



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/1989/SR.42  
7 March 1989

Original: ENGLISH

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COMMISSION ON HUMAN RIGHTS

Forty-fifth session

SUMMARY RECORD OF THE 42nd MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 28 February 1989, at 3 p.m.

Chairman: Mr. BOSSUYT (Belgium)

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accordance with Commission decision 1988/106 (continued)

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF THE REPORT OF THE MISSION WHICH TOOK PLACE IN CUBA IN ACCORDANCE WITH COMMISSION DECISION 1988/106 (agenda item 11 bis) (continued) (E/CN.4/1989/46 and Corr.1)

1. Mrs. RICO (Spain) said that the report before the Commission (E/CN.4/1989/46) would make it possible to examine the human rights situation in Cuba on an objective basis without any danger of political or ideological confrontation, thanks to the abundant information provided by the Government, non-governmental organizations and private persons who had contacted the group.
2. Her delegation stressed the willingness to co-operate shown by the Cuban authorities from the outset when the Government had taken the initiative by inviting the Commission to send a mission to the country, a willingness confirmed later by the facilities made available to the group and the information provided before and after the mission (para. 153).
3. On the basis of a careful perusal of the report, her delegation drew the conclusion that, while there were no massive, flagrant and systematic violations of human rights in Cuba, there were wide-ranging limitations on many fundamental rights, a fact recognized by the authorities themselves. In the light of the Universal Declaration of Human Rights, which the group had taken as a point of reference, several legal provisions and their application could give rise to concern, and in that connection, it would be necessary for the Government to reply to the set of questions contained in annex XVI.
4. Of the long list of individual cases which had been submitted to the Government by the group and in which alleged violations of human rights were made (annex VII), an overwhelming majority concerned the right to leave the country or to return. Her delegation hoped that the improvements made, in particular the trend towards a reduction in the number of persons convicted for offences against State security, the reduced application of the death penalty and various legal reforms under way - would soon make it possible to consider that area as something belonging to the past. Furthermore, it was essential to point out that notwithstanding some isolated complaints, which had to be clarified, Cuba did not present a picture of enforced disappearances or mass extrajudicial executions of the type that unfortunately still occurred in some countries.
5. For those reasons, the limitations placed on certain rights - such as the right to emigrate or to leave the country or to return freely - appeared to be major and disturbing problems and no improvement seemed to have been made in that area. It was clear that, on the occasion of the visit by the group, some persons who had been waiting for years had been authorized to leave. Several of those cases had attracted the interest of her Government, in that they concerned relatives of persons residing in Spain. However, that did not mean that the substantive difficulties had been resolved or that the set of problems which that limitation raised was being resolved.

6. Her delegation was particularly concerned about the connection which the authorities made in some cases between a person's behaviour and the right of his relatives to leave the country, as indicated in paragraph 86. Her Government considered it unacceptable that anyone should be deprived of his rights because of the conduct of a relative. It was a general principle of law that individuals were responsible for their own acts and for them alone.
7. Her delegation was also concerned at the limitations which were sometimes imposed on persons wishing to emigrate. Virtually all the complaints in annex VII relating to denial of the right to work were connected with the desire to emigrate, although there were also cases of discrimination on grounds of religion or of opinions held.
8. In general, her delegation considered that the high level of enjoyment of economic and social rights was not in keeping with the limitations imposed on other equally important rights. The emphasis placed by the authorities on the fact that many limitations including denial of rights, were due to the international situation affecting Cuba seemed excessive. While the country was facing a difficult political, economic and psychological situation, the statements made by high government officials, such as those contained in paragraphs 33 and 66 of the report, were unacceptable.
9. Greater respect for human rights would give greater strength to the message of self-determination of peoples which Cuba had long endorsed. Her delegation considered that the report indicated the existence of such a desire in many instances and the new climate emerging in international relations should be helpful in that regard.
10. The spirit of co-operation shown by the Government of Cuba had been tarnished by the allegations of reprisals mentioned in annex XIII against persons who had contacted the group. She stressed the need for those allegations to be denied or clarified.
11. In conclusion, her delegation expressed its conviction that the channels opened with the Government and people of Cuba to promote and improve the enjoyment of human rights should be fully tapped within the spirit of collaboration and consensus in which Commission decision 1988/106 had been adopted, taking into account the desire shown by the Government of Cuba to assume its responsibilities with regard to international standards concerning human rights.
12. Mr. HELLER (Mexico) said that the report before the Commission (E/CN.4/1989/46) was an exceptional one, firstly because the mission had been possible thanks to the invitation of the Government of Cuba and, secondly, because the report was public and was being discussed publicly without any restriction whatever.
13. The group conducting the mission had agreed that the Universal Declaration of Human Rights and the International Instruments on Human Rights ratified by Cuba would constitute its basic frame of reference, and its report had been adopted with the agreement of all its members, no little achievement in view of their different philosophical concepts and approaches with regard to humanitarian questions. The greatest merit of the report was perhaps the

fact that it contained no conclusions or recommendations. The methodology used offered a broad view of human rights in Cuba and provided information concerning their development.

14. The human rights situation in Cuba could not be considered in a vacuum or in isolation from the peculiar historical conditions which had defined that country's development over the past 30 years. It was not for the Commission to sit in judgement on the Cuban Revolution or its institutions but it could not ignore the fact that Cuba had had to cope with the destabilization of its political process to such an extent that the very life of its leaders had been threatened. The Cuban Revolution had won legitimacy, however, and was a reality in Latin America despite the attempts still being made to deny its existence.

15. The information the report contained revealed the immense difficulty of considering the situation of human rights at different times over a long period. The section on the right to life referred to complaints concerning events that had occurred in 1962, 1968, 1964, 1965, 1978, and from 1980 to 1987 without mentioning the particular conditions prevailing at the time. Similarly, the chapter on economic, social and cultural rights offered a broad comparison with the preliminary period. It would have been useful if chapter III, on civil and political rights, had made some reference to the situation that had existed during the Batista dictatorship, thereby providing a solid basis for the consideration of subsequent developments.

16. The report described very accurately the status of each right from the standpoint of the Cuban authorities, without failing to indicate the complaints received with regard to some of the civil and political rights. His delegation had been heartened by some positive developments, such as the drastic reduction in recent years in the number of counter-revolutionary political prisoners and the provisions adopted in favour of the right to the physical integrity of persons in penitentiary centres.

16. The report also described some of the advances made in the field of economic, social and cultural rights, which were fully recognized and documented in the studies conducted by competent international organizations.

17. Like any member of the international community, Cuba faced various problems in the field of human rights, but the report showed clearly that statements to the effect that there were massive, flagrant and persistent violations of human rights in Cuba lacked any foundation and were far from being historic facts.

18. The Government of Cuba had made an unprecedented gesture by inviting the Commission to visit the country and by co-operating with it although it was known that the Commission had been unable to consider, for selective reasons, the grave situations prevailing in other countries. His delegation which thought that there was no reason why Cuba should be subjected to treatment different from that accorded to other countries, was confident that the Government of Cuba would meet the concerns which had been expressed and would continue to co-operate with the United Nations in the field of human rights.

19. Mr. SOARES (Portugal) said he welcomed the fact that Cuba had co-operated not only with the Commission but also with several humanitarian non-governmental organizations, such as the International Committee of the

Red Cross and Amnesty International, with which its authorities had established in the course of the past year a dialogue leading to regular visits to prisoners.

20. His delegation praised the mission for the methods and procedures it had followed, which constituted an excellent set of guidelines for possible future use by the Commission. It stressed the factual nature of the report (E/CN.4/1989/46) which included testimony of alleged violations, the explanations provided by the Government, information based on direct observation by the group of conditions of detention, and details on the constitutional and legal framework in Cuba.

21. Progress had undoubtedly been made in Cuba in terms of the exercise of economic, social and cultural rights as compared with the standards that had existed before 1959. It was nevertheless disturbing to read that many citizens complained of serious violations of their basic human rights. Moreover, with regard to the freedom of opinion and expression, the Cuban constitutional and legal framework deviated somewhat from internationally accepted standards such as the Universal Declaration of Human Rights, which the group had used as its frame of reference. Article 52 of the Cuban Constitution limited the citizen's freedom of speech in conformity with the objectives of a socialist society. The reference in the Penal Code to such vaguely defined concepts as "enemy propaganda", "causing public alarm" and "disrespect to public officials and institutions" - crimes punishable by harsh measures of detention - could easily serve to prevent citizens from freely exercising any form of political criticism.

22. The possible consequences of that legal framework were revealed by the material in annexes XXV and XXIX of the report where court sentences illustrated extreme cases in which the law was used to place restrictions on and punish individuals for exercising their inalienable rights. In that context, his delegation noted the statement in annex XVI of the report that one of the questions put by the group regarding that issue had not yet been answered by the Government of Cuba.

23. An essential form of the freedom of opinion and expression was the right to seek, receive and impart information through any of the mass media, as recognized by article 19 of the Universal Declaration. It was significant, therefore, that media officials clearly admitted that "opinions at variance with the Communist Party's political line were not given preferential treatment" and "therefore the newspapers did not serve as a vehicle for the regular expression of such opinions" and that the Cuban media did not allow any scope for opinions tending to destroy the achievements of the Revolution (paragraph 57).

24. Several parts of the report indicated major discrepancies between the legal practice in Cuba and internationally accepted human rights standards. For instance, he noted the denial of the right to strike, with the extraordinary justification that "there is no reason for it". Much improvement was required in that field and his delegation appealed to the Cuban authorities to legalize human rights associations, as the necessary progress could be achieved only with their contribution.

25. The statistics included in the report on allegations of various types of violations presented a picture of Cuba which was certainly not comparable with

the human rights situations in some other countries where the number of killings, disappearances, and forms of torture, raised the question of the individual State's capacity to maintain law and order and respect for human rights. Nevertheless, the number of prisoners in Cuba, according to official statistics, was still exceptionally high.

26. His delegation was particularly disturbed by the indication in the report that some of the people who had testified before the group during its stay in Cuba might have been subjected to reprisals or some form of harassment. It urged the Cuban Government to take the necessary measures to ensure compliance with the guarantees provided to the group. In that connection, it noted with interest the information given at the previous meeting by the representative of Cuba concerning that question.

27. It was well known that the current régime in Cuba had replaced a situation characterized by the existence of flagrant injustices, and his delegation thought that the priority given to the objective of redressing those injustices might have contributed to underestimating other areas of concern. However, the purpose of international co-operation in the field of human rights was precisely to permit a broader perspective of the situations existing in any country or region and to encourage efforts with regard to aspects which appeared to require increased attention.

28. In assessing a specific situation, the Commission's objective was to improve it through direct contacts with the people concerned and through co-operation with Governments. By inviting the group to visit Cuba the previous year, the Government of Cuba had demonstrated that type of co-operation, and his delegation was confident that it would continue to extend its co-operation to the Commission.

29. Mr. ROMARE (Sweden), referring to the report on the mission to Cuba (E/CN.4/1989/46), said that the information it contained on the human rights situation in that country was comprehensive, balanced and well-defined. His delegation noted that the group had requested and obtained guarantees from the Government of Cuba that no reprisals would be taken against persons testifying before it (para. 10). It was disturbing, therefore, to find in the report (annex XIII) a number of statements that persons who had been in contact with the group during its visit to Cuba had been subjected to harassment and reprisals by the Cuban authorities, contrary to the guarantees given.

30. The group had made a valuable contribution to a dialogue on the situation of human rights in Cuba by putting questions to the Government concerning constitutional and legal aspects of human rights. The Government had answered several of those questions but there were many others which the Government had not yet answered owing to time constraints. However, his delegation noted that it had undertaken to do so and hoped that the dialogue between Cuba and the Commission would continue in the same spirit of international co-operation that had characterized the mission.

31. Mr. STRUYE DE SWIELANDE (Belgium), referring to the report of the mission to Cuba (E/CN.4/1989/46), said that he wished in particular to thank the Cubans who had co-operated with the group. Indeed, without their testimony, the group would have been unable to observe the situation of human rights in their country.

32. His Delegation had always shown respect for the independence, identity and specific characteristics of Cuba and was aware that no country was perfect with regard to respect for human rights. However, the adoption of the Declaration of Human Rights by Belgium and its accession to the International Covenants on Human Rights imposed on it a moral obligation to concern itself with respect for human rights throughout the world and to heed every human being whose rights and freedoms were infringed. It was in that spirit that his delegation was taking the floor and it welcomed the fact that, even before the arrival of the mission, the Government had adopted certain measures, in particular, the release of political prisoners, which alone justified the dispatch of the mission.

33. The report of the mission gave a clear picture of the human rights situation in Cuba. Like any picture, however, there were light and dark areas. With regard to the light areas, special mention should be made of the efforts undertaken in the sectors of education and health. As to the dark areas, he would mention only one, bearing in mind the fact that, while historical and political circumstances might explain certain types of behaviour, attitudes and political decisions, they should never be invoked in order to excuse or justify violations of human rights.

34. His delegation had been struck by the numerous restrictions on movement in Cuba, the most serious of which concerned the freedom to leave one's own country. Moreover, it was disturbing that the Vice-President of the Council of State was able to say that family reunion could be requested on humanitarian grounds but not on legal grounds. He had thus admitted that Cuba did not consider itself bound to respect its legal obligations in that area. Not only did the Cuban Government fail to respect the fundamental freedom of movement, but the mere request by a Cuban national to exercise that freedom was enough to expose him or her to a whole series of human rights violations, as described in paragraph 90 of the report. The practice of marking with a special stamp the identity cards of people wishing to leave the country was an invitation to violate the human rights of the persons concerned.

35. It would be unacceptable for a group which had visited Cuba to investigate the human rights situation there not to do everything within its power to prevent the people who had enabled it to complete its mission from being subjected to new human rights violations. That was one of the main reasons for maintaining contact between Cuba and the group, but it was not the only one. Cuba still owed the group replies to the questions contained in annex XVI of the report, as well as information on the personal files which the group had transmitted to the Government of Cuba in its letters of 11 October and 13 December 1988, and on individual cases which various non-governmental organizations had brought to the attention of the Cuban authorities. His delegation hoped that the Government of Cuba would supply that information as promptly as possible.

36. His Government hoped that Cuba would continue and expand its co-operation and, in that spirit, would invite the group to continue its work. Ideally, such co-operation should be carried out through the group, but it might also be expedient for the group to appoint a representative or agent who could visit Cuba regularly and be responsible for the collection of complaints.

37. Finally, his delegation wished to express its concern at two particular cases, mentioned in paragraph 93 of the report, regarding the testimony of two

mothers who wished to leave Cuba. If a mission of six men of good will had deemed it necessary to mention those cases, it was because they involved situations which were not in accordance with respect for human rights. There was no justification for refusing to allow those two women, together with their children, to rejoin their husbands, and the Government of Cuba must provide an answer on that account.

38. Mr. STEEL (United Kingdom) said that a careful reading of the report of the mission to Cuba (E/CN.4/1989/46) gave the impression of a society in which an all-powerful and oppressive party machine dominated all aspects of public and private life and prevented or extinguished all dissent and all independence of thought and expression. While the Constitution and Penal Code of Cuba contained a number of provisions which, from the point of view of human rights, were quite unexceptionable, there were others which seemed to be dangerously vague or subject to qualifications or additions which left the way open to abuse.

39. The Group had, for example, very pertinently asked how the responsibility of the judiciary for the interpretation of laws could be reconciled with the power of the Council of State to "place, if necessary, a general and binding interpretation on existing laws" (para. 37). The reply, contained in paragraph 38 of the report, was scarcely reassuring. The Group had also asked a series of questions (para. 51) about the implications of article 52 of the Constitution of Cuba which guaranteed citizens freedom of speech and the press "consistent with the purposes of socialist society". The answer, noted in paragraph 52 of the report, was no answer at all to the group's questions. A similar pattern emerged in paragraphs 58 and 59 of the report.

40. While, in those cases, the Government of Cuba had at least attempted to respond to the group's questions, annex XVI of the report set out the questions on constitutional and legal matters to which the Government of Cuba had, for reasons which it had not explained, found it impossible or inexpedient to provide answers.

41. Even where the written legal guarantees of human rights were explicit and unambiguous, there was evidence which suggested that the practice might fall some way short of the letter of the law. For example, all the provisions regarding the independence of the judiciary and the right of accused persons to have their defence fairly put took on a less rosy colour in the light of the extract, contained in annex XXVIII of the report, which indicated that 43 per cent of Cuba's professional and lay judges were members of the Cuban Communist Party, with a higher percentage of Party members represented on the Supreme Court. Pages 343 to 345 of the report presented a chilling account of how the legal profession was effectively under State control, with all lawyers, other than those who worked as State prosecutors or for State enterprises, required to join collective law offices which were controlled by a national organization.

42. It was not always necessary to go to non-governmental sources to get a cross-check on the significance in practice of fine-sounding constitutional and legal guarantees. For example, in connection with the constitutional guarantees of freedom of expression, his delegation drew the Commission's attention to the statements by officials reproduced in paragraphs 57 and 109 of the report.



43. The process begun by Commission on Human Rights decision 1988/106 was still far from complete, and a large number of questions which had been raised had either not been answered at all or answered only inadequately. It was essential, therefore, that the continuing dialogue between the Government of Cuba and the Commission should involve the non-governmental sector in Cuba as well. Human Rights were about people, and their voices, as well as the voices of their Governments, should be heard directly. In that context, it was of the highest importance that the group's report should be published in Cuba, in full and without delay.

44. The human rights of persons who had in the past, or who might in future, come forward to provide evidence or express views to the Commission, through the group or otherwise, must be protected, and the Commission must insist on the scrupulous observance of the Cuban Government's guarantees that such persons would not be subjected to any reprisal or ill-treatment.

45. Mr. TANIGUCHI (Japan) said that his delegation would need to make a careful analysis of the report of the mission to Cuba (E/CN.4/1989/46) before it could make a definite assessment of the human rights situation in that country. While the Cuban Government had made efforts to restore and improve human rights in Cuba, certain aspects of the human rights situation might require further improvement. In particular, the Japanese delegation was deeply concerned at the treatment of political prisoners and the restrictions imposed upon the freedom to enter and leave the country, and hoped that the Cuban authorities would take immediate action to improve the situation in those areas. In some instances, the mission had been unable to obtain replies from the Cuban Government to some of its questions and inquiries and Cuba should submit complete replies at the earliest possible date.

46. His delegation drew the Commission's attention to the allegation of reprisals by the Cuban authorities against persons who had co-operated with the mission. If that allegation were found to be true, that would be a matter of concern to the entire international community, and he hoped that the Government of Cuba would take urgent measures to improve the situation. Lastly, his delegation invited the Government of Cuba to consider becoming a State party to the two International Covenants on Human Rights.

47. Mr. FRAMBACH (German Democratic Republic) said that it was the first time that such a mission had taken place on the basis of a voluntary decision on the part of a Government. The procedure in question was undoubtedly consistent with the spirit of peaceful co-operation among States. In view of the specific conditions prevailing in that country, however, it was unlikely, that the procedure could be repeated. Accordingly, his delegation had reservations with regard to paragraph 155 of the final considerations.

48. Although the report as a whole was a balanced one, there was a quantitative imbalance between chapters III and IV, given that Cuba's economic and social achievements were exemplary for the region in question. Furthermore, the use of material obtained from organizations outside Cuba was questionable, the whole mandate of the mission being to visit Cuba and not to take account of information from other sources.

49. With regard to chapter II, his delegation appreciated the attempt to provide a general political assessment of the human rights situation, but felt that some elements of the report were designed to call into question the

country's political system. Cuba was a socialist country which had been progressing towards political, economic and social development since the revolution, and its problems could not be measured in terms of bourgeois values and concepts of democracy.

50. The report indicated clearly that, contrary to the allegations made by certain States from time to time, there were no human rights violations in Cuba. With regard, for example, to the question of torture and other forms of inhuman or degrading treatment, the group had been unable to pinpoint one single case. The Cuban authorities' attitude towards torture and unjustified punishment was indicated in paragraph 70, according to which prisons received strict instructions with regard to the physical integrity, security and dignity of detainees or prisoners, and any official found to have violated those rights was punished immediately.

51. With regard to the freedom of religion, the situation was satisfactory. It appeared that, since 1985, when the Office of Religious Affairs of the Communist Party had been established, there had been major advances in relations between the Catholic Church and the State (para. 103). Representatives of various other churches, heard by the group, had stated that the visit was taking place at the "best time" in relations between their churches and the State.

52. His delegation had been unable to detect any violation of human rights with regard to the issue of emigration. Cuba's practice was consistent with international standards and, if some persons who had permission to leave were unable to do so, it was because other countries refused to grant entry visas (para. 86).

53. Mr. GOSHU (Ethiopia), having commended the extraordinary diligence with which the group that visited Cuba had accomplished its task, and thanked the Government of Cuba for its openness and co-operation, said that very few countries would have had the confidence, honesty and frankness to subject themselves to such thorough scrutiny. It was a testimony to the overwhelming strength of Cuba's political system that the report presented a picture of a people and Government determined to pursue their chosen path of development.

54. His delegation had studied the report of the mission to Cuba (E/CN.4/1989/46) and believed that the Cuban Government stood vindicated of the accusations which had been levelled against it. The Commission should therefore conclude its consideration of the human rights situation in Cuba. What Cuba needed was more understanding and co-operation, so that it could achieve its goal of full respect for human rights.

55. Mr. MARTIUS (Federal Republic of Germany) said that it was the first time that the Commission had had before it such a detailed and thorough study concerning the protection of human rights in one country. As such, the report was a highly significant milestone.

56. Chapter IV described some impressive achievements in the fields of labour, health, housing, education and culture. Standards were higher in Cuba than in many other countries. Nevertheless, some unacceptable cases had been revealed. For example, a worker had been dismissed from his post for one year for having typed out a translation of the work of Nostradamus, which was classified as "deviationist, anti-Communist and anti-Soviet", a most

extraordinary description of the work of a sixteenth century writer! The group had been informed of a total of 264 cases of alleged dismissals for political reasons. His delegation did not find the explanations provided by the competent Cuban authorities satisfactory, and called for further clarification.

57. While Cuba's housing figures were impressive, he asked how it was possible for people to be driven from their homes after a member of the family had left the country legally (paras. 95 and 140), when it was claimed that the socialist society "worked to ensure that no family would be without adequate housing" (para. 52). There were also two sides to the education issue. The Cuban State did indeed offer facilities, teaching, scholarships, and free education, but it did not offer any alternatives.

58. He wondered why, if the ideal was to create "persons of integrity and solidarity free from selfishness and materialism", the State required medical doctors to swear an oath of unconditional loyalty to the revolution, and a medical student could be checked for his "political and moral background".

59. It was clear from those examples that the standards laid down in the Universal Declaration of Human Rights and in the other human rights instruments ratified by Cuba, were very often disregarded. The Cuban authorities, on the other hand, asserted that that was not the case. Since there was an evident need for further clarification, he urged the Cuban authorities to continue to respond in the spirit of international co-operation clearly underlined in the final paragraphs of the report.

60. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that his delegation appreciated the information provided by the Cuban delegation and Government, and the constructive dialogue between Cuba and the Commission. The Cuban delegation had provided full replies, giving factual information, about the matters raised.

61. Some previous speakers' statements, however, gave the impression that countries of a certain group were allowing their approach to be coloured by national interests and political motivation rather than objectivity, and were even casting doubts on the spirit of co-operation shown by the Cuban authorities. To do so was a serious error, as was the attempt to judge Cuba's record by some immutable standard which no countries, including those the speakers represented, could claim to have attained.

62. The group's mission had no parallel in the Commission's annals; its outstanding features were the initiative taken by the Cuban authorities themselves and their good will towards the Commission. Without doubt, the group, headed by Mr. Sene, could not otherwise have visited the various institutions and individuals, made contacts with officials or prepared the analysis currently before the Commission in its report (E/CN.4/1989/46).

63. It was important to note that the report in question had been prepared not by a special rapporteur but by a group of Commission members for presentation to all its other members, including the Cuban delegation. The group, as noted in paragraph 153 of its report, had appreciated the

co-operation provided by the Government and people of Cuba in the discharge of its mandate and the facilities made available to it for its activities. It had to be asked what other countries whose situations the Commission had considered could warrant such praise.

64. The new form of collaboration with the Commission represented by the visit to Cuba did not conflict with existing procedures that had been developed for implementation and monitoring. Cuba, by showing flexibility and realism, had indeed contributed greatly to the overall task. The Commission should try to maintain that new form, perhaps refining it wherever appropriate. His delegation paid a tribute to the work of the members of the group, ably supported by the Secretariat staff. Indeed, the amount of work achieved by so few people, not to mention the harmony maintained among five members representing different regions, should set an example to those currently studying their report.

65. Without going into the details, it seemed to his delegation that the report, while objective in some parts, showed shortcomings in others; doubtless other delegations would feel the same - not necessarily about the same aspects. One point, however, was of particular importance: the group had found no instances at all of gross violations of human rights. On that point there could be only unanimity. The Cuban authorities had fully admitted that there had been difficulties - as noted in the report; but no member of the Commission had attained perfection in that regard. The Cuban revolution, in its short history, had made enormous strides in economic, social and political development, having eradicated the Batista heritage and had achieved its goals despite difficult international conditions. It had, in fact, earned for itself a leading role in Latin America, the Non-Aligned Movement and the international community in general.

66. In past efforts in the field of human rights, there had been too much confrontation and too little co-operation. It was easier to destroy than to build. His delegation called for a more positive approach, as illustrated by the collaboration between Cuba and the Commission.

67. Ms. ANDREYCHUK (Canada), speaking on behalf of the delegations of Australia and New Zealand as well as her own said she hoped that the agenda item could be discussed thoroughly on its merits. The report was an impressive achievement, given the limited time available, and would provide an excellent basis for such discussions.

68. Judged against the standards laid down in the Universal Declaration of Human Rights and in the international conventions to which Cuba was a party, the deliberations and conclusions of the group appeared well-balanced. Due recognition was given to achievements in the fields of health, housing and education, and to positive developments with regard to civil and political rights. Many political prisoners had been released, prison conditions improved and some well known human rights groups admitted to the country. Such developments should be acknowledged in any conclusions the Commission might wish to consider.

69. The report also indicated, however, some substantial discrepancies between accepted international standards and Cuban law and practice, affecting, among other things, the right to physical integrity, political and religious freedom, and the right to political participation. The Government

had failed to answer a series of questions concerning, in particular, constitutional and legal guarantees for the protection of human rights. While the representative of Cuba had added a number of comments at the previous meeting, many questions and issues raised by the report had yet to receive an adequate response.

70. The delegations she was representing were profoundly disturbed by what appeared to be arbitrariness and cruelty towards persons seeking to leave the country. Several general statements on the Government's attitude towards the right to leave one's own country (paras. 85-96) were completely at odds with international standards. In that connection, the Canadian Government itself had found the attitude of the Cuban authorities arbitrary and, in some cases, vindictive in matters of that kind, something which was totally out of keeping with the tone of normal relations between the two countries. If that was not a correct reflection of Cuban Government policy, appropriate steps should be taken immediately to comply with international standards and to resolve the humanitarian problems involved.

71. The right to leave one's own country was not a bilateral problem between States but derived from international standards which must be met by all States Members of the United Nations. However, to the extent that bilateral relations were of relevance, she wished to add that it was difficult to understand why a number of cases of specific interest to the Government of Canada, which set great store by family reunification, had been so systematically and cavalierly dealt with in recent years. Although assurances had been given, assessments must be made on the basis not of words or intentions, but of results. Only a few such results had been seen.

72. The delegations she was representing were extremely concerned that, in spite of firm assurances to the contrary, there had been reprisals against some of those who had brought their situations to the attention of the Group. There was an irrefutable case, therefore, for continuing the exercise until the Commission could report more satisfactorily on the resolution of those and other cases.

73. When decision 1988/106 had been adopted, the delegations she was representing had viewed with concern the apparent departure from accepted standards with regard to procedure. The matter should not be dealt with under a separate agenda item, but discussed like many other situations under item 12, which was far more consistent with the objective of promoting and protecting human rights in all parts of the world. The Commission should resist the tendency to develop special procedures for individual cases and should treat all countries alike on the basis of a fair and predictable procedure.

74. With regard to follow-up, the situation should be kept under review until major problems and issues had been resolved or explained to the Commission's satisfaction. For example, the Cuban authorities had not complied with the request to publish in good time the arrangements for private individuals to contact the Group, nor had it responded fully to the questions raised with regard to constitutional and legal guarantees. The results to date had been gratifying, however, and it was to be hoped that the Cuban Government would continue to co-operate with the Commission.

75. Mr. VALLADARES (United States) said that, since 1987, when the Commission had declined to take action on the well-documented human rights situation in Cuba, many Cubans had been detained and tortured. It was official Government policy to continue violating human rights. In seeking to bring those facts to light, his delegation had been accused of prejudice and many believed that there was no proof of such abuses. Nevertheless, the report (E/CN.4/1989/46) referred to 137 cases of torture, 7 disappearances and many other violations of human rights. Furthermore, it contained admissions by Cuban officials that such violations had occurred. It could hardly be suggested that the United States had manipulated the Cuban Minister of Justice and the Attorney-General, among others.

76. In the light of the report, it could no longer be said that there was no proof of Cuban violations of human rights. The six members of the Working Group - who had performed a difficult task in a highly competent and professional manner - had all agreed that the Universal Declaration of Human Rights and a number of other international instruments ratified by Cuba should serve as a basis for their appraisal. They had shown them that, almost without exception, civil, political, economic and social rights were violated systematically on a daily basis, human rights abuses being the very essence of the Cuban Revolution. Arrest and arbitrary detentions, involving accusations such as the possession of enemy propaganda, the dissemination of false information and contempt for authority, were practices widely used by the régime to maintain itself in power.

77. The report presented the facts impartially. Assertions that there had been no disappearances, no beatings, torture or other human rights violations were refuted by factual testimony. The mistreatment of detainees or prisoners, the Minister of the Interior had admitted had occurred in the past, still appeared to continue. From the figures provided by the Attorney-General (para. 120), it could be deduced that complaints of irregularities and shortcomings in prisons averaged 28 a day.

78. In spite of the fact that the Minister of the Interior had stated categorically that enforced or involuntary disappearances did not occur in Cuba, the Group had received seven reports of people who had apparently disappeared. Furthermore, although only one person was said to have been shot for offences against State security since 1982, the report referred to 13 political prisoners who had been executed by firing squad between 1980 and 1987 (para. 68).

79. The Commission must take due account of the human rights abuses movingly recounted by the political prisoners of the Combinado del Este prison. In recent years, attempts had been made to restrict the overall examination of human rights in Cuba to questions related to prisons, because prison conditions could be manipulated and controlled. In fact, the goals that the Group had planned to visit had been transformed. Proof of that was supplied by pictures taken secretly beforehand by prisoners at the Combinado del Este prison.

80. Furthermore, the group had been told that the Quivicán prison had been closed, whereas a number of prisoners from Combinado del Este had been transferred there in order to hide evidence of beating and torture. Upon their return, after the group had left Cuba, orders had been given for them to be beaten again.

81. Other parts of the report - such as paragraphs 33, 36-38, 50, 66, 100, 121 and 151, and annexes XXV and XXIX - showed that Cuba's constitutional and legal systems violated the human rights standards accepted by the international community. As for education and public health, the Government of Cuba had attempted to deceive the group by providing false statistics. The life expectancy of 52 years in 1959, mentioned in paragraph 130, did not agree with the average of 61 years in 1959, shown in table 75 of the United Nations World Population Trends and Policies. The Cuban Government's statistics also indicated, in the table preceding paragraph 130, that there had been only 250 dentists in Cuba in 1958; the 1958 United Nations Yearbook stated that there had been 2,100 in 1957.

82. The details provided in annex XXX demolished the myth of "great accomplishments" in the field of public health; the Communist Party had concluded that, despite Fidel Castro's personal attention and the efforts of the Government and Party, the people were not satisfied with the medical care provided, a fact that was not published in the Cuban media or reflected in the false statistics sent to international bodies such as WHO.

83. With regard to housing, a census taken in 1959, at the time of the revolution's triumph, had shown that 17,000 people lived in slums, but in 1989, more than 100,000 were living in such conditions. In a speech published on 26 July 1988, Fidel Castro himself had admitted that such slums existed. Unfortunately, the Group did not visit any of the shanty towns, and the report did not describe them.

84. The report also clearly demonstrated that torture, disappearances, political murders and the violation of all civil and political rights did occur in Cuba - something which the Cuban dictatorship had been denying for 30 years. The United States had welcomed the Cuban Government's decision to allow the group and certain international organizations to visit Cuba, and the release of some political prisoners; but such actions had been motivated by the world's attention. As in all dictatorships, any concessions could be easily reversed and the entire legal framework, particularly as it related to protecting the individual's rights, could readily be twisted to the whims of the small group in power. The United States hoped that Cuba would revoke its laws concerning political offences and other enactments inconsistent with the Universal Declaration.

85. Any legitimate revolution would, from time to time, seek a renewed mandate, as had been done in the United States for over 200 years. While it could not be insisted that Cubans should model their political system on that of the United States, there were certain internationally accepted principles which the Commission had the duty to uphold; the first was that, as proclaimed in article 21 of the Universal Declaration, the authority of government should be based on the will of the people.

86. Although the United States, exercising a sovereign right, had chosen not to trade or to have diplomatic relations with Cuba, it did not question Cuba's right to trade with others. Cuba maintained that its severe domestic policies were intended to ward off United States aggression; but the United States had promised 27 years previously that it would not attack Cuba. The Cubans knew who was responsible for their agony - and it was not the United States.

Following the pattern of other dictatorships, Cuba's military establishment accounted for a higher proportion of the overall population than in any other nation in the western hemisphere.

87. Despite the Cuban authorities' assurance that there would be no reprisals against witnesses, more than 30 people had been gaoled, beaten in the streets by the political police or dismissed from their jobs because they had given testimony to the group, which had notified the Cuban Government of the names and addresses and the nature of the testimony. The group should, therefore, return to Cuba and listen to those persons' allegations.

88. The Cuban Government had not responded to the list, contained in annex XIII, of communications about alleged reprisals, or to the documentation on alleged violations of human rights sent by the group to the Cuban Government on 29 August 1988. The Cuban Government should be given an opportunity to respond to all those grave allegations; until it did so, it could not be regarded as showing an attitude of co-operation or accepting the Commission's mandate.

89. Perhaps that Government maintained the insolent attitude conveyed in the letter, contained in annex XIV, from its Acting Minister for Foreign Affairs, which insulted the Commission and threatened the group, to the effect that any attempt to continue consideration of human rights in Cuba would be unacceptable. It had also asserted that few countries, if any, had such a clean human rights record as Cuba. However, the group's report contained sufficient accounts to show that Cuba's true record was dark to a degree matched by very few other countries. That was why the Cuban Government and its friends did not want the Commission to continue its consideration or arrange a further visit by the group. The Cuban Government must explain why it had taken reprisals, correct its false statements about the Quivicán prison and repudiate its false statistics on public health, education and housing.

90. The report mentioned 137 cases of torture. For most people, the details would be merely names and statistics; but he himself had shared the anguish and horror and expressly wished to dedicate his statement to the memory of the victims. The human rights violations described in the report should not be ignored. The Commission had a duty and commitment to victims, not to their Governments; its responsibility was not to those who had inflicted torture, but to the tortured.

91. Mr. ROA KOURI (Cuba), speaking in exercise of the right of reply, said that it was inappropriate for the representative of the United Kingdom to speak about Cuba in the tones of an omnipotent judge. The Government of Cuba, which was responsible only to the Cuban people which had elected it, rejected any attempt to lecture it about its Constitution.

92. It might well be asked on what constitutional precepts the United Kingdom had authorized the assassination of certain Northern Ireland citizens in Gibraltar, or what authority to speak about human rights in Cuba could be claimed by a nation responsible for the death of millions under colonial rule in Asia and Africa and willing to support to practitioners of apartheid and zionism.

93. The representative of the United Kingdom had referred to the alleged conditions in Cuban prisons, but had voiced no concern about the thousands who



had truly suffered there under the Batista régime or, for that matter, about the deaths of Irish prisoners on hunger strike in his own country. The United Kingdom authorities' treatment of prisoners, its relegation of ethnic minorities to second-class citizenship and its persistent vetoing of Security Council resolutions relating to the Middle East and southern Africa, were just some instances which called its representative's sincerity into question.

94. His Government had clearly stated that there had been and would be no reprisals against witnesses with whom the visiting group had made contact; its word had been given and no one could doubt it. The profound revolution which Cuba had undergone was bound to have given rise to some problems - although in no way comparable in scale to those of the French Revolution. As for the case of the Nostradamus translation, the worst that could be said was that it had arisen through ignorance on the part of certain officials; no administration was free from that problem.

95. There were many reasons why Cuban doctors should adhere to the revolution rather than to Hippocrates. The chief one was that, unlike the doctors in capitalist countries, they were devoted to serving the public, not to earning private fees; in that spirit, Cuban doctors were giving widespread service throughout the third world, in greater numbers than WHO provided.

96. With regard to allegations about freedom of expression in the Cuban press, the point was that the socialist régime represented the majority of citizens, not an opposing minority, and there was no reason to provide support for the revolution's enemies whose views the people had clearly rejected. From his own experience, he knew that the so-called freedom of the capitalist press was in fact limited by the whims of its owners; no such limitations could prevail in Cuba.

97. With regard to emigration, it should be recalled that, in the early 1960s, the United States had been inciting Cubans to abandon their country. Many had left, including, of course, criminals of the Batista régime. As in the case of all third world countries, many Cubans had wished to emigrate to the United States - not all of them being enemies of the nation. Out of 1,075 applications to emigrate 26 persons had already emigrated by January 1989; 488 had been authorized to leave but lacked United States visas; 463 had made official applications to the immigration authorities; 14 had withdrawn their applications in writing; 18 had failed to comply with requirements; 63 had been unable to leave because of military or other service reasons; and 3 had failed to provide the requisite information. Thus, of 1,075 original applications, 951 had been authorized to leave or had not completed the requisite procedure as of January 1989. Under the terms of an agreement signed between Cuba and the United States, 20,000 Cubans could emigrate each year; at the time of the group's visit, only a little over 1,000 had received entry authorization. The Cuban Government's policy was to allow any citizens wishing to leave to do so.

98. The case of the traitor Guillermo del Monte was currently being considered; the existence of emigration restrictions on the families of deserters and traitors did not mean, however, that relative might not be allowed to leave eventually. No mention had ever been made in the Commission

of Cubans killed by the contras in Nicaragua. Of the 49 other cases included in the group's list, only eight had not yet been examined by the Cuban authorities.

99. His delegation reserved the right to speak again in regard to the statement made by the representative of the United States.

100. Mr. STEEL (United Kingdom), speaking in exercise of the right of reply, said that his delegation had listened with regret but without surprise to the wild and diversionary abuse hysterically heaped upon it by the representative of Cuba. It preferred to wait, however, until the Cuban delegation responded with concrete facts and serious argument to the points raised by the United Kingdom and other delegations - points based not on preconceptions but on the objective evidence provided in the Group's report, on which his delegation was prepared to take its stand.

The meeting rose at 6.35 p.m.