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The UPR of Cuba is once again a missed opportunity to engage in genuine dialogue

Human Rights Council adopts Universal Periodic Review outcome on Cuba

Cuba published its response to states' recommendations only three days ago. Responding this late undermines this UPR process and reflects a common trend by the authorities to limit constructive dialogue with independent monitors.

Cuba continues to use trumped-up charges for common-crimes and politically motivated dismissals from state employment as a way of silencing those perceived to be critical of the government. Of particular concern is Decree 349, a dystopic new law which stands to censor artists who will need prior authorization by the state to work or risk sanction.

By rejecting a host of recommendations to ratify key human rights treaties, Cuba continues to go against a trend of other UN Members States towards universal ratification.¹

Amnesty International welcomes Cuba's acceptance of recommendations to ensure full compliance with the "Mandela Rules"; however, its refusal to allow monitors access to its prisons, or to the island more generally² - as well as its rejection of recommendations to extend invitations to the Special Procedures³ - undermines the authorities' stated commitment.

In this forum, Amnesty International reiterates its formal request to visit Cuba, the only country in the Americas which is closed to the organization.

Regrettably Cuba rejected multiple recommendations to strengthen the independence of the judiciary and to bring its criminal laws in line with international law.⁴

Just this August, José Daniel Ferrer García, leader of an unofficial political opposition group, was held incommunicado for 11 days. Prisoner of conscience Dr. Eduardo Cardet remains behind bars.

¹ A/HRC/39/16/Add.1, See recommendations 24.1 – 24.34 in which a large number of UN states make recommendations for ratification of key human rights treaties.

² HRC/39/16/Add.1, Recommendations: 24.43 (Germany); 24.118 (Lithuania); 24.133 (Zambia); 24.158 (Australia),

³ Human Rights Council, Report of the Working Group on the Universal Periodic Review – Cuba, A/HRC/39/16/Add.1, 18 September 2018, (Hereinafter: HRC/39/16/Add.1) Recommendations: 24.37 (Finland); 24.38 (Spain); 24.39 (Sweden); 24.40 (Switzerland).

⁴ HRC/39/16/Add.1, Recommendations: 21.44 (Canada); 24.132 (United Kingdom of Great Britain and Northern Ireland); 24.150 (Poland); 24.152 (Spain); 24.154 (United Kingdom of Great Britain and Northern Ireland); 24.178 (Ireland).

Online censorship and restrictions on independent media continue to undermine Cuba's advances in education. It is regrettable that Cuba rejected recommendations to remove restrictions on internet access⁵ and to promote pluralist media.⁶

Finally, Amnesty International welcomes Cuba's acceptance of recommendations to prevent discrimination on the basis of sexual orientation and gender identity;⁷ it takes this opportunity to encourage Cuba to become the first independent Caribbean nation to legalize same-sex unions.

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Cuba on 21 September 2018 during its 39th session. Prior to the adoption of the report of the review Amnesty International delivered this oral statement.

Amnesty International also contributed to the information basis of the review through its submission on country: <https://www.amnesty.org/en/documents/amr25/7848/2018/en/>

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⁵ Recommendations: 24.159 (Australia); 24.161 (Austria).

⁶ Recommendations: 24.163 (Belgium), (Chile).

⁷ Recommendations: 24.75 (Plurinational State of Bolivia).