



# Convention on the Rights of the Child

Distr.: General  
27 January 2020  
English  
Original: Spanish  
English, French and Spanish only

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Committee on the Rights of the Child

## Combined third to sixth periodic reports submitted by Cuba under article 44 of the Convention, due in 2017\*

[Date received: 2 November 2018]

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\* The present document is being issued without formal editing.

GE.20-01149 (E) 010420 020420



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## Introduction

1. The present report was prepared in accordance with the general guidelines of the Committee on the Rights of the Child (CRC/C/58/Rev.3). It addresses the measures taken, the progress made and the challenges encountered by the country in ensuring the full exercise and enjoyment of the rights of children and adolescents, particularly in the period 2011–2017.
2. The report represents the outcome of an intensive consultation process involving government institutions, the National Assembly of People's Power, civil society organizations and other Cuban entities, which carried out a thorough and critical assessment of the country's compliance with the Convention and its protocols. Organizations made up of children and adolescents also participated in this undertaking.
3. The process showed that there is an increasing level of coordination, collaboration, agreement and consensus among the responsible government agencies and the civil society organizations working on matters related to the Convention.
4. The significant progress made by Cuba with regard to respect for and promotion of the rights of children and adolescents was recognized when it presented its previous reports, in 1997 and 2011.
5. In 2011, the Committee again noted the difficulties that the country faces in implementing the Convention as a result of the persistence of the economic, commercial and financial embargo that has been imposed on Cuba by the United States of America for more than 50 years and that remains in full force.
6. This hostile policy constitutes the main obstacle to the economic and social development of Cuba and has had very negative impacts on the availability of resources, food and goods needed to ensure better living conditions for our people. The embargo makes it difficult to provide health, education and social assistance services, particularly affecting children and adolescents. Nevertheless, the country is at the forefront among developing countries and shows levels comparable to those of developed countries in this area.
7. In Cuba, constitutional guarantees and policies and programmes for the protection of children and adolescents predate the Convention and sometimes go beyond its provisions. Therefore, a mere examination of the Cuban legal framework would not give an accurate picture of the country's commitment and efforts in this area.
8. As a sign of its cooperation with the United Nations human rights machinery and its firm commitment to the rights of all, Cuba has, since the submission of its second report, ratified various international treaties related to the protection and promotion of the rights of children and adolescents, including the following:
  - The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, ratified on 20 June 2013.
  - The International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182), ratified on 28 September 2015.<sup>1</sup>
  - The Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children; Cuba deposited its instrument of accession to the Convention on 20 February 2017, and the Convention is due to enter into force on 1 December 2017.
9. On 29 September 2015, Cuba presented its initial reports under the two Optional Protocols to the Convention. The multisectoral delegation was headed by the Minister of

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<sup>1</sup> With the ratification of ILO Convention No. 182, Cuba is now a party to all eight of the ILO fundamental conventions.

Justice, as a sign of the importance attached to care for children and adolescents in Cuba. That exercise resulted in a constructive and respectful dialogue, in which the Committee acknowledged the achievements made in that regard and the negative impact of the United States embargo on children's greater enjoyment of their rights. The Committee expressed its satisfaction with the dialogue and encouraged the country to maintain its commitment to the full realization of the rights of children and adolescents.

## Chapter I

### General measures of implementation

#### Specific reservations and declarations relating to the Convention and the Optional Protocols

10. The conditions that gave rise to the declarations entered by Cuba upon ratification of the Convention and the Optional Protocol on the involvement of children in armed conflict persist. Cuba therefore does not plan to withdraw them.

#### Measures taken to bring domestic legislation and practice into full conformity with the Convention

11. The country's legislation has been updated and its institutions strengthened as part of a process of socioeconomic and legal transformation launched in 2011 with a view to enhancing our socialist development model. Work has been done and progress has been made on the approval of 130 policies and the issuance of 344 new legal provisions of various types, the amendment of 55 and the repeal of 684.

12. This process has included an analysis of how to proceed in harmonizing domestic legislation and policies with the international instruments to which Cuba is a party, including the Convention.

13. The full enjoyment of all rights recognized in the Convention has continued to be promoted through legislative, administrative and judicial provisions; the establishment of a coordination and monitoring mechanism; the strengthening of data collection processes; and the development and dissemination of effective, comprehensive policies, services and programmes, among other measures. For example, the following laws have entered into force: Decree-Law No. 302 of 2013, amending Act No. 1312, the Migration Act; Act No. 116 of 2013, the Labour Code; and Decree-Law No. 339 of 2016, the Working Women's Maternity Act, all of which enhance the guarantees protecting children and adolescents.

#### National Plan of Action for Children, Adolescents and Their Families 2015–2020

14. As recommended by the Committee, the country adopted and has implemented the National Plan of Action for Children, Adolescents and Their Families for the period 2015–2020, with the collaboration of the United Nations Children's Fund (UNICEF) and in consultation and cooperation with various State bodies, agencies and institutions; local authorities; representatives of civil society; and organizations of children and adolescents.<sup>2</sup>

15. The Plan covers all areas covered by the Convention and its Protocols and is the main reference document for all sectoral plans and programmes implemented. The necessary human, technical and financial resources have been allocated for its implementation and monitoring, despite the persistent external constraints.

<sup>2</sup> The following were used as the basis for the preparation of the Plan of Action for 2015–2020: the results of the National Plan of Action for Children and Adolescents; the outcome document "A world fit for children"; the second periodic report of Cuba to the Committee (CRC/C/CUB/2) and the subsequent recommendations; the priority areas under the UNICEF country programme for Cuba; and the plans of central government bodies in the area of support for children, adolescents and their families.

16. The Plan is complemented by other sectoral policies and programmes under the country's overall development strategy, and the comprehensive evaluation of results and the planning of new actions, with the participation of civil society and organizations of children and adolescents, is ensured.

### **Coordination**

17. The country has put in place a comprehensive system that implements, from the highest levels of the Government down to the community level, cross-cutting, coordinated and multidisciplinary strategies and policies and carries out decisive actions for the broad protection of children and adolescents.

18. Following a recommendation by the Committee, in 2013 the Government appointed one of the vice-presidents of the Council of State as the national authority responsible for coordinating the protection and monitoring of children's rights, a position now held by the First Vice-President of the Council of State and the Council of Ministers.<sup>3</sup>

19. This position serves as a national mechanism, with full capacity, authority and human, technical and financial resources, to ensure coordination at all levels and in all sectors, as well as evaluation and monitoring of actions for the protection of children and adolescents in the country.

20. As part of this coordination, the National Assembly's Standing Committee on Children, Youth and Equal Rights for Women performs advisory, evaluation, research and monitoring functions in relation to prevention and to protection of the rights of children and adolescents. This Committee is entitled to put forward legislative initiatives, thus leading to the study and proposal of various legal norms.

### **National budget allocated for the implementation of the Convention and its Protocols**

21. State institutions allocate significant human, technical and financial resources for the comprehensive protection of children and the implementation of the Convention and its Protocols. This is evidenced by the resources allocated for this purpose by the Office of the Attorney General of the Republic, the Ministry of Education and the Ministry of Public Health, all of which are agencies that have considerable impact in terms of the protection of children and adolescents. For example:

- In the Office of the Attorney General, there are 889 prosecutors devoted to handling criminal proceedings and protecting citizens' rights, with emphasis on the rights of children and adolescents. A Family Protection Directorate has been created.
- There are 176 judges who have worked directly in the field of family law and received training on related issues.
- There are more than 300 civil registry units that ensure universal free birth registration services, even in the most remote communities in the country, as a demonstration of the efforts made by the Cuban State in this area.
- There are 252,509 teachers, professors and specialists in the educational system.
- The national health service network has 84 mental health services sections located in polyclinics, 15 psychiatric services in children's hospitals, two adolescent drug treatment centres, and 421 outpatient mental health facilities.
- There are 204 specialists in child psychiatry, which places the country among those with the highest level of specialized coverage in Latin America.
- The Young Communist League receives budget allocations to enable it to carry out processes and activities of the José Martí Pioneer Organization to meet the needs and serve the interests of children and adolescents.

<sup>3</sup> This position was approved in the period prior to the submission of the report of Cuba for the second cycle of the universal periodic review.

### **Independent national human rights institution**

22. The country has a broad and effective inter-institutional system that brings together all the agencies of the central government administration, State bodies, local organs of people's power, and political, grass-roots and community organizations to receive, process and respond to individual or group complaints or petitions related to the enjoyment of any human right. It has not been necessary to have a lead institution or independent body, based on the Paris Principles, to monitor the rights of children and adolescents.

23. Each State body or entity carries out its activities in accordance with article 63 of the Constitution, which establishes the right of complaint for all citizens. The Office of the Attorney General has a constitutional mandate to monitor compliance with the law, and one of its functions is to address citizens' complaints, for which purpose it has the Directorate of Citizen Services.

24. This system has demonstrated its effectiveness and capacity to respond to concerns, complaints and claims relating to alleged human rights violations, including those concerning children and adolescents.

25. Between 2010 and 2016, the Office assisted 674,440 people and handled 95,963 complaints or claims, 21.11 per cent of which were found to be valid, and action was taken accordingly.

26. To date, the Office has received 17 submissions from minors under 18, most of which have related to the rights and duties of parents or legal guardians. All cases have been accepted, processed and dealt with in strict compliance with the principle of the best interests of the child.

27. The structures and bodies of the Office of the Attorney General have the necessary human, financial and technical resources to ensure their effectiveness.

### **Training and dissemination relating to the principles and provisions of the Convention and its Protocols**

28. As recommended by the Committee, the UNICEF-Cuba cooperation project to raise awareness of the rights of children and adolescents ("Divulgación de los Derechos de la Niñez y la Adolescencia"), which has been in operation since 2000, is being effectively implemented, with the Ministry of Justice serving as the national coordinator. The provincial justice directorates play an important role at the local level.

29. This project has benefited from extensive community participation, and has made it possible to raise society's awareness of international instruments relating to the protection of children and adolescents; to increase promotion, dissemination and training regarding rights and values; to foster greater participatory spirit; and to make the work of the mass media more intentional.

30. The Centre for Youth Studies has carried out various activities in this domain including dissemination of information on the implementation of youth policies in relation to education, work, public health and social welfare; more than 50 workshops on best practices for the exchange of experiences on child rights advocacy and education; and the training of more than 70,000 teachers and professors.<sup>4</sup>

31. In order to continue to provide appropriate and systematic training to all groups of professionals, steps have been taken to strengthen the work of the 16 information centres on the rights of children and adolescents, which have been in operation since 2000 and are housed within the provincial justice directorates and staffed by jurists and other qualified specialists. This has expanded the dissemination of and training on the principles and provisions of the Convention, its Protocols and relevant national legislation and has made it

<sup>4</sup> Other activities carried out include impact studies on educational and labour modifications, family activity and use of free time and recreation, comprehensive studies on adolescence, the implementation and evaluation of national youth surveys and congresses of researchers conducting research on youth.

possible to better meet demands for information and provide advice both to children and adolescents and to the professionals responsible for ensuring their care.

32. The main areas of concern identified in this work include issues related to intrafamily communication, communication arrangements for children when their parents divorce and maintenance payments.

33. National television and radio play a key role in disseminating information on the Convention and its Protocols through programming with educational, entertainment and guidance components. The José Martí Pioneer Organization, the Federation of Secondary School Students, cultural institutions, schools and various government bodies are involved in these efforts.

34. The First International Conference on Child Protection was held in 2008, and subsequent conferences were held in 2014 and 2017. These gatherings, all sponsored by UNICEF, enabled delegates from countries in different regions to exchange experiences in the quest for solutions to problems affecting children and adolescents.

### **Cooperation with civil society, including children and youth**

35. Because of their broad membership, representativeness and mobilizing capacity, civil society groups are guaranteed a wide range of powers, functions and opportunities to engage in proactive actions and advocacy at the government level (in the legislative sphere) and, through other public instruments within the framework of society as a whole, in the formulation of sectoral policies at all levels that strengthen the comprehensive protection of children, with strict respect for their independence.

36. Representatives of Cuban civil society, within their own spheres, are actively involved in the joint effort to implement the Convention and its Protocols, particularly organizations that include children and adolescents. These efforts include activities for promotion, communication, dissemination and awareness-raising about their rights. Education, training and awareness-raising activities are carried out in coordination with various national actors and with the support of UNICEF and other agencies of the United Nations system accredited in Cuba. This has made it possible to reach a considerable number of children, teachers, parents and school officials, among others, in both urban and rural areas, where workshops to raise awareness on the articles of the Convention have been conducted in conjunction with the network of schools associated with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other Cuban organizations.

37. The United Nations Association of Cuba brings together 105 Cuban civil society organizations, including youth, cultural, ecumenically inspired and scientific organizations, devoted to the study of sexuality, paediatrics and the family, among other cross-cutting children's issues. The Association coordinated, in conjunction with government entities, the consultation process for the preparation and submission of the present report and the initial reports of Cuba on the two Optional Protocols to the Convention, acting on behalf of civil society and from a community, academic and/or social standpoint, and its views and contributions were taken into account.

38. In September 2015, when the reports of Cuba on the Protocols were presented to the Committee, Cuban civil society organized a special parallel event in a panel format on children in Cuba. The event was held at the United Nations Office at Geneva and was attended by numerous non-governmental organizations. The panel presented the main positions of Cuban civil society on the subject, while at the same time recognizing the role of the State in the promotion, protection and enjoyment of all human rights of children.

39. Several organizations submitted contributions to the Committee on the two Protocols to the Convention. They identified challenges such as the need to update Cuban national legislation to bring it into line with international instruments to which Cuba is a party and the need to participate actively in the development of policies and programmes in dialogue with institutional and government actors. They also highlighted their work in prevention and in dissemination of rights in this area and recognized the Government's willingness to fulfil its obligations.

### **Cooperation with the agencies of the United Nations system in the country**

40. This cooperation has been strengthened on the basis of established principles of international collaboration. The agencies themselves have recognized that the protection of children and youth is a high priority for the Cuban Government.

41. The UNICEF office in Cuba has highlighted the country's results in the care of children, particularly in terms of full access to culture, education and health, and the capacity of the regular education system to include children with disabilities. The UNICEF programme of cooperation in Cuba for 2014–2018 includes activities aimed at promoting a culture of rights, protection and participation, and involves various institutions in the country.

42. The United Nations Development Assistance Framework in Cuba for 2014–2018 and the country programmes of the various agencies (UNICEF, the United Nations Population Fund (UNFPA), UNESCO, the World Food Programme (WFP) and the United Nations Development Programme (UNDP)) are being implemented.

### **Data collection**

43. Decree-Law No. 281, the Government Information System Act, which entered into force in 2011, is aimed at improving the collection, analysis and dissemination of data. This system encompasses all the government bodies and agencies, local people's power administrations and the rest of the entities in the country. It also draws on information provided by households and individuals.

44. Government Information System technical committees were created as technical advisory bodies. Their functions are to evaluate and propose information that is considered relevant, specifying those responsible for producing each type of data and information and its level of disaggregation and periodicity, and to propose indicators and methodologies for monitoring activities, taking into account international good practices and standards.

45. In accordance with the Committee's recommendation in 2011, efforts are being intensified, within available resources, to improve the national statistical system under the coordination of the National Statistics and Information Office.

## **Chapter II**

### **Definition of the child (art. 1)**

46. Article 29.1 of Act No. 59 of 1987, the Civil Code, establishes that the age of majority in Cuba is 18 years, the age at which persons enjoy full civil capacity to exercise rights and perform legal acts.

47. According to Act No. 116 of 2013, the Labour Code, the ability to enter into an employment contract is acquired at the age of 17. Only in very exceptional cases are young people aged 15 or 16 allowed to work, with the consent of their legal guardians and under extremely strict special protection rules.

48. Article 3 of the Family Code provides that the formalization of marriage is authorized from the age of 18. Exceptionally, and for justified reasons, consent may be granted to persons under the age of 18, in accordance with restrictions established by law.

49. Although Act No. 62 of 1987, the Criminal Code, stipulates that persons may be held criminally responsible from the age of 16, article 17.1 of the Act establishes a special regime for handling cases involving persons between the ages of 16 and 18.

50. Act No. 72 of 1992, the Electoral Act, provides that all Cuban citizens who have reached the age of 16 have the right to participate as voters in periodic elections and referendums held in the country.

## Chapter III

### General principles (arts. 2, 3, 6 and 12)

#### A. Non-discrimination

51. The rights set forth in the Convention are guaranteed to every child and adolescent without distinction of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability or other status.

52. The Constitution enshrines the principle of non-discrimination, which applies to children and their families. Articles 37, 42 and 44 establish equal rights for all children born in or out of wedlock, outlaw any discrimination harmful to human dignity and provide for full equality of rights between men and women.

53. Domestic legislation recognizes and protects human rights and access to their associated safeguards, without discrimination, including the right to life; reproductive and sexual rights and family planning; free, high-quality health care and education; social security and assistance; and housing and employment.

54. As a guarantee of this protection, article 295 of the Criminal Code provides that violation of the right to equality is an offence and establishes penalties for anyone who discriminates or who encourages or incites another person to discriminate, or who obstructs or prevents the exercise of the right to equality. The dissemination of ideas based on racial superiority or hatred is also outlawed and punished, as are acts of violence against any race or group of persons of another colour or ethnic origin.

#### B. Best interests of the child

55. The principle of the best interests of the child is duly integrated into national legislation. It was incorporated into our laws even before the Convention existed. It constitutes a watchword in the administrative, educational, family, legal and judicial spheres. The principle was introduced in Cuba in 1975, along with the concept of judicial discretion "to benefit the interests of minors".

56. The judicial and administrative resolutions, instructions and decisions of various State bodies and agencies have increasingly, and with greater emphasis, considered the principle of the best interests of the child in all situations.

57. Instruction No. 216/2012 of the Governing Council of the People's Supreme Court<sup>5</sup> provides for special handling of family cases, hearing procedures and strict observance of the principle of the best interests of the child.

58. Instruction No. 173/2003 of the Governing Council of the People's Supreme Court establishes the procedure for avoiding the need for children and adolescents to appear in trials, seeking to ensure that their interests prevail. In cases where their testimony is essential, the women's and family counselling centres of the Federation of Cuban Women provide a conducive environment, with absolute privacy, for the handling of such cases. The most frequent proceedings relate to disputes over custody, care and communication arrangements.

59. Circular No. 6/2012 and Instruction No. 1/2013 of the Attorney General set out the methodological guidelines for action by prosecutors in family and criminal matters, where

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<sup>5</sup> The Governing Council of the People's Supreme Court exercises legislative initiative in matters relating to the administration of justice and regulatory powers; makes decisions and issues general rules that are binding on all courts; and, on the basis of the courts' experience, issues instructions of a binding nature to establish uniform judicial practice in the interpretation and application of the law.

the guiding principle is protection of the best interests of the child. Circular No. 6/2012, in particular, protects minors.

60. In their judicial decisions, courts have increasingly invoked the provisions of the Convention. Examples of this are the rulings of the People's Supreme Court set out in cases Nos. 462/13 and 269/15 (on custody and care and arrangements for communication with two grandchildren and on the suspension of parental authority).<sup>6</sup> Another relevant ruling was Judgment No. 751 of 30 September 2016, issued by the Civil and Administrative Chamber of the People's Supreme Court in case No. 573/2016, on custody and care and communication arrangements.

61. There are child and adolescent protection centres, run by the Ministry of the Interior, whose mission is to prevent secondary victimization through the use of investigative techniques that are protective of children's privacy, such as taped documentary evidence. The objective is to avoid having children and adolescents present during trials and to ensure their privacy, taking into account that criminal procedure legislation recognizes this protection mechanism.

62. There are three centres, located in Havana, Santiago de Cuba and Villa Clara and staffed by qualified multidisciplinary teams, that have technologies for audio and video recording of inquiries. In the rest of the provinces, alternative measures are also applied to ensure special treatment, in accordance with internationally established practices and methodologies.

63. The State remains steadfastly committed to continuing to develop and enhance respect for this principle and to ensuring that it prevails in legislation and in practice.

### **C. Right to life, survival and development**

64. The Constitution safeguards the right to life, to survival and to development from before birth by protecting the family, motherhood and marriage.

65. The State's social policy has been aimed at ensuring the rights to health, education, social security and assistance, employment, food and adequate housing, which are indispensable for life, survival and development.

66. Child health outcomes are an expression of the universal access to health care and the inclusive and humane social development achieved by Cuba. The regional strategy and plan of action for neonatal health were implemented and the target for reduction of under-5 child mortality to achieve the Millennium Development Goals was met. Progress has been made in implementing the 2030 Agenda, and appropriate policies have been adopted to ensure its fulfilment.

67. Cuba is among the first 20 nations in the world, and the first in Latin America and the Caribbean, with the lowest infant mortality rate. In 2016, the infant mortality rate was 4.3 per 1,000 live births. Under-5 child mortality, the main indicator of progress with regard to child welfare, is 5.5 per 1,000 live births – under 6 for the fifth consecutive year.

### **D. Respect for the views of the child**

68. In line with the Committee's recommendation, steps have been taken to further strengthen the conditions and guarantees necessary for children and adolescents to form their own views and express them freely in matters affecting them and to have their views given due weight in accordance with their age and maturity.

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<sup>6</sup> These cases related to custody and care and arrangements for communication by two grandparents with their grandchildren and to the suspension of parental authority. The latter is related to a ruling handed down by the highest court of justice in a dispute concerning the determination of custody and care and communication arrangements, wherein a grandmother sued to be allowed to communicate with her granddaughter, which the child's father was preventing her from doing.

69. Children and adolescents are heard in all judicial and administrative proceedings, either directly or through the mechanisms created for this purpose. In judicial proceedings that have an impact on a child's life, his or her opinion is taken into account, in accordance with the Criminal Procedure Act and the instructions of the Supreme Court and other provisions, always with strict respect for the child's privacy.

70. Article 107 of the Family Code provides that the court may consider the wishes of minors aged 7 or older in adoption cases involving them.

71. Instruction No. 173/2003 of the Governing Council of the People's Supreme Court provides for special procedures for the hearing of minors who have been victims of crimes, without the need for their presence in the courtroom. The Council's Instruction No. 216/2012 provides that, where necessary, the court shall hear from a child who is capable of forming his or her own opinions and shall take into account the child's views in accordance with his or her developmental capacity. The Instruction also establishes rules for such proceedings. In 2016, the courts heard from 101 children or adolescents in family matters.

72. Children and adolescents are heard from in schools, social institutions and care centres, and in all environments in which they are involved. In schools, there are forums for ongoing debate, and the opinions expressed are considered by the school administrative board, on which students are represented.

73. The José Martí Pioneer Organization, which includes children from early childhood to 14 years of age, organizes processes and activities each year to meet the needs of children and adolescents and every five years conducts a special assembly process to analyse the concerns of its pioneer members at the national level, promoting exchanges of views with representatives of the State and government at all levels. Among the most frequently discussed topics are school life, recreational and cultural activities, the teaching-learning process, the work of the organizations to which young people belong and, depending on their level of maturity, issues related to national and international current affairs in the political, economic and social spheres.

74. Studies on adolescents and young people in family and couple settings and on "the current Cuban adolescent", conducted in 2015 by the Centre for Youth Studies, showed that the family is the main forum for discussion. The most discussed topics were school, professional future, human values and behavioural norms, and friendships.<sup>7</sup>

75. The opinions expressed by children and adolescents in the country's various processes provide their own perspective and influence decision-making, policy formulation and the evaluation and monitoring of results. Mechanisms for youth participation will continue to be further refined.

## Chapter IV

### Civil rights and freedoms

#### A. Birth registration, name and nationality

76. In Cuba, the provisions relating to the civil status of children and adolescents and the guarantees relating to their right to legal personality and to a name and nationality are set out in the Constitution, the Family Code, the Civil Code and Act No. 51 of 1985, the Civil Registry Act. There are also procedures for parents to claim parentage of their children in the competent court, where necessary.

77. It is a legal obligation to register all births in the country. The Ministry of Justice, which is responsible for birth registration, in coordination with the Ministry of Public

<sup>7</sup> Topics relating to school were raised by 79.5 per cent of girls and 68.2 per cent of boys; topics relating to professional future by 59 per cent of girls and 53.4 per cent of boys; topics relating to human values and behaviours by 52 per cent of girls and 41.2 per cent of boys; and topics relating to friendships by 60.5 per cent of girls and 48.4 per cent of boys.

Health, has created the necessary conditions for registration procedures to be carried out at health centres, where 99.9 per cent of births occur.

78. If the birth does not take place in a facility of the National Health System, the legal representatives are obliged to report the birth to the civil registry within 30 days after its occurrence.

79. Articles 28 and 32 of the Constitution establish that Cuban citizenship is acquired by birth or naturalization and that Cubans may not be deprived of their citizenship, except as provided by law, nor may they be deprived of the right to change their nationality.

## **B. Preservation of identity**

80. Article 41 of the Civil Registry Act recognizes that the elements of a child's identity are: name and surname, sex, citizenship, parents' domicile, date of birth (day, month and year) and place of birth, among others.

81. Article 43 of the same Act guarantees the preservation of identity by establishing that the name acquired is inalienable, cannot be the subject of a legal transaction and constitutes the fundamental element for establishing the individual identity of the person.

## **C. Freedom of expression and the right to seek, receive and impart information**

82. The right of children and adolescents to freedom of expression, like all the freedoms recognized in the Universal Declaration of Human Rights, is protected and guaranteed by the Constitution.

83. Article 53 of the Constitution guarantees and protects freedom of speech and of the press. Article 291 of the Criminal Code provides that violation of the right to free expression of thought is an offence and establishes penalties for anyone who prevents another from exercising his or her right to freedom of speech or of the press as guaranteed by the Constitution and the law.

84. The legislation in force is fully in line with the Convention, whose article 13 (2) recognizes that the exercise of the right to freedom of expression may be subject to certain restrictions, but only those that are provided by law and are necessary, including for respect of the rights or reputations of others and for the protection of national security, public order or public health or morals.

85. Articles 53 and 62 of the Constitution recognize that freedom of speech and of the press are to the benefit of working people and the interests of society, and provide that none of these freedoms may be exercised in a manner that is against the express will and self-determination of the Cuban people or the defence of national independence or sovereignty. These provisions are also consistent with international human rights instruments such as the International Covenant on Civil and Political Rights.

## **D. Freedom of thought, conscience and religion**

86. As mandated under articles 8 and 55 of the Constitution, religious freedom is recognized, respected and guaranteed in Cuba, with equal consideration given to different creeds. Cubans are free to change their religious beliefs or to have none at all, and to profess, with respect for the law, the faith of their preference. Article 294 of the Criminal Code establishes that violation of the right to freedom of religion is an offence.

87. In accordance with the Convention, parents have the right and the duty to guide their children in the exercise of freedom of thought, conscience and religion, in accordance with the evolving capacities of the child. This is done through religious teaching within the family or the theological seminaries of the churches.

88. The State's relationship with the various religious institutions continues to be strengthened, and steps are being taken to facilitate their daily work, within the established legal framework.

89. In 2015, the year of the 80th anniversary of uninterrupted bilateral relations with the Vatican, Cuba received the third visit of a Pope in 17 years. Religious activities were held freely and were broadcast live on radio and television stations, with people participating in the country's main public squares.

90. On 12 February 2016, the first meeting between the primates of the Catholic and Russian Orthodox Churches took place in Havana, marking an important milestone in relations between the two churches.

91. Other important religions in the country, besides Catholicism and the various Protestant and evangelical denominations, are those of African origin, Spiritualism, Judaism and the religious organization Jehovah's Witnesses.

## **E. Freedom of association and of peaceful assembly**

92. Articles 7 and 54 of the Constitution recognize the rights of assembly, demonstration and association, and the necessary means are available for these purposes.

93. Act No. 54 of 1985, the Associations Act, establishes the legal and regulatory framework and regulates the exercise of the right to association. These rights are also protected by article 292 of the Criminal Code, which punishes offences against the rights of assembly, demonstration, association, complaint and petition, with aggravated responsibility when the offence is committed by a public official.

94. The majority of children and adolescents come together in the José Martí Pioneer Organization and the Federation of Secondary School Students. The State supports the holding of the congresses of these organizations<sup>8</sup> as an opportunity for young people to raise their concerns and voice their ideas and suggestions, which are presented to the highest-level bodies of the State and the Government.

## **F. Protection of privacy and image**

95. The State protects children and adolescents and their families against arbitrary and illegal interference in their private lives through constitutional provisions regulating the inviolability of the home and correspondence.

96. Chapters II and III of the Criminal Code define the offences of illegal entry into a dwelling, illegal recording and confidentiality of correspondence, among others.

97. Criminal legislation guarantees the privacy of victims and the confidentiality of legal proceedings. Trials are held behind closed doors when warranted for reasons of morality, public order or due respect for the person harmed by the crime or their relatives. Circular Agreement No. 318/2013 of the Governing Council of the People's Supreme Court regulates the privacy of judicial proceedings.

98. In proceedings involving children and adolescents, strict care is taken to ensure the confidentiality of information, and statistical data, records and other documents emerging from such proceedings are safeguarded with equal rigour.

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<sup>8</sup> The Fifth Congress of the José Martí Pioneer Organization was held on 4 April 2011 and was attended by 300 delegates from all over the country. The Organization's National Pioneer Assembly took place on 16 and 17 July 2016, with 270 delegates in attendance, including guides and pioneers representing the entire country.

## **G. Access to information from a diversity of sources and protection from material harmful to a child's well-being**

99. The Cuban State has adopted appropriate measures to ensure that children and adolescents have access to information and materials from all available national and international sources, especially those aimed at promoting social, spiritual and moral well-being and physical and mental health, in accordance with articles 13 and 17 of the Convention.

100. Books and publications are sold at reasonable prices in the country's network of bookstores, which ensures access to national and foreign works and sources of information. There are 6,876 libraries in operation. Every educational facility has a library.

101. The International Book Fair of Havana is held each year in February. More than four million copies were featured at the twenty-seventh Fair, held in 2017, with 746 new publications and the presence of representatives of 46 countries on every continent.

102. Depending on resource availability, efforts are made to promote the use of information and communications technologies (ICT) and to offer Internet service to as many people as possible.

103. To that end, work is under way to expand Internet access in browsing rooms, open new public Wi-Fi sites, expand connectivity in national entities and access to the Internet in homes and through cell phones, and outsource the marketing, operation, maintenance and execution of projects associated with telecommunications services.

104. Wi-Fi hotspots offer daily connectivity services to around 200,000 users, with 600 megabytes of bandwidth. More than 1,200 Internet browsing areas distributed throughout the country offer network access, and there are 630 public Wi-Fi hotspots across Cuba. There are also 202 Internet browsing rooms at the Cuba Telecommunications Company and another 434 browsing rooms located at hotels, airports, the Youth Computer Club, the Ministry of Public Health and post offices, among other places.

105. The use of the Internet and ICTs poses challenges for child protection, and action has been taken against websites that encourage or promote behaviours that are harmful to the normal development of children and adolescents. Measures to that end include the adoption of Resolution No. 179/2008, on the protection of children online; Regulations No. 127/07, on information technology security (which establish that no person is authorized to introduce, use, distribute or keep information that is contrary to social interests and public morality); and Resolution No. 320/2015, which regulates service operator contracts and the obligations of users, one of which is not to publish obscene content.

## **Chapter V**

### **Violence against children**

#### **A. Abuse and neglect**

106. Abuse or neglect of children or adolescents by parents or legal guardians is not a frequent occurrence in the country. This is because there is a social understanding that nothing is more important than a child and there are legislative, administrative, social and educational measures that protect children from all forms of abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

107. The Criminal Code directly protects children from all types of abuse, ill-treatment, discrimination and acts that are harmful to the normal development of children and youth and of sexuality. It also establishes the offence of child abandonment.

108. The family environment is the main setting in which abuse of this nature occurs worldwide. In the Constitution and other legal provisions, strengthening of the family and

the bonds of affection, help and mutual respect are therefore considered fundamental objectives.

109. The treatment of domestic violence has become one of the central elements of public policy intervention, with a particular focus on prevention. This has led to interactions with families to provide up-to-date information on the benefits of the social care system and the services offered in such situations.

110. The women's and family counselling centres of the Federation of Cuban Women offer programmes for the implementation of family mediation as an alternative means of conflict resolution, with significant participation by multidisciplinary family procedure teams.

111. The Attorney General's Office keeps records cases of violence against children and adolescents. Instruction No. 1/2013 of the Attorney General specified the actions to be taken by prosecutors in criminal proceedings for offences harmful to the normal development of sexuality and offences against the family, children and youth and other offences. The application of the Instruction has enabled better control of proceedings and greater effectiveness in the criminal justice response.

112. All cases brought to the attention of the Attorney General's Office are followed through to the conclusion of the criminal proceedings, and a prosecutor ensures that the victim receives any social and specialized assistance that he or she requires.

113. Between 2011 and 2017, the Ministry of the Interior provided legal and educational advice, training and guidance to parents and other family members through family counselling, conflict mediation and referral to health-care systems and other services of a judicial nature.

114. In the educational sphere, this phenomenon does not represent a problem. In the 2014/15 school year, there were only 42 cases, equivalent to 0.0022 per cent of the enrolment for the period. Of these, 33 were cases of abuse and 9 were cases of harassment. In all cases, action was taken in accordance with the rules of the education sector and the legislation in force.

115. Despite what has been achieved, the country still faces some challenges, such as enhancing family and criminal legislation, measuring the effectiveness of current legislation in this area and training professionals, among others.

## **B. Child, early and forced marriage**

116. Marriage is formalized with the free and full consent of the contracting parties from the age of 18. The law recognizes justified exceptions and reasons and persons or authorities empowered to authorize minors under the age of 18 to enter into marriage.

117. The current regulatory framework provides the safeguards to prevent child, early and forced marriage. For example, as a guarantee of the veracity of consent, the marriage contract is must be signed before a notary public, as provided for in Act No. 50 of 1985, on State notaries. In addition, the marriage is performed before a registrar of the civil registry, in accordance with article 61 of the Civil Registry Act.

## **C. The right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment**

118. All acts of torture are prohibited and punished under Cuban legislation, as they are considered incompatible with the principles underpinning the current legal framework.

119. Articles 58 and 59 of the Constitution establish the freedom and inviolability of the person and the integrity of the person of detainees and prisoners, and also establish that no violence or coercion of any kind may be used to compel people to testify. Any statement obtained in violation of this provision is null and void.

## **D. Corporal punishment**

120. Corporal punishment is not permitted by law or by any lower-level legal provisions, whether in the family or in a school setting, and such punishment is not tolerated socially. There are severe criminal penalties to protect children and adolescents against any act that might jeopardize their normal development and well-being.

121. It is an obligation for citizens to report any crime of which they become aware, including those involving children as victims. When the National Revolutionary Police or the Attorney General's Office receives a complaint of this kind, a multidisciplinary team intervenes to investigate and deal with the case until it is resolved. Two cases that were resolved judicially were detected among the complaints submitted to the Attorney General's Office, in which two mothers mistreated and beat their respective daughters and were punished with deprivation of liberty and deprivation of parental rights. Their daughters now live with close relatives.

122. The Ministry of Public Health plays a key role in identifying child victims of abuse. Health professionals have an obligation to report suspected child abuse to the competent authorities. The National Revolutionary Police have officers assigned to the emergency services of hospitals, including children's hospitals, to deal with and provide a first response to cases in which there are signs of an offence having been committed, including against children or adolescents.

123. Since 1997, the Federation of Cuban Women has had a plan of action to prevent and address manifestations of gender and domestic violence, including against children. In communities, the Federation carries out important preventive work and is involved in detecting and dealing with cases, particularly through volunteer social workers.

124. In order to provide a direct link to care for families and communities, the Ministry of Labour and Social Security has one social worker for every 600 nuclear families.

125. Corporal punishment is prohibited at the various levels of the education system and constitutes a serious offence warranting the perpetrator's definitive removal from the education sector and the imposition of the applicable criminal penalty.

126. Children and adolescents in the education system undergo a psychological and pedagogical assessment and characterization, which is updated at the beginning of each school year at all levels of the system. Potential concerns and needs of students, educational institutions, families and communities are identified, which makes it possible to monitor risk indicators such as attendance, retention and students' behaviour and social situation, among others.

127. In line with the Committee's recommendation, work has been done in recent years to raise society's awareness of this issue, including research, measures and projects to improve and enhance the effectiveness of prevention and awareness of the matter. Training activities have also been carried out with teachers, parents and children and with the general public through educational campaigns in the mass media. The Federation of Cuban Women has representatives on all the country's school councils, who do important work aimed at strengthening the relationship between the school, the family and the community.

## **E. Helplines for children**

128. Resolution No. 69 of 2014 of the Attorney General provided for the activation of a single telephone line to receive and handle all types of complaints, including those having to do with children and adolescents. This helpline, which operates 24 hours a day, is staffed by properly trained professionals and has proved to be very useful and well received. The Attorney General's Office also has a website to receive and respond to submissions from the public.

129. From November 2014 to 2016, more than 42,290 people used this helpline to make complaints of various kinds and to seek guidance on legal matters.

130. The National Revolutionary Police has a toll-free number that also operates 24 hours a day, through which it provides assistance and response to emergency calls from the public, including in relation to incidents in which children and adolescents may be involved. Another telephone number, with the same features, was set up to inform the public about issues relating to services provided by the various bodies and units of the Ministry of the Interior.

131. A confidential anti-drug line, in operation since 2008, continues to be strengthened as a free and anonymous 24-hour service available throughout the country to provide guidance, information, training and psychological support in relation to drugs.

132. This counselling line is a communication and support tool par excellence that aims to involve the individual based on his or her own needs and emotions. Counsellors encourage users to learn to make responsible decisions about their own behaviour.

## **Chapter VI**

### **Family environment and alternative care**

#### **A. Parental guidance and parents' common responsibilities, assistance and provision of childcare services**

133. Cuban legislation includes provisions on parent-child relations. These include article 26 of the Family Code, which establishes the obligation of mothers and fathers to care for the family they have created and to cooperate with each other in the upbringing, education and guidance of the children under their responsibility. Article 85 of the Code regulates the rights and duties of both parents with respect to their minor children.

134. In Cuba, shared responsibility is a principle of parent-child relations, which is reflected in the possibility for the father to receive social benefits after the end of the postnatal leave period granted to the mother. This period is counted as service time for social security purposes, and it is therefore included in the record of service time and earned wages.

135. Decree-Law No. 339, the Working Women's Maternity Act, and Decree-Law No. 340, modifying special social security schemes for the protection of motherhood, were promulgated on 8 December 2016.

136. Decree-Law No. 339 expands and establishes new rights for mothers and fathers, for the family in general and for the protection of motherhood and the care of minor children; promotes greater involvement of the family in the care of children; and encourages women to remain in the workforce and to return to work. Decree-Law No. 340 establishes, for women workers who are on maternity leave, sick or injured, the contribution period required in order to obtain the right to financial benefits and exempts such women from the obligation to contribute to social security.<sup>9</sup>

137. The legislation in force provides that, in the event of the death of the mother while she is on postnatal leave, the father of the child, if he is a worker, is entitled to paid leave of a duration equivalent to the time remaining before the expiry of the mother's period of leave, if he meets the applicable requirements. He is also entitled to the social benefit and additional leave to which the mother would have been entitled.

138. There is a network of educational institutions that support families in participating fully in the workforce, as discussed in detail in chapter VII, under the heading of education.

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<sup>9</sup> It also benefits those who have been sentenced to deprivation of liberty or alternative penalties and those subject to security measures who are working and who have received financial compensation within the time period established for calculating the benefit.

## **B. Separation from parents**

139. Children must maintain relationships with both parents. Separation of children from their parents is an exceptional measure, and the court is the only authority competent to order, in accordance with the law, any measure involving the separation of a child from one of his or her parents.

140. Under the Family Code, separation may occur through suspension or deprivation of parental rights. However, in no case is the obligation to provide maintenance for the children removed, and the court must always rule on the legal representation of minors, their custody and care, maintenance, and communication arrangements.

141. If the mother or father is deprived of parental authority, and no family member is able to take charge of the child, the child is placed in a home for children without family protection, where he or she receives all the care and attention necessary for normal development.

142. In cases of parental separation or divorce, the court decides on the most suitable arrangement for the child's custody and care and for the maintenance of appropriate oral and written communication by the parents with the child. The agreement of the two parents is respected as far as possible, and consideration is always given to what is most beneficial for the children.

## **C. Family reunification**

143. Any departure of a minor from the country must be authorized by both parents or legal representatives by means of a notarial document submitted to the immigration authorities. As such activity is strictly controlled, there are no known cases of minors leaving the country without the consent of their parents or legal representatives, which would constitute an unlawful act.

## **D. Recovery of maintenance for the child or adolescent**

144. The Family Code establishes parents' obligation to pay maintenance for their minor children. Should they fail to do so, there are procedures for recovering maintenance and for compelling payment by seizure, if necessary. Those who fail to comply with this obligation may be criminally penalized for the offence of "other acts contrary to the normal development of the child", as provided for in article 315 of the Criminal Code.

145. The Federation of Cuban Women carries out systematic monitoring and follow-up of cases of failure by parents to meet their responsibilities to their children. Its actions include guidance and advice on legal procedures for such cases, visits to parents' workplaces, inclusion of the subject in the training programmes for voluntary social workers, individual and group counselling at women's and family counselling centres, discussions on the rights of children and adolescents and on parent-child obligations, and coverage of the issue in the various media.

146. In keeping with the principle of the best interests of a child, any children or adolescents who, for the reasons outlined above and in accordance with the law, need to be removed from their family environment receive assistance, care and protection from the State and from society.

## **E. Alternative care**

147. Cuba has an effective policy for alternative care, in particular the system of homes for children without family protection, created pursuant to Decree-Law No. 76 of 1984.

148. These homes take in children who are abandoned or have no relatives and also temporarily house children of parents who are financially insolvent or mentally incapacitated and of parents who are incarcerated as a result of criminal sanctions. In such

cases, unless it is contrary to the best interests of the child, communication with the parents is facilitated.

149. The State ensures proper functioning and living conditions in these institutions, which are administered by the Ministry of Education. All human, material and financial resources essential to children's comprehensive development, health care, education, feeding and recreation are guaranteed. Education and health specialists, social workers, prosecutors and others are routinely involved in the work of these centres.

150. The number of children in such institutions who have been abandoned or orphaned, or whose parents have been deprived of their parental rights, is small. Most of these children are not considered eligible for adoption, as the primary aim is to re-establish family ties. In cases where an adoption does take place, the required legal procedures are followed.

151. There are 47 homes for children without family protection and mixed residential-day-care centres in the country. The enrolment is 447 children and adolescents, of whom 107 are aged 0–6 and 340 are aged 7–18. The ratio of children to caregivers is 2.1 in facilities for children aged 0–6 and 1.3 in facilities for those aged 7–18.

152. Of the children and adolescents who enter these facilities, 49 per cent are subsequently reunited with their families of origin. About 16 per cent are children of parents with mental problems. Although they remain in the centres, they do not lose contact with their families, even though the families are not able to take care of them.

153. As part of the Government's efforts to ensure a full life for the children in such institutions, Ministry of Education Resolution No. 363/15 increased the stipend payable to these children and adolescents to cover personal, recreational, cultural or other expenses.

## **F. National and intercountry adoption**

154. Adoption in Cuba can only take place if authorized by a court. In addition to the courts, the Attorney General's Office, the Ministry of Education and other necessary agencies are involved in adoption processes, depending on the case in question.

155. As a safeguard, the public prosecutor must issue an opinion certifying the legitimacy of the documents provided by the interested parties and must confirm that there are no ulterior motives for the adoption or motives that might be detrimental to the best interests of the child. In the case of a child over 7 years of age, the court takes into consideration the child's wishes.

156. The ties between adopter and adoptee have the same effect as those recognized between blood parents and their children. Failure to fulfil the obligations incumbent on those who exercise parental authority or the commission of an offence affecting the interests of adopted minor children constitute grounds for annulment of the adoption.

157. There are not many adoptions in Cuba owing to the importance attached to child protection, the rigour of adoption procedures, the high levels of social security achieved and the fact that adoption is not considered the only way to solve the problems of children and their families. In 2016, Cuban courts ruled on 54 domestic adoption proceedings, of which 51 were rejected and 3 were approved.

158. The Ministry of Justice<sup>10</sup> coordinates procedures relating to intercountry adoption, with support from other State bodies and institutions. As in national adoption cases, before issuing an opinion on the case, the Attorney General's Office investigates the adoption application to ensure that there is no subterfuge or ulterior motive for the adoption or any motive that may be detrimental to the interests of the child.

<sup>10</sup> The Ministry of Justice is the central authority designated by the State to deal with intercountry adoptions in accordance with the Hague Convention No. 33 on Protection of Children and Cooperation in respect of Intercountry Adoption, to which Cuba has been a party since 2007.

159. In exceptional cases, a favourable opinion is issued, provided this alternative is in the best interests of the child. There are no street children available for adoption, and since there are pending applications from Cuban couples, adoption by nationals is preferred.

160. The adoption process is subject to the general requirements established by Cuban law, irrespective of the legal requirements of the country of origin/destination, in accordance with the Convention, the Hague Convention on intercountry adoption and the Cuban Family Code.

161. The number of intercountry adoptions is very low. Since 2007, nine applications have been processed, with Cuba as the receiving State in all cases. Three resulted in adoption, and the children now reside in Cuba.<sup>11</sup> The remaining six applications are in the process of being analysed with the State of origin.

## **G. Protection of children with incarcerated parents and children living in prison with their mothers**

162. The “Tarea Victoria” (Victory Task) initiative, coordinated by the Ministry of the Interior and the Ministry of Labour and Social Security, with support from other State institutions and social and student organizations, ensures the comprehensive protection of children and adolescents whose parents are in prison. Between 2013 and 2016, educational activities were carried out with a view to guiding, advising and protecting such children through home visits, alerts, family counselling, group discussions and attention to material needs, among other measures.

163. The Ministry of Labour and Social Security, the Ministry of Public Health and the Ministry of Education allocated 27,588 benefits to the children and adolescents assisted, prioritizing the most complex cases. Noteworthy activities included the delivery of clothing and personal care products; specialized medical care, particularly by psychologists and psychiatrists; and the allocation of places in children’s centres and homes for children without family protection.

## **Chapter VII**

### **Disability, basic health and welfare**

#### **A. Children and adolescents with disabilities**

164. As acknowledged by the Committee in 2011, Cuba has made extensive efforts to uphold the rights of children and adolescents with disabilities. It complies strictly with article 23 of the Convention, which recognizes the right of the child to receive, free of charge and in an effective manner, special care appropriate to his or her condition. Cuba also complies with all its obligations under the Convention on the Rights of Persons with Disabilities, to which it is a party.

165. Although there is no specific law for persons with disabilities, to date three national action plans for such persons have been implemented (since 1995), which have included specific actions aimed at children and adolescents with disabilities.

166. Children and adolescents with disabilities are protected under the same conditions as the rest of the child and adolescent population, and specific complementary actions are arranged in accordance with their particular needs. There are specialized programmes and centres that prepare families to provide the best care for children with disabilities and foster the children’s independence, in accordance with their capabilities. For example, in 2015 alone, 3,931 mothers of children with severe disabilities received social security benefits.

<sup>11</sup> Two boys, aged 2 and 3, from Nicaragua and one girl, aged 4, from Chile.

167. What the Committee found to be a disproportionate number of children under the special care regime is a result of the Government's desire to ensure that no one is left without the required support when they have special needs. Otherwise, as is the case in other countries, many families would not have the income, conditions and implements necessary to ensure special care for their children.

168. In the particular circumstances of Cuba, which faces economic constraints but also has a universal social justice system, the idea behind special schools is to provide specialized care for persons with disabilities from an early age, in accordance with their particular needs, and to prepare them to fend for themselves in society. Available resources are concentrated where they are most needed in accordance with the needs of children with disabilities.

169. Nevertheless, the Ministry of Education continues to work towards making special schools a stepping stone to regular schools, when the level of development allows. To that end, a process of adapting educational institutions is being carried out, with consideration given to the most appropriate location within the classroom for students with disabilities, the availability of furniture and school supplies, training in the handling of the necessary means of access, modification of the educational curriculum and the time required for various tasks, among other matters.

170. As a result, 9,892 students with hearing, visual, intellectual or physical-motor disabilities have been incorporated into regular education.

171. Support teachers are available to advise the teaching staff and children's families on services for students with disabilities. In addition, there are itinerant teachers for students who are unable to attend educational institutions; 970 professionals provide these services and serve 2,230 students. There are also 30 hospital classrooms with more than 400 students, who participate fully in the activities of the José Martí Pioneer Organization.

172. A total of 203 assessment and guidance centres located throughout the country, with more than 1,200 specialists, provide assessment, diagnostic and guidance services for teachers and parents of students with special needs.

## **B. Health and health services, primary health care, communicable and non-communicable diseases**

173. As recognized by the Committee in 2011, Cuba has maintained its notable achievements with respect to the universal provision of primary health care and with respect to health indicators, such as infant and under-5 mortality and universal immunization, and is a world leader in various areas.

174. This has been made possible by the Government's willingness to guarantee free, universal, quality health care. In 2017, 28 per cent of the public budget was allocated to the health and social assistance sectors.

175. Cuba has 1,215 dental services, 151 hospitals, 136 maternity homes and 147 nursing homes for the elderly,<sup>12</sup> 265 grandparents' homes and 12 research institutes. There are 10,782 medical offices and 451 polyclinics, with 495,609 workers. The country has the highest ratio of doctors per capita in the world, with 1 physician for every 127 inhabitants, 1 dentist for every 640 and 1 nurse for every 125. It ensures the training of human resources in 13 medical sciences universities and their two independent faculties, the Latin American School of Medicine and the National School of Public Health. Other data confirm the high priority that the State attaches to health.<sup>13</sup>

<sup>12</sup> In 2015, Cuban hospitals had 45,892 beds; maternity homes, 3,591; and nursing homes, 14,168.

<sup>13</sup> The proportion of doctors is 7.8 per 1,000 population and the availability of services per inhabitant is 7.9 medical consultations and 2.5 dental consultations. There are developed countries that have not yet achieved these indicators. The country has focused on carrying out various transformations to improve the health sector, including increasing the response capacity of family doctors' offices and making optimal use of human and material resources for community assistance. More than 20 specialties have been added at the primary care level in order to bring highly qualified and specialized

176. The immunization scheme, which has a particular impact on the quality of life of children, protects against 13 diseases through the application of 11 vaccines, 8 of which are produced domestically. Fourteen communicable diseases have been eliminated and nine others do not constitute health problems, with rates of less than 0.1 per cent per 100,000 population.

177. In accordance with the Committee's recommendation, the State has continued to strengthen its policies to address children's health problems, such as iron deficiency anaemia and obesity.

178. The National Plan for the Prevention and Control of Iron Deficiency Anaemia combines supplementation for groups at risk, food fortification for specific groups and food diversification at the various levels of care. This national effort is supported by the World Food Programme in the most vulnerable municipalities.

179. Despite the efforts made, the prevalence of obesity continues to rise among both males and females. Measures have therefore been taken to modify lifestyles in terms of eating patterns and physical activity, promote breastfeeding up to 2 years of age and monitor diet regularly, among others.

180. There has been a decrease in rates of exclusive breastfeeding up to the sixth month of life and in the first hour of life. In line with the Committee's recommendation to raise awareness of the benefits of exclusive breastfeeding, work is under way to strengthen legislation to incorporate the International Code of Marketing of Breast-milk Substitutes and to establish a system of ongoing monitoring.

181. Priority is given to training basic health-care teams in primary care, successful breastfeeding management and good practices; promotion of the benefits of breastfeeding in the mass media; strict control of the operation of the eight existing human milk banks; and increased production of pasteurized milk, among other measures.

182. Work is under way with UNICEF to recertify health institutions that have been declared child- and mother-friendly and to reduce nutritional problems among high-risk children and pregnant women.

183. Scientific research in the health sector and innovation and dissemination of scientific findings are essential elements in raising the quality of medical care and enhancing economic efficiency. The development of science and technology extends to all levels, with more than 7,000 research projects.

184. The experience and progress achieved in this field have been made available to many other peoples.

185. International collaboration activities have been carried out in 67 countries, with more than 51,000 collaborators, who have assisted more than 1.206 billion people. Noteworthy initiatives include "Operation Miracle", carried out in 14 Caribbean countries and 13 Latin American countries, which has enabled more than 2.6 million patients to recover or improve their eyesight; a disability study conducted in 6 countries with over 1.2 million cases; and the "Henry Reeve" International Contingent of Doctors for Disasters and Major Epidemics, with 40 brigades and 7,491 participating health professionals, who have responded to emergencies in 24 countries, assisted more than 3.5 million people and saved the lives of some 80,000 patients.

186. To date, more than 325,000 Cuban health workers have served in 158 countries.

187. The country's results in the field of health, particularly children's health, have been achieved despite the United States embargo, which persists and has had a negative impact on the sector, amounting to US\$ 2.541 billion at current prices, since this policy began, and US\$ 76,897,734 in 2016.

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care closer to communities and to assist patients in accessing the health system, up to the tertiary care level if necessary. The training of 581 paediatricians, 206 neonatologists and 708 obstetricians/gynaecologists was planned for the period 2015–2016.

### C. Reproductive health rights and healthy lifestyles

188. Strategic plans on adolescent reproductive health rights and promotion of a healthy lifestyle are currently being implemented. They include the National Strategic Plan for the Prevention and Control of Sexually Transmitted Infections (STIs) and HIV (2014–2018), the National Health Programme for Comprehensive Care of Adolescents (2012–2017), mother and child programmes, the Responsible Parenthood Programme and the National Sexual Education and Health Programme (2015–2018). All have a community focus and promote gender equality and rights, as well as healthy, pleasurable, free and responsible sexuality.

189. The STI and HIV plan<sup>14</sup> improves the management and treatment of sexually transmitted diseases and provides for intersectoral and community-based services for people in situations of vulnerability. Its objectives are to strengthen epidemiological surveillance and control of STIs and HIV and to promote equitable access to diagnosis, care, treatment and support services, among others.

190. The prevalence of HIV/AIDS in the population aged 15–49 is 0.27 per cent. Antiretroviral treatment is guaranteed. As a result of HIV prevention, control and surveillance efforts, an increase in pregnancies among HIV-seropositive women has been noted.

191. In 30 years, HIV infection has been diagnosed in only 49 children born to HIV-positive mothers. Between 1985 and 2015, only 85 children under 19 were diagnosed with HIV infection. As of the end of 2015, HIV prevalence in this group was 0.01 per cent.

192. The World Health Organization (WHO) has certified Cuba as the first country to validate the elimination of mother-to-child transmission of HIV/AIDS and congenital syphilis. This success was made possible by highly organized, high-quality sexual and reproductive health services, including routine screening for HIV and syphilis during antenatal care and appropriate follow-up of HIV-positive pregnant women and their children and families.

193. The Programme for the Care of Adolescents seeks to enhance the quality of life of adolescents, with a gender perspective; provide early attention to adolescents with personal and/or family risk factors and behaviours; and train all staff who work with adolescents, among other objectives.

194. The Sexual Education and Health Programme coordinates comprehensive sexuality education strategies at the national, provincial, municipal and community levels.

195. The country's achievements in comprehensive sexuality education are reflected in low rates of maternal and infant mortality and adolescent pregnancy, broad access to sexual and reproductive health services and the promotion of gender equity, among others.

196. In the community and in the women's and family counselling centres of the Federation of Cuban Women, volunteer social workers of the Federation are trained to provide counselling and guidance. Comprehensive sexuality education has been included in school curricula.

197. Contraception coverage is 80 per cent. It has been found that 33 per cent of teenaged girls do not use any method of contraception, 19 per cent use intrauterine devices, 30 per cent use condoms, 13 per cent use pills and 3 per cent use injectables.

198. The legal provisions currently in force do not set age limits on adolescents' free access to male and female condoms, sexual and reproductive health services or emergency contraception.<sup>15</sup>

<sup>14</sup> The National Strategic Plan for the Prevention and Control of STIs and HIV (2014–2018) was approved by Ministerial Resolution No. 773 of 2013.

<sup>15</sup> In 2013, emergency contraception was made available in the National Health System for at least 250,000 uses per year; such contraception is available through family practices.

199. Sexual and reproductive rights are guaranteed in Cuba, including abortion or the free termination of pregnancy, a service that has been available since 1965. This right is not considered a method of contraception. The Criminal Code establishes the offence of illegal abortion for cases in which the abortion is performed outside established health institutions. For minors, abortion is performed only with parental permission.

200. The promotion and effectiveness of contraceptive methods, coupled with campaigns to prevent unwanted pregnancies, have resulted in a reduction in abortions among girls aged 12–19, with the rate falling from 0.87 per cent in 2011 to 0.78 per cent in 2014.<sup>16</sup>

201. A programme is being carried out jointly with UNFPA to provide the country with contraceptive supplies, comprehensive sexuality education and technical assistance in obtaining demographic data. Work is also being done to ensure that the media convey messages consistent with health education guidelines and to strengthen risk perception among children and adolescents about, inter alia, STIs and HIV/AIDS, teenage pregnancy and addiction.

202. Nearly 11,000 copies of the book *Puericultura en la adolescencia* (Health Care for Adolescents) were published; preventive activities have been intensified in nightclubs and other places frequented by large numbers of adolescents and young people; and there has been an increase in direct health promotion and education work by family doctors and nurses, among other measures.

203. The National Centre for Health Promotion and Education, which is affiliated with the Ministry of Public Health, is responsible for designing policies and methods for promoting health, conducting training and research, and strengthening intersectoral action and public participation, especially by children and adolescents.

204. In 2015, the achievements of this sexual health and education programme were recognized by the UNDP/UNFPA representative in Cuba.

205. Multisectoral attention<sup>17</sup> to the issue of child victims of traffic accidents has also been strengthened, in line with the recommendation made by the Committee in 2011. Risk factors are being addressed and educational activities are being carried out at different levels and in different communities. Deaths of children under 18 from traffic accidents numbered 55 in 2013, 48 in 2014 and 58 in 2015.

206. In 2015, more than 141,000 vehicle inspections were conducted, more than 46,200 fines were levied, nearly 20,000 driving permits were revoked and 75 drivers were prosecuted for driving while inebriated. The National Programme for the Prevention of Accidents, currently being implemented, includes a strategy for education; communication; identification, perception and management of risks; training; and the development of preventive approaches.

207. In 2013, the UNICEF representative in Cuba applauded the National Programme for the Prevention of Unintentional Injuries in Young People under 20<sup>18</sup> and highlighted the significant decrease in deaths of children and adolescents associated with these causes.

#### **D. Psychotropic substance abuse**

208. The Cuban State's policy of zero tolerance for drug trafficking and abuse has ensured that this scourge has not become a social or public health problem or one that significantly impacts on public security and order, in comparison with other nations.

<sup>16</sup> Medical abortion is performed with misoprostol. Coverage increased from 38 percent of total terminations in 2012 to 55 per cent in 2014; the aim is to achieve 80 per cent in 2018.

<sup>17</sup> The institutions most heavily involved in these efforts are the Ministry of Public Health, the Transit Directorate of the Ministry of the Interior, the Ministry of Transport and the Ministry of Education.

<sup>18</sup> The National Programme for the Prevention of Unintentional Injuries in Young People under 20 is being implemented by the Ministry of Public Health and the Ministry of the Interior.

209. Conduct linked to illicit production, sale, demand, trafficking, distribution and possession of drugs, narcotics, psychotropic substances and other substances with similar effects is severely punished under articles 190 to 193 of the Criminal Code.

210. The National Commission on Drugs, coordinated by the Ministry of Justice, has strengthened the National Comprehensive Programme for the Prevention of Drug Abuse, with actions to prevent this phenomenon and promote the comprehensive and healthy development of the individual.<sup>19</sup> The strength of this programme is community participation and the programme's cross-sectoral nature.

211. With a view to strengthening preventive work, the Ministry of Public Health Programme for the Prevention of Drug Abuse and Comprehensive Treatment of Drug Addiction carries out active and systematic research in communities to identify risk factors associated with drug use and to ensure early detection and follow-up of persons who have had contact with addictive substances.

212. If necessary, such persons are referred to health services and, depending on the diagnosis, then sent to outpatient rehabilitation or admitted as inpatients. There are 113 community mental health centres, 48 of which have facilities for partial hospitalization and 84 of which are located in polyclinics. At the secondary care level, this type of treatment is provided in 53 facilities. Havana and Santiago de Cuba each have an adolescent drug treatment centre.

213. The National Toxicology Centre, the lead institution in this field, provides specialized medical information 24 hours a day to health professionals and the general public on the diagnosis and treatment of poisoning, including poisoning caused by drug use.

214. Monitoring of medicines in the country's pharmacy network has been intensified to prevent gaps that might facilitate access to and irresponsible use of psychotropic drugs.

215. Positive experiences at the community level include the Federation of Cuban Women programme "Women-Health" for more than 340 women counsellors and "barrio-debates" (neighbourhood discussions or town hall meetings), both of which play an important role in identifying young people involved in psychotropic substance use. The Confidential Anti-Drug Hotline, which operates 24 hours a day, is staffed by a multidisciplinary team<sup>20</sup> whose members provide anonymous consultations, counselling and guidance.<sup>21</sup>

216. Preventive activities are also carried out in the education sector, including the preparation of materials tailored to the cognitive development of each school level,<sup>22</sup> audiovisual productions on the negative consequences of drug use<sup>23</sup> and the "School for Parents" project to address various problems of students.

217. Cuba is a State party to the principal international instruments on drugs<sup>24</sup> and participates actively as a member of the United Nations Commission on Narcotic Drugs.

<sup>19</sup> The following participate in these processes: the Ministry of Education, the Ministry of Higher Education, the Ministry of the Interior, the Ministry of Public Health, the Ministry of Justice, the Attorney General's Office, and the Ministry of Foreign Affairs; community-based and grass-roots organizations are also involved.

<sup>20</sup> The multidisciplinary team consists of doctors, educational psychologists, nurses and communicators.

<sup>21</sup> The report of the Drug Advisory Service on youth aged 10 to 19 indicates that 245 productive calls were received between January and June 2016, 97 fewer than in the same period of the previous year. Of the total number of calls, 168 were from males (68.57 per cent) and 77 from females (31.43 per cent). Thirty-seven per cent of the calls were related to tobacco and alcohol, 29 per cent to marijuana, 24 per cent to use of multiple drugs, 6 per cent to psychotropic drugs and 4 per cent to cocaine.

<sup>22</sup> Between the first and fourth grades of primary school, the emphasis is on the damage caused by cigarettes and alcohol. At the middle-school level, efforts are aimed at demonstrating healthy lifestyles and showing the damage caused by illicit drugs and psychotropic substances.

<sup>23</sup> The project "Lights for Life", sponsored by the company CINESOFT, which is affiliated with the Ministry of Education.

<sup>24</sup> The Single Convention on Narcotic Drugs of 1961, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

218. Bilateral anti-drug agreements have been signed with other governments. The Ministry of the Interior conducts real-time exchanges with counterpart anti-drug services and with the General Secretariat of the International Criminal Police Organization (INTERPOL) and its national central bureaux.

219. The results achieved show that there is no impunity and that the country has been successful in preventing drug trafficking and use from giving rise to other crimes or to the emergence of national criminal organizations or the activities of criminal organizations based abroad, which might try to use the country for such purposes.

220. Thanks to the high levels of control achieved, this phenomenon does not constitute a threat to national security, as Cuba is not a country of transit or storage or a source of natural or chemical drugs that could affect the population or influence international markets.

## Chapter VII

### Education, leisure and cultural activities

#### A. Quality education, vocational training and guidance

221. Cuba attaches the greatest importance to the full realization of the right to education for its citizens, in particular children and adolescents. This right is recognized in the Constitution.

222. The right to education is guaranteed by the extensive free system of schools, semi-boarding schools, boarding schools and scholarships for all types and levels of education and also by the availability of free school supplies. This ensures that everyone has the opportunity to study in accordance with their aptitudes and the social requirements and socioeconomic development needs of the country.

223. The State is responsible for the national education system, which is geared towards the development and training of new generations through a comprehensive, systematic, participatory teaching-learning process, which is continually being refined. The participation and support of social and non-governmental organizations in this effort is encouraged.

224. The literacy rate in the population between 10 and 49 years of age is 99.8 per cent. In the 2016/17 school year, a total of 1,371,142 students were enrolled (684,722 at the primary level, 369,595 at the basic secondary level, 146,748 at the pre-university level, 149,619 in technical and vocational education and 20,458 in teacher training programmes).<sup>25</sup>

225. All educational expenses, including both current and investment expenditures, are covered by public funds from the State budget. Current expenditures in 2016 exceeded 8 billion pesos, 23 per cent of the country's total expenditures.

226. The average number of learners per teacher is 10.97. The standard of living of students as measured by indicators such as nutrition continues to improve, completion and modernization of physical facilities for study and life, the installation of modern laboratories, instruments and workshops for vocational education and the maintenance and repair of educational institutions.

<sup>25</sup> The attendance rates for the 2015/16 school year at the different levels of education were: 98.7 per cent at the primary level, 98.5 per cent at the basic secondary level; 98.9 per cent at the pre-university level, 97.2 per cent in technical and vocational education and 97.1 per cent in teacher training programmes). The retention rates at those levels were 99.5 per cent, 99.9 per cent, 98.9 per cent, 95.8 per cent and 94 per cent, respectively.

227. At all levels of education, including special education, the curricula include content relating to the children's rights recognized in the Constitution, the Children and Youth Code, the Family Code and the Convention.<sup>26</sup>

### Early childhood

228. The early childhood education system covers the period from birth to 6 years of age. Education at this first level is organized in two modalities: institutional and non-institutional. A total of 696,126 girls and boys, 99.2 per cent of the child population, are enrolled.

229. Institutional care takes place in day-care centres, which serve 137,454 children (19.6 per cent) and in preschools 99,759 (14.2 per cent). The non-institutional modality is offered through the Educate Your Child Programme, a social and educational programme that covers 464,055 children (66.2 per cent).<sup>27</sup>

230. The 1,083 existing day-care centres serve the children of more than 123,000 working mothers from the child's first birthday up to the age of 6.<sup>28</sup> While the services in place do not cover all needs, priority is given to single mothers and those with greater social vulnerabilities. The children are cared for by educators who have received various types of formal pedagogical training; 72.5 per cent of them hold undergraduate degrees.<sup>29</sup>

231. Children with special educational needs are cared for by trained personnel in special groups, but they are in contact with the rest of the children and are included in social interactions, with the ongoing participation of their families. If a child's disability permits, he or she can, after a medical assessment and with parental consent, be placed in a regular day-care centre. A total of 2,386 children with special educational needs and their families receive services under the two modalities of care.

232. The Educate Your Child Programme, which has been in operation for 25 years, is an interdisciplinary pedagogical programme. Teachers, psychologists, paediatricians and specialists in growth and development, sports, recreation and arts education, among other areas, participated in its development. For the past 10 years, this programme has been offered in women's prisons with the aim of preparing imprisoned mothers to participate in their children's education and to help change their behaviour.

233. Early childhood development is an ongoing priority for the State, as recognized in the report "Early childhood development in Cuba, sharing the experience of a scaled-up integrated system that promotes the best start in life for every child," published by UNICEF in 2016.<sup>30</sup>

234. The quality of the educational services at this level has also been recognized by other international organizations, such as UNESCO and the World Bank. This model has been emulated by many countries, which have contextualized it and applied it based on the advice provided.<sup>31</sup>

<sup>26</sup> The teaching of these contents is addressed mainly in classes on civics education, history, the arts, and Spanish language and literature. They are also addressed during Pioneer Training (in which children participate up to ninth grade) and in the *Pionero* (Pioneer) magazine.

<sup>27</sup> The Educate Your Child Programme has been operating since 1992. It originated as a result of research conducted in rural and mountainous areas among families with children aged 5 to 6, who could not attend school because of the remoteness of their place of residence.

<sup>28</sup> The organization of children's lives is governed by the requirements of a schedule that includes a variety of educational activities that promote child development, including the satisfaction of food and sleep needs. These institutions also have medical care services and a nutrition programme that addresses the needs of young children.

<sup>29</sup> Day-care centres also have teaching assistants, who have received the requisite occupational training and actively participate in the educational process.

<sup>30</sup> "Early childhood development in Cuba: sharing the experience of a scaled-up integrated system that promotes the best start in life for every child". UNICEF, Cuba Country Office, February 2016.

<sup>31</sup> These countries include Brazil, Colombia, Ecuador and Mexico.

### Primary education

235. Primary education covers the whole country. Of the existing 6,837 primary schools, 4,754 (69.5 per cent) are in rural areas.

236. Since September 2014, modifications have been introduced in this subsystem relating to school organization and ways of approaching the activities of the educational process, art instructors, libraries and sports areas, among others. These activities are designed to raise the quality of education and to encourage schools to become the foremost cultural centres in their communities.

237. In 92.5 per cent of cases, enrolment is in groups of 30 students per teacher. The student-teacher ratio is 11.3 in urban areas and 5.5 in rural areas. This makes it easier for teachers to support their students throughout the educational cycle or level, with individualized attention, and ensures the quality of the management of the educational process.

238. The existence of semi-boarding schools makes it possible for all children who require it to receive lunch at school. Currently, at the request of their families, 48.2 per cent of the enrolled students receive school lunches.

### Secondary education

239. Children and adolescents between the ages of 11 and 15 receive instruction in basic secondary schools. There are 1,010 institutions in urban and rural areas, with 379,829 students. All are guaranteed the right to continue their studies, based on their results, whether in technical or vocational schools or in pre-university education.

240. During the 2015/16 school year, 99.3 per cent of basic secondary graduates went on to pursue further studies (67,679 in technical-vocational education and 54,135 in pre-university education).

### Pre-university education

241. Depending on their motivations and interests, students can pursue studies in pre-university institutes, vocational pre-university institutes of exact sciences, school sports training schools and the Camilo Cienfuegos military (vocational) academies.

242. The process of improving pre-university education has focused on achieving greater personalized attention for students. Group sizes have been reduced to 35 students, a teacher-guide has been appointed for each group and a new curriculum has been introduced, which includes subjects such as citizenship training and arts appreciation.<sup>32</sup>

243. These refinements have helped to enhance school organization and improve the quality of teaching and comprehensive training, including a more active role for the family, the community, and sports, cultural and scientific institutions.

244. The increased use of ICT has led to improved performance of the teaching-learning process and contributed to students' overall cultural development.

### Technical and vocational education

245. More than 54 specialties are offered in technical and vocational schools. The network of polytechnical centres and vocational schools ensures that the graduates of these institutions can continue their studies in an institution of higher learning and/or start their working life. Skilled workers in 46 specialities can continue their studies at polytechnic institutes or at rural workers' schools in order to obtain an upper secondary level diploma.

<sup>32</sup> In addition, there is a television in each classroom. The number of computers in laboratories has increased, and television programmes on the subjects of mathematics, Spanish and history are broadcast to prepare students for the higher education entrance exams. Occupational guidance programmes are also broadcast on national television channels. All pre-university institutions have modern laboratories for the study of biology, physics and chemistry. There are a set of materials produced by CINESOFT and 16 educational software programs designed to support the active participation of students in the learning process.

246. In the 2015/16 school year, initial enrolment in polytechnic institutes operated by the Ministry of Education reached 149,121 students. In trade schools, the enrolment was 11,092 students.

247. The retention rate in technical and vocational education at the end of the 2015/16 school year was 77.8 per cent for mid-level technicians and 76.6 per cent for skilled workers, reflecting a gradual increase in student retention at this educational level.

248. The occupational training of students is carried out in conjunction with society as a whole and in the workplace. During this period, students receive a stipend to cover travel and food expenses.

249. In addition to the Ministry of Education polytechnic institutes, there is an extensive network of vocational training centres for the preparation of technicians in the health, arts and culture, fishing, and sports and physical education fields, as well as in other production and service areas. Instruction in such schools follows the curricula approved by the Ministry of Education.<sup>33</sup>

250. Technical and vocational education graduates have the right to begin employment or they can enter higher education institutions.

251. Students between the ages of 13 and 16 with learning difficulties who are behind in school by up to three grades can pursue vocational training in trade schools. In these schools, students complete a two- or three-year programme of study and learn a trade, in line with the needs of the community where they live.

### **Special education**

252. The right to education is also guaranteed to children and adolescents with disabilities, through special and regular education. The Cuban approach is based on the idea that differences in physical, intellectual and sensory development do not constitute barriers to human improvement.

253. Children whose disabilities prevent their inclusion in regular educational institutions attend special schools that are able to offer appropriate conditions for an adequate educational response. In the 2015/16 school year, there were 356 special schools in operation and 9 centres combining primary and basic secondary education, with a total enrolment of 37,025 children, adolescents and young people.<sup>34</sup>

254. Depending on their capabilities, 9,171 students with some kind of disability have been able to continue their studies at various educational levels. Of these, 4,385 have intellectual disabilities, 1,694 have physical-motor disabilities, 991 have visual disabilities, 947 have hearing disabilities, 876 have communication disorders, 254 are autistic and 24 are deafblind.

255. The Special Olympics Programme of Cuba brings together athletes with intellectual disabilities who participate in competitions at all levels.

256. Work is under way to systematically increase training and introduce advanced technologies to improve the quality of comprehensive services for children and adolescents with special educational needs. This has made it possible to equalize opportunities, access to information, adherence to the curriculum and inclusion in sociocultural activities.

<sup>33</sup> The curriculum includes the study of the Spanish language and literature, a foreign language (English) and the history of Cuba. Physical education and sports develop physical capacity and encourage the healthy enjoyment of recreation. Computer classes prepare students to function in a world marked by advances in computerization.

<sup>34</sup> Of the total number of schools, 266 are for students with mental retardation, 22 for students with mental development delays, 33 for students with behavioural disorders, 7 for children with visually impairments, 5 for children with hearing impairments, 8 for students with amblyopia, 1 for deafblind students, 8 for students with communication disorders, 8 for students with autism, 1 for rehabilitation of asthmatic and diabetic children and 1 for children with physical-motor limitations.

## **B. Leisure and cultural activities**

257. Educational institutions carry out complementary activities alongside the regular curriculum in order to ensure healthy recreation and leisure – for example, traditional games, sports competitions, visits to historical sites, cultural activities, and craft, painting, theatre, dance and other workshops.

258. From the primary level up to the teacher training level, 76.4 per cent of students participate in interest groups and scientific societies, and 57.4 per cent of primary and lower secondary school students are involved in the Pioneer Explorers Movement, which promotes direct contact with nature.

259. There are 113 pioneers' palaces, 65 explorers' centres and 12 camps, 2 of them national, in addition to camping areas. This network of facilities encourages participation in historical, civic, economic, social and environmental activities and contributes to recreation in a comprehensive manner.

260. The activities in these facilities are directed by arts and sports instructors. Extensive participation by students in sports at the various levels is encouraged. The identification of talented students is promoted, and they are prepared for entrance to school sports training schools.

## **Chapter VIII**

### **Special protection measures**

#### **A. Children in situations of emergency**

##### **Refugee children**

261. While Cuba has not ratified the main international instruments on refugees, at the end of 2016 there were 17 boys and 10 girls with refugee status in Cuba. In that year the Office of the United Nations High Commissioner for Refugees (UNHCR) resettled two girls and one boy in third countries. Of the total number of refugees, four girls and six boys are in the process of being integrated locally as permanent residents of Cuba. They are entitled to attend age-appropriate educational institutions free of charge.

262. The Government maintains cooperative relations with the Regional Office of UNHCR and its representative in Havana, who provides systematic attention to refugee children.

##### **Children in situations of exploitation, including physical and psychological recovery and social reintegration**

###### *Economic exploitation of children, including child labour*

263. In Cuba, the prohibition of child labour is one of the fundamental principles governing the right to work. As a general rule, there are no children under 17 years of age in employment.

264. The Labour Code protects young people between the ages of 15 and 16 who are authorized to work, on an exceptional basis, because they have completed their studies in a vocational or occupational school or for other reasons that justify such an exception. The Labour Code also provides for special labour protections in order to ensure their comprehensive development. Authorization to work is granted by the municipal labour director at the request of the employer and with the express consent of the minors' parents or guardians.

265. This special protection includes:

- The employer's obligation to pay special attention to these young people to ensure their preparation, adaptation to working life and the development of their occupational training, guaranteeing them the enjoyment of the same rights as other workers; a medical examination must be performed to determine whether they are physically and psychologically fit for work;
- Prohibition of employment in jobs where the young person could be exposed to physical and psychological risks; work at night, underground or in water; at dangerous heights or in closed spaces; work requiring heavy lifting; or exposure to dangerous substances, high or low temperatures, or noise levels or vibrations that could be harmful to their health and comprehensive development;
- Prohibition of working hours exceeding 7 hours a day and 40 hours a week and prohibition of work on rest days.

266. Decree-Law No. 315 of 2014, on personal violations of self-employment regulations, establishes sanctions for anyone who employs or allows the use of minors under 17 years of age in work activities without the necessary authorization.

267. The high level of education and general public awareness, the diversification of sources of employment, the comprehensive social protection system and other forms of attention to the main problems that families may face ensure that child workers are not used.

268. In line with the Committee's recommendation, the process of development, consultation on and adoption of the new Labour Code included a step towards harmonizing it with international instruments and the country's commitments in this area.

*Sexual exploitation and abuse. Trafficking in persons*

269. During the presentation of the initial report of Cuba under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, an assessment of the situation in Cuba was made and the country's achievements and progress in these areas were recognized.

270. In 2017, at the invitation of the Cuban Government, the Special Rapporteur on the human rights aspects of victims of trafficking in persons, especially women and children, visited the country, where she was able to observe the policy of zero tolerance towards trafficking and the commitment of Cubans to prevent and address its various manifestations.

271. Cuba applies a policy of zero tolerance to all acts that may be harmful to the normal development of sexuality, especially when children or adolescents are involved.

272. Cuba is not a country of destination, transit or origin of trafficking in persons, in particular with respect to child sexual abuse or where criminal organizations linked to these crimes are involved.

273. There are low rates of sexual crimes against children and adolescents and such crimes are not representative of general criminal behaviour. The factors that lead to this type of crime are not often found in Cuban society, since women and children are fully protected.

274. Having sexual relations with a minor is a serious offence and is severely punished as the offence of corruption of minors and its aggravated forms, as provided for in the Criminal Code.

275. In 2015, 2,274 child victims of alleged sexual abuse were recorded, of which 1,189 were allegedly cases of sexual abuse, 454 of corruption of minors, 333 of rape, 232 of sexual molestation, 46 of paedophilia, 19 of rape of a minor and 1 of incest. In all cases, the competent authorities acted in accordance with the law and the relevant procedures were carried out.

276. In 2014, 122 cases associated with the offence of procurement and trafficking in persons, as provided for in the Cuban Criminal Code, were recorded; as were 21 cases for the offence of corruption of minors. The perpetrators were sentenced to between 7 and 13

years' imprisonment. In 2015, 52 cases of procurement and trafficking in persons and 90 cases of corruption of minors were heard in the courts.

277. In recent years, between 10 and 13 cases per year have been prosecuted for criminal conduct amounting to the offence of trafficking in persons under the Palermo Protocol.

278. There are no recorded court cases involving organ removal, illegal adoption or forced labour or other manifestations of trafficking.

279. Sex tourism does not occur to the extent or in the forms reported in other countries. From 2013 to date, only two acts of this nature, involving minors in hotel chains in the country, have been detected.

280. Numerous regulations prohibit sex tourism, with stricter provisions relating to minors. There are systems in place, involving the police and specialized authorities, to detect and address this phenomenon.

281. As a result of international cooperation with police counterparts and INTERPOL, the presence in Cuba of foreigners with a history of child sexual abuse has been detected, and monitoring has shown that these individuals have not committed crimes in our country.

282. Currently, five foreigners who had sexual relations with minors are serving sentences of imprisonment for the offence of corruption of minors, which includes acts of prostitution and pornography. The low incidence of such crimes shows that Cuba is not a destination for child sex tourism.

283. Violations of the regulations established in tourism facilities, both State-owned and private, are severely punished through criminal and administrative measures. These measures are applicable to civil servants, managers and workers in the tourism sector.

284. The Ministry of Tourism applies a set of administrative measures to prevent sex tourism in any of its manifestations. Measures to prevent and address situations related to corruption of minors are being implemented, recognizing that conditions conducive to its occurrence may exist in the tourism sector.

285. Compliance with these measures, which are compulsory for the tourism system, is monitored by the system's own managers and by administrative authorities. At the same time, specialized bodies conduct continuous monitoring and video surveillance in all tourist facilities in the country. The Global Code of Ethics for Tourism is also followed.

286. Child victims of sexual abuse receive specialized treatment, which begins as soon as the abuse is discovered; the treatment promotes their physical and psychological recovery and social reintegration. Victims are treated at child and adolescent protection centres and other centres nationwide. Specialized follow-up care is provided through child and youth psychiatry services in children's hospitals, specialized psychology consultations and the community mental health centres of the National Health System.

287. The Institute of Forensic Medicine is responsible for assessing the physical and psychological effects of abuse, identifying any resulting sequelae and recommending the treatment or follow-up required from the medical, psychological, psychiatric, educational, family and social points of view.

288. In addition, the women's and family counselling centres of the Federation of Cuban Women have multidisciplinary teams to ensure that victims have access to appropriate procedures to enable them to obtain reparations for the harm suffered, in coordination with their families or the persons legally responsible for them.

289. A preventive approach is taken to combat this scourge, involving the Ministry of the Interior, the Ministry of Public Health, the Ministry of Education, the Ministry of Tourism, the Ministry of Labour and Social Security and the Office of the Attorney General, with support from other public institutions and social organizations. Centres for the evaluation, analysis and guidance of minors are an essential component of this work. These centres work with children and adolescents at risk of becoming victims of crime.

290. In 2015, Ministry of the Interior staff provided training to nearly 300 prosecutors, judges, doctors, psychiatrists, paediatricians and members of the Federation of Cuban

Women on prevention and detection of child sexual abuse. Two national videoconferences on protection and care of victims and monitoring of perpetrators were also held. Some 600 officials involved in preventing and combating this phenomenon participated in these events.

291. The same year, the Ministry of the Interior conducted research on 24 topics relating to the prevention of sexual abuse, including cases in which it may be related to trafficking crimes; care and protection of underage victims and monitoring of perpetrators; and assistance and guidance to the family. Four regional events were also held to provide training to police officers with regard to sexual exploitation and violence and a postgraduate course on child sexual abuse was offered.

292. In addition, prevention officers of the Ministry of the Interior carried out 29,943 protection activities at the community level in 2015. In 2014, these officers carried out 74,743 advisory, training, legal guidance and educational activities for parents. They also conducted family counselling and dispute resolution activities; made referrals to the medical, psychological and psychiatric care systems; and carried out other judicial activities.

#### *Children's rights and the business sector*

293. In response to the concerns expressed by the Committee in 2011, it is reiterated that there is no objective evidence to support the assertion that in Cuba "children may be affected by the stringencies of the national economy and, consequently, be engaged in child labour, sexual exploitation and prostitution".

294. Cuba does not experience this reality and continues to be vigilant with regard to compliance with its legislation on these matters, which is strict, in order to prevent degrading and abusive practices against children and adolescents. Cuba should not be criticized for things that are far removed from its reality. Business activity, including by foreign businesses, is carried out in the country under strict government control and regulation.

## **B. Children in conflict with the law**

295. Children under the age of 16 cannot be held criminally responsible, regardless of the result or seriousness of their actions. Minors under 16 years of age who commit offences are dealt with by councils for minors, with respect for all safeguards.<sup>35</sup> In keeping with the principle of the best interests of the child, they are not tried by courts of law.

296. Hence, strictly speaking, the legal advice and legal aid called for in the Beijing Rules are not applicable, since the methods and procedures for dealing with juveniles are not judicial.

297. The procedures for such cases preserve the dignity, privacy and integrity of the minor as much as possible; they are educationally based and in line with advice from specialized lawyers who are involved in the process from the beginning. In addition, prompt compliance with legal time limits is ensured, reducing to 45 days the period for processing of files and specialized attention by the councils for minors.

298. Provision is made for reorientation measures and, where necessary, for specialized and individualized educational actions, to be implemented by community actors, officials and institutions for that purpose.

299. The councils for minors serve 1,162 children with behavioural disorders (206 girls and 956 boys). The councils for minors, the Ministry of Education and the Attorney General's Office supervise the execution of the measures adopted to ensure compliance and positive behavioural change. The integrity and confidentiality of the child and of the

<sup>35</sup> The councils are made up of multidisciplinary teams of lawyers, psychologists and teachers, who decide on the educational measures to be adopted, based on the technical opinion issued by centres for the evaluation, analysis and guidance of minors and assessment and guidance centres.

process in general are ensured. The measures may be modified or terminated at any time, depending on the child's progress.

300. Visits to areas of residence, homes or schools are one of the main ways of verifying the implementation, effectiveness and validity of the measures adopted; the work of the implementing bodies; and any problems that are making it difficult to achieve the educational objectives set.

301. In line with the Committee's recommendation on the adoption of alternative measures for children suspected of having committed offences, measures to strengthen supervision by parents, guardians or other persons in charge of the child have been implemented, as have measures to provide individualized attention in the schools of the national education system.

302. The most recurrent reasons for such measures are related to aggressive behaviour, damage to property and serious breaches of social discipline.

303. Minors are placed in educational institutions known as comprehensive development schools (*escuelas de formación integral*) only in cases where they have committed offences with severe social ramifications and are deemed to represent a danger to society and only when all possibilities for reorientation in the community, and in their social and family milieu, have been exhausted.

304. No minors are placed in a comprehensive development school in an unlawful or arbitrary manner, but rather through the procedures established in Decree-Law No. 64 of 1984. Such placement is exceptional and reserved for serious infractions.

305. Other measures are more widely used, including individualized attention in a school of the national education system; strengthened supervision by parents, guardians or those responsible for the child; placement of the child in an apprenticeship, subject to the provisions of labour laws; and referral to a social worker.

306. The 12 comprehensive development schools in the country provide specialized treatment for children under 16 on a basis of rights, duties, community integration and family contact. They have specially trained staff (teachers, psychologists, specialists in educational psychology, social workers, art instructors and Ministry of the Interior staff). Their educational objectives focus on providing minors with resources that will enable them to receive a comprehensive education, self-regulate their behaviour, develop motivations and aspirations and create their own life plan.

307. These centres follow the curriculum of the national education system and ensure education up to the basic secondary or trade school level. Those who complete these levels have the option of pursuing higher education.

308. Approximately 150 children per year attend such schools, the majority males over 14 years of age.

309. The Attorney General's Office plays a fundamental role in monitoring compliance with the provisions for the treatment and care of these minors. It is empowered by law to examine all documentation relating to minors' situation and to conduct interviews with them and with teachers, psychologists, pedagogues, social workers, lawyers and other officials responsible for their education and reorientation.

310. The comprehensive development schools have been visited by various delegations and participants in international events and bilateral exchanges, who have recognized their educational work.<sup>36</sup>

311. Many young people are reintegrated into society under equal conditions. In order to ensure that they can continue their studies or begin their working lives, complementary actions are carried out with the Ministry of Education and the Ministry of Labour and Social Security.

<sup>36</sup> For example, visits were made in conjunction with the Second International Conference on Child Protection, organized jointly with UNICEF, and the Criminal Sciences Congress of the Attorney General's Office in 2014.

312. Thus far, the establishment of specialized courts for children in conflict with the law has not been deemed necessary, which is in line with the provisions of article 40 (3) (b) of the Convention, which calls on States parties to avoid resorting to judicial proceedings for dealing with such children.

313. The activities of the prevention, assistance and social work system<sup>37</sup> is oriented towards the early identification of minors in situations of vulnerability, and work is done to address the causes that lead to social problems.

*Administration of juvenile justice*

314. The administration of justice for young people aged 16 to 18 is carried out in strict compliance with article 37 of the Convention and with Cuban law, as a last resort and for the shortest appropriate period of time. Cuban legislation is aligned with article 40 (3) of the Convention and with the premise that the Convention does not mention a specific minimum age.

315. In line with the Committee's recommendation to treat children between 16 and 18 years of age as juvenile offenders and not as adults, various measures have been put in place and all formal and material guarantees of due process are respected. The principle of the best interests of the child is applied and treatment consistent with the child's sense of dignity and self-worth is ensured. In addition, children are entitled to treatment that promotes their reintegration.

316. As part of the process of updating legislation, studies have been conducted, which have suggested a need to amend criminal legislation to strengthen the administration of juvenile justice, to encourage administrative treatment, with accessory and alternative responses to the deprivation of liberty, and to enhance safeguards and rights by intensifying re-educational treatment.

317. Accordingly, Decree-Law No. 310 of 2013 extended the possibility of providing administrative treatment to minors under 18 years of age who commit offences punishable by up to 3 years' imprisonment.

318. In addition, in proceedings involving offenders between 16 and 18 years of age, strengthened safeguards are ensured during the phases of investigation, inquiry, trial and enforcement of the penalty. Such proceedings are overseen by specialized personnel and ensure differential treatment, limit the retributive nature and intensity of penalties, with the imposition of sanctions with greater educational effect and others of a restorative nature that are intended to contribute to the social reintegration of the offenders. The current criminal law recognizes procedural safeguards for this age range, extending them to 21 years of age.

319. A study is being carried out on alternative measures to internment, in accordance with articles 37 to 40 of the Convention, including enhanced supervision by parents, guardians or other persons having charge of young offenders; individualized attention in schools; placement, in exceptional cases, in a work activity, subject to the provisions of labour laws; imposition of the obligation not to change place of residence or work, or to move to another municipality or province, or to leave the country without authorization; confinement at home; and a ban on consuming alcoholic beverages and going out at night.

320. There is a desire to continue improving the current administrative procedure applicable to minors between 12 and 15 years of age and also to those between 16 and 18 years of age in cases where a decision is made not to hold the young person criminally responsible for a criminal act.

321. For young people aged 16 to 18, article 17.1 of the Criminal Code provides that the minimum and maximum limits of penalties may be reduced by up to half and, for persons 18 to 20 years of age, by up to a third. In either case, the aim of the courts must be to re-

<sup>37</sup> This system comprises 19 bodies, agencies, organizations and institutions, including the Federation of Cuban Women, the Ministry of Labour and Social Security, the Ministry of Public Health, the Ministry of the Interior and student and youth organizations.

educate the sanctioned person, train him or her in an occupation or trade and instil respect for the legal order. In addition, the criminal legislation provides that minors under 20 years of age must serve their sentences in facilities specially designed for them or in sections separate from those intended for adults.

322. Currently, there are about 600 inmates between 16 and 18 years of age, who are treated differently from adults. They are housed in minimum-security facilities for young people; they are continuing with their studies and raising their cultural level; they are being encouraged to learn a trade, and their occupational, legal and ethical education is being strengthened; and greater communication and family involvement in their treatment is being encouraged.

323. The minimum period of internment is shorter for juveniles than for the rest of the prison population, and the frequency of home leave permits is higher.

324. The juvenile justice policy is accompanied by a set of measures aimed, inter alia, at preventing juvenile delinquency and promoting integration into the community, school, vocational training and work environment.<sup>38</sup>

325. Special attention is given to children and adolescents who are out of school due to poor academic performance. As mentioned above, the Labour Code provides, exceptionally, for young people aged 15 and 16 to join a labour collective, when circumstances so warrant and with strict protective measures.

326. At the community level, services and programmes are implemented in accordance with the needs and interests of children, particularly those who have been in conflict with the law repeatedly, and advice and guidance are provided to their families.

*Sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment*

327. In Cuba, minors under 20 years of age and women who commit a crime while pregnant, or who are pregnant at the time of sentencing, may not be sentenced to death. The death penalty has not been applied in Cuba since 2003.

## Chapter IX

### **Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

328. In September 2015, Cuba submitted its initial report under the Optional Protocol on the sale of children, child prostitution and child pornography. The Committee's observations and recommendations are being evaluated and implemented as appropriate.

329. The positive outcome of this review can be attributed largely to the fact that the sale, trafficking and smuggling of children for sexual purposes, sex tourism, child pornography, paedophilia, commercial sexual exploitation and other forms of child exploitation recognized by the Protocol are not common in Cuba.

330. In 2015, the incidence of sexual abuse of girls and boys remained low. As indicated, out of a population of 2,260,000 children, 2,174 complaints of alleged sexual abuse were recorded – i.e. 0.09 per cent of the child population were potential victims.

331. There have not been any reported cases related to the offence of sale of children or any adoption cases that led to crimes recognized under the Protocol.

<sup>38</sup> Priority attention is given to supporting families in situations of vulnerability; teaching basic values in schools, in particular in relation to the rights and duties of children and parents as established by law; and providing special care and attention to young people at risk, among other measures.

332. As noted, there are low rates of sex crimes involving child victims, and such crimes do not make up a significant proportion of overall reported criminal behaviour.

333. The factors that lead to such crimes are not often found in Cuban society. Adequate legal instruments are available to address the sale of children, child prostitution and child pornography. However, some of these instruments are under review, as part of the ongoing process of amending and updating legislation.

334. As already mentioned, the few victims of acts related to such crimes receive differentiated treatment, which begins as soon as the crime is detected, with the intervention of qualified professional personnel, who determine the possible sequelae and recommend comprehensive treatment and follow-up for the minor.

335. The operation of the child and adolescent protection centres has also been addressed. In 2014, these centres provided specialized care to 2,122 child victims of alleged sexual abuse. Of these, 396 were linked to crimes recognized under the Protocol.

336. Mechanisms of international cooperation exist and are used, such as extradition, transmission or transfer of criminal proceedings and complaints for the purpose of prosecution, international letters rogatory and other acts of assistance, with a view to ensuring the enforcement of sentences or acts subsequent to them.

## **Chapter X**

### **Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

337. Cuba submitted its initial report under the Protocol on the involvement of children in armed conflict in September 2015. The Committee's observations and recommendations are being evaluated and implemented as appropriate.

338. No children are recruited in Cuba, thanks to the rigorous recruitment process and the ongoing oversight by the Ministry of the Revolutionary Armed Forces.

339. Act No. 75 of 1994, the National Defence Act, and Decree-Law No. 224 of 2001, the Military Service Act, establish that 18 is the minimum age for entry into active military duty. As an exception, adolescents may voluntarily join the armed forces during the year in which they turn 17.

340. Violations of these rules by a recruiting officer may constitute the offences of abuse of office, negligence, abuse of authority or coercion, as provided for in articles 13 and 14 of Act No. 22 of 1979, the Military Offences Act, and articles 133 and 286 of the Criminal Code.

341. As there are no armed conflicts in Cuba, persons performing their military service are not directly involved in combat actions.

## **Conclusions**

342. In the context of updating the Cuban economic and social development model, the State will remain committed to the full realization of all human rights for all persons, without discrimination for any reason, particularly those of children and adolescents, and will maintain the political will to take existing levels of social justice, inclusion and protection of human dignity to even higher levels. In its effort to improve its legislation, policies and programmes, Cuba will continue to be guided by the maxim that there is nothing in the world more important than a child.