



International Service for Human Rights

The Reports in Short

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The Personal Representative of the High Commissioner for Human Rights 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. 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 Report²

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. She gathered information from the Commission's Special Rapporteurs, non-governmental organisations, representatives of the Inter-American Commission on Human Rights, and academics.

Factors hindering the realisation of human rights in Cuba:

- The economic, trade and financial embargo by the United States of America (USA) against Cuba has had disastrous and lasting effects on the economic, social and cultural rights of the Cuban people;
- The embargo has also had serious impacts on the civil and political rights of Cuban citizens, by provoking the Cuban authorities to adopt repressive laws;
- The difficulties faced by the Cuban population have been compounded by the tighter economic and financial restrictions imposed by the USA in May 2004.

Positive aspects:

- The Government has made efforts in the area of health, education, and discrimination against women;
- In 2005, Cuba cooperated with special Rapporteurs who sent a joint urgent appeal concerning the situation of several persons who were arrested on 22 July 2005.

Subjects of concern:

¹ Summaries prepared by Cléa Thouin, Intern, ISHR, supervised and edited by Meghna Abraham, Information Program, ISHR.

² E/CN.4/2006/33, 20 January 2006.

- The arrests of almost 80 persons in 2003 for acts contrary to the independence or integrity of the State. Independent counsel, diplomats, and foreign journalists were not allowed to attend the trials, and the prison terms imposed ranged from 6 to 28 years;
- In 2005, more people were arrested and convicted for openly expressing dissident political opinions;
- The Personal Representative sent a letter to the Government concerning the situation of 9 detained persons, but did not receive any response;
- In 2005, a number of journalists and members of the European Parliament were deported from Cuba;
- There are allegations of ill-treatment in detention. Food and hygiene are substandard and medical care is either unavailable or inappropriate. Some prisoners have been on hunger strikes.

Key Recommendations

The Special Rapporteur recommended that Cuba should:

- Halt the **prosecution of citizens** who are exercising the rights guaranteed in the *Universal Declaration of Human Rights* (UDHR), and **release persons** already detained on these grounds;
- Review laws that lead to the criminal prosecutions of persons exercising their **freedom of expression, demonstration, assembly and association**;
- Uphold the **moratorium on the application of the death penalty**, with a view to abolishing it;
- Reform the rules of criminal procedures to bring them into line with the UDHR;
- Establish an **independent body** with the function of receiving allegations of human rights violations;
- Review regulations relating to travel into and out of Cuba;
- Foster pluralism in respect of **associations, trade unions, organs of the press and political parties**;
- Accede to the *International Covenant on Civil and Political Rights* and its optional protocols, and the *International Covenant on Economic, Social and Cultural Rights*.