



THE PERMANENT MISSION  
OF THE  
UNITED STATES OF AMERICA  
TO THE  
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS  
IN GENEVA

December 17, 2024

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Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises  
Geneva, Switzerland

Irene Khan  
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Geneva, Switzerland

Gina Romero  
Special Rapporteur on the rights to freedom of peaceful assembly and of association  
Geneva, Switzerland

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders  
Geneva, Switzerland

Dear Rapporteurs,

Enclosed please find the response from the United States to your letter dated November 20, 2024 (AL USA 18/2024, 151-24).

I wish you all the best in the New Year.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michèle Taylor", with a stylized flourish at the end.

Ambassador Michèle Taylor  
Permanent Representative to the  
UN Human Rights Council

## U.S response to AL USA 18/2024

Thank you for your November 20 letter expressing concern regarding reports of the Government of Cuba's arbitrary denial of boarding to Cuban nationals to their country of origin. We greatly value your view on this and other issues and share your concerns about reports of this abusive practice.

A 2016 U.S.-Cuba Memorandum of Understanding (MOU) sets out a framework for international air services between the United States and Cuba. In that MOU, the two governments committed that their respective airlines should comply with the other country's laws and regulations relating to the admission to or departure from the other's territory. Consistent with the MOU, U.S. air carriers' U.S. Department of Transportation (USDOT)-issued authorizations to serve Cuba require that carriers abide by Cuba's entry, exit, and immigration law and regulations, including any rules and procedures established for entry of its own citizens. Failure to abide by those requirements could result in civil penalty, suspensions, or revocation of authority to operate between the United States and Cuba. Furthermore, the United States and Cuba also have international legal obligations to ensure their airlines comply with all applicable admissions requirements pursuant to Article 13 (Entry and Clearance Regulations) of the Convention on International Civil Aviation (Chicago Convention).

In the case referenced in the Working Group's letter regarding Ms. Anamely Ramos González, the Working Group indicates that the Cuban Ministry of the Interior provided a signed notification that Ms. Ramos would not be permitted to enter Cuba. In such a case, no U.S. air carrier could permit Ms. Ramos to board a flight to Cuba without violating the conditions of its operating authority issued by USDOT. For specific questions related to the Cuban government's refusal to allow the return of a Cuban national, we recommend contacting the government directly.

We would also note that the United States works to advance respect for human rights issues across all business sectors by engaging bilaterally, multilaterally, and via multi-stakeholder initiatives to leverage the unique resources of the public, private, and civil society sectors. We are committed to implementing the UN Guiding Principles on Business and Human Rights (UN Guiding Principles), and through a variety of additional mechanisms, initiatives, and fora, including the Organization for Economic Cooperation and Development Guidelines for Multinational Enterprises on Responsible Business Conduct.

Additionally, in March 2024, the United States published its second National Action Plan on Responsible Business Conduct (NAP). The NAP represented a whole-of-government approach to promoting and incentivizing responsible business conduct, with an emphasis on strengthening human rights due diligence (HRDD) by the private sector, government, and development banks. The NAP set out four high-priority commitments: (1) establishing a federal advisory committee on

responsible business conduct to facilitate coordination between the government and members of the private sector, civil society, academia, and labor unions on responsible business conduct issues; (2) strengthening protections for human rights in federal procurement processes; (3) promoting access to remedy, including for individuals impacted by government-funded projects; and (4) providing a resource hub on labor rights and human rights due diligence topics for businesses.

Furthermore, in our Country Report on Human Rights Practices (and elsewhere), the United States has called out the Government of Cuba for denying Ms. Ramos and other Cuban nationals the right to reenter Cuba. As noted in our report, Cuban authorities have not provided any explanation for why they have not allowed these Cuban nationals to board flights to Cuba. As a general matter, transnational corporations do not have obligations under international human rights law.

We are pleased to learn that the Working Group has also shared your concerns about these incidents with the Government of Cuba, and we look forward to reviewing any response it may provide.