



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States  
parties under article 18 of the Convention on the  
Elimination of All Forms of Discrimination  
against Women**

**Combined seventh and eighth periodic reports of States  
parties**

**Cuba\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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## I. Introduction

1. Cuba was the first country in the world to sign the Convention on the Elimination of All Forms of Discrimination against Women, on 7 March 1980, and the second to ratify it, on 17 July that same year. The Cuban State has periodically submitted its reports to the Committee on the Elimination of Discrimination against Women in fulfilment of its undertakings and international obligations and in line with the political will of the Cuban Party and Government to guarantee full realization of equality for women in all areas of society. In August 2006, a Cuban delegation with a full and diverse composition took part in a constructive dialogue with the Committee, to consider its combined fifth and sixth periodic reports (CEDAW/C/CUB/5-6).

2. The Committee's concluding observations (CEDAW/C/CUB/CO/6) were widely circulated among the State authorities, at all levels of the State administration and among non-governmental organizations (NGOs) and the Academy. This allowed a raft of concrete measures to be adopted, notably to put into practice the recommendations contained in the concluding observations. The results have been fundamental for assessing progress since the previous reports, as well as the obstacles to continued progress on the issues.

3. The present combined seventh and eighth periodic report has been drafted in the year in which we are celebrating the fifteenth anniversary of the Fourth World Conference on Women in Beijing, the tenth anniversary of the approval of the Millennium Development Goals, and the thirtieth since the accession of Cuba to the Convention; it also coincides with the fiftieth anniversary of the founding of the Federation of Cuban Women (FMC). Accordingly, the drafting process was enhanced through the many activities taking place to analyse compliance with these many international commitments and the visibility of the celebrations referred to, in which progress achieved was highlighted and the principal outstanding issues were identified.

4. Although the genocidal policy of the economic, trade and financial embargo of the Government of the United States of America against Cuba continued over this period, with a serious impact on the lives of the whole Cuban population, it did not diminish the political will of the Cuban State to continue promoting gender equality and improving the condition of women in Cuban society. An analysis of the general indicators that enable the situation and position of women to be compared across the decades, and in relation to men, shows substantial progress. All this has been the fruit of the State policy and commitment, the encouraging and influential activity of civil society, and above all the personal growth of women themselves, aware of their rights, convinced of what they can, will and must do in society. Despite the progress made, we must again stress that the embargo against Cuba, roundly condemned by the international community, is the main obstacle to a more effective application of the Convention, and is a form of indirect violence that is being cruelly inflicted upon Cuban women.

5. Neither can we ignore the international context behind this report, with the effects of the multiple crisis that humanity is suffering, and it is all the more important to protect and preserve the condition of women in this crisis. Although the crisis does indirectly affect women in Cuba, the situation of Cuban women is quite different from that of their counterparts in the region and most of the world, as the State has given priority to protecting all social programmes with universal coverage.

6. The Cuban nation is making progress with the consolidation and improvement of the application of ambitious economic and social programmes aimed at increasing participation by citizens, equity and social justice, even though the country suffered the catastrophic consequences of three hurricanes over the reporting period.

7. In this context, at the end of 2009 the Cuban economy grew by 1.4% of gross domestic product (GDP). This performance demonstrates the stability achieved in internal finances, which supports the decision to increase salaries in the judicial sector and education, both of which employ a majority of women, who benefit directly from these measures.

8. As a result of medical and health care and State measures to improve the quality of life of the general population, life expectancy in Cuba has now attained 77.97 years, one of the highest values of this indicator in the regions, and an improvement over the figure of 76 years in the previous report. For women, the indicator is 80.02 years, 4.02 years higher than the life expectancy for men. The overall fertility rate is 1.70 children per woman, and the gross rate of reproduction is 0.82 daughters per woman.

9. Despite the difficulties mentioned, we have succeeded in making progress in turning into reality the fundamental objectives of a political and social programme for justice and equity, in which human beings are not only the beneficiaries but also actors and protagonists of the major, systematic and beneficial changes taking place in Cuban society. Through this programme, our country has demonstrated that a poor nation which devotes its resources to the welfare of its people, can lay the foundations for the growth of human capital and the improvement of living standards, despite the major challenges it faces. We would point out that the book *Mujeres Cubanas 1958/2008: Estadísticas y Realidades*, (Cuban Women 1958/2008: Facts and Figures) has just been published in coordination with the National Statistics Office (ONE) and other bodies and in cooperation with the United Nations Population Fund (UNFPA).

10. Cuba has made undoubted progress in promoting gender equality, placing us in the vanguard for the region. We would highlight the substantial and growing participation of women in the country's economic, political and social life and in devising and implementing public policy. The reporting period was significant for women, who continued to support the process of development in the country, and there was clear progress in improving the condition of Cuban women.

## **II. Application of the articles of the Convention**

### **A. Articles 1 and 2**

11. As stated in previous reports, article 41 of the Constitution of the Republic of Cuba, in the chapter on equality, states that all citizens have equal rights and are subject to equal duties, while Article 42 states that discrimination because of race, skin colour, sex, national origin or religious beliefs and any other form of discrimination harmful to human dignity is forbidden and will be punished by law. It adds that the institutions of the State shall instil in everyone from the earliest possible age the principle of equality among human beings.

12. Article 43 enshrines those rights that have been achieved and that are to be enjoyed by all citizens without distinction. Article 44 provides that women and men enjoy equal rights in economic, political, cultural, social and family matters. Thus, the Constitution addresses the phenomenon of discrimination; the principle of equality and the fundamental rights established in the supreme law identify women's rights as a fundamental human right.

13. In more than five decades, the revolutionary Government has enacted many laws and legal provisions that safeguard the human rights of all citizens and women in particular, such as the right to life, protection of their reproductive and sexual rights, family planning, health, education, social security and social assistance, housing, employment, technical and cultural progress, vocational training and learning, and the right of access, depending on

merit and competence, to all positions of government and posts in the civil service, the right to produce goods and provide services, and the right to development, as well as the right to vote, elect and be elected.

14. This report will not explain each of the many laws in force that protect and safeguard the rights of women, as they have been described in previous documents, but rather will explain some of the amendments and new impacts of existing legislation, and will outline the new laws being drafted or recently adopted.

15. Cuba was the third country in Latin America to enact a Family Code, separating the legislation relating to the family from civil law. The Code recognizes the family as the fundamental unit of society, strengthening the equality of rights and duties between the sexes, emotional ties, mutual assistance and respect between family members, and the formation of ethical values and principles. This created a body of law solely for the institutions pertaining to the family: marriage, divorce, parent-child relations, the obligation to provide child support, adoption and custody. Other laws appeared subsequently, expanding the theoretical scope of the Family Code, basically relating to the protection of children and adolescents. We will look at this issue in more depth in the section of the report on article 16.

16. Women enjoy full and equal labour rights, as the current labour laws apply to them. In addition to the legislation referred to above, the recently enacted provisions also apply to women, including Resolution No. 32 of the Ministry of Labour and Social Security containing the Regulation on self-employment which increased the number of activities and offers another alternative to employment, eliminating prohibitions on the granting of licences for the marketing of products and services, and Decree-Law No. 278 of 30 September 2010 on the special arrangements for self-employed workers. Decree-Law No. 268 of 2009 on multiple job-holding, among other legal provisions, also applies to women.

17. The present report confirms that Article 12 of the Constitution prescribes respect for the principles proclaimed in the United Nations Charter and in other international treaties to which Cuba is a party. This means that national legislation is consistent with the treaties, agreements and other international instruments to which Cuba is a party. Compliance with this principle in all pertinent jurisdictional bodies is thus guaranteed.

18. The National Action Plan for Follow-Up of the Beijing Conference, Decision of the Council of State of the Republic of Cuba, approved on 7 April 1997 and published in the Official Gazette of 5 May of that year, not only includes the critical areas contained in the Beijing Platform for Action, but also includes others related to the Convention on the Elimination of All Forms of Discrimination against Women by adding a chapter referring to the legislation and the need for continuous improvement. Decision 63 of that Action Plan is to study the expediency and possibility of setting up differentiated procedures for a judicial solution to family matters, considering the creation of family divisions or courts.”

19. With the aim implementing that Plan, three National Workshops took place—in 2003, 2004 and 2006—on “special family proceedings”. They were coordinated by FMC and the Cuban Civil and Family Law Society of the National Union of Jurists of Cuba (UNJC), with the participation of the Supreme People’s Court (TSP), the Office of the Public Prosecutor of the Republic (FGR), the National Organization of Collective Undertakings and other institutions and research centres. Their objective was to debate the need for and possibility of establishing special proceedings for family matters and the setting-up of divisions specializing in such cases in the People’s Courts of Justice.

20. The third workshop, held in June 2006, achieved substantial results. Of the decisions adopted, the most significant was to begin an experiment in two of the country’s courts, which took effect on 20 December 2007 when the Governing Council of the TSP approved Instruction 187. The instruction entered force on 3 January 2008 for the courts of the

municipalities of Guanabacoa (Havana) and Placetas (Villa Clara). The aim was to help validate novel aspects in judicial practice that are being incorporated into current procedural law, to ensure, where circumstances permit, that the court consults the child in disputes over his or her custody or care; the expediency, in case where it is required on account of their complexity and characteristics, of the courts being able to consult a multidisciplinary technical advisory team; the specialization of male and female judges to enable them to make proper use of the technical tools provided by the current legislation and which will improve the quality and judicial treatment of the issues encompassed by family law.

21. This experience was very enriching, complies with the objective of giving specialized treatment to family issues that are substantially different from those relating to civil law or property, and demonstrates the need for them and their effectiveness.

22. The incorporation of the multidisciplinary technical advisory team, composed of professional staff of FMC's women's and family counselling centres, led to a more comprehensive appreciation of the cases. Multidisciplinary intervention also fosters the implementation of preventive and care measures that act as palliatives of conflict outside the courts.

23. In general it has been possible to demonstrate that it is feasible for the judicial system to offer specialized treatment in family cases. Indeed, early in 2009, by decision 26 of 11 February 2009, the Governing Council of the People's Supreme Court decided to extend the experiment to one municipality of each province in the country, and in some cases to two. It also enabled other courts to do so, which is a further step forward towards general introduction, and imposes new challenges to ensure that it is done properly.

24. In the previous report we explained that on 13 August 2003 Decree-Law No. 234, on maternity of working women, was enacted, which retained the essence of its predecessor but included some important additions. The most relevant of these is in article 16 which states that once postnatal maternity leave ends, and the breastfeeding stage which must be safeguarded to foster optimum child development, the parents may decide which of them will look after the child, how this responsibility is to be shared over the first year of life and who will receive the social benefits set out in the preceding article... Nine years after it entered force, we have observed that it is not sufficient to strengthen the legal framework for equality, and that it requires greater dissemination and progress in the field to break the patriarchal cultural mould, since, in 2009 for example, only 18 men took advantage of this right.

25. On 27 December 2008, the National People's Assembly approved Law No. 105 on social security, which entered force on 22 January 2009; the implementing regulation was subsequently approved that April. Both acts allow the protection offered by the social security system to be extended to cover the whole of society, from which the female population has undoubtedly enjoyed huge benefits, especially adult and older women.

26. The new law ratifies and extends many of the rights already acquired, such as the extension of the right to protection by means of a pension for orphans who are aged over 17 and are engaged in a regular course of study, and recognizes the right of widowers aged 65 or over, or those incapacitated for work and dependent on their spouse, to draw a pension concurrently with the spouses survivor's pension, which was a benefit, among others, formerly granted only to widows.

27. The entire Cuban population is entitled to social protection, as the social security system covers all workers, their families and the general population. The general social security system offers protection to workers in the event of sickness and ordinary or occupational accident, maternity, invalidity and old age, and protects the family in the event of death. The social welfare system protects anyone unfit for work who has no family members able to help.

28. The special regimes protect persons carrying out activities which, owing to their nature or the nature of their production processes or services, require social security benefits to be adapted to their circumstances. These regimes are governed by specific legislation for members of the Revolutionary Armed Forces, combatants of the Interior Ministry, creators of plastic and applied, musical, literary and audiovisual arts, self-employed workers and others as needed.

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

30. In response to one of the recommendations expressed in August 2006 in the latest concluding observations of the Committee, in late 2007 research was conducted entitled "Expression in Cuba of direct and indirect discrimination against women. Measures adopted to prevent, deal with and punish cases arising. Existing special temporary measures and expediency of applying others", for which an interdisciplinary group was set up, led by the Ministry of Justice and including the Federation of Cuban Women, the Ministry of Labour and Social Security, UNJC, FGR and the People's Supreme Court.

31. The method applied was to review, study and debate the current legislation, instruments and compliance with the Beijing Platform for Action, the records of the machinery for handling complaints and suggestions from the public, which operate in each of the entities, and correspondence from readers sent to the permanent section of the magazine *Mujeres*. As a general conclusion, the team did not find sufficient evidence to corroborate scientifically people's perceptions of and/or statements about discrimination in the public or private spheres. Omissions and gaps were observed in the statistical data that might indicate discrimination, although progress has been made in the judicial sector with the breakdown of some statistics by gender. This is insufficient, however, in the absence of a more comprehensive analysis by gender, to detect or assess any discriminatory treatment. Accordingly, it is proposed that the bodies concerned step up measures to respond to this to enable any discriminatory treatment to be detected and assessed.

32. It was concluded that the legislation does not as yet incorporate a proper gender focus, containing inclusive language and addressing behaviours identified as discriminatory and typical examples thereof. The draft Family Code, updated to take account of the above, is being placed on the current legislative timetable. The Criminal Code has been amended on substantive issues and can be brought further into line with the current reality. Over the next period of the research, it is proposed to look at labour issues in more depth. Its results have essentially shown that in the judicial sector it is still a challenge to obtain statistical, qualitative and scientific information that enables the phenomenon of indisputable direct or indirect discrimination to be brought to light.

33. Finally, it was possible to demonstrate that discrimination against women is inadequately understood and perceived. The lack of sufficient complaints against discrimination often leads to claims that it does not exist, which may be due to a lack of awareness.

34. The vast majority of the recommendations have been implemented, with improvements in education and training on gender relations, discrimination and violence, at all levels and for anyone involved in the issue, the establishment and/or improvement of systematic monitoring and assessment machinery, and continuing work with the media to raise awareness of the visibility and prevention of any discrimination. In this connection, we are focusing on women who may be victims of violence in some parts of the cycle but do not report it.

35. We are also adding a series of measures adopted in response to the Committee's recommendation to strengthen education and training programmes, in particular for judges, lawyers and law-enforcement personnel. The UNJC and FMC have signed a cooperation agreement that has already yielded tangible results, such as courses for law professionals, members of multidisciplinary teams, recording on DVD for screening and debate, approval of the undergraduate and postgraduate course on gender and law for law students and lawyers, and inclusion of a module in the master's in gender studies of the department of women's studies at the University of Havana which is in its third year, and recently in the master's in labour law and social security and in civil law, among other measures.

## **B. Article 3**

36. The institutionalization of policy on women in Cuba has developed to an extent that in our view exceeds the requirements of the Fourth World Conference on Women and other provisions and agreements of the United Nations. In this country there is a tradition of development of policy, integration of governmental and non-governmental factors, and coordination of power, that has itself evolved and justified its existence in terms of the results achieved. There is a variety of legislative, institutional, functional and accountability schemes in the world to deal with the advancement of women.

37. Although there are essential elements that are valid in any national machinery, namely those which characterize its universality, it is also true that there cannot be a rigid criterion for what is regarded as valid and effective. A single experience cannot be held up as valid for different countries, with differing levels of economic and social development, differing needs and especially with highly diverse forms of State structure, and legal and political systems. Our country, with its rich experience, has taken part in many international seminars, workshops and conferences, in which it has shared its experience and gained respect and recognition, throughout the region, where the workings of our national machinery enjoy prestige and prominence.

38. From day one, the victorious Cuban Revolution in 1959 opened up a new channel for political and social participation for the whole population, especially women, who decided to unite in a major organization bringing together all the political, social, religious and academic forces into a single Federation of Cuban Women (FMC). In the first decade of the victorious revolution, with the major programmes that the Revolution put into practice, FMC, established in every community, district and region of the country, grew into a powerful organization, representing all Cuban women, with the prestige and authority to engage in dialogue with every level of the Party and the Government, with an incalculable capability to mobilize women through programmes of benefit to them. In due course, FMC became a powerful mechanism for monitoring and assessing policies in all spheres throughout the country.

39. FMC is the governing body (in terms of theory and methodology) for policy on women in Cuba. Accordingly, while FMC is not part of the State executive branch, it does carry out similar functions to other institutions which are part of the State administration, such as: promoting policy, monitoring the implementation of policy, coordinating with State institutions, monitoring and assessing policy, and proposing any necessary amendments and corrections. Nevertheless, this type of institutional involvement in public policy is not a process that can be attributed solely to the existence and work of FMC. Constituted authority is a process that goes further than one body, even if it has a role like national machinery.

40. Debates on the institutional system of gender in the State focus on the need to take account of all its components: legislation, institutions as such, the governing body, inter-institutional coordination machinery, methods and channels of management accountability,

the ethical component of a mechanism for transforming the values of society that acknowledge the need for gender equality and put it into practice. Those components are strong enough in Cuba to broadly and forcefully strengthen all policies for the advancement of women. At the same time, Cuba faces challenges like any other State with different machinery, including those that are highly placed in the power of the State.

41. Taking account of the concerns voiced by the Committee in this area and its recommendations, we believe it is very important to explain the objectives, foundations and impacts of the ongoing process of institutional development of public policy on women in Cuba, and the scope of FMC, responding to its periodic assessment, its reach, achievements and limits. Its municipal and provincial meetings and congresses were fundamental to each milestone in the process. Its assessments are objective, representative of the whole country and Cuban women in all age groups, professions and regions. When the Federation expresses a concern to the Party and the State, it is not an elite organization, but rather an umbrella structure for 88% of women in the country; its concerns, dissatisfactions and complaints are a valuable source for analysing the effectiveness of policies and the need for changes, and is a de facto source of law. FMC takes an active part in this process of amendment (legislative, structural or functional), with the participation of other organizations which together tackle specific women's rights issues, such as the National Association of Small Farmers (ANAP), the Confederation of Cuban Workers (CTC) and its unions, the UNJC, the Cuban Union of Journalists (UPEC), the Cuban Union of Artists and Writers (UNEAC), youth organizations and others.

42. The national machinery for the advancement of women has been improved in step with improvements in society. When the First World Conference on Women was held in the 1970s, it coincided with the holding in Cuba of the First Communist Party Congress and the approval of its Thesis on the Equality of Women; and shortly thereafter, in 1976, the first Socialist Constitution was adopted by popular referendum, which enshrined the principle of equality; in that same year the organs of the People's National Assembly (the basis of the whole Cuban State) and with the constitution of the National Assembly, the Standing Committee on Childcare, Youth and Equal Rights for Women was set up. This was accompanied by the adoption, by the first Legislature of the National Assembly, of the Family Code mentioned above. Analysing each of these acts in detail, it can be seen that that decade was highly significant for institutionalizing gender policy in Cuba, at a time when it was not yet a priority for the international community. This precedent for authentic innovation in line with identified national needs has played a very important role in ensuring that the currently existing national machinery and the essential bases for institutionalizing gender in public policy remain unchanged.

43. Although the Cuban institutional structure responded to a national need, it was strengthened, supplemented and improved where the debate moved forward and through the relevant agreements in the international community. It was an expression of the seriousness with which the Cuban State assumed its international commitments, assessing them critically and creatively, adapting them to national needs.

44. In that regard, after the Fourth World Conference on Women, a national seminar was held in Cuba, attended by many governmental and non-governmental representatives, to propose how to address in the country the areas of special concern set out in the Beijing Platform for Action (including institutional machinery). It distinguished itself by taking account not only of the Beijing Platform, but also of the Nairobi Forward Looking Strategies for the Advancement of Women up to 2000 (still in force at the time) and the Convention on the Elimination of All Forms of Discrimination against Women. It resulted in the adoption in 1997, by decision of the Council of State, of the National Action Plan of the Republic of Cuba (as described in paragraph 18 above). In the words of the decision, this Plan is the cornerstone for the development of public policy in Cuba, and so cannot be

regarded as limited machinery, as it is the main framework for institutional development of gender in Cuban public policy. It sets out the main elements of that institutional role:

- (a) It approves the content of the policy priorities broken down into 90 measures grouped into six areas of special concern;
- (b) It sets out the responsibility of the State bodies for implementing each measure;
- (c) It determines which institution is responsible for implementing each measure and which other institutions participate, thereby solving an important problem of inter-institutional relations and leaving no room for doubt;
- (d) It recognizes the role of the Federation of Cuban Women as "national machinery" and its active and decisive function in implementing each measure;
- (e) It stipulates the participation not only of FMC but also of the grass-roots and social organizations in the implementation and assessment of the Beijing Platform for Action.

45. FMC need not, and may not, use its financial resources deriving from its self-funded activity, for implementing or executing the activities that are the responsibility of the State. When activities are carried out at the request of the Cuban State that involve the participation of FMC, in observance of its executive functions, the financial cost thereof is covered by the budget of each line ministry, which is the responsible implementing agency.

46. We would stress that the Action Plan for Follow-Up of the Fourth Beijing Conference also includes elements relating to the enacting terms of the Convention. This explains, for example the existence of a heading about the legislation, which is related more to the needs expressed to us by the Committee than to the Beijing Platform for Action. The content of the 16 substantive articles of the Convention is expressly covered by the priority measures and areas of the Beijing Platform for Action.

47. The Beijing Platform for Action and the policies for the advancement of women in Cuba are periodically assessed in national seminars convened by the Council of Ministers and the Council of State of the Republic of Cuba. While the report is being drafted, we are in the process of preparing the Third National Assessment Seminar, due to begin with the municipal administration in late 2010 and to conclude with a national event in mid-2011. It has already been convened and the preparation of all the material on which it will be based has already begun.

## **C. Article 4**

48. Since the beginning it has been the practice of the Cuban Government to apply special measures to foster the incorporation of certain advantages for women in education, employment and other activities, taking account of their geographical location, cultural level, low income or general vulnerability. We would recall the measures adopted in the 1960s and 1970s such as schools for women farmers, vocational training schools for domestic workers, and special adult education classes. Nowadays, given the progress women have made, these practices have changed in nature and scope, though some still exist on a smaller scale, as fewer women are in such vulnerable situations.

### **1. Primary and basic secondary education**

49. While Cuban women have equal rates of enrolment in primary and secondary education, and drop-out rates are insignificant in relation to their numbers, there is always a small number of adolescents and young people who for various reasons do not complete

these levels of compulsory education. There were general campaigns for men and women and the 1960s and 1970s which were phased out when they were no longer needed. Every year, there are girls who are able and willing to study but do not meet the schooling requirements. In recent years, an average total of 86,604 women were educated in these adult education classes: 1,173 to complete primary (sixth grade), 2,143 to complete basic secondary (ninth grade) and 73,859 to reach 12th grade. The information on article 10 includes an overview of education.

## **2. Employment**

50. In the 1980s, the Women's Employment Committees were set up, chaired by the Ministry of Labour and Social Security and including representatives of the Confederation of Cuban Workers and FMC, with the aim of acting as regulators for the adoption of a new labour policy, to avoid a decline in the levels of female employment achieved, and guaranteeing the observance of non-discriminatory labour criteria and policy, the creation of conditions for technical training of women with a view to any necessary redeployment.

51. There are Women's Employment Committees at all levels of the State administration—national, provincial and municipal—and they are activated whenever changes are made to the labour legislation, policies are put in place to cut jobs, and there is a need to ensure that the selection criteria of the most suitable candidates are not subject to subjective opinions that discriminate against women. In the 1990s, in the light of the changing economic and labour conditions in the country, it was necessary to reassess and adjust the substance and functioning of the Committees, which helped to ensure that the new labour policy did not diminish the presence of women in the workforce.

52. The Committees also receive, handle and process any complaints on labour discrimination cases. They also decide on the allocation of certain jobs, where new jobs are created in a region and there are women who need to work on account of their financial vulnerability, even if they do not meet the usual requirements.

## **3. Promotion to senior positions**

53. There are general rules on the electoral process in the country and no individual campaigns are conducted to promote candidates, although the details and photographs of the candidates are publicized, and citizens are encouraged to vote for the best ones. Since there are fewer women than men in elected offices, especially at municipal level, over the past decade, special publicity campaigns have been conducted on the proposal of FMC and supported by the mass media, emphasizing that, in view of women's skills and circumstances, they may be regarded as among the best. Apart from suitable messages for the public, written material has been drafted for debates with the population in the communities. It has enabled the presence of women in the Municipal Assemblies to be raised from 15.54% of those elected in 1995, to 26.47% in 2005 and 33.43% in the most recent elections in 2010.

54. Managerial positions in the State administration are allocated by the State Employee Committees, which exist at all levels (national, provincial and municipal). At the proposal of FMC, special guidelines of the Secretary of the Council of Ministers were adopted in 2002 and entered force in 2003. The guidelines provide that any proposal from a management board for the approval of officials of the State Administration that is submitted for consideration by the approving committee must include one woman in the required two candidates. Should there be no female comrade of equal merit when the proposal is submitted, then a woman must be included as a third candidate. If the person submitting the candidacy considers that a woman cannot be included because no-one meets any of the requirements, he or she must set out to the committee the reasons for not putting forward a female candidate for the post.

55. In 2002, 34.8% of managerial positions at all levels were held by women, and the figure gradually rose to 39% in 2010, the highest level achieved in history. In 2002 there were 17 female deputy ministers, whereas today there are 49 women in such posts. Other details on progress in this area are given in the information on article 7 (section F below).

56. Article 4, paragraph 2, of the Convention also refers to the need to adopt special measures aimed at protecting maternity, which are not to be regarded as discriminatory. Although this information is repeated from another viewpoint under other articles (1, 2 and 13), we mention it here on account of what the Convention states under that article.

57. The Maternity Act was promulgated on 14 January 1974. Under this legislation, working mothers are granted 12 weeks of antenatal and postnatal leave on full pay. In 1991 the option was added of extending postnatal leave, when circumstances warranted it, for up to six months after the child was born, at 60% of salary. Another six months of unpaid leave were also added, with the mother retaining the right to return to her job. In 2003, in a desire to move towards more just concepts of the male and female roles, a decree-law was enacted to offer couples the option of sharing that leave, as mentioned in paragraph 24 above.

#### **D. Article 5**

58. When drafting the information concerning this article, the Cuban Government took account of the Committee's recommendations after considering the latest report.

59. The National Action Plan for Follow-up of the Beijing Conference states that the Cuban State, in keeping with its social project of participative democracy and determined struggle against all forms of discrimination and oppression based on class, gender or race [...] has accordingly promoted the creation and development of the [...] bases for guaranteeing equal rights, opportunities and possibilities for men and women, changing the situation of discrimination and subordination to which Cuban women had always been subject and promoting the elimination of traditional sexual stereotypes and the redefinition of their role in society and the family.

60. Sexist stereotypes, prejudices, behaviours and value judgements that are deeply rooted in the traditions of a patriarchal culture are being changed through a complex process involving political will, legislation, the media, schools, the family, the collective imagination and subjective views.

61. Research in the social sciences and life experiences show that in Cuba, the social representation of what is considered male and female are changing, both in the public square and in private spaces, to give way to non-discriminatory concepts and new roles to be filled by women and men (as noted in the different sections of this report). But this is not a smooth process; rather, it happens in many different ways and to different degrees depending on cultural levels, age, geographic area and other aspects of the context. That is why in Cuban society sexist and non-sexist attitudes coexist as the transition is made towards the new concepts.

62. In order to improve its efforts to enhance the quality of life, the Cuban Government has continued to implement its strategy designed to promote an integrated culture among the Cuban population, including through community programmes, university extension programmes in all the municipalities of the country, and access to new information and communications technology. Women have been protagonists and beneficiaries of this programme, which extends beyond literature and art and strengthens a culture of equality and non-exclusion based on full access to knowledge.

63. Although all the measures taken to further the full participation of women in society generally contribute towards eliminating stereotypes, we shall refer to the main elements of the socialization of values, roles, myths, beliefs and practices.

#### **1. The media**

64. The training of male and female communicators has been expanded and intensified. Over 500 media specialists, managers and professionals have been trained through these programmes, which are carried out jointly by the Cuban Institute of Radio and Television, FMC and the Union of Cuban Journalists. The department of gender and communication was created in the José Martí International Journalism Institute, complementing the training system for communicators throughout the country. For the past three years, gender issues have been included in the media studies curriculum, opening the way for new communication professionals to use this analytical tool. This enabled 125 communicators to be trained nationwide during the 2008–2009 course. A diploma course in gender and media studies is run every year and has now completed its seventh year. Noteworthy in this period is the cycle of lectures on gender aimed at first-level managers of the Cuban Institute of Radio and Television (ICRT).

65. From the quality standpoint, we would stress that new topics have been introduced such as photography from the gender perspective or the workshop carried out in coordination with the United Nations Development Programme (UNDP) on Gender, HIV/AIDS and the Media. In coordination with UNESCO, a workshop was also conducted on “Changing perspective” to socialize good practice in non-sexist and inclusive journalism. In coordination with the Cuban Institute of Cinematographic Art and Industry (ICAIC) and the department of gender studies of the University of Havana, a workshop was conducted on the treatment of gender violence in audiovisual media.

66. The master’s in gender studies at the University of Havana includes a module on gender and media. The UNEAC 2010 Caracol Festival was dedicated to tackling otherness in the mass media with panels which approached from the gender perspective topics such as the image and representation of men and women, race and sexual orientation. Three themed exhibitions were also held at the Humberto Solás Low-Budget Film Festival, the first on gender and the other two also dealt with the topic, which enabled film-makers and social science specialists to discuss with the public topics such as violence, and the social construction of the differences between men and women, organized as awareness spaces.

#### **2. Communication campaigns and products**

67. Gender prejudice and stereotypes have been given increasing space on the media agenda and in public opinion debate, which has intensified in the past two years following the various public statements on these issues by the President of the Council of State and the Council of Ministers of Cuba. Over the period there has been a growing number of communication campaigns and products on the construction of stereotypes, aimed at the family in general and at children and adolescents in particular. Public welfare campaigns were prepared on a variety of media for 8 March, 23 August (anniversary of the founding of FMC) and 25 November (International Day Against Homophobia).

68. The “for life” campaign continued to dedicate audiovisual spots to topics such as the double working day, family and domestic violence, responsible parenthood and non-sexist education. The publication of a non-sexist education manual for fathers and mothers entitled “Mum and dad want to know”, which has been printed in two large runs and at a low price. It was first printed in 2008 in 20,000 copies and again in 2010 in 40,000 copies.

69. The weekly television broadcast “When a woman”, with coordination and advice from FMC, has brought onto the public agenda issues relating to the objective and

subjective factors affecting discriminatory attitudes towards women. The programme has been showing for over ten years and has a high rating among viewers according to the polls. FMC has prepared summaries of the programmes to take to communities, including the most remote ones, for use in debates involving men and women. The reappearance of the quarterly magazines *Mujeres* (circulation 139,000) and *Muchacha* (circulation 100,000) encourage debate in our communities on a wide variety of topics concerning women's rights and the Cuban family today.

70. In the specific case of *Muchacha* magazine, owing to the importance of its educational messages to young women, a joint agreement has been reached between the publisher, *Editorial de la Mujer* and the Ministry of Education to place copies of each issue in secondary schools, where pupils are aged 15 to 19. The aim is to include boys in the debates on the issues relating to equality in relationships, circumstances and status, and on sex education.

71. The *Mariposa* collection was created by Editorial Oriente to disseminate gender-related academic activities and women's literary works. Other publishers have published books on the situation and the status of women in Cuba, providing important spaces for socialization in a country where the average level of schooling is ninth grade.

72. Around 80% of the country's radio stations have a programme on these issues. New spaces have appeared on community television and radio stations, notably *El Cazuelero* on Radio Caibarién, conceived as a space questioning male domination, and offers a debate on new forms of masculinity.

73. Noteworthy among the products made and broadcast over the period, is the animated cartoon series *Pubertad* (Puberty). It is aimed at pubescent children and adolescents, and looks from a gender perspective at respect for difference, proposing non-sexist, inclusive and participative types of relationships.

74. Highly popular series and soap operas have also incorporated these themes, and include older people in their plots. Examples are: *La cara oculta de la luna*, *Diana* and *Mucho ruido*. The movement of young Cuban audiovisual producers has also focused on these issues in some of its works, such as *El Patio de mi casa* and *El pez rojo sobre el asfalto*.

75. Ten years ago, the Ibero-American meetings on women and communication brought communicators up to date on the latest trends in non-sexist journalism and enabled them to share ideas and experience.

76. Four Cuban digital journals containing sections on women's issues, as well as the launch of the *Mujeres* magazine website, have also made it possible to socialize gender equity concepts in the new communications media. Public-interest campaigns conducted through different media have given priority to issues such as conscientious and responsible paternity and maternity, family sharing in domestic chores, non-violence and sex education.

### **3. Family**

77. The Ministry of Culture and the National Centre for Community Culture have carried out intervention programmes in urban and rural neighbourhoods and villages throughout the country. These interventions include workshops designed to raise women's self-esteem and sociodramas in which community members themselves act out their main issues and discuss possible solutions.

78. There are 175 women's and family counselling centres which have increased the number and improved the quality of activities aimed at strengthening families' awareness and foster equitable and fair relations among all members. They are staffed by 10,359 volunteers, professionals in communication, law, education and health.

79. The People's Councils of the organs of the People's National Assembly and the Federation of Cuban Women sponsored community discussions of the publication entitled *Elegir a ella entre las mejores* (Choosing her among the best) so as to encourage the people to nominate more female candidates to serve on the elected organs of the People's National Assembly, a process that plays a substantial role in the family of recognition and cooperation for the successful exercise of these responsibilities.

#### 4. Schools

80. Work is continuing in scientific fashion to ensure that the educational system, textbooks and extracurricular activities all produce non-sexist and non-exclusionary education. The parents' movement to improve education (Movimiento de Madres y Padres Combatientes por la Educación) has made it possible to involve the community in the process of providing non-sexist education and has enabled schools to influence families in this direction. The presence of FMC representatives on the school councils at all levels of pre-school and primary education effectively helps to include the topics of non-sexist education at those levels and above all to improve school, family and community ties in delivering a coherent message and influencing the education of the new generations.

81. The national education system is constantly being improved, leading to the inclusion of a number of subject areas relating to sex education from the earliest grades. These courses deal with both biological and ethical and social issues and are based on a study of nature and the human body. The National Working Group on Sex Education was created in 1977, and in 1989 it became the National Sex Education Centre (CENESEX). A Family Studies Group was established which is headed by FMC and involves the participation of the Youth Centre, CENESEX, the Committee on Social Services and Prevention, the Centre for Psycho-Sociological Research of the Ministry of Science, the Ministry of Justice, the University of Havana, the Faculty of Psychology and the Ministry of Education.

#### 5. Legislation

82. The Maternity Act was amended in 2003 to allow mothers and fathers to decide how to share childcare at this early stage. This represents an important legislative step designed to change the stereotype whereby only mothers should be responsible for rearing children and to enable both parents to enjoy this right, as there are no obstacles in current legislation to exercising it in full. The challenge is still for the family, from the moment of conception and during gestation, to gain awareness and plan how to share the childcare. To achieve that, we also need greater social awareness of the importance of good experience.

#### 6. Assessment of the impact of communication and educational products

83. In the course of its work, the ICRT Centre for Social Research has found that the dramas incorporating these issues have a high impact on viewers and generate controversy in public opinion. The fact that *Cuando una mujer* was awarded the popularity prize by public vote, for the best social orientation programme, is also indicative of its impact on viewers.

84. Over the period, several bachelor's and master's theses attempted to delve into the forms of construction of the media discourse and the ways of portraying and increasingly balanced and non-stereotyped image of men and women and their relationships. They include: The image of the woman in Cuban video clips, gender in the investigative journalism of *Bohemia* magazine, *Mujeres* magazine and non-sexist journalism.

#### 7. Other assessment mechanisms

85. The State ministries, agencies and institutions are required to report on a regular basis to the Council of State of the Republic of Cuba on the impact which the policies

designed to promote equal rights and opportunities have on men and women. Progress in social science research on gender issues has shed light on the impact which policy design, implementation and evaluation, as well as social practices and manifestations, have had on the situation and the status of women in Cuba. It has also made it possible to identify the advances that have been made and the shortcomings and challenges faced by Cuban society in this area.

86. The women's affairs departments that were established in 1989 on the initiative of the Federation of Cuban Women and are being promoted by it have helped change sociocultural patterns in regard to gender relations. These departments are not administrative structures, but rather groups of individuals who are interested in gender issues. They were created as another step on the way to improving the status of Cuban women and responding to their strategic needs. Their main goal is to train future teachers and professors on the gender perspective so that they in turn can train the future generations. Thirty-one women's affairs departments, staffed by over 800 professionals, have been set up in higher education centres throughout the country. Their fundamental cross-cutting mission is to promote gender mainstreaming in university education, research and extension programmes. These departments have worked hard to address gender disparities in education.

87. As far as teaching activities are concerned, gender mainstreaming has been furthered in key disciplines and courses, including sex education at all levels of education (from primary school onwards), general teacher training, psychology, education courses, philosophy and history, Spanish and literature, social communication, economics and law. The women's affairs departments provide workshops, lectures, and graduate and postgraduate courses, and over 2008 and 2009, they have trained around 7,980 persons from various bodies (professionals, students, managers and civil servants) in different provinces of the country on the gender approach. Other action includes the running of diploma courses on gender issues and the fourth year of the master's degree programme on gender studies.

88. Quantitative and qualitative progress has been made in conducting research studies on gender issues during the period covered by this report. In 2009, 20 course papers, 45 Diploma papers, 63 master's theses and five doctoral theses were written on gender-related issues, all coordinated by specialists from the women's affairs departments. In addition, student scientific research and extracurricular activities on gender issues were promoted.

89. The Centre for Women's Studies (CEM), an institution working under the aegis of the national board of FMC, is conducting and promoting research on gender issues. It coordinates methodology for the women's affairs departments and, together with the Ministry of Higher Education, helps promote gender mainstreaming in university education. Up to 2009, two scientific workshops and eight national meetings of women's affairs departments were conducted. At these workshops, the achievements, obstacles and prospects for gender mainstreaming in the education system were examined. A book was published containing various guidelines, an analysis and a history of the women's affairs departments and an overview of the workshops they have conducted with UNFPA.

90. There has been acknowledged progress in the joint work of FMC and the Ministry of Education: work was carried out on the professional profile of the teacher and three objectives are pursued that govern the training of the future professional, designed to eliminate gender disparities in education. In 2010 a multisectoral team was formed, composed of the Ministries of Education and Higher Education, the FMC Centre for Women's Studies, CENESEX and the Ministries having universities and institutes of technology, to ensure that gender mainstreaming is incorporated in the curriculum of all

university courses in the country and in the syllabus at all levels of education. This work includes a review of school text books.

91. We would stress that FMC has women's and family counselling centres in all municipalities in the country. These, in conjunction with the departments of women's studies, provide individual and group care for women, families and the community, on the basis of a diagnosis of interests and needs. The courses given in the centres are of high value in that they always include topics on equality, whatever the content of the course.

92. All these bodies and mechanisms combine in a constant and systematic effort to eradicate stereotypes and cultural, ideological and psychological barriers not only in society but also within the family, where it is also necessary to rethink roles. One priority objective of the educational activities is to create an awareness in every member of the family of the need to share household chores. The fundamental principle is that full equality can be achieved only when it is practised within the family environment.

## **8. Violence against women**

93. Under the National Action Plan for Follow-up of the Beijing Conference, in September 1997 on a proposal of FMC and under its coordination, the Working Group for Prevention and Treatment of Violence in the Family was founded. It is a standing committee composed of the Ministries of Education, Public Health, Internal Affairs, the Institute of Forensic Medicine, the Office of the Public Prosecutor of the Republic, CENESEX, the University of Havana, the ICRT and the People's Supreme Court. Its purpose is to devise and carry out a joint plan of action and to make proposals to other sectors of society where appropriate.

94. The National Group for Prevention and Treatment of Violence in the Family continued working in the six areas of training, education and prevention, care, research, legislation and dissemination. It helps to achieve more comprehensive and effective multisectoral and multidisciplinary actions to prevent and deal with this problem and to make well-grounded proposals to other agencies. The composition of the group also allows its objectives and tasks to be channelled through the structures and functions of each member agency and organization, to the persons representing them in the community, such as teachers, doctors, police officers, judges and prosecutors.

95. Training on the topic for leaders and specialists in agencies, organizations and institutions more directly involved in prevention and treatment of violence is a priority and systematic task of the group. It is attended by public health, education, the National Revolutionary Police, justice, the Office of the Public Prosecutor of the Republic, the courts, ICRT and FMC. Educational material is produced for analysis in various contexts, most especially for its importance in the FMC local branches, which tackle violence against women in couples, violence against children, help to find guidance and assistance, and legislation protecting women and the family from domestic violence.

96. The places where anyone can seek guidance and/or assistance are FMC offices, notably its women's and family counselling centres in all municipalities; municipal sex education committees; sexual guidance and therapy services; family doctors or health centres; community mental health centres; citizens' rights bureaux of the municipal prosecutors' offices and bodies of the National Revolutionary Police.

97. We are continuing to monitor the studies conducted on the issue for assessment and to devise action such as analysis of selected offences by gender: assault, homicide, murder and rape by means of quantitative and qualitative indicators for each analysis.

98. We are pursuing the study of Cuban legislation and a comparative analysis with that of other countries in the region, which has been taken into account for proposing

improvements to the legal treatment of the issue and it is being analysed by the relevant bodies. The study of Cuban legislation provided the necessary arguments for including in the Penal Code as an aggravating circumstance that of the abuser being the spouse of the victim or of kinship between the abuser and the victim to the fourth degree of consanguinity and the second by marriage relationship.

99. Treatment and counselling on domestic violence has been provided at the women's and family counselling centres run by FMC. This includes individual counselling, group activities and orientation courses on the subject and in the various training courses taught. In 2009 alone, the counselling centres trained 21,505 persons in various fields, including grass-roots leaders and voluntary social workers of FMC: 519 women and men of the general public received individual counselling, work was conducted with 357 population groups, there were 528 discussions in training programmes, 494 orientation courses, and specific work projects in 35 municipalities nationwide, in which many activities were carried out and educational material was published with the help of OXFAM, UNFPA and UNDP.

100. A registry has been set up to monitor and follow up on families affected by this issue in the FMC public welfare centres in each municipality and province in the country and in each counselling centre. Between 2006 and 2009, 88.5% of the victims turning to the counselling centres were women and in 50.7% of cases, they had suffered violence from their spouses, mainly psychological violence. Violence most commonly occurs in the home (68.1%).

101. Workshops and other training activities on the issue have been offered to chiefs of police and police officers and officers who receive complaints; investigators and officers dealing with minors in the Ministry of the Interior and the prison school; teachers, leaders and students of the high-level institute of the Ministry of the Interior; groups of teachers and professional staff of the councils for children of the Ministry of Education and teacher training institutes; groups of doctors, nurses, psychologists and social workers of the Ministry of Health; FMC leaders, social workers and volunteer health workers; and lawyers from various court organs.

102. Training has been provided in the context of undergraduate and postgraduate courses in some bodies, and this is being stepped up. The topic has been promoted as an area of research at national level which has prompted general and more in-depth study through academic exercises as an opportunity for graduate, master's and doctoral theses.

103. Decision-makers are analysing a project for ensuring that better specialized care is provided within the health system for victims of violence and their abusers. At the same time work is proceeding on a study of the advisability and possibility of drafting a legal norm, a law or a decree-law that would integrate concepts and treatment of domestic violence through a preventive and educational approach.

104. The follow-up and overall assessment of a study of three municipalities in Havana City are being conducted by the General Directorate of the National Revolutionary Police (DGPNR), the national child services unit of the Ministry of the Interior, the Ministry of Public Health, the Ministry of Education and FMC. The purpose of the study is to provide more comprehensive services to victims, improving implementation of established measures for coordinating community action.

105. The aspects taken up most frequently in research into domestic violence have been violence against minors and between spouses. The first case is an acknowledged problem on which we are working systematically, both on educational and preventive aspects, and on endeavouring to overcome the failure of fathers or mothers to pay child support. We would add that there are centres to care for child victims in the provinces of Havana, Santiago de Cuba and another in preparation in Villa Clara. Regarding the second issue, the serious problem is violence based on gender, as almost all non-payers are men.

106. According to the same sources, most of the victims are married women or women in consensual union, aged between 16 and 50, and with secondary education; some are housewives and others are wage-earners. Technical and managerial staff are also among the victims. Most of the abusers are young men with education ranging from below sixth grade up to ninth grade, although some have higher levels of education, including university.

107. It was found that few women report incidents of abuse to the authorities; some explain that they are dependent on their husband for different reasons and that is why they keep quiet about the abuse. The usual justification given for this abuse is that it is a reflection of the gender role imposed by the patriarchal family and the macho stereotype. When women did report abuse, the abuse did not stop, and in some cases, the violence increased after the complaint was lodged.

108. The sources of information for cases of domestic violence in Cuba include the 185 FMC public welfare centres, which are visited by thousands of persons seeking help and counselling. A look at the figures shows an increase in such requests as a result of the effort that has been made to raise awareness about the problem.

#### **FMC public welfare records – cases of violence**

	2006	2007	2008
Violence – men against women	315	266	327
Violence – women against men	30	43	25
Violence – fathers against children	6	31	12
Violence – mothers against children	209	178	184

109. As shown above, most of the cases reported involve violent acts by men against women. Other data recorded report a total of 43 cases of violence by children against parents. There were a further 248 acts of violence against other families and two against other citizens. Other aspects are included in the checks of public welfare services relating to the issue of violence in its various manifestations, which numbered 644 in 2006, 609 in 2007 and 666 in 2008.

110. Efforts are continuing to persuade the agencies concerned to include in their statistics the details needed to break the data down by gender and assess the problem as a whole. This is referred to in the National Action Plan for Follow-up of the Fourth World Conference on Women.

111. The issue of domestic violence is dealt with in the mass media by implementing a media strategy aimed at raising public awareness of issues related to violence in all its manifestations, looking at specific aspects according to age group. It includes television programmes such as *Hablemos de Salud*, *Haciendo Caminos*, *Cuando una Mujer*, *La Vida y sus Retos*, as well as spots and short messages. Women and families are also targeted by radio broadcasts and the printed press, notably the magazines *Mujeres* and *Sexología y sociedad*. In this context, the campaign was stepped up on 25 November, the Day for the Elimination of Violence against Women.

## **E. Article 6**

112. The phenomenon of prostitution in Cuba has claimed the full attention of the Government and non-governmental institutions as they endeavour to attack its causes, find ways to eradicate it and improve procedures in the community task of tackling it. This comprehensive approach and effort takes into account that prostitution involves not only

the prostitutes themselves but also their clients and pimps, who should be punished as exploiting bullies and for trafficking in women.

113. The Cuban Government has a clear policy of not tolerating prostitution. Its goal is to prevent it, address its causes and manifestations, and offer prostitutes alternatives for re-education through a combination of guidance, persuasion, education, counselling and prevention directed to different groups of young people and to each one separately. The basic focus of the Cuban approach to the issue of prostitution is on prevention, and in this effort education, training and the improvement of relationships within the family and its immediate circle play a fundamental role.

114. Prostitution is not an offence, so no-one is penalized for such conduct in Cuba. Pimping, i.e. obtaining financial gain from prostitution by another person, is an offence and is punishable. Title XI of the Penal Code defines risk status and security measures. In particular, the second section of Chapter III lays down specific regulations on pre-delinquent security measures, such as manifest social behaviour that clearly makes perpetrators a threat to society. These measures, which are essentially designed for prevention and re-education, are applied to women who show antisocial behaviour and engage in prostitution.

115. In such cases, security measures aimed at re-educating them are imposed, such as confinement in a rehabilitation centre offering specialized programmes involving the Ministry of Culture, the Institute of Sports and Physical Education, the Ministry of Education, the Committees on Social Services and Prevention, the Ministry of Labour and Social Security and the Ministry of Public Health.

116. They may also be required to attend school or work while remaining in their family and social environment. The centres provide education, training and discussion, and the treatment programme includes help in returning to work, study, apprenticeship for trades, sports, cultural and leisure activities. The women are allowed to maintain links with their children and family. When they leave, they are guaranteed employment and/or the opportunity to continue their studies.

117. Another measure entails putting them under the supervision of a judge and other specialized officials who can have a positive influence on their behaviour. These procedures are implemented in line with current legislation and with full legal guarantees.

118. In describing sexual behaviour that is contrary to the law, the Penal Code protects collective security and public health. Moreover, in the Title "Offences against Life and Physical Integrity", it protects personal integrity.

119. Cuban penal law describes offences against the normal development of sexual relations, against the family, children and youth, and punishes the offences of pimping and trafficking in persons in the following cases: anyone who induces another person, or in any way aids or abets another person to practise prostitution or carnal trade (carnal trade is regarded as any act encouraging or exploiting sexual relations for financial gain); anyone who directly or through third parties, possesses, directs, administers, operates or finances, wholly or in part, a business, establishment or dwelling, or part of one, in which prostitution or any other form of carnal trade is practised, and who obtains, by whatever means, benefits from the exercise of prostitution by another person, provided the act does not constitute a more serious crime.

120. Criminal liability is aggravated where any of the following circumstances apply: where the defendant carries out duties involving participation in activities that have to do, in whatever way, with the protection of public health, enforcement of law and order, education, tourism, leadership of young people or combating prostitution and other forms of carnal trade; where—in carrying out the act—threats, blackmail, coercion or abuse of

authority are used; or where the victim of the crime is a handicapped person who for whatever reason is under the care of the offender; where the offence consists of promoting, organizing or encouraging persons to enter or exit the country for the purpose of practising prostitution or any other form of carnal trade; if the act is committed by a person previously subject to an enforceable penalty for the offence referred to in this article; where the person carrying out the acts referred to in the previous paragraphs does so habitually. Property may also be confiscated as an additional penalty.

121. The following systematic work is noteworthy in the commitment of Cuban society to eradicate prostitution:

(a) The **Social Protection and Care System** established in 1986 and most recently updated by Decree-Law No. 242/2007 composed of Cuban State institutions (Ministries of Education, Health, Labour, Internal Affairs, etc.) political and grass-roots organizations and social workers.

(b) The **Federation of Cuban Women** (FMC) works systematically with every prostitute detected, which is possible in a society with a political and social organization such as ours. The Federation carries out many activities in the fight to eradicate this scourge, such as training of leaders and other workers in tourism through discussion workshops, and leaders and activists of the women's organization and specialists in a variety of disciplines that make up the teams in its women's and family counselling centres. Activities are carried out with students and their families to reinforce positive values and persuade them to reject pimping and prostitution.

(c) In coordination with the **Ministry of Education**, the Federation of Cuban Women carries out activities with students. Individual social services are provided for students who need them, and assistance is given in training teachers and others. Education on reproductive health was introduced into the school curricula and extra-curricular activities for young people, as an important component of basic life skills, and a sex education programme is being established as a measure for preserving and protecting health, which is applied from pre-school level, not as a school subject, but across the board throughout the educational process. The educational work includes an ethical component, the shaping of values, which prevents girls falling into prostitution through a lack of education and beliefs.

(d) The **National Sex Education Centre** has done important work by providing scientifically sound advice about the implications and risks of prostitution and related phenomena.

(e) Work coordinated with the **Ministry of Tourism**: In Cuba, sex tourism is not so widespread nor is it manifested in so many forms as it is internationally. There are strong, preventive and punitive public policies for combating it. Measures have been taken to prohibit all forms of sex tourism, and wherever there is evidence of wrongdoing in that regard on the part of officials, managers or workers in the tourism sector, strict administrative sanctions are applied, including a ban on working in that sector; in cases where an offence has been committed, the offender is placed at the disposal of the courts. There are also conditions in the contracts with foreign tour operators and travel agencies, designed to prevent manipulation of the image of Cuban tourism as sex tourism, all of which is systematically monitored by the overseas offices of the Ministry of Tourism and the relevant controls that it puts in place.

122. Cuban promotion and advertising of tourism prohibits the use of images of women as sex objects; the policy is to develop family tourism, with children under age 12 staying free of charge, and the hotels run "children's clubs" to offer appropriate supervision by specialist child-care staff.

123. Measures to prevent, tackle and punish trafficking for sexual exploitation. The mass media provide content and messages that contribute to the development of healthy sexuality for all citizens and do not use women or children in advertising material, in an attempt to create awareness of the dangers of this phenomenon and encourage society to reject it.

124. The current Penal Code punishes the sale and trafficking of minors where anyone sells or transfers by adoption a child under 16 years of age to another person in exchange for reward or financial or other compensation. Liability is aggravated if: fraudulent acts are committed with the intent to deceive the authorities; the offence is committed by the person or head of the institution having the minor in its custody and care; the intent is to move the minor out of the country.

125. Provided that the acts do not amount to a more serious offence, punishment is severe where the intention is to use the minor in any of the forms of international trafficking, related to acts of corruption, pornography, prostitution, organ trafficking, forced labour, activities linked to drug trafficking or illicit consumption of drugs. There are also penalties for sexual affront and corruption of minors, especially where they involve the family, educators or any personnel having minors in their care or custody.

126. Teachers, or those in any way responsible for the education or leadership of young people, found guilty of any of the offences referred to above are punished with an additional penalty of permanent exclusion from the teaching profession or any other position involving leadership of young people.

127. Ascendant relatives, guardians or foster carers committing such offences on their descendent relatives, wards or minors in their care, in addition to the penalty indicated in each case, are deprived of or temporarily suspended from the rights deriving from their relationship as parents or guardians.

## **F. Article 7**

128. The Constitution of the Republic of Cuba and the Electoral Act establish that every Cuban citizen over the age of 16, irrespective of sex, race or religious belief, is entitled to vote and to be elected in public elections. Notices of elections call upon citizens to elect the best candidates without any kind of discrimination. No female or male candidate has to have financial resources or find someone to finance the election campaign to promote his or her candidacy.

129. It should be noted that although women have all these legal rights and account for 50% of voters, the nomination and election of women is still influenced by subjective factors relating to beliefs, prejudices and cultural patterns inherited from a classist and sexist society in which the sphere of work and public authority was restricted to men, and women were confined to the home, the family and domestic work.

130. In 2007, the general elections were called once again to elect by direct secret ballot, the delegates to municipal assemblies—all those in the constituencies—and provincial assemblies, as well as the deputies to the National Assembly for its 7<sup>th</sup> legislature (2007–2012). The most recent interim elections took place in April 2010 to elect the constituency representatives and to form the municipal levels of the People's National Assembly for the period 2010–2012. At the municipal level elections are held every two and a half years, so there is one point when they coincide with the elections at all levels (general elections) and another when the elections take place at this level only (interim elections).

131. In the 2007 general elections, the number of female representatives in the Provincial Assemblies rose. They include 488 women, representing 40.6% of the total, an increase

of 38 in absolute numbers and of 8.4 percentage points, far higher than the indicators of the previous process.

132. There are 266 female deputies to the 7<sup>th</sup> legislature of the National Assembly, or 43.32% of the total elected. In the Parliament, female participation increased by 47, or 7.36 percentage points. According to this indicator, Cuba is among the leading countries of the world in terms of women's participation in Parliament, ranked fifth in the Inter-Parliamentary Union publication of June 2010.

133. The number of women in the Council of State also rose during the period, from eight at the previous elections to 12 in the present composition. They represent 39% of the 31 members. For the first time, since December 2009, the Council of State has a female vice-president, who is also General Comptroller of the Republic.

134. Women play an active part in the standing working committees in the organs of the People's National Assembly, from the municipalities to the National Assembly. At the top level, the Committee for Children, Young People and Equal Rights for Women is headed by a woman, and was founded at the time of the initial constitution of the permanent assemblies and has played an essential role in promoting and adopting legislation that supports and protects women's rights. This body also plays an essential role in assessing and following up compliance with women's rights legislation.

135. FMC—as the national machinery for the advancement of women—during the process of the elections and in line with that activity, promoted some initiatives that gave positive results. In preparing them and carrying them out, it enjoyed the full support and active participation of all levels of the People's National Assembly. The publication entitled *Las mejores como delegadas* (Vote for the best women) was discussed at meetings of the over 76,000 grass-roots structures of FMC at the community level, often with the participation of men as well. This activity is a follow-up to the ongoing public debate which has been a key element of educational and awareness-raising efforts on the issue of ensuring women and men participate on an equal footing in the social and political life of the country.

136. The Nominations Commissions at the national, provincial and municipal levels and the Electoral Commissions were largely made up of women belonging to grass-roots and student organizations. This also represents a significant step towards increasing women's participation in the entire electoral process in Cuba. The leaders of FMC serve on these commissions. This has a positive effect on the promotion of candidacies of distinguished women who are nominated as delegates on the provincial assemblies and as deputies, in accordance with the powers of the commissions. The National Electoral Commission was presided by women on two occasions, namely: for the general elections of 2007 and the interim elections of 2010, which is another indication of the visibility of women in the electoral processes.

137. Throughout this period, meetings were held with women delegates and deputies to recognize their accomplishments and to discuss issues such gender, equality, self-esteem and leadership, so as to better prepare women for these responsibilities and to publicly acknowledge and disseminate their successful experiences.

138. Assessments of the advancement of women are conducted on a regular basis in meetings of the provincial and municipal administration councils, discussions in the FMC committees, at all levels, and in the directing councils of the agencies of central State administration. This is done in order to identify accomplishments and remaining obstacles and continue working on objective and subjective factors that stand in the way of more women occupying decision-making positions, especially those that depend on appointment rather than the wishes of the electorate.

139. The decree-law on the promotion, posting and qualifications of State employees addresses the need to continue the effort for the education, training and retraining of women and their promotion to senior posts. Thanks to this policy, more women are now on the reserve rosters for posts at the various levels of State government. Since the second half of 2002, the Central Committee of State Employees decided to draw up a reserve roster made up of 50% each of women and men. From 2003 onward, the short lists submitted for approval must include a man and a woman on equal terms, so that the decision can be made based on equal qualifications.

140. Employee committees operate at all levels from the national to the municipal as a government mechanism; they take an individualized approach to questions relating to the promotion of women to senior posts. The ministries and their research centres and the institutions of higher education carry out research and hold different types of events at which this topic is also discussed. The results constitute a fundamental input to the work of the employee committees and the training system.

141. Over the years, and especially since 1996, progress has been made in the promotion of women to senior posts in the civil service. In 1996, women accounted for 30.1% of all senior posts in the country; in 2000, 33.3%, and in 2009, 39.1%, the highest share to date. In absolute figures, the total number of women managers was 95,314. This indicator has risen steadily in every province of the country. At the time of writing there are eight female ministers and 49 female vice-ministers.

142. Women have a significant presence in the judicial system compared with 1999. Seventy-one per cent of State attorneys are women, an increase from 1999, when there were 65%; 60% of senior staff are women, compared with 49% in 1999. In the courts, 66.3% of stipendiary judges are women, a marked increase from the figure of 49% in 1999. It should be noted that 71.4% of the presidents of provincial tribunals are women. In the Ministry of Justice, headed by a woman, 40.4% of senior staff are women and 42.8% of provincial directors are also women.

143. The Ministry of Education has 12,786 women in senior posts. Apart from the Minister herself, there are five women vice-ministers, 26 directors or heads of department in the central offices; seven rectors of the 17 institutes of higher education (53.8%), 30 vice-rectors and 38 deans. In the Ministry of Higher Education, 42.6% of the staff are women, and 30% of top-level posts are filled by women, including two vice-ministers. Women represent seven per cent of university rectors, 30% of vice-rectors and 32% of deans. In the Ministry of Science, Technology and Environment, women occupy 35.5% of senior posts as against 27% in the year 2000. Women are also in the following important positions: two agency directors (with the rank of vice-minister), 2 national directors of different departments, and four provincial delegates. Women account for 24% of the directors of research centres, 56.8% of technical staff and 48% of researchers.

144. In the Ministry for the Sugar Industry, which before the victorious Revolution had been practically off-limits for women, they now account for 22% of the workers. On the senior staff, 1,342 are women (28%), 16% higher than in 2002. Women currently account for 38% of the reserve roster at the Ministry. Women occupy 8.4% of decision-making posts in the system. Women account for 20% of heads of grassroots units and 31% of administrators of production units.

145. In the Ministry of Information Science and Communication, women account for 49.5% of the staff. They fill 26% of the top-level positions, compared with 23.5% in 2000. There are currently two women vice-ministers. In the sector, which plays a key role in Cuba's development strategy, girls account for 50% of nearly 10,000 students who have enrolled in computer engineering courses at the new University of Information Sciences which opened in September 2003. In the other sectors of the economy, women have moved

up to the various levels of management. In health, they account for 46%; in culture, 34.5%; in metalworking and engineering, 16%; and in transport, 15%.

146. Training and recognition is being given to women holding posts in various types of organizations, including State agencies, grass-roots organizations and trade unions, and those working with families and the community. Progress is being made in studies and research on the issue of women in senior posts. A number of agencies are already applying the measures suggested as a result of these studies. The national research study on analysis of gender mainstreaming in the selection and promotion of staff and their reserves has been concluded.

147. Women are guaranteed equal opportunities with men in terms of access to non-governmental organizations. Cuba has the appropriate legal framework to channel the interests of persons who wish to join such organizations in order to further social causes. This is stipulated in article 54 of the Constitution of the Republic and in the Associations Act of 27 December 1985), which establishes the relevant legal regulations and registration requirements. More than 2,200 non-governmental organizations of various types, in terms of structure, membership and objectives, are registered in Cuba.

148. Cuban women belong to the Cuban Trade-Union Federation (CTC) encompassing all male and female workers in the country, who in turn are members of their own specific trade unions. There are 1,412,125 women members, representing 45.3% of the total membership. Forty-nine per cent of the CTC leadership are women, and women are also well represented on the National Council, at 47.6%. Five national trade unions are headed by women, as well as 52.8% of the grass-roots trade union sections.

149. The National Association of Small Farmers (ANAP) includes rural women, both members and non-members of cooperatives, who account for 18.3% of the total. Rural women also hold and have access to administrative positions in cooperatives, as well as in grass-roots organizations of the ANAP. Although this growth has been modest, it is evidence that the actions carried out by this organization are in line with the National Action Plan and are producing positive results. The rural population of Cuba is becoming increasingly aware of the need to ensure equal participation of men and women in the social and economic life of rural areas.

## **G. Article 8**

150. It is still a constant concern to involve women and expand their role and representation at the international level. The Ministry of Foreign Affairs, the organ of the Central Administration which is responsible for carrying out the country's foreign policy, has a total of 829 staff in its internal services; 401 of these (48.37%) are women. Sixty per cent of all staff joining the ministry in recent years are women (141 out of a total of 235).

151. In the internal service, 27.14% of management are women; while this figure is below the national average, it has been steadily increasing in recent years. In the external service, an unprecedented 28 women are heads of mission. Over the six-year period 2004–2009, women account for 53.6% of diplomatic attachés graduating from the Higher Institute of International Relations and entering the Ministry of Foreign Affairs, 73.62% of trainees and 46.8% of direct entrants. Overall, in both internal and external services, women hold 42 senior posts, 21.64% of the total. The past three years have seen an improvement in the number of women in senior posts and 44.76% of the reserve roster are women.

152. Cuba attaches great importance to its international commitments in general and pays special attention to those relating to the advancement of women. Cuba has had three experts on the Committee on the Elimination of Discrimination against Women throughout the

28 years it has been in existence. One woman expert served for two mandates on the first Committee (1982–1988), another from 1997 to 2004 and a third from 2005, due to conclude her second mandate in 2012.

153. Cuba was re-elected as a member of the Commission on the Status of Women for the period 2008–2012; the Foreign Ministry and FMC worked in close cooperation to take an active part in representing the Cuban Government.

154. The first Regional Conference on Women in Latin America and the Caribbean of the Economic Commission for Latin America and the Caribbean (ECLAC) was held in Havana, and Cuba held the first presidency from 1979 to 1982. Since then it has always been a member of the Presiding Officers, holding one of the vice-presidencies. The role and prestige of Cuba in this context is acknowledged and it has always complied in preparing and handing in reports, and in presenting issues at meetings, and has consistently followed them through.

155. Cuba has fulfilled all its obligations under the international treaties to which it is a party. Over this period FMC, in its capacity as national machinery and a theoretical and methodological benchmark on gender issues, sent in its contributions for the drafting of the annual report in response to the universal periodic review mechanism of the Human Rights Council, which was presented in February 2009. Likewise, during 2010, it submitted its input for the drafting of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. It also contributed to the initial report in the Convention on the Rights of Persons with Disabilities, which is being drafted. The defence in August 2006 of the fifth and sixth periodic reports on the application of the Convention on the Elimination of All Forms of Discrimination against Women deserves a special mention, where the delegation was composed of 13 members (10 women and three men). FMC also contributed to the Cuban report on the follow-up to the Conference on Population and Development (Cairo+15), and the second and third reports of Cuba on the achievement of the Millennium Development Goals, among other important processes. Cuba has been meticulous in preparing and submitting its periodic reports. Women have played a leading role in this process, both in drafting the reports and in presenting them to the various treaty bodies, taking part in a large number of official delegations attending those events.

156. Cuba has made a modest contribution to training a number of governments which have asked the Cuban expert on the Committee on the Elimination of Discrimination Against Women to take part in courses and seminars, to promote professional training, both of staff in government agencies and of civil society representatives, on the content of the Convention and the drafting of reports. Over the period more than six events of this kind took place at the invitation of governments, on a proposal of ECLAC or of the subregional offices of the United Nations High Commissioner for Human Rights.

## **H. Article 9**

157. The same principles still apply for acquiring nationality, as per articles 28 and 29 of the Constitution. Children enjoy special protection under article 31 which leaves their status unchanged if their parents' marriage is dissolved.

## **I. Article 10**

158. The Constitution of the Republic establishes that in Cuba all persons without distinction or difference as to gender, skin colour, political ideology or religious belief have equal access to free education throughout the educational process.

159. The direct economic damage caused to the Cuban people by the implementation of the economic, trade and financial embargo during the last 50 years by the Government of the United States of America has amounted to more than 100,154 million dollars, which at the present rate of the US dollar and based on retail price inflation in that country would be equivalent to 239,533 million dollars; it amounts to **751,363 million dollars** taking account of the devaluation of the dollar in relation to the price of gold on the international financial market. Nevertheless, it is encouraging to note that real progress has been made in terms of schooling levels and social and family education. Cuban schools are the most important and responsible cultural institutions of the community.

160. In the process of combating the discrimination that women have suffered throughout history, universal access to free education and of improving quality for all, women and men, has played an essential strategic role in fostering social participation of women and significantly advancing the eradication of prejudice, exclusion and discrimination inherited from past societies.

161. These rights are safeguarded in practice by the growing participation of Cuban women in all spheres of social life, high rates of schooling for girls and boys, the gender equality index in primary education, as a general indicator expressing gender equality, access to and length of education and the budget for current expenditure that is maintaining a growing trend for education, approved each year by the People's National Assembly of Cuba.

162. On average over the past five years, more than 21.5% of current expenditure in the National Budget and levels above 11% of GDP are earmarked for education, despite the global economic crisis, due principally to financial speculation in the main centres of economic power, rising oil prices, irrational and excessive consumption by the developed societies and the penuries and sacrifices imposed on the Cuban people by the genocidal financial, economic and commercial embargo that successive United States administrations have been applying to Cuba.

163. Net enrolment rates over the past five years for pre-school and primary education and broken down by gender, have been high—exceeding 99% in all cases—with similar levels for girls and boys.

164. Pre-school education in Cuba has achieved a coverage of 99.5% of the population of children aged 0–5, within and outside institutions, and including urban, suburban and rural areas. The Educate Your Child programme offers the highest coverage for this age group (70%), which is a quality community programme that enables all young children to prepare for school on equal terms. The training of the family to encourage the comprehensive development of their child, in an accessible way and with the support of community factors, is the essence of this authentically Cuban early-childhood programme. More than 17,000 promoters and 61,000 implementers are taking part in the programme, 67% and 61% of whom respectively are women. Providing these rights in early childhood means creating the necessary conditions for development, without stereotypes or prejudices or conveying ideas that presuppose that one sex is superior or inferior to the other.

165. In the framework of the transformation and innovation programme implemented from the year 2000, more than 99% of the primary school intake attends school in double shifts and over 90% of pupils are taught in groups of up to 25 students per teacher.

166. In special education, all children and adolescents with special educational needs are schooled or given tuition in a spirit of equal opportunities. Currently, 14,314 girls and 26,832 boys are studying in special education schools. Itinerant teachers serve 1,573 children and 155 are taught in hospital classrooms. Coverage continues to be expanded to children with special educational needs under six years of age. Some 476 such children are hosted in special facilities and 345 in specialist groups. In learning centres for intellectually disadvantaged pupils, the curriculum provides a preparation for working life that enables

them to learn a trade, prepare for life and access the job market, without gender discrimination. Currently 132 girls and 161 boys are studying in such centres; girls representing 47% of the total.

167. Decree-Law No. 76 of 1984 set up shelters for children with no family backing, where 293 children are currently cared for with equal rights, 129 of them girls, representing 43% of the total. These types of care are based on the principles of equality, with no discrimination on grounds of sex, skin colour or any other aspect. A special school was set up in the year 2000 for autistic children and all those diagnosed as deaf-blind, to ensure that they are educated and integrated into society so that they can be useful to themselves and to society.

168. With a residual illiteracy rate of 0.2%, the adult-education programmes are now diversifying to open up new ways of mass access to upper-secondary and university education for young people of both sexes. The main beneficiaries of these programmes are women (see section C above).

169. The content and drafting of the syllabuses, text books and materials in general are systematically updated and reviewed to further promote gender equality in the new generations and their comprehensive education, so that they embrace ethical principles and values for behaviour, in the family, at school and in the community.

170. The education that children receive from their earliest years, both at school and in the home, is crucial to the process of changing the sociocultural patterns of behaviour in men and women, in relation to the prejudices and practices that manifest as discrimination against women. This is why there are objectives and content that foster non-discriminatory patterns of behaviour in the National Education System. The general objectives and those by grade include the statement that pupils should understand basic aspects of education and health, and sexuality at their level, promoting appropriate behaviour towards the sexes, such as:

(a) Appreciating that there are differences between boys and girls and displaying feelings of respect and consideration towards members of the opposite sex (second grade);

(b) Identifying the anatomical and physiological characteristics and the hygiene measures of both sexes (third grade);

(c) Imparting knowledge of the basic facts of human sexuality (fifth grade).

171. Noteworthy among the content of the subject "The world in which we live" are:

(a) The task of understanding that both adults and children should cooperate with household chores and the care and enhancement of where they live, and appreciate the work of others (second grade).

(b) The continuation of sex education for schoolchildren from an early age focuses on the social and biological aspects of sexuality. This offers a systematic approach that lays the foundations for looking further into the subject (fourth grade).

(c) The inclusion in civic education of objectives and content linked to students critically assessing their behaviour as a member of a family in carrying out their duties and responsibilities (fifth grade).

(d) Working on texts and content of subjects to encourage the formation of socio-cultural patterns related to egalitarian attitudes between girls and boys.

172. Sex education for girls and boys is still being given special attention through teaching materials in the "Responsible and happy sexuality" collection designed for parents, teachers and pupils at all levels of education, especially for lower secondary schools.

173. Over the period, women's participation in various international cooperation projects increased, notably the literacy and post-literacy programmes "Yes I can" and "Yes I can go

on” in dozens of countries in Africa, Latin America and the Caribbean, which are basically aimed at women, who make up the majority of the illiterate population.

174. Women hold 60.7% of the 12,542 senior posts at all levels and in all the structures of the Ministry of Education, both in schools and in municipalities and provinces. We work to prepare women for senior posts, and in 2006 they occupied 68.6% of the total reserve roster and in 2009, 70.7%.

175. We have continued to promote scientific research that helps to improve our understanding of the situation of women, including the work of the Central Institute of Educational Science, the teacher training colleges and the Provincial Education Departments, as well as the master’s and doctorate programmes in the teaching universities.

176. In 2005, a massive programme of postgraduate teaching studies began, in which over 100,000 teachers are enrolled in master’s of education science courses, 22,032 of whom have graduated; the proportion of women is 73%.

177. In the secondary-level vocational technical schools, courses are still held for retraining and updating staff in service, which cater for women in response to employment needs in various sectors and branches of the economy, mainly in the fields of accounting, agri-business, urban farming and building. Over the past five years, 43.6% of graduates of upper-secondary vocational education have been women; they exceed 60% in the fields of accounting and services, but fall below 20% in farming-related occupations. This is due, among other factors, to the increase in offers of other specialities to young rural women and basically poor vocational training in schools and bodies associated with the sector in the provinces. The proportion of women graduates from teaching universities in the past five years was 72.6%, a very similar proportion to the gender structure of the country’s teaching force.

178. Specifics on Higher Education. Higher Education in Cuba, which is subject to a different Ministry, has been characterized by a process of feminization since the victorious revolution and the set of measures that have favoured sustained access of women to all levels of education, which has now brought about an intake of 61% women, 55% female full-time teachers and 63.5% of all part-timers.

179. In the 2009–2010 academic year, enrolment in higher education rose to 606,863 students, 372,171 or 61.3% of whom are women. The breakdown by branch of learning is as follows.

<i>Branch of learning</i>	<i>Total</i>	<i>Women</i>	<i>Percentage</i>
<b>Total</b>	<b>606 863</b>	<b>372 171</b>	<b>61.3</b>
Technical sciences	42 773	15 807	37
Natural sciences and mathematics	4 441	2 181	49
Agricultural sciences	14 394	4 576	31.7
Economics	57 836	39 386	68
Social sciences and humanities	150 326	97 206	64.6
Educational sciences	94 649	63 793	67
Medical sciences	189 069	132 017	69.8
Physical education	52 148	16 643	32
Art	1 227	562	46

*Source:* Ministry of Higher Education catalogue 2009–10, January 2010, Cuba, p. 25.

180. As we can see, the highest percentages of women are in the medical sciences, accounting for 60% of careers in medicine in this context, though it remains a traditionally male preserve in many countries. Economics is also a traditionally male preserve worldwide, while in our country it is gradually being feminized, with 68% women as a proportion of total enrolments in the 2009–10 academic year. Within economic sciences, 70% of accounting students and 63% of economics students are women.

181. Although Cuban women are increasing their presence in traditionally male fields, they are still in the majority in traditionally female areas on account of the subjective changes that are occurring in them but not so much in men, while their work in these fields remains associated with the extension of women's traditional roles in the private environment.

182. The Ministry of Higher Education is aware, through its social responsibility, of its role in the training and education of the new generations and in improving the professional efforts of university students, and gives priority to devising policies and strategies with a gender focus so as to achieve progressive gender mainstreaming throughout the process, which requires much more time and a sustained effort.

183. Regarding legal instruments and acts that guarantee women's rights, we are training specialists in legal sciences, at both undergraduate and postgraduate levels; the subject is also included in the master's in gender studies at the University of Havana closely coordinated with the FMC national committee and the National Union of Jurists of Cuba. We believe that we can keep expanding the measures taken so far.

184. We observe increasing numbers of women as teachers in higher education, among both the full-time teaching staff (57%) and part-timers (59%), to the extent that we can talk of the feminization of this field. While the presence of women within university faculties is an indicator of how women have developed, it is also significant to note the categories of teaching they are entering, demonstrating how they are benefiting from equal opportunities. In the 2005–06 academic year, 25.7% of all professors were women, while in the 2008–09 academic year the figure rose significantly to 33.5%. Likewise, women accounted for 34.6% of assistant teachers in 2005–06 and 50.8% in 2008–09, a greater increase in this category, since women have accounted for the majority of admissions to university faculties in recent years.

## **J. Article 11**

185. Article 9(b) of the Constitution of the Republic guarantees that every man or woman who is able to work shall have the opportunity to have a job with which to contribute to the good of society and to the satisfaction of individual needs. Likewise, article 43, on equality between men and women, provides that they shall have access, in keeping with their merits and abilities, to all state, public administration and production services, positions and jobs, and to be given equal pay for equal work. Article 44 stipulates that women are offered the same opportunities and possibilities as men, in order to achieve women's full participation in the development of the country.

186. These provisions of the Constitution rightly express the rights of citizens whereby Cuban women are given opportunities to take part directly in the work of building a society.

187. The Cuban Government has implemented employment policies in coordination with the CTC and FMC. These policies directly benefit women, not only by virtue of the fact that the number of women holding jobs increases every year, but also because they have access to professional training, to learn skills to obtain better jobs and be promoted to senior positions.

188. Article 213 of the Labour Code, in section two, contains the provisions regarding women's work. Women who are pregnant or about to give birth are not to be employed in activities or duties affecting their gynaecological systems or reproductive function, or the normal course of the pregnancy. Article 214 states that the administrations of employers must abide by the medical certificate when employing women not covered by the previous article in occupations listed as positions and activities not recommended for women. Article 215 in section four (Maternity Protection) states that any worker who is pregnant or has children up to one year old is exempt from overtime, double shifts or assignments away from her place of employment.

189. The Council of State, in application of the Constitution, enacted Decree-Law No. 234/03 on maternity of working women. Chapter 1 thereof grants rights to working women, protecting their maternity, guaranteeing and facilitating medical care during pregnancy, pre and postnatal rest, breastfeeding and care of minor children, and special treatment if the latter are disabled. Resolution 22/03 also entered force in 2003, regulating the implementation and application of the above-mentioned Decree-Law on maternity of working women. It also helps to foster the shared responsibility of the mother and father in the care of the children, and of the father if the mother dies. This Decree-Law applies to adoptive parents in all matters concerning the protection of children.

190. This protection includes: specialist medical and dental care and free medicines associated with pregnancy through the National Health System; 18 weeks' maternity leave—six prior to delivery (with the obligation to stop working in the 34th week of pregnancy or the 32nd week in the case of a multiple birth) and 12 weeks after giving birth.

191. Entitlement to this paid leave is conditional upon 75 days of work in the 12 months immediately preceding the beginning of the leave. If this period has not been worked, the woman is entitled to the leave but without pay and, if she is in financial need, receives immediate protection from the social welfare system. In both cases the labour relationship is suspended during the leave and she retains the rights inherent in that relationship. There is an entitlement to additional paid leave before and after delivery, with no qualifying period: before starting the period of leave, paid or unpaid, working mothers are allowed six days or 12 half days for the purposes of medical and dental care.

192. The administration must guarantee a working mother or father the right to resume the post he or she occupied at the time of suspension from work when they return to work, after postnatal leave, when the child attains one year of age or at the end of the leave. After the end of the period of leave, if the worker returns to work, she is granted one day's leave each month to attend a paediatric care centre during the child's first year. She is also allowed one hour a day for breastfeeding, to be taken at the beginning or end of the working day. Once the period of paid post natal leave is over, the worker may choose not to return to work and is granted a social benefit equivalent to 60% of the base for calculating paid leave until the child's first birthday. This right may be transferred to the father or any identified family member where the mother dies during maternity leave.

193. If no financial benefit has been claimed, this leave may be taken without pay. Periods of paid leave count as length of service and salary for the purposes other social security benefits.

194. By the end of 2008, 38,372 women had benefited from the maternity act for working women and 52,151 mothers had availed themselves of Resolution 22/03. By the end of June 2009, 44,821 working women were granted maternity leave, 6,449 more than in the previous year. The cost to the Cuban State was 27.3 million pesos in 2008 and 31.9 million in 2009.

195. In 2009, approximately 1,108 day-care centres were in operation, serving 130,965 children aged 0 to 5 years, belonging to 120,861 working mothers. The service is

completed by 30 crèches in workplaces, caring for 874 children. The coverage of this education subsystem is not restricted to the children enrolled with those institutions; it also expands care for early childhood through the “Educate your child” programme, aimed at educating the families of children under six years old and those children themselves. It currently covers 70% of the population of children in that age group.

196. In Cuba, employment is the cornerstone of social security, pensions are linked to employment and therefore the main social protection for Cubans is to be guaranteed a job. To illustrate that the advancement of women, their independence and their contribution to development of the country continues to rise, demonstrated by the results achieved, it is necessary to reiterate what we said in the introduction to this report.

197. At the end of 2009, the female unemployment rate declined to 2.0%. The country has 1,934,100 employed women, 58,900 more than in 2008. Employment of women in the civil service has also risen to 46.7%, the highest female employment figure ever achieved, exceeding the figure in the previous report (44.7%). Women account for 65.7% of professionals and technicians, 72% of the workforce in the education sector, 70% in the health sector, and there are more than 32,000 self-employed women, demonstrating their capacity and ability to find independent employment and contribute to the country’s development.

198. Cuban women have moved into sectors that in the past were dominated by men, such as agriculture. Agricultural legislation offers women a level playing field. Agriculture employs 223,592 women, 108,104 of whom are in agri-business, 106,209 in production units, and 2063 in agricultural sciences, 253 in a scientific category. At the end of October 2009, women represented 42.3% of workers in the construction sector and 22% in the sugar industry, and some directors of agri-business complexes are female, acknowledged and highly respected among their staff for their management abilities and achievements.

199. The Constitution of the Republic, promulgated on 24 February 1976 with the reforms approved by the People’s National Assembly at the eleventh regular session in 1992, sets out in Articles 47 and 48 the guarantee offered by the State to the general population through the social security system. Article 50 of the Constitution of the Republic guarantees the right to free medical and hospital care for all citizens, including free dental care, health publicity campaigns, health education, regular medical examinations, general vaccinations and other measures to prevent the outbreak of disease.

200. By agreement of the first regular session of the Seventh Legislature of the National People’s Assembly, the Cuban Trade-Union Federation and the Ministry of Labour and Social Security were entrusted to carry out a process of consultation with workers on the preliminary draft social security bill, with a view to improving it, with the active presence of the Deputies in each territory. It was done with the support of more than 99% of the 3,000,085,000 workers who took part in 85,301 meetings; the whole exercise reaffirmed the democratic spirit that characterizes our society and the processes of social participation in issues affecting the population.

201. As a result of this, the People’s National Assembly passed Law No. 105 on social security, improving and extending the rights set out in the previous Law No. 24. Where the term “worker” is used in that law it should be understood to mean both women and men, since according to the principles of the Constitution women and men have equal rights, duties and guarantees, and the same opportunities and possibilities.

202. This law states that the State guarantees adequate protection to workers, their families and the general public through the social security system, which includes a general social security scheme, a social assistance scheme and special schemes. The general social security system offers protection to workers in the event of sickness and ordinary or occupational accident, maternity, invalidity and old age, and to the family in the event of death. Through the social assistance system, the State protects senior citizens having no

means and anyone unfit for work who has no family members able to help. By providing financial benefits and health services, the social security legislation covers the risks of temporary incapacity of ordinary and occupational origin (industrial accidents and occupational diseases). When a worker declares that he or she is available for work and where his or her employment is interrupted, the law provides for a labour and wage regime that includes the payment of a guaranteed wage.

203. Family benefits are not specifically allocated by the law but, at particular times of life or in special circumstances, families are granted additional aid via social security or social assistance, conditional not on a prescribed qualifying period but on the specific situation that the family is facing and as long as that situation lasts.

204. Article 5 expands the special schemes protecting persons carrying out activities which, owing to their nature or the type of their production processes or services, require the social security benefits to be adjusted to their circumstances, currently covering members of the Revolutionary Armed Forces, combatants of the Interior Ministry, creators of plastic and applied, musical, literary and audiovisual arts, members of agricultural production cooperatives, persons holding tenancy rights; self-employed workers and others are included as needed.

205. The benefits introduced by the law include the extension to 15 years of the period for selecting the worker's highest earning years for the purposes of the pension, and extend this entitlement to the orphans of both parents, aged 17 and above and who are studying. For a supplementary pension, the law also sets the retirement age at 60 for women and 65 for men, and recognizes the right of the widow and widower to draw their own pension concurrently with a survivor's pension.

206. The right to occupational protection, safety and health is enshrined in Article 49 of the Constitution, which stipulates that the State guarantees such protection by adopting appropriate measures for preventing occupational accidents and diseases.

207. At the 13th Congress of the CTC, it was agreed to propose that the Government enact the Occupational Health and Safety Act, which was enacted and is now in force. It includes a chapter on special protection for working women, based on the equal rights they enjoy. Women may not be employed in jobs that can be particularly harmful to them, in view of their specific physical and physiological characteristics. It makes administrations responsible for creating and maintaining proper working conditions and the facilities necessary for women to take part in working life, and for regulating the care and rights of pregnant workers in their place of employment.

208. The Cuban State has the political will to ensure comprehensive care for workers and female workers in particular. Each year budgets are planned in freely convertible currency, funded by millions of convertible pesos for the purchase of Personal Protective Equipment (PPE), clothing and footwear and food for the workers, women included.

209. Women represent 66.7% of union leadership as follows: six in the national secretariat, two heads of department, five secretaries of national trade unions, six are provincial secretaries-general of the CTC and 99 head CTC municipal committees. Women account for 47.6% of management in the national unions, 68% in the management of the provincial CTC, 63.1% in the provincial unions, 68.5% in the provincial bureaux of the National Association of Innovation and rationalization, and 75.3% of union leaders at municipal level. They are accordingly well placed to influence strategy and include women's interests in them.

**K. Article 12**

210. The National Health System in Cuba, based on state and social medicine, accessibility, universal coverage, free health services, including reproductive health and active and organized participation of the population in the various health programmes, has made a decisive contribution to raising health indicators in the whole population, especially those for women and children. To make this possible, the quality of services has been improved in recent years at the three levels of care:

(a) Primary: the main pillar is the comprehensive health care provided by community family doctors and nurses in doctor's offices, polyclinics, health areas (including maternal homes and grandparents' centres), dental clinics and mental health centres;

(b) Secondary: this level includes the general, clinical, surgical, paediatrics and gynaecology/obstetrics hospitals, and hospitals for mothers and children;

(c) Tertiary: this level includes research and assistance institutions, and national referral hospitals, many of them internationally renowned.

211. During this period there have been changes in the organizational structure of the health system and patient care, and in the organization of services and health programmes. The current changes in primary health care are based on the premise of bringing specialized services closer to the population, which is offered only in hospital, and adapting it to the health situation of each place. It is accompanied by training and continuing education of the human resources and the improvement and introduction of new high technology, with the extension of comprehensive rehabilitation services, computerized library services, more equipment for ultrasound, x-ray, electrocardiogram, endoscopy, life support and thrombolysis, chemotherapy, audiometry, municipal intensive care units, etc. This has helped to improve comprehensive care and increase women's satisfaction at every stage of their personal and family lives.

212. With the introduction of active investigation as a systematic working method, for the identification and timely resolution of health problems from a gender perspective, through the basic health team from the family doctor in the community, community and intersectoral participation takes the form of measures to transform the state of the health of the population, particularly women, children and adolescents.

213. The maternal and child health service in the polyclinic has accessible consultations, specialist medical staff qualified carry out family planning, pre-conceptional risk, treatment of infertile couples, menstrual regulation, consultations for child and adolescent gynaecology, perimenopause and menopause, obstetrics, post-natal care, benign breast and cervical conditions, among others.

214. In 2004, the polyclinic became the University Polyclinic, with training for careers in medicine, dentistry, psychology, nursing and all health technologies, with comprehensive training from the community and based on on-the-job education.

215. At the end of 2008, Cuba had an indicator of 151 inhabitants per doctor. Fifty-eight per cent of all doctors are women. There are 11,234 dentists, or 1 per 1,000 inhabitants. There were 32,289 family doctors, in 10,717 surgeries. Of these, 25,893 specialize in general medicine, 65% of whom are women. The indicator for nurses is 95.9 per 10,000 inhabitants. The indicator for hospital beds in medical facilities is 4.7 beds per 1,000 inhabitants. In social services, there are 1.3 beds per 1,000 inhabitants. Thus, the total number of beds is 67,268 (6.0 per 1,000 inhabitants).

## 1. Monitoring transmissible diseases

216. Preventive and curative services continue to be provided to the whole population, and the environmental health and vaccination programmes are carried out at the different levels of the National Health Service. Congenital rubella syndrome has been eradicated in this country since 1989, thanks to PRS vaccination of children at their first birthday, with a booster at 2 years.

217. The transmissible disease programme monitors these diseases to continue reducing morbidity, mortality and monitoring risk factors, thereby preventing outbreaks and epidemics. At present, vaccination programmes cover more than 95% of the population. In 40 years, Cuba has managed to eliminate six diseases (polio, diphtheria, measles, rubella, parotitis and whooping cough), and eliminated malaria in the 1960s.

218. In the tuberculosis prevention and control programme, the behaviour of the disease has been stratified by gender, taking special care to monitor women suffering from tuberculosis until they are cured. In the programme for combating the pandemic influenza A H1N1, special attention has been given to pregnant women, on account of the vulnerability observed in this group all over the world. In our context, pregnant women have been specifically monitored by primary health care in order to detect any complications at an early stage.

## 2. National HIV/AIDS/STD Prevention and Control Programme

219. Cuba established a programme for prevention and control of sexually transmitted diseases in 1972, the main objective of which was to eliminate congenital syphilis. This objective was reformulated with the advent of the HIV epidemic in 1986. Since then educational, prevention, diagnosis and epidemiological surveillance activities, care and attention and research have been conducted, with measures aimed at the entire population and highly specific strategies for the most vulnerable groups.

220. The indicators show a low incidence of congenital syphilis. Cuba is one of the countries in the region that has eliminated congenital syphilis as a health problem. Over the period analysed (2004–2008), only a single case of congenital syphilis was reported.

221. The HIV/AIDS epidemic in Cuba has been characterized by a low incidence, slow growth, urban and affecting males more, notably men who have sex with men (MSM). The data for the total population with HIV-AIDS at the end of December 2008, are as follows: total seropositives, 10,655; total cases with AIDS, 4,070; people living with AIDS (PLWA), 8,746 and cumulative total deaths, 1,778. The predominant mode of transmission is sexual (99.4%). Serological surveillance of selected groups and access to prenatal care and programmes for prevention of mother-to-child transmission, including HIV testing of all pregnant women, has helped to ensure that transmission by this route is minimal. After 22 years of the epidemic, 4.1 million HIV tests have been carried out on pregnant women. Since 1986, 423 children have been born of HIV-infected women; 319 were negative (75.4%) and 34 HIV-positive (8%). The remainder are undetermined and are being monitored.

222. For several years, highly effective antiretroviral treatment (combined or triple-therapy) has been available to every person needing it and is offered free of charge, as are other services.

223. The national centre for prevention of STDs and HIV/AIDS brings together clinicians, epidemiologists, obstetricians, gynaecologists, sociologists, general practitioners, teachers, psychologists, nurses and other specialists, with specific and varied working approaches that range from individual counselling, anonymous telephone consultation as a way of helping anyone who asks, and help lines, to community projects with the participation of the groups worst affected by the epidemic.

### 3. Health care and family planning

224. Cuba has had a favourable experience with the development of a maternal and childcare programme since 1970, which has been progressively refined and is a priority of the governing bodies and management of the health sector throughout the country. A monitoring system has been set up under this programme that allows systematic and continuous monitoring of the situation of mothers and children across the country. In recent years the health record collection systems have been upgraded and are monitored daily through the national network of intensive-care neonatal, paediatric and maternal deaths as well as deaths in paediatric patients and pregnant and postpartum women, and newborns, paediatric patients, pregnant women and postpartum women admitted to critical care services across the country.

225. Child health indicators for Cuba in 2008 were on a par with developed countries and among the best in Latin America (infant mortality rate 4.7 per 1,000 live births and an under-5 mortality rate of 6.2 per 1,000 live births). This meets target 4a of the Millennium Development Goals of reducing it by two thirds between 1990 and 2015.

226. The infant mortality rate remains below 3.5 per 1,000 live births, which is related to the quality of perinatal and neonatal care, as a beneficial impact of systematic measures to train the professionals who care for mother and child from primary care. By gender the infant mortality rate for girls is lower than for boys (4.3 and 5.1 per 1,000 live births respectively) and for under-5s (5.7 and 6.6 per 1,000 live births). These mortality rates demonstrate that the rights of girls are in this respect being upheld.

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

228. Maternal mortality rates in Cuba are among the lowest in Latin America. In 2008 the rate was 46.5 maternal deaths per 100,000 live births: 29.4 due to direct causes (DMD) and 17.1 to indirect causes. In Cuba, pregnant women are guaranteed high quality comprehensive medical care, with an average coverage of 14.5 check-ups per pregnancy. Since the 1960s babies have generally been delivered in hospital, with 99.9% of live births taking place in health institutions, conducted in optimal conditions by qualified medical personnel and graduate nurses specializing in obstetrics.

229. The contribution of maternity homes, as a community health institution for preventing maternal morbidity and mortality, is a strength of our health care system. Cuba has 335 maternity homes which provide services all over the country. They have had a significant impact on the low birth weight (LBW) index, which in 2008 was 5.1.

230. In Cuba, 22% of family planning needs are not met. These are not related to contraceptive coverage, which is high, or access to quantitative family planning services, nor to access to safe abortions. High-quality contraceptives for occasional needs are in short supply, owing primarily to economic constraints imposed on us by the United States embargo against Cuba.

### 4. Gynaecological cancer

231. There are other health programmes for women focusing on the need for women to take responsibility for and take care of themselves. These programmes involve the whole family and are aimed at preventing breast and cervical cancer. The focus is on risk factors and the importance of early detection. Early diagnosis is conducted by smear-testing

women aged over 25, every three years. In 2008 alone, 709,700 women were tested, with a rate of 183.9 per 1,000 women aged 25 and over.

232. The national programme for the reduction of death by cancer was introduced in 1987, and screening for breast cancer has since been added. Women are encouraged to examine themselves on a regular basis, and women over 30 are to have yearly clinical check-ups by their family doctor, as well as mammograms if necessary. Special emphasis is placed on women aged between 50 and 64. Breast cancer is the second most common cause of death from malignant tumours among women in Cuba. The mortality rate in 2008 was 24.4 per 100,000. Prevention, early detection, treatment and rehabilitation are provided to women by their family doctor and specialists in gynaecology, mastology and cytology from the primary to tertiary levels of care. All these services are provided free of charge to 100% of the population at risk.

## **5. Older women**

233. The first programme for older women was started in 1974, and in 1985, care by family doctors and their teams was added. The specific objectives of the programme include: creating community gerontological services, improving the quality of care and the quality of life in social institutions, and providing comprehensive hospital care for older people based on modern geriatric science. This programme is implemented throughout the country, and covers three integrated areas: community care, institutional care and hospital care. There are other initiatives, such as grandparents' centres, which serve over 839,762 people (predominantly older women), sports and culture centres, the counselling and recreation groups movement, universities for older people in all the provinces, which carry out educational activities in a number of enterprises and bodies in order to train new generations of workers.

234. All these activities are backed up by the Mental Health Programme, which is designed not only to provide care and rehabilitation for the sick or persons who have been damaged by unhealthy lifestyles, but also to carry out promotion and prevention activities. The programme provides support to family doctors through multidisciplinary geriatric care teams (482 in the country). These teams help with long-term care in the community for older men and women who are weak or needy.

235. There are 33 geriatric centres for older persons who require acute or sub-acute assistance. Meals, laundry and housecleaning services are provided for 136,152 older people living alone in Cuba.

## **6. Disabled women**

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

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

238. The State pays special attention to the disabled and endeavours to increase opportunities for them to become integrated into social life and achieve their maximum potential. Accordingly, a number of new programmes of the Revolution have been set up for their benefit. Finding jobs has been key to enabling disabled persons to become economically independent and integrate into society, as well as improve their self-esteem.

The labour policy, which during the period 1995–2002 generated 14,624 jobs, 5,879 (35.4%) of them for women, has played an especially important role in this regard.

239. Rehabilitation is vital to good health and plays an important role in the social integration and quality of life of disabled persons. The results of these programmes are evident in the fact that more and more disabled persons have improved their situation and their involvement in cultural activities. Access to higher education has improved as universities have been extended to municipalities (universal coverage of education).

## **7. Non-transmissible chronic diseases programme**

240. In Cuba, nine of the ten main causes of death are non-transmissible chronic diseases and injuries. In 2008, overall male mortality was 8.2‰ inhabitants, while the equivalent figure for women was 7.1‰ inhabitants. Among the main causes of death from chronic non-transmissible diseases where women are at greater risk of death are: cerebrovascular disease, diabetes mellitus and bronchial asthma, all with a slightly higher rate in women. For men the greatest risk of death is from malignant tumours.

241. There is a National Programme for Care of Pregnant Diabetics which, together with screening for gestational diabetes, prevents perinatal mortality and congenital malformations. In 2008, congenital malformation in the treated population decreased to 1.19% versus 3.8% in women who became pregnant without prior control, perinatal death was 1.19% in previously treated women as against 8.2% in women who became pregnant without a check-up before conception, and screening for gestational diabetes revealed a prevalence of 1.48%.

242. The main measures to be taken for women are: to continue strengthening policies for tackling chronic non-transmissible diseases in the framework of the health and quality of life programme with a gender focus; to improve monitoring of chronic non-transmissible diseases and their risk factors, improving the information system on chronic non-transmissible diseases and events; to step up epidemiological research; to develop the communication strategy in terms of risk factors and chronic non-transmissible diseases with a gender focus.

243. The Cuban health system offers comprehensive care to the population for dealing with addiction, from health promotion activities, prevention for specific risk groups, treatments of addicts and their rehabilitation and social reintegration. Detoxification and rehabilitation are carried out in a preliminary stage by specialized services with assistance of volunteers, for periods of approximately three months. Rehabilitation and abstinence follow-up are provided by community mental health centres on an out-patient basis. Although our greatest asset is the preventive, personalized and participative conception of primary care, including community mental health services and centres, comprehensive care for those who need it is provided in psychiatry services located in clinical, surgical and paediatric hospitals, and specialist units.

244. Specialist units and services in psychiatric institutions for medium and long stay, complete the flow of care for these patients and are responsible for detoxification and rehabilitation in cases where this cannot be done initially on an outpatient basis in the community. After the counsellors were trained, a confidential anti-drugs help line was established across the country.

## **8. Smoking**

245. Over the current reporting period, efforts have been made to set up, improve and implement a national surveillance system for risk factors, which include smoking. Seventy-two per cent of clinics across the country have a service to help people stop smoking through multicomponent therapies: cognitive behavioural therapy and traditional medicine.

The Cuban Scientific Society for Hygiene and Epidemiology has set up a "workers against tobacco" scientific section. To celebrate World No Tobacco Day there were many activities with community participation throughout the country.

246. Overall, the starting age for tobacco use is as follows: 21% for the population aged between 20 and 24; 76% start before age 20. In both sexes, the starting age is higher among 12-to-16-year-olds. Men are the first to start this toxic habit. A number of promotion and prevention activities have been carried out, and measures have been taken and resolutions enacted to limit opportunities for minors to buy cigarettes, and prohibit smoking in enclosed spaces, among others.

## **9. Suicide**

247. There was a downward trend in self-inflicted injuries in Cuba from 2000 to 2008 (16.7 per 105 inhabitants compared with 12.1 per 105 inhabitants), with higher mortality in males. In women there was a reduction in raw mortality adjusted in relation to the year 2000 (9.6 versus 5.4). This tallies with a series of measures taken under the National Suicide Prevention Programme.

248. Women seem to cope better than men; also, they have support networks in their local communities through organizations such as FMC and the women's and family counselling centres, which facilitate their integration into the community and make them feel they belong; they show concern for their family relationships and help meet their vital and emotional needs. In terms of institutions, there are homes for older people which take in older persons who have little or no support from their children, and the grandparents' homes, which operate as social centres.

## **10. Impact on health of the embargo**

249. In all the history of mankind, there is no precedent for as prolonged and systematic an aggression against any country as the embargo imposed on Cuba for so many years. The prohibition on the purchase of pharmaceutical products and medical equipment or the raw materials needed for their manufacture in Cuban laboratories and enterprises has been designed to harm the health of the overall population and of women and children in particular. The Cuban State has made every effort to change this situation, as evidenced by the fact that medical care has continued to be provided with the same standards as usual. Training of medical and paramedical personnel has not been interrupted; not a single health worker has lost his or her job and, what is more important, not a single child, woman or adult has died for lack of medical care.

## **L. Article 13**

250. Women account for more than 47% of civil service staff, across the various occupational categories, with more women working in administrative, technical and service posts. Career guidance is offered in the 169 municipal labour bureaux in the country. They obtain labour needs from workplaces and, together with labour representatives on the local people's councils (over 1,500), offer this work to job-seekers.

251. Applying the concept where appropriate of promoting study and training as a form of paid employment allowed many young people who were not studying or working to cease being unemployed and upgrade their qualifications for access to jobs or pursue studies at a higher level. Most of the beneficiaries were women.

252. Cuban corporations, public-private partnerships and branch offices employ thousands of people, 50.1% of whom are women. This proportion is still low considering the qualifications and capabilities of the female labour force.

#### **1. Social security and social assistance**

253. The State spends more than 11% of GDP on the operation of the social security system alone, not including expenditure on health, education, compensation for weather events, and other contingencies. On 27 December 2008, the National People's Assembly approved Act No. 105 on social security, which entered force on 22 January 2009; the implementing regulation was subsequently approved in April. Both measures expand the protection offered by the social security system. Their content is explained in relation to articles 2 and 11 (sections A and J above).

254. The system benefits:

- (a) 1,617,480 beneficiaries of the social security system:
  - (i) 980,594 old-age pensions, 384,825 (39,2%) for women;
  - (ii) 248,352 invalidity pensions, 121,045 (48,7%) for women;
  - (iii) 319,179 survivor's pensions;
  - (iv) Others: 69,355.
- (b) 7,501 retired farmers, 2,204 (27.2%) of whom are women.

255. Life expectancy after age 60 is 20.82 years for men and 23.37 for women. Average age is 59.9 years overall, 61.7 for men and 57.9 for women.

#### **2. Care for working mothers**

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

257. At the end of 2009 a total of 151,222 working women were receiving social maternity protection and 18 fathers were protected to allow them to care for their children.

#### **3. Maintenance following the divorce of retired parents**

258. Four hundred and eight families receive child support as a result of divorces between retired parents. These deductions are based on the amount established by court judgement.

#### **4. Social assistance**

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

- (a) Social services:
  - (i) Childcare: 55,416;
  - (ii) Youth care: 18,483;
  - (iii) Care for people who have committed crimes: 1,234;

- (iv) Care for disabled people, retirees, pensioners and older people: 225,253;
- (v) Care for other vulnerable groups: 126,004.
- (b) Other Services provided to women:
  - (i) Home visitor: 13,119;
  - (ii) Payment at home: 322,961;
  - (iii) Remote assistance: 1,630;
  - (iv) Care for mothers with children suffering severe disabilities: 7,599 (5,072 of whom receive protection equal to their salary);
  - (v) In social and job training centres: 189.

260. This gives a total of 345,498 women who benefit from these other services of the social assistance system.

261. Pension increases over the past five years. Pensions to beneficiaries of the social security system have been gradually increased since 2005. In 2008, there was a 20% pension increase for all social security retirees receiving pensions of up to 400 pesos, which represented over 99% of the total. Households qualifying for social assistance received an increase of 25 pesos each, which raised the minimum social assistance pension by 20%.

262. The annual cost of the social security system, benefiting 2,154,426 people, was 809,900,000 pesos. This demonstrates the humanist vocation of the Cuban Revolution, which places human beings at the centre of its actions.

## 5. Culture

263. Over the period, the country's economic recovery and the importance placed on general cultural training have had a growing impact in the field of general culture, art, leisure and the widespread practice of sport.

264. At the end of 2009, there were 383 cinemas, 316 video viewing halls, most of them in rural areas, 226 museums and 59 theatres, 350 cultural centres and trova music halls, 120 art galleries and libraries attended by an average of 44 million people. There are 96 radio stations and 38 television channels broadcasting at various levels, including municipal level. In particular, it has two national educational channels, with general programming of cultural interest and information, which in 2009 broadcast a total of 10,607 hours. Of these, 1,215 hours were devoted to the general programme known as University for All, to enable people to receive specialist courses in all branches of knowledge, and it has proved very popular.

265. Over the period 2004–2009, more than 20 million people attended the International Book Fair and 23 million copies were sold.

266. There is a strong presence of women in all specialities and cultural institutions at all levels. The Cuban press is staffed by more than 50% women. Women account for 41.3% of journalists. They predominate in radio with 53% of staff, 51% of technicians and 57% of managerial staff. In radio, 45% of journalists and 40% of programme directors are women. In television, 41% of workers and 25% of senior staff are women. It is significant that 58% of reporters are women, dealing in that capacity with non-traditional issues, such as economics, international politics and sport. Some 50% of staff in print media and press agencies are women, and a sizeable proportion of them are journalists. In this field, women have distinguished themselves as assistant editors of national and provincial newspapers.

267. In the field of culture, women are prominent and well qualified. For the 2008–2009 academic year they represented 52% of all graduates from the Faculty of Arts. In the Union of Cuban Journalists (UPEC), a social and unitary NGO representing the interests of the island's journalists, women account for 40% of the membership. Its national leadership, composed of 35 members, includes 14 women, representing 40%. The National Council of the National Union of Writers and Artists of Cuba (UNEAC) consists of 136 members, 43 of them women, representing 32% of the total.

268. In the 2000s, increasing numbers of women were awarded Special Orders. For example, seven (39%) of the 18 awarded the National Dance Prize; they took 36% of the National Theatre Awards, 20% of the literature prizes, and 30% of the music awards.

## **6. Sport**

269. Women represented 32% of all graduates in 2008–2009 from the Faculty of Physical Education. Since 2004, sports teaching staff have grown in numbers to undertake educational and community sports activities, and sports or group fitness activities. In 2009 these staff numbered 41,182. This force helped 370,000 adults to play regular sports that year, 346,800 of them in grandparents' centres, where three-quarters of residents are women. There are many other groups that practice sports in specific fitness groups, the highest number in all categories compared to 2004 (491,000) and 2009 (547,000). In many of these groups women predominate or benefit directly: hypertensives: 260,358; basic gymnastics for women: 231,466; musical aerobic gymnastics: 258,752; gymnastics for pregnant women: 36,096; gymnastics with children: 340,129; especially for breastfeeding: 85,652.

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

271. If we look at the Cuban Olympic Sports, created to increase levels of competition with Cubans and foreigners, we can see an increase in women participants: in 2004, 824 women took part, representing 39.02% of national participants; in 2009, 913 women accounted for 41.5% of the 2,199 Cuban participants. This growing presence, with representatives from all provinces in the country, is the fundamental basis of the awards made in international competitions where women are a growing force in terms of both quantity and quality.

272. In the 2008 Olympic Games held in Beijing, the Cuban athletes distinguished themselves. Of the 204 participating countries, only 36—or 17.6%—won up to two gold medals, including Cuba, despite being a small country. Cuba, with 24 medals in the three categories, ranked 12th by this indicator. Women won six of the 11 silver medals and three of the 11 bronze; in other words they won nine, or 37.5%, of the total of 24.

273. Two world athletics championships were also held during the period (Osaka 2007 and Berlin 2009). In the first, Cuba won three medals: one gold, one silver and one bronze, all three won by women. In Berlin, the country won five medals, one gold (women's triple jump) and four silver (two for women). Three of the five medals (60%) were therefore won by women.

## **M. Article 14**

274. Our response under this article takes into serious consideration the concluding observations on the fifth and sixth periodic reports of Cuba.

275. The Cuban government has continued to focus on the development of rural life in the country; its inhabitants enjoy all the rights conferred by law and the benefit of the policies and programmes implemented over the years. Specific strategies have been devised where required by the nature of life and production in those areas.

276. Cuba has 14 provinces, 10 of them in mountainous areas, where the comprehensive development plan known as the Turquino Plan is implemented. This Plan helps create conditions to allow for the advancement of women in the economic and social fields and in family life. Free access to education for rural people has been one of the greatest achievements, which was based on and driven by the literacy campaign, and then coaching up to sixth and ninth grades. Schools, polytechnics and higher education institutions are established in rural areas, even in the mountains.

277. Like women from urban areas, rural women have free access to health services, where they receive medical care, with information and advice on family planning, as set out in the national health programmes.

278. Pregnant women in rural areas can use maternity homes which, since their inception in 1962, have brought women closer to maternity hospitals and ensured delivery in an institution by qualified personnel; they have also benefited from treatment for nutritional disorders, prevention of low birth weight, and monitoring for obstetric and perinatal risks. Owing to their demonstrated effectiveness since their inception in maternal and child health, the number of maternity homes has been increased to 335 nationwide. The maternity home working team coordinates activities with other sectors of rural communities, which improves the functioning of this community health institution, primarily regarding diet, adapted to each pregnant woman's nutritional requirements.

279. This special public health programme in remote rural areas has helped to improve the quality of life for its residents, especially women, to prioritize basic health services, education, food and cultural activities, among others. The indicators of the Turquino Maternal and Childcare Plan for 2008 were as follows: 92% of pregnant women were signed up in the first trimester of pregnancy; live births by residence, 9,479; low birth weight index 5.5; and infant mortality of 5.4, demonstrating the equity achieved by political, social, economic, educational, environmental and health-sector measures.

280. The right to work has become a reality in rural Cuba. Since the triumph of the Revolution, Cuban women have moved into sectors that were formerly dominated by men, such as agriculture. Agricultural legislation offers women a level playing field. Agriculture employs 223,592 women, 108,104 of whom are in agri-business, 106,209 in production units, and 2,063 in agricultural sciences, 253 in a scientific category.

281. Women make up 22% of the labour force in the sugar industry. Women occupy 590, or 9%, of its senior posts. These include 41 enterprise directors, nine directors of agri-business complexes and one director of a business group. These indicators fall short of our aspirations, but they do mark a turning point in the role of women in agriculture, formerly almost exclusively the preserve of men.

282. The Agrarian Reform Act of 1959 turned land ownership over to the tens of thousands of women and men who were farming it, the first such person to receive it being a woman, showing the humanism of the emerging socio-political project. They were immediately given loans to finance their production, at very low interest rates; they were also offered technical assistance and guaranteed market prices for their products, which benefit both men and women producers in the country.

283. Under the Cuban economic system, collective ownership prevails over individual ownership, so that land ownership is acquired by inheritance. Today there are

10,916 women landowners and 759 women tenants, a growth of more than one thousand in relation the figures given in the previous report.

284. People who own land or hold it in usufruct are entitled to apply for and obtain loans, after appropriate risk assessments, for production or investment, reaching a mutual agreement with the bank on repayment terms, which can be renegotiated in the event of any production contingency. The general principle is that land must not be seized or offered as collateral, in stark contrast to the previous government which made land evictions a blot on the Cuban landscape.

285. Rural women have joined ANAP, which not only ensures that they will have work, but also entitles them to social security and maternity benefits, and holidays. Data from the end of 2009 reveal 39,623 women members (18.3%), with the same opportunities, rights and possibilities as male members. Currently all over the country and in each of more than 3,500 cooperatives, a movement is taking place, fostered by ANAP and FMC, called "23 by 23" (to commemorate the 50th anniversary of FMC), which aims to add at least 23 women members to each cooperative, which is working well.

286. The small farmers' movement has developed effective practices to enhance all this work. Over the current reporting period, ANAP held its congress, at which it attached special importance to the advancement of women. A department of gender studies was established at the Niceto Pérez National Training School, which teaches gender mainstreaming in all the plans and programmes of the various courses that are taught there for the grass-roots managers and leaders of the association. The National Gender Commission was set up and in every province led a participatory diagnosis process which it used to devise the gender strategy that involves stepping up work for rural women, and encouraging them to join ANAP and become members of cooperatives. There are gender commissions in all provinces and municipalities, all of which have been trained.

287. Encouragement and recognition of rural women has increased, 1,261 of them attaining the status of National Vanguard and a permanent section on women was created in the journal of the ANAP. In 2008, the first book was published that records the testimony of 50 small farming leaders, which has been studied in all grassroots organizations. It has stimulated the creation of children's centres, gardens and crèches to care for children while their parents are at work. Basic home support services have been set up, distribution of domestic appliances has continued to facilitate housework and also encourage more effective sharing of household chores.

288. There are also more women leaders in rural structures, as professional managers at national, provincial and municipal levels; their numbers have tripled to an unprecedented 307, or 33% of management personnel. They include 88 presidents of credit and services cooperatives and 51 in agricultural production. In recent years, more women have had access to elected office; 21 women are municipal presidents of the National Association of Small Farmers (ANAP), 212 are members of the board of directors at municipal level, 22 are directors at the provincial level and three at the national level. The general cultural level of female rural leaders has risen, with a reported increase of 260 more of university level and 960 more of upper-secondary level.

289. Starting from the basic principle of giving priority to the production of food for the population, under Decree-Law No. 259 a new form of land distribution and production was introduced, namely granting land in usufruct to enhance productivity and promote employment of women and men willing to work it. Up to the end of 2009 a total of 12,486 women benefited under the programme by being granted possession of the land, which also gives them full access to credit and technical assistance, among many other opportunities. This method allows more women to manage, control and administer land and resources, which was another of the observations made by the Committee.

290. The Cuban Livestock Production Association (ACPA), chaired by a woman, has more than 30,000 producer members of both sexes, and has a gender strategy that applies in all structures. It has instituted the Rural Women's Award, which offers encouragement by highlighting women who work in the scientific, technical and practical sides of agri-food production. The Cuban Association of Agricultural Forestry Technicians (ACTAF) also has a gender strategy, encouraging women to engage in the activity.

291. Training programmes for rural women are being run by various bodies, such as rural organizations, professional associations and the Ministries of Agriculture and Sugar, which offer courses in these specialities in their technical schools and community-level training. The counselling centres, close to rural areas, support the various training initiatives, so helping more women to take part in economic activities. There are technical colleges within the Cuban educational system offering specialities to be deployed in rural areas in vocational schools, polytechnics and universities with engineering. The goal is still to offer this alternative training to more women, mostly young, who for various reasons have left the conventional education system.

292. The working mechanisms for coordinating efforts on behalf of women in the countryside include joint plans and programmes carried out by the Ministry of Agriculture, the Ministry for the Sugar Industry and ANAP, alongside the women's organization. The Cuban network of agencies and institutions that support rural women has continued to function without interruption since it was founded in 1992. It was represented by the national coordinator of the network who was a member of the Cuban delegation that presented the combined fifth and sixth periodic reports of the Republic of Cuba to the Committee on the Elimination of Discrimination against Women. The work of the network also featured in the plans that are carried out each year to mark World Rural Women's Day and World Food Day in October.

293. Some 300 social projects were completed, 45 polyclinics repaired and extended, and an additional 39 million CUC (Cuban convertible pesos) were allocated to the eastern provinces, mostly rural, for projects of high social impact. More than 3,000 water systems providing chlorinated drinking water have been installed in over 3,500 rural communities. There was a continued increase in the installation of windmills, water pumps, and other new technologies, that also foster additional employment for women.

294. The Cuban electricity service covers about 99% of households. In rural areas, in addition to the national electricity grid, alternative energy sources are used, and solar energy and wind power are being added to these. This also contributes to the operation in many areas of more than 1,800 television and video viewing halls, for entertainment and educational purposes.

295. In 2007 we received a visit from Mr. Jean Ziegler, Special Rapporteur on the Right to Food, who appreciated the progress made by Cuban women in the area of food, food production and programmes involving women.

## **N. Article 15**

296. Consistent with the principle of equality enshrined in the Constitution, the Civil Code (Law No. 59, of 16 July 1987) establishes the equality of women and men, granting both sexes the same legal capacity and possibilities for exercising it. Taking an ethical as well as a legal approach, article 1 states that the Civil Code governs property relations and other related non-property issues, between persons on the basis of equality, with a view to satisfying material and spiritual needs.

297. Cuban women have the legal capacity to sign civil and commercial contracts of every kind, to administer property and to obtain financial credit.

298. Women and men have equal rights with regard to the legal capacity to inherit, regardless of whether the legator is testate or intestate. Women have full capacity to inherit. Article 480 provides that any natural or legal person may be established as an heir or legatee. Likewise, the chapter on “especially protected heirs” includes among these the surviving spouse, provided they are not able to work and were financially dependent on the decedent (article 493).

299. The surviving spouse is entitled to the same portion as the rest of the heirs with whom he or she is competing. Pursuant to the Constitution, women have the same access as men to the courts of justice and are treated on an equal footing with men in any type of proceeding. This is established in the Criminal Procedures Act (Law No. 5 of 13 August 1977) and in the Civil, Administrative and Labour Procedures Act (Law No. 7 of 20 August 1977).

## **O. Article 16**

300. As mentioned above, the Constitution of the Republic and the Family Code outline the postulates and general principles of equal rights for men and women in marriage and family relations. The Family Code governs the institutions pertaining to the family, namely, marriage, divorce, parent-child relations, the obligation to provide child support, adoption and custody.

301. The key features of the institutions of family law, as regulated by the Cuban Family Code, are highly innovative for their time and most of them have since been incorporated into the norms of comparative family law. This instrument eliminated the classist structure and abhorrent discrimination between children on account of their descent. Its entry into force eliminated the difference between legitimate and illegitimate children, for all purposes of parenthood, relations between parents and children, and inheritance. To that end, paternity and maternity are investigated using the most appropriate evidence. In this connection, note that the legal background to the social issue of the single mother enables her to bring an action to establish paternity.

302. Marriage is no longer the fundamental means of legitimizing paternity; it now relies mainly on the recognition and registration of the child, even if the parents are unmarried. If they have been recognized by their parents, there are no differences between the children in terms of succession, guardianship, their relations with their parents or their parentage; they are all legitimate.

303. The Code is concerned not only with equality among the children in relation to their parents' property or to enable them to be recognized by their parents, but also for the parents to fulfil their obligations or duties to the children they have produced, to ensure that they are all educated equally, to contribute to their development, to ensure that they attend school, to monitor their moral development, that they are entitled to use the surname of their parents so that they can enjoy the consideration to which they are entitled within the family and society.

304. The Family Code anticipated the concept of the "best interests of the child" in the Convention on the Rights of the Child, by establishing a concept of legal discretion which it terms the “best interests of the children”. It is very important in our situation because almost all births in Cuba take place in hospital and the birth declaration is made to the civil status registrars working in the national health service, within 72 hours of the birth and in any case before the baby is discharged. The mother is therefore the person most likely to register the birth.

305. If the birth takes place within a formalized marriage, it is conventionally presumed that the father of the child is the husband of the mother, and the mother's declaration has legal effect regarding paternity.

306. If the father applies to the registry in time and denies his paternity, the birth is registered without recording the name of the father. The mother may nevertheless make a paternity claim through appropriate channels. The law provides for equal treatment where the father makes a maternity claim, which is of course an exceptional situation. This emphasizes the shift in the legal treatment of the social issue of single mothers in our country.

307. Civil marriage (the only valid form), known as formalized marriage, may be contracted between persons of the opposite sex who are at least 18 years old (age of majority), even if they lack the natural ability to have children or consummate the marriage through carnal intercourse. De facto unions are recognized. They are regulated through the concepts of retroactively formalized marriages and legal recognition of non-formalized marriages, in order to ensure that they have equal effects with formalized or civil marriages. Article 2 of the Family Code states that marriage is a union entered into voluntarily by a man and a woman having the legal capacity to do so for the purpose of living together, and sets out the principle mentioned in the Constitution to the effect that marriage is based on the equality of rights and duties of both spouses.

308. The definition of marriage in the first paragraph of Article 2 of the Family Code is consistent with the value that the Family Code attributes to cohabitation. Thus, the Cuban treatment of the de facto or non-formalized union is totally unique, and the concept of marriage laid down by the Family Code is consistent with it.

309. Regarding conjugal rights and duties, both spouses have the obligation to care for the family they have created and to cooperate with each other in educating, training and guiding their children. For the first time in our legislation, housework is attributed economic value. It states that the spouses are required to contribute to meeting the needs of the family they have created by their marriage, each according to his or her ability and economic capacity. Community of property ceases upon dissolution of a marriage. The common property is divided equally between the spouses, or in case of death, between the survivor and the heirs of the deceased.

310. Divorce for just cause and by mutual agreement is settled in court, and divorce by mutual agreement may be pronounced before a notary public, even where there are minor children. Divorce for just cause follows the doctrine of no-fault divorce rather than at-fault divorce.

311. Article 83 provides that the two parents jointly share parental rights, and that they have certain rights and duties as stipulated in article 85. Article 28 grants both spouses the right to practice professions or occupations and to carry out studies or improve their knowledge. In all cases, they are to organize their home life in such a way that their activities are coordinated with the fulfilment of the obligations imposed on them by the Code.

312. As we have seen, the articles of the Family Code were very advanced at the time they were conceived, in 1975; they have a strong gender focus and clear concepts aimed at transforming the unjust division of labour by gender that still prevails in many Cuban households. This legal instrument helps to foster harmonious and complete relationships of love, solidarity, respect and understanding between the couple and within the family. In the light of the above, the current Family Code was a landmark in defining and promoting the ethical and moral values of the Cuban family in the context of socialist construction.

313. In the light of more than 30 years of implementation, and given the current conditions of economic and social development, the time has now come for an update. This legislation is being improved, and while the legal order and principles underlying its

enactment are being maintained, amendments are being incorporated in the light of the development of our society and experience gained. The text of the preliminary draft includes the following amendments:

(a) It is acknowledged that the Code takes over the articles of the Convention on the Elimination of All Forms of Discrimination against Women, and adjusts the language in line with the Convention on the Rights of the Child. For instance, Article 2 (the preliminary draft) takes over the definition of discrimination against women contained in Article 1 and the remaining articles of that Convention, ratified by Cuba. Similarly, it guarantees the rights of children and young people in the family and society, in accordance with the precepts recognized and accepted by Cuba under the Convention on the Rights of the Child.

(b) It is proposed to raise the age for marriage with a special authorization for girls from 14 to 16, the same as for boys. Special attention is paid to all aspects of domestic violence and violence perpetrated on its members outside the family context, namely: against women, children and adolescents, with appropriate reference to criminal law wherever applicable.

(c) Concepts of parenthood are expanded. A new chapter is included on assisted human reproduction. The duties and rights inherent in parental authority, custody and care of minors are expanded. New institutions of great importance for the better exercise of parental authority are incorporated.

(d) The social nature of family law in our country is reaffirmed and illustrated more emphatically, highlighting the feelings of love and solidarity needed in human relationships within the society we are building.

314. The preliminary draft Family Code is in the Legislative Plan for the current period which ends in December 2012.

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