



WORLD FEDERATION OF TRADE UNIONS

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Date: Monday, 2 of October 2017

WFTU CONTRIBUTION REGARDING CUBA'S SUBMISSION TO THE THIRD UNIVERSAL PERIODIC REVIEW ON HUMAN RIGHTS AT UNITED NATIONS

The World Federation of Trade Unions (WFTU), representing 92 million workers in 126 countries of the whole world, continues its firm solidarity with the Cuban People and stands proudly next to our Cuban brothers who, for more than 58 years, have been trying to build a new world, without man-by-man exploitation. Furthermore, the WFTU sustains its legitimate interest to deliver its opinion by submitting its contribution to the 3rd UPR Cycle on Human Rights, given that its national affiliate in Cuba (CTC-Workers' Confederation of Cuba) represents the vast majority of the organized working population in the country. Moreover, the WFTU, having an active role inside the United Nations Organization since its foundation reiterates its principle as declared after the 1ST World Trade Union Congress: **"The basic aim of the First World Trade Union Congress was nothing other than the objectives quoted above from the U. N. Charter. The U. N. Charter spoke in the name of "We the peoples of the United Nations".** The Paris Congress of WFTU spoke in the name of the working people of the world organized in trade unions who wanted a world free from war and social injustices. Today, we continue this legacy inside the U.N. re-affirming that Cuba not only has not committed violations of human rights, but also stands as an example for the working people of the world, having organized its society under the principles of socialism, a social system which proves on a daily basis its superiority for the attainment of the peoples' contemporary needs.

Thus, since the first spark of the Revolution in Cuba, the WFTU has always been present by the side of the Cuban workers and has experienced first-hand the achievements of the Cuban Revolutionary Government in all fields. The Cuban model with a centrally planned economy, with the means of production owned by the people and a development based on covering people's constantly expanding needs, far from being a case to be punished, it is an example to be followed by all people of the world who seek their emancipation.

This way, in order to examine the Human Rights actual situation in Cuba, we have to analyze specific aspects of the Cuban social and economic organization, based upon the following axes:

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I. DEMOCRATIC SYSTEM AND INSTITUTIONS

As it is stipulated in the Cuban revolutionary constitution, Cuba's democratic system is based on the principle of **"government of the people, by the people and for the people,"** which is expressed in the maxim that the Revolution **"is of the humble, by the humble and for the humble"**. This principle is materialized through the direct participation of the people in the exercise and active control of the organs of power, even through their political and civil institutions, and within the framework of the existing legal provisions.

Cuba is an independent and sovereign state of workers, organized with all and for the good of all, as a united and democratic Republic, for the enjoyment of political freedom, social justice, individual and collective well-being and human solidarity.

Until 1959, the involvement of citizens in political life was nothing but a chimera, in a society marked by violence and political corruption. This occurred within the framework of a model with various elements imposed from abroad, only representing the interests of elites, in particular foreign elites, and reproducing cycles of poverty and extremely low living standards.

The actual situation is very different: The Cuban State recognizes and encourages mass and social organizations, which bring together different sectors of the population, represent their specific interests and involve them in the building, consolidation and defense of the society.

The Law provides, as in most countries, the mechanisms and forms in which public participation becomes effective.

This occurs on both daily and local issues, as well as on political processes with greater significance and scope, such as elections, popular consultations, among others.

As examples, it is worth noting: the adoption of the Constitution in 1976 by a popular referendum on a "yes" vote of over 97% of the total number of voters; the participation of nearly 9 million people in more than 163,000 meetings held to discuss the Draft Guidelines of the Economic and Social Policy; and the discussion of the preliminary draft Labor Code with the participation of over 2,800,000 workers, in some 69,000 trade union assemblies.

Recently, the proposals of the Conceptualization of the Cuban economic and social model and the Bases of the National Development Plan until 2030 were discussed by 1.6 million Cubans (over 47,000 meetings), from which over 200,000 proposals emerged, aimed at ensuring a more just, free, independent, equitable, democratic, collaborative and participatory society.

The apparatus of the Cuban State is made up of legislative, executive, administrative, judicial, fiscal, control and defense organs, each of which performs a specific function in the power apparatus.

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II. ELECTIONS

Contrary to what many disinformation media try people to believe, in Cuba there are periodic elections in which people are highly involved.

The vote, which also has a voluntary nature, is one of the ways to participate in the conduct of public affairs and access the public service with broad participation in Cuba, having historically exceeded 90% of all voters.

In Cuba's election process, all citizens have equal access to the highest public positions, based on their capabilities and merits and not dependent on their economic or financial capacity.

Engaging civil society includes the right of mass organizations and trade unions to elect, nominate and propose candidates.

People's direct nomination of nominees is applied, not through the party system.

In the elections, candidates are assessed for their merits and not for the direction of the media campaigns between political parties, or for the financial support of large corporations. Electoral processes in Cuba are not big media disputes between political parties, in which in order to obtain more votes, candidates make promises that they quickly forget or deliberately fail to fulfill. Elected representatives are not committed to large companies and donors for having funded their election campaigns. Their commitment is limited only to their voters, who can revoke them at any time, according to Law 89 of 1999 or by Revocation of the Popular Mandate.

The mandates of all members of the representative bodies of state power are eligible, renewable and revocable.

The existence of a single party in the Cuban system is a result of historical and contemporary factors. The Communist Party of Cuba, unlike other countries, does not constitute an electoral party. It does not campaign, nor does it submit nominations, or participates in any way in the electoral process.

Cuba does not have a "presidential system". In Cuba, as in many countries, the President is elected in an indirect way. The President is chosen from among the deputies and the deputies are elected by the citizens.

Additional talking points on other elements of the People's Power System:



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- The **candidature commissions**, which are made up of persons appointed by civil society organizations, consult with all the delegates and deputies to prepare the candidacy of the presidents and vice-presidents of the respective Assemblies, who are subject to the decision of these people's power instances.
- The Assemblies may veto the proposals of the candidature commissions.
- All deputies are elected through free, direct and secret voting, irrespective of the origin of their nomination.
- The deputy is a representative elected by the people as a member of a legislative assembly and the essence of his/her role is to represent people's interests of the entire nation, not a particular territory.

III. HUMAN RIGHTS IN GENERAL

Cuba is striving to achieve the fullest enjoyment of all human rights and fundamental freedoms for all its citizens. The country's legal and institutional framework has been improved in order to preserve and strengthen social justice and solidarity.

The inter-institutional human rights system has been strengthened also through measures for higher performance in the delivery of justice, focused on preserving procedural guarantees in oral hearings and during the regular process, including the pretrial investigation stage. This also includes actions for more effective interaction between the defendant and his/her lawyer.

On the other hand, the systems of the Attorney General's Office for people's attention, complaints and claims have been strengthened and actions have been taken to consolidate the recognition of sexual, racial, ethnic and gender diversity.

Judicial conciliation was also improved in family processes as well as labor and economic procedures.

The Cuban people have faced the US blockade policy for more than 50 years, which constitutes a serious and systematic violation of their human rights. The country has maintained extensive cooperation with human rights mechanisms, applied on a universal and non-discriminatory basis.

Additional elements:

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The Constitution of the Republic of Cuba establishes the fundamental rights, duties and guarantees of citizens, as well as the basis for their respect, realization and protection.

All churches and beliefs are respected without discrimination.

Freedom of opinion and expression are respected in Cuba.

The social use of Information and Communication Technologies, including the Internet, is being expanded.

All Cubans, without discrimination, have access to the provision of basic quality services such as education, health care, social security and welfare.

No one in Cuba is repressed for thinking differently. One thing is to disagree, and another quite different is to be financed by an enemy state to cause subversion.

Cuba not only protects the rights of its own people, but also provides cooperation to other peoples in many sectors, especially in the field of health and education.

Cuba has ratified 44 international human rights instruments out of the 61 internationally-recognized instruments.

IV. TRADE UNION FREEDOMS

Almost all workers, including small private business employees, are unionized and protected under collective agreements.

There is trade union representation in the Council of Ministers and in the ministerial and corporate bodies. Since 1938, Cuba's labor movement successfully achieved a unitary central union which currently involves 17 trade unions and thousands of grassroots organizations.

V. FREEDOM OF EXPRESSION AND OPINION

Article 53 of the Constitution of Cuba recognizes the right to freedom of opinion, expression and press to all citizens. Freedoms of opinion, expression, information and press are recognized by all citizens.

Cuba defends the right of peoples to information as a premise for exercising the right to expression. The material conditions to exercise the freedom of opinion, expression and press are given by a high educational



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and cultural level and by the fact that the press, radio, television, cinema and other media are socially owned.

VI. FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

The Constitution of the Republic expressly recognizes in its article 54 the rights of assembly, demonstration and association, for which the State provides and guarantees the means required for such purposes.

Act No. 54 of 1985, "Associations Act" establishes the requirements for the recognition and registration of associations, which freely exercise their functions, elect their representatives and leaders among their members, and collaborate and exchange with government authorities at all levels.

The guarantees provided by the Cuban law to protect these freedoms include severe punitive measures for all persons and public officials who seek to unlawfully violate the freedoms of free expression of thought, association, peaceful assembly, demonstration, complaint and petition, in accordance with the provisions of the Criminal Code in articles 291 and 292.

Events and meetings convened by associations are carried out without interference from state authorities. Public institutions and their officials have the duty, and so they do, to support the events, meetings, assemblies and processes in general carried out by associations.

VII. RELIGIOUS FREEDOM

Cuba promotes religious freedom.

The Cuban Revolution, since 1959, has respected all churches and religious beliefs, without any discrimination.

The Cuban Constitution establishes the separation of the Church, validates the separation of religious institutions from the State and confirms that different beliefs enjoy equal consideration.

Articles 8, 42 and 55 of the Constitution of Cuba establish that the State protects, recognizes, respects and guarantees the freedom of worship.

In Cuba, parents have full freedom to provide their children with religious and moral education consistent with their convictions, which can be materialized through religious teaching within the family or through different forms of doctrinal and liturgical formation.

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The Cuban State maintains cordial and respectful relations with ecclesiastical authorities of the different creeds present in the country; and has given all the necessary facilities for these institutions to carry out their activities in the country.

VIII. DEATH PENALTY

In Cuba, death penalty has never been applied to women. By law, its application to people under 20 years of age and to the mentally ill is prohibited.

At present, no person is sentenced to this penalty. The sentences of all persons who were in that situation were changed to 30 years or perpetual deprivation of liberty.

Death penalty has not been applied in Cuba since 2003.

IX. PENITENTIARY SYSTEM

In its deeply humanist vocation, the Cuban State has developed a penitentiary system that complies with international standards, including the Standard Minimum Rules for the Treatment of Prisoners and ensures access of prisoners to equal health care services than the rest of the Cuban population.

The Cuban penitentiary system has a preventive, re-educational and social reintegration approach, implemented through a number of social programs. In prisons, the involvement of prisoners in professional training and cultural advancement programs, including university studies, is encouraged and facilitated.

In Cuban prisons there is no discrimination. All prisoners receive the same treatment, and have access to the same living conditions. The practice of solitary confinement to the arrested or penalized person is absolutely contrary to Cuba's criminal procedural law.

All persons deprived of liberty receive adequate food, health and dental care, schooling, technical and vocational training, artistic, sporting, cultural and recreational activities; receive visits from family and friends, financial compensation for their work, the benefits of Social Security, and the enjoyment of conjugal visits. In addition, they make telephone calls; proceed to legal steps through a legal counselor or the prison itself; enjoy fresh air daily; receive visits from their lawyers; and



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lodge complaints and receive answers for them, make claims for any disciplinary measures imposed on them; among other rights.

George Mavrikos
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