



Introduction

The People's Forum (TPF) defines human rights as the right to all things needed to live a healthy and dignified life. This includes the right to all basic material needs, including healthcare, housing, education, healthy food, dignified employment, etc. It also includes the right to participate democratically in political life and governance processes. Finally, human rights encompasses, not just the ability to survive, but the right to access and celebrate all things that make us human: access to cultural production, connection with one's heritage or ancestry, expression of religion, etc.

Overview

TPF's overall assessment on the question of human rights in Cuba is primarily concurrent with recommendation in A/HRC/WG.6/30/CUB/2 Para. 14 and 15, which states that the United States embargo and unilateral economic coercive measures continues to have a direct negative impact on the human development context in Cuba. Since the United Nations Human Rights Council (UNHRC) third Universal Periodic Review concluded in 2018, 243 new unilateral coercive measures were imposed during the Administration of President Donald Trump, including the re-designation of Cuba to the State Sponsors of Terrorism List.

Fundamental freedoms and the right to participate in public and political life

In accordance with the recommendation A/HRC/39/16/Add.1 Para. 7 to "Maintain the political will to promote the broadest possible enjoyment of civil and political rights, the protection of which is recognized by the Constitution and laws" and to "Continue to improve the Cuban political system, upholding the values of the society and the national unity, and promoting democracy," amongst a number of other relevant recommendations, TPF praises the democratic processes of holding the referendum on and the ratification of the new Code of Families in 2021 and the holding of municipal elections for the selection of delegates to the Municipal Assemblies of People's Power.

TPF praises the democratic processes that allow for the fullest participation and empowerment of everyday Cubans to participate in their own governance systems. For the public consultation process for the new Code of Families, the government held close to 80,000 public consultations in workplaces, schools, community centers and abroad to solicit feedback on the draft.¹ Over 300,000 suggestions were made by the public, which led to modifications to 48% of the original draft.² When the final draft of the new Family Code was presented for the national referendum in June 2021, it had gone through 24 formal draft revisions.³ When TPF staff observed the municipal elections taking place in the neighborhood of La Corbata in Havana, community members reported that the State mobilized members of mass organizations to go door-to-door confirming voter information so that no eligible person would be excluded from submitting a ballot.

Right to an adequate standard of living

In regards to recommendations A/HRC/39/16/Add.1 Para. 7 to “Continue to promote economic and social development according to national development plans, to better promote and protect human rights” and A/HRC/39/16/Add.1 Para. 7 to “Continue its efforts to expand access to information and culture to its people,” TPF praises the comprehensive neighborhood transformation program that has been underway in the province of Havana. Staff members of TPF toured three separate neighborhoods undergoing “transformation” in May and in November of 2022.

In May 2022, we had the opportunity to tour a neighborhood in the municipality of Marianao and talk with Cubans who lived there. In its attempt to improve the living standards of its people, Cuba has undergone a consultative phase with the community members of Marianao who gave input into the development needs of the community. The top priorities of the community were the construction of paved roads, improved water access, and the need for cultural opportunity. In response, a community cultural center has been built, several main roadways have been paved, and water access has been improved for local residents. The result has been easier access to the community due to the newly improved roads, improved opportunity for cultural production, and increased access to water. The community members we spoke with praised the new development and said that the quality of community life had been greatly improved since the new transformation phase had begun.

In November 2022, we were able to visit the neighborhood of La Timba. This neighborhood has been underdeveloped since before the revolution of 1959 and continued to lack development. Beginning in 2021, La Timba was selected as a community which would be prioritized for development because it has remained underserved for so long. According to locals, since 2021, at least 80 new homes have been constructed, 4 new markets and stores have been built, 5 medical clinics have received renovations, 3 new parks have been made, and 2 multi-purpose community spaces have been constructed. We were able to visit one of the multi-purpose spaces, where we witnessed residents using a newly constructed skatepark, a community dining & dancing area, a children’s drawing class, and a circus performance for young children. Locals reported that the quality of life has been significantly improved in La Timba since the transformation began.

In November 2022, we had the opportunity to participate in a cultural event in the neighborhood of La Corbata in Havana, Cuba, which took place inside of recently constructed cultural-technological center, which housed a computer lab, a number of class or meeting rooms, and an outdoor stage and seating area that could be converted into a large gathering space. We were told that arts programs, classes, and community events all took place in this space. As mentioned above, this center also housed the neighborhood polling site for last year’s municipal elections.

The rapid development of the communities selected for transformation display’s Cuba’s commitment to basic human rights and culture for all Cubans. The developments that have taken place in these traditionally underserved areas have greatly improved the living standards,

quality of life, access to education, access to healthcare, and access to culture for the residents who live there. This shows concretely that Cuba has implemented the continuation of promoting the economic and social development according to national development plans to better promote and protect human rights and has implemented the continuation of its efforts to expand access to information and culture to its people.

Right to health

TPF praises the Cuban healthcare system and believes that the standards raised in A/HRC/WG.6/30/CUB/2 Para. 45 have been upheld and even improved upon in light of the start of the Covid-19 pandemic since the UNHRC third cycle review.

TPF recognizes the efficiency and success of Cuba's national COVID-19 vaccine campaign. By early January 2021, 87% of the population was fully vaccinated using a three-dose schedule of vaccines developed and produced on the island and had achieved the third-highest COVID-19 vaccination rate in the world.⁴ TPF also recognizes the profound success of these achievements in light of the immense restrictions and difficulties that arise from the United States embargo against Cuba. TPF staff also praises Cuba for launching the first mass COVID-19 vaccine campaign for children from the ages of two to eighteen years old in September 2021. Although there are no UNHCR UPR recommendations regarding the specific situation of the arrival of the COVID-19 pandemic, this work continues and improves upon the recommendations regarding the right to health in A/HRC/39/16/Add.1 Para. 7.

TPF staff members had the opportunity to visit the Center of Molecular Immunology (CIM) in Havana, Cuba, and listen to presentations from young scientists on some of their recent groundbreaking medical research and treatment development.

In accordance with the recommendation A/HRC/39/16/Add.1 - Para. 7, TPF praises the groundbreaking innovations of CIM and the Center for Genetic Engineering and Biotechnology (CIGB) in developing 5 native Covid-19 vaccine candidates, 3 of which are approved for use in other countries, the Heberprot-P treatment of ulcers caused by diabetes, the CimaVax-EGF vaccine to treat lung cancer, and the HerberSavax therapeutic vaccine to treat ovarian tumors and hepatocarcinoma, which is the most common type of liver cancer.

TPF is deeply concerned about the impact of the United States economic unilateral coercive measures against Cuba on the development of these various medical treatments and programs. Medical scientists that we spoke to are prevented by the economic measures of the United States from acquiring essential biomedical products and laboratory equipment, including the regular maintenance of specialized equipment, that would be used to conduct and expedite clinical trials.

TPF is also concerned that the United States embargo prevents essential and potentially life-saving intellectual collaboration and dialogue between doctors and medical scientists in the U.S. and in Cuba. For example, diabetes is the eighth leading cause of death in the United States, killing over 100,000 people every year.⁵ The National Center for Biotechnology Information stated in a report that "60% of diabetics will develop neuropathy, eventually leading to a foot

ulcer.”⁶ Diabetes patients in the United States would benefit greatly from the ability to run clinical trials for the approval of the use of the Heberprot-P treatment here, which is currently prevented by the economic trade policies of the U.S.

Rights of women

TPF praises the democratic review, assessment, and referendum processes of the recent ratification of a new Code of Families in Cuba. The new legal code contains a comprehensive definition of domestic violence or violence within the family (under the new legal definition of “family” that extends beyond biologically related relatives), which includes violence against women, children, the elderly, the disabled, and pets. The implementation and process of review for this legal code addresses many of the recommendations on developing a national strategic plan to prevent and address violence against women, children, and the elderly as well as raise public awareness about such issues, specifically the recommendations raised in A/HRC/WG.6/30/CUB/2 Para. 53 and Para. 58. The implementation of this new legal code also directly addresses the recommendations provided in A/HRC/39/16/Add.1 Para. 7 on the protection of children, the protection of persons with disabilities, and the protection of the rights of older persons.

TPF staff members had the opportunity to witness the municipal elections that took place in November 2022. In accordance with the various recommendations in A/HRC/39/16/Add.1 Para. 7 regarding the political empowerment and participation of women, TPF welcomes the results of the delegates elected to the Municipal Assemblies of People’s Power, 43.87% of which are women.⁷

Rights of LGBTQ persons

In accordance with recommendation A/HRC/39/16/Add.1 Para. 7 of the third UPR cycle to “Continue actions to prevent manifestations of discrimination based on sexual orientation and gender identity”, Cuba has had a constitutional referendum, popularly known as the Family Codem, on a comprehensive set of constitutional measures to guarantee the rights of women, children, the elderly, and LGBTQ persons. Notably, this constitutional measure guarantees the rights of any two adults to marry, regardless of gender identity.

Staff members of TPF had an opportunity to hear a presentation from and engage in discussion with representatives from National Centre for Sex Education (CENESEX). The representatives explained the participatory process of the Cuban family code and how they personally engaged in the public discussion and debate process for writing the Family Code, which began in 2018 and underwent 25 different revisions before finally being passed in a nationwide referendum with a 66.85% yes vote and 74% voter turnout.

The new code updates Cuba’s family code of 1975 and codifies the rights of LGBTQ persons to marry and adopt children. This code presents a major step forward in LGBTQ rights in Cuba and shows Cuba’s commitment to furthering the rights of LGBTQ persons by eliminating discrimination in regards to Marriage and Adoption. In relation to recommendation A/HRC/39/16/Add.1 - Para. 7 of the third UPR cycle to “Continue actions to prevent manifestations of discrimination based on sexual orientation and gender identity,” it can be said

that Cuba has fully implemented this recommendation. As this recommendation is continuous, we would recommend that Cuba continue actions to prevent manifestations of discrimination based on sexual orientation and gender identity.

Rights of Afro-descendants

In accordance with the recommendation in A/HRC/39/16/Add.1 Para. 7 to “Continue to work towards better integration of Cubans of African descent in the political, social, cultural and economic life of the country” and to “Establish a national mechanism to regularly monitor the impact of social and economic policies on disadvantaged groups of women such as women of African descent, elderly women, rural women and women with disabilities,” TPF praises the Cuban government under the leadership of President Miguel Díaz-Canel for setting up the National Program Against Racism and Racial Discrimination, which was approved in November 2019. TPF also recognizes the political will of President Díaz-Canel to meet directly and regularly with local Afro-descendent leaders, which was reported by the same leaders we exchanged with.

In May 2022, staff members of TPF had the opportunity to hear a presentation from and engage in discussions with representatives from Red Barrial Afrodescendiente (Neighborhood Network of Afro-descendants), the José Aponte Commission of the Union of Writers and Artists of Cuba (UNEAC), and the National Program Against Racism and Racial Discrimination. In accordance with the recommendation in A/HRC/39/16/Add.1 Para. 7 to “Pursue efforts aimed at combating discrimination and at raising awareness among the Cuban population of its African heritage,” TPF staff recognized the testimony from the organizer representing Red Barrial Afrodescendiente that there were a number of ongoing cultural and educational neighborhood campaigns to uplift and celebrate the heritage of Cubans of African descent. They described that new programs aimed at the elimination of racism at the cultural level were being developed in collaboration between community organizations and governmental institutions.

Conclusion

Upon the two visits that TPF staff members made to Cuba in May and November of 2022, we bore witness to a variety of different neighborhoods and had the opportunity to speak with everyday Cubans and community organizations. It is clear that Cuba is implementing many of the recommendations from the 3rd cycle of the UPR and is actively committed to improving the human rights of its inhabitants. It could easily be seen that the U.S. blockade and coercive economic measures are some of the primary barriers for the development of human rights in Cuba. It is clear that the U.S. blockade and coercive economic measures are some of the primary barriers to strengthen economic and social programs that expand human rights in Cuba. We are certain that lifting the blockade and other coercive economic measures would allow for greatly improving access to basic material resources and raising the standard of living for the Cuban People.

¹ “Cubans head to polls to vote on government-sponsored code to legalize gay marriage, adoption,” Reuters, published 25 September 2022, <https://www.reuters.com/world/americas/cubans-head-polls-vote-govt-sponsored-code-legalize-gay-marriage-adoption-2022-09-25/>.

² *Ibid.*

³ *Ibid.*

⁴ Conner Gorry, "Vaccines and Public Trust: Containing COVID-19 in Cuba," *MEDICC review* vol. 24,1 (2022): 9-13, doi:10.37757/MR2022.V24.N1.11

⁵ "Leading Causes of Death," Centers for Disease Control and Prevention (CDC), U.S. Department of Health & Human Services, last reviewed 18 January 2023, <https://www.cdc.gov/nchs/fastats/leading-causes-of-death.htm>.

⁶ Tony I. Oliver, Mesut Mutluoglu, "Diabetic Foot Ulcer" StatPearls (Internet), StatPearls Publishing, last updated 2022 Aug 8, <https://www.ncbi.nlm.nih.gov/books/NBK537328/>

⁷ "Over 68% of Cuban Voters Took Part in Municipal Elections," teleSur, La nueva Televisión del Sur C.A. (TVSUR), published 28 November 2022, <https://www.telesurenglish.net/news/Over-68-of-Cuban-Voters-Took-Part-in-Municipal-Elections-20221128-0010.html>.