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Cuba-USA: A New Hope for Human Rights

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For more than half a century, the hostile stand-off between the USA and Cuba has had repercussions on the daily life of the Cuban people. Ordinary Cubans have seen hostile rhetoric, policies and repressive legislation that negatively impacted their capacity to fully enjoy their human rights without discrimination.

When in December 2014, presidents Obama and Castro announced to the world their decision to renew diplomatic relations, they opened an opportunity to normalize relationships that could positively affect their citizens. This chance must not be missed.

The impact

For decades, the USA has gone against international law by maintaining an embargo on the island. The impact was not restricted to trade. Although the Cuban government is primarily responsible for respecting human rights in Cuba, there is growing recognition in international law that countries imposing sanctions have responsibilities, too. States imposing trade embargoes must take into account the effects they could have on the enjoyment of human rights in the target country. There is also a responsibility on the state imposing the embargo to take steps to address any adverse impact on the general population of the affected state.

The first sanctions against Cuba, which started in 1960, came as a dramatic reaction to the nationalization of foreign properties and business after the Cuban revolution. Before Fidel Castro seized power, U.S. interests had owned 75% of all arable land in the country and 50% of its principle crop: the sugar industry.

Since then, the USA has unilaterally imposed an economic, commercial and financial embargo against Cuba, with a direct negative impact on human rights. Although Amnesty International has been unable to document at first hand the effects of the embargo, due to the official lack of access to Cuba, we have been analyzing reports from UN agencies and programs operating in Cuba and have noted the embargo is negatively affecting the economic and social rights of the Cuban population and in particular the most vulnerable sectors of society.

A 2007 report by the UN described the effects of the embargo on the rights of the Cuban people as "disastrous." In 1997, the American Association for World Health warned that the embargo contributed particularly to malnutrition affecting especially women and children, poor water quality, lack of access to medicines and medical supplies. The AAWH found that "a humanitarian catastrophe has been averted only because the Cuban government has maintained a high level of budgetary support for the health-care system."

A justification for repression

But the ripple effects of the U.S.-Cuban hostility go further.

Let's be clear: the imposition of the embargo does not exempt the Cuban government from its obligations to respect, protect and fulfill the human rights of all Cubans. But worryingly, the authorities have exploited the economic shut-out as a ready-made excuse for violating the rights of citizens.

For decades, the Cuban government has used the embargo as a justification to maintain an environment where harassment, intimidation, arbitrary detention and unlawful restrictions on freedom of expression, association and peaceful assembly remain commonplace and entrenched.

The hostility between Cuba and the USA has had the pernicious effect of isolating, weakening and threatening non-violent political dissidents and human-rights activists whom the Cuban government routinely portrays as foreign sympathizers supporting the U.S. policy against Cuba.

Over time, the embargo has become a game of tit-for-tat, and Cubans have been the prime victims of this dangerous game. In 1996, when then-president Bill Clinton signed the Helms-Burton Act to strengthen the embargo, it was not long before Cuba responded with harsher domestic legislation. Three years later, Law 88 was introduced, which criminalized direct and indirect support of U.S. policy regarding Cuba. Under this legislation, dozens of prisoners of conscience were subsequently sentenced to prison solely for their peaceful exercise of their rights.

The Cuban government interprets any critics and dissident opinions as an attack orchestrated by the U.S. government.

Additionally, the embargo has reduced the space for organizations like Amnesty International to advocate for an improvement of the human-rights situation in the country.

A prime example is our work around the death penalty. Although Cuban authorities expressed before the UN in 2009 their "philosophical" opposition to capital punishment, they argued it

was not possible to abolish it because they needed to defend national security from terrorist attacks. In other words, they would keep the death penalty just because of the threats they perceived from the USA.

Of course this argument must be rejected, as it simply intended to wash the Cuban government's hands of its own responsibilities, but it does show the complexity of lobbying for change when the government can hide behind the embargo as an excuse.

A chance for human rights

But things can start changing and the events of December 2014 present a new opportunity for the Cuban government to ensure the full realization of human rights for all in Cuba. As President Obama said in a recent speech: "It is time for a new approach." And that approach must be human-rights focused.

It is encouraging that the Cuban authorities released dozens of political prisoners in early January, including five men named prisoners of conscience by Amnesty International.

However, there is much more to be done and the Cuban government must push on with the reforms needed to create an enabling space for the peaceful expression of all opinions in the island.

We know very well that these changes won't happen overnight, but the opportunity is now real. This is our opportunity to seize the historic moment and work toward the full realization of the human rights of the Cuban people.

To this end, the U.S. authorities must immediately lift the economic, financial and trade embargo against Cuba and put human rights at the heart of its foreign policy.

At the same time, the Cuban authorities must review all legal provisions that unlawfully limit the right to freedom of expression, peaceful assembly and association, with the aim of bringing them into line with international standards. It must also immediately end the harassment and short-term detentions of dissidents and human-rights activists.

To demonstrate their good will, Cuba should also unconditionally ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights; abolish the death penalty; and allow the visit of independent human-rights monitoring bodies, such as the UN and Inter-American Special Rapporteurs, and other human-rights groups, such as Amnesty International and the International Committee of the Red Cross and Red Crescent.

The positive steps taken in the past weeks must absolutely translate into the full implementation of a new human-rights agenda. That is the only hope for real change.

This post is part of a Huffington Post blog series called "90 Miles: Rethinking the Future of U.S.-Cuba Relations." The series puts the spotlight on the emerging relations between two long-standing Western Hemisphere foes and will feature pre-eminent thought leaders from the public and private sectors, academia, the NGO community, and prominent observers from both countries. Read all the other posts in the series [here](#).

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