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COMMISSION ON HUMAN RIGHTS  
Fifty-second session  
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL  
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia, Belgium\*, Bulgaria, Canada, Czech Republic\*, Finland\*,  
France, Germany, Hungary, Iceland\*, Japan, Netherlands, Norway\*,  
United Kingdom of Great Britain and Northern Ireland and  
United States of America: draft resolution

1996/... Human rights in Cuba

The Commission on Human Rights,

Recalling its resolution 1995/66 of 7 March 1995 regarding the extension of the mandate of the Special Rapporteur of the Commission to review and report on the situation of human rights in Cuba and to maintain direct contact with the Government and citizens of Cuba,

Recalling also United Nations General Assembly resolution 50/198 of 22 December 1995 regarding the situation of human rights in Cuba,

Recognizing with deep appreciation the efforts of the Special Rapporteur to carry out the mandate concerning the situation of human rights in Cuba,

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\* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Noting with deep regret the continued failure of the Government of Cuba to cooperate with the Special Rapporteur and its refusal to permit him to visit Cuba in order to fulfil his mandate,

Considering the report on the situation of human rights in Cuba submitted to the Commission by the Special Rapporteur (E/CN.4/1996/60),

Deeply concerned at information in the report of the Special Rapporteur on arbitrary arrests, beatings, imprisonment, harassment and threats, including loss of employment against human rights defenders and others who are engaged in the peaceful exercise of their rights,

Profoundly concerned at continued violations in Cuba of fundamental human rights and freedoms enumerated in the Universal Declaration of Human Rights, such as freedoms of thought, conscience and religion, opinion and expression, assembly and association, and rights associated with the administration of justice,

Deploring in this regard, the detention and harassment of approximately 100 members of the pro-democracy organization Concilio Cubano and the fact they have been prevented from convening freely and expressing their convictions,

Dismayed by the loss of human life and disregard for human rights norms shown by the Government of Cuba in shooting down two unarmed civilian aircraft on 24 February 1996,

Welcoming the authorization granted to a delegation comprising representatives of four international human rights organizations to visit Cuba, and encouraging the Government of Cuba to grant further access to such organizations,

Welcoming also the ratification by the Government of Cuba of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

1. Takes note with appreciation of the report of the Special Rapporteur;

2. Calls upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba;

3. Expresses particular concern that the Government of Cuba has failed to carry out its commitment, common to all Member States, to cooperate with the Commission on Human Rights, in conformity with Articles 55 and 56 of the Charter of the United Nations;

4. Regrets profoundly the numerous reports of violations of human rights and fundamental freedoms that are described in the report of the Special Rapporteur, and expresses particular concern at prevailing intolerance for freedom of speech and assembly in Cuba;

5. Calls upon the Government of Cuba to carry out the recommendations contained in the report of the Special Rapporteur to bring its observance of human rights and fundamental freedoms into conformity with international law and applicable international human rights instruments and to end all violations of human rights including, in particular, the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights, and to grant access to the prisons by non-governmental humanitarian organizations and international humanitarian agencies;

6. Calls especially upon the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the report of the Special Rapporteur who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied;

7. Extends the mandate of the Special Rapporteur for one year;

8. Requests the Special Rapporteur to maintain direct contacts with the Government and citizens of Cuba as specified in past resolutions of the Commission;

9. Recommends that the existing mechanisms of the Commission on Human Rights, in particular the Working Group on Arbitrary Detention, in the discharge of its mandate, continue giving attention to the situation in Cuba and visit Cuba in accordance with the discussions of the High Commissioner for Human Rights with the Government of Cuba;

10. Invites the Special Rapporteur and the existing thematic mechanisms of the Commission to cooperate fully and exchange information and findings on the situation of human rights in Cuba;

11. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

12. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-first session and to report to the Commission at its fifty-third session on the results of his endeavours pursuant to the present resolution.

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