



PROPOSED HUMANITARIAN AGENDA FOR CUBAN FAMILIES

PREAMBLE

Consenso Cubano believes in the importance of promoting measures that will benefit the Cuban people and their families while promoting opportunities that may facilitate the process of finding non-violent solutions aimed at a democratic and sovereign transition in Cuba.

PROPOSALS

Based on its founding principles, Consenso Cubano has identified three areas of rights and freedoms that are considered essential in order to offer humanitarian support to Cuban families and therefore proposes the adoption of the following measures:

1) Right to move freely, to freely choose where to establish residency and to family reunification.

- Elimination of permits demanded by the Cuban government from its citizens to enter and leave the country, and the abolishment of the migratory category “*salida definitiva*” or *definite exit*.
- Elimination by the Cuban Government of the laws and regulations that prevent Cuban citizens from freely establishing their legal residency, whether temporary or permanent, in Cuba or abroad.
- Elimination of the requirement that payment for the formalities required to exit Cuba be made in a foreign currency, or in a Cuban monetary unit that can only be acquired with foreign currency, and revision of taxes and rates in order to equate them to regional standards.
- Elimination by the Cuban Government of the confiscation of property, forced loss of employment and other retaliatory actions against emigrants.
- Prioritize and facilitate emigration options for cases of family reunification.

- Elimination of all measures imposed by the United States Government restricting and limiting travel to Cuba, based on family or humanitarian reasons.

2) Right to fluid, accessible communications at market prices.

- Modification by the Cuban Government of international telephone rates in order to equate them to regional standards.
- Liberalize and facilitate access to Internet and electronic mail in Cuba, with rates that equate to regional standards.
- Abolish all measures that restrict the access by Cuban citizens to the purchase of computer and communication equipment.
- Regularization of standard airmail service between Cuba and the United States.

3) Right to send and receive family and personal remittances.

- Abolishment by the Cuban government of excessive taxes and restrictions of foreign remittances, using as indicator the prevailing regional market prices and practices.
- Elimination of all U.S. restrictions on remittances and packages sent to Cuba for humanitarian purposes.
- Allow Cuban citizens on the Island to use family remittances and support to establish small businesses and self employment activities

REASONING

As is the case of any individual who decides to emigrate temporarily or permanently to another country, Cubans residing abroad may have families whom they wish to maintain fluid communications with, help, visit, or with whom they wish to reunite, either in Cuba or abroad. These are humanitarian expectations that should not be affected by political considerations.

The main reasons why we have identified and prioritized these three rights are the following:

1. The Cuban revolutionary process divided our families not only politically and ideologically, but also geographically. More than one million Cubans are currently spread throughout the world.

The demand by the Cuban Government of exit and entry permits for those born in Cuba, the confiscation of property, loss of employment, public stigma, police harassment towards any Cuban who states his intention to settle in a different country, as well as the denial of the freedom to return, invest and even visit his own country after emigrating, constitute exceptional measures in today's world.

The involuntary withholding in Cuba of relatives used as penalty imposed against those who decide not to return to the country is also reprehensible.

The U.S. Government has also imposed restrictions that limit Cuban nationals residing there the opportunity to freely visit their friends or relatives on the island. Since the majority of the Cubans emigrants are located in U.S. territory, these measures have a negative impact in the advance of the national reconciliation and the reunification of families.

The rights of free movement, residence and reunification of the family are protected by international law. The Universal Declaration of Human Rights of the United Nations provides in its Article 13 that *“Everyone has the right to freedom of movement and residence within the borders of each state”,* and that *“Everyone has the right to leave any country, including his own, and to return to his country.”* Following the adoption of the Universal Declaration of Human Rights, other pacts, international agreements and resolutions, both from the General Assembly, as well as from the Human Rights Commission of the United Nations, have completed these rights exhorting *“all countries to guarantee the universally recognized freedom to travel, to all the citizens of other countries who reside in their territories”* and to *“help in the reunification of families expeditiously and efficiently, taking into consideration the applicable legislation, and the positive effects of such reunification.”*

2. Every emigrant should have the power to communicate freely and openly with his/her relatives or friends left behind. This is an inalienable right to communicate and a basic emotional and psychological necessity. It is very difficult for Cubans to exercise this right due to the limited access and costs that are above the regional standards.

The use of Internet and electronic mail (email), its access and use are intensely regulated, controlled and restricted by the Cuban authorities. In addition, the costs of these services, for those who have access to them, exceed the regional standards.

3. All emigrants, regardless of their country of origin, feel the ethical and moral obligation to help their families and friends who were left behind. Almost without exception, all emigrants regularly send remittances and packages to their families and friends, and they increase these remittances in the event of

any type of disaster. Once again, Cuban émigrés are faced with many obstacles in the exercise of this right.

Both the Cuban and U.S. governments have imposed restrictive measures that limit the flow of remittances and packages that are an expression of human solidarity, from family to family and from person to person. In addition, the Cuban Government has readjusted the exchange rates of its currency, purposely reducing the value of these remittances and combining this action with a state tax on the U.S. dollar.

These measures enacted by both governments limit the right of Cubans to have “*an adequate standard of living, to guarantee them and their families their health and wellbeing, and in particular their access to food, clothing, housing...*” guaranteed by Article 24 of the Universal Declaration of Human Rights. In addition, the Cuban government has unleashed a tax offensive and harassment policy against the emerging sector of the self employed, making it difficult, if not impossible, to invest these remittances into micro businesses, which would allow recipients to support themselves without further help from abroad or to create sources of employment for other Cubans and supply different services and products for the Cuban society.

This right is protected by several norms and instruments of international law as evidenced by several conventions and resolutions of the United Nations, where all governments are invited to allow, among other things “*the unrestricted movement of the family remittances that the citizens from other countries residing in their territories may send to their families in the country of origin*”.

CONCLUSION

Enacted measures that limit or deny Cubans their fundamental right to the freedom to travel, to leave or return to Cuba with humanitarian or family reunification purposes, to have access to fluid communication and to be able to send and receive family and personal help, violate the fundamental rights of Cubans, hurt the Cuban family and represent ethical contradictions of great relevance. Consequently, Consenso Cubano proposes the elimination of all barriers that place obstacles, limits or affect the free exercise of these rights and that in addition interfere and delay the possibilities of change for Cuba.

Based on all the preceding considerations, Consenso Cubano exhorts the collaboration with this humanitarian plan and requests that all Cubans, governments, institutions, churches and people of good will help in this constructive effort.

Miami, October 2006.

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Bibliotecas Independientes de Cuba
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Other Organizations:

Acción Democrática Cubana
Agenda Cuba
Arco Progresista
Christian Commitment Foundation
Comité Cubano Pro Derechos Humanos
Confederación Campesina de Cuba
Cuba Study Group
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Movimiento Cristiano de Liberación

Raíces de Esperanza

Solidaridad de Trabajadores Cubanos

- *According to the procedures established by Consenso Cubano, all observers participate in the deliberations of the Group, but are not signatories of the declarations or positions adopted.*