

30th March, 2023

Fourth Cycle of Universal Periodic Review (UPR) of the Human Rights Council regarding Cuba.

1. Since 2007, SIPTU's Solidarity with Cuba Forum has worked to build solidarity with Cuban civic society, with the labour and trade union movement and to support projects in line with these objectives through the provision of financial and material resources for Cuba.
2. Our organisation's submission derives from five site visits to Cuba from 2009 to 2022 and attendance at the International Judicial Conference for the Cuban 5 in London in March 2014 as well as visits to Ireland by prominent Cuban political leaders and from civil society and cultural organisations. This included the visit of Elizabeth Ribalta Rubiera from Instituto Cubano de Amistad con los Pueblos (ICAP) in 2022 and Fernando Gonzales in 2018.
3. In our last two trips to Cuba, our union members have engaged in site visits and discussions with representatives of the CTC and ICAP. The Workers Central Union of Cuba (Central de Trabajadores de Cuba, CTC) is the trade union federation in Cuba. The CTC unites 19 sectoral unions, organised in more than 81,000 workplaces, with elected municipal, provincial and national committees for each union, with all Cuban workers belonging to this trade union federation. ICAP has the international role in engaging with solidarity with Cuba, and its European office is serviced by Alexis Acher Abreu, whom our organisation met in Havana.

Freedom of Expression

4. During our visits, much of our engagement was with staff in hotels, shops, and other tourist venues including restaurants, bazaars and bars as well as bookshops, museums and places of entertainment. We have never found any issue in engaging openly on the current issues and concerns of the Cuban people of the day with locals, in either scheduled engagements or in unscheduled events where we just came upon ordinary people.
5. A useful way to gauge people's views is to converse with cleaning and catering staff in the resorts and hotels in which we stay. One item which may be a barrier to increased freedom of expression is the poor quality of internet and technological infrastructure for both tourists and locals alike.

Democratic System

6. During the period under review the President of Cuba, Miguel Diaz-Canel, paid a visit to Ireland and met with President of Ireland, Michael D Higgins, as well as members of the two houses of the Oireachtas (Houses of Parliament), a significant number of Cuban nationals living in Ireland, and activists from the many Cuban-related solidarity organisations as well as trade union representatives.
7. We were alerted to the alterations in Cuban law for constitutional change to the dual currency in use in Cuba as well as an updating of electoral reform during our 2019 visit.
8. We have noted that a number of changes to Cuba's constitution have occurred in the period under review. It effectively means that revenues are no longer centralised and that they can be utilised within the province where they are generated. Furthermore, we note that a lot of privatisation of employment underpinned by government policies has occurred.
9. Seeing a new constitution being ratified by a near 6:1 majority following local dialogue and tours of the provinces by the President and government ministers has we believe allowed for enriching dialogue with the population which translates into specific action of notable economic and social repercussion and more importantly an expression of democratic freedom by the Cuban people.

Trade Union Freedom

10. We have engaged mainly with the sectoral bodies CTC and ICAP but have been involved in site visits to hospitals and schools and, in 2019, to one of the 19 telephone centres where there was a very open and informative dialogue between members of the visiting delegation and staff on terms of conditions, work ethics, and pay rates. It did not appear that anyone was curtailed from expressing their point of view. The majority of the delegation and staff were women. Employments visited span the vista of public sector, schools, including one for special needs students, colleges, and hospitals, community facilities, childminding centres, urban community vegetable, fruit and flower facilities, and private sector facilities including metal fabrication and service industries.
11. In 2019, our union activists also attended the May Day celebrations in Havana and witnessed at first-hand the vibrant trade union movement that represents workers throughout Cuba.
12. There is a broad legal-regulatory framework for the promotion, protection and exercise of workers' rights, including trade union freedoms. The Labor Code establishes among its fundamental principles the right of workers to associate voluntarily and establish trade union organisations.
13. The State recognises and encourages union organisations that bring together workers from different sectors and branches of the economy and represent their specific rights and interests, regardless of the nature or

characteristics of their employment relationship. Cuban trade union organisations promote the improvement of their working and living conditions. They exercise the powers conferred on them by law in decision-making, in matters that concern workers.

14. They also agree with the employer the Collective Labor Agreement and participate in the drafting of labour and social security legislation. They demand and control their compliance and that of collective labour agreements. Cuban unions participate in the preparation, execution and control of development plans and the State budget. The leaders of the Cuban trade union organisations have the necessary guarantees for the exercise of their management. Employers cannot transfer them, penalise them, affect their working conditions, or terminate their employment relationship due to the performance of their duties.
15. The CTC also has a weekly newspaper, “Trabajadores”. Throughout its history, the CTC always incorporated the vast majority of Cuban workers, making it the largest single national organisation by membership, both before and after the Cuban revolution. In the 21st century, the CTC continued its role in Cuban society. As a measure of blockade against Cuba, in November 2017, the US Government prohibited financial transactions, specifically "gifts" from those in United States to the secretaries and first secretaries of the Confederation of Labor of Cuba (CTC) and its component unions.
16. The Constitution of the Republic expressly recognises in its article 56 the rights of assembly, demonstration and association, for which the State provides and guarantees the necessary means for such purposes. Law No. 54, 1985, the “Associations Law” establishes the requirements for the recognition and registration of associations, which freely exercise their functions, elect their representatives and managers from among their members, and maintain collaborative and exchange with government authorities at all levels.
17. The guarantees provided by Cuban laws to protect these freedoms include severe punitive measures for all those people and public officials who seek to unlawfully violate the rights of free expression of thought, association, peaceful assembly, demonstration, complaint and petition, as provided by the Criminal Code in its articles 291 and 292. The activities and meetings called by the associations are carried out without interference from the state authorities. Public institutions and their officials have the duty to support the activities, meetings, assemblies and processes in general carried out by the associations. During the meeting of SIPTU representatives with Elizabeth Ribalta Rubiera (ICAP), in 2022, the earlier unrest and widespread rioting in Cuba was discussed. Questions were raised concerning the reason for the unrest in Cuba, the arrests and the eventual incarceration of citizens with long jail sentences following the judicial process. Both Elizabeth Rubiera and Cuban

ambassador to Ireland, Bernardo Guanche Hernandez, referred to the use of social media by US sources to spread misinformation among the Cuban people and allegations that some of the protestors were paid to begin the protests. However, they also acknowledged that there was dissatisfaction by many citizens at having to repeatedly queue for scarce commodities such as food and vegetables, spare parts for machines and electrical equipment. These shortages and the lockdowns associated with the battle against Covid-19 contributed to the anti-government protests, including by many frustrated and angry young people, they said. In relation to Cuba's position on the invasion of Ukraine by Russia, the Cuban representatives agreed that it was a difficult situation for their country, that their government was against the war and was seeking to find a peaceful and negotiated resolution.

Right to Health

18. ICAP advised that Cuba was doing its best by being creative, ramping up its economic plan and working on social issues. Health and education are to the fore in all plans, built on step-by-step over the medium to long term.

19. Over the years, SIPTU delegates have visited 5 hospitals while in Cuba, including the Hospital Maternidad Obbera, Benjamin Moreno Children's Facility, the Latin America School of Medicine, and the William Soler Paediatric Cardiology Centre. On our latest visit we were guests of Dr Jose Antonio Coppo Jorge, Head of Abdominal Transplants, and his team at The Hermanos Amerijeiras Hospital, at Calle 701 San Lazaro, La Habana of Dr Jose Antonio Coppo Jorge, Head of Abdominal Transplants, and his team.

20. During our visit, we witnessed the work of the hospital and were brought through all the facilities and activities being performed in the hospital by those present. We noted the following:

- 700 medical staff in training; from Latin America and the rest of Europe.
- 42 senior medics;
- 650 Hospital beds;
- 15,000 hospital admissions per annum.
- 220,000 patients seen a year;
- 20,000 surgical procedures per annum.

21. They all advised that there is no private medicine in Cuba; all services are state funded, and have sufficient funding for all their work, but were conditioned to certain medical items being unavailable due to the economic blockade by the USA. We left that hospital in the knowledge that here was

an organised society where the principles of education and health for all applied for the benefit of all Cuban citizens.

Confronting the COVID-19 Pandemic

22. The situation, while difficult, had seen some successes particularly the Cuban vaccine production capacity - having their own vaccine was ‘an extraordinary feat’. During our visit, Dr Coppo and his team advised us that since the 1990’s the development of the biotechnology industry in Cuba has paid dividends as has the co-operation with Canada and other Latin American countries, with mutual support on clinical trials, and immunisation with reciprocity from Cuba to others in relation to their use of the Cuban covid vaccines. We were informed that Cuba’s prestigious biotech sector has developed five different Covid vaccines to date, including Abdala, Soberana 02 and Soberana Plus all of which Cuba has said provide upwards of 90% protection against symptomatic Covid when administered in three doses. Cuba has vaccinated a greater percentage of its population against Covid-19 than almost all of the world’s largest and richest nations. In fact, only the oil-rich United Arab Emirates boasts a stronger vaccination record. This tiny Caribbean island has achieved this milestone by producing its own Covid vaccine, even as it struggles to keep supermarket shelves stocked amid a decades-old U.S. trade embargo. “It is an incredible feat,” Helen Yaffe, a Cuba expert and lecturer in economic and social history at the University of Glasgow, Scotland, told CNBC.
23. Cuba has long had a reputation of sharing staffing and medical resources, donating vaccines to Southern and Central America as well as some African countries. All these territories have also been recipients of medical aid when faced with natural disasters, earthquakes, famine, and disease outbreaks, by way of Cuba’s International Brigades of Medical Workers. The tremendous work of Medi-Cuba Europa’s financing of syringe and needles programmes during the pandemic should be noted. We also note that during Covid the Cuban Government allowed safe haven for passengers on the MS Braemar in Havana when many other countries refused.

Freedom of Artistic Expression.

24. Our solidarity forum has funded visits to the Instituto Cervantes in Dublin of a Cuban born poet, Omar Perez, and dancers Irma Castillo and Ulises Mora mainly based in Europe. We were also part of a joint effort to bring a Cuban Uilleann Piper to Ireland to meet with colleagues from the Irish Cultural organisation for uilleann pipes. Alexander Suarez Mendez came to Ireland, and entertained visitors to the SIPTU’s Clé Club, stayed with

colleagues in the Piobairi uilleann group and visited traditional music events to play for and take tuition from these musicians.

Economic Blockade on Cuba

25. Together, with other Irish trade unions, we opposed a motion placed before the European Parliament in September 2021 by a number of right-wing MEPs, condemning Cuba for alleged “human rights abuses” arising out of demonstrations there in July 2021. This act we believe was an attempt to undermine the democratic system within Cuba and one that has often been used by the USA in it’s illegal and immoral economic war on Cuba through its blockade of that country.
26. This was intensified during the Trump presidency, having been relaxed by President Obama, and much was hoped for with the election of President Biden. However, not only did President Biden not end the blockade but actually increased the number of sanctions against Cuba.
27. Cuba’s “crime” has been its resolute determination to exist as a sovereign independent nation, with an economic and political system of its own choosing, rather than one imposed by its powerful neighbour.
28. During this period, President Biden’s hypocritical expression of concern for the Cuban people rang hollow given the fact that it is the USA’s illegal blockade, which was again condemned in an almost unanimous vote of the UN General Assembly in June 2021, and is the primary cause of Cuba’s economic woes that cause so much hardship for its people.
29. It should be noted that the EU since 2016, unlike the USA, through its Political Dialogue and Cooperation Agreement (PDCA) with Cuba has been able to support the complex process of economic and institutional transformations underway in Cuba, in four fundamental areas: i) technical assistance and advice for the design and implementation of public policies, macroeconomic management, decentralisation and local development; ii) co-operation to fight climate change and transform Cuba’s productive and technological structure; iii) the promotion and encouragement of foreign investment flows from Europe, targeting key productive sectors; and iv) the exploration of financial opportunities for Cuba through the European Investment Bank (EIB) under the current PDCA. This agreement has been instrumental in fostering political dialogue and addressing issues such as human rights, small arms and light weapons and disarmament, migration, drugs, counter-terrorism, sustainable development. Importantly, it has created dialogue on cooperation and sectoral policy, including areas such as

human rights, governance, civil society, social and economic development, environment, regional cooperation. Through it has developed principles of international trade and covering co-operation on customs, trade facilitation, technical norms and standards, sustainable trade and investment.

30. In conclusion, SIPTU urges UN members states to consider the following in realising fully the human rights of the Cuban people:

- Undertaking initiatives to create a space for dialogue to bring about an end to the economic blockade to which Cuba is subject. We believe that the US government and supported by Israel should respect the majority view of countless United Nations General Assembly votes and dismantle the economic blockade now in existence for over 60 years.

In correspondence with this organisation on 25 May 2022, the Irish Government confirmed that “in relation to the US embargo on Cuba, Ireland along with its EU partners, considers that it serves no constructive purpose and that its lifting would facilitate an opening of Cuba’s economy to benefit its people. Ireland as well as other EU Member States, has been a consistent supporter of the UN General Assembly Resolution against the US economic blockade. Ireland will continue to engage with the US administration, including through the EU, to generate frank and open dialogue on policy towards Cuba, including the impact of sanctions.”

- The UN should encourage other states to learn from the EU Political Dialogue and Co-operation Agreement (PDCA) with Cuba. Such agreements can enhance political dialogue, improve bilateral cooperation, as well as developing joint action in multilateral fora.
- The UN to take action to ensure that free men and women of the world be allowed to transfer financial resources to people and bodies in Cuba who need further resourcing in providing support in realising their workers’ and human rights. In correspondence received by this organisation, European Commissioner for Financial Stability, Services, and Capital Markets. Mairéad Mc Guinness on the 28th August, 2021, in relation to “Securing Europe’s to extraterritorial sanctions by third countries, including by proper enforcement of sanctions imposed by the EU” under the hand of Klaus WIEDNER on October 5th, declared “as a matter of principle, that the EU considers the extra-territorial application of sanctions contrary to international law.” He further states that DG FISMA, as the competent service for EU sanctions, stands ready to assist EU persons adversely affected by illegal extra territorial sanctions.

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