



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Eighty-sixth session

7–25 September 2020

Item 4 of the provisional agenda

### Consideration of reports of States parties

## List of issues in relation to the combined third to sixth periodic reports of Cuba

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 June 2020. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

### Part I

1. Please inform the Committee of any plans to include in your legislation a general definition of the child, consistent with the Convention, setting the age below which a person must be considered a child. Please indicate the legal status of the National Plan of Action for Children, Adolescents and the Family (2015–2020) and specify the steps taken to disseminate and publicize the plan. Please also indicate the status of the draft Family Code.
2. As the position of First Vice-President of the Council of State has been eliminated under the new Constitution of April 2019, please indicate the entity or office that will be responsible for coordinating the protection and monitoring of children's rights. Please provide updated information on the steps taken to establish an independent national human rights institution empowered to hear complaints and monitor the implementation of measures related to children's rights in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).
3. Please provide information on the steps taken to ensure that civil society organizations working on and for children's rights are able to operate freely and without restriction or reprisals in the State party. Please also indicate how the State party has included consultations with children in its legislative process, in particular before the adoption of the new Constitution, and describe the outcomes and impact of those consultations.
4. Please indicate whether there are any plans to eliminate the exceptions to the minimum age for marriage for girls and boys alike. Please describe the measures taken to publicize the non-discrimination provisions of the new Constitution. Please also provide information on the criminal prohibition of discrimination contained in article 295 of the Criminal Code, including examples, if available, of cases of discrimination against children where the article has been applied.



5. In light of the inclusion of the principle of the best interests of the child in the new Constitution, please specify how the State party intends to assess the impact of bills and policies that are relevant to children's and adolescents' enjoyment of their right to have their best interests taken into account as a primary consideration. Please indicate whether the State party intends to incorporate in its domestic laws the right of children and adolescents to be heard and to have their views taken into account in all matters concerning them.
6. Please provide information on steps taken to align articles 53 and 62 of the Constitution with article 13 of the Convention. Please also provide the criteria used for registering children's associations and indicate when and why registration has been refused.
7. Please provide information on any steps taken to enact legislation prohibiting corporal punishment of children and adolescents in all settings, in particular through the repeal of articles 86 and 152 of the Family Code. Please describe any measures, such as programmes for parents, that have been implemented to promote the rights of the child in the family environment.
8. Please provide the Committee with updated information on the action taken further to the Committee's previous recommendation (CRC/C/CUB/CO/2, para. 40) on the adoption of an alternative care policy. Please also report on any plans to introduce regulations setting quality standards for alternative care and providing access to complaint mechanisms and remedies in cases of ill-treatment.
9. Please provide information on any measures implemented to reverse the rise in the number of children with disabilities in the special education system as compared to the inclusive education system since the Committee's consideration of the State party's second periodic report and report on measures taken to promote inclusive education for children with disabilities. Please specify the measures that have been taken to provide training on the rights of persons with disabilities for all professionals working with and for children and adolescents. Please provide information on steps taken to adopt a human rights-based national plan of action for children with disabilities.
10. Please provide updated information on the results of measures taken to address child health concerns such as iron deficiency anaemia, overweight and obesity.
11. Please provide information on students' reasons for dropping out of school and on measures taken to prevent them from doing so. Please explain any potential gender or geographical differences. Please report on the steps taken to extend the age limit to 18 for the protection afforded to children and adolescents against sexual exploitation offences.
12. Please indicate the steps taken in follow-up to the Committee's previous recommendation (CRC/C/CUB/CO/2, para. 55) that adolescents between the ages of 16 and 18 be treated as children and not as adults in the criminal justice system. Please also report on measures taken to monitor the administrative proceedings in cases involving children and adolescents in the justice system; to diversify penalties and use detention only when needed as a last resort for very serious offences, for as brief a duration as possible; and to separate adolescents from adults.
13. Please provide information on the action taken further to the Committee's previous recommendations relating to the Optional Protocols on the sale of children, child prostitution and child pornography (CRC/C/OPSC/CUB/CO/1) and on the involvement of children in armed conflict (CRC/C/OPAC/CUB/CO/1).

## **Part II**

14. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:
  - (a) New bills or laws, and their respective regulations;
  - (b) New institutions (and their mandates) or institutional reforms;
  - (c) Recently-introduced policies, programmes and action plans and their scope and financing;

- (d) Recent ratifications of human rights instruments.

### Part III

#### Data, statistics and other information, if available

15. Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation of those resources.

16. Please provide, if available, updated statistical data disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on the number of:

(a) Child deaths caused by child abuse and neglect, suicides and accidents, including road accidents;

(b) Complaints, investigations, prosecutions and sentences related to the sexual abuse and sexual exploitation of children and adolescents, including within the family;

(c) Child pregnancies, including information on whether the pregnancies were terminated or carried to term;

(d) Children and adolescents who abuse substances, with an indication of the type of substance abuse.

17. Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location, for the past three years, on the situation of children deprived of a family environment, with an indication of the number of children and adolescents:

(a) In alternative care facilities;

(b) In foster families;

(c) Who have been adopted.

18. Please provide data disaggregated by age, sex, type of disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities:

(a) Living with their families;

(b) Living in institutions;

(c) Attending regular primary schools;

(d) Attending regular secondary schools;

(e) Attending special schools;

(f) Out of school;

(g) Abandoned by their families.

19. Please provide, if available, updated statistical data disaggregated by age, sex, type of offence, ethnic and national origin, geographic location and socioeconomic status, for the past three years, on children and adolescents in conflict with the law who:

(a) Have been arrested;

(b) Have been referred to diversion programmes;

(c) Have been placed in pretrial detention;

(d) Are serving a prison term. Please also indicate the length of the terms.

20. Please provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including with regard to child participation and data collection, and how they promote the realization of children's rights under the Convention and its Optional Protocols.

21. Please provide the Committee with an update of any data in the report that may have become outdated as a result of more recent data collected or other new developments.
  22. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.
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