



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

Distr. general  
20 January 2010  
English  
Original: Spanish

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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties under  
article 9 of the Convention**

**Fourteenth to eighteenth reports of States parties due in 2007\***

**Cuba\*\***

[30 January 2010]

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\* This document contains the fourteenth to the eighteenth periodic reports of Cuba, due on 16 March 2007, submitted in one document. For the tenth to the thirteenth periodic reports of Cuba (single document) and the summary records of the meetings in which the Committee considered those reports, see documents CERD/C/319/Add.4 and CERD/C/SR.1290 and 1291.

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

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## I. Background

1. The Government of the Republic of Cuba is happy to have the opportunity to report to the Committee on the Elimination of Racial Discrimination on the action taken in fulfilment of its commitments under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination. The present document contains Cuba's consolidated fourteenth, fifteenth, sixteenth, seventeenth and eighteenth periodic reports, due in 1999, 2001, 2003, 2005 and 2007 respectively. It is structured in accordance with the general guidelines on the form and content of reports to be submitted by States parties (CERD/C/70/Rev.5) adopted by the Committee in August 2000 and the compilation of guidelines on the initial parts (core documents) of the reports to be submitted by States parties (HRI/GEN/2/Rev.3, ch. I) dated 8 May 2006.

### A. Land and people

2. The Cuban nation has a clear cultural identity derived from intensive cross-cultural processes, an identity embraced by more than 98 per cent of the resident population. Cuba has no ethnic minorities although other ethnic groups are represented in the form of small communities or families, none of them contributing as much as 1 per cent of the population. They include Canary Islanders, Catalans, Galicians, Basques, Chinese, Haitians, Jamaicans, Japanese and other groups of very varied origins who possess the same rights as the rest of the Cuban people. Attention is drawn to the ageing of these population groups owing to the lack of any migratory flows to rejuvenate them and the heavy influence of offspring of inter-ethnic marriages between them and Cubans.

3. Cubans come in many shapes and sizes as a result of the confluence, interaction and frequent intermarriage of individuals with different racial features: Caucasianoid, Negroid, Mongoloid and Amerindian. From an early stage, a population made up of many different racially mixed combinations began to appear alongside the white-, copper- and black-skinned inhabitants. Following the extinction of the indigenous peoples (as a result of the genocide practised by the Spanish colonists and the biological assimilation of the few remaining Indians in the principal racially mixed strains), the main core of racially mixed Cubans were identified as mulattos. The subsequent arrival of Asian labourers to work as slaves on the sugar plantations added fresh shades to the racial mix.

4. The particular way in which the various racial elements took their place in the class structure of society and in the associated hierarchical relations invested people's physical appearance and skin colour with meaning and implications, creating the premises for the identification and self-identification of whites, blacks and people of mixed race as the basic racial groups in Cuba's social panorama. In step with this segmentation, the mixing of cultures and the cultural interbreeding produced an integrationist tendency from which emerged the sense of belonging to a race and of identification with a culture, the Cuban culture. Accordingly, the mono-ethnic nature of the Cuban people does not prevent multiracialism, understood as a socio-cultural category, from being one of its distinctive features.

5. The naturalistic biological aspect of race, which reduces the human person to a number of specific features, is of little ideological or functional use when it comes to placing individuals in categories in order to establish a social record of the phenomenon. On the one hand, all the racial classifications are to some degree arbitrary and vary considerably depending on the taxonomic principle on which they are built (the determination of a specific racial type on the basis of morphological features, and the selection of biochemical, immunological, physiological and genetic characteristics), thus producing 300 to 400 groupings. On the other hand, the processes of interbreeding help to

demarcate the differences between some racial groups and others. In the same way, the discoveries connected with the human genome have made it clear that there are more genetic variations within than between groups and that all humans have 99.9 per cent of their genetic code in common. Lastly, the classifications with which people act and function in concrete contexts do not always coincide fully with the classifications which may result from the application of a given “scientific” criterion. The notion of race is thus taken to be a social construct which, in Cuba, as the research conducted by the Cuban Institute of Anthropology has been revealing, consists fundamentally of “skin colour”.

6. Cuba's opposition to any kind of discrimination and its support of equality is a constitutional principle stemming from chapter I on “Political, social and economic foundations of the State”, chapter VI on “Equality”, and chapter VII on “Basic rights, duties and guarantees” of the Constitution adopted by referendum in 1976 and amended by the Constitutional Reform Act passed by the National Assembly of People's Power in July 1982.

7. Other articles in various chapters of the Constitution set forth guarantees, rights and freedoms, such as those of personal property and inheritance, the right to seek and obtain appropriate reparations and compensation, the right not to be deprived of citizenship, equality of rights, equal rights of spouses, equal rights for children born in or out of wedlock, freedom of artistic creation, and the right to vote.

8. The constitutional rights and the means of asserting them and re-establishing equality following any infringement of these rights are also safeguarded by copious supplementary legislation, including the Penal Code (Act No. 62 of 1987), the Associations Act (Act No. 54 of 1985), the Criminal Procedure Act, the Elections Act (Act No. 72 of 1992), the Family Code (Act No. 1289 of 1975) and the Labour Code.

9. Cuba's Constitution and law provide for the exercise both of civil and political rights and of economic, social and cultural rights, in accordance with the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

10. One of the fundamental principles of the social development policy of the Cuban State throughout the period since 1959 has been the preferential treatment, without any distinctions, of the social groups most disadvantaged and marginalized in pre-Revolutionary times, including children, women, the elderly, rural dwellers, young people, persons with disabilities, and persons with the lowest incomes.

11. The general and specific policies which have been carried out facilitated the integration of Cuban society, a process driven, among other decisive factors, by Cuba's democratic character based on the people's genuine access to and participation in the formulation and implementation of those policies, by the placement of the human being as the object and subject of development, by equality of opportunities and access to jobs, incomes and basic services, and by the ample resources allocated to policy implementation.

12. The nationalization of the health and education systems, on the basis of free and universal access, benefited in particular the groups which had been discriminated against for centuries, such as blacks and persons of mixed race (mestizos) and persons with low incomes, including whites, who had previously had very limited access to such services.

13. The process of nationalization and socialization of the basic means of production fuelled a powerful upward social mobility. The mass of the people, formerly excluded, came to occupy positions of responsibility in the organization, management and control of production, and this same process encouraged the creation of universal and effective social policies of worker protection. Similarly, the forms of ownership which were coming to prevail made it possible to put an end to the discrimination in access to housing and cultural and recreational facilities. Evictions became a thing of the past in Cuba. These processes had varying impacts on the reconfiguration of the relations among racial groups. Above all,

they imposed a severe restriction on the possibility of discrimination practised in the name of the principle of private property. They did much to enhance people's self-esteem by placing in their hands the control and defence of what had been achieved, while the tasks which had to be carried out opened up a vast field of cooperation among racial groups in pursuit of common objectives, a process which helped to narrow significantly the distances between them.

14. The general policies enhanced equity and social justice, seeking the redistribution of incomes, the fair distribution of the items in the basic basket of foodstuffs, and the improvement and extension to all areas of the country of basic services, including drinking water, sewerage, etc.

15. Cuba applied and continues to apply a policy of encouraging blacks and mestizos and women and young people to take up managerial posts, with a view to ensuring authentic democracy and participation by the whole people in the exercise of power and the enjoyment of the national wealth.

16. Racial prejudices have little place in today's Cuba; they are expressed mostly in the most intimate areas of life, usually in the relations between couples. The significant increase in the number of racially mixed families bears out the positive impact of the measures taken to combat racial discrimination in people's private lives. Racial prejudices do not manifest themselves in public life because they are fought and rejected both by the law and by the standards and values shared by society. They are tempered in particular by a political discourse which emphasizes equality, the rejection of racism, and a revolutionary tradition rooted in Cuba's history.

17. Some personal prejudices have survived for historical and socio-cultural reasons. Fifty years of non-discriminatory Revolution have been unable totally to eradicate stereotypes from a society which had been racist for more than 500 years. The ways in which the family is structured and functions do not change as quickly as legislation and State policies may change.

18. A widespread feeling has emerged among the general public that racial prejudice is undesirable and unacceptable; people realize that historical, economic and socio-cultural conditions have put some groups at a disadvantage in relation to others; biological and cultural interbreeding is seen as an intrinsic feature of the Cuban people, and interracial relations are gradually improving in the most diverse areas of life.

19. There is an increasing degree of interaction throughout society, strikingly so in some cases, such as community, labour and education relations, and in participation in cultural, recreational and sporting activities.

20. Most of Cuba's inhabitants acknowledge that they have some degree of mixed race; some experts estimate the proportion at over 80 per cent. These processes have intensified in recent decades, constantly increasing the visibility of racially mixed couples, against which neither society nor its individual members express any radical objections. This arrangement is generally regarded as a private matter and does not diminish personal standing.

21. The racial issue and racial prejudices, for all their insignificance, remain a constant concern of the Cuban State. Many researchers and State academic and scientific institutions are working on racial questions.

22. According to the 2002 population and housing census, Cuba had a total of 11,177,743 inhabitants living in 3,534, 327 housing units. Information was collected on a number of personal details, including sex, age, level of education, and skin colour. Where skin colour is concerned, 65 per cent of the population was listed as white, 10.1 per cent as

black, and 24.9 per cent as mestizo.<sup>1</sup> Comparison with the 1981 census shows that the current proportions of blacks and whites are smaller and the proportion of mestizos bigger. In 1981 the figures were 66 per cent white, 12 per cent black, and 22 per cent mestizo.

23. Although all skin colours are found throughout the country, some concentrations of people of the same colour have been repeatedly found in successive research and measurement exercises. For example, the 2002 census found a high concentration of black population (85.1 per cent) in the towns and in certain regions: 50.5 per cent in the west, and 31.3 per cent in the east. The provinces with the highest numbers of black inhabitants are Ciudad de la Havana, where 30.5 per cent of Cuba's black population live, Santiago de Cuba (15.7 per cent), Pinar del Río (7.2 per cent), Matanzas (6.6 per cent), and Guantánamo (6.3 per cent).

24. This distribution of the black population by province is different from the distribution found in the 1981 census and highlights the relative tendency for the capital's black population to increase. In 1981 the figure for the capital was 27 per cent, for Santiago de Cuba 17 per cent, and for Pinar del Río 7.8 per cent, while Guantánamo and Camagüey had bigger concentrations in 1981 than in 2002: 7.4 and 6.3 per cent respectively.

25. Although the most recent census dates back to 2002, Cuba produces an annual calculation of its national and local population from the registers of demographic and vital statistics, which are very reliable in Cuba. In demographic terms, an unprecedented situation was recorded in 2006 and repeated in 2007. The past decade has seen levels of population growth which in the Cuban context may be regarded as moderate to low, with rates ranging between 3.3 and 0.2 per thousand. However, in 2007, for the second time, the growth rate was negative, producing a decline in the total population figure. At the end of 2007 the resident population totalled 11,236,790; this means in absolute figures that the population had decreased by 2,253 since 2006.

#### **Resident population and annual growth rate, Cuba, 1990-2007**

<i>Year</i>	<i>Population</i>	<i>AGR*</i>
1990	10 662 148	11.1
1991	10 756 829	8.8
1992	10 829 320	6.7
1993	10 895 987	6.1
1994	10 912 924	1.6
1995	10 947 119	3.1
1996	10 983 326	3.3
1997	11 033 993	4.6
1998	11 076 817	3.9
1999	11 113 128	3.3
2000	11 146 203	3.0
2001	11 168 526	2.0
2002	11 200 388	2.8

<sup>1</sup> The question related to skin colour and not to race or ethnic group, for this information is generally obtained by observation or from the statements of the persons interviewed as one of a set of social, demographic and economic indicators instead of from specific studies differently conceived and designed to take into account anthropometric, genetic and other criteria as well as the demographic ones.

<i>Year</i>	<i>Population</i>	<i>AGR*</i>
2003	11 230 076	2.6
2004	11 241 291	1.0
2005	11 243 836	0,2
2006	11 239 043	-0,4
2007	11 236 790	-0,2

*Source:* ONE-CEPDE (2008), *Demographic Yearbook of Cuba, 2007.*

\* AGR: annual growth rate per thousand (percentages).

26. A number of demographic variables contribute to this situation. After years of oscillating between 77 000 and 79 000, the mortality rate rose to 81 000 in 2004 and then to almost 85 000 in 2005; it held steady at above 80 000 in 2006 and 2007 (80 840 and 81 914 deaths respectively). This upward trend is due to the intensification of the ageing of the population. The negative external migration balance has remained stable in recent years at over 32 000. Leaving aside its size and negative sign, the stability of this balance over these years indicates that the recorded fall in population numbers is not due to this variable alone.

27. The fertility variable warrants a separate comment. The birth rate declined significantly in 2004, 2005 and 2006 (9 603, 6 476 and 9 323 fewer births respectively year on year). This indicator has shown the biggest variations, and it is precisely the decline in the number of births which is having a greater impact on the fall in population numbers mentioned above, despite the fact that there were 1 149 more births in 2007 than in 2006. The decline in the population recorded in 2006 and 2007 is due fundamentally to the lower birth rate, less so in the latter year for the reasons indicated.

28. Cuba is a heavily urbanized country. At the end of 2007 the population living in human settlements regarded as urban totalled 8 472 393, producing an urbanization rate of 75.4 per cent. There were 2 764 397 rural dwellers (24.6 per cent of the total population).

29. The most heavily urbanized provinces are Ciudad de la Habana, Matanzas and Cienfuegos, which, together with the Special Municipality of Isla de la Juventud, all have rates of over 80 per cent, while the easternmost and Pinar del Río regions have the most rural provinces, none having an urbanization rate of over 70 per cent. Granma is the country's least urbanized province, with a rate of only 58.7 per cent.

30. Ciudad de la Habana is the country's most popular province, with 2 991.2 inhabitants per square kilometre, far ahead of the rest. It is followed in descending order by Santiago de Cuba, La Habana and Holguín provinces, with rates above the national average (102.3 inhabitants per square kilometre). The least densely populated places include in ascending order Isla de la Juventud, Camagüey and Matanzas, all having fewer than 60 inhabitants per square kilometre.

31. At the end of 2007 Cuba had 5 627 349 male and 5 609 441 female inhabitants, representing 50.1 and 49.9 per cent of the total population respectively and giving a gender ratio or index of 1 003 males for every 1 000 females. This figure varies from place to place, in a range of 928 to 1 041. This indicates a relative balance in the composition of the population by sex and guarantees in demographic terms the natural reproduction of the population.

32. This indicator differs between age groups, generally tending upwards (above 1 000) in the first years of life and falling in later years to under 1 000 in the 40-44 age group. This is due to the fact that more males are born than females, although males also have a higher mortality rate, known as male hypermortality. Above the 40-44 age group Cuba has more women than men.

33. Owing to the accelerated rate of demographic change in Cuba, which is similar to that of the developed countries and whose main indicators are described above, for several years now the country has been experiencing ageing of its population.

34. This ageing process is chiefly a consequence of the longer life expectancy and low fertility rates which have been observed, especially since the end of the 1970s, when the gross reproduction rate began to exhibit values of under 1. This situation was maintained: at the end of 2007 the population in the 0-14 age group provided only 17.9 per cent of the total, while persons aged over 60 accounted for 16.6 per cent, representing in absolute terms 1 863 047 inhabitants in that age group. These results mean that the average age of the country's population has risen to 37.4 years and the median age to 37 years.

35. The ageing process, defined as an increase in the proportion of the total population aged 60 or over in relation to the total population, has been becoming more pronounced in recent years. The country has moved from having 11.3 per cent of its population aged 60 or older in 1985 to 16.6 per cent in 2007. The ageing rate has thus increased by 5.3 percentage points in the space of 22 years.

36. In 2008 the infant mortality rate was 4.7 per 1 000 live births (the lowest in Cuba's history), with 26 of the country's municipalities recording zero rates. There are no significant differences in this rate between racial groups - without doubt an expression of the equitable manner in which social policies are implemented. In 2007 the maternal mortality rate was 30.2 per 100 000 live births. The overall fertility rate (children per woman) was 1.43 and the gross reproduction rate (daughters per woman) was 0.69. Life expectancy at birth stands at 77.97 years in Cuba. With regard to this indicator, while in 1959 the gap between whites and blacks was six years more for whites, it has now fallen to one year.

37. Despite the adverse economic circumstances, Cuba achieved an economic growth rate of 4.3 per cent in 2008. Per capita GDP amounted to 4 213 pesos in 2007.

38. These results were produced by a joint effort of the whole country, delivering 2.6 per cent growth in labour productivity and 6.6 per cent in investment, chiefly in branches of decisive importance for production and services, as well as growth in key sectors such as agriculture and livestock, which - despite the problems - reached 1.6 per cent; industrial output rose by 1.2 per cent, with 13 of the 21 branches recording increases; construction rose by 3.3 per cent, transport by 7.4 per cent, communications by 9 per cent, and services by 8 per cent. There was also an increase of 7.2 per cent in exports of goods and services, and tourism recovered, recording growth of 9.3 per cent.

39. The following results had a more direct impact on the people in spite of the current shortages and difficulties: the improvement of the food supply in the areas most seriously affected by the hurricanes which struck the country in 2008 through the provision of 27 000 tons of foodstuffs to 2.5 million inhabitants at a cost of over 26 million dollars, in addition to the sale of food to the whole population, to a value of 66 million dollars, to offset the drop in farm output; the completion of 72 per cent of the electricity network repair programme, including 90 per cent in low-voltage areas, and the reduction of "blackouts" by 13 per cent in comparison with the preceding year; the procurement of 913 new and 248 second-hand buses for the whole country, including the capital, where a daily average of a million passengers are carried; the completion of 31 polyclinics and the repair and capital extension of 272 facilities, and the installation of 41 pieces of sophisticated medical equipment; the extension of higher education to embrace 72.7 per cent of young people in the 18-24 age group; the raising of the minimum social security pensions and social assistance benefits; and the initiation of a programme, although still not a sufficient response, to satisfy the people's needs by means of sales in the national currency.

40. A total of 78 per cent of GDP is spent on personal and social consumption. Personal consumption accounted for 49 per cent of this amount in 2008. The remaining 29 per cent went to meet economic and social needs of all kinds.

## B. General political structure

41. With the triumph of the Revolution on 1 January 1959 the Cuban people achieved true independence and were able to create the conditions for full and universal enjoyment of all human rights. The profound economic, political and social changes undertaken made it possible to do away with the structural injustices inherited from colonial and neocolonial rule in Cuba. The foundations of a democratic, fair, inclusive, equitable and compassionate society were laid, and continuous progress has been made.

42. When the Revolution triumphed, Cuba found itself in a situation of total political and economic dependence on the United States, suffering underdevelopment, corruption, political and administrative fraud, chronic malnutrition, arbitrary arrest, torture, disappearances and extrajudicial executions, illiteracy, neglected and inadequate health services, widespread poverty, discrimination against women, and racism; in short, a situation of absolute denial of individual and collective rights.

43. The Cuban people established by its sovereign will its own political, economic and social system, as prescribed in the 1976 Constitution of the Republic of Cuba. It did so in the light of the failure of successive models and prescriptions imposed by the Powers which had dominated Cuba. It had suffered humiliating experiences: military interventions and constant interference by the United States, the pernicious impact of clearly unequal free trade agreements and the collapse of the so-called liberal bourgeois democracy. Successive United States Governments, with the connivance of the Cuban oligarchy, imposed brutal dictatorships to prevent the Cuban people from exercising their right to self-determination.

44. Before 1959 the prevailing rhetoric and ideology hardly acknowledged the racially mixed identity or the African legacy deeply rooted in the most diverse spheres of the material and spiritual life of the Cuban nation.

45. The shout of liberation from the mother country which went up on 10 December 1868 was accompanied by a gesture of great symbolic significance: on the day when the fight for Cuban independence was launched Carlos Manuel de Céspedes granted his slaves their freedom.

46. Tens of thousands of black and mestizo men and women from differing backgrounds, confined to the lowest level of the colony's social pyramid, fought for three decades to establish an independent fatherland and, at the same time, to find opportunities for self-fulfilment. Cuba was a unique case in the era of inter-racial integration and cooperation in pursuit of the common goal of achieving independence. Twenty-three Cuban negroes and mestizos reached the rank of general in the wars of independence, and Antonio Maceo, one of Cuba's national heroes with the deepest of roots in the people, who served as a general in the three wars and stood as a symbol of immovable principles, was a mulatto.

47. Slavery was abolished in Cuba in 1888. However, this move did not bring with it any improvement in the social status of the former slaves and their descendants. Most of them became poorly paid farm labourers having no access to education or to health services; others joined the ranks of the landless peasantry, migrated to the towns in search of wretched jobs in the ports and in industry or did the heaviest work in construction projects or track-laying for the railways, or tried their hands at lowly trades. Others became permanent beggars.

48. This situation persisted without fundamental change in the first half of the twentieth century, in the shadow of the systems imposed by the neocolonialist Power, the United States of America.

49. The principle of equality first appeared on 1 January 1959 in all spheres of the country's life, being reflected both in the laws and in the policies introduced by the Cuban State in accordance with the fundamental principle that mere juridical formulations are not

enough: abstract concepts must be transformed into concrete rights. This could be brought about only by the profound political, economic, social and cultural changes which the country initiated long ago and which it still maintains, despite the economic difficulties and the adverse effects of external factors.

50. It was at that time, in the context of the changes introduced by the Revolution, including access to education and culture, that it first became possible to speak of the enhancement of the dignity and status of Cubans, regardless the colour of their skin, and the full recognition of the legacy of the principal ethnic components of the Cuban nation.

51. That moment marked the start of a profound and continuing process of political, social and economic change deeply rooted in anti-racist and liberating principles and designed to lay the foundations for the universal reign of equality and social justice and for stronger popular participation by all Cubans, without any distinctions based on skin colour. This process was invested with legal protection by the creation of a constitutional and legal framework guaranteeing the full equality of all citizens.

52. In spite of obstacles and difficulties of every kind, the Revolution continues to work to achieve comprehensive social justice, to eliminate racial barriers and prejudices, and to legitimize the rich, varied and decisive contribution of the diverse origins of Cuban culture.

53. As early as 22 March 1959 Fidel Castro addressed the subject of racial discrimination in a public speech, placing the problem among the priorities of the Revolutionary cause.

54. The year 1959 itself saw the adoption of laws designed to destroy the old class system and gradually to achieve the economic and social well-being and empowerment of the traditionally exploited and excluded sectors - all of which, for obvious reasons, had a real and positive impact on the lives of most of the non-white population and various disadvantaged groups such as Chinese, Haitians and Jamaicans.

55. The Agrarian Reform Act promulgated on 17 May 1959 challenged in its basic principles the existence of the large estates and the monopolistic control of the land by United States companies, with a view to granting land ownership to sharecroppers, tenants and seasonal labourers. This Act opened up sources of decent work on the new State farms which were established and in the embryonic agricultural cooperatives.

56. The nationalization of the sugar mills, the power industry, the telephone system, banking and mining dismantled systems of access to jobs dominated by social and racial discrimination.

57. In the following months the exclusive beaches of the bourgeoisie were opened to the whole people. For the first time people were admitted freely, irrespective of their skin colour or socio-economic status.

58. The National Literacy Campaign launched in 1961 freed the whole country from the social evil of illiteracy affecting disadvantaged groups. Tens of thousands of black and racially mixed citizens, together with tens of thousands of poor whites in the countryside and the towns, learned to read and write.

59. This action was backed up by the lowering of rents by a decree approved by the Council of Ministers on 10 March 1959 and the adoption of a series of housing measures on the basis of the Urban Reform Act approved on 14 October 1960. The Government devised a policy of full employment and brought in measures to reduce the social and racial inequalities.

60. Cuba's democratic system is based on the principle of "government of the people, by the people and for the people". The Cuban people participates in the exercise and active control of the process of government through its political and civic institutions within the framework of its laws.

61. As established in the Constitution, Cuba is an independent and sovereign socialist workers' State, organized with the involvement of all and for the good of all as a united and democratic republic, for the enjoyment of political freedom, social justice, individual and collective well-being and human solidarity.
62. Sovereignty is vested in the people, from whom all the power of the State originates. This power is exercised directly or through the assemblies of people's power and other State bodies that derive their authority from these assemblies.
63. The Cuban political system is the expression of the will of its people. It is a truly Cuban undertaking, based on its rich history of struggle for equality and solidarity between men and women, for independence, sovereignty, non-discrimination, unity, participation, people's power and social justice.
64. In 1976 the Constitution of the Republic of Cuba was approved in a general referendum with a turnout of 98 per cent of all voters, 97.7 per cent of them voting in favour. This made it possible to consolidate Cuba's institutional framework with the creation, among other things, of the organs of people's power.
65. In 1992 a reform of the Constitution and of the Cuban electoral system consolidated the system's democratic foundations and made possible, among other things, the direct election of deputies to the National Assembly of People's Power and of delegates to the provincial assemblies by direct and secret ballot. The high turnout in elections testifies to Cubans' overwhelming support for their political system. The Constitution was again amended in 2002, by the votes of more than 8 million Cubans, thereby reaffirming, by the will of the overwhelming majority of the people, the socialist nature of the Cuban Revolution.
66. The Cuban State is made up of legislative, executive, administrative, judicial, fiscal, oversight and defence bodies. Each group of bodies has a specific function in the power structure.
67. The National Assembly of People's Power, a single-chamber representative body, is the supreme organ of State power. It represents and expresses the sovereign will of all the people, in accordance with article 69 of the Constitution. It is the only body in Cuba with constituent and legislative power.
68. Article 89 of the Constitution provides that the Council of State is the National Assembly body which represents the Assembly in the period between sessions. It executes the Assembly's resolutions and performs the other duties assigned by the Constitution. It represents the Cuban State at the highest national and international levels.
69. The Council of Ministers is the supreme executive and administrative organ and constitutes the Government of the Republic.
70. The National Defence Council is constituted and prepared during peacetime to lead the country during hostilities or wars, a general mobilization or a state of emergency. The law regulates its organization and activities in accordance with article 101 of the Constitution.
71. The function of administering justice derives from the people and is performed on the people's behalf by the People's Supreme Court and the other courts established by law.
72. The Office of the Attorney-General of the Republic is an organ of the State invested with the primary responsibilities of supervising and upholding the rule of law and instituting criminal proceedings on behalf of the State.
73. The provincial and municipal assemblies of people's power in the country's political-administrative divisions are the supreme local organs of State power and are accordingly invested with supreme authority to perform the functions of the State in their

respective jurisdictions. There are 169 municipal assemblies, with a total of 15 236 delegates, most of whom are not professionals and all of whom are elected by majority vote for a term of two and a half years.

74. The organs of people's power are not the sole expression of democracy in Cuban society. Other forms of direct democracy are encouraged, as well as a participatory culture, which includes grass-roots and mass organizations representing the plurality of Cuban society. Important decisions are taken only when the broadest social consensus has been reached.

75. The Cuban State recognizes and encourages the grass-roots and mass organizations which have emerged from the historic struggles of its people and which bring together various sectors of the population, represent their specific interests and involve them in the tasks of building, consolidating and defending society.

### **C. General legislative framework for protecting human rights**

76. Cuba has a large and effective inter-institutional system, in which grass-roots and mass organizations participate, for receiving, processing and responding to any complaint or petition from an individual or group concerning the enjoyment of any human right.

77. Under article 63 of the Constitution any citizen has the right to submit complaints or petitions to the authorities and to receive an appropriate response within an appropriate time limit, in accordance with the law. A more detailed account of the arrangements for the protection of civil rights in Cuba will be found in the chapter on article 6 of the Convention.

### **D. Factors affecting the implementation of the Convention**

#### **1. Policy of hostility, blockade and aggression pursued by successive United States Governments**

78. The United States economic, trade and financial embargo constitutes an act of genocide under article II, paragraph (c), of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and an act of economic warfare according to the London Naval Conference of 1909. This economic warfare has been a constant feature of the policy pursued by the United States against Cuba for nearly 50 years. Its purpose, as stated in April 1960, has been "to bring about hunger, desperation and the overthrow of the Government" of Cuba.

79. Two of the most notorious and most widely reviled features of the blockade are the so-called Torricelli Act (1992) and Helms-Burton Act (1996). Their provisions are contrary to the Charter of the United Nations and violate international law. The direct economic damage inflicted on the Cuban people by the United States economic, commercial and financial blockade, from the time when it was imposed virtually 50 years ago until May 2008, amounts to more than \$93 billion. Taking into account the devaluation of the dollar and the fluctuations in its value over time, this is equivalent at current rates to \$224.6 billion.

80. Hostility towards Cuba escalated to unprecedented levels during the two terms of George W. Bush's administration. The May 2004 report of the so-called Commission for Assistance to a Free Cuba and its July 2006 addendum, which includes a secret chapter on aggressive action, expose the intention of the authorities in Washington: to impose "regime change" against the will of the Cuban people, not excluding the use of military force to that end.

## **2. The impact of the weather**

81. Cuba has always suffered the ravages of hurricanes and tropical storms to one extent or another. The combined effect of recent hurricanes Gustav, Ike and Paloma as they swept across virtually the whole of Cuba's territory was without doubt the most devastating in the history of these phenomena in terms of the amount of damage caused.

82. The civil defence system established by Decree-Law No. 170 of May 1970 and the action taken by the local civil defence units prevented a worse disaster and helped to limit the destruction, but the damage was extensive. The hurricane damage was estimated at around \$9.7 billion, equivalent to 20 per cent of Cuba's GDP. However, only seven human lives were lost.

## **3. The human rights campaign against Cuba in the United Nations.**

83. Cuba's undeserved condemnation over a period of years by the defunct Commission on Human Rights (1990-2005) and the Third Committee of the General Assembly (1992-1997) was an essential component of the anti-Cuba policy of successive United States Governments. Its purpose was to create a pretext for continuing and intensifying the policy of hostility, blockade and aggression against the Cuban nation.

84. The Human Rights Council's decision to discontinue the mandate of the so-called Personal Representative of the High Commissioner for Human Rights on the situation of human rights in Cuba was a historic act of justice. It was an acknowledgement of the illegal and discriminatory nature of 20 years of campaigning against Cuba.

# **II. Information on articles 2 to 7 of the Convention**

## **A. Article 2**

85. One of the finest and worthiest undertakings of the Cuban Revolution has been to promote and protect all human rights for all the people, a task deriving from the very essence of the revolutionary struggle against injustice and inequality, the exploitation of man by man, discrimination, and the violation of the rights of working people.

86. The Cuban State has maintained a consistent attitude of condemning all forms of racial discrimination, as is evident in its legislation and its plans, as well as in the international commitments which it undertakes; this attitude has been expounded in all the reports submitted since 1974.

87. Cuba's current legislation condemns and penalizes any act of racial discrimination committed against individuals, groups or institutions.

88. Cuba condemns racial discrimination and pursues a policy of eliminating every manifestation of this scourge. This policy has constitutional status under chapter I (Political, social and economic foundations of the State), chapter VI (Equality), and chapter VII (Fundamental rights, duties and guarantees) of the Constitution.

89. Chapter VI, article 41, of the Constitution provides that all citizens have equal rights and the same duties. Article 42 prohibits and establishes punishment by law for any discrimination based on race, skin colour, sex, national origin, religious beliefs, and for any other discrimination detrimental to human dignity. It also stipulates that the institutions of the State shall teach everyone, from earliest childhood, the principle of the equality of human beings.

90. Article 43 sets out the right of all citizens, won by the Revolution, irrespective of race, skin colour, religious beliefs, or national origin and without any discrimination detrimental to human dignity:

- (a) To enjoy access, in accordance with their merits and abilities, to all posts and positions in the State, the Public Administration, production, and the provision of services;
- (b) To rise to any rank in the Armed Forces of the Revolution or the security and law-enforcement services, in accordance with their merits and abilities;
- (c) To receive equal remuneration for equal work;
- (d) To enjoy access to education in any of the country's teaching institutions, from the primary to the university level, on the basis of equality for all students;
- (e) To enjoy access to treatment in all the health institutions;
- (f) To reside in any urban area, district or neighbourhood and to stay in any hotel;
- (g) To be served in all restaurants and all other public-service establishments;
- (h) To use, without segregation, means of sea, rail, air and road transport;
- (i) To use the same seaside resorts, beaches, parks, social clubs and other cultural, sporting, recreational and leisure facilities.

91. The 1992 reform of the Constitution included the insertion of new chapter III, on aliens, article 34 of which provides that all aliens resident in the national territory shall be treated as equal to Cubans with regard inter alia to the protection of their persons and property and the enjoyment of the rights and performance of the duties established in the Constitution, subject to the conditions and limits fixed by law, and to the obligation to abide by the Constitution and the law.

92. Pursuant to article 42 of the Constitution, one of the objectives of Cuba's Penal Code (Act No. 62 of 29 December 1978) is to protect society and its members and the social, economic and political order and the State system and to promote the full exercise of the rights and performance of the duties of citizens. This is the context of article 295 of the Code, which establishes the offence of infringement of the right to equality and prescribes the imposition of a sentence of deprivation of liberty for six months to two years or a fine of 200 to 500 accounting units (*cuotas*), or both, on any one who discriminates against another person or encourages or incites discrimination, either by statements or actions offensive to that person's sex, race, colour or national origin, or by obstructing or preventing that person, in the same respects, from exercising and enjoying the equality of rights established in the Constitution. The same penalties are prescribed for anyone who disseminates ideas based on racial superiority or hatred or who commits acts of violence or incites the commission of such acts against any racial group or group of persons of a different colour or ethnic origin.

93. Article 12 (b) of the Constitution states that the Republic of Cuba shall base its international relations on the principles of the equality of rights and independence of States, international cooperation for common and equitable advantage, the peaceful settlement of disputes on the basis of equality, and respect for the other principles proclaimed in the Charter of the United Nations and in other international treaties to which Cuba is a party.

94. Article 13 of the Constitution allows the possibility of "granting asylum to persons persecuted for pursuing their ideals or struggling for their democratic rights, against discrimination and racism, for national liberation, for the rights and claims of workers, peasants and students, for their progressive political, scientific or literary aspirations, and for socialism and peace", thus demonstrating the Cuban State's condemnation of the practice of discrimination in any part of the world.

95. All agencies of the State and their leaders, officials and employees operate within the bounds of their respective terms of reference and have an obligation to comply strictly with socialist legality and ensure that it is respected throughout society. In particular, the Office of the Attorney-General of the Republic, as an organizational unit subordinate only

to the National Assembly of People's Power and the Council of State, performs the basic functions of monitoring and upholding the rule of law by ensuring strict compliance with the Constitution, laws and other legal prescriptions by the agencies of the State, economic and social entities, and the citizenry, as well as instituting and conducting public criminal proceedings on behalf of the State, in accordance with article 127 of the Constitution.

96. In the light of the rights, duties and guarantees established in the Constitution, article 38 of the Civil Code (Act No. 79 of 16 July 1987) provides that any violation of the inherent rights of the individual enshrined in the Constitution which may affect the property or honour of persons possessing these rights entitles such persons or their legal successors to demand:

- (a) The immediate cessation of the violation and, where possible, the elimination of its effects;
- (b) A retraction by the offending party;
- (c) Compensation for any damage or injury caused.

97. It must also be pointed out that legal instruments of great social importance such as the Family Code and the Children's and Young People's Code base their standards and regulations on equality, a criterion found throughout Cuba's domestic legislation. There is other important legislation which discourages and prevents racial discrimination: the Associations Act (Act No. 54 of 27 December 1985); the Civil Code (Act No. 59 of 16 July 1987); the Labour Code (Act No. 49 of 28 December 1984); the Environment Act (Act No. 81); the Copyright Act (Act No. 14 of 1977); the Public Health Act (Act No. 41); the new Social Security Act (December 2008); the Family Code (Act No. 1289 of 1975); the Children's and Young People's Code (Act No. 16 of 1978); the General Housing Act (Act No. 65); the Civil, Administrative, Labour and Economic Procedure Act (Act. No. 7 of 1977, amended by Decree-Law No. 241 of 26 September 2006); and the Criminal Procedure Act (Act No. 5 of 1977). These instruments and other legislation supplement and establish safeguards of the exercise of all human rights in Cuba. The international treaties signed on behalf of the Cuban State or its Government also form part of the country's legal order. Cuba has signed and/or ratified the principal legally binding international human rights instruments.

98. The Cuban State has always pursued a governmental policy of ensuring effective exercise of all human rights by all the people. For example, it has established the material conditions and the human capital for providing quality education for all and universal free access to all levels of education, regardless of the sex, colour, family income, religion, opinions or political ideology of the pupil or the members of his or her family.

99. Every Cuban is guaranteed access to quality free health services. The arts and sciences are encouraged in all their manifestations. The freedom of artistic and literary creation is recognized as a cultural right.

100. The right to work has constitutional status; it is promoted at all levels and is regulated by strict application of important principles of worker dignity and protection. Millions of Cubans are covered by an extensive and humane system of social security and welfare.

101. Access to sports and physical education is guaranteed as a right of all citizens and constitutes a further human rights achievement of the Cuban Revolution. Many of Cuba's Olympic and world champions, models for young people and a source of national pride, are black or of mixed race.

102. Policies and programmes have been introduced to advance the independence and the economic, social and political status of women, including the establishment of the objective bases for women to participate in society on equal terms with men and to achieve sustainable development in all areas of life.

103. As part of its commitment to the new generations the Cuban State has established a policy approach and ambitious programmes for children and young people which work to the great advantage of this population group, making it one of the principal beneficiaries of the profound changes brought about in Cuban society over the past 50 years.

104. The Cuban Revolution did away with the prison regime inherited from the Batista tyranny and has built up a system which is profoundly humane and non-discriminatory, being based on respect for and strict application of laws and regulations and on compliance with the 95 clauses of the Standard Minimum Rules for the Treatment of Prisoners. It is inspired by the principle of re-educating and rehabilitating every inmate to rejoin society.

105. Through the Battle of Ideas initiated in 1999 Cuba has created an abundance of possibilities and opportunities for all its citizens, without distinction as to age, physical or mental characteristics, sex, or political beliefs. Many programmes have been introduced to attend to the needs and solve the problems of traditionally disadvantaged people.

## **B. Article 3**

106. The Cuban State condemns and prohibits racial segregation and apartheid and it conducts its domestic policies and international activities in accordance with this position.

107. Chapter III of the Penal Code, entitled "Offences against international law and peace", penalizes genocide and apartheid.

108. Article 116 of the Code regulates the crime of genocide, imposing penalties on anyone who, with the intention of partially or totally destroying as such a national, ethnic, racial or religious group:

- (a) Imposes on such a group conditions of existence which threaten to exterminate the group or some of its members;
- (b) Takes action to prevent or obstruct births to members of such a group;
- (c) Forcibly transfers children from one such group to another group;
- (d) Causes the death or seriously impairs the physical or mental integrity of members of such a group.

109. Article 116, paragraph 2, imposes penalties on anyone who, in contravention of the rules of international law, bombs or machine-guns defenceless civilians or commits other atrocities against them.

110. Article 120 of the Code addresses the crime of apartheid, imposing penalties on anyone who, with the intention of establishing or maintaining the dominance of one racial group over another and in pursuit of policies of extermination, segregation or racial discrimination:

- (a) Denies members of a group the right to life and liberty by causing their death, seriously infringing their physical or mental integrity, liberty or dignity, or subjecting them to torture or cruel, inhuman or degrading treatment, arbitrary arrest or unlawful imprisonment;
- (b) Subjects a group to legislative or other measures designed to obstruct its participation in the country's political, social, economic or cultural life and intentionally to create impediments to its full development by denying its members fundamental rights or freedoms;
- (c) Divides the population according to racial criteria, setting up reservations or ghettos, prohibiting marriage between members of different racial groups, or expropriating their property;

(d) Exploits the labour of members of a group, in particular by subjecting them to forced labour.

111. Paragraph 2 of this article also specifies penalties when the offence consists of any form of persecution or harassment of organizations or persons who oppose or combat apartheid.

112. Paragraph 3 stipulates that liability for the offences covered by paragraphs 1 and 2, irrespective of the country where the guilty parties act or reside and whatever their motive, may be assigned to individuals, members of organizations and institutions, and representatives of the State.

113. The Cuban State has carried out programmes to promote equity, equality and justice for all its citizens. Other programmes have been specifically designed to promote social integration and development of the potential of historically disadvantaged social groups.

114. Furthermore, Cuba is a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, to which it acceded on 13 February 1977, and the Convention on the Elimination of All Forms of Discrimination against Women, ratified on 17 July 1980. It is also a party to the International Convention against Apartheid in Sports and the Convention on the Rights of the Child. The latter instrument provides inter alia that children's rights must be respected regardless of race, colour or national origin.<sup>2</sup>

115. Cuba has always taken and continues to take an active part in international forums such as the defunct Commission on Human Rights, the present Human Rights Council, and the Economic and Social Council and the General Assembly of the United Nations, where it has condemned racism, xenophobia and racial discrimination, including new forms of such discrimination such as the intolerance of migrants found in various countries, and where it has criticized the use of the communication media and information technology for purposes of racist propaganda.

116. On many occasions Cuba has denounced the failure of many of the Governments of developed countries to demonstrate the political will to promote effective measures to eradicate these scourges. It has argued that the eradication of the root causes of racism and discrimination and the increasing xenophobia requires the immediate establishment of a new national and international economic order based on equity, international solidarity and social justice and the implementation of cooperation programmes to help the peoples, minorities, ethnic groups, races, migrant workers and other vulnerable groups subjected to any form of discrimination.

117. Cuba participated actively in the convening and the preparatory process of the Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001, as well as in the conference itself.

118. It also took part in the Regional Conference of the Americas, held in Brasilia in July 2006, on progress and challenges with regard to the Programme of Action adopted at the Durban Conference, as well as in the Regional Conference for Latin America and the Caribbean held in Brasilia in June 2008 to prepare for the Durban Review Conference.

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<sup>2</sup> Cuba is also a party to many other international human rights instruments, including: the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the Optional Protocol to the Convention on the Rights of the Child on the participation of children in armed conflict; the UNESCO Convention against Discrimination in Education; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. In February 2008 Cuba signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

119. It should be pointed out with regard to the Durban Review Conference that, in addition to taking an active part in the discussion of the various items on the agenda of the Preparatory Committee, Cuba was elected a member of the Bureau, as Vice-Chairman/Rapporteur.

120. Furthermore, the contribution of hundreds of thousands of Cubans to the provision of brotherly and internationalist assistance to the People's Republic of Angola, from 1975 to 1991, to safeguard that country's territorial integrity against the expansionism of the racist apartheid regime of South Africa in power at that time helped to strengthen even further the anti-racist feelings of the Cuban people.

121. Governments, peoples and organizations in several African countries have acknowledged that the Cuban/Angolan victory made a decisive contribution to the independence of Namibia and the disappearance of the apartheid regime in South Africa.

122. At the same time, despite the financial difficulties and resource constraints resulting from its situation as a developing country subjected to a tight blockade by the United States and an unjust international economic order, Cuba has made a modest contribution in support of the cause of the human rights of other peoples, including African peoples, in such areas as health, education, culture and sports. The Cuban people's attitude to the provision of this kind of support is based not on the principle of giving what they do not need but on the principle of sharing what they have.

123. From 1963 until 31 May 2008 Cuban cooperation abroad involved more than 341 000 civilian workers in 154 countries, including more than 126 000 health experts and technicians in 104 countries. At present, more than 51 000 Cuban experts and technicians are providing their services in 97 countries, including more than 38 000 in the health sector in 73 countries.

124. Operation Miracle, an eye-operation solidarity programme, helped to restore the sight of more than 1.4 million patients from 33 countries between July 2004 and 15 January 2009.

125. In education, methods developed by Cuban experts, such as "*Yo si puedo*" ("Sure I can") and "*Yo si puedo seguir*" ("I can go further"), have proved of great value in teaching millions of people to read and write, notably indigenous and Afro-descendant people and rural women. As at 14 October, more than 3.6 million people in 24 countries have learned to read and write by these methods. More than 31 000 young people from 125 countries and four overseas territories are studying in Cuba; nearly 24 000 of them are studying medicine.

126. Between 1961 and the 2007/08 academic year, over 52 000 young people from 132 countries and five overseas territories graduated from Cuban universities, including more than 34 000 Africans.

127. On 19 September 2005 the Henry Reeve International Contingent was created to provide emergency medical assistance to countries hit by natural disasters. More than 4 000 workers have been involved in its operations since then: 687 in Guatemala, 2 564 in Pakistan, 602 in Bolivia, 135 in Indonesia, 54 in Mexico, 79 in Peru and 35 in China. They have provided medical assistance to more than 3 million victims, carried out more than 19 000 surgical operations and saved 468 000 human lives.

### **C. Article 4**

128. All propaganda and organizations which are based on ideas or theories of the superiority of one race or one group of persons of one colour or ethnic origin or which attempt to justify or promote racial hatred and racial discrimination in any form are condemned and punishable under Cuban legislation.

129. Article 295 of the Criminal Code, mentioned above, states:

“Any one who discriminates against another person or encourages or incites discrimination, either by statements or actions offensive to that person’s sex, race, colour or national origin, or by obstructing or preventing that person, in the same respects, from exercising and enjoying the equality of rights established in the Constitution shall be liable to a sentence of deprivation of liberty for six months to two years or a fine of 200 to 500 accounting units (*cuotas*).”

130. Paragraph 2 states: “Anyone who disseminates ideas based on racial superiority or hatred or who commits acts of violence or incites the commission of such acts against any racial group or group of persons of a different colour or ethnic origin shall be liable to the same penalties”.

131. The Associations Act (Act No. 54 of 27 December 1985), which regulates the exercise of the right of association accorded to all citizens by the Constitution, prohibits the formation of racist or segregationist associations. It does allow the formation of associations which help to foster in Cuba the study, dissemination and preservation of the history, culture and art of different nationality groups and friendship, solidarity and equality among human beings. Associations based on these principles created by nationals of other States or their descendants exemplify Cuba’s opposition to all forms of discrimination and its promotion of equality among human beings.

132. The promotion of or incitement to racial discrimination is prohibited by Cuban legislation, including legislation applicable to national public institutions, and violation of this prohibition is punishable by law, as prescribed in article 295 of the Criminal Code.

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

133. The Cuban State prohibits racial discrimination in all its forms, in accordance with the provisions of article 2 of the Convention, and guarantees the right of everyone, without distinction as to race, colour or national or ethnic origin, to equality before the law, notably in the enjoyment of their rights.

134. Cuba applies the provisions of article 5 of the Convention. The foundations of the country’s institutional development and the comprehensive development of its people include the principles of condemning of any kind of discrimination and promoting equality in the various areas of the country’s political, social and economic life. This includes improving the people’s knowledge of the law and encouraging its active participation in legislative procedures at various levels.

135. The function of the Office of the Attorney-General is to guarantee legality in order to protect the legal order and in particular the rights and freedoms of citizens. The Office is an organic unit subordinate only to the National Assembly of People’s Power and the Council of State.

136. Article 7 of the Office of the Attorney-General Act (Act No. 83) sets the Office the following objectives:

- (a) Re-establishing legality when it has been undermined by regulations or decisions inconsistent with the Constitution or the law or by their improper application;
- (b) Seeking to punish persons who attack the independence and sovereignty of the State or its political, economic or social interests;
- (c) Protecting citizens in the legitimate exercise of their rights and pursuit of their interests;
- (d) Safeguarding the rights and interests of the organs, institutions and agencies of the State and of economic and social entities;

(e) Combating any manifestation of abuse of power or corruption;

(f) Helping to prevent crime and other antisocial activities by strengthening social discipline and educating the people in conscientious observance of the law.

137. Article 8 of the Act defines the Office's functions, which include:

(a) Ensuring compliance with the Constitution, laws and other legislation by State bodies, economic and social entities, and the people;

(b) Taking action against violations of the rights embodied in the Constitution and the guarantees established by law and against infringements of legality in the acts and decisions of organs of the State and their dependent units, the agencies of local authorities and other economic and social entities and demanding correction of the offences;

(c) Dealing with citizens' allegations of violation of their rights;

(d) Verifying observance of the constitutional and procedural safeguards during the investigation of reports and other information about offences or indications of danger and ensuring legality in the conduct of legal proceedings, in accordance with the law;

(e) Instituting and conducting public criminal proceedings as representative of the State.

138. The Office of the Attorney-General has the following operational structure: the central Office and 14 provincial and 169 municipal offices, plus a special municipal office located in the Special Municipality of Isla de la Juventud. This structure ensures that the whole population can rely on the State to take action against violations of their rights.

139. Article 19 of Act No. 83 provides that the leaders, officials, employees and members of State and economic or social entities and the public at large have a duty to cooperate with the organs of the Office of the Attorney-General, support them in their work, and comply with their requirements.

140. One of the Office's functions is to adopt resolutions in which the Attorney-General orders the restoration of legality when it has been infringed. They are legally binding on the organ, authority or official to whom they are addressed, and these bodies or officials have a time limit of 20 days in which to notify the Office of the action taken, in accordance with article 21, paragraph 1, of Act No. 83.

141. The Act contains a chapter on the protection of the rights of citizens. Article 24 provides that the Office shall process and investigate, and respond within a time limit of 60 days, to the reports, complaints and claims submitted by citizens in accordance with the legal procedures.

142. If in the performance of these functions the Office determines that a citizen's rights have been violated, it has to issue a resolution ordering the restoration of legality.

143. Furthermore, if it is decided that the report, complaint or claim is inadmissible or lacks sufficient merit, the Office must provide the applicant with a written or oral explanation of the reasons for this decision and place any written explanation on record.

144. Article 24, paragraph 4, provides that, if the applicant is dissatisfied with the handling of the case or the reply received, he or she may apply to the immediately superior official or directly to the Attorney-General, within a time limit of 30 days from receipt of the reply, with an explanation of the reasons for dissatisfaction, with a view to re-examination of the case and provision of a proper reply.

145. Article 109 of the Criminal Procedure Act (Act No. 5) provides that the Attorney-General, being responsible for ensuring the rule of law, shall guarantee respect for the dignity of citizens and shall in no case unlawfully restrict a citizen's rights.

146. Every year more than 70,000 citizens apply to the Office of the Attorney-General or to one of its provincial or municipal units. In some cases the applicants are seeking advice: if an applicant does not know which procedure to follow, he or she is referred, as appropriate, to a legal body, an administrative procedure or a body dealing with matters of housing, employment, etc., or informed that the available remedies have been exhausted. In other cases the applications relate to complaints or claims of violation of the law or alleged infringement of rights by some institution or other.

147. More than 12,000 cases in the latter category are processed every year (none of them alleging racial discrimination); most of them relate to irregularities committed by municipal housing authorities, in particular the tardy processing of cases, legally incorrect replies, or failure to comply with final decisions or sentences. Some applications (fewer in number) relate to employment issues, in particular the malfunctioning of the labour justice bodies. According to the statistics reported by the Office, about 27 per cent of the applications alleging violation of the law are justified.

148. The commonest applications are systematically monitored by a team of experts in the Office, with a view to determining their causes and taking measures to reduce their number; all of this information is reported to the highest authorities of the Cuban Party and State at periodic meetings attended by representatives of the country's various institutions.

149. In addition to the important immediate benefit of restoring legality in any situation, this process has the advantage of gradually establishing among the people a culture of legality based primarily on respect for the law and performance of duties and exercise of rights by every citizen, as enjoined by the Constitution.

150. The Office also performs the function of legal representation of the general State administration in the courts in cases in which it is required to act as a party in defence of the public interest; it also performs this function in cases involving juveniles, persons with disabilities and absent persons until such time as such persons are provided with guardians or when they have guardians but a conflict of interest is involved.

151. It also supervises the services provided in refuges for minors lacking parental protection or suffering some social disadvantage, in order to determine the legal situation of such minors or minors who have behavioural problems or have committed offences under the law. The Office institutes the necessary procedures to ensure that these children are promptly reintegrated in society.

152. Articles 58 and 59 of the Constitution guarantee the personal liberty and integrity of everyone living in the national territory of the Republic of Cuba: no one may be tried or convicted except by a competent court in accordance with legislation adopted prior to the commission of the offence and with the requirements and guarantees established by law. The Constitution provides that every accused person is entitled to defence counsel and it prohibits the use of violence or coercion in any form in order to obtain statements from detainees. Any information obtained in violation of this principle is null, and the responsible parties are punishable by law.

#### **1. The right to equal treatment before the tribunals and all other organs administering justice**

153. The right to equal treatment in the courts and all other organs administering justice is enshrined in the Constitution, which provides a legal guarantee of the right of all citizens to equality of opportunities in access to State institutions, including institutions of the administration of justice. This entitlement to access to the justice system is consistent with the rules of international law.

154. The equality of the parties in legal proceedings and the equality of persons before the law exclude all forms of discrimination.

155. The substantive and procedural rules contained in the Constitution establish the following principles:

- (a) No one may be arrested except in the circumstances and in accordance with the procedures and guarantees prescribed by law;
- (b) The personal integrity of persons under arrest or detention is inviolable;
- (c) No one may be tried or convicted except by a competent court in accordance with laws adopted prior to the commission of the offence and with the procedures and safeguards established by such laws;
- (d) All accused persons are entitled to defence counsel;
- (e) No one may be subjected to any form of violence or coercion in order to obtain a statement;
- (f) Any statement obtained in violation of this principle is null, and the responsible parties are liable to the penalties set by law.

156. The general provisions of the Criminal Procedure Act mentioned earlier state that criminal justice is dispensed on behalf of the people and that no penalty may be imposed except in conformity with the legislation in force and with the rulings of the competent courts. They also state that officials acting in legal proceedings are required, within their respective terms of reference, to keep records of the proceedings, to take account in their decisions of the circumstances working for and against the accused, and to inform accused persons about their rights. All accused persons are deemed to be innocent until found guilty. All offences must be proved independently of the testimony of the accused or his or her spouse and family members.

157. Both the Office of the Attorney-General of the Republic and the People's Supreme Court provide degree and post-graduate training courses for judges and prosecutors. These courses provide officials of the justice system with a much more comprehensive professional training.

**2. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution**

158. Article 133 of the Penal Code penalizes abuse of authority by public officials who, seeking to harm someone or obtain an unlawful benefit, perform their duties in manner clearly contrary to the law or arbitrarily exceed the limits of their authority.

159. Penalties are also prescribed for judicial or administrative personnel who fail to act on a final decision or order handed down by a competent court or authority in accordance with due legal procedure (the offence of non-conformity (*desobediencia*)), who knowingly hand down unlawful decisions in cases brought before them in the course of their official duties, who maliciously delay the handling or resolution of a case or fail or refuse without good reason to perform a duty or act inherent in their functions, who in the course of their duties deliberately fail to prosecute or punish an offender, or who prosecute a person known to them to be innocent. Sanctions are also stipulated for judges who knowingly vote in favour of an unlawful conviction or decision (the offence of perversion of the course of justice (*prevaricación*)).

160. Article 142, paragraph 1, penalizes the offence of coercion (*atentado*), i.e. the use of violence or intimidation against an authority or a public official, or their agents and assistants, in order to prevent them from performing an act inherent in their functions or to persuade them to commit such an act, or the use of violence or intimidation in revenge or as a reprisal for performing such an act.

161. Paragraph 2 goes on to prescribe the penalties when violence or intimidation is used for the same purposes against a person who has contributed, as a witness or in any other manner, to the enforcement of general laws and legislation, or when violence or intimidation is used in revenge or as a reprisal against such person's family members.

162. Criminal liability is also incurred when violence or intimidation is used in revenge or as a reprisal against members of the families of the persons mentioned in the two preceding paragraphs.

163. Title VIII of the Penal Code addresses offences against a person's life or physical integrity. It penalizes inter alia the offences of homicide, murder, discharge of firearms at a specific person, assisting suicide, illegal abortion, and bodily injury.

**3. Political rights, in particular the rights to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct public affairs at any level and to have equal access to public service**

164. Chapter VII of the Constitution, entitled "Fundamental rights, duties and guarantees", sets out the main principles and guarantees of human rights and fundamental freedoms, which are consistent with the rights enunciated in the Universal Declaration of Human Rights and the other international human rights instruments. These principles and safeguards are developed further in other chapters of the Constitution itself and in the rules of ordinary law.

165. Chapter XIV of the Constitution (Electoral system) protects the right of all citizens possessing the necessary legal capacity to take part in the management of the State, either directly or through their representatives elected to the organs of people's power, and to participate in periodic elections and referendums of the people, which must be conducted by free, equal and secret ballot (art. 131).

166. Article 132 of the Constitution accords the right to vote to all Cuban men and women aged 18 years or older, except for persons with mental disorders whose legal disability has been declared by a court and persons declared legally disabled for committing a crime.

167. Cuban men and women who have full exercise of their political rights are also entitled to stand for election. Candidates for election to the National Assembly of People's Power must be at least 18 years old.

168. Members of the Revolutionary Armed Forces and other armed bodies have the right to elect and to stand for election on the same terms as other citizens.

169. These principles are also set out in the Elections Act (Act. No. 72). Article 3 of the Act provides that elections shall be conducted by free, equal and secret ballot and that each elector is entitled to a single vote.

170. The Electoral Roll is in the public domain; all citizens without exception who are aged over 16 and possess the right to vote are registered automatically and free of charge.

171. Candidates are nominated directly at meetings of the electorate. There are no discriminatory, lucrative and costly election campaigns.

172. The membership of Parliament is representative of all the different social groups. One deputy is elected for every 20,000 inhabitants or for a smaller constituency of at least 10 000. All the municipal territories are represented in the National Assembly. At least 50 per cent of the deputies must be constituency representatives and live within their constituencies.

173. The 614 deputies in the present National Assembly include representatives of all sectors: 35.67 per cent of them are black or mestizo; over 28 per cent are manual workers, peasants or persons employed in services or the education and health systems; 266 (43.32 per cent of the total) are women; 118 are in the 18-40 age group; and over 56 per cent were born since the triumph of the Revolution. The deputies' average age is 49; and 99.02 per cent of them have upper secondary or higher education qualifications.

174. The electorate is deeply involved in the election process. A total of 8 231 365 citizens (96.89 per cent of registered voters) took part in the election of deputies to the National Assembly in 2008.

175. The laws, institutions and functions of the Cuban State are based on the exercise of power by the vast masses of workers, intellectuals, professionals and artists. The establishment of a legal and constitutional framework guaranteeing the full equality of all citizens, regardless of their race or skin colour, in all spheres of the country's life has made it possible for them all to be broadly involved in the exercise of power.

176. Substantial progress has been made with regard to gender equality. Women enjoy the same rights and opportunities as men. There is a legal framework for the protection and promotion of all their rights, including their sexual and reproductive rights. The Government has demonstrated its political will and commitment to the advancement of women. One example is the National Action Plan for Follow-up of the Beijing Fourth World Conference on Women, the implementation of which is evaluated regularly. The Plan guarantees gender mainstreaming in policies and programmes. The Federation of Cuban Women (FMC) is the national mechanism for the advancement of women. This organization, which has a membership of 4.1 million women, also works to ensure that young, black and mestizo women enjoy equality of opportunities and options in all areas of the country's life. More than 45 per cent of its senior officials are black or mestizo.

177. In terms of employment, women account for 46.23 per cent of the workforce in the civil State sector. Women hold 38.26 per cent of all managerial positions and 66 per cent of jobs in the occupational category of technicians and professionals in this sector. Women increased their representation from 16 per cent to 25.8 per cent in the Council of State elected in 2008. Women also provide 71 per cent of the country's prosecutors, 71.4 per cent of the presidents of the provincial courts, 60.3 per cent of the country's stipendiary judges, 47 per cent of the judges of the Supreme Court, 72 per cent of education and 70 per cent of health personnel, 63.8 per cent of general practitioners, 51.6 per cent of researchers, 48.9 per cent of the personnel of scientific and technical units, 74.4 per cent of social workers, 25.4 per cent of own-account workers, 63.3 per cent of university graduates, 43.5 per cent of technical/vocational graduates, 40 per cent of graduates from scientific and technical vocational courses, and 53.4 per cent of the teaching staff in higher education.

178. A further step forward in the advancement of women in employment was marked by the adoption of Decree-Law No. 234, on working women's maternity arrangements, which allows the mother and father to decide which of them will take parental leave to look after the baby once the breastfeeding period is over.

#### **4. Other civil rights**

##### *The right to freedom of movement and residence within the border of the State*

179. Article 43 of the Constitution enshrines the right of citizens, irrespective of race, skin colour, sex, religious beliefs or national origin or any other distinction detrimental to human dignity, to take up residence in any urban area, district or neighbourhood and to stay in any hotel.

*The right to leave any country, including one's own, and to return to one's country*

180. Cuba recognizes the right of all persons to travel and to leave any country, including their own.

181. In the case of Cuba the freedom to travel has been affected by a number of irregularities and arbitrary decisions owing to the political manipulation by successive United States administrations of migration to and from Cuba.

182. In spite of the enormous obstacles erected and the threats uttered, and on the basis of the firm commitment of the Cuban authorities, the relations between the Cuban nation and its emigrant members are the subject of a dialogue which will lead to the fullest normalization.

183. Since 1 June 2004 Cubans living abroad do not have to obtain an entry visa in order to travel to Cuba. Any Cuban living abroad who has a valid passport may enter the national territory whenever he or she wishes.

184. Cuba also accords its citizens the right to leave the country, for limited periods or permanently, and imposes only a few conditions in the case of persons in possession of important secrets or very sensitive information pertaining to national security, professionals whose services are vital to the people's health, who have to wait until their replacements are trained, and persons subject to judicial writs or warrants or court orders.

185. Cuba attaches particular importance to this topic. It introduces and promotes the resolution entitled "Respect for the right to universal freedom of travel and the vital importance of family reunification", which has been adopted annually since the 1990s by the General Assembly of the United Nations.

*The right to nationality*

186. Chapter II of the Constitution, entitled "Citizenship", stipulates that Cubans shall not be deprived of their citizenship, except on legally established grounds. Nor may they be deprived of the right to change their citizenship. Acquisition of foreign citizenship does not entail loss of Cuban citizenship (art. 32). It is further stipulated that Cuban citizenship may be restored in the cases and according to the procedure prescribed by law (art. 33).

187. Article 29 of the Constitution states that the following persons are Cuban citizens by birth:

(a) Persons born in the national territory, with the exception of children of foreigners working for their Government or an international body. The law specifies the requirements and formalities pertaining to children of foreigners living temporarily in Cuba;

(b) Persons born abroad to a Cuban father or mother on an official mission;

(c) Persons born abroad to a Cuban father or mother, subject to completion of the formalities prescribed by law;

(d) Persons born outside the national territory to a father or mother who is a native of Cuba but has lost Cuban citizenship, provided that he or she reclaims it in accordance with the procedure prescribed by law;

(e) Foreigners who by reason of exceptional merit in the struggle for Cuba's liberation became regarded as Cuban citizens by birth.

188. Article 30 of the Constitution also addresses the cases in which Cuban citizenship may be acquired by naturalization:

(a) By foreigners who acquire citizenship in accordance with the provisions of the law;

(b) Persons who served in the armed struggle against the tyranny overthrown on 1 January 1959, provided that they satisfy this requirement in the manner prescribed by law;

(c) Persons arbitrarily deprived of the citizenship of their country of origin, who may obtain Cuban citizenship with the express consent of the Council of State.

189. Neither marriage nor its dissolution affect the nationality of spouses or their children (Constitution, art. 31)

*The right to marriage and choice of spouse*

190. Chapter IV of the Constitution provides that the State shall protect the family, motherhood and marriage. It regards the family as the fundamental nucleus of society and assigns to it functions and responsibilities vital to the education and training of the new generation. Article 36 defines marriage as the voluntary union of a man and a woman possessing the legal capacity to marry, with a view to living their lives together on the basis of the absolute equality of the rights and duties of the spouses, who must maintain their household and attend to the comprehensive training of their children by their joint efforts and in a manner compatible with the conduct of the societal activities of the two spouses. Article 44 prescribes that men and women shall enjoy equal economic, political, cultural, social and family rights.

191. These principles were duly reflected in the Family Code (Act No. 1289), chiefly in articles 1 and 2 and 24 to 28.

192. Everyone is free to choose his or her spouse. Article 3 of the Family Code provides that females and males aged 18 or older may contract marriage, except in the cases specified by law.

193. However, in exceptional cases and on justified grounds authorization to contract marriage may be granted to persons aged under 18 provided that the girl is at least 14 and the boy at least 16 years old (art. 3). One means of obtaining such authorization is by application to the courts when for reasons incompatible with the principles and rules of socialist society the persons empowered to grant authorization refuse to do so.

194. Cuban law does not prohibit religious marriage ceremonies prescribed by the couple's beliefs, but the legal effects of the marriage must be formally established by a civil registry office. In Cuba, marriage does not alter the bride's maiden names.

195. When a marriage has been dissolved for some reason, the man and woman may remarry at any time subsequent to such dissolution. However, in order to facilitate the determination of paternity a woman whose marriage has been dissolved and who wishes to remarry within 300 days of the dissolution must obtain certification from a State medical facility as to whether she is pregnant (art. 6).

*The right to own property alone as well as in association with others*

196. Cuba's economic system is based on the socialist ownership by the whole people of the basic means of production and on the elimination of the exploitation of man by man.

197. Alongside this system of socialist ownership the State recognizes the ownership of property by political, mass and community organizations, by cooperatives, by small farmers, and by other legal persons whose property is used for the attainment of their goals; it also recognizes personal property.

198. Personal property includes the items needed to satisfy the owner's material and spiritual needs, including:

- (a) The income and savings produced by his or her own labour;

(b) The housing, holiday homes, inherited land and other property acquired by any legal title;

(c) The means and tools of individual or family labour.

199. Joint ownership is also recognized. A single property which has not been physically subdivided may belong to several persons.

200. Similarly, the State recognizes the ownership of mixed enterprises and economic associations or companies constituted in accordance with the law. The use, enjoyment and disposal of property forming part of the assets of such bodies are regulated by law and by contract, as well as by their own statutes and regulations.

201. Ownership confers on the owner the possession, use and enjoyment of a property and the right to dispose of it, in accordance with its socio-economic purpose. An owner may take legal action against the tenant or holder of a property in order to repossess it. An owner may also seek recognition of his or her entitlement by the competent jurisdictional body and have it recorded in the appropriate register. The owner of a property also owns its fruits and everything which produces or forms an integral part of such fruits. Article 293 of the Penal Code penalizes offences against the right of ownership.

*The right to inherit*

202. The Constitution recognizes the right to inherit privately owned property and other personal assets.

203. Book IV of the Civil Code (Act No. 59), which addresses the right to inherit, includes a series of rules regulating the transmission of a person's assets after his or her death.

204. Inheritance is effected by testament or by law. Assets may also be transmitted partly by testament and partly by law.

205. The civil law establishes the following grounds for incapacity to inherit:

(a) Attempts on the life of the testator or another heir or beneficiary of the estate;

(b) Use of deception, fraud or violence to cause the testator to make a testamentary provision or change or nullify a provision already made;

(c) Denial of food or care to the testator.

206. Such incapacity ceases if the testator grants an express or tacit pardon.

*The right to freedom of thought, conscience and religion*

207. The State, which recognizes, respects and guarantees the freedom of conscience and religion, also recognizes, respects and guarantees the freedom of all citizens to change their religious beliefs or to hold no such beliefs and to profess the religion of their choice, subject to compliance with the law (Constitution, art. 55).

208. The 1992 constitutional reform recognized the State to be secular and extended the scope of religious freedom, in article 8 among the fundamental principles of the State and in article 55 in the chapter on fundamental rights, freedoms and guarantees.

209. Article 8 states: "The State recognizes, respects and guarantees religious freedom".

210. Religious institutions are separate from the State in the Republic of Cuba. The different beliefs and religions enjoy equal status. However, attention must be drawn to the elimination of the historical marginalization of religions of African origin.

211. Accordingly, the practice of religious rites as the external manifestation of a religious belief constitutes a right, provided that such rites are practised within the law, in the same way as in the other countries of the world; Cuba has no law which punishes people for their religious beliefs.

212. Cuba has about 400 religions and religious institutions based on the beliefs of their members, including Apostolic, *abakuá*, yogic, Jewish, Catholic, *santero*, spiritualist, etc. They have their own churches and centres for the practice of their rites, which proceeds normally without any restriction. The Catholic Church is not registered either as a religion or as an association, for relations are maintained at the State level between the Cuban Government and the Vatican.

213. Socio-demographic changes have taken place in the membership of religions of African origin. The *bacalaos*, *paleros* and *abakuás* (adherents of religions of African origin) in today's Cuba are not the same as they were in the illiterate and undereducated neocolonial republic, when they were marginalized and confined to the lowest jobs and occupations. Nowadays they have the same status as workers, doctors, engineers, writers, artists and other professionals. These changes are a result of the revolutionary process and have penetrated and enhanced the status of these religions. In terms of racial composition, the membership of these religions is not drawn exclusively from the non-white population. Despite their origin, they are firmly anchored in the Cuban personality. And most of the *abakuá* groups which are still found today derived from the first white groups in Cuba.

214. One of the 1961 amendments to the Constitution of 7 February 1959 declared education to be public, free and compulsory and nationalized the private schools, but without this preventing religious institutions from educating their members in customs, liturgy, etc., or using authorized churches and other facilities for this purpose.

215. In 1998 the Supreme Pontiff of the Roman Catholic Church, Pope John Paul II, was received in Cuba, and the Cuban Evangelical Celebration was held in 1999. The principal religious activities of these two events were held in the open air, with the people taking part in the country's main squares, including the Plaza de la Revolución, and were transmitted live on radio and television.

216. More recently, in 2008, Cuba was visited by His Eminence Cardinal Tarcisio Bertone, Secretary of State to His Holiness Pope Benedict XVI.

217. Religious institutions are free to appoint their clergy to work in the various parts of the country; they hold a large number of local, national and international religious events in Cuba and regularly receive visits from their international representatives and deliveries of religious literature.

218. A large number of religious institutions have their own periodical publications, which are officially registered with the Cuban Books Institute. The mass media report on the most important activities of these institutions.

219. On the dates of their festivals, both the Catholic bishops and the Protestant clergy broadcast radio messages to their flocks and to the whole people.

220. More than a thousand churches, chapels and parish and church halls have been repaired over the past 10 years. As the country's resources allowed, churches and religions acquired over a hundred buildings and hundreds of vehicles, as well as other facilities for use in their religious activities.

221. Apart from the Catholic Church and the various protestant and evangelical churches, the country's other important religions include religions of African origin, spiritualism and Judaism, as well as the Jehovah's Witnesses. It must be stressed that the members of all these religions have been fully involved in the work of the Cuban Revolution.

222. Attention is drawn to the following points:

- (a) Not a single church has closed down in Cuba;
- (b) No priest has been obstructed in the performance of his or her genuinely religious functions;
- (c) Cuba has normal relations with the various religions;
- (d) Cuba has reached the stage of coexistence and mutual respect between the State, the churches and other manifestations of religion of various origins.

*The right to freedom of opinion and expression*

223. Article 53 of the Constitution accords this right to all citizens. The material conditions for its exercise are provided by high standards of education and culture and by the fact that the press, radio, television, cinema and other mass media are in socialist ownership.

224. Topics of all kinds relating to the political, economic, social and cultural life of the nation and the planet are widely debated in Cuba. Discussion and artistic creation are encouraged in intellectual, cultural and academic circles, and this is reflected in the diversity of publications and the variety of artistic productions available to the general public. In 2007 more than 70 writers and publishers attended 26 international book fairs, including the most important ones: Frankfurt, Guadalajara and Barcelona. Cuba encourages the freest possible creativity; this results in intense intellectual activity - reflected in various publications which are regularly available throughout the country and in the diversity of the works produced by Cuba's artistic community. Cuba has 723 periodicals, 406 in hard copy and 317 online, and 91 radio stations. The seventeenth Cuban International Book Fair in 2008 visited 42 cities and put in circulation more than 8 million copies of new titles, over half of which were bought by the public in the 24 days of the Fair alone, at modest prices reflecting the high priority which the State attaches to this question.

225. Cuba's creative artists belong to various non-governmental organizations (dance, music, design, fine arts, etc.), including the Hermanos Saíz Association, which brings together, on a strictly voluntary basis, the most important Cuban writers, artists, intellectuals and impresarios aged under 35; and the Cuban Writers and Artists Union (UNEAC), which had 8,454 members in 2007. With the broad democratization of culture in Cuba, it has been possible to hold numerous conferences of writers and other creative artists, which have fostered open and thorough debate on various topics. The seventh UNEAC Congress in April 2008 broadened the range of topics for discussion to include political, economic and social issues.

226. It has always been State policy to submit the most important national issues to popular consultation and debate. For example, a broad national debate was recently conducted on the Cuban situation: a total of 215 687 meetings were held, with an attendance of more than 5 million Cubans from all sectors of society; over 1.3 million ideas, critical statements and proposals were put forward, but hardly any of them referred to racial questions.

227. Cuba has many accredited correspondents of the foreign press, including the main international wire agencies. Cinema films of various production sources (mostly from the United States) are screened in Cuba; musical works from the most diverse origins are freely available to the public and interpreted by artists of the most varied nationalities; there are many information and documentation centres and libraries offering extensive access to all Cubans; and works by authors of all currents of opinion, philosophical beliefs and aesthetic trends are published. The radio and television services run news items from United States and Spanish networks, to mention but a few.

228. Cubans have extensive access to the best of the world's achievements in all areas of creative work and philosophy. The obstacles to this access are due basically to the policy of blockading Cuba pursued by the Government of the United States of America. The Bush administration maliciously and deliberately opposed academic, cultural and scientific exchanges between Cubans and their United States colleagues and "people to people contacts".

229. Article 291 of the Penal Code prescribes penalties to be imposed on anyone who commits an offence against the freedom of thought.

*The right to freedom of peaceful assembly and association*

230. Article 54 of the Constitution recognizes this right, which is also protected by other legislation, including the Associations Act (Act No. 54) and the Labour Code, which guarantees the right to form trade unions and the right of all workers to assemble and freely to discuss and express their opinions on all issues and matters which affect them. There are 19 national trade unions and one trade union confederation. These rights are broadly exercised in Cuba. Its civil society comprises more than 2 000 organizations, including mass and community organizations numbering women, peasants, workers, young people, students, pioneers and old people among their members, as well as scientific, professional, technical, cultural and artistic organizations, associations of persons with disabilities, sports clubs, religious associations, fraternities, friendship and mutual support organizations, and many other similar bodies constituted under the Associations Act.

231. Article 14 of the Labour Code provides that workers have the right to assemble and freely to discuss and express their opinions on all issues and matters which affect them.

232. Article 209 of the Penal Code imposes restrictions on meetings or events conducted by illegal associations.

233. Article 292 of the Penal Code prescribes penalties of deprivation of liberty or fines for anyone who prevents a legal association from functioning or prevents a person from joining it or obstructs the conduct of a legal meeting or event or prevents a person from attending it.

234. Title IX of the Penal Code addresses offences against the rights of the person. It prescribes penalties for persons guilty of, inter alia, the offences of deprivation of liberty, utterance of threats, coercion, violation of the home, violation of the confidentiality of correspondence, disclosure of confidential correspondence, infringement of the rights of assembly, demonstration, association, complaint and petition or the right to own property, infringement of the freedom of religion, infringement of the right to equality, infringement of labour rights, or improper imposition of disciplinary measures.

## **5. Economic, social and cultural rights**

235. Ever since the triumph of the Revolution the Cuban State has been working for and making rapid progress towards the full exercise of the economic, social and cultural rights of all Cubans.

*The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration*

236. Labour policy, social assistance and social security take pride of place among the achievements of the Revolution, for they make a sharp contrast with the country's situation prior to 1959. At the end of the 1950s there were 600 000 Cubans out of work and 500 000 agricultural labourers who worked for only four months of the year and went hungry the

rest of the time; the pensions of 400 000 industrial and seasonal farm workers had been embezzled by one Government after another and by corrupt administrators; and 10 000 young professionals, doctors, engineers, lawyers, veterinarians, teachers, dentists, pharmacists, journalists, painters, sculptors, etc., graduated without hope of finding work.

237. The employment policy carried out after the Revolution aimed to turn this situation around and incorporate the mass of the people into the nation's social and economic development by creating jobs paying decent wages. Right from the beginning, the Revolution did away with sugar workers' "dead time", slave-like domestic labour, the tragic situation of having 10,000 classrooms without teachers, the lack of sanitation in rural areas, the embezzlement of social security funds, and the general social vulnerability of workers and their families.

238. During the critical time known as the "Special Period", marked by the loss of Cuba's main trading partners, a 34.8 per cent drop in GDP between 1989 and 1993, an abrupt 78 per cent decline in export capacity, and the brutal intensification of the blockade with the adoption of the Torricelli and Helms-Burton Acts, the domestic financial imbalance worsened sharply, the incentive to work weakened, and efficiency declined, with the unemployment rate reaching 8.3 per cent in 1995.

239. Despite these difficulties, the Cuban Revolution stuck to its immutable principle that no worker would be made redundant, no pensioners or recipients of social security would be denied their monthly payments, and nobody would be abandoned to their fate.

240. From the time of the economic recovery which began during the second half of the 1990s<sup>3</sup> employment policy had the following aims: reducing unemployment and increasing the incentives to work and improving efficiency by carrying out local employment programmes; redistributing surplus manpower; protecting the incomes of workers and vulnerable groups; guaranteeing jobs for graduates from higher education; assigning priority to the creation of jobs for young people, women, persons with disabilities and graduates from technical vocational education; and boosting own-account work and the cooperative sector.

241. The State continued to generate thousands of new jobs in vitally important production and service sectors, such as education, health, culture, tourism, construction, the iron and steel industry and agriculture, among many others.

242. The right to work has constitutional status in Cuba. Employment is not subject to the vagaries of the market. Employment policy is guided by the following principles: full employment; equal job opportunities, without discrimination of any kind; free choice of employment; employment as the basis of social security; financial remuneration for taking retraining courses; demonstrated job suitability; equal pay for equal work; prohibition of child labour; guarantee of workplace health and safety; and continuing training for skills enhancement.

243. Chapter VII of the Constitution protects the following fundamental rights, duties and guarantees of citizens with respect to the right to work, which is both a duty and an honour for every one of them: workers' right to paid leave and to an eight-hour day; appropriate death benefits for all workers; social security protection for the elderly poor lacking protection and for all persons who are unfit to work and have no relatives in a position to help them; the right to health and safety in the workplace; the right to health care and protection; the right to physical education and sports and leisure activities; and the freedom of speech of all citizens and the freedom of the press in accordance with the purposes of a socialist society. On the basis of these principles Title X of the Penal Code spells out offences involving infringement of labour rights.

<sup>3</sup> Never before had a country been able to overcome such a profound economic crisis in so short a time and under such adverse and hostile conditions

244. The Constitution provides that all citizens, irrespective of race, colour, religious beliefs and national origin and without any infringement of their human dignity shall have access, in accordance with their merits and abilities, to all posts and positions in the State, the Public Administration, production, and the provision of services.

245. The Labour Code (Act No. 49 of 28 December 1984) sets out the principles governing Cuba's labour legislation, which are applied without distinctions of any kind. Attention is drawn to the following principles:

(a) All citizens able to work shall have an opportunity, regardless of their race, colour, sex, religious beliefs or national origin and without any infringement of their human dignity, to obtain work by means of which they can make a contribution to the attainment of the purposes of society and the satisfaction of their needs;

(b) All citizens shall have access to jobs and posts, in accordance with their merits and abilities, and shall receive equal pay for equal work;

(c) All workers shall be entitled to participate in the management of production and services;

(d) All workers shall be entitled to effective daily and weekly time off and to annual paid holidays;

(e) All workers shall be entitled to protection and safety and hygiene in the workplace (...);

(f) All workers shall enjoy the right to education under the specific conditions laid down by law (...);

(g) All persons who are unable to work owing to old age or disability or as a result of an occupational disease or accident shall receive adequate protection in the form of the services, cash allowances and benefits in kind provided by the social security system, and in the event of a worker's death his or her family members shall enjoy this protection, as established by law.

246. Resolution No. 8 of 1 March 2005 of the Ministry of Labour and Social Security established the General Labour Relations Regulations. These regulations provide that employment policy is a part of the social and economic policy of the State and is designed to furnish socially useful work for persons able and willing to work, without any discrimination; it also protects workers' incomes and job security and stability against structural and cyclical changes, ensures the continuing training and development of the labour force, and provides opportunities for extensive participation by workers and their organizations at all levels of decision-making on employment policy.

247. Employment, particularly jobs for young people, is a strategic priority in Cuba. Employment policy has been strengthened since the economic recovery, notably in the context of the Battle of Ideas which liberates the Cuban people, and is having a very positive impact on enhancement of Cubans' quality of life.

248. Work is not compulsory: every person's free choice of employment is respected. Child labour does not exist: the minimum age for admission to employment is 17, and protection against hazards is provided up to age 18. Education is compulsory up to completion of the secondary level.

249. New social programmes emerged against this background, some of them embodying the revolutionary concept of study as a form of work: for example, the Comprehensive Development Course for Young People (CSIJ), which has already been taken by some 400 000 young people, 80 000 of whom have gone on to university.

250. These social programmes have created new jobs for more than 40 000 social workers, more than 13 000 information technology teachers, and more than 15 000 primary teachers, as well as 46 000 physical education instructors, 12 200 nurses, 14 500 health

technicians, more than 4 900 instructors and assistants for the Computer Youth Club, and 2 700 projectionists for the new television and video centres established in neighbourhoods and communities, together with tens of thousands of jobs in services requiring great social and human awareness.

251. Where women's employment is concerned, Cuba is carrying out a National Plan of Action as part of the follow-up to the agreements reached at the Fourth World Conference on Women (Beijing, 1995), manifesting in concrete measures and activities the political will to get more women working, studying and serving society.

252. Jobs have also been found for thousands of persons with disabilities under a programme designed specifically for them. Dozens of social-employment offices have been established throughout the country to improve the knowledge and skills of persons with disabilities, in particular those with slight and moderate degrees of mental disability.

253. The unemployment rate stood at 1.6 per cent at the end of 2008, which means that Cuba has achieved the status of full-employment country. There are programmes to attend to the particular needs of women, young people, persons with disabilities, persons just released from prison, etc.

254. The application of Cuba's labour legislation is monitored by the National Labour Inspectorate, which was established under the National Labour Inspectorate Regulations. These regulations state that the purpose of labour inspection is to verify compliance with the legislation on employment, workplace safety and protection, and social security and to take the prescribed action against violations.

255. The post of trade union inspector was also established; these inspectors receive special training before joining the workplace protection and health commissions.

256. Cuba also provides comprehensive ante- and post-natal facilities, and its Maternity Leave Act is among the most advanced in the world.

257. In addition to the action taken to reduce the unemployment rate, the State is continuing to develop its social welfare policies. It is a fundamental principle of the Revolution to increase the incomes of workers, beginning with those on the lowest wages, and thus gradually to narrow the social gaps which had become accentuated during the Special Period as a result of the unavoidable steps which had to be taken following the break-up of the socialist camp and subsequently the collapse and disintegration of the Soviet Union.

258. To this end, the minimum wage was increased to 225 pesos a month for all workers receiving a lower rate for their work. A start was made on the introduction of a new system of pay rises (an average monthly increase of 43 pesos) affecting 2 214 213 workers, at a cost of 1 259.4 million pesos. This measure envisages the introduction a new pay scale, improvement of job and occupation descriptions, award of additional payments in recognition of work qualifications and quality, and pay increases for many public sector workers, including personnel of the central administration of the State and the assemblies of people's power.

259. Workers in such sectors as education and health and personnel of the prosecution service and the courts, etc., have received large pay increases.

260. Violations of labour rights can be reported through the system of labour justice. Article 1 of Decree-Law No. 176 of 15 August 1997 provides that one of the functions of this system is to resolve any disputes concerning the imposition of disciplinary measures or the recognition, granting or claiming of obligations or rights under the labour legislation which may arise among workers or between workers and employers. This procedure is used extensively by workers, who enjoy the necessary recognition and capacity to assert their labour rights.

261. The national employment figures disaggregated by skin colour are consistent with the country's demographic composition. Sixty-four per cent of the total employed population are white, 11.9 per cent black, and 24.1 per cent mestizos.

**National employment figures from the 2002 population and housing census, by skin colour (percentages)**

	<i>Whites</i>	<i>Non-whites</i>	<i>Blacks</i>	<i>Mestizos</i>
Employment rate	64.0	36.0	11.9	24.1
Job or post (age 15+)				
Managers	68.9	31.1	10.2	20.9
Professional, scientific and white-collar staff	68.0	32.0	11.1	20.9
Technical and middle-level staff	63.9	36.1	12.5	23.6
Office workers	68.5	31.5	9.3	22.2
Services and sales staff	63.7	36.3	12.1	24.2
Farmers and skilled farm and fisheries staff	64.9	35.1	8.6	26.5
Machine operators	68.8	31.2	10.2	21.0
Other skilled workers	58.4	41.6	15.5	26.1
Unskilled workers	58.3	41.7	15.1	26.6

*Source:* National Statistics Office, Cuba

262. At the same time, the census data confirm the persistence of clear differences in the social and employment structure; this problem had already been identified in the 1981 census and has since been further described by specialist researchers. Whites are overrepresented in the managerial category and among professional, scientific and white-collar staff, in a range of between 4.9 and 4 per cent above the national average, while non-whites occupy a similar range below the average. When account is also taken of the fact that non-whites are overrepresented by a little over 5 per cent in the skilled and unskilled worker categories, it is easy to understand why whites continue to occupy more administrative posts and posts connected with production control and management. As stated earlier, this situation was inherited by the Revolution as a result of the great disparities which existed in Cuba before 1 January 1959.

263. These figures might seem insignificant in other contexts, but they are a source of concern for the Party and the State and for Cuban society, whose goal is to attain the highest possible degree of justice; that is why systematic efforts are being made to uncover the underlying causes and circumstances of this phenomenon in order to eliminate it once and for ever.

264. Cuba has ratified 76 of the international legal instruments of the International Labour Organization, including seven of its eight core conventions. Cuba's labour and social legislation is consistent with these instruments and in some cases goes further than the international rules contained in the ratified instruments, according broader rights, benefits and protection to all workers.

*The right to form and join trade unions*

265. Cuba's current legislation and the daily practice in all workplaces in the country safeguard all trade union activity and the fullest enjoyment of trade union rights. This assertion is corroborated by the existence of 19 national sectoral trade unions with municipal and provincial offices in 169 municipalities and 14 provinces and 79 119 branches or shops, which have elected 583 771 leaders by secret and direct ballot.

266. Cuba's arrangement of having a single umbrella organization for the 19 national trade unions was not imposed by the Government nor does it stem from any legislation; rather, it is a manifestation of the sovereign will of Cuban workers. Fighting for the unity of the trade union movement in Cuba is a long and deep-rooted tradition. It was long before the triumph of the Revolution and following a free decision by Cuban workers themselves that the trade union confederation was founded in 1938; in the following year its name was changed from *Confederación de Trabajadores de Cuba* to *Central de Trabajadores de Cuba* (both titles rendered as "Confederation of Cuban Workers" in English).

267. Neither the Labour Code in force in Cuba nor any complementary legislation place restrictions on the creation of trade unions. All Cuban workers have the right freely to form and join trade union organisations without needing prior authorisation.

268. All trade unions in Cuba and the Confederation of Cuban Workers carry out their activities and programmes in a completely independent manner. The unions themselves draft and adopt their statutes and regulations and decide on the structure of their organisations and their working methods and approaches.

269. The members of each union nominate and elect their own officials at the various levels, from grass-roots assemblies of workers up to the congresses which are held regularly, on the basis of the strictest respect for union democracy. The union officials democratically elected by the workers take part with broad powers in the meetings of their governing bodies, where they take the decisions which affect them both at the enterprise level and at the level of the organs and institutions of the central State administration.

270. The Labour Code establishes the necessary safeguards for the unimpeded conduct of trade union activities in every workplace in the country and for the broadest participation by workers and their representatives in the adoption of all decisions affecting their many different interests, including draft legislation.

271. Attention is drawn in this connection to the recent adoption by the National Assembly of People's Power, in December 2008, of the new Social Security Act. This was an exercise in participatory democracy and in extensive, profound and intense debate which helped to clarify the reasons and the grounds for amending the existing legislation and to ensure that the vast majority of workers understood the amendments. More than 3 million workers were consulted in this exercise. A total of 85,301 meetings were held, and 3 057 568 workers (99.1 per cent of participants) voted in favour of the new legislation, while 28 596 workers (0.9 per cent) did not support the proposal. The workers aired their criticisms, suggestions and worries frankly, and there was clearly no shortage of disagreement. A total of 905 642 proposals were registered, an average of 10.6 per meeting. Not one of these proposals went without examination.

272. A comparison of the break-down of the numbers of whites, blacks and mestizos holding the most senior managerial posts in Cuba's trade union movement with the demographic composition of the population established by the 2002 census shows what great efforts have been made and how much progress has been achieved with respect to equality.

#### *The right to housing*

273. Article 9 of the Constitution provides that the State shall endeavour to ensure that no family lacks a comfortable home. To this end the State plans, organizes and promotes the construction and repair of housing by small gangs of workers, by State enterprises and agencies and by agricultural cooperatives, as well as by the people itself. A little over 90 per cent of families own their own homes in Cuba.

274. The General Housing Act (Act No. 65) establishes that it is legitimate to own, in addition to one's permanent residence, another property in a resort or holiday area.

275. The National Housing Institute is the agency of the central State administration responsible for directing, ensuring and monitoring the application of the housing policies of the State and the Government. The United States blockade of Cuba has had a severe impact on the construction and repair of housing.

276. An enormously important housing programme was adopted in 2005; it includes new policy concepts for the construction and distribution of housing in Cuba, concepts more in accord with the country's economic and social realities. The programme has been allocated resources and an investment plan is already in operation. This was the basis for the initiation of the recovery in the construction materials industry. The target is to ensure a construction rate of at least 100 000 housing units a year.

277. The combined impact of the recent hurricanes Gustav, Ike and Paloma, which swept over practically the whole of Cuba's territory, was without doubt the most devastating in hurricane history in terms of the material damage caused. One of the most seriously affected sectors, apart from agriculture, was housing, with 530 758 homes destroyed or damaged.

278. However, Cuba is making intensive efforts to rebuild the homes partially or totally destroyed by the hurricanes. The latest technology is being used in the construction of stronger roofs.

*The right to public health, medical care, social security and social services*

279. Every Cuban is guaranteed access to free high-quality health services. Article 50 of the Constitution and chapter I, article 4, of the Public Health Act (Act No. 45) establish this right for all Cubans.

280. All citizens have equal rights to health care and protection, regardless of their personal income level, place of residence, religious beliefs, political affiliation, or skin colour, including recourse when necessary to the most sophisticated and expensive technology by referral through the health system itself to the most advanced units.

281. The right to health is realized through the national health system, which is entirely State-funded and has an extensive network of institutions nationwide. This system is staffed by more than 500 000 health workers. Services include health promotion, disease prevention, and treatment and rehabilitation in primary, secondary and tertiary institutions using the latest technology. Cuba's health indicators are similar to those of developed countries. Such indicators include the infant mortality rate for children under 12 months and life expectancy at birth, as mentioned earlier in this report. The country has 267 hospitals, 70 000 beds (6.2 for every 1 000 inhabitants), 444 polyclinics, and 13 880 family doctor practices, as well as other facilities located throughout the national territory, so that Cuba has ceased to have any forgotten areas in which people died before being able to reach a doctor.

282. Despite the negative impact of the United States policy of hostility and blockade on the acquisition of resources and medical technology, Cuba is making a colossal effort to keep its health services up to the highest standards of excellence. In the short and medium term it is seeking to increase life expectancy at birth to over 80 years and bring the under-five mortality rate below five per 1,000 live births. A major investment programme is under way: it includes the refurbishment of many hospitals, polyclinics and other health units and the construction of new facilities such as genetics centres and rehabilitation wards.

283. Priority is given to high-impact programmes on, for example, cardiology, cancer, nephrology, ophthalmology and organ transplants. Progress is being made towards screening of the entire population to secure the early diagnosis of disease and find solutions to the problems detected. The effectiveness of some other programmes is also being enhanced, including the immunization programme, which delivers one of the world's

highest rates of coverage for preventing communicable diseases, especially for children, with excellent results; progress is also being made with the programmes on mother and child care and care of the elderly, the anti-smoking campaign, etc.

284. In addition, the biotechnology sector, a source of legitimate pride for Cuba and an example of what a small country can achieve, through tenacity and intelligent planning, in terms of the creation of centres of scientific excellence is continuing to develop, increasing its exports and incorporating new production technology and new treatments. This sector has completed more than 20 investment projects to increase its industrial production capacity.

285. The new medicines brought into production include:

- (a) Haemophilus influenza vaccine;
- (b) Combined DPT-hepatitis B vaccine;
- (c) More than 20 new generic drugs, including seven antiretroviral drugs to add to the products used in the treatment of AIDS;
- (d) Innovative drugs for treating cancer, including a Cuban vaccine to prevent lung cancer. It should be pointed out in this case that the design, construction and operation of the plant for producing this drug are entirely in Cuban hands.

286. All prison inmates are guaranteed free medical and dental care. The national prison system has hospitals, health centres and medical posts. Every province has ordinary hospitals with wards for convicts. Prison inmates are guaranteed specialist care in any hospital in the country, and medical teams comprising a range of specialists make regular prison visits.

287. Pregnant prisoners receive medical care during pregnancy and are transferred to special wards for care. They give birth in hospital conditions and are attended by medical staff. They are also put on a special enhanced diet during pregnancy and until their baby is one year old; during this period the baby remains with the prisoner all the time for breastfeeding. Once the year is up, the baby may be handed over to family members or placed in a nursery free of charge.

288. Full employment is the principle social security benefit enjoyed by all Cubans without distinction as to race, sex, religious beliefs or political opinions. Cuba's social security system was conceived as a comprehensive and coordinated whole and came into being in May 1964; it covers employment, incomes and conditions of employment, education and training, priority and individualized maternity care, and care of persons with disabilities, the elderly, victims of natural disasters, and all other persons in need of assistance, thus guaranteeing a decent existence for all citizens.

289. Social security in Cuba is not limited to the award of pensions and benefits: the system is undergoing profound changes in step with the improvement of social work and the progress made in the struggle to achieve comprehensive justice. Cuba's social security programme operates at three basic levels: community, institutional, and hospital.

290. The National Social Security Institute was created in 2001 by decision of the Council of State; it has branches in every one of the country's provinces and municipalities. Its function is to deliver appropriate and effective responses to the needs of beneficiaries and proper planning and monitoring of the financial and human resources allocated for these purposes.

291. The social security system is based on a series of laws, decree-laws and resolutions which establish the legal framework for its operations. The Constitution, as the country's supreme law, dedicates several articles to this subject and invests the Cuban State with responsibility for delivering social security for all citizens.

292. The new Social Security Act, like its predecessor (Act No. 24), stipulates that the State shall provide appropriate protection for workers and their families and for the population at large through the social security system, which consists of a social security scheme and a social assistance scheme. The social security scheme provides protection for workers in the event of ordinary or work-related sickness and accidents, pregnancy, disability and old age; in the event of a worker's death it protects his or her family.

293. At a time when international organizations acknowledge that more than half of the world's population enjoy no social security cover, every member of Cuba's population is guaranteed social protection.

294. The social security scheme entitles workers and their families to three kinds of benefit or allowance established by law: provision of services; benefits in kind; and cash benefits.

295. The 2008 State budget envisaged that 17.1 per cent of public expenditure would be allocated to social security and social assistance.

296. The forecast for 2008 was for 1 588 757 recipients of social security, with an average payment of 198.02 pesos per month. In the past, more than 50 per cent of over-60s have received old-age pensions. The forecast is for 60 per cent of the resources to be allocated to old-age, 16 per cent to disability and 20 per cent to survivors' pensions, with 4 per cent being spent on other benefits.

297. At the end of May 2008 a total of 328 462 nuclear families were in receipt of social assistance. Of this total, 83.6 per cent received permanent cash benefits and the remainder received services and/or benefits in kind. The estimate for the end of 2008 was 342 000 nuclear families. In October 2008, the social assistance budget disbursed 147 million pesos.

298. In that same month 599 505 persons were receiving social assistance. The estimate for the end of the year was 600 000 beneficiaries.

299. In that same period 16 182 persons were receiving social assistance services in the home. Older adults accounted for 77.6 per cent of this total, 21.8 per cent were persons with disabilities, and 0.6 per cent were working mothers with severely disabled children.

300. A national total of 7 789 mothers with severely disabled children are protected. Of this total, 57.2 per cent receive their wages and 41.9 per cent monthly cash benefits, while 0.9 per cent enjoy the services of a social worker in the home or work at home.

301. In addition to the regular standing services furnished to the people throughout the 50 years of Revolution, a number of other social services have been made available in recent years, including:

- (a) Home-helps;
- (b) Housing benefit for recipients of social security;
- (c) Social-employment training centres;
- (d) Tele-assistance;
- (e) Home delivery of meals.

#### *The right to education and training*

302. Cuba eradicated illiteracy in 1961. Chapter V of the Constitution, on "Education and Culture", establishes that education is a public service provided free of charge. This function is performed by the State as a non-transferable duty and as a right of all Cubans, without distinctions or privileges.

303. Article 51 of the Constitution states:

“Everyone has the right to education. This right is guaranteed by means of an extensive and free system of schools, part- and full-time boarding schools, and scholarships for all types and in all levels of education, and by the free provision of school materials, thus offering all children and young people, regardless of their family’s economic situation, an opportunity to obtain an education suited to their aptitudes, the needs of society, and the requirements of economic and social development. This right is accorded to adults, also free of charge and by means of facilities specified by law, in the form of adult education, technical and vocational training, work experience in State enterprises and organizations, and higher education courses for workers.”

304. The Cuban State has provided the material conditions and human capital to ensure quality education for all, with universal coverage and free of charge at all levels, regardless of the sex, colour, income, religion, opinions or political ideas of the students or the members of their families.

305. The enrolment rate in different types of facility for the 0-5 age group in 2007/08 was 99.5 per cent. Enrolment of 6 to 11-year-olds was 99.7 per cent and of 6 to 14-year-olds 99.2 per cent. Cuba has one teacher for every 30 inhabitants. One hundred per cent of children with special educational needs receive appropriate attention in special schools.

306. Education is constantly being improved. The projects undertaken include: teaching of computing from primary level onwards; television and video teaching aids in every classroom; creation of two educational television channels and establishment of special programmes of university education for older adults. University campuses have been established in every municipality in Cuba in order to provide universal access to that level of education. Undertakings such as the Social Workers Programme have enabled thousands of young people to go to university and then to take socially useful jobs.

*The right to equal participation in cultural activities*

307. Article 9 of the Constitution provides that the State shall ensure that nobody lacks access to education, culture and sports.

308. Furthermore, chapter V, article 39, of the Constitution stipulates that the State shall promote education, culture and the sciences in all their forms. This article provides that the State, with a view to raising the people’s cultural standards, shall endeavour to promote and develop education in the arts, creative vocations, and an artistic culture, as well as the capacity to appreciate it.

309. The State protects the identity of Cuban culture and ensures that the cultural heritage and artistic and historical wealth of the nation are preserved. It protects the national monuments and sites of outstanding natural beauty or acknowledged artistic or historical value. It encourages citizens to participate through the country’s mass and community organizations in the implementation of its education and culture policies.

310. Culture is accessible to all social groups without any distinctions and it fosters equality of opportunities in developing every citizen’s potential, including those living in rural areas. Cuba conceives culture as one of the essential sources of development based on the spiritual, creative, emotional, moral and ethical benefits which it furnishes to society and to the nation’s material and spiritual heritage.

311. Cuba has 72 schools providing education in the arts, 20 at the primary and 37 at the secondary level, together with 15 schools providing teacher training in the arts. In the school year 2007/08 the Higher Institute of Art had 2 000 students on its roll. Two provinces (Holguín and Camagüey) have similar higher education units. Taken together, all these facilities provide free education in the arts for more than 27 000 students. The

extensive range of teaching institutions throughout the country makes it possible for Cuba's artistic talent to attain very high levels. Cuba has an extensive network of cultural institutions located far and wide throughout the national territory.<sup>4</sup>

*The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks*

312. Article 43 of the Constitution reads: "The State shall uphold the right, won by the revolution, for its citizens, without distinction as to race, colour, sex, religious beliefs or national origin or any other circumstance detrimental to human dignity:

- (a) To be served in all restaurants and other public service establishments;
- (b) To use, without segregation, means of sea, rail, air and road transport;
- (c) To use the same bathing resorts, beaches, parks, social clubs and other cultural, sports, recreational and leisure facilities.

313. There are no restrictions on access to places or services in Cuba, except as established by law in the interest of national security or in some other public policy interest. Where access to public places and services is concerned, the law does not permit the imposition of any discriminatory restrictions based on race, colour, ethnic origin or any other consideration.

314. As will have been seen, Cuba's legislation, which is being constantly improved with the people's participation, guarantees and safeguards all the rights set out in article 5 of the Convention and does not permit, indeed prohibits, any form of discrimination.

## **E. Article 6**

315. Everyone under the jurisdiction and protection of the Cuban State has access to effective guarantees and remedies allowing action to be taken through the competent courts and other State institutions against any acts of discrimination or violation of fundamental human rights and freedoms; everyone also has the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination, in accordance with the provisions of article 6 of the Convention.

316. As noted earlier, the Office of the Attorney-General and its entire national apparatus is responsible for ensuring compliance with the law and the exercise of civil rights and for investigating any infringements of the law.

317. Article 106.3, paragraph (c), of the Judicial System Organization Act (Act No. 4 of 1977) sets down the obligation to act in accordance with the established legal procedures in order to correct infringements of the law, without prejudice to any action taken by the injured party to obtain, in the manner prescribed by law, real and effective recognition of the violated right.

318. For administrative purposes, the Council of State issued Decree-Law No. 67 of April 1983 which established, among other organizational provisions and principles for the public administration, the obligation of all organs, as a common duty, function and power, to process complaints and petitions addressed to them by citizens and provide appropriate responses within a time limit of 60 days, to endeavour to resolve correctly the issues raised therein, and to take action to remedy the reported failings.

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<sup>4</sup> Alongside other cultural facilities, Cuba has 376 bookshops, 20 *casas de la trova* (traditional folk music centres), 514 video halls, including 334 in video youth clubs, 377 public libraries, 290 museums, and three circus big tops. There are 2,500 professional cultural extension workers active in people's councils, districts and towns.

319. Although no acts of discrimination are in fact committed in Cuba, current legislation continues to condemn and penalize such acts.

320. Cuba has legal guarantees enabling all persons, both Cuban citizens and foreigners, to assert their rights before the courts and the competent authorities and seek protection against violations of their rights. Cuba has an extensive and effective system of institutions, including community and mass organizations, for receiving, processing and responding to any complaint or petition lodged by an individual or a group concerning the exercise of any human right.

321. These institutions include:

(a) The Office of the Attorney-General, in particular its Department for the Protection of Civil Rights. Article 8 (c) of Act No. 83 of 1997 entrusted the Office with the task of attending to reports from citizens alleging violations of their rights, while article 24 of the Act assigned it responsibility for ordering, in a decision of the Attorney-General, that the violation should be corrected;

(b) Community and mass organizations;

(c) The National Revolutionary Police, in particular its public relations units;

(d) The public relations offices in the secretariat of the Executive Committee of the Council of Ministers;

(e) The public relations offices in each of the organs of the central State administration;

(f) The members of the municipal assemblies of people's power and councils of the municipal and provincial authorities, as well as the standing bodies of the National Assembly;

(g) The public relations offices of the Council of State;

(h) The municipal, provincial and central committees of the Communist Party of Cuba;

(i) The People's Supreme Court and its apparatus.

322. The Cuban State has institutionalized a system of independent collegial bodies, headed by the Supreme Court, which have a membership appropriate to their sphere of competence and ensure broad popular participation in the administration of justice. The Cuban judicial system is based on the following principles:

(a) The absolute independence of judges individually and of the entire court system in the administration of justice;

(b) The popular dimension of justice, achieved mainly by opening up judicial functions to non-stipendiary judges (lay judges), who sit alongside the stipendiary judges;

(c) The election of all judges, both stipendiary and non-stipendiary;

(d) The absolute equality of all persons before the law;

(e) Collegial courts for all judicial proceedings regardless of the judicial instance or the nature of the case;

(f) The presumption of innocence. Every defendant is innocent until proved guilty. The burden of proof lies with the prosecution;

(g) All trials are public, except when the law provides otherwise;

(h) Appeals may be lodged against any court decisions, in accordance with the law applicable in each case;

(i) Every accused person has the right to a defence. All citizens may appoint the counsel of their choice to represent them in the organs, agencies and institutions of the State or in any private actions which they bring. If an accused person does not exercise this right, counsel is appointed automatically.

323. In addition, all persons in Cuba may utilize the following remedies in defence of their personal rights:

(a) The remedy of *habeas corpus* designed to protect personal liberty, which was established in the Criminal Procedure Act and is exercised in the criminal divisions of the people's courts. Article 467 of this Act provides that anyone who is deprived of liberty without completion of the formalities or compliance with the procedures and guarantees set out in the Constitution and the law shall be released, at his or her own request or at the request of any other person, by a summary procedure of *habeas corpus*. It provides further that no appeal may lodged against a decision declaring an application of *habeas corpus* admissible. If the decision rejects the application, an appeal may be lodged in the appropriate division of the People's Supreme Court;

(b) Civil dispute actions, including "protection of ownership" (*amparo en la posesión*), which may be brought by the owners or the possessors of property; this remedy is established in the Civil, Administrative, Labour and Economic Procedure Act and such actions are heard by the civil courts;

(c) Compulsory expropriation actions, established in the same Act and heard by the civil courts. As the name indicates, this remedy is designed to protect the right of ownership provided for in article 25 of the Constitution. Article 425 of the Act states that such actions may be brought when there is no agreement between the Administration and the private owner of the property in question, with the result that intervention by the courts is required;

(d) Administrative actions, under which the courts hear challenges to acts committed by the State administration which are alleged to be offences and rule on claims for compensation for the moral and material damage caused. This remedy is established in the Act on the basis of article 26 of the Constitution;

(e) Criminal actions for protection of the human rights covered by the Penal Code, including the integrity of the person, the inviolability of the home, the confidentiality of correspondence and the freedom of thought, and the rights of assembly, demonstration, association, complaint and petition, the freedom of religion, equality, etc., provided that the alleged violations do not constitute crimes under the Penal Code;

(f) Labour actions, which are designed to protect the labour rights of workers and are regulated by the Civil, Administrative, Labour and Economic Procedure Act and may be brought in cases falling with the jurisdiction of the courts following consideration by the labour tribunals themselves;

(g) Special actions for review of judgement. This remedy is established in article 456 of the Criminal Procedure Act.

324. This system, which is truly authentic and adapted to the needs of the Cuban people, has undergone regular improvement to enhance its effectiveness and enable it to meet the expectations and needs of Cubans.

325. Cuba also has other innovative indigenous mechanisms for monitoring and promoting the realization of the human rights of the Cuban people. One example is the system of social workers, which provides services to the community and identifies the social assistance needs of Cuban families.

326. Notwithstanding this satisfactory situation, Cuba considers that it has a duty to continue constantly to improve its system for the promotion and protection of human rights. In exercise of the sovereign will of its people, Cuba will continue to explore options and promote measures to strengthen and improve the existing system.

327. In the case of measures to guarantee the right to obtain satisfaction or just reparation for any damage caused by an act of racial discrimination, article 70 *et seq.* of the Penal Code provide that the person held criminally responsible for the act is also liable in respect of the moral and material damage which it causes. On the basis of this provision the courts declare civil liability and its extent by applying the civil legislation. The courts also enforce directly the obligation to restore the property or make good the moral or material damage.

328. If the guilty party refuses to do what is required of him to make good the moral damage, the court may impose a subsidiary sentence of imprisonment of between three and six months. If the guilty party fulfils his or her obligation during this period, the remaining part of the subsidiary sentence is remitted.

329. In addition, if a person declared to have civil liability in a court ruling does not discharge the obligation, the amount in question may be attached from his or her wages, salary or any other monetary income, in the amount specified by law.

330. These criminal provisions are related to the civil legislation. As stated earlier, article 38 of the Civil Code confers on injured parties or their successors the option of demanding reparation for the moral and material damage caused by violation of the constitutional rights inherent in the person.

331. Article 83 of the Civil Code provides that civil liability includes restoration of the property in question, compensation for moral and material damage, and repair of material damage.

## **F. Article 7**

332. Activities in the fields of teaching, education, culture and information are governed by constitutional principles and provisions condemning all forms of discrimination; this has been a fundamental characteristic of the State since the triumph of the Cuban Revolution in 1959 and one of the premises on which Cuban society has been built.

333. The promotion of links of solidarity and friendship and exchanges of every kind with other States, on the basis of respect for sovereignty and territorial integrity and the self-determination of peoples, is a characteristic practice of the Cuban State in the struggle against all forms of discrimination.

334. Cuba is continuing to make rapid progress towards the full realization of the economic, social and cultural rights of all Cubans. The new revolution under way in education, the mighty struggle to instil a common and comprehensive culture in the Cuban people, and the new developments in mass participation in sports - all these undertakings to enhance the people's quality of life have been conducted in a manner faithful to the Cuban Revolution, in accordance with the immutable principles of justice, solidarity and equity and in defence of Cuba's values of patriotism, solidarity and internationalism.

### **1. Education and training**

335. There is no doubt that the effort to ensure that all Cubans may exercise the right to appropriate quality education to an increasing degree is one of the areas in which progress has been most tangible and remarkable.

336. Cuba's education system has experienced three very important periods or stages since the triumph of the Revolution:

(a) The National Literacy Campaign, during which, as noted earlier, illiteracy was eliminated as a social phenomenon, while at the same time the requirements for teachers and classrooms were met in terms of delivering universal primary education not only for children but also for young people and adults throughout the country;

(b) The expansion of secondary education, which raised the education standards of young and adult Cubans. According to the 2002 population and housing census, the average grade achieved by Cubans aged 15 or older was 9.5;

(c) A far-reaching revolution in education designed to provide universal higher education and instil a common and comprehensive culture in the whole population.

337. Cuba's education system, whose indicators point to standards of attainment comparable to those of developed countries, is organized throughout the country into several subsystems which are organically interlinked at all levels and in all types of education and ensure continuity of education up to university level for all citizens without distinction in the shape both of normal day school and evening, night and weekend courses for adults (workers, peasants and housewives) and of free university courses; this system is designed to provide both general education (primary and general secondary, basic and pre-university secondary) and technical and vocational education (skilled workers and middle-level technical personnel), as well as university education.

338. The national education system is structured as follows:

(a) **Preschool education** is designed to achieve the maximum possible development of every child in the 0-5 age group. This goal of comprehensive development includes physical, mental and emotional development, locomotor functions, values, attitudes and modes of behaviour as elements of the process of forming and developing the personality of every unique and different child;

(b) **Primary education** is compulsory and universal; all children have access to and benefit from primary education. It is for children in the 6-11 age group and is divided into two cycles: one preliminary or introductory stage from first to fourth grade and the other comprising the fifth and sixth grades. The first stage covers two separate periods in the pupils' development, on which the teaching is focused: from first to second and from third to fourth grade;

(c) **Special education** is for children diagnosed as mentally or physically backward, deaf or hard of hearing, blind or partially sighted, strabismic, deaf-mute or autistic or to have communication or locomotor problems, emotional or behavioural disorders, or other complex problems of physical or mental development;

(d) **Basic secondary education** is for children in the 12-14 age group. In conjunction with primary education it comprises elementary education up to ninth grade for the whole population of school age. Its purpose is to achieve the basic comprehensive training of adolescent Cubans by giving them access to a common and comprehensive culture which enables them to learn about and understand their past, cope with their present lives, and prepare for their future choice of a life guaranteeing them continuity in the construction of a mutually supportive and increasingly humane society. All of this has to be expressed in their modes of feeling, thinking and acting;

(e) **Pre-university education** is designed to produce secondary graduates with a broad general culture in order to promote their conscious participation in the construction and defence of Cuban society, a society free of exploitation of man by man and based on solidarity, cooperation and peaceful coexistence, and to facilitate their choice from among

the higher education options available to all students on completion of their secondary education, when they have access, in all parts of the country, to a variety of university courses tailored to the needs of economic and social development;

(f) **Technical and vocational education** consists of a network of secondary polytechnic schools and institutes which has helped to raise the people's education and work expectations and enhance the technical and vocational qualifications of young Cubans;

(g) **Adult education** was structured, on completion of the National Literacy Campaign, in such a way as to provide access to higher standards of general education for young people and adults who had recently learned to read and write, principally peasants, workers in industry and services, and housewives:

(i) Education for manual workers and peasants (EOC): elementary or primary education with four six-month courses, essentially equivalent to the sixth grade in primary education;

(ii) Secondary education for manual workers and peasants (SOC): basic secondary education with four six-month courses, equivalent in their essential content to the ninth grade in basic secondary education;

(iii) Manual workers and peasants faculty (FOC): higher secondary education with six six-month extension courses, equivalent to the twelfth grade in pre-university education.

(h) **Higher education.** Cuba's higher education subsystem pursues an **inclusive** strategy of universal provision of higher education; the current enrolment is much higher than the levels achieved in the past. The following figures are for the 2007/08 academic year:

<i>Nº</i>	<i>Indicator</i>	<i>Value</i>	<i>Comments</i>
1	Number of higher education	65	
2	University centres created (since 2001/02)	3 150	
3	Including municipal campuses	676	
4	Total higher education enrolment	743 979	
5	Proportion of population in pre-degree education	6.62%	18-24 age group
6	Number of courses taken	98	
7	University courses taken	47	
8	Total higher education teachers	151 151	
9	Including in universities	117 151	
10	Including full-time	52 235	
11	Total higher education scholarships	90 974	Cubans and foreigners
12	Total foreign higher education scholarships	29 697	Various modes: normal and university courses and courses in various institutions (cultural, medical, teacher-training)
13	Higher education teachers with doctorates	3 419	

(i) **Teacher training** is provided in a network of teacher-training universities covering the whole country. The design of this training **programme** is tailored to the changes taking place in the various modes and levels of the national education system; the essential purpose is to continue to improve standards, in terms both of the training of teachers and of the education of children, adolescents and young people.

339. Since 2000 Cuba has been conducting an authentic revolution in its education system, with the chief aim of raising the quality of education to new heights, for access to and opportunities for education are guaranteed to everyone. Changes have been made in the design, structure, principles, methods and supports of education, in which intensive use of new technology has been accompanied by promotion of a more active role for teachers, who now interact with the smaller classes and influence them more directly and effectively, providing children, adolescents and young people with individualized and differentiated teaching which takes into account every child's particular characteristics and requirements.

340. This revolution in education has included several "programmes for change in the various modes of education", which will now be briefly described:

(a) The programme for change in primary education, which has made it possible for 99.1 per cent of the enrolment to attend for two sessions and for 90 per cent of class sizes to be kept under 20 pupils per teacher. Two teachers are assigned to the other 10 per cent;

(b) The programme for change in basic secondary education (grades 7 to 9), where the emphasis is on the training of one all-subjects teacher who is responsible for the education and training of no more than 15 pupils. Double shifts have also been introduced in all schools, with free meals and widespread use of televisions, videos and computers;

(c) The programme for change in secondary education, which covers the pre-university grades (10 to 12), and in secondary technical and vocational education, with class sizes kept under 30, all-subjects teachers, a television set with a 29-inch screen in every classroom, video equipment and computer workshops, and 19 pieces of educational software designed for teacher-training universities;

(d) The information technology and computer programme. Computer science is taught in all Cuban schools, from preschool to university level, and there is a national network of more than 300 community computer clubs for students and the general public. Under this programme multidisciplinary working groups produce educational software for distribution to all schools;

(e) The *Libertad* publishing programme, under which more than 800 000 copies of books have been distributed to all schools: mainly dictionaries, encyclopaedias and works of world, regional and national literature;

(f) The programme for universal higher education, which has created municipal university campuses and increased the higher education enrolment to over 600 000, the highest level in Cuba's history. This has entailed the incorporation in university teaching in the community campuses of 80 000 part-time teachers and retired and serving university teachers, out of the total of over 700 000 graduates from Cuba's institutes of higher education during the period since the Revolution;

(g) The University for All programme, which offers courses in subjects of general interest, taught by experienced teachers and specialists, in literature, art, science and technology, and foreign languages, using the national television channels;

(h) The audiovisual programme, which envisages the distribution of video equipment and television sets to all schools and the training of large numbers of teachers and has created two new television channels broadcasting direct and indirect educational programmes on Cuba and the world. In order to make this service available throughout the system, 2 335 schools in remote areas not connected to the electricity supply network have been equipped with Cuban-made solar panels;

(i) The reading-promotion programme, which includes annual book fairs in more than 34 of the country's towns, making a variety of national and international literary works available to children, adolescents, young people and adults, with the participation of leading intellectuals from Cuba and other countries;

(j) The programme of artistic education, under which a network of 15 schools has been created to train teachers of artistic subjects to work in schools and communities, where over 16 000 young people are being trained to specialize in music, the plastic arts, dance and theatre;

(k) The programme for the creation of community video and cinema centres, known as “video youth clubs”, which run a variety of programmes, chiefly for the information and recreation of adolescents, young people and adults;

(l) The Comprehensive Youth Development programme for young people in the 17-29 age group who are not in education or work after ninth grade, providing a means of employment, participants being paid a monthly wage to attend;

(m) The social workers programme, providing training in a national network of 15 schools, from which more than 28,000 young people have graduated to work at the grass-roots level to identify families and individuals in need of special attention and carry out other social work, in coordination with the local authorities.

341. This ongoing process is monitored and analyzed with an eye to its improvement and it enjoys very extensive participation by all segments and groups of the Cuban people. One of the basic propositions of the 1961 National Literacy Campaign sums up its essence: “Those who do not know must learn, and those who know must teach”. In the final analysis everyone must have the right and the duty to learn and teach throughout life.

342. The programmes of the revolution in education have enjoyed all the support which the country has been able to furnish. The financial resources allocated to education have increased significantly since the triumph of the Revolution. From the 79.4 million pesos allocated in the school year 1957/58 the education budget rose to 4 989 million pesos in 2006, higher by a factor of 63 than the figure from the pre-revolutionary period. Despite the country’s difficult economic situation the education budget has increased by a factor of 2.4 since 1990.

343. Cuba’s experience with education and its achievements - an expression of the political will to make education universal and establish a common and comprehensive culture in Cuba - have also been acknowledged by a number of international institutions and organizations.

344. Cuba has surpassed the six targets of the Education for All movement established in 2000 by the United Nations Scientific, Educational and Cultural Programme (UNESCO) to be attained by all countries by 2015.

345. Cuba has fully attained targets 3 and 4 of the Millennium Development Goals: “Ensure that, by 2015, children (...) will be able to complete a full cycle of primary schooling”; and “Eliminate gender disparity in (...) education (...)”.

346. Cuba attaches high priority to the programme to promote education for the population at large and for vulnerable groups, which is boosted by intersectoral and grass-roots participation. The coverage of the grass-roots alternative programmes designed to satisfy the specific interests of various population groups has been extended. Preventive education is being expanded by the transmission of television programmes and the large-scale production of low-cost educational materials on such topics as health and by the extension of the prevention and monitoring programme, which includes strategies for education, in particular sex education for young people, the battle against HIV/AIDS and other sexually transmitted diseases, drug use, and alcohol and tobacco addiction. Steps have also been taken to expand the teaching of foreign languages and artistic subjects, to develop science and technology, and to improve early learning; and the principles of sustainable development have been incorporated in the national policies and programmes, thus strengthening the measures to boost environmental education and grass-roots participation.

347. The adult-education programmes include the University for Older Adults, a programme developed jointly by the universities and trade union and community organizations with the aim of improving the quality of life of over-60s, a group expanding rapidly in number as Cubans' life expectancy increases. Cuba has 636 units offering courses under this programme.

348. Progress is being made in the quest for excellence in the provision of special education for all persons with disabilities and for children and adolescents with specific needs and the implementation of special measures for other socially disadvantaged groups.

349. The Cuban Revolution takes satisfaction in the fact that, in spite of the blockade imposed by the Government of the United States of America, schooling is provided for each and every child with special educational needs. The action taken by the Cuban Government in this regard has provided special education, in 410 schools, for tens of thousands of children, adolescents and young people throughout the country, with almost 15 000 teachers undergoing training by professionals to attend to their individual special needs. Cuba has a school for children suffering from autism, a disability neglected in almost every country in the world.

350. Since 1962 special education in Cuba has comprised an entire system providing comprehensive educational, psychological, physical and medical services for 100 per cent of children with special needs; the current enrolment stands at 43 600.

351. Significant progress has been made in the study of and research into the causes of genetically transmitted diseases, with a view to detecting such diseases in good time, providing support for carriers and sufferers and designing methods to break the chain of some of the 80 diseases of this type.

352. New modern teaching aids have been provided for children with special needs. The audiovisual and information technology programmes introduced in this type of education have also proved themselves to be excellent learning tools.

353. Since 1990 Cuba has housed the Latin American Special Education Reference Centre. A degree course in special education is also being developed.

354. The Cuban Revolution is endeavouring tirelessly to build a socialist society in which no one is forgotten or marginalized. In 2000 Cuba had only 795 social workers. Every year a further 7 000 young people are being trained in accordance with new educational concepts not only in the schools established for this purpose but also in their own municipalities, in the "*Casas escuelas*" (house schools), using televisions, videos and computers under the guidance of experienced teachers.

355. Social workers attend to the needs of students in reform schools, now known as comprehensive training schools, in order to improve this kind of training. They are responsible for organizing the action taken by society to correct the causes and circumstances which lead to the social disadvantage and behavioural problems experienced by these adolescents.

356. Any education system necessarily involves instruction in ethics. In Cuba the teaching of all subjects, from preschool to higher education, is focused on attainment of the highest human values, including those of equality, solidarity and friendship.

357. Another function of Cuba's education system is to provide education in and for the exercise of democracy by teachers, pupils and parents by means of participation in school governing bodies, parents' meetings, and congresses of student and trade union organizations in which a direct dialogue, including open criticism, is conducted with the Head of State and with ministers and other senior governmental officials. In this way schools provide not only theoretical knowledge but also practical experience of the exercise of civil rights and the assumption of civic responsibilities with a profound sense of belonging.

358. School curricula include subjects such as civics and human values, with new content based on the current situation and the construction which citizens put on it and the approaches derived from it. The civics curriculum addresses human rights, starting with students' own experience and activities, the family as a social institution, the Cuban nation and the patriotism and internationalism of the Cuban people.

359. The teaching of Cuban history has been expanded in primary and secondary schools, where the curricula address the roots and processes of the interaction between races which led to the formation of the Cuban people and the present Cuban nation, as well as the cultural, political and historical contribution of their original ethnic components.

360. Non-academic education in the form of the recreational, sporting, cultural and patriotic activities conducted systematically in and out of school and outside school hours complements and reinforces the school's educational work, with a view to enhancing participation and collectivism and respect for other cultures and peoples.

361. The Cuban education system has been a faithful transmitter and a zealous guardian of the laws and principles of the Cuban State against any manifestation of racial discrimination, for it educates and prepares generations of young men and women for life in a just and mutually supportive society which fosters the collective interest and cause and is free of any kind of discrimination.

362. The education system has also reached out into Cuba's prisons. A programme known as "*Tarea 500*" (Task 500) was introduced as one of the programmes of the Revolution at the same time as the emergence of the social workers movement in 2000. Its purpose was not only to turn prisons into schools but also to promote the rescue and reorientation of criminally minded young people and children in Cuban society.

363. With regard to the concrete activities and programmes carried out with prison inmates under the *Tarea 500* programme, attention may be drawn to the fact that 100 per cent of the country's prisons run educational courses for their inmates and that over 90 per cent of the prison population are currently taking courses on a voluntary basis.

364. These activities include an audiovisual programme, under which the courses are taught by means of videos, closed-circuit television, tabloid textbooks and supplementary teaching materials; the programme covers the school curriculum up to twelfth grade; courses taught by physical education instructors are available; and prison libraries containing hundreds of titles from the best of Cuban and world literature have been established and their use encouraged.

## 2. Culture

365. The revolutionary changes in education have also been extended into culture and the arts in their broadest sense. Cuba is making rapid progress in this sphere towards a common and comprehensive culture.

366. Culture and the sciences are fostered and promoted in Cuba in all their manifestations; Cuba recognizes the freedom of artistic creation and the need to protect the identity of Cuban culture and preserve the nation's cultural heritage and artistic and historical wealth.

367. Furthermore, culture is a mass phenomenon in Cuba, one based on equality of opportunities in the development of the potential of every citizen without any distinctions. For the Cuban Government, culture is one of the essential sources of development in terms of the spiritual, creative, emotional, moral and ethical benefits which it brings to society and the nation's cultural and natural heritage.

368. The purpose of the aspiration fully to establish a common and comprehensive culture in Cuba is to encourage the development of a culture which is not just artistic but also historical, scientific, economic, geographical and environmental in the most diverse

areas of knowledge and which is invested with a profound humanist consciousness. The country is experiencing an impressive period of creativity in all the arts.

369. This purpose has produced the most varied expressions of art, culture and the intellect, a process given a special boost in recent years by the implementation of programmes to foster a common and comprehensive culture in every Cuban.

370. Cuba's cultural policy posits authentic cultural development and social cohesion based on a qualitative and quantitative increase in the degree of participation by the people, without any restrictions or discrimination, in the country's cultural life, and it fosters the creative potential and active participation of the people on the basis of respect for the enrichment of values by giving the people access to the highest expressions of world culture and to the most sacred human aspirations, providing them with cultural services, and securing cultural development in the country's rural and most disadvantaged areas. Cultural dialogue - a necessary process and practice - is an essential element of the design of this cultural policy: it starts in the community as the first step towards awareness, it is linked to the social and ideological context of the diversity of cultures, and it constitutes an essential component of cultural relations.

371. In cultural terms there are no significant differences between the white, black and mestizo segments of the population. As the research of the Cuban Institute of Anthropology has shown, the marks of cultural difference between groups depend much more on socio-economic circumstances than on racial affiliation. Even those aspects of culture identifiable as of African origin exhibit the characteristics and the powerful dynamics of anchorage in Cuban culture.

372. The Cuban State's noble purpose of developing and promoting culture in every corner of the land is reflected in the priorities of the Ministry of Culture and its provincial and municipal departments:

(a) To create and foster art and literature in the country and encourage creative artists to become involved in the lives of institutions;

(b) To formulate and execute varied and good-quality cultural programmes on the basis of close coordination among national, provincial and municipal institutions, with a view to satisfying the increasing demand from the people;

(c) To enrich, preserve and disseminate the cultural heritage;

(d) To encourage the grass-roots work of cultural institutions by harnessing the powerful social forces which support cultural activities in the community;

(e) To take care of the system for teaching the arts and human resources development in general;

(f) To introduce and use new information and communication technology in the development and diffusion of culture;

(g) To foster relations with the media as one of the basic means of keeping the public informed and moulding its tastes;

(h) To project Cuban culture onto the international stage;

(i) To promote the production and marketing of cultural goods and services;

(j) To develop the cultural institutions in the municipalities.

373. The sixth congress of the Cuban Union of Writers and Artists (UNEAC), held in November 1998, and the seventh congress of the Cuban Union of Journalists (UPEC), held in March 1999, marked a new stage in the advance of Cuban culture. The debates at these events were echoed by the congresses of the Hermanos Saiz Association (AHS) and the National Union of Cultural Workers, as well as by the national councils of UNEAC and UPEC.

374. This was the context for the introduction of a set of special programmes in various cultural spheres which have given a major boost to the work of artists, writers, organisers and institutions. Some of these programmes, ones which benefit the population at large, are now described:

(a) The extension of the Havana International Book Fair to cover the whole country;

(b) The Family Library Collection. The aim is to make available to the public a sample of the best of Cuban and world literature in short stories, plays, poetry, novels, biography, history, and children's and young people's books; this exercise has marked a new stage in promoting the reading habit. The first collection comprised 25 titles of Cuban and world literature;

(c) The *Libertad* publishing programme. This programme has supplied 6 789 public and school libraries with specialized reference books, including sets of encyclopaedias, atlases and dictionaries, which have had a broad social impact;

(d) Schools for training arts teachers. The 15 schools of this type, officially inaugurated on 18 February 2000, one in each of the country's provinces and in the Special Municipality of Isla de la Juventud, with a total enrolment of 4 000 students a year, are scheduled to produce 30 000 arts teachers within 10 years;

(e) The National Ballet School. The opening of the school's central location, which has a capacity of 300 students, and its corresponding impact on student enrolment in all provinces of the country, plus the establishment of the necessary facilities for the students' specialized training, have been of paramount importance. The vocational workshops run by this school have a major social impact, with a total enrolment of [4 000] children in the provincial chief towns;

(f) The Camagüey School of Ballet and the Plastic Arts. The refurbishment of this important school has been completed: the building has been totally remodelled and the equipment needed for expanding its capacity has been supplied;

(g) The new secondary vocational plastic arts schools. This programme included the establishment of schools of this kind in Guantánamo, Manzanillo, Bayamo, Ciego de Ávila, Morón and Havana; following the refurbishment of the schools in Trinidad and San Alejandro the country now has 17 such schools, which have all enjoyed the support and involvement of creators of works of plastic art as staff members;

(h) The Elementary and Secondary School of Music, Dance and Performing Arts in Bayamo; this school has 500 places, enabling Granma province to meet, in conjunction with the plastic arts schools mentioned above, the enrolment demand in the main artistic specialties;

(i) Animated Film Studios. Investment is being completed in new facilities for this undertaking, with a view to producing audiovisual films for children, adolescents and young people; Animated Film Studios is equipped with the most advanced technology, for a planned output of 500 minutes a year;

(j) Works at the Cubanacán art schools complex. The capital reconstruction of the national schools and the Higher Institute for the Arts will conclude an undertaking representing one of the most admirable and original examples of Cuban architecture of the twentieth century.

375. Attention should also be drawn to the involvement of Cuban artists and writers in other programmes designed to enhance the people's common and comprehensive culture.

376. The University for All programme, the forerunner of the Education Channel, which has had such an important impact, began with a course on narrative techniques taught by leading Cuban writers. Many prominent intellectuals and artists have since worked in this

programme, being aware of the cultural and social impact of this unprecedented undertaking. The programme has become the country's largest and most diverse university. The education channels have run more than 43 courses with about 2 000 hours of programming. The subjects taught in the University for All are also given space in the programming of two other national television channels.

377. The involvement of persons working in the plastic arts in other priority programmes has helped to create an atmosphere of high artistic values in the schools for social workers, nurses, and entry-level teachers, as well as in the University of Computer Sciences and the country's primary and secondary schools.

378. It is also important to emphasize the involvement of students enrolled in the special programmes in the cultural life of the institutions as part of their comprehensive training.

379. The national system of houses of culture currently has 328 units located throughout the country. This programme also operates in communities and areas of difficult access, enhancing the quality of life of the people who live there. Its purpose is to secure the people's participation in creative activities and the appreciation of works of art and literature by organizing artistic and cultural events. This helps to enrich people's spiritual lives and increase their capacity to resist and facilitates changes in society and in individuals, in accordance with the highest values of the acquisition and preservation of local and national identity and in defence of expressions of traditional popular culture.

380. The Cuban Book Institute was founded 40 years ago. During these four decades it has made a notable contribution to meeting the people's demand for books and enabling it to exercise its right to read by carrying out numerous activities to encourage the reading habit and by publishing 15 751 works of literature and the social, natural and exact sciences. It has put more than 400 million copies in circulation, always at modest and affordable prices. This figure does not include textbooks, which are also produced every year and supplied free of charge to pupils and students throughout the country: it refers solely to books to be read for pleasure as a leisure-time occupation - a service for which there is a big demand from the public because of their high level of education and great cultural expectations.

381. The five television channels, two of them education channels, transmit 57 016 hours of programmes a month. Broadcasts on the education channels, which are received in all the provincial chief towns, the biggest cities and most of the rest of the country, account for 62 per cent of the programme hours transmitted by national television. Every day these two channels broadcast between 15 and 20 hours of educational material, most of it designed as curriculum support, thus helping to develop and diversify the people's culture.

382. An extensive network of cultural institutions located all over the country provide services for the Cuban people. The country has 375 bookshops, 23 traditional folk music centres (*casas de trova*), 224 video halls, 404 public libraries, 290 museums, 131 art galleries, 74 theatres and playhouses, 350 houses of culture, and two circus big tops. There were more cultural facilities in service in 2005 than in earlier years. The number of houses of culture increased by 4 per cent, art galleries by 8 per cent, theatres by 11 per cent, and traditional folk music centres by 5 per cent.

383. Cuba has hosted important events and festivals which, with improved planning and increased participation by intellectuals and the general public, have helped to disseminate the best of Cuban culture and have become spaces for meeting, debate and artistic performance. The following deserve mention: the Contemporary Art Show, the *Cucalambeana* Day in Las Tunas, the Festival of Poor Cinema in Gibara, the Benny Moré Festival of Popular Music in Cienfuegos, the May Pilgrimages and the Festival of Ibero-American Culture in Holguín, the Popular Art Fair in Ciego de Ávila, the Cuban Festival in Bayamo, the Wemilere African Roots Festival in Guanabacoa, the Guantanamera Festival in the easternmost part of the country, and the Theatre Festival in Camagüey.

384. A number of prestigious cultural events are also staged outside Cuba. They attract tourists and leading foreign artists and intellectuals, while also having a great attraction for the Cuban public.

385. The following events warrant special mention: the Festival of New Latin American Cinema; the Havana Biennale; the Ballet Festival; the International Book Fair; Cubadisco; the UNEAC *Boleros de Oro* Festival; the Festival of the Caribbean in Santiago de Cuba; the May Pilgrimages and the Ibero-American Culture Festival in Holguín; the Havana Theatre Festival; the Jazz, Rock and Rap Festivals of the Hermanos Saíz Association; the Guitar Festival, the International Handicrafts Fair (FIART), etc.

386. The International Culture and Development Congress has become a discussion forum for the protection of local, national and regional identities, respect for cultural diversity, and promotion of a culture of opposition to neoliberal globalization.. This event is attended by well known personalities in international art and culture.

387. There is also a network of 39 research centres, groups and units constituting a system of concrete support for Cuba's cultural programmes and contributing through outputs, publications, events, courses and series of conferences to the development and improvement of cultural policy.

388. Facilities such as the Juan Marinello Cultural Research Institute, the Casa del Caribe, the Antonio Maceo Study Centre and the Fernando Ortiz African Culture Centre in Santiago de Cuba, the Nicolás Guillén Cultural Centre in Camagüey, the Cuban Music Research and Development Centre, the National Centre for Conservation, Restoration and Museum Science, the José Martí National Library, the Nationality Centre in Bayamo, the Ibero-American Centre in Holguín and other institutions and foundations produce rigorous studies and research on the conservation and dissemination of Cuba's cultural heritage and on the origins, historical evolution, directions and prospects of the development of artistic and literary culture, popular participation in culture, art education and Cuban cultural thought, as well as on other topics, and they endeavour to translate their findings into social practice.

389. The completion and issuance on CD-ROM of an ethnographic atlas of Cuba (traditional popular culture, results of the research work carried out to rescue, revitalize and project traditional popular culture), a dictionary of Cuban music (an important compilation of information on and assessments of composers, performers, genres, instruments, institutions and trends in Cuban music), an atlas of the instruments of Cuba's folk music and many other outstanding publications which have won national awards exemplify the important work of these research institutions, groups and units.

390. The reinforcement of the links between the Ministry of Culture and non-governmental organizations, including bodies such as the Fernando Ortiz Centre, the Antonio Núñez Nature and Man Foundation, the Ludwig Foundation, the Alejo Carpentier Foundation, the Caguayo Foundation and the New Latin American Cinema Foundation, together with associations such as the Martin Luther King Memorial Centre, the Cuban Association of Friends of the Book, the Cuban Artistic Handicrafts Association, the Yoruba Cultural Association, the Association of Percussionists, the Cuban Librarians Association, the Association of Cineclubs, etc., whose promotional activities have a variety of impacts on social and cultural development, have also contributed to the holding of local, national and international events which have a positive influence on creative artists, performers, researchers and organisers of cultural activities and on society at large.

### 3. Information

391. Since Cuba's mass media are owned by the State, their editorial and reporting policy is designed to combat any form of discrimination. The media keep the people informed about the action taken to counter any manifestation of racial discrimination anywhere in the

world. Media reporting fosters the values of humanity, solidarity and non-discrimination and constitutes an authentic tool for human rights promotion and education.

392. Cuba has 723 periodical publications, 406 in hard copy and 317 online, and 91 radio stations. The most important are the 27 newspapers: three national (including the trade union paper *Trabajadores* and the young people's paper *Juventud Rebelde*), 14 provincial, nine local, and one international.

393. All the national and local papers are available on the Internet. Several radio stations broadcast on the Internet in real time, and Cubavisión Internacional also has transmitters throughout the network. Cuba has 89 Internet print media.

394. Information and communication technology (ICT) is a tool in the service of the whole people, giving everyone full access to this technology and ensuring that no kind of racial discrimination can exist. ITC education and training are entirely free. Cuba believes that the available resources should benefit as many citizens as possible. Access to the Internet is facilitated and boosted by use of public and community facilities, principally schools, universities, hospitals and health posts, libraries, research centres, local, provincial and national government offices, and cultural, press and artistic centres, as well as an extensive network of computer youth clubs.

395. The blockade imposed by the United States obstructs Cuba's access to the Internet by restricting broadband availability and elevating the cost of connection, which is possible only by satellite. Nevertheless, at the end of June 2008 Cuba had more than 570 000 computers, equivalent to 5.1 personal computers for every 100 inhabitants, and 70 per cent of them were connected to the Internet. There are 2 180 domains on the .cu extension alone and over 3 500 Internet sites. ICT use by the people means that, despite the blockade's restriction of access to technology and connection by international submarine fibre-optic cable, Cuba has more than 1 336 000 users of Internet services, including 327 000 users navigating the entire Internet.

396. Radio broadcasting continues to play an important role in civic participation in Cuba. There are 91 radio stations broadcasting mainly on medium and high frequencies. Six of these stations are national, 17 provincial and 66 municipal and community; there is also one international short-wave station.

397. There are five national television channels and 15 provincial television studios, including one in the Special Municipality of Isla de la Juventud, and one for people living in mountain regions. Thirty new municipal television studios have been established, and there are 71 municipal correspondents.

398. Television programming includes documentaries, soap operas and other serials, films and educational, scientific and informational materials imported from abroad. Some 20 per cent of the programmes broadcast are produced outside Cuba.

399. The two education channels, which transmit essentially educational material, have had a particular impact in increasing the paths for the free flow of information and opinions. The programmes transmitted by these channels account for 62.7 per cent of all national television broadcasting.

400. By means of such television programmes as *Para la Vida* (For Life), *El triángulo de la confianza* (The Triangle of Trust), and *Espectador Crítica* (Critical Viewer) and educational spots with a preventive and intersectoral focus, together with the grass-roots workshops for children and the vocational training activities carried out by local authorities and teacher-training universities (profoundly involved in a process of integration which progresses year by year), significant advances have been made in terms of knowledge of and respect for the rights of the child and the encouragement of children's active participation in their own education in school and in the community.

401. The rest of the periodical publications, chiefly magazines, can be grouped as follows: 126 in the category of artistic and literary culture (arts and letters, stage arts, music, visual arts, cinema, cultural promotion and information, humour and comic strips, and works for children and young people); 104 in the category of medicine and public health; and 129 in the category of applied sciences and technology (sugar industry, agricultural and animal sciences, industry and transport, architecture, construction and urban development, general technology, standardization, trade marks and patents, multidisciplinary science and technology, information sciences, law, economics, business and finance, education and teaching, and countries and regions).

402. There are also 33 periodicals published by fraternities and religious institutions, 11 by private bodies, nine by community and mass organizations and 63 by other non-governmental organizations, and 17 by political organizations.

### III. Replies to the Committee's suggestions and recommendations

403. This chapter addresses the concluding observations made by the Committee in 1999 (CERD/C/304/Add.60) and the suggestions and recommendations made during its consideration of Cuba's thirteenth periodical report (CERD/C/319/Add.4).

**The Committee recommends that the State party, in its next periodic report, provide fuller information on the demographic composition of the population in the light of paragraph 8 of the reporting guidelines. The findings of the study being conducted by the Anthropology Centre about race relations and ethnicity should be summarized in the next report.**

404. Copious information on Cuba's demographic composition has been included in chapter I, section A (Land and people), together with figures and other data on the country's economic and social life.

**The Committee requests the Government of Cuba to provide, in its next periodic report, information on the number of complaints of racial discrimination, the outcome of the prosecution of cases of racial discrimination and the redress, if any, provided to persons affected by such discrimination. The role of the Attorney-General in dealing with complaints should also be clearly explained in the light of article 6 of the Convention.**

405. Since no reports of racial discrimination are received in Cuba, it is impossible to supply the information requested by the Committee. This does not mean, as already pointed out, that prejudices and racial discrimination are not still found outside the institutional context in some areas of interpersonal relations.

406. The function of the Office of the Attorney-General is described in the present report.

**Particular attention should be paid by the State party to the Committee's general recommendation XIII (42) of 16 March 1993 on the training of law enforcement officials in the protection of human rights and general recommendation XVII (42) of 19 March 1993 on the establishment of national institutions to facilitate the implementation of the Convention. Information in that respect should be included in the next report.**

407. Cuba pays due attention and attaches due importance to the training of members of its police forces, not only in the protection of human rights but also in a broad range of related and connected issues.

408. This policy is consistent with Cuba's concern to preserve the tranquillity and security of its people and is based on the principle of prevention, avoidance and confrontation.

409. The training of members of the National Revolutionary Police (PNR) is conducted in modern classrooms, where the students take courses ranging from a basic introduction to the service life to the most diverse police investigation techniques, use of computers, self-defence, and language.

410. The training covers special occupations such as investigating officer, police instructor, files officer, sector chief, traffic officer, detachment chief, criminal investigator, commander, and information and analysis officer, as well as managerial functions.

411. In Cuba, police officers are trained with the same rigour as any other professionals. The curriculum includes the following subjects: history, current policy, ethics, sociology, social communication, psychology, handwriting, and report-writing.

412. Special attention is given to questions of civil, criminal and international law to ensure that officers comply with the legislation on protection of the fundamental rights of citizens.

413. Young people who opt for one of the different types of police career undergo a rigorous selection process which analyzes their values, conduct, aptitude and worthiness. This guarantees correct professional conduct based on legality and the humanist ethics of the Cuban Revolution.

414. The training of Cuba's police forces has undergone continuous improvement in step with the reorganization of their operational systems, in order to achieve levels of response consistent with the requirements of police action. Grass-roots socio-cultural and education models are emerging in this context which, together the improved technology used by the police, facilitate the training of a more integrated force.

415. With regard to the Committee's recommendation for the creation of a national institution to facilitate the implementation of the Convention, it is pointed out that Cuba, as stated earlier in the present report, has established an effective institutional system, which includes participation by community and mass organizations, for receiving, processing and responding to any complaint or petition lodged by an individual or group concerning the exercise of any human right.

**The Committee invites the State party to give publicity to the Convention, the periodic report as well as the Committee's concluding observations thereon, so that the judiciary, the legal profession, the relevant government agencies and the public at large are made fully aware of the provisions and the potential of the Convention.**

416. Cuba has outlined three main areas of action in the national strategy for informing and educating the people about legal matters: education and training; information and promotion; and social research. Each of these areas has its purposes and goals and a target population at which its messages, suggestions and examples of concrete action are aimed, so that the strategy may provide a working tool both for communicators and for the organs involved in its implementation. One of the goals is to publicize and disseminate the international instruments to which Cuba is a party, including the International Convention on the Elimination of All Forms of Racial Discrimination.

417. The following programmes are planned and are being carried out as part of this work:

(a) **Programme of legal training for managerial personnel:** a system for training managers and officials in elements of the law;

(b) **Education and training programme at the various levels of ordinary education:** in conjunction with other selected bodies and with youth organizations (by means of competitions and law clubs in the central and provincial palaces of pioneers), the Ministry of Justice is contributing to the improvement of the ordinary curricula in order to educate schoolchildren in the law;

(c) **Publicity and information programme conducted through the media and by means of promotional activities and printed materials:** in conjunction with the Cuban Radio and Television Institute (ICRT) the Ministry of Justice has been carrying out a plan of action, aimed at the general public, for publicizing and disseminating the law. This plan is executed by the radio and television services and uses a variety of modalities. The specialist programme *Al Derecho* plays a big part in this activity;

(d) Meetings are also held with representatives of the print media to discuss matters of legal information in general and the provision of services in particular. These meetings are attended by legal experts and managerial personnel;

(e) Work is proceeding on the publication of texts, magazines and leaflets on legal topics for the general public. This work is being undertaken jointly with the Ministry of Higher Education and the Cuban Books and Publications Institute.

(f) Publications such *Revista Jurídica*, *Revista Cubana de Derecho*, the review published by the Office of the Attorney-General, and the bulletins of the People's Supreme Court, together with other similar publications such as the review published by the Ministry of Labour and Social Security, help to consolidate a juridical culture on several fronts. These periodical publications enjoy a wide readership both in the specific professional sectors and among the public at large. The practice of exhibiting specialized legal publications at book fairs is continuing;

(g) **Online publicity and information programme:** efforts are being made to improve the content of both the Intranet and the Internet web pages and ensure that they are regularly updated in accordance with the legal information and training policy for the legal sector itself and for the general public. It is now possible to access Cuban legislation online from anywhere in the world on the web site of the *Gaceta Oficial de la República de Cuba*: [www.gacetaoficial.cu](http://www.gacetaoficial.cu);

(h) **Programme of talks and meetings:** there is a schedule of talks and meetings on legal topics covering the whole country and aimed at the various population groups. This schedule is executed in conjunction with the National Union of Jurists of Cuba, the Ministry of Education and student and mass organizations;

(i) **Programme for improving the production, publication and distribution of the *Gaceta Oficial*:** The *Gaceta Oficial* is regularly published, distributed and marketed, both in hard copy and online. Steps are being taken to produce better results;

(j) **Programme for monitoring and evaluating the effectiveness of the action taken to consolidate a popular juridical culture:** in coordination with other research institutions and centres, the Legal Research Centre and the Publicity Department of the Ministry of Justice regularly monitor and evaluate the effectiveness of the programmes to familiarize the people with the law.

418. Work has been proceeding since 2000 on a project for disseminating information about the rights of children and adolescents. As part of this initiative concrete measures have been implemented in various areas, including racial discrimination. The communication strategy includes measures in three main areas:

(a) **Education:** training, conferences and workshops as spaces for dialogue, debate and discussion on the basis of group working and in coordination with cultural, sex education, and communication institutions;

(b) **Publicity:** television spots on the rights of children and adolescents, with particular emphasis on the family. These topics have been incorporated in the regular programming both of the national channels and of the provincial studios, many of whose programmes are broadcast on national television;

(c) **Publications:** pocketbook on the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women; magazines for children and adolescents (*Zunzún* and *Pioneros*); magazine for experts on adolescent issues; and pocketbooks for adolescents on topics such as the family, violence, self-esteem, prejudice, drug addiction, sexual relations, homosexuality, assertiveness, and leisure time and recreation.

419. These publications reach children and adolescents by various routes. School and public libraries have proved to be important vehicles for this work.

420. This strategy secures the participation of the community and all sectors of society at a sustainable cost and with a sense of shared responsibility.

**It is noted that the State party has not made the declaration provided for in article 14 of the Convention and some members of the Committee requested that the possibility of such a declaration be considered.**

421. With regard to the request of some members of the Committee concerning the possibility of making the declaration provided for in article 14 of the Convention, Cuba would point out that such declarations fall within the purview of national sovereignty. It is for Governments to take sovereign decisions on such matters. There is no legal provision or mandate obliging any country to make such a declaration, bearing in mind that article 14 is not binding. Up to 17 August 2008, in fact, 173 States had ratified the International Convention on the Elimination of All Forms of Racial Discrimination. Up to 14 November 2008 only 53 of them had made the declaration provided for in article 14, i.e. only 30.63 per cent of the States parties to the Convention.

422. It should also be pointed out that, as stated earlier in the present report, Cuba receives no reports or complaints of acts of racial discrimination and it has an extensive and participatory inter-institutional system for receiving, processing and responding to reports and complaints of any violation of the rights of citizens. Accordingly, there has so far been no need to make the declaration.

423. However, Cuba does not rule out consideration of the possibility of making the declaration at some point in the future.

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