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POLITICS / STATE

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INTRODUCTION AND METHODOLOGY

Introduction

The Cuban political singularities had not been indifferent to the rest of the world since their final emancipation 61 years ago. The island created a stable and robust enclave, openly communist and anti-imperialist, 90 miles away from the US, its former colonizer and perhaps the most notorious representative of the capitalist system. During this time, just three people, belonging to the only one Communist Party, have led the country. This fact has continuously called into question the Cuban democratic character and its human rights situation. In this context, the US has maintained an economic embargo typical of the Cold War logic, which has put the island in a problematic situation, especially after the USSR's disappearance. After the recent end of the Castro brothers' era, both leaders of the Cuban Revolution, there has been speculation about the country's political direction with the arrival in 2019 of its new president Miguel Diaz-Canel and the new Constitution accepted by popular referendum a year before. However, all these elements that make Cuba unique in political terms remain more than valid.

Methodology

To understand the system and the political context of Cuba is necessary to refer to its Political Constitution¹ as a faithful reflection of the Martia-

no, Marxist and Leninist thought of the Communist Party that has governed for six decades. We will focus mainly on: (I) the Preamble as a historical approach to understanding the context that frames official political thought in Cuba. (II) Title I: Political Foundations (Ch.1), to understand the nation's fundamental principles and the type of government that leads it. (III) Title VI: The Structure of the State, to understand the organizational principles of said government. (IV) Title II: Economic Foundations, Title III: Principles of Education, Scientific, and Cultural Policy, and Title IV: Citizenship, to approach the domestic policy. (V) Title V: Rights, Duties, and Guarantees, contrasting with the current situation of Human Rights. Moreover, we will return to (VI) Title I: Political Foundations (Ch.2), to understand Cuba's international relations and foreign policy.

However, the Constitution of a state is nothing more than a roadmap for the political arena. Therefore, to understand the Cuban case, it is necessary to contrast and compare the Constitution with other texts that approach Cuba from national and international academia, journalism, or NGOs. Thus, allowing to grasp a broader panorama of the current political situation, which permeates the nation's social, economic, and cultural sphere.

Subjugation and resistance have defined the route of Cuban modern history since the arrival of the first Spanish conquerors to the island and 500 years of foreign occupation. Thus, this history was definitive to breed (and nowadays understand) the well-known Revolution, which forged Cuba's current political situation. Thus, the Preamble of Cuban Constitution points out to the island history, exalting the heroism and patriotism of those who fought for its independence and sovereignty. In this chapter, we will analyze this Preamble in light of a brief historical overview of the most critical events in the island's history to understand the reason behind contemporary Cuban political thought. (The following historical account has been compiled with the help of various sources ^{1,2,3,4})

The publisher wants to clarify that the author of this article doesn't want to negate the fact, that there certainly were political ambitions before Cuba became a colony.

1. COLONY

„WE, THE PEOPLE OF CUBA, inspired by the heroism and patriotism of those that fought for a free, independent, sovereign, and democratic homeland of social justice and human solidarity, forged through the sacrifice of our ancestors;

by the indigenous peoples who resisted submission;“¹

As we use to know it, this history started in 1492 with the arrival of Christopher Columbus to the island. Nonetheless, it formally began almost two decades later with the exploration and conquest of the island in 1510 after the appointment of Diego Velasquez as a colonist by the Spanish crown. In a first manifestation of resistance, the native inhabitants of Cuba tried to stop the Hispanic invasion. However, they failed in the attempt, and their settlements were turned into villas to control the island and exploit re-

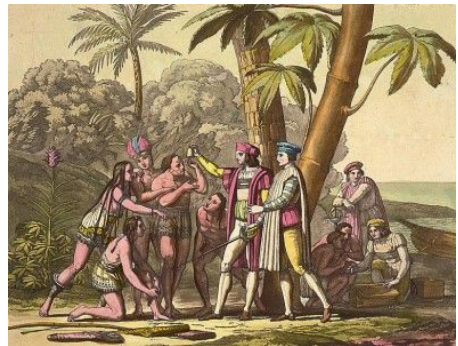


Fig. 1 - Christopher Columbus with Native Americans, 1492-1503 [c1820-1839]. Artist: DK Bonatti URL <https://www.alamy.com/christopher-columbus-with-native-americans-1492-1503-c1820-1839-artist-image60152857.html>

sources. In the following, the native inhabitants became the primary labor force under the „encomienda“ institution, which consisted of the „exchange“ of labor for food, clothing, and indoctrination in the Christian religion.

2. SLAVERY

„by the slaves that rebelled against their masters;

by the patriots that started and participated in our struggles for independence against Spanish colonization beginning in 1868...”¹

This institution led to the death of many natives due to abuse, forced labor, and contact with new diseases. Therefore, from the early 16th century, the use of enslaved persons brought from Africa was implemented to take charge of the Caribbean production of tobacco and later sugar after the Haitian Revolution. By 1850 Cuba controlled the sugar market, driven exclusively by the exploitation of enslaved persons, who looked with hope to Haiti's emancipation processes and the south of the US. However, the first revolutionary attempt came ironically

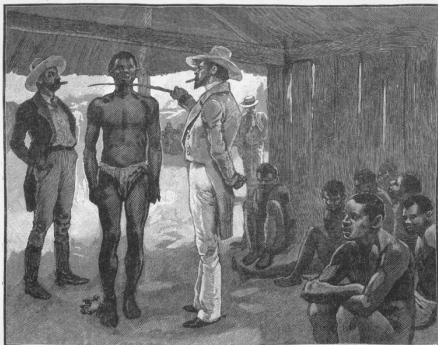


Fig. 2 - Buying a Slave in Havana Cuba - 1837 /
URL <https://listen2read.com/your-value-as-a-cuban-slave/>

from Carlos Manuel de Céspedes, a Creole sugar plantation owner, who in 1868 called on the Cuban people to rebel against Spain. Céspedes freed his slaves, who took up arms and expan-

ded throughout the country, inciting a civil war, until Céspedes' death in battle when the rebel slaves disintegrated.

3. INDEPENDENCE MOVEMENTS

„as well as those whose final efforts of 1895 were denied victory with the beginning of the military intervention and occu-



Fig. 3 - Portrait of José Martí / Juan Bautista Valdés
URL https://en.wikipedia.org/wiki/Jos%C3%A9_Mart%C3%AD

pation of Yankee imperialism in 1898;”¹

After the Civil War, Spain proposed a series of reforms that resulted in the abolition of slavery in 1886. However, were not enough for many of the Cubans who began to migrate to the US. Among them was José Martí, a journalist, poet, and former war ve-

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HISTORICAL BACKGROUND

teran who found in the US a strong intention on the part of Cuban exiles to make their nation independent. In 1895, they disembarked back in Cuba to begin the first battle for independence in which Martí early died and became the martyr of the independence movement that managed to weaken the Spanish army, until the arrival of Valeriano Weyler, who strengthened Spain's position on the island through a cruel intervention that seriously affected the Cuban population. This situation was not well seen in the US because it went against

independence. In 1899 Cuba declares its independence from Spain, but in exchange the American flag is raised and the island becomes a protectorate of the US, which takes control of most of the Cuban economy.

4. REPUBLIC AND USA INFLUENCE

„by those that fought for over fifty years against imperialist domination, political corruption, the lack of rights and liberties, unemployment, the exploitation imposed by capitalists, landowners, and other social evils;“¹



Fig. 4 - CUBA - 1898: US Marines raising the American Flag over Guantanamo Bay after successful invasion of Cuba during the Spanish American War. /US Marine Corps - Getty Images
URL <https://www.thoughtco.com/treaty-of-paris-1898-469259>

economic interests and put pressure on Spain to stop Weyler's inhumane measures. However, in 1898 the explosion of a US ship in Cuban waters unleashed a military intervention with the supposedly aim of giving Cuba its

Until 1902 the United States made direct decisions about Cuban territory. These included the drafting of the 1901 Constitution, the Platt amendment that gave the US the right to intervene in Cuba whenever they consider necessary, and even the Guantanamo Bay life annuity that has been a historical source of controversy in the struggle between the two countries. From 1902 onwards, the Republic of Cuba was established and began to take its own path in spite of the strong influence of the mercantile relations with the US, which came to control most of the island's sugar business. During half a century Cuba suffers a dictatorship, a popular revolution, a coup d'état and the writing of a new constitution.

5. REVOLUTION

„by the members of the vanguard of the generation of the 100th anniversary of

*Martí's birth, who, nourished by his teaching, led us to the victorious popular revolution in January of 1959;*¹

In 1952, General Fulgencio Batista, already known for his military coup in 1933 and his presidency after the 1940 constitution, again staged a coup d'état and became the Cuban president until 1959. He was supported by the United States government, to which he granted various licenses mainly for capital investment. At the same time, by 1953, the figure of Fidel Castro appeared publicly, who, together with other revolutionaries inspired by the ideas of José Martí,



Fig. 5 - Fidel and Raúl Castro after the triumph of the revolution / Getty Images URL <https://www.bbc.com/mundo/noticias-america-latina-46642092>

carried out a first failed attack on the Cuban government for which they went to prison. They were pardoned in 1955 and traveled to Mexico to reorganize and then return in 1956 on the famous yacht Granma to start the guerrilla war of the Cuban Revolution. After winning a series of battles throughout the island, Batista was surrounded and left the country. The next day Castro called the Cuban people to

a general strike that allowed him and the revolutionary army to enter Havana and seal the victory of the Revolution.

6. COMMUNIST GOVERNMENT

„GUIDED by the most advanced revolutionary, anti-imperialist, Cuban-Marxist, Latin American, and universal thought, in particular by the ideal and example of Martí and Fidel, as well as the social emancipation ideas of Marx, Engels, and Lenin;“

*„CONSCIOUS that national unity and the leadership of the Communist Party of Cuba, born through the unitary will of the organizations that decisively contributed to the triumph of the Revolution and legitimized by the people, constitute fundamental pillars and guarantees of our economic, social and political order;“*¹

Since then, the island has been governed by the Cuban Communist Party (CCP), in the hands of Fidel Castro until 2008, his brother Raúl Castro until 2018, and currently under the command of Miguel Díaz-Canel. The more than 60 years of the CCP's government place it in the contemporary controversy over its legitimacy, as it is considered by many to be a communist dictatorship. Despite being constitutionally democratic (See II. Political Foundations), it seems not to have the essential elements of participatory democracy and has prioritized some specific social, economic and cultural rights over civil liberties (See

Human Rights). This fact, framed as much in the Cold War as in the stroke to the US industry in Cuba, generated strong reactions from the neighboring country that holds since 1962 an embargo on the island, which became economically and militarily supported by the USSR until its dissolution. This also led to the demonization of Cuba as a socialist project, not only by the United States but also by the neoliberal democracies in Latin America.⁵

„WE DECLARE our will that the law of the laws of the Republic be presided over by this profound yearning, finally achieved by José Martí, „I wish that the first law of our Republic be the devotion of the Cubans to the full dignity of man;““⁶

7. REITERATIVE HISTORY

Cuba's history is reiterative. Preceded by an unbridled private and foreign interest in controlling the island, followed by the people's pursuit for identity and sovereignty. It is a history that has been repeated in the same territory at least five times. It has led the revolutionaries of the 1960s, now in power, to create a government based on postulates of emancipation and sovereignty, coming from Marxism, Leninism, and the ideas that motivated characters like Céspedes or Martí to start their independence process. For this reason, official Cuban history understands the Revolution as the continuation of the independence movements initiated by Céspedes

in 1868³. The Revolution cannot then be understood as an isolated event of a specific period. Therefore, as we have already stated, the government model derived from the Cuban Revolution cannot be understood either without its history and context.

POLITICAL PRINCIPLES OF 2019 CONSTITUTION

In any State, the Political Constitution is that road map that allows mediation between government and citizens, establishing rules, rights and duties, and above all, fundamental principles of the nation. In the case of Cuba, the current Constitution coincides with the departure of Raúl Castro from the presidency and the arrival of Díaz-Canel in 2019 after the previous year's referendum, which apparently means new airs for Cuban politics⁷, in an attempt to update an anachronistic progressive national project, with great challenges around the citizen participation, the sources of capital production and the understanding of the plurality of the Cuban subject.⁸

Perhaps the most crucial change, which later leads to others in line with the Constitution, is Art.1. Cuba goes from being a „Socialist State of workers and peasants and other manual and intellectual workers“⁶ in 1976, to be „a democratic, independent and sovereign socialist State of law and social justice“¹ in 2019. This implies that all citizens, including those in power, are subject to the Constitution's norms (also according to Article 7). Besides, Art. 1 refers to the fundamental values of the Cuban people, derived from its history, saying that Cuba is „an indivisible and unitary republic, founded by the labor, dignity, humanism, and ethic of its citizens for the en-

joyment of liberty, equity, justice, and equality, solidarity, and individual and collective well-being and prosperity. In an attempt to strengthen the importance of Cuban identity and sovereignty and the elements of representative democracy, Art. 3 states that „sovereignty resides nontransferable with the people, from which all of the State's power emanates. The people exercise this power directly and via Assemblies of People's Power“¹ (see The Structure of the State). Besides, and also related to sovereignty, it says that „The defense of our socialist homeland is the greatest honor and the supreme duty of every Cuban“¹ as cited in Art. 4, which establishes that the socialist government is irrevocable and betraying it is the most serious of crimes. This implies that Cuba is a single-party democracy, exclusively socialist, to which the entire Cuban population must adhere (Art. 9), being represented by an assembly of popular power. In an attempt to give continuity to the revolutionary government, special attention is given to the young communists (Art.7) to guarantee and promote their active participation in the future building of socialism.

The latter is clarified in Art. 5, which establishes that „The Communist Party of Cuba, unique, Martiano, Fidelista, and Marxist-Leninist, the organized vanguard of the Cuban nation, sustained in its democratic character as well as its permanent linkage to the people, is the superi-

or driving force of the society and the State“¹ making a clear historical allusion to the heroes of independence and Revolution as a fundamental part of official Cuban political thought.

The main objectives of the government, according to Art. 13, are, among others: „To channel the efforts of the nation in the construction of socialism and to strengthen national unity; To maintain and to defend the independence, integrity, and the sovereignty of our homeland; To guarantee effective equality in the enjoyment and exercise of rights, and in compliance with the duties enshrined in the Constitution and the laws; To guarantee the dignity of people and their integral development; To strengthen and preserve the ideology and the ethics inherent to our socialist society; To secure the educational, scientific, technical, and cultural development of the country.“¹

STRUCTURE OF THE STATE

The Cuban political system is defined as one-party system, where the Constitution recognizes as legal only the Cuban Communist Party (PCC), whose first secretary is Raul Castro since April 2011. The first secretary remains the the highest state post in the country. The political organisation is distinguished by the fact that the party is not an active subject to the electoral process, but from whose members the Political System of Cuba is formed. The new Constitution, which draft was a subject of a commission led by Raul Castro, states a structure consisting from the following institutions and political figures:

1. The National Assembly of People's Power
2. The President and Vice President of the Republic
3. The Council of State
4. The Government of the Republic – including The Council of Ministers, the Prime Minister and the he State's Central Administration
5. The Tribunals of Justice
6. The Attorney General of the Republic
7. The Comptroller General of the Republic

The National Assembly of People's Power is the supreme organ of the power of the State¹ (Art. 102). It is the only organ with legislative and constituent power and has a mandate of five years, which only can be extended by

the Assembly itself¹ (Art. 103, 105). It holds two regular sessions during the year. The National Assembly of People's Power elects from among its representatives the Council of State and has the duty to exercise the highest levels of supervisions over the organs of the State¹ (Art. 108).

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The President is the Chief of the State and is being selected by the National Assembly and among its members¹(Art. 125, 126). He is obliged to organize the sessions of the Council of the State and the Council of the Ministers. The Constitution of 2019 declares that The President may exercise his role for not more than two consecutive periods and to be under the age of sixty.

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The Council of State is collegial organ, which is responsible before the National Assembly of People's Power¹(Art. 120). It comprises from thirty-one members and has the duties to ensure the implementation of the Constitution and the laws, as well as to exercise the monitoring and supervision of the organs of the State¹ (Art. 122). It can propose project laws, which later are looked over and sent for ratification by the National Assembly.

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The Council of the Ministers is the maximum executive ad administrative body of the Cuban Republic and represents its government¹ (Art.133). It has the duties to comply with and ensure compliance with the Constitution and

Three Branches of the Political Power

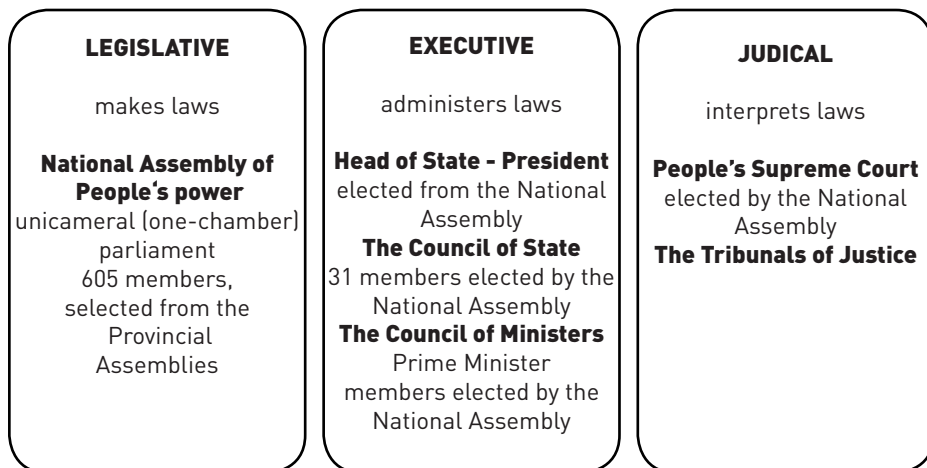


Fig. 6 - Own graphic: internet accessibility based on URL <http://www.caribbeanelections.com/education/democracy/government.asp>

the laws¹ [Art. 137]. Head of the Government of the Republic is the Prime Minister, who leads the Council of the Ministers on a day-to-day basis and ised from the pre-1976 period.

Part of the State's Central Administration are the Tribunals of Justice. The People's Supreme Court is the organ with the maximum judicial powers and is elected by the National Assembly. The other tribunals have the function of imparting justice¹ [Art. 147].

The Attorney General of the Republic exercises an oversight over criminal investigations and the exercise of the public penal action¹ [Art. 156].

The Comptroller General of the Republic is the organ of the State whose mission is to ensure the proper and transparent administration of public

funds and the superior monitoring of administrative management¹ [Art. 160].

The political-administrative division of the country is structured on the geographical space of the Cuban archipelago in 15 provinces, 168 municipalities and the special municipality of the Isla de la Juventud. Cuba's territorial organization of the State composes from the Local Organs of People's Power:

1. The Provincial Government of People's Power – On a Provincial level
2. Municipal Organs of the People's Power – On a Municipal Level

The Assemblies of representatives of People's Power are at the top positions at the provincial and municipal levels.

Cuba's new Constitution indicates some important steps towards the change in the thinking of the political leadership and the Cuban people in general. The document recognizes for the first time the private property and cooperatives as legitimate economic factors and promotes foreign investment as fundamental to the development of the economy⁹. The mandate limits of the President and the introduction of the position of the Prime Minister can be read as a notion towards decentralization of the political power that is so essential for forming democratic system of governing. The new version of the constitution draws attention towards the human rights and prohibits discrimination based on race, gender or sexual orientation¹⁰. It establishes the presumption of innocence in criminal proceedings and the right to habeas corpus¹⁰, strengthens the authority of local governments and allows holding dual citizenship.

DOMESTIC POLICY

We can understand Cuba's new regulations perhaps as a venture towards the internal and external adaptation¹¹, to ensure the survival of its political and economic model on the background of the rapidly globalising world. The reforms currently under way have produced some remarkable changes within the island, but still some key issues remain untouched or even tabooed within the ruling circles.

A significant process of generational

transition and partial decoupling of top party and government posts continued during 2019 with the final members of Cuba's "historic" revolution generation stepping down from the Council of State, but still remaining present within the Communist Party and influencing the government decision making. The one-party system in Cuba largely excludes the public from any genuine and autonomous political participation; the only Cuban elections that offer a choice of more than one candidate per office are those for municipal assemblies. Furtherly the National Assembly and the Provincial Assemblies are formed from fifty percent of the local delegates from the municipal assemblies and in turn the National Assembly is being responsible for compounding the State Political System¹². Hence, the state political representatives are not elected democratically in a free and transparent manner.

The private sector of Cuba has been growing significantly over the past years to include nearly 600,000 owners and employees by official figures, with many more Cubans working informally, while the state experience its stagnation and decapitalization, especially after the vanishing of its Soviet benefactor¹³. While property that belongs to all the people is still central under Cuba's socialist system, the constitution now recognizes that private ownership of some means of production as playing a "complementary role" in the economy. It also defines as legiti-

mate other forms of property ownership such as cooperatives and mixed enterprises. The private ownership and the market economy are both key elements of the Western capitalism, which were for long time claimed as corrupting generators of inequality by Cuba's Communist Party rulers. According to experts, Cuba is moving in the direction of - but still far from - the types of market socialism, following the example of countries like China and Vietnam. However, the Cuban officials and state were still expressing publicly their doubts to the idea of excessive individual enrichment, and the revised constitution continues to prohibit private „concentration of property“¹⁰.

According to a study conducted among Cuban citizens¹⁴, additional complications of the economic situation are the accelerated and constant loss of educated professionals, who are forced to leave the island due to lack of opportunities for exercising the work that they have been educated for and the government prohibition for being contracted by foreign companies. The dual currency in Cuba, which is used for more than 20 years, renders a

big gap (24 CUP for 1CUC), that causes serious distortions within the financial situation of the country¹⁴. Moreover, there is not an independent from the government bank to play a role within the economic life¹⁵. Although the constitution declares the Health and Educational Services free and rightful to every Cuban, many point the deterioration in the Health Care and the Educational system caused by significant cutbacks in the country budget for those sectors, as a significant problem related to the nature of the ruling political model. This process tends to lead to their commercialization that questions the free nature of the services, while at the same time deepening social inequality¹⁴.

With the presidency of Miguel Díaz-Canel, wider liberties in the usage of internet are introduced - except 3G telephone connectivity, Cubans will be able to access internet from their homes as well¹⁶. Nevertheless, this come with its price the internet is closely monitored by the authorities. Besides that small percentage of the population actually have an access to global internet, according to the NGO Freedom House.

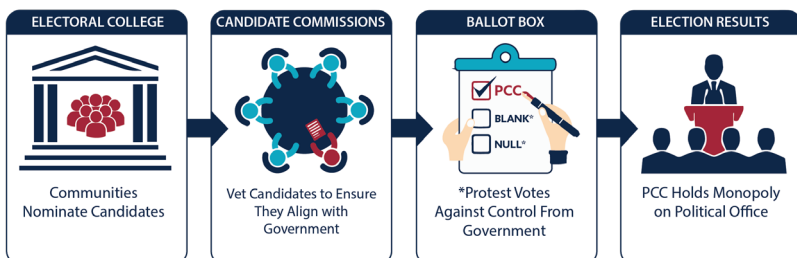


Fig. 7 - Cuban Elections URL <https://www.democracyspeaks.org/blog/elections-or-selections-not-all-voting-equal>

FOREIGN POLICY

Cuba's Foreign Policy can be understood as a result of international events and other variables, including maintaining the socialist political model of the country, the fall of the Soviet regime in Europe as well as the Cuba's relations with the countries in Latin America and the US. Very few countries have been so dependent in their development on external factors as Cuba, which perhaps is to large extent consequence of the fact that the whole's country territory is on an island and has a limited amount of variable resources.

Cuba - Latin America

Cuba's external relations with Latin America and the Caribbean have expanded in scope and level during the last decade because of two combined developments: the changing political landscape in the region and the gradual process of reform carried out by the Cuban regime, after the Castro epoch. This process of tightening its relations, while aiming to leave behind years of isolation and selective bilateral bonds is referred as "normalisation" of the Cuban foreign relations¹⁷. The principle of non-intervention is becoming a base for the Latin region political environment. The Community of Latin American and Caribbean States (CELAC) Summit in Havana in January 2014 is considered as a sign for the process of reintegration of Cuba within the Latin community

and involving it in the major discussions related to the overall region future development¹⁰. Another very important motive that should be considered, apart from deepening ties with the countries of the Latin America was the government hope of further facilitation of relations with the U.S. and the help for removing Cuba from the U.S. State Department's list of states that promote terrorism¹⁷ (in 2015, Cuba was removed from the list during the U.S. presidency of Barack Obama). Moreover, the increasing of the international tourism (2019 - 10-12m visitors a year) in Cuba arise it as an important destination in the region¹⁹. The current Cuban government of Miguel Díaz- Canel, has undertaken efforts for opening the country in order to supply major economic sectors with foreign capital and resources, which need to be seen in the context of steadily declining productivity and a lack of sufficient public funds to maintain the inevitable modernisation process, a major effect of the socialist economic system¹³. Cuban-Latin American trade has experienced a steady expansion in the recent years, where Venezuela and Brazil are the partners that seem to be most important. The expectations are especially high with regard to a new development zone around Mariel port, to which Brazil has already committed almost \$1 billion in development funding¹³. The idea behind the new development zone is to create a tax-free zone around the deep-water Mariel port for the production of

a variety of products that will increase trade. Beyond participation in the industrial zone planned to function next to the port, the Brazilian investor wishes to become a central factor in the modernisation and expansion of Cuba's airports infrastructure²⁰. Lastly, Cuba has been sensible regarding multilateral organisations by giving preference to those dealing with the economic, social and cultural needs of the developing world¹⁷. Examples are the UN Economic and Social Council; the UN Development Programme; the Food and Agriculture Organisation; the Pan-American Health Organisation/World Health Organisation; the UN Educational, Scientific

and Cultural Organisation; and, more recently, the Human Rights Council.

Cuba - United States of America

The Cuba U.S. relationship has been defined by tension and mistrust, since 1959 when Fidel Castro managed to overthrow the U.S. backed regime of Fulgencio Batista, establishing a revolutionary socialist state in Cuba. During the following centuries, the U.S. political successors pursued policies of political, economic and diplomatic isolation of the Caribbean state with with perhaps the highest escalation in February 1962, when the president Kennedy announces full embargo of the Cuban state.

Cuba and the United States

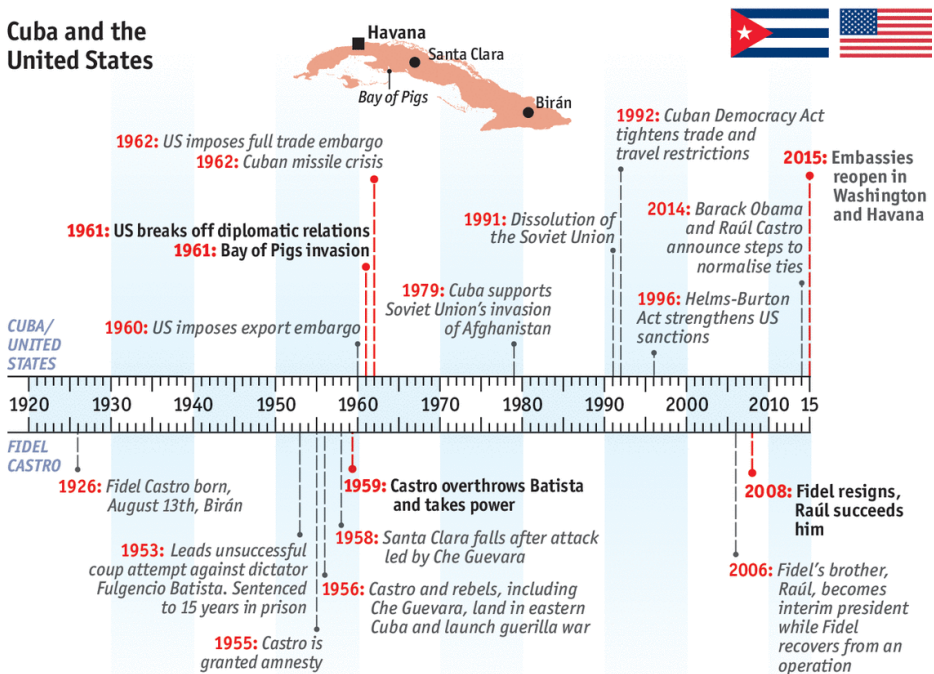


Fig. 8 - Cuba - U.S. Relations - Timeline URL <https://www.economist.com/the-americas/2015/07/20/a-cuban-timeline>

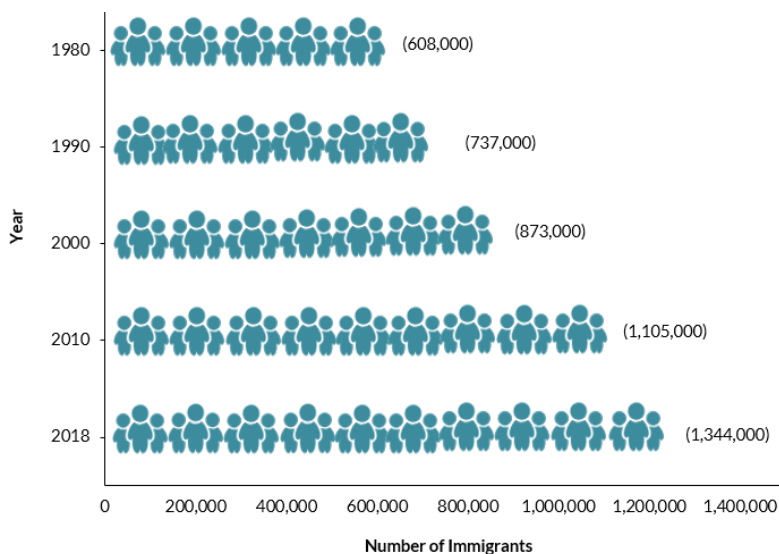


Fig. 9 - Cuban Immigrant Population in the United States, 1980-2018 / <https://www.migrationpolicy.org/article/cuban-immigrants-united-states-2018>

One year before in 17th of April the President John F. Kennedy deploys a brigade of 1,400 CIA (the Central Intelligence Agency) sponsored Cuban exiles to overthrow Fidel Castro and his regime. The operation is known as the Bay of Pigs Invasion; however, the Cuban military manages to defeat the force. In October 1962, U.S. surveillance aircraft uncovers Soviet nuclear missile bases on the island. In response, the president Kennedy demands the removing of the weapons from the Cuban territory. With the threat of nuclear war on the horizon and the U.S. attack of Cuba, the American president and the Soviet leader Nikita Khrushchev agree to withdraw the American missiles in Turkey and the Russian missiles from Cuba.

In the following years, the Cuban-U.S. relations experience the tightening of the U.S. sanctions after the Soviet Collapse, with only proposed path of normalisation the immense political reform of Cuba. Meanwhile many Cuban citizens flee to U.S. because of the poor conditions in Cuba. In 2008 when the president Barack Obama came into power and become softening the policy towards Cuba, the island signaled openness to reform under the new leadership of Fidel's brother, Raul. Reforms that took place, included decentralization of the agricultural sector, relaxing restrictions for the small private businesses and freer travel abroad for the Cuban people. However, with the death of the leader Fidel Castro and the election of

Donald Trump as a president of U.S., the process of normalisation of the Cuban-U.S. relationship is suspended. In 2017 Trump's government prohibits commerce with businesses owned by the Cuban military and security services, and placed a ban on individual travel to Cuba for educational and cultural exchanges. In addition to ending almost all-individual travel to the island, Trump notably, bans group educational exchanges in 2019²¹. He prohibits cruise ships and other vessels from sailing between the United States and Cuba, and forbid U.S. flights to Cuban cities other than Havana.

As a major political and economic player on the regional stage, U.S. has an important role for the Cuba's future development. We consider the example, given by the Obama's cabinet as powerful and intelligent statement, as well as encouragement for the long-ging transformation towards genuine Cuban democracy.

Human Rights Situation

The human rights situation in Cuba has been the subject of lengthy debate. On the one hand, the Island has achieved social welfare levels for its citizens that are the antithesis of the endemic inequality that characterizes the entire Latin American subcontinent, especially the Caribbean countries. However, this fundamental conquest for the socialist political system has been overshadowed by the persistent violation of human rights such as freedom of expression, trade union freedoms, and association freedom.

It is essential to bear in mind that monitoring the human rights situation is made difficult by the tense relations that the island nation maintains with the multilateral regional bodies in charge of this task, as well as with civil society organizations focused on documenting the abuses committed by the government and the general conditions for the exercise of rights by the Cuban population. This has a direct impact on the fact that, on the one hand, there are reports of human rights violations that are widely publicized in the countries of the region that have distant relations with the Island and are much closer to the interests of the United States. On the other hand, the government's version that the above is a fabrication of its enemies and that the denunciations of systematic human rights violations are nothing more than a way of

torpedoing the revolutionary process, systematically refusing the observation and monitoring of the situation by third parties.

In any case, the Inter-American Commission on Human Rights, in alliance with civil society organizations, has documented in depth the human rights situation on the Island based on the mandate given to it by the American Declaration of Human Rights. In its most recent report²², The Commission points out that there are several factors to understand the scope of human rights in the Island: (I) the economic blockade; (II) the restriction to the exercise of public and civic liberties; (III) the differential impact on different population groups; (IV) the commitment to the development of economic, social and cultural rights. In what follows, we will present a synthesis of this information in the same order.

The economic blockade and its impact on human rights

Different international organizations, including the IACHR and the UN Secretary-General, have reiterated the need for the United States to lift the economic blockade against Cuba. It has direct implications for the exercise of human rights by the Cuban population.

The blockade severely limits the self-sustainable development of the Island. On the one hand, it imposes restrictions so severe that it prevents the fair international exchange of pro-

ducts produced in Cuba, such as tobacco or sugar. On the other hand, the sanctions impose too high costs for products that are indispensable for the Island's agro-industrial development, especially in pesticides and machinery.²³

These effects on the commercial exchange of the Island and the correlative lack of agro-industrial development severely threaten the food security of its inhabitants, as well as the possibility of accessing a nutritious and varied diet that does not depend exclusively on the ever-decreasing production of cereals²³. Similarly, the lack of access to new technologies for water treatment or the improvement of electricity affects general health care and programs to prevent diseases acquired through the consumption of unhealthy food.²⁴

The blockade also limits access to the international drug market, particularly for those with US patents. In effect, the embargo prevents medicines produced under US intellectual property rules from being the object of international commercial transactions with Cuba. This is problematic because the United States has a dominant position in this market, and imports from other places are very expensive due to the physical distance and other sanctions imposed on international commercial exchange. For these reasons, the UN Office of the High Commissioner for Human Rights has indicated that the blockade violates „the right to health to the majority of Cubans due

to United States intellectual property restrictions on medical goods and the trade restrictions imposed on Cuba.”²⁴

Restriction of public and civil liberties

Not only is the blockade a constant source of human rights violations in Cuba. Government policies and practices are also a source. As we have seen, Cuba has had a complex institutional history, marked by the systematic violation of human rights and abuses by the ruling classes. The revolution arose, in fact, as a reaction to that relationship of imbalance and domestic and foreign domination that suffocated the exercise of freedom in the majority of the Island's inhabitants. However, with the revolution came not only emancipatory bets. New practices of abuse of power and violation of human rights were also installed.

According to the IACHR, three elements highlight the shortcomings of the Cuban system in the protection of human rights: (I) the purely formal existence of a democratic system and the limitations on political rights; (II) the persecution of human rights defenders; (III) the arbitrary restrictions on the exercise of the right to freedom of expression.

The 2019 Constitution establishes representative democracy as the dominant political system and sets out a series of political rights to facilitate its exercise. However, the IACHR has

noted that despite this formal enshrinement, „the conditions for political participation in Cuba remain substantially unchanged since the essential elements of participatory democracy are still lacking and restrictions on the effective exercise of participation by other political forces in public affairs persist.²⁵ The one-party system prevents access to power positions by people or movements with lines of thought different from those of the Cuban Communist Party. Because of this system, restrictions are imposed on the right to vote for those who oppose the way the party conducts its destiny. These restrictions directly impact the right to assembly and meeting, since the promotion of any alternative political movement is considered a motive for surveillance and repression that has led to the confiscation of political material, stigmatization, police and judicial harassment, as well as illegal and arbitrary arrests of opposition political leaders.²⁶

In relation to human rights defenders' situation, the IACHR has found that they face numerous risks in carrying out their work that lead to violations of their human rights. In the first place, the IACHR has emphasized that practices such as the restriction on movement outside Cuban territory to participate in activities under the regional and universal human rights systems violate the right to freedom of movement and the right to defend human rights, since such restrictions are intended to prevent the filing of

complaints about violations of rights that have occurred within the Island.²⁷ Secondly, defenders face arbitrary detention because of demonstrations and mobilizations that are organized in public spaces. Finally, human rights defenders are subjected to various criminalization forms, ranging from the discretionary imposition of fines for public disorder to the arbitrary use of ambiguous criminal legislation to punish them with prison sentences.²⁸

Finally, since the establishment of the socialist system, there have been profound restrictions on exercising the right to freedom of expression in Cuba. The PCC government has maintained a monopoly on the media, limiting access to sources and views other than the official ones. Likewise, independent journalists and other media are subject to stigmatization, criminalization, and censorship. This persecution of the free press leads to forms of self-censorship that also affect pluralism and democratic discussions. The government has insisted that the restrictions are justified by many of the expressions of discontent against the system come from international infiltrations. This has been recently pointed out by President Miguel Díaz-Canel, for whom the protests of the San Isidro movement, composed of independent artists and journalists, is an expression of the interference of the media and government of the United States.²⁹

Restricted access to information has

been another consequence of institutionalized censorship and limitations on access to government-controlled media. This situation has also impacted the restrictions imposed on the Internet, which continues to be of limited access for the population and highly controlled through digital surveillance systems, as pointed out by the IACHR and the Special Rapporteur for Freedom of Expression of the Organization of American States.³⁰

The commitment to with social, economic and cultural rights

Paradoxically, despite the limitations that the embargo poses for food security, access to quality medicines, and in general, to ensure sufficient livelihoods for the Island, Cuba has achieved levels of social welfare, especially in health, education, and food that are unmatched by any other country in the Caribbean or Latin America, perhaps the most unequal region in the world.³¹ However, the IACHR expresses its concern about the high numbers in the housing deficit, the deficiency of essential public services, and an increase in the homeless population. It reiterates the constant censorship of freedom of cultural expression, the violation of the right to work on the basis of gender, race, and political preference. In the area of health, the deterioration of the health infrastructure and the lack of medicine is becoming a concern; in education, there is also a deterioration in educational

institutions and a lack of educational freedom.³²

Groups especially affected by human rights violations

The IACHR refers to populations significantly affected by human rights violations, including Afro-descendants, women, the LGBT population, and prisoners, among others. The IACHR states that the visibility of the Afro-Descendant population results in subsequent discrimination in terms of education, work, health, and essential services. Concerning women, the report emphasizes the State's efforts to generate parity between men and women, but no legislation clearly identifies the criteria for discrimination or patterns of gender-based violence. About the LGBTI population, the IACHR considers, based on scarce information, that they suffer violence and discrimination based on gender and sexual preference, in addition to being a clear case of repression of freedom of expression. The population deprived of their liberty also lacks statistics that would allow them to understand their real situation. However, there are reports of inhumane conditions in terms of sanitation, overcrowding, and basic services. It can be concluded that the lack of information reflects an evident lack of interest on the part of the government to attend to and guarantee the fundamental rights of these systematically discriminated groups.³²

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