



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/1989/SR.43  
5 September 1989

ENGLISH  
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-fifth session

SUMMARY RECORD OF THE 43rd MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 28 February 1989, at 8 p.m.

Chairman: Mr. BOSSUYT (Belgium)

CONTENTS

Consideration of the report of the mission which took place in Cuba in  
accordance with Commission decision 1988/106 (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 8.15 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. Mr. CEVILLE (Panama) congratulated the Cuban Government on the spirit of co-operation it had shown in inviting the Commission on Human Rights to send a delegation to Cuba to examine the human rights situation at first hand. The mission's report (E/CN.4/1989/46 and Corr.1) set forth in detail all the constitutional and legal aspects of human rights in Cuba whether civil and political rights or economic, social and cultural rights. In that connection, his delegation was particularly gratified at the significant progress achieved by the people and Government of Cuba in the field of health.

2. The report also highlighted the efforts made in Cuba to solve the housing problem, as reflected in a very significant increase in the number of dwellings built since 1959, and to enable all citizens to exercise effectively their right to education. The State budget allocated to education was actually higher than the minimum laid down by UNESCO. Similar progress had been made in the field of art and culture. Everything therefore indicated that the realization of the social, economic and cultural rights in Cuba had reached a level consonant with the principles laid down in the International Bill of Human Rights.

3. The section of the report dealing with certain specific aspects, (paras. 34 to 66) did not reveal any obvious difficulty. Some progress could even to be seen in the case of religion, particularly an improvement in the relations between the Catholic Church and the State since 1985.

4. His delegation had read with particular attention the last part of the report which dealt with the civil and political rights and in particular with the right to life, physical integrity and respect for privacy. It noted with satisfaction that in Cuba there were no cases of forced or involuntary disappearance, that the number of detainees, particularly of political prisoners, had decreased, and that the Cuban Government was determined to punish people who inflicted ill-treatment on prisoners. Panama, which favoured the abolition of the death penalty, naturally regretted that Cuba still had capital punishment although it was only applied very rarely and solely to persons found guilty of offences against the security of the State.

5. The Panamanian Government, which had itself invited the Inter-American Commission of Human Rights of the Organization of American States to examine the human rights situation in Panama at first hand, considered the invitation which the Cuban Government had made to the Commission on Human Rights, to be very important: That kind of initiative should occur more often. The efforts being made in Latin American countries to promote and protect human rights would then become better known.

6. Mr. SHARMA (India) said that his delegation appreciated the co-operative approach adopted by the Government of Cuba in making available to the group that had visited Cuba the necessary facilities to enable it to do its work. That spirit of international co-operation should be maintained and strengthened. His delegation further considered that the Cuban representative had responded satisfactorily to some of the questions raised in the report and

its annexes. India took the view that any analysis of the situation of human rights and fundamental freedoms in a given country should be based on an examination of the application of the provisions of the international human rights instruments ratified by that country and should not be designed to force changes in the socio-economic system, of whatever kind, adopted in that country. Cuba had ratified several international instruments, starting with the Universal Declaration of Human Rights, and those instruments should constitute the essential criterion for observations concerning that country. There was no question that Cuba had made impressive strides in the realization of the economic, social and cultural rights. As the Deputy Minister for Foreign Affairs of Cuba had reiterated, the Cuban Government was prepared to uphold its commitment to promote and protect human rights and fundamental freedoms in keeping with the lofty ideals laid down in the Universal Declaration of Human Rights and to fulfil the obligations it had entered into by ratifying various human rights instruments.

7. Given the Cuban Government's approach, a spirit of understanding, co-operation and compromise should likewise prevail in the Commission. It was the hope of his delegation that it would be possible to arrive at a satisfactory consensus on the issue.

8. Mr. LEPRETTE (France) said that the very well-documented report drawn up by the mission that had visited Cuba (E/CN.4/1989/46 and Corr.1) gave a qualified view of the human rights situation in that country. His delegation recognized that, as the report made quite clear, in important areas such as education, housing and health, significant progress had been achieved in Cuba in 30 years, and that economic, social and cultural rights in particular had undoubtedly received constant attention. The report also took note however, of shortcomings with respect to civil and political rights, and his delegation trusted that the efforts made by the Cuban authorities to remedy that state of affairs would be pursued with determination and extended to new fields. At the same time, it continued to be concerned at the fate of some of the people whom the members of the mission had met, and would express the hope that the solemn undertakings the Cuban delegation had entered into in that regard would in fact be honoured.

9. For those reasons, and also because important questions had yet to receive a reply, France trusted that, in a manner to be determined and that was acceptable to Havana, the Commission could pursue the co-operation which was already well under way with the Cuban authorities and people. It also trusted that an equally constructive dialogue could be instituted between the United States and Cuba, and could lead to the normalization of relations between those two countries. France for its part, had never overlooked the importance of dialogue with Cuba and expected to strengthen it in the future.

10. Mr. CHEN (China) said that the adoption by consensus of decision 1988/106, which had helped to avoid a situation of conflict, could be regarded as a rare achievement in the history of the Commission. In his delegation's view, that kind of decision provided a new alternative for addressing difficult problems.

11. The human rights question in Cuba undoubtedly formed part of those difficult questions that could not be dealt with independently of various historical, political, economic and social factors. The members of the group

chaired by Mr. Sene, which had visited Cuba, had made broad contacts with individuals and representatives of organizations and institutions for the protection of human rights thanks to the co-operation furnished by the Cuban Government. His delegation welcomed the results achieved by the mission, reflected in the report (E/CN.4/1989/46 and Corr.1) before the Commission.

12. Since the last session of the Commission, the international situation had undergone great changes, dialogue and détente now being a feature of the times. It was his delegation's sincere hope that henceforth a similar climate would prevail within the Commission, since the promotion of human rights and basic freedoms called for that spirit of international co-operation which was also advocated by the Charter of the United Nations. As noted by the group in paragraph 155 of its report, that spirit should, in all possible circumstances, be maintained and enhanced, and it should guide both the discussion of the report within the Commission as well as any decisions to which that discussion might give rise.

13. Mr. RAMLAWI (Observer for Palestine) said that it was his privilege to speak, on agenda item 11 bis on behalf of all the liberation organizations taking part in the work of the Commission, namely, SWAPO, the Pan Africanist Congress of Azania and the African National Congress (ANC), as well as on behalf of the delegation of his country, Palestine.

14. He welcomed in particular the efforts of the Government and people of Cuba, who had unreservedly co-operated with the mission in helping it to shed light on the true facts of the human rights situation in Cuba. That co-operation reflected the importance the Cuban Government attached to everything that was likely to clarify the question, which had been included in the work of the Commission at the instigation of countries desirous of engaging in a political dispute with Cuba within the Commission.

15. A first reading of the report prompted a certain number of comments of a general nature. The group had enjoyed complete freedom in carrying out its mission to Cuba; of the total number of allegations, 70 per cent pertained to one kind of human rights violation, a situation not confined to Cuba since it occurred in most other countries, including those most inclined to be finicky vis-à-vis Cuba on that score; a considerable number of allegations related to the distant past (the 1960s and 1970s), thereby tending to contradict the statements to the effect that Cuba was at the present time guilty of massive human rights violations; in the final analysis, the report reflected a situation different from those portrayed in the accusations made against Cuba in the past two years. All that suggested that what was attributed to the Cuban Government had to do not so much with the real facts as with political intentions the expression of which would not long be allowed within the Commission; the obligation of objectivity dictated that Cuba must not be classed among countries which, like Israel, South Africa and Chile, systematically applied deliberate policies of human rights violation; the statement of the Deputy Minister for Foreign Affairs of Cuba, who had clarified various aspects of the human rights situation in Cuba with objectivity, should be taken into consideration as providing an exhaustive reply to all the questions raised in that connection. Lastly, the mission to Cuba and the report submitted by it should conclude the study on the question at the current session of the Commission on Human Rights.

16. Mr. van WULFFTEN PALTHE (Observer for the Netherlands) congratulated the members of the mission on their comprehensive report (E/CN.4/1989/46 and Corr.1) which provided a very clear summary of the human rights situation in Cuba. His delegation noted with appreciation that the Universal Declaration of Human Rights had served as the main reference for the observations of the group and, in that connection, regretted that Cuba had still not acceded to the two International Covenants on Human Rights since that would certainly have facilitated the work of the group. Its task had not always been easy, partly because in some instances the Cuban authorities had not provided it with all the necessary co-operation. For instance, it was clear from the report that the communiqué drafted by the group to announce its visit to Cuba had never been published by the Cuban authorities as they had been requested; it had been referred to only once in an interview with the Deputy Minister for Foreign Affairs, on 27 August 1988. Moreover, many questions put to the Cuban authorities, as well as documents and communications transmitted to them, had remained unanswered, including the documents referred to in paragraphs 9 (1 and 2) and 25 (2) and in annexes III, XVI, XII and XIV, or again in paragraph 112 of the report. Yet questions and allegations of paramount importance were involved. All those considerations pointed to the conclusion that the co-operation with the Cuban authorities and contacts with them had not been fully satisfactory.

17. With regard to the specific issues dealt with in chapters II, III and IV of the report, it was clear that the enjoyment of human rights in Cuba was limited to the words of the slogan "within the revolution everything, outside the revolution nothing", which was contrary to the widely accepted view that the implementation of the human rights set forth in the Universal Declaration of Human Rights could not be restricted by reference to cultural and social concepts that could differ from one country to another. It was apparent in particular from those chapters of the report that the Judiciary was not really independent (chapter II); that, despite some improvements, prison conditions in Cuba did not always comply with the provisions of the Standard Minimum Rules for the Treatment of Prisoners (chapter III); that the right to privacy of Cuban citizens was severely violated by the Committees for the Defence of the Revolution (paras. 80 to 82); and that the freedom to enter and leave the country of which one was a national was not fully respected in Cuba. As to the question of family reunification in the case of so-called deserters (para. 87), his delegation did not agree with the Vice-President of the Council of State (Consejo de Estado) that the Cuban Government should be asked to review those cases on humanitarian and not legal grounds. Under the terms of article 13 (2) of the Universal Declaration, family reunification was a legal obligation. Moreover, many people had still not received permission to leave the country even on humanitarian grounds.

18. According to paragraphs 99 et seq. of the report, despite some improvements, the rights of church organizations were still not officially recognized and, notwithstanding official statements, there were even clear cases of religious persecution, one of which was referred to in annex XXV of the report (see also para. 50 of the report). It was also apparent from the remarks - reproduced in paragraph 108 of the report - of a representative of the Communist Party with responsibility for information policy that press freedom in Cuba was very restricted. The limits on freedom of opinion and expression in Cuba were also clearly illustrated by the case mentioned in

paragraph 126 and annex XXIX of a person sentenced to gaol for having typed the translation of a book on Nostradamus, a work described by the National Union of Cuban Writers and Artists as "deviationist, anti-Soviet and anti-Communist".

19. His delegation found it unacceptable that, as indicated by various sources, some of the persons heard by the group had been subjected to reprisals, when the Cuban authorities had given the members of the mission assurances that nobody would be harassed for having contacted them. His delegation strongly urged the Cuban Government to put a halt to those reprisals and to free those who had been detained or imprisoned.

20. On the question of a follow-up to the report, his delegation considered that, as the Cuban authorities had not replied to all the questions the group had put to them and as human rights violations were obviously being committed in Cuba, the Commission should continue to consider the human rights situation there under agenda item 12 and, accordingly, should appoint a special rapporteur. That was particularly necessary since the report of the mission contained neither conclusions nor recommendations. In any event, a second visit to Cuba seemed indicated. Moreover, it was essential to establish further contacts between, on the one hand, the United Nations and, on the other, the Cuban Government and the people concerned, both inside and outside Cuba, and to submit a report on the result of those contacts to the next session of the Commission.

21. Mrs. NUÑEZ DE ESCORCIA (Observer for Nicaragua) recalled that the mission to Cuba had taken place at the invitation of the Cuban Government, which had wanted to put a halt to the unceasing harassment to which it had been subjected since it had decided to determine its future freely as a sovereign and independent nation. The Cuban Government had demonstrated its will to co-operate and collaborate with the Commission by affording the group which had visited the island in September 1988 the possibility to meet all the people it wished to and also to go everywhere it wanted to gather the evidence of individuals and of representatives of various groups and non-governmental organizations. The Cuban authorities had also attended to the logistical arrangements which the secretariat had requested for the group and had provided it with all the necessary assistance to enable it to carry out its task.

22. Her delegation commended the members of the mission on the exhaustive work they had carried out before, during and after the mission. In particular, it noted the group's decision to allow equal time and opportunity for talks with the governmental sector and the non-governmental sector; that decision had enabled it to take the evidence of more than 30 official representatives of non-governmental organizations some of which were referred to in paragraph 19 of the report. The Cuban Government had given further proof of its will to co-operate with the group and the Commission on Human Rights by replying to the communications which the group had transmitted to it at the end of the mission, particularly concerning the case of 65 persons who wished to leave Cuba, as stated in paragraph 25 (3) of the report.

23. Generally speaking, it was apparent from the mission's report that the allegations of massive human rights violations in Cuba did not reflect the facts of the situation. The facts bore no relations to the reports concerning 10,000 or 15,000 political prisoners who, according to some accusations, were subjected to torture and ill-treatment or detained in inhuman conditions. In

fact, in over 70 per cent of the cases, the evidence gathered by the group came from persons who stated that they had difficulties in leaving the country. It was clear that only 121 political prisoners were detained in Cuban prisons for offences against the security of the State, a list of whom was reproduced in annex IX of the report. As to the 137 complaints of torture and cruel, inhuman or degrading sentences and treatment, which had been received by the secretariat, they failed to specify when and in what circumstances those violations had occurred.

24. The report provided a rebuttal of all the allegations made against Cuba and, in contrast, highlighted the efforts made by a whole people to realize effectively those essential human rights - economic, social and cultural rights. It also showed that, along with the formal procedures which had been provided to monitor the human rights situation in a particular country, where there was a will to collaborate with the Commission, it was also possible to develop machinery that was both flexible and effective in order to establish the truth. The Commission now had before it sufficient information to arrive at the conclusion that in Cuba there were no massive or systematic violations of the human rights, and that consideration of the item should be discontinued. As stated by the Cuban Minister for Justice (para. 32 of the report), Cuba now needed a climate of understanding and sympathy in order to overcome the obstacles to its development.

25. Mr. GLAIEL (Observer for the Syrian Arab Republic) paid a tribute to the Cuban Government for having taken the notable initiative of inviting a mission of the Commission to collect information on the human rights situation in Cuba and to draw up a report on the subject.

26. There were those who had expected a report that condemned Cuba and confirmed the malicious allegations brought against it. The document before the Commission shed light on that matter, dispelled many doubts and strengthened many convictions.

27. The Government and people of Cuba deserved praise for the splendid example they had set the international community by opening wide the doors of their country to the mission and by providing it with the facilities to move about in complete freedom and to have discussions with such persons as they chose.

28. The report, which was specific and detailed, rightly paid a tribute to the Cuban Government for its co-operation and open-mindedness, which were a reflection of the positive direction taken by the Cuban revolution notwithstanding the pressures exerted on it and the efforts made by some to prevent it from exercising fully its sovereign rights without foreign interference and in accordance with United Nations resolutions and with the relevant international instruments.

29. One outstanding fact emerged on reading the report and its annexes: it concerned the political, economic and social renewal that had taken place in Cuba over the two preceding decades. That fact was borne out by the tables and statistics appearing in the annexes to the report as well as by the exhaustive replies given by the Cuban authorities to the requests for explanations made by the members of the mission. One point in annex VII deserved consideration, namely, that regarding the number of allegations regarding the violations of the right to leave the country or to return which

accounted for approximately 70 per cent of the total number of allegations relating to human rights violations. That figure could not in fact be considered without recalling another fact: the report made reference at several points to the many and varied methods of pressure used against Cuba. For instance, the refusal to issue entry visas into the countries of immigration created a state of crisis which, in turn, was exploited to tarnish the reputation of the Cuban Government.

30. The Commission had listened to the statement of the Deputy Minister for Foreign Affairs of Cuba, who had spoken of the huge efforts made by the Cuban Government to protect the rights of citizens, under threat since the Cuban revolution on account of foreign interference. In that connection, he considered that the sole criterion for judging human rights in Cuba was the development in the situation in that field since the revolution, in the light of the prevailing circumstances. Bearing that principle in mind, the Commission should likewise take account of the proportion between the number of allegations of violation and the country's total population, since it was very true that it was only to be expected that a régime should have opponents. The will displayed by the Cuban Government to ensure the economic and social evolution of its citizens augured well for the future of human rights in the country.

31. Lastly, he felt bound to put the following questions to the Commission, in light of the similar experience which other countries and peoples had undergone and were still undergoing: Did the problem really involve the protection of human rights in Cuba or did it not rather involve the rejection of a particular régime? Could a country that co-operated with the United Nations in the interests of its citizens really be ranked with countries that had been condemned by the Organization for their systematic violations of the rights of their citizens and of neighbouring peoples? He, like other speakers, believed that the report before the Commission should make it possible to give a definitive reply to those questions at the current session.

32. Mr. PAK DOK HUN (Observer for the Democratic People's Republic of Korea) said that the spirit of international co-operation shown by the Cuban Government in answering all the questions raised by the members of the mission and in helping to arrange their travel and their interviews with individuals, non-governmental organizations and personalities had in itself been a guarantee of a rewarding discussion of the question in the Commission. The report of the mission to Cuba (E/CN.4/1989/46 and Corr.1) indicated the seriousness with which the members of the group which went to Cuba had carried out their task. Chapters II and III enabled the Commission to gain a better understanding of the constitutional and legal aspects of human rights in Cuban society, and to acquaint themselves with the various points of view on that topic expressed by individuals and non-governmental organizations.

33. The report showed that there were no serious human rights violations in Cuba and that, further, the situation in that field continued to improve. His delegation also took note of the fact that many of the cases mentioned were related to difficulties in leaving the country and that the Cuban Deputy Minister for Foreign Affairs had provided clarifications during the meeting on almost all the recent allegations mentioned in the report.



34. In view of the changes taking place in Cuba, the Cuban Government's openness regarding the situation in that country, the spirit of constructive co-operation shown by the Government and the particular situation faced by the Cuban people, his delegation suggested that the Commission should not treat Cuba differently than it did other countries.

35. Mr. NGO DINH KHA (Observer for Viet Nam) welcomed the spirit of goodwill and co-operation shown by the Cuban Government, which had taken the necessary steps to enable the mission to carry out its task. The report before the Commission (E/CN.4/1989/46 and Corr.1) could be said to be the result of the spirit of international co-operation which had led to decision 1988/106, based on the invitation extended by the Government of Cuba, as was stated in paragraph 155 of the report.

36. His delegation considered that the right of each people to determine its own path to development and to choose the social system suited to it, to draw up and adopt its own constitution on the basis of a free and democratic vote and to amend that constitution, was a fundamental principle which should be fully respected. The Cuban Constitution, adopted by the Cuban people, should therefore never give rise to discussion in the Commission on Human Rights or any other international body. Moreover, it was evident from the report of the mission to Cuba that the human rights and fundamental freedoms of all Cubans were respected in that country, in accordance with the Constitution and the other legal texts freely and democratically adopted by the Cuban people. In particular, the Cuban people enjoyed all its social, economic, cultural and other rights. There was no unemployment in Cuba and medical services and education were free of charge. Almost all aspects of Cuban society were positive, and allegations regarding flagrant and massive violations of human rights in Cuba were therefore false.

37. His delegation expressed the hope that, in the atmosphere of détente and dialogue which currently characterized international relations, the international community would devote its efforts, not to polemics and confrontation, but rather to improving the living conditions of all peoples, particularly in the developing countries, in order to strengthen the promotion of human rights.

38. Mr. CAUSERO (Observer for the Holy See) said that it was not for the delegation of the Holy See to evaluate the positive or negative aspects of the human rights situation in Cuba, as seen by the members of the mission during their stay in that country. His delegation wished merely to draw attention to the clear, fair, objective and wholly constructive approach adopted by the Catholic bishops. It was clear in that the bishops had prepared for the Commission a realistic portrayal of the situation in which Catholics and other believers were endeavouring to exercise their legitimate right to religious freedom; it was fair and objective in that they did not disguise the fact that there were real problems, to whose solution they wished to contribute within the bounds of justice and mutual respect; finally, their attitude was constructive in that the bishops wished to continue the dialogue that had been initiated and to contribute to the building of a better Cuban society, in which social justice would prevail and in which human rights would be strengthened without hindrance.

39. The attitude of the Catholic Episcopal Conference of Cuba was consonant with that of the Holy See. John Paul II had stressed the need to continue the dialogue and thereby to respond to the positive signs that had appeared in recent years, with the aim of seeing them develop and consolidate. For the Church, the primary aim of the free and full exercise of its rights was, of course, the dissemination and actual presence of evangelical doctrine, but in such a way as to serve the interests of the Cuban people. That was the desire of the Cuban bishops, who wished to participate in the development of their country. The hopes of the Catholic Church paralleled those of the Commission, which, instead of passing judgement on others, concentrated on reminding all of the moral and legal obligation imposed by the Universal Declaration of Human Rights and the instruments drawn up in the course of the previous 40 years. With regard to freedom of religion, it should be recalled that it included a number of elements which were acknowledged in the final document of the most recent session of the Conference on Security and Co-operation in Europe, held in Vienna. Those elements, which were in fact the prerequisites of religious freedom, had been reiterated by Cardinal Caravali, Secretary of State of the Holy See, in his statement to the Commission at its 29th meeting on 20 February.

40. In conclusion, he expressed the hope that the values personified by Father Félix Valera, a prominent figure in Cuban history who was currently being beatified and who would nowadays be regarded as a defender of human rights, would serve as an increasing source of inspiration for the relations between individuals and peoples. That was also the hope expressed at the Cuban national church encounter, which had highlighted the Church's desire to play a more active part in the service of the Cuban people, and particularly on behalf on those who were most in need of help.

41. Mr. BA-ISSA (Observer for Democratic Yemen), recalling the important role played by the Cuban delegation in the adoption of decision 1988/106 at the previous session of the Commission, joined other delegations in paying a tribute to the Government and people of Cuba for facilitating the work of the mission sent to Cuba, thereby enabling it to submit the report before the Commission. He also congratulated the mission on the quality of its report.

42. He also drew the Commission's attention to the substance of the introductory statement by Mr. Sene, Chairman of the group sent to Cuba, to the information provided by the head of the Cuban delegation, and to the many statements made by delegations, particularly at ministerial level. All those statements had emphasized the requirement of objectivity incumbent on the Commission when examining a particular situation from the point of view of human rights. The Commission must live up to the noble principles it represented and act in a spirit of sincere international co-operation.

43. The members of the Commission must therefore beware of any prejudice and any attempt at unjustified denigration. Moreover, they should take into account the historical context in which the events under consideration were taking place, and try to understand it. They should, in the case of Cuba, recognize the efforts made by the Government of that country to improve the situation, take note of the will which underlay those efforts, and acknowledge, in all sincerity, that any new experiment or attempt at change and progress might well encounter obstacles. Finally, the Commission should refrain from applying to a given system criteria which did not reflect either

the reality or the environment of that system, and must respect both the national sovereignty of peoples and their right to choose, without limitation or restraint, a system which corresponded to their aspirations.

44. Finally, he wished to reiterate his country's confidence in the wisdom of the Cuban people and in the struggle which that people continued to wage in order to ensure the victory of its just cause.

45. Mr. CHLUMSKY (Observer for Czechoslovakia) said that he was surprised that members of the mission sent to Cuba had devoted a chapter of their report to "Constitutional and legal aspects of human rights" in that country: the group was in no way entitled to inquire into the Constitution or Basic Law, which was the free expression of the sovereign will of the Cuban people. Moreover, according to decision 1988/106, the task of the designated members of the Commission was to "visit Cuba in order to observe the human rights situation". Consequently, they were not required to take into account information originating from sources outside the country (see paragraphs 7 and 9 of the report). If such sources were therefore excluded, only the 87 verbal communications, the 1,600 written testimonies and the information provided by the Cuban authorities were to be used as background data. Furthermore, the group was supposed to make a complete and objective study of the human rights situation in Cuba. As it was, it had given much more weight to civil and political rights than to economic, social and cultural rights, an imbalance which was reflected in its report.

46. With regard to the concrete results of the observations made, his delegation considered that nothing in the report indicated that detainees in Cuban prisons were being ill-treated: indeed, the facts noted in paragraphs 71 to 73 tended to indicate that the opposite was true. Furthermore, more than 70 per cent of the 1,600 testimonies received by the members of the mission came from persons wishing to leave the country (see paragraph 85 of the report). The explanations given in that regard in paragraphs 86 to 88 seemed convincing. Nor were the allegations concerning violation of religious freedoms borne out by the information submitted by the representatives of the Churches, in paragraphs 100 to 105. Finally, chapter IV of the report gave proof of the successes achieved in Cuba after the revolution in the implementation of economic, social and cultural rights.

47. The Cuban Government had not hesitated to receive an observer mission, and it had replied fully and frankly to the questions asked. It was quite obvious that those who made accusations against it were politically motivated, since no proof had been produced to back up the claims that flagrant and massive violations of human rights were being committed in Cuba. In addition, the report gave the impression that a constitutional and legal system freely chosen by the people applied in the country. In the circumstances, his delegation considered that the Commission should regard the matter as closed.

48. Mr. MEZZALAMA (Italy) welcomed the results achieved by the group which had visited Cuba in September 1988 and which had been able to discharge its task thanks, in particular, to the co-operation extended to it by the Cuban authorities. His delegation believed that Cuba's accession to the International Covenants on Human Rights would lend momentum to the assurances and manifestations of understanding and flexibility already given by the Cuban Government.

49. Despite certain encouraging signs, however, the human rights situation in Cuba was far from satisfactory, and the reasons given by the Cuban authorities to justify measures which they themselves defined as "Draconian" were unconvincing. One only needed to read the report before the Commission (E/CN.4/1989/46 and Corr.1) to realize that violations of human rights were in fact being committed in Cuba. At the same time, in the interests of objectivity, the Cuban Government's efforts to bring about improved living conditions for the population should be acknowledged. The shortcomings were particularly evident in the field of civil and political rights, and his delegation was especially concerned by the infringements of the freedom of conscience and religion. Not only were there very few ministers of religion, but the restrictions imposed on declared Catholics were tantamount to discrimination: in addition, religious information was virtually banned, and many members of religious orders had been expelled. The situation seemed to be improving as a dialogue had been initiated between the State and the churches, and some foreign priests had been authorized to return to Cuba. His delegation therefore urged the Cuban Government to pursue that policy of gradual normalization. However, it regretted that such progress as had been achieved was the result of concessions rather than recognition of legitimate rights (see para. 103 of the report).

50. All Cubans should be genuinely able to enjoy their fundamental human rights, and the Cuban Government should finally and fully guarantee the liberty of man, the enjoyment of his rights, the exercise and fulfilment of his duties and the integral development of his personality, in conformity with article 5 of the Constitution of Cuba.

51. His delegation was confident that the Cuban Government's willingness to co-operate with the Commission, and its efforts to improve the situation inside the country, would allow the spirit of consensus which had characterized the consideration of the question under examination in the Commission to continue to prevail in its deliberations.

52. Mr. NASSERI (Observer for the Islamic Republic of Iran) said first of all that one of the main objectives of the activities of United Nations bodies, and particularly those of the Commission on Human Rights, was the promotion of human rights and respect for fundamental freedoms at global level. However, the Commission's role should not be to condemn individual countries. Unfortunately, the Commission's deliberations were highly politicized and tainted by selectivity. When examining the situation in a given country, the Commission should always bear in mind the historical development of that country and its difficulties. In the case of Cuba, it should not forget, on the one hand, the history of the Cuban revolution and the unceasing struggle which Cuba must maintain against counter-revolutionary forces, and on the other, the progress achieved, particularly in social terms, as a result of that revolution. The selectivity sometimes shown by the Commission - particularly evident in the case of Cuba, a small third-world country that was the target of attacks from another country - could only cast doubts on its credibility.

53. The international community and the Commission on Human Rights should make a collective effort effectively to promote human rights at world level without taking political considerations into account, in order to ensure that the spirit of international co-operation which had prevailed during the

mission to Cuba was maintained and indeed strengthened, in all possible circumstances, as the group which visited Cuba itself had suggested in paragraph 155 of the report (E/CN.4/1989/46 and Corr.1).

54. Mr. FERNANDES (Observer for Angola) said that the invitation extended by the Cuban Government to the Commission on Human Rights which had led to the mission to Cuba was an exemplary and unprecedented act in the history of multilateral relations and in the annals of international co-operation.

55. His delegation congratulated the people and Government of Cuba on their co-operation with the Commission on Human Rights. It had enabled the group which had visited Cuba to prepare a report which showed the seriousness of the work carried out during the mission and, at the same time, failed to reveal the existence of a range of flagrant and systematic violations of human rights in that country.

56. Mr. OMAR (Observer for the Libyan Arab Jamahiriya) said that the report before the Commission was the outcome of a considerable effort, particularly in view of the short time available to members of the mission. That result was due largely to the role played by the Cuban Government, which had provided the group with the facilities to meet whom they chose, to travel freely, to talk to governmental officials and representatives of people's organizations and legislative bodies, to visit educational establishments, hospitals and prisons and to listen to the testimony of dozens of people.

57. The report outlined the many achievements of the Cuban Government for the benefit of the Cuban people in the previous 20 years in the political, economic and social sphere. In fact, far from indicating that major violations of human rights were occurring in Cuba, the document showed that the allegations which had been made in that respect related to the distant past and were unfounded as far as the present time was concerned.

58. Accordingly, he recommended that, in considering the report, the Commission bear in mind the need to respect the political, economic and social choices of peoples and to refrain from making judgements on the basis of criteria which applied only to specific régimes; it should avoid political sectarianism and should base itself solely on the general principles and criteria adopted by common agreement in the field of human rights; it should take into consideration the historical conditions and military or economic aggression and propaganda which certain countries had to face, and, in general, the campaigns of defamation to which they were subjected; finally, and particularly in the case of Cuba, it should show objectivity and justice in recognizing the courageous attitude and spirit of sincere co-operation shown by a Government, which represented the expression of its good will.

59. Mr. DESPOUY (Argentina) recalled that decision 1988/106, pursuant to which the mission to Cuba was carried out, had been the result of protracted and laborious negotiations which had finally led to a consensus in the context of an unprecedented exercise in international co-operation. An essential element in that initiative had been the constructive spirit shown by the Cuban authorities in inviting the Commission to observe in situ the human rights situation in Cuba. That spirit had made it possible to establish genuine co-operation between the Commission and the Cuban Government throughout the mission. Furthermore, decision 1988/106 had come into being because, by placing the visit to Cuba within the strict framework of human

rights, it had put an end to any attempt at politicization or ideological confrontation. Finally, the decision was suited to the Commission's methods of work in that, although it arose from an original initiative, it fitted in with the requirements of that body, particularly with regard to the representation of the various regions of the world within the group sent to Cuba. As his Government had stressed repeatedly, the decision had basically needed to be consistent with the principles and machinery on which the Commission's work was based, and because that had been so, the decision had been adopted unanimously without any amendment to the draft submitted by four Latin American countries.

60. That background note should enable the Commission to gain a better idea of the future. His delegation was confident that the spirit of international co-operation which had led to the adoption of decision 1988/106 had also made it possible to carry out the mission to Cuba and had made it easier to preserve the consensus in favour of presentation of the report of the mission. The same principles of understanding and harmony that should now govern the deliberations of the Commission in order to enable it to arrive at a solution acceptable to all. That task could not be discharged by a regional group or a small number of countries: it required the participation of all. The Commission must be able to complete its work successfully, in conformity with its mandate and with the legitimate expectations of the international community. All its members should strive to achieve a new consensus.

61. Mrs. PAZ MARTINEZ NIETO (World Movement of Mothers) said that her organization was striving to ensure that the principles of the Universal Declaration of Human Rights were respected in all countries, whatever their political system. The report prepared by the members of the mission to Cuba (E/CN.4/1989/46 and Corr.1) revealed the serious violations of human rights that were perpetrated in that country.

62. First of all, the World Movement of Mothers regretted that the Cuban Government had not respected the undertaking it had given to refrain from reprisals against the persons giving evidence to the group carrying out the mission. In fact, once the members of the mission had gone, a number of the people whom they had interviewed had been arrested, threatened or imprisoned. Some of the cases considered were mentioned in annex XIII of the report.

63. The World Movement of Mothers also condemned the existence of the notorious Committees for the Defence of the Revolution, which interfered in all aspects of the private life of citizens in Cuba. The "acts of repudiation" (see para. 82 of the report), whose existence had been confirmed by the Minister of Justice himself, constituted a violation of article 1 of the Universal Declaration of Human Rights, which gives prominence to an appeal for brotherly behaviour amongst mankind. In Cuba, on the threshold of the twenty-first century, there were "captive towns" (see paras. 83 and 84 of the report), in which citizens were compelled to live, under the surveillance of the Ministry of the Interior, in a concealed form of imprisonment. The report also showed that Cuban citizens were unable freely to exercise any of their fundamental rights or individual freedoms, such as freedom of association, expression, religion or movement. It was for that reason that many Cubans, often those under the age of 30, tried to leave the country. The report of the mission mentioned 1,183 cases of violations of the right freely to enter the country and leave it. All Cubans requesting permission to emigrate were

immediately "put on file" and their families were liable to harassment and reprisals. Those who succeeded in leaving were deprived of all their property and were prohibited from returning, thus becoming exiles. In that connection, the World Movement of Mothers drew the Commission's attention to the case of Guillermo Delmonte who, as a refugee in Canada since 1980, had been requesting the Cuban Government, so far unsuccessfully, to grant an exit visa for his wife and daughters to enable them to join him.

64. The Cuban Government also exercised a strict control over all persons who merely wished to visit Cuba. Thus, a group of nationals of various countries had been expelled on their arrival at Havana airport in 1988 after being ill-treated and insulted by Cuban officials because they had protested against that decision, although all their papers were in order and they had travel documents in good and due form, as provided by the Cuban authorities abroad.

65. The scale of the sufferings inflicted on the Cuban people was duly reflected in the many complaints submitted to the Commission. It was up to the Commission to meet the expectations to which the preparation of the mission's report had led in the Cuban people. The restoration of freedoms and respect for human rights must also be required in the case of Cuba.

66. Mr. ROA KOURI (Cuba), speaking in exercise of the right of reply, said that there were two ways of reading the report: that of the United States and its allies, who gave credence to the fabrications of a group of counter-revolutionaries, and that of Cuba, which merely credited what was affirmed by the vast majority of the Cuban people, of which the 1,600 persons who met the members of the mission or who sent communications to the Secretariat were not very representative spokespersons. The representative of the United States had requested the Cuban Government to provide proof that there had been no reprisals against such persons. In that connection, his delegation considered that the representative of a country who had stated that its Government would continue to furnish assistance to UNITA, which was massacring the Angolan people, had no authority to make such a demand. The Cuban Government had already given the necessary assurances in that regard to the Chairman of the group which had visited Cuba, and he had kept his word, since none of the individuals who had testified to the group had been arrested or harassed.

67. The representative of the United States also claimed that the Cuban Minister of the Interior had acknowledged that detainees had sometimes been subjected to ill-treatment, but he omitted to mention that those responsible for such acts had been duly punished, since such practices formed no part of the Cuban Government's current policy, although they had been common during the Batista dictatorship. The representative of the United States was perhaps unaware of what happened in prisons in his own country, since he had obtained American citizenship only recently and did not speak English well, but he should at least read the articles which appeared on that subject in such publications as The Economist and show himself less arrogant. It was true that capital punishment did exist in Cuba, but it was only imposed against counter-revolutionaries in conformity with the laws in force and in compliance with the guarantees of due process, while in the United States it was possible to sentence someone to death and execute him without a trial, as has recently been the case when a Miami policeman killed a black citizen guilty of a speeding offence.

68. As to the survey carried out by the Cuban Communist Party (see annex XXX of the report of the mission), it merely showed that the Government was anxious to ascertain the opinion of citizens with regard to what was not working in the country, in order to be able to remedy the situation. With regard to insalubrious housing and "shanty towns", it was regrettable that they did still exist, but the Cuban Government was doing everything it could to eliminate them and their number had considerably declined, while in the United States, in contrast, the number of homeless people was increasing.

69. He wished also to state that the United States, whatever it might say, could never exercise pressure on the Cuban revolution. Eight Presidents, the predecessors of Mr. Bush, had not succeeded in so doing, and he himself would be no more successful in that respect. The Cuban Government was not opposed to dialogue on the basis of mutual respect, despite the gulf which separated the two countries, but it rejected and would always reject any bid to interfere in its internal affairs, from wherever such interference might come. As for the victims of torture and of human rights violations in Cuba to whom Mr. Valladares had devoted his statement, they were wholly imaginary. The only victims there had been in Cuba were the Cubans assassinated by the Batista police, of which the current United States representative had himself been a lowly member.

The meeting rose at 11 p.m.