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مجلس حقوق الإنسان
الدورة السابعة
البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية
والاجتماعية والثقافية، بما في ذلك الحق في التنمية

مذكرة شفوية مؤرخة ٢٥ شباط/فبراير ٢٠٠٨ موجهة إلى أمانة مجلس حقوق الإنسان
من البعثة الدائمة لكوبا لدى مكتب الأمم المتحدة في جنيف

تُهدي بعثة جمهورية كوبا لدى مكتب الأمم المتحدة في جنيف والمنظمات الدولية التي مقرها في سويسرا
أطيب تحياتها إلى أمانة مجلس حقوق الإنسان، وتتشرف بأن تُرفق طياً اعتبارات* حكومة كوبا بشأن التقرير عن
الزيارة التي قام بها إلى كوبا المقرر الخاص المعني بالحق في الغذاء، السيد جان زيغلر.

وإن البعثة الدائمة لكوبا، إذ تكرر الإعراب عن شكر حكومة كوبا للمقرر الخاص على زيارته للبلد،
ترجو التفضل بنشر هذه المذكرة ومرفقها كوثيقة رسمية من وثائق الدورة السابعة لمجلس حقوق الإنسان المقرر بدء
انعقادها في ٣ آذار/مارس ٢٠٠٨.

* ترد في المرفق، باللغة التي قُدمت بها وبالإنكليزية فقط.

Annex

**OBSERVATIONS BY THE GOVERNMENT OF CUBA CONCERNING THE
REPORT OF THE VISIT TO CUBA BY THE SPECIAL RAPPOREUR
OF THE HUMAN RIGHTS COUNCIL ON THE RIGHT TO FOOD
(A/HRC/7/5/ADD.3)**

1. Cuba would first like to convey its sincere gratitude to Mr. Jean Ziegler, Special Rapporteur of the Human Rights Council on the right to food, for accepting the invitation extended by the Cuban Government to make an official visit to the country.
2. This invitation was the result of a sovereign decision by Cuba that had its origin in the country's political tradition of cooperation with the United Nations human rights machinery, which is universally applicable and non-discriminatory in nature. It also reflects Cuba's strong commitment to the promotion and protection of human rights and its readiness to broaden and deepen its international cooperation in this field, now that the unjustified and unfair mandate that the United States of America imposed on Cuba in the defunct Commission on Human Rights by spurious political manipulation has been eliminated.
3. Its principled opposition to the now defunct anti-Cuban exercise never led Cuba to question the other United Nations human rights bodies, so long as they conducted their work on a non-selective basis. Cuba always cooperated with the United Nations High Commissioner for Human Rights and the staff of her Office in the thematic procedures and with the bodies established by international treaties to which Cuba is a party.
4. The categorical decision of the Human Rights Council to put an end to the anti-Cuban mandate, a decision adopted by consensus and ratified in December 2007 by the General Assembly, has made it possible for Cuba to pursue more effectively its policy of cooperation in the area of human rights. The way has been cleared of the insurmountable obstacles that were raised by the pressured and manipulative approach that was taken for the purpose of political domination.
5. As the Special Rapporteur notes in his report, the invitation to visit Cuba reflects this development and constitutes the first such invitation to be extended since the spurious anti-Cuban mandate was eliminated. Cuba has confirmed its readiness to continue to invite other holders of mandates under the Council's special procedures, a process that will promote various categories of rights in an orderly manner without discrimination. Consideration will be given to the capacity to ensure the successful implementation of programmes that call for such visits and to the impact such visits can have on and the contribution they can make to the effective implementation of policies and programmes aimed at expanding the freedom, equity and social justice that Cubans have achieved with their Revolution.
6. Cuba also expressed its desire to sign the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, thereby reaffirming its commitment to the premises of both instruments, a commitment that it assumed when it supported their adoption by the General Assembly.

7. Cuba is a party to many international human rights treaties. It has always been known to honour its commitments under those instruments. The process of ratifying an international treaty is viewed by Cuba as a highly serious and rigorous process. It requires sufficient time to study the provisions of the text, wide-ranging consultations with the institutions concerned and a careful review of the legal order and an analysis of current policies and programmes with a view to ensuring that the international obligations that the country intends to assume are compatible with every element of the system that the Cuban people has built in a sovereign manner in support of its self-determination. This conduct serves to ensure that the commitments thus undertaken will be implemented in full.

8. Cuba appreciates the objective and critical approach that guided the Special Rapporteur's visit and is reflected in his report on the realization of the right to food in Cuba.

9. The Special Rapporteur recognizes and commends the efforts and the specific measures and programmes that the Cuban Government has undertaken with a view to finding an adequate solution to the obstacles and problems affecting full realization of the right of all Cubans to food.

10. In his report the Special Rapporteur objectively identifies some of the external variables having an adverse impact on the enjoyment of the right to food in Cuba.

11. The livestock, agricultural and fisheries sectors, all of which are closely linked to the realization of the right to food, have been key objectives insofar as the impact of the undeclared war being waged by the United States of America against Cuba, including the use of biological attacks, is concerned.

12. Agricultural production in Cuba has suffered from the introduction of numerous diseases through terrorist acts promoted by the United States intelligence services. The avian disease known as Newcastle disease, African swine fever, sugar cane rust, tobacco blue mold, bovine nodular pseudodermatitis, bovine ulcerative mammillitis, black sigatoka of bananas, black citrus aphids, rabbit haemorrhagic disease, the coffee berry borer, varroasis in honeybees, ulcerative disease in trout, thrips palmi Karny in potatoes and rice mites are only some examples of the pests and diseases that have made their appearance in Cuba as a result of the acts of biological warfare perpetrated by the United States of America against Cuba's agricultural development and its full realization of Cubans' right to food.

13. Cuba is pleased to note that in the recommendations contained in his report the Special Rapporteur includes, in keeping with successive General Assembly resolutions on the topic, a vigorous appeal to the United States Government to end the blockade against the Cuban people, a policy which is clearly genocidal and contrary to the full enjoyment of Cubans' right to food. At the same time, Cuba welcomes the Special Rapporteur's acknowledgement of the progress achieved by the Cuban people in realizing the right to food in spite of the difficulties and obstacles that exist.

14. The road has not been easy. The task of the Cuban people is to build a society that guarantees the greatest degree of freedom, equity and social justice in an underdeveloped country having a high degree of economic - and, for decades, political - dependence on the

outside world that has been subjected for nearly five decades to the most brutal policy of aggression, blockade and hostility of the mightiest Power that has ever existed and which is located only 90 miles from its territory.

15. The challenge is to achieve high levels of productivity and efficiency in a society that is inclusive and imbued with solidarity, a society that does not abandon people to their fate, something that cannot be done under the conditions imposed by a system governed by and subjected to the unfair laws of the marketplace.

16. Since the triumph of the Revolution in 1959, the Cuban people has been engaged in a project for social justice and equity designed to put an end to the evils inherited from successive administrations in thrall to United States interests. The pattern of neocolonial subordination envisaged for Cuba in the imperial strategy of the United States, with capitalism as its economic system and traditional bourgeois representative democracy, pushed the Cuban nation to the brink of destruction and assimilation, exacerbated the unequal distribution of wealth, magnified poverty and hunger in broad segments of the population and placed the bulk of the country's wealth in the hands of North American capital.

17. Major changes were required in order to reverse this situation and be able to ensure the development and full enjoyment of the Cuban people's human rights, including the right to food, in conditions of equity and justice.

18. This process has not been without errors or unsatisfactory results, which have sometimes been imposed and at other times exacerbated by adverse external factors. Cuba acknowledges that its system can be improved, and this it is constantly trying to do.

19. However, Cuba cannot agree that the answer to the problems facing the country are to be found in the mere liberalization of production, distribution and marketing of goods according to capitalist formulas. Cuba's real contribution to the country's future development and indeed the development of all mankind may be to have solved the problem without sacrificing the principles of social justice and equity that govern this effort. This is what Cuba is striving for.

20. Cuba is involved, as the Special Rapporteur indicates in his report, in a democratic process that involves wide-ranging popular consultations aimed at promoting debate and the formulation of proposals for action and ways of overcoming the problems faced in the production and agricultural sectors, seeking solutions that can increase efficiency and productivity and ensure the continuity of the system of universal social benefits. More than 1 million proposals are being processed in the current effort of revolutionary consolidation.

21. With regard to paragraphs 43 and 45 of the Special Rapporteur's report, which deal with agriculture, Cuba wishes to make the following clarifications:

(a) Cuba has 6,629,600 hectares of agricultural land, of which half - 3,124,300 hectares - is under cultivation. There are three forms of land ownership: State enterprises,¹

¹ These enterprises, UBPCs, CPAs and CCSs include those run by the Ministry of Agriculture and the Ministry of the Sugar Industry.

cooperatives and ownership by individual farmers. Individual farmers include farmers who own their own land and those who till small plots of land provided by the State for their own consumption;

(b) The members of the 2,497 Basic Agricultural Production Units (UBPCs) are engaged in cooperative farming of State lands, which are provided free of charge for an indefinite period, and retain the proceeds of what they produce;

(c) The 1,099 Agricultural Production Cooperatives (ACPAs) are collective production enterprises of farmers who voluntarily combine their lands and means of production in order to work the land collectively; the proceeds are also distributed collectively;

(d) The 2,257 Credit and Service Cooperatives (CCSs) are composed of approximately 150,000 small farmers who retain ownership of their land, means of production and harvests and join together to produce, receive and make rational use of the material resources, financial credits, services and technical assistance provided to them by State enterprises;

(e) Producers sell a contractually established portion of their output directly to the State enterprise ACOPIO and are free to sell the rest. Sales are made to ACOPIO at prices set by the Ministry of Finance and Prices which take production costs as their basis;

(f) Production inputs are supplied to all producers by State enterprises specializing in such services. The volume to be supplied is established in contracts or plans, taking into account the levels of resources available in the country for the period specified. Producers purchase inputs in local currency at prices set by the State. Arrears and late payments, which in the past have affected relations between State collection agencies and producers, have been addressed through a series of measures adopted by the relevant State bodies.

22. With regard to paragraphs 12 and 78 (j), concerning the nutrition situation, the following clarifications should be made:

(a) While the prevalence of anaemia among children aged 6 to 12 months is roughly 40 per cent, it should be noted that the majority of cases are of slight anaemia;

(b) In other groups of children between the ages of 1 and 5, the prevalence rate is always less than 30 per cent, and this again reflects cases of slight anaemia;

(c) In the case of pregnant women, the figure is not 30 per cent but 23.5 per cent during the final trimester; once again, most cases are of slight anaemia;

(d) Major efforts are being made to implement strategies to introduce medicinal supplements via pharmaceutical products, fortify common foodstuffs and introduce supplemental feeding with a view to reducing current anaemia rates (with most cases, as has been noted, being cases of slight anaemia) by one third by 2012.

23. With regard to the Special Rapporteur's recommendation concerning the establishment of an independent institution charged with receiving and processing complaints of human rights violations, including violations of the right to food, Cuba would like to clarify that the country

has a large and effective inter-agency system - in which social and mass organizations participate - for receiving, processing and responding to any complaint or petition from an individual or group of individuals concerning the enjoyment of any human right, including the right to food.

24. Under article 63 of the Fundamental Law of the Republic, any citizen has the right to submit complaints or petitions to the authorities and to receive an appropriate response within an adequate period of time, in accordance with the law.

25. Among the entities that guarantee the exercise of this right are:

(a) The Office of the Attorney-General of the Republic and, in particular, its Office for the Protection of Citizens' Rights. The Attorney-General's Office, by virtue of article 8, subparagraph (c), of Act No. 83/1997, is tasked with dealing with any complaints submitted by citizens concerning alleged violations of their rights, while article 24, paragraph 2, of the same Act gives this body responsibility for ensuring, by means of a resolution issued by the Attorney-General, that a situation of legality is restored;

(b) Social and mass organizations;

(c) The National Revolutionary Police and, in particular, those of its subsidiary bodies having responsibility for dealing directly with the public;

(d) Offices with responsibility for dealing directly with the public within the Secretariat of the Executive Committee of the Council of Ministers and in every body of the State Central Administration;

(e) Delegates to the Municipal Assemblies of Popular Power and the municipal and provincial administrative councils as well as various standing bodies of the National Assembly itself;

(f) State Council procedures for dealing with the public;

(g) The Municipal, Provincial and Central Committees of the Communist Party of Cuba.

26. In Cuba legal guarantees exist to ensure that any person, whether a Cuban citizen or a foreigner, may have his or her rights upheld in the courts or before the appropriate authorities in order to seek protection from any violations of those rights.

27. This system, which is authentic and adapted to the needs of the Cuban people, has undergone regular improvements aimed at enhancing its effectiveness and enabling it to meet the expectations and needs of Cubans.

28. Cuba also has other innovative indigenous mechanisms that are involved in monitoring and promoting the realization of human rights of the Cuban people, especially the right to food. For example, as the Special Rapporteur has noted in his report, there is a system of social workers who provide services to the community and identify needs for social assistance among Cuban families.

29. Notwithstanding the foregoing, Cuba considers that it has a duty to continue constantly to improve its system for the promotion and protection of human rights. In exercise of the sovereign will of its people, it will continue to explore options and promote measures aimed at strengthening and improving the existing system, bearing in mind the points of view and recommendations expressed by the Special Rapporteur in his report.

30. With regard to the topic of “internal migration” and the concern expressed by the Special Rapporteur with regard to the right to food of persons who migrate without following the necessary procedures (report, paras. 71 and 78), Cuba would like to make the following observations:

(a) The Cuban Constitution establishes the right of any citizen to reside in any sector, zone or neighbourhood of his or her choice;

(b) For decades migration flows towards the capital have been increasing, making it necessary to regulate them (Decree No. 217), given the adverse impact of this phenomenon on, *inter alia*, the already critical housing situation in Havana and the problems inherent in ensuring that these new residents have stable employment, means of transport and water, electricity and household fuel, as well as its impact on the quality of the health and education services provided to these groups;

(c) It thus became necessary to establish requirements to guarantee a minimum standard of living conditions to persons coming from other parts of the country in order to make the city of Havana their place of residence;

(d) Decree No. 217 is fully consistent with the procedures for regularizing a person’s domicile in many countries of the world. It does not establish any type of discrimination or place any limits on the regularization by individuals and their family members of their residence in the city of Havana, apart from those dictated by the availability of housing in the capital at the time the request is made;

(e) Moreover, as the Special Rapporteur indicates, a number of special programmes aimed at promoting employment and improving the living conditions, especially with regard to food consumption, of persons living in provinces far from the capital, particularly in the eastern part of the country, have been introduced. Efforts are thus being made to offset in a positive way some of the factors that are contributing to the constant movement of persons to the capital. As noted in the Special Rapporteur’s report, the phenomenon of so-called internal migration in Cuba has very distinct features that distinguish it from the patterns that traditionally occur in other developing countries;

(f) Cuba guarantees that all Cubans without exception have access to a basic basket of subsidized foodstuffs, which is allocated to every Cuban at his or her place of residence. A person who migrates and has not regularized his or her change of domicile will continue to receive the basket of goods at his or her place of recorded residence;

(g) In any event, it can be responsibly said that it is very difficult for an individual in Cuba, even in the capital, to be denied access to those forms of protection and social assistance that ensure the provision of food. The social and prevention programmes operated by Cuban

institutions, including the family physician, as well as social and mass organizations, and especially the work done by social workers who make regular visits to every home, every family and every person living alone in every neighbourhood and community, make it virtually impossible for anyone requiring special help in enjoying the universal right to food in Cuba not to be identified and assisted.

31. With regard to the situation of persons deprived of liberty, Cuba has systematically and irrefutably demonstrated that the campaigns designed to convince the world that prisoners in Cuba do not receive adequate food or medical treatment are groundless. The allegations received by the Special Rapporteur, referred to in paragraph 73 of his report, of alleged health problems affecting certain prisoners, ostensibly as the result of an inadequate diet and the absence of appropriate medical treatment, are entirely untrue and devoid of any factual basis.

32. All prisoners in Cuba are guaranteed any medical and dental treatment they may require, whether general or specialized, free of charge. Every prisoner receives adequate food having a nutritional value of no less than 2,400 calories a day as well as potable drinking water. Furthermore, they may receive up to 40 pounds of basic foodstuffs from family members with each family visit.

33. The national penitentiary system has hospitals, clinics and dispensaries, and there are facilities for prisoners within the health system in every province where prisoners can enjoy full access to Cuba's achievements in the health field.

34. Prisoners may be admitted to any other service of the hospital network if necessary. In addition, they are guaranteed specialized care by means of regular visits to the prisons by highly qualified medical professionals.

35. There is one doctor for roughly every 200 prisoners, one dentist for every 900 and one nurse for every 100.

36. Prisoners who for reasons of physical or mental health so require may obtain an official discharge if it is determined that their state of health is incompatible with prison life.

37. By way of conclusion, Cuba would like to reiterate its deepest gratitude to Mr. Jean Ziegler, who has successfully served with distinction the two terms of his mandate as the first Special Rapporteur of the Commission on Human Rights and, subsequently, the Human Rights Council, on the right to food.

38. Cuba commends and pays a tribute to Mr. Ziegler's commitment and devotion to the cause of the right to food of all persons and peoples of the world.
