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Cuba: Rejection of recommendations to ensure human rights regretful

"It is truly disappointing that Cuba rejected so many recommendations that could have improved respect for human rights in Cuba, a great opportunity has been missed", said Amnesty International on Cuba's adoption of the UPR.

The organization welcomes the acceptance by Cuba of some of the recommendations formulated in the review, in the belief that if implemented, they could contribute to the improvement of the human rights situation in Cuba. In particular, the organization welcomes the recommendations to conduct a study on the need for legislative and administrative adjustments to the domestic implementation of human rights, and to provide human rights training for government, police and judicial officials.

Amnesty International also welcomes the Cuban government's commitment to cooperate with the UN human rights mechanisms. In light of the severe restrictions on the right to freedom of opinion and expression, Amnesty International urges Cuba to facilitate without delay the visit by the Special Rapporteur on freedom of opinion and expression, the request for which has been pending since 2003.

Amnesty International is disappointed, however, by the rejection of a number of key recommendations related to the improvement of civil and political rights. These included ensuring the right to a fair trial and allowing greater freedom of movement for Cuban citizens, including to leave the country.

The organization also regrets it was not able to make these statements orally at the session as pro-Cuban governmental organizations dominated contributions preventing civil society organizations from participating. The manipulation of civil society's contributions to the process seriously undermines the UPR.

Amnesty International regrets that some of the recommendations were rejected on the basis that existing national institutions and legislation offer full protection of human rights and do not require further change. On these grounds, Cuba discarded the need to establish a national human rights institution in accordance with the Paris Principles, refused to ratify the Optional Protocol to the Convention against Torture and rejected the recommendation to provide full access to the International Committee of the Red Cross to prisons and to establish a system of review of its prisons by United Nations and other relevant international observers.

Amnesty International welcomes Cuba's support of a recommendation to refrain from applying the death penalty. However, it is regrettable that the government was unable to accept the recommendation to progressively reduce the number of offences liable to the death penalty and to consider further measures towards its complete abolition.

Amnesty International laments Cuba's outright rejection of recommendations to ensure respect for the rights to freedom of expression, association and assembly. The organization shares the concerns, expressed during the review, about the prosecution of Cuban citizens for peacefully exercising their human rights as guaranteed under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which we note Cuba has signed and indicated its intention to ratify. Amnesty International also regrets that Cuba was unable to agree to release political prisoners and to repeal or amend legislation that criminalizes legitimate activities related to the exercise of freedom of expression, association and assembly, such as Law No. 88 or Article 91 of the Penal Code.

According to information available to Amnesty International, at least 56 prisoners of conscience remain in detention, imprisoned solely for expressing their conscientiously held beliefs, among them:

- v Oscar Elías Biscet, a physician and President of the unofficial Lawton Foundation for Human Rights, arrested on 6 December 2002 and sentenced to 25 years in prison, and
- v Journalist Julio César Gálvez Rodríguez, arrested on 19 March 2003 and sentenced to 15 years in prison.

Amnesty International takes this opportunity to call on Cuba to immediately and unconditionally release these individuals and others arrested solely for exercising their right to freedom of expression.

Background

The Universal Periodic Review (UPR) is a mechanism of the UN Human Rights Council under which it reviews, each four years, the fulfilment by all 192 UN Member States of their human rights obligations and commitments.

On 5 February 2009, Cuba was reviewed in the UPR Working Group of the Human Rights Council. During the review, member states made a number of recommendations in relation to the human rights situation in the country. Cuba accepted 60 of the recommendations, rejected several others, and took under consideration a further 17 recommendations. The 11th session of the Council, currently session, formally adopted the review yesterday, 10 June 2009.