



**CCDHRN**  
Comisión Cubana  
de Derechos Humanos  
y Reconciliación Nacional

Republic of Cuba

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and

Cuban Commission on Human Rights and National Reconciliation  
(CCDHRN)

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## 1. Introduction

- 1.1. CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, we proudly promote marginalised voices, especially from the global south, and have members in over 170 countries throughout the world.
- 1.2. The Cuban Commission on Human Rights and National Reconciliation (CCDHRN) was founded in 1987 by a group of former political prisoners and other dissidents. In a strongly restricted context, CCDHRN peacefully promotes and defends human rights through programmes of free legal aid, humanitarian aid, training, research, dissemination and advocacy in international forums.
- 1.3. In this document, CIVICUS and CCDHRN examine the Government of Cuba's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse the Cuban Government's actions and policies regarding the fulfilment of the rights to the freedoms of association, peaceful assembly and expression and the imposition of unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in May 2013. To this end, we assess Cuba's implementation of the recommendations received during the 2<sup>nd</sup> UPR cycle relating to these issues and provide a number of specific, action-oriented follow-up recommendations.
- 1.4. During the 2<sup>nd</sup> UPR cycle, the Government of Cuba received 56 recommendations relating to the space for civil society (civic space), including several related to the acceptance of international norms (7), cooperation with human rights mechanisms and institutions (2), cooperation with the UN HRC Special Procedures (7), and cooperation with and follow-up to the UPR (3). The Government of Cuba accepted 17 and noted 39 recommendations. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrates that the Government of Cuba has not fully implemented any recommendations to improve the environment for civil society. While it has made modest strides in addressing technical issues related to internet infrastructure and the widening of access to new technologies, the government has persistently failed to address unwarranted restrictions on civic space, both in law and in practice, since its last UPR examination.

- 1.5. CIVICUS and CCDHRN are deeply concerned about constitutional and legal obstacles to the exercise of the basic freedoms of association, peaceful assembly and expression in Cuba, insofar as the Cuban Constitution dictates that “none of the freedoms recognised to citizens can be exercised [...] against the existence and ends of the socialist state.”<sup>1</sup>
- 1.6. CIVICUS and CCDHRN are further alarmed by the harassment and persecution faced by CSOs and activists, including arbitrary arrests and searches of their homes and offices, and by the persistent censorship.
- 1.7. As a result of these and other restrictions addressed throughout this submission, the space for civil society in Cuba is currently rated as ‘closed’ by the CIVICUS Monitor, the most serious category.<sup>2</sup>
- Section 2 of this submission examines Cuba’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
  - Section 3 examines Cuba’s implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
  - Section 4 examines Cuba’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and access to information.
  - Section 5 examines Cuba’s implementation of UPR recommendations and compliance with international human rights standards related to the freedom of assembly.
  - Section 6 makes recommendations to address the concerns listed.
  - An annex of implementation of 2<sup>nd</sup> cycle UPR recommendations related to civic space can be found in Section 7.

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<sup>1</sup> [Constitution of Cuba](#), article 62.

<sup>2</sup> CIVICUS Monitor: [Cuba](#). The CIVICUS Monitor is a research collaboration tool between CIVICUS and our members and partners that provides regularly updated information and analysis on the space for civil society and citizen activism in every country of the world.

## 2. Freedom of association

2.1. During Cuba's examination under the 2<sup>nd</sup> UPR cycle, the government received nine recommendations on the right to the freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government was urged to "allow human rights associations to obtain a legal status through inclusive and official registration" (170.172; noted) and "take more active measures to promote real participation of NGOs and civil society institutions in the adoption of legislation to promote human rights" (170.26; supported). Of the recommendations received, the government accepted three and noted six. However, as evidenced below, the government has failed to take adequate measures to realise, fully or partly, any of these recommendations.

2.2. Article 22 of the International Covenant on Civil and Political Rights (ICCPR), signed by Cuba in 2008,<sup>3</sup> guarantees the freedom of association. However, the Cuban Constitution does not enshrine this freedom. Indeed, Article 5 of the Cuban Constitution designates the Communist Party of Cuba (PCC) as "the superior governing force of society and the state, which organises and guides common efforts towards the high purposes of building socialism and progressing towards a communist society". Article 6 accordingly confers on the Union of Young Communists an exclusive status as the vehicle for the organisation of Cuban youth, and Article 7 conditions the recognition and encouragement of "mass and social organisations" to their commitment to "the tasks of building, consolidating and defending socialist society."<sup>4</sup>

2.3. The Law on Associations of 1985 applies to artistic, cultural, friendship, solidarity, sports, scientific and technical associations, as well as to others claiming to have "purposes of social interest." The Ministry of Justice may refuse to grant permission for the constitution of an association, inter alia, "when the bylaws or internal regulations governing it do not clearly state its objectives and activities," "when its activities might be detrimental to social interest" and "when another organisation with identical or

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<sup>3</sup> Cuba signed the ICCPR in 2008 but is not yet a state party; it has not ratified it or indicated consent to be bound by it. Additionally, Cuba has not signed either optional protocol to the ICCPR. Nor has Cuba signed the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. See OHCHR [Status of Ratification Interactive Dashboard](#).

<sup>4</sup> Constitution of Cuba, op. cit.

similar objectives or denomination has already been registered”. As a result, it is very difficult for organisations to achieve legal status.<sup>5</sup>

**2.4.** Cuban legislation does not recognise a plurality of political parties. All organisation and campaigning for candidates running outside of the PCC is illegal. Nevertheless, the freedom of association was enshrined in the Labour Code (Law No. 116) passed in 2013, which replaced Law No. 49 of 1984. While the previous legislation institutionalised the monopoly of the Central Union of Cuban Workers (CTC), giving it the exclusive right to represent workers before the state, the new law allows for the creation of independent unions.<sup>6</sup> In spite of this, all the country’s national unions, which account for 90 per cent of Cuban wage earners, continue to be organised under the CTC.

**2.5.** In practice, CSOs have proliferated in Cuba despite restrictions. Among them are faith-based organisations, which have mushroomed since the 1992 constitutional reform reconceptualised the official ideology, formerly designated as “atheistic,” as “secular,” enshrining religious freedom. However, most organisations that are outside the orbit of the socialist state are unable to enter the Ministry of Justice’s Registry of Associations and obtain legal recognition, and are therefore deemed illegal. CCDHRN, for instance, has unsuccessfully applied for legal recognition several times since its founding in 1987. There are no legally recognised autonomous advocacy organisations in the field of women’s or LGBTI rights. Membership in unrecognised organisations is treated as a crime and punished with fines or detention. Organisations operating without authorisation face a range of obstacles, including being unable to open a bank account, secure office space or receive international cooperation funds. They may also experience threats of closure, infiltration, harassment and repression by the state. In addition, they face a stigmatising discourse constantly and publicly articulated by the highest levels of the state.

**2.6.** Recent incidents of repression include a raid against the Cubalex Legal Information Centre in late September 2016. The operation included the confiscation of work equipment and documentation, the intimidation and humiliation of its activists, and the

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<sup>5</sup> [Law No. 54](#) (Law on Associations).

<sup>6</sup> [Law No. 49/1984](#); [Law No. 116/2013](#).

temporary detention of its leaders.<sup>7</sup> The raid was justified by the authorities on the grounds that the CSO was engaged in an “illegal economic activity,” although it provided legal advice for free. They also argued that Cubalex was an “illegal association,” which was technically correct, given that the Ministry of Justice had rejected its registration application.<sup>8</sup> Similarly, throughout 2016, raids, confiscations and vandalism took place on repeated occasions against the offices of the Ladies in White (Damas de Blanco) CSO and the homes of several of its members.<sup>9</sup>

### 3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

3.1. Under Cuba’s previous UPR examination, the government received 13 recommendations on the protection of HRDs, journalists and civil society representatives. None of these recommendations were accepted; all 13 were noted. Among other relevant recommendations, the government was urged to “repeal legislation relating to so-called ‘pre-criminal social dangerousness’, as provided for in Articles 72, 73 and 74 of the Cuban Penal Code” (170.175) and “halt short-term detentions, harassments and other repressive measures against HRDs and journalists and implement legal safeguards to ensure their protection against abuse of provisions for criminal prosecution” (170.190). As examined in this section, the government has almost entirely failed to put these recommendations into practice: only one recommendation on the protection of HRDs, journalists and civil society representatives was partially implemented.<sup>10</sup>

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<sup>7</sup> [‘Cubalex revela imágenes del allanamiento de su sede’](#), Diario de Cuba, 30 September 2016. During the weeks following the raid, Cubalex denounced a succession of acts of “harassment and retaliation” against the people it serves. According to its complaint, the government used the documentation seized during the search, including personal data from its clients, to force them to file charges against Cubalex. See [‘Cubalex acusa al gobierno cubano de hostigar a sus clientes’](#), CiberCuba, 23 October 2016.

<sup>8</sup> [‘Reflexiones contra un ‘Invierno Negro’](#)’, Cubanet, 4 October 2016.

<sup>9</sup> See, for instance, [‘Arrestan a Damas de Blanco en La Habana y allanan sede en Palma Soriano’](#), Martí Noticias, 19 June 2016; [‘Berta Soler califica de ‘acto de vandalismo’ irrupción policial en la vivienda de una Dama de Blanco’](#), Diario de Cuba, 9 November 2016; [‘Fuerzas del régimen ‘allanan’ viviendas de Damas de Blanco y confiscan juguetes’](#), Diario de Cuba, 24 December 2016.

<sup>10</sup> One of the recommendations to free prisoners (170.187) named two imprisoned persons, US contractor Alan Gross and Cuban journalist Jose Antonio Torres. Mr Gross was freed in December 2014, after spending five years in prison, while Mr Torres was freed on parole in June 2017, after six years behind bars. See [‘¿Quién es Alan Gross, el contratista estadounidense liberado por Cuba?’](#), BBC Mundo, 17 December 2017; [‘Periodista de ‘Granma’ condenado por espionaje obtiene libertad condicional’](#), América TV, 28 June 2017. However, the recommendation urged the government to release “imprisoned journalists such as” Mr Torres, and there is no evidence that others have been freed or that the practice of imprisoning dissenting journalists has ceased. For this reason the recommendation has been rated as only partially implemented.

- 3.2.** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure the protection of HRDs. The ICCPR further guarantees the freedoms of association, expression and peaceful assembly. However, in spite of these protections, the Cuban state, a signatory of the ICCPR, consistently harasses political dissidents and activists from independent civil society. HRDs documenting human rights violations are frequently threatened, attacked and detained. Those who provide legal advice and defend persons deprived of their liberty for political reasons are specifically targeted.
- 3.3.** The Criminal Code, which contains severe provisions and penalties for committing “crimes against the security of the state,”<sup>11</sup> is routinely used to threaten activists, HRDs and journalists, as exemplified by the case of Dagoberto Valdés, the director of the Centre for Coexistence Studies (CEC).<sup>12</sup> Under Article 72 of the Criminal Code, which defines as a “dangerousness state” the “particular proclivity of a person to commit crimes, as demonstrated by behaviours that are in clear contradiction with the norms of socialist morality,” activists and dissidents are accused of crimes such as public disorder, contempt of authority, attack, resistance to public officials and pre-criminal dangerousness, among others.<sup>13</sup>
- 3.4.** While there are still activists spending long periods in prison,<sup>14</sup> the imposition of lengthy prison sentences on activists and dissidents has become relatively rare. Instead, short-term arbitrary arrests have become the predominant intimidation tactic. This practice is routinely applied against HRDs, independent journalists, political dissidents, trade union leaders and demonstrators.<sup>15</sup> As documented in the Monthly Political Repression Reports issued by CCDHRN, cases of people who are arbitrarily detained or prosecuted for political reasons totalled 6,424 in 2013 (a monthly average of 536),

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<sup>11</sup> [Law No. 62](#) (Criminal Code), Book II.

<sup>12</sup> [‘From Today Your Life Will Be ‘Very Difficult,’ State Security Tells Dagoberto Valdes’](#), 14ymedio, 29 October 2016.

<sup>13</sup> [‘Condenados dos activistas de la UNPACU por ‘peligrosidad predelictiva’](#)’, Diario de Cuba, 25 August 2015; [‘Acusan de desorden público a dos activistas que protestaron frente a Fiscalía Martí’](#), 18 November 2015; [‘Activista acusado de resistencia y desacato por fotografiar a cuentapropistas Martí’](#), 25 November 2015; [‘Activista preso en Matanzas lleva 14 días en huelga de hambre’](#), Diario de Cuba, 2 November 2016; [‘Cuba: Activista condenado a tres años de cárcel tras criticar a Fidel Castro’](#), Amnesty, 12 March 2017.

<sup>14</sup> Such was the case of Yosvanis Sánchez Valenciano, of the Patriotic Union of Cuba (UNPACU), who was accused of “public disorders” and sentenced to four years in prison for “disobedience”. See [‘Cuba: Condenan a 4 años a opositor a quien cambiaron delito en la misma sala de juicios’](#), Martí, 30 June 2017.

<sup>15</sup> In contrast, serious physical attacks and, in the extreme, assassinations have been uncommon, if present at all. Instances of “dubious” deaths, however, have been left uninvestigated. This was the case with two opposition leaders, Oswaldo Payá and Harold Cepero, who were killed in a car crash in July 2012. A recommendation received by the state of Cuba during the 2<sup>nd</sup> UPR cycle urged for “independent investigations into the circumstances surrounding the deaths” (170.138; noted); however, opposite accounts of the facts persist, with the Cuban government insisting that the men died in a traffic accident and the families claiming the state is responsible for their deaths and demanding an independent investigation that has so far not taken place. See [‘El misterioso accidente de Oswaldo Payá’](#), Proceso, 27 February 2017.

8,899 in 2014 (741 per month), 8,616 in 2015 (718 per month) and 2,859 in the first half of 2017 (476 per month). The most recent report states that in addition to 575 arbitrary arrests of peaceful dissidents and independent civil society activists, 13 cases of physical assault, 32 acts of harassment and intimidation and an “act of repudiation”<sup>16</sup> took place in July 2017. These were either perpetrated or orchestrated by agents of State Security, the Cuban political police. Moreover, CCDHRN has also documented the systematic imposition of unwarranted obstacles on international travel for activists. For example, in July 2017, 12 opposition political activists were held back at the airport as they tried to travel to civil society meetings in other countries in the region.<sup>17</sup>

- 3.5.** Numerous activists have been subjected to reprisals for interacting with institutions within the UN and Inter-American human rights systems. For example, Cubalex director Laritza Diversent was detained for several hours in August 2016 upon her return from Geneva, Switzerland, where she reported on the state of the freedom of expression in Cuba. During her detention, the police confiscated all the written materials she was carrying. Months earlier, Ms Diversent was detained as she was boarding a flight to the USA to participate in a hearing of the Inter-American Commission on Human Rights (IACHR), and upon her return the materials she brought back were also seized. Similarly, Leticia Ramos from Ladies in White and journalist Iván Hernández Carrillo, who is also the Secretary-General of the Confederation of Independent Workers of Cuba, were repeatedly detained and threatened despite being the beneficiaries of precautionary measures issued by the IACHR, as was Ms Diversent.<sup>18</sup>
- 3.6.** Dissidents are harassed not only by the state security forces but also by citizens organised in neighbourhood watch groups known as Committees for the Defence of the Revolution. The function of these organisations is to monitor, denounce and punish so-called “anti-social behaviour” – that is, oppositional activity - by means of supposedly spontaneous acts of repudiation.<sup>19</sup>

#### **4. Freedom of expression, independence of the media and access to information**

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<sup>16</sup> Acts of repudiation are acts of aggression or lynching, in principle only verbal, that are instigated from power and generally executed by ordinary citizens, with or without the direct collaboration of public officials and elements of the security forces, against HRDs, journalists, artists, members of CSOs not affiliated with the regime, and dissidents in general - that is to say, against any citizen classified as an "enemy of the Revolution." The practice began in 1980, when more than 100,000 Cubans left the country for the United States. To control this crisis, the government instigated through its political and mass organizations a series of violent actions against citizens who expressed their intention to leave the country.

<sup>17</sup> ‘[Informes de represión](#)’, CCDHRN.

<sup>18</sup> ‘[CIDH manifiesta preocupación por trato recibido por defensores de derechos humanos en Cuba](#)’, Organization of American States, 6 September 2016.

<sup>19</sup> For an example of an act of repudiation against a dissident journalist, see ‘[#Cuba: Analizando acto de repudio a Guillermo Fariñas](#)’, YouTube, 5 July 2014.

- 4.1.** Under the 2<sup>nd</sup> UPR cycle, the government received 25 recommendations related to the freedom of expression and access to information. While it accepted nine recommendations, most of which involved issues related to technology, infrastructure, connectivity and quality of access, it noted 16, many of which called for respect for dissenting views. Among other recommendations, the Cuban government was urged to “enhance the protection of freedom of expression and thought, including dissenting political opinions, and ensure free access to information for all, inter alia through the Internet” (170.178; noted) and “liberate immediately and unconditionally all the prisoners held in temporary detention or sentenced in connection with exercising their freedom of opinion and expression” (170.184; noted). As discussed below, the government did not take effective measures to implement these recommendations. Of the 25 recommendations pertaining to these issues, the government has only partially implemented seven, all pertaining to the improvement of online connectivity and information infrastructure, while the imposition of unwarranted restrictions on free expression, both in law and in practice, have remained largely unaddressed.
- 4.2.** Article 19 of the ICCPR guarantees the right to the freedom of expression and opinion. Articles 39, 53 and 54 of the Cuban Constitution also enshrine the right to the freedom of expression, including artistic expression, and freedom of opinion and the press. However, these rights are intrinsically restricted insofar as the constitutional text “recognises citizens the freedom of speech and the press in accordance with the purposes of the socialist society” and prohibits non-state ownership of any mass media, in order to ensure that the media are put “to the exclusive service of working people and the interest of society.” Similarly, the Constitution states that “artistic creation is free provided that its content is not contrary to the Revolution.”<sup>20</sup>
- 4.3.** Cuba lacks laws that regulate the exercise of the journalistic profession, as well as mechanisms to resolve civil or criminal cases arising from the exercise of the freedom of expression.<sup>21</sup> Regarding the foreign press, the Ministry of Foreign Affairs’ Resolution No. 182 of 2006 empowers the International Press Centre, a Ministry agency, to suspend temporarily or withdraw press accreditations “when the holder performs actions that are improper or unrelated to their profile or the content of their work, as well as when it is considered that they have been lacking in journalistic ethics and/or do not conform to objectivity in their reporting.”<sup>22</sup>
- 4.4.** Cuba has no laws guaranteeing access to public information; on the contrary, Decree-Law No. 199 of 1999 established a System for the Security and Protection of Official

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<sup>20</sup> Constitution of Cuba, op. cit.

<sup>21</sup> [Ley de Prensa Cuba: Base Legal](#), Inter-American Press Association.

<sup>22</sup> [Resolution No. 182/2006](#), Art. 46, Ministry of Foreign Affairs.

Information that places strong restrictions on the ability of journalists and citizens in general to access information in the hands of or about state agencies.<sup>23</sup> Further, most ministries and other government agencies lack press offices, do not issue newsletters and only hold press conferences as they see fit and on issues that they determine.

- 4.5. Additionally, the Union of Cuban Journalists (UPEC), a government-aligned organisation, has since 2008 had a Code of Ethics for Journalists that regulates the professional practice of journalism. While Article 3 of this Code recognises the right to “obtain information of public utility,” its article 17 states that “journalists shall refrain from divulging in whole or in part any document of work material expressly classified with a degree of reservation, according to the legislation on State Secrets in force in Cuba.”<sup>24</sup> Although the Code of Ethics establishes journalists’ obligation to preserve the anonymity of their sources, the Criminal Procedure Law does not exempt journalists from the obligation to denounce crimes and testify as witnesses.<sup>25</sup>
- 4.6. Since 1962, radio and television have been managed at the national level by the Cuban Broadcasting Institute, renamed the Cuban Institute of Radio and Television (ICRT) in 1975. This agency is responsible for offering programming “with high political, ideological, social, ethical and aesthetic virtues.”<sup>26</sup> Cuba does not have any media laws, and is governed instead by ICRT resolutions. The agency operates under the supervision of the Ideological Department of the PCC. In addition, the reproduction, dissemination or provision of information that may be considered as beneficial to the USA’s economic blockade is severely punished by the Act on the Protection of Cuba’s National Independence and Economy (1999).<sup>27</sup>
- 4.7. With regard to online expression, Resolution No. 56 (1999), issued by the Ministry of Culture, states that “any Cuban serial publication intended to be circulated, printed or disseminated via the INTERNET shall receive the specific approval of the National Serial Publications Registry.”<sup>28</sup> Resolution No. 127 (2007), issued by the Ministry of Information Technologies and Communications, prohibits “the dissemination through public data transmission networks of information contrary to the social interest, morality, good behaviour and the personal integrity of individuals; or harmful to National Security, by any natural or legal person.” In addition, Resolution No. 179

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<sup>23</sup> [Decree-Law No. 199/1999](#).

<sup>24</sup> [Journalists’ Ethics Code](#).

<sup>25</sup> [Law of Criminal Procedures](#) (1977).

<sup>26</sup> ‘[Instituto Cubano de Radio y Televisión](#)’, EcuRed.

<sup>27</sup> [Law No. 88/1999](#).

<sup>28</sup> [Resolution No. 56/1999](#), Ministry of Culture.

(2008), issued by the same agency, determines the obligation of providers to “take the necessary measures to prevent access to sites the contents of which are contrary to social interest, morality and good behaviour; as well as the use of applications that affect the integrity or security of the state.”<sup>29</sup>

- 4.8.** All traditional media are state-owned and lack editorial independence; in reaction to this and in spite of the prohibitions, outlets based on new technologies and able to circumvent state controls have proliferated. These have provided citizens with alternative channels of expression as connectivity has improved. However, their scope remains limited.<sup>30</sup> In this context, the number of active bloggers and citizen journalists has increased dramatically, but so have the restrictions they face. Bloggers and citizen journalists lack legal status and their publications are classified as “enemy propaganda.”<sup>31</sup> Censorship and self-censorship are often fuelled by the characterisation, in public discourse and in the official media, of independent media outlets or individuals as “counterrevolutionaries.” Nevertheless, Cuban reporters and fledgling media companies use creative means to disseminate their products, such as flash drives to distribute weekly packages of information. Users have also devised ways to maximise their limited connectivity, including by using fast download applications and VPN programmes to access blocked sites anonymously.
- 4.9.** Hostility against independent voices, both in printed media and online, has also encompassed the coverage of seemingly non-political issues. In October 2016, for instance, several journalists, including Elaine Diaz, the editor of the online paper *Periodismo de Barrio*, were arrested in Baracoa for reporting “without a permit” on the impacts of Hurricane Matthew.<sup>32</sup> On the same month, several collaborators of the bulletin *Panorama Pinareño* were victimised with home searches, verbal threats, physical violence and the confiscation of equipment. Several of them were detained.<sup>33</sup> The list of journalists who recently faced short-term detentions, raids on their homes (which in many cases also function as the offices of their publications), intimidation, threats and the confiscation of work materials include Maykel González Vivero and

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<sup>29</sup> [Resolution No. 127/2007](#) and [Resolution No. 197/2008](#), Ministry of Information Technologies and Communications.

<sup>30</sup> Internet cafés only began to be established in 2013, cell phone email became available in 2014 and public Wi-Fi hotspots became operational in 2015 and multiplied throughout 2016, while the cost of access, although still high, began to decrease. A pilot programme was launched in December 2016 to test household connections, which at the time of writing remain banned for the vast majority of the population.

<sup>31</sup> [Law No. 62](#) (Criminal Code), Section 5 on “Enemy Propaganda.”

<sup>32</sup> ‘[Cuban Journalist Eliane Diaz and Colleagues Arrested For Reporting on Hurricane Matthew ‘Without a Permit’](#)’, Global Voices, 13 October 2016.

<sup>33</sup> ‘[Activista denuncia violento operativo contra el boletín Panorama Pinareño y la Consejería Jurídica en Pinar del Río](#)’, Angelica Mora Blogspot, 22 October 2016.

Manuel Velázquez from *Diario de Cuba*,<sup>34</sup> and Karina Gálvez from *Convivencia*.<sup>35</sup> Cases have also been reported of street attacks perpetrated by anonymous aggressors in apparent reprisal for the victims' journalistic work. Among those assaulted was Lázaro Yuri Valle Roca, from the Forum for Rights and Freedoms.<sup>36</sup>

**4.10.** Despite the still modest progress made in terms of internet penetration,<sup>37</sup> access for the vast majority of the population is limited to the government-controlled intranet, from which critical content is systematically eliminated.<sup>38</sup> A large number of webpages and social media applications remain blocked in Cuba. While the websites of several foreign newspapers can be accessed, those of independent or dissident Cuban media are generally blocked, as are those of opposition political organisations and CSOs that are critical of the government. Yahoo, MSN and Hotmail, among others, have also been systematically blocked, although they can now be accessed from some locations, and particularly from hotels. Social networking platforms such as Facebook and Twitter are accessible from public internet hotspots, but are subject to monitoring and surveillance, while the use of anonymising and encryption technologies is prohibited. Censorship on social media also takes the form of the suppression of online content that is considered “counterrevolutionary” and the filtering of text messages containing specific terms, such as “democracy,” “human rights” or “hunger strike”.<sup>39</sup> Additionally, critical websites and bloggers are routinely demonised in public discourse as traitors and mercenaries at the service of the American Empire.<sup>40</sup>

**4.11.** Beyond journalism, public displays of dissenting political expression are regularly penalised. During the 2017 May Day celebrations, for instance, a protester was arrested for waving a United States flag, and subsequently held against his will at a psychiatric hospital.<sup>41</sup> In November 2016, graffiti artist Danilo Maldonado Machado was arrested

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<sup>34</sup> [‘Maykel González Vivero: ‘Uno no se imagina cómo es un calabozo’](#), *Diario de Cuba*, 12 October 2016; [‘Independent journalist detained in eastern Cuba’](#), Committee to Protect Journalists, 23 June 2017.

<sup>35</sup> [‘Karina Gálvez continúa ‘detenida e incomunicada’](#), *Diario de Cuba*, 12 January 2017.

<sup>36</sup> [‘El periodista Lázaro Yuri Valle sufre una fractura de hombro durante una agresión en la calle’](#), *Diario de Cuba*, 27 December 2016.

<sup>37</sup> [‘Penetración de las redes sociales en Cuba aumentó un 346% el último año, según el gobierno’](#), CNN, 15 July 2017; [‘Cuba internet access still severely restricted’](#), BBC, 21 March 2016.

<sup>38</sup> See for example [‘Web Platform Reflejos Closes the ‘14ymedio’ Blog’](#), 14ymedio, 27 March 2015; [‘An LGBT Blog Is Suspended Over Mention of Cuba’s 1960s-Era Labor Camps’](#), Global Voices, 11 February 2016.

<sup>39</sup> [‘Cubacel censura los SMS con las palabras ‘democracia’ o ‘huelga de hambre’](#), 14ymedio, 3 September 2016.

<sup>40</sup> See, for instance, the case of the journalist and blogger Fernando Ravsberg in [‘La jauría viene con hambre atrasada’](#), *Cartas desde Cuba*, 23 January 2017.

<sup>41</sup> [‘VIDEO: Detenido y golpeado por ondear bandera de EEUU en Cuba’](#), *Hoy*, 2 May 2017; [‘Cuba encierra en un psiquiátrico a un opositor’](#), *El País*, 27 June 2017.

for shouting “Down with Fidel! Down with Raul!” during the live broadcast following the death of Fidel Castro. In May 2015, Maldonado had already been arrested for putting together an art performance in a Havana park featuring two pigs painted green and bearing the names of Fidel and Raul. His defence lawyer, a US citizen, was arrested upon arrival in the country in December 2016.<sup>42</sup>

## 5. Freedom of peaceful assembly

1. During Cuba’s examination under the 2<sup>nd</sup> UPR cycle, the government received nine recommendations on the right to the freedom of assembly. Of the recommendations received, two were accepted and seven were noted. Among other recommendations, the government was urged to “end measures to restrict freedom of expression and assembly including short-term detentions” (170.174; noted) and “further raise the quality of education on human rights for law enforcement officials” (170.146; supported). However, as evidenced below, the government has failed to implement all of these recommendations.<sup>43</sup>
2. Article 21 of the ICCPR guarantees the freedom of peaceful assembly. In addition, article 54 of the Cuban Constitution enshrines the right to the freedom of assembly. However, according to the constitutional text, the subjects of this right are not citizens as a whole but “workers, both manual and intellectual, peasants, women, students and other sections of the working people,” including “mass and social organisations” recognised by the state. This means the right is only available to those that are deemed defenders of the political orientation of the state.<sup>44</sup> The freedom of peaceful assembly is not guaranteed for opponents and dissidents. In principle, only demonstrations organised by or in support of the state are considered to be “in accordance with the law.” Article 209.1 of the Criminal Code imposes fines and prison sentences of between one and three months to those participating in demonstrations that violate the provisions that regulate the exercise of assembly rights.<sup>45</sup>
3. Peaceful demonstrators are routinely detained, often in advance of potential protests, for exercising or attempting to exercise the right to protest. This was the case, for example, ahead of the meeting of the Community of Latin American and Caribbean States

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<sup>42</sup> ‘[Cuban Artist and Activist El Sexto Abducted and Detained in Cuba Following Fidel Castro’s Death](#)’, Miami New Times, 27 November 2016; ‘[American attorney defending Cuban dissident artist arrested, foundation says](#)’, Miami Herald, 16 December 2016.

<sup>43</sup> Except for recommendation 170.146, the implementation of which we lack enough evidence to rate, all recommendations pertaining to the freedom of peaceful assembly are too generic, and do not call for specific measures. The only way to rate their implementation is, therefore, to look at the overall state of the enjoyment of this freedom, which the remainder of this section shows has not improved since the previous UPR.

<sup>44</sup> Constitution of Cuba, op. cit.

<sup>45</sup> Law No. 62 (Criminal Code) Book 2, op. cit.

(CELAC) in January 2014, when numerous members of the opposition were arbitrarily detained in order to prevent a demonstration that was expected to have high international visibility.<sup>46</sup> Although dissent has become more visible in the streets over the past decade – as attested, among others, by the Sunday marches of the Ladies in White in Havana - demonstrators are routinely harassed and detained by police and state security agents. In March 2016, just before President Barack Obama arrived in Havana, 50 Ladies in White and other members of the opposition were arrested following their post-Sunday Mass demonstration.<sup>47</sup> Police detentions and the harassment of protesters usually increase during Human Rights Day commemorations: in 2016, for instance, between 150 and 200 dissidents were preventatively detained and some were harassed within their homes to prevent demonstrations.<sup>48</sup> Detainees are frequently beaten, threatened, kept incommunicado, subjected to humiliating treatment and even forced to voice revolutionary slogans and participate in activities showing support for the regime.<sup>49</sup>

## 6. Recommendations to the Government of Cuba

CIVICUS and CCDHRH call on the Government of Cuba to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, expression and peaceful assembly, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made:

### 1. Regarding the freedom of association

- Ratify without reservations the International Covenant on Civil and Political Rights (ICCPR), including its two Optional Protocols.

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<sup>46</sup> [‘Comienzan reuniones previas a CELAC con arrestos a opositores’](#), Martí, 25 January 2014.

<sup>47</sup> [‘50 detenidos en una marcha de las Damas de Blanco durante la visita de Obama a Cuba’](#), Libertad Digital, 21 March 2016.

<sup>48</sup> [‘Gobierno cubano silencia celebraciones de la oposición en Día de Derechos Humanos’](#) Martí, 11 December 2016.

<sup>49</sup> See in this regard the case of Lisandra Rivera Rodríguez: [‘58 días en una celda por negarse a obedecer a sus carceleros’](#), Martí, 27 February 2017.

- Take measures to foster a safe, respectful and enabling environment for civil society, including through removing legal and policy measures that unwarrantedly limit the right to association.
- Remove all undue restrictions on the ability of CSOs to form, obtain legal recognition and receive domestic and international funding in line with best practices articulated by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.
- Remove all legislative and policy provisions that condition the legitimacy of CSOs on their “defending socialist society” and being conducive to a broadly defined “social interest,” which give the authorities too much discretion in withholding legal recognition.
- Abolish criminal responsibility for organising and participating in the activities of non-registered organisations, lift the ban on the activities of non-registered organisations, and reinstate all CSOs that have been arbitrarily and unduly sanctioned for “operating illegally.”
- Stop unwarranted raids on civil society groups and unjustifiable disruptions to their legitimate activities, including conferences, seminars and other meetings.
- Promote a meaningful political dialogue with civil society that allows and embraces diverging views, including those of HRDs, CSOs, journalists and political activists.
- Guarantee the effective and independent functioning of autonomous trade unions by removing any unwarranted restrictions on their legitimate activities.

## **2. Regarding the protection of human rights defenders**

- Provide a safe and secure environment for civil society members, HRDs and journalists to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.
- Repeal or amend in line with the UN Declaration Human Rights Defenders all legislation, including the Criminal Code, which unwarrantedly restricts the legitimate work of HRDs.
- Eliminate all references to “pre-criminal social dangerousness” and cease applying the security crimes included in the Criminal Code, such as enemy propaganda, rebellion, sedition, sabotage and revealing secrets concerning state security, against peaceful dissidents and HRDs exercising their fundamental rights.

- Unconditionally and immediately release all HRDs, bloggers and journalists detained for exercising their fundamental rights to the freedoms of association, expression and peaceful assembly, and review their cases to prevent further harassment.
- Refrain from promoting or supporting “acts of repudiation” against dissidents and prosecute any individuals who continue this practice, and ensure the effective realisation of all due process rights enshrined in the ICCPR.
- Refrain from taking reprisals against civil society activists, HRDs and journalists for engaging with institutions within the UN or Inter-American human rights systems.
- Conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against HRDs, and bring perpetrators of offences to justice.
- Publicly condemn instances of harassment and intimidation of civil society activists and organisations, and refrain from stigmatising civil society members and groups from the public podium.
- Adopt a specific law for the protection of HRDs in accordance with Council resolution 27.31 of the Human Rights Council.

### **3. Regarding the freedom of expression, independence of the media and access to information**

- Ensure the freedom of expression and media freedom by all bringing national legislation into line with international standards.
- Amend all legal provisions that condition the legitimacy of expression and opinions or the transmission of information on conformity with morality, social interest, good behaviour, or the aims of the revolution.
- End the legally enshrined state monopoly on news broadcast and printing, and liberalise media ownership rules, particularly in electronic media, in order to allow bloggers, journalists and other internet users to play a full and active role in promoting and protecting human rights.
- Lift obstacles that hinder the functioning of independent media and reinstate all media outlets that have been unwarrantedly closed.
- Guarantee unfettered access for all people in Cuba to domestic and foreign media information, both offline and online. Towards that aim, remove restrictions on

access to national and international news websites, as well as CSO websites, and refrain from blocking websites and online applications and from filtering content on social media and messaging services.

- Reshape the Cuban Institute of Radio and Television's structure and functions to ensure that no state agency can exercise undue control or censorship over media content.
- Refrain from censoring social and conventional media and ensure that freedom of expression is safeguarded in all forms, including the arts.
- Amend or replace Decree-Law No. 199/1999 to ensure that the legislation protecting official information aligns with best practices and international standards in the area of the freedom of information.
- Enact legislation guaranteeing citizens the right to access to public information and establish mechanisms to facilitate public access in line with best practices.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may find sensitive.
- Adopt a framework for the protection of journalists from persecution, intimidation and harassment.

#### **4. Regarding the freedom of peaceful assembly**

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 annual report, which calls for simple notification of events being held rather than explicit permission being needed to assemble.
- Amend all legislation that conditions the exercise of the freedom of peaceful assembly to the expression of support for the ruling party, the government or the socialist state. The exercise of the freedom of peaceful assembly should be explicitly guaranteed for opponents and dissidents.
- Amend the Criminal Code to eliminate the provisions that allow for the imposition of fines and prison sentences on participants in unauthorised demonstrations.
- Unconditionally and immediately release all demonstrators, HRDs and journalists detained for exercising their legitimate right to the freedom of peaceful assembly, and review their cases to prevent further harassment.

- Publically condemn the use of excessive force by security forces in the dispersal of protests and the use of infiltration or other illegal tactics to pre-emptively suppress protests, and launch formal investigations into such instances.
- Review, and if necessary update with the assistance of independent CSOs, existing human rights training for police and security forces to foster a more consistent application of international human rights standards.
- Provide recourse for judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to freedom of assembly by state authorities.

## **5. Regarding access to UN Special Procedures mandate holders**

The Government should extend a standing invitation<sup>50</sup> to all UN Special Procedure mandate holders and prioritise official visits with the: 1) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 2) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 3) Special Rapporteur on the situation of human rights defenders; 4) Special Rapporteur on the Independence of Judges and Lawyers; and 5) Working Group on Arbitrary Detention.

### **6.6 Regarding State engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with CSOs on the implementation of UPR including by holding periodical comprehensive consultations with a diverse range of civil society actors.

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<sup>50</sup> During Cuba's examination under the 2<sup>nd</sup> UPR cycle, the government received several recommendations regarding cooperation with the UN Special Procedures, including to "extend/Issue a standing invitation to the Special Procedures of the Human Rights Council" (170.107; noted) and to "take all necessary measures to facilitate the visits requested by United Nations special procedures without further delay" (170.109; noted). However, no standing invitation has been extended as of 29 September 2017. See [Standing Invitations](#), OHCHR. A visit by the Special Rapporteur on the situation of human rights defenders was requested in 2015 and a visit by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression was requested in 2016. There is a historic request made by the Special Rapporteur on the independence of judges and lawyers, but no visit has taken place. See [Country visits of Special Procedures of the Human Rights Council since 1998](#), OHCHR.

- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

**Section 7: Annex 1. Cuba UPR (2nd cycle – 16th Session) – Thematic list of recommendations pertaining civic space**

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<b>Theme: A12 Acceptance of international norms</b>			
<p>170.1. Ratify the core (Kazakhstan)/ other international human rights treaties to which it is not yet a party (Burkina Faso)/ Ratify, as soon as possible, major international human rights instruments already signed (Cape Verde)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>A12 Acceptance of international norms  <b>Affected persons:</b>                      - general</p>	<p>Status: Not implemented                      Source: Footnote 3</p>
<p>170.4. Ratify the ICCPR (Chile, Hungary, Estonia, Romania, Maldives, Australia, Germany, Poland, Slovakia, Japan, Slovenia, Montenegro, France, Tunisia) / Ratify and implement (Canada, Austria)/ Accede (Switzerland, Czech Republic)/Promptly ratify (Italy)/Consider ratifying (Mexico)/Proceed quickly towards the ratification of ICCPR without reservations (Norway)/and ensure full implementation of all provisions (Hungary)/ as soon as possible (Poland)/ without any further delays (Slovakia)/at an early stage (Japan)/ and take necessary measures to ensure its full implementation in the national legislation (Switzerland)/ Ratify and implement ICCPR without reservations or delay (Finland)/ and bring national legislation in compliance with relevant provisions of this Covenant (Czech Republic)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>A12 Acceptance of international norms                      A41 Constitutional and legislative framework                      D1 Civil &amp; political rights                      - general measures of implementation  <b>Affected persons:</b>                      - general</p>	<p>Status: Not implemented                      Source: Footnote 3</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>170.10. Consider ratifying (Armenia)/Access and ratify (Estonia)/Ratify the OP-CAT (France, Tunisia, Costa Rica)/and criminalize torture (Costa Rica)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>A12 Acceptance of international norms  A41 Constitutional and legislative framework  D25 Prohibition of torture and cruel, inhuman or degrading treatment  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b>  - general  - persons deprived of their liberty</p>	<p>Status: Not implemented  Source: Footnote 3</p>
<p>170.6. Ratify the Optional Protocol to ICCPR (ICCPR-OP-1) as soon as possible (Estonia)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>A12 Acceptance of international norms  D1 Civil &amp; political rights  - general measures of implementation  B51 Right to an effective remedy</p> <p><b>Affected persons:</b>  - general</p>	<p>Status: Not implemented  Source: Footnote 3</p>
<p>170.7. Continue with measures carried out in order to (Argentina)/Ratify the Second Optional Protocol to ICCPR (Montenegro) as soon as possible (Estonia)/aiming at abolishing of the death penalty for all crimes or formalizing the de facto moratorium on the death penalty (Montenegro)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>A12 Acceptance of international norms  D23 Death penalty  A42 Institutions &amp; policies  - General  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b>  - general  - persons deprived of their liberty</p>	<p>Status: Not implemented  Source: Footnote 3</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>170.8. Confirm the signature of ICCPR and ICESCR without restriction to freedom of expression or assembly and take the necessary measures to incorporate them into its national legislation (Netherlands)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>A12 Acceptance of international norms  E1 Economic, social &amp; cultural rights - general measures of implementation  D44 Right to peaceful assembly  A41 Constitutional and legislative framework  D1 Civil &amp; political rights - general measures of implementation  D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b>  - general  - media</p>	<p>Status: Not implemented  Source: Footnote 3</p>
<p>170.5. Ratify both the ICCPR and the ICESCR without restrictions and issue a standing invitation to the Special Rapporteurs to visit the country, especially those on human rights defenders, freedom of expression and independence of judges and lawyers (Sweden)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>A12 Acceptance of international norms  H1 Human rights defenders  E1 Economic, social &amp; cultural rights - general measures of implementation  D51 Administration of justice &amp; fair trial  D1 Civil &amp; political rights - general measures of implementation  A24 Cooperation with special procedures  D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b>  - human rights defenders  - general  - judges, lawyers and prosecutors</p>	<p>Status: Not implemented  Source: Footnotes 3 and 45</p>
<p><b>Theme: A2 Cooperation with human rights mechanisms and institutions</b></p>			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>170.98. Increase constructive cooperation with United Nations human rights mechanisms (Russian Federation); Continue the international cooperation with the United Nations human rights machinery (State of Palestine); Continue cooperation with the United Nations human rights mechanisms (Bolivia Plurinational State of); Continue to positively engage the United Nations human rights mechanisms and instruments (Zimbabwe)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7</p>	Supported	<p>A2 Cooperation with human rights mechanisms and institutions</p> <p>A22 Cooperation with treaty bodies</p> <p>A24 Cooperation with special procedures</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Status: N/A</p> <p>Source: N/A</p>
<p>170.106. Fulfil obligations to the human rights mechanisms, including submission of outstanding reports and approving pending visits of Special Rapporteurs (Sierra Leone)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>A2 Cooperation with human rights mechanisms and institutions</p> <p>A25 Follow-up to special procedures</p> <p>A23 Follow-up to treaty bodies</p> <p>A24 Cooperation with special procedures</p> <p>A27 Follow-up to Universal Periodic Review (UPR)</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Status: Not implemented</p> <p>Source: Footnote 45</p>
<b>Theme: A24 Cooperation with special procedures</b>			
<p>170.107. Extend/Issue a standing invitation to the Special Procedures of the Human Rights Council (Austria, Spain, Hungary, Montenegro)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>A24 Cooperation with special procedures</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Status: Not implemented</p> <p>Source: Footnote 45</p>
<p>170.108. Work with the United Nations special procedures and maintain its willingness to cooperate with these mechanisms (El Salvador)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7</p>	Supported	<p>A24 Cooperation with special procedures</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Status: N/A</p> <p>Source: N/A</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>170.109. Take all necessary measures to facilitate the visits requested by United Nations special procedures without further delay (Finland)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>A24 Cooperation with special procedures</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	<p>Status: Not implemented</p> <p>Source: Footnote 45</p>
<p>170.110. Respond favourably to requests to visit by the special procedures and extend to them an open invitation (France)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>A24 Cooperation with special procedures</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	<p>Status: Not implemented</p> <p>Source: Footnote 45</p>
<p>170.111. Invite as soon as possible the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (Spain)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>A24 Cooperation with special procedures</p> <p>D25 Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- persons deprived of their liberty</li> </ul>	<p>Status: Not implemented</p> <p>Source: Footnote 45</p>
<p>170.112. Materialize the prearranged visit with the Special Rapporteur on the question of Torture (Mexico)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>A24 Cooperation with special procedures</p> <p>D25 Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- persons deprived of their liberty</li> </ul>	<p>Status: Not implemented</p> <p>Source: Footnote 45</p>
<p>170.113. Accept the request for a country visit made in 2011 by the Special Rapporteur on the rights to freedom of peaceful assembly and of association (Chile)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>A24 Cooperation with special procedures</p> <p>D45 Freedom of association</p> <p>D44 Right to peaceful assembly</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	<p>Status: Not implemented</p> <p>Source: Footnote 45</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<b>Theme: A26 Cooperation with the Universal Periodic Review (UPR)</b>			
170.102. Continue to support the UPR as a mechanism for respectful dialogue and exchange (Democratic People's Republic of Korea) <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7	Supported	A26 Cooperation with the Universal Periodic Review (UPR) A28 Cooperation with other international mechanisms and institutions <b>Affected persons:</b> - general	Status: N/A Source: N/A
<b>Theme: A27 Follow-up to Universal Periodic Review (UPR)</b>			
170.103. Disseminate the results of the UPR and hold periodical comprehensive consultations, including with civil society sectors (Colombia) <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7	Supported	A27 Follow-up to Universal Periodic Review (UPR) A61 Cooperation with civil society <b>Affected persons:</b> - general	Status: N/A Source: N/A
170.104. Widely publish the outcome of this UPR and make regular and inclusive consultations with civil society an integral part of the follow-up to the UPR (Czech Republic) <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7	Supported	A27 Follow-up to Universal Periodic Review (UPR) A61 Cooperation with civil society <b>Affected persons:</b> - general	Status: N/A Source: N/A
<b>Theme: A41 Constitutional and legislative framework</b>			
170.26. Take more active measures to promote real participation of NGOs and civil society institutions in the adoption of legislation to promote human rights (Iraq) <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7	Supported	A41 Constitutional and legislative framework A42 Institutions & policies - General A61 Cooperation with civil society <b>Affected persons:</b> - general	Status: Not implemented Source: Section 2
<b>Theme: A53 Professional training in human rights</b>			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>170.146. Further raise the quality of education on human rights for law enforcement officials and those directly involved with inmates (Pakistan)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7</p>	Supported	<p>A53 Professional training in human rights  D26 Conditions of detention  <b>Affected persons:</b>  - persons deprived of their liberty  - law enforcement / police officials  - prison officials</p>	<p>Status: N/A  Source: N/A</p>
<b>Theme: D43 Freedom of opinion and expression</b>			
<p>170.171. Remove restrictions on freedom of expression notably concerning the connection to the Internet (Romania); Reconsider all the laws that criminalize or restrict the right to freedom of expression and the right of internet freedom (Estonia); Lift restrictions on the rights to freedom of expression that are not in accordance with the Universal Declaration of Human Rights, and to ensure affordable and unhindered access to the internet for all (Hungary)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>D43 Freedom of opinion and expression  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - general</p>	<p>Status: not implemented  Source: 4.7; 4.8; 4.9; 4.10</p>
<p>170.202. Develop policies to improve information infrastructure for the benefit of the Cuban society (Pakistan)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7</p>	Supported	<p>D43 Freedom of opinion and expression  A42 Institutions &amp; policies  - General  E21 Right to an adequate standard of living - general  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - general  - media</p>	<p>Status: partially implemented  Source: 4.8; 4.10</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>170.195. Continue to develop policies aimed at improving information infrastructure for the benefit of Cuban society (Philippines)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7</p>	Supported	<p>D43 Freedom of opinion and expression  A42 Institutions &amp; policies - General  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- media</li> </ul>	<p>Status: partially implemented</p> <p>Source: 4.8; 4.10</p>
<p>170.184. Liberate immediately and unconditionally all the prisoners held in temporary detention or sentenced in connection with exercising their freedom of opinion and expression as well as freedom of assembly and association (Poland)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>D43 Freedom of opinion and expression  D31 Liberty and security - general  D33 Arbitrary arrest and detention  H1 Human rights defenders  D45 Freedom of association  B51 Right to an effective remedy  D44 Right to peaceful assembly  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- media</li> <li>- persons deprived of their liberty</li> </ul>	<p>Status: not implemented</p> <p>Source: 3.4</p>
<p>170.187. Release Alan Gross and imprisoned journalists such as Jose Antonio Torres immediately (United States of America)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>D43 Freedom of opinion and expression  D33 Arbitrary arrest and detention  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- media</li> <li>- persons deprived of their liberty</li> </ul>	<p>Status: partially implemented</p> <p>Source: Footnote 9</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>170.182. Guarantee a safe, free and independent environment for journalists and ensure that all cases of attacks against them are investigated by independent and impartial bodies (Austria)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>D43 Freedom of opinion and expression  D5 Administration of justice  D31 Liberty and security - general  B51 Right to an effective remedy  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b>  - media</p>	<p>Status: not implemented  Source: Section 3</p>
<p>170.200. Increase the quality in the social use and access to information and communication technologies (Turkmenistan)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7</p>	Supported	<p>D43 Freedom of opinion and expression  E21 Right to an adequate standard of living - general  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b>  - general  - media</p>	<p>Status: partially implemented  Source: 4.8; 4.10</p>
<p>170.201. Continue the expansion of broad band connectivity to Internet and confront the limitations imposed by the blockade (Venezuela (Bolivarian Republic of))</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7</p>	Supported	<p>D43 Freedom of opinion and expression  E21 Right to an adequate standard of living - general  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b>  - general  - media</p>	<p>Status: partially implemented  Source: 4.8; 4.10</p>
<p>170.203. Continue increasing the quality in the social use and access to information and communication technologies (Malaysia)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7</p>	Supported	<p>D43 Freedom of opinion and expression  E21 Right to an adequate standard of living - general  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b>  - general  - media</p>	<p>Status: partially implemented  Source: 4.8; 4.10</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>170.180. Take effective measures to ensure the full realization of the rights to freedom of expression, including on internet, assembly and association (Czech Republic)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>D43 Freedom of opinion and expression  H1 Human rights defenders  D45 Freedom of association  A42 Institutions &amp; policies - General  D44 Right to peaceful assembly  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- general</li> <li>- media</li> </ul>	<p>Status: not implemented</p> <p>Source: Sections 2, 3, 4 and 5</p>
<p>170.181. Strengthen the exercise of freedom of expression, assembly, association and participation (Eritrea)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7</p>	Supported	<p>D43 Freedom of opinion and expression  H1 Human rights defenders  D45 Freedom of association  D44 Right to peaceful assembly  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- general</li> <li>- media</li> </ul>	<p>Status: not implemented</p> <p>Source: Sections 2, 3, 4 and 5</p>
<p>170.186. Ensure that all living in Cuba can fully enjoy their rights to freedom of expression, association and peaceful assembly (Poland)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>D43 Freedom of opinion and expression  H1 Human rights defenders  D45 Freedom of association  D44 Right to peaceful assembly  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- general</li> <li>- media</li> </ul>	<p>Status: not implemented</p> <p>Source: Sections 2, 3, 4 and 5</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>170.176. Eliminate or cease enforcing laws impeding freedom of expression (United States of America)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - general  - media</p>	<p>Status: not implemented  Source: Section 4</p>
<p>170.178. Enhance the protection of freedom of expression and thought, including, dissenting political opinions, and ensure free access to information for all, inter alia through the Internet (Italy)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - general  - media</p>	<p>Status: not implemented  Source: Section 4</p>
<p>170.179. Take further measures to improve freedom of expression by allowing for an independent media and improving access to information through public access to the internet by taking advantage of the recent investment in the fiber optic network (Canada)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - media</p>	<p>Status: not implemented  Source: Section 4</p>
<p>170.192. Reduce government influence and control over the internet as part of a broader commitment to freedom of expression (Australia)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - general  - media</p>	<p>Status: not implemented  Source: Section 4</p>
<p>170.193. Put an end to online censorship (Germany)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - media</p>	<p>Status: not implemented  Source: 4.7; 4.8; 4.10</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>170.194. Take steps to ensure the establishment of an unrestricted access to the internet for all, including by making use of the existing underwater high speed broadband cable (Germany)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - general  - media</p>	<p>Status: not implemented  Source: 4.7; 4.8; 4.10</p>
<p>170.196. Make the Internet widely available and accessible to the general public, given the recent technological arrangements with country's partners, in recognition of the Internet as a major driving force in accelerating development in its various forms and as an important tool for exercising human rights, in particular with regards to the right to freedom of expression as well as freedom of information (Slovakia)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - general  - media</p>	<p>Status: not implemented  Source: 4.7; 4.8; 4.10</p>
<p>170.197. Enhance the quality and access to information and communication technologies (Sri Lanka)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7</p>	Supported	<p>D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - general  - media</p>	<p>Status: partially implemented  Source: 4.8; 4.10</p>
<p>170.198. Improve access to the Internet (Japan)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7</p>	Supported	<p>D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - general  - media</p>	<p>Status: partially implemented  Source: 4.8; 4.10</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>170.199. Consolidate access to information and culture for all people (Tajikistan)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7</p>	Supported	<p>D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - general  - media</p>	<p>Status: not implemented  Source: Section 4</p>
<b>Theme: D44 Right to peaceful assembly</b>			
<p>170.191. Take necessary measures to guarantee the rights to peaceful assembly and association in conformity with the law and the international standards (Switzerland)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 7</p>	Supported	<p>D44 Right to peaceful assembly  H1 Human rights defenders  D45 Freedom of association  A42 Institutions &amp; policies  - General  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - human rights defenders  - general</p>	<p>Status: not implemented  Source: Sections 4 and 5</p>
<b>Theme: D51 Administration of justice &amp; fair trial</b>			
<p>170.138. Allow for independent investigations into the circumstances surrounding the deaths of Oswaldo Payá and Harold Cepero (United States of America); Carry out an independent investigation of the car accident of Oswaldo Payá (Czech Republic)  <b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>D51 Administration of justice &amp; fair trial  B51 Right to an effective remedy  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - general</p>	<p>Status: not implemented  Source: Footnote 14</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>170.159. Take steps to strengthen the right to a fair trial and improve prison conditions through adherence to: the Basic Principles on the Independence of the Judiciary and the Basic Principles on the Role of Lawyers; the International Covenant on Civil and Political Rights; and the Standard Minimum Rules on the Treatment of Prisoners (United Kingdom of Great Britain and Northern Ireland)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>D51 Administration of justice &amp; fair trial D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - persons deprived of their liberty</p>	<p>Status: not implemented Source: 5.3</p>
<b>Theme: H1 Human rights defenders</b>			
<p>170.139. Implement legal safeguards to ensure protection of human rights defenders, including journalists, against abuse of provisions for criminal prosecution (Czech Republic) and release all political prisoners (Belgium, Czech Republic, Slovenia)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>H1 Human rights defenders A41 Constitutional and legislative framework D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - human rights defenders - general - media - persons deprived of their liberty</p>	<p>Status: not implemented Source: Section 3</p>
<p>170.175. Repeal legislation relating to so-called “pre-criminal social dangerousness”, as provided for in Articles 72, 73 and 74 of the Cuban Penal Code (Ireland)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>H1 Human rights defenders A41 Constitutional and legislative framework D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - human rights defenders - general - media</p>	<p>Status: not implemented Source: 3.3</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>170.190. Halt short-term detentions, harassments and other repressive measures against human rights defenders and journalists and implement legal safeguards to ensure their protection against abuse of provisions for criminal prosecution (Hungary)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>H1 Human rights defenders  D31 Liberty and security - general  D33 Arbitrary arrest and detention  D51 Administration of justice &amp; fair trial  A42 Institutions &amp; policies - General  D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- media</li> </ul>	<p>Status: not implemented  Source: Section 3</p>
<p>170.173. Lift the restrictions that hinder free expression and ensure that human rights defenders and independent journalists are not victims of intimidations or arbitrary prosecutions and detentions (Switzerland)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>H1 Human rights defenders  D33 Arbitrary arrest and detention  A41 Constitutional and legislative framework  D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- media</li> </ul>	<p>Status: not implemented  Source: Sections 3 and 4</p>
<p>170.189. Refrain from the harassment, intimidation and arbitrary detention of human rights activities (Germany)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>H1 Human rights defenders  D33 Arbitrary arrest and detention  D31 Liberty and security - general</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- persons deprived of their liberty</li> </ul>	<p>Status: not implemented  Source: Section 3</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>170.174. End measures to restrict freedom of expression and assembly including short-term detentions and the use of criminal charges such as “precriminal social dangerousness”, “contempt” and “resistance” (United Kingdom of Great Britain and Northern Ireland)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>H1 Human rights defenders  D43 Freedom of opinion and expression  A42 Institutions &amp; policies  - General  D44 Right to peaceful assembly  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - human rights defenders  - general  - media</p>	<p>Status: not implemented  Source: Sections 3, 4 and 5</p>
<p>170.177. Guarantee the freedom of expression and peaceful assembly, as well as the free activity of human rights defenders, to independent journalists and political opponents (France)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>H1 Human rights defenders  D44 Right to peaceful assembly  D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - human rights defenders  - general  - media</p>	<p>Status: not implemented  Source: Sections 3, 4 and 5</p>
<p>170.185. Take steps to protect and promote the freedom of expression and association of all peaceful defenders of human rights in the country (Norway)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 8</p>	Noted	<p>H1 Human rights defenders  D45 Freedom of association  D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - human rights defenders</p>	<p>Status: not implemented  Source: Sections 2, 3 and 4</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>170.188. Discontinue the limitations on civil society activities, including the short-term detention of political activists (Australia)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>H1 Human rights defenders  D45 Freedom of association  D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b>  - human rights defenders  - persons deprived of their liberty</p>	<p>Status: not implemented  Source: Sections 2 and 3</p>
<p>170.172. Allow freedoms of expression, association and assembly, and allow human rights associations to obtain a legal status through inclusive and official registration (Spain)</p> <p><b>Source of position:</b> A/HRC/24/16/Add.1 - Para. 10</p>	Noted	<p>H1 Human rights defenders  D45 Freedom of association  D44 Right to peaceful assembly  D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b>  - human rights defenders  - general</p>	<p>Status: not implemented  Source: Sections 2, 4 and 5</p>