

International Disability Alliance (IDA)

Member Organizations:

Disabled Peoples' International, Down Syndrome International,
Inclusion International, International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant questions for consideration for the list of issues Committee on the Elimination of Discrimination against Women 55th session (July 2013)

The International Disability Alliance (IDA) has prepared the following suggestions for the list of issues, based on references to persons with disabilities to be found in the State report and treaty body concluding observations (see annex below).

CUBA

Cuba ratified the Convention on the Rights of Persons with Disabilities (CRPD) on 6 September 2007.

IDA suggestions for list of issues:

- What steps are being taken to accede to the Optional Protocol to the CRPD?

Article 1

- What measures have been taken to ensure that the Constitution and other relevant legislation prohibit discrimination on all grounds including, discrimination on the basis of disability, and multiple discrimination on the basis of disability and gender? (see Concluding Observations of the CRC Committee, [CRC/C/CUB/CO/2](#), 2011, paras 43, 44, in Annex below)

Articles 2, 3, 4, 5

- What steps are being taken to implement an effective data collection system which is disaggregated by sex, age, disability and region, which can inform the development of policies and programmes to promote equal opportunities for women and girls with disabilities in society?
- Please provide the Committee detailed information on what steps are being taken to ensure the presence of the rights of women with disabilities in national policies, including concerning health care, education, employment and social protection.
- What other steps are being taken to address the heightened risk for girls and women with disabilities of becoming victims of violence, abuse and exploitation? What measures are being adopted to ensure that both services and information for victims are made

accessible to women and girls with disabilities, which guarantee their access to redress and protection, including training of police and other interlocutors?

Article 7

- What steps are being taken to repeal provisions in the Constitution¹ and in the Electoral Law² that exclude women with disabilities from their right to vote on an equal basis with others in accordance with Article 29 of the Convention on the Rights of Persons with Disabilities (CRPD)? What measures are being adopted to ensure the accessibility of polling stations, booths and voting material, including by permitting an individual an assistant of their own choice to help them to vote, without external surveillance? How is information on elections and political campaigns being made accessible in the lead up to elections?

Article 10

- What measures are being taken guarantee the implementation of inclusive education in the law and practice? (see Concluding Observations of the CRC Committee, [CRC/C/CUB/CO/2](#), 2011, paras 43, 44, in Annex below) Please provide statistics of the number of children with disabilities attending the following mainstream schools: primary school, middle school, high school and the rate of success and completion of schooling. What steps are being taken to incorporate inclusive education (as set out in Article 24 of the CRPD) into all core teacher training curricula and in service training to infuse the values and principles of inclusive education at the start of a teacher's careers and continuously, in order to create a culture of inclusive learning in a school?

Article 11

- What steps are being taken to address the gender gap and unemployment rates of women with disabilities?
- What measures are being taken, including the provision of support services, to assist families, including both mothers with disabilities, and mothers or women in the family who are the lead caregivers in their care for children with disabilities? In particular how are services and assistance rendered to permit women in families with children with disabilities, as well as mothers with disabilities, to continue their careers with an appropriate work/life balance?

Articles 12, 13 & 16

- What steps are being taken to adopt measures to ensure that the mental health policy requires all health care and services to be based on the free and informed consent of the person concerned and that involuntary treatment and confinement are not permitted by law?
- What services are in place to reach out and educate women and girls with disabilities about sexual and reproductive health, including STIs?
- What steps is the government taking to reinforce efforts towards the closure institutions of

¹ Constitution Article 132 states, "All Cubans, male or female, over the age of 16 years, are entitled to vote, except... (a) those who are mentally disabled and have been declared so by a court."

² Electoral Law (Revised, 1992) Article 6 states: "Every Cuban should possess the following characteristics in order to exercise his/her right to vote...(ch) mental competence to exercise one's electoral rights that are mentioned in the Law and the Constitution." Article 7 states: "Citizens who possess the following characteristics cannot exercise their right to vote: (a) declared mentally incompetent by a Court of Law."

children and adults with disabilities, and to take steps to provide sufficient support to families to ensure that all children, including children with disabilities, can live and be raised in family environments in the community, and to eliminate the institutionalisation of children by building up community based services and support (including through increased social assistance and welfare benefits) to children with disabilities and to their families, and to parents with disabilities?

Article 15

- What steps are being taken to reform the law in accordance with Article 15, CEDAW and Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) to guarantee the equal recognition before the law of women with disabilities, including the adoption of measures to ensure that having a disability does not directly or indirectly disqualify a person from exercising her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they may need to exercise legal capacity on an equal basis with others, respecting the will and preferences of the person concerned.

State report

Selected references to women with disabilities:

A. Articles 1 and 2

29. The social welfare or protection services respond to programmes and measures targeted at persons who are older, disabled or chronically ill, expectant mothers, children, former prisoners and members of other population groups. These services are organized by region, depending on how complex or specific the issues are.

3. Health care and family planning

227. The programmes for tackling epidemics have also been enhanced, with priority for the care of mothers and children, those with chronic childhood diseases, children with disabilities and victims of natural disasters. The significant reduction in infant mortality during this period is one of the main contributions to the increased life expectancy at birth of the Cuban population, which now stands at 77.97 years (80.02 for women and 76.00 for men).

6. Disabled women

236. Mentally disabled persons who also have other social or family problems are catered for in the country's 26 part-time and full-time residential homes for the physically and mentally disabled.

237. Women play increasingly important roles in the organizations of the movement of disabled persons, both as members and as participants in the various activities carried out in this area; there are no prejudices or stereotypes. There are currently three associations for the disabled: the Cuban Association of Persons with Motor and Physical Disabilities (ACLIFIM), the National Association of Blind and Visually Impaired Persons (ANCI), and the National Association of Deaf and Hearing-impaired Persons (ANSOC) have a membership of 127,077 (32,247 more than the membership reported for the previous period).

238. The State pays special attention to the disabled and endeavours to increase opportunities for them to become integrated into social life and achieve their maximum potential. Accordingly, a number of new programmes of the Revolution have been set up for their benefit. Finding jobs has been key to enabling disabled persons to become economically independent and integrate into society, as well as improve their self-esteem. The labour policy, which during the period 1995–2002 generated 14,624 jobs, 5,879 (35.4%) of them for women, has played an especially important role in this regard.

239. Rehabilitation is vital to good health and plays an important role in the social integration

and quality of life of disabled persons. The results of these programmes are evident in the fact that more and more disabled persons have improved their situation and their involvement in cultural activities. Access to higher education has improved as universities have been extended to municipalities (universal coverage of education).

2. Care for working mothers

256. The current legislation on maternity protection is among the most advanced in the world. Decree-Law No. 234 on Working Women's Maternity extended the rights of women workers and maternity protection, providing medical care during pregnancy, antenatal and postnatal leave, breastfeeding and care of minor children, with differential treatment for minor children with disabilities, and recognizing the shared responsibility of both mother and father in the care and care of children and the father if the mother dies. This is explained above.

4. Social assistance

259. The country has 251,102 households covered by social assistance and a total of 426,390 beneficiaries:

(a) Social services:

(i) Childcare: 55,416;

(ii) Youth care: 18,483;

(iii) Care for people who have committed crimes: 1,234;

(iv) Care for disabled people, retirees, pensioners and older people: 225,253;

(v) Care for other vulnerable groups: 126,004.

(b) Other Services provided to women:

(i) Home visitor: 13,119;

(ii) Payment at home: 322,961;

(iii) Remote assistance: 1,630;

(iv) Care for mothers with children suffering severe disabilities: 7,599

(5,072 of whom receive protection equal to their salary);

(v) In social and job training centres: 189.

6. Sport

270. Disabled persons are included in the sports areas: 11,453 in 2004 and 19,843 in 2009. Of these, 4,121 and 6,316 respectively were women in those two years. It is noteworthy that since 2005 physical rehabilitation has been provided in the home for patients unable to travel to the special areas, most of whom are women.

ANNEX – Disability references by other treaty bodies with respect to Cuba:
Concluding Observations of the CRC Committee, [CRC/C/CUB/CO/2](#), 2011

10. While noting the existence of a national plan of action for children (2004 – 2010), which was mentioned by the delegation during the dialogue, the Committee is concerned at the lack of concrete information on the steps taken by the State party to either extend this plan of action beyond 2010, or to elaborate a new comprehensive national plan of action for childhood and adolescence. Furthermore, the Committee takes note of the various sectoral plans and programmes in place in the State party, in particular on health care, **disabilities** and education. However, it is concerned at the lack of information on the interconnectedness between these plans of action and programmes and their relationship to the national plan of action, if any.

Family environment

39. The Committee takes note of the data provided by the State party with respect to children living in different types of alternative care. However, the Committee is concerned about the lack of detailed information on issues such as numbers of children living in institutions, coordination within the care system, whether the periodic review of the alternative care placement is a regular practice, and whether foster care opportunities, as an alternative type of placement of children without parental care, are provided and preferred over institutional care.

40. The Committee encourages the State party to adopt a well defined national policy on the alternative care system, including on the allocation of appropriate human, technical and financial resources to ensure the provision of adequate care and protection of children deprived of their family environment, as well as measures to prevent separation of children from their families and to develop foster care opportunities as opposed to institutional care.

Children with disabilities

43. The Committee acknowledges the efforts undertaken by the State party to guarantee the rights of **children with disabilities**, in particular with regard to their access to education. Nonetheless, the Committee is concerned at the lack of information explaining the reasons for the **disproportionate number of children under the special education regime (40,176) vis-à-vis the number of children under the inclusive education regime (23,161)** in the State party. The Committee regrets the lack of specific information on other measures seeking to guarantee the **rights of children with disabilities** in other spheres, such as the adoption of specific legislation prohibiting discrimination against **people with disabilities**.

44. The Committee recommends that the State party take all necessary measures to promote **inclusive education of children with all forms of disabilities** and invites the State party to adopt **a law which prohibits discrimination against persons with disabilities, in particular children, taking into consideration** the Committee's General Comment No. 9 (2006) on the rights of children with disabilities and the Convention on the Rights of Persons with Disabilities. The Committee further recommends the review of existing policies and practices in relation to **children with disabilities**, taking due regard of the Standard Rules on Equalization of Opportunities for Persons with Disabilities and of the Committee's recommendations adopted at its day of general discussion on **children with disabilities** and to provide detailed information on the measures taken in its next periodic report.