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COMMISSION ON HUMAN RIGHTS
Fifty-third 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,
Denmark, Germany, Honduras*, Hungary*, Iceland*, Israel*,
Italy, Nicaragua, Romania*, Slovenia*, Spain*, Sweden*,
the former Yugoslav Republic of Macedonia*,
United States of America, United Kingdom of Great
Britain and Northern Ireland: draft resolution

1997/... Human rights in Cuba

The Commission on Human Rights,

Recalling its resolution 1996/69 of 23 April 1996 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,

Noting General Assembly resolution 51/113 of 12 December 1996 regarding
the situation of human rights in Cuba,

* 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,

Considering the report on the situation of human rights in Cuba submitted to the Commission by the Special Rapporteur (E/CN.4/1997/53),

Profoundly concerned at continued violations in Cuba of human rights and fundamental 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,

Dismayed by the violation of right to life by the Government of Cuba in shooting down two unarmed civilian aircraft on 24 February 1996,

1. Commends the report of the Special Rapporteur and his efforts to carry out his mandate concerning the situation of human rights in Cuba;

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. Calls upon the Government of Cuba to consider acceding to human rights instruments to which it is not yet a party;

5. Regrets profoundly the numerous reports of violations of human rights and fundamental freedoms, as described in the report of the Special Rapporteur, and urges the Government of Cuba to ensure freedom of expression and assembly and the freedom to demonstrate peacefully, including by allowing political parties and non-governmental organizations to function freely in the country and by reforming legislation in this area;

6. 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 as well as harassment of and threats against 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;

7. 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;

8. Calls upon the Government of Cuba to ensure that workers' rights are safeguarded including through independent and generalized collective bargaining systems;

9. Decides to extend the mandate of the Special Rapporteur for one year;

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

11. Requests that the existing mechanisms of the Commission on Human Rights continue giving attention to the situation of human rights in Cuba;

12. 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;

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

14. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session on the results of his endeavours pursuant to the present resolution;

15. Invites the Government of Cuba to consider the possibility of requesting the establishment of a programme of advisory services.
