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**Cuban State and the Implementation on the Convention on the Rights of  
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I. Introduction. Objectives

To celebrate the human child because of its uniquely human qualities.

To celebrate the moment the child is conceived much of what he/she might become is decided by the nature of the child's inheritance.

To celebrate as virtually helpless newborns transform themselves into competent exploring children toward his/her own realization as a human being.

To respect the child's never ending struggle of striving to be a distinct and unique human person.

To respect the child's value, dignity and worth in the fact that the child is a living human being with potentialities to be realized.

To recognize the right and the privilege of every child to strive for those conditions of living, learning and behaving for those relationships with other human beings and for those experiences that are necessary and appropriate to the child's optimum

usefulness within society.

To recognize whatever promotes self-actualization as moral and whatever blocks or prevents self development as evil.

To recognize the right of every human child to be treated at all times in ways that show respect for the human person's dignity and worth and permit the child to retain respect for the self as a person.

## II. The Cuban State and the Implementation of the Convention on the Rights of the Child

Can a socialist State implement the holistic characteristics features of the Convention on the Rights of the Child?

The Convention adopted a view of the right of the child regarding them not only as rights to education and health care but as the right to the possession of fundamental human rights. Every child has the right to be treated at all times in ways that demonstrate respect for the dignity and worth of the human person as agreed at the Convention on the Rights of the Child.

Cuba is a socialist State convinced that the human person is to be taken by the hand as children and that it is in the virtue of the State to promote and recognize individual freedom. A paternalistic State does not readily accept that the child is granted at birth the potential to exercise freedom, it does not understand freedom as such. In fact individual freedom is not to be handed out to us by other human beings, it is within us, it is inherent in the human person.

The development of our potentials and fundamental freedoms do not simply appear at some moment it is a dynamic force that develops continuously over a period of time. The emerging child of a culture struggles to be an individual in its own right, struggles to assert and to express itself as an independent being, he or she stands with dignity to fail or to succeed. True it is that during the early years of our existence the individual child acts under the power of the all mighty adult. The child finds in its helplessness the protection of the sage one. But as the person grows in years in its individual capacities and potentialities to realize the freedom within; the family, the social group, and the nation into which the individual is born should understand that to neglect or to prevent in the child the development of individual freedom is evil.

Cuba is a socialist state, the State mandates that schools teach the ideas and policies approved by the Cuban State which follows the Marxist-Leninist ideology.

The Cuban State asks of its children mindless submissive integration to its educational system without taking into account the idea of individual freedom and individual responsibility within a civic organization.

Education that is directed to the state in preparation for responsible life in a paternalistic State rather than to the development of the child's personality tends to exclude the children of a nation as living human beings with potentialities and capacities to be realized disregarding the implementation of the holistic characteristic features of the Convention on the Rights of the Child.

## III. Some ideas over Cuba's Constitution

Cuba disregards in its Constitution the right of the possession of all human rights. In Cuba it is the State that orients, foments and promotes education, the culture, and the sciences in their manifestations established and developed by Marxism- Leninism excluding the right of the child to follow other ideologies.

The state holds that learning is the function of the socialist State consequently learning centers are state controlled. Private schools were abolished in 1960, therefore the Cuban child does not come in contact with information and materials from other national and international sources. Cuba promotes the formation of the new generations and the preparation of the children, youth and adults for social

living, neglecting the development of the child's potentials to its fullest. In order to realize this principle the Constitution requires participation in political, social activities and military preparation of the child [...] artistic creation is free to be expressed as long as its content does not conflict with the socialist Revolution.

The socialist state [...] recognizes and guarantees freedom of conscience, the right to profess a religious creed and to practice, within the law the cult of his choice. The law regulates the activities of religious institutions[. . .]it is illegal and punishable to oppose one's faith and religious beliefs against the Revolution to the educational system and to the fulfillment of work duties, to the defense of the fatherland by the use of arms, to the reverence of its symbols and to other duties established in the Constitution

#### IV. Some ideas over the Convention of the Rights of the Child

The States Parties agreed at the Convention on the Rights of the Child making and implementing the principles of the Convention widely known and that the best interest of the child shall be a special, a primary and paramount consideration conducive to the realization of the rights of the child as has been clearly expressed in the following articles:

Article 5.... to provide in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6-1.... every child has the inherent right to life.

Article 6-2.... ensure to the maximum extent possible the survival and development of the child.

Article 9-1... that a child shall not be separated from their parents against their will.. .other than that such separation is necessary for the best interests of the child.

Article 9-3... to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interest.

Article 12-1 ... assure to the child who is capable of forming his or her own views the right to express those views freely.. .in accordance with age and maturity of the child...

Article 13-1. The child shall have the right to freedom of expression.. .either orally, in writing or in print, in the form of art or through any other media of the child's choice.

Article 14-1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

Article 15-1... recognize the right of the child to freedom of association and to freedom of peaceful assembly.

Article 17-1 ... ensure that the child has access to information and material from a diversity of national and international sources... aimed at the promotion of his and her social, spiritual and moral well-being and physical and mental health...

Article 18-1... Parents or [...] legal guardians, have the primary responsibility, for the upbringing and development of the child, the best interests of the child will be their basic concern.

Article 29-1. State Parties agree that the education of the child shall be directed to:

- a) The development of the child's personality
- b) . . . . respect for human rights and fundamental freedom....
- c) .... respect for the child's parents and for civilizations different from his or her own;
- d) .... preparation of the child for responsible life in a free society, in the spirit of understanding, peace,

tolerance, equality of sexes, and friendship among all people...

Article 39... promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation or abuse[. . .]which fosters the health, self-respect and dignity of the child.

Article 40-1 ... the right of every child[. . .]recognized as having infringed the penal law to be treated[. . .] with the promotion of the child's sense of dignity and worth...

Article 41.

a) Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child...

Article 42. States Parties undertake to make the principles and provisions of the Convention widely known by appropriate and active means, to adults and children alike.

## V. Education in Cuba. The Farm Schools

The Cuban Constitution recognizes the right of the child to education, many first hand observers consider that education in Cuba is compulsory and available free for all. The schools have constituted State controlled educational systems, for the state mandates in all phases of the Cuban children's school life. The one existent point of view being the Marxist-Leninist ideology had been monitored and promoted by the Cuban educator at all learning levels.

The educational system in Cuba is divided into three learning levels: Primary education with its *Circulos Infantiles*, the primary grades up to the sixth grade in which school attendance had been mandatory, to the secondary or high school level and the pre-university level.

One of the outstanding characteristics of the educational system in Cuba have been the Farm School Programs. There were two types of farm programs:

- the schools in the country and,
- the schools on the farm.

The schools in the country programs function year round with the exception of the summer vacations. The school hours are divided in two sessions. The students participate four hours in mandatory agricultural work and four hours have been dedicated to regular school classes.

The schools on the farm programs had been actually schools that function at a farm away from the children's homes during 5 or 6 weeks, when their regular school close during the summer vacation. The schedule is eight hours daily of mandatory agricultural work.

A report by the U.S. Department of state on human rights practices in Cuba published in 1997, stated that all students over the age of 11 were expected to devote 30 to 45 days of their summer vacation to farm laboring up to 8 hours a day.

The most intensive period of education in Cuba occurs about the time of puberty the traumatic separation of the child from everything that he or she had known and dear held up to that time. The adolescent boy or girl parts from the family at the period of time most likely to challenge adult authority but, because the survival of the child depended on its integration to the socialist State, the child had gradually conformed to the Marxist-Leninist principles. At the State's mandate the adolescent from 12 to 17 years of age at the beginning of the Summer months pack their few belongings and traveled to the farms or rural areas to participate in mandatory agriculture work programs. Children who do not attend the farm programs are denied by the State the right to continue their education.

There are profound damaging consequences related to the Farm School Programs, which have constituted serious social problems that have been in the increase in Cuba and appear wide spread among the Cuban adolescent population.

These have been as follows:

a) School withdrawals - Consequences.

- Stay home. Employment gap 12 to 17 years of age
- Street children increase.
- Child prostitution increase
- Children leave the country illegally when returned they are incarcerated.
- Problem behavior children lack of rehabilitation centers.
- Discontinue education

b) Child Labour - Consequences.

States parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Article 32 CRC

c) Sexual Behavior - Consequences.

- Sexual promiscuity
- Alcohol abuse
- Venereal diseases
- Child abortion

a) School withdrawals. Psychosocial problems

Cuba recognizes the right of the child to education, it is compulsory and free for all. The Farm School Programs recognize the right of education but the programs disregard the right to the possession of fundamental rights.

School withdrawals or drop-outs results in a crucial issue for the Cuban State. In Cuba the student is forced-out as opposed to dropping-out of school or are expelled or discouraged by the educational system to complete the high school level by threatening the student to cut off their education if they do not attend the Farm School. The Cuban State had no interest in retaining youths in school who do not totally integrate to the Marxist-Leninist ideology.

Dropping-out of school is symptomatic of something gone wrong with the educational process. It implies gross incompatibility between the school environment and students motivations. The Cuban Student prefers the outside environment that is more stimulating and by dropping out escapes the pressures for political and intellectual conformity to the socialist schools.

Between the ages of 12 and 17 the student who stays home had discontinued his or her education and had been excluded from the work force at the age of 17. There had occurred an unemployment gap between the ages of 12 and 17 years of age - seventeen years of age being the time when the young person for the first time receives a work permit.

The adolescent boy or girl might be forced into prostitution which many believe is the best source of income for the family at the present in Cuba. Adolescents in Cuba constitute a large portion of all prostitutes. Most are adolescent girls, but boys are also involved. Most adolescents who enter into a life of prostitution have experienced sexual promiscuity or have been victims of rape at the Farm School Programs. These children are at high risk for AIDS and venereal diseases.

Since 1992 prostitutes acquired a street name in Cuba: "jineteras" from the word "jinetear" (to tame

wild horses riding them); running after the tourists. It is practiced openly by children from 12 years on for a hot meal, clothing or for basic necessities such as soap or a decent bed. For the older adolescent it has been the result of world wide advertisement.

Behavioral problem children who get in trouble with the law, can not find the necessary space in rehabilitation centers even though there were 73 children's prisons throughout the island in 1993 with a population of 61,600 children. Many of the children have been incarcerated as a result of truancy and stealing. Street children may be included. There have been children who become drop-outs waiting for the opportunity to escape illegally with their parents from the Island to avoid the pressures and stresses from the State. Many children are returned to Cuba and have been incarcerated by the Cuban authorities with their parents.

- Personal deficiencies

There have been some reliable signals in order to detect future drop-out behavior:

- Poverty

The Cuban child has been living below the poverty line. Cuban children do not eat properly due to poverty. They have not grown properly and do not get adequate medical care. They have lived in unsanitary houses, they have been chronically deprived of nutrients needed for an active healthy life. The problems of poor children begin before birth. Poor mothers often do not eat well or receive adequate prenatal care. Cuban newborns are likely to have low birth weight, to be stillborn, or die soon after birth, they have been malnourished and susceptible to disease. All of the Cuban society suffers when hunger and disease flourish. Student drop-outs increase.

- Prolonged underachievement.

- Professed non-interest in the school.

- Little or non-participation in extra curricular activities.

- Chronic absenteeism, tardiness.

- Low degree of emotional support from parents.

- Frequent classroom misbehavior.

- Negative self-esteem among others.

#### b) Child Labour at the Farm Schools

The Cuban State presented in its report to the Committee on the Rights of the Child CRC/C/8/add.30 [.. .] education in general is based on the martiano principles linking the school studies with work.., for the formation of the new generations within general education... Agricultural work laboured by children is referred by the State as "productive work", designed to resolve social problems and to improve social productivity[. . .] of training young people for productive participation in society.

Many first hand observers consider that part of the production of child labour had been; shipped to foreign countries, part to the State owned stores where it is sold in hard currency, and the rest sold to the Cuban people in "pesos Parents and children despise the Farm Programs because the children's feet and hands become mangled, callous and cut due to the hard, tough, violent agricultural labour fit for adults. Under the Farm Programs, students have worked in the cultivation of citrus fruits and other fruits, potatoes, tobacco, sugar cane, coffee, vegetables and rice. The schedule for mandatory farm labour is 8 hours and has given way to the increase in student drop-outs.

It is the State's mandate that children participate in farm labour with the objective of training young

people for productive participation in society, but in the Convention of the Rights of the Child, States Parties recognize the right of the child to be protected from performing any work that is likely to be hazardous or to interfere with the child's education (Article 32). Therefore when Cuba disregards the right of the child to be protected from performing hazardous work, disagrees with the States Parties that the Cuban child is to be treated at all times in ways that demonstrate respect for the dignity and worth of the human child.

### c) Sexual behavior at the Farm Schools

In 1975 the Cuban State resolved that "morality" was to study, to work, and to defend the Revolution, and it was about time to put aside the moral considerations over sex.

The Cuban adolescent have been promiscuous and sexually active to alarming extent. Child sexual intercourse had begun by Cuban children at 12 years of age and younger. There has been a high incidence of sexual promiscuity for those boys and girls living in the dormitories at the Farm Schools.

Cuba had taken an extreme permissive approach towards sexual intercourse and the majority of today's adolescents throughout the Island now participate freely in sexual activities - the young person looks upon sexual activity as if it had been made to seem necessary. Sexual behavior among Cuban children is seen as a natural and acceptable part of life. The acceptance of sexual intimacy is widespread as a valid form of behavior and it is promoted by the State for the adolescent.

At the Farm Schools young people are provided the circumstances in which sexual experimentation and experience may easily occur. The students have been permitted visitation privileges in each others dormitory rooms to use for sexual purposes while the teacher looked the other way. Sexually transmitted diseases begin in the seventh and eight grades and early high school and the only genuinely effective method of preventing an increase spread of sexually transmitted diseases is to avoid sexual promiscuity which is rampant at the Farm Schools. Infection had certainly occurred and had been suspected. There has been an increased spread of HIV/AIDS and other sexually transmitted diseases (STDs). It is well known that the children who attend the Farm Programs are being examined by a special service of doctors for the spread of sexually transmitted diseases.

The misuse and abuse of alcohol and sexual intercourse go hand in hand at the Farm School. Heavy drinking among Cuban adolescents may represent an expression of hostility toward an individual or a paternalistic society in authority. The notion of rebellious youth in anti-authority activities supported by a peer group culture has also been applied to adolescent alcohol taking.

The first step into alcohol and sex has been a strong sense of disillusion and alienation from the socialist system which is seen as basically hypocritical by the Cuban youth.

A great number of adolescents may experience relief from distress and conflict but there have been a great majority of Cuban children who had sought adaptive and defensive solutions primarily to feelings of despair, emptiness, hopelessness and worthlessness through alcohol and sexual experience. Many young Cuban adolescents have not seen and can not see a livable future in Cuba.

### Child pregnancy and abortion

Abortions among the young has been a general practice in Cuba. Abortions in Cuba have been for the asking at any age since the 1960's and it has been accepted by the Cuban people as a norm. The consequences of this behavior has resulted in a high index of abortion among adolescent girls between the ages of 12 and 16 years of age. To avoid pregnancy there are available birth control pills and injections but the Cuban girl can not afford to buy them.

### RECOMMENDATIONS

A society that has advocated complete sexual freedom shall make use of the potential power of

psychological counseling as a vehicle for behavioral changes.

The schools shall provide counseling services to assist the child in trouble or in conflict. The intention of sex education shall be to aid the Cuban child in adjusting to a marital partnership when the girl or the boy become of age a partnership including love as a mayor ingredient. Article 39 CRC.

The Cuban State shall be aware of the traumatic experiences that occur when children are separated from their parents. The anxieties that many parents and children suffer because of the hard work and the lack of privacy present in the Farm Schools. Article 9 CRC - shall be given primary consideration from the State.

The Farm schools can be converted into recreational centers and attended accordingly to the age and sex of the child. Attendance shall be voluntary. Article 31 CRC.

The schools shall develop special planning for the child who decides to complete education at the sixth grade level (11 to 12 years of age). Mandatory education shall extend further beyond the sixth grade level. Article 28 CRC.

The Cuban delegates shall advice the Cuban State of the profound damaging consequences and the serious social and psychological problems that appear wide spread among the Cuban adolescent population related to the Farm School Programs.

Liana Prieto - Arcia On behalf of The Coalition of Cuban-American Women

## SUMMARY

The underlying differences between the Cuban State and the Convention on the Rights of the Child is the manner in which they focus their role objectives depended on how they viewed the fundamental nature of children. The Cuban State considered the child nothing more than a weaker, smaller, less intelligent version of adults. In a paternalistic State there has been little tenderness for the child. Cuban children are tolerated provided they grow up as quickly as possible for childhood is a necessary evil.

The children in the Cuban State were believed to behave as if under the eye of a severe father, they tended to think about and anticipate the State's reaction, whose judgement was usually punishment. The Cuban State should reproach itself for an out-of-date reality.

The Convention on the Rights of the Child is without doubt related to the character of the more advanced societies. Each article in the Convention is based on a profound understanding of the characteristics of the human child under a framework of scientific disciplines having to do with the knowledge of child development.

The implementation of the fundamental rights of the child will decrease the damaging consequences related to the School Farm Programs such as; school withdrawals, child labour and sexual behavior.

In conclusion, then it seems that the answer to the question, Can a Socialist state implement the holistic features of the Convention on the Rights of the Child?

When State Parties do not understand the behavior of children they must find the turning point which leads to a flexible one oriented towards the fulfilment of the individual child's rights, not only rights to education and health care but as the right to the possession of fundamental human rights.

[Home](#)

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