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**ПООЩЕНИЕ И ЗАЩИТА ВСЕХ ПРАВ ЧЕЛОВЕКА, ГРАЖДАНСКИХ,  
ПОЛИТИЧЕСКИХ, ЭКОНОМИЧЕСКИХ, СОЦИАЛЬНЫХ И КУЛЬТУРНЫХ  
ПРАВ, ВКЛЮЧАЯ ПРАВО НА РАЗВИТИЕ**

Доклад Специального докладчика по вопросу о праве на питание Жана Зиглера

**Добавление**

**ПОЕЗДКА НА КУБУ\* \*\***  
**(28 октября - 6 ноября 2007 года)**

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## Резюме

Специальный докладчик по вопросу о праве на питание Жан Зиглер имеет честь представить Совету по правам человека настоящий доклад о своей официальной поездке на Кубу, организованной 28 октября - 6 ноября 2007 года.

Визит Специального докладчика состоялся в важный переходный момент во взаимоотношениях между Кубой и Советом по правам человека. В июне 2007 года Совет прекратил действие мандата Личного представителя Верховного комиссара по правам человека по вопросу о положении в области прав человека на Кубе. В то время Куба приняла на себя обязательства взаимодействовать с Советом. Приглашение, направленное Специальному докладчику, является очевидным свидетельством этих обязательств.

Реализация права на питание представляет собой одну из наиболее высокоприоритетных задач кубинского правительства. Правительство имеет впечатляющую национальную продовольственную программу, нацеленную на удовлетворение как минимум 50% базовых потребностей в питании всех граждан. Широкомасштабная система социальной защиты включает в себя социальные продовольственные программы, а также меры по обеспечению рационом питания и пищевыми добавками сотен тысяч уязвимых людей. Благодаря такой сфокусированности внимания на продовольственной безопасности недоедание не является серьезной проблемой: в среднем кубинский гражданин ежедневно потребляет гораздо больше калорий, чем рекомендовано, и доля лиц, получающих недостаточное питание, очень мала. Кубе следует отдать должное за достижение целей, поставленных на Всемирной встрече на высшем уровне по проблемам продовольствия 1996 года, и за решение задачи 2 цели 1 в рамках целей в области развития, сформулированных в Декларации тысячелетия, а именно: сократить вдвое долю населения, страдающего от голода, к 2015 году. Тем не менее беспокойство вызывают проблема малокровия среди детей и беременных женщин, а также проблема избыточной массы тела.

Серьезное влияние на реализацию права на питание на Кубе оказывают внешние факторы. Сочетание таких факторов, как роспуск советского торгового блока, эмбарго, объявленное Соединенными Штатами, и рост мировых цен на продовольствие, делает проблематичной опору Кубы на импорт продовольствия. Отечественное производство и распределение продовольствия ограничиваются факторами внутренней неэффективности, нехваткой ресурсов в сельском хозяйстве, проблемами в транспортном секторе и тропическим климатом на Кубе. Ограничения в сфере рыночных отношений и низкие закупочные цены, устанавливаемые для сельскохозяйственных производителей, создают

мало стимулов для наращивания производства. На потребителях негативно сказываются также недостаточный уровень доходов, высокая стоимость несубсидируемых пищевых продуктов, задержки в поставках продовольствия и ограниченная номенклатура продуктов питания, которые можно приобрести за национальную валюту.

В конце 2006 года были развернуты масштабные реформы в сельскохозяйственном секторе, которым впоследствии был придан дополнительный импульс речью, с которой 26 июля 2007 года выступил исполняющий обязанности Председателя Государственного совета Рауль Кастро Рус. Правительство признало необходимость наращивания отечественного производства и уменьшения опоры на импорт. Оно стремится решить проблему факторов внутренней неэффективности при одновременном сохранении благ существующей системы социальной защиты. Для улучшения осуществления права на питание на Кубе необходимо предпринять много шагов, и Специальный докладчик приветствует в качестве предварительной меры установление климата открытого диалога, к которому в июле призвал исполняющий обязанности Председателя Государственного совета Рауль Кастро Рус.

В заключительной части доклада приводится ряд рекомендаций, касающихся реализации права на питание.

## ANNEX

[ENGLISH and SPANISH ONLY]

### REPORT OF THE SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD ON HIS MISSION TO CUBA (28 October to 6 November 2007)

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## Introduction

1. The Special Rapporteur on the right to food visited Cuba from 28 October to 6 November 2007. He expresses his great appreciation to the Government of Cuba for the open and cooperative way in which his mission was received. His thanks go to Ambassador Juan Antonio Fernández Palacios and his team at Cuba's Permanent Mission to the United Nations Office in Geneva for greatly facilitating his mission, as well as Abelardo Moreno, Vice Minister of the Ministry of Foreign Affairs, and Rodolfo Reyes, Director of the Multilateral Affairs Division of the Ministry of Foreign Affairs. During his visit, the Special Rapporteur greatly appreciated the support of the United Nations country team, especially Susan McDade, Resident Coordinator. He is also grateful to the Office of the United Nations High Commissioner for Human Rights for assistance in organizing the mission. Finally, he wishes to express his thanks to Ambassador Bertrand Louis of Switzerland for his warm hospitality, Ambassador Carlos Zaldivar of Spain, and Ambassador Mário Godinho de Matos of Portugal on behalf of the European Union Presidency.

2. During his visit, the Special Rapporteur was honoured to be received by Carlos Lage Dávila, Vice-President of the State Council, Ricardo Alarcón de Quesada, President of the People's Power National Assembly, and Felipe Pérez Roque, Minister for Foreign Affairs. He benefited from constructive dialogue with other government ministers, including the Ministers of Agriculture, Economy and Planning, Education, Food Industry, Fisheries, Internal Trade, Labour and Social Security, and with senior staff of other ministries. In addition, the Special Rapporteur held useful meetings with representatives of United Nations agencies and the diplomatic community.

3. The Special Rapporteur also appreciated meetings with civil society organizations and academics. He was honoured to meet Monsignor Carlos Manuel de Cespedes and Prof. Eusebio Leal. His thanks also go to Dr. Alfredo Guevara and Dr. Fernández Retamar. The Special Rapporteur and his team travelled extensively in the east of the country, including in Holguín, Granma and Santa Clara, where they met the Presidents of the Provincial Assemblies and other senior provincial government officials. They also visited other locations such as Santa Cruz del Norte and Pinar del Río, where they met the President of the Provincial Assembly and other officials. In addition, the Special Rapporteur met with members of various types of agriculture production cooperatives and visited shops for subsidized food, health care centres for pregnant women, day care centres for the elderly, a hospital and two prisons.

4. The purpose of the mission was to examine the realization of the right to food in relation to Cuba's international and national commitments to respect, protect and fulfil this right. The mission took place at an important moment of transition in the relationship between Cuba and

the Human Rights Council. In June 2007, the Council ended the mandate of the Personal Representative of the High Commissioner for Human Rights on the situation of human rights in Cuba. At the time, Cuba undertook commitments to collaborate with the Council. The invitation extended to the Special Rapporteur was a clear illustration of these commitments. The Special Rapporteur welcomed the opportunity to visit Cuba and the commitments undertaken by the Government of Cuba on Human Rights Day (10 December) 2007, namely, that invitations will be extended to other special procedures and that Cuba will sign both of the key international human rights Covenants.

5. Cuba is a fascinating country and by far the largest of the Caribbean islands (110,860 square km). It is covered by mountainous areas, such as the easterly Sierra Maestra, and Pico Turquino, the westerly Sierra de los Órganos, and the central Sierra de Trinidad. The rest is flat or rolling terrain. Forests cover 25 per cent of the land. The climate is semi-tropical; Cuba is subject to hurricanes, drought and floods. The population of 11.2 million people is predominantly composed of Spanish and African descendants and a smaller group of Asian descendants. Cuba's economy has always been dependent on exported agricultural commodities (sugar and tobacco). Today, the most important export is nickel. A primary source of foreign income is tourism. The Cuban economy has suffered severely from the collapse of the Soviet bloc and the United States trade embargo. It has now emerged from a long "special period". With new opportunities for regional cooperation, including through the Bolivarian Alternative for the Americas (ALBA) with Venezuela, Bolivia and Nicaragua, Cuba has the potential to win "the battle for life" that José Martí, the hero of the fight for independence, was calling for.

6. Because of time constraints, the Government of Cuba agreed to the finalization and release of this report prior to the submission of its comments on the draft and specified that it will request that its comments be circulated at the seventh session of the Human Rights Council (see A/HRC/7/G/5).

## **I. MALNUTRITION AND FOOD INSECURITY IN CUBA**

### **A. The current situation of malnutrition and food insecurity**

7. Household food security is one of the highest priorities of the Government. In 1959, the Government decided that feeding its people was a matter of State responsibility. It established a subsidized national feeding programme designed to ensure that the entire population receives at least 50 per cent of the necessary nutritional requirements. Cuba does not produce enough food to feed its population and is reliant upon food imports. According to Vice-President Mr. Carlos Lage Dávila, Cuba imports 54 per cent of the calories consumed and 64 per cent of the protein. It is difficult to grow all the food required in Cuba: tropical agriculture is difficult and cereals

must be imported. This makes Cuba highly vulnerable to fluctuations in world food prices and changes in the policies of its major trading partners. For decades, Cuba has been significantly affected by the United States trade and financial embargo as well as the break-up of the Soviet Union. As a result, Cuba suffered a severe economic crisis in the 1990s, with significant food shortages affecting the whole population.

8. Despite these obstacles, there has been important progress in reducing malnutrition and hunger in Cuba since the early 1990s. Today, malnutrition is not considered a significant problem and the Government estimates that it affects less than two per cent of the population.<sup>1</sup> The World Health Organization (WHO) estimates that 2.3 per cent of children under five suffer from grave or moderate undernourishment, one of the lowest figures in the developing world.<sup>2</sup> The corresponding figure was 3.9 per cent in 2000, and 0.4 per cent of these children were deemed severely underweight.<sup>3</sup> This is considered as a significant decrease since the 1990s. The number of people in the total population suffering from undernourishment has declined sharply, falling from 2 million in 1996 (18 per cent of the population), to 200,000 in 2002 (2.5 per cent).<sup>4</sup>

9. As the Food and Agriculture Organization of the United Nations (FAO) has stated, this means that Cuba is one of the few countries in the developing world to achieve the objectives of the 1996 World Food Summit, that is, to halve the number of undernourished people by 2015.<sup>5</sup> Likewise, Cuba has probably already achieved Target 2 of Millennium Development Goal 1 (MDG1), namely, to reduce by half the proportion of people who suffer from hunger.

10. In 1995, the average Cuban's daily calorie intake was 1,993 Kcal. This increased to 3,279 Kcal in 2006 (the recommended average is 2,400 Kcal).<sup>6</sup> Despite a high calorie count, the Cuban diet does not achieve the recommended nutritional intake for fats: in 2006 the fat content was 54.7 grams, as compared with the recommended rate of 75 grams.<sup>7</sup> Protein intake is in line with recommended levels and has significantly increased since the 1990s, rising from 49.66 grams in 1995 to 89.90 grams in 2006. Data are not disaggregated to reflect the difference between vegetable and animal proteins, although in 2002 it was estimated that the average intake of animal proteins was below recommended levels.<sup>8</sup>

11. Inadequate diet is particularly a problem in the eastern provinces, where fat consumption levels are less than 50 per cent of the recommended daily intake. Carbohydrate consumption is

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<sup>1</sup> Institute for Nutrition and Food Hygiene, presentation made on 5 November 2007

<sup>2</sup> Millennium Development Goal Indicators, United Nations Statistics Division, <http://mdgs.un.org/unsd/mdg/>

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> FAO, *The State of Food Insecurity in the World*, 2006.

<sup>6</sup> See note 1 above.

<sup>7</sup> See note 1 above.

<sup>8</sup> See note 1 above.



relatively high and consumption of fruit and vegetables is low, creating mineral and vitamin deficiencies. In 1999, the Institute of Physical Planning and the World Food Programme (WFP) showed that five eastern provinces, Las Tunas, Holguín, Granma, Santiago de Cuba and Guantánamo, are the most vulnerable to food insecurity in the country. Recurrent droughts in these provinces create loss of harvests.

12. Throughout Cuba, the number of children with low birthweights has been decreasing, dropping from 9 per cent in 1993 to 5.9 per cent in 2004.<sup>9</sup> Infant mortality has fallen in Cuba, from 13.2 per thousand in 1990 to 5.3 in 2006. The mortality rate for children under five has declined (from 13 per thousand in 1990 to 7 in 2006), showing that Cuba is on track for attaining MDG 4.<sup>10</sup> However, it is estimated that 14 to 24 per cent of expectant mothers begin their pregnancy underweight, and weight increase during pregnancy is insufficient for 15.6 per cent of women.<sup>11</sup> These conditions affect children's low birthweight and subsequent nutritional status.

13. According to the World Food Programme (WFP), approximately 40 per cent of children under two and 30 per cent of expectant mothers suffer from iron-deficiency anaemia.<sup>12</sup> The situation is worse in the eastern provinces, where 29.1 per cent of children between 6 - 24 months and 42.6 per cent of children between 6-12 months suffer from anaemia.<sup>13</sup> Obesity has also become a risk factor of late: 13.5 per cent of children under five, 7.95 per cent of adult men and 15.4 per cent of women, suffer from obesity.<sup>14</sup> Finally, the number of deaths from diabetes has risen by 30 per cent since 2001.<sup>15</sup>

14. In Cuba, 95.6 per cent of the population has access to safe drinking water.<sup>16</sup> The National Institute of Hydraulic Resources (INRH) estimates that 75.3 per cent of Cubans have a water connection in their house, 15.1 per cent have easy access to water, and 5.2 per cent have access to a water public service. However, 4.4 per cent of the population, mainly isolated groups in mountainous regions, do not have regular access to water. The United Nations estimates that 98 per cent of urban dwellers and 95 per cent of rural residents have access to improved drinking water sources.<sup>17</sup>

15. Scant research is available on the level of poverty in Cuba. In 2006, the mean monthly wage in State-owned and mixed entities was 387 national pesos, a gradual but steady increase

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<sup>9</sup> Millennium Development Goals. Cuba, Second Report, 2005, UNDP.

<sup>10</sup> See note 2 above.

<sup>11</sup> National Bureau of Statistics (ONE), 2006 Statistical Yearbook for Cuba, Demographic Publications, 2007 edition.

<sup>12</sup> WFP/EB.1/2001/9-A, pp. 5-6.

<sup>13</sup> See note 1 above.

<sup>14</sup> See note 1 above.

<sup>15</sup> See, note 12 above

<sup>16</sup> See note 12 above.

from 252 pesos in 2001.<sup>18</sup> However, the average in the eastern provinces of Santiago de Cuba, Guantánamo and Holguín is less.<sup>19</sup> The average also varies according to labour sectors, with the agricultural, forest, fisheries and hunting sector the third lowest. The purchasing power of the average salary is very limited and has been decreasing in recent years (although the nominal salary has increased). The NGO Welt Hunger Hilfe estimates that 80 to 90 per cent of family income is spent on food (as housing, health services and education are provided free of charge) and that a family of four people needs 1400 pesos per month to meet its basic needs. Approximately 60 to 70 per cent of Cubans rely on foreign currency remittances to buy food. Acting President Raúl Castro Ruz has confirmed that “because of the extreme objective difficulties that we face, wages today are clearly insufficient to satisfy all needs”.<sup>20</sup>

16. Those particularly vulnerable to poverty and food insecurity in Cuba include people living in the eastern provinces, women, children, and elderly. Female-headed households are particularly at risk of poverty and food insecurity. The share of households headed by women rose from 28.2 per cent in 1981 to 40.64 in 2002. The growing number of elderly people in Cuba also poses a threat to the stability of the food production system. With a robust life expectancy of 75 years for men and 78 years for women, Cuba faces the future challenge of providing food security with a declining agricultural workforce.

## **B. The dissolution of COMECON**

17. Cuba joined COMECON (the Council for Mutual Economic Support) in 1972. The country relied on sugar and nickel to fund imports, particularly oil, from its Soviet trading partners. In 1989, Cuba imported 50 per cent of the population’s calorie intake and 59 per cent of protein. From 1991, imports decreased by 75 per cent over four years, impacting significantly on food availability. A new economic strategy was needed to deal with what was officially named the “Special Period”.

18. Gross Domestic Product (GDP) fell 33 per cent between 1989 and 1993, which made it difficult for the social system to function, reducing availability of goods, services and financial resources and affecting food security. Food availability in Cuba decreased substantially, as this affected food production and imports as well as the supply of food commodities distributed through the rationing system. Edible fat, animal protein and dairy products were the most affected among the staple food items.<sup>21</sup>

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<sup>17</sup> See note 2 above.

<sup>18</sup> See note 12 above.

<sup>19</sup> Respectively 360, 359 and 374: see note 12 above.

<sup>20</sup> Speech by First Vice-President Raúl Castro Ruz delivered on 26 July 2007, [http://www.cubaminrex.cu/english/Speeches/RCR/RCR\\_260707.htm](http://www.cubaminrex.cu/english/Speeches/RCR/RCR_260707.htm)

<sup>21</sup> See note 13 above.

19. One of the key features of the Special Period was the damage to the agricultural and transportation sectors, which relied on oil from the former USSR. Production of meat and dairy products was severely affected due to the high dependency on fuel in the production process and farming methods. The Special Rapporteur visited the “Unidad Básica de Producción Cooperativa” (UBPC) “Francisco Suárez” in the Bayamo municipality, where 35 workers milk 826 cows daily by hand, involving long working days and low levels of milk production (5.2 litres per day per cow). Before the Special Period, this dairy farm, like many in Cuba, was mechanized and production levels were much higher.

20. Fertilizers and pesticides also became scarce during the Special Period, reducing agricultural productivity. In 2003, Cuba purchased 11 times less fertilizer than in 1989, 3.12 times less diesel and 11.1 times less chemicals.<sup>22</sup> The transport sector was left in disarray with no fuel and no spare parts.

21. The Government responded to these events by taking measures to promote agricultural recovery. In 1993, State farms were dismantled and turned into farming cooperatives (UBPCs). Supply-and-demand markets were created to enable people to purchase food outside government stores. Remittances from abroad and holdings of foreign currency were legalized. Self-employment was also authorized. The Special Rapporteur was impressed by the examples of creativity applied in dealing with the problems of the special period. For example, organic permaculture farming (*organopónico*) was developed in order to produce fruits and vegetables in private or communal gardens within the city areas without the need for fuel-based inputs. Produce from these *organopónicos* is sold directly to the consumers and in the free vegetable markets.

22. Another among the many examples of structural change is the drastic reduction of sugar cane production. Under COMECON, Cuba produced 7 to 8 million tons of sugar per year. Today, the production is around 1.2 million tons, mainly destined for internal consumption. More than 95 sugar mills have been closed and 1.3million hectares have been converted to alternative production. The conversion process affected over 100,000 workers who have been assigned to other functions. The Special Rapporteur visited Empresa Agropecuaria “Camilo Cienfuegos” in Santa Cruz del Norte, where he was received by Mr Ulises Rosales del Toro, Minister of Sugar Industries. This used to be one of the biggest sugar mills in Cuba, the former Hershey mill, and sugar cane used to cover around 12,000 hectares. Today, this land, where 2,600 people live at present, is entirely devoted to the production of vegetables, fruit and cattle. The large sugar mill buildings have been converted into a ceramic factory and a pasta factory.

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<sup>22</sup> Ministry of Agriculture, presentation made on 29 October 2007.

The Special Rapporteur was told that in this case none of the more than 4,000 workers (or their families) from the original sugar mill were displaced or lost their jobs.

### **C. The reinforcement of the United States embargo**

23. The United States embargo, imposed in 1962, was extended in 1963 to prohibit travel, financial and commercial transactions with Cuba. Through the Torricelli Act (1992) and the Helms-Burton Act (1996), it has been further intensified to apply extraterritorially, making it difficult for companies to do business with both Cuba and the United States. According to the Cuban government, the embargo has cost the Cuban economy over US\$ 89 billion since its introduction and resulted in US\$ 258 million of losses in the food sector during May 2006 to April 2007 (see report A/62/92, paragraph 25). The United States embargo has been repeatedly condemned by the General Assembly as a violation of international law, most recently in October 2007 (see resolution 62/3).

24. The hardship imposed by the embargo has significantly impacted upon the realization of the right to food in Cuba. Food importation is a difficult and expensive process. While one-way trade with the United States has been permitted for a limited number of products, US ships must return in ballast. Foreign ships carrying food to Cuba are prohibited from entering the United States for a period of 6 months. Food must be imported from distant countries via circuitous routes, increasing the cost of delivery. The embargo impacts the quality of the food imported because of the long transport times and the need to stockpile supplies for longer than would otherwise be required. FAO has stated the following:

“The import of food products for human consumption, particularly those destined for social programmes, is affected by the embargo, as restrictions limit their quantity and quality, thus having a direct effect on the food security of the vulnerable segments of the population.” (A/62/92, paragraph 84)

25. For example, over 80 per cent of dairy imports to Cuba consist of milk powder for use in the social programme, imported from New Zealand and the European Union. Rice is shipped from China and Viet Nam, taking 45 days to reach Cuba. By way of comparison, it would cost one-third of the price to ship from the United States and would only take two days.

26. Increased transaction costs also affect the import of food. US products must be paid for in advance in cash or through letters of credit drawn on third country banks. The Government estimates that incremental (transaction) costs for food and agricultural imports incurred in 2006 due to the embargo amounted to US\$ 62.8 million.<sup>23</sup> Since restrictive new payment regulations

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<sup>23</sup> Ministry of Internal Trade, presentation made on 2 November 2007

were introduced in 2005, agricultural imports from the United States fell from US\$ 392 million to US\$ 340 million during the period 2004 to 2006 (see report A/62/92, paragraph 83). US rice imports, for example, were down by 11 per cent in 2006 (A/62/92, paragraph 84).

27. The embargo also affects the cost and availability of inputs needed for the agricultural, fisheries and livestock production processes. Fuel, fertilizers, insecticides, agricultural implements, veterinary pharmaceuticals and other equipment are affected by the ban on purchasing products from the United States (see A/62/92, paragraph 81 ). This restriction particularly affects the meat production industry due to the lack of animal feeds, minerals, vitamin supplements, genetic materials and incubation equipment (A/62/92, paragraph 27). The Special Rapporteur saw the impact of this first-hand at a number of farming cooperatives, when he visited the “Leopoldo Reyes” cooperative in Pinar del Río province. Of the cooperative’s 27 tractors, all over 30 years old, only three were in operation, using a combination of spare parts from the others. The cooperative now relies primarily on animal traction. This method is widespread in Cuba, where are some 250,000 bulls at work as substitutes for broken-down tractors.

#### **D. Increases in world food prices**

28. Low levels of domestic production and reliance on food imports make the country susceptible to external crises. In recent years, prices of fuel and food products on the world market have exploded. In 2007, a ton of wheat in the world market traded at US\$ 352,<sup>24</sup> whereas the average price during 2004-2005 was US\$ 154. Cuba now needs additional funds to sustain the existing level of food supply. For example, the Government spent US\$ 146 million on importing milk in 2006; this year it estimates US\$ 204 million for the same amount and US\$ 340 million in 2008 – significantly more than the US\$ 105 million it spent in 2004.

## **II. LEGAL FRAMEWORK FOR THE RIGHT TO FOOD IN CUBA**

### **A. International obligations**

29. The Special Rapporteur welcomes the declaration of the Government of Cuba on Human Rights Day (10 December) 2007 that it will sign the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights in the first part of 2008. Cuba has already ratified other key international human rights treaties relevant to the right to food, including the Convention on the Rights of the Child (articles 24 and 27) and the Convention on the Elimination of All Forms of Discrimination against Women (articles 12 and

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<sup>24</sup> Chicago Commodity Stock Exchange, July 2007.

14). It has also accepted two important instruments for the protection of the right to food, namely, the Universal Declaration of Human Rights (article 25) and the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (hereafter the Right to Food Guidelines). Cuba has always been very active in the promotion of the right to food in the Human Rights Council, the former Commission on Human Rights and the General Assembly. The Minister for Foreign Affairs confirmed to the Special Rapporteur that Cuba considers the right to food to be a fundamental human right. This means that the Government of Cuba is fully committed under international law to respecting, protecting and fulfilling the right to food of all children, women and men in its territory.

### **B. Domestic constitutional and legislative framework**

30. The Constitution of the Republic of Cuba was adopted in 1976 and subsequently amended in 1992 and 2002. Its Preamble introduces the fact that the entire Constitution was inspired by a wish of José Martí: “I want the fundamental law of our republic to be the tribute of Cubans to the full dignity of man”.

31. The first aim of the Constitution is to ensure the enjoyment of political freedom, social justice, individual and collective well-being and human solidarity (article 1). It prohibits any form of discrimination and guarantees equality between men and women, as well as among all human beings (articles 36, 41-42, 44). The Constitution recognizes in particular economic, social and cultural rights, including the right to food, health, education, work, social security and social assistance (articles 43 to 52). It also recognizes that the rights of the most vulnerable groups, including children, young people, pregnant women and elderly, must be particularly safeguarded (articles 36, 37, 40 and 44). The State has a constitutional obligation to guarantee that every man or woman who is able to work, has the opportunity to have a job with which to contribute to the good of society and to the satisfaction of individual needs; that no disabled person is left without adequate means of subsistence; and that no child is left without schooling, food and clothing (article 9). The Constitution also states that parents have a duty to provide nourishment for their children (article 38), a principle that is described in detail in the Family Code.

32. Cuba’s legislative framework does not include a national law on the right to food or on food security, which would be important to determine the objectives and responsibilities of the relevant ministries and ensure their coordinated activities. However, there are a large number of other laws, decrees and regulations that are of particular relevance for the realization of the right to food. These include two laws on agrarian reform, adopted in 1959 and 1963, that limit land ownership to 65 hectares, distribute the land to those who work on it, and set up the National Institute of Agrarian Reform. The Constitution, adopted in 1976, guarantees that small farmers have access to land and to means of food production, which is an essential component of the

right to food. It recognizes that small farmers have the right to legal ownership of their lands and other real estate and personal property necessary to work their land, as well as the right to group together, including through the establishment of cooperatives. It also provides that the State must back small farmers' individual production and give all possible support to the cooperative form of agricultural production (articles 19 and 20). The National Association of Small Farmers (ANAP), founded in 1961 and currently comprising 350,000 peasants, is entitled to participate in agricultural and food security policy-making at the highest level of Government.<sup>25</sup>

33. Other laws of particular importance for the right to food include the Labour Code (1984), which acknowledges the equal rights of women and men in the workplace and their right to a sufficient salary, and the Law on Social Security (1979), which protects people without income, including unemployed people and single pregnant women, and recognizes the right of peasants to social security. A Decree on Water Resources regulates the supply and rational use of water resources and acknowledges the priority accorded to drinking water and sanitation, while the Environmental Law entrusts the National Institute for Hydraulic Resources (INRH) with the functions of monitoring and developing the management of water resources, protecting natural resources and promoting sustainable agriculture. In March 2007, the Council of Minister approved a decree to institutionalize the National Council on Water, created in 1997 to coordinate and oversee water issues. The Special Rapporteur has been informed that a draft Food Law has been discussed by the National Assembly but has never been adopted.

34. The Cuban legal framework has been commended for its impact towards the elimination of racial discrimination and the realization of the economic, social and cultural rights of women and children, including by the Committee for the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Special Rapporteur on violence against women, who visited Cuba in 1999<sup>26</sup>. The Special Rapporteur strongly believes that by addressing the structural causes of hunger and by prioritizing the rights of the most vulnerable groups, including children, the legal framework in Cuba has greatly contributed to the realization of the right to food, the reduction of child mortality and the achievement of the objectives of the World Food Summit. Today, Cuba ranks 51st out of 177 States listed by UNDP in its Human Development Report, an impressive achievement for a developing country.

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<sup>25</sup> ANAP membership is comprised of 150,000 farmers farming their own individual farms and 200,000 farmers farming their own land through Credit and Service Cooperatives (CCSs).

<sup>26</sup> CERD/C/304/Add.60, CRC/C/15/Add.72, E/CN.4/2000/68/Add.2.

### C. Access to justice and human rights institutions

35. The Committee on Economic, Social and Cultural Rights underlined a fundamental principle of human rights law in paragraph 33 of its general comment No. 12 (1999) on the right to adequate food:

“Any person or group who is a victim of a violation of the right to food should have access to effective judicial or other appropriate remedies at both national and international levels. All victims of such violations are entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition.”

36. In Cuba, the court system consists of a Supreme Court, provincial courts, municipal courts and military courts. Although these instances enjoy functional independence, they are subordinate to the National Assembly of People’s Power and the Council of State. There is no Constitutional Court, but the Constitution recognizes that anybody who suffers damages or injuries unjustly caused by a State official or employee in connection with the performance of his public functions has the right to claim and obtain appropriate compensation or indemnization (article 26). Such complaints can be addressed to the Office of the Attorney General of the Republic, which is responsible for ensuring that State agencies, economic and social entities and citizens comply fully with the Constitution, the law and other legal regulations (article 127). The Office of Attorney-General of the Republic was established in 1997 as the main defender of the rights of citizens, through the State Procurator’s Act. The Attorney-General is also subordinate to the National Assembly and the Council of State and receives instructions directly from the Council of State. The Constitution further recognizes that every citizen has the right to address complaints and petitions to the authorities and to be given attention or a reply within a reasonable length of time (article 63). This means that everybody is entitled to administrative remedies in case of violations of his/her right to food.

37. The Special Rapporteur discussed with the Ministry of Justice and the Ministry of Internal Trade about the possibilities for people to complain in case of violations of their right to food, for example if their entitlements under the *libreta* (food rationing) system were not met. The Minister of Internal Trade explained that 840 consumer protection offices were available to receive this kind of complaint; he was unable to provide figures on how many complaints are filed every year but stated that no complaint had ever been received by the Ministry. The Special Rapporteur believes that there is a lack of information provided on this kind of remedies and a lack of trust from the population as to their effectiveness. In many places he visited, the Special Rapporteur saw that information was available on many human rights issues, including on the rights of children to food, education, health in hospitals and the rights of consumers in



marketplaces. However, he is concerned that many people with whom he discussed were not aware of the availability of remedies in cases of violations or did not believe in their effectiveness. The Special Rapporteur believes that the promotion and protection of the right to food could be improved by the establishment of an independent institution in charge of receiving and dealing with complaints of violation of human rights, including the right to food, and providing adequate remedies. This has also been recognized as a key component of the right to food in the Right to Food Guidelines, adopted by all FAO Member States in 2004:

“States that do not have national human rights institutions or ombudspersons are encouraged to establish them. Human rights institutions should be independent and autonomous from the government, in accordance with the Paris Principles. States should encourage civil society organizations and individuals to contribute to monitoring activities undertaken by national human rights institutions with respect to the progressive realization of the right to adequate food.”<sup>27</sup>

### III. POLICY FRAMEWORK FOR THE RIGHT TO FOOD

#### A. Government policies and institutions

##### *Food and nutrition programmes*

38. The Special Rapporteur observed how the Government aims to ensure that its whole population is provided with 50 per cent of their nutritional requirements, at a heavily subsidized price, through the national food rationing system (*libreta*). The *libreta* allows each family to purchase rationed items for the ‘basic food basket’ (*canasta básica*), namely cereals, fish, rice, pasta, meat, oil, eggs, bread, sugar, and coffee. In addition to this, Cubans can buy non-quota products at the 18,160 government-run stores and outlets, although the range of products available is limited. The remainder of peoples’ food supplies are purchased at agricultural markets (*mercados agropecuarios*), some of which are government-owned and operated (559), while others operate on a supply-and-demand basis rather than applying fixed prices (208). Some products are only available for purchase in foreign currency (Cuban convertible pesos, or CUCs), which makes it difficult for residents earning only local currency to purchase them. Given the prices in these markets and the low salaries of Cuban workers, many people are forced to purchase basic food on the black market. Thus, the daily task of completing a balanced diet for the family is sometimes a complicated process in Cuba.

39. The cost of food under the *libreta* is very cheap. One litre of milk, despite costing the State 2.4 local pesos, costs the consumer 25 cents in local currency (one cent CUC). 80g of

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<sup>27</sup> Guideline 18.1. Available at <ftp://ftp.fao.org/unfao/bodies/council/cl127/J3345e1.pdf>

bread costs five cents in local currency. However, the food rationing supply depends on product availability, which in turn depends on agricultural production, foreign imports and adequate transportation. Food rations are sometimes delivered late. During his visit, the Special Rapporteur observed that some government-run stores were better stocked than others. For example, one such store he visited in Camagüey was apparently regularly without stocks of eggs, and was only able to store meat products for a very limited period of time as the refrigeration system was in a state of disrepair.<sup>28</sup>

40. Many Cubans also rely on a social consumption scheme, which provides subsidized lunches in workplaces and schools or food in hospitals, maternity residences, centres for the elderly or other social centres. The Special Rapporteur visited a number of such sites. According to government figures, over 350,500 people benefit from this scheme. In addition, individuals belonging to particularly vulnerable groups, such as children, pregnant women, the sick or the elderly, may be entitled to additional food and nutritional supplements. For example, children up to seven years receive one litre of milk a day. In the east of the country, children up to 14 years and adults above 64 years receive an additional supplement to their diet: this programme benefits 1,347,000 people.<sup>29</sup> An array of other food and nutrition programmes exists, for example, the National Health System's Food and Nutrition Monitoring System, the Nutrition Education Programme, and the National Plan for the prevention and control of iron deficiency and anaemia in the Cuban population.

41. Cuba's extensive system of State-organized social workers provides a mechanism for monitoring the realization of the right to food. There are 42,128 social workers in Cuba, who ensure that families receive appropriate social support by inter alia identifying nutritional deficiencies and the need for food supplements. A recent social workers' study of 2,143,995 children in Cuba found that 109,001 suffered from nutritional problems.<sup>30</sup> Now 71,794 children receive free food supplements, in addition to regular monitoring. A further 7,356 adults suffering from chronic diseases receive a special diet. Social workers can identify families who suffer because of food unavailability or unaffordability, although the options for remedying such problems are limited.

42. Cuba has a free, universal and compulsory education programme for children up to 14 years of age (9<sup>th</sup> grade). Boarding and half-boarding schools have been established for children of working mothers and those located in isolated areas. Half-board schools provide children with a small snack and lunch. Full boarding schools provide children with all meals. Despite efforts made by the Government to meet the minimum daily nutritional requirements,

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<sup>28</sup> *Crucero de Piedrecita*.

<sup>29</sup> Ministry of Interior Commerce, presentation made on 2 November 2007.

<sup>30</sup> National Social Workers Programme, presentation made on 29 October 2007.

the results of a 1999-2000 study indicate that children in day care centres received 76 per cent of the recommended levels of meat products, whereas children in half-boarding schools received 60 per cent and those in boarding schools only 65 per cent.<sup>31</sup> Similarly, results showed that vegetable and fat intakes were below recommended levels.

43. Various government agencies are involved in protecting and promoting the right to food in Cuba. The Ministry of Economy and Planning administers the Plan of Action for Nutrition, a framework for ensuring food security that focuses on increasing domestic agricultural production and equitable distribution, particularly for vulnerable groups. A National Council for Food Distribution consists of representatives of the Ministry of Economy and Planning, the Ministry of Transport and social workers. Various national food security and nutrition programmes apply a multisectoral approach, involving the Ministries of Food Industries, Agriculture, Fisheries, Health, Education, Transport, and others. The importation of food products, 94 per cent of which are used in the *canasta básica*, is coordinated by *Alimport*.

#### ***Agricultural production policies and agrarian reform***

44. In Cuba, half of the 6,629.6 million hectares of agricultural land is cultivated (3,124.3 Mha). There are five main types of land holdings: State farms (150); some private farms (approximately 150,000 farm their own small landholdings with family labour<sup>32</sup>); Basic Units of Agricultural Production (UBPCs, 1,762); Agricultural Production Cooperatives (CPAs, 739); and Credit and Service Cooperatives (CCSs, 2,201).<sup>33</sup> UBPC members cooperatively farm State land under a usufruct arrangement. CPAs are forms of collective land ownership: former private farmers join together in government-organized cooperatives, in exchange for inputs from the State. CCSs emerge when small farmers who privately own their land cooperate to collectively share access to credit and some inputs and services, such as irrigation, seed, fertilizer and chemical products.

45. Producers' income is based on productivity. UBPC members are entitled to retain any surplus income after sale of their production, whereas CPA members distribute profits as per their cooperative agreements. Once the State quota is filled, farmers are entitled to keep a small percentage of their produce for personal consumption and to sell surpluses through the free supply-and-demand markets. Intermediation of agricultural products is illegal.

46. Most agricultural producers are required to sell the majority of their production directly to the State collection agency, ACOPIO, at fixed prices. In return, the State sells the farmers

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<sup>31</sup> See note 12 above.

<sup>32</sup> See note 26 above.

<sup>33</sup> 2002 figures, Ministry of Agriculture, available at [www.cubagob.cu](http://www.cubagob.cu)

inputs. ACOPIO has been criticized for setting some selling prices below production costs, long delays in paying producers, and a failure to provide critical production inputs.

47. Since 1993, the proportion of agricultural land directly managed by the State has decreased from 70 per cent to 30 per cent. Even so, production outputs are determined by the production quotas set by the Ministries of Agriculture and Sugar, on the basis of the quantities needed to maintain food supplies, particularly for the *libreta* system.

48. From 1959 to 1990, the Cuban agricultural sector began to diversify its output, focusing on livestock production, rice, citrus, coffee, poultry, pork and reforestation. Since 1990, the Ministry of Agriculture has developed programmes for egg production, pork production, urban agriculture, production of root vegetables, protected crops, as well as a mechanism for rice silage and warehousing. Currently, the principal agricultural products are root vegetables, other vegetables, rice, citrus and other fruits, eggs, pork, and honey. Cuba has been focusing on increasing pork production in order to satisfy demand for protein. In 2007, pork production reached 150,000 tons. Yet this progress is hindered by the cost of production inputs, the price of which has risen because of the embargo.

49. Since 1959, the Cuban agricultural sector has been plagued by inefficiencies and obstacles. Equipment failures and lack of inputs delay or reduce harvests. Investment in modernizing equipment and technologies is limited. Two million hectares of previously productive land were left uncultivated and have now been taken over by *marabú*, a thorny bush with a strong root system, inedible for livestock. In some provinces, it covers 49 per cent of the land.<sup>34</sup>

50. In 2007, the National Commission for the Updating of Agricultural Policy was created to address the need to enhance domestic food production by achieving greater self-sufficiency through diversification and increased output. In March 2007, it initiated two reforms: eliminating debts to producers and changing the payment system for non-State producers; and increasing the price paid to milk and meat producers. Both measures are designed to stimulate production and have already had a positive impact. For example, the UBPC “Francisco Suárez”, visited by the Special Rapporteur, increased its productivity by 15 per cent when the State dairy increased the price it paid for the UBPC’s milk from 2 pesos per litre to 2.5 pesos. Such measures will need to be expanded.

51. Another problem is storage. FAO calculates that worldwide, approximately 25 per cent of food crops are lost to rodents, pests, and climatic destruction. Figures are lacking for Cuba, but in his conversations with farmers and provincial officials, the Special Rapporteur learnt that part

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<sup>34</sup> Alexander Rodríguez Rosada, President of the Provincial Assembly, Villa Clara, 31 October 2007.

of each harvest is lost due to lack of silos, particularly in the east. Working together with the Swiss Agency for Cooperation and Development, the Government has launched a programme of thousands of household silos in three eastern provinces. ANAP produces these silos in a sustainable manner. These silos, which are metallic and are three metres high and two metres wide, have a simple aeration system and preserve provisions from destruction. Rice can be kept for over four months, and the silos can withstand hurricanes.

52. Major challenges to the reform of the agricultural sector remain, as identified by the national authorities in late 2006, including inefficiencies in management, work productivity and average number of hours of worked, and distribution of production. The Special Rapporteur welcomes the steps taken, in particular as highlighted in the speech by Raúl Castro Ruz on 26 July 2007, to encourage a national debate on these problems and the future of agricultural reform in Cuba. Cuba has taken a great step forward in acknowledging previous errors, inefficiencies and other internal obstacles, which have hampered fulfilment of the right to food.<sup>35</sup> This unprecedented explicit recognition that significant structural and conceptual changes are needed in order to address shortages in food production is an opportunity to be welcomed by Cubans.

### ***Water and sanitation***

53. Water services are subsidized by the Government, with beneficiaries charged an average of one peso per person per month for water use. Levels of water supply are adequate and water is generally safe for drinking. Water supply, however, is not always regular and the hydraulic distribution network is not very well maintained, with a high percentage of water loss. Although sanitation coverage is high, in some suburban areas of big cities sanitation services are inadequate and sewerage systems are deficient.

54. The National Institute for Hydraulic Resources (INRH), established in 1962, is in charge of water supply and sanitation. INRH proposes water and sanitation policies to the Cabinet in coordination with relevant ministries such as the Ministries of Economy and Planning, Health, Financing and Prices and Construction. Local authorities are also involved in service provision.

55. INRH has implemented a number of programmes under the *Voluntad Hidráulica* policy. One such programme aims to modernize the water infrastructure and introduce new technology, another to rehabilitate pumping stations and increase the efficient use of energy, and yet another to renovate the drinking water network. The Special Rapporteur visited the factory Hidroplast, built under the third programme, which produces new pipes for the water network. INRH also works on enhancing the quality of the water supplied. Through these efforts, Cuba has achieved the MDG targets related to population coverage of safe drinking water and sanitation.

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<sup>35</sup> See note 22 above.

### *Civil defence*

56. In Cuba, there is a comprehensive National Civil Defence System to prevent and respond to natural disasters. This has greatly strengthened local actors' capacity to reduce the risks of natural disaster. The *Grupo de Alimentos*, a coordinating body comprising five ministries, guarantees the supply of food in case of natural disasters.

57. While better prepared than almost all of the neighbouring countries, Cuba is often badly affected by natural disasters. During the Special Rapporteur's mission, tropical storm Noel attacked the east of the country. The storm destroyed buildings, bridges, roads and harvests. Although over 74,000 people became homeless, no one was killed. The storm came from the Dominican Republic, where more than 120 lives were lost.

### **B. United Nations specialized agencies**

58. The United Nations Country Team recently developed the United Nations Development Assistance Framework (UNDAF) for the period 2008-2012. This framework document establishes five areas of concentration, one of which is food security. The United Nations agencies working on the ground in Cuba include UNDP, FAO, WHO, WFP, UNESCO, UNICEF, UNFPA, UNEP, UNIDO and HABITAT. United Nations activities in Cuba involve improving national agricultural production levels and reducing reliance on food imports, supplementing micronutritional deficiencies, particularly anaemia in children under five, as well as education about nutrition and diet.

59. WFP focuses on the east of the country, where it works to supply nutritional supplements to 375,000 children over five. FAO provides technical assistance through projects supporting the intensification and diversification of agricultural production and increasing food quality and economic accessibility of food. WHO works in the eastern region to increase the availability and consumption of animal protein. UNDP allocates a maximum of two million dollars per year for projects linked to production and agricultural activities, food and the feeding of HIV patients. UNICEF also works on strengthening children's nutrition.

60. The Government of Cuba conducts successful bilateral cooperation with Canada, Spain and Switzerland.

61. The work of United Nations agencies is hampered by the United States embargo, which has a negative impact on the effectiveness of development resources, increases administrative costs, and prevents the importation of project materials (see resolution A/62/92, paragraph 81).

62. The work of other international organizations is also impeded by the United States embargo. Staff of the World Bank and the International Monetary Fund (IMF) are prohibited from travelling to Cuba. Furthermore Cuba is not a member of the Inter-American Development Bank and, although remaining a member of the Organization of American States, the current Government has been excluded from participation in this regional organization since 1962.<sup>36</sup> This affects the country's ability to access external multilateral financing for development programmes, potentially useful for rehabilitating and modernizing its agricultural infrastructure and equipment (see A/62/92, paragraph 81).

### C. Civil society

63. During his visit, the Special Rapporteur met with a variety of different social movements. The Special Rapporteur is grateful to Monsignor de Cespedes, who explained the work that the Catholic Church is doing with Caritas at the local level, supported by Caritas International, which is conducted in a free and open manner. Other sources indicate that the Cuban Government is reluctant to enter into cooperation with foreign organizations, particularly in times of natural disaster.

64. The Special Rapporteur had an opportunity to visit various institutions of civil society. For example, under the guidance of Eusebio Leal, he visited the Covent of Bethlehem in Old Havana, where he saw the community work being carried out in the day care centre for senior citizens.

65. The Special Rapporteur met with representatives from international NGOs to discuss their food security projects. These NGOs included primarily Welt Hunger Hilfe, CARE International, Grupo de Voluntariado Civil Italia, Entrepueblos, and ACSUR-Las Segovias. CARE International undertakes water and sanitation, and agro-breeding projects. ACSUR-Las Segovias addresses food sovereignty in the eastern region, promoting sustainable rural habitats and strengthening of local actors. Entrepueblos works in UBPCs with the Cuban Council of Churches. Welt Hunger Hilfe has a range of projects that assist with the decentralization of food production and support urban agriculture in Havana and the eastern provinces.

66. The Special Rapporteur also met with representatives from the Federation of Cuban Women, who are working with WFP to reduce the prevalence of anaemia in pregnant women.

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<sup>36</sup> Resolution of the Eight OAS Meeting of Consultation of Ministers of Foreign Affairs (1962), available at <http://www.oas.org/documents/eng/memberstates.asp>

#### IV. MAIN FINDINGS AND CONCERNS

##### A. Progressive realization of the right to food

67. Cuba has made impressive progress towards the realization of the right to food.. The Special Rapporteur commends the substantial steps taken by the Government to meet its international commitments. Cuba has already met the targets of the 1996 World Food Summit and MDG1, for example, halving the proportion of people suffering from hunger by 2015.<sup>37</sup> Cuba has also already achieved MDG 2 (universal primary education), 3 (gender equality) and 4 (reduction of child mortality), and expects to fully achieve Goals 1, 5 and 6 by 2015.<sup>38</sup> The Special Rapporteur noted throughout his visit that, despite difficult times and adverse external circumstances, the Government has taken seriously its obligation to realize the right to food and not to regress on the progress made thus far.

68. The Special Rapporteur believes that important challenges to the progressive realization of the right to food in Cuba remain. For example, further steps need to be taken to reduce the prevalence of anaemia, particularly for children and pregnant women, and in the eastern region. In addition, the Government needs to step up its efforts to promote a balanced diet, which includes the required intake of fats and animal proteins, fruits and vegetable; moreover measures are needed to address the increased risk of obesity in the population, which is the result of an unbalanced diet.

69. Despite the intended inclusiveness of the *libreta* system, Cubans continue to face difficulties in accessing affordable food in light of their insufficient income, particularly those who do not belong to any of the groups at particular risk and have to obtain 50 per cent of their minimum food requirements from non-subsidized mechanisms such as agricultural markets. This situation has worsened in recent years. In addition, the limited number of products available in national currency has impeded the Government's ability to ensure economic access to sufficient and adequate food to the whole population. While measures are being initiated to improve this, further progress is required.

##### B. Main concerns

###### *Rural exodus*

70. Rural exodus is constant and massive in Cuba. Paradoxically, this is a result of the impressive social achievements of the Cuban revolution. In 1959, 43 per cent of Cuban men and

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<sup>37</sup> See note 5 above.

<sup>38</sup> United Nations Development Assistance Framework, 2007.



51 per cent of women were illiterate. In 2007, the corresponding figure was 0.3 per cent (men and women aggregated). Today, Cuba has over 700,000 university students, three times the number of Switzerland taking into account the respective population sizes. By 2007 Cuba had one medical doctor for every 168 inhabitants, whereas in 1959 there were only 6,000 doctors in all of Cuba, 3,000 of whom left for the United States within the year.

71. Rural exodus is common in almost all developing countries. In most countries, it is caused by the lack of schools, hospitals and social mobility in the countryside. This is not the case in Cuba. In Cuba, rural exodus is motivated by the high professional quality of its inhabitants. A son or a daughter of a peasant family who holds a university degree does not want to plough the field at temperatures of 30 degrees Celsius, under tropical conditions which make work in agricultural production very hard. But without a productive peasantry, Cuba will not reduce its food imports and massively increase its own food production. One solution is to invest in fertilizers and mechanization and to increase prices paid to producers.

#### ***The right to food of unrecognized internal migrants***

72. The Special Rapporteur was informed that the right to food of unrecognized internal migrants may be at risk. These migrants are people who move from one place to another without properly fulfilling the necessary administrative procedures. According to the right to food and the constitutional right of all citizens to live in any sector, zone or area (article 43 of the Constitution), all Cubans should receive the subsidized food basket through the *libreta* system, wherever they live. However, the Special Rapporteur received information that many internal migrants might not be benefiting from the *libreta* in their new place of residence because of the difficulties for the Government to know whether they have moved to another place other than their official place of residence, as a result of which their subsidized basket continues to be allocated in their former place of residence. It is difficult to evaluate the extent of this problem, but there is a trend suggesting that internal migration has been on the rise, with thousands of internal migrants seeking to improve their living conditions by moving to the capital city every year.

#### ***The lack of food in government-run stores***

73. The Special Rapporteur visited a number of government-run stores in which all food products were available. However, he also visited stores where the food products that should be accessible to the population through the *libreta* system were not all available. Under the *libreta* system, people have the right to receive the full list of food products to meet their nutritional needs. The Special Rapporteur is aware of the current limitations on agricultural production, transportation and distribution in the country. However, he believes that a maximum of available

resources must be used to guarantee that all government-run stores are able to ensure availability at all times of all the food products that are listed as entitlements under the *libreta* system.

### ***Access to adequate food for all prisoners***

74. The Special Rapporteur visited one female and one male prison at the *Combinado del Este*, near the city of Havana. Officials of the prison administration explained that the United Nations Standard Minimum Rules for the Treatment of Prisoners states that all prisoners have the right to drinking water and to adequate food (article 20). They explained that in 2007 they guaranteed a minimum of 2,600 Kcal per day to inmates, and that inmates are entitled to receive food from their families, who can visit every 21 days or every 30 days without limit. According to the officials, 84 per cent of inmates benefit from this possibility. The Special Rapporteur was informed that 24 inmates of the male prison tend a vegetable garden of four hectares, which allows them to complement their diet with a variety of vegetables. The remaining facilities visited seemed adequate and well managed and the inmates with whom the Special Rapporteur spoke seemed to be satisfied with the food and diet provided by the prison administration. However, the Special Rapporteur has also received allegations that some prisoners suffer from nutritional disorders and gastrointestinal problems caused by inadequate diet and that some of them have not received proper medical attention.

### **C. Obstacles to the realization of the right to food**

75. One of the key external obstacles to the realization of the right to food in Cuba is the United States embargo, which increases food prices through transport and transaction costs and limits importation of food production inputs. Coupled with the rising price of food commodities, Cuba faces considerable hurdles in enhancing self-sufficiency and domestic food production. Other countries commonly deal with such obstacles by complementing domestic efforts with international cooperation and assistance and access to credit. However, accessing the resources of the World Bank, IMF and the Inter-American Development Bank is not currently an option for Cuba. Cuba is also affected by extreme weather conditions, which impact on the economic and social situation, particularly in the east. In Cuba's tropical climate, food production, especially wheat and other grains, is difficult, and complete self-sufficiency is not possible.

76. There are further internal obstacles. Agricultural decapitalization, deindustrialization, and lack of labour, have reduced production. Poor land management creates further obstacles: much of the fertile land is covered by *marabú* and requires rehabilitation. Inefficiencies often stem from overcentralization. Low wages prevent access to affordable food. In addition, lack of agro-production incentives, prohibition of intermediates and curbs on farmers' market freedom all limit efficiency. One solution could be to liberalize food production, distribution and sales.

However, this could well contradict the revolution's objective of equality. Dependency on food imports cannot be easily overcome by liberalization, as this would inevitably lead to inequalities and difficulties for the State in fulfilling its social promise, for example, due to the impossibility of buying milk at an affordable price to distribute through the *libreta*. Reforms, clearly needed in the agricultural sector to increase productivity and reduce dependency on food imports, will have objective limits.

## V. CONCLUSIONS AND RECOMMENDATIONS

77. The Special Rapporteur welcomes the declaration which Acting President Raúl Castro Ruz made on 26 July 2007, namely, that the Government will give priority to reform in the agricultural sector, specifically through increasing support to small farmers to increase both livelihoods and production. He remains concerned that external problems, in particular the United States embargo and world food prices, as well as internal contradictions will create major difficulties for the complete realization of the right to food.

78. The Special Rapporteur is very encouraged by Cuba's commitments to increase its cooperation with the Human Rights Council. He welcomes the declaration made by Felipe Pérez Roque, Minister for Foreign Affairs on 10 December 2007 to the effect that Cuba will sign both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights in early 2008 and extend invitations to other special procedures of the Council.

79. The Special Rapporteur makes the following specific recommendations:

(a) The Government of Cuba should continue to strengthen its cooperation with the Council and the United Nations. It should promptly ratify the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. It should also extend standing invitations to all special procedures of the Human Rights Council in 2008.

(b) A framework law on the right to food should be adopted, allowing for the identification of concrete goals such as the eradication of malnutrition, the improvement of monitoring mechanisms and the allocation and coordination of responsibilities across all relevant ministries. The drafting of this framework law would represent an excellent opportunity to discuss the possibilities for reforms in the agricultural sector and increase both livelihood and production, while at the same time ensuring access to food for everyone. All relevant actors should participate in this process, including representatives of small farmers, civil society, social movements and United Nations agencies. Due

consideration should be given to **Right to Food Guidelines of FAO and general comment No. 12 (1999) of the Committee on Economic, Social and Cultural Rights on the right to adequate food.**

(c) **Access to justice in relation to the right to food should be improved. The courts should be mandated to deal with human rights violations, including the right to food. An independent institution charged with receiving and processing complaints and providing remedies for violations, should be established, in accordance with the 2004 Right to Food Guidelines adopted by all FAO Member States, as existing consumer offices fail to address this need.**

(d) **The constitutional right of every citizen to live in any sector, zone or area should be fully implemented, in conjunction with the right to food of every Cuban. Measures should be taken to facilitate the allocation of the subsidized basket to internal migrants who have moved without properly fulfilling the necessary administrative procedures. All Cubans should receive the subsidized food basket through the *libreta* system, wherever they live.**

(e) **The Government should prioritize intensification of recent policies to increase agricultural production and efficiency, particularly diversification of food production, use of non-State farming cooperatives, the *organopónico* movement and free supply-and-demand vegetable markets. The Government should enact further steps to ensure that farmers achieve profitable returns, through reductions in the quota system and legalization of secondary markets. Measures should be taken to stimulate capitalization and investment in the agricultural industry and to guarantee the independent operation of cooperatives.**

(f) **Only around 3 million hectares are cultivated, out of a possible 6 million hectares of fertile land. The *marabú* weed is invading millions of hectares of good land. The Government should implement a national programme to eradicate *marabú* in order to reclaim lost agricultural land and to establish incentives to promote the cultivation and use of this land.**

(g) **Special attention should be given to the urgent problem of food transport. Food is lost when adequate transport is not available due to lack of fuel or spare parts. At present, not all the more than 18,000 government-run stores receive the food to which they are entitled each month. Reform of the transport system is therefore urgent. Steps should be taken to improve or avoid unreliability and inefficiencies in the transport and food**

distribution system, and to reduce product loss, for example through decentralization of food production and by moving production closer to consumption points.

(h) In order to combat loss of harvest, the Government should extend the current programme of construction of family silos, currently implemented in only three eastern provinces, to the entire country.

(i) The Government should take further steps to enable individuals to access food that is available, accessible, acceptable, adaptable, and of good quality. Reforms are needed to expand the range and quality of food products available; to ensure food affordability; to ensure an adequate level of animal protein in diets; and to guarantee greater consumer sovereignty. More varied and nutritional food should be included in the basic food basket.

(j) Social security programmes should be strengthened in order to ensure coverage for all, including those that may be neglected under the current system. The Government, United Nations agencies and NGOs must work together to improve the progressive realization of the right to food for vulnerable groups, by intensifying measures to further reduce the prevalence of anaemia, by developing strategies for promoting a healthy diet, and by combating obesity. Data should be collected on a disaggregated basis to facilitate the monitoring of progress.

(k) To the United States, the Special Rapporteur recommends in the strongest way the removal of the illegal embargo against Cuba. Cuba should be granted open access to export markets, and the unnecessary cost and inconvenience that the embargo places on the system of food importation in Cuba should be eliminated. Cuba should be entitled to access the credit facilities of the World Bank, IMF and the Inter-American Development Bank. The travel ban on staff of the World Bank and other international organizations should be lifted, and the inconveniences created for United Nations staff, scientists, civil society members and others working to develop Cuba's capacity to realize the right to food should be eased.

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