

**COVER PAGE - COVER PAGE**

**Joint presentation**

**"Associationism and the Law of Associations".**

**Human Rights Council**

**Universal Periodic Review on Cuba 4th Cycle**

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**BY:**

# **PRISONERS DEFENDERS**

**ACTIVE LEGAL DEFENSE OF HUMAN RIGHTS - JURISTS - RAPORTEURS - HUMANISTS**

**Prisoners Defenders International Network (Prisoners Defenders)**

**MAIN ORGANIZATION of the joint presentation**

Príncipe de Vergara, 109 - 2nd floor, 28002 Madrid, Spain

President, Javier Larrondo Calafat, Spanish citizen, with CI 07231399S

Phone: +34 647 56 47 41

Email: [info@prisonersdefenders.org](mailto:info@prisonersdefenders.org)

<https://www.prisonersdefenders.org/>

PRISONERS DEFENDERS (Prisoners Defenders International Network) is an international institution rooted in the deepest humanism, whose mission is human rights reporting, legal action and pro-democracy advocacy in more than 10 countries in the Americas and Asia. Among the organizations that adopt our reports and explicitly refer to us are the [European Parliament](#), the [Human Rights Documentation Service of the European Parliament](#), the [Inter-American Commission on Human Rights](#), the [United Nations](#), the [United States Congress](#), the United States [Department of State](#), [Amnesty International](#), [Human Rights Watch](#), and many other organizations, governments and institutions, as well as media outlets such as [ABC](#), [Le Monde](#), [Le Point](#), [Le Figaro](#), [New York Times](#) or [Washington Post](#), among hundreds of newspapers and publications.

**Y:**

# **UNPACU**

**UNIÓN PATRIÓTICA DE CUBA**

**Patriotic Union of Cuba (UNPACU)**

Calle 9 #10 e/ E y G, Reparto Mármol, Santiago de Cuba, Cuba

General Coordinator, **José Daniel Ferrer García**, Cuban citizen with CI 70072927509.

Email: [info@unpacu.org](mailto:info@unpacu.org)

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<https://www.unpacu.org>

## **A. EXECUTIVE SUMMARY**

1. The third cycle of the Universal Periodic Review on Cuba has issued several recommendations on association rights. The articles of Law 54, "Law of Associations", prevent the creation of any association that does not depend directly or indirectly on the State. This Law has prevented the creation of independent unions, independent religious organizations and any type of civil society organizations. This document demonstrates these extremes and highlights the need to update legislation that allows, for the first time in Cuba, private associations independent of the State.

## **B. METHODOLOGY**

2. Prisoners Defenders has conducted numerous studies and legislative analyses on the right of association in Cuba, both for European and international institutions of the highest relevance. In particular, it has studied in detail Law 54, "Law of Associations" and the effects on civil society as well as with respect to religious freedom.

3. Due to the prohibition of all forms of independent associations in Cuba, the violation of the following international precepts has been identified: **A) United Nations - Universal Declaration of Human Rights:** Arts.2,20,28,30; **B) International Covenant on Civil and Political Rights:** Arts.2,3,20,21; **C) International Covenant on Economic, Social and Cultural Rights:** Arts.2,8; **D) UNICEF - Convention on the Rights of the Child:** Arts.2,15; **E) Cuba - Constitution of the Republic of Cuba Arts.8,16g),40,41,42,56.**

## **C. GENERAL NATIONAL CONTEXT**

5. Since 2018 alone, almost two dozen communications by special procedures have been recorded, among which the most relevant OHCHR Fundamental Rights Mandates have been filed (CUB1/2022,CUB7/2021,CUB6/2021,CUB2/2021,CUB4/2021,CUB3/2021,CUB1/2021,CUB1/2020,CUB7/2019,CUB6/2019,CUB5/2019,CUB2/2019,CUB1/2019,CUB6/2018,CUB4/2018,CUB3/2018,CUB2/2018,CUB1/2018)<sup>1</sup>.

6. Paragraph 54 of the report [A/77/56](#) of the Committee on Enforced Disappearances highlights how Cuba is the country in the world in 2021 with the highest number of Urgent Actions on Enforced Disappearances. It can also be seen how cumulatively since 2012 it is the third country in the world, only behind Iraq and Mexico.

7. As for the Working Group on Arbitrary Detention, it has issued very strong opinions on the arbitrary detentions of 19 artists, intellectuals, religious and activists such as Maykel Castillo, Denis Solís, Luis Robles, Keilylli de la Mora, Keilylli de la Mora, Roberto Quiñones, José Daniel Ferrer, Aymara Nieto, Eliecer Bandera, Humberto Rico, José Pompa, Melkis Faure, Mitzael Díaz, Silverio Portal, Josiel Guía, Marbel Mendoza, Ivan Amaro, Eduardo Cardet, Ariel Ruiz and Omar Rosabal.<sup>2</sup>

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<sup>1</sup> Communications by special procedures of various OHCHR Fundamental Rights Mandates: [CUB1/2022](#), [CUB7/2021](#), [CUB6/2021](#), [CUB2/2021](#), [CUB4/2021](#), [CUB3/2021](#), [CUB1/2021](#), [CUB1/2021](#), [CUB1/2020](#), [CUB7/2019](#), [CUB6/2019](#), [CUB5/2019](#), [CUB2/2019](#), [CUB1/2019](#), [CUB6/2018](#), [CUB4/2018](#), [CUB3/2018](#), [CUB2/2018](#), [CUB1/2018](#)

<sup>2</sup> Link to the opinions of the Working Group on Arbitrary Detention: [Maykel Castillo](#), [Denis Solís](#), [Luis Robles](#), [Keilylli de la Mora](#), [Roberto Quiñones](#), [José Daniel Ferrer](#), [Aymara Nieto](#), [Eliecer Bandera](#), [Humberto Rico](#), [José Pompa](#), [Melkis Faure](#), [Mitzael Díaz](#), [Silverio Portal](#), [Josiel Guía](#), [Marbel Mendoza](#), [Ivan Amaro](#), [Eduardo Cardet](#), [Ariel Ruiz](#) and [Omar Rosabal](#).

8. In its report of September 20, 2018, the Committee on the Elimination of Racial Discrimination made critical recommendations to Cuba regarding human rights defenders that speak to the seriousness of the situation they live in the country (CERD/C/CUB/CO/19-21)<sup>3</sup>.

9. In June 2022, the Committee on the Rights of the Child issued a strong condemnation in its Report of Findings of the Periodic Report on Cuba (CRC/C/CUB/CO/3-6)<sup>4</sup> about the forced 8-year separation between parents and children ("*the de facto prohibition for parents who terminated a civil contract abroad to be reunited with their children, sometimes for up to eight years, and the impact on children's health and well-being of years of separation from their parents*") that the authorities inflict on overseas workers if they decide to stop working or if they do not return immediately after finishing their work.

10. In the Report of the Working Group on the Universal Periodic Review, third cycle, a good number of recommendations were made on the rights and freedom of association and assembly, one of the shortcomings most recognized in Cuba by the international community: 24.4 (Costa Rica); 24.15 (Netherlands); 24.37 (Finland); 24.121 (New Zealand); 24.132 (United Kingdom of Great Britain and Northern Ireland); 24.160 (Brazil); 24.164 (Belgium); 24.167 (Brazil, France and Germany); 24.172 (Chile, Iceland, Slovakia, Spain and Germany); 24.181 (Estonia); 24.184 (Latvia); 24.187 (Lithuania); 24.192 (New Zealand); 24.196 (Peru); 24.198 (Poland); 24.201 (Sweden) and 24.203 (Switzerland);

11. From 2018 to date, the process initiated in 2016 at the International Labor Organization by the Independent Trade Union Association of Cuba (ASIC) for the impossibility to register and the harassment and political persecution of its members has received further support. The latest opinion dates from 2022<sup>5</sup>: the ILO Committee on Freedom of Association, after analyzing the complainant's report, asked the Cuban regime to guarantee freedom of movement to the members of the independent association so that they can exercise their activities without hindrance and requested that it accept a direct contacts mission to gather information, facilitate dialogue and promote the implementation of its recommendations. The Committee also reminded Cuba "*that for several decades it has been examining allegations concerning the non-recognition and intervention by the Government in the free functioning of trade union organizations not affiliated with the Central de Trabajadores de Cuba [see cases Nos. 1198, 1628, 1805, 1961, 2258 of the Committee on Freedom of Association]*".

#### **D. ON THE LEGAL FRAMEWORK AND LAW 54, LAW ON ASSOCIATIONS**

12. Article 56 of the current Constitution establishes that "*The rights of assembly, demonstration and association, for lawful and peaceful purposes, are recognized by the State provided that they are exercised with respect for public order and in **compliance with the precepts established by law***".

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<sup>3</sup> CERD/C/CUB/CO/19-21: <https://daccess-ods.un.org/tmp/3296126.12724304.html>

<sup>4</sup> Report on the Conclusions of the Periodic Report on Cuba (CRC/C/CUB/CO/3-6): [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCUB%2FCO%2F3-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCUB%2FCO%2F3-6&Lang=en)

<sup>5</sup> Latest 2022 opinion of the ILO Committee on Freedom of Association on the case of ASIC and freedom of association in Cuba: [https://www.ilo.org/dyn/normlex/es/f?p=1000:50002:0::NO:50002:P50002\\_COMPLAINT\\_TEXT\\_ID:4141424](https://www.ilo.org/dyn/normlex/es/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:4141424)

13. This "*compliance with the precepts established by law*" is, as Article 45 of the Constitution indicates in general terms, a subrogation of the Constitution to the laws already established, or those enacted after the Constitution, without establishing a hierarchical order among them, which invalidate or limit rights.

14. Indeed, Articles 274 and 275 of Law 151/2022 Penal Code define the crime of "*Unlawful associations, meetings and demonstrations*", and only associations authorized by law may associate and meet, so that citizens face a penalty of imprisonment of six months to two years and even confiscation of property in the case of non-legalized associations. In addition to this, no independent association, by **Law 54 of 1985, Law of Associations**<sup>6</sup>, can ever be legally constituted, due to the explicit limits of said Law to any registration of independent organizations, vetoed by definition by Law 54 itself, as we will see in subsequent paragraphs.<sup>7</sup> That is to say, by adding "*compliance with the precepts established by law*" Art.56 of the current Constitution could be read as follows: "*The rights of assembly, demonstration and association, for lawful and peaceful purposes, are only recognized by the State if they are exercised through state organizations*".

15. Once again we find that all the rights allegedly granted by the new Constitution of Cuba are immediately curtailed by the laws in force, in most cases, but also by the laws and regulations enacted subsequently, such as the Penal Code in force, so that the Constitution of Cuba is not a Magna Carta from which the law of the country derives, but explicitly places restrictive laws of rights above the Constitution itself, and therefore in the Constitution all rights are defined with limiting phrases such as "*and compliance with the precepts established by law*" or "*with no other limitations than those established by law*."

16. There is not a single reference in the Constitution that indicates that laws must be defined and adapted to respect the Constitution, nor is it possible to judicially resolve a constitutional conflict with other laws since there is no mechanism for this, nor is there a court of constitutional guarantees.

17. The only process for the protection of constitutional rights has been enacted by Law 153 of May 15, 2022.<sup>8</sup> But it excludes from any amparo process: "*(a) claims for non-conformity with judicial decisions adopted in other matters; (b) **the declaration of unconstitutionality of laws and other normative acts**; and (c) claims relating to national defense and security, measures adopted in exceptional and disaster situations to safeguard the independence, peace and security of the country*".

18. In other words, the Constitution cannot prevail over other laws that contradict it, and the exclusions of rights in the very articles of the Constitution are in effect exceptions that allow the violation of the very rights that appear to be protected.

19. Therefore, we are faced with a Constitution that cannot serve as a Magna Carta for citizens, and the enunciation of the right of assembly and association subject to the laws in force, which, like the Law of Associations, is absolutely restrictive of the right, does not imply any guarantee of said right for citizens.

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<sup>6</sup> Law 54 of 1985 Associations Law: [https://drive.google.com/open?id=1ez\\_MAogif\\_jCXnZkNKmfORoOUxCf3SJS](https://drive.google.com/open?id=1ez_MAogif_jCXnZkNKmfORoOUxCf3SJS)

<sup>7</sup> National Assembly of the People's Power, "Código Penal", Pub. L. No. 151/2022, Penal (2022), Arts. 274 and 275.

<sup>8</sup> Law 153 of May 15, 2022, on the process of protection of constitutional rights:  
<https://drive.google.com/file/d/16sY5tlweCkhCFEDZubMyND9tb60MjfCV>

20. The same Constitution in its articles 4 and 5 already makes very clear the way to the illegality of any association that advocates changes in the political, social and economic order, or is not under the umbrella of the Communist Party. Already from the Constitution itself there is a legitimate source of confrontation to any organization or association not emanating from the Communist Party:

- *Article 4. (...) The socialist system endorsed by this Constitution is irrevocable. Citizens have the right to fight by all means, including armed struggle, when no other recourse is possible, against anyone who attempts to overthrow the political, social and economic order established by this Constitution.*
- *The Communist Party of Cuba (...) is the highest leading political force of society and the State. It organizes and guides the common efforts in the construction of socialism and the advance towards a communist society. It works to preserve and strengthen the patriotic unity of Cubans and to develop ethical, moral and civic values.*

21. **Law 54 of 1985, Law of Associations**<sup>9</sup> is the highest-ranking law whose purpose is to regulate the exercise of the right of association allegedly granted by the previous Constitution, as well as the current one. It regulates the manner in which Cuban citizens with the will to associate must submit applications for the constitution of any association. According to Article 3 in relation to Articles 6, 7, 8 and 13, the applicants must have in their favor several favorable opinions and, according to Article 13, a dependence "by common agreement" of a State agency, and all this culminates with authorization or denial through a resolution issued by the Ministry of Justice.

22. Among the causes for denial of the constitution of an association in Cuba, very broad, diverse and set forth in Article 8 of the Law of Associations, there is one that is particularly restrictive of independent associationism. Article 8 requires compliance with Article 13, which in turn requires that the association must have a system of coordination and collaboration with a State agency and that, in addition, this must be assumed "by mutual agreement".

This combination of Articles 8 and 13 alone makes it impossible, by definition, to register an independent association in Cuba. In order to support independent associations in Cuba, it is therefore imperative to make substantial changes to Law 54 of 1985, the Law of Associations.

24. In addition to such imposition, the Law restricts the possible activities, since the right of association may only be constituted to fulfill objectives expressed in **Article 2**, i.e.:

- a) Scientific or technical, that seek with their work to contribute to the development of research and the application of the achievements of science and technology;
- b) Cultural and artistic activities, which aim to promote and develop artistic education, the vocation for creation and the cultivation of art and culture;
- c) Sports, whose purpose is the development and practice of sports, as well as physical education and recreation;
- d) Of friendship and solidarity, which aim to develop friendly relations between peoples and the study of their history and culture;
- e) any others which, in accordance with the Constitution and this Law, are proposed for purposes of social interest.

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<sup>9</sup> Law 54 of 1985 Associations Law: [https://drive.google.com/open?id=1ez\\_MAogif\\_jCXnZkNKmfORo0UxCf3SJS](https://drive.google.com/open?id=1ez_MAogif_jCXnZkNKmfORo0UxCf3SJS)

(...) *The mass and social organizations referred to in Article 7 of the Constitution [this refers to [the 1976 Constitution](#), which was in force when this Law was approved], ecclesiastical or religious associations, agricultural production cooperatives, credit and service cooperatives, and others authorized by law are not included in the provisions of this Law".*

26. Article 7 of the 1976 Constitution was the one that mentioned the backbone organizations supported by the State: *Constitution of 1976. "Art. 7. The Cuban socialist State recognizes and stimulates the mass and social organizations, arising in the historical process of the struggles of our people, which group together different sectors of the population, represent their specific interests and incorporate them into the tasks of building, consolidating and defending socialist society."*

27. The Mass Organizations were initially three, the **CDR (Committees for the Defense of the Revolution)**, the **FMC (Federation of Cuban Women)** and the **ANAP (National Association of Small Farmers)**. All were created by the Communist Party at the dawn of the revolution between 1960 and 1961 and are explicitly aimed at defending the revolution and the socialist system. These organizations of the Communist Party, therefore, were neither constituted nor governed by Law 54 of 1985, being considered absolutely state mechanisms.

28. Article 6 of Law 54 of 1985, Law on Associations, should define the body to which the application for registration of an Association should be submitted, but it does not define it, which **makes it impossible for there to really be a body that has the unavoidable commitment to respond to applications**: *"Article 6. (...) In cases of associations of a national character, the application shall be submitted to the body, agency or state agency that is related to the objectives and activities to be developed by the association to be formed".*

29. Requests for associationism that do not start from the official side, therefore, are not indicated where they should apply for their foundation, and never receive any response whatsoever. This has happened and happens constantly with all the organizations that have tried to legalize themselves, such as the Cuban Commission for Human Rights and National Reconciliation (CCDHRN) or the Independent Trade Union Association of Cuba (ASIC), two of the historical associations that have never been able to be constituted.

30. ASIC, in particular, has received the support of the International Labor Organization through case 3.271<sup>10</sup> on violations of trade union freedoms at the ILO. The ILO has demanded on several occasions that Cuba must provide an independent organization registration mechanism. Cuba, to date, has failed to do so.

31. Going into greater detail, Article 8 of the Law of Associations already mentioned delimits the reasons for which an Association can be denied, of which we will highlight several that are decisive and limiting to the extreme:

32. *"ARTICLE 8, The Ministry of Justice shall deny the application to constitute an association in the following cases:*

33. *"a) When it fails to comply with the provisions of Articles 5, 6 and 7 of this Law or with any of its regulatory provisions".* Let us remember that article 6 leaves undefined the organism that attends, responds and commits itself in the response, so that the **Ministry** of Justice has no commitment to respond to a request that does not first go through the procedure of article 6.

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<sup>10</sup> International Labor Organization Case 3.271, 2022 opinion on the freedom of association case in Cuba:  
[https://www.ilo.org/dyn/normlex/es/f?p=1000:50002:0::NO:50002:P50002\\_COMPLAINT\\_TEXT\\_ID:4141424](https://www.ilo.org/dyn/normlex/es/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:4141424)



34. **"c) when its activities could be detrimental to the social interest"**. It is an oxymoron to provide a procedure for society to express and defend its interests and to predefine by the State which interests can be defended. In other words, **in Cuba there are only associations whose social interests are accepted by the Executive, leaving no room for social interests other than those of the Executive.**

35. **"(ch) when it becomes evident that it is impossible to achieve the objectives and activities proposed"**. Again it is the Executive who defines what can or cannot be achieved, not even leaving to civil society the attempt to build alternative, disruptive or complex projects, the very basis of associationism, since it is thanks to the association of interests among people that makes possible the achievement of objectives that would be unattainable without it.

**d) when another one is registered with identical or similar objectives or denomination to the one to be constituted"**. This is one of the Achilles' heels that defines associationism in Cuba: there can only be one Association for each field of action or objectives. The Association that prevails and is approved, of course, is the state one or the one linked to the Communist Party. The Cuban system is not only of a single party, but of a **single**, single-color **associationism**. There are no alternative associations, there are no possible options, by law. Thus, for example, a new type of society cannot be founded that integrates women, in defense of their rights or a part of them, because there is already a women's organization (FMC) that in theory "embraces and defends" all the diverse interests that can be asserted for Cuban women. Nor is there an organization of jurists -for example, a defender of the guarantees of the criminal process- because there is already an organization with "similar objectives", the UNJC (National Union of Jurists of Cuba). This prevents the associationism, being all the Associations that already exist forms of state control and/or dependent of the Communist Party. Examples of all the areas in which civil society could no longer register any association because such area is covered by a state organization are: Mass Organizations, such as the **CDR (Committees for the Defense of the Revolution)**, the **FMC (Federation of Cuban Women)** and the **ANAP (National Association of Small Farmers)** and other state and Communist Party dependent organizations that monopolize numerous areas, such as the Center for Exchange and Reference Community Initiative (CIERIC), the Cuban Association of Agricultural and Forestry Technicians (ACTAF), Cuban Society for the Promotion of Renewable Energy Sources and Environmental Respect (Cubasolar), Office of the City Conservator (OCC), National Center for Sex Education of Cuba (CENESEX), National Union of Jurists of Cuba, National Information System of the print, digital and television press, National Union of Journalists of Cuba, Council of Churches of Cuba, National Union of Artists and Writers of Cuba, National Union of Economists of Cuba, National Union of Workers, etc.

37. **"e) when the document containing the rules of relations referred to in Article 13 of this Law is not presented;"**. This technical obstacle is radical. Article 13 of the Law of Associations states: **"ARTICLE 13.-The rules regulating the relations of coordination and collaboration between the associations and the state organs, agencies or dependencies shall be established by mutual agreement taking into account the objectives proposed, the activities developed and the provisions of the regulations of this Law. State bodies, agencies or dependencies may carry out inspections of the associations with which they maintain relations to verify compliance with the regulations referred to in the preceding paragraph."**

38. That is to say, the Association must refer, by Article 6 of the Law of Associations, to the competent body, not defined, where it wishes to develop its activity. This body must not only



accept and process the registration so that the Ministry of Justice then accepts to process the application, but the Association must also, under Article 13, by **mutual agreement with the body**, let us remember that it is undefined, establish the terms of relations, collaboration, inspection, and other relationships of dependence with said body.

39. This means that **every association constituted in Cuba depends on a state agency** that hosts, controls and supervises its activity in a manner that is defined by the agency, without limitation. Therefore, **there is no independent associationism by legal imperative in Cuba**. In other words, the concept of Non-Governmental Organization does not exist, and therefore, **by legal definition, there is no legally constituted association in Cuba that can meet the requirements of "Civil Society" defined as an independent organization not linked to the State**.

40. Administrative silence in Cuba, by legal definition, has the same effect as denial. Therefore, no association not supported by the Executive even obtains a response.

41. In matters of state dependence, each company or organization must submit to work interrelationships and share the objectives of the ministry or branch of the economy or state company that serves it by designation according to its activity. This link is set forth in Chapter III of the Law on Associations (Articles 11 to 15).

42. According to Article 13 of the Law, they may also be inspected by state bodies, agencies or agencies with which they *"maintain relations in order to verify compliance with the rules and common objectives outlined"*. Any discrepancy with the state body may result in the forced liquidation or dissolution of the association or organization by virtue of a petition filed with the Ministry of Justice. This Ministry of Justice itself, through the Directorate of the Registry of Associations, will oversee the management of each society and its relations, having broad powers of inspection.

43. Thus, for example, articles 73 and following articles up to 77 of Resolution 53 of 1986 of the Minister of Justice, called Regulations of the Law of Associations<sup>11</sup>, regulate the ministerial way in which the State intervenes in the associations, which grants absolute control and the ability to cause all kinds of consequences in the Association. It is very common for inspections to occur when senior officials of a given officially registered Association, all linked to the State, propose actions that are not to the liking of State Security.

44. This is the case with hundreds of small and large associations in Cuba, as happened with the grassroots delegation of ANEC (National Association of Economists of Cuba) in Camajuaní, where the economic proposals that were made, open-minded, were not to the liking of State Security. The provincial director of Justice, Ania María Aparicio Albelo, received orders to carry out an inspection in order to find any problems that could allow the dismissal of the Director of such association, by orders of the State Security. And so they did in the period 2014-2017, they dismissed the Director, filled the Association with Party members, and changed the "proposals" of ANEC in Camajuaní.

45. Article 79 of the Regulations of Law 54 of Associations defines the grounds for dissolution as follows: *An association may be dissolved for any of the following causes: a) for having failed to comply with any of the requirements that determined its constitution, b) when its activities become detrimental to the social interest, c) for having violated the laws in force. This regulation or its*

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<sup>11</sup> Regulations of the Law of Associations:

[https://drive.google.com/open?id=17\\_R2u1LZs1mCmZ3bRG7ROJMMMDI9H4-61](https://drive.google.com/open?id=17_R2u1LZs1mCmZ3bRG7ROJMMMDI9H4-61)

*complementary provisions, d) as a result of an administrative sanction of an institutional nature, e) by reasoned request to the Ministry of Justice, from the relations body.*

46. Against the decisions determined by the Ministry of Justice, an appeal may be filed before the Minister of Justice, and as a next step, claims may be filed in the courts after the first step has been exhausted. In any case, everything takes place within the scope controlled by the Ministry of Justice, the same initial decision maker.

47. It should be noted that the presidents or fundamental leaders of the mass organizations and other societies of high strategic significance for the country's politics belong to Party structures of relevant leadership levels (CPC Central Committee or Political Bureau), to the Council of State and to the National Assembly or local assemblies of People's Power, so that they permanently integrate their missions to the political interests instituted, being accountable for their leadership work in all dimensions.

48. For all these reasons, **in Cuba, every legally registered Association is linked to the State and the Communist Party, and is controlled by them and by the Executive.**

#### **D1. RECOMMENDATIONS**

49. Repeal and replace Law 54 of 1985, Law of Associations, which does not allow the creation of independent organizations, with legislation that allows the creation of associations independent of the Government, the State and/or the Communist Party.

50. Ratify the International Covenant on Civil and Political Rights and establish a legal and institutional framework that guarantees the full exercise of the rights enshrined therein, including the rights to freedom of expression, peaceful assembly and association.

51. Address invitations to the United Nations Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, on the rights to freedom of peaceful assembly and of association, and on the situation of human rights defenders.

53. Review all legal provisions in the area of freedom of peaceful assembly and association, including Law 54 of 1985 and Article 56 of the Constitution, eliminating the subrogation of this article to lower order laws that violate the very right enunciated and are in clear conflict with the Constitution itself and the rights it enunciates, and adapt Cuba's legal framework on freedom of peaceful assembly and association to international human rights law.

54. Immediately and unconditionally release, and exonerate from charges, all convicts and condemned of conscience who have been totally or partially deprived of liberty exclusively for peacefully exercising their rights to freedom of expression, association and peaceful assembly.