



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Cuba and welcome the constructive engagement of your Government during the 30th session of the UPR Working Group in May 2018.

As the final outcome report on the review of Cuba has been recently adopted by the Human Rights Council at its 39th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Cuba – the Compilation of UN information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying those areas, I have also considered the statements and/or recommendations made by 143 delegations, the presentation and responses made by the delegation of Cuba and the actions taken by the Government to implement the 230 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I am encouraged by the commitment of Cuba to constructively cooperate with the United Nations human rights mechanisms, as expressed by the Cuban delegation during the UPR Working Group. In this regard, I welcome the official visits to the country conducted in 2017 by the Special Rapporteur on trafficking in persons and by the Independent Expert on human rights and international solidarity. I encourage Cuba to issue a standing invitation to all Special Procedures mandate holders. I also invite Cuba to ratify the treaties to which it is not yet a party, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

I encourage Cuba to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate the preparations of Cuba for the fourth cycle of the UPR. The development of the plan should include consultations with all stakeholders, in particular civil society organizations, and, where necessary, the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the UN Resident Coordinator.

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H.E. Mr. Bruno Rodríguez Parrilla
Minister of Foreign Affairs
Cuba



I encourage Cuba to make further efforts to establish a national mechanism for comprehensive reporting and follow up in relation to recommendations from international and regional human rights mechanisms and treaty obligations. I strongly recommend the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please, kindly note that I will be sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Cuba to submit a mid-term report on the follow-up of the third cycle of the review, by 2020.

As the Secretary-General stated in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Cuba to take action in the areas I have identified in this letter and its Annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratification of the human rights instruments to which Cuba is not yet party, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and their Optional Protocols; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.
- Ratification of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness
- Ratification of the Rome Statute of the International Criminal Court.
- Extension of a standing invitation to all Special Procedures mandate-holders of the Human Rights Council.

National human rights framework

- Strengthening the national normative framework, by bringing all legislation in line with its international human rights obligations. This process could be facilitated by taking advantage of the recommendations formulated by UN treaty bodies and the expertise of Special Procedures mandate holders.
- Continuing efforts to strengthen the institutional framework for the protection of human rights through the establishment of an independent national human rights institution in line with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).
- Establishment of a national permanent mechanism, open to the participation of civil society, for reporting and follow up to the recommendations made to Cuba by international and regional human rights mechanisms and development, in consultation with all relevant stakeholders, of a national human rights action plan with concrete actions to implement such recommendations.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Adoption of further measures aimed at eliminating gender and racial discrimination, including by strengthening the existing anti-discrimination institutional framework and implementing a national comprehensive strategy to combat discriminatory attitudes and stereotypes.

- Continuing efforts to combat discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, including through educational initiatives aimed at eliminating discriminatory practices against them.

Development, the environment, and business and human rights

- Maintaining and expanding its international partnerships, solidarity initiatives and the sharing of good practices, in particular in the fields of education, health and response to natural disasters.

B. Civil and political rights

Right to life, liberty and security of person

- Abolition of the death penalty for all crimes.
- Incorporation of enforced disappearance into national legislation as an autonomous offence and as a crime against humanity.
- Adoption of all necessary measures to guarantee all fundamental legal safeguards to persons deprived of their liberty from the very outset of their detention.
- Establishing an independent mechanism to carry out regular visits to all places of detention and ensuring that all persons deprived of their liberty are treated in compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Administration of justice, including impunity, and the rule of law

- Adoption of all necessary measures to ensure the full independence and impartiality of the judiciary.
- Further promotion of women's access to justice, including through the establishment of a specific mechanism to report cases of discrimination and violations of women's human rights.

Fundamental freedoms

- Guaranteeing the full enjoyment of the rights to freedom of expression and to peaceful assembly and association in accordance with international human rights standards, including by revising relevant legislation and ensuring that acts of harassment, ill-treatment, reprisals and other abuses against human rights defenders, political opponents, journalists and members of civil society organizations are promptly investigated and prosecuted.
- Adoption of measures to end arbitrary detentions of people before, during and after peaceful demonstrations and release of all those arbitrarily arrested.
- Promotion of an independent and pluralistic media environment, including by adopting a freedom of information law in conformity with international standards and setting up an independent broadcast regulator.
- Decriminalization of defamation and its incorporation into the Civil Code in accordance with international standards.
- Ensuring unrestricted access to the Internet throughout the country.

Prohibition of all forms of slavery

- Continuing efforts to combat trafficking in persons, including by adopting comprehensive legislation criminalizing all forms of human trafficking, ensuring the full implementation of the 2017–2020 national action plan to prevent and combat trafficking in persons and protect victims, and expediting the establishment of the inter-ministerial committee envisaged under the plan.
- Continuing measures to prevent child sex tourism and strengthening the capacities of law enforcement officials to detect it.

C. Economic, Social and Cultural Rights

Right to work and to fair and satisfactory working conditions

- Further strengthening the legal framework governing labour rights through the implementation of all ILO Conventions to which Cuba is a party.
- Continuing efforts to combat discrimination against women in the context of employment, including by adopting provisions in the Labour Code on the principle of equal pay for work of equal value and on the prohibition of sexual harassment.

Right to health

- Continuing to ensure free and universal access to the health-care system.
- Intensifying the efforts to prevent teenage pregnancies, including by guaranteeing access to comprehensive and age-appropriate education on sexual and reproductive health, and to effective and high quality contraceptive methods.

Right to education

- Continuing to ensure universal and free access to quality education for all.

D. Right of specific persons or groups

Women

- Further strengthening the legal and institutional framework on gender equality, including by adopting a comprehensive definition of discrimination against women, and continuing efforts to ensure gender parity at all levels of political and public life.
- Taking all necessary measures to improve the situation of women of African descent, elderly women, women with disabilities and rural women, and establishing a national mechanism to regularly monitor the impact of social and economic policies on these groups.
- Continuing efforts to combat all forms of violence against women, including through the adoption of a comprehensive law on violence against women and the development of an action plan aimed at preventing such violence, assisting and protecting the victims, punishing perpetrators, raising public awareness and providing training for public officials on the issue.

Children

- Further strengthening the existing normative framework for the protection of children and of the institutional framework with responsibility for children's rights.

Persons with disabilities

- Continuing efforts to ensure comprehensive protection for the rights of persons with disabilities.

Migrants, refugees, and asylum seekers

- Establishment of a national status determination mechanism and legislation in line with universal refugee instruments, including official identification and referral mechanisms for persons in need of international protection.