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Aotearoa Latin American Community Inc. – Individual UPR submission – CUBA – April 2023

1. Introduction

1. The following submission in relation to Cuba is made by the Aotearoa Latin American Community Inc. in order to address Cuba's situation relevant to the universal periodic review of the United Nations.

2. Adherence to UN principles

2. Cuba has always shown a high level of participation in, and commitment to UN institutions with regards to human rights and has ratified 44 international protocols of the 61 recognised internationally.

3. New Constitution: Magna Carta 2019

3. The constitution of 2019 contains many changes designed to strengthen the adherence to and observation of human rights in Cuba.

In terms of rights, the Cuban supreme law expanded its reach by bringing some statements into line with various international conventions and protocols ratified by Cuba, which strengthened the legal basis protecting citizens' rights. The article opening Section 4 recognises human dignity as "the supreme value that sustains the recognition and exercise of duties and rights enshrined in the Constitution" and demonstrates the intention of each postulate.

4. The protection of women was also strengthened and the right to equality was expanded by incorporating, among others, non-discrimination based on gender identity, ethnic origin and disability; a chapter devoted to families was added; and new principles were added in terms of justice and due process in courts of law.

5. Cuban economic foundations were also renewed on the basis of planning and socialist ownership by the people of the fundamental means of production, with the addition of recognition of the role of the market and new forms of non-state ownership, including private property. It also renewed Cuban economic foundations on the basis of planning and socialist ownership.

6. There is the right to access public information and rights to safe housing, nutrition as well as access to water in the home and the right to live in a safe environment. Access to technology, communications and the internet has been improved. At the same time provisions for personal privacy and identity have been made part of the constitution. A National Programme Against Racism has been implemented in order to eliminate all incidents of racial discrimination. Details can be found in this website:

7. <http://www.lajiribilla.cu/wp-content/uploads/2022/10/programa-nacional-contr-el-racismo-y-la-discriminacion-racial-pdf-final.pdf>

4. Administration of Justice and the Rule of Law

8. The Cuban legal system compares well with those countries, which adhere to democratic 'rule of law' principles. There is an independent judiciary, and a person has the right to legal representation and appeal. In criminal proceedings a presumption of innocence applies. Equality before the law is paramount and the application of the law is non-discriminatory. Children under 16 are not subject to criminal justice. Detention without trial is subject to clearly defined limits and is comparable with Western countries. The Constitution forbids torture or mistreatment of detainees in the penal system.

5. Health and Education

9. It is a well-known fact that health care and education are of paramount importance in Cuba and are completely free to all citizens. Medical research is acknowledged to be cutting-edge. For example, the development of the Covid 19 vaccines, which was level with the work being done in other countries at the same time, in a race to overcome the virus.

10. The Cuban health system does not discriminate in its treatment of patients. It is recognised internationally for the high quality of services free of cost. There are 486,900 health workers in the national system, and there are 9.2 doctors per 1000 inhabitants. During the height of the Covid 19 pandemic, Cuba sent 4,700 specialists to 42 countries to help with the treatment of the virus.

11. Several illnesses, such as polio, diphtheria, tetanus and hooping cough have been eliminated through very effective immunisation programmes.

12. The Covid 19 pandemic has had a serious impact on Cuba and has been a real challenge. However, Cuba developed its own vaccines and was the first country to vaccinate children under 2 years old.

13. The work of Cuban doctors, who are placed to help in countries all around the world to improve medical care and educate health workers, is impressive and supremely valuable internationally. This work has been carried out for 59 years, during which time the health workers have worked in 165 countries, helping more than 2,000 million people. Currently there are more than 23,000 health workers in 56 countries.

14. The same can be said of the teachers who travel to further education not only in poorer countries but also in some wealthier ones such as New Zealand.

6. Socio-Economic Issues

15. The trade embargo imposed by the United States of America on Cuba has lasted now more than sixty years and has been a significant obstacle in the economic development of the island nation. This unjust, but persistent policy has been decried around the world, as shown by the fact that the United Nations General Assembly has passed a resolution every year since 1992 demanding the end of the US economic embargo on Cuba, with the US and Israel being the only nations to consistently vote against the resolutions.

16. President Obama took a small step forward with the declaration of 14 April 2015, as his administration announced that Cuba would be removed from the United States' State Sponsors of Terrorism list. With no congressional action to block this within the permitted time period, Cuba was officially removed from the list on 29 May 2015. Unfortunately, Cuba is a pawn in the rivalries of American presidents, and, in January 2021, the Trump administration announced it was returning Cuba to the U.S. list of State Sponsors of Terrorism. This move was designed to make the rapprochement with Cuba more difficult for President Biden. A rapprochement that we can view with some suspicion as it is also a known fact that for many years the U.S. Congress has earmarked approximately \$20 million per year for “democracy promotion programs” in an effort to overthrow the Cuban government.

17. In spite of the trade embargo, which causes serious damage to its economy, Cuba has been able to reduce, within its society, the disparities of wealth and opportunity that exist within the populations of many more affluent countries of the West. If it were given the freedom to trade and interact with other countries, Cuba would be able to achieve many more advances socially and economically.

7. New Family Code 2022

18. On 25 September 2022, in a referendum. Cuba approved a new Family Code repealing the one in place since 1975.

19. The Code expressly prohibits discrimination based on identity and sexual orientation. It protects family ties not based on blood relations, such as adoptive and socioaffective relationships, and grants multiparental rights. In this way, the Code recognises the diversity of existing families, including different forms of legal recognition (marriage or de facto union), and protects stepfathers, stepmothers, and cohabitants in the case of separation without divorce. In addition, it recognises various economic agreements within marriage, prohibits child marriage (the minimum age is now 18 years), and offers guarantees to people serving as caretakers.

20. Three important provisions of the legislation were the recognition of surrogacy (meticulously regulated and only permitted as a gesture of solidarity); the elimination of *Patria Potestad* (legal custody) in favour of “parental responsibility” so that it guarantees the best interests of the child; and recognition of the autonomy of children, which affirms the right of minors to be heard and protected in all their physical and emotional integrity.



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8. Conclusion

21. In conclusion we submit that Cuba is entitled to freely trade and participate in the interchanges with other countries in that it has fully adhered to the principles of the United Nations.

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