



Human Rights in Cuba

A CONTRIBUTION BY THE HOUSE OF LATIN AMERICA (HOLA) TO THE UNIVERSAL PERIODIC REVIEW (UPR)

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The esteemed members of the Office of the Human Rights High Commissioner Dear sirs / madams,

Introduction about the House of Latin America (HOLA)

To save space for stating facts on human rights in Cuba and to avoid repetition of what has already been said about **HOLA** in our previous contributions, we shall suffice to mention that this is our 3rd contribution on human rights in Cuba submitted to the **UPR**. It is noted that our second contribution dated September 2017 could be observed in the relevant page of the UPR website.

The content and format of the contribution

1- The human rights conditions in Cuba, briefly assessed in this contribution is presented under four titles: **A)** compliance with the UN Charter and UN Declaration of Human Rights, **B)** Blockade, **C)** Record on different areas related to human rights, and **D)** summary and recommendations.

A- Compliance with UN Charter and the UN Declaration of Human Rights

2- The Preamble of International Covenant for Economic, Social and Cultural Rights emphasizes that "*the standard of a free human being, liberated from fear and poverty cannot be achieved unless conditions shall be created that allow everyone to enjoy his economic, social and cultural rights, as well as his civil and political rights.*"

3- Furthermore, the **Article 22** of the Universal Declaration of Human Rights states that "*everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each state, of the economic, social and cultural rights indispensable for his dignity and the free development of his*

personality."

4- The very unique position of Cuba with respect to Human Rights could be better appreciated when the fact is taken into account that there would be no real enjoyment of human rights without equality and equity amongst people. In Cuba, not only according to the country's constitution but also witnessed by facts on the ground, all citizens are treated equally and have the same basic human rights.

5- In such context, each Cuban citizen, with no exception, is the beneficiary and co-proprietor of the heritage, the wealth and the basic means of production of the nation. In addition, all citizens, with no discrimination, have full access to free education at all levels, free medical and health services, social assistance and security, which are the same rights emphasized in **Articles 22 and 26 of the UN charter of Human Rights**.

6- The truth is that during more than the 63 years since the triumph of Cuban revolution, the country's record on protection of human rights - despite the immense hardships created by the inhuman blockade - not only complies with the relevant declarations and laws of the United Nations, but also provides an exemplary conduct for the whole world.

B) Blockade

7- Meanwhile, taking into consideration that the preamble of the UN charter of Human Rights emphasizes that *"the peoples of the United Nations...have determined to promote social progress and better standards of life in larger freedom..."*, it remains as an undisputable fact that such social progress and better standards of life could not be fully realized under severe sanctions imposed by the US - as the strongest country in the world - on the small island with quite limited material wealth and resources.

8- More than 6 decades of the economic, commercial and financial blockade of the United States against Cuba has accounted for a serious and systematic violation of the human rights of Cuban people. Such genocidal policy was intensified specially during the Covid19 pandemic, resulting to further shortcoming of essential items such as food, medicine and fuel, and causing in turn human sufferings and casualties.

9- As an article dated 3 Feb 2022 in the Guardian states: *"In short, the US embargo impacts every aspect of life on the island and that is precisely the point"*. The Guardian article quotes Lester D Mallory, the US assistant secretary of state in a memo dated April 1960, as saying: *"Every possible means should be undertaken promptly to weaken the economic life of Cuba"*. According to the same article: *"The UN estimates that the embargo has cost Cuba over \$130 billion in damages - costs that are compounded by the penalties imposed on Cuba's allies and investors."*

10- It is important to note that the damage, deprivation and suffering caused by the embargo policy on the Cuban people, a situation which was underscored in the era of Covid-19, has not prevented equal opportunity, wealth redistribution, or social justice in Cuba, as shall be further elaborated in section C) of this contribution.

11- The blockade not only violates the human rights of the Cuban people, but also violates the sovereign right of all countries in the world to establish and continue economic relations with Cuba, without fear of punishment.

C) Cuba's record on human rights

New Constitution

12- Since 2019 and especially with updating and ratification of the new constitution, Cuba has strengthened measures to protect the economic, social and political rights of its people. Adapting such measures are meant to preserve the integrated and undividable human rights of the Cuban people.

13- The new Cuban constitution promotes human rights for the vulnerable and disabled people and it is intended to alleviate any discrimination among the general population, whether stemming from racial, gender, age, sexual, ethnic or territorial origin.

14- The new Cuban constitution emphasizes equal rights for women, bans any sexual abuse, and fully respects the rights of all citizens under the due process of law, against any kind of torture, inhuman behavior, oppressive punishment and insults.

15- The new constitution reaffirms the old and introduces new laws in regard to recognition of the rights of citizens to healthy and sufficient food, drinkable water, suitable housing, a safe habitat and a healthy and balanced environment.

16- While respecting the personal and private information, the new laws also protect the people's right to access real, objective, timely and unbiased information.

Religious Freedom

17- Cuba promotes religious freedom. Since 1959, the Cuban revolution has respected all religious beliefs without any discrimination. The country guarantees freedom of religion and fights intolerance in such regard. Furthermore, discrimination and violence based on religion would be faced with criminal punishment. More than 1,850 organizations and religious institutions and fraternal associations operate in Cuba, whose members reach more than 1,500,000 people.

Elections

18- Contrary to insinuations of the mainstream news media, Cuba does have periodic elections with high turnout.

19- All citizens with legal capacity have the right to participate in periodic elections and popular referendums. Furthermore, voting in Cuba in addition to being optional, is free, equal, direct and secret. In Cuba's electoral process, all citizens have equal opportunities to access the highest public positions based on their abilities and merits and not because of their economic or financial capacity.

20- Civil society participation includes the right of mass organizations and unions to select, determine and introduce candidates.

21- In elections, candidates are valued on their merits and not on the media campaign between political parties, or on the financial backing of big corporations. Therefore, the elected representatives are not indebted to any big businesses or donors which may finance their campaigns. Their commitment is limited only to their electors, who can revoke them at any time.

Fighting impunity and guaranteeing due process of law

22- In law treatment, there is no impunity for anyone in Cuba. On the other hand, there are regulations, resources, ways and procedures that protect the people against violations committed by government officials, making the authorities accountable for compliance with their duties.

23- In the new constitution and other relevant laws, the right to file an appeal, review the judicial process and present evidence has been strengthened. And, no person shall be prosecuted or convicted except by a court of competent jurisdiction under the laws preceding charge of the offense.

24- The authorities are obliged to inform about the arrest of the persons and the place of their arrest. The detainee is immune from assault and any confession obtained through violence or coercion is invalid. All crimes must be proven, regardless of the testimony of the accused. The right to a fair trial and the principle of acquittal are reserved. Judges are independent in their performance in the administration of justice. Every accused has the right to defense and legal representation by a public lawyer or one of his chosen ones.

Trade union freedom

25- There is an extensive legal-regulatory framework for the promotion, protection and enforcement of the workers' rights, including trade union freedoms. The labor law protects the right of workers to voluntarily join and form trade unions.

26- Cuban trade union organizations promote the improvement of the working and living conditions of the workers and have much more rights and powers to defend and represent the interests and rights of workers compared with many other countries.

27- Cuban unions participate in the preparation, implementation and control of development programs and government budgets.

28- Leaders of Cuban trade union organizations have the necessary guarantees to exercise their duties and management. Employers cannot transfer them arbitrary, fine them, affect their working conditions, or terminate their employment because of the performance of their duties.

The right to health

29- Cuba considers public health as a fundamental human right and accounts the government fully responsible to guarantee such right.

30- The Cuban National Health System provides health care without any discrimination, based on primary health care and with community and intersectional participation.

31- The outstanding indicators of medical care and the high quality of the public health system in Cuba are world famous. Among these are: the presence of 9.2 doctors per 100 people, which is the most desirable indicator of its kind at the international level; the national production of 8 vaccines that has had a profound impact on the quality of life of children; eradicating diseases such as polio, diphtheria, infant tetanus, whooping cough, rubella and mumps; 7.5 infant deaths per thousand births, which is the highest global rate in this field; 2% or less mother-to-child transmission of HIV; sending 605,000 medical personnel to 165 countries over the past 59 years in order to express international solidarity and to provide healthcare services to benefit more than 2 billion people throughout the world. In today's world, it is rather hard to imagine that such services have often been provided free of charge.

Coping with the Covid-19 pandemic

32- In the midst of the complicated international situation due to the Covid-19 pandemic which was exacerbated by the economic embargo, Cuba sent 4700 experts to 42 countries to support the fight against the Covid-19 pandemic. Cuba also either sent or helped other countries like Iran to produce Covid-19 vaccines to save life of 10s of thousands of people. Such significant and effective medical cooperation revealed and shined once again the spirit of international solidarity of Cuba.

33- Cuba has a rate of recovered patients from Covid-19 equal to 99.2% of diagnosed cases, which indicates the effectiveness of the approved clinical protocol and the readiness of health professionals. Cuba produced three vaccines and two candidate vaccines to immunize its population, which have proven to be very effective.

34- By January 2023, approximately 90.3% of the Cuban population benefited from the full vaccination program. Also, Cuba was the first country in the world to vaccinate children under two years of age.

The right to education

35- Another significant achievement of Cuba in human rights is its education system. In Cuba, education is the right of all people and it is the responsibility of the government.

36- The Cuban government guarantees free, affordable and quality education services for comprehensive education, from early childhood to post-graduate studies. Cuba has a quality education system, universal coverage and free at all levels of education that is accessible without discrimination.

37- Cuba has achieved remarkable success in improving the literacy rates of its citizens. In 2020, the literacy rate in Cuba was 99.8%, which is higher than the average for high-income countries. The country has also achieved significant progress in reducing the education gap between rural and urban areas.

38- Again, like health, in addition to achieving high indices in the field of education, in line with its stand on international solidarity, Cuba has provided the chance for free higher education, mainly in medical science, to student coming to its land from the poor countries in Africa and Latin America.

39- On July 2019, celebrating 20 years of training foreign physicians, Cuba's Latin America School of Medicine (ELAM) graduated 466 doctors from 84 countries in ceremonies around the island nation, bringing the total of medical graduates trained at the very unique school to over 29,000 – including 182 doctors from the United States.

Cultural rights and access to art and culture

40- Cultural rights are widely supported in Cuba. Art and culture are encouraged and promoted for all people without discrimination.

41- Cuban cultural policy has been focused on defending national identity, protecting cultural heritage and promoting creativity.

42- Democratizing artistic and literary production and consumption, and investing in art education has been one of the priorities of Cuba's cultural policy.

Achievements in other areas related to human rights

43- Listing, even briefly the achievements of Cuba in other areas related to human rights would entail a quite lengthy document, exceeding the limitations of this presentation suggested by UPR technical guideline for stakeholders. Therefore, we could only mention the title of some of such fields:

- **Combating racism**
- **Rights of people with disabilities**
- **Protection of the elderly**
- **Gender equality and women's empowerment**
- **Protecting the rights of children and adolescents**

We hope that contributions by other stakeholders would cover the great achievements of Cuba in the above-mentioned fields.

D) Summary and Recommendations

The right path

44- The above facts and data which could be verified through any impartial investigation as well as other facts not stated in this contribution - due to the 2815 word count limit on the length of the submitted documents, required by the UPR - clearly shows that Cuba is making progress in its efforts to achieve the maximum enjoyment of all human rights and fundamental freedoms for all its citizens. Such efforts could be observed in the course thorough discussions with participation of mass organizations on the new constitution of the Republic of Cuba, which was ratified on Feb 2019.

45- Meanwhile, although such efforts by the Cuban government with the support of people, to improve human rights status in Cuba are quite noticeable, it is noted that they are also in continuation with the previous endeavors of Cuba in such line of action, which dates back to the triumph of Cuban revolution in 1959.

The wrong path

46- There are two main aspects in regard to the human rights in Cuba: one is the conduct of the government in safeguarding the rights of the people, which was hinted above, and the other is the behavior of the US government through acts of aggressions – including but not limited to the longest embargo in the history of human kind – in outright violation of human rights of the Cuban people. The first aspect shall be encouraged and the second aspect shall be condemned.

47- Although the international community has raised its voice in several occasions against the US embargo on Cuba, including the latest overwhelming vote at UN General Assembly on November 2022 – with 185 countries supporting Cuba – the inhuman and illegitimate embargo has continued as of today. To bring an end to such atrocity, all freedom-lovers and justice seeking people throughout the world shall join forces.

48- The international institutions affiliated with UN and namely the Office of the Human Rights High Commissioner, which is expected to defend human rights of all nations, shall come to support of Cuban people by demanding an immediate halt of US embargo on Cuba.

On behalf of House of Latin America (HOLA)

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