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CIVIL AND POLITICAL RIGHTS

The incompatibility between democracy and racism

**REPORT OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
SUBMITTED IN ACCORDANCE WITH COMMISSION
RESOLUTION 2002/39**

Addendum

1. The Commission on Human Rights, in its resolution 2002/39 of 23 April 2002, invited the High Commissioner for Human Rights to solicit comments from Governments, non-governmental organizations and other relevant bodies on the main trends and governmental policies regarding the incompatibility between democracy and racism, especially on the development process of political parties with racist platforms, as well as actions to counter such trends. The report (E/CN.4/2003/62) has been submitted to the Commission at its present session. In addition to the replies reflected in Part II of the report, a reply has also been received from the Government of Cuba. The reply is summarized below; the full text can be consulted in the files of the secretariat.
2. In Cuba, the year 1959 marked the beginning of a process of political and socio-economic change with deep anti-racist roots. This process included, inter alia, the development of a constitutional and legal framework and programmes aimed at ensuring full equality of all citizens, including the traditionally disadvantaged sectors of the population.

3. Article 295 of the Criminal Code ordains that discriminatory statements and intent based on sex, race, colour or national origin, or actions obstructing or preventing the enjoyment of the rights to equality protected by the Constitution shall be punishable by six months to two years' imprisonment or a fine of between 200 and 500 quotas or both. The same punishment is applicable to any person disseminating ideas based on racial superiority or hatred or engaging in or inciting acts of violence against any race or group of persons of another colour or ethnic origin. The Associations Act No. 54 forbids the establishment of racist or segregationist associations.

4. All persons and bodies representing the State are obliged by the Constitution and laws to respect and guarantee the right to equality of all citizens. The Office of the Attorney-General of the Republic has the responsibility to monitor and uphold the Constitution, laws and other legal provisions, to institute and conduct public criminal proceedings on behalf of the State, to guarantee respect for the dignity of citizens, and to respond to any complaints and claims of alleged breaches of the law.

5. The Constitution and the Electoral Act provide that all Cubans over the age of 16 who are not mentally disabled, legally disqualified on account of criminal behaviour, and in full possession of their political rights have the right to vote and to be elected to public office. Any Cuban may participate in the conduct of the State, directly or through his/her elected representative, without discrimination of any kind. Freedom of expression and assembly are restricted by law only in light of the needs of national defence, public order and security, and the need to guarantee respect for the dignity of citizens. Articles 291, 294 and 292 of the Criminal Code punish offences against free expression of opinion, freedom of worship, and the rights of assembly and association and demonstration, respectively.

6. The State guarantees to all Cubans, without discrimination or restriction of any kind, the right of universal access to social services such as free education and health, social security, etc. Teaching, education, culture and information are aimed at the promotion and consolidation of friendly relations and solidarity between individuals and peoples.

7. At the international level, individualist and discriminatory models of economic, political and social organization are the main obstacles in the fight against racism, racial discrimination, xenophobia and related forms of intolerance. Certain examples exist which imply the absence of a genuine political will on the part of some States to promote actions to eradicate racism. The international community could make an important contribution to the consolidation of democracy and the permanent eradication of racism by universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and withdrawal of all reservations to its article 4, and establishing, both nationally and internationally, a new economic order based on equity, solidarity and social justice, and development of programmes to promote genuine equality of opportunity and access by all to the benefits of human activity. Cuba will continue to support the efforts of the international community to eradicate racism.