

Contribution of the Cuban Association of the United Nations to the presentation of the Third Periodic Report of Cuba to the Committee against Torture.

Introduction: The Cuban Association of the United Nations (CAUN) was constituted on May 30, 1947. It has had Special Consultative Status with ECOSOC since 1999. Affiliated to the Department of Public Information. It is a member of the World Federation of United Nations Associations (WFUNA) and belongs to its Executive Committee since 2003 and to the Conference of NGOs in Consultative Relationship with the United Nations (CoNGO).

SECTION I

Contact Information: Cuban Association of the United Nations (CAUN)

Contact person: Norma Goicochea Estenoz

Telephone: (53-7)832-4723/ 838-1580

E-mail: acnu@acnu.org.cu

SECTION II

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Written statement submitted by Cuban Association of the United Nations (CAUN), a non-governmental organization with special consultative status since 1999, with national scope.

SECTION V

Title: The effective implementation in Cuba of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Cuban Association of the United Nations (CAUN) welcomes the presentation by the Republic of Cuba of its third periodic report and recognizes the government's willingness to make the preparation of its report a participatory and inclusive process, to which organizations of Cuban civil society were invited.

1. LEGAL FRAMEWORK

The CAUN considers that the policies implemented in the country correspond to the commitments made by the revolutionary government in the area of human rights. Today Cuba has signed or ratified 44 international legal instruments in this area, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Cuba has been a State party to this Convention since 1995.

The CAUN recognizes that the Cuban Revolution's practice, inscribed in its legislation, is the legitimization and safe execution of civil and political rights, as well as economic, social and cultural rights. Therefore, the respect and promotion of the right to life, to decent work, to social security, to the inviolability of the home and correspondence, the right not to be prosecuted and convicted except by a competent court under laws prior to the crime and with the formalities and guarantees established therein; the right to defense; the right not to exercise violence or coercion of any kind on persons to force them to testify; the retroactive application of the criminal law when it is favorable to the accused, are the object of daily practice and action.

The CAUN recognizes that no form of torture or cruel or degrading treatment is practiced in Cuba. It notes with satisfaction that the legislation is effectively applied and that, in the event of any irregularity in the actions of the forces of law and order, it is investigated and, if violations are found, measures are taken to restore legality.

In 2019, with the approval of the new Constitution of the Republic of Cuba, there has been an update of the national legislative order that strengthens the legal guarantees for the respect of human rights, both individual and collective, as well as consolidates access to justice, due process and effective judicial protection of the rights of individuals.

Article 51 of the new Magna Carta establishes that people may not be subjected to forced disappearance, torture or cruel, inhuman or degrading treatment or punishment. Likewise, Article 95 recognizes as guarantees of persons in criminal proceedings, not to be deprived of liberty except by competent authority and for the legally established time, to have legal assistance from the beginning of the

process, to be treated with respect for their dignity and physical, psychological and moral integrity, and not to be victims of violence and coercion of any kind to force them to testify, to communicate with their families or relatives, with immediacy, in case of being detained or arrested and in case of being a foreigner, to notify the consular representation.

The CAUN considers it positive that the draft Criminal Code has included torture as a crime, as it is included in the Convention against Torture and other cruel, inhuman or degrading treatment or punishment.

Furthermore, it recognizes the approval of the new Criminal Procedure Law in October 2021. In order to be in line with international treaties, the new Law makes an express declaration of the prohibition to subject to forced disappearances, torture, cruel, inhuman or degrading treatment and punishment and to deprive of liberty outside the cases and with the formalities established in the Law.

These laws include part of the Committee's recommendations regarding the early access of the lawyer to the process, the possibility of appealing the imposition of precautionary measures of provisional imprisonment, the elimination of pre-criminal social dangerousness as a crime, among others.

The CAUN welcomes and recognizes the decision of the Cuban authorities to submit for the consideration of the citizens the draft laws of the Criminal Code and Criminal Enforcement, the latter, unprecedented in the legislative process of the country. According to information disseminated in the media, citizens have the possibility of expressing their opinions through the following e-mail addresses: codigopenal@anpp.gob.cu and ejecucionpenal@anpp.gob.cu, respectively.

The ACNU participates in the current process of popular consultation on the draft Family Code and considers positive the inclusion of the prohibition of the use of corporal punishment in any form, humiliating treatment or the use of any other type of violence, abuse or inappropriate forms of discipline, including negligence and neglect or any act that physically, morally or psychologically injures or undermines children and adolescents.

2. PRACTICES

The application of the postulates of the Convention in Cuba is affected by the genocidal economic, commercial and financial blockade imposed for sixty years by successive administrations of the government of the United States of America, which violates the human rights of more than 11 million Cubans and makes it impossible for them to fully enjoy their rights. That criminal policy was reinforced to unprecedented levels during the Trump Administration, which adopted more than 240 new measures, the application of which remains in force. In spite of this, Cuba can show the world an attitude and practice consistent with ethical and humanist principles in accordance with the Universal Declaration of Human Rights.

Since the first years of the revolutionary triumph, the Cuban people have had to face aggressions, provocations and campaigns developed and financed by the U.S. Government and its specialized agencies, with the purpose of promoting a climate of popular discontent and trying to reverse the political, economic and social system that the Cuban population has decided for itself, by means of a constitutional referendum. Therefore, it pays mercenaries to fictitiously fabricate a so-called dissidence that has no popular support whatsoever.

These individuals take advantage for their own benefit of this policy of interference and violation of the purposes and principles enshrined in the Charter of the United Nations and the norms of International Law and try to become spokespersons for this false dissidence. Likewise, they call themselves defenders of human rights with the intention of confusing the world with permanent campaigns in which they assert that in our country these rights and the postulates contained in the Convention against Torture are violated.

Cuba's policy of respect for all persons is internationally recognized, in spite of the media campaigns conceived and executed by the great centers of power that seek to discredit the work of the Revolution.

Cuba has made notable progress in the penitentiary system, in the areas of health and education. The effectiveness of an educational policy that contemplates all levels of instruction and allows the prison population, once they have fulfilled their debt to society, to have access to a decent job.

Likewise, work is a right of all inmates, who are paid according to the prevailing wage rates and receive social security benefits like the rest of the population, in accordance with the United Nations rules for the treatment of prisoners. In addition, cultural and sports activities are developed and religious assistance is provided to those who request it, regardless of creed. Another benefit is conjugal and family visits.

Special attention is given to the juvenile sector.

As part of the social policy implemented by the national authorities, medical and dental care is guaranteed to all inmates. Within the national penitentiary system there are hospitals, health care centers and medical posts, and this care is complemented and ensured by regular visits from medical teams.

Recommendations

- Continue generating participatory spaces for interaction between the authorities and the population, in relation to the implementation of the draft Criminal Code and Criminal Enforcement laws, once approved.