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Written statement* submitted by United Nations Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.


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Candidacy of Cuba for United Nations (UN) Human Rights Council membership for 2021-2023

Cuba is running for election to the UN Human Rights Council (HRC) for the 2021-2023 term. Its candidacy should be rejected because Cuba does not meet the membership criteria set out in UN General Assembly (GA) Resolution 60/251.

Though one often hears the argument that it is normal for the United Nations to welcome all manner of countries on its Human Rights Council, including even those who commit gross and systematic human rights abuses, the truth is that the presence of abusers on the Council contradicts its own charter.

According to UNGA Resolution 60/251, which established the Council in 2006, General Assembly members are obliged to elect states to the Council by considering “the candidates’ contribution to the promotion and protection of human rights and their voluntary pledges and commitments made thereto.” The resolution further provides that consideration ought to be given to whether the candidate can meet membership obligations (a) “to uphold the highest standards in the promotion and protection of human rights” and (b) to “fully cooperate with the Council.”

As detailed below, Cuba is not qualified for membership in the Human Rights Council according to the above criteria.

Claims Versus Facts

Cuba’s campaign pledge to the UNHRC¹ includes the following claims:

1. Claim: “Cuba remains committed to promoting consideration of the just historical demands of the peoples of the South and the rest of the world on such issues as...combating racism, racial discrimination, xenophobia and related intolerance...”

Facts: The United States of America (U.S.) State Department reports that Afro-Cubans suffer racial discrimination and have been subject to racial epithets and beatings by security agents in response to political activism. State agents threatened antiracist activist Norberto Mesa Carbonel after he published an open letter to the government on structural racism in Cuba.²

2. Claim: “As part of its policy of cooperation with the human rights treaty bodies, Cuba systematically complies with requests for information from the special procedure mandate holders of the Human Rights Council.”

Facts: According to a UN special procedures database, Cuba has barred entry to the Council’s human rights experts on torture, free assembly, free expression, and arbitrary detention, rejecting their requests to visit the island and report on the situation of human rights.³

3. Claim: Cuba commits to promoting democracy by highlighting “the exercise of power by the people” and “the participatory and democratic nature of the Cuban political system.”

Facts: Freedom House reports that Cuba is an authoritarian one-party system that excludes the public from any genuine and autonomous political participation.⁴ Cuba arbitrarily detained leading rights activist and anti-government opposition figure Jose

¹ Note verbale dated 8 January 2020 from the Permanent Mission of Cuba, UN Doc. A/75/65.

² U.S. Department of State, Bureau of Democracy, H.R. and Lab., Country Reports on Human Rights Practices Cuba (2019) [hereinafter State Department Report on Cuba], <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/cuba/>.

³ Special Procedures Country Visits, Office of the UN High Commissioner for Human Rights (last visited May 25, 2020), <https://spinternet.ohchr.org/ViewCountryvisits.aspx?visitType=pending&lang=en>.

⁴ Freedom in World 2020: Cuba, Freedom House (2020), <https://freedomhouse.org/country/cuba/freedom-world/2020>.

Daniel Ferrer in October 2019 on false charges and subjected him to brutal torture in prison, from which he was just released after six months.⁵

4. Claim: “Cuba will continue to promote its traditional initiatives on such vital issues as the right to food and the promotion of cultural rights as essential requirements for the enjoyment of all human rights.”

Facts: Cuba institutionalized censorship of independent art and culture by passing Decree 349 in December 2019, which established violations for art that was not regulated or recognized by official cultural institutions.⁶ Because of Cuba’s failed policies, including centralized control, its citizens lack basic foods.⁷

5. Claim: “Cuba seeks to...prevent the Council’s work from being tainted by the political manipulation that discredited and put paid to the Commission on Human Rights.”

Facts: Cuba is more responsible than any other country in the world for the political manipulation of the UNHRC, sponsoring resolutions that seek to erode the meaning of individual human rights and to empower dictatorships. When Cuba came up for mandatory Council review in 2013, the government committed a massive fraud on the Council by orchestrating 454 front groups to officially register 93 statements falsely praising Havana’s policies and practices.⁸ In addition, Cuba systematically opposes UN resolutions that speak out for human rights victims in the Islamic Republic of Iran, the Democratic People’s Republic of Korea and the Syrian Arab Republic. Cuba has backed human rights abusers through a resolution denying the right to sanction such governments.

Human Rights Record

- Neither free nor fair elections
- Systematic political arrests
- Government threats, arrest and violence against dissent
- Severe violations of freedom of association
- Arbitrary arrest of civil society members and independent journalists
- Continuous and systematic violations of freedom of expression
- Gross limitations of the right of free media
- Circumscribed academic freedom
- Severely restricted worker rights, including a ban on labor unions
- Lack of independent judiciary

Cuba is an authoritarian state, which until recently was led by Raúl Castro (Raúl), who held the three most powerful governmental positions: president of the Council of State and Council of Ministers, Communist Party first secretary, and commander in chief of the security forces. Previously these positions all were held by Fidel Castro (“Fidel”).⁹ Fidel’s

⁵ Frances Robles, *Activist’s Case Hints at What Changes and What Stays the Same in Cuba*, New York Times (December 2, 2019), <https://www.nytimes.com/2019/12/02/world/americas/cuban-activist-ferrer-diaz-canel.html?searchResultPosition=2>.

⁶ Cuba: New administration’s Decree 349 is a dystopian prospect for Cuba’s artists, Amnesty International (August 24, 2018), <https://www.amnesty.org/en/latest/news/2018/08/cuba-new-administrations-decree-349-is-a-dystopian-prospect-for-cubas-artists/>.

⁷ Cuba Rations Stable Foods and Soap in Face of Economic Crisis, New York Times (March 11, 2019), <https://www.nytimes.com/2019/05/11/world/americas/cuba-rationing-sanctions.html>.

⁸ <https://unwatch.org/fraud-cuba-uses-454-front-groups-subvert-todays-un-review-human-rights-record/>.

⁹ Lily Rothman, *How Fidel Castro Went From Revolutionary to Ruler*, Time (November 26, 2016), <http://time.com/3666177/fidel-castro-cuba-history/>; Cuba: Fidel Castro’s Record of Repression,

reign was known for its harsh suppression of civil and political rights, backed up by the State security forces and the Cuban legal system, including a judiciary lacking in independence.¹⁰

After Raúl succeeded his brother in 2006,¹¹ he continued the same abusive tactics, including surveillance, beatings, arbitrary detention, and public acts of repudiation (i.e., violence and intimidation against dissidents).¹²

Today, under President Miguel Diaz-Canal, Cuba continues to be a one-party communist state with the Communist Party being the only legal party recognized by the constitution.¹³ The Communist Party controls all government offices and most civil institutions. Thus, there is no independent judiciary. According to Freedom House, “the overlap between state and party is almost total.”¹⁴ In addition, Cuba does not have free or fair elections with all candidates being prescreened by the Communist Party, and any opposition eliminated through government harassment and intimidation.¹⁵

Individual Cubans are not free to express their political views without fear of government retribution.¹⁶ The Organization of American States’ (OAS) Inter-American Commission on Human Rights (IACHR), the most authoritative regional mechanism, has stated “Cuba is the only country in the Hemisphere where it can be categorically said that there is no freedom of expression.”¹⁷

In this vein, the government of Cuba also severely restricts freedom of association. Political groups that are not officially recognized are prohibited by the constitution. Legal recognition is denied to opposition political parties and non-governmental organizations. Independent civil society organizations and their members are subjected to intimidation, raids, confiscations, physical assaults, arbitrary detentions and charges, and forced exile, as a matter of course.¹⁸

Cuba routinely uses arbitrary detention as a tool to silence government critics and human rights activists.¹⁹ Furthermore, police are known to violate procedural laws and commit human rights abuses with impunity in connection with these arbitrary arrests. Detentions are often accompanied by violence, and police and security forces frequently employ physically abusive tactics, threats, and harassment during questioning. The government also mistreats political prisoners, holding them in isolation for extended periods, subjecting them to abuse in custody, and denying them access to home visits, prison classes, telephone calls, and family visits.²⁰

UN Voting Record

Negative: Cuba voted against resolutions in the General Assembly that spoke out for human rights victims in the Islamic Republic of Iran, the Democratic People's Republic of Korea

Human Rights Watch (November 26, 2016), <https://www.hrw.org/news/2016/11/26/cuba-fidel-castros-record-repression>.

¹⁰ Id. See also Fidel Castro’s terrible legacy, *The Washington Post* (November 26, 2016), https://www.washingtonpost.com/opinions/fidel-castros-terrible-legacy/2016/11/26/0659042c-b3de-11e6-8616-52b15787add0_story.html?noredirect=on&utm_term=.f3d1e872e45b; Glenn Garvin, Red ink: The high human cost of the Cuban revolution, *Miami Herald* (December 1, 2016), <http://www.miamiherald.com/news/nation-world/world/americas/cuba/article118282148.html>.

¹¹ Daniel Trotta and Sarah Marsh, Cuba’s Fidel Castro made revolutionary mark on history, *Reuters* (November 26, 2016), <https://www.reuters.com/article/us-cuba-castro-obituary/cubas-fidel-castro-made-revolutionary-mark-on-history-idUSKBN13L05O>.

¹² Cuba: Fidel Castro’s Record of Repression, *supra* note 9.

¹³ Freedom in World 2020: Cuba, *supra* note 4.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

¹⁷ Annual Report of the Inter-American Commission on Human Rights, at ¶ 127, OEA/Ser.L/V/II.130 Doc. 22 rev. 1. (December 29, 2007), <http://www.cidh.org/annualrep/2007eng/TOC.htm>.

¹⁸ State Department Report on Cuba, *supra* note 2; Freedom in World 2018: Cuba, *supra* note 4.

¹⁹ Id.

²⁰ Id.

and the Syrian Arab Republic. Cuba backed human rights abusers through a resolution denying the right to sanction such governments. At the Human Rights Council, Cuba voted against resolutions in support of human rights victims in Belarus and Ukraine.
