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Gender Equality in Cuba: Constitutional Promises vs. Reality

Introduction

Gender equality is an oft-repeated goal by political leaders around the world, yet unfortunately there are few nations that can truthfully assert that men and women are treated as equal citizens in all respects. Cuban leaders maintain that Cuba is one of these nations and point to the commitments laid out in their long-standing constitution as support for this claim.

Unlike the U.S. Constitution, the Cuban Constitution guarantees gender equality for all men and women. The Cuban Constitution enumerates many of these guarantees in Chapter VI, the chapter devoted to equality. Specifically, Article 44 of the Cuban Constitution states:

Women and men enjoy equal economic, political, cultural, social, and familial rights. The State guarantees that women will be offered the same opportunities and possibilities as men to achieve their full participation in the development of the country.¹

Not only does the Cuban Constitution provide these broad guarantees and commitments, it also lays out affirmative actions that will be taken by the Cuban government to deliver on these guarantees. With recognition of the importance of education, employment

¹ Republic of Cuba Constitution of 1976, Article 44 (amended 2002), online at <http://www.constitutionnet.org/files/Cuba%20Constitution.pdf> (visited Apr 24, 2015).

opportunities, healthcare, and domestic support in working towards gender equality,

Article 44 continues:

The State organizes institutions such as child centers, semi-boarding and boarding schools, residences for care of the aged, and services to aid the working family in the performance of its responsibilities. Providing for their health and for a healthy offspring, the State grants working women paid maternity leave before and after childbirth, and temporary work options compatible with their material function. The State strives to create all the conditions that will lead to the implementation of the principle of equality.²

All of these guarantees have their roots in the Cuban Revolution, when revolutionary leaders often spoke about the important role of strong women in the continued improvement and future success of Cuba.³

Many Cubans believe—and will proudly affirm to American visitors such as myself—that gender equality has been achieved in their country and sexism does not exist. However, others, inside and outside of Cuba, believe that equality does not actually exist for women in Cuba. The image of the powerful Cuban woman has been called a “caricature,” highlighting the possibility of a discrepancy between a surface-level

² *Id.*

³ Julie Marie Bunch, *Fidel Castro and the Quest for a Revolutionary Culture in Cuba*, 89 (Penn State University Press 1994).

appearance of equality and a more hidden, discriminatory reality experienced by women.⁴

This paper seeks to determine the current legal, economic, and social status of Cuban women and whether the gender equality promised by the Cuban Constitution has been truly achieved. Due to the incomplete information accessible in the United States, I incorporate into my analysis observations and conversations with Cuban people that occurred during a recent trip to Havana from March 16, 2015 to March 24, 2015. This trip was organized by The University of Chicago Law School's International Immersion Program and included several events involving Cuban lawyers, judges, doctors, academics, and other professionals. The trip also involved opportunities to speak with locals in Havana, as well as our highly knowledgeable tour guide, Idalmy Montes.

This paper proceeds in four parts. Part I provides a historical background for the gender equality promised in the Cuban Constitution. Part II analyzes whether women are equal under Cuban laws beyond the Constitution. Part III examines the economic opportunities available to and utilized by Cuban women. Part IV asks whether Cuban women experience equality socially, i.e., in their homes, in their communities, and in their culture. There is obviously overlap among legal, economic, and social considerations, but the sections attempt to separate the issues for clarity's sake. Ultimately, this paper concludes that while Cuban women enjoy many of the same

⁴ Yoani Sanchez, *A Caricature of a Cuban Woman*, Huffington Post (Aug 23, 2014), online at http://www.huffingtonpost.com/yoani-sanchez/a-caricature-of-a-cuban-w_b_5702241.html (visited Apr 24, 2015).

opportunities as Cuban men, Cuba has not yet achieved gender equality, despite the admirable guarantees provided by the Constitution.

I. Gender Equality in Cuban History and the Constitution

Prior to the Cuban Revolution, Cuba enjoyed a strong economy, relative to other nations in the region, but the prosperity was only enjoyed by a small section of the Cuban population.⁵ A recent report by the Center for Democracy in the Americas states that during this period, “Cubans, who were poor, black, female, or rural dwellers, were more likely to be illiterate and hungry, less likely to have jobs, lacked access to health care, and had bleaker prospects for progress than their wealthier, white, male and urban counterparts.”⁶ This unequal distribution of wealth and resources negatively impacted Cuban women. Cuban women suffered from few legal rights, high rates of maternal and child mortality, low rates of literacy, low rates of employment, lower incomes, and generally “little ability to influence decisions to improve their life chances.”⁷

As a result, the need for gender equality, for all Cuban women regardless of background, was a major rallying cry of the Cuban Revolution.⁸ There was an “early

⁵ Center for Democracy in the Americas, *Executive Summary for “Women’s Work: Gender Equality in Cuba and the Role of Women Building Cuba’s Future”*, *2 (2013), online at http://democracyinamericas.org/pdfs/Womens_Work_Executive_Summary.pdf (visited Apr 24, 2015).

⁶ *Id.*

⁷ *Id.*

⁸ Luisita Lopez Torregrosa, *In Cuba, Equality Is Two-Sided*, *The New York Times* (Mar 5, 2013), online at http://www.nytimes.com/2013/03/06/world/americas/06iht-letter06.html?_r=0 (visited Apr 24, 2015) (Sarah Stephens, executive director of the Center for Democracy in the Americas, stated, “What I want to get at, what’s important, is that one of the great things in Cuba, part of the social project of the revolution, was equality, including equality for women—and that mattered.”).

decision by revolutionary leaders to incorporate women's equality and rights as a core component of their political and social project."⁹ Shortly after coming to power, the new Communist government created initiatives to achieve gender equality. For example, in 1960, Fidel Castro and Vilma Espin, Raul Castro's wife, formed the Federation of Cuban Women, an organization designed to improve the lives of Cuban women.¹⁰ Fidel Castro also took immediate actions to increase literacy rates and increase the rate of women in the workforce.¹¹

Gender equality has continued to be a political commitment of the Cuban government. The Cuban government maintained extra-constitutional rule from 1959 until 1976, but on February 24, 1976, it adopted the country's first socialist constitution.¹² The 1976 Constitution included the guarantees for gender equality enumerated in Article 44, quoted in the Introduction of this paper, and these guarantees have remained unchanged since then.

II. Legal Equality

Pursuant to the constitutional guarantees, Cuba has several laws promoting greater equality between men and women.¹³ In the 1970s, laws were passed making social security and social welfare universal, including providing benefits to working

⁹ Center for Democracy in the Americas, *Women's Work: Gender Equality in Cuba and the Role of Women Building Cuba's Future*, *6 (2013), online at http://democracyinamericas.org/pdfs/CDA_Womens_Work.pdf (visited Oct 3, 2014).

¹⁰ *Id.* at 3.

¹¹ *Id.*

¹² William T. D'Zurilla, *Cuba's 1976 Socialist Constitution and the Fidelista Interpretation of Cuban Constitutional History*, 55 Tul. L. Rev. 1223, 1224 (June 1981).

¹³ Center for Democracy in the Americas, *Women's Work* at 4.

women and single mothers.¹⁴ Women who work are guaranteed retirement and disability benefits, as well as pensions if their spouse dies.¹⁵ A maternity law included in the Cuban Labor Code provides single mothers stipends to help them care for their children until they return to work.¹⁶ This law also requires fathers to pay child support if they are divorced or separated from their wives or partners.¹⁷ From my conversations during my trip to Havana, it seems like many Cuban lawyers and other educated individuals believe that the legal protections are meaningful and sufficient to provide Cuban women with the support they need to succeed professionally and personally.

These labor and benefits laws have been noticed abroad and have likely improved Cuba's international image. The equal status of Cuban women under the law in these areas has helped Cuba consistently rank high in international surveys on women.¹⁸ For example, the Cuba ranks higher than the United States in the World Economic Forum's Global Gender Gap Report.¹⁹ Cuba is also highly ranked by Save the Children for mandating benefits for mothers and their children.²⁰

¹⁴ Marta Nunez Sarmiento, *Cuban Development Strategies and Gender Relations*, 24 *Socialism and Democracy* 1, 3 (March 2010).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Torregrosa, *In Cuba, Equality Is Two-Sided* ("The Overseas Development Institute in Britain rates Cuba in the top 20 nations for its progress relative to the Millennium Development Goals, which were adopted worldwide after a U.N. summit meeting in 2000.").

¹⁹ World Economic Forum, *The Global Gender Gap Report 2012*, *8 (2012), online at http://www3.weforum.org/docs/WEF_GenderGap_Report_2012.pdf (visited Apr 24, 2015).

²⁰ Center for Democracy in the Americas, *Executive Summary* at 1.

However, Cuban law has not expanded to protect women from all forms of inequality. One area where Cuban laws are lacking is in the realm of domestic violence. Cuba has limited criminal penalties for those who commit domestic violence and offers few legal protections for victims of domestic violence.²¹ Interestingly, Clotilde Proveyer Cervantes, a Cuban expert in domestic violence, believes that the solution to domestic violence is not legal, but instead should be based on social and community initiatives to change views of masculinity and femininity.²² It may be the case that Cubans prefer a legal framework to solve problems involving education and financial opportunities available to women, but not problems regarding discrimination and abuse suffered by women in the community and at home.

It is unclear whether Cuba has the laws necessary to fully help women and achieve legal equality because women are severely unrepresented in the law-making bodies. According to one report, “[Cuban women] make up only 7 percent of the Cuban Communist Party’s ruling Politburo, 14 percent of the Party Secretariat and 22 percent of the Council of Ministers; only one has enjoyed the rank of vice president (there are five).”²³ The low numbers of Cuban women in political leadership highlights other reasons to question the notion of gender equality in Cuba and provides a good transition into the next section regarding economic equality.

III. Economic Equality

²¹ Deborah M. Weissman, *Feminism in the Global Political Economy: Contradiction and Consensus in Cuba*, 41 U. Balt. L. Rev. 221, 236 (2012).

²² *Id.*

²³ Torregrosa, *In Cuba, Equality Is Two-Sided*.

In Cuba, one's education is directly tied to economic opportunities because Cubans who graduate from universities are guaranteed employment and placed in a position where they will most likely stay for the rest of their career.²⁴ Therefore, this section describes the educational and professional opportunities available to Cuban women to get a better sense of whether economic equality has been achieved.

The experience of female and male students in Cuba are not the same in all respects, but the differences are not necessarily negative. For example, in Cuba, more women attend universities than men. During a tour of the University of Havana campus, I learned that more than 60% of students at the University of Havana are women.²⁵ I also learned that the general perception is that female and male students are equally respected in and out of the classroom.²⁶

However, the concentrations pursued by male and female students tend to differ. More men study engineering, math, and other technical subjects, whereas more women will pursue law, medicine, and the humanities, like history, psychology, and foreign languages.²⁷ These differences do not necessarily mean that women are not given the same educational opportunities as men. Female students can concentrate in anything they choose. The subject-matter divide nonetheless begs the question—why are Cuban women not studying engineering and math?

When asked this exact question, Elizabeth Ruiz, a Cuban judge, responded, “It is just what women want to do. There is no reasons why. And it fits better with the

²⁴ Tour of the University of Havana led by a student (Mar 17, 2015).

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

characteristics of the professions and of the state.”²⁸ It is unclear what she meant by the “characteristics” comment, but it may allude to an idea that women should hold a particular, though not necessarily lower, place in society. This idea is consistent with my experiences speaking with Cuban women in Havana. They would often say that men and women have the same economic opportunities, yet admitted that there are fundamental differences between men and women that account for different preferences and life choices.

Upon graduation, women go on to make up the majority of workers in several professions. According to Dorys Quintana Cruz, the program coordinator at the National Union of Jurists of Cuba, about 70% of lawyers and law professors are women, and more than 70% of judges are women. On my recent trip to Havana, almost all of the lawyers, judges, professors, and doctors who spoke to our group were women. From an American perspective, the high percentages of women doctors and lawyers seems like a sure sign of progress in gender equality. However, women make up only 39.1% of the workforce, which is a lower percentage than most of Latin America.²⁹ Despite the high numbers of women attending universities, less than 40% of working-age women are employed.³⁰

Additionally, the legal and medical professions, while often considered lucrative in the United States, are not the highest paying professions in Cuba. In Cuba, people who are able to do private work, instead of government-sponsored work, have greater

²⁸ Q&A session with municipal judge Dr. Elizabeth Ruiz (Mar 19, 2015).

²⁹ Torregrosa, *In Cuba, Equality Is Two-Sided*.

³⁰ *Id.*

opportunities to make money.³¹ Anecdotally, I was told that taxi drivers are among the highest paid people in Cuba because they are able to directly profit from the foreign tourists. Whereas doctors and lawyers may make the equivalent of \$20 a month,³² taxi drivers can make the equivalent of \$10 by driving tourists for 20 minutes. Interestingly, the vast majority of taxi drivers appear to be men. This highlights the possibility that men can more easily take advantage of the limited number of professions that involve earnings from non-government sources.

In fact, Cuban women earn about half of what Cuban men make.³³ This is likely because men are indeed in higher-paying professions.³⁴ Another reason for the difference may be that Cuban women have the primary responsibility for taking care of children and elderly.³⁵ Yoani Sanchez, a Cuban woman activist, has written about various realities of Cuban life that may also indicate the unequal economic status of women:

What percentage of car owners are women? How many acres of land are owned or leased by women? How many Cuban ambassadors on missions abroad wear skirts? Can anyone recite the number of men who request paternity leave to take care of their newborns? How many young men are stopped by the police each

³¹ Q&A session with retired lawyer and law professor Dr. Dorys Quintana Cruz (Mar 17, 2015).

³² *Average salary in Cuba rose 1 pct last year to \$20 a month*, Fox News Latino (Jun 17, 2014), online at <http://latino.foxnews.com/latino/news/2014/06/17/average-salary-in-cuba-rose-1-pct-last-year-to-20-month/> (visited Apr 24, 2015).

³³ Torregrosa, *In Cuba, Equality Is Two-Sided*.

³⁴ *Id.*

³⁵ Sarmiento, *Cuban Development Strategies and Gender Relations* at 4.

day to warn them they can't walk with a tourist? Who mostly attends the parent meetings at the schools?³⁶

To those who point to the high percentages of women in various professions, she responds, "Please, don't try to 'put us to sleep' with figures in the style of, '65 percent of our cadres and 50 percent of our grassroots leaders are women.' The only thing this statistic means is that more responsibility falls on our shoulders, which means neither a high decision-making level nor greater rights."³⁷

Additionally, as alluded to in Part II, women do not often hold positions of high economic and political power, despite the fact that more women graduate from Cuban universities. Maria Ileana Faguaga Iglesias, a Cuban anthropologist and historian, explained, "We have to distinguish that access to university studies does not necessarily give us power. What's more, to be in positions that are supposedly positions of power does not necessarily permit the exercise of power."³⁸ Therefore, while Cuban women enjoy equal educational opportunities, their educations do not yet translate into equal professional opportunities and positions of leadership.

It is unclear how the recent economic changes in Cuba will affect Cuban women. The Cuban economy will continue to become more open. Cuba recently approved a foreign investment law that will drastically cut taxes on profits and provides temporary tax exemptions for new investors.³⁹ Due to Cuba's more open economy, women will

³⁶ Sanchez, *A Caricature of a Cuban Woman*.

³⁷ *Id.*

³⁸ Torregrosa, *In Cuba, Equality Is Two-Sided*.

³⁹ *Cuba Approves Foreign Investment Law*, BBC News (Mar 29, 2014), online at <http://www.bbc.com/news/world-latin-america-26805254> (visited Aug 24, 2014).

have more opportunities to increase their economic strength. Women have already taken advantage of the new economic opportunities, “working for themselves, starting businesses, earning money and gaining self-confidence.”⁴⁰ In contrast, some have predicted that the reduction in state jobs due to foreign competition may “end [women’s] state-guaranteed benefits and leave them by the wayside.”⁴¹ However, under the new foreign investment law, the Cuban government has to approve all projects involving foreign companies and will maintain significant control throughout the course of the project.⁴² Therefore, a decrease in the present level of gender equality due to the opening economy is unlikely and instead will hopefully improve the economic status of Cuban women.

IV. Social Equality

Due to the continued influence of the Cuban Revolution in modern day Cuban society, one might predict that the Revolution’s goal of gender equality would translate into the equal social status of Cuban women. Indeed, the narrative stemming from the Cuban Revolution that women are vital to the Cuban communist state can be easily seen when walking the streets of Havana. For example, one billboard near Havana’s Revolutionary Square features a picture of a beautiful, smiling woman and the statement “La patria es en la mujer.” This roughly translates to “The homeland (or native land) is in the woman,” meaning that women are at the heart of Cuba.

⁴⁰ Torregrosa, *In Cuba, Equality Is Two-Sided*.

⁴¹ *Id.*

⁴² Q&A session with economics law professor Dr. Elpidio Perez Suarez (Mar 23, 2015).

Despite the image of the strong Cuban woman promoted by this slogan, Cuban women face several social pressures not experienced by Cuban men. For example, Cuban women spend more than 34 hours every week doing household chores and child-rearing, where men will only spend 12 hours on these tasks.⁴³ Due to Cuba's housing shortage, many women live with three generations of family and have a "double-shift" of working while also attending to children, grandchildren, and in-laws.⁴⁴ Afro-Cuban women have an even more difficult time managing the household because they are less likely to have relatives abroad to send them financial support.⁴⁵

Additionally, machismo culture is still present in Cuba, which impacts the way women are treated by Cuban men. "Machismo" encompasses a view that men should be strong, aggressive, proud, and dominating, whereas women should be hyper-feminine, passive, and dutiful.⁴⁶ The machismo attitude has been said to hinder the societal progress of women and promote prostitution and domestic violence.⁴⁷ Sarah Stephens, executive director of the Center for Democracy in the Americas, stated, "[Cuban women] deal with sexism and machismo every day, in the home, in the workplace, everywhere. It's just not enough to have good laws."⁴⁸ The social view that women are objects for

⁴³ Center for Democracy in the Americas, *Women's Work* at 4.

⁴⁴ *Id.* at 45.

⁴⁵ *Id.*

⁴⁶ *The curse of machismo*, *The Economist* (Sep 8, 2012), online at <http://www.economist.com/node/21562166> (visited Apr 24, 2015).

⁴⁷ Robert Perkovich and Reena Saini, *Women's Rights in Cuba: "Mas O Menos"*, 16 *Emory Int'l L. Rev.* 399, 436 (2002).

⁴⁸ Torregrosa, *In Cuba, Equality Is Two-Sided*.

male attention can also be felt by women visitors who will often be complimented on their appearance by acquaintances and cat-called by strangers.

One manifestation of the view that women are more delicate and/or weaker than men might be the fact that only men have mandatory military service. Young men are required to do two years of social service and one year of military service, whereas young women have to do three years of social service with no military service.⁴⁹ Interestingly, though perhaps unrelated, men are 19 years old when they begin social service, whereas women at 18 years old.⁵⁰

Another manifestation of the “women as sexual objects” view might be the strength of the prostitution industry. Prostitution is a significant problem in Cuba, despite the fact that it is illegal and denounced by the Communist government.⁵¹ Cuba is a popular destination for sex tourism,⁵² and this problem is readily apparent to visitors. During my stay in Havana, it was very common at salsa clubs and bars to see young, beautiful Cuban women being affectionate with older, white men, often as a Cuban man, likely a pimp, looks on. Cuba is certainly not the only country where women do more housework, are regularly objectified, and can be found working illegally as prostitutes. However, while these realities continue to exist in Cuba, it is difficult to conclude that Cuba has achieved social equality between the sexes.

Conclusion

⁴⁹ Tour of the University of Havana led by a student (Mar 17, 2015).

⁵⁰ Q&A session with retired lawyer and law professor Dr. Dorys Quintana Cruz (Mar 17, 2015).

⁵¹ Perkovich and Saini, *Women’s Rights in Cuba* at 434.

⁵² *Id.*

Certain indicators support the idea that Cuban women have progressed since the Cuban Revolution, but some Cuban women believe that “we are neither more free, nor more powerful, nor even more independent.”⁵³ There are many laws giving women the same benefits as men, though arguably not giving sufficient protections against domestic violence. Many Cuban women are highly educated, yet this does not translate into the same professional and leadership opportunities as their male counterparts. Gender equality is a historic goal of the Communist state, yet there are many aspects of Cuban society that discriminate against women. Jane Harman, the director, president, and chief executive of the Woodrow Wilson Center, described the state of affairs for Cuban women well:

The story is two steps forward and one step backward. True, the revolution incorporated women’s equality in Cuba’s Constitution and legal architecture. But the story of work opportunities for women in Cuba shows a gender gap, which could worsen under the regime’s economic reform policies. Whether or not one favors major change in U.S. policy toward Cuba . . . , shining light on the need to make Cuban women full partners in Cuba’s future is in everyone’s interest.⁵⁴

Much like in the United States, there appear to be subtle and complicated barriers to legal, economic, and social equality between men and women in Cuba. It remains to be seen how Cuba will change over the next few years and decades, but hopefully the

⁵³ Sanchez, *A Caricature of a Cuban Woman*.

⁵⁴ Torregrosa, *In Cuba, Equality Is Two-Sided*.

country will move closer to fulfilling the promises in the Cuban Constitution by achieving true gender equality.