made by the pontiff during his visit were also broadcast live. Discrimination on the grounds of religion does not exist either officially or practically.

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