



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Seventieth session

14 September-2 October 2015

Item 4 of the provisional agenda

### Consideration of reports of States parties

## List of issues in relation to the report submitted by Cuba under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

### Addendum

### Replies of Cuba to the list of issues\*

[Date received: 10 March 2015]

### Reply to paragraph 1 of the list of issues

1. In drafting the initial report of Cuba under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Government of Cuba followed the guidelines laid down by the Committee (CRC/OP/AC/1).
2. The report contains a wealth of statistical information that reflects the situation in the country and the progress made in promoting the well-being of children and adolescents. The country's main social indicators clearly place it in the vanguard of developing countries and at a level comparable with that of developed countries.
3. The drafting process involved the establishment of an inter-institutional working group led by the Ministry of Foreign Affairs and comprising representatives of many government and State institutions, non-governmental organizations and civil society in general.
4. The Working Group carried out a careful, objective assessment of the implementation, and observance of the Optional Protocol with the aim of presenting the progress made and the challenges faced in its implementation. The data and information requested by the Committee were included in the resulting document, with the exception of questions of no relevance to the life of the country.

\* The present document is being issued without formal editing.



## Reply to paragraph 2 of the list of issues

5. As of 2013, First Vice-President Miguel Díaz-Canel Bermúdez is the designated authority<sup>1</sup> in the country for coordinating the protection and supervision of children's rights. Consideration is currently being given to the creation of an entity responsible for the welfare of children and adolescents and for monitoring prevention-based policies.

6. Moreover, the priority treatment afforded to the rights of children and adolescents in Cuba by the Government and other State agencies is intersectoral and multidisciplinary. Each of the bodies involved coordinates the activities that fall within its competence with those of other, related bodies and institutions at the national, provincial and municipal levels.

7. The Standing Commission on Children, Youth and Equal Rights for Women of the People's National Assembly, which is the supreme organ of State authority, carries out the important tasks of consultation, evaluation, investigation and monitoring with a view to assisting and protecting the rights of children, adolescents, young people and women. The Commission has full authority and capacity to monitor and coordinate the activities of national and local authorities in the provinces and municipalities.

8. The Commission has the power to propose legislation (Constitution, art. 88) and it has analysed and introduced a number of laws and other legal measures, as well as measures to ensure their effectiveness, in matters related to children and women.

9. In addition, representatives of Cuban civil society, particularly those involved in providing care to children and adolescents, such as the Federation of Cuban Women, the Federation of Senior Secondary School Students, the José Martí Pioneers Organization and Centro de Estudios sobre Juventud (Centre for Youth Studies), participate actively in joint efforts to implement the Convention and its Protocols.

## Reply to paragraph 3 of the list of issues

10. In accordance with National Defence Act No. 75 of 21 December 1994, young men are enrolled in the military register in the year in which they turn 16.

11. Between 2007 and 2013, 514,066 young people were enrolled, which is proportionate with the country's population.

12. Various preparatory and training activities take place prior to the recruitment process, including:

- An assessment of prospective recruits' medical fitness, which is undertaken by the Ministry of Public Health with the support of the Ministry of Education;
- An evaluation of their economic, social and family situation and its possible impact on the way they subsequently perform their military service;
- Technical training similar to the technical education given to young persons in civilian life in order to enable them to fulfil the same kind of duties within the Revolutionary Armed Forces.

13. The authorities responsible for preparing pre-recruitment training activities are the municipal military committees, in accordance with Order No. 1, issued by the First

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<sup>1</sup> This authority was conferred at the time of the submission of the second report of Cuba to the universal periodic review on 1 May 2013.

Deputy Minister and Chief of the General Staff on 3 January 2013, on the use of the handbook for military committees.

14. Young people receive military training from the time that they are enlisted, in any case.

15. Young people who refuse to comply with their military obligations are subject to the regulations established by Decree No. 164 of 13 August 1991 on violations pertaining to general military service.

16. Article 1 (a) and (d) stipulate that fines shall be imposed on persons who:

- Fail to appear when summoned by the Military Committee;
- Do not register for military service;
- Do not inform the competent authority of any changes in their identity, address, place of work or study, or provide any other information needed to keep their situation and status up to date in the military register;
- Following their discharge from military service, fail to appear at a specified location within 30 days with a view to being formally re-enrolled in the military register;
- Fail to attend military training programmes and combat assessments despite having been summoned to do so.

17. The authorities with the power to impose fines for violations covered by the Decree are the heads of municipal military committees.

18. To date, no young persons have been charged with failing to comply with their military obligations.

19. Pre-recruitment preparatory activities and specialist military training differ from the activities undertaken by soldiers during their military service in that, even though they are mandatory, they are not subject to military law.

20. Once they have formally registered for military service, young men commence the specialist military training and prevention, care and medical activities that are the prelude to recruitment. Educational work is also done with these young men beforehand by community organizations in their place of residence to make sure they understand the importance of performing this duty, what it involves and the opportunities for resuming their education once it is over.

21. The preparatory and training activities undertaken during military service are defined in the Combat Readiness Programme followed by young people at an early stage of basic training. The Programme lasts five weeks and ends with shooting practice. Specialists and heads of small units receive an additional eight weeks of training, in which they are taught basic skills for the performance of their duties and responsibilities.

### **Reply to paragraph 4 of the list of issues**

22. The following statistics are provided to complement the information contained in paragraph 113 (b) of the initial report of Cuba under the Optional Protocol (CRC/C/OPAC/CUB/1), which was submitted in 2011.

23. Between 2010 and 2013 (four years), 21,111 people under the age of 18 enlisted in the Armed Forces voluntarily; all of them did so in the year of their seventeenth birthday or after having already turned 17.

Table 1  
**Voluntary enlistment of people under the age of 18 in the armed forces**

<i>Description</i>		<i>Total</i>	<i>Women</i>	<i>Men</i>
<b>Total</b>		<b>21 111</b>	<b>323</b>	<b>20 788</b>
Area	Rural	5 683	71	5 612
	Urban	15 428	252	15 176
Territory	West	3 801	19	3 782
	Central	4 914	96	4 818
	East	12 396	208	12 188
Social origin	Worker	17 518	264	17 254
	Peasant	1 905	35	1 870
	Intellectual	1 263	16	1 247
	Self-employed	318	4	314
	Unemployed	107	4	103

24. People under the age of 18 who join the Armed Forces voluntarily account for under 10 per cent of all recruits. Such early entry is due to the fact that it can be helpful for young people to complete the military service required by law immediately after leaving upper secondary school, and makes it easier for them to move on to higher education the following year.

25. Pursuant to Order No. 18 of the Ministry of the Revolutionary Armed Forces, and depending on how they conduct themselves during their military service, young people who have graduated from upper secondary education but have not obtained places to go on to higher education yet wish to do so are given a second chance to apply for a university course and provided with the facilities they need to prepare for this.

### **Reply to paragraph 5 of the list of issues**

26. Recruitment into the Armed Forces is never forced or coerced.

27. The voluntary enlistment of people under the age of 18 into the Armed Forces takes place at the request of the person concerned and with his or her written and signed agreement. The process is handled by the Recruitment Commission, which is the body responsible for the enlistment of young people into the armed forces.

28. Young people who enlist are also required to be physically and mentally fit to comply with what is both a duty and a right enshrined in article 65 of the Constitution. It is therefore obligatory to submit the results of medical examinations as proof of good health.

29. The consent of parents or legal guardians is provided for in the voluntary enlistment process.

30. Article 44 of Decree Law No. 224 of 15 October 2001 provides that voluntary enlistment into the Armed Forces enables a person to:

(a) Study at an academy for officers, non-commissioned officers and sergeants of the regular army;

(b) Perform the same duties as military professionals;

(c) Work in the women's voluntary military service.

31. The same article provides that enlistment involves a recruitment and selection process conducted by the relevant bodies of the Armed Forces and the Ministry of the Interior. Before taking up their posts, the persons selected must sign a long-term contract, undergo and pass their military training and take the military oath.

### **Reply to paragraph 6 of the list of issues**

32. Cuba does not deploy troops in hostilities, except in those that may arise from sudden external aggression against the country.

33. In the event of an armed conflict, military personnel under 18 years of age who are registered for military service do not undertake military activities until they have joined the Armed Forces.

34. Moreover, recruits under 18 years of age engage in preparatory activities corresponding to their period of training. They have access to facilities with dormitories and to communal areas.

35. These recruits also receive systematic protection from all forms of sexual or physical abuse and their rights are protected in accordance with the law.

36. Early release may be granted to recruits under 18 years of age at their request or that of a relative, if their personal circumstances are such as to justify it. Such requests, of which more than 50 are approved annually, are handled and processed as appropriate.

37. Article 13 of Decree Law No. 224 of 15 October 2001 establishes that provincial recruitment boards have the duty and the power to consider and process requests for discharge sent to them by municipal recruitment boards, and to submit proposals on them to the bodies or entities responsible for their implementation.

38. All requests for discharge, not only those made by recruits under 18 years of age, must be approved by a senior officer or head of a unit, as set out in National Defence Act No. 75.

39. The Constitution provides that the Attorney General's Office is the body responsible for monitoring and upholding socialist legality; in other words, for ensuring compliance by State agencies, other entities and individuals with the Constitution, the law and other legal provisions in force in the country.

40. In addition, under the Constitution, anyone has the right to submit a complaint or petition to the authorities and to receive a response within an appropriate time.

41. Between 2010 and 2013, the branch offices of the Attorney General's Office dealt with 358,019 people and processed 54,881 written claims, complaints and allegations of various kinds, of which 22.3 per cent were found to have merit.

42. Moreover, young recruits have the right to address complaints, claims and petitions to their commanders in the centres where they are based, to the Military Prosecutor's Office, to the Attorney General's Office and to the various levels of administration within the Armed Forces.

43. Regarding the recruitment age, an exception will continue to be made to enable young persons aged 17 who secure a university place to do their military service voluntarily and avoid any delays or interruptions in their studies at other levels.

### **Reply to paragraph 7 of the list of issues**

44. The offence of desertion is covered in article 18 of Military Offences Act No. 22 of 15 February 1979, which provides for a punishment of between 2 and 5 years' imprisonment.

45. Once they have joined the Armed Forces, all military personnel without exception may be charged with desertion, as laid down in article 2 (a), of the Military Offences Act.

46. To date, there have been no recorded cases in which recruits under 18 years of age have been tried for this offence.

47. In no case would the death penalty be imposed on a person below 20 years of age, for any offence. Article 29 of the Criminal Code (Act No. 62 of 29 December 1987) establishes that the death penalty is applied only in exceptional cases and is handed down by the court only for the most serious cases the offences subject to it. The death penalty may not be imposed on persons below 20 years of age or on women who were pregnant at the time of the offence or are pregnant at the time of sentencing.

### **Reply to paragraph 8 of the list of issues**

48. Under National Defence Act No. 75 and Decree Law No. 224 on military service, no distinction is drawn with regard to the participation of recruits under 18 years of age in the event of a general mobilization. These two laws also provide that the recruitment age during states of emergency is the same as for military service.

### **Reply to paragraph 9 of the list of issues**

49. The Camilo Cienfuegos military schools are vocational pre-university military academies operating under the Ministry of the Revolutionary Armed Forces. Their purpose is to imbue young people with high political and moral values, discipline, appropriate physical and mental skills, and the conviction and desire to train as an officer or military or civilian professional by taking any of the modules and specialization courses taught in the country's higher-level educational institutions.

50. The Ministry of the Revolutionary Armed Forces implements the curricula approved by the Ministry of Education, which are fully in line with those taught in pre-university educational institutions at the national level.

Table 2  
**Young people who studying at the Camilo Cienfuegos military schools**

Province	15 years old			16 years old			17 years old		
	Female	Male	Total	Female	Male	Total	Female	Male	Total
Pinar del Río	50	112	<b>165</b>	46	94	<b>140</b>	25	110	<b>135</b>
Artemisa	30	70	<b>100</b>	30	63	<b>93</b>	19	56	<b>75</b>
Havana	203	441	<b>644</b>	167	309	<b>476</b>	121	333	<b>454</b>
Mayabeque	33	60	<b>93</b>	27	55	<b>82</b>	21	45	<b>66</b>
Matanzas	56	114	<b>170</b>	42	104	<b>146</b>	32	95	<b>127</b>
Cienfuegos	40	80	<b>120</b>	35	69	<b>104</b>	16	83	<b>99</b>
Villa Clara	55	115	<b>170</b>	51	96	<b>147</b>	25	96	<b>121</b>
Sancti Spíritus	55	115	<b>170</b>	47	66	<b>113</b>	29	94	<b>123</b>
Ciego de Ávila	50	115	<b>165</b>	52	86	<b>138</b>	28	100	<b>128</b>
Camagüey	55	126	<b>181</b>	49	110	<b>159</b>	32	127	<b>159</b>
Las Tunas	30	70	<b>100</b>	30	68	<b>98</b>	25	77	<b>102</b>
Granma	80	161	<b>241</b>	77	155	<b>232</b>	50	182	<b>232</b>
Holguín	61	139	<b>200</b>	57	130	<b>187</b>	41	126	<b>167</b>
Santiago de Cuba	80	185	<b>265</b>	76	167	<b>243</b>	47	186	<b>233</b>
Guantánamo	50	115	<b>165</b>	51	114	<b>165</b>	24	103	<b>127</b>
<b>Total</b>	<b>928</b>	<b>2 021</b>	<b>2 949</b>	<b>837</b>	<b>1 686</b>	<b>2 523</b>	<b>535</b>	<b>1 813</b>	<b>2 348</b>

51. Young people who enrol in these schools retain their legal status as civilians and have the right to drop out whenever they see fit. Doing so is not an offence, as students at these schools are not subject to the Military Offences Act. Once they have left, such young people may apply for entry to a pre-university educational institution at the same educational level.

### Reply to paragraph 10 of the list of issues

52. Courses in military and non-military subjects at the Camilo Cienfuegos military schools and at officer training centres cover human rights and humanitarian law, including the Convention and its Optional Protocols.

53. One of the subjects on the curriculum of the Camilo Cienfuegos schools is legal education, which includes instruction in human rights and international humanitarian law. Such instruction is provided in even greater depth in higher-level educational institutions operated by the Armed Forces.

54. Students under 18 years of age do not take part in military training that involves the use of weapons.

### Reply to paragraph 11 of the list of issues

55. There are no non-State armed groups in Cuba.

56. Existing legislation sets the recruitment age at 18 years or, in exceptional cases, 17 years.