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About **Liberation UK** is one of the oldest human rights organisations, was founded in 1954 as the Movement for Colonial Freedom. For more than half a century it has campaigned, along side other anti-imperialist forces, to rid the world of colonialism. In 1958 its name was changed to Liberation, an organisation that today opposes neo-colonialism, economic exploitation and racism.

At Liberation we undertake research and action centred on the prevention and curtailment of human rights violations, across a broad spectrum of countries.

As an international and inter-connecting organisation, Liberation engages in advocacy work, supporting and standing in solidarity with other like-minded organisations. Liberation provides a space and framework to highlight and discuss issues of concern with the United Nations, the British Parliament, the International Labour Organisation and Trade Unions.

Liberation UK
Submission to the Universal Periodic Review
Cuba
May 2013

Human Rights and the US Blockade

1. A statement issued by the United Nations News Centre on 25th October 2011 confirmed that the General Assembly “*renewed its call, for the 20th consecutive year, for an end to the economic, commercial and financial embargo imposed by the United States for the past half century*”.¹

The resolution was adopted by 186 votes in favour with two against (Israel and the US) and three abstentions (Federated States of Micronesia, Marshall Islands and Palau) and called upon the United States “*to repeal or invalidate such laws*” and “*requested the Secretary-General to report on the implementation of the resolution at the Assembly’s next session, which begins in September 2012*”.²

2. The action of the United States, criticised by the General Assembly in October 2011, is an assault on the human rights of the Cuban people threatening their right to life by impeding the ability of Cuba to enter into trade relations with other countries and imposing penalties on those countries who may wish to enter into trade relations with them. The consequences of the actions of the United States impacts on the ability of the Cuban people imposing excessive economic burdens on the Cuban people and denying them access to scientific advances which would benefit the Cuban people. The United States actions are in contravention of Article 1, 2 and 3 of the Universal Declaration of Human Rights.

¹ UN News Centre: <http://www.un.org/apps/news/story.asp?NewsID=40192&Cr=cuba&Cr1=>

² *Ibid.*



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Article 1.

*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.*³

Article 3.

*Everyone has the right to life, liberty and security of person.*⁴

Despite the fact that the United States Government is a signatory to this declaration the actions which it continues to pursue are in contradiction to it, successive decisions of the General Assembly and the oft repeated views of the overwhelming majority of the member countries of the United Nations.

3. These actions by the United States Administrations are in flagrant breach of the terms of the UN Convention on the Prevention and Punishment of the Crime of Genocide adopted in 1948 which states under the terms of Article 2 that “*genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:*

- *(a) Killing members of the group;*
- *(b) Causing serious bodily or mental harm to members of the group;*
- *(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- *(d) Imposing measures intended to prevent births within the group;*
- *(e) Forcibly transferring children of the group to another group”.*⁵

The actions of successive United States Administrations in initiating and sustaining the economic actions against the Cuban people have resulted in deaths, serious bodily and mental harm and impacted on the well being of the whole population including children. As the Convention expressly states under Article 1: “*genocide, whether committed in time of peace or in time of war, is a crime under international law which they (the Contracting Parties) undertake to prevent and to punish*”.⁶

³ UN Universal Declaration of Human Rights. <http://www.un.org/en/documents/udhr/#atop>

⁴ *Ibid.*

⁵ UN Convention on the Prevention and Punishment of the Crime of Genocide:
<http://www.hrweb.org/legal/genocide.html>

⁶ *Ibid.*



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The most grave threat to the Human Rights of the Cuban people is as a consequence of the inhuman and genocidal actions of the United States Administrations through the implementation of their blockade of Cuba and their imposition of extra-territorial sanctions against countries acting within the terms of the United Nations General Assembly resolutions.

Human Rights in Cuba

4. Human Rights within Cuba are vigorously protected. Cuba's legal system governs and protects the rights of the individual establishing not only the universally recognized basic legal guarantees for the protection of human rights but providing guarantees for the real and effective exercise of all human rights, civil, political, economic, social and cultural.

Following the removal of the dictatorship of Fulgencio Batista in 1959, the Cuban Government abolished the repressive bodies that acted without respect for the law or safeguards, inflicting the most terrible tortures and humiliations on the population.

The rights and guarantees recognised in the Cuban legal system include the right to life, liberty and inviolability and integrity of the person; the right to work with rest and leisure and to social security; the right to inviolability of the home and confidentiality of correspondence; the right not to be tried or convicted except by a competent court under laws that existed prior to the offence and with the procedure and guarantees established by law; the right to a defence; the right not to be subjected to violence or coercion of any kind to be forced to testify; the retroactive application of criminal law where that is favourable to the accused; the obligation to observe the law; the obligation to comply with court judgements and other final decisions; and the monitoring and upholding of legality by the Attorney-General's Office.

5. In both its domestic and its foreign policy, Cuba puts into practice respect for the physical and moral integrity of the individual and, in particular, for the defence of the legitimate interests of citizens. Since 1959, torture has been abolished and there has not been a single case of disappearance or extrajudicial execution, except in the territory illegally occupied by the United States naval base in Guantánamo Bay.

The Cuban Government is taking the necessary measures to prevent acts prohibited by the Convention, since it considers them an affront to human dignity and a violation of the relevant domestic laws and international standards. The Cuban Government neither condones nor cooperates in practices which contravene these principles and would not allow acts such as "extraordinary rendition" to take place within its sovereign territory. Torture, such as "water-boarding" for



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example, is inadmissible in Cuba, owing to the very nature of the social system. There is no provision for the possibility of the use of torture under any circumstances, however exceptional.

In Cuba, doctors and health-care personnel in general are taught the principle of providing protection for physical and mental health, regardless of the characteristics of the patient. Thus, all persons in prison or detention receive medical assistance when they need it, on the same terms as persons not in custody. Public Health Act 41 provides the legal basis for the training of health-care personnel.

All prisoners are guaranteed free medical and dental care. The prison system has hospitals, health centres and medical posts and in every province there are ordinary hospitals with special wards equipped for prisoners. Prisoners are guaranteed specialist care in any hospital in the country and medical teams comprising a range of specialists make regular prison visits.

Cuba continues to improve its prison system and, in line with reforms in the area of education, a collection of programmes, projects and activities have been developed within the prison system in order to attain new levels of development within the education system in relation to prisoners. It also aims to make the rehabilitation of prisoners and their social reintegration even more effective.

Human Rights and Civil Society

6. Cuba's legal system encompasses measures to ensure the protection of collective human rights as well as individual human rights and has a comprehensive set of guarantees in which they are enshrined.

Cuba has a thriving civil society, which comprises more than 2,200 NGOs. Among the most prominent of these are social and grassroots organisations, as well as technical, scientific, cultural, artistic, sports, friendship and solidarity organisations or associations. The provisions of the Associations Act (Law 54) are similar to that of many other countries and are consistent with the UN ECOSOC'S requirements under Resolution 1996/31. More than 10 Cuban NGOs enjoy consultant status in ECOSOC and contribute regularly to the work of its subsidiary bodies.

7. Cuban Law guarantees the independent functioning of Cuban NGOs. The government does not interfere in any way with their functioning, nor does it finance their administrative expenses. The government only gives financial support to specific projects that the NGOs carry out for the benefit of society or the community. Cuban NGOs are also actively involved in the channelling and administering of foreign development assistance.



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8. Some social and grassroots organisations in Cuba have hundreds of thousands of members, or even millions. Given their broad-based membership such organisations are recognised in the Cuban Constitution (esp. Article 7). The Cuban political system guarantees these NGOs broad powers to take decisions, to be consulted on and even to propose legislation as they exercise their role in the framework of participative democracy. In addition, in accordance with Article 103 of the Cuban Constitution, local government bodies must act in close coordination with grassroots and social organisations and their ability to initiate legislation is constitutionally recognised.

9. A number of the grassroots and social organisations have a long history, such as the Cuban Central Workers Organisation, CTC (founded in 1939 and the umbrella organisation for 19 unions) and the University Students' Federation, FEU (founded in 1922). A number of others were founded after the 1959 to provide broad sectors of the population with the means of expression and participation in the transformation of the country. This, for example, is the case with the Federation of Cuban Women, FMC (more than 50% of Cubans are women), the Cuban National Union of Artists and Writers, UNEAG, the National Union of Cuban Jurists and the Union of Cuban Journalists.

10. There are also other types of NGOs in Cuba that generally have a much smaller membership. These are of a specialised nature: scientific, technical, cultural, artistic, sporting, friendship or solidarity, including professional and trade associations such as culinary, medical, sugar, architecture and engineering, agriculture and forestry, the environment, philosophy, history, social and political scientists, protection of nature, and descendants of various foreign nationalities. According to Cuban statistics of these, 1101 are fraternal, 175 scientific, 142 friendship, 52 cultural, 395 athletic and 356 are for social interest.

11. In light of all the above, it is evident that there is a vibrant independent civil society in Cuba. Any contrary assertion stands out as a mere pretext for the adoption of policies hostile towards Cuba. Civil society in Cuba exists as a complement and not in opposition to the state.

Human Rights and Trade Union Rights

12. Trade unions in Cuba are organised under the banner of the Cuban Workers Central (CTC) which was founded in 1939. Since that date there has been a single national trade union centre in Cuba.



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The Cuban Trade Union Centre, the CTC, is an independent organisation. The constitution makes reference to “trade union organisations” and places no restrictions on those who would wish to set up a separate body distinct from the CTC. Cuban legislation places no duty on trade unions to register with the government in order to function. With these two points in mind it is clear that Cuba complies with the International Labour Organisation Convention 87 on the “Freedom of Association and Protection of the Right to Organise”.

In total Cuba has ratified 89 agreements of the International Labour Organisation compared to 14 ratified by the United States.⁷

The CTC consists of 19 individual member unions with around 4 million members, approximately 98% of the working population. Membership of an individual is voluntary however all workers have the right to join a union. The CTC and its affiliates receive no financing from the Cuban government or the Cuban Communist Party and are entirely dependent on monthly subscriptions paid by individual members.

13. The trade unions in Cuba are organised at national, regional and branch levels. Representation is provided to all in the workplace whether they are members or not. Union subscriptions amount to 1% of a workers earning paid each month. Democracy runs throughout every level of the Cuban trade union movement. Branch officials up to General Secretaries are elected by the membership by means of secret ballots. Union officials are expected to report back regularly to their members and can be removed if their performance is deemed to be unsatisfactory.

14. Each trade union in Cuba represents all the workers in a particular industry. For instance the largest union, the teachers union represents not only teachers but cooks, cleaners and other employed in schools. The local union organisation is referred to as a Bureau and represents the workers in dealings with management over collective bargaining, disciplinaries and other matters of concern. Each Bureau is divided into sections organised around departments or shops. These sections usually consist of around 5-10 workers and enable close contact to be maintained between the workers and union officials. A delegation by the National Lawyers Guild and the US Health Care Trade Union Committee found that the local structures adopted in workplaces were the result of agreements reached with the unions and management after the workforce had been consulted. The delegation found these agreements to be legally binding.⁸

⁷ International Labour Organisation

⁸ Workers' Rights in Cuba, Report of US Delegation to Cuba by National Lawyers Guild & US Health Care Trade Union Committee



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The workers in each enterprise elect their officials by secret ballot once every 2 ½ years. At the section level meetings are often held daily between union officials and management in order to discuss issues that require attention. Mass meetings of workers are held on a monthly basis at which the plans of the company are discussed. These meetings also decide collective bargaining agreements.

15. Trade union officials in Cuba have the right to take part in management discussions (Assemblies for Economic Efficiency). This role was enhanced following the CTC Congress of 2006 which called for greater participation by workers and union in the running of enterprises.

The National Lawyers Guild delegation reported that *“management and the union and the workers were perceived as partners, all working towards the same goals”* which *“were articulated as enhancing both production and the workers lives.”*⁹

16. The individual Human Rights of Cubans are protected at work. Workers in Cuba are protected in law in relation to disciplinaries and redundancies. Grievances against workers are heard by arbitration panels - the Grass Roots Labour Justice panels. These panels, whose Chair is also elected by the workers themselves, are comprised of a management representative, a worker from the company and a union representative elected by the membership in the company.

Thank you for your assistance

Yours sincerely,

Maggie Bowden
General Secretary
Liberation

⁹ Workers' Rights in Cuba, Report of US Delegation to Cuba by National Lawyers Guild & US Health Care Trade Union Committee