

A draft UNGA resolution proposed by dissidents and human rights activists, as adopted in the Declaration of Dissidents for Universal Human Rights, at the We Have A Dream: Global Summit Against Discrimination and Persecution, United Nations, New York City, 22 September 2011. www.ngosummit.org

Draft Resolution for the United Nations General Assembly

Situation of human rights in the Republic of Cuba

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights, and recalling the International Covenants on Human Rights and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfill the obligations they have undertaken under the various international instruments in this field,

Deeply regretting the elimination in 2007 by the Human Rights Council of the mandate of the Personal Representative of the UN High Commissioner for Human Rights on the situation of human rights in Cuba,

Recalling the Government of Cuba's refusal to recognize the Personal Representative's mandate and cooperate with her investigation,

Recalling further the refusal by the Government of Cuba to adopt the Personal Representative's recommendations, particularly with regard to establishing a standing independent body with the function of receiving complaints from persons claiming that their fundamental rights have been violated and halting the prosecution of citizens who are exercising the rights guaranteed under articles 18, 19, 20, 21 and 22 of the Universal Declaration of Human Rights,

Deeply regretting that despite issuing a clear invitation in January 2009, the Government of Cuba did not allow the previous UN Special Rapporteur on Torture, Manfred Nowak, or the current Rapporteur, Juan Méndez, to visit the country to objectively assess the situation of torture and ill-treatment in Cuba,

Recalling its resolution 60/251 of 15 March 2006, particularly paragraph 8, which states that the General Assembly may suspend the rights of membership in the Human Rights Council of a member of the Council that commits gross and systematic violations of human rights,

1. *Decides* to suspend the rights of membership in the Human Rights Council of the Government of Cuba;
2. *Expresses grave concern* at the ongoing, gross and systematic violations of human rights by the Government of Cuba;
3. *Requests* that the Human Rights Council reinstate the position of a permanent investigator into the situation of human rights in Cuba, a mandate that was

terminated by the Council, without justification, in 2007;

4. *Calls upon* the Government of Cuba to follow through on its invitation to the United Nations Special Rapporteur on Torture to visit Cuba to assess the situation of torture and ill-treatment;

5. *Also calls upon* the Government of Cuba to guarantee its citizens' right to freedom of expression and strongly urges the Government of Cuba to end state control over all media in Cuba;

6. *Expresses concern* at the harassment, intimidation, and detention of Cubans exercising their right to freedom of expression, particularly dissidents, human rights defenders, and independent journalists like blogger Luis Felipe Rojas of Holguin, who has been subjected to repeated incarceration, interrogations, and threats by the authorities for writing without the Government of Cuba's sanction;

7. *Calls upon* the Government of Cuba to release all political prisoners and prisoners of conscience with immediate effect;

8. *Expresses grave concern* at the death on 23 February 2010, of political prisoner Orlando Zapata Tamayo following an 83-day hunger strike in protest against repeated beatings by guards, and expresses further concern at the widespread use of arbitrary detention to prevent participation in memorial services for Orlando Zapata Tamayo;

9. *Deploring* the increased use of violence against non-violent human rights activists in Cuba by agents of the Government of Cuba, and condemns the death of human rights defender Juan Wilfredo Soto Garcia on 8 May 2011, three days after a brutal beating by Cuban state security agents in Santa Clara, and the violent arrest, involving the extensive use of tear gas, of 11 non-violent human rights defenders in Palma Soriano on 28 August 2010;

10. *Expresses grave concern* at the arbitrary arrest and physical assault by security forces and government supporters of members of Ladies in White, a group of female relatives of former prisoners of conscience and current political prisoners, and their supporters;

11. *Strongly urges* the Government of Cuba to abolish the prevalent practice of arbitrary detention and to guarantee its citizens' right to freedom of association and assembly, a right frequently violated through use of arbitrary detention, as in the case of Rolando Rodríguez Lobaina, José Cano Fuentes and other members of the Eastern Democratic Alliance, who were arrested by state security officials in Guantánamo and held in detention to prevent them from taking part in the Alliance's anniversary celebrations, and in the case of the detention of Néstor Rodríguez Lobaina and three other members of the organization Youth for Democracy, who were protesting the arrest of two other members of the organization;

12. *Calls upon* the Government of Cuba to reform the judicial system in order to ensure the independence of the judiciary and guarantee the right to a fair trial of every individual brought before the courts, and urges the Government to ensure the implementation of reforms that eliminate torture, guarantee proper treatment of detainees, and abolish detention without charge or trial;

13. *Expresses grave concern* at the routine use of extended solitary confinement, beatings, visit restrictions, and the denial of medical care against political prisoners who refuse to cooperate with the authorities, and urges an immediate end to such practices;

14. *Calls upon* the Government of Cuba to guarantee its citizens' right to freedom of movement both inside and outside the country, particularly in light of the use of Decree 217 to restrict access to Havana in order to keep dissidents away from the city, and the legal requirement to obtain official permission prior to travelling abroad, which has been used, inter alia, to forbid independent journalist and dissident Guillermo Fariñas from travelling to Strasbourg in December 2010 to receive the 2010 Sakharov Prize for Freedom of Thought, and to forbid internationally acclaimed blogger Yoani Sanchez, at least 17 times over the past four years, from leaving Cuba to accept awards and participate in conferences.