

## Written contribution for the UPR working group of CUBA

GLOBAL NETWORK FOR RIGHTS AND DEVELOPMENT - GNRD

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The Global Network for Rights and Development aims at encouraging international partnership, promoting networking and exchange of expertise to foster peace, human rights, enhance development and build the capacity in affected areas.

The overall goal is to create a link between people for a better world.

Different fields of expertise are focused on such as the academic / political / legal frame to stimulate connections on a North-South approach but also privileging a South-South approach.

The Global Network for Rights and Development can rely on a wide system of partners around the world willing to participate in the development of their respective societies and sharing the same standards of promotion of dialogue.

Established in Geneva since 2008, the GNRD works on 3 main segments to reach the above mentioned objectives.

- 1) Engaging the UN through advocacy during the HRC sessions, including a program of protection of Human Rights Defenders
- 2) Organize trainings for local organizations in the MENA region
- 3) Facilitate Mediation Conferences, Workshops, formal and informal Platform of dialogue in Geneva and Worldwide on the question of peace, human rights and development.

The GNRD is under process for applying to the ECOSOC status.

- 1) The Revolution permitted the Cuban people to attain their independence, right to self-determination and the full universal enjoyment of all human rights for all.
- 2) The Cuban people have continued defending the Revolution that made possible the enjoyment of civil, political, cultural, economic and social rights of everyone in the country. Cubans continue to ensure their rights to self-determination, development, peace and a fair, democratic and equitable international order.
- 3) From 2009 until 2012, Cuba has continued to move through a process of permanent and profound transformations to improve the socialist system, endorsed and built by its people with the aim of advancing towards a society that is fairer day by day, freer and more independent, acting in solidarity, equitable and productive.
- 4) Cuba has fulfilled most of the recommendations arising from the first cycle of the Universal Periodic Review (UPR) in 2009. Cuba showed it has always been ready to participate in frank and genuine dialogue about human rights on a basis of respect for its full dignity and sovereignty.
- 5) As one example: recommendation 30 (Para 130) of the report of the working group of the first cycle advising Cuba to strengthen its bilateral cooperation to promote the right to health was implemented with many countries including Algeria, resulting in the signing of agreements to boost cooperation in the fields of health, production of vaccines and medicines, sports, water resources, agriculture, education, culture, and technical-scientific research.
- 6) Despite the harsh restrictions imposed on Cuba, the country still intervene in favor of other countries in the most affected areas, for the promotion of the right to health, through medical services provided to those who can least afford it.

#### **- The Legal and Institutional Framework for the Promotion of Human Rights**

- 7) The Cuban Constitution recognizes basic human rights and freedoms.
- 8) The right to life, liberty and the inviolability of persons and their personal integrity are recognized, 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.

- 9) The principal occurrence related to the legal and institutional framework of human rights in the last few years has been the adopting of the Economic and Social Policy Guidelines in 2011, seeking to update the Cuban economic model, elevate the quality of life of Cubans and move forward towards a society that is ever fairer, freer, more independent and acting in solidarity, as well as the defense of the country's independence and sovereignty.
- 10) Cuba is a State 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).
- 11) New norms regarding the transfer of land to peasants and other citizens have been adopted, as well as those referring to social security, employment, housing, etc. At the same time, Cuba is working on amendments that will be incorporated into the Criminal Code, the Family Code and the Labor Code.

#### **- Cooperation with Treaty Bodies and Other Non-Discriminatory United Nations Human Rights Mechanisms**

- 12) Cuba maintains a high level of cooperation and interaction with United Nations human rights procedures and mechanisms of non-discriminatory nature and of universal application. It has always shown its unequivocal willingness to dialogue on all subjects and with all States, supported by reciprocal respect, sovereign equality and acknowledgement of every people having the right to choose their own political, economic and social system.
- 13) Cuba presented 3 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).
- 14) Cuba also sent another 3 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

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<sup>1</sup> Among these, the International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination Against Women; Convention on the Rights of the Child; Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography; Optional Protocol to the Convention on the Participation of Children in Armed Conflict; International Convention on the Suppression and Punishment of the Crime of Apartheid; UNESCO Convention against Discrimination in Education; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; International Convention against the Recruitment, Use, Financing and Training of Mercenaries.

participation of children in armed conflict (2011) and the initial report by virtue of the Convention on the Rights of Persons with Disabilities (2012).

### **- Equality and Non-discrimination**

15) Cuba has promoted numerous measures and initiatives in the last four years with a view 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.

16) Those measures include boys and girls, youth, senior citizens, the disabled, prison inmates, etc. The Cuban government has also adopted measures to fight against forms of discrimination based on prejudices due to sexual orientation and gender identity.

### **- The Right to Life, Liberty and Personal Security**

17) In Cuba, the courts have passed no death sentence since the last UPR report.

18) In April of 2009, the Council of State decided to commute the death penalty and replace it with a 30-year sentence or life imprisonment for any inmates having received the death sentence. The decision was adopted as a sovereign act, in accordance with the humanitarian conduct and ethics of the Cuban Revolution from its beginnings. Today in Cuba there is no longer anyone sentenced to the death penalty.

### **- The Administration of Justice, Including the Fight against Impunity, and the Rule of Law**

19) 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.

20) The 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.

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

- 21) 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. Ethics has been an important protective shield for the Cuban Revolution in the face of a policy of aggression and hostility by the greatest power in the world.
- 22) 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 that regularly take place without any impediments.

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

- 23) 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.

## **- The Right to Health, Education, Food and Culture**

- 24) Cuba 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.
- 25) 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). Notwithstanding the recognized achievements in this area, Cuba is working to attain greater quality at all levels of teaching.
- 26) For Cuba, having all people enjoying the right to food and food security constitutes a matter of national security. 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. New measures have been promoted to implement the recommendations of the Special Rapporteur after their visit in 2007.

## - International Cooperation in Health, Education and Dealing with Natural Disasters

- 27) Cuba has promoted various cooperation programs and projects in health matters. The Comprehensive Health Program is being developed in 40 countries. Furthermore, Operation "Miracle" is being promoted to return sight to thousands of citizens in the world. From its inception on July 8, 2004 until January of 2012, 2,261,987 surgeries have been performed.
- 28) On the other hand, the international contingent of doctors specialized in disaster situations and serious epidemics, continues with its work (the Henry Reeve Brigade made up of 5,490 Cuban collaborators who have provided medical assistance to more than 3 million victims). It is highlighted the cooperation in Haiti. Since 1998, 3,774 Cuban collaborators have been at work in Haiti. The Latin American School of Medicine (ELAM in its Spanish acronym) has graduated 9,960 medical doctors from 58 countries between 2005 and 2011. Also, health professionals in 11 countries are being trained.
- 29) Cuba broadened its cooperation in the processes of literacy and post-literacy campaigns using the Cuban methods called "Yes, I can" (*Yo, sí puedo*, in Spanish) (UNESCO King Sejong Literacy Prize), "I Can Read and Write Now" (*Ya puedo leer y escribir*, in Spanish) and "Yes, I Can Continue" (*Yo, sí puedo seguir*, in Spanish). At the end of May 2012, the number of graduates of the *Yo, sí puedo* program totals 6,775,332 and of the *Yo, sí puedo seguir* program, the total number is 853,088.
- 30) Cuba has provided 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 interested in reducing disaster risks.