



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

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## Committee on the Elimination of Racial Discrimination Seventy-eighth session

### Summary record of the 2055th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 16 February 2011, at 3 p.m.

*Chairperson:* Mr. Kemal  
*later:* Ms. Dah (Vice-Chairperson)

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article 9 of the Convention (*continued*)

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** (*continued*)

*Fourteenth to eighteenth periodic reports of Cuba* (CERD/C/CUB/14-18; CERD/C/CUB/Q/14-18; HRI/CORE/1/Add.84)

1. *At the invitation of the Chairperson, the delegation of Cuba took places at the Committee table.*
2. **Mr. Moreno** (Cuba), introducing his country's combined fourteenth to eighteenth periodic reports (CERD/C/CUB/14-18), said that several Government and State institutions had consulted with NGOs and other relevant bodies in the process of preparing the reports. While Cuba had been a State party to the Convention since 1972, the Government had been taking steps to eliminate all forms of discrimination since the 1959 revolution. Its policies had facilitated the integration of Cuban society, with the adoption of laws designed to destroy the old class system and achieve the economic and social well-being and empowerment of those sectors of society that had traditionally been exploited and excluded. The Agrarian Reform Act had given people access to property and land and had opened up sources of decent work. And the establishment of free, universal access to health and education had favoured traditionally disadvantaged groups, particularly black and racially-mixed citizens. Measures had been taken to put an end to discrimination in access to public areas and facilities, and the nationalization of the sugar mills, the energy industry, the communications system, banking and mining had ended social and racial discrimination in access to work and had given the entire population access to those services.
3. All citizens had the right to participate in the management of the State, either directly or through their elected representatives, and to participate in elections and referendums. All Cubans aged 16 years or over had the right to vote and stand for election. Almost 97 per cent of registered voters had taken part in the 2008 National Assembly elections. All the various social groups were represented in the current composition of the National Assembly, reflecting the diversity of Cuban society. Over 28 per cent of the deputies were manual workers, peasants or persons employed in services or the education and health systems, 43 per cent were women and 36 per cent were black or mestizo.
4. The prohibition of any kind of discrimination and the principle of equality were enshrined in the Constitution, as adopted in 1976 and amended in 1992. The constitutional rights and the means of asserting them were safeguarded by extensive supplementary legislation, including the Criminal Code, the Associations Act, the Criminal Procedure Act, the Elections Act, the Family Code and the Labour Code. Cuban legislation prohibited and punished any act of discrimination on grounds of race, skin colour, sex, national origin or religious belief, and any other discrimination detrimental to human dignity directed against individuals, groups or institutions. It also stipulated that State institutions taught everyone the principle of the equality of human beings from early childhood. All citizens enjoyed equal rights, as detailed in paragraph 90 of the periodic report.
5. Cuban legislation prohibited and punished racial segregation, apartheid and genocide. Any propaganda and organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin or which attempted to justify or promote racial hatred or racial discrimination in any form were prohibited and punishable under domestic legislation. Acts of violence or incitement to such acts against any racial group or group of persons of a different colour or ethnic origin were also prohibited. The Associations Act prohibited the setting-up of racist or segregationist associations.

6. Many other rights, which were guaranteed and enforced, contributed to the equality of Cuban society and helped to eliminate any remaining racism and racial discrimination. They included the right to equal treatment in the courts and all other bodies administering justice and the right to freedom of thought, conscience and religion. Cuba had about 400 religions and religious institutions, all with their own churches and centres, which enjoyed equal status. One notable success in that regard was the elimination of the historical marginalization of religions of African origin. Freedom of opinion, expression and information and freedom of the press were recognized for all citizens, as were the rights to freedom of peaceful assembly and association.

7. Access to all levels of education was free and universal. Cuba had exceeded the six objectives of the UNESCO "Education for All" programme and had fully achieved the third and fourth Millennium Development Goals. The enrolment rate at all levels of schooling was over 99 per cent, and almost 70 per cent of young people studied at university. The right to culture was fully guaranteed and available to all sectors of society. The right to work had constitutional status, and at the end of 2010 the unemployment rate had stood at 1.6 per cent. Every Cuban was guaranteed access to free, high-quality health services under the national health system. Cuba's health indicators were similar to those of developed countries; in 2010, the infant mortality rate had been 4.4 per 1,000 live births and 23 of the country's municipalities had recorded zero rates. Every member of Cuba's population was guaranteed social protection through the system of social security and welfare.

8. Cuba had a broad and effective inter-institutional system for receiving, processing and responding to any complaint or petition from an individual or group concerning the enjoyment of any human right, as stipulated in the Constitution. The system was made up of the Office of the Attorney General of the Republic; the agencies of the central State administration; community, political and mass organizations; the Executive Committee of the Council of Ministers; the People's Supreme Court and its apparatus; the People's Power institutions; and the Council of State. Cuba also had indigenous mechanisms for monitoring and promoting the realization of human rights, such as the system of social workers which provided services to the community and identified the social assistance needs of Cuban families.

9. Significant progress had been made in combating discrimination and promoting equality. However, some racial prejudices remained, particularly in the context of the family. Fifty years of non-discriminatory politics had been unable to totally eradicate stereotypes from a society which had been racist for over 500 years. The Government had therefore promoted several initiatives in conjunction with civil society in order to face that challenge, especially harnessing the media, culture and education. A coordinating committee had been established within the Central Committee of the Cuban Communist Party to oversee work linked to the issue of race, including that of the Cuban Institute of Anthropology and the Cuban Union of Writers and Artists. The Fernando Ortiz Centre was coordinating the Slave Route Project, which was promoted by UNESCO.

10. Since its imposition over 50 years ago, the United States economic, trade and financial embargo had resulted in economic damage to Cuba totalling over US\$ 100,000. Despite the embargo, terrorist acts and aggression and permanent hostility on the part of United States Governments, Cuba had managed to continue building a society that was increasingly fair and equitable. Cuba had upheld human rights both domestically and internationally, particularly the rights to health and education, for the benefit of vulnerable groups, including people of African descent, indigenous communities, women and people with disabilities. The Government recognized, nonetheless, that much remained to be done to completely eliminate racial discrimination from all spheres of Cuban life.

11. **Ms. Bonachea Rodríguez** (Cuba) said that the elimination of racial discrimination had been a priority of the Cuban revolution since 1959. The Government had focused on

creating the conditions for equality, social justice and high levels of participation in public life for all sectors of society. Articles 58 and 59 of the Constitution guaranteed the personal liberty and integrity of all persons without distinction, and stipulated that no one could be tried or convicted except by a competent court in accordance with legislation enacted prior to the commission of the offence and with the guarantees established by law. All accused persons were entitled to defence counsel, and the use of violence or coercion in any form in order to obtain statements from detainees was prohibited. Any information obtained in violation of that principle was invalid, and the parties responsible were punishable by law.

12. All persons had the right to bring cases of discrimination and violations of human rights and fundamental freedoms before the competent authorities and to have the case dealt with within a reasonable period of time. The courts and other institutions within the legal system fully upheld the principle of the equality of all persons before the law. Under the Criminal Code, any person held criminally responsible for an act was also liable in respect of the moral and material damage the act had caused. In addition, the Civil Code provided that civil liability included restoration of the property in question, compensation for moral and material damage, and repair of material damage. Some 72 per cent of staff working in the court system were of African descent and 63 per cent were women.

13. The Office of the Attorney General of the Republic was responsible for monitoring and upholding the rule of law by ensuring that all State agencies, economic and social entities, and citizens complied with the Constitution, laws and other legal provisions, and for instituting and conducting public criminal proceedings on behalf of the State. It received and investigated citizens' complaints alleging human rights violations and responded within 60 days. In addition to the central Office, there were 15 provincial and 168 municipal offices, which ensured that the whole population could rely on the State to take action against violations of their rights. Some 74 per cent of attorneys were women and about 30 per cent were of African descent. While the Office received over 12,000 complaints each year concerning human rights violations by different institutions, none of the complaints had involved racial discrimination. The Office was also responsible for ensuring respect for the dignity of citizens and could in no circumstance unlawfully restrict a citizen's rights. The rights of persons deprived of their liberty were also the responsibility of the Attorney General. Inspections of prisons and other places of deprivation of liberty were carried out to that end.

14. Cuban prisons functioned on the basis of a progressive system designed to educate prisoners and encourage good behaviour through the gradual relaxation of disciplinary measures, leading to early release and successful social reintegration. Prisoners were classed and housed by a dedicated commission and in accordance with the non-discriminatory regulations of the prison system.

15. The Attorney General ordered due process to be followed when the labour rights of citizens were flouted. The institution in question was obliged to inform the Attorney General of the steps it had taken to comply with the order. However, if the complaint was inadmissible or lacked foundation, the Attorney General was obliged to explain why that was the case. Should the complainant wish to dispute the handling of his complaint or its outcome, he could contact the Attorney General's Office and establish why he considered the outcome unsatisfactory within 30 days, with a view to the complaint being re-examined.

16. Both the Attorney General's Office and the People's Supreme Court provided further training for judges and prosecutors on a yearly basis, while the Cuban police academy included racial discrimination and other human rights subjects in its curriculum.

17. **Ms. Herrera Caseiro** (Cuba) said that the national Constitution contained a chapter which established provisions relating to equality. It conferred the same rights and obligations upon men and women and classified any form of discrimination as a punishable

offence. Over the past 50 years, her Government had taken practical steps towards achieving gender equality through the introduction of numerous laws and provisions to strengthen the legal framework that guaranteed women's rights. Furthermore, numerous programmes had been developed to promote social justice, equality and the advancement of women.

18. The Cuban Parliament was characterized by one of the highest levels of female participation in the world, women accounting for 43 per cent of the membership of the National Assembly. Women had come to occupy more and more posts within the provincial and municipal assemblies, the central State administration and the judiciary. The revolution had opened up higher education to women and, as a result, large numbers of women had taken technical and vocational courses. The proportion of women occupying professional and technical posts (65.7 per cent) in itself indicated the unquestionable progress achieved by the Government in the area of gender equality. A turning point had been reached in terms of eradicating stereotypes from Cuba's patriarchal culture, but much still remained to be done.

19. The Durban Declaration and Programme of Action had highlighted the pressing need for international cooperation in the fight against racism, racial discrimination, xenophobia and related intolerance. The victims of such discriminatory practices were very often impoverished people of African descent, indigenous people, women, migrants and ethnic minorities.

20. Cuba had supported that cause by helping to implement basic human rights in many deprived areas of the world and by sending over 513,000 health professionals and other experts to provide assistance in 104 countries. Noteworthy initiatives had included "Operation Miracle", an eye operation solidarity programme that had helped to restore the sight of 1.4 million patients from 33 countries, and "*Yo sí puedo*" ("Sure I can"), which had taught millions of people to read and write, particularly indigenous people, people of African descent and women in rural areas.

21. In addition, Cuba had demonstrated its solidarity with various African peoples by contributing to the eradication of apartheid in South Africa.

22. **Mr. Alonso** (Cuba) said that racial and religious discrimination had been closely linked in pre-revolutionary Cuba. While previous constitutions had provided for freedom of religion and prohibited racial discrimination, discrimination and segregation had been widely practised until effective policies had been introduced after the revolution.

23. Previous criminal legislation had classified African rituals, particularly those of the Yoruba, as aggravating circumstances in a number of crimes. Santería, a fusion of African and Catholic beliefs, had been part of the widespread process of religious osmosis that had characterized the period. The racial discrimination emanating from State institutions had had the effect of placing Catholicism, the religion of the white man, on a pedestal. Santería and other African religions had only received legal recognition after the revolution, placing them on a par with Catholicism.

24. A rift had developed in the 1960s between the fledgling socialist State and segments of the ecclesiastical hierarchy, resulting in a radical break with religion and an aversion to religious belief. The fourth congress of the Cuban Communist Party in 1991 and the constitutional reform of 1992 had removed all obstacles to the full and equal participation of religious communities in the political, social and cultural life of the country. Over the past 20 years, people had declared their religious affiliation and practised religion more openly than ever before. The religious revival that had taken place during the 1990s had created the conditions for people to practise their religion freely, in a climate of equality and respect. While there was no sign of substantial racial prejudice within the religions of people of African descent, that type of prejudice continued to mar relations between the

Christian Church and African religions. Ironically, Cuba's religiously diverse and, at the same time, secular society both encouraged and repudiated the propagation of such prejudice.

25. Having already adopted practical measures to root out remaining instances of racial and religious prejudice in Cuban society, the Government would monitor the effectiveness of those measures and endeavour to instil anti-discriminatory values in the Cuban people of today and tomorrow.

26. **Mr. Feraudy Espino** (Cuba), responding to the request for information on measures adopted to give effect to the Durban Declaration and Programme of Action, said that the revolution itself had dealt racism a considerable blow.

27. Cuban social policy was aimed at promoting justice, equality and non-discrimination among a culturally diverse population by means of public information programmes. The gender perspective was incorporated in the formulation of education programmes and preventive and protective measures, with the aim of strengthening gender equality. It also guaranteed the implementation of all necessary measures in the fight against racism, racial discrimination, xenophobia and related intolerance.

28. His Government had worked closely with civil society to adopt measures aimed at dealing with the country's race-based issues, such as the establishment of the Commission against Racism and Racial Discrimination in 2009 to combat remaining racial prejudice and encourage the Cuban population to embrace racial diversity. The Commission had organized many activities, including a televised round table to discuss racism in the country's history, making special reference to people of African descent and their leading role in the fight for independence and the elimination of racial prejudice.

29. A coordinating group composed of prominent scientific cultural and media experts had been established under the aegis of the Central Committee of the Communist Party to propose action relating to racism. It had proposed raising awareness of Cuba's racial diversity, analysis of the historical role of Cuba's black and mestizo population, research into social history and study of the concept of racial discrimination.

30. The Cuban Institute of Anthropology had been established under the Ministry of Science and Technology to liaise with other institutions dealing with the subject and to participate in a regional network engaged in the study of racism and in international conferences.

31. Action taken by the six working groups of the Cuban committee on the UNESCO international "Slave Route" project had included the creation of databases on ethnic groups, the organization of an exhibition on the influence of Africa on the Americas, the involvement of 79 schools in the UNESCO project and the establishment of a virtual library.

32. Cuba planned to commemorate the International Year for People of African Descent by organizing activities such as a seminar on the contributions of those people to Cuban culture, an international conference on African and Afro-American culture, concerts, exhibitions and documentaries on people of African descent in Cuba. Tributes would be paid to those who had fought against racial discrimination and helped secure recognition for the African legacy in Cuba.

33. Just as all the people of Cuba had united to help put an end to apartheid in Africa, so they would unite in the fight against all forms of racism on Cuban soil.

34. **Mr. Murillo Martínez** (Country Rapporteur), outlining the State party's recent history, said that the former President, Fidel Castro, had made combating racial discrimination a priority in 1959, the year he had taken power, only to admit in 2000 that

the phenomenon had still not been eradicated. Citing the most recent available census statistics, he noted that 65 per cent of the population was white, 10.1 per cent of African descent and 24.9 per cent of mixed race (mestizo).

35. He welcomed the recent release of political prisoners in Cuba and interpreted the presence of the Cuban delegation before the Committee as a sign, however timid, of the State party's willingness to open itself to international human rights scrutiny. He noted, however, that the paucity of contributions by civil society downgraded the quality of dialogue between the State party and the Committee.

36. He regretted that Cuba had neither signed the Convention relating to the Status of Refugees of 1951 nor joined in international efforts to combat the phenomenon of stateless persons. Was the State party considering acceding to that Convention?

37. Although national policy was in no way discriminatory, structural discrimination remained a problem characterized by the economic and social gap that separated people of African and indigenous descent from the rest of the population throughout the Americas. In that regard, he would like to know why people of African descent were underrepresented in decision-making bodies and why they received proportionately less in remittances from abroad than other population groups.

38. He invited the delegation to comment on restrictions on the right of Cuban nationals to enter and leave the State party's territory, and on reports of restricted access for Cubans to areas and services reserved for tourists.

39. He reiterated earlier requests by the Committee for more detailed information on the make-up of the population, and asked whether figures provided in the periodic report had been obtained through self-identification questions. Noting that the majority of people of African descent lived in cities, he asked what proportion of them lived in economically depressed areas, to what extent they were marginalized and how many worked in the tourism sector and other businesses with foreign capital. How widespread was employment in the informal economy?

40. He noted the lack of information on complaints, prosecutions or sentences relating to acts of racial discrimination and requested statistics for people belonging to different racial or ethnic groups who had been victims of assaults or other offences during the period under consideration. It would also be useful to have prison population statistics disaggregated by age, sex and ethnic or racial origin. According to information before the Committee, some 80–90 per cent of prisoners were of African descent. Information on the percentage of crimes attributed to persons of particular ethnic or racial groups, and on the ethnic or racial make-up of the police force and judiciary would also be welcome.

41. With regard to the role of the Attorney General's Office in dealing with complaints of racial discrimination, he wished to know if the Office was obliged by law to prosecute all alleged perpetrators of offences or if it only did so in cases in which it considered prosecution was warranted. He also asked whether victims and associations could initiate prosecution proceedings. Had the Office or any other institution investigated the reasons for the absence of complaints of racial discrimination?

42. Turning to the availability of and access to complaint mechanisms and remedies for acts of racial discrimination, he reiterated questions raised by the Committee in the list of issues and asked under what circumstances victims of racial discrimination were entitled to compensation. He also reiterated the Committee's request for information on progress made towards the establishment of a national human rights body in line with the Paris Principles.

43. Referring to the Criminal Code, he asked how often article 295, which dealt with offences against the right to equality, had been invoked before the courts. He also asked whether article 120, which provided for the death penalty in cases of racial segregation, had

been invoked before the courts and whether there was any relevant case law. Had the Associations Act (No. 54), which aimed to ban the founding of racist or segregationist groups, ever been enforced?

44. Noting that the composition of the National Assembly of People's Power reflected the State party's demographic make-up, he asked what percentage of decision-making positions in other bodies and in public administration were occupied by persons of mixed race or African descent and whether policies promoting the employment of persons of African descent, women and young people in managerial positions constituted systematic affirmative action.

45. He would like to know if the State party planned to include the issue of racial discrimination in its political agenda or set up a parliamentary committee to discuss it. He also requested statistical data, disaggregated by age, sex and ethnic or racial group, on the life expectancy and quality of life of persons of mixed race or African descent, and on poverty, extreme poverty and maternal mortality.

46. He would like to know whether complaints had been received concerning acts of racial discrimination in health centres, including psychiatric clinics and asylums and, if so, who had dealt with them.

47. He asked for more detailed information on the participation of different racial and ethnic groups in the various professions and productive sectors. With regard to the planned reduction of civil service staff by some 50,000 in 2011, he asked what would be done to avoid racial discrimination in that process and how cases of unfair dismissal were dealt with.

48. Turning to the question of immigration, he wished to know more about the general legal framework governing migration and aliens, and asked whether statistics on illegal immigration, in particular from Haiti, were available. Referring to article 215 of the Criminal Code, on the offence of illegal immigration, he asked for statistical data, disaggregated by age, sex, nationality and ethnic or racial group, on the number of people held in detention for that offence and enquired where they were held. He also wished to know what legal conditions and limits, mentioned in article 34 of the Constitution, were placed on the rights of foreign residents in the State party vis-à-vis those of Cuban nationals. He asked whether the State party intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. On the issue of stateless persons, he wished to know if the State party had considered amending legislation on nationality, under which children of Cuban nationals born abroad must reside in Cuba for at least a year to obtain Cuban nationality.

49. With regard to trafficking in human beings, he asked what measures had been taken to prevent and combat such trafficking, especially of women and girls for sexual exploitation, what had been done to criminalize trafficking and whether statistics were available concerning the levels of trafficking for sexual exploitation among people of African descent. He further asked if the State party was considering signing the Palermo Protocol and said it would be useful to have more information on any awareness-raising and capacity-building campaigns relating to human trafficking.

50. He reiterated the Committee's requests for information on: racial discrimination training for the police and other officials, and mechanisms for preventing discriminatory behaviour by the police; educational campaigns in schools and the workplace to raise awareness of racial prejudice and discrimination; and action plans or other measures taken to implement the Durban Declaration and Programme of Action. Did the State party have a national anti-discrimination plan?



51. According to an inquiry by the Cuban Academy of Sciences, racism had intensified in the past 10 years and people of African descent occupied the worst housing, did tougher and worse-paid jobs than the rest of the population, and were generally associated with crime in people's minds. The Committee would like a copy of the inquiry and reiterated requests for results of a study, apparently ongoing, by the Anthropology Centre on race relations and ethnicity. He also sought more information on how census statistics were used, particularly in post-census studies.

52. The Committee welcomed Cuba's decision to sign the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and urged the State party to ratify both. Had it considered making the declaration on communications provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination?

53. **Mr. Diaconu**, referring to a mention of indigenous people in the State party's periodic report, asked whether there were indeed any remnants of the indigenous population in Cuba.

54. He enquired whether the presence of particular communities in specific parts of Cuban territory led to segregation and, if so, what the State party was doing to prevent it. Would it consider including a provision in the Criminal Code to the effect that committing a racially-motivated offence constituted an aggravating circumstance requiring a more severe penalty.

55. Noting that the Office of the Attorney General was presented in the periodic report as the sole defender of citizens' rights, he asked whether civil and administrative courts could deal with complaints of racial discrimination. He regretted the absence of statistics on access to managerial positions by people of mixed race and African descent and wondered whether those people spoke languages other than Spanish. If so, was any written material published in those languages? With regard to the alleged refusal of access to Cubans on racial grounds to beaches and other tourist areas, he wished to know how the State party dealt with such cases.

56. *Ms. Dah (Vice-Chairperson) took the Chair.*

57. **Mr. Huang Yong'an** praised the State party's efforts to ensure that all its citizens enjoyed equal rights, although more could be done to improve the access of people of mixed race and African descent to education, housing, jobs and decision-making positions. Social and economic preconditions, however, needed to be fulfilled, including the lifting of the embargo on the State party.

58. **Mr. Calí Tzay** said he wished to underline the importance of the State party's contribution to the defence of the rights of indigenous peoples and, in particular, the international aid it had provided to indigenous peoples in times of natural disaster.

59. Paragraph 2 of the periodic report stated that Cuba had a clear cultural identity derived from intensive cross-cultural processes, an identity that was embraced by more than 98 per cent of the resident population. According to the same paragraph, Cuba had no ethnic minorities but other ethnic groups, including Canary Islanders, Catalans, Galicians, Basques, Chinese, Haitians, Jamaicans and Japanese, were represented in the form of small communities or families. He was curious to know in the light of those statements how Cuban culture was defined.

60. Paragraph 3 mentioned the extinction of the indigenous peoples and the "biological assimilation" of the few remaining Indians. He asked the delegation to clarify the concept of biological assimilation.

61. Although paragraph 4 stated that “whites, blacks and people of mixed race” were the basic racial groups, it also referred to the “mono-ethnic” character of the Cuban people. He wondered how the basic racial groups defined themselves. He also found the reference to “mono-ethnicity” difficult to reconcile with the statement in paragraph 12 that groups such as blacks and mestizos had been discriminated against for centuries.

62. According to paragraph 17, some personal prejudices had survived for historical and sociocultural reasons. What form did such prejudices take?

63. He would welcome additional information about the recent process of reconciliation between the Cuban State and the Roman Catholic Church and other religions.

64. He noted that a coordinating group attached to the Central Committee of the Communist Party was taking action against racism. The delegation had also mentioned that Cuban society was engaged in a joint effort to eradicate all manifestations of racism in the country. He requested further information about such manifestations and the action being taken.

65. **Mr. Avtonomov** commended the State party’s achievements in the area of health, in particular the low maternal and infant mortality rates and the high rates of life expectancy. Cuban medical professionals had offered valuable assistance to countries in Africa and elsewhere. He had particularly appreciated the support extended by Cuba to children affected by the Chernobyl disaster.

66. Although the Cuban Constitution guaranteed the right to asylum, there was insufficient information in the report concerning refugees. He enquired about the number of refugees in Cuba and about their national, racial and ethnic origins. Were they treated in accordance with the provisions of the Convention relating to the Status of Refugees? He also enquired about the status of Palestinians and students from Western Sahara who had been granted scholarships to study in Cuba.

67. With regard to the rights of foreigners, there had been a great deal of publicity in the 1990s surrounding the case of a Russian woman who had spent a long period in Cuba and married a Cuban. Although her children had grown up in the country, problems had arisen with respect to their inheritance of property. He wondered whether the amendments to the Constitution had remedied that situation.

68. **Mr. Lindgren Alves** said that Cuba had done more than any other Latin American country to integrate its population of African descent into the general population.

69. **Mr. Calí Tzay** had noted the inconsistency between the claim of mono-ethnicity and the recognition of racial groups composed of whites, blacks and mestizos. The same kind of confusion existed in his own country, Brazil.

70. The delegation had referred to “objective discrimination”, which corresponded to what the Committee frequently recognized as structural or inherited discrimination and was difficult to remedy in the short term by means of political action. Some of the questions raised by the Country Rapporteur seemed to fall into that category and to stem from inbuilt prejudice.

71. According to paragraph 22 of the report, 65 per cent of the Cuban population was listed as white, 10.1 per cent as black, and 24.9 per cent as mestizo. Although the racial mix in Cuba and Brazil was almost identical, the corresponding figure for people identifying themselves as mestizo in Brazil was more than 50 per cent, probably because of promotional work in recent years both by the Government and by civil society.

72. According to the report, although Cuba recognized the right of all persons to travel and to leave any country, including their own, the freedom to travel had been adversely affected by the political manipulation of migration to and from Cuba by successive United

States administrations. He pointed out, however, that the Brazilian Workers' Party had recently invited a young Internet blogger to visit Brazil and that the Cuban authorities had not even replied to the invitation.

73. **Mr. de Gouttes**, noting that the State party's previous report had been considered in August 1998, regretted the absence of any dialogue with a Cuban delegation for more than 12 years. It was also regrettable that the Committee had been unable to meet any representatives of Cuban NGOs or civil society for exchanges of opinion before the current meeting.

74. The progress achieved by the State party had been broadly acknowledged during the universal periodic review conducted by the Human Rights Council in February 2009. The right to education for all, from the preschool level to university, had eradicated illiteracy. The right to health was guaranteed and all health services were fully financed by the State. Women's rights were promoted in all areas of public life.

75. The report listed the legal provisions that could be invoked to institute criminal proceedings for racism. However, it contained no information on the number of complaints filed or on the number of prosecutions and convictions. The State party claimed that the institutional structure complied with the provisions of the Convention but, as noted by the Country Rapporteur, it failed to meet the requirements of the Committee's general recommendation No. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system. The fact that few or no complaints had been filed was not necessarily a positive indicator. Victims might be unaware of their rights or fear reprisals. They might also lack confidence in the police or the judicial system. Moreover, the latter might be poorly informed about the existence of racist offences. Noting in that connection that the Office of the Attorney General enjoyed far-reaching powers, he enquired about the relationship between the Attorney General, who was subject to the authority of the executive branch, and the judiciary. For instance, could the Attorney General exercise discretionary power to institute criminal proceedings? If a prosecutor decided not to bring charges, could the complainant appeal to a higher authority or even to a judge?

76. According to the report, freedom of opinion and expression was protected and offenders could be prosecuted under the Criminal Code. However, NGOs had reported a number of violations of the rights of journalists, human rights defenders, political dissidents and the media, in some cases involving arrest and detention. The Committee had also been informed of persistent obstacles to the right to freedom of movement, including the right to leave the country.

77. He asked what action the Government was taking against the sexual exploitation of women, especially migrants and women who had been granted asylum.

78. The Committee would appreciate additional information concerning the number and status of refugees, asylum-seekers and immigrants, especially those from Haiti.

79. **Mr. Peter** said that the Cuban revolution of 1959 had proved inspirational for Africans and it was no accident that 1960 had become a year of liberation for the African continent.

80. Noting that many African countries continued to benefit from the assistance of Cuban doctors and teachers, he asked whether it was true that some doctors and teachers were leaving their profession and entering higher-paid jobs in the tourist industry.

81. Cuba relied heavily on earnings from tobacco production, especially to counteract any decline in other products such as sugar. Were any steps being taken to diversify the economy in order to offset tobacco-related health hazards?

82. He quoted from a book which stated that, while there was little overt discrimination in Cuba, people with darker skins tended to be given the least desirable jobs. Moreover, very few members of the Communist Party leadership were black. He invited the delegation to comment.

*The meeting rose at 6 p.m.*