

# Cuba

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## 1 Conscription

*conscription exists*

Conscription or military service in Cuba is supported in the constitution by article 65, which establishes that:

“The defence of the socialist motherland is the greatest honour and the supreme duty of every Cubano. The law regulates the military service required by every Cubano. Treason of the motherland is the most serious crime; he who commits said crime is subject to the most severe sanctions.”

The national defence law 75 regulates general military service (SMG) in Cuba<sup>1</sup>.

From 17 years old, Cubano nationals, both males and females, can voluntarily enlist into military service, the militias of territorial troops, or the brigades of production and defence. The men who enlist in either of the two last organisations are not excused from military service.

Military service is divided into two sectors: active military service and the reserves, and inscription is obligatory between the ages of 16 and 28<sup>2</sup>.

Active service may or may not be remunerated. The recruitment process begins in secondary school, however military training forms part of all levels of the Cubano education system.

From school, the teenagers are inscribed in the military committee, municipal units of the Revolutionary Armed Forces (FAR). The ministry of education along with the ministry of FAR are responsible for carrying out this work in the very same educational facilities. These teenagers register in the municipalities of their residence and receive a document which certifies their inscription. This act, according to decree law number 224, makes them pre-recruits and they will remain as such as long as they are not providing military service, have not been passed to the reserves and have not been excluded from military service.

After the recruitment process, they are called by the health department for a medical check.

Once declared fit for service, the young people are put through 45 days of intense military preparation known as ‘the preview’, in which they are shaved, given uniforms, armed and trained in personal defence, weaponry among other forms of combat. They are taught the ethical military code, all this mixed with a process of indoctrination call ‘political-ideological preparation’.

Since the year 1983 females have been able to voluntarily enter into military service, with a minimum commitment of 14 months. However, these women must be ‘revolutionary’ which, according to government standards means supporting the power dominant political system.

Young women who wish to enter military service can neither be pregnant in the moment of inscription nor become pregnant during their service. The armed forces offers these women easier access to university courses as incentive for their voluntary inscription. They must only pass the exams necessary to enter the university and do not compete with other young people in the country.

Currently, the duration of the SMG is 2 years, although there exists the possibility to only serve 1 year for those who have already been accepted to university courses before being recruited. People in this category are known as ‘deferred’.

There also exists the so-called order 18 of the FAR, which allows one to enter the university even if they were not accepted before being recruited. They are able to use this order 18 if they show good



<sup>1</sup> Asamblea Nacional del Poder Popular. 1994. Ley N°75 De la Defensa Nacional.

<sup>2</sup> Consejo de Estado. 2001. Decreto-Ley N°224. Del Servicio Militar. Gaceta Oficial No. 75/2001 Ordinaria.1561.Cuba

behaviour and discipline during their time serving in the military. As well as providing the possibility to access university courses, the FAR offers part of the service time to prepare for the university entrance exams. Recently, this form of incentive has been diminishing and in occasions those obtaining the order 18 have been promised the rewards at the end of their service.

The military service is fundamentally developed in military units of the army, but not exclusively. The Ministry of Interior (police) also welcomes recruits from their various departments (fire brigade, ranger corps, board guards, amongst others). Another sector is the Youth Army of Work, subordinated to the FAR. In this case the time served is two and a half years, the recruits do not carry out military activities but rather are used as cheap labour, generally for agricultural work, as labours in the Anti-vector Campaign (to control the mosquitoes), or any other productive activity deemed necessary but the government.

The designation of any of these sectors is not optional for the conscripts, and are decided exclusively at the discretion and needs of the military bodies.

There also exists some paramilitary forces, most notably the Militia of Territorial Troops, founded in 1980. However, this force has shown a considerable decline in its recruiting capacity in recent decades, now it is merely a formal structure not considered to be effective. Other organisations are brought into effect when needed and they generally confront the political opposition in the country. Among them, the 'contingent workers' and the 'Fast Response Brigade' were particularly effective in the 1990s. The Union of Young Communists, the Communist Party of Cuba and the workers unions continue to function today. In reality, any systemic social organisation must respond to the calls of the army for political repression.

After fulfilling the SMG period, men become part of the Reserve in times of peace, until reaching the age of 45. These men, as part of the reserves, can be called upon to carry out any activity that the army has. These tasks can be combative preparation or of a productive nature. These reservists can also be called upon to prepare and participate as "civil and revolutionary people" in the acts of repudiation organized by the Government towards the internal political opposition.

#### *postponement and exemption*

Postponement can be granted until the age of 27. A man who has not completed military service at this age is given basic training and then assigned to the reserve force. There are a number of causes deferrals are specified. When the pre-recruit is the sole breadwinner of the family and it is not possible to place him in a position for which he could receive sufficient income to provide for his family, or when he has other financial or family problems, he is exceptionally granted a postponement.

The National Defence Law declares those who are officially declared as physically or mentally disabled exempt from the fulfillment of military service. This includes those who suffer from permanent or prolonged functional alteration, whether it be physical (motor, sensory, organic, visceral) or mental (intellectual and/or psychic) defects<sup>3</sup>.

The army also offers the category "Not Fit FAR" to those with severe health limitations. However, many with significant pathological restrictions are considered "fit with medical recommendations," and are merely assigned to posts that require less physical force. Many family members try to get young people discharged for medical reasons during the recruitment process and many times they resort to bribery.

Although not reflected in the Civil Defence Law 75, in practice homosexuals and bisexuals are exempt from military service. The young man must give the head of the Medical Commission a written document declaring his homosexuality or bisexuality and, if he has a partner, the specifics of his relationship.

The Military Committee, in charge of recruitment, investigates to verify homosexuality or bisexuality. This research is carried out mainly through the Committees for the Defence of the Revolution (CDR). These CDRs are vigilante bodies and government volunteers, there is usually a

3 3 Cuba. Consejo de Derechos Humanos. Examen Periódico Universal. 16º período de sesiones. 2013. Informe nacional presentado con arreglo al párrafo 5 del anexo de la resolución 16/21 del Consejo de Derechos Humanos (A/HRC/WG.6/16/CUB/1). Pág. 22. Disponible en: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/109/36/PDF/G1310936.pdf>

CDR for each block across the country, although its influence is in steep decline. After this investigation the youth is declared unfit to join the Revolutionary Armed Forces.

In 2017 a Cuban parliamentarian during a session of the National Assembly inquired about the procedure related to homosexual or bisexual youth and SMG. Never had an official publicly commented on this matter. The president of the National Defence Commission referred to a "policy" approved "one or two years ago," without giving more details of it, and said that "if he considers that for this reason it will not be possible to fulfil his service in the conditions of a military place, is excluded ". He added that "in case the young man is willing he can perform the military service in an alternative way, he can be as a nurse, as an auxiliary in a hospital, even in a military hospital..."

From 1965 until 1968, there existed the Military Support Units for Production (UMAP) in Cuba, which acted as a kind of forced labour camp where to Revolutionary Government sent young recruits from the SMG who assumed 'improper behaviour and conduct'. In these camps the young men were subjected to forced labour and torture in order to 'make them men'. These units were sent homosexuals, religious, rock lovers, intellectuals, and every young person who did not enter into the classifications of the "new man" of the Revolution.

It is said that around 30,000 young people, including approximately 8000 homosexuals, were sent to the UMAP<sup>4</sup>. The Union of Young Communists played an important role in the selection of many of the men assigned to these sites. The legal framework for the creation of these concentration camps was Law 1129 formed in November 26, 1963.

The Minister of the Revolutionary Armed Forces at the time of the UMAP, head of these centers for ideological re-education, was Raul Castro, who was placed by his brother Fidel as president of the island since 2006. Neither he nor his brother have apologized for the damages caused by the UMAP.

## **2 Conscientious objection**

Law 75 of the Civil Defence does not recognise the right to conscientious objection. No data exists on conscientious objectors in Cuba. However, there have been many cases of young people who, although they have not openly denied the SMG, have attempted to harm themselves physically in an attempt to be excused from the MGA. These young men have been shot, mutilated or have spilled chemicals on their skin to obtain disability leave. The Military Offences Act sanction such behaviours.

According to this same law, "Any person who commits an act or omission that is obviously unseemly or that seriously undermines military honour is punishable by deprivation of liberty from three months to three years".

## **3 Draft evasion and desertion**

Evading the call to the service and desertion are punishable by law. Criminal responsibility is established from the age of 16, failure to comply with the procedures related to the inscription is considered a violation of the duties of Military Service and is punished by deprivation of liberty from three months to one year or a fine of one hundred to three hundred quotas.

To be considered a deserter, the absence of a military term or more than 15 days from the military units or place where services are provided is punishable by imprisonment of one to five years, for which the army has its own facilities, famous for the levels of violence, abuse, and discipline imposed by the guards. If the intention to evade military service is evident, the offence is considered to be committed regardless of the elapsed time<sup>5</sup>.

According to the Military Offences Law: "Anyone who flees during war or refuses to fight, or perform acts that may produce dispersion of their own forces, incurs in penalty of deprivation of

4 Abel Sierra Madero, Abel. 2016. Academias para producir machos en Cuba. En <http://www.letraslibres.com/revista/convivio/academias-para-producir-machos-en-cuba>

5 Asamblea Nacional del Poder Popular. 1979. Ley de los delitos militares. Artículo 18.

liberty from ten to twenty years or death".

The Ministry of the Interior has a body called "Prevention" that persecutes and detains any deserters.

After the completion of military service, the young men are given an official document accrediting the termination of the military service. Failure to obtain this document may cause future difficulties, for example when changing jobs, or other formal procedures.

## 4 Statistics

Statistics relating to the Cuban Government, budget, parliamentary minutes, legislation relating to the Armed Forces and the Ministry of Interior are not accessible to the public because it is considered secret information<sup>6</sup>. Consequently, the Defence Commission in the National Assembly of People's Power generally does not release public information on the subject.

However, it is known that during 2015, the Cuban government allocated 3.1% of its GDP to military spending<sup>7</sup>.

Presently, 12 of the 33 members (36.4%) of the Cuban Council of State, the highest governing body, are military personnel or have close ties to the military. Most notably the president, 4 vice-presidents, the secretary of the state council and the minister of economics.

## 5 General Evaluation

Cuba is a militarised country, with an authoritarian government that calls itself Revolutionary. Since 1959, this regime has maintained strong political, social and media control, together with a very efficient repressive apparatus. This has succeeded in impeding the development of social movements and critical citizens. It is for this reason that there is no social or academic movement on the island against the SMG.

There is a general rejection in Cuba of the Military Service, but this rejection is limited only to the attempt to evade it in a legal way, not to eliminate it.

However, in the last ten years, with the departure of Fidel Castro from power, there has been a small resurgence of small critical groups on various issues. This is evident despite the repression by the government of his brother Raul Castro.

The political situation, but above all economic along with state control, limits the development of a movement in favor of eliminating the MGA. Those living on the island view greater access to Internet or the possibility of emigrating as solutions to the economic crisis.

Freedom of expression, rights for LGBTI people, freedom of movement, the press, militarisation of all sectors, the exploitation of natural resources and the strengthening of capitalism are some of the problems that beset this island under the Revolutionary Government of 1959.

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<sup>6</sup> Consejo de Ministros. 1973. Ley N°1246. Gaceta Oficial de la República (10), Ordinaria, 33. Cuba. ARTICULO 3.

<sup>7</sup> <https://datos.bancomundial.org/>