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The History of Cuba and the Cuban American Experience

OUR FOCUS

How can the UN Universal Declaration of Human Rights (1948) be used to analyze and evaluate important points in Cuban History

OUR FOCUS
THE UNIVERSAL DECLARATION OF HUMAN
RIGHTS
CHANGES IN THE CUBAN CONSTITUTION 1940-
1976-2019



President Laredo-Brú (1936 to 1940)

Cuban Constitution was approved and took effect on October 1940.

“It was considered one of the most progressive constitutions at the time”

TITLE I. Concerning the Nation, its Territory, and Form of Government

ART. 1. Cuba is an independent and sovereign State organized as a unitary and democratic Republic for the enjoyment of political freedom, social justice, individual and collective welfare, and human solidarity.

ART. 2. Sovereignty resides in the people, and all public powers arise there from.

TITLE II. Concerning Nationality

ART. 8. Citizenship carries with it duties and rights, the adequate exercise of which shall be regulated by law.

ART. 9. Every Cuban is obliged:

1st. To bear arms for his Fatherland in the cases and in the form established by law.

CUBAN CONSTITUTION (1940)

TITLE IV. Fundamental Rights (extracts)

FIRST SECTION. Concerning Individual Rights

ART. 20. All Cubans are **equal before the law**.

ART. 24. **Confiscation of goods is forbidden**.

ART. 25. The **penalty of death may not be imposed**.

ART. 26. All accused persons shall **be deemed innocent until found guilty**.

ART. 28. There shall be no prosecution or sentence except by a **competent judge or tribunal**, acting under laws enacted prior to the commission of the crime, and with the formalities and guarantees that these laws may establish.

ART. 30. **Any person may enter and remain in the national territory, leave it, move from one place to another**, and change residence without the necessity of a letter of security, passport, or other similar requirement, except for what is provided in the laws on immigration and the duties of the authorities in cases of criminal responsibility.

No Cuban may be expatriated or be prohibited entrance into the territory of the Republic.

ART. 31. The Republic of Cuba offers and recognizes **the right of asylum** to those persecuted for political reasons provided that persons thus sheltered respect the national sovereignty and the laws.

ART. 32. **The secrecy of correspondence and other private documents is inviolable**, and neither the former nor the latter may be held or examined except by officials or official agents in pursuance of a written order from a competent judge.

ART. 33. **All persons shall have freedom to express their thoughts by speech, writing, or any other graphic or oral means** of expression without subjection to previous censure, utilizing for this purpose any and all means of dissemination available.

ART. 34. **The domicile is inviolable** and, in consequence, no person may make entry at night into the domicile of another person without the consent of its resident, except in order to succor victims of a crime or disaster, or during the day except in the cases and in the form determined by law.

ART. 35. The profession of **all religions is free**, as well as the exercise of all kinds of worship, without other limitation than respect for Christian morality and public order.

ART. 36. Every person has the **right to direct petitions** to the authorities....

ART. 37. The inhabitants of the **Republic have the right to assemble peaceably and without arms**, and the right to hold processions and associate with one another for all the legitimate purposes of life, in conformity with the corresponding legal standards, without further limitation than may be necessary to assure public order.



In 1945



After World War II, when millions of people lost their lives and millions more were driven from their homes, the leaders of the world got together.

They setup a new organization – the United Nations – to help STOP wars between countries and build a better world. There was a strong feeling that a way had to be found to keep peace among nations.

Approximately 6 million Jewish were killed by Nazis.

Of the about 6 million Jews people who were murdered in the HOLOCAUST, 1.5 million were children.

In addition, around 1.5 million Romani, 25,000 LGBT people, 2-3 million Russian prisoners of war, 2 million ethnic Slavs, Afro-Germans, Jehovah's Witnesses, and people with disabilities were also killed.

"Cuba was officially a member of the **Allied nations** during World War II, declaring war on, first, Japan, and then Germany and Italy shortly after the bombing of Pearl Harbor."

United Nations Charter was created and signed into effect , June 26th 1945, in San Francisco, USA.

The United Nations (UN) ,New York City, was founded Oct 24th, 1945



United Nations Charter Founding Members: 51 countries

Republic of China – France - Union of Soviet Socialist Republics -United Kingdom of Great Britain and Northern Ireland-United States of America-
Argentina- Brazil- Byelorussian Soviet Socialist Republic- Chile -Cuba- Czechoslovakia-Denmark-Dominican Republic-Egypt - El Salvador-Haiti- Iran-Lebanon-Luxembourg-New Zealand-Nicaragua-Paraguay-Philippine Commonwealth-Poland-Saudi Arabia-Syrian Arab Republic-Turkey- Ukrainian Soviet Socialist Republic-Yugoslavia-Australia-Belgium-Bolivia- Canada-Colombia-Costa Rica-Ecuador-Ethiopia-Greece-Guatemala- Honduras-India-Iraq-Liberia-Mexico-Netherlands-Norway-Panama – Peru - Union of South Africa-Uruguay - Venezuela****

The United Nations (UN) at New York City



At the first session of the UN, and according to the meeting agendas and official documents that led up to the UDHR,

Cuba was the one and only member that wanted a **declaration of human rights** to be brought up on the agenda of the **First Part of the First Session of the General Assembly**.

"After discussion the General Committee agreed: That the resolution by the Cuban delegation [...] while of great importance, could not appropriately be included in the supplementary list [...] recommends the establishment of a **Commission on Human Rights** and outlines the functions and competence of that Commission" (UN 1946)

April 1946

John P. Humphrey
(Canadá)



Hernan Santa Cruz
(Chile)



Dr. Charles Malik
(Líbano)



Alexandre Bogomolov (URSS)



Dr. Peng-chun Chang (China)



Mrs. Eleanor Roosevelt, widow of U.S. President Franklin D. Roosevelt, is appointed delegate of USA to the United Nations by President Truman.

Former First Lady Eleanor Roosevelt was appointed Chairperson of the UN Commission on Human Rights to create the framework for the document.

At the first session of the UN General Assembly, a proposal is made to create a "road map" document that would guarantee the rights of all people everywhere and ensure that a conflict like World War II would never happen again.

A Drafting Committee is set up comprising members of the Human Rights Commission from Australia, China, Chile, France, Lebanon, the United Kingdom, the United States and the Union of Soviet Socialist Republics.



René Cassin
(Francia)



Charles Dukes
(Reino Unido)



William Hodgson
(Australia)



Every human being shall have the following rights :

- 1^o.- The right to life, to liberty, to personal security and to respect of his dignity as a human being.
- 2^o.- The right to shape his life according to his calling so as to enable him to develop his personality and to seek happiness within the limits of life in the community.
- 3^o.- The right to free investigation to enable him to form his opinions, and to express these opinions freely, subject to his being held responsible for his actions.
- 4^o.- The right to choose and profess freely his religion without any restriction other than that imposed by respect for morality and public order.
- 5^o.- The right to equality before the law without distinction as to race, religion, colour, class or sex.
- 6^o.- The right to protection from unjustified interferences with his person, family, home, reputation or private activities.
- 7^o.- The right to equal opportunity with others in shaping his life, raising the standard of living, and fulfilling a useful function in society.
- 8^o.- The right to education which will enable him to improve himself in every respect and will lead to his becoming a useful member of society and sharing in all the material and spiritual benefits of civilisation.
- 9^o.- The right to work under conditions fitting to his status as a human being and to receive, in return, a remuneration in proportion to the value of his contribution to the community.

- 10^o.- The right to receive adequate maintenance in the event of unemployment, sickness or chronic illness, to meet his own and his family's material and spiritual needs.
- 11^o.- The right to adequate food.
- 12^o.- The right to hygienic living conditions and to clothing suitable for the climate in which he lives.
- 13^o.- The right to live in surroundings free from avoidable diseases.
- 14^o.- The right to adequate medical assistance.
- 15^o.- The right to meeting and associating with his fellow-men for fostering the pursuit of permissible aims.
- 16^o.- The right to immunity from expropriation other than in pursuance of legal proceedings or for the benefit of the community.
- 17^o.- The right to protection from competent courts free from all influence contrary to justice.
- 18^o.- The right to trial without undue delay, to self defense, and to protection from sentences except in pursuance of laws in force prior to the act with which he is charged.
- 19^o.- The right to immunity from arbitrary arrest and to a review of the regularity of his arrest by ordinary tribunals.
- 20^o.- The right to resist any form of oppression.
- 21^o.- The right to sanctuary in a foreign country when escaping from persecution of a political, religious or racial nature.
- 22^o.- The right to choose his ruler and to share in the government of his country.

December 10, 1948

On December 10th, 1948, the Universal Declaration of Human Rights was adopted by the **56 members** of the United Nations. **THE VOTE WAS UNANIMOUS!**

48 voted in favour, none against, eight nations chose to abstain. Saudi Arabia and South Africa and six communist countries: USSR, Belarus, Ukraine, Czechoslovakia, Poland, Yugoslavia.





UDHR: We have

30

Human Rights!

Excerpts from the speech delivered by the Republic of Cuba's Permanent Delegate to the United Nations, prior to its voting, at the United Nations Third General Assembly, taking place at the Chaillot Palace, in Paris, France on December 10, 1948.

My delegation had the honor of inspiring the final text, which finds it essential that the rights of man be protected by the rule of law, so that man will not be compelled to exercise the extreme recourse of rebellion against tyranny and oppression. Further, this is an homage to France from my country, which greatly admired and watch the stages of its glorious resistance.

We are pleased that the social rights that are the main contribution of the 20th Century to this issue were treated in the Declaration with the importance they deserve.

Cuban Amendments on the subject of labor that recognize the right of man to freely pursue his vocation and to receive a fair and satisfactory wage that will guarantee him and his family an existence befitting their human dignity.

And we cannot silence the fact that – through the joint efforts of France, Mexico and Cuba – recognition was finally granted to those who belong to the only legitimate aristocracy: Creator, be the artist, writers, or scientists. They are entitled to the protection of the moral and material gains obtained through their scientific, literary, or artistic productions.

My country and my people are highly satisfied to see that the odious racial discrimination and the unfair differences between men and women have been condemned forever.

By: Guy Pérez-Cisneros, Permanent Delegate of the Republic of Cuba to the United Nations(1948 - 1953)

CHANGES IN THE CUBAN CONSTITUTION CONSTITUTION 1940 (Laredo-Bru)



ART. 1.

Cuba is an independent and sovereign State organized as a **unitary and democratic Republic** for the enjoyment of political freedom, social justice, individual and collective welfare, and human solidarity.



CONSTITUTION 1976 (Fidel Castro)

GUIDED by the ideology of **José Martí, and the sociopolitical ideas of Marx, Engels, and Lenin;**

ART. 1.

Cuba is a **socialist State of workers**, independent and sovereign, organized with all and for the good of all, as a united, democratic republic, for the enjoyment of political freedom, social justice, individual and collective welfare, and human solidarity.



CONSTITUTION 2019 (Miguel Díaz-Canel)

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.**

ART.1.

Cuba is a **democratic, independent and sovereign socialist State of law and social justice, organized by all and for the good of all, as an indivisible and unitary republic**, founded by the labor, dignity, humanism, and ethic of its citizens for the enjoyment of liberty, equity, justice, and equality, solidarity, and individual and collective well-being and prosperity.....

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 superior driving force of the society and the State.**

HUMAN RIGHTS IN CUBA



Photo Credit: UN Photo

Taking the temperature of Human Rights in Cuba

Question:

Are human rights respected in Cuba?

1. Yes
2. No
3. Not sure



Photo Credit: UN Photo



Article 1

All human beings are born free and equal in dignity and rights

1. Yes
2. No
3. Not sure

Article 2

Every one has the right to freedom from discrimination without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

1. Yes
2. No
3. Not sure



Article 2



Every one has the right to freedom from discrimination without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

“The 2019 constitution explicitly prohibits discrimination on the basis of sexual orientation or gender identity. However, many lesbian, gay, bisexual, and transgender (LGBT) people suffer violence and discrimination, particularly in the country’s interior.” (HRW World report 2021)



Article 3

Everyone has the right to life, liberty and security of person.

1. Yes
 2. No
 3. Not sure



Article 4

No one shall be held in slavery or servitude.

1. Yes
2. No
3. Not sure



Article 4

No one shall be held in slavery or servitude.

“Cuba deploys tens of thousands of health workers abroad every year to help tackle short-term crises and natural disasters. They provide valuable services to many communities but under Cuban rules that violate their rights, including to privacy, liberty, movement, and freedom of expression and association” (HRW World report 2022)



Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

1. Yes
2. No
3. Not sure



Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

“Political prisoners: The government denies independent human rights groups access to its prisons.” (HRW World report 2021)

Article 6

Everyone has the right to recognition everywhere as a person before the law.

1. Yes
2. No
3. Not sure



Article 7

We are entitled without discrimination to equal protection before the law.

1. Yes
2. No
3. Not sure





Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted by the constitution or by law.

1. Yes
2. No
3. Not sure

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

1. Yes
2. No
3. Not sure

“Arbitrary detention and harassment of critics Continue” (HRW world report 2021)





Article 10

Everyone is entitled in full equality to a fair and public hearing.

1. Yes
2. No
3. Not sure

“Cubans who criticize the government continue to risk criminal prosecution. They do not benefit from due process guarantees, such as the right to fair and public hearings by a competent and impartial tribunal. In practice, courts are subordinate to the executive and legislative branches. (HRW World report 2021)



Article 11

Everyone is presumed innocent until proven guilty according to law in a public trial at which he/she has had all the guarantees necessary for his/her defense.

1. Yes
2. No
3. Not sure

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his/her honor and reputation.

1. Yes
2. No
3. Not sure





Article 13

Everyone has the right to freedom of movement. Everyone has the right to leave any country, including his/her own and to return to his/her country.

1. Yes
2. No
3. Not sure

“Authorities have continued to deny exit selectively to people who express dissent.”
(HRW World report 2021)



Article 14

Everyone has the right to seek and enjoy in other countries, asylum from persecution.

1. Yes
2. No
3. Not sure



Article 15

Everyone has the right to a nationality. No one shall be deprived of his/her nationality or denied the right to change his/her nationality.

1. Yes
2. No
3. Not sure

Article 16

Men and woman of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. Marriage shall be entered into only with the free and full consent of the intending spouses. The family is the natural and fundamental group unit of society.

1. Yes
2. No
3. Not sure





Article 17

Everyone has alone as well as in association with others the right to own private property. No one shall be arbitrarily deprived of his/her property.

1. Yes
2. No
3. Not sure



Article 17

Everyone has alone as well as in association with others the right to own private property. No one shall be arbitrarily deprived of his/her property.

The current constitutional regulation on “forms of property” leaves open, or at least does not clarify, the distinction between “personal” and “private” property



Article 18

Everyone has the right to freedom of thought, conscience and religion, freedom to change his/her religion.

1. Yes
2. No
3. Not sure



Article 18

Everyone has the right to freedom of thought, conscience and religion, freedom to change his/her religion.

“The Republic of Cuba is secular: denoting attitudes, activities, or other things that have no religious or spiritual basis.”

Article 19

Everyone has the right to freedom of opinion and expression.

1. Yes
2. No
3. Not sure



Article 19

Everyone has the right to freedom of opinion and expression.

The government controls virtually all media outlets in Cuba and restricts access to outside information. Cuba has the “most restricted climate for the press in the Americas” according to a 2019 Committee to Protect Journalists report. (HRW World report 2021)



Article 20

Everyone has the right to freedom of peaceful assembly and association.

No one may be compelled to belong to an association.

1. Yes
2. No
3. Not sure



Article 21

Everyone has the right to take part of the government of his/her country, directly or through freely chosen representatives.

1. Yes
2. No
3. Not sure





Article 22

Everyone has the right to social security.

1. Yes
2. No
3. Not sure

Article 23

Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

Everyone, without discrimination, has the rights to equal pay for equal work.

1. Yes
2. No
3. Not sure





Article 23

Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

Everyone, without discrimination, has the rights to equal pay for equal work.

“Cuba continues to violate International Labour Organization standards it has ratified on freedom of association and collective bargaining. While Cuban law technically allows formation of independent unions, in practice, Cuba only permits one confederation of state-controlled unions, the Workers’ Central Union of Cuba.”
(HRW World report 2021)

Article 24

Everyone has the right to rest and leisure, including reasonable limitations of working hours and periodic holidays with pay.

1. Yes
2. No
3. Not sure





Article 25

Everyone has the right to a standard of living adequate for the health and wellbeing of himself/herself and of his/her family, including food, clothing, housing and medical care.

1. Yes
2. No
3. Not sure



Article 26

Everyone has the right to education.

Education shall promote understanding, tolerance, and friendship among all nations.

1. Yes
2. No
3. Not sure



Article 27

I have the right to participate in cultural life and to the protection of author's rights.

1. Yes
2. No
3. Not sure



Article 27

I have the right to participate in cultural life and to the protection of author's rights.

Artistic creation is allowed "as long as its content is not contrary to the Revolution"

Article 28

Everyone has the right to social and international order in which the rights and freedoms set forth in this declaration can be fully realized.

1. Yes
2. No
3. Not sure



Article 29

Everyone has duties to the community.

These rights and freedoms may in no case be exercised contrary to the purpose and principles of the United Nations.

1. Yes
2. No
3. Not sure





Article 30

No one can take away our rights.

1. Yes
2. No
3. Not sure

Art. 8. The Constitution of the Republic of Cuba takes priority over international treaties.

Government Systems

Governments must fulfill their obligations to uphold human rights

**DEMOCRACY-REPUBLIC = MORE RESPECT
FOR HUMAN RIGHTS**

**SOCIALISM-COMUNISM = LESS RESPECT FOR
HUMAN RIGHTS**

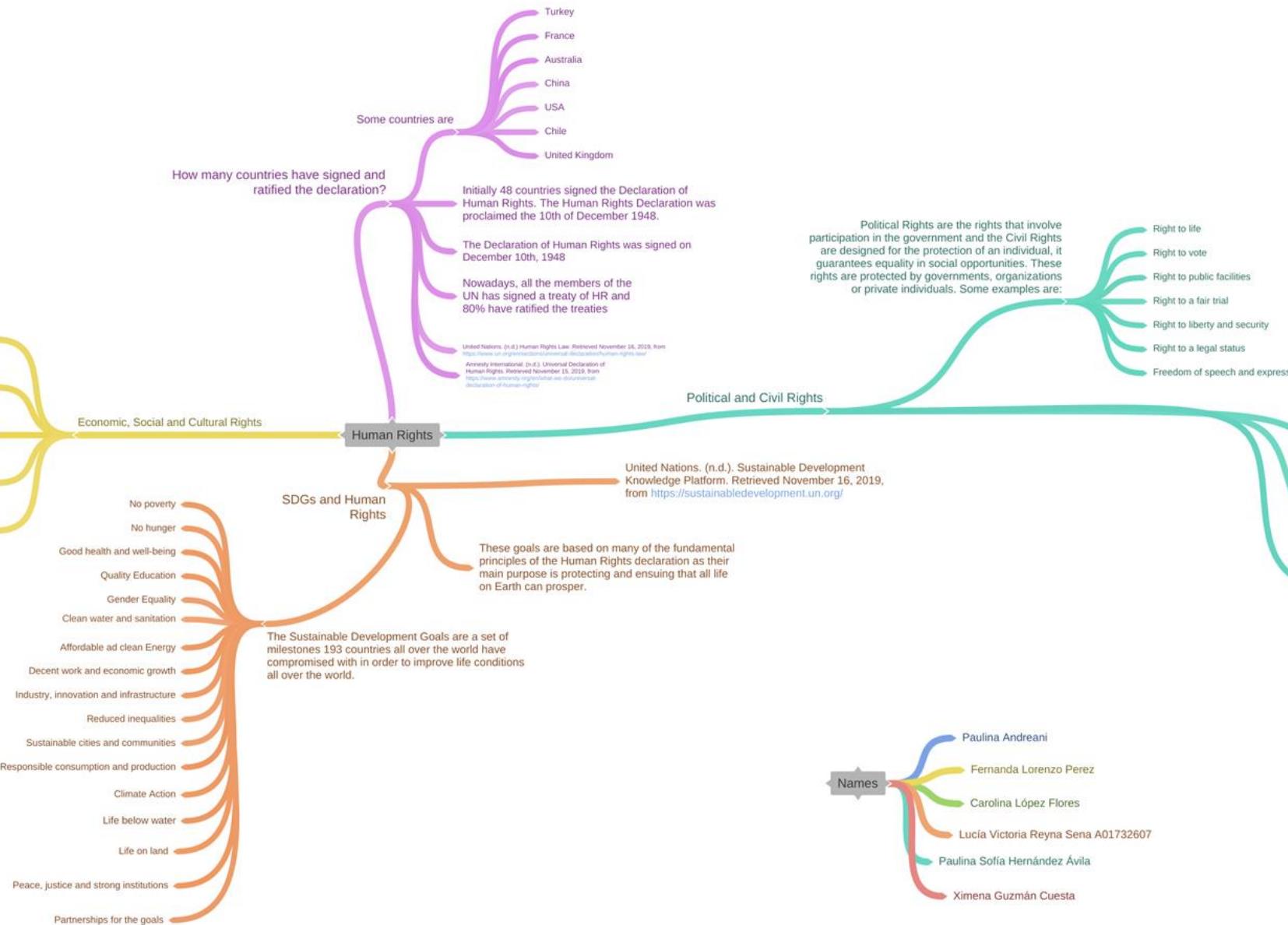
OHCHR. (n.d.). What are economic, social and cultural rights? On ohchr.org. Retrieved Friday 15 November 2019 from:<https://www.ohchr.org/EN/Issues/ESCR/Pages/ESCRIndex.aspx>

International Covenant on Economic, Social and Cultural Rights is the most comprehensive treaty which provides protection of these rights at international level.

Include the rights to adequate food, to adequate housing, to education, to health, to social security, to take part in cultural life, to water and sanitation, and to work.

They are protected under various international and regional treaties as well as in national constitutions.

Economic, social and cultural rights are part of human rights law that developed in the aftermath of World War II.





SUSTAINABLE DEVELOPMENT GOALS

1 NO POVERTY



2 ZERO HUNGER



3 GOOD HEALTH AND WELL-BEING



4 QUALITY EDUCATION



5 GENDER EQUALITY



6 CLEAN WATER AND SANITATION



7 AFFORDABLE AND CLEAN ENERGY



8 DECENT WORK AND ECONOMIC GROWTH



9 INDUSTRY, INNOVATION AND INFRASTRUCTURE



10 REDUCED INEQUALITIES



11 SUSTAINABLE CITIES AND COMMUNITIES



12 RESPONSIBLE CONSUMPTION AND PRODUCTION



13 CLIMATE ACTION



14 LIFE BELOW WATER



15 LIFE ON LAND



16 PEACE, JUSTICE AND STRONG INSTITUTIONS



17 PARTNERSHIPS FOR THE GOALS



 **SUSTAINABLE DEVELOPMENT GOALS**



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History of the United Nations



History of the Universal Declaration of Human Rights



Contributions of Cuba to the Universal Declaration of Human Rights



Cuban Constitution 1940 (Ramón Grau-Carlos Prio-Socarras)

Cuban Constitution 1976 (Fidel Castro)



Cuban Constitution 2019 (Miguel-Díaz Canel)



Taking the Temperature of Human Rights in Cuba