

Date: April 19, 2012

FROM: HOUSE OF LATIN AMERICA (HOLA)

TO: SECRETARY of the COMMITTEE AGAINST TORTURE (CAT)

Subject Country: REPUBLIC OF CUBA

Dear sirs / madams,

To bring lights and unravel facts about the realities of Cuban society, especially in regard to stands of Cuban government on torture and other inhuman, cruel and degrading treatment or punishment as well as a broad range of other issues related to human rights, we, at the House of Latin America (HOLA), a non-governmental organization with its base in Islamic Republic of Iran and with its activists from different nationalities – some of them currently present in a number of countries in Latin America – wish to submit this document to the Committee Against Torture (CAT). We hope that this document, which is based on irrefutable facts, would help the respected CAT to take a fair and just position on Cuba.

The Universal Declaration of Human Rights

The Universal Declaration of Human Rights states clearly in its Article 22, that "everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each state, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality."

Furthermore, the preamble of International Covenant for Economic, Social and Cultural Rights emphasizes that "the standard of a free human being, liberated from fear and poverty can not be achieved unless conditions shall be created that allow everyone to enjoy his economic, social and cultural rights, as well as his civil and political rights."

Let us examine how these internationally recognized norms of Human Rights are observed in the Republic of Cuba.

The very unique position of Cuba with respect to Human Rights could be better pictured if the fact is taken into account that there would be no real enjoyment of human rights without equality and equity amongst people. In Cuba, contrary to realities of today's world, all citizens are treated equally and have the same rights. In that context, each Cuban citizen, with no exception, is the beneficiary and co-proprietor of the heritage, the wealth and the basic means of production of the nation. In addition, all citizens, with no discrimination, have full access to free education at all levels, free medical and health services, social assistance and security.

The truth is that during the 53 years since the triumph of Cuban revolution, the country's record of protecting human rights for its people and its respect of the same rights of other peoples provides an exemplary conduct. This shiny record is no secret to those whose

appraisal and judgments are based not on lies and biased propaganda but only on truth and facts. We shall have a closer look at these facts.

Cuba's Legal System

The triumph of the Cuban Revolution was the greatest historical achievement of Cuban people. That event paved the road for development of Cuban society in the social, political and economic fields.

Among the numerous achievements of the revolution was the abolishment of the repressive bodies that acted without respect for the law, causing barbaric tortures and humiliations on the freedom-loving people of Cuba.

The rights of every individual are protected in the legal system that was established after triumph of the Cuban revolution. Cuban legislation establishes not only the universally recognized basic legal guarantees for the protection of human rights but offers substantive guarantees for the real and effective exercise of all human rights, including civil, political, economic, social and cultural.

The rights and guarantees recognized in the Cuban legal system include the right to life, liberty and inviolability and integrity of the person; the right to work with rest and leisure and to social security; the right to inviolability of the home and confidentiality of correspondence; the right not to be tried or convicted except by a competent court under laws that existed prior to the offence and with the procedure and guarantees established by law; the right to a defense; the right not to be subjected to violence or coercion of any kind to be forced to testify; etc.

Torture and other inhuman, cruel and degrading treatment or punishment

The Cuban revolution has a very unique record on the treatment of the counterrevolution forces that have been fighting against it for more than 5 decades. Cuba after the revolution has never murdered, tortured or made disappear, even one of its enemies, and such conduct has continuously been performed despite the constant policy of hostility and aggressions of hegemonic powers headed by US government against the Cuban people.

Cuba has been subjected for 53 years to the most varied forms of hostility and aggression by the United States, principally through the latter's imposition of an economic, trade and financial embargo, which constitutes an act of genocide under article II (c) of the Convention on the Prevention and Punishment of the Crime of Genocide and an act of economic warfare, violating the human rights of all Cuban people. No action, whether external or internal, however, has succeeded in impeding Cuba's strict compliance with the rules set out in the Convention.

In both its domestic and its foreign policy, Cuba puts into practice respect for the physical and moral integrity of the individual and, in particular, for the defense of the legitimate interests of citizens. Since the triumph of the Revolution in 1959, torture has been abolished and there has not been a single case of disappearance or extrajudicial execution, except in the territory illegally occupied by the United States naval base in Guantánamo Bay.

Torture is inadmissible in Cuba, owing to the very nature of the social system. That is why there is no provision for the possibility of the use of torture under any circumstances, however exceptional.

It should also be stressed that the Cuban State is taking the necessary measures to prevent acts prohibited by the Convention, since it considers them an affront to human dignity and a violation of the relevant domestic laws and international standards. There is no room for impunity in Cuba, or for laws or regulations that protect it.

Prison System

In Cuba, doctors and health-care personnel in general are taught the principle of providing protection for physical and mental health, regardless of the characteristics of the patient. Thus, all persons in prison or detention receive medical assistance when they need it, on the same terms as persons not in custody. Public Health Act 41 provides the legal basis for the training of health-care personnel.

All prisoners are guaranteed free medical and dental care. The prison system has hospitals, health centers and medical posts and in every province there are ordinary hospitals with special wards equipped for prisoners. Prisoners are guaranteed specialist care in any hospital in the country and medical teams comprising a range of specialists make regular prison visits.

Cuba continues to improve its prison system and, in line with reforms in the area of education, a collection of programs, projects and activities have been developed within the prison system in order to attain new levels of development within the education system in relation to prisoners. It also aims to make the rehabilitation of prisoners and their social reintegration even more effective

Education

NOTE: *The statistics mentioned hereafter are based on the data available on August 2008. Needless to say, the current statistics indicate further development of Cuba in the fields of education, healthcare and other areas related to human rights.*

- Before the revolution. 30% of the Cuban population was illiterate and 90% of the population was illiterate and semi-illiterate combined. Now, Cuba has 98% literacy rate, average 12th grade schooling and the 9th grade minimum education level, which together with other educational indices indicates Cuba's place as the first worldwide in educational matters. This impressive record has been achieved by a small nation with modest resources while being under economic blockade. The extraordinary conduct of Cuba in providing equal opportunity to everyone has been accomplished in a world that over 800 million are illiterate and 115 million children do not have the possibility to even attend primary school.
- Cuba's contribution to education has not been limited only to its people. With the Cuban literacy method "Yes, I Can", designed by Cuban professors and implemented with the participation of thousands of Cuban pedagogical advisers, up to this date more than 2.7 million illiterate people in 22 countries have been taught to read and write; and above 600,000 illiterate people are currently studying, learning to read and write in the languages of their countries, not only in Spanish. Furthermore, Cuban universities have provided government-sponsored scholarships to nearly 30,000 students from 121 countries and these are children from poor families, on many occasions from rural areas in their countries. Of those nearly 30,000 students, some 23,000 are being trained in Cuba as doctors.

Healthcare

- All Cuban families and every citizen benefit from completely free of charge healthcare services with internationally accepted quality standards. This includes ordinary healthcare services as well as the most sophisticated operations such as mind surgeries. Health and health care have been recognized and as major achievements of the revolutionary experience. Cuba's ratio of physicians to population is one of the highest in the world and since the triumph of revolution, life expectancy has been increasing and infant mortality has been drastically decreasing in Cuba. Despite the criminal economic blockade and obstacles imposed on Cuba in the way of obtaining medicines and medical equipment and technology, Cuba concluded 2007 with an infant mortality rate of 5.3 per 1,000 live births, a number leading all of Latin America, the Caribbean and considerably below the US rate of 6.0. Cuba's average life expectancy is above 77 years and is expected to be not lower than 80 years in a period of five or six years.
- The right to healthcare is certainly a human right and Cuba respects this right not only for its citizens but also provides help to secure such right for peoples living in the most deprived countries. It is interesting to note that as of today there are 37,000 Cuban health workers providing services in 79 countries. Of those, over 18,000 are medical doctors. Also, more than 1 million patients with free surgeries through Operation Miracle from 32 countries have regained their eyesight over the last few years as a result of the implementation of Operation Miracle, fostered by Cuba. These patients have been operated on by Cuban doctors, nurses and technicians, either in Cuba or in their respective countries.

Political & Civil Liberties

There has been a constant attempt by some big powers and forces - who do not wish the world public opinion to be informed of the realities of Cuban experience - to insinuate the supposed incompatibility of the political system established by Cuba with the internationally accepted norms in the realm of democracy and human rights. In line with such false image, they picture Cuba as an intolerant and change-resistant society, which does not allow plurality or political participation. We shall examine this fabricated claim against facts and realities.

Article 1 of International Covenants on Human Rights recognizes that "all peoples have the right to self-determination, including the right to determine their political status and freely pursue their economic, social and cultural development".

The Cuban political system is the expression of the will of the Cuban people. It is genuinely authentic and is based on the experiences of its rich history of struggle for equality and of solidarity between peoples, of independence, sovereignty, non-discrimination, unity, people's participation in political power and social justice. The following is proof of that.

- The constitution of republic of Cuba was passed in a popular referendum in 1976 with the backing of more than 95% of the electorate.
- In the Cuban election system suffrage is universal and equal and voting is secret.
- Universal registration in the electoral rolls, as a matter of course and without charge.
- Delegates to the municipal assemblies are directly nominated by the voters themselves at the public assemblies.
- The municipal assemblies propose candidates for delegate to the 14 provincial assemblies and for deputy to the National Assembly, approving or rejecting the suggestions from the nomination commissions which are composed of representatives from union, social, student, peasant, women and other organizations.

However, when all is said and done, the people have the last word, through their direct secret vote at the ballot box.

- The elections are completely clean and transparent. The ballot boxes are guarded by children and young pioneers, they are sealed in the presence of the voters, the votes are counted publicly, and anyone interested in doing so may attend including the domestic and foreign press, diplomats, tourists and anyone else who so wishes.
- The vote is free, equal and secret. All Cuban citizens have the right to elect and be elected. Since there are no party lists, one votes directly for the candidate one wishes to elect.
- All of the representative bodies of state power are elected and renewable.
- It is not a requirement that one be a member of the Communist Party of Cuba to be elected to any position.
- All those elected have to render account of what they have done for the electorate who are the ones to hold citizen control over their representatives. In the same manner, all those elected can be recalled by the voters at any time during their term in office. No representative is above the law or their voters.
- There is a high turn-out for elections. There has been an over 95% turn-out in every election held since 1976.
- Voting is not obligatory; it is a civic right and duty, an act of political and citizen conscience which show strength and unity of political action.
- In a secret, free and direct ballot, the National Assembly elects the Council of State and its president from among its deputies. The President of the Council of State is the Head of State and Head of Government. The Cuban Head of State and Government must go through two elections: he or she must first be elected as a deputy by the population of his or her constituency by free direct and secret ballot and obtain more than half the vote, and then by the National Assembly, also by free, secret and direct ballot.
- The power to propose laws belongs to many social actors and not just to the deputies, the Supreme Court and the Attorney General's Office. It belongs also to union, student, women's and social organizations and to the citizens themselves. In the latter case, if citizens wish to propose a law, the proposal must be supported by at least 10,000 of those who have the right to vote.
- The most important laws, those that may affect the population as a whole or those that may be of concern to them or to workers and their families are discussed with them and consultations are held all across the country in factories, peasant cooperatives, schools, in the neighborhoods, bodies and institutions before a law is analyzed, debated and passed in parliament.
- There are no political upper echelons in Cuba which designate or nominate candidates. In Cuba this is done through an extremely popular, participative process.

Cuban Civil Society

Cuban civil society takes an active role in the making of decisions regarding all matters of importance to the Cuban nation: its political life, its economic and social development, its defense, its identity and cultural preservation and development, its foreign relations, the distribution of its wealth and the protection of its tangible and intangible heritage, etc.

- Civil society in Cuba comprises more than 2,000 organizations, some of the most prominent of which are the social and grassroots organizations and the technical, scientific, cultural, artistic, sports, religious and fraternal, friendship and solidarity organizations or associations and any others which operate by virtue of the established laws.

- Social and grassroots organizations have hundreds of thousands of members; some even have millions and in view of their importance are even recognized in the Cuban Constitution. Because of their broad-based membership and ability to mobilize, the Cuban political system ensures that these non-governmental organizations are given broad powers and the capacity to propose legislation, to be consulted, to give opinions and even to take decisions as they put into practice the participative democracy instituted by the existing constitutional order.
- Some of the Civil Societies that are most representative of the population in Cuba include: The Committees for the Defense of the Revolution (CDR) founded in 1960 with more than 8 million members; the National Association of Small Farmers (ANAP) founded in 1961 representing 331,874 independent peasant farmers or cooperative members who own their own land; the Federation of Cuban Women (FMC), an organization founded in 1960, representing 4,652,868 members; the University Students' Federation (FEU) a grassroots organization which represents more than 198,000 students; the Intermediate Level Students' Federation (FEEM) which is the national organization of Cuban adolescent students with more than 646 077 members; the Central Workers' Organization of Cuba (CTC) with approximately 3,000,000 members; the Cuban National Union of Artists and Writers, the National Union of Cuban Jurists and the Union of Cuban Journalists.
- There is also another type of organizations or associations in Cuba which generally have a much smaller membership, whose members group by interests on different fields of social life. They are culinary, medical and technical associations, associations of sugar workers, architects and engineers, of agricultural and forestry technicians, environmentalists, philosophers, historians, social and political scientists, associations for protecting nature, and associations for members or descendants of various different nationalities, etc. Today in Cuba there are 2,204 organizations or associations of this type, of these 1,104 are fraternal, 180 scientific, 135 friendship, 56 cultural, 397 athletic and 332 for social interest.

Some other indications of respect for human rights in Cuba

- Fullest right to unionize is guaranteed in Cuba and all unions in Cuba organize their activities with full independence.
- The right to work is among other basic human rights. Full employment which is one of the principal goals of workers all over the world has come true in Cuba. The unemployment rate of 2006 was 1.9 %, which technically, is equivalent to full employment.
- In 2006, Cuba had a total of 697 print publications.
- Any citizen of Cuba has the right to lay complaints and address petitions to the authorities and to receive adequate attention or responses in a reasonable time, according to law.
- In addition to the rights included in the Universal Declaration, the Cuban Constitution consecrated the following:
 - ✓ That there is no man or woman, fit for work, who does not have the opportunity to be employed and so to contribute to the goals of society and to the satisfaction of his or her own necessities.
 - ✓ That there is no person, incapacitated for work, lacking the means for a decorous life-style.
 - ✓ That there is no ill person without access to medical care.
 - ✓ That there is no child without access to schooling, alimentation and clothing; that there is no young person who does not have the opportunity for an education.

- ✓ That there is nobody without access to education, culture and sport.

Violation of Human Rights of the Cuban People by the US Government

The above facts testify to undeniable record of Cuba in protection of Human Rights. However, despite all these facts which could be easily verified by any impartial investigation, in several occasions at international tribunals Cuba has been deceitfully accused for violation of human rights. These accusations have been brought about mainly by the powerful government of the United States to justify a combination of its hostile policies against Cuban people, manifested more than anything else in inhuman economic, commercial and financial blockade of that nation. But, that is not all.

The Cuban people have been the victims of mercenary invasions; of biological, radio and television aggressions; of the external encouragement of illegal and violent emigration; of assassination attempts against their main leaders; and of sabotage and terrorist acts that have caused direct damage to economic and social targets in the country for more than 54 billion dollars, the proven death of 3,478 people and the permanent disability of another 2,099 Cubans.

In view of the above, we, the Iranian freedom lovers and defenders of human rights gathered in House of Latin America, demand:

- **Immediate halt in political maneuvers aimed at unjustly accusing Cuba for violation of human rights,**
- **Respect of human rights of Cuban people by the international community represented by the United Nations and the Office of the Human Rights High Commissioner,**
- **Immediate lift of blockade against Cuba,**
- **Immediate halt in practice of Cuba Adjustment Act, which encourages illegal immigration of Cubans, and above all,**
- **Immediate release and freedom of 5 Cuban anti-terrorist fighters who have struggled heroically in defense of right to life of their people – which is the most fundamental human right - and for that matter have been incarcerated for 14 years under the most cruel prison conditions in the US prisons.**

On behalf of House of Latin America (HOLA)

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