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**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Human rights and unilateral coercive measures**

**Report of the Secretary-General**

### **Summary**

The present report is submitted in response to Commission on Human Rights resolution 2003/17 of 22 April 2003. In that resolution, the Commission requested the Secretary-General to bring the resolution to the attention of all Member States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report to the Commission at its sixtieth session. The response received from the Government of Cuba is summarized in the present report.

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## **I. INTRODUCTION**

1. The present report is submitted in response to Commission on Human Rights resolution 2003/17 of 22 April 2003. In that resolution, the Commission requested the Secretary-General to bring the resolution to the attention of all Member States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report to the Commission at its sixtieth session.

2. On 10 September 2003, the Secretary-General sent a note verbale to States seeking their views and information as requested by the resolution. As at 20 November 2003, one response had been received from the Government of Cuba. That response is summarized in the present report. The full text of the submission is available with the secretariat.

## **II. RESPONSES FROM GOVERNMENTS: CUBA**

3. The Government of Cuba attaches particular importance to the consideration by the General Assembly and the Commission of the question of “human rights and unilateral coercive measures”. The Commission has reiterated that the application of economic unilateral coercive measures is contrary to the Charter of the United Nations and international law and to many decisions of the General Assembly and world conferences and summits. The application of such measures breaches the independence, sovereignty and the right to self-determination of peoples. Experience indicates that the main victims of such measures are the most vulnerable in society, in particular children, women, old people and the disabled.

4. Unilateral coercive measures have been the key instrument of aggression and hostility employed by the United States against Cuba. The Torricelli and Helms-Burton Acts are contrary to the Charter of the United Nations, and violate international law as well as the World Trade Organization agreements. In particular, these unilateral coercive measures violate article II of the Convention on the Prevention and Punishment of the Crime of Genocide. Since 1992, Member States of the United Nations have increasingly voted for the resolutions of the General Assembly on “the need to put an end to economic, commercial and financial sanctions by the United States against Cuba” which, in 2002, attracted 173 votes in favour. The use of these laws to prevent companies and individuals in other States from engaging in economic activities with Cuba has been one of the most cruel and inhuman political tools used against a people throughout human civilization.

5. Cuban civil society, United Nations organizations and the reports of the Secretary-General have demonstrated the physical, spiritual, economic and social damage caused to the Cuban people by the application of this policy of genocide, which in economic terms can conservatively be estimated at US\$ 72,000 million. Moreover, successive American Administrations have used measures against Cuba, including the promotion of desertion and illegal emigration, spying, economic war, the promotion of subversion, terrorism, economic sabotage and biological warfare, and the encouragement of armed bandits and other measures. The Government of the United States of America has applied its legislation extraterritorially without due attention to the interests of other countries interested in investing in or developing normal economic and commercial relations with Cuba. The introduction of new sanctions against Cuba in March 2003 indicates further the lack of respect on the part of the present Administration for international law.

6. While there have been moves within the United States of America to revise the policy towards Cuba, from both Congress and various administrative departments, the President has announced that he will veto any measure to amend the policy. Yet the policy of sanctions does not respond to the interests of the North American people. On the contrary, Cuba is the only country that, by law, North American citizens are punished for travelling to, in clear violation of their constitutional rights. This deprives both North American and Cuban citizens of a mutually beneficial interchange in the academic, scientific, cultural, tourism and sports spheres.

7. Cuba promotes an international order based on respect for and the equal application of international law for everyone as an inviolable paradigm for peaceful coexistence and universal justice. It is unacceptable that the Government of the United States of America continues to promulgate new laws and to take measures that strengthen the blockade against Cuba while the international community has condemned such measures. Cuba claims the right and responsibility to continue to denounce the damage and violations caused by these unilateral coercive measures to the Cuban people, as well as to the people of the United States, to other countries and to international law. At the same time, Cuba reiterates its determination to guarantee the full enjoyment of the sovereign right of its people to determine their own political, economic and social system. Cuba believes that now, more than ever, it is important that the international community continue energetically to denounce these practices and to take urgent measures to ensure the effective implementation of its decisions.

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