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Cuba

Country Conditions Report

Created by the Sexual Orientation and Gender Identity Working Group

International Human Rights Program

University of Toronto

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| Introduction |

Cuba has taken considerable measures and efforts to protect LGBTQ+ rights. Homosexuality is not criminalized under the Cuban Penal Code and in 2018, the National Assembly voted to legalize all same-sex marriage and prohibit discrimination on the basis of sexual orientation and gender identity. The Cuban Constitution, while it does not explicitly enumerate LGBTQ+ as an enumerated ground of protection under equality rights, sexual orientation and gender identity is protected in the catch-all bucket of “any other type offending human dignity.” Sex-reassignment surgery is

Domestic jurisprudence at the People’s Supreme Court of Cuba has not engaged in cases involving sexual orientation or gender identity in the past five years. In Canada, the jurisprudence from the Federal Court and the Immigration and Refugee Board has yet to find any case in which there enough evidence to support a well-founded fear of persecution in Cuba on the basis of sexual orientation or gender identity.

Cuba is not party to the major international treaties that provides protection for LGBTQ+ rights. Foreign government reports, NGO reports, and media reports have identified that there is still a significant social stigma against LGBTQ+ persons, but the government’s legislation and social initiatives (including CENESEX, the Cuban National Center for Sex Education directed by Mariela Castro, the daughter of former President Raul Castro) have provided significant support for LGBTQ+ people.

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| Legislation |

1. *Cuban Constitution*[[1]](#footnote-1)
   1. All people are equal before the law, and receive the same protection and treatment “from the authorities”. Equality is guaranteed without any discrimination for “race, color of the skin, sex, national origin, religious creed,” with protection of gender identity and sexual orientation protected in the catch-all bucket “any other type offending human dignity” but not explicitly mentioned in the text[[2]](#footnote-2)
   2. “Authority” is used in the context of the rest of the Cuban constitution in in the right to privacy (Art. 50), & right to enjoy personal property subject to conditions of confiscation (Art. 59) etc as “competent authority”; possibly implying authority means only the Cuban Stateand its administrations
      1. Whether “authority” could give rise to tort actions under Art. 38 of the Civil Code (refer below) against non-state agents is unknown
   3. The constitution contains a provision that defines marriage as a voluntary established union between a man and a woman, “legally fit to marry”.[[3]](#footnote-3)
      1. Note that legally fit to marry is not clarified in Art. 36 itself; but the other another marriage clause (Art. 82) in the amended constitution which does specify requirements for marriages
   4. The 2019 amendments include a provision that defines marriage as a “social & legal institution”, and one of the “organizational structures of families.”[[4]](#footnote-4) It requires free consent and equality between spouses, under the rights and obligation the law provides, but no other requirements are specified.
   5. Legally recognized marriage brings the same legal duties and rights, provided the marriage meets the requirements of free consent and equality. These duties, such as childcare (Art 84), liability for violence with the family (Art. 85) implicate “mothers and fathers or other relatives by blood or marriage who perform the roles.”[[5]](#footnote-5)
2. *Cuban Civil Code*[[6]](#footnote-6)
   1. The Republic of Cuba does not recognize holdings of foreign law jurisdictions if its effects are contrary to the principles of the Republic’s regime.[[7]](#footnote-7) This may be relevant in claiming *Family Code* rights or damages for same-sex marriages obtained in other jurisdictions.
   2. In the event of an infringement of an individual’s constitutional rights, the *Civil Code* confers the right to “immediate cessation of the violation” and damages.[[8]](#footnote-8)
   3. Civil tort can arise for “moral damage” inflicted on another.”[[9]](#footnote-9)
3. *Cuban Penal Code*[[10]](#footnote-10)
   1. Homosexuality itself is not criminalized. Offenses against the right of equality of another is an indictable offence, punishable by deprivation of freedom, a fine, or both.[[11]](#footnote-11)
   2. “Provoking another individual with homosexual requirements” is an indictable “public scandal” offence, punishable by a fine.[[12]](#footnote-12)
   3. Inducing a minor under 16 years of age to exercise homosexuality or prostitution is an indictable offense. Exercising sexuality in general is not criminalized in the same Article; but distributing obscene publications, alcohol, or narcotics to a minor is also prohibited[[13]](#footnote-13)
   4. The definition of statutory rape includes only women between 12 and 16.[[14]](#footnote-14)
   5. Formalizing illegal marriages is an indictable offence, punishable by deprivation of freedom or a fine.[[15]](#footnote-15)

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| Canadian Jurisprudence |

***Immigration and Refugee Board of Canada Decisions***

1. *X, Re*[[16]](#footnote-16)

**Holding:** The applicant unsuccessfully appealed a Refugee Protection Division (RPD) decision that rejected her claim for refugee protection. The Immigration and Refugee Board of Canada dismissed the appeal on the grounds that there was no evidence that suggested that the applicant would face persecution in Cuba due to her sexual orientation.

* The applicant is a 49-year-old Cuban citizen who identifies as a lesbian.
* The applicant’s brother lives in Canada and in 2013 she obtained a visa to visit him, during which she applied for a refugee claim alleging that she has faced persecution in the past because of her homosexual orientation and will continue to do so if she returned to Cuba.
* The applicant also argues that she is unable to freely express her identity which constituted a breach of her human rights.
* The Board upheld the decision of the RPD, which found that the applicant had embellished her history of threats, physical violence, and harassment for the purpose of a refugee claim.
* The Board also upheld the RPD’s decision when it surveyed documentation on the risk faced by homosexuals in Cuba and, “although risks were identified for those with particular profiles, the RPD concluded that such a profile is not shared by the Appellant.”
  + The Board held that the applicant would face less than a serious possibility of persecution on the basis of her sexual orientation if she returns to Cuba.
* Thus the applicant is neither a Convention refugee nor a person in need of protection.

***Federal Court Decisions***

1. *Jenez Alvarez v Canada (Citizenship and Immigration)*[[17]](#footnote-17)

**Holding** Applicant unsuccessfully appealed a pre-removal risk assessment application. The Federal Court dismissed the application on the grounds that there was not any evidence beyond speculation that she was at risk in Cuba due to her father’s political opinions or her sexual identity.

* Jenez Alvarez is a Cuban citizen, who had left Cuba with her brother for the United States in 1980 out of fear of reprisal from the Cuban government.
* Her initial flight from Cuba was motivated by fear of persecution based on the political opinions of her father.
* She alleges her brother returned to Cuba and was killed there. She has two sisters, a daughter, and two grandchildren living in Cuba.
* Between 1980 and 2011, she alleges to have had relationships with men and women, experienced multiple episodes of severe mental illness, experienced domestic abuse, attempted suicide, and committed a federal offence in the United States.
* She arrived in Canada in July 2011, filed a refugee claim, which was rejected by the Refugee Protection Division because she had committed a serious non-political crime.
* She applied for judicial review of a pre-removal risk assessment application, pursuant to ss 72(1) of the *Immigration and Refugee Protection Act* SC 2001 c 27 (*Act*).
* The applicant submits as evidence: one letter dated February 8, 2013 by Dr. Beauregard, detailing her mental health problems and medications.
* The PRRA found the letter insufficient, and unconnected to a risk of persecution in Cuba. Her past relationships with men undermined her ability to claim persecution because of her homosexuality. Evidence that the applicant had living family in Cuba undermined her claim that she would be persecuted due to her father’s political opinion.
* Since the standard to overturn a PRRA holding is “based on erroneous findings of fact or law” or made “in a perverse or capricious manner,”[[18]](#footnote-18) the PRRA holding stands.
* The applicant failed, on a balance of probabilities to establish that she would face a danger of torture, risk to life, or risk of cruel & unusual punishment due to her father’s political opinion and/or her homosexuality.
* Return to Cuba potentially impacting her psychological condition is not a risk described in the s.97 of the *Act* and is not a basis for a PRRA decision.

2. *Portuondo Vassallo v Canada (Citizenship and Immigration)*[[19]](#footnote-19)

**Holding** The federal court dismissed an appeal of a Refugee Protection Division claim on the grounds that applicant’s evidence was insufficient, and provided only speculatory grounds to assess the risk of persecution to the appellant. The incidents submitted by the appellant as evidence did not amount to persecution.

* The appellant is a 23-year-old Black Cuban citizen, who arrived in Canada on a temporary exit visa and claimed refugee protection instead of leaving the country.
* He claimed status because of his race and sexual orientation.
* The appellant further submits that, since his exit visa expired and he refused to re-enter Cuba, he would be considered a political opponent.
* The episodes of discrimination submitted as evidence -- subjected to identity checks by police, passed over for a spot in a specialized school, evicted from public parks--were not held by the court to be persecution in isolation, or combination.
* The evidence is also insufficient to assess the actual risks of persecution, or imprisonment.

3. *Reyes Pino v Canada (Citizenship and Immigration)*[[20]](#footnote-20)

**Holding:** The Federal Court dismissed the appeal and upheld the decision of the Refugee Protection Division (RPD) in refusing to grant refugee status to the applicant on the basis that his allegations of persecution based on his homosexuality is not well-founded, namely that he was in a public service position and his supervisor knew he was a homosexual, he lived with his common-law same-sex partner for eight years, that homosexuality is not illegal in Cuba, and that attitudes have changed towards homosexuals.

* The applicant, Alberto Abraham Reyes Pino, is a citizen of Cuba and was employed as a cultural promoter for the Ministry of Culture in Holguin, Cuba.
* Reyes Pino was hired in 2008 by Christopher Pattichi in Canada, but when Reyes Pino arrived, he had an altercation with Pattichi who refused to take steps in obtaining a work permit for Reyes Pino.
* Reyes Pino subsequently filed a refugee protection claim in 2009 alleging that he has a fear of persecution based on his sexual orientation and imputed political opinion.
  + Reyes Pino purported that he had to hide his homosexuality, that he was a victim of harassment from Cuba authorities, and that he had to pretend he was a supporter of the Cuban Revolution, which was against his beliefs.
* The RPD found that the applicant did not have a well-founded fear of persecution in Cuba on the basis of his homosexuality.
  + He was in a public service position and his supervisor knew he was a homosexual without any repercussions.
  + He lived in a common-law relationship with his same-sex partner for almost eight years.
  + Homosexuality is not illegal in Cuba.
  + Attitudes have changed to be more open to homosexuality, even if homosexuals are purportedly still sometimes the victims of discrimination.
* Reyes Pino attempted to appeal on procedural grounds noting that the RPD’s decision was a breach of the principles of natural justice and unreasonable, which the Federal Court dismissed.
  + The RPD had correctly collected evidence and testimony from witnesses, therefore there was no breach of the principles of natural justice.
  + The RPD’s fact finding process and assessing the applicant’s employment history, residence, and fear of persecution was reasonable and without error.

# Cuban Jurisprudence

Case law of the Supreme Court of Cuba in Cuba is annually published in their *Boletín del Tribunal Supremo Popular*.[[21]](#footnote-21) None of the cases in the past five years covers issues relating to LGBTQ+ rights, gay rights, or sexual orientation. The Provincial Courts, Municipal Courts, and Military Courts do not publish their decisions online.

# International Law

***UN Treaties***[[22]](#footnote-22)

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| **Treaty** | **Date of Signature** | **Date of Ratification** |
| *ICCPR* | 28 February 2008 | N/A |
| *ICCPR – First OP* | N/A | N/A |
| *ICCPR – Second OP* | N/A | N/A |
| *ICESCR* | 28 February 2008 | N/A |
| *ICESR – First OP* | N/A | N/A |
| *CAT* | 27 January 1986 | 17 May 1995 |
| *CAT – First OP* | N/A | N/A |

Because Cuba has not ratified the ICCPR or the ICESR, there have been no international legal hearings regarding these human rights treaties. The Committee Against Torture has also not heard any cases or made any reports regarding LGBTQ+ rights in Cuba.

***Universal Periodic Review***

National Report, March 2018[[23]](#footnote-23)

* There is a general trend of improvements for LGBTQ+ persons living in Cuba.
* Cuba published a new Labour Code in 2014 that recognizes discrimination on the basis of sexual orientation as an unacceptable amongst the fundamental principles governing the right to work.[[24]](#footnote-24)
* The National Sexual Health and Education Programme plans to promote respect for LGBTQ+ people in Cuba through initiatives that include educational programs, legal orientation strategies, care for victims of gendered violence, development of community programmes, sex therapy, and campaigns to promote freedom of sexual orientation.[[25]](#footnote-25)

Working Group Report, July 2018[[26]](#footnote-26)

* Progress has been made in preventing and addressing discrimination based on sexual orientation and gender identity.[[27]](#footnote-27)

***Regional Treaties***

A number of state parties to the Organization of American States have ratified the American Convention on Human Rights (ACHR),[[28]](#footnote-28) in which the Inter-American Court of Human Rights has recognized that sexual orientation and gender identity are protected grounds for non-discrimination before the law. However, Cuba has not ratified the ACHR and thus is not bound by any of its obligations or interpretations.

*Inter-American Commission of Human Rights (Organization of American States), “IACHR Concerned about Cuba’s new Constitution and its Implementation,” 2019*[[29]](#footnote-29)

* Cuba is a party to the Organization of American States under its Charter but has not ratified the American Declaration of the Rights and Duties of Man nor the American Convention on Human Rights.
* The Inter-American Commission of Human Rights (IACHR) released a report on Cuba’s incoming Constitution, outlining concerns regarding the political and social process of debating, enacting, and implementing the new Constitution, including fraud on referendum day.
* However, the organization commended the implementation of civil and political liberties, including the equality principle and the ban on discrimination based on gender, sexual orientation, and sexual identity.
* “Including those rights in Cuba’s constitutional order could be taken as a step forward in the exercise of human rights in the region, as long as the policies, laws and structural practices that restrict the full implementation of those safeguards from a human rights approach are eliminated in Cuba,” said Commissioner Antonia Urrejola, IACHR Rapporteur for Cuba.

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| Government Reports |

***Canada***

For the most current Canadian government reports on the status of LGBTQ+ and human rights in Cuba, please see the National Documentation Packages from the Immigration and Refugee Board of Canada.[[30]](#footnote-30)

***United States of America***

1. Bureau of Democracy Human Rights and Labour “Cuba 2017 Human Rights Report,” 2018[[31]](#footnote-31)

* Discrimination based on sexual orientation is illegal with respect to housing, employment, statelessness, and access to healthcare or education.
* Throughout 2017 the government has shown support for the rights of LGBTQ+ persons by promoting nonviolence and nondiscrimination, on both regional and international government levels.
* Several NGOs have promoted LGBTQ+ rights and faced government harassment. However, this government resistance was not due to the promotion of LGBTQ+ rights, but for the NGO’s independence from official government institutions.

2. Bureau of Democracy Human Rights and Labour “Cuba 2016 Human Rights Report,” 2017[[32]](#footnote-32)

* Despite the illegality of discrimination on the basis of sexual orientation, informal societal discrimination still persists.
* Mariela Castro, daughter of President Raul Castro, headed the National Center for Sexual Education and continued to publicly promote and support the rights of LGBTQ+ persons.
* In May of 2016, the government sponsored a march as well as multiple public events to commemorate the International Day Against Homophobia and Transphobia.
* There were reports in June, 2016 that several independent organizations attempted to organize an LGBTQ+ march in Havana in celebration of “LGBTI Pride Month”. However, according to independent reports, authorities detained several activists in order to prevent their participation in the march. These authorities also reportedly asked other activists not to leave their homes that day. This limited the participation to less than five activists.

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| Reports from International Agencies and Non-Governmental Organizations |

***Human Rights Watch***

1. “Cuba Events of 2018,” 2019[[33]](#footnote-33)

* The Cuban government has decided to remove language from the proposed new constitution that would have redefined marriage to include same-sex couples.
* This was not in response to governmental concern on the language but rather in response to public outcry against the change in language that previously held marriage to be between a man and a woman.

***Amnesty International***

1. “10 ways reforms to Cuba’s Constitution would impact human rights,” 2018[[34]](#footnote-34)

* If the proposed language on marriage had remained in the new constitution, Cuba would have been the first independent nation in the Caribbean to legalize same-sex marriage.
* While there have been monumental steps taking towards equality for LGBTQ+ people in Cuba, authorities retain tight control on LGBTQ+ promotion and activism outside of state-sanctioned spaces.

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| Media Reports and Local Expertise |

1. “Cuban President Miguel Diaz-Canel backs same-sex marriage,” September 2019[[35]](#footnote-35)

* In his first interview since assuming office, Cuban President Miguel Diaz-Canel said he backed marriage "between people without any restrictions."
* LGBTQ rights have been a divisive issue on the island, as sexual diversity was seen to be at odds with the revolutionary ideology of the 1950s and 60s.
* Cuba decriminalised homosexuality in 1979 and in 2010, Fidel Castro, who led Cuba from 1959 to 2008, formally apologised for his participation in imprisoning homosexual Cubans in forced labour camps.
* Mariela Castro, director of the Cuban National Center for Sex Education (CENESEX) and daughter of former President Raul Castro, is often credited with leading the change in attitudes towards LGBTQ rights on the island.
* CENESEX operates under Cuba's Ministry of Public Health to conduct research and training into LGBTQ+ issues, while its team of specialists also work with other organisations to minimise discrimination.
* At a grassroots level, Cuban bloggers, activists, and researchers have been working to highlight LGBTQ+ issues.

2. “Fragile Rights? New Challenges for LGBTQ People in the Americas,” March 2019[[36]](#footnote-36)

* The number of evangelical churches has grown steadily over the past decade, accounting for nearly 20% of the population in once staunchly Catholic Latin America
* They’re part of a new populism that aligns right-wing and center-right political parties with the homophobic and patriarchal views of religious fundamentalists
* Has caused the re-emergence of "gender ideology.”
* This concept has been used by opponents of LGBTQ rights to recast claims regarding sexual orientation and gender identity as efforts to impose an “ideology” that will subvert traditional gender roles and destroy the family.
* In Latin America, conservative activists have used this language to galvanize religious voters by stoking fear of advances on LGBTQ rights.

3. “Cuba’s evangelical alliance leads crusade against gay marriage,” February 2019[[37]](#footnote-37)

* In October 2018, the Cuban Methodist, Baptist and Pentecostal churches organised a petition against the draft constitution which defined marriage as a union “between two people” rather than between a man and a woman.
* They delivered 178,000 signatures to the National Assembly
* This form of widespread public protest to state action was unprecedented
* Evangelicals have become an important political force in Cuba, according to political science professor Javier Corrales
* Almost 20% of Latin Americans now identify as evangelicals, up from 3% in the 1980s
* Analysts speculate that, given time, gay marriage could become a wedge issue for a wider, anti-statist, free market agenda.

4. “Inside Cuba's LGBT revolution: How the island's attitudes to sexuality and gender were transformed,” January 2019[[38]](#footnote-38)

* Havana has become a haven for the Cuban LGTBI community.
* This is, in part, due to a campaign spearheaded by Mariela Castro, daughter of current President Raul and niece of Fidel, and director of the state-run National Centre for Sex Education (Cenesex).
* Since 2008, gender reassignment surgery and hormone replacement therapy have been available free of charge under Cuba’s national healthcare system.
* The island has a comprehensive approach to healthcare when it comes to HIV; condoms are distributed, sex education has improved vastly and access to antiretroviral drugs has increased.
* In 2013, Cuban law banned workplace discrimination based on sexual orientation.
* “Cuba is probably one of the most advanced countries in the protection and promotion of the rights of LGBTI people in the sub-region,” - Robin Guittard, campaigner for Amnesty International’s Caribbean Team.
* However, LGTBI activism remains under tight state control. Any activists critical of the state remain repressed.

5. “Cuba removes support for gay marriage in new constitution after protests,” December 2018[[39]](#footnote-39)

* After widespread protests, Cuba has removed the enshrinement of same-sex marriage from its new constitution.
* LGTBQ activists had lobbied to change the wording from union of a man and woman, changing to the union of “two people ... with absolutely equal rights and obligations.”
* While this new wording had been part of a draft, intense protests from evangelical churches and citizens.
* The constitution will be silent on the matter, allowing future legislation to address it.

6. “Cubans show LGBTQ pride with flags and dancing in Havana parade,” May 2018[[40]](#footnote-40)

* Hundreds of people participated in Cuba’s 11th annual Cuban Campaign Against Homophobia.
* the march, the island’s equivalent of Pride Parades, has been used to push for greater visibility of the LGTBQ+ community.
* While most statutory discrimination on the island has been removed, the LGTBQ+ community on the island continued to face considerable social stigma.

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| Scholarship |

There has not been any substantial scholarly works regarding LGBTQ+ rights in Cuba in the past five years. The most comprehensive article is from 1984 by Lourdes Arguelles and B. Ruby Rich.[[41]](#footnote-41) There is an article from 2017 regarding LGBTQ+ rights in Latin America, but Cuba is only mentioned in one sentence: that its secular government parties have been getting closer to the Catholic Church which has been affecting the expansion of LGBTQ+ rights.[[42]](#footnote-42)

1. *Constitución Política de la República de Cuba de 1976 incluye reformas de 1978, 1992, 2002, y 2019* (Cuba). online: <https://wipolex.wipo.int/en/legislation/details/10663> See translated: *Constitution of the Republic of Cuba 2019* <https://www.constituteproject.org/constitution/Cuba\_2019D?lang=en> [↑](#footnote-ref-1)
2. *Ibid*, art 42. [↑](#footnote-ref-2)
3. *Ibid*, art 36. [↑](#footnote-ref-3)
4. *Ibid*, art 82. [↑](#footnote-ref-4)
5. *Ibid*, art 84. [↑](#footnote-ref-5)
6. *Codigo Civil (Ley No. 59)* (Cuba) online: <http://www.wipo.int/wipolex/en/text.jsp?file\_id=242552> [↑](#footnote-ref-6)
7. *Ibid*, art 21. [↑](#footnote-ref-7)
8. *Ibid*, art 38. [↑](#footnote-ref-8)
9. *Ibid*, art 83(c) (“*la reparación del daño moral”*). [↑](#footnote-ref-9)
10. *Codigo penal (Ley No. 62)* (Cuba) translated, online: <https://www.warnathgroup.com/wp-content/uploads/2015/03/Cuba-Penal-Code-Lawyers-Without-Borders-2009.pdf> [↑](#footnote-ref-10)
11. *Ibid*, art 295. [↑](#footnote-ref-11)
12. *Ibid*, art 303(a). [↑](#footnote-ref-12)
13. *Ibid*, art 310. [↑](#footnote-ref-13)
14. *Ibid*,art 305. [↑](#footnote-ref-14)
15. *Ibid*, art 307. [↑](#footnote-ref-15)
16. *X, Re* (2014), [2014 CarswellNat 1525](https://nextcanada.westlaw.com/Document/If9b58c5993c930ade0440021280d79ee/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0) (Imm. & Ref. Bd. (Ref.Ap.Div.)) (WL). [↑](#footnote-ref-16)
17. *Jenez Alvarez v. Canada (Citizenship and Immigration)*, [2014 FC 564](https://canlii.ca/t/g8bdd). [↑](#footnote-ref-17)
18. *Ibid* at para 18. [↑](#footnote-ref-18)
19. *Portuondo Vassallo v Canada (Citizenship and Immigration)*, [2012 FC 673](https://canlii.ca/t/fshkc). [↑](#footnote-ref-19)
20. *Reyes Pino v Canada (Citizenship and Immigration)*, [2011 FC 200](https://canlii.ca/t/2fzvh). [↑](#footnote-ref-20)
21. Tribunal Supremo Popular, “BOLETÍN DEL TRIBUNAL SUPREMO POPULAR” (2016), online: <<http://www.tsp.gob.cu/es/boletin-tribunal-supremo-popular>>. [↑](#footnote-ref-21)
22. UN Office of the High Commissioner for Human Rights, “Status of Ratification: Country Profile for Cuba” (2014), online: <<http://indicators.ohchr.org/>>. [↑](#footnote-ref-22)
23. UNGA, “National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 – Cuba,” UN Doc A/HRC/WG.6/30/CUB/1 (5 March 2018), online: <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/056/17/PDF/G1805617.pdf?OpenElement>>. [↑](#footnote-ref-23)
24. *Ibid* at para 55. [↑](#footnote-ref-24)
25. *Ibid* at para 57. [↑](#footnote-ref-25)
26. UNGA, “Report of the Working Group on the Universal Periodic Review” UN Doc A/HRC/39/16 (11 July 2018), online: <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/210/97/PDF/G1821097.pdf?OpenElement>>. [↑](#footnote-ref-26)
27. *Ibid* at para 11. [↑](#footnote-ref-27)
28. Organization of American States, “American Convention on Human Rights, Pact of San Jose, Costa Rica” (2014), online: <<https://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights_sign.htm>>. [↑](#footnote-ref-28)
29. Inter-American Commission of Human Rights (Organization of American States), “IACHR Concerned about Cuba’s new Constitution and its Implementation” (2019), online: <<http://www.oas.org/en/iachr/media_center/PReleases/2019/058.asp>>. [↑](#footnote-ref-29)
30. Immigration and Refugee Board of Canada, *National Documentation Packages – Cuba* (31 May 2018), online:

    <https://irb-cisr.gc.ca/en/country-information/ndp/Pages/index.aspx?pid=9337> [↑](#footnote-ref-30)
31. United States Department of State, Bureau of Democracy, Human Rights and Labour, *Cuba 2017 Human Rights Report* (20 April 2018), online: <<https://www.state.gov/reports/2017-country-reports-on-human-rights-practices/cuba/>>. [↑](#footnote-ref-31)
32. United States Department of State, Bureau of Democracy, Human Rights and Labour, *Cuba 2016 Human Rights Report* (3 March 2017), online: <<https://www.state.gov/reports/2016-country-reports-on-human-rights-practices/cuba/>>. [↑](#footnote-ref-32)
33. Human Rights Watch “Cuba Events of 2018” (2018), online: *Human Rights Watch* <<https://www.hrw.org/world-report/2019/country-chapters/cuba?fbclid=IwAR2IG1cm0Vgc0nOl7nC6KOk4IRba4FfB8AE8JyjDK3JWJPL8TdVg37WaMJk>>. [↑](#footnote-ref-33)
34. Amnesty International, “10 ways reforms to Cuba’s Constitution would impact human rights,” (21 November 2018), online: *Amnesty International* <<https://www.amnesty.org/en/latest/news/2018/11/diez-formas-en-que-la-reforma-de-la-constitucion-de-cuba-repercutira-en-los-derechos-humanos/>>. [↑](#footnote-ref-34)
35. Charlotte Mitchell, “Cuban President Miguel Diaz-Canel backs same-sex marriage”, *Al Jazeera* (17 September 2019), online: <<https://www.aljazeera.com/news/2018/9/17/cuban-president-miguel-diaz-canel-backs-same-sex-marriage>>. [↑](#footnote-ref-35)
36. Ari Shaw & Mauricio Albarracín, “Fragile Rights? New Challenges for LGBTQ People in the Americas”, *OpenGlobalRights* (6 March 2019), online: <<https://www.openglobalrights.org/>

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