



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

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**Consideration of reports submitted by parties
to the Convention under article 35**

List of issues in relation to the initial report of Cuba

Addendum

Replies of Cuba to the list of issues*, **

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* The present document is being issued without formal editing.
** Annexes can be consulted in the files of the secretariat.



A. Purpose and general obligations (arts. 1–4)

Issue 1

1. Cuba is modernizing its institutions and revising its Constitution. The outcome of this process will reflect the principles of social justice and humanism that shape the political system established for all citizens, including persons with disabilities. The project has been discussed with all sectors of society, including persons with disabilities, and provides an opportunity to incorporate all the elements that are needed to strengthen respect for the human rights of such persons. The draft will eventually be the subject of a public referendum.

2. Once the new Constitution has been adopted, the Family Code, among other legislation, will be reviewed, with due consideration given to the situation of persons with disabilities in a family context.

3. Awareness-raising campaigns have been organized, including with regard to the terminology used when dealing with persons with disabilities. Agencies and institutions have included, in their workplans for workers and managers, courses coordinated and developed in conjunction with associations of persons with disabilities, on the basis of studies conducted by the National Council to Support Persons with Disabilities.

Issue 2

4. Disabilities are classified according to the criteria of the International Classification of Functioning, Disability and Health, and to medical criteria.

5. The National System of Statistical Information on Disability promotes familiarity with the Classification and its application. The System is a technical research tool that is used to compile statistics and to develop social, clinical, epidemiological and educational policies.

6. The Cuban health system is structured in such a way as to facilitate the collection of data on all citizens with disabilities: family health records are kept by family doctors and registers of persons with intellectual disabilities are kept in all polyclinics in the country. These registers are created and updated by primary health-care specialists. There are 362,222 registered persons with disabilities in Cuba, of whom 198,180 are male, 16,442 are female and 47,806 are under 19 years of age.

7. All persons with disabilities have free access to various support services, including in the fields of health and education. For example, they have a guaranteed right to devices such as hearing aids, prosthetic limbs, wheelchairs, walking sticks and cochlear implants. Registered persons with disabilities can also benefit from a programme for the care of persons with intellectual disabilities, which offers community-based and institutional support throughout the country.

Issue 3

8. It is a practice of the Cuban Government to consult organizations of persons with disabilities about the adoption of disability laws and policies. The three non-governmental associations of persons with disabilities, namely the Cuban Association of Persons with Motor and Physical Disabilities, the National Association of Blind and Visually Impaired Persons and the National Association of Deaf Persons, participate actively in political decision-making processes and in the development of social programmes that take into account accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, so that persons with disabilities may enjoy all rights and fundamental freedoms.

9. In 2013, the three associations held conferences. All the agreements concluded have been complied with by the relevant bodies of the central State administration. These bodies maintain smooth communication with the associations through the National Council to Support Persons with Disabilities and through regular meetings.

10. The Associations Act (Act No. 54/1985) sets out the requirements that organizations must fulfil in order to be registered and recognized. To promote the role played by organizations, the State ensures that means and resources are devoted to supporting their activities and the implementation of social programmes run by them.

Issue 4

11. The National Plan of Action provides for strategies, programmes, proposals, activities and services foreseen in the Convention, including in relation to equal opportunities, integration, active participation in social life and the fullest possible development of personal autonomy and independence. It encourages and favours scientific research and training and capacity-building for persons working in the field of disability.

12. Some of the more innovative aspects of the Plan include expanding the scope of activities in priority areas (health, employment and accessibility, among others), interlinking programmes so as to respond to integration needs rather than bowing to limitations, introducing updates pertaining to epidemiological aspects of disability in Cuba and around the world and promoting inclusion in the areas of law underpinning programmes under the Plan.

13. Associations of persons with disabilities were involved in the conception of the Plan and are part of the system for evaluating its outcomes, the main forum for which is the National Council to Support Persons with Disabilities and its branches nationwide.

14. Efforts to guarantee the non-discrimination of persons with disabilities and eradicate paternalistic attitudes include the measures aimed at achieving full employment outlined in articles 13,¹ 14² and 15³ of the Labour Code.

15. Social policies directed at persons with disabilities have manifested themselves in the Government's desire to guarantee that such persons receive the same pay and benefits as other workers, in training and capacity-building initiatives to enhance their future employment prospects and in skills training to facilitate their participation in ongoing technological developments in the country.

16. Steps are also taken to guarantee the full participation of such persons in decision-making processes on an equal footing with the rest of the population, so that they are not only beneficiaries of social programmes and universal public policies but also actors in charge of their own lives, with the full support of the Government.

¹ Persons with disabilities who express an interest in working and those who have completed special education may, in accordance with their functional capabilities, adaptive skills and level of preparedness, be employed on the basis of the opportunities available in each municipality. Where necessary and possible, employers shall tailor jobs so that such persons may carry out the duties for which they are trained. For persons having completed special education, the prior approval of a parent or guardian is required.

² This article establishes that when it is necessary to assess the ability of a person with disabilities or one who has completed special education to perform a job, the municipal labour office, in coordination with the municipal health office, shall conduct its evaluation through a workplace health expert committee. In the event that the committee determines that the person in question should have a shorter working day than that established by the employer, the person shall be paid on the basis of the number of hours worked.

³ This article provides that persons with disabilities and those who have completed special education who join the labour market shall, if necessary, receive on-the-job training for a period of up to six months with a view to developing their core skills, bearing in mind the severity of their disabilities and the functional limitations that they encounter when performing a particular role. During the training period, they shall receive a payment equivalent to the salary for the post that they are to fill, to be sourced from the employer's contingency fund. At the conclusion of the training period, if they have not gained the necessary skills, the employer shall consider them for other roles. If none is suitable, the working relationship shall end.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

Issue 5

17. As part of the modernization of its economic and social development model, Cuba will continue to strengthen its legal and institutional framework for the promotion and protection of the human rights of persons with disabilities, including their right to non-discrimination, and to ensure the strict implementation of, and respect for, its laws, in accordance with the principle of legality.

18. While there is not currently a specific law governing the rights of persons with disabilities, the criminal legislation in force establishes sufficient legal guarantees, procedures and resources in keeping with the spirit of the Convention to prevent and address violations of the rights of such persons.

19. Bearing in mind that the draft Constitution being debated by the Cuban people provides for the recognition of “non-discrimination on the grounds of sex, gender, gender identity, disability (...) or any other reason prejudicial to human dignity”, and that the Family Code is to be updated, the Government will be in a position to assess whether a specific law is necessary. It is for this reason that associations of persons with disabilities have been participating actively in the preparation of a disability bill that addresses the issue of non-discrimination.

20. Persons with disabilities in rural areas receive the same treatment as those living in urban areas and are involved in the government education programmes implemented in rural areas. For example, in the context of the inclusive government policy of “leaving no one behind”, the Cuban Association of Persons with Motor and Physical Disabilities runs, for persons with disabilities who are interested in agriculture, a comprehensive farming course, which offers an opportunity to learn about land use, management and production, and the raising of livestock.

Issue 6

21. Article 63 of the current Constitution establishes that every citizen has the right to submit complaints or petitions to the authorities and to receive an appropriate response within an acceptable period of time, in accordance with the law.

22. The Attorney General’s Office accords special attention to complaints and claims lodged by persons with disabilities and, in cases involving a breach of the law, issues appropriate declarations.

23. In Cuba, the number of such complaints is very low. Since 2013, there have been no complaints of discrimination against persons with disabilities, though citizens are aware of the relevant offices and of the existence of mechanisms for filing complaints related to various issues, including those recognized in the Convention.

24. In 2012, public prosecutors were given special powers to handle complaints, petitions, reports and claims. In 2014, to complement personalized care, the postal service and the submission of documents as channels of communication with citizens, a hotline was set up and a website created with a section entitled “El Ciudadano” (“Citizens”), which attracted the attention of 483,969 people. All these actions are part of a communication and computerization strategy aimed at enhancing the awareness and access of persons with disabilities.

Women with disabilities (art. 6)

Issue 7

25. In Cuba, women with disabilities have the same rights as men and other women. There are policies and programmes geared towards their protection, inclusion and equality

of opportunity throughout the country in areas such as employment, education, sport and culture.

26. An example of this is the coordinated work carried out by the Federation of Cuban Women together with associations of persons with disabilities, which involves addressing women's needs and concerns, giving lessons on violence prevention and spreading information about laws that protect women. During the 2015/16 period, 367 women members of the Cuban Association of Persons with Motor and Physical Disabilities undertook training programmes at the Federation's women's and family counselling centres.

27. These Centres offer assistance to women with disabilities by facilitating their access to legal experts and social workers. They serve as a forum for enhancing women's social lives through activities aimed at increasing their participation in education, employment and events for women in the creative industry. These measures have enabled women with disabilities to become leaders, activists and specialists at prestigious institutions.

28. Equality of opportunity for women with disabilities has been raised as a topic on the television programme "Cuando una Mujer" ("When a Woman") produced jointly by the Cuban Radio and Television Institute and the Federation of Cuban Women, with a particular focus on the care afforded to persons with disabilities, their inclusion and rights, and non-discrimination, and serving as a call for reflection for family members and institutions.

29. At the end of 2017, 14,539 (47.7 per cent) of the 30,482 members of the National Association of Blind and Visually Impaired Persons were women. Of them, 1,581 were workers, 305 were students, 303 were sportswomen, 433 were managers within the Association and 485 held leadership posts within the Federation of Cuban Women.

Children with disabilities (art. 7)

Issue 8

30. The National Action Plan for Children, Adolescents and their Families for the period 2015–2020 is based on the principles of the best interests of the child, equality, non-discrimination, guaranteeing rights, and participation. One of its main objectives is to serve a preventive function and promote and ensure the quality of care for children and adolescents with disabilities.

31. Studies have been conducted in Cuba in relation to children with disabilities, including doctoral theses on the approach to special education in Cuba and a research project linked to a programme run by the Ministry of Education that concluded in December 2017 and concerned educational support for children, adolescents and young people with special educational needs, ranging from concepts and contexts to developmental practices.

32. To ensure the accessibility of early intervention, rehabilitation, social protection and inclusive education services, children with disabilities are catered for by mainstream early childhood development programmes. Support is provided to 99.7 per cent of children, including those living in rural areas, thanks in part to a programme entitled "Educa Tu Hijo"⁴ ("Educate your child"), which currently serves 5,361 children with disabilities.

33. Children with disabilities also go to special schools,⁵ where attendance is not compulsory and is considered a temporary solution aimed at nurturing the skills required for inclusion in mainstream education. Such schools teach the core mainstream education

⁴ This is a non-institutional, intersectoral programme based on the active participation of families and communities that is targeted at children aged 0 to 6 years who do not attend children's institutions (day-care centres or preschool classes in primary schools) and seeks to promote, in a home environment, the best possible comprehensive development of every child.

⁵ Enrolment in special schools is an extraordinary measure taken with respect, at all times, for the will of the family and whose purpose is to strengthen the provision of individualized, specialized and timely care to ensure that each child benefits from the necessary remedial and/or compensatory services in accordance with his or her needs and development potential.

curriculum with some adaptations for pupils who need more intensive support. They carry out activities in cooperation with mainstream schools and the community, are held in high regard by society and are prioritized by the State and the Government.

34. The number of pupils currently attending special institutions or otherwise receiving special education does not exceed 3 per cent of the number attending mainstream schools, in which a total of 11,156 pupils with disabilities are enrolled.

35. Even pupils who need more intensive support are not catered for solely by the network of special schools; they are also served by other facilities, including mainstream schools, outpatient clinics and, occasionally, hospital classrooms. In all cases, the goal is to train and develop functional, social and work skills to enable the child to become a fully functional adult, while also preparing his or her family to provide assistance during the process. Children with more severe disabilities are cared for in psychoeducational centres operating under the Ministry of Public Health.

Issue 9

36. The Cuban State promotes the active participation of all children, adolescents and young people with disabilities in a range of social tasks and recognizes the importance of including them in organizations and associations. They enjoy equal rights to join student organizations, freely express their opinions and undertake initiatives related to topics of interest.

37. A practice that encourages the democratic participation of children and adolescents with disabilities in decision-making processes are the meetings arranged by the José Martí Pioneers Organization in schools across the country, at which those present can express opinions and submit requests to regional and national institutions. The State backs the holding of these meetings, which draw the participation of children with disabilities and allow them to voice their concerns and needs, and put forward suggestions.

38. The statutes of the José Martí Pioneers Organization enshrine the rights of children and adolescents, taking into account their needs and the attention that must be devoted to those with physical or other disabilities, in order to ensure their inclusion in social life as actors in society.

39. The participation of children and adolescents with disabilities in membership elections for pioneer movements in primary and secondary schools is their first experience of democratic participation as Cuban citizens. They play an active role in symbolically protecting the vote of every single elector in National Assembly elections in Cuba.

40. The José Martí Pioneers Organization has increased, at all levels, the number of forums for mass participation in the activities of the Pathfinder Pioneers Movement for children with disabilities, activities that enable children to display their knowledge, skills and values. At the Palacio de Pioneros (Pioneers Palace), efforts are made to foster their participation in sports, cultural and political activities, camps and clubs. In all these settings, children with disabilities can express themselves and participate freely.

Awareness-raising (art. 8)

Issue 10

41. Persons with disabilities participate actively in disseminating information on, and raising awareness of, their rights. In their representative associations, there are 377 volunteer correspondents who liaise with the various media outlets run by the Cuban Radio and Television Institute. Their work with the Institute facilitates the promotion of their rights and of the activities that they undertake.

42. Another initiative has been the launching of calls for tenders that bring together persons with disabilities of all ages and public institutions that support their rights. Audiovisual works have been produced to shine a light on their lifestyles and personal development in various areas of social life, such as employment, health, sport and education.

43. The Ministry of Culture has worked to ensure that the amateur talents of persons with disabilities feature in local cultural programming. To this end, the work of art teachers has been strengthened in order to encourage the conception, launch and systematic evaluation of sociocultural projects for persons with disabilities, particularly children and adolescents. These projects include “Cuenta conmigo” (“You can count on me”), “Con amor y esperanza” (“With love and hope”), “Alegrías en el corazón” (“A joy-filled heart”), “Granjita feliz” (“Happy little farm”), “Sin límites” (“Limitless”) and “Pétalos de amor” (“Love petals”).

44. Another project related to awareness-raising is “Tocando la luz” (“Touching the light”), by the Cuban Institute of Cinematographic Art and Industry and the National Association of Blind and Visually Impaired Persons. It has involved adding audio description to 98 Cuban films, which has benefited more than 5,500 consumers and fostered the socialization of visually impaired persons and their families. Offshoot projects have been carried out in rural areas in the provinces of Granma and Holguín.

45. The “Palomas” (“Doves”) project, which focuses on promoting integration, has led to the production of audiovisual material related to persons with disabilities. Examples include “Gracias a la vida” (“Thanks to life”), “Mi cuerpo en el camino” (“My body along the way”), “Camino entre mis sueños” (“Walking through my dreams”), “Tiempos Diferentes ... a su tiempo” (“Different times ... all in good time”) and “Una mujer ... con una ciudad por dentro” (“A woman ... carrying a city inside”). These works address the desires, aspirations, life stories and personal growth achieved by persons with disabilities.

46. Particularly noteworthy is the work carried out by the National Council of Plastic Arts, which runs projects in coordination with plastic artists working alongside persons with disabilities. Examples include “Imaginando Unidos” (“Dreaming together”), which takes place in Cienfuegos with the participation of children with Down syndrome and autism, the “El Yeti” (“Yeti”) project in Havana for students with autism, schizophrenia and motor and physical disabilities, and the plastic arts workshop for children with disabilities held at the Quinta de los Molinos.

47. Radio Cubana has devised a communications strategy for dealing appropriately with the topic of disability, tailored to the profile and style of each radio station and applicable to both traditional broadcast radio stations and Internet radio.

Accessibility (art. 9)

Issue 11

48. Steps are taken in Cuba to improve accessibility for persons with disabilities. In its resolution No. 81/2016, the Ministry of Construction lays down basic requirements for construction work, including in relation to the security and accessibility needs of persons with disabilities using the built environment. It also enforces Decree No. 327/2014, which regulates the investment process and sets out technical standards relevant to the application and approval process for the granting of building permits, and establishes requirements for the accessibility of the physical environment.

49. In 2017, accessibility criteria were applied to 834 projects, of which 240 were in the tourism sector, 110 were in the health sector, 72 were in the housing construction sector, 199 were related to social works and 213 concerned other facilities.

50. In the transport industry, a number of facilities are provided, including a 50 per cent discount on tickets for land and water transport services, the designation of two priority seats on public transport and preferred means of access to transport services, such as alternative entry points. The literature on the treatment of persons with disabilities and the use of appropriate terminology in the aviation sector has been updated. Moreover, improvements have been made to airport signs, and cabin crews are required to perform a safety demonstration other than an oral briefing. Efforts are ongoing to remodel passenger terminals with a view to improving the facilities, removing architectural barriers and installing rails in toilets and restraints on public transport.

51. Comprehensive technical training courses have been taught to staff dealing directly with persons with disabilities at public transport terminals and stations, with a focus on the uptake of new technologies. In 2017, the National Association of Blind and Visually Impaired Persons participated in the delivery of air traffic control courses. Approval was given to a proposal for a training course related to persons with disabilities within the Air Transport Facilitation Programme. The course is now being offered by the Civil Aviation Training Centre.

52. In the communications industry, at the end of 2017, 47 low-level telephone booths were installed. An offer consisting of 750 minutes of free calls was extended to residential telephone customers, benefiting 13,347 persons with disabilities, and a similar offer consisting of 900 free minutes was made available to services operated by associations of persons with disabilities, specifically 113 run by the National Association of Blind and Visually Impaired Persons, 83 run by the National Association of Deaf Persons and 114 run by the Cuban Association of Persons with Motor and Physical Disabilities. In 2017, 428 persons with disabilities completed courses taught as part of the Young Computer Club Programme, and HTML, microcomputer, Microsoft Windows and Microsoft Word courses are given in the headquarters of organizations of persons with disabilities.

Situations of risk and humanitarian emergencies (art. 11)

Issue 12

53. The care of persons with disabilities is taken into account in the disaster risk reduction plans drawn up by the Cuban Civil Defence Organization. These plans cover programmes and actions to guarantee the security and protection of such persons on sites serving as shelters during extreme weather and other events, and the public health authorities provide direct, specialized care to such persons as part of a responsibility to safeguard their physical and psychological integrity.

54. There are various documents that establish protocols for action to protect persons with disabilities in disaster situations. For example, Directive No. 1 of the President of the National Defence Council, on disaster reduction, provides that disaster risk reduction plans should be formulated on the basis of a methodology. It also stipulates that civil defence chiefs must report on the measures taken to protect persons with disabilities, provides for the preparation and training of such persons to minimize damage and establishes that they should be included in evacuation plans.

55. Associations of persons with disabilities have played an active role in planning actions for disaster situations. From 2015 to 2017, the “Ciudades Preparadas” (“Well-prepared cities”) project was carried out with the participation of associations of persons with disabilities. The project was aimed at risk prevention in the event of natural disasters, and covered the municipalities of Santiago de Cuba, Guantánamo and Baracoa. It benefited more than 3,000 persons with disabilities and their families and led to the creation of tools for disaster situations, including documents outlining the steps to take in such situations.

Equal recognition before the law (art. 12)

Issue 13

56. Once the new Constitution has been drafted and adopted, an analysis will be conducted of other laws and regulations that need reviewing and possibly updating, such as the Family Code. Aspects related to persons with disabilities will be borne in mind, including the issues of guardianship and supported decision-making models.

57. If a person were declared to lack legal capacity by a competent court on the grounds that he or she was unable to understand the consequences of his or her actions or control his or her behaviour, that person could not challenge the actions of his or her guardian or request a review of the decision of incapacity. Nevertheless, should any irregularity be discovered in the legal proceedings or in the medical report taken into consideration by the court when issuing the declaration of incapacity, the public prosecutor or any other person

could file an action for annulment of the decision to appoint a guardian for the person in question.

Access to justice (art. 13)

Issue 14

58. The access to justice of persons with disabilities is ensured thanks to the coordinated efforts of courts, public prosecutor's offices, collective law practices, women's and family counselling centres and organizations offering specialized care for specific disabilities.

59. Article 50 (2) of the Civil Code protects the rights of persons who are physically unable to express their consent and free will but can make legally valid submissions in court by means of special methods of communication or an interpreter, whose role in effectively assisting courts in understanding the statements of deaf-mute persons is recognized in various procedural laws in Cuba, namely article 278 of the Civil, Administrative, Labour and Economic Procedure Act, articles 164, 193 and 324 of Criminal Procedure Act No. 5/1977, article 70 of the regulations implementing Civil Registry Act No. 51/1985 and article 38 of State Notaries Act No. 50/1984.

60. The Judicial Training College offers courses on the rights of persons with disabilities and the implementation and interpretation of the international treaties to which Cuba is a party, with the participation of judges from across the country. The topic of disability is discussed at law and justice conferences and at other events organized by the Cuban National Union of Jurists.

61. Among the procedural accommodations made to ensure that persons with disabilities have effective access to justice is the creation, by the Attorney General's Office, of the Directorate of Family Welfare and Jurisdictional Matters. The Directorate's duties include caring for and protecting persons with disabilities in civil and criminal cases where their rights may be violated. Within the Directorate, it is established that, in addition to providing interpreters, steps must be taken to ensure strict compliance with the guarantees recognized in the Criminal Procedure Act, monitor interpreters' expertise, qualifications and status, guarantee the proper interpretation of witnesses' testimony and require the police to check all statements made by witnesses. Moreover, when persons with disabilities participate in judicial proceedings, they must be interviewed beforehand to ascertain their interests and position with regard to the proceedings and thereby avoid misinterpretations and effectively protect those interests.

62. Public prosecutors must comply with requests from courts to investigate disputes in which one of the parties is a person with disabilities, while abiding, at all times, by the regulations in force.

Liberty and security of the person (art. 14)

Issue 15

63. Both the current Constitution and the Criminal Procedure Act govern liberty and security of the person, including for persons with disabilities. Article 59 of the Constitution guarantees the integrity of detainees and prohibits the use of violence or coercion against people to force them to testify, stipulating that any confession obtained in violation of this provision is null and void, and that those responsible for the violation shall be punished in accordance with the law.

64. In Cuba, there is no policy designed to combat offences committed by persons with disabilities. Rather, the legal definitions of several crimes protect such persons. Article 20 (1) of the Criminal Code provides for the exemption from criminal responsibility of persons who commit a crime while in a state of insanity or while suffering from a temporary mental disorder, and of persons with delayed mental development, if, as a result of one of these factors, they are unable to understand the consequences of their actions or control their behaviour.

65. The Code also makes provision for the application of a harsher penalty when a crime is committed against a defenceless person (article 53 (i)). Similarly, it establishes offences such as rape, which is considered aggravated if the victim is a minor or a person with mental health problems, and the abandonment of children with disabilities (article 275 (1)).

66. The concept of “dangerousness” under the Criminal Code is applied on an exceptional basis and only to mentally ill individuals who pose a threat to society by virtue of being in a violent state. Such persons are hospitalized in conditions suitable for them to receive dignified treatment and conducive to their recovery. Public prosecutors conduct regular visits to check that the rights of such persons are strictly observed.

Issue 16

67. Persons with disabilities who commit a crime and are imprisoned do not suffer discrimination and receive the same care and access to decent living conditions.

68. The rules of procedure of the police, criminal investigation bodies and prisons under the authority of the Ministry of the Interior prohibit the arbitrary exercise of power, the subjection of persons deprived of their liberty to any form of harassment, punishment or inhuman or degrading treatment, the use of unlawful means of coercion or constraint and the infliction of physical or mental suffering that is detrimental to human dignity or discriminatory.

69. On admission to prison, persons with disabilities have any documentation that they are carrying carefully checked and undergo interviews and medical, stomatological, laboratory and complementary examinations that make it possible to determine their special needs and where they should be held and to draw up a treatment plan for use by officers specializing in educational treatment. These activities are regulated by prison security procedures.

70. Decisions on where to place inmates with disabilities do not involve segregating them from the rest of the prison population, but are made in accordance with their limitations and support or care needs.

Issue 17

71. Persons with disabilities in the prison system enjoy the same rights and benefits as other people and may, with the consent of a medical practitioner, follow educational treatment programmes involving, for example, socially useful work or vocational or academic training. They participate in organized activities, as established in the procedures governing educational treatment, and receive, on a daily basis, adequate food of sufficient nutritional value, as required by rule 20 of the Standard Minimum Rules for the Treatment of Prisoners. In the event of illness, they are put on a diet appropriate to their condition and health status.

72. Priority is given to maintaining hygienic and dignified living conditions, and steps are taken to ensure that prisons are free from diseases and epidemics, in compliance with sanitary and epidemiological requirements.

73. Prisons have the facilities, specialist staff, resources and medicines to guarantee the provision of medical and stomatological care to persons deprived of their liberty and the appointment of health workers to assist persons with disabilities if necessary.

74. During the admission process, efforts are also made to coordinate the specialized medical consultations that persons with disabilities may require and meet their needs with regard to acquiring or renewing devices, the cost of which can be covered by the budget allocated by the State for the care of the prison population.

75. In addition, safeguards are in place to ensure that such persons can receive visits from their lawyers and family members, perform legal acts, submit complaints and receive responses within established time frames and in accordance with the law, and that they have the right to appeal against any disciplinary measures imposed on them.

76. The situation of inmates with disabilities is evaluated on a regular basis so as to find effective prison treatment programmes that do not endanger their health. This process

involves the granting of benefits ranging from progression to a lighter prison regime to early release.

Freedom from exploitation, violence and abuse (art. 16)

Issue 18

77. The legal framework adopted in Cuba enables persons with disabilities to receive institutional and social support aimed at preventing exploitation, abuse and any acts of violence to which they may be exposed.

78. The family, society and the State have an obligation to ensure that women and children with disabilities are granted the necessary protection and conditions conducive to their personal development and the enjoyment of their rights.

79. Standards pertaining to marriage, the family, reproduction, parenthood and personal relations are enshrined in the Constitution, the Family Code, the Civil Registry Act and its implementing regulations, the Civil Code and Decree-Law No. 339 on maternity arrangements for working women, among others.

80. These laws govern matters such as: equal rights to marry and found a family on the basis of free and full consent, the right to decide freely and responsibly on the number and spacing of children, and support for the parents of children and adolescents with disabilities aimed at providing them with the special conditions needed to raise such children and prevent the concealment, neglect or abandonment of minors with disabilities. There are also rules governing measures to prevent a child from being separated from one or both of his or her parents because of his or her disability.

81. The People's Supreme Court closely monitors families in conflict and, to this end, issues pertinent official communications to institutions including women's and family counselling centres. It also offers assistance, guidance and support to people who make use of such centres because they are victims of gender-based and domestic violence and have a disability. At the national level, 4,366 petitions for recognition of a disability, 2,567 petitions for guardianship and 104 petitions for the termination of guardianship have been filed.

Issue 19

82. In Cuba, there are 19 psychiatric hospitals with a capacity of 4,954 beds. Admission to these institutions is based on clinical criteria. The occupancy rate stands at 84.3 per cent and the average stay is 79.1 per cent. The current policy is to reduce the number of beds with a view to limiting long-stay services. Steps are being taken to implement an assisted deinstitutionalization programme for long-stay patients.

83. The rate of admission is 0.2 per 100 population, and the number of patient-days is 19.4 per 100 population. There are 1,243 psychiatrists and 345 child psychiatrists. Forensic psychiatry services operate in 7 of the 19 psychiatric hospitals, which are routinely visited by the Attorney General's Office.

84. These institutions are a manifestation of the political will in Cuba to uphold human rights, in particular the right to health, as they ensure free, universal, high-quality and non-discriminatory access to appropriate, timely and comprehensive services that are tailored to meet the needs of persons with disabilities, and to high-quality, effective and affordable medicines.

Protecting the integrity of the person (art. 17)

Issue 20

85. All medical procedures are performed with the patient's free and informed consent, so there are no cases of non-consensual medical experimentation or treatment. This principle is applied in psychiatric hospitals, as stipulated in the General Regulations for Psychiatric Hospitals established in Ministerial Decision No. 35/2013 of the Ministry of

Public Health. Complaints may be filed with the Ministry or with other institutions responsible for protecting the rights of persons with disabilities.

Liberty of movement and nationality (art. 18)

Issue 21

86. Articles 23 (g) and 25 (g) of the Migration Act, which refer to certain restrictions on obtaining a passport and leaving the country, specifically in the case of minors with disabilities who do not have notarized permission from their parents or legal guardians, are in line with articles 30 and 31 of the Civil Code (Act No. 59/87), which govern the capacity to perform legal acts, and in which mention is made of minors and persons with disabilities.

87. The same approach is taken with regard to the granting of Cuban citizenship at birth to children born abroad to a Cuban mother or father, pursuant to articles 4 and 5 of Decree-Law No. 352/2017. In both cases, the underlying concern is the need to protect the rights of persons who could be induced to express wishes contrary to their true interests; it is not to discriminate against persons with disabilities with respect to their rights to freedom of movement and nationality.

Living independently and being included in the community (art. 19)

Issue 22

88. In Cuba, a number of specific programmes are developed within the social security system. At the end of 2017, 10,707 million pesos were allocated to public health and social welfare programmes to fund the operation of hospitals, polyclinics, stomatological clinics and homes for persons with disabilities and others, access to which is universal and free.

89. A home caregiver service continues to be offered to older persons and persons with disabilities who live alone and have no family, as does protection to the mothers of children with severe disabilities. Protection has been afforded through the social welfare system to 36,900 persons with disabilities, 3,573 mothers of children with severe disabilities and 5,160 beneficiaries of the home caregiver service. A family food programme is also being implemented in every community in the country.

90. There are 525 areas for rehabilitation in the communities where persons with visual impairments live. In 2017, they were used by 2,852 people. In addition, multidisciplinary teams including doctors and psychologists have been set up to formulate individual strategies for the inclusion of people in society with greater family participation.

91. In 2017, for the purpose of providing technical mobility aids, a budget of 1,250,000 Cuban convertible pesos (425,982 more than in 2016) was approved, making possible the purchase of 181,477 aids and 30,000 aids manufactured domestically, which ensured that aids could continue to be sold in pharmacies. The purchase included 36,675 multi-leg walking sticks, 4,624 walking frames, 16,910 imported crutches and, in terms of domestically produced aids, 8,000 single-leg walking sticks and 22,000 forearm crutches.

92. For other technical aids, a budget of 15,367,696 Cuban convertible pesos was approved, allowing for the purchase of 42,330 wheelchairs of various kinds (20,200 of the standard variety, 500 for quadriplegic persons, 500 with elevating leg rests, 16,100 for use in the bathroom and 5,000 commode chairs), 5,000 Fowler beds, 10,000 bedpans, 20,000 men's plastic urinal bottles, 20,000 women's plastic urinal bottles, 3,000 ring cushions, 3,000 anti-bedsore mattresses and 1,199,800 disposable nappies for adults and children.

Freedom of expression and opinion, and access to information (art. 21)

Issue 23

93. Cuba is making efforts to ensure that persons with disabilities have access to public information and means of communication. Telecommunications devices for deaf persons continue to be installed, even though the technology is obsolete and the devices are

expensive to acquire. The National Association of Deaf Persons has purchased 15 mobile phones that meet the necessary requirements.

94. Measures have been taken on television channels, including advertisements produced in coordination with the Association, the airing of the campaign “Por la Utilidad de la Virtud” (“For the Utility of Virtue”), the coverage of events requested by associations of persons with disabilities and the broadcasting of films with audio description over the summer.

95. Closed captions continue to be in steady use for the subtitling of programmes on all national television stations. Around 57 to 60 such programmes are produced to suit different tastes (programmes for children and young people, cinematic programmes, soap operas, news broadcasts and Cuban and foreign series). Moreover, the Cuban Radio and Television Institute has broadcast 32 messages on the five nationwide channels and 163 advertisements on community television related to the topic of disability.

Issue 24

96. The official language of Cuba is Spanish. A range of programmes facilitate the teaching of sign language. An agreement between the National Association of Deaf Persons and the Cuban Radio and Television Institute provides for interpretation and subtitling services and educational programmes.

97. In 2016, the television programme “Enseñarte” (“Teaching You”) featured a sign language course. The initiative served to expand communication links and legitimize sign language and deaf culture in Cuba.

Respect for home and the family (art. 23)

Issue 25

98. Once the new Constitution has been adopted, the Family Code will be updated, taking into account aspects related to marriage and persons with disabilities.

99. For working mothers with children who have severe, irreversible and permanent disabilities, are in a vegetative state and bedbound, have a progressive disease and severe neurocognitive and adaptive dysfunction, are in the paediatric age group and have no prospect of receiving institutional care, economic protection is afforded through the social welfare system, and, for retirement purposes, the years they spend caring for their children are factored in.

100. Additional support is offered through Decree-Law No. 339 of December 2016 on maternity arrangements for working women, which provides for the exclusive protection of parents of children with some form of disability who require special care and gives them the option of taking unpaid leave between the child’s first and third birthdays. During this time, their jobs are protected, and they have the right to return to work whenever they choose. This legal provision benefits families in such a situation and, where appropriate, is coupled with a child benefit assessment if the family income is insufficient. One new element can be found in article 36 of the Decree-Law, which establishes that the mother or father may decide that the rights set out in that section should be exercised by a maternal or paternal working grandparent.

Issue 26

101. To prevent cases of abandonment, diagnosis and counselling centres attached to the Ministry of Education have a duty to identify risk situations, anticipate and detect problems and provide appropriate care as part of preventive work involving children and their families. The specialist psychopedagogic diagnoses made by these centres are participatory in nature. In addition to the family, they involve other actors and social agencies with the aim of devising comprehensive education support strategies.

102. In terms of alternative care, there are shelters for minors with no family support where children up to 18 years of age are cared for in conditions similar to those found in a family home. All of them are provided with the financial resources necessary for their

development (with regard to nutrition, clothing, hygiene, education, leisure, transportation services, health care and other, freely chosen personal purchases). The teaching staff at these institutions are qualified and highly skilled in communication and the provision of care.

Education (art. 24)

Issue 27

103. The principle of education for all in Cuba makes it possible for educational establishments to serve students with disabilities, for whom reasonable accommodations are made on the basis of their needs and potential. Nationally, there are 10,688 such establishments, of which 355 are special schools. Nevertheless, all educational institutions in Cuba can cater for students with special educational needs that may or may not be associated with a disability. Conditions have been put in place to favour the adoption of inclusive processes in mainstream settings. Examples include the formulation of methodological guidelines for the care of students with disabilities thanks to joint efforts by special educational institutions and establishments at various levels of the education system under the authority of the Ministry of Education, the design and development of specialization courses for teachers in mainstream institutions, the production of support materials for teachers and the training of non-disabled students in sign language, Braille and the topics of orientation and mobility.

104. Higher education is also inclusive, and the system is flexible enough to enable all young Cubans who meet the entry requirements to enrol, benefit from any necessary educational accommodations, have access to the technology required for their learning, undertake high-quality vocational training and be sure of finding decent work in line with their qualifications. There are 204 students with disabilities at universities across the country.

Health (art. 25)

Issue 28 (a)

105. All persons with disabilities are entitled to receive free services from any health facility, including sexual and reproductive health services and family planning consultations, along with genetic support, from the primary care level. Although, in such facilities, there are no budgeted posts for sign language interpreters, deaf persons request interpretation services from institutions, such as the National Association of Deaf Persons, that provide such services.

106. Since the inception, in 2004, of the Sign Language Interpreter Training School, 7,000 interpreters have graduated, with the majority now working in offices of the National Association of Deaf Persons and the Ministry of Education. In addition, steps are taken to promote research that involves members of the deaf community from different age groups, through the use of interpreters or specialists who are proficient in sign language so as to enable access to precise information.

107. In 2017, Braille was used in 27 special schools, one national rehabilitation centre for blind and visually impaired persons, two Braille printing houses responsible for more than 7,000 publications and special reading areas for blind persons. Moreover, the magazine "Faro" ("Beacon") continues to be published in Braille, and Braille texts are produced for the International Book Fair. The introduction of Braille in Cuba has made it possible to increase the number of persons with disabilities who graduate as lawyers, teachers, psychologists, journalists, physiotherapists and musicians.

Issue 28 (b)

108. Health is a right enshrined in article 50 of the Constitution and guaranteed by the Public Health Act as an expression of the political will of the people, without discrimination or social exclusion.

109. In Cuba, there are 614 rehabilitation services, 1,053 doctors specializing in physical medicine and rehabilitation, 144 specializing in speech therapy and phoniatrics, 3,103 defectology graduates and 3,988 social workers providing health-care coverage to persons with disabilities.

Work and employment (art. 27)

Issue 29

110. In Cuba, neither data on unemployment rates nor data on average incomes are disaggregated by disability status.

Issue 30

111. Employment in special workshops is reserved for persons with disabilities who are unable to enter the regular job market and serves the dual purpose of enabling them to undertake a productive, income-generating activity and of preparing them, to the extent possible, to transition, at a later date, into the open labour market.

112. In practice, once they have acquired the necessary skills and capabilities, they can submit a request to their municipal labour office to enter the regular job market.

Adequate standard of living and social protection (art. 28)

Issue 31

113. The relevant national action plan is indicative of the efforts made in Cuba to guarantee an adequate standard of living for all and meet the specific needs of persons with disabilities, in line with the country's basic principles: universality,⁶ standardization⁷ and democratization⁸.

114. Moreover, the Economic and Social Policy Guidelines for the Party and the Revolution for the period 2016–2021 identified, with regard to social policy matters, which include the care of persons with disabilities, the following objectives:

- To ensure that social welfare protection is afforded to those who need it, are unable to work and do not have relatives who can provide support;
- To maintain the food provided through social services, while prioritizing the health institutions and education centres that require it;
- To enhance channels for the protection of groups who are vulnerable or at risk when it comes to food.

115. The documents entitled “Conceptualización del modelo económico y social cubano de desarrollo socialista” (“Conceptualization of the Cuban Economic and Social Model for Socialist Development”) and “Bases del Plan Nacional de Desarrollo Económico y Social hasta el 2030: visión de la nación, ejes y sectores estratégicos” (“Outline of the National Plan for Economic and Social Development up to 2030: National Objectives and Strategic Areas and Sectors”), which were adopted by the National Assembly of People's Power on 1 June 2017, reflect the will of the State and Government to continue to adopt measures to ensure equality of opportunity for persons with disabilities and their access to those opportunities and to promote their inclusion and comprehensive social development, while protecting those who are vulnerable.

⁶ Guarantees that the country's resources are available to the entire population and shared equally, in accordance with the State's economic and social development policy.

⁷ Gives effect to the right of persons with disabilities to have a lifestyle in keeping with the commonly accepted standards and conditions experienced by all other persons of their age and to be provided with the support that they need using regular budgets.

⁸ Guarantees the right of all citizens, without exception, to participate in the country's economic, political and social development.

Issue 32

116. Among the guiding principles of Water Resources Act No. 124/2017 are the equitable use of such resources and the universal right to water and sanitation. The State promotes, and acts in accordance with, the principle of equitable water use by guaranteeing access to basic drinking water services for people in both urban and rural areas, including persons with disabilities.

117. Water resources are not exploited to the detriment of the right of all persons to drinking water. Water resource services are public, regardless of who provides them.

Participation in political and public life (art. 29)**Issue 33**

118. Persons with disabilities have full access to all State and government organizations and posts. There are no barriers or constraints that prevent or hinder persons with disabilities from being elected or appointed to occupy political, legislative or government positions within the State apparatus, provided that they have reached the age of majority and are mentally fit. Such persons also have the right to vote in all elections. Consequently, there is currently one woman member of the National Assembly of People's Power with disabilities, and there are seven members of municipal assemblies with disabilities.

119. In addition, during the regular sessions of general assemblies of members and national conferences of associations of persons with disabilities, delegates may express their opinions and discuss problems that affect both their quality of life and the proper development and functioning of their associations. These meetings are attended by public bodies including local government agencies and departments of health, education, sport, culture, recreation and social security, among others.

Participation in cultural life, recreation, leisure and sport (art. 30)**Issue 34**

120. While the initial designs of several facilities failed to incorporate accessibility features, in recent years, the budgets for repair programmes have included funds for maintenance and new investments in order to comply with accessibility requirements.

121. Measures taken include the installation of wheelchair ramps in sports, cultural and leisure facilities, the fitting out of accessible bathrooms and other rooms in sports accommodation facilities and national sports academies with the equipment needed by athletes with disabilities, the improvement of access to high performance gymnasiums and the adaptation of areas of baseball stadiums and multipurpose halls for spectators in wheelchairs.

122. These measures have enabled more than 800 athletes with disabilities to participate each year in national and provincial competitions in 15 sports. Moreover, 53 children with disabilities currently attend beginners' sports schools, where they study, train and go about their daily lives.

Issue 35

123. No decision has yet been made to ratify the Treaty. This is an issue that the Cuban authorities will have to evaluate in the future.

C. Specific obligations (arts. 31–33)**Statistics and data collection (art. 31)****Issue 36**

124. Disability statistics are managed through the complementary statistical information system of the Ministry of Public Health. Every year, age- and sex-disaggregated data are

gathered on the incidence and prevalence of disability, including disabilities that are mitigated or overcome using an external technical aid. Every six months, information is collected in relation to selected health-care indicators from the following programmes for persons with disabilities: the programme for visually impaired persons, the audiology programme and the programme for the institutional and community-based care of persons with intellectual disabilities and the transfer of persons from shelters to psychopedagogic medical centres for boarders and part-time boarders.

125. To improve data collection, and in line with international requirements, an interdisciplinary working group was set up to implement the International Classification of Functioning, Disability and Health.

126. Moreover, for the 2020 round of censuses, and given the importance of the topic of disability, recommendations of the Washington Group on Disability Statistics, the United Nations Children's Fund, the Pan American Health Organization/World Health Organization and the Statistical Conference of the Americas of the Economic Commission for Latin America and the Caribbean will be examined and taken into account when determining survey themes. That said, in the 2012 census, nine types of disability were recorded: permanent speech impairment, hearing impairment, deafness, blindness, visual impairment, physical-motor disability, chronic mental illness, mental retardation and chronic kidney disease.

International cooperation (art. 32)

Issue 37

127. The resources obtained by Cuba through international cooperation are used to further the inclusion of persons with disabilities. Local development projects secure the participation of persons with disabilities in manufacturing and industrial initiatives and design projects in their communities. A partnership involving multiple actors has been established to broaden their access to education and health, and to advance their active involvement in national socioeconomic development. An ongoing dialogue and specialized care is provided in order to help them, through the aforementioned projects, to develop their interests, satisfy their needs and use their free time in a productive, healthy and informed manner.

128. Efforts are made to ensure that all the resources derived from international cooperation are geared towards providing a social impact or benefit and are allocated in a non-discriminatory manner. The principle of transparency is observed in the distribution and use of the resources – irrespective of who has provided the resources and how they have done so – and the objectives of the cooperation are respected.

National implementation and monitoring (art. 33)

Issue 38

129. The implementation of programmes for the care of persons with disabilities is monitored and evaluated by the National Council to Support Persons with Disabilities. The Council's meetings are included in the country's core activity programme, as are the bimonthly meetings held with the bodies and institutions involved in the monitoring and evaluation process.

130. During the reporting period, the efforts of social workers have proved significant, particularly with regard to preventing, identifying, providing guidance on, addressing and remedying the root causes of social problems within communities, and to caring for vulnerable individuals.

131. Activities related to prevention, assistance and social work are monitored twice a year, when the Council's work is evaluated in all the provinces of the country.

132. The Council's member agencies are accountable for the comprehensive care of persons with disabilities and are summoned to provide answers in that regard whenever necessary.

Issue 39

133. The implementation of the Convention is monitored by the Council, which is also responsible for the development of the National Plan of Action that brings together all stakeholders. At the Council's meetings, organizations of persons with disabilities express opinions and vote, and propose and design strategies to defend their rights and promote their comprehensive development.

134. These organizations have ample scope for participation and operate freely, without restrictions. Their relations with government and sectoral authorities are close, coordinated, supportive and complementary.
