

## **GAY AND LESBIAN RIGHTS IN CUBA**

### **INTRODUCTION: THE SITUATION OF GAYS AND LESBIANS IN LATIN AMERICA**

In common with other areas of human rights, gay and lesbian rights need to be considered from different perspectives: first from the perspective of official attitudes and the existing legislation of the country in question; secondly from the viewpoint of the day-to-day experiences of the gay and lesbian community in its interaction with the general population.

In the majority of countries throughout the world, gays and lesbians have experienced discrimination and victimisation which on many occasions have involved acts of brutality and violence, including murder. Today attitudes towards the gay and lesbian community, at both official and public levels, still vary greatly. There are nine countries in the world where the death penalty is imposed on a person simply for being gay and a number of others, including some of the states in the USA, which retain out-dated laws prohibiting sodomy.

Within the context of Latin America, a small number of states have amended their constitutions or passed laws to protect gays and lesbians against discrimination. These include Argentina (considered as being in the vanguard of human rights for gays and lesbians), Ecuador, Mexico, Peru and Venezuela. Three states recognise civil unions between same-sex couples: Argentina, Colombia and the state of Río Grande do Sul in Brazil. However since the 1980s and 1990s (depending on the country) same-sex relationships have been legal in almost all the countries of Latin America even though, apart from those mentioned above, they have no anti-discrimination laws relating to sexual orientation. Often this is on account of the powerful influence exerted by the Catholic and Evangelist churches which have a particularly strong presence in countries such as Bolivia, Chile, El Salvador, Guatemala, Honduras and Uruguay. It is surprising to note that Nicaragua, whose Sandinista government was a byword in the 1980s for progressive policies, is the only country in Latin America where same-sex relationships of any kind are illegal.

However the existence of legislation in no way guarantees accepting and respectful public, or even official, attitudes. Gays, lesbians, bisexuals and transsexuals suffer daily violence and harassment from the police, the public and in educational establishments and the workplace, not only in those countries which do not offer specific legal protection to these groups, but also in states which have made some form of legal provision to safeguard their rights.

In Mexico, despite that country's anti-discrimination legislation, the NGO Comisión Ciudadana Contra los Crímenes de Odio por Homofobia (the Citizens' Commission against Homophobic Hate Crimes) has reported about 180 homophobic murders a year. The Commission also points out that homophobic attacks in that country rarely reach the courts. (1) In 1999 the Special Rapporteur for the UN Commission for Human Rights condemned the extremely violent and brutal nature of these attacks and expressed her concern for the bigoted attitudes of the Mexican authorities and the media which contributed to the general climate of impunity and indifference towards such crimes.

One should also mention Brazil which, at the same time as ranking first in homophobic crimes in Latin America, in April 2003 submitted to the United Nations Commission for Human Rights a proposal for a resolution to classify discrimination based on sexual orientation as an attack against human rights.

It is in this context, therefore, that we need to consider Cuba's treatment of its gay and lesbian community.

### PRE-REVOLUTIONARY CUBA

In common with other countries in the region, the history of the Cuban gay and lesbian community has been an unhappy one. The revolution of 1959 inherited legislation introduced in 1938 – the Public Ostentation Law -

(1) Comisión Ciudadana Contra los Crímenes de Odio por Homofobia: report [www.ilga.org/print.asp?LanguageID=2&FileCategory=21&FileID=512&Zone1](http://www.ilga.org/print.asp?LanguageID=2&FileCategory=21&FileID=512&Zone1)

which imposed a six-month prison sentence (or equivalent fine) on anyone who “habitually engaged in homosexual acts”, who sexually propositioned someone or who “created a public scandal” by openly “flaunting his homosexuality in public”(2). Intellectuals, writers and artists were associated with homosexuality and therefore found themselves denigrated by a society characterised by its machista values, cultural backwardness and adherence to the Roman Catholic Church which viewed same-sex relationships as a sexual aberration. Socially the subject was considered taboo.

To make matters worse, illicit gay sex was a component of the prostitution industry that thrived in Cuba before the Revolution, Cuba being viewed the biggest off-shore brothel in the Caribbean.

### 1959 – 1969

Official and public attitudes towards gays and lesbians did not change with the arrival of the Revolution. In addition to the traditional machista culture and Catholic values, Cuba’s new ally, the USSR held equally hostile policies towards gays and lesbians, seeing homosexuality as a product of the decadent capitalist society prevailing in Cuba in the 1950s. Furthermore, in a society which was the target of increasing hostility by its close and powerful neighbour, the United States, culminating in the Bay of Pigs invasion of 1961 and the Missile Crisis of 1962, the gay community was seen as a threat to the military order.

Accordingly, in the early years of that decade repression against the gay community was intensified as military training and defence measures were stepped up.

In 1965 the Cuban government sent members of the population who refused to join or who were not considered appropriate for the armed

(2) Quoted by Dr. Steven Wilkinson in his article, published in Nov. 1996, “Behind the screen and into the closet: Towards an understanding of homosexuality in the Cuban Revolution through *Conducta impropia, Antes que anochezca* and *Fresa y chocolate*”

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forces to camps (Military Units to Aid Production) to carry out agricultural work, such as harvesting sugar cane. These included gays (people who were openly gay could not join the armed forces) as well as Jehovah Witnesses, hippies and conscientious objectors. The camps would take the place of the military obligations that all Cubans were expected to meet. In addition it was believed that the work, together with the strict regimes operating within the camps, would 'rehabilitate' the inmates. Some of these camps operated a highly repressive regime that became notorious within and outside Cuba.

Understandably there were protests against the UMAP camps from all quarters. In his article '*The Sexual Politics of Reinaldo Arenas: Fact, Fiction and the Real Record of the Cuban Revolution*' (3), Jon Hillson describes how Fidel Castro visited one such camp incognito to experience the treatment for himself. He was followed by 100 boys from the Communist Youth whose identity was also kept secret. In 1968, shortly after these visits, the camps closed.

### 1970-79

In spite of the closure of the UMAP camps, homophobia in Cuba persisted in the 1970s. In April 1971, following a discussion on homosexuality at the Cuban Educational and Cultural Congress, homosexuality was declared to be a deviation incompatible with the Revolution and therefore was considered sufficient grounds for discriminatory measures to be adopted against the gay community. As a result homophobia was institutionalised. Gay and lesbian artists, teachers and actors lost their jobs; gays and lesbians were expelled from the Communist Party, students were expelled from university and gays were forbidden contact with children and young people and could not represent their country.

(3) [www.seeingred.com/Copy/4.2\\_sexualpolitics.html](http://www.seeingred.com/Copy/4.2_sexualpolitics.html)

This ruling was overturned in 1975 when the Supreme Court found in favour of a group of marginalised gay artists who were claiming compensation and reinstatement in their place of work. The Court's decision constituted an initial change in official attitudes towards gays and lesbians who began to see a softening in the treatment they experienced. In the same year a new Ministry of Culture was formed led by Armando Hart Dávalos and a more liberal cultural policy was instituted. In addition a commission was set up to investigate homosexuality, leading to the decriminalisation of same-sex relationships in 1979.

### 1980 – 89

In the early 1980s many official attitudes remained hostile and gays and lesbians continued to be subjected to police raids and round-ups (4). The decade started with the Mariel boat lift in which some 125,000 people, including many gays and lesbians, left for the United States. Some of those who left had been pressurised to leave Cuba.

Nonetheless other official attitudes continued to relax. In 1981 the view was stated in a publication entitled "In Defence of Love", produced by the Ministry of Culture, that homosexuality was a variant of human sexuality. It was argued that homophobic bigotry was an unacceptable attitude inherited by the Revolution and that all sanctions against gays should be opposed.

The same dichotomy in attitudes existed in the second half of the decade. In 1986 all people with HIV or AIDS were compelled to live in sanatoria where they received medical treatment but were isolated from the rest of society. Visits were strictly controlled. This policy provoked much criticism both within Cuba and abroad.

(4) Described in the documentary *Gay Cuba*, directed by Sonia de Vries, 1996

However in the same year there was more evidence of a conscious effort on the part of the state to counter homophobia. Cuba was engaged in a process of re-evaluation in which economic, social and ideological policies were being critically examined. There was recognition that economic equality had not overcome discrimination on grounds of gender and race. It was acknowledged that some of the practices put in place by the Revolution had been incorrect and had caused disaffection and alienation, leading to such episodes as the Mariel boat lift. It was in this framework that the National Commission on Sex Education publicly expressed the opinion that homosexuality was a sexual orientation and that homophobia should be countered by education.

These efforts to oppose homophobia continued to gather momentum. In 1988 the government repealed the 1938 Public Ostentation Law and the police received orders not to harass gays and lesbians. In the same year, in an interview for Galician television, Fidel Castro criticised the rigid attitudes that had prevailed towards homosexuality.

#### 1990 – 99

It was in the 1990s that a radical change of attitude towards gays and lesbians became evident in Cuba.

At a congress run by the Union of Young Communists in 1992, prejudicial views against homosexuality were challenged by Vilma Espín, president of the Cuban Women's Federation.

The following year saw a marked increase in measures to promote respect for and a more just treatment of gays and lesbians.

First the government lifted the compulsory internment in sanatoria of HIV and AIDS patients. Since then patients have been able to live at home, work and receive treatment in outpatient clinics after receiving an initial eight-week education and drug support programme at a sanatorium. (In this context it should be added that Cuba's HIV infection rates at 0.1%

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- 3,200 cases out of 11 million in 2004 - (5) are the lowest in the region. In addition Cuba produces its own generic anti-retroviral treatment which is supplied free to everyone who needs it.)

Secondly, in an interview with a former Nicaraguan government official, Tomás Borge, Fidel Castro declared that he opposed policies against gays and lesbians as he considered homosexuality to be a natural tendency that should be respected. The same year a series of sex education workshops was run throughout the country carrying the message that homophobia was a prejudice.

However it was the screening by the government-run film industry of the film *Strawberry and Chocolate* by Tomás Gutiérrez Alea, also in 1993, that brought the subject of homosexuality into the public domain for the first time. The film criticises the narrow, doctrinaire ways of thinking in the 1970s and discusses the question of anti-gay prejudice and the unjust treatment suffered by gays. It provoked a great deal of comment and discussion among the public and the questions raised testified to the fact that in Cuba in the 1990s the subject of homosexuality could be discussed openly and that gays and lesbians could be more confident about revealing their sexuality. It was also during the mid-nineties that one of Cuba's most popular singers – Pablo Milanés – publicly dedicated a song he had written about gay men to Cuban homosexuals.

In 1995 Cuban drag queens led the annual May Day procession, joined by two gay delegations from the USA and every year since then gays and lesbians have participated in the parade carrying the rainbow flag. (6)

## 2000-

The first decade of the twenty-first century continues to show a desire on the part of the government to integrate the gay and lesbian community into Cuban society.

(5) Figures quoted by Richard Roques in his article '*Cuba Vive – Gay rights in ~Cuba*' (Nov. 2004) [http://www.ratb.org.uk/frfi/181\\_gay.html](http://www.ratb.org.uk/frfi/181_gay.html)

(6) Quoted by Richard Roque in his article and mentioned in the documentary 'Gay Cuba'

In the arts, in December 2000 half of all the Latin American films shown at the Havana Film Festival had gay themes. Gay and lesbian film festivals are now run in a number of Cuban cities and in October 2005 a Sexual Diversity Cinema Week was held in Pinar del Río. On television, in 2004 the soap opera *“El jardín de los helechos”* (*Garden of Ferns*) included a lesbian couple as part of its plot. Another soap *“La otra cara de la luna”* (*The Dark Face of the Moon*) deals with gay issues, with public debate stimulated by a televised round-table follow-up discussion on the subject of homosexuality.

In the political sphere gays and lesbians participate in all areas of public life, hold public office and are members of the Communist Party.

The age of consent for gays is 16, in common with heterosexuals. As yet there are no civil partnership laws or marriages for same-sex couples similar to those existing in Argentina. However respect for sexual diversity and same-sex couples has become increasingly visible. On 13 July 2001, Juan Pérez Cabral of ‘Dateline Cuba’ reported that in the district of San Miguel del Padrón in south-east Havana, two gay male couples publicly held a gay wedding, exchanging vows before family and friends.

At the same time, government agencies and NGOs are actively promoting an attitude of understanding and respect for sexual diversity. In 2004 a country-wide series of workshops on the subject of homosexuality was set up by Julio César González Pagés, chair of the Gender and Peace Committee of the NGO Cuban Movement for Peace and co-ordinator of the Masculinity Forum, created in 2004. The aim of these workshops has been to open up the subject of sexual diversity and provoke discussion in groups whose composition has ranged from the police and social workers to prisoners and university students.

One of the principal terms of reference of the government agency, the National Centre for Sex Education (CENESEX) is to promote awareness and respect for sexual diversity. To this effect CENESEX describes the need to

create space for discussion, consultation and research on how best to advance the rights of gays and lesbians. The agency also gives advice to a permanent parliamentary commission whose mandate is to create and implement national programmes for sex education in schools and among the population at large. The text book which forms part of the sex education programme in secondary schools includes information on sexual diversity. On its Internet site CENESEX provides a forum to encourage queries, reflexion and debate about issues such as those relating to masculinity, relationships and sexual diversity. There is also a page for people seeking same-sex partners and another for parents whose children are gay.

Numerous articles on the subject of gay and lesbian rights have been published in popular magazines sold throughout Cuba, such as *Sexología y Sociedad*, *Alma Mater* and *Mujeres* and in the main daily newspaper *Granma*. A number of these can be found on CENESEX's website.

Other Cuban organisations are working with gays and lesbians: The Ministry of Public Health promotes and finances programmes to prevent the spread of HIV and AIDS, as well as of other sexually transmitted diseases, within both the gay and heterosexual communities. The Martin Luther King Centre, which forms part of the Baptist Church, has developed a programme for the advancement of sexual minorities and the acceptance of sexual diversity. The Centre for HIV/AIDS Prevention and the Felix Varela Centre are NGOs which have close contacts and work with the gay and lesbian community. The Cuban Federation of Women, another NGO, has a section to support the initiatives and concerns of lesbians.

In the international arena, in March 2003 Havana hosted the Sixteenth World Congress of Sexology and in 2004 an official Cuban delegation attended the third Latin American International Lesbian and Gay Association conference held in Chile.

As a consequence of the higher social profile given to gay issues during the past decade, a greater number of well-known people have begun openly to state their sexuality. In addition to the aforementioned Julio César González Pagés, the poet Nelson Simón has declared himself to be gay.

At the same time there is general agreement that a great deal more needs to be done to change homophobic attitudes which continue to be widespread within Cuban society. Articles with titles such as “*More relaxed, but not more tolerant*” (*Más Relajados, no más Tolerantes*) by Eduardo Jiménez García, published in ‘*Alma Mater*’, or “*Homosexuality in Cuba: the Price of Being Different*” (*Homosexualidad en Cuba: el precio de la diferencia*) written by a research team for the same magazine point to the fact that, despite a more relaxed official attitude towards gays and lesbians, public respect and understanding are not always so readily forthcoming.

There are groups, mainly religious, within Cuban society that do not accept the idea of a change of attitude towards sexual diversity. As it has done in other countries, the Catholic Church has voiced its official disapproval of same-sex relationships and some santero groups also view such relationships with hostility. Neither has the road to progress been so smooth in the media: in February 2001 the ‘*Tribuna de la Habana*’ published a vehemently anti-gay article by that newspaper’s chief editor who singled out transvestites for special scorn.

It is becoming apparent that, despite their higher social profile and the increased number of drag shows in public places, transgender issues receive less official acceptance. Sex change operations are not available in Cuba and a study of 19 transsexuals and transvestites (7) revealed higher than average degrees of social marginalisation with low educational

(7) Interviews were conducted by Janet Mesa and Diley Hernández between 1998 and 2003. The results of their research can be seen in Spanish on the CENESEX website

attainment and difficulties in obtaining stable work. It was in this vulnerable group that a number of people were found to have turned to prostitution.

Nonetheless some small steps have been made towards achieving greater recognition and justice for this community. CENESEX has campaigned to enable transsexuals to have their ID documents changed and a documentary in which seven transvestites are interviewed about their lives and experiences (8) was very well received at its first screening. Subsequently it has been shown widely in universities, institutes and other educational establishments in Cuba. It has also been screened in other countries, such as Brazil and Canada.

#### **ISSUES RELATING TO GAYS AND LESBIANS IN CUBA**

A number of issues repeatedly arise in discussions about gay and lesbian rights in Cuba.

1. **There is no official organisation representing gays and lesbians in Cuba. Similarly there are no gay publications or gay venues.**

This is explained in part by a general tendency in policy making in Cuba of seeking to integrate different social groups so that they have a place for participation and discussion in the main social and political arenas, campaigning for change communally rather than forming separate organisations, which could lead to 'ghettoisation' or cause them to be marginalised. This point has been made by Mariela Castro Espín, director of CENESEX, in an interview with Eduardo Jiménez García, published in *Alma Mater*. (9) However within government and public organisations and NGOs there is space provided for gays and lesbians to campaign, raise concerns and discuss new projects and initiatives.

(8) '*Sexualidad, un derecho a la vida*', dir. Lizette Vila, described in an article by the director in '*Granma*', 11 May 2005.

(9) This article is also found on the CENESEX website

Another reason for not having an official organisation for gays and lesbians was given by a government official to Carlos Sánchez, ILGA's (International Lesbian and Gay Association) male representative for Latin America and the Caribbean Region during his visit to Cuba in March 2004. It was pointed out that, due to the increased hostility on the part of different US administrations – and particularly now by the Bush administration - which has included terrorist attacks, provocation and threats towards Cuba, the country is in a state of permanent alert. Long-standing organisations form part of the social fabric at grass-roots level which would not be the case with a new organisation and the official told Carlos Sánchez that it was believed that “the creation of new groups would distract... attention from this alert. Cuba's priority since the 60s has been the defence of the country.”<sup>(10)</sup>

Whatever the reasons given for not having an official gay and lesbian organisation, it does appear nonetheless that the demands being made by campaigning organisations in other Latin American countries for justice and equal treatment and for changes in public and official attitudes are seriously being addressed within Cuba. As a result Cuba is now considered one of the more open and tolerant societies in the region towards lesbians and gays.

**2. There are no laws and policies expressly to defend gay and lesbian rights and to combat discrimination on account of sexual orientation.**

The article '*Homosexualidad en Cuba: el precio de la diferencia*' points out that, although the Constitution protects all citizens against discrimination regardless of race, sex, age and social origin, gays and lesbians do not feel adequately covered by the law. As the journalist Dalia Acosta says <sup>(11)</sup>, “there is no law that penalizes sexual diversity, but there

(10) Quotes from Carlos Sánchez's article published on the ILGA website <http://www.ilga.org/print.asp?LanguageID=1&FileCategory=10&FileID=26&ZoneID...>

(11) '*Cuba: Transvestites and Transsexuals Slowly Finding a Place in Society*'. Inter Press Service – 15 October 2004: <http://www.aegis.com/news/ips/2004/IP041007>

is no law protecting it either.” Consequently many of the spokespersons for the community are calling for a specific mention of protection for individuals, regardless of sexual orientation, in the Constitution.

Mariela Castro Espín <sup>(12)</sup> also states that such an addition is called for, not just to protect gays and lesbians in the public domain but also within the family where in many cases they may first experience attack or rejection.

The few modifications made to the Penal Code have been very recent. In the articles relating to rape and the corruption of minors, specific references made previously to punishments imposed on gays in such cases were withdrawn as they were considered to be offensive.

### **3. Civil unions are not legal in Cuba.**

Within Cuba this is not a subject that gays and lesbians have placed at the top of their agenda. In his report on his visit to Cuba, Carlos Sánchez notes that as unmarried and married couples enjoy equal rights in that country “Lesbians and gays do not consider fighting for the right to marriage, because that institution does not have the same value as it has in other countries.” He also noted that programmes of assisted fertility were accessible to lesbians and gays and that CENESEX was keen to work on this issue.

### **4. Cuba does not support initiatives to enforce gay and lesbian rights in the United Nations.**

In 2003 Cuba abstained when the United Nations Commission on Human Rights voted to delay the debate on the Brazilian resolution to make discrimination against gays and lesbians a violation of human rights. Carlos Sánchez in his report outlines the reply he received to his query about Cuba’s stance from the Coordinator of Negotiations in the Commission of Human Rights, who belongs to the Ministry of Foreign

(12) In the interview with Eduardo Jiménez García quoted in his article ‘*Más relajados, no más tolerantes*’

**Affairs. He was told that Cuba did not oppose the resolution. In fact the government would probably support it or, at worst, abstain from voting. The difficulty they saw in the proposal submitted by Brazil related to timing. In the face of “US aggression against Afghanistan and Iraq, they believe it is not very advisable to present a proposal that would open a new flank for attacking forces, leading to a greater isolation of the Arab countries. Arab countries see the Brazilian proposal as an initiative consistent with the US attempt to isolate them, and for that reason will shut themselves and not even want to debate it. ... They think Brazil should choose another moment to present their proposal and believe it would be better postponing the debate to a better conjuncture” (quoted from the report).**

**It will have been probably for similar reasons that in January and May 2006 Cuba abstained from voting when gay groups (unsuccessfully) applied for consultative status at the United Nations.**

## **CONCLUSION**

**It is evident that since the Revolution Cuba has made very significant advances in the field of gay and lesbian rights. However the gay, lesbian and transsexual communities, as well as all those in organisations working in the field of gay rights, agree that there is still some way to go before full respect, understanding and acceptance of these communities becomes a general characteristic of Cuban society.**

**In terms of its Constitution and legislation Cuba appears to differ little from most other Latin American countries in the region. Where it does appear to differ is in the conscious efforts made by the state, government organisations and NGOs to address the problems caused by homophobia in society by arousing public awareness and promoting discussion in order to achieve a broader understanding of gay issues among the population at large and dismantle the traditional denigratory stereotypes.**

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The gay poet, Nelson Simón attributes the relative ease with which the Cuban public is changing its attitudes towards homosexuality to “the high level of education among the population in general, the minimal influence of Catholicism and the island’s geographical location which has always made it an important gateway for movement between nations and regions and thus for cultural exchange.” (13)

Be that as it may, as Carlos Sánchez from ILGA writes in his report: “There is indeed a change in the way people view homosexuality, but this does not mean the end of discrimination and homophobia. The population is just more tolerant with lesbians and homosexuals.”

Eduardo Jiménez García (14) takes this view one step further by stating that this more relaxed attitude needs to lead to genuine respect.

The ground covered by Cuba may be gauged more accurately if one compares the changes that have come about in that country with the contents of an article published by ILGA dated 25 August 2004 (15). This article describes how in Colombia and in many other countries of Latin America, the human rights of people who are not heterosexual are habitually violated in all aspects of their lives. Gays, lesbians and transsexuals are the victims of murder, injustice, violence and humiliation and find themselves excluded from all forms of human interaction, ranging from the family, education, the workplace and health services to politics, the legal system and the media. The maltreatment and violence directed at these communities is not discussed publicly and often is not considered a problem, provoking no more than indifference on the part of the authorities of the countries in question.

(13) Quoted in the article by Dalia Acosta ‘*State of Gay Rights in Cuba – Strawberry and Chocolate*’ published 28 December 2005, IPSnews.net

(14) In his article ‘*Más relajados, no más tolerantes*’

(15) ‘*Jornadas de sensibilización en Medellín*’  
[www.ilga.org/print.asp?LanguageID=2&FileCategory=29&FileID302&Zone1](http://www.ilga.org/print.asp?LanguageID=2&FileCategory=29&FileID302&Zone1)

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Neither is the situation relating to gays and lesbians so good in Cuba's northern neighbour, the United States. In his article '*Cuba Vive.....*', Richard Roque quotes statistics published by The National Youth Advocacy Coalition which reveal that 80% of gay, lesbian and bisexual young people receive verbal abuse and that 66.7% of them were threatened or injured with a weapon at school during 2003.

The efforts being made in Cuba to encourage people to question and reconsider mind sets and public attitudes is termed the 'battle of ideas'. Its purpose is to achieve the just, respectful, inclusive and humanitarian society, free from discrimination and prejudice, for which the Revolution was fought and which has changed the lives of so many Cubans since 1959. It is not disputed that change for gays, lesbians and transsexuals is taking longer than for others in society, but the improvements are evident. As Carlos Sánchez from ILGA concludes in his report on his visit to Cuba: "Sexual minorities seem to be living better times now in Cuba, in the medium term, even better than the rest of Latin America. There is much I could say on this....."

I would conclude that in the long term also, it is highly likely that the improvements in the situation of gays, lesbians and transsexuals in Cuba will gather momentum as the island continues to work towards achieving justice and dignity for all its citizens.