

Cuba and International Human Rights

Cuba's engagement with OHCHR

Cuba's constant engagement in cooperation with the Office of the High Commissioner for Human Rights (OHCHR) was confirmed in the letter dated November 2, 2018 (OHCR NV_HC Letter Cuba.pdf).

In September 2018, Cuba confirmed support for 224 recommendations from the Universal Periodic Review (Third Cycle, OHCR /CUBA_Infographic_30th.pdf).

Most of these recommendations have been taken into account in the further development of Cuban society in subsequent years. We would like to show key points of these positive developments here.

Human Rights in Cuba

Jose Marti (ca 1895)

"I want full respect for the dignity of all Cubans to become the first principle of law of our Republic." - José Martí ca. 1895

José Martí, poet and writer, is a Cuban national hero and symbol of that country's struggle for independence. His basic idea of all human rights, formulated at the end of the 19th century is the basis of the Cuban liberation movement. Since then Cuba has been trying to make this demand of the national hero become reality in Cuba and in "Nuestra América ", thus ending the effects and consequences of colonization and economic oppression and implementing fundamental human rights.

Fidel Castro (Jan. 21, 1959)

"The Cuban Revolution can be summarized as the pursuit of social justice in total freedom and untethered r absolute respect for human rights."

These goals of the Cuban Revolution were described by Fidel Castro in 1959. Cuba, marked by national pride, a will for independence and a desire for progress, is following this path. Opposed to this are the overpowering United States, which want to prevent Cuba's independent development, supported by the population, and undo the successes it has achieved.

The extraterritorial repressive measures of the USA, contrary to the principles of the UN, have undermined Cuba for more than sixty years.

For thirty years, the United Nations General Assembly has condemned this U.S. action, which is contrary to international law, and which thus massively restricts Cuba's economic and social rights and development opportunities instead of developing friendly relations between nations based on respect for the principle of equal rights and self-determination of peoples. Most recently, 185 countries condemned the U.S. conduct, which is contrary to the United Nations Charter.

Developments since last Universal Periodic Review (Third circle, 2018)

U.S. economic power increasingly used in violation of international law for hostile action against Cuba and extortionate pressure on other countries

The U.S. is using its global economic power to forcibly enforce U.S. domestic law against Cuba in international economic relations in an extortionate manner against countries with which the U.S. has economic relations. In doing so, the U.S. is defying the United Nations Charter and international law. In this way, the U.S. is hindering and delaying the free, sovereign and democratic development of Cuba and increasingly limiting the economic, financial and political freedom of this country.

The aim of the unilateral coercive measures of the USA is to reverse the results of national and democratic development of Cuba and to replace the form of government and constitution determined by the Cuban people themselves with a form of rule desired by the USA. Cuba is to be starved.

Aggravations by the Trump administration

(From A/HRC/WG.6/30/CUB/2, 15)

„In 2017, OHCHR noted that, according to the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, the extraterritorial sanctions of the United States against Cuba had a negative impact on the country's ability to trade with the outside world and access foreign currency and international markets, including its ability to purchase food, medicines and technology at competitive prices. The same year, the United Nations General Assembly, recalling its previous resolutions on the matter, adopted resolution 72/4 on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba.“

In the last months of his presidency, U.S. President Donald Trump had tightened the U.S. economic blockade against Cuba, which was imposed in 1961, several times. Among other things, the possibility was created to sue former property in Cuba before U.S. courts. For us Europeans, this sounds as if the Belgian king could reclaim his private Belgian colonies. The Biden administration has largely maintained these tightenings.

Democratic advancement in Cuba

New constitution of 2019

Back in 2011, Cuba developed "313 guidelines for political and economic development." This was followed by a "national development plan until 2030." This development plan was followed by a proposal for a new constitution by 2019.

A first draft of Cuba's new constitution was presented in 2017 and subsequently discussed in a broad popular consultation. This draft incorporated numerous recommendations from the last Universal Periodic Review es OHCHR.

The new Constitution is a modern Magna Carta that allows for the more focused construction of an updated economic and social model, with all and for the good of all. Nearly 80% of the population participated in the discussion process leading up to the vote on February 24, 2019. The turnout for the vote was 90.1%, and the approval was 86.8% of the votes cast.

This broad citizen participation in a democratic development process results in this extremely broad approval of the Cuban population.

Such levels of participation and approval for far-reaching legislative projects would be desirable for any country that claims to be democratically legitimate. In the European Union, in Austria, we have not yet experienced comparably broad participation procedures before important political decisions. The human right to participate in social development encompasses more than handing over one's power with a cross on the ballot every few years.

FACTS:

- ★ Constitution adopted on 24.02.2019
- ★ 86.85% YES votes
- ★ 760 amendments to the original document
- ★ 783,000 proposals
- ★ 60% of the draft changed
- ★ "Communism" added at the request of the people
- ★ 133,000 events held in workplaces, neighborhoods, schools, and universities
- ★ 8.9 million people involved in the discussion

The Cuban Constitution of 2019 brings foundations for non-discriminatory treatment of different family and living arrangements, a strengthening of children's rights, a

strengthening of proximity to citizens through decentralization of administration and electoral levels, through expansion of the foundations for privacy and data protection, through an expanded, democratized corporate law, and many other progressive details. Issues such as the direct election of the president by the people, as well as discussions about the value of work, but also the demand for adequate housing were at the forefront.

With this constitution, many themes of the human rights canon were transferred into Cuban fundamental rights. The reform brings an expansion of civil rights and also works at the institutional level. For example, state leadership was divided between the presidency, the prime minister and the president of the National Assembly. Term limits and age limits were established for the head of state.

Cuba still has to assert itself in a difficult and often hostile environment. The political and social development following the adoption of the new constitution shows that the Cuban nation is ready and willing to consistently continue on its self-determined path of development based on the UN Charter and human rights.

Cuba is justifiably proud of its free education, health and training system. With this experience Cuba supports mainly in Africa and South America, in the Corona crisis also countries of the industrialized West. 22 countries receive this support free of charge.

The Cuban educational and university system is also available to foreign students in solidarity.

New constitution is the basis for further legislation

The new constitution provides rules for strengthening citizens' rights (habeas corpus) and mechanisms for legally claiming the rights and guarantees enshrined in it. A corresponding law (Ley del Proceso de Amparo de los Derechos Constitucionales) was passed: Two instances are provided for constitutional violations, the first at the level of the respective provincial supreme court, the next and last at the Supreme Court. Lawsuits against higher state organs end up directly before the Supreme Court.

An important achievement is the constitutional anchoring of human rights and the socialist rule of law. This allows for the further development of an open and free society in which the opinions of dissenters are respected and discussions can be held in public.

With the explicit recognition of freedom of association, assembly and demonstration, new forms of political participation and appropriation of public space are made possible by law.

A law on the protection of personal data (Ley de Datos Personales) is new. It establishes ownership of one's own data for private individuals, regulates the resulting rights and obligations, and includes aspects such as the transfer of personal data or the obligation of authorities to provide information.

The new constitution results in a large number of follow-up laws, which in particular anchor political human rights much more firmly in the Cuban legislature, jurisdiction and institutions.

Decentralization of the political system

By dividing the head of state among three people, the state administration is restructured, and by decentralizing and distributing power to lower levels, it is brought closer to the people.

The autonomy of municipalities is strengthened. A directly elected and upgraded municipal council implements direct citizen participation. The municipal council controls local administration, local production facilities and service providers. These local levels are also endowed with economic power: locally generated revenues are directly allocated to the respective municipal budgets. Here, the socialist project is implemented in a grassroots democratic manner. The strengthening of municipal autonomy vis-à-vis provincial structures brings the exercise of democratic rights closer to those affected.

Modern family law 2022

Código de las familias: Reform includes legalization of same-sex marriage and strengthening of children's rights

As early as 1997, the last homophobic paragraphs were deleted from the penal code, and since 2008, Cuba has allowed trans people to have their gender reassigned at state expense.

Nevertheless, same-sex marriage was a central topic of the 2019 constitutional reform, which gave rise to controversial discussions in traditionally patriarchal Cuba. Apparently, old-established value-conservative prejudices were still strongly entrenched in the population.

Thus, the discussion on the reorganization of family law was outsourced to a separate discussion and voting process.

The open and democratic discussion of these socially relevant, democratically important issues, detached from the constitutional debate, brought about a far-reaching change: with a turnout of 74 percent of the 8.8 million eligible voters, a modern family law was adopted on Sept. 25, 2022, with 66.9 percent approval.

In a broad public debate. 6.5 million people participated in 79,000 popular debates, meetings in residential areas, schools and workplaces. By the time of the vote, 50 percent of the original proposal had been changed in a total of 25 versions through a broad democratic process.

The adopted version replaces "paternal authority" ("patria potestad"), which still stems from Roman law, with the neutral term "responsabilidad parental" ("parental responsibility"). Based on the current state of social science, the United Nations Convention on the Rights of the Child and recommendations by OHCHR, there has been an expansion of rights to the autonomy of the child and an opening to diverse family models. Many of the recommendations of the last Universal Periodic Review of the OHCHR have been incorporated here. Particularly in the area of nondiscrimination, this redesign goes further than OHCHR recommendations.

The law includes over four hundred points, regulates many legal aspects and possibilities of relationships between people. Same-sex marriage is an important part of this family law. Integratively, the rights of all people are recognized equally, without distinction of sexual orientation, gender, religious beliefs, skin color. Accordingly, marriage is openly defined as a constellation between two people by mutual consent, not just between a man and a woman. All people have the right to marry in Cuba, and the law regulates conditions and basic issues.

This family law, adopted by consensus on the broadest possible democratic basis, recognizes different life plans on an equal footing and creates a contemporary, inclusive and respectful framework against discrimination of any kind.

"Army of white coats": solidarity support through health brigades in 51 countries and territories.

Cuba exports health and education, not oil and not weapons

Cuba provides medical aid in solidarity worldwide, right now after the February 2023 earthquake disaster in Turkey and Syria.

- While wealthy states contribute to the costs of these operations, Cuba helps poorer countries without any financial compensation. For such solidarity missions and "in recognition of its merits in coping with natural disasters and epidemics," the "Henry Reeve Contingent" has been awarded by the World Health Organization (WHO) in May 2017. At the moment, Cuban health workers are helping in 22 countries free of charge.

- But unlike most nations, Cuba's ability to confront the pandemic is hobbled by severe US sanctions that have escalated under the Trump administration. The trade embargo, almost six decades old, continues to hamper Cuba's financial transactions and its ability to export and import needed materials. Among other punitive measures, the Trump administration has effectively penalized foreign shipping companies ferrying cargo from other countries to Cuba, impeding the flow of oil, foodstuffs, and other commerce critical to the daily needs of Cuba's citizenry.

In 1960, after a major earthquake in Chile, Cuba provided international medical aid, sending a medical brigade with medical supplies, provisions, food and clothing.

Since its creation in 2005, Cuba's Henry Reeve Contingent has provided significant assistance to many populations affected by earthquakes or other natural disasters. Of particular note is the aid provided in

- Guatemala (Hurricane Stan): 2005
- Pakistan (earthquake) 2005
- Bolivia (floods): 2006
- Indonesia (earthquake): 2006
- Peru (earthquake) 2007
- Mexico (floods): 2007
- China (earthquake): 2008
- Haiti (earthquake) 2010
- Chile (earthquake) 2010
- Valparaiso (fire) 2014

- Guinea, Liberia, Sierra Leone (Ebola) 2014
- Nepal (earthquake) 2015
- Ecuador (2016)
- Mexico (2017)
- 39 countries, e.g., Azerbaijan, Angola, Barbados, Italy, Togo, ... (Corona) 2020
- Turkey, Syria (earthquake) 2023

During the COVID-19 pandemic, more than 3,700 Brigade doctors and paramedics assisted in 39 countries (from Jamaica to Italy and Angola to Indonesia) in their fight against the virus.

Overall, the Henry Reeve Brigade is an example of Cuban solidarity and humanitarian aid abroad. The brigade has helped thousands of people in need around the world and shows Cuban willingness to help other nations in times of crisis. This realizes human rights and balances inequalities in care and social determinants of health.

For Cuba, solidarity in practice means "we share what we have" and not "we give what we have left over".

In-house development of Covid vaccines

The U.S. blockade made it impossible for Cuba to procure medical supplies to combat the Corona pandemic from abroad.

Thanks to its own advanced medical technology and experience gained from the Ebola epidemic, Cuba was able to develop highly effective vaccines to combat the pandemic in a very short time.

Solidarity in supplying Covid vaccines to countries in need

Cuba provided the domestically developed vaccines to numerous other countries at low cost. Countries that did not have the necessary resources were able to obtain them free of charge.

Thus, despite its own situation, Cuba once again showed solidarity support to other countries with social and economic problems.

Conclusion

Cuba is a country from which no wars emanate.

Cuba does not support criminal wars in other countries.

Cuba does not maintain military bases in foreign territories.

Cuba does not own any aircraft carriers

Cuba does not send aircraft carriers around the world.

Cuba does not export aircraft, tanks, cannons or weapons to other countries.

Cuba exports aid in disaster situations.

Cuba exports medical and educational assistance.

Cuba does not pose a threat to other countries

Cuba seeks friendly and equal relations with all countries of the world.

Cuba is an example of how the UN Charter and thus collective human rights are supported and brought to life.

In recent years, Cuba has shaped additional fundamental human rights into basic national rights, brought them closer to the people, and has thus continued on its independent path toward shaping a society that is free of discrimination, democratic, and based on human rights.

Recommendations

- Cuba supports the realization of human rights as defined by the United Nations Charter and is unjustly placed on a terrorist list by the United States.

Therefore we recommend:

- **OHCHR calls on the U.S. to remove Cuba from this terror list.**
- OHCHR noted that, according to the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, the extraterritorial sanctions of the United States against Cuba had a negative impact on the country's ability to trade with the outside world and access foreign currency and international markets, including its ability to purchase food, medicines and technology at competitive prices.

Therefore, we recommend:

- **that OHCHR urge the U.S. to lift the unilateral extraterritorial sanctions against Cuba.**