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**UN Human Rights Council
Thirty-ninth session, 10 – 28 September 2018**

**Item 6:
Consideration of UPR reports**

CUBA

Mr. President,

Cuba published its response to states' recommendations only three days ago. Responding this late undermines this UPR process and reflects a common trend by the authorities to limit constructive dialogue with independent monitors.

Cuba continues to use trumped-up charges for common-crimes and politically motivated dismissals from state employment as a way of silencing those perceived to be critical of the government. We are particularly concerned by Decree 349, a dystopic new law which stands to censor artists who will need prior authorization by the state to work or risk sanction.

By rejecting a host of recommendations to ratify key human rights treaties, Cuba continues to go against a trend of other UN Members States towards universal ratification.¹

We welcome Cuba's acceptance of recommendations to ensure full compliance with the "Mandela Rules"; however, its refusal to allow monitors access to its prisons, or to the island more generally² - as well as its rejection of

¹ A/HRC/39/16/Add.1, See recommendations 24.1 – 24.34 in which a large number of UN states make recommendations for ratification of key human rights treaties.

² HRC/39/16/Add.1, Recommendations: 24.43 (Germany); 24.118 (Lithuania); 24.133 (Zambia); 24.158 (Australia),



recommendations to extend invitations to the Special Procedures³ - undermines the authorities' stated commitment.

In this forum, we reiterate our formal request to visit Cuba, the only country in the Americas which is closed to Amnesty International.

Regrettably Cuba rejected multiple recommendations to strengthen the independence of the judiciary and to bring its criminal laws in line with international law.⁴

Just this August, José Daniel Ferrer García, leader of an unofficial political opposition group, was held incommunicado for 11 days. Prisoner of conscience Dr. Eduardo Cardet remains behind bars.

Online censorship and restrictions on independent media continue to undermine Cuba's advances in education. We regret Cuba's rejection of recommendations to remove restrictions on internet access⁵ and to promote pluralist media.⁶

Finally, we welcome Cuba's acceptance of recommendations to prevent discrimination on the basis of sexual orientation and gender identity.⁷ We take this opportunity to encourage Cuba to become the first independent Caribbean nation to legalize same-sex unions.

³ Human Rights Council, Report of the Working Group on the Universal Periodic Review – Cuba, A/HRC/39/16/Add.1, 18 September 2018, (Hereinafter: HRC/39/16/Add.1) Recommendations: 24.37 (Finland); 24.38 (Spain); 24.39 (Sweden); 24.40 (Switzerland).

⁴ HRC/39/16/Add.1, Recommendations: 21.44 (Canada); 24.132 (United Kingdom of Great Britain and Northern Ireland); 24.150 (Poland); 24.152 (Spain); 24.154 (United Kingdom of Great Britain and Northern Ireland); 24.178 (Ireland).

⁵ Recommendations: 24.159 (Australia); 24.161 (Austria).

⁶ Recommendations: 24.163 (Belgium), (Chile).

⁷ Recommendations: 24.75 (Plurinational State of Bolivia).