Introduction

According to the Universal Declaration of Human Rights, which was adopted and proclaimed by the General Assembly of the United Nations in 1948, the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” These human rights considered fundamental to well-being include the freedoms of expression and association, the right to a fair trial, and the basic liberty to life. Despite the evident importance of these liberties, many countries have continued preventing their realization. Notable among such nations is Cuba, whose history of denying human rights has remained a chief concern in the international community and has demanded increased attention.

Explanation of the Problem

Among the goals of the 1948 charter of the Organization of American States (OAS) are peace, justice, unity of member nations, and the preservation of nations’ independence and territory. Since its founding, the OAS has grown from 21 nations to 35 nations and has updated its goals to include strengthening democracy, combating poverty, promoting development, fostering free trade, and defending human rights. As the preservation of human rights is one of the chief goals of the Organization of American States, Cuba’s rejection of these liberties and identification with a Marxist-Leninist government led to its exclusion from participation in the OAS in 1962. Though one of the original 21 nations to join, Cuba lost its rights in the OAS because its communist practices were incompatible with the other member nations, their unity, and their fight for liberty. Only 14 of the then 21 member nations voted to exclude Cuba, but all twenty countries other than Cuba concurred on the need to stop arms sales to Cuba. While still technically a member state of the Organization of American States, Cuba lost its rights of representation, attendance at meetings, and participation in activities within the OAS.

In 1948, the Organization of American States adopted the American Declaration of the Rights and Duties of Man, which was the world’s first formal international human rights document. Despite Cuba’s nontraditional status within the OAS, the American Declaration still requires the OAS to handle the human rights situation in Cuba and hear cases regarding this issue. Some member nations oppose this, arguing that the OAS has no jurisdiction to interfere in a country from which it removed its rights. While the reincorporation of Cuba as a fully active member of the Organization of American States is periodically brought up, Cuban President Fidel Castro strongly opposes the OAS and refuses to ever allow his nation to join it.

Overview of Human Rights in Cuba

Due to the nature of Fidel Castro’s regime there is a severe repression of human rights in Cuba. The people of Cuba—especially those with different views—are subject to physical, civil, and political injuries without protection. Arbitrary arrest and detainment, degrading treatment, torture, and unlawful executions constitute some of the more threatening forms of suppression. In addition, many civil liberties, including the freedoms of speech, press, association, assembly, and religion, are limited and subject to Cuba’s governmental caprices. Political rights have also suffered: labor movements, human rights’ groups, and political dissenters have all been subjected to extreme intimidation. These repressions have all been fortified and emphasized by Cuba’s legal and institutional infrastructure. Cuba’s domestic legislation does contain provisions for certain fundamental rights, but it still grants the government enough authority to arbitrarily punish its people at will. “Procedural failings” in Cuba’s government have enabled the restriction of many freedoms, judicial imprudence, and an overarching mistreatment of the people.
History of the Problem

President Fidel Castro

Cuba possesses a lengthy record of falling short of upholding human rights. With Fidel Castro’s overthrow of former President Fulgencio Batista in the Cuban Revolution of 1959, Castro held a variety of leadership positions, including Prime Minister, until he attained the Presidency, which he still holds today. Castro remains in control of all aspects of life in Cuba, including the economy, the composition of the government, and the extent of people’s everyday liberties. Condemned by many as a dictator and blatant violator of human rights, an antagonistic relationship developed between Fidel Castro and many other countries, especially the United States.

Bay of Pigs Invasion

According to Amnesty International, an international non-governmental human rights agency, this tension was further exacerbated by the failure of the Bay of Pigs Invasion of 1961, in which the United States financially backed Cuban exiles in their attempts to overthrow Fidel Castro and his regime. Many thought that John F. Kennedy, who was President of the United States at the time, would send American marines to aid the failing exiles; however, Kennedy denied additional support to the rebels, leaving them helpless against Castro’s forces. Not only did this incident increase Castro’s worries about United States invasions, but it also added to his popularity by augmenting the anti-American mentality.

The Cuban Missile Crisis

The Cuban Missile Crisis occurred in 1962 and further amplified American-Cuban tensions. After the failed invasion of the Bay of Pigs in the previous year, the Soviet Union placed nuclear weapons in Cuba, claiming a desire to protect Cuba from further invasions from the United States. Taking place at the peak of the Cold War, this incident almost escalated to nuclear war and ended when the Soviet Union agreed to remove its nuclear weapons from Cuba.

Embargo on Cuba

The United States also instated a comprehensive embargo on Cuba in 1962 in order to pressure Fidel Castro to reform his political and economic regulations, asserting that the embargo would only be repealed if Castro should make dramatic political changes. A source of much international criticism, as will be discussed shortly, this commercial and economic embargo on Cuba has caused great suffering in Cuba. The embargo has limited Cuba’s flow of money and materials, in turn harming nourishment and health, education, and protection of women and children.

Recent Developments

Though, according to Amnesty International, Cuba seemed to be experiencing a “slow but steady decline” in repression of human rights and public dissent over the past decade, it has recently taken an “alarming step backwards in terms of respect for human rights.” Despite the seemingly raised awareness of human rights, the number of prisoners of conscience peaked in February 2002 with the arrest of participants at a political demonstration. Many of the leaders of this group suffered unfair trials and received the death penalty or unduly long prison terms. President Castro expanded the arrests to include virtually any individual who expressed opposition, from political groups to human rights groups to journalists. According to a report from Amnesty, “Not unusual in the history of fraught bilateral relations, Cuban authorities identified provocation and aggression from the United States as the root source of the tensions which caused the crackdown [on human rights].” In the past year Fidel Castro’s health has deteriorated significantly, with his brother Raoul Castro assuming power and a consensus building, at least outside Cuba, that he would not survive through 2007. This has raised the possibility of dramatic changes in Cuba but has not yet resulted in changes for the island’s inhabitants.

International Relations

Cuba has a somewhat unstable relationship with the international community, and though this relationship seems to have improved over the past few years, much debate still exists regarding what is best for the island. After five years of not communicating with the European Union (EU) as a result of major disagreements on certain key issues, including human rights, dialogue was reopened in late 2001. A follow-up meeting occurred the following year, and in 2003, the first official European Union delegation was instated in Havana, Cuba. Though the European Union opposes the United States trade embargo on Cuba, it offers to provide full economic support only if
Cuba’s human rights record improves. Similarly, the United Nations General Assembly has long opposed the United States’ embargo on Cuba and has passed annual resolutions for almost two decades calling for the lifting of the embargo.

The United States, however, has recently passed legislation strengthening the embargo. The Cuban Liberty and Democracy Solidarity Act of 1996, also known as the Helms-Burton Act, penalized foreign companies and nations that conducted trade with Cuba by not allowing them to conduct business in the United States. The European Union especially resented this article of legislation, arguing that the United States was trying to control how other countries conducted trade. Though demands within the United States of lifting the embargo have increased recently, President George W. Bush has said that he would veto any such legislation until Cuba holds elections and has a multiparty system.

Focus of Debate

Strict Stance

One outlook on the human rights situation in Cuba is the need to maintain a rigorous set of standards and to require that Cuba meet it. Though the largest and most prominent supporter of this stance is the United States, it is not accurate to say that the United States is the only nation to insist that Cuba undergo vast political, societal, and structural reform. Among the objectives of this view are the maintenance of the embargo and its restrictions upon Cuba, for supporters of a stern attitude toward Cuba feel that intimidating the island nation economically and materially is the most effective way of demanding that it improve its record on human rights.

Sympathetic View

Proponents of a more relaxed view toward Cuba oppose the severe strategies of the United States and encourage more sympathetic methods to encourage improvement in human rights. This position of opposing the “unrelenting confrontation” of the United States against Cuba is widely supported by many groups and nations, including the United Nations General Assembly, the European Union, and the Vatican. Supporters of this view advocate the repeal of the embargo, arguing that it is counterproductive both for Cuba itself and for international relations. Furthermore, the embargo is denounced for its restriction on travel and association between Cuba and the United States. It is also argued that Castro uses the embargo as justification for further repression of human rights.

Possible Solutions

Comprehensive Cuban Reform

Though the specifics of how this solution should be attained are under debate, it is widely agreed that broad legal, structural, and societal reforms need to be made in Cuba to meet international standards of human rights. The achievement of the freedoms of expression and association are fundamental, as is securing of the ability to dissent peacefully. As part of this solution, the government should also take a more proactive stance in punishing officials who violate human rights and should release all current political prisoners being detained unjustly. The OAS could pass a resolution demanding that the Cuban government pass these reforms. Furthermore, in order to ensure the effectiveness of such reform, Cuba should permit the monitoring of its human rights progress by international bodies.

Repeal of United States Embargo

Another widely supported strategy to improve the human rights situation in Cuba is the repeal of the economic and trade embargo imposed by the United States. As previously mentioned, this embargo is widely considered destructive, causing much tension and operating against human rights. Furthermore, certain provisions of the Helms-Burton law that restrict expression and travel should also be lifted. In reducing such constraints on Cuba, proponents of this solution hope that it will improve relations with and conditions within Cuba and encourage it to have a higher respect for human rights.
**United Global Effort**

A broader solution is solidarity and commitment among the international community to encourage Cuba to reach higher human rights standards. This unified global effort bridges the somewhat acerbic debates on specificities regarding the island and places the ultimate goal—human rights—before all else. This plan involves foreign investors using their economic influence to persuade (rather than demand) Cuba to reform. Furthermore, this solution requests that companies not buy Cuban goods produced by prison labor, for doing so would discourage mistreatment of detainees and forced labor by political prisoners.

**Questions a Resolution Should Address**

This matter raises numerous sensitive issues, for it involves injustices against the basic liberties and conditions of man. Such fundamental rights as the freedoms of speech, association, religion, press, travel, and expression are clearly enough to merit international attempts to uphold them, but the best way of attaining them is still unclear. Is it up to the global community to ensure that other states maintain human rights? Do powerful nations such as the United States have justification in getting involved in the affairs of other governments? If other nations are warranted in intervening, how lenient or severe should their policies be? As with the embargo, how much of Cuba’s current well-being should be sacrificed to achieve the final target of human rights? Are international attempts at securing these civil and political rights merely increasing tension and harming the preservation of human rights in Cuba? Should the status of Cuba remain as it is in the Organization of American States? The consideration and debate of these questions, among others, lie with you and the other members of the Organization of American States.

**Summary and Conclusion**

Though there is no clear path to securing human rights in Cuba, it is evident that a topic this important must receive due attention. International standards insist that human rights be upheld, and Cuba’s blatant violations of these basic values and liberties demand redress. The hemispheric community will therefore continue exploring different options and courses of action, and as a body that very much involves Cuba and its relations with its neighbors, the Organization of American States bears a large responsibility in this.

**Bibliography**


**Glossary**

*American Declaration of the Rights and Duties of Man* – the first international instrument for human rights; written in 1948 and predates the Universal Declaration of Human Rights; adopted at the first meeting of the OAS in 1948

*Amnesty International* – a global, non-governmental entity that analyzes nations’ practices of human rights and
ensures that they comply with international standards

**embargo** – a restraint imposed by a government prohibiting trade with another nation

**European Union (EU)** – an association of European nations established in 1993 with the goal of political and economic integration

**Human Rights Watch (HRW)** – an international non-governmental body that advocates human rights and is based in the United States

**United Nations (UN)** – an international organization made up of most of the world’s nations; formed in 1945 to promote peace and economic development

**United Nations General Assembly** – one of the five major components of the UN; member states are each represented and use the General Assembly as an arena for discussion and decision-making regarding global issues

**Universal Declaration of Human Rights** – adopted by the United Nations General Assembly in 1948 to outline its commitment to human rights