

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

ISHR'S SUMMARIES OF DOCUMENTS FOR THE 5TH SESSION OF THE COUNCIL

Report by the Personal Representative of the High Commissioner
on the situation of human rights in Cuba¹

Mandate Holder

Christine Chanet

Mandate

The mandate was established in 2002 to examine the situation of human rights in Cuba, and to facilitate cooperation between the Office of the High Commissioner for Human Rights (OHCHR) and the Government of Cuba for implementation of a resolution regarding the human rights situation in Cuba.² The resolution calls for progress in respect of human, civil, and political rights, in accordance with the provisions of the Universal Declaration of Human Rights and the principles and standards of the rule of law, and for Cuba's accession to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Annual Report³

Scope:

The report contains the findings and recommendations of the Personal Representative of the High Commissioner for Human Rights (the Personal Representative) on the human rights situation in Cuba.

Summary and key conclusions:

Cooperation with Cuban authorities: The Cuban authorities do not recognise the Personal Representative's mandate and have therefore not replied to her attempts to establish contact with them. The Personal Representative has made an effort to carry out an assessment of situation in Cuba by meeting with non-governmental organizations, familiarizing herself with documents made available by the OHCHR and special rapporteurs, and the 2005 report of the Inter-American Commission on Human Rights.

Factors hindering the realization of human rights in Cuba:

¹ Summary Prepared by Rami Chalabi, Intern, ISHR, supervised and edited by Gareth Sweeney, Information Program, ISHR.

² Commission *Resolution 2002/18*.

³ A/HRC/4/12.

- The economic, trade and financial embargo on Cuba imposed by the USA has been in force for over forty years. It has had serious impacts on the civil and political rights of Cuban citizens by provoking a reaction on the part of the Cuban authorities, who take the opportunity offered by a foreign State's interference in Cuban domestic policy to adopt repressive laws.
- The restrictions imposed by the embargo help to deprive Cuba of vital access to medicines, scientific and medical technology, food, chemical water treatment and electricity.
- The difficulties the Cuban population have encountered have been compounded since 2004 as a result of tighter economic sanctions.

Positive aspects:

- The Cuban authorities are making major efforts in the sphere of economic, social and cultural rights, particularly in the areas of health and education.

Subjects of Concern:

- The arrests of almost 80 persons in March-April 2003, who were charged for acts contrary to the independence or integrity of the State. These persons were arrested while working as journalists, writers, members of associations, human rights defenders or members of opposition trade unions and political parties, The prison terms ranged from 6 to 28 years.
- In 2005 and 2006 more people were arrested and convicted for openly expressing dissident political opinions.
- According to the Inter-American Commission on Human Rights, the Cuban legal system offers no guarantees of independence.
- The Personal Representative is alarmed at the allegations of ill-treatment in detention submitted by the families of prisoners.

Key recommendations:

The Personal Representative recommended that Cuba should:

- Halt the persecution of citizens who are exercising the rights guaranteed in the *Universal Declaration of Human Rights*;
- Release detained persons who have not committed acts of violence against individuals and property;
- Uphold the **moratorium of the death penalty** introduced in 2000, with a view to abolishing it;
- Establish a **standing independent body** with the function of receiving complaints from people who claim that their fundamental rights have been violated;
- Review the regulations relating to travel in and out of Cuba in order to guarantee freedom of movement;
- Accede to the *International Covenant on Civil and Political Rights* and its optional protocols, and *the International Covenant on Economic, Social and Cultural Rights*.

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