
Item 6: Consideration of the UPR Working Group Report on Cuba

Joint NGO Statement to the Human Rights Council June 10, 2009

Mr. President,

I present this statement on behalf of Human Rights First, Front Line, and the World Organisation Against Torture (OMCT).

We are gravely concerned about the Cuban State's refusal to accept **twenty-nine** of the Working Group's most important recommendations that would, if implemented, improve the human rights situation in Cuba (in particular the situation of human rights defenders and democracy activists). Cuba's rejection of such a significant number of recommendations contradicts its recent pledges before the Human Rights Council to "give the highest importance to international cooperation for the promotion and protection of human rights." Frank dialogue and the exchange of recommendations between States is one of the most important functions of the Council.

We urge Cuba to immediately implement the Working Group's recommendations on prison conditions for purposes of meeting international legal standards on the subject, including the Standard Minimum Rules for the Treatment of Prisoners. We have documented several cases of individuals, including human rights defenders and democracy activists, detained in sub-standard prison conditions that can amount to cruel, inhuman or degrading treatment^{*}, many of whom were healthy at the time of their arrest but have developed severe illnesses due to the deplorable conditions of detention. Further, in clear violation of its international legal obligations, the Cuban government does not provide adequate medical treatment to prisoners who are ill. For example, **Normando Hernandez**, a journalist who has been in jail since 2003, has suffered significant weight loss due to a gastro-intestinal illness for which he has not been given adequate medical care. The same is true for Dr. **José Luis García Paneque**, a medical doctor and independent journalist also detained since 2003.

Although limited, we welcome the focus in the Working Group Report of the Universal Periodic Review of Cuba on the issue of human rights defenders and the fundamental rights that they promote. We are concerned, however, that the Report does not accurately reflect the ongoing difficulties that defenders in Cuba face. For example, although the Cuban Government stated that no one is harassed or detained for defending human rights, in mid-May **Alejandrina García de la Riva** and two other members of the renowned human rights group the **Ladies in White** were harassed by a large mob and detained by police officers while conducting a peaceful demonstration in the municipality of Colon.

^{*} The following violations were indeed denounced: over-crowding, poor food quality, acts of harassment and torture, violence, internment in punishment cells, transfers to penitentiary centres often far from the prisoner's family residence, deprivation of religious assistance and interruptions of family visits.

Finally, in line with the Working Group's several recommendations made to Cuba about inviting and receiving UN independent experts, we welcome Cuba's invitation to the Special Rapporteur on the question of torture and further encourage Cuba to promptly issue a standing invitation to all other UN Special Procedures, especially the UN Special Rapporteur on Human Rights Defenders.