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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Cuba

Addendum

**Views on conclusions and/or recommendations, voluntary
commitments and replies presented by the State under
review**

* The present document was not edited before being sent to the United Nations translation services.

1. Cuba engaged in the second cycle of the universal periodic review in a constructive and participatory manner and reiterated its unconditional support for the universal periodic review mechanism. The mechanism, which is based on a cooperative approach and a constructive and respectful dialogue, has been shown to be the best way of driving the effective promotion and protection of all human rights for all.
2. Guided by these principles, Cuba took note of the comments of the delegations that participated in the discussion and stated that it would examine the 292 recommendations that it had received during the meeting of 1 May 2013 with a view to their subsequent assessment.
3. In the ensuing months, the Government of Cuba thoroughly studied the recommendations made during the review and held broad-ranging consultations with stakeholders in order to settle on a position. A legal, political and institutional analysis was conducted of all the recommendations, with the direct involvement of 16 ministries, civil society organizations and others.
4. In this addendum, Cuba accepts almost all the recommendations (230), either because it agrees with their intent and is determined to put them into practice or because it is already implementing them. It has taken under advisement a small group (42) of recommendations whose implementation it cannot, for the time being, guarantee. Only 20 recommendations do not have the support of Cuba because they are incompatible with its constitutional principles and internal legal order and because their content conflicts with the spirit of cooperation and respect that should govern the universal periodic review.
5. Lastly, Cuba reiterates its commitment to continue cooperating with the United Nations human rights machinery, especially the Human Rights Council and its universal periodic review mechanism. The Government of Cuba undertakes to pursue its efforts to maintain a frank, reciprocal and genuine dialogue regarding human rights issues based on respect for the dignity and sovereignty of all States and peoples.
6. The position of the Government of Cuba on the recommendations made during the universal periodic review is as follows:

Recommendations supported by the Government of Cuba

Recommendations: 170.15, 170.16, 170.17, 170.18, 170.19, 170.20, 170.21, 170.22, 170.23, 170.26, 170.27, 170.28, 170.29, 170.30, 170.31, 170.32, 170.34, 170.35, 170.36, 170.37, 170.38, 170.39, 170.40, 170.41, 170.42, 170.43, 170.44, 170.45, 170.46, 170.47, 170.48, 170.49, 170.50, 170.51, 170.52, 170.53, 170.54, 170.55, 170.56, 170.57, 170.58, 170.59, 170.60, 170.61, 170.62, 170.63, 170.64, 170.65, 170.66, 170.67, 170.68, 170.69, 170.70, 170.71, 170.72, 170.73, 170.74, 170.75, 170.76, 170.77, 170.78, 170.79, 170.80, 170.81, 170.82, 170.83, 170.84, 170.85, 170.86, 170.87, 170.88, 170.89, 170.90, 170.91, 170.92, 170.93, 170.94, 170.95, 170.96, 170.97, 170.98, 170.99, 170.100, 170.102, 170.103, 170.104, 170.105, 170.108, 170.114, 170.115, 170.116, 170.117, 170.118, 170.119, 170.120, 170.121, 170.122, 170.123, 170.124, 170.125, 170.126, 170.127, 170.128, 170.129, 170.130, 170.131, 170.132, 170.133, 170.140, 170.141, 170.143, 170.144, 170.145, 170.146, 170.147, 170.148, 170.149, 170.151, 170.152, 170.153, 170.154, 170.155, 170.156, 170.157, 170.158, 170.164, 170.165, 170.166, 170.167, 170.168, 170.169, 170.170, 170.181, 170.191, 170.195, 170.197, 170.198, 170.199, 170.200, 170.201, 170.202, 170.203, 170.204, 170.205, 170.206, 170.207, 170.208, 170.209, 170.210, 170.211, 170.212, 170.213, 170.214, 170.215, 170.216, 170.217, 170.218, 170.219, 170.220, 170.221, 170.222, 170.223, 170.224, 170.225, 170.226, 170.227, 170.228, 170.229, 170.230, 170.231, 170.232, 170.233, 170.234, 170.235, 170.236, 170.237, 170.238, 170.239, 170.240, 170.241, 170.242, 170.243, 170.244,

170.245, 170.246, 170.247, 170.248, 170.249, 170.250, 170.251, 170.252, 170.253, 170.254, 170.255, 170.256, 170.257, 170.258, 170.259, 170.260, 170.261, 170.262, 170.263, 170.264, 170.265, 170.266, 170.267, 170.268, 170.269, 170.270, 170.271, 170.272, 170.273, 170.274, 170.275, 170.276, 170.277, 170.278, 170.279, 170.280, 170.281, 170.282, 170.283, 170.284, 170.285, 170.286, 170.287, 170.288, 170.289, 170.290, 170.291.

7. The Government of Cuba accepts the large number of recommendations listed above and will implement them in keeping with its means and the evolving circumstances in which it pursues the goal of universal justice. Many of them have already been carried out, are now being acted upon or are among the country's future priorities.

Recommendations that the Government of Cuba has taken under advisement

Recommendations: 170.1, 170.2, 170.3, 170.4, 170.5, 170.6, 170.7, 170.8, 170.9, 170.10, 170.11, 170.12, 170.13, 170.14, 170.24, 170.25, 170.33, 170.101, 170.106, 170.107, 170.109, 170.110, 170.111, 170.112, 170.113, 170.134, 170.135, 170.136, 170.137, 170.142, 170.150, 170.159, 170.160, 170.161, 170.163, 170.178, 170.180, 170.185, 170.186, 170.194, 170.196, 170.292.

8. Cuba has taken these recommendations under advisement. Many of the issues they raise have been, or are being, addressed. Some recommendations are drafted in such a way as to make it impossible to ensure their observance at this time. They will nonetheless continue to be examined in the light of Cuban law, institutional procedures and the principles that govern the sovereign political system chosen by the Cuban people.

9. Cuba wishes to make the following comments regarding some of the issues raised in these recommendations:

- Cuba takes a very conscientious, serious approach to the ratification of international treaties in order to ensure that it will be able to fully honour its commitments. Sufficient time to examine their provisions, broad-ranging consultations with the relevant institutions, a thorough review of the relevant legislative framework and an analysis of current policies and programmes are needed to ensure that any international obligations that the country takes on will be compatible with national legislation and the country's political and social circumstances;
- Cuba maintains its firm resolve to continue cooperating with the representatives of the United Nations human rights machinery on a non-discriminatory basis;
- Cuba is against the death penalty on ideological grounds and is open to abolishing it under the right circumstances. Cuba understands and respects the arguments of the international movement that is advocating its abolishment or a moratorium;
- The country has a broad and effective inter-institutional system made up of various types of organizations, including NGOs, for receiving, processing and responding to any complaints or requests from individuals or groups of individuals regarding the enjoyment of any human right. The system also assesses the effectiveness of current mechanisms, policies and programmes on the promotion and protection of human rights and follows up on those recommendations that will contribute to the continued improvement of the enjoyment of human rights in Cuba;
- Cuba has an institutionalized system of collegiate independent courts, headed by the Supreme Court, whose composition is determined on the basis of their respective jurisdictions. This system ensures broad-based popular participation in the

administration of justice. The criminal justice system makes use of all the procedural guarantees that are provided for under current laws, which ensures that defendants have the benefit of an unbiased and fair trial and that due process is observed;

- In Cuba, information and communication technologies constitute a public good. The main obstacle to the expansion of Internet services in the country is the United States blockade. However, the country has the political will to overcome these obstacles by other means and to increase Cubans' access to the Internet as much as possible, as demonstrated by the steps taken since the country's presentation to the Working Group on the Universal Periodic Review;
- Cuba attaches the greatest importance not only to the protection but also to the promotion of the rights to freedom of expression and freedom of assembly, which are recognized under the Constitution and have been incorporated into the national legal order.

Recommendations that the Government of Cuba does not support

Recommendations: 170.138, 170.139, 170.162, 170.171, 170.172, 170.173, 170.174, 170.175, 170.176, 170.177, 170.179, 170.182, 170.183, 170.184, 170.187, 170.188, 170.189, 170.190, 170.192, 170.193.

10. This small group of recommendations does not have the support of the Government of Cuba because they are politically biased and are built on false premises put forward in an attempt to discredit Cuba by those who harbour hegemonic ambitions and refuse to accept the diversity and right to self-determination of the Cuban people. These recommendations are at odds with the spirit of cooperation and respect that the universal periodic review requires.
