



Convention on the Rights of the Child

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Consideration of reports of States parties

List of issues in relation to the report submitted by Cuba under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Addendum

Replies of Cuba to the list of issues*

[Date received: 25 August 2015]

Reply to paragraph 1 (a) of the list of issues

1. In accordance with the information provided in paragraph 142 of the report submitted by Cuba under article 12, paragraph 1, of the Optional Protocol (CRC/C/OPSC/CUB/1), there were no recorded court cases in Cuba relating to the offence of sale of children or adolescents during the period under review.
2. Although this phenomenon does not occur in Cuba, paragraph 31 of the aforementioned report explains that article 316 of the Criminal Code (Act No. 62 of 1987) makes the sale and trafficking of children a criminal offence, providing penalties for anyone who sells or transfers a child for adoption to another person, for financial reward or any other form of compensation.
3. In relation to this offence, the same Act also recognizes aggravating circumstances such as whether fraudulent acts are committed with the intention of misleading the authorities; whether the perpetrator is the manager of the institution or the person responsible for the care and custody of the child; and whether the intention is to take the child out of the country or to use the child for the purpose of any of the forms of international trafficking associated with pornography, prostitution, the organ trade, forced labour, drug trafficking or illicit drug consumption.
4. Cases relating to prostitution or other forms of sexual exploitation and sexual commerce, such as sex tourism, are defined under the offence of corruption of minors,

* The present document is being issued without formal editing.



as described in paragraph 31 of the report. Statistical information on these matters is provided in paragraphs 136 to 147 of the report.

5. However, the statistics set out in the above-mentioned paragraphs, and the characterization of cases relating to those offences, show that prostitution, child pornography and other forms of child exploitation are not frequent social phenomena in Cuba.

6. Regarding the prosecution and punishment of perpetrators, Cuba continues to apply its policy of “zero tolerance” for any offence related to sexual exploitation or abuse where it in any way involves girls, boys and/or adolescents.

7. Under the sentencing regime in force in the country, the use of minors in the commission of a criminal act is treated as an aggravating circumstance in relation to criminal liability. As regards the offences linked to the types of behaviour referred to the Optional Protocol, please refer to paragraphs 31 to 34 of Cuba’s report.

8. Furthermore, the mere proposal of such acts is also punishable by law, as is the performance of sexual acts in front of children or the offering of pornographic or obscene publications, photographs or video material to minors.

Reply to paragraph 1 (b) of the list of issues

9. Cuba is not a country of destination, transit or origin for trafficking in persons, including the sexual exploitation of children.

10. In accordance with reports published by Cuba on how the criminal law system handles cases of human trafficking and other forms of sexual abuse, the courts tried four cases of corruption of minors in 2012 and five in 2013, the victims of which were under 16 years of age. In these cases forms of behaviour were identified that are defined as the offence of trafficking in persons, in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

11. Although there were no recorded cases of transnational trafficking in 2014, at the domestic level there were 122 trials of cases associated with the offence of procuring and trafficking in persons and 21 trials for the offence of corruption of minors. Nine cases of procuring and four of corruption of minors bore the hallmarks of trafficking in persons.

12. In the four cases of corruption of minors, the victims were female and were aged between 13 and 14.

13. The perpetrators in those cases received prison sentences of between 7 and 13 years.

14. There are no records of court proceedings in Cuba relating to the offences of trafficking in persons for the purposes of transfer of organs, illegal adoption or forced labour.

15. In Cuba, adoption is an institution that fulfils functions corresponding to the family. Accordingly, the legal rules pertaining to adoption form part of the Family Code, or Act No. 1289 of 14 February 1975, and the relations between adoptive parents and adoptive children are akin to those that exist between biological parents and their children.

16. The adoption process can only be authorized by the courts, and the opinion of the prosecutor is required by law.¹

17. The methodological instructions for prosecutors, issued by the Directorate for the Protection of Citizens' Rights within the Attorney General's Office, stipulate that, before issuing an opinion in an adoption case, the prosecutor must verify the authenticity of the documents submitted by the interested parties and launch a thorough investigation to ensure that there is no hidden agenda or intention that runs counter to the principles upon which adoption is founded in the Family Code and that could have an impact on the interests of the child.

18. One of the factors deterring and preventing possible cases of illegal adoption, sale and trafficking of children abroad has been the preference shown for the adoption of minors by Cuban nationals.

19. Additionally, Cuba signed the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption on 1 June 2007.

20. Regarding the regulations for preventing forced labour, among the key principles governing labour law are those contained in article 2 (d) of Act No. 116 of 20 December 2013 (the Labour Code), namely the prohibition of child labour and special protection for young people aged 15 to 18 who join the workforce, in order to ensure their comprehensive development.

21. According to the provisions of the Labour Code, these young people are authorized to work, in exceptional cases and subject to a medical report, once they have completed their professional or skills training, or for other justified reasons.²

22. Employers in any sector are required to pay special attention to these young people with a view to improving their state of preparation, adaptation to working life and development of their vocational training, so as to ensure that they enjoy equality of rights with other employees.

23. Another guarantee relating to the prohibition of the offences set out in the Optional Protocol is Decree No. 326 of 12 June 2014, the Regulation to the Labour Code, which stipulates that, when acts such as the sale of children, child prostitution and child pornography are identified, they shall entail criminal liability, investigation and the filing of a report to the appropriate authorities.

24. Similarly, article 22 of the Act itself states that the capacity to enter into contracts of employment is acquired at the age of 17. In exceptional cases, and subject to prescribed conditions and circumstances, employers may enter into employment contracts with 15 or 16 year-olds, with the consent of their parents or guardians.

25. Following the implementation of new forms of non-State economic management, Resolution No. 41 of 22 August 2013 was introduced to regulate self-employment. Article 3 thereof establishes that Cuban citizens and permanent foreign residents over the age of 17 who fulfil the legal requirements may undertake self-employed work.

Reply to paragraph 1 (c) of the list of issues

26. In Cuba, specialized care is provided to girls, boys and adolescents who have been victims of the offences described in the Optional Protocol.

¹ Article 104 of the Family Code stipulates that the competent court shall transmit the adoption file to the prosecutor for the latter to issue an opinion.

² The authority empowered to authorize the inclusion of these young people in the workforce, at the request of the employer and with the consent of the parents or guardians, is the Director of Municipal Employment.

27. As detailed in paragraphs 211 and 212 of Cuba's report, between 2010 and 2013 protection was provided to 1,907 girls, boys and/or adolescents who had been victims of alleged offences of corruption of minors.

28. Of those offences, 187 were related to prostitution, with the involvement of procurers in some cases. A further 57 cases were linked to the taking of pornographic photographs and videos in the context of intra-couple relations. In 31 of those cases, profit was not a motive and relationships of trust were found to exist between the victims and the perpetrators.

29. In 2013, protection was provided for 553 child victims of alleged cases of corruption of minors. As was explained in paragraph 31 of Cuba's report, this offence is governed by article 310.1 of the Criminal Code and is defined as the use of a person under the age of 16 for the purpose of prostitution and/or pornography.

30. In 2014, specialized care was provided at the Centres for the Protection of Children and Adolescents (CPNNA), and at alternative centres at the national level, for 2,122 child victims of alleged cases of sexual abuse.³ Of these, 396 were linked to the offences recognized in the Optional Protocol.

31. In all cases, specialized monitoring was ensured in coordination with the child and juvenile psychiatric services of paediatric hospitals, the specialized psychological consultation service and the community mental health centres within the National Health System.

32. The Federation of Cuban Women also played an important role in this process through its voluntary community social workers who are trained to ensure appropriate assistance to victims of the offences defined in the Optional Protocol, their full social reintegration and physical and psychological recovery, in accordance with the specific characteristics of each case.

33. Similarly, multidisciplinary teams have been set up in women's and family counselling centres to ensure that all child victims have access to adequate procedures to seek compensation for damages, in consultation with the families or legal guardians.

Reply to paragraph 2 of the list of issues

34. The National Action Plan for Children, Adolescents and their Families 2015-2020 was drafted on the basis of the results of the National Plan of Action for Children and Adolescents: follow-up to the document "A World Fit for Children"; the second periodic report of Cuba on the implementation of the Convention on the Rights of the Child (CRC/C/CUB/2); the priority areas of the United Nations Children's Fund (UNICEF) programme of cooperation with the Cuban Government; and the plans of State agencies in the field of care for children, adolescents and their families.⁴

35. During the process of drafting the National Action Plan for Children, Adolescents and their Families 2015-2020, an in-depth analysis was made of the

³ Paragraphs 187 to 194 of the report of Cuba include details of the work carried out in these centres.

⁴ Ministry of Public Health, Ministry of Education, Ministry of Higher Education, Ministry of Labour and Social Security, Ministry of Culture, National Institute of Sport and Recreation, Ministry of Justice, Office of the Attorney General's of the Republic, People's Supreme Court, Ministry of the Interior, Cuban Institute of Radio and Television, Ministry of Science, Technology and the Environment, Cuban Academy of Sciences, National Water Resources Institute, Ministry of the Revolutionary Armed Forces, José Martí Pioneers Organization, Federation of Senior Secondary School Students, Union of Communist Youth, Federation of Cuban Women, Committees for Defence of the Revolution, and Association of Combatants of the Revolution.

country's achievements and remaining challenges in relation to children and adolescents. This process focused on specific social groups and was undertaken in cooperation with the UNICEF office in Cuba.

36. The Plan defines the following as fundamental components of the different aims, strategies and results: the socioeconomic and cultural diversity of the family, gender, skin colour, territory and sexual orientation, among others.

37. The outcome was a comprehensive document that covers all areas of care for children and adolescents at all levels across the country.

38. The proposed activities are linked to the United Nations Development Assistance Framework (UNDAF) goals in Cuba for the period 2014-2018 and Cuba's country programmes with the different agencies dealing with issues related to children and adolescents, such as UNICEF, the United Nations Population Fund (UNFPA), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Food Programme and the United Nations Development Programme (UNDP).

39. Considering the low or zero incidence of cases of sale of children, child prostitution and child pornography in Cuba, and the inclusion of an objective on the specific areas of the Optional Protocol in the National Action Plan for Children, Adolescents and their Families 2015-2020, it has not been necessary to develop a specific national plan on these issues.

40. The objective included in the Plan focuses on preventing, suppressing and punishing the use of girls, boys and adolescents for the purpose of prostitution and pornography, as well as providing specialized treatment and protection for victims in order to ensure their recovery, social reintegration and full, comprehensive rehabilitation.

41. The Plan is currently under consideration by the First Vice-President, Miguel Díaz-Canel Bermúdez, who is the country's designated authority for coordinating the protection and supervision of children's rights.

Reply to paragraph 3 of the list of issues

42. Cuba has an extensive and effective inter-agency system — which includes the participation of social and political organizations — for receiving, processing and responding to any individual or group complaint or request relating to the enjoyment of any human right, as stipulated in article 63 of the Constitution.

43. The principal guarantor of this right is the Attorney General's Office, which, by means of Act No. 83 of 1997 (art. 8 (c)), has been mandated to consider, investigate and respond, within a period of 60 days, to allegations, complaints and claims lodged by citizens, in accordance with the legal requirements.

44. Under article 24, paragraph 2, of the same Act, the Office is responsible for ordering the full restoration of legality.

45. Where the complaint relates to the action of an organization, the prosecutor will launch an investigation and, if the complainant is in the right, will order the restoration of their rights and, consequently, of legality. The prosecutor is obliged to take the case through to a final resolution and their action is binding on offenders.

46. In order to strengthen this role, the Attorney General's Office created the Department for the Protection of Citizens' Rights and similar departments in each provincial prosecutor's office. In the municipalities, one of the prosecutors is assigned to this area of work.

47. The most common complaints are routinely monitored by a team of specialists from the Attorney General's Office, who look into the cases arising therefrom and take appropriate action to prevent further violations.
48. The issues raised most frequently relate to a range of criminal, family, employment, and administrative matters and the rights of minors.
49. This mechanism has proven to be efficient in ensuring respect for legality and the rights of citizens, as explained in paragraph 180 of Cuba's report.
50. Furthermore, other means of providing legal assistance and handling allegations and complaints are being explored in an effort to provide citizens with answers and solutions to their concerns and grievances. One such measure, the "citizens" site, can be accessed through the web portal of the Attorney General's Office.
51. As stated in Cuba's report, consideration is currently being given to the creation of an entity to be responsible for matters relating to children and adolescents, by way of policy follow-up based on a preventive approach.

Reply to paragraph 4 of the list of issues

52. Central State administration bodies allocate substantial human, technical and financial resources in order to ensure the comprehensive protection of children, as well as to implement and comply with the Convention on the Rights of the Child and its Optional Protocols at the national level.
53. This is evidenced by the resources deployed for that purpose by the Attorney General's Office, the Ministry of Education and the Ministry of Public Health — bodies with a high incidence of attention to matters related to offences covered by the Optional Protocol.
54. The Attorney General's Office has approximately 889 prosecutors working on criminal trials and the protection of citizens' rights. The annual investment in that work amounts to around \$10,774,680 Cuban pesos.
55. There are 245,816 teachers and specialists in the Cuban education system.
56. The University of Pedagogical Sciences, which is responsible for the training and preparation of teaching staff, has 4,440 teachers, of whom 2,688 have master's degrees, while 705 have doctorates.
57. Moreover, multidisciplinary teams in the evaluation and orientation centres referred to in paragraphs 185 and 186 of Cuba's report, include specialists in the areas of psychology, pedagogy, educational psychology, psychometrics, speech therapy and social work.
58. The 168 municipal education directorates have 1,157 specialists who are responsible for monitoring the educational process and the link between school and family life. In the 15 provincial directorates, 82 of these specialists focus on matters related to the content of the Optional Protocol.
59. The national mental health service network covers the entire population. It comprises 84 mental health units in polyclinics, 15 psychiatric units in paediatric hospitals and a detoxification centre for adolescents.
60. Cuba also has 421 outpatient mental health clinics, 3.5 per cent of which serve only children and adolescents.
61. In terms of supporting the health of children and adolescents, 4 per cent of primary and secondary schools (356 centres out of a total of 10,026) employ full- or

part-time mental health professionals. It is estimated that between 81 and 100 per cent of primary and secondary schools conduct activities to promote mental health and prevent mental disorders.

62. As part of this system, 204 child psychiatry specialists serve the 2,624,000 persons aged under 19 in Cuba, which is equivalent to one specialist per 12,862 minors and places Cuba among the leading countries in Latin America for specialized coverage.

63. In the framework of the project “For a World of Rights” and in collaboration with UNICEF, activities are carried out throughout the country and for all age groups. Substantial technical, material and human resources are devoted to strengthening public awareness of the law relating to children, adolescents and young persons.

64. Moreover, the Centre for Youth Studies has 16 professionals, including sociologists, psychologists, educators, historians, philosophers and communications specialists, who analyse and research themes relating to the Protocol. These professionals place particular emphasis on matters relating to violence, marginalization, employment, education, rural issues, youth policies, family relationships and sexuality, youth cultures, recreation and use of leisure time.

65. In coordination with UNICEF and UNFPA, the Centre for Youth Services is developing various research programmes, promotional activities, workshops and other measures that contribute to the protection of children and adolescents and the prevention of the offences referred to in the Optional Protocol.

Reply to paragraph 5 of the list of issues

66. The Assessment and Assistance Centres for Minors are a key part of prevention efforts as they provide full coverage at the national level for girls, boys and/or adolescents who are at risk of becoming victims of the offences covered by the Optional Protocol.

67. These centres have multidisciplinary teams of psychologists, educators and lawyers who are responsible for analysing the educational potential and needs of children and adolescents and for assessing, diagnosing and predicting the level of behavioural deviation. This enables them to determine the potential of the child and his or her family and social environment, as well as the child’s educational needs and any factors conducive to change. Accordingly, they may recommend appropriate measures based on the best interests of the child.

68. These endeavours are complemented by and connected with the work carried out at the community level by officials dealing with minors in the Department for Minors of the Ministry of the Interior.

69. Regarding the protection of child and adolescent victims of violence living in institutions, the Cuban State allocates the necessary resources and qualified personnel, such as psychologists, psychiatrists, sociologists, educators and lawyers, to provide them with the diagnostic and individual, specialized care they may need.

70. The care of minors who are admitted to these centres has been one of the country’s main priorities. Following the enactment of Decree-Law No. 76, the system was refined under an approach that respects the child’s dignity, and a structure is in place to enable children to become integrated into a group environment that offers them greater security and confidence.

71. Moreover, a prosecutor is tasked with conducting visits to these institutions in order to check on the legal situation of the children and adolescents and to protect

their rights, property and interests. The prosecutor is empowered to order appropriate measures in the event that a breach of the law is detected.

72. Children of African descent who are victims of the offences described in the Optional Protocol have the same legal guarantees and protection as all other Cuban children, without any discrimination whatsoever. Accordingly, the details contained in this reply apply to all Cuban children.

73. Although Cuba has not signed the United Nations Convention relating to the Status of Refugees or the Convention relating to the Status of Stateless Persons, it upholds the principles of those instruments, particularly the principles of non-refoulement, confidentiality and the best interests of the child.

74. More than 300 persons with refugee status in Cuba benefit from temporary protection, including access to health and education services.

75. By mid-2014, more than 11,000 refugees from 35 nations had received assistance in Cuba; some 8,000 of them were supported in returning to their home countries, while others were routed to third countries.

76. The United Nations High Commissioner for Refugees has an office in Cuba through which it maintains an extensive working relationship with the Cuban State on matters relating to protection and support for persons with refugee status.

77. Moreover, in each municipality, educational and preventive strategies are being implemented as a means of protecting adolescents at risk of becoming victims of the offences covered by the Optional Protocol.

78. Some of the most noteworthy activities relate to: the identification, referral and multidisciplinary treatment of possible victims of violence, evidence of prostitution, drug addiction, corruption, crimes, illegal activities, social indiscipline or other problems that undermine the physical and psychological integrity of adolescents.

79. In order to assist these young persons, more than 55,000 volunteers from the Federation of Cuban Women, which provides community-based prevention and social welfare services, are conducting a comprehensive programme of activities for adolescents, families and the community.

80. Furthermore, more than 8,000 professional social workers are active in the community, providing support to children, adolescents, families, and the social environment.

81. These groups are responsible for designing, proposing, implementing and evaluating activities for preventing and overcoming social problems and their root causes and for adopting the necessary measures to reduce them, in the framework of the roles and responsibilities of the various institutions.

82. This helps to foster re-enrolment in schools, training courses, participation in self-esteem workshops and specialized care, if necessary.

83. Similarly, reflection-oriented activities are promoted using printed and audiovisual materials in order to help inform, guide and educate groups of adolescents and young persons, taking into account their interests and motivations.

84. The entry into force of Decree-Law No. 286 of 20 September 2011 on integrating prevention and assistance efforts with social work has bolstered these efforts.

85. In addition, as the national mechanism for the advancement of women the Federation of Cuban Women is a major force behind the promotion and application of protective measures for adolescents aged 16 to 18.

86. In 2014, employees of the Department for Minors working in the area of prevention at the community level carried out 74,743 activities which included advisory assistance, training, legal and educational guidance to parents, family dynamics, conflict mediation, referrals to medical, psychological and psychiatric services, and other activities of a judicial nature.

Reply to paragraph 6 of the list of issues

87. In Cuba, comprehensive strategies have been deployed to raise awareness among adolescents and young persons of their rights and of the offences set out in the Optional Protocol.

88. The Federation of Cuban Women has played a significant role in that process, acting as a reference point in relation to gender-related theory and methodology, along with the Ministry of Public Health, the National Sex Education Centre and the Ministry of Education.

89. Discussion and exchange forums have been set up, both within the 174 women's and family counselling centres and at community level, involving the participation of experts and partners, with the aim of promoting responsible sexual behaviour and the acceptance of sexual diversity as a recognized right.

90. Furthermore, family education centres have provided training for families and the wider community on issues such as sexually transmitted diseases, environmental, personal and collective hygiene, anti-drugs education and sexual and reproductive health.

91. In the matter of health and clinical practice, the volunteer health workers of the Federation of Cuban Women are being trained to advise adolescents in the community on a number of issues, including:

- Prevention of adolescent pregnancy;
- Sexuality and responsibility;
- Family planning;
- The risks related to abortion;
- Prevention of sexually transmitted infections and HIV/AIDS.

92. In 2014, the media continued to promote content and messages conducive to the development of healthy sexuality among all citizens and to stop women and children being regarded as objects of exploitation.

93. Moreover, programmes were developed to protect the rights of children and adolescents, strengthen social values and prevent any manifestations of violence.

94. The "Editorial de la Mujer" publishing house, the Centre for Women's Studies of the Federation of Cuban Women and the Centre for Youth Studies⁵ have also published major works and studies on the fight against gender stereotyping and the promotion of services adapted to adolescents' sexual and reproductive health needs.

⁵ The Centre for Youth Studies has carried out studies into young persons' views on issues such as intra-couple relations, the family environment, sexuality and social venues for adolescents and youth. Workshops offering preparatory training, guidance and advanced training on those issues to adolescents and young persons from a variety of different backgrounds are currently being run in cooperation with United Nations agencies such as the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA).

Reply to paragraph 7 of the list of issues

95. Tourist facilities, entertainment centres and sports clubs in Cuba are covered by a policy of zero tolerance of any confirmed or suspected activities related to the offences set out in the Protocol.

96. As a preventive measure, minors are strictly forbidden from entering nightclubs and cabarets, and this has contributed to ensuring that offences of that nature are not committed in such establishments.

97. In the matter of contracts and contacts with the non-State sector, travel agencies work closely with the specialized bodies to ensure that these facilities are not used for child prostitution or child pornography.

98. No cases of this kind involving girls or boys have occurred in private establishments that have signed tourist operator cooperation agreements with the Ministry of Tourism.

99. Specialized Ministry of Tourism bodies and units monitor the situation in regard to the offences set out in the Protocol at the regional, institutional and central levels, regularly assessing the measures taken and the effectiveness of the systems in place.

100. Decree-Law No. 171/1997 on the rental of housing units, rooms and premises, provides for the imposition of penalties in the form of fines and confiscation of property on persons who rent out a home, room or premises within which offences against social norms or public morals and decency are committed, regardless of whether they are criminally liable.

Reply to paragraph 8 of the list of issues

101. In line with the provisions of articles 28.4 to 28.6 of the Cuban Criminal Code, sanctions can be imposed on legal persons for the commission of offences under the Protocol.

102. However, no cases involving legal persons have been recorded in Cuba.

Reply to paragraph 9 of the list of issues

103. Cuba has established a number of regulations prohibiting sex tourism; those relating to minors are particularly strict. Detection and intervention systems are in place, which are directly linked to the police and specialized units.

104. As a result of international cooperation with counterpart services in other countries⁶ and the International Criminal Police Organization (INTERPOL), the activities of foreign nationals in Cuba with a record of exploitation, sexual abuse and child pornography are kept under surveillance.

105. Currently, five foreign nationals who had sexual relations with minors in Cuba are serving prison sentences for the offence of corruption of minors, including acts of prostitution and pornography (one Canadian, sentenced to 13 years' imprisonment; one Indian, serving a combined sentence of 30 years' imprisonment for the offences of corruption of minors and drug trafficking; two Italians, sentenced to 23 and 25 years' imprisonment, respectively, for the offences of murder and corruption of minors; and a Spanish national, sentenced to 7 year's imprisonment).

⁶ The United States of America, Canada, the United Kingdom, France and Spain.

106. The low incidence of such offences involving foreign nationals shows that Cuba is not a destination country for child sex tourism and does not play host to criminal organizations involved in the offences set out in the Optional Protocol.

107. In Cuba, there is zero tolerance for centres of prostitution and other degrading acts linked to commercial sexual activity. There are no tolerance zones or centres where pornography or advertising materials promoting such activities can be sold legally.

108. As stated in paragraph 268 of the report submitted by Cuba, the Ministry of Tourism implements a range of administrative measures designed to prevent all forms of sex tourism.

109. In that regard, the following measures are particularly noteworthy:

- Regulations under contracts with foreign tour operators and travel agents designed to ensure that Cuba is not misrepresented as a sexual paradise. This is systematically monitored by overseas offices and checks are carried out in that regard;
- The development of family tourism is promoted, through offers of free accommodation for under-12s, the setting up of family activity and fun areas, discounts for large families, daytime activities for children and excursions, among other things;
- Staff trained to work with minors run activities for children during set hours, in accordance with normal standards;
- Children unaccompanied by an adult are banned from tourist facilities and cannot buy or consume alcohol, tobacco and cigarettes;
- Pornographic or erotic materials cannot be sold in such facilities or carried by visitors.

110. The specialized bodies also carry out monitoring on a permanent basis through closed circuit cameras installed at all the facilities in Cuba.

111. No cases of sex tourism have been recorded in Cuban tourist facilities, nor do the necessary conditions for such activities exist. Consequently, sex tourism is much less widespread in Cuba and takes on different forms compared to the situation at the international level.

112. Persons responsible for violations of the regulations applied in State and private tourist facilities face severe criminal and administrative measures, which are governed by the system of sanctions in force in the country.

113. Those measures are applicable to civil servants, executives or workers in the tourism sector.

Reply to paragraph 10 of the list of issues

114. Article 303 (c) of the current Criminal Code introduces the offence of sexual affront, under which any person producing or disseminating publications, printed images, films or audio cassettes, recordings, photographs or any other obscene objects liable to induce moral perversion or degeneracy is liable to a prison sentence.

115. The Ministry of Information Technology and Communications has restricted access to websites promoting prostitution, child pornography, trafficking in persons and other acts that undermine human dignity and integrity or that are illegal.

116. However, despite those efforts, a number of websites hosted by servers located outside Cuba continue to illegally promote prostitution and to misrepresent Cuba as a destination for government-sponsored sex tourism.

Reply to paragraph 11 of the list of issues

117. Child and adolescent victims of the offences referred to in the Protocol receive specialized care and treatment from the time the facts become known. Qualified professionals from the Ministry of the Interior and officials from the Institute of Forensic Medicine are involved in the process; their task is to ascertain the physical or mental harm suffered, determine any after-effects and recommend any treatment or follow-up that may be required from the medical, psychological, psychiatric, educational, family or social point of view.

118. Minors identified as victims of the offences referred to in the Optional Protocol are treated as such, and thus receive individualized treatment at the Centres for the Protection of Children and Adolescents of the Ministry of the Interior during and after the criminal investigation process, as well as follow-up support offered in conjunction with the various educational and health agencies and community prevention officials, as explained in the body of the report.

119. The instructions issued by the People's Supreme Court referred to in the reply to paragraph 12 of the list of issues are implemented for that purpose.

Reply to paragraph 12 of the list of issues

120. Child and adolescent victims of any offence can independently access complaints mechanisms through their schools, teachers, National Revolutionary Police units, the offices of municipal or provincial public prosecutors or the Office of the Attorney General of the Republic.

121. To that end, in resolution No. 69 of 2014, the Attorney General of the Republic authorized the activation of a dedicated 24-hour telephone hotline to receive and handle complaints from anywhere in the country. This new channel of communication is staffed by appropriately trained professionals, has been well received and has proved to be extremely useful.

122. By late June 2014, more than 18,000 persons had used this new hotline to file complaints of various kinds and to request advice on legal issues. This information complements Cuba's reply to paragraph 3 of the list of issues.

123. To date, the Office of the Attorney General of the Republic has received 17 written complaints from minors under the age of 18, none of them in reference to issues recognized in the Protocol. The cases were mainly related to problems associated with their parents' rights and obligations.

124. In strict compliance with article 3, paragraph 1, and article 12, paragraph 2, of the Convention on the Rights of the Child, Cuba has prescribed that all measures adopted by the courts, among other institutions, shall give priority to the best interests of the child, and that children must be heard in any judicial or administrative proceedings involving them in any way.

125. For that purpose, it was necessary to specify the procedures to be followed by the courts in order to ensure that minors against whom offences had been committed were not revictimized, and to standardize the exploratory investigation procedures of all the country's criminal justice agencies.

126. Consequently, the Governing Council of the People's Supreme Court used its powers to issue Instructions Nos. 173, of 7 May 2003,⁷ and 211, of 15 June 2011.⁸

127. Both instructions provide methodological guidance on judicial proceedings and are designed, among other things, to provide procedural protection for child victims during criminal proceedings.

128. Instruction No. 211 ensures the harmonization of court processes, strengthens the enforcement of safeguards and judicial transparency and facilitates the actions of presidents of chambers, judges, parties, and clerks of court during oral proceedings.

129. Instruction No. 216, of 17 May 2012, introduced procedural improvements to judicial practice in respect of family law issues, including:

- A wider range of opportunities for interaction between the courts and parties to proceedings;
- The point in time at which third parties with a legitimate interest can be called to appear in court;
- The procedure for hearing minors;
- The participation of the Public Prosecution Service;
- Requirements for the setting up and functioning of multidisciplinary teams in each territory;
- The need for mechanisms ensuring subsequent compliance with the obligations contained in a final decision through a dedicated precautionary system involving action taken by the courts of their own motion and at the request of the interested parties;
- The possibility of adopting urgent custody measures, given the nature of the interests being protected;
- Specific requirements governing the enforcement of final decisions.

130. The implementation of this Instruction has had a positive impact on a large number of cases and on the qualitative evolution of legal work on family issues.

131. This is evidenced by a fall in the number of disputes involving minors. In the first six months of 2015, in almost 60 per cent of cases involving minors in which agreement could be reached between the parents, judges succeeded in conciliating interests and avoiding litigation, to the overall benefit of the children involved in those cases. Multidisciplinary teams are also seen to have played a major part in conciliation proceedings, which shows that strengthened safeguards are in place.

132. No difficulties have been observed with regard to the implementation of Instruction No. 1/2013 of the Attorney General of the Republic, inasmuch as it constitutes a mandatory working document for prosecutors.

133. As a result of the implementation of this Instruction, there has been more effective follow-up and monitoring of case files involving the investigation of offences affecting normal sexual development, the family, children and young persons, and other offences involving underage victims. Moreover, this has contributed to the identification of some of the underlying causes of such offences, making it possible to adopt measures to eradicate them.

⁷ For more information on this instruction, see paragraphs 157 to 160 and 188 of the report submitted by Cuba (CRC/C/OPSC/CUB/1).

⁸ More information on this instruction can be found in paragraph 166 of the same report.

134. The aforementioned methodology provides guidance on the key elements to be contained in case files during the preparatory phase of oral hearings relating to such offences. The aim is to provide the courts with solid evidence that will allow them to assess the facts and sanction the perpetrators with all due vigour. Moreover, Instruction No. 1/2013 sets out the role of the public prosecutor in the oral proceedings, the procedure for notification of sentences and subsequent related procedures.

135. Public prosecutors remain in contact with the families of child victims to inform them about the progress and outcome of the proceedings and to check that they have access to all necessary medical and psychological treatment.

Reply to paragraph 13 of the list of issues

136. As previously explained, there have been very few occurrences of the offences referred to in the Optional Protocol in Cuba.

137. However, in the few cases in which children and/or adolescents are the victims of criminal acts affecting their physical, psychological or moral integrity, they receive individual, comprehensive and differentiated treatment from the moment the facts become known.

138. The Ministry of Education's Diagnosis and Counselling Centres focus on re-establishing the emotional stability of child and/or adolescent victims, which contributes to their overall development and upbringing, by offering specialized treatment for all children and/or adolescents who so require. More detailed information in this regard is contained in paragraphs 184 to 186 of Cuba's report.

139. There are 202 Diagnosis and Counselling Centres in Cuba, operating under the auspices of the municipal and provincial directorates of education, which are staffed by 1,203 specialists whose tasks relate to caring for children and adolescents.

Reply to paragraph 14 of the list of issues

140. The institutions of the Ministry of Public Health are responsible for the physical and psychological recovery of underage victims of any form of violence, including the offences referred to in the Protocol. Underage victims have access to the necessary support services free of charge in order to ensure their full rehabilitation and reintegration into normal social life.

141. In order to ensure access for children and adolescents to rehabilitation, reintegration and compensation services, the institutions concerned have pooled their efforts under a joint system of work.

142. As explained in the reply to paragraph 13, some of those services are provided by the National Education System through the Diagnosis and Counselling Centres.

143. Furthermore, the Centres for the Protection of Children and Adolescents offer therapeutic and psychological care to underage victims, who are referred to specialized Ministry of Public Health institutions if necessary.

144. Subsequently, victim follow-up is ensured through the child and juvenile psychiatry services of National Health System children's hospitals and community mental health centres, as well as the specialized child and juvenile psychology and psychiatry consultation service.

145. For as long as is necessary, the national medical assistance network, through family doctors and specialized staff, follows up on child victims in order to treat any after-effects.

146. Great importance is attached to the process of strict protection of the privacy and identity of child and adolescent victims. It is forbidden to disclose any information that could lead to their identification. For this reason, the child and adolescent victim database is kept under surveillance offline, and no information about exploratory investigations is provided to staff not working directly with the parties to proceedings.

147. Statistical information on underage victims who have received specialized care is provided in paragraphs 27 to 30 of this document.

148. As to compensation for child and adolescent victims of any of the offences described in the Protocol, the Cuban Compensation Fund⁹ is the entity responsible for enforcing civil liability through the provision of redress for material damage and compensation for injury.

149. To this end, it exacts payment from those held liable and transfers the amounts due to the victims.

150. The State sets aside an annual budget for enforcing civil liability in cases involving under-age victims, so as to prevent minors being left defenceless.

151. In each province of Cuba, there is an office of the Compensation Fund responsible for the collection and payment of civil liability compensation arising from offences in cases under its remit.

Reply to paragraph 15 of the list of issues

152. Cuban criminal law is applicable to all offences committed in the national territory or on board Cuban ships or aircraft, wherever they happen to be, with the exceptions established by the treaties to which the Republic is a party. Cuban criminal law is also applicable to offences committed on board foreign ships or aircraft located in Cuban territorial waters or airspace, whether by Cubans or by foreign nationals.

153. However, Cuban criminal law can also be applied on an extraterritorial basis to all offences defined in the Optional Protocol in the case of:

(a) Cubans and stateless persons residing in Cuba who commit an offence abroad, whether they are present in Cuba or have been extradited;

(b) Cubans who commit an offence abroad and have been turned over to Cuba for trial by its courts under treaties to which it is a party;

(c) Foreign nationals and stateless persons not residing in Cuba who commit an offence abroad, if they are present in Cuba and have not been extradited.

154. An extradition request is admissible in the specific cases stipulated in the treaties in force with the State in whose territory the person concerned is located. Where no treaty exists, extradition may be admissible in accordance with the principle of reciprocity.

⁹ An organ of the Ministry of Justice (MINJUS).