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Consideration of reports submitted by States parties

Replies of Cuba to the list of issues in relation to its combined third to sixth periodic reports*

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Part I.

Replies to the questions raised in paragraph 1 of the list of issues in relation to the combined third to sixth periodic reports of Cuba (CRC/C/CUB/Q/3-6)

1. Paragraphs 46 to 50 of the combined third to sixth periodic reports of Cuba set out the main issues to be taken into consideration with regard to the general definition of child.
2. Article 29 (1) of the Civil Code (Act No. 59 of 1987) establishes that, in Cuba, the age of majority, when full civil capacity to exercise rights and execute legal acts is obtained, is 18 years.
3. The aforementioned paragraphs set out the exceptions to the general rule established in other laws.
4. The update of the Cuban legal system currently under way – the milestone achievement of which was the adoption, by referendum, of the new Constitution – involves harmonizing and aligning national legislation with the various international instruments to which Cuba is a party.
5. The 2015–2020 National Plan of Action for Children, Young Persons and the Family currently under implementation encompasses the activities of all institutions whose work is linked with children and families. The Plan is built around three key principles: the best interests of the child; equal opportunities; and participation as subjects of rights.
6. The Plan is an all-encompassing document that covers all areas of assistance and support for children, at all levels, throughout the country, besides addressing the improvements still required and the challenges remaining.
7. The results of various strategies and programmes related to children’s rights in Cuba provided the point of departure for the Plan.¹
8. During the eighth and ninth legislature of the National Assembly of People’s Power, the Committee on Youth, Children and Women’s Equal Rights considered the outcomes of the Plan’s implementation as part of its monitoring and oversight activities.
9. The discussions covered:
 - The increase in the birth rate and the need to provide for an ageing population, and the prevention of teenage pregnancy
 - The use of new information and communications technologies
 - Efforts to prevent drug trafficking and drug use
 - Efforts to combat prostitution and pimping
 - The use of cultural possibilities within the community to promote healthy recreation and leisure for children and young persons
 - Communication and its role in education: programmes for children and young persons and the development and use of media for children, young persons and families
10. The discussions led to the adoption of agreements which are followed up until all objectives are met; some are giving rise to further analysis while others continue to be monitored.²

¹ Foremost among these were: the previous National Plan of Action for Children and Young Persons: follow-up to the document entitled “A world fit for children” (*Un mundo apropiado para los niños y las niñas*); the second periodic report of Cuba to the Committee on the Rights of the Child (CRC/C/CUB/2); the priority areas established under the United Nations Children’s Fund (UNICEF) country programme for Cuba; and the plans of central government bodies in respect of support for children, young persons and their families.

² These sessions are attended by the top-level leadership of the Young Communist League, student organizations and youth movements, the Federation of Cuban Women and ministers attached to

11. Although various initiatives have been rolled out in implementation of the Plan, support for children and young persons is provided throughout the country under the respective plans and strategies of the different agencies and institutions involved in children's issues.

12. Accordingly, one of the lessons learned from the Plan's implementation was the importance of expanding awareness-raising activities, especially among those involved in its implementation and evaluation.

13. A need for fluid and systematic coordination between the actors involved in implementing the Plan was also identified. Among other things, better coordination would facilitate the review and evaluation of results while making it possible to focus the support provided for children and young persons according to shared objectives already established in the Plan.

14. With regard to the current status of the Family Code, the eleventh transitional provision of the new Constitution adopted by referendum in February 2019 states that: "the National Assembly of People's Power shall initiate the process of public consultation and referendum on the draft Family Code within two years of the Constitution's entry into force".

15. The legislative schedule approved³ indicates that a draft of the Family Code will be presented to the National Assembly of People's Power in December 2021.

16. A multidisciplinary, inter-agency working group coordinated by the Ministry of Justice was established to prepare the draft.⁴

17. The new text will expand on the rights, principles and values enshrined in the current Constitution while breaking down the prejudices and stereotypes that are rooted in society.

18. It will thus be designed to recognize and protect, on an absolutely equal footing, the different organizational forms that families may take, to regulate and guide parental and family relationships, to provide protection for persons with disabilities and to combat family violence, among other issues.

19. Although the current draft is a preliminary text that has still to be submitted for public consultation, it addresses several issues of interest for the Committee on the Rights of the Child that enjoy broad consensus support within the multidisciplinary team tasked with its preparation. For example, the draft envisages the repeal of the exceptions that currently apply to the minimum legal age for marriage.

Replies to the questions raised in paragraph 2 of the list of issues

20. As part of the legal, economic and social reorganization of the country following the adoption of the new Constitution of the Republic of Cuba in 2019, consultations and discussions are under way to determine the national entity that will be responsible for coordinating the protection and monitoring of children's rights.

21. As stated in paragraph 20 of the periodic report, as part of this coordination work, the National Assembly's Standing Committee for Children, Youth and Equal Rights for Women

agencies and other institutions of importance to the economic, social, cultural and political life of the country.

³ Agreement No. IX-49 of the National Assembly of People's Power, adopted in the sitting of 21 December 2019, during the fourth regular session of the ninth legislature, was published in *Gaceta Oficial* No. 2, ordinary edition, on 13 January 2020.

⁴ The working group is composed of lawyers specializing in family law issues and includes: professors from the Faculty of Law of the University of Havana; representatives of the national governing body of the National Union of Cuban Lawyers' Association for Civil and Family Law; and specialists from the Office of the Attorney General of the Republic, the People's Supreme Court, the National Organization of Collective Law Firms, the Ministry of Justice, the Ministry of Foreign Affairs, the Centre for Women's Studies of the Federation of Cuban Women, the National Centre for Sex Education and the Ministry of Health; and experts in family psychology and sociology and social communication.

provides key services related to prevention and the protection of children's rights throughout the country.

22. Cuba has provided extensive information concerning the establishment of an independent national human rights institution in its reports to other treaty bodies and to the universal periodic review.

23. Paragraphs 22 to 27 of the combined third to sixth periodic reports of Cuba to the Committee on the Rights of the Child also address this subject. It is noted in these paragraphs that it has not proved necessary to have a lead agency or independent institution, based on the Paris Principles, to monitor the rights of children and young persons.

24. Pursuant to article 41 of the new Constitution, the State has a responsibility to "guarantee for all persons the inalienable, imprescriptible, indivisible, universal and interdependent enjoyment and exercise of human rights, in accordance with the principles of progressiveness, equality and non-discrimination. All persons shall be required to respect and guarantee these rights".

25. In carrying out their functions, every State body and institution is required to take articles 41 and 61 of the Constitution into account. The Constitution also establishes that all persons have the right to file complaints and petitions with the relevant authorities, which authorities have an obligation to process all submissions and provide timely, relevant and well-founded responses within the time period and in accordance with the procedure established by law.

26. For this purpose, Cuba has established an extensive and efficient inter-agency system, in which both political and social organizations are involved.

27. The main guarantor of the right to file complaints and petitions is the Attorney General's Office, and specifically the Directorate for the Protection of Citizens' Rights.

28. The Attorney General's Office recently introduced new alternative mechanisms for providing support to the general public with a view to expanding the avenues through which their complaints and concerns may be channelled. These new mechanisms provide citizens with advice on issues related to the protection of their human rights, and using them guarantees greater access to the institution.

29. Currently, the Attorney General's Office provides support in person, through a central telephone hotline, by mail or written submission, by email and through its web page. The hotline service is available 24 hours a day, 7 days a week by calling 0802 12345. The "El Ciudadano" citizens' section of the web page is another channel through which members of the public can find out about pending procedures and file complaints and claims about situations that require the Office's attention. This information can be found on the official website at www.fgr.gob.cu.

30. These mechanisms have proved able to provide appropriate and effective responses to concerns, complaints and claims relating to alleged human rights violations, including violations involving children.

31. The entities and bodies of the Attorney General's Office have the necessary human, financial and technical resources to ensure their effectiveness.

Replies to the questions raised in paragraph 3 of the list of issues

32. Article 14 of the Constitution establishes that the State must not only recognize but also encourage the grass-roots and civil society organizations that bring together various sectors of the population and represent their specific interests.

33. Cuban civil society organizations are thus registered in the National Register of Associations of the Republic of Cuba, in accordance with the Associations Act (No. 54) of 1985, which establishes the legal and regulatory framework and regulates the exercise of the right of association.

34. Because of their broad membership, representativeness and mobilizing capacity, civil society groups are guaranteed a wide range of powers, functions and opportunities to engage in proactive initiatives and advocacy at the government level (that is, in the legislative sphere) and, as public vehicles, within the framework of society as a whole, in the formulation of sectoral policies at all levels that strengthen the comprehensive protection of children, with strict respect for their independence.

35. Cuban non-governmental organizations (NGOs) also provide an important counterbalance to the Government's management of services for children and young people, taking an active role in the identification of persistent challenges such as the need to update national legislation to bring it into line with the international instruments to which Cuba is a party and adapt it to the current reality in the country.

36. This has been made possible by ever increasing levels of coordination, cooperation, collaboration and consensus between the competent government agencies and civil society organizations working to protect children's rights.

37. In Cuba, many NGOs freely and spontaneously engage in action to promote and disseminate the rights of children and young people.

38. Cuba's periodic reports to the various human rights treaty bodies draw on the experiences and achievements of civil society organizations active in the country, who carry out their work freely and without restrictions. Their work is detailed in paragraphs 35 to 39 of the periodic report.

39. Information relevant to this subject is also contained in the reports submitted by Cuba under the first and second Optional Protocols to the Convention and in the voluntary contributions submitted by numerous Cuban NGOs prior to the discussion of the two reports in 2015.

40. In recent years, legislative processes in Cuba have involved broad public consultation in which civil society, including organizations of children and young persons, have taken part.

41. The process of consultation, debate and popular referendum on the draft Constitution of the Republic of Cuba spanned the biennium 2018–2019.

42. Between 15 August and 15 November 2019, there were a total of 133,681 meetings at which the preliminary draft was discussed, which a combined total of 8,945,521 persons attended.

43. Of this total number, 1,585 were meetings of university students and 3,256 were meetings of secondary school students.

44. At the meetings, a combined total of 1,706,872 statements were made, of which 783,174 contained proposals. This input resulted in changes being made to 60 per cent of the articles proposed in the initial draft.

45. Of a total of 8,705,723 persons eligible to vote, 7,848,343, equivalent to 90.15 per cent of the total, exercised their right to vote in the referendum. Of the total number of ballots cast, 95.85 per cent were valid, and, of the total number of valid ballots, 6,816,169, equivalent to 78.30 per cent of the updated list of eligible voters and 86.85 per cent of those who actually voted, were in favour of the new Constitution. Only 9 per cent voted against the new Constitution and, in many cases, this was because they did not agree with a specific issue.

46. As part of the Cuban legislative process, which is by nature inclusive and transparent, draft laws have been systematically published on various websites. This has facilitated analysis and debate throughout the country, besides allowing increasing access to legislative processes for children and young people. The active participation of these sectors has been facilitated by the comparative advantage they enjoy in access to social networks and the use of new information and communication technologies.

47. A specific example of this legislative practice is provided by the discussions held prior to the adoption of the Act on the Symbols of the Republic of Cuba, to which children made extensive contributions through their schools.

48. In addition, a parliamentary classroom set up at the headquarters of the National Assembly of People's Power has proved successful in strengthening the link between the National Assembly and the community, especially among children and young people. The classroom provides a forum for exchanges on the Cuban political system, legislative initiatives and young people's role in the country's political arena, among others.

Replies to the questions raised in paragraph 4 of the list of issues

49. As noted above, and even though the text of the draft Family Code will be submitted to extensive and inclusive public consultation, there is broad consensus within the multidisciplinary team working on the draft regarding the need to align the minimum legal age for marriage with international legal instruments, including, in particular, the Convention on the Rights of the Child.

50. It is therefore proposed that a requirement for both contracting parties to a marriage to be of legal age should be established.

51. This requirement would eliminate the current exception that allows boys aged 16 years old and girls aged 14 years old to marry if there are reasonable grounds and they have the consent of their legal guardians. This proposal constitutes a de facto guarantee of protection for the best interests of children and young people, which is a principle enshrined in the Constitution of Cuba.

52. Chapter III (A), paragraphs 51 to 53, of the combined third to sixth periodic reports detail the safeguards established in Cuban legislation to ensure that the rights set forth in the Convention on the Rights of the Child are respected without distinction of any kind.

53. The process of public consultation that led to the Constitution's adoption by referendum served to increase public awareness of the anti-discrimination provisions contained in the then draft Constitution.⁵

54. Article 13 of the Constitution establishes the essential purposes of the Cuban State, which include, as stipulated in subparagraph (d), "guaranteeing effective equality in the enjoyment and exercise of rights".

55. Article 41 establishes that the State recognizes and guarantees, for all persons, "the inalienable, imprescriptible, indivisible, universal and interdependent enjoyment and exercise of human rights, in accordance with the principles of progressiveness, equality and non-discrimination. All persons shall be required to respect and guarantee these rights."

56. The Constitution also enshrines the principle of non-discrimination, which applies to children and their families. Article 42 stipulates that: "All persons shall be equal before the law, shall receive the same protection and treatment from the authorities and shall enjoy the same rights, freedoms and opportunities, without discrimination of any kind on grounds of sex, gender, sexual orientation, gender identity, age, ethnic origin, skin colour, religious belief, disability, national or regional origin, or any other personal condition or circumstance that implies a distinction detrimental to human dignity." It also establishes that violations of the principle of equality are prohibited and are punishable by law.

57. To continue the process of broad, in-depth consultation on the provisions of the Constitution, programmes of conferences, seminars, workshops and meetings involving various experts on the subject have been organized across the country.

58. The different Standing Committees of the National Assembly of People's Power, particularly the Committee on Constitutional and Legal Affairs and the Committee on Youth, Children and Equal Rights for Women, have had key roles in these activities.

⁵ The replies given in this document to the questions raised in paragraph three of the list of issues include statistical information on public participation in the consultations on the draft Constitution and on the results of the referendum.

59. The national education system has included instruction on the principles enshrined in the Constitution in the different teaching programmes, according to the curricular design of each.

60. NGOs have also had an active role in raising awareness of the provisions of the new Constitution. The work of the National Union of Jurists of Cuba and the Family Rights Association, whose experts have disseminated information on the subject in various forums, are of particular note in this connection. These organizations have encouraged the creation of mass media space for the dissemination of this information, to which the experts involved in the drafting of the new Constitution have contributed.

61. Public meetings in student centres, workplaces and community spaces have provided a forum through which to publicize the anti-discrimination provisions of the Constitution. Youth, student and grass-roots organizations have had a particularly prominent role in these activities, in line with their respective areas of action and the target beneficiaries of their work.

62. As stated in paragraph 54 of the periodic report, as a guarantee of non-discrimination, article 295 of the Criminal Code provides that violation of the right to equality is an offence and establishes penalties for anyone who discriminates or who encourages or incites another person to discriminate, or who obstructs or prevents the exercise of the right to equality. The dissemination of ideas based on racial superiority or hatred is also outlawed and punished, as are acts of violence against any race or group of persons of another colour or ethnic origin.

63. In 2019, two cases were brought in Cuba for the offence established under article 295 and four persons were tried and sentenced. None of these cases were related to discrimination against children and/or teenagers.

Replies to the questions raised in paragraph 5 of the list of issues

64. As stated in chapter III (B), paragraphs 55 to 60, of the combined third to sixth periodic reports of Cuba, the principle of the best interests of the child was fully integrated into national legislation even before the entry into force of the Convention on the Rights of the Child. Strict observance of this principle has since been a watchword in the administrative, educational, family, legal and judicial spheres. The aforementioned paragraphs cite various texts in which the principle is incorporated, including instructions of the Governing Council of the Supreme People's Court and the Attorney General and judicial decisions of the courts. In addition, civil society organizations including the Federation of Cuban Women, through its Women's and Family Counselling Centres, actively contribute to and support action to ensure that the principle is respected.

65. Given the importance that the country attaches to this principle, chapter III, article 86, of the Constitution, on families, includes an express reference to the special protection that the State, society and families must accord to children and young people so as to ensure that their best interests are taken into account in decisions and actions affecting them.⁶

66. Systems of checks and balances have been built into the organizational structure of the country's various institutions that make it possible to assess whether processes, decisions and legislative instruments fully adhere to and duly respect the constitutional principle of the best interests of the child.

67. Moreover, and even though the country's achievements in applying and respecting the best interests of the child are considerable, the State and Government of Cuba are determined to continue developing and enhancing respect for and adherence to this principle in all relevant matters.

⁶ Article 86 of the Constitution provides that: "The State, society and families shall provide special protection for children and adolescents and shall ensure their harmonious and comprehensive development, and to this end shall take their best interests into account in decisions and actions affecting them. Children and adolescents shall be considered full subjects of rights and shall enjoy the rights recognized in this Constitution, in addition to those inherent to their special status as developing persons."

68. Chapter III (D), paragraphs 68 to 75, of the periodic report comprehensively address issues related to the right of children to be heard and to have their views taken into account in all matters affecting them.

69. However, it should be noted that, as an additional guarantee, article 54 of the Constitution establishes that: “The State shall recognize, respect and guarantee freedom of thought, conscience and expression for all persons”, which includes children and teenagers.⁷

70. In Cuba, children’s right to be heard is protected by virtue of Instruction No. 216 of 17 May 2012 of the Governing Council of the Supreme People’s Court, which, in paragraph 7, provides that the courts shall give all children capable of forming their own views the opportunity to speak and shall take their opinions into account in accordance with their developmental capacity.

71. The procedural reforms due to be approved by the National Assembly of People’s Power in October 2020 are intended to further strengthen the country’s extensive guarantees for children’s right to be heard.

72. As part of the activities carried out in the period under review to ensure that children and young people are heard and that their views are taken into account on matters affecting them, the Commission on Youth, Children and the Equal Rights of Women organized nine public hearings in communities and educational centres to address issues related to the rights of children. These meetings covered, among other subjects: civic education; the rights and responsibilities recognized in national and international legislation; the right to recreation; the role of the community in addressing breaches of social discipline; and the impact of the economic, commercial and financial blockade imposed on the country.

Replies to the questions raised in paragraph 6 of the list of issues

73. Paragraphs 82 to 85 of the third to sixth combined periodic reports of Cuba to the Committee on the Rights of the Child address the harmonization of article 53 of the Constitution with article 13 of the Convention on the Rights of the Child.

74. Article 53 of the Constitution establishes citizens’ right to request and receive truthful, objective and timely information from the State and to have access to information generated by State bodies and entities, in accordance with established regulations.

75. In addition, article 291 of the Criminal Code provides that violation of the right to free expression of thought is an offence and establishes penalties for persons who prevent others from exercising their right to freedom of speech or the right of press freedom press as protected in the Constitution and the law.

76. Article 62 of the Constitution protects “the rights deriving from intellectual creation, in accordance with the law and international treaties. The rights thus acquired shall be exercised by the creators and owners as established by law, in accordance with public policy.”

77. For the purposes of these replies, article 62 is considered to be unrelated to article 13 of the Convention, which is likewise amply respected and guaranteed by the Cuban State and Government.

78. Paragraphs 92 to 94 of the combined third to six periodic reports of Cuba to the Committee on the Rights of the Child address freedom of association and peaceful assembly, which is enjoyed by all persons in Cuba, including by children and young people.

79. Article 56 of the current Constitution establishes that the rights of assembly, demonstration and association, for lawful and peaceful purposes, are recognized by the State provided that they are exercised with respect for public order and in compliance with the provisions of the law.

80. Chapter II, on the constitution of associations, of Ministry of Justice Resolution No. 53 of 1986, constituting the implementing regulations of the Associations Act, sets out clear

⁷ Statistical information is provided in the replies given to the questions raised in paragraph 3 of the list of issues.

criteria for the registration of associations, including associations of children and young persons.

81. The José Martí Pioneers Organization, the Federation of Secondary School Students and the Federation of University Students are the main associations that bring children and young persons together. This association is a strength that allows children to take part, in a careful and orderly manner, in the key processes affecting the country and in everyday tasks, all of which contributes to their development as citizens.

82. There are no records of associations of children and young persons in Cuba having filed for but been refused registration. The State, society and families recognize young persons as active participants in society and, to this end, work to ensure conditions conducive to the full exercise of their rights and their comprehensive development.

Replies to the questions raised in paragraph 7 of the list of issues

83. As stated in paragraphs 120 to 127 of the combined third to sixth periodic reports of Cuba to the Committee on the Rights of the Child, corporal punishment is not permitted by law nor by any lower-ranking legal provision, whether in the family or in a school setting, and is not tolerated socially. There are severe criminal penalties to protect children against any act that might jeopardize their normal development and well-being.

84. Throughout the world, the family environment is the main setting in which abuse of this nature occurs. For this reason, article 85 of the Constitution establishes that strengthening the family and emotional bonds, support and mutual respect should be considered primary objectives. Furthermore, article 86 expressly incorporates the principle of the best interests of the child and establishes that children should be protected against all forms of violence.

85. These two articles also establish that domestic violence, in any form, is punishable by law.

86. Addressing domestic violence has become a central element of public policies, particularly those focused on prevention.

87. Between 2017 and 2019, the Ministry of the Interior organized some 5,000 advice, training and legal and educational guidance sessions for parents, other relatives, alternative care institutions and the families of minors with behavioural problems, among other audiences. Methods used to address problem situations include family dynamics techniques, conflict mediation and referrals to medical and social care systems.

88. Articles 86 and 152 of the Family Code should not in any way be interpreted as establishing permission for or allowing tolerance of corporal punishment, especially since the letter and spirit of the Constitution, and of the laws and regulations in force in the country, provide for children to be protected as a guarantee of their full and normal development.

89. Citizens have an obligation to report any criminal offences of which they become aware, including offences in which the victims are children. Whenever the National Revolutionary Police or the Attorney General's Office receives a complaint of this kind, a multidisciplinary team is sent to investigate and follow the case through until the situation is resolved.

90. Although this is certainly not something that occurs frequently in Cuban society, paragraph 121 of the periodic report submitted by Cuba refers, by way of example, to two cases in which minors were ill-treated that were resolved through judicial channels after complaints were submitted to the Attorney General's Office.

91. Health professionals also have an obligation to report suspected child abuse or ill-treatment to the competent authorities. The National Revolutionary Police has officers assigned to the emergency services of children's and general hospitals to provide a first response to and follow up on cases where there are signs of an offence having been committed, including cases in which the victims are minors.

92. In addition, the Federation of Cuban Women has an action plan for preventing and addressing the different forms of gender and domestic violence, including violence against children.

93. The Federation accords priority attention to communities with social problems in which children are living. Its activities include giving educational talks and providing support for single mothers in the form of subsidies, job placements, childcare centres and semi-boarding schools, as appropriate.

94. This work is possible thanks to the efforts of 79,249 volunteer social workers and the 11,245 representatives of the Federation who have seats on the boards of schools and childcare centres. In their work, prevention and early detection of possible cases of child abuse are the main goals.

95. Corporal punishment is prohibited at all levels of the education system and constitutes a serious offence warranting the perpetrator's definitive removal from the education sector and the imposition of the applicable criminal penalty.⁸

96. In 2018, 39 incidents categorized as abuse, harassment or ill-treatment were reported to the Ministry of Education. In none of these incidents were students with disabilities in educational institutions the victims.

97. Educational institutions provide emotional, psychological, psychoeducational, sociological and auxiliary support services, counselling, advice and other forms of assistance to all families, focusing on the rights of the child and ensuring that they are respected.

98. In addition to running programmes for parents that promote children's rights, educational institutions may report any concerns they may have through the board of the school or childcare centre concerned, as provided for in Ministerial Resolution No. 216/2008.

99. These boards are grass-roots organizations composed of family members and representatives of community agencies and organizations that work in society to promote the inclusion of all stakeholders in the education of children.

100. Home visits conducted by directors, teachers and specialist staff give educational institutions additional opportunities to advise families, in their own environment, and provide teachers with the information they need to gain a better understanding of the family situation. Other members of the family group who are likely to have an influence on the education of the children concerned are also encouraged to become involved.

101. The Federation of Cuban Women was one of the creators of the "Educa a tu hijo" (Teach your child) community educational assistance programme and maintains a key role in its implementation.

102. The Federation's work in the community involves visiting homes, talking with members of the family group and encouraging them to take part in the activities run under the programme each month, as well as providing training.

103. Each year, on Responsible Parenthood Day, the Federation of Cuban Women organizes various activities for families in its community-based counselling centres. Issues addressed include respecting children's rights, child abuse and parental involvement in their children's education and development.

104. A total of 1,212 volunteer workers are involved in these family guidance activities.

105. In a joint initiative with the Ministry of Education, the Federation of Cuban Women also developed a programme known as "Eduquemos a nuestros hijos, en un mundo con familias" (Let's educate our children, in a world with families). The aim of this programme was to engage with families about the main ways in which a lack of social discipline associated with lack of communication and control manifests itself. The issues that arose

⁸ These penalties are set out in the disciplinary regulations for the education sector contained in Ministerial Resolution No. 165/2006. Article 10 of Chapter II of the regulations establishes that workers who are disciplined for acts that undermine the normal development of minors will not be reinstated within the educational sector.

most frequently were the hypersexualization of girls, sexual abuse, intra-family communication and ill-treatment.

106. A total of 8,855 educational institutions benefited from the programme, including 6,846 primary schools and more than 300 childcare centres, as well as 162 families taking part in the “Educa a tu hijo” programme. The programme was very well received by families, with 867,710 persons taking part.

Replies to the questions raised in paragraph 8 of the list of issues

107. Paragraphs 147 to 153 of the combined third to sixth periodic reports of Cuba to the Committee on the Rights of the Child detail the State’s effective and well-defined national policy for alternative care, including, in particular, the system of homes for children without family protection, created pursuant to Decree-Law No. 76 of 1984.

108. The State guarantees all human, material and financial resources needed to support and protect children’s comprehensive development, health care, education, nutrition and recreation. Education and health specialists, social workers, prosecutors and other professionals are routinely involved in the work carried out in these children’s homes.

109. As stated in the report, the number of children in these homes who have been abandoned or orphaned, or whose parents have been deprived of their parental rights, is small. Most of the children in these homes are not eligible for adoption. The main aim is to encourage the re-establishment of family ties.

110. The second section of Decree-Law No. 76 of 1984 recognizes the concept of foster families, which support the homes for children without family protection and mixed residential/day-care centres by housing, caring for and looking after orphaned or abandoned children during weekends, holidays and other periods, with a view to providing them with an affectionate environment.⁹

111. One of the main difficulties in placing children is the requirement to obtain the approval of the parents, in those cases where they retain parental authority.

112. There are a total of 52 homes for children without family protection and mixed residential/day-care centres in Cuba. At present, they are caring for 447 children and teenagers, of whom 107 are aged 6 years or under and 340 are between 7 and 18 years old. The ratio of children to caregivers is 2.1 in facilities for children aged 0–6 and 1.3 in facilities for those aged 7 to 18 years old.

113. Of the children and teenagers who enter these facilities, 49 per cent are subsequently reunited with their families of origin. About 16 per cent are children of parents with psychosocial disorders who are not able to take care of them and, although the children remain in the centres, they do not lose contact with their families.

114. The homes are regularly inspected to ensure that they continue to operate effectively. This is one of the objectives of the programme of work of the Family Protection and Jurisdictional Affairs Directorate of the Attorney General’s Office.¹⁰

⁹ The directors of the homes for children and mixed residential/day-care centres are responsible for selecting the foster family, based on the best interests of the family and the personal circumstances of its members and whether the children in question accept the arrangement. In making this choice, they are supported by the Federation of Cuban Women and, where necessary, by other political, social and community organizations.

¹⁰ Article 25 of the Act on the Public Prosecution Service recognizes that the duties of public prosecutors include “visiting homes and institutions that care for minors in order to ascertain their legal situation and ensure that their rights, property and interests are being protected, taking whatever measures may be appropriate, examining all forms of documentation relating to children and conducting interviews with them, and with teachers, psychologists, educational experts, social workers, lawyers and other officials responsible for their education”. Should the public prosecutor identify irregularities in their legal situation, the irregularity must be duly reported so that remedial action can be taken.

115. As a general rule, visits take place once a month and the allocation and use of the budget, hygiene and organization, food and use of resources, among other issues, are assessed. In addition, prosecution service representatives visit schools to find out about the educational progress of the children living in the homes.

116. The prosecution service representatives are accompanied by specialists from the Ministry of Health, who assess hygiene and cleanliness in the homes, the condition of the buildings, and the medical and dental care provided.

117. The results of the inspections have generally been satisfactory. However, although not a common phenomenon, misappropriations of funds intended to pay for children's food and education and improvements to their living conditions have been identified. A number of female workers have been convicted of this offence and have received custodial sentences of 8 to 20 years. As a legal consequence of their conviction, they have also been deprived of certain rights and banned from exercising certain professions and holding certain offices and positions.

118. The inspections also identified some cases in which a child's normal development had been adversely affected. These cases were reported to the complaints mechanisms of the Public Prosecution Service so that appropriate action could be taken. As provided in the Criminal Code, the penalties handed down were custodial sentences combined with auxiliary measures.

119. Paragraphs 121, 122, 130, 131 and 132 of the combined third to sixth periodic reports of Cuba to the Committee on the Rights of the Child detail the main complaint mechanisms and avenues of redress against ill-treatment available to children and teenagers, including those living in institutional care.

120. Children and teenagers who are victims of an offence can report the crime themselves, through the complaints mechanisms, either at their school, through their teachers, or at a branch or head office of a municipal and provincial prosecutors' office or at the Attorney General's Office.

Replies to the questions raised in paragraph 9 of the list of issues

121. As referred to in paragraphs 164 to 172 of the combined third to sixth periodic reports of Cuba to the Committee on the Rights of the Child, Cuba complies strictly with article 23 of the Convention, which recognizes the right of the child to receive special care appropriate to his or her condition free of charge and in an effective manner.

122. In the particular circumstances prevailing in Cuba, which is subject to economic limitations owing to the intensified economic, commercial and financial blockade imposed by the Government of the United States of America but has inclusive education policies applicable to all and a system of universal social justice, the purpose of special schools is to provide specialized care to persons with disabilities from an early age, in line with their particular needs. This allows the authorities to concentrate available resources where they are needed most, according to the needs of children with disabilities.

123. Nonetheless, the country continues to work to make special schools a stepping stone to mainstream schools. To this end, educational institutions are undergoing a process of adaptation in which consideration is being given to the most appropriate location within the classroom for students with disabilities, the availability of furniture and school supplies, the need for training in the management of necessary means of access, the modification of the educational curriculum and the time required for various tasks, among other matters.¹¹

124. At the start of the 2018/19 school year, 33,764 pupils were enrolled in the different modalities of special education. This number is equivalent to approximately 2 per cent of the total number of pupils enrolled in mainstream education (1,791,143 pupils). There are 11,156 students with disabilities in mainstream educational institutions.

¹¹ These adaptations are detailed in Ministerial Resolution No. 238/2014.

125. In the 2019/20 school year, this number rose to 11,904, continuing the upward trend of recent years that has been accompanied by a corresponding decline in enrolment in special schools. In the same school year, there were 33,639 pupils attending special schools, of whom 11,309 were girls.

126. Systemic practice in Cuba is to ensure that professionals working with children and teenagers, whether in special or mainstream schools, receive high-quality training with a rights-based approach.

127. The teaching staff who provide educational support for students with disabilities in mainstream schools receive advice, guidance and support from the educational psychologists and speech and language therapists who work in special schools and from special education support teachers, *inter alia*.

128. In addition, specific content on the rights of persons with disabilities is included in the curricula of teacher training courses, methodological support guides are available for use by teachers at the different levels of education, and training is provided for families, community actors and relevant agencies.

129. Training in the rights of persons with disabilities intended for the whole of society has also been developed. For example, information materials on the Convention on the Rights of Persons with Disabilities have been published in various formats and spaces,¹² and radio and television programmes and spots on the subject have been broadcast that, on a number of occasions, have been produced with the support of the United Nations Office in Cuba.¹³

130. Persons with disabilities are actively involved in the design of campaigns to raise awareness of their rights. The associations of persons with disabilities between them have a total of 377 volunteer officers working with the different media, under the guidance of the Cuban Radio and Television Institute, to promote the rights of persons with disabilities and the activities the associations carry out.

131. In another initiative, persons with disabilities of all ages have been invited to apply to take part in a scheme that links them up with public institutions working to support their rights. Audiovisual materials have been produced to shine a light on their everyday lives and personal achievements in various areas of social life, including employment, health, sport and education.

132. Although there is no specific law for persons with disabilities, as stated in paragraph 165 of the periodic report, their rights are protected in the provisions of various legal texts including the Code on Children and Young Persons, the Family Code, the Civil Code, the Labour Code and the Criminal Code.

133. These legal texts regulate the exercise of the rights of persons with disabilities as holders of rights on a basis of equality and opportunity. They establish a system of guarantees that are reflected in national plans, programmes and policies for the systematic care of this segment of the population.

134. In addition, from 1995 to date, three national action plans for persons with disabilities have been implemented that include specific actions designed to benefit children with disabilities.

135. These plans consist of a set of strategies, actions, proposals and programmes designed from a multisectoral and coordinated perspective to promote social integration and improve the quality of life of persons with disabilities.

¹² For the past five years, the text of the Convention has been distributed in Braille and audio formats to persons who are blind or have low vision at the annual International Book Fair in Havana. Posters, calendars and diaries that refer to articles of the Convention have also been printed and distributed to help raise awareness of its content.

¹³ In 2017, an attractive and innovative illustrated edition of the Convention was printed and distributed to all educational institutions across the country with support from UNICEF. The Ministry of Education and the Latin American Reference Centre for Special Education were also involved in the project.

Replies to the questions raised in paragraph 10 of the list of issues

136. Iron deficiency anaemia is the most frequent nutritional deficiency in Cuba, according to studies conducted between 2015 and 2018 in different regions of the country. It affects 24.5 per cent of children under 5 years of age and is most prevalent in children under 2 years of age. For this reason, iron deficiency anaemia is classified as a moderate public health problem in the country.

137. Children aged between 6 and 23 months old accounted for 41.3 per cent of those affected. Overall, the highest prevalence was found among children aged between 6 and 11 months; in this age bracket, 57 per cent were affected. Anaemia in its mild form (between 100 and 109.9 g/l) is the most dominant form.

138. To reduce the risk of anaemia, 85 per cent of mothers breastfeed in the first hour after birth; 96.2 per cent of children have been breastfed at some point.

139. Even though mild forms of anaemia predominate, with mild anaemia accounting for 12.3 per cent of cases and mild to moderate anaemia accounting for 11.6 per cent, it is important that this indicator is monitored particularly closely in pregnant women because of the potential repercussions of anaemia for the mother at the time of birth and the irreversible damage that children could suffer in the first two years of their life.

140. For these reasons, the authorities have carried out various actions aimed at strengthening food and nutrition education that combine health promotion with individual, group and community-level action. In recent years, work to support the development of children, women of childbearing age, older persons and other vulnerable groups has been comprehensively strengthened.

141. In addition, various strategies and initiatives have been implemented, including, of particular importance:

- The manufacture and import of fortified products, including fortified milk for infants under 1 year old and wheat flour with iron and folic acid and fortified cereals for children aged between 6 months and 5 years old
- A social communication strategy aimed at reducing anaemia in children under 5 years of age, women of childbearing age and pregnant women
- Campaigns to promote exclusive breastfeeding for the first six months and complementary breastfeeding for up to two years, the use of vitamin supplements and healthy eating
- Design and distribution of nutritional guides for children up to and above 2 years of age that convey scientifically proven messages based on the main problems identified
- Universal supplementation with iron and other nutrients through the distribution of prenatal tablets containing folic acid, vitamin A and vitamin C in primary health-care facilities with a view to preventing anaemia during pregnancy
- Iron and folic acid supplementation for women of childbearing age and children under 3 years of age based on the risk criteria established in primary health care to combat iron deficiency anaemia and taking a life cycle approach
- Broadcast of television spots and radio messages on the importance of eating fruit and vegetables
- Local community projects aimed at promoting healthy eating and physical exercise
- Quick surveys to identify the food- and nutrition-related beliefs, myths, knowledge, attitudes and practices of the country's population
- A health promotion strategy to tackle obesity and overweight
- A comprehensive nutrition programme designed to encourage the consumption of healthy food and reduce the consumption of unhealthy foods and sugary drinks among children and teenagers
- Comprehensive programmes designed to encourage physical activity and reduce sedentary behaviours in children and teenagers

- Issuance of enhanced guidance for the prevention of non-communicable diseases, including updated guidelines for preconception and antenatal care to reduce the risk of childhood obesity
- Guidance and support for the establishment of healthy diet, sleep and physical activity patterns during early childhood to help to ensure that children grow up properly and develop healthy habits
- Creation of human milk banks in 13 of the country's 16 provinces to support mothers who are unable to breastfeed

142. Overweight and obesity have become increasingly prevalent in Cuba in recent years and are considered a public health problem owing to their high prevalence and close association with the development of diseases such as type 2 diabetes mellitus, hypertension, dyslipidaemia, cardiovascular disease and cancer.

143. According to different studies conducted by the National Institute of Hygiene, Epidemiology and Microbiology, in 2018 7.8 per cent of children under 5 years of age were overweight.

144. The information collected in the 2019 household survey conducted under the Multiple Indicator Cluster Surveys programme is currently being processed and will provide more up-to-date national data.

145. According to the results of the three national risk factor surveys, the prevalence of overweight and obesity in adults has increased and continues to trend upwards. Overall, 43.8 per cent of the Cuban population have excess weight (15.5 per cent overweight and 29.3 per cent obese).

146. The strategy for addressing this problem in Cuba is designed to foster healthy eating habits and increase physical activity throughout the life cycle, with an emphasis on the early stages.

147. Scientific evidence shows that the most cost-effective actions are those that are initiated in the very early stages. For this reason, the strategy places considerable emphasis on support for children up to 5 years of age, and especially on the children most at risk of suffering from malnutrition due to excess weight and the associated comorbidities.

148. The mother and child programme is an example of the possibilities that combining the efforts of all segments of the health system, with extra-sectoral support, affords, and also of the priority accorded to the achievement of goals for this area by the political authorities and the Government, as a result of which the infant mortality rate in 2019 had dropped to just 5.0 per thousand live births.

149. Within the framework of the national food and nutrition surveillance system, child nutritional surveillance is of particular importance since it allows for the early detection of developmental disorders and early assessment of nutritional status. Since different biological and psychosocial factors have a bearing on this process, it is essential that the task is shared between the family, the community, and the education and health-care services.¹⁴

150. Children and teenagers are systematically monitored by the primary health-care services, parents receive nutritional guidance and services in each area, and harmonized protocols have been established for the provision of nutritional guidance to combat overweight and obesity.

151. Coordination between the work of the country's various agencies and entities has had a considerable impact on efforts to address these issues.

152. In conjunction with the Ministry of Agriculture, urban and suburban agriculture has been promoted, increasing the availability of vegetables. The goal is to increase consumption among all age groups. Food diversification, food culture and the development of agriculture are being addressed as an issue of national security.

¹⁴ This also makes it easier to monitor child immunization and prevent acute diarrheal diseases and upper respiratory infections.

153. The health sector and food industry have adopted coordinated strategies for reducing sugar in products aimed at children and reducing salt consumption.

154. In parallel, the country is rolling out a social health communication strategy about food and nutrition through different channels.

155. Through a network of provincial and municipal centres across the country and with family doctors and nurses as the main actors in health promotion and education activities, the Centre for Health Promotion and Disease Prevention ensures that education is provided on subjects including: the promotion of breastfeeding; feeding children under 1 year old; nutrition for pregnant women and breastfeeding mothers; the prevention of acute diarrhoeal diseases and feeding children during diarrhoeal episodes; nutritional recommendations for children and teenagers; and hygienic food handling.

Replies to the questions raised in paragraph 11 of the list of issues

156. Preventing school dropout is a particular focus of education policy, although dropouts are rare in Cuba.

157. Ministry of Education Decision No. 357 of 2015 provides for individualized educational support programmes for students who fail to do homework, attend school irregularly or are absent for extended periods of time.

158. Key to reducing school dropout rates are the close links that have been forged between schools, families and communities, which are in turn reinforced by the active participation of civil society organizations, and particularly student organizations.

159. In this context, Family Education Schools have been created to provide families with guidance on how to deal with these issues at all levels of education, including in special education.

160. In addition, a greater emphasis has been placed on linking education with work in the case of students who show little motivation for study and, under the protection of the law, choose to enter employment. By means of a basic preparation for different trades, a close relationship between study and work can be established.

161. From within Cuban civil society, the Federation of Cuban Women develops work plans in conjunction with the Ministry of Education and the Public Prosecution Service. Social workers are assigned to address the problems to which minors are exposed, including the various factors that might lead them to drop out of school.

162. In addition, the competent courts may impose penalties on parents and legal guardians who engage in conduct detrimental to the normal development of minors if it is established that they have failed to fulfil their responsibilities in this regard.

163. Multidisciplinary family proceedings teams have an important role, contributing, through their expert advice, to the delivery of justice in the courts. The teams are organized by the Federation of Cuban Women and formally constituted by the courts at the different levels. Their remit is to advise the court based on specialist, scientific criteria.¹⁵

164. There are a total of 165 multidisciplinary teams composed of a total of 1,605 specialist professionals, most of whom are psychologists and 85 per cent of whom are women.

165. In 2019, the teams intervened in 1,503 cases. They issued 245 opinions and contributed to 5,806 agreements being reached, of which 5,355 were complied with in full.

166. In the 2019/20 school year, retention rates were 99.8 per cent in primary education, 94.3 per cent in lower secondary education, 84 per cent in pre-university education, 76.5 per cent in intermediate technical and vocational education, 78.4 per cent in skilled technical and vocational education, and 61.7 per cent in teacher training colleges.

¹⁵ The teams are composed of professionals specialized in psychology, psychoeducation, psychiatry, sociology, speech therapy, paediatrics, defectology and social work, among other disciplines.

167. In proceedings, wherever possible, minors are heard at an office of the Federation of Cuban Women so as to prevent the potentially adverse effects of having to appear in court. They also receive support through the Federation's women's and family counselling centres, whose areas of activity including one-to-one counselling, work in the community and running training programmes.

168. As stated in the periodic report, Cuba has a policy of zero tolerance towards any act that may be detrimental to the normal development of sexuality, especially when children or teenagers are involved.

169. Sexual offences in which the victims are children or teenagers are rare and such crimes do not make up a significant proportion of overall reported criminal behaviour. The factors that lead to this type of crime are not often found in Cuban society, since women and children are fully protected.

170. Having sexual relations with a minor is a serious criminal offence that carries the serious penalties established for the offence of corruption of minors and its aggravated forms in the Criminal Code.

171. The submission of the initial report of Cuba under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in September 2015, provided an opportunity to take stock of the situation in Cuba and to recognize the country's achievements and progress in these areas.

172. During her visit to Cuba in 2017 the Special Rapporteur on the human rights aspects of victims of trafficking in persons, especially women and children, was able to observe the low incidence of cases of trafficking in the country and the Government's commitment to preventing and addressing its various forms.

173. In order to protect children and young persons at risk of falling victim to such crimes, strategies with a preventive and educational focus are being implemented in every municipality.

174. The primary strategies involve identifying possible victims of violence, prostitution, drug addiction, corruption, crime, illegal activity, breaches of social discipline and other problems that threaten the physical and psychological integrity of teenagers, referring them to the relevant service providers and providing support in all areas.

175. To support young persons at risk, more than 55,000 volunteer officers for prevention and social support in the community associated with the Federation of Cuban Women provide integrated services that involve the minors concerned, their families and the community as a whole.

176. More than 8,000 professional social workers who work in the community with children, teenagers, families and other social actors are also involved in the provision of support for these young persons.

177. They are responsible for designing, proposing, implementing and evaluating action taken to prevent and address social problems and their underlying causes, and, in accordance with the functions and powers of the different institutions, adopting the measures necessary to alleviate them.

178. To this end, reintegration into education or training courses and participation in self-esteem workshops are encouraged, as is the acceptance of support care when necessary.

179. The support teams also encourage reflective activity, using printed and audiovisual materials to inform, guide and educate groups of teenagers and young people, taking their particular interests and motivations into account.

180. The implementation of Decree-Law No. 286 of 20 September 2011, on the integration of preventive action, assistance and social work, has strengthened these activities.

181. As the national mechanism for the advancement of women, the Federation of Cuban Women also has a central role in the promotion and implementation of measures to protect teenagers between the ages of 16 and 18 years old.

182. Child victims of sexual abuse receive specialized treatment, which begins as soon as the abuse is discovered and is designed to promote their physical and psychological recovery and social reintegration. Victims are cared for in child protection centres and alternative care centres throughout the country, while specialized follow-up care is provided through the child and youth psychiatry departments of children's hospitals, specialized psychology consultations and the community mental health centres of the National Health System.

183. The Institute of Forensic Medicine is responsible for assessing the physical and psychological effects of abuse, identifying any resulting sequelae and recommending the treatment or follow-up required from the medical, psychological, psychiatric, educational, family and social points of view.

184. In addition, the women's and family counselling centres run by the Federation of Cuban Women have multidisciplinary teams in place to ensure that victims have access to appropriate mechanisms through which to obtain reparation for injury suffered, in coordination with their families or the persons legally responsible for them.

185. Efforts to combat the scourge of child abuse take a preventive approach to which the Ministry of the Interior, the Ministry of Health, the Ministry of Education, the Ministry of Tourism, the Ministry of Labour and Social Security and the Attorney General's Office all contribute, with support from other public institutions and social organizations. Centres for the evaluation, analysis and guidance of minors have a key role in this work, providing support for children at risk of becoming victims of crime.

186. Additional information on this subject can be found in paragraphs 269 to 292 of the combined third to sixth periodic reports of Cuba to the Committee on the Rights of the Child and in the initial report submitted by Cuba under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Replies to the questions raised in paragraph 12 of the list of issues

187. As stated in paragraphs 314 to 326 of the third to sixth combined periodic reports of Cuba to the Committee on the Rights of the Child, justice is administered in strict compliance with article 37 of the Convention and, consequently, deprivation of liberty is a last resort, used for the shortest period of time only, as appropriate for persons aged between 16 and 18 years old.

188. Cuban law is fully aligned with article 40 (3) of the Convention, which does not establish a specific minimum age below which children are presumed not to have the capacity to infringe the penal law.

189. In Cuba, persons may be held criminally responsible from the age of 16 years old, but article 17 (1) of the Criminal Code establishes a special regime for handling cases involving persons between the ages of 16 and 18.

190. As stated in the third to sixth combined periodic reports of Cuba, and in line with the Committee's previous recommendation (CRC/C/CUB/CO/2, para. 55 (a) and (c)), steps have been taken to ensure that children aged between 16 and 18 years old are treated as juvenile rather than adult offenders and that all due process safeguards are strictly upheld.

191. With regard to the Committee's previous recommendation (CRC/C/CUB/CO/2, para. 55 (d)), paragraphs 316 and 319 of the periodic report acknowledge the importance of amending the country's criminal law to improve the administration of juvenile justice, favouring administrative proceedings and alternatives to deprivation of liberty and placing greater emphasis on educational rehabilitation.

192. Possible alternative measures include heightened supervision by parents, guardians or other persons having charge of young offenders; individualized support in schools; placement, in exceptional cases, in a work activity, subject to the provisions of labour law; imposition of the obligation not to change place of residence or work, or to move to another municipality or province, or to leave the country without authorization; confinement at home; and a ban on consuming alcoholic beverages and going out at night.

193. As stated in paragraph 318 of the periodic report, and in line with the Committee's previous recommendation (CRC/C/CUB/CO/2, para. 55 (b)), reinforced due process safeguards are applied in the different phases of proceedings involving children by personnel specialized in providing support for young offenders.

194. With regard to the Committee's previous recommendation (CRC/C/CUB/CO/2, para. 55 (e)), as stated in paragraph 321 of the report, persons under 20 years of age serve their sentences either in dedicated juvenile facilities or in prison wings separate from those housing adults. These safeguards apply up to the age of 20, that is, beyond the age of 18 years considered the age of majority in Cuba.

195. At present, there are 662 persons aged between 16 and 18 in prison in Cuba. Of this number, 274 are aged either 16 or 17 years old and the remainder are 18 years old.

196. These young persons are treated differently from adults. They are placed in juvenile facilities and are encouraged to enrol in vocational training and/or to complete their school education, as appropriate.

Replies to the questions raised in paragraph 13 of the list of issues

197. Pertinent measures have been taken to follow up on the recommendations relating to the implementation of the first and second Optional Protocols to the Convention. In particular, action has been taken to raise awareness of the two protocols among the agencies and institutions responsible for ensuring compliance with their provisions, namely, the National Assembly of People's Power and the various competent ministries, including the Ministry of the Revolutionary Armed Forces, the People's Supreme Court and local authorities.

198. The Committee made six recommendations related to the Cuban legal framework guaranteeing compliance with the provisions of the protocols. The following general points should be noted in respect of these recommendations:

- In Cuba, constitutional guarantees and policies and programmes for the protection of children and teenagers predate the Convention and sometimes extend beyond its provisions.
- Nonetheless, since 2011, the country's legislation has been updated and its institutions have been strengthened as part of a process of socioeconomic and legal reform designed to enhance the country's socialist model of development.
- A milestone in this process was the adoption, by referendum, of the new Constitution of the Republic of Cuba in April 2019. Under the thirteenth transitional provision established in the Constitution, the National Assembly of People's Power is required to approve a legislative timetable for the drafting of laws that develop the precepts established in the new Constitution within one year of its entry into force. The laws to be updated in line with the Convention and the Optional Protocols thereto include, inter alia, the Family Code, the Criminal Code, the Criminal Procedure Act, the Act on the Public Prosecution Service, the Defence and National Security Act and the Citizenship Act.
- In compliance with the transitional provision, the legislative timetable was published in Official Gazette No. 2, ordinary edition, of 13 January 2020.
- One of the issues being examined as part of the process of reform are the exceptions to minimum age requirements contained in the different pieces of legislation.

199. There have been a number of awareness-raising initiatives to help to ensure compliance with the recommendation that the principles and provisions of the two Optional Protocols should be widely disseminated:

- Cuban civil society has taken a key role in raising awareness of the provisions of the protocols, both nationally and locally, engaging in various actions that target parents, social workers, children and other actors.
- Within the National Education System, content that provides information on and promotes understanding of the provisions of the Convention and the two Optional

Protocols has been incorporated in the design of the curricula and the syllabuses for the different education systems.

- Specific information campaigns have been conducted to raise public awareness of the various issues addressed in the Optional Protocols, including human rights and international humanitarian law. Public officials were also among the intended targets of these campaigns.
- An online forum on human rights in Cuba was organized at which the recommendations made by human rights treaty bodies and those received during the universal periodic review were discussed. Representatives of the Government and of civil society organizations were active participants in this forum.
- Activities designed to increase knowledge of the international human rights instruments to which Cuba is a party and the actions the country has taken to implement them have been carried out.
- One of the objectives of these awareness-raising activities was to increase knowledge of the assistance and reporting mechanisms established in the country with a view to preventing children and young persons from falling victim to the offences covered by the two Optional Protocols. One particular example of these activities was the extensive campaign organized to raise awareness of the different means of communicating with the Attorney General's Office, such as the telephone hotline and the "El Ciudadano" citizens' website.

200. With regard to the recommendation concerning the establishment of an independent human rights mechanism to monitor the implementation of the rights of the child under the Optional Protocols, Cuba has provided comprehensive information, including statistical data, on the effectiveness of the mechanisms already in place in the country to monitor compliance and the realization of the human rights of all persons, as well as on the channels through which to submit complaints and grievances.

201. With regard to the recommendations concerning the strengthening of international cooperation with United Nations entities related to children, the following points should be noted:

- Since Cuba submitted its last periodic report to the Committee on the Rights of the Child in 2011, it has also presented reports to the Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child (related to the two Optional Protocols), the Committee on Enforced Disappearances, the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of Racial Discrimination. It is currently working on the preparation of further periodic reports.
- Attesting to its commitment to the anti-discrimination related special procedures of the Human Rights Council, in 2017 Cuba received visits from the Special Rapporteur on trafficking in persons, especially women and children, and the Independent Expert on human rights and international solidarity.
- The long-established positive relationship between Cuba and the International Committee of the Red Cross (ICRC) has been strengthened. The sharing of experiences and constructive bilateral dialogue on issues of mutual interest in the humanitarian field have been expanded, and cooperation programmes and activities are being implemented in various areas, in particular in the promotion of international humanitarian law. In 2015, following an invitation from the Government of Cuba, the President of ICRC made a working visit to the country. Two international meetings on international humanitarian law were held in Havana, in 2015 and 2017, in coordination with the ICRC regional office.

202. With regard to the recommendations concerning the prompt adoption of the National Plan for the Care of Children, extensive information is provided in the response to the questions raised in paragraph 1 of the list of issues.

203. Other recommendations, such as the recommendation to improve the national statistical system to bring it into line with the statistical requirements of the United Nations System and, since 2015, with the procedure for assessing progress towards achieving the

Sustainable Development Goals, are in the process of being implemented. Improving the quality of data capture, processing, disaggregation and analysis is a priority.

Part II.

Replies to the questions raised in paragraph 14 (a) to (d) of the list of issues

204. As discussed in the response to the questions raised in paragraph 3, in the biennium 2018–2019, the country engaged in a process of extensive and inclusive consultation and debate that culminated in a popular referendum on the draft Constitution of the Republic of Cuba. This information, including statistical data, is set out earlier in this document.

205. At the end of the process, the Constitution of the Republic of Cuba was adopted by popular referendum in April 2019.

206. Taking this as point of departure, the country is now in the process of updating the Cuban legal system to bring it into line with the provisions of the new Constitution, the current situation in Cuba and the international commitments assumed by the Government of Cuba.

207. Annex I contains the legislative timetable adopted by the National Assembly of People's Power.

Part III.

Data, statistics and other information, if available

Replies to the questions raised in paragraph 15 of the list of issues

208. Central Government agencies allocate considerable human, technical and financial resources to ensuring the comprehensive protection of children and compliance with and national implementation of the Convention on the Rights of the Child and the Optional Protocols thereto.

209. This is evidenced by the level of resources set aside for this purpose by the Attorney General's Office, the Ministry of Education, the Ministry of Health, the Supreme People's Court and other national agencies and institutions.

210. In 2018, 48.7 per cent of the country's budget was allocated to health and education as the basis for universal, free access for the entire population, including children, women, persons with disabilities, older persons, pregnant women and other population sectors.

Replies to the questions raised in paragraph 16 (a) to (d) of the list of issues

211. Work is under way to gather the information requested in paragraph 16, with a view to constructive dialogue with the Committee in January 2021.

Replies to the questions raised in paragraph 17 (a) to (d) of the list of issues

212. This information is available in the response to the questions raised in paragraph 8 of the list of issues.

Replies to the questions raised in paragraph 18 (a) of the list of issues

213. According to the register of persons with disabilities kept by the National Statistics Directorate of the Ministry of Health, at the end of 2019 there were 371,692 persons with disabilities in Cuba, a number equivalent to 3.31 per cent of the country's population in that year.

214. Of this number, 44,126 were under 18 years old (25,537 boys and 18,589 girls), a number equal to 11.9 per cent of the total number of persons with disabilities.

215. A total of 1,661 persons have been diagnosed with autism spectrum disorder. Of this total, 986, equivalent to 59.4 per cent of the total number of patients with autism spectrum disorder, are under 19 years of age. Boys account for 73.5 per cent of the total number of persons under 19 years of age in this category.

216. Comprehensive care in the form of medical, psychological, psychoeducational and social interventions is provided for persons with severe and profound intellectual disabilities by the psychoeducational medical centres forming part of the National Health System. These institutions provide services on a residential and semi-residential basis.

217. At present, there are 30 psychoeducational medical centres in the country, which between them have 2,476 beds for residential patients, 906 of whom are female.

Replies to the questions raised in paragraph 18 (b) of the list of issues

218. There are currently 89 children and teenagers with disabilities living in children's homes without family care, 42 of whom are girls.

219. There are no children and teenagers with disabilities without family care in the province of Pinar del Río, the municipality of Matanzas, Home No. V in Holguín and the special municipality of Isla de la Juventud.

Replies to the questions raised in paragraph 18 (c) of the list of issues**Replies to the questions raised in paragraph 18 (d) of the list of issues**

220. Information regarding children with disabilities attending primary and secondary schools is provided in annex II.

221. The country's information and statistical system does not disaggregate data on the children enrolled in the mainstream education system by ethnic origin, disability and sex.

Replies to the questions raised in paragraph 18 (e) of the list of issues

222. This information is available in the response to the issues raised in paragraph 9 of the list of issues.

Replies to the questions raised in paragraph 18 (f) of the list of issues**Replies to the questions raised in paragraph 18 (g) of the list of issues**

223. In Cuba, there are no children with disabilities who are not in school, or who have been abandoned by their families.

224. As stated in paragraph 171 of the combined third to sixth periodic reports of Cuba to the Committee on the Rights of the Child, when children with a disability are, for whatever reason, unable to attend educational institutions, they can use the itinerant teaching service that guarantees the presence of a teacher in the child's home.

225. Currently, there are 970 professional itinerant teachers serving 2,230 students. There are also 30 hospital classrooms catering for more than 400 pupils, who can also participate fully in the activities run by the José Martí Pioneer Organization.

226. According to current statistics, none of the children with disabilities living in children's homes without family care have been abandoned; generally, their parents either suffer from psychosocial disorders or have been deprived of their liberty after having been convicted of an offence under the Criminal Code.

Replies to the questions raised in paragraph 19 of the list of issues

227. In the period 2017–2019, 2,231 minors were implicated in acts that the law defines as criminal offences. The offences in which they were implicated were mainly either offences against property or offences against physical and bodily integrity (i.e. theft, robbery and minor bodily injury). Those implicated were mostly boys in secondary education (lower secondary, polytechnic and vocational education) who were usually aged either 14 or 15 years old and were either of mixed ethnic origin or black.

228. The family backgrounds of these boys tended to be dysfunctional, incomplete households, in which the father was generally absent, that were failing to use educational and disciplinary methods effectively in the activities of children and indicators of domestic violence such as quarrels, ill-treatment and alcohol consumption were present.

Replies to the questions raised in paragraph 19 (a) of the list of issues

229. Children under the age of 16 cannot be held criminally responsible, irrespective of the outcome or seriousness of their actions. Accordingly, no minors under the age of 16 have been arrested.

230. As stated in the response to the questions raised in paragraph 12 of the list of issues, there are currently 662 persons aged from 16 to 18 years old in prison in Cuba. Of this number, 274 are aged either 16 or 17 years old and the remainder are 18 years old.

Replies to the questions raised in paragraph 19 (b) of the list of issues

231. Minors under 16 years of age who have committed offences are accommodated in juvenile reform centres, where all relevant safeguards are respected. They are not tried before courts of law and are subject to administrative and educational procedures only.

232. Paragraphs 295 to 313 of the periodic report of Cuba to the Committee on the Rights of the Child provide extensive information on this issue.

Replies to the questions raised in paragraph 19 (c) of the list of issues

233. As mentioned above, minors under 16 years of age are not deprived of their liberty for conduct that constitutes an offence under Cuban law.

234. In cases where they have committed offences with severe social ramifications and they are deemed to represent a danger to society, and when all possibilities of rehabilitation in the community, in their social and family environment, have been exhausted, these children are placed in educational institutions known as comprehensive development schools.

235. The main objective is to provide specialized treatment for children under 16 years old on a basis of rights, duties, community integration and family contact. For educational purposes, these centres focus on providing minors with resources that will enable them to develop comprehensively, self-regulate their behaviour, develop motivations and aspirations and create their own life plans.

236. Approximately 200 children are enrolled in these schools, most of them boys over the age of 14 years.

Replies to the questions raised in paragraph 19 (d) of the list of issues

237. This question does not apply for minors under 16 years of age, as detailed above.

Replies to the questions raised in paragraph 20 of the list of issues

238. In Cuba, the implementation of the 2030 Agenda is a State commitment and national priority, as is reflected in the alignment between the six strategic axes of the National Plan for Economic and Social Development to 2030 and the 17 Sustainable Development Goals.

239. In 2017, a decision was taken to update the composition of the National Group for the Implementation of the 2030 Agenda in Cuba, which is under the leadership of the Ministry of Economic Affairs and Planning. This group includes representatives of central government agencies, national institutions and social actors in general.

240. The work being carried out in pursuit of the 2030 Agenda is coordinated between national institutions, civil society and Cuban academia. All actors involved share the same strategic vision of the country and its development priorities, take part in dialogue and exchange experiences and good practices in economic, social and environmental matters. In addition, regulatory instruments have been adopted that allow for the production of data, and channels of communication have been established between all actors. This has strengthened monitoring, evaluation, oversight and accountability in the preparation and implementation of the Agenda at all levels of government.

241. In 2019, Cuba submitted a voluntary national report on the implementation of the 2030 Agenda. The results achieved by Cuba, which are detailed in the report, demonstrate not only the Government's determination to continue working to achieve higher standards of living and well-being for the population, particularly in areas such as combating hunger and poverty, reversing environmental degradation, improving education and health, promoting gender equality, caring for vulnerable groups such as children, women and older persons, and international cooperation, but also its political will to channel the limited resources at its disposal to those areas in which their economic, social and environmental impact will be greatest.

Replies to the questions raised in paragraph 21 of the list of issues**Replies to the questions raised in paragraph 22 of the list of issues**

242. The information requested in paragraphs 21 and 22 have been included in the replies to the list of issues.
