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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Human rights and unilateral coercive measures

Report of the Secretary-General

Summary

The present report is submitted in response to Commission on Human Rights resolution 2004/22. In that resolution, the Commission requested the Secretary-General to bring the resolution to the attention of all Member States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report to the Commission at its sixty-first session. Contributions were received from the Governments of Cuba and Qatar, and are summarized in the present report. Mexico reported that it did not have any comments on this issue.

Introduction

1. The present report is submitted in response to Commission on Human Rights resolution 2004/22. In that resolution, the Commission requested the Secretary-General to bring the resolution to the attention of all Member States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report to the Commission at its sixty-first session.

2. On 4 November 2004, the Secretary-General sent a note verbale to States seeking their views and information as requested in the resolution. As at 15 December 2004, responses had been received from the Governments of Cuba and Qatar; these are summarized in the present report. Mexico reported that it did not have any comments on this issue. The full text of the submissions is available with the Secretariat.

Responses from Governments

Cuba

[25 October 2004]

[Original: Spanish]

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

2. Unilateral coercive measures have been the key instrument of aggression and hostility employed by the United States against Cuba for 45 years. The United States has even forced third States to use these measures against Cuba. The Torricelli and Helms-Burton Acts are contrary to the Charter of the United Nations, and violate international law as well as the World Trade Organization agreements. In particular, these unilateral coercive measures violate article II (c) of the Convention on the Prevention and Punishment of the Crime of Genocide. Since 1992, States Members of the United Nations have increasingly voted for the resolutions of the General Assembly on “the need to put an end to economic, commercial and financial sanctions by the United States against Cuba” which, in 2003, attracted 179 votes in favour with only 3 votes against. The use of these laws to prevent companies and individuals in other States from engaging in economic activities with Cuba has been one of the most cruel and inhuman political tools used against a people throughout human civilization.

3. Cuban civil society, United Nations organizations and the reports of the Secretary-General have demonstrated the material, physical, psychological and spiritual damage caused to the Cuban people by the application of this policy of genocide, which has limited

Cuba's social and economic development for many generations. The damage in economic terms can be estimated at US\$ 79,325,000,000. Moreover, successive American Administrations have used such measures against Cuba as the promotion of desertion and illegal emigration, spying, economic warfare, the promotion of subversion, terrorism, biological warfare, the encouragement of armed bandits and planned assassination of members of the Cuban Government, military embargo and threat of the use of nuclear weapons. The Government of the United States of America has applied its legislation extraterritorially without due attention to the interests of other countries wishing to invest in or develop normal economic and commercial relations with Cuba.

4. The Government of the United States has adopted the report of the so-called "Commission of Assistance to a Free Cuba" which, besides increasing the financial support to internal subversion, proposes new unilateral coercive measures in order to "accelerate the overthrow" of the Cuban revolution and to provoke what is referred to as "regime change".

5. The Government has also imposed new additional restrictions on Cubans living abroad to travel to Cuba and to send personal goods to their families in Cuba. The full text of the submission of Cuba provides detailed examples of the new restrictive measures adopted, such as, allowing Cubans residing in the United States to travel to Cuba only once every three years for a maximum of 14 days and to visit a limited category of family members: "grandfathers, grandchildren, fathers, brothers, spouses and children". The new travel restriction measures would not permit any exceptions, even for family emergency situations. Indeed, limitations are imposed on the amount of money spent by Cubans residing abroad when visiting Cuba to US\$ 50 per day, and on the value of goods imported from Cuba to US\$ 100. Cubans living abroad are not allowed to send to their families goods such as clothes, soap or shampoo. Authorized goods can only be sent to first-degree relatives.

6. Moreover, continuous violation of basic human rights as included in the Universal Declaration of Human Rights and the International Covenants on Human Rights, in particular article 12 of the International Covenant on Civil and Political Rights, which provides for freedom of movement are registered. Indeed, Cuba is the only country that, by law, United States citizens are punished for travelling to, in clear violation of their constitutional rights. This deprives both United States and Cuban citizens of a mutually beneficial interchange in the academic, scientific, cultural, tourism and sports spheres.

7. Cuba condemns the escalation of anti-Cuban measures taken and planned by the current United States Administration and, in particular, the strengthening of the extraterritorial implementation of those measures, in total disregard of international law, the principles and purposes of the Charter of the United Nations and the Organization itself.

8. Cuba promotes an international order based on respect for and the equal application of international law for everyone as an inviolable paradigm for peaceful coexistence and universal justice. It is unacceptable that the Government of the United States of America continues to promulgate new laws and to take measures that strengthen the blockade against Cuba while the international community has condemned such measures. Cuba claims the right and

responsibility to continue to denounce the damage and violations caused by these unilateral coercive measures on the Cuban people, as well as on the people of the United States, other countries, and international law. At the same time, Cuba reiterates its determination to guarantee the full enjoyment of the sovereign right of its people to determine their own political, economic and social system. Cuba believes that now, more than ever, it is important that the international community continue energetically to denounce these practices and to take urgent measures to ensure the effective implementation of its decisions.

Qatar

[29 November 2004]

[Original: Arabic]

Qatar considers that the application of coercive measures hampers the enjoyment of human rights in all their aspects, including the right to development. It acknowledges that if there is a need to apply such coercive measures, those measures have to respect international law, international humanitarian law, the Charter of the United Nations, international human rights law and the rules of peaceful relations between States. In accordance with its legislation and its foreign policy, Qatar abstains from taking unilateral coercive measures as they violate human rights.
