



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined seventh and eighth periodic reports of Cuba*

1. The Committee considered the combined seventh and eighth periodic reports of Cuba ([CEDAW/C/CUB/7-8](#)) at its 1130th and 1131st meetings, on 9 July 2013 (see [CEDAW/C/SR.1130](#) and 1131). The Committee's list of issues and questions is contained in [CEDAW/C/CUB/Q/7-8](#) and the written replies of the State party are contained in [CEDAW/C/CUB/Q/7-8/Add.1](#).

A. Introduction

2. The Committee welcomes the submission by the State party, albeit late, of its combined seventh and eighth periodic reports. However, it regrets that the report lacked updated statistical data, disaggregated by sex, and qualitative data on the situation of women in a number of areas covered by the Convention. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions adopted by its pre-sessional working group, the oral presentation of the report and the further clarifications provided by the State party's delegation to the questions posed orally by the Committee.

3. The Committee commends the State party's high-level delegation, headed by María Esther Reus González, Minister of Justice, which included several representatives of relevant ministries and agencies with expertise in the areas covered by the Convention, as well as representatives of the Federation of Cuban Women. The Committee appreciates the dialogue that took place between the delegation and the members of the Committee.

B. Positive aspects

4. The Committee notes with appreciation the adoption of:
- (a) Law No. 105 (2008) on social security;

* Adopted by the Committee at its fifty-fifth session (8-26 July 2013).



(b) Decree-Law No. 268 (2009) on the possibility of holding more than one job simultaneously;

(c) Decree-Law No. 278 (2010) on the special social security regime for self-employed workers, providing for maternity benefits for pregnant women;

(d) Ministerial resolution No. 139 (2011) to adopt a programme on sexual health and rights education from a gender perspective in the school curriculum of the national education system.

5. The Committee welcomes the State party's ratification of or accession to the:

(a) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2013;

(b) Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in 2013;

(c) International Convention for the Protection of All Persons from Enforced Disappearance, in 2009;

(d) Convention on the Rights of Persons with Disabilities, in 2007;

(e) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2007;

(f) United Nations Convention against Transnational Organized Crime, in 2007;

(g) The Hague Conventions, in 2007.

6. The Committee welcomes the high representation of women in the parliament (48.9 per cent in 2013), as well as the increased representation of women in government bodies at the national, provincial and municipal levels.

C. Principal areas of concern and recommendations

Parliament

7. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of government and invites the State party to encourage the parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations between now and the Government's next reporting process under the Convention.

Visibility of the Convention and the Committee's general recommendations

8. The Committee is concerned about the general lack of awareness of the Convention and of the Committee's general recommendations in the State party. It is particularly concerned that women themselves, especially those in rural and remote

areas and women belonging to minorities, are not aware of their rights under the Convention and lack the necessary information to claim their rights.

9. The Committee calls upon the State party:

(a) **To take the necessary steps to ensure the adequate dissemination of the Convention and the Committee's general recommendations among relevant stakeholders, including the Government, ministries, parliamentarians, the judiciary, lawyers, law enforcement officers and community leaders, so as to create awareness of women's human rights and firmly establish in the State party a legal culture supportive of non-discrimination and women's equality;**

(b) **To take all appropriate measures to enhance women's awareness of their rights and the means of enforcing them, in particular in rural and remote areas, including by providing women with information on the Convention, through cooperation with civil society and the media.**

Definition of discrimination against women

10. While noting that the State party's legislation includes the prohibition of discrimination based on sex (art. 42 of the Constitution) and stipulates that all citizens have equal rights (arts. 41 and 44), the Committee remains concerned that the State party failed to incorporate in that legislation a comprehensive definition of discrimination against women in accordance with article 1 of the Convention. The Committee notes the assurances of the State party's delegation during the dialogue with regard to taking the necessary steps to incorporate such a definition in the State party's legislation.

11. The Committee calls upon the State party to adopt a comprehensive legal definition of all forms of discrimination against women, in accordance with article 1 of the Convention, covering both direct and indirect discrimination, and include it in its Constitution or other appropriate national legislation.

Access to justice

12. The Committee remains concerned about the lack of effective access to justice for women and about the multiple factors that prevent them from effectively accessing justice, such as a general lack of awareness of the Convention and the Committee's general recommendations on the part of the judiciary and enforcement officers, the absence of free legal aid provided by the State and the stigmatization of women who bring their cases to court. The Committee is also concerned about the "re-education" of women involved in prostitution without clear and transparent objectives and procedures, as well as about the lack of information on the number and conditions of women in detention.

13. The Committee recommends that the State party:

(a) **Ensure that women have effective access to justice, including through the provision of free legal aid and victim protection programmes;**

(b) **Establish clear and transparent objectives and procedures for the rehabilitation of women involved in prostitution, and an effective independent monitoring mechanism for women detainees and prisoners which can be easily accessed by victims without fear of reprisals.**

Legal complaint mechanism

14. While noting that the State party has some institutions with certain powers to receive complaints, the Committee is concerned that the existing mechanisms are not used by women. The Committee is also concerned about the absence of a complaint mechanism to report cases of discrimination and violations of women's human rights and about the lack of an independent national human rights institution in the State party.

15. **The Committee recommends that the State party:**

(a) **Establish a complaint mechanism and ensure that women have easy and secure access to that mechanism to report discrimination and violations of their rights;**

(b) **Consider establishing an independent national human rights institution, in accordance with the Paris Principles, with a strong mandate on women's issues and authority to consider and issue opinions and make recommendations on complaints submitted by women alleging violations of their rights.**

National machinery for the advancement of women

16. The Committee reiterates its previous concern (see [CEDAW/C/CUB/CO/6](#), para. 15) that the Federation of Cuban Women, designed as the national machinery for the advancement of women, has the status of a non-governmental organization and does not receive funding from the State party, which limits its effective functioning in promoting women's enjoyment of their rights as well as gender equality. The Committee is concerned that the State party has not yet established State machinery for the advancement of women with sufficient authority and adequate human and financial resources from the State budget to effectively promote the implementation of the Convention. The Committee is also concerned that there is no comprehensive national plan of action to promote gender equality in the context of the Convention.

17. **The Committee recommends that the State party:**

(a) **Establish State machinery for the advancement of women and enhance coordination between the Federation of Cuban Women and government agencies, in particular through the provision of adequate financial and human resources;**

(b) **Use the Convention as the legal framework for the design of a comprehensive national plan of action to promote gender equality and put in place monitoring mechanisms to regularly assess the progress made towards the achievement of established goals.**

Non-governmental organizations

18. While acknowledging the State party's emphasis on working in cooperation with civil society organizations and the fact that some of those organizations participated in the preparation of the State party's reports, the Committee notes with concern that not all such organizations could fully participate in this process.

19. **The Committee recalls the statement it made in 2010 on its relationship with non-governmental organizations, and rule 47 of its rules of procedure, revised in 2001, and urges the State party to continue its collaboration with non-governmental organizations by involving them, in particular women's associations, in the design and implementation of policies, programmes and measures aimed at the advancement of women in all areas covered by the Convention, as well as in the reporting process to the Committee.**

Temporary special measures

20. While noting that the State party is taking measures to promote gender equality in various areas covered by the Convention, the Committee remains concerned about the State party's lack of understanding of article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 on temporary special measures. It is also concerned that such measures are not systematically applied to accelerate the achievement of substantive equality by women with men in all areas covered by the Convention.

21. **The Committee calls upon the State party to consider using temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality by women in all areas of the Convention where women, in particular women of African descent, elderly women, women with disabilities and rural women, are disadvantaged or are underrepresented.**

Stereotypes

22. While noting the State party's efforts to combat patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in all spheres of life, the Committee is concerned at the lack of information on the outcome of those efforts and the fact that such customs and practices perpetuate discrimination against women and girls, resulting in women's disadvantaged and unequal status in many areas, as well as the persistence of violence against women. It is also concerned that, to date, the State party has not taken effective measures to modify or eliminate stereotypes.

23. **The Committee urges the State party:**

(a) **To adopt, without delay, a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women. Such measures should include efforts, at all levels, in collaboration with civil society, to educate and raise awareness on existing sex-based stereotypes that operate at all levels of society;**

(b) **To expand public education programmes on the negative impact of such stereotypes on women's enjoyment of their rights, in particular for rural women and for women of African descent;**

(c) **To use innovative measures that target the media to strengthen understanding of the concept of the equality of women and men and ensure that curricula and teaching materials promote a positive and non-stereotypical portrayal of women and men;**

(d) **To monitor and review all the measures taken to assess their impact.**

Violence against women

24. The Committee is concerned at the persistence of violence against women, including domestic violence, in the State party, which remains underreported owing to the prevalence of discriminatory social and cultural norms and the denial by the State party of the existence of different types of violence. The Committee is also concerned at the absence of specific legislation on violence against women criminalizing all its forms, as well as of an effective complaint mechanism. It is also concerned that the existing legislation does not contain a specific definition of domestic violence as a criminal offence which covers both psychological and physical violence. The Committee is further concerned at the lack of information, studies or statistical data on the nature, forms, extent and causes of violence against women, as well as at the lack of shelters for women victims of violence.

25. The Committee urges the State party to give priority attention to combating violence against women and girls and to adopt comprehensive measures to address such violence, in accordance with the Committee's general recommendation No. 19, including by:

(a) **Elaborating and adopting a comprehensive law on violence against women which recognizes that such violence is a form of discrimination against women and therefore constitutes a violation of their rights under the Convention, and ensuring that its legislation criminalizes all forms of violence against women;**

(b) **Developing a national strategic action plan for the prevention of all forms of violence against women, the protection of victims and the punishment of perpetrators, and ensuring that it is fully implemented;**

(c) **Raising public awareness, through the media and educational programmes, and providing mandatory training for judges, prosecutors, police officers, health-service providers, journalists and teaching staff in order to ensure that they are sensitized to all forms of violence against women and girls and can provide adequate gender-sensitive support to victims;**

(d) **Providing free legal aid, adequate assistance and protection to women victims of violence by establishing shelters, especially in rural areas, and enhancing cooperation with non-governmental organizations;**

(e) **Collecting statistical data on all forms of violence against women, including domestic violence, disaggregated by sex, age, ethnicity/minority status and relationship between the victim and perpetrator, and undertaking studies and/or surveys on the extent and root causes of violence against women.**

Trafficking and exploitation of prostitution

26. The Committee is deeply concerned that the State party does not acknowledge the existence of the exploitation of prostitution. The Committee is also concerned at the lack of statistical data, disaggregated by sex and geographical area, on trafficking and the exploitation of prostitution in the State party. The Committee is further concerned about the lack of efforts to prevent the exploitation of prostitution and to address its root causes, and the lack of protection and services available to victims of such exploitation.

27. The Committee calls upon the State party to fully implement article 6 of the Convention and:

(a) **To conduct studies and surveys on the prevalence of the exploitation of prostitution and include in its next report updated information and data on the prevalence of this phenomenon and of trafficking in women and girls;**

(b) **To increase efforts aimed at international, regional and bilateral cooperation to prevent trafficking through information exchange by harmonizing legal procedures to prosecute traffickers;**

(c) **To address the root causes of trafficking and prostitution, without stigmatizing the victims, in order to address the vulnerability of girls and women to sexual exploitation and trafficking, and to ensure the rehabilitation and social integration of victims, including by providing them with shelter and assistance.**

Participation in political and public life

28. The Committee notes the high level of participation of women in public life and that the State party was ranked third out of 189 parliaments for women's representation. The Committee is, however, concerned at the fact that, taking into account the high level of participation of women in political and public life, the State party has not, to date, adopted a gender equality law on political and public participation. It is also concerned that women continue to be underrepresented in economic sectors, particularly in the metal industry, engineering, transport and the sugar industry. It is further concerned about insufficient temporary special measures to ensure the participation in political and public life of disadvantaged groups of women, such as women with disabilities, women of African descent and rural women.

29. The Committee recommends that the State party:

(a) **Consider further strengthening its legislation to ensure the implementation of gender parity at all levels of political and public life;**

(b) **Take measures to increase the number of women in decision-making positions at all levels and in all areas, in the light of the Committee's general recommendation No. 23 on women in political and public life;**

(c) **Take measures to increase the number of women in economic sectors, particularly in the metal industry, engineering, transport and the sugar industry;**

(d) **Adopt, wherever necessary, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, in order to accelerate women's full and equal participation in public and political life, in particular with respect to disadvantaged groups of women, such as women with disabilities, women of African descent and rural women.**

Education

30. The Committee notes with satisfaction the achievements of the State party in the area of women's and girls' education. It is, however, concerned at the lack of

data, disaggregated by sex, ethnicity and disability, on enrolment at all levels, in particular in higher education, on drop out rates and on the fields of education chosen. While noting the feminization of the teaching profession, the Committee is concerned at the overrepresentation of women in the lower echelons of education and that only 7 per cent of university rectors are women. While noting also the availability of awareness-raising campaigns and sex education in school curricula, the Committee is deeply concerned about teenage pregnancies and the apparent lack of effective measures to handle such situations.

31. The Committee recommends that the State party:

(a) **Take immediate steps to implement measures to ensure equal access for girls and women, including from minorities and disadvantaged groups, to the secondary and tertiary levels of education in all regions through, inter alia, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25;**

(b) **Adopt effective proactive measures to encourage more women to apply for high-ranking posts within the education sector and use temporary special measures to nominate more female rectors;**

(c) **Include comprehensive, innovative, more effective and age appropriate programmes on sexual and reproductive health and rights as a regular part of school curricula, targeting adolescent girls and boys, including in vocational training schools, with the aim of fostering responsible sexual behaviour and the prevention of teenage pregnancies and sexually transmitted infections, including HIV/AIDS;**

(d) **Provide gender training to teachers at all levels of the education system and remove sex-based stereotypes from teaching programmes and textbooks.**

Employment

32. The Committee notes that section 99 of the State party's Labour Code contains provisions aimed at ensuring equality between men and women in the employment sector. However, it remains concerned that the Code does not contain any provision on the principle of equal pay for work of equal value, as well as on sexual harassment in the workplace. The Committee is also concerned at the absence of complaints related to gender-based discrimination and sexual harassment in the workplace. The Committee is further concerned at the low number of men who avail themselves of paternity leave.

33. The Committee requests the State party to ensure equal opportunities for women in the labour market and urges it:

(a) **To consider amending the Labour Code to include provisions on the principle of equal pay for work of equal value in accordance with the International Labour Organization Equal Remuneration Convention, 1951 (No. 100), as well as provisions on the prohibition of sexual harassment, and develop policies to implement the legislation;**

(b) **To collect data, disaggregated by sex, geographical location and minority status, in the area of employment to monitor women's working**

situation and conditions, as well as complaints relating to gender-based discrimination and sexual harassment in the workplace;

(c) To encourage men to share parental responsibilities on an equal footing with women, including by availing themselves of the possibility of taking paternity leave.

Health

34. The Committee commends the State party for its developed health-care system, with universal and free coverage for the population. However, the Committee is concerned at the lack of high-quality methods of contraception and at the high rate of abortion, especially among girls as young as 12 years old. While noting the implementation of the National Sex Education and Sexual Health Programme (proNess), the Committee is concerned at the lack of information on access to health for disadvantaged groups of women, in particular women of African descent, elderly women, women with disabilities and rural women.

35. The Committee calls upon the State party:

(a) To increase access to, as well as the use of, effective and high-quality methods of contraception with a view to reducing the practice of abortion as a method of family planning;

(b) To improve the quality of sexual and reproductive health services and guarantee access to them for disadvantaged groups of women, and provide training and awareness-raising on sexual and reproductive health rights to health-care personnel.

Disadvantaged groups of women

36. The Committee is concerned about the vulnerability of women of African descent, elderly women, rural women and women with disabilities, as well as about obstacles preventing them from enjoying basic rights, such as access to health-care services, social benefits, education and participation in political and public life. While noting the information and data provided on women with disabilities, the Committee is also concerned at the lack of detailed statistical data, disaggregated by sex, geographical location and minority status, to accurately assess the situation of disadvantaged groups of women.

37. The Committee recommends that the State party:

(a) Take all necessary measures, including temporary special measures, to improve the situation of disadvantaged groups of women, thereby eliminating their vulnerability to exploitation and improving their access to health-care services, social benefits and participation in political and public life, irrespective of their status;

(b) Establish mechanisms to monitor regularly the impact of social and economic policies on disadvantaged groups of women;

(c) Provide comprehensive information and statistical data, disaggregated by sex, geographical location and minority status, that can be used to assess the situation of disadvantaged groups of women, in particular, women of African descent, elderly women, women with disabilities and rural women.

Marriage and family relations

38. The Committee is concerned that the adoption of the draft Family Code has been postponed and included in the 2013-2017 Legislative Plan. The Committee is also concerned that although the minimum legal age of marriage is set at 18 years, a special authorization, not necessarily by a court, may be obtained for girls at 14 and boys at 16 years of age.

39. **The Committee recommends that the State party:**

(a) **Put in place the necessary measures to prioritize the adoption of the draft Family Code;**

(b) **Ensure that in exceptional cases of marriage below the age of 18 the same age limit is set for girls and boys, at 16 years of age, and that court authorization is required in all such cases.**

Data collection

40. While noting the assurances of the delegation during the dialogue that data are available in the State party, the Committee is concerned at the general lack of recent data provided. It notes that updated data, disaggregated by sex, age, race, ethnicity, geographical location and socioeconomic background, are necessary for an accurate assessment of the situation of women, to determine whether they suffer from discrimination, for informed and targeted policymaking, and for the systematic monitoring and evaluation of progress achieved towards the realization by women of substantive equality in all areas covered by the Convention.

41. **The Committee calls upon the State party to enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, race, ethnicity, location and socioeconomic status, and the use of measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention. In this regard, it draws the State party's attention to the Committee's general recommendation No. 9 on statistical data concerning the situation of women and encourages the State party to develop gender-sensitive indicators which could be used in the formulation, implementation, monitoring, evaluation and, when necessary, review of women's and gender equality policies.**

Optional Protocol to the Convention

42. While noting that the State party was the first country to sign and the second country to ratify the Convention, the Committee is concerned that it has still not ratified the Optional Protocol to the Convention.

43. **The Committee encourages the State party to ratify the Optional Protocol to the Convention.**

Beijing Declaration and Platform for Action

44. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

Millennium Development Goals and the post-2015 development framework

45. The Committee calls for the integration of a gender perspective in accordance with the provisions of the Convention into all efforts aimed at the achievement of the Millennium Development Goals, as well as into the post-2015 development framework.

Dissemination and implementation

46. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention on the Elimination of All Forms of Discrimination against Women. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official language(s) of the State party, to the relevant State institutions at all levels, national, regional and local, in particular the Government, the ministries, the parliament and the judiciary, to permit their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organizations, universities, research institutions and the media. Further, it recommends that its concluding observations be disseminated in an appropriate form at the local community level, to permit their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention and the Committee's general recommendations to all stakeholders.

Ratification of other treaties

47. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the treaties to which it is not yet a party, i.e. the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Follow-up to concluding observations

48. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 17 and 41 above.

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention of the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Preparation of the next report

49. **The Committee invites the State party to submit its ninth periodic report in July 2017.**

50. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/MC/2006/3](#) and Corr.1).**