

Responses to Recommendations

CUBA

Review in the Working Group: 5 February 2009
 Adoption in the Plenary: 10 June 2009

Cuba's responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
60 REC accepted; 12 rejected; 17 pending	The delegation commented the 17 pending REC but no clear position was given	No additional information provided	None	Accepted: 60 Rejected: 12 No clear position: 17 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/11/22:

“130. The recommendations formulated during the interactive dialogue have been examined by Cuba and the recommendations listed below enjoy the support of Cuba:

- 1. Continue in the path towards the building of socialism, under the principles of solidarity and justice, making headway in the strengthening of participatory and proactive democracy, as a genuine mechanism to ensure citizen participation in public affairs, which has led to better conditions for the promotion and protection of human rights for the Cuban people (Venezuela; Democratic People's Republic of Korea; Lao People's Democratic Republic; Viet Nam); maintain and strengthen the economic and social model freely chosen by the Cuban people, and continue to advance in the full participation of the people in public affairs (Democratic People's Republic of Korea; Lao People's Democratic Republic)
- 2. Continue its action to align, to strengthen and to make compatible national legislation with its international obligations in accordance with the treaties to which it is a party (United Arab Emirates; Trinidad and Tobago; Ghana; Uzbekistan)
- 3. Conduct a study on the need for legislative and administrative adjustments for the domestic implementation of human rights (Mexico)
- 4. Continue to take measures to honour its human rights obligations and to advance the promotion and protection of human rights and freedoms (Jamaica)

- 5. Further strengthen its policy to foster the development and enjoyment of human rights by all Cubans, particularly in the realm of anti-discrimination (Trinidad and Tobago)
- 6. Continue its implementation of measures designed to further promote and protect the rights of children and to intensify its efforts aimed at providing greater opportunity for higher education (Malaysia)
- 7. Continue and consolidate its current programmes for the benefit and protection of elderly persons (India; Saudi Arabia)
- 8. Continue its ongoing efforts to promote and realize all human rights for its citizens, including the right to adequate housing (Ghana)
- 9. Consider enhancing human rights education through the development of public awareness campaigns and programs at all levels (Jordan)
- 10. Give importance and continue to provide human rights training for government officials at all levels, law enforcement personnel, police, the judiciary, including judges and lawyers (Jordan; Thailand)
- 11. Provide information on the coordinated approach it has taken to advance in the area of the practical enjoyment of economic, social and cultural rights and to tackle the challenges of economic sanctions as well as the spate of catastrophic consequences of recent hurricanes (South Africa)
- 12. Continue consolidating work done in the international community concerning the rejection of unilateral coercive measures including the illegal embargo against Cuba (Belarus)
- 13. Continue supporting the right to self-determination and independence, particularly its support to the Palestinian cause to put an end to foreign occupation (Palestine)
- 14. Continue in its firm commitment to support initiatives in favour of the right of peoples to self-determination, as well as in its consistent support for all efforts aiming at putting an end to all types of foreign occupation (Syrian Arab Republic).
- 15. Continue promoting initiatives in defence of international solidarity and equal dialogue at the relevant United Nations organs, including both the Human Rights Council and the Third Committee of United Nations General Assembly organs with a view to promoting human rights and solidarity among all nations and peoples of good will (Zimbabwe; Sudan; Belarus)
- 16. Further develop and share experiences and good practices regarding the treatment of prisoners, particularly, the plans aimed at turning prisons into education and human improvement centres (China; Iran)
- 17. Continue to share and extend their experiences and good practices in assisting vulnerable groups, especially through the implementation of the National Social Workers Programme (Venezuela).
- 18. Consolidate further and exchange its experiences in programmes aimed at specialized care for young people, taking into account their interests and socioeconomic situation, all of which helps young people to develop their full potential (Uzbekistan)
- 19. Enhance the information infrastructure for the Cuban society and share its experience in broadening access to information and communications technology (Viet Nam)
- 20. Share and transfer, in particular to other members of its region, its experiences and good practices in preparedness to prevent and response to mitigate the impact of hurricanes and other natural disasters, as well as its important achievements in consolidating a civil defence system with recognized results in the protection of the right to life and other basic human rights of citizens (Dominican Republic; Bangladesh; Honduras)

- 21. Share the good practices in the field of international cooperation for the promotion of health services of the meritorious services extended by Medical Brigade Henry Reeve to Pakistan during the 2005 earthquake (Pakistan)
- 22. Continue with enlightened initiatives such as the “Yes I Can” literacy programme in diverse national, regional, and local realities, a programme aimed at implementing the right to education, broaden the scope of its cooperation in sharing and replicating its home-grown methods of combating illiteracy (Bangladesh) and the Operation Miracle in the field of health (Venezuela; Bolivia; Honduras)
- 23. Share its experience and good practice in guaranteeing the right to education for all Cubans and in the promotion and protection of the right to health, which has yielded encouraging and positive results, particularly taken into account their under-development status, and to continue cooperation programmes that provide health professionals and technicians to developing countries, and education opportunities in Cuba for students from the developing world (Djibouti; Bhutan)
- 24. Share with all United Nations members, particularly with developing countries, taking into account its sense of solidarity, Cuba’s experiences in the promotion and protection of the right to health of millions of people around the world (Nicaragua; Sudan; Dominican Republic)
- 25. Share its experiences and best practices in building a robust and efficient healthcare system, as implemented in its country through universal and free coverage for all, which includes access to medicine and the advances in Cuban scientific research, with other countries aspiring to have similar health architecture (Bangladesh; Bolivia; Honduras)
- 26. Share its experiences and good practices in international cooperation aimed at implementing the right to health of millions of people, through initiatives such as the “Comprehensive Health Programme” and “Operation Miracle”, among others (Bolivia)
- 27. Share its experience and good practices in the area of social protection and health, particularly on programmes to control epidemics, including HIV/AIDS programs and the special attention provided to those affected (Yemen; Djibouti), as well as when it comes to providing universal medical coverage free of charge (Yemen)
- 28. Share its experiences and good practices with regard to the right to health, in particular the primary, maternal and child care programs as well as HIV/AIDS control programs; and in view of the growing aging population (India; Djibouti; Honduras)
- 29. Share its experiences, expertise, and good practices in the promotion and protection of the right to health, including initiatives in place with regard to public health and «health tourism” (Philippines)
- 30. Share at the international level, with the support of the United Nations, its experiences of bilateral cooperation in the promotion of the right to health, especially in the areas of training of human resources and of support to health services throughout the world (Algeria)
- 31. Share its experiences, best practices and information with and assist the international community in tackling challenges in the area of the right to education, taking into account positive results brought to all Cuban citizens in spite of obstacles faced by the country (South Africa; Qatar), including the creation of conditions for free education at all levels (Lao People’s Democratic Republic)
- 32. Share its experiences, in all the international languages, particularly the English language, of its ability to fight ethically and morally (Sri Lanka)
- 33. Share its experiences of, in particular, international volunteers, whether armed fighters or doctors, and tell through multiple media whether the internet or illustrated stories, of the experiences, values and the ethics of the Cuban struggle (Sri Lanka)
- 34. Seek cooperation with the United Nations human rights mechanisms, including special procedures and treaty bodies with regards to Voluntary Goals on Human Rights (Brazil)

- 35. Continue its efforts and its contribution at the international level aimed at strengthening the United Nations human rights machinery, particularly with a view to contributing towards making it function on the basis of non-politicization, respectful dialogue and good faith cooperation and to working towards the realization of the developing countries interests (Iran; Zimbabwe; Vietnam; Democratic People's Republic of Korea)
- 36. Further strengthen cooperation with the United Nations human rights machinery and consider further actions that would strengthen, through greater integration, complementarity and visibility, the various components of its national system for protecting human rights (Bhutan)
- 37. Receive other thematic Rapporteurs, than the Special Rapporteur on the right to food and the Special Rapporteur on the question of torture (Chile).
- 38. Continue positive efforts to eliminate, in accordance with international obligations and commitments, all forms of discrimination, especially discrimination against vulnerable groups and all groups that have been historically most deprived of (Qatar)
- 39. Step up its implementation of best practices on gender equality and empowerment of women and continue the programmes that are successfully being carried out in the area of gender equality and access of women to decision-making positions, and continue the work to achieve equal representation for men and women not only in the National Assembly, but also at all the levels of State powers (Russian Federation; Malaysia)
- 40. Continue applying a gender perspective in its policies and programmes, including in the follow-up to the results of the UPR, and continue its actions, particularly through awareness-raising campaigns and public education programmes, to work towards the eradication of stereotypes associated with traditional roles of men and women in the family (Serbia; Philippines)
- 41. Continue the programmes aimed at promoting the human rights of disabled persons and submit within the set timeframe the initial report to the Committee established by the Convention on the Rights of Persons with Disabilities (Ghana)
- 42. Maintain its efforts for not applying death penalty (Brazil)
- 43. Strengthen national capacities to assist victims of domestic violence (Mexico)
- 44. Continue to develop the preventive educational and social reinsertion approach as a priority channel to prevent crime (China)
- 45. Take all measures to avoid incidents of violations of the Standard Minimum Rules for the Treatment of Prisoners (the Netherlands)
- 46. Maintain its efforts to continue ensuring respect for freedom of religion and belief for all Cubans and maintain its policy of respect and tolerance for all religions without discrimination (Pakistan), including the right to choose one's belief at one's own discretion or not to profess any religion of any sort (Russian Federation; Azerbaijan)
- 47. Continue efforts to guarantee the fullest possible enjoyment of economic, social and cultural rights, so that it can continue to make headway towards ensuring the fulfilment of the Millennium Development Goals (Nicaragua; Iran; Zimbabwe; Saudi Arabia)
- 48. Consider sharing its experience and best practices with other developing countries in achieving the MDGs, particularly in areas of primary education, gender equality and reduction of child mortality (Malaysia)
- 49. Continue its efforts in the field of economic, social and cultural rights as well as rights recognized in the UDHR and ICCPR (Switzerland)

- 50. Continue its commitment to fulfil the right to education and to the right to health for all its citizens and share its experiences and best practices in the promotion and protection of these two fundamental rights (Indonesia)
- 51. Give priority to enhancing its recent policies aimed at increasing agricultural production with a view to reinforcing the right to food and the realization of food security, despite the boycott imposed against Cuba (Algeria)
- 52. Consider adopting a general legal framework for the right to food, as a good practice and reference for developing countries (Qatar; Bahrain)
- 53. Implement the recommendations of the Special Rapporteur on the Right to Food in the report on his visit to the country (Pakistan)
- 54. Continue to implement the positive ongoing programs and efforts aimed at repairing and constructing the houses of persons affected by hurricanes, with a view to guaranteeing the full enjoyment of the right to an adequate housing, including with the assistance of the international community, which is called upon to ensure adequate financial and material support to those programmes (Serbia; Bahrain)
- 55. Continue to develop programmes under way pursuing the noble objective to achieve the maximum availability of higher education to every Cuban (Indonesia; Djibouti)
- 56. Continue effective efforts to protect and promote cultural rights with a view to ensuring access of all Cubans to cultural values in all their manifestations (Russian Federation; Bahrain)
- 57. Continue to promote and defend initiatives in favour of developing countries, especially in the area of the full realization of the right to development (Algeria; Lao People's Democratic Republic; Sudan; Palestine)
- 58. Promote the active participation of civil society in the process of follow-up to the UPR (Serbia, Azerbaijan), noting broad participation of civil society in preparation of Cuba's national report (Azerbaijan)
- 59. Widely publish the outcome of this UPR and make regular and inclusive consultations with civil society an integral part of the follow-up to the UPR (Czech Republic)
- 60. Design and implement an inter-institutional mechanism with civil society participation for the implementation of the recommendations arising from the UPR mechanism (Mexico).

131. The following recommendations will be examined by Cuba which will provide responses in due time. The responses of Cuba to these recommendations will be included in the outcome report adopted by the Human Rights Council at its eleventh session:

- 1. Ratify and implement ICCPR and ICESCR as soon as possible (Canada; the Netherlands; France; Italy; Switzerland; Chile), and accelerate the ratification of ICCPR (Chile), without restrictions (the Netherlands) or reservations (Italy) and take measures to adapt its national legislation (the Netherlands), as well as facilitate public dissemination of these treaties and ensure that all Cubans are aware of the rights contained therein (Canada);
- 2. Consider acceding to the Rome Statute of the ICC and accelerate the ratification of the human rights Covenants on human rights (Brazil),
- 3. Ratify the Optional Protocol to the Convention against Torture (OP-CAT) (United Kingdom);
- 4. Ratify the declaration on article 22 on the CAT and consider ratification of OPCAT (Switzerland);
- 5. Consider the ratification of ICRMW (Azerbaijan);

- 6. Establish by law a national human rights institution in accordance with the Paris Principles (Mexico);
- 7. Issue (Czech Republic; Switzerland; France) and implement (Czech Republic) a standing invitation to all special procedures (Czech Republic; Switzerland; France);
- 8. Continue with the policy of openness and cooperation with United Nations human rights mechanisms, and in particular that it consider favourably the requests by the mechanisms of the Council that have already expressed their desire to visit Cuba (Mexico);
- 9. Provide invitations to other United Nations Special Rapporteurs, in particular those responsible for human rights defenders (United Kingdom), freedom of opinion and expression, freedom of religion or belief, as soon as possible (United Kingdom; Slovakia), and the independence of judges and lawyers (United Kingdom) to visit Cuba;
- 10. Further open its doors to cooperation with human rights and humanitarian organizations, including by extending an open invitation to Special Procedures and by providing full access to representatives of the International Committee of the Red Cross (Canada), and allow ICRC to have access to prisons and visit prisoners (France);
- 11. Allow international independent organizations to visit Cuba (United Kingdom);
- 12. Address the root causes of prostitution by adopting measures enhancing women's economic opportunities (Austria);
- 13. Progressively reduce the number of offences liable to death penalty (Italy) and consider subsequent measures towards its complete abolition (Switzerland; Italy);
- 14. Establish a recurrent system of review of its prisons by United Nations and other relevant international observers, in support of their stated commitment to continue to improve the prison system in Cuba (United Kingdom);
- 15. Adopt the necessary measures to combat sexual exploitation and adopt a law providing a legal framework to protect minors from sexual exploitation (France);
- 16. Ensure the right to equality before courts and tribunals, and to a fair trial, as provided for by the Universal Declaration of Human Rights and ICCPR, and as outlined by the United Nations Basic Principles on the Independence of the Judiciary (Israel), and assure to all citizens the right to be heard by an independent tribunal (Austria);
- 17. Adopt a law guaranteeing freedom of movement within the territory in accordance with ICCPR, which Cuba has signed, repeal the system of permits to leave the territory, and consequently delete from the criminal code the crime of illegal departure from the territory (France).

132. The recommendations noted in the report in paragraphs 53 (b) and (c), 64 (a), 79 (c) and (d), 96 (b), 105 (b), 106 (a), 109 (b) and (c), and 110 (b) and (c) above did not enjoy the support of Cuba. Cuba rejected those recommendations based on one or more of the following arguments: (a) no people can accept that its right to self-determination and its sovereign right to chose its political, economic, juridical, cultural and social system be questioned; (b) no country can accept any recommendation that contributes to the implementation of a policy designed by a foreign super-Power with the objective of destroying the legitimate constitutional order freely chosen by its people; (c) no recommendation can be based on false or distorted allegations or be fabricated as a result of ignorance or lack of information concerning the reality in the country.

- Paragraph 53(b) (Israel): "Strongly recommended the repeal or amendment of Law 88 and Article 91 of the Criminal Code and the immediate release of unlawfully imprisoned human rights defenders, journalists, and others affected by the aforementioned legislation"

- Paragraph 53(c) (Israel): “Strongly recommended that Cuba allow the exercise of the right to freedom of expression, and freedom of association and assembly, by enabling such entities to obtain legal status under national law without requiring government affiliation *vis-a-vis* a State counterpart”
- Paragraph 64(a) (United Kingdom): “Recommended that Cuba refrain from using such laws as those against dangerousness, enemy propaganda and contempt for authority to restrict the rights of freedom of expression and association”
- Paragraph 79(c) (Canada): “To lift restrictions on the rights to freedom of expression and association, including restrictions on the media that are not in accordance with ICCPR, and show greater tolerance for Cubans who express opposing views peacefully”
- Paragraph 79(d) (Canada): “To unconditionally release all remaining political prisoners and allow them to reintegrate fully into their communities without prejudice”
- Paragraph 96(b) (Austria): “To halt the prosecution of citizens who are exercising the rights guaranteed under articles 18, 19, 20, 21, and 22 of the UDHR”
- Paragraph 105(b) (Slovakia): “To take all necessary measures, including reviewing its legislation, in order to avoid cases of prosecution of those who exercise their rights guaranteed under articles 18, 19 and 20 of the UDHR”
- Paragraph 106(a) (Italy): “To proceed shortly to the progressive and unconditional release of persons detained for political and conscience reasons, starting with those in a precarious state of health”
- Paragraph 109(b) (Czech Republic): “Recommended that Cuba implement legal safeguards to ensure protection of human rights defenders against abuse of provisions for criminal prosecution and release all prisoners of conscience”
- Paragraph 109(c) (Czech Republic): “Recommended that Cuba revise its legal framework in the area of mass media, free public discussion, and peaceful assembly, with a view to bring in it in compliance with relevant provisions of ICCPR”
- Paragraph 110(b) (Netherlands): “Recommended that Cuba reform and adapt its laws, regulations and practices relating to the right to assembly, association, movement or expression and freedom of expression in accordance with international standards”
- Paragraph 110(c) (Netherlands): “To guarantee that independent journalists, human rights defenders and political dissidents have the possibility to exercise the right to assembly, association, movement or expression and freedom of expression without the risk of harassment, intimidation or persecution”

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