



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

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**Committee on the Elimination of Racial Discrimination**

**Combined twenty-second to twenty-sixth periodic reports  
submitted by Cuba under article 9 of the Convention,  
due in 2023\*, \*\***

[Date received: 16 December 2024]

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\* The present document is being issued without formal editing.  
\*\* The annexes to the present document may be accessed from the web page of the Committee.



## I. Introduction

1. Cuba, having submitted its combined nineteenth to twenty-first periodic reports (CERD/C/CUB/19-21) to the Committee on the Elimination of Racial Discrimination (hereinafter the Committee) on 28 July 2016 and participated in the related interactive dialogue held on 15 and 16 August 2018, and in the light of the concluding observations adopted by the Committee at its 2676th and 2677th meetings held on 28 and 29 August 2018, hereby submits its combined twenty-second to twenty-sixth periodic reports. The present report describes the legislative, judicial, administrative and other developments that have taken place during the period 2018–2023 to give effect to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter the Convention).
2. The Government of Cuba appreciates the concluding observations issued by the Committee following the consideration of the country’s previous combined periodic reports and is pleased to provide detailed information on the issues that were of particular interest to the Committee at the time.
3. The present report is the result of a collective effort by different institutions, agencies and organizations that are part of the National Programme against Racism and Racial Discrimination “Color Cubano”, in coordination with the Ministry of Foreign Affairs, all of which followed up on the Committee’s recommendations, compiled information and statistics and carried out consultations among a wide range of stakeholders, including civil society.
4. The present report was prepared in accordance with the general guidelines on the form and content of reports to be submitted by States parties under article 9 (1) of the Convention.
5. Cuba maintains a position of principle in condemning all forms of racism, racial discrimination, xenophobia and related intolerance. Since the triumph of the Cuban Revolution in 1959, combating all forms of discrimination has been a priority for the State and will continue to be a priority going forward.
6. During the period covered by the present report, a broad, deep and comprehensive legislative reform programme has been enacted in Cuba, which has included the strengthening of the legal and institutional framework for the promotion and protection of human rights, including the principle of equality and non-discrimination, as well as the fight against racism and racial discrimination.
7. This process has taken due account of the current reality of Cuban society, the national development objectives, the obligations assumed by Cuba under international instruments and the 2030 Agenda for Sustainable Development, among other considerations.
8. An essential step in the aforementioned legislative reform programme was the promulgation in 2019 of the new Constitution, which includes the principle of equality and confers on it constitutional rank. Since then, 129 superior legal norms have been approved, unprecedented for Cuba over such a short period of time.
9. As a result, Cuba now has robust, up-to-date laws for the organization of the State and the Government, has developed an extensive corpus of rights and guarantees as enshrined in the Constitution and has updated its economic and social model.
10. The State’s commitment to continuing to advance in the fight against racism and racial discrimination is evidenced by the adoption and implementation, in November 2019, of the National Programme against Racism and Racial Discrimination.
11. To ensure the achievement of the Programme’s objectives, the National Commission against Racism and Racial Discrimination “Color Cubano” was created to follow up on actions to combat and eradicate prejudice and racial discrimination.
12. The adoption of the Programme and the creation of the National Commission represent a milestone in the fight against racism and racial discrimination in the country. The aim of the Programme and the National Commission is to continue to strengthen the efforts of the State and Cuban society to eradicate this scourge.

13. Cuba has stepped up its cooperation with the United Nations human rights machinery, engaging in smooth technical exchanges with the Office of the United Nations High Commissioner for Human Rights (OHCHR) on various topics of mutual interest, including the legislative process and visits by the heads of human rights mechanisms. These exchanges have covered issues related to the Convention.

14. During the fourth cycle of the universal periodic review mechanism of the Human Rights Council, Cuba accepted all the recommendations made to it on racial issues and is committed to implementing them.

15. The commitment of Cuba to addressing this issue was borne out when it recently hosted the international conference “New Narratives: Memory, Resistance and Vindication” in Havana, commemorating the thirtieth anniversary of the “Routes of Enslaved Peoples” programme of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Similarly, the international conference Cuba 2024: Decade of Persons of African Descent, which will take place in December 2024, will round off the activities in Cuba to mark this important decade.

16. At the time of drafting of the present report, Cuba has a population of 9,354,454 people, of whom 66.3 per cent are white, 9.5 per cent are black and 24.2 per cent are mulatto.

## **II. Information relating to articles 1 to 7 of the Convention**

### **Article 1**

17. Article 42 of the Constitution provides that all persons are equal before the law, are to receive the same protection and treatment from the authorities and are to enjoy the same rights, freedoms and opportunities, without discrimination of any kind on grounds of sex, gender, sexual orientation, gender identity, age, ethnic origin, skin colour, religious belief, disability, national or regional origin, or any other personal condition or circumstance that implies a distinction detrimental to human dignity.

18. The same article establishes that all persons are entitled to enjoy access to the same public spaces and service facilities. They are also entitled to receive equal pay for equal work, without any discrimination. Violation of the principle of equality is prohibited and punishable by law.

19. Article 44 of the Constitution stipulates that the State must create the conditions necessary to guarantee the equality of its citizens and is to educate people from an early age to respect this principle.

### **Article 2**

20. The State consistently condemns all forms of discrimination. This is evident in its laws, their impact and its international commitments.

21. Cuban law condemns and punishes any act of racial discrimination against persons, groups of persons or institutions. The policy aimed at eliminating all manifestations of racial discrimination enjoys constitutional rank.

22. The comprehensive reform of the criminal justice system has entailed an overhaul of substantive and procedural rules, such as the Criminal Code and the Criminal Procedure Act. These rules ensure the protection of the right to equality in the criminal justice field.

23. Act No. 151 of 2022, the Criminal Code, protects the principles, rights, guarantees and obligations contained in the Constitution. Within title XIV of the Code, chapter VIII, on offences against the right to equality, is intended to address all forms of discrimination or differentiation that might impair human dignity, including on the basis of ethnic origin or hatred arising from skin colour. It allows for aggravated offences where discriminatory motives are involved in the commission of an act. More information on this law can be found in the section containing responses to the Committee’s suggestions and recommendations.

24. Act No. 143 of 2021, the Criminal Procedure Act, sets forth the rules of due process and establishes the guarantees, constraints, powers and rights applicable to those involved in criminal proceedings. It recognizes victims as parties to proceedings; it does away with the concept of a “danger to society” before a crime has been committed and strengthens the habeas corpus procedure. It recognizes that proceedings that violate constitutional guarantees or international treaties in force for Cuba and proceedings that fail to comply with the requirements of the Act are null and void.

25. In chapter II on extradition, article 723 provides that extradition is not granted when there are reasonable grounds to believe that the request, motivated by an ordinary offence, has been made for the purpose of persecuting or punishing a person on account of their ethnic origin, skin colour, national origin or any other personal circumstance that implies a distinction detrimental to human dignity, or that the person’s position may be prejudiced for any of these reasons.

26. Chapter III on international criminal assistance provides that such assistance may be denied when, inter alia, there are reasonable grounds to believe that the request has been submitted for the purpose of persecuting or punishing a person on account of their sex, gender, sexual orientation, gender identity, ethnic origin, skin colour, religious belief, disability, national origin, affiliation or political opinions or any other personal circumstance that implies a distinction detrimental to human dignity or that contravenes provisions contained in international human rights treaties.

27. In the family sphere, Act No. 156 of 2022, the Family Code, establishes that all matters involving discrimination and violence may give rise to urgent custody measures. The victim has the right to file a complaint and request immediate protection. This law defines discrimination in the family sphere as any act or omission that has the purpose or effect of excluding, limiting or marginalizing, for reasons of sex, gender, sexual orientation, gender identity, age, ethnic origin, skin colour, religious belief, disability, national or territorial origin or any other personal condition or circumstance that implies a distinction detrimental to human dignity. Article 15 prescribes liability for damages arising from such discrimination in the family sphere.

### **Article 3**

28. 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 to the Convention on the Elimination of All Forms of Discrimination against Women, which it ratified on 17 July 1980. It is also a State Party to the International Convention against Apartheid in Sports and the Convention on the Rights of the Child, which establishes the obligation for States Parties to, among other things, respect these rights regardless of race, colour, ethnicity or nationality.

29. The ties of brotherhood between Cuba and Africa were deepened in the context of Cuban involvement in the struggle against apartheid on that continent.

30. The Constitution recognizes human dignity as a supreme value, the equality of all persons before the law and the right to enjoy access to the same public spaces and service facilities. The law itself provides that the State is to create the conditions necessary to guarantee equality through the implementation of public policies and laws to enhance social inclusion and to safeguard the rights of people in need of such protection.

31. The Criminal Code expressly punishes the crimes of genocide and apartheid.

32. According to chapter III on crimes against peace and international law, the Criminal Code punishes anyone who, with the intention of destroying, in whole or in part, a national, ethnic, religious or skin colour group, commits the crime of genocide.

33. Article 136 of the Criminal Code, which addresses the crime of apartheid, prescribes severe penalties for any person who institutes and maintains the domination of one group of

people over another, in accordance with policies and practices of extermination, segregation and discrimination based on skin colour.<sup>1</sup>

34. However, during the period under review, no one has been punished for the crimes of genocide or apartheid or offences against the right to equality.

35. All propaganda and organizations inspired by ideas or theories based on the superiority of a group of people of a certain colour or ethnic origin, or that seek to justify or promote racial hatred or racial discrimination, in whatever form, are condemned and punished by the national legislation in force. Acts of violence or incitement to commit violence against a group of persons of any colour or ethnic origin are also criminalized.

36. Despite the financial and resource constraints that it faces on account of its status as a developing country and the impact of the economic, commercial and financial embargo imposed by the United States for more than 60 years, Cuba maintains close cooperation links with countries in the region and around the world, including the people of Africa. With these countries, it runs multiple projects related to the promotion and protection of human rights, particularly in the areas of health and education.

37. In the health sphere, it should be noted that, by May 2023, as a result of “Operación Milagro” (Operation Miracle), 3,249,487 free eye surgeries had been performed. The Operation reaches 14 countries in the Caribbean and 13 in Latin America.

38. As at 31 May 2024, Cuban medical assistance programmes were being implemented in 56 countries, with a total of 23,289 collaborators, of whom 40.4 per cent are physicians.

39. In the 61 years of Cuban medical assistance, services have been provided in 165 countries, of which 42 are located on the continent of Africa. Cuban medical brigades are currently present in 28 countries on the continent of Africa, with a total of 3,738 collaborators.

40. By the end of January 2023, more than 2,184 million patients had been treated by Cuban doctors and health personnel in other countries; more than 9,788,000 lives had been saved; more than 5,056,000 deliveries had been performed; and more than 15 million surgical operations had been carried out.

41. Since the coronavirus disease (COVID-19) pandemic was declared in May 2020, until September 2022, support was provided to deal with the pandemic in 42 countries and territories, where members of 58 specialist Cuban Henry Reeve medical brigades went to join the more than 28,000 Cuban health professionals already working in 66 countries as part of the medical cooperation brigades sent by our country.

42. During this period, 5,838 Cuban health professionals, more than 58.5 per cent of them women, joined the specialist brigades deployed in other countries. These brigades have treated more than 4 million patients and saved more than 80,000 lives.

43. A total of 40,243 students from 149 countries, mainly African and Latin American countries, have graduated and, at the same time, support was provided for the training of

<sup>1</sup> Article 136 of the Criminal Code punishes the crime of apartheid with a penalty of 10 to 30 years' deprivation of liberty, life imprisonment or death, applicable to any person who, with the purpose of instituting and maintaining the domination of one group of people over another, in accordance with policies and practices of extermination, segregation and discrimination based on skin colour: (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 or punishment, arbitrary detention 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 create impediments to the group's full development by denying its members fundamental rights or freedoms; (c) divides the population into groups according to criteria based on skin colour, setting up reservations or ghettos, prohibiting marriage between members of different groups or expropriating their property; or (d) exploits the labour of members of a group, in particular by subjecting them to forced labour. Paragraph 2 of the same provision prescribes a penalty of 10 to 20 years' deprivation of liberty if the act entails the persecution or harassment of organizations or individuals who oppose or combat apartheid.

medical professionals and technicians in the same countries where Cuban medical brigades work.

44. A total of 10,684 health professionals from Africa have graduated from Cuban medical sciences universities (9,863 in medicine, 548 in technologies, 235 in stomatology, 34 in nursing, 3 in higher technical studies and 1 in psychology). Those graduates have helped to train health professionals in their own countries with the opening of 18 medical schools in 12 countries. Of these schools, 14 are located in African countries.

45. In the field of education at the international level, Cuba has continued to implement cooperation projects such as the “Yes I can” literacy programme, which has benefited 10,611,282 people in 30 countries in Latin America, Asia, Africa and Oceania, including 8 African countries. Cuba currently has 611 cooperation partners in the field of education in 12 countries.

#### **Article 4**

46. In accordance with the constitutional provisions on respect for human dignity as a supreme value, any propaganda or organization inspired by ideas or theories based on the superiority of one particular race is to be condemned.

47. The Criminal Code addresses offences against the right to equality. Article 388 (1) establishes that anyone who commits this offence is to be punished by 6 months to 2 years’ imprisonment or a fine of 200 to 500 times the daily minimum wage, or both.

48. Anyone who disseminates ideas based on superiority or hatred because of skin colour or who commits acts of violence or incites others to commit such acts against any group of persons of another skin colour or ethnic origin is to be punished by 2 to 5 years’ imprisonment or a fine of 500 to 1,000 times the daily minimum wage, or both.

49. Act No. 54 of 27 December 1985, the Associations Act, which is in force, regulates the exercise of the right to freedom of association, which the Constitution accords to all citizens. This law prohibits the formation of racist or segregationist associations. Work is currently under way on a new law on forms of association, which, according to the legislative schedule, is due to be submitted in July 2025.

50. During the period under review, there have been no court cases related to propaganda or organizations inspired by ideas or theories based on the superiority of one particular race or incitement to such discrimination.

#### **Article 5**

51. Cuba is in compliance with article 5 of the Convention. The Government condemns racial discrimination in all its forms and guarantees the right to equality before the law, without discrimination of any kind, including on grounds of skin colour, national or ethnic origin, or any other ground that implies a distinction detrimental to human dignity.

52. 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. The courts constitute a system of State organs structured to be functionally independent from any other organ. Magistrates and judges, in exercising their function of dispensing justice, are independent and owe obedience only to the law.

53. Judgments and other enforceable decisions of the courts, pronounced within the limits of their jurisdiction, are binding on State organs, agencies and citizens, both on those directly affected by them and on those who have no direct interest in their implementation but have an obligation to participate in it. Persons who fail to respect them are held liable.

54. The State guarantees effective equality in the enjoyment and exercise of rights and in the fulfilment of the duties enshrined in the Constitution and the laws. It also guarantees, in accordance with the law, that persons may have access to the courts in order to protect their legitimate rights and interests.

55. The principle of access to justice is enshrined in article 92 of the Constitution. Article 94 establishes that all persons, as a guarantee of their legal security, enjoy due process rights in both the judicial and administrative spheres, the most important of their rights being the right to equality of opportunity in all proceedings in which they participate as a party. Article 95 regulates guarantees of due process in criminal proceedings for all citizens.

56. Article 1 of the Criminal Procedure Act (No. 143 of 2021) establishes that criminal proceedings and the rights, guarantees and duties of those who participate in them are governed by the Constitution and the Act itself. The guarantees established for persons involved in criminal proceedings include the guarantee that all persons must be treated with respect for their dignity and physical, mental and moral integrity and must not be subjected to violence, deception or coercion of any kind, with a view to forcing them to testify, or to discriminatory treatment.

57. The provisions and acts of the organs of the State and its senior administrators, officers and employees, as well as those of organizations, agencies and individuals, are aligned with the Constitution as the supreme law of the State, compliance with which is mandatory.

58. The organs of the State and its senior administrators, officers and employees are required to respect, serve and respond to the people, maintain close ties with them and submit to their oversight, in the manner established in the Constitution and the laws.

59. Article 98 of the Constitution establishes that any person who suffers loss or harm unjustly caused by the senior administrators, officers and employees of the State acting in an official capacity has the right to claim and receive appropriate redress or compensation as prescribed by law.

60. Article 99 states that any person whose rights under the Constitution are violated and who, as a consequence, suffers loss or harm caused by the organs of the State, or its senior administrators, officers or employees, as a result of improper acts or omissions in the exercise of their duties, or private persons or non-State entities, has the right to apply to the courts for the restoration of their rights and to receive, in accordance with the law, the corresponding redress or compensation.

61. Act No. 153 on the *amparo* procedure for protection of constitutional rights protects the rights recognized in the Constitution. Claims may be made in respect of all the rights recognized in the Constitution that are not subject to specific remedies in judicial proceedings on other matters. The law establishes the rights protected by this guarantee and the fast-track, expeditious and concentrated procedure for their enforcement.

62. Article 174 of the Criminal Code punishes abuse of authority by public officials who, in seeking to cause harm to an individual or obtain an unlawful benefit, for themselves or for someone else, perform their duties in a manner that is manifestly contrary to the law or that arbitrarily exceeds the legal limits of their authority. In such cases, the offence is punished by 1 to 3 years' imprisonment or a fine of 300 to 1,000 times the daily minimum wage, or both, provided that the act does not constitute a more serious offence.

63. The penalty established for the offence of disobedience under article 175 is 6 months' to 1 year's imprisonment or a fine of 100 to 300 times the daily minimum wage, or both. In cases where a public official fails to comply with a judgment, enforceable decision or order issued by a court or competent authority, in accordance with the appropriate legal formalities, he or she incurs a penalty of 6 months' to 1 year's imprisonment or a fine of 100 to 300 times the daily minimum wage, or both.

64. The Criminal Code in force establishes penalties for public officials who fail to comply with an enforceable decision or order issued by the courts or a competent authority in accordance with the legal formalities. The offence of perverting the course of justice (arts. 177–180) is punished by 1 to 3 years' imprisonment or a fine of 300 to 1,000 times the daily minimum wage, or both, for officials who knowingly hand down unlawful decisions in cases brought before them in the course of their official duties.

65. Penalties are also established for persons who maliciously delay the handling or resolution of a case or who fail or refuse, without good reason, to perform a duty or act

inherent in their functions, and for persons 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.

66. The penalties for a number of offences are increased when the perpetrator is a public official.

67. To date, no proceedings have been brought before the courts for the offences of disobedience, perverting the course of justice or wrongful execution of penalties or security measures.

68. The Constitution of 2019 made important changes to the structure of the State. It ensures a proper balance between the organs of State and greater efficiency. Guarantees for people's participation at the local level are strengthened, as a genuine expression of the exercise and democratic control of power.

69. Chapter II of title V of the Constitution, on rights, duties and guarantees, sets out the principles and guarantees of human rights, which are consistent with the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments.

70. Chapter IX of the Constitution, on the electoral system, protects the right of all citizens possessing the necessary legal capacity to take part in the governance of the State, either directly or through their representatives elected to the organs of people's power, and to participate, with this purpose and in the manner set out in law, in periodic elections, plebiscites and referendums of the people, which must be conducted by free, equal, direct and secret ballot. Each voter is entitled to only one vote.

71. Voting is voluntary in Cuba. All citizens have the right to vote from the age of 16 years and to stand for election from the age of 18 years, without discrimination of any kind, in accordance with the Constitution.

72. The Constitution provides that male and female Cuban citizens who enjoy full exercise of their political rights and who meet the other requirements established by law have the right to stand for election. Candidates for the election of deputies to the National Assembly of People's Power must be at least 18 years of age.

73. The electoral roll is public and permanent. It automatically includes all citizens with the legal capacity to exercise the right to vote, in accordance with the law.

74. The Constitution of 2019 established the National Electoral Council as the first standing State body with the functional independence to organize and supervise elections, public consultations, plebiscites and referendums in the country.

75. Article 4 of Act No. 127 of 13 July 2019, the Electoral Act, establishes that the vote is free, equal, direct and secret, setting out equal conditions for each voter. Article 85 (b) permits all citizens with legal capacity who meet the established requirements to participate in the governance of the State, either directly or through their representatives elected to the organs of people's power, in accordance with article 204 of the Constitution.

76. Since 2018, four elections have been held to elect authorities at the municipal and national levels, with very high turnouts.

77. Participation by the people and their consultation in decision-making processes is promoted and guaranteed at the various levels and in all areas. In Cuban municipalities, it is the people who propose, nominate, elect, hold to account and remove elected officials.

78. In the municipal elections of 2022, 68.56 per cent of the citizens registered in the electoral roll exercised their right to vote and 12,422 municipal delegates were elected.

79. In March 2023, national elections were held to elect deputies to the National Assembly of People's Power, the supreme organ of State power. A total of 75.87 per cent of registered voters exercised their right to vote.

80. Of the 470 deputies, 55.74 per cent are women and 45.11 per cent are black or mulattos. About 20 per cent are between 18 and 35 years old. The average age of the deputies is 46 years, and 94.04 per cent are university graduates.



81. The expansion of legislation and the various elections that have been held serve to illustrate the genuinely participatory, grassroots nature of Cuban democracy, as exemplified by the broad-based consultations that have been held, which include two nationwide referendums.

82. Article 204 of the Constitution establishes the right of all citizens with legal capacity to take part in the governance of the State.

83. The recall procedure that may be applied to all elected officials, together with the accountability procedures in place, constitute ongoing mechanisms to ensure the people's oversight of the management of their representatives.

84. The permanent link between the people and the organs of State, elected representatives and public officials continues to be reinforced, as does oversight of the administration by the organs of people's power. Act No.135 of 2020, on the recall of persons elected to the organs of people's power, was adopted.

85. Article 52 of the Constitution provides for the freedom of persons to enter, remain in, pass through and exit the national territory and to change their domicile or residence, without any restrictions other than those established by law.

86. The State recognizes the right of all persons to travel and to leave any country, including their own.

87. Title IV of the Constitution, on citizenship, establishes that Cuban citizenship is acquired by birth or by naturalization. The acquisition of another citizenship does not result in the loss of Cuban citizenship. Cuban citizens, while in the national territory, are subject to the regulations applicable to citizens, in accordance with the law, and may not make use of a foreign citizenship.

88. Article 37 of the Constitution states that Cubans may not be deprived of their citizenship, except on grounds established by law. The law establishes the procedure for regularizing the loss and renunciation of citizenship and defines the authorities empowered to rule on such matters.

89. Chapter III of the Constitution refers to families and protects the right of every person to found a family. The State recognizes and protects families as the fundamental unit of society, irrespective of how they are formed, and establishes conditions in which they are fully supported in achieving their goals. They are constituted by legal or de facto ties of an emotional nature and are based on the equality of their members' rights, duties and opportunities. The legal protection of the various types of families is regulated by law.

90. Article 82 defines marriage as a social and legal institution. It is one of the ways in which a family may be structured. It is based on free consent and on the equality of the spouses' rights, obligations and legal capacity.

91. It recognizes stable and exclusive unions between persons with legal capacity who de facto establish a life together, which, under the conditions and circumstances established by law, gives rise to the rights and obligations for which the law provides.

92. Act No. 156 of 2022, the Family Code, which was adopted by popular referendum,<sup>2</sup> underlines the importance attached by the State to the institution of the family. It recognizes various kinds of family structure and broadens the definition of kinship relations, promotes gender equality within the family, expands the scope of the title on family violence and sets out provisions on protection, affirms the constitutional principle of the best interests of the child and enhances the regulation of mechanisms for the provision of care and protection within a family environment, among other matters.

93. Articles 201 to 207 of the Family Code establish that marriage is the voluntary union of two persons possessing the legal capacity to marry, for the purpose of living together, on

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<sup>2</sup> Widescale specialized and general consultation processes were undertaken in which more than 6 million citizens participated in 79,000 meetings, with 336,595 contributions being made and 434,000 proposals for amendments. The Family Code was adopted by popular referendum, with 66.85 per cent of the votes supporting its adoption.

the basis of mutual affection, love and respect. Where the choice of spouses is concerned, no distinction is made on the basis of skin colour.

94. A total of 81,894 marriages were registered in 2022, while 87,765 (an increase of 5,916) were registered in 2023. A total of 1,528 same-sex marriages were formalized between the entry into force of the Family Code in September 2022 and December 2023. Of those marriages, 909 were between men and 616 were between women. A total of 147 same-sex de facto unions were registered, 53 of which were between men and 64 between women.

95. The economy of Cuba is based on ownership by the entire people of the fundamental means of production as the main form of property and on the planned management of the economy, taking account of, regulating and monitoring the market in accordance with the interests of society.

96. As part of the process of modernizing the economic model, new ways of managing ownership are being promoted, creating opportunities for self-employment and cooperative ownership.

97. All persons have the right to the enjoyment of assets that they own. The State guarantees the right to use, enjoy and freely dispose of such assets in accordance with the law.

98. Under title II of the Constitution, which relates to economic foundations, the following forms of ownership are recognized: socialist ownership by the entire people; cooperative ownership; ownership by political, grass-roots and community organizations; private ownership; mixed ownership; ownership by institutions and civil society organizations; and personal ownership.

99. Article 22 of the Constitution establishes that, in Cuba, all forms of ownership of the means of production interrelate with each other under similar conditions; the State regulates and oversees the manner in which they contribute to economic and social development. The law regulates the exercise and scope of the forms of ownership.

100. The Constitution recognizes the right to inheritance by reason of death. The law regulates the substance and scope of this right.

101. Act No. 59, the Civil Code, establishes that inheritance law comprises the set of regulations governing the transfer of a deceased person's estate after his or her death. In no case does skin colour constitute an impediment to inheritance.

102. Title II of the Family Code, which relates to discrimination and violence within the family, includes among the forms of conduct defined as discrimination in this context any action or omission that has the purpose or result of excluding, restricting or marginalizing a person because of the colour of his or her skin.

103. The Constitution establishes that the State is secular in Cuba. However, freedom of religion and belief is recognized, respected and guaranteed, without any discrimination whatsoever. All Cubans have the right to profess religious beliefs, to change them and to practise the religion of their choice, with due respect for others and in accordance with the law, as established in article 57 of the Constitution.

104. The State takes clear and ongoing action against discrimination based on religion or belief and other related forms of intolerance, both at the national level and in international forums, including those dedicated to human rights.

105. The 1,850 religious institutions in the country have approximately 1.5 million members, with whom the State maintains close relations through free-flowing, respectful and systematic dialogue. Religious institutions undertake their social activities and train their personnel with complete independence and autonomy.

106. They have churches and premises where they can carry out their activities and they do so regularly, without hindrance. They freely appoint their ordained ministers and assign them to work in the different parts of the country. They organize a significant number of religious activities at the local, national and international levels. They also regularly receive their international representatives.

107. Commendable work is carried out by a number of religious and fraternal organizations in caring for persons in vulnerable situations, especially older persons and persons with physical and mental disabilities.

108. Religious institutions are part of Cuban civil society and, as such, actively participate in the design and implementation of public policies.

109. Four of the country's religious leaders are deputies in the National Assembly of People's Power, the supreme organ of State power. Many people who profess beliefs are members of various decision-making bodies in Cuba, including elected organs of people's power.

110. There is no impunity in Cuba for discrimination on the basis of belief or religion, which is outlawed in the Constitution. Criminal law provides for severe penalties for any person who engages in incitement to violence on the basis of religion or belief or who hinders or interferes with freedom of worship, including public officials abusing their positions.

111. Cuban religious organizations participate in international human rights forums such as the Human Rights Council and the universal periodic review, making contributions based on their valuable experience of religious activities and social and community work. Some of them, such as the Consejo de Iglesias (Council of Churches) and the Asociación Cabildo Quisicuba, have consultative status with the Economic and Social Council (ECOSOC).

112. In addition, a number of Cuban religious institutions are part of equivalent international bodies and some of their members have responsibilities in them. For example: the World Council of Churches, the Latin American Council of Churches, Acción Conjunta de Iglesias (Joint Action for Churches), the Alianza Bautista (Baptist Alliance), the Federación Universal de Movimientos Cristianos (Universal Federation of Christian Movements) and the Asociación de Iglesias Presbiterianas y Reformadas en América Latina (Association of Latin American Presbyterian and Reform Churches), among others.

113. In December 2023, Cuba received a visit from Dr. Jerry Pillay, the General Secretary of the World Council of Churches, who conducted an intensive programme of activities and was able to confirm that freedom of religion was respected in Cuba.

114. In Cuba, the rights of assembly, demonstration and association for lawful and peaceful purposes are protected under the Constitution. The constitutional right of individuals to freedom of thought, conscience and expression is recognized, respected and guaranteed, as is freedom of the press, in accordance with the law and the interests of society.

115. The safeguards provided for in Cuban law to protect constitutional rights include the penalties set out in the Criminal Code. These penalties are more severe if the perpetrators of the acts concerned are public officials or law enforcement officers.

116. In Cuba, the exercise of individual freedoms and citizens' rights is promoted in strict compliance with the Constitution and the law.

117. The basic purpose of the Social Communication Act, adopted in June 2023, is to protect people's rights to information and communication as provided for in the Constitution.

118. The Cuban political system is genuinely participatory and direct. This is shown by the various representative, deliberative and direct democratic mechanisms through which the public actively participates in political decision-making. These mechanisms include the two public consultations and two national referendums (one constitutional and the other legislative) held since 2018, for which the turnout was very high. For example, the constitutional referendum held in 2019 had a turnout of 90.15 per cent, and 86.85 per cent of the votes were in favour of the new Constitution. The referendum on the Family Code held in 2022 had a turnout of 74.12 per cent, and 66.85 per cent of the votes were in favour of the Family Code.

119. Owing to their broad membership, representative nature, legitimacy and capacity to mobilize, civil society organizations, community leaders, social activists and human rights defenders in Cuba actively participate in the design and implementation of public policies.

120. There are 2,261 registered civil society associations and organizations in Cuba. There is also a wide range of social movements, community networks and projects of different kinds

that enrich Cuban civil society and promote human rights, including the fight against racism and racial discrimination.

121. The economic, commercial and financial blockade imposed by the Government of the United States constitutes a gross, flagrant and systematic violation of the human rights of Cubans. It is the main obstacle to the country's economic and social development and to the implementation of the 2030 Agenda. Its declared aims – to cause hunger and despair among the Cuban people – are illegitimate, inhumane, illegal and in violation of the Charter of the United Nations and international law.

122. In the period since Cuba last appeared before the Committee, it has had to face an unprecedented tightening of the blockade, with the imposition of additional coercive measures that have a negative impact on the Cuban people's enjoyment of their human rights.

123. From April 2018 to February 2024, the blockade caused loss and damage to Cuba estimated at around US\$ 29,788.6 million.

124. At current prices, the accumulated losses incurred over more than six decades of the application of this policy amounts to US\$ 164,141.1 million.

125. Taking into account the movements of the dollar against the value of gold on the international market, the blockade has caused quantifiable damage of more than US\$ 1,499.71 billion.

126. It is estimated that, without the blockade, the country's gross domestic product at current prices could have grown by around 8 per cent in 2023.

127. The unilateral measures that have the greatest impact on the Cuban population and economy remain unchanged, which has continued to prolong and aggravate the devastating effects of the unilateral coercive system, the longest-running and most all-encompassing in history.

128. In this regard, the measures that are harshest and have the greatest impact are the following: the arbitrary and unjustifiable inclusion of Cuba on the list of countries alleged to be sponsors of terrorism unilaterally drawn up by the Department of State of the United States; the sanctions or threats of sanctions against shipping companies, carriers, insurers or reinsurers involved in supplying fuel to Cuba; the intense and meticulous scrutiny of Cuban financial transactions and the consequent hindrance of the supply of essential resources; and the continued unilateral inclusion of Cuba on other lists.

129. In the area of international law, Cuba has ratified nine conventions of the International Labour Organization (ILO), including the eight fundamental conventions. Labour and social security legislation is consistent with these conventions and, in some cases, goes beyond the international standards set out in them, granting more extensive rights, benefits and protection to all workers.

130. In Cuba, the right to work is guaranteed by the Constitution without discrimination of any kind. Anyone able to work has the right to a decent job, in accordance with his or her preferences, qualifications, abilities and the requirements of the economy and society.

131. Child and adolescent labour is prohibited under the Constitution. The State provides special protection to adolescents who have graduated from technical and professional courses or others who, in exceptional circumstances defined by law, are authorized to work, in order to ensure their training and comprehensive development.

132. The State organizes institutions and services to make it easier for working families to comply with their responsibilities.

133. Article 2 of Act No. 116 of 2013, the Labour Code, sets out the fundamental principles governing labour law, including the right to equality at work. This law expressly provides for access to employment without discrimination on the basis of skin colour, gender, religious beliefs, sexual orientation, place of origin, disability or any other distinction detrimental to human dignity.

134. These principles include the principle of equal pay, according to which work is remunerated, without discrimination of any kind, in accordance with the products and

services that it creates, their quality and the actual time worked, subject to the principle of socialist distribution, whereby all persons should contribute according to their ability and receive according to their work.

135. Workers have the right to rest, which is guaranteed by eight-hour working days, weekly rest and paid annual leave.

136. The State social security system guarantees appropriate protection when a person is unable to work due to age, maternity, paternity, disability or illness. The State also protects, in accordance with the law, grandparents or other relatives of minors, depending on the care and attention that the minors require.

137. The right to occupational health and safety is guaranteed through the adoption of appropriate measures to prevent occupational accidents and diseases.

138. Through the social welfare system, the State protects persons who lack resources or shelter; persons who are unfit to work; persons who do not have family members who can help them; and families who lack sufficient income and therefore require assistance, in accordance with the law.

139. Articles 327 and 328 of Act No. 151, the Criminal Code, recognize as offences workplace harassment and malicious impairment of labour and social security rights, including on discriminatory grounds.

140. In September 2023, the Council of Ministers issued Decree No. 96, adopting a protocol on handling situations of discrimination, violence and harassment in the workplace, which defines the ways in which the competent authorities should respond to violations of the right to equality in the workplace. Article 10 establishes that any clause, regulatory provision or administrative practice that is incompatible with the principles of non-discrimination in employment is null and void, and article 11 states that manifestations of discrimination constitute a violation of workers' labour rights and may be challenged in accordance with the conflict resolution procedure provided for by law.

141. The Macrogramme for Human Development, Equity and Social Justice includes the Decent Work Programme, which is a mechanism for eliminating any situation of disadvantage or vulnerability to manifestations of discrimination and harassment in the workplace.

142. In Cuba, all trade union activity and the fullest enjoyment of trade union rights are guaranteed. Article 13 of the Labour Code protects the right of workers to freedom of association and to form trade unions, in accordance with their founding principles, implemented in their statutes and regulations, which are democratically discussed and approved in conjunction with members. All Cuban workers have the right to voluntarily join a branch union.

143. In 2021, the Social and Labour Observatory of Cuba was established to monitor social and labour questions that impact on Cuban society. This institution gathers, processes, evaluates and produces information on social and labour indicators around the country and assists in formulating public policies.

144. At the end of 2023, the number of persons in employment reached 4,296,715, 2,688,315 of whom (63 per cent) were in the State sector and 1,608,400 (37 per cent) in the non-State sector. According to the national occupation survey, 65 per cent of employed persons are white, 25 per cent are mulatto and 10 per cent are black (Ministry of Labour and Social Security), which corresponds to the composition of the Cuban population by skin colour.

145. Legislative updates are made to strengthen the protection of workers' rights. The offences of workplace harassment, malicious impairment of labour and social security rights and illegal use of the work of minors have been incorporated into the Criminal Code.

146. The Government is currently reviewing the national legal framework, particularly the Labour Code, with a view to strengthening it.

147. Article 71 of the Constitution recognizes the right of all persons to adequate housing and a safe and healthy environment. The State gives effect to this right through housing

construction, rehabilitation and conservation programmes in which agencies and the public participate in accordance with public policies, regional and urban planning regulations and laws.

148. One of the strategic focuses of the National Plan for Economic and Social Development to 2030 relates to human development, equity and social justice, based on an all-encompassing understanding of development. It includes programmes for improving living conditions as well as for preventing and responding to vulnerabilities.

149. This culminated in the development of the National Action Plan for the Implementation of the New Urban Agenda in Cuba 2017–2036, which was completed in December 2017. The Plan was the result of a participatory and consultative working process that received technical support from the United Nations Human Settlements Programme (UN-Habitat) and was adopted in 2019 as a State Plan. Its eight strategic focuses are aligned with the Sustainable Development Goals.

150. The Housing Policy, which has been implemented since 2019, is based on the recognition of the current housing deficit and sets out a plan for the deficit to be overcome in 10 years. Its objectives are to promote habitability, ensure the availability of technical infrastructure, eradicate precarious conditions and protect vulnerable groups, especially families affected by weather events, women with three or more children, and people living in mountain communities and hard-to-reach areas.

151. In Cuba, the right to public health is established in the Constitution. It is the State's responsibility to guarantee free access to quality healthcare, protection and rehabilitation services.

152. In order to give effect to this right, the State established a public national health system that is free of charge, accessible to all and non-discriminatory. It also implements prevention and education programmes to which society and families contribute. The system is fundamentally based on primary healthcare. There are 8.5 doctors per 1,000 inhabitants.

153. In the period 2018–2020, life expectancy at birth in Cuba was 77.7 years. At the end of 2022, the infant mortality rate was 7.5 per 1,000 live births and the rate of survival to 5 years of age was 99.1 per cent.

154. Cuba developed and produced the first vaccine against the coronavirus disease (COVID-19) in Latin America and the Caribbean. Three proprietary COVID-19 vaccines were developed and approved for emergency use by the national regulatory authority: Abdala, Soberana 02 and Soberana Plus. Cuba was the first country in the world to roll out a mass vaccination campaign against COVID-19 for children over 2 years of age.

155. By the end of 6 May 2023, 44,133,616 doses of Cuban vaccines had been administered in the country. A total of 10,013,496 people, or 90.7 per cent of the Cuban population, have been fully vaccinated.

156. During the pandemic, the schedule for immunizing children against 13 diseases, as part of an immunization programme with one of the highest coverage rates in the world, was maintained. Fourteen infectious diseases have been eliminated. Another 29 transmissible diseases and clinical forms are under control, with rates lower than 0.1 per 100,000 inhabitants.

157. Disease prevention and treatment measures have been strengthened, including for cholera, dengue and HIV. The National Programme on STD/HIV/AIDS has been updated for the period 2019–2024. The prevalence of HIV in the population aged between 15 and 49 years is 0.4 per cent.

158. In the last seven years, the rate of mother-to-child transmission of HIV has been equal to or less than 2 per cent. In 2015, the World Health Organization officially recognized Cuba as the first country in the world to have eliminated mother-to-child transmission of HIV/AIDS and syphilis.

159. The National Health System provides family planning and sexual and reproductive health services. Sex education has been strengthened, particularly for adolescents and young

people. Measures to reduce the teenage pregnancy rate have been stepped up, resulting in a slight reduction in the rate from 18 per cent in 2021 to 17.8 per cent in 2022.

160. For 2023, expenditure on public health and social assistance accounted for 23 per cent of the country's total budget. The proportion to be allocated for 2024 is 26 per cent.

161. The Public Health Act, which is tailored to the social and structural changes that have taken place in the country, was recently adopted. The adoption of this new law marks the start of a process of updating the legal rules of the Ministry of Health.

162. In Cuba, all persons have the right to education and the State is responsible for providing it. The State guarantees free, affordable and quality education services to promote all-round development, from early childhood to the postgraduate level.

163. In order to give effect to this right, the State establishes a broad system of educational institutions of all types and at all educational levels. It offers people the opportunity to study at any stage of their lives, according to their aptitudes, the requirements of society and economic and social development needs.

164. There are 6,955 primary schools in Cuba, 4,849 (69.7 per cent) of which are in rural areas.

165. The technical and vocational training system has been strengthened. In the 2023/24 school year, the total number of students enrolled in school was 1,002,070. Broken down by skin colour, there were 110,795 white students (11 per cent); 638,961 mulatto students (64 per cent) and 252,314 black students (25 per cent).

166. At the end of 2023, the percentage figures for people aged 15 years or older, broken down by skin colour and level of schooling, are as follows:

(a) Of the total number of people who have completed primary education or below, 11 per cent are white, 10.3 per cent are black and 9.2 per cent are mulatto;

(b) Of the total number of people who have completed lower secondary education, 27.1 per cent were white, 29.3 per cent were black and 27.5 per cent were mulatto;

(c) Of the total number of people who have completed upper secondary education, 45.5 per cent were white, 44.6 per cent were black and 48.6 per cent were mulatto;

(d) Of the total number of people who have completed higher education, 16.4 per cent were white, 15.8 per cent were black and 14.7 per cent were mulatto.

167. See annex 1 of the present report for information on the distribution of enrolled students, broken down by skin colour and educational level.

168. Cultural rights are enshrined in the Constitution. The State protects Cuban identity and culture and safeguards the artistic, patrimonial and historical wealth of the nation.

169. All persons have the right to participate in the cultural and artistic life of the nation. The State promotes culture and different forms of artistic expression in accordance with cultural policy and the law.

170. It promotes the freedom of artistic creation in all its forms of expression, in accordance with the cultural policy of the State and the values of socialist society. Artistic and literary education, the creative vocation, the promotion of art and the ability to appreciate it are encouraged and developed.

171. The purpose of the Cuban Cultural Development Project to 2030 is to promote civic participation in cultural life, with a focus on the development of the public's capacity for artistic, literary and critical appreciation, the formation of values, the improvement of the quality of life, and the protection of heritage and national identity.

172. In the cultural policy of the State, the strategic dissemination of art and culture in Cuban society is conceived as an aspect of civic engagement in sociocultural activities.

173. The promotion of cultural diversity, solidarity, respect and tolerance play a fundamental role in the promotion and protection of human rights, in particular in the fight against discrimination, xenophobia and intolerance.

174. Since the triumph of the Cuban Revolution in 1959, the right of citizens, without any distinction detrimental to human dignity, to be served in all public service establishments and to use maritime, rail, air and road transport without any segregation has been recognized and promoted. Citizens enjoy the same seaside resorts, beaches, parks, social networks and other cultural, sporting, recreational and leisure facilities. This right is reflected in article 42 of the Constitution, which establishes that all people have the right to enjoy the same public spaces and service facilities.

175. Where access to public places and services is concerned, the law does not permit any discriminatory restrictions based on colour, ethnic origin or any other consideration detrimental to human dignity.

## **Article 6**

176. The People's Supreme Court is the highest judicial authority and its decisions are final. Through its Governing Council, it can propose laws, issue regulations, make decisions and issue rules that are binding on all courts and, on the basis of the courts' experience, give instructions of a binding nature to establish uniform judicial practice in the interpretation and application of the law.

177. Pursuant to article 16 of Act No. 143 of 2021, the Criminal Procedure Act, the prosecution of crimes is public and mandatory. The prosecutor is responsible for instituting public criminal proceedings, except for crimes prosecuted privately and those for which the prosecution is subject to requirements under the Act.

178. The Constitution underpins people's right to submit complaints and requests to the authorities, which are obliged to process them and provide timely, relevant and well-founded responses within the time period and in accordance with the procedure established by law.

179. The function of the Attorney General's Office is to uphold the law with a view to protecting the legal order and, in particular, the rights and freedoms of citizens. Between 2018 and 2023, it received a total of 106,773 complaints or requests. Violations were found in 13,277 cases, and action was taken to remedy them.

180. During this period, the Attorney General's Office processed six complaints alleging possible acts of discrimination based on skin colour. After the necessary investigations were conducted, these allegations were found to be unsubstantiated.

181. In 2022 and 2023, a total of 8,638 criminal complaints and 1,020 administrative complaints were processed.

## **Article 7**

182. Various activities in the fields of teaching, education, culture and information are governed by constitutional provisions protecting the principle of equality.

183. The literacy rate in Cuba is 99.8 per cent, with illiteracy at 0.2 per cent. At the end of 2022, the gross enrolment rate for general education stood at 95.1 per cent.

184. General objectives for the all-round development of children, adolescents and young people were established as part of the third reform of the education system. These include the ability to demonstrate self-regulated behaviour in line with the rules and goals established in their family, school and community settings and to reject all forms of discrimination and violence based on awareness of constitutional rights and obligations and their connection to Cuban law.

185. From 2018 onwards, training activities and development courses have been organized; scientific papers and master's and doctoral theses have been published on this topic; knowledge-sharing workshops, student competitions and book presentations have taken place; and activities have been organized to commemorate dates such as Human Rights Day, Zero Discrimination Day, the International Day for the Elimination of Racial Discrimination and Africa Day.



186. Following the implementation of the National Programme against Racism and Racial Discrimination “Color Cubano”, the national education system developed an education programme to prevent discrimination based on skin colour, which includes activities for governing bodies, teachers, students and families. These activities are systematically monitored by a working group established for this purpose under the Ministry of Education.

187. A representative of the Ministry of Higher Education is a permanent participant in the National Commission against Racism and Racial Discrimination “Color Cubano”. The establishment of a comprehensive working group within Cuban universities was approved by rectoral order to implement and evaluate activities at the higher education level.

188. Different disciplines address the historical causes of racial discrimination and racial prejudice and the scientific understanding of the meaning of race and aim to shed light on and reclaim the African roots of the Cuban people’s national identity and culture.

189. Postgraduate courses for professors have been developed, videoconferences have been held with specialists and researchers, research topics have been introduced, and presentations have been given at national and international events, including the 2022 and 2024 University congresses. In addition, the work of the honorary professors for the study of the thinkings of José Martí, Ernesto Guevara and Fidel Castro in this area has been strengthened through university outreach. At several universities, professorships for anti-racist education and workspaces for research have been created by the Aponte Committee as part of the Routes of Enslaved Peoples programme.

190. A project for the care of at-risk children, adolescents and young people, which is part of the Programme for Preventive Social Action and Assistance for Vulnerable Persons of the Macroprogramme for Human Development, Equity and Social Justice, takes the skin colour variable into account in its 12 indicators, and differentiated treatment is prioritized among the activities for 2022–2026 at basic secondary level to promote the entry of black and mulatto ninth-grade graduates into vocational pre-university institutes of exact sciences and the specialisms most in demand at technical and vocational schools.

191. Priority is given to the identification, assessment, care and follow-up of at-risk children, adolescents, young people and their families, with emphasis on children from birth to 6 years of age. In 2023, 8,300 children and families in complex social situations were identified. Preventive work groups and coordinators of the “Educate your Child” (Educa a tu Hijo) programme at the provincial level evaluated the effectiveness of intersectoral measures in addressing the causes in a differentiated manner, which helps to identify these families and children.

192. In Cuba, people have the right to physical education, sports and recreation, as essential components for ensuring quality of life. The national education system guarantees inclusiveness in its teaching and practice as part of the all-round development of children, adolescents and young people. The State creates conditions that ensure that the necessary resources are allocated to promote the practice of sports and recreation for the people, and to prepare, nurture and develop sporting talent, in keeping with the Constitution. Various measures have been taken in these areas to help to combat discrimination.

193. In Cuba, participation in sporting activities is universal and free of charge, and opportunities to participate in such activities are provided on an equal footing to all citizens.

194. Overall, 14,476 student athletes are enrolled in Cuban sports schools. Of these, 5,786 are female and 8,690 are male; 5,191 are white, 3,994 are black and 5,291 are mulatto. Black and mulatto students account for 63.72 per cent of those enrolled.

195. To develop the skills and abilities of Cuban athletes, there are 3,993 sports facilities, 3,815 of which are located in the provinces and municipalities, and there are 16 vocational sports schools at these levels.

196. The editorial and reporting policy of the mass media in Cuba is designed to combat any form of discrimination and to promote humanist values, solidarity and non-discrimination.

197. The Cuban Book Institute continues to prioritize publications that contribute to the elimination of racial discrimination. They are part of the Institute’s cultural programme,

which includes presentations at the Havana International Book Fair and other events (see annex 2).

198. Cuba is making progress in digital transformation in all areas of society and in accordance with the National Plan for Economic and Social Development to 2030. There has been comprehensive growth in Internet development and access, and in the penetration rate in Cuba. The proportion of mobile phone users reached 68.9 per cent.

199. An increasing number of households now have Internet access: in 2023, 6,113 households connected to the service, an 8.2 per cent increase over the previous year. The number of mobile phone users has risen by around 600,000 lines a year since 2017. By the end of 2023, 87.53 per cent of the population had 3G mobile phone coverage and 50.01 per cent had 4G coverage. Of the people's councils, 84 per cent, or 1,178, have at least one means of connecting to the Internet. All municipalities in the country have public Internet access, with 466 shared spaces for browsing the web and 1,308 public Wi-Fi areas. By the end of 2023, more than 44.6 per cent of educational institutions were connected to the Internet.

200. E-government, one of the mainstays of government administration in the country, continues to expand.

201. E-commerce is diversifying with new services. It has been extended to other sectors, including non-State forms of management. There has been an increase in digital payments.

202. All this has been done in spite of the embargo imposed by the United States on Cuba, which continues to limit access to broadband Internet links. This restricts the flow of information and the spread of mass Internet access in Cuba, hampers connectivity and makes it more expensive, and affects Cuban users' access to various virtual platforms.

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

203. The present section addresses the suggestions and recommendations made by the Committee in 2018, contained in document [CERD/C/CUB/CO/19-21](#), following its consideration of the combined nineteenth to twenty-first periodic reports of Cuba ([CERD/C/CUB/19-21](#)) at its 2660th and 2661st meetings ([CERD/C/SR.2660](#) and [CERD/C/SR.2661](#)), held on 15 and 16 August 2018.

204. With respect to the recommendations contained in paragraphs 8 and 22 (c) on training and the implementation of the Convention, during the period covered by the present report, regular training was conducted for public officials, judges, magistrates, prosecutors, lawyers and law enforcement personnel to ensure that the Convention and national legislation regarding discrimination based on skin colour were implemented effectively.

205. A total of 159 magistrates and judges have participated in training courses or modules of master's programmes in judicial studies, criminology, constitutional law or administrative law that address the legislative and judicial treatment of issues related to discrimination based on skin colour.

206. The main topics covered in the training included: offences that serve to protect human dignity, including with respect to equality and non-discrimination on the basis of skin colour (15 judges); the application of the Convention by the courts, not only through the implementation of laws in the cases that they hear, but also in the management and composition of court staff, officials and substitutes (34 judges); current trends in criminology, including discrimination and issues related to race (50 judges and magistrates); and constitutional values and rights (60 persons).

207. The Attorney General's Office has trained prosecutors on the content of the Convention and on how they should proceed when they receive or become aware of related complaints. In addition, technical meetings have been held on preventing and combating cruel, degrading and inhuman treatment. Prosecutors are trained in the application of laws designed to combat such treatment.

208. The following decisions were issued in 2023: Decision No. 16/23, on a protocol for the Attorney General's Office on preventing and combating racial discrimination; and

Decision No. 76/23, on a protocol for the Office on responding to workplace discrimination, violence and harassment, which addresses how public prosecutors' offices should respond to allegations, complaints and claims relating to discrimination based on skin colour. Training has been held on these regulations.

209. Similar protocols were also adopted in 2023 by decision of the Governing Council of the People's Supreme Court, for the country's court system, and by order of the Minister of the Interior, covering all areas of domestic law and order and safety.

210. In accordance with the recommendations on the methodology for collecting data on the demographic composition of the population, data on skin colour is collected in Cuba on the basis of self-identification, both in the population and housing census and in the household surveys conducted by the National Statistics and Information Office.

211. Under the methodology for the census to be undertaken in 2025, the population will, for purposes of the census, be classified into three groups (white, black and mulatto), with those characteristics referring to the concepts as commonly understood by the population and not actually reflecting races or ethnic groups. It is simply the colour of skin that the respondent says that he or she has or that absent household members have. Please refer to paragraph 15 above for a breakdown of the Cuban population by skin colour.

212. With regard to the recommendations contained in the paragraph on the national human rights institution, Cuba has a comprehensive national system for the promotion and protection of human rights that has proved effective. The system comprises national commissions and working groups that monitor human rights issues relating to specific segments of the population. They are:

(a) The National Commission against Racism and Racial Discrimination "Color Cubano", which was established in 2019 after the adoption of the National Programme against Racism and Racial Discrimination and follows up on measures to combat and eradicate the vestiges of racism, racial prejudice and racial discrimination that persist in Cuba;

(b) A working group for follow-up to the National Programme for the Advancement of Women, adopted in 2021, which ensures the effective coordination and evaluation of measures taken under the Programme and the follow-up given to the recommendations of the relevant treaty bodies;

(c) A national commission that was established in 2021 to follow up on and monitor the implementation of the Convention on the Rights of Persons with Disabilities and is responsible for addressing the issue and engaging in monitoring, guidance and coordination with respect to it.

213. In June 2023, the National Ombudsman's Office was established under the Ministry of Justice in order to provide immediate protection for the interests of persons in situations of vulnerability in civil, family, labour or commercial matters and of persons subjected to discriminatory treatment. It serves as a legal resource and places special emphasis on the protection of children, older persons, persons in situations of vulnerability and persons who have been subjected to violence or discriminatory treatment or with respect to whom safeguards have been violated.

214. With respect to the recommendations regarding human rights defenders, please refer to the information provided on follow-up to the concluding observations on the combined nineteenth to twenty-first periodic reports of Cuba, contained in document [CERD/C/CUB/FCO/19-21](#).

215. In addition, the right of all persons to defend human rights is protected in Cuba in a non-politicized and non-selective manner, without any manipulation or misrepresentation of the actual situation in the country, and is supported by the national laws in force. There are thousands of human rights defenders in the country – who may or may not be associated with civil society organizations – who have played an important role in the promotion and protection of human rights. There are no obstacles to legitimately engaging in the promotion and protection of human rights, within the framework of the laws in force.

216. At the same time, it is recalled that, under the 1998 Declaration on Human Rights Defenders, the activities of human rights defenders must be carried out within the framework

of domestic law (art. 3), and nothing in the Declaration is to be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations (art. 4) or as permitting support for activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter (art. 20).

217. The ties between government agencies and civil society organizations working to eliminate racial discrimination have been strengthened in order to foster joint efforts in combating the vestiges of this scourge.

218. In 2023, in connection with the international campaign to commemorate the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action, Cuban civil society answered the call of the United Nations High Commissioner for Human Rights and organized a programme of events with widespread participation by Cuban civil society.

219. The events culminated in the Human Rights Day Gala and the presentation of awards to 75 human rights leaders and promoters in Cuba. Award recipients included institutions, organizations, networks, cultural and community projects and a variety of social actors from different spheres, many of whom were recognized for specific work that they had done to fight racism and racial discrimination, including through human rights education initiatives.

220. In addition, a number of the award recipients<sup>3</sup> were recognized for their cross-cutting work in areas such as social justice, social inclusion, Afro-feminism, the rights of LGBTIQ+ persons and Afro-trans identities. The process of nominating and selecting human rights leaders and promoters allowed for yet another demonstration of the breadth and creativity of the work being done around the country and the commitment involved in it.

221. In early 2024, representatives of various organizations, movements and networks and social actors fighting racism took part in consultations between the State and civil society on the recommendations received by Cuba during the fourth cycle of the universal periodic review, before the State decided on its position on the recommendations.

222. There are several civil society initiatives that are focused on popular and human rights education and are intended to combat all forms of discrimination, prejudice and stereotypes, particularly those based on skin colour, against any segment of the population.

223. These include Afro-feminist initiatives, initiatives that unite LGBTIQ+ persons of African descent, and efforts to combat all manifestations of discrimination relating to women's advancement, gender identity and sexual orientation through cultural, educational and academic projects.

224. A variety of associations (organizations, movements, networks and projects) advance the fight against racism and racial discrimination from a cultural perspective or through community service or academia. These include the Neighbourhood Network of Persons of African Descent, the mobile project "Afro-diverse", Articulaci3n Afrofeminista Cubana and AfroAtenas.

225. Relevant academic initiatives include the Nelson Mandela Chair, the Mobile School of Afro-Feminist Voices; the Working Group on African Descent and Counter-Hegemony of the Latin American Social Science Council; and the "Discrimination Based on Skin Colour

<sup>3</sup> Award winners included the Aponte Commission of the National Union of Writers and Artists of Cuba; the Neighbourhood Network of Persons of African Descent and its coordinator Maritza L3pez McBean; the community project "Afro-diverse", which seeks to recognize, defend and empower women and men of African descent and of diverse sexual orientations (lesbian, bisexual, queer and transgender) through the art of drag; Luisa Mart3nez O'Farrill, a professor, researcher and coordinator of the academic project "Discrimination Based on Skin Colour and Cultural Diversity"; Dr. Mar3a del Carmen Zavala, a university professor and researcher in Cuba who is carrying out an intersectional analysis of inequality in Cuba and studies inequalities due to skin colour, intersectionality, poverty, vulnerability and marginalization; Norma Rita Guillard Limonta, a psychologist, Afro-feminist and anti-racist social activist and the founder of the Oremi y Fenix group for lesbian and bisexual women and the coordinator of the network Articulaci3n Afrofeminista Cubana.

and Cultural Diversity” academic project of the Enrique José Varona University of Pedagogical Sciences.<sup>4</sup>

226. Events called “Afro-fairs” are regularly held in communities and institutions and in connection with various projects, with the participation of enterprises, small businesses and local development projects headed by women of African descent, in order not only to achieve economic and commercial objectives, but also to contribute to cultural promotion, the recognition and sharing of African heritage and the fight against stereotypes.<sup>5</sup>

227. Each year, various civil society events are held in connection with the United Nations International Decade for People of African Descent. In particular, there are discussions, workshops and cultural activities to commemorate, for example, the World Day against Racism and Racial Discrimination, the Day of Women of African Descent and Afro-Latina and Afro-Caribbean Women, and Africa Day.

228. Also noteworthy are the activities of civil society organizations such as the José Antonio Aponte Commission of the National Union of Writers and Artists of Cuba; the Martin Luther King Memorial Centre and its nationwide network of community educators employing participatory methods; the Community Initiatives Exchange and Reference Centre and its contributions to various neighbourhood and community initiatives; the Nicolás Guillén Foundation; the Fernando Ortiz Foundation, which is implementing the international project “Routes of Enslaved Peoples: Resistance, Liberty and Heritage”, launched by the United Nations Educational, Scientific and Cultural Organization (UNESCO); and the Caguayo Foundation, which works to promote art of African origin or inspired by Africa. Similarly, the Cuban Institute of Anthropology continues to regard the topic as one of the key areas of its work.

229. Student organizations, youth movements and the Centre for Youth Studies encourage the participation of children, adolescents and young people in activities designed to promote racial equality and freedom of expression and to combat any discriminatory practices. They promote intergenerational and intersectional dialogue and organize activities in communities and schools.

230. In relation to the recommendations on legal provisions prohibiting racial discrimination, article 42 of the Constitution provides that all persons are equal before the law, will receive the same protection and treatment from the authorities and will enjoy the same rights, freedoms and opportunities, without discrimination of any kind on grounds of sex, gender, sexual orientation, gender identity, age, ethnic origin, skin colour, religious belief, disability, national or regional origin, or any other personal condition or circumstance that implies a distinction detrimental to human dignity. For more information on the constitutional rules relating to the principle of equality, please refer to the section on the implementation of article 1 of the Convention.

231. Act No. 151 of 2022, the Criminal Code, reinforces constitutional principles, rights, guarantees and obligations. It contains provisions intended to protect victims of racial discrimination and provides for harsh penalties for offences committed on that basis. Chapter VIII – on the offence of infringing the right to equality – of title XIV of the Code is intended to address all forms of discrimination or distinctions detrimental to human dignity, including

<sup>4</sup> The “Discrimination Based on Skin Colour and Cultural Diversity” academic project of the Enrique José Varona University of Pedagogical Sciences includes events such as community workshops in several municipalities of Havana; the specialized workshops “Psychological Implications of Discrimination Based on Gender and Skin Colour” and “Do Racism and Discrimination Based on Skin Colour Exist in Cuba?”; and the first provincial symposium on racism and racial discrimination, held in June 2023. The House of Africa Museum and the Yoruba Cultural Association provided support for many of these events.

<sup>5</sup> The enterprises include Lo Llevamos Rizos, Proyecto Turbantes, La Muñeca Negra and Cuenta Lisa. Other projects involved in the Neighbourhood Network of Persons of African Descent include A La Güinera Ponle Corazón, Afro Ty Akila, Obba Moro, Cabildo Alabe Oke, Asili Na Maisha, Afropoderosas, Afrocuban Beautys, Yiyi Afrostyle and NaturArte. Other projects and enterprises involved in the AfroAtenas project in Matanzas include Figurarte, Mimitos, Qué Negra!, the “Out of Love for My Roots” project, Peña Rumbeando con Los Reyes del Tambor, and La Noche por la Diversidad y los Derechos en el Callejón de las Tradiciones.

those based on ethnic origin and hatred based on skin colour. It allows for aggravated offences where discriminatory motives are involved in the commission of an act.

232. With respect to the offence of infringing the right to equality, article 388 (1) provides for the punishment of any person who discriminates against another or encourages or incites discrimination through statements intended to cause offence with respect to age, sex, gender, sexual orientation, gender identity, ethnic origin, skin colour, religious belief, national or regional origin, or disability or in any other way detrimental to human dignity, or through actions intended to obstruct or prevent the person, for such reasons, from exercising and enjoying the rights to equality established under the law.

233. In line with the recommendation to classify as offences the activities set out in article 4 of the Convention, article 388 (2) of the Criminal Code provides for the punishment of any person who disseminates ideas of superiority or hate on the basis of skin colour or who commits or incites the commission of acts of violence against any group of persons of another colour or ethnic origin, and article 388 (3) does so for any person who disseminates ideas or commits or incites the commission of acts against any person or group of persons because of a power relationship that is unequal owing to gender, for the purpose of exerting control over the victims through force or violence.

234. Article 80 (1) (n) of the Criminal Code specifically provides that it is an aggravating circumstance for an offence committed by a natural person to have been the result of discrimination based on ethnic origin, skin colour or national or regional origin, and it also points to any other personal condition or circumstance that implies a distinction detrimental to human dignity. Article 80 (2) provides that the foregoing may also be considered an aggravating circumstance in cases involving legal persons.

235. The penalties applicable to more than 20 criminal offences covered by the Code are increased if it is shown that there was a discriminatory motive for their commission. For example, chapter II, on murder, includes provisions on murders committed because of any kind of discrimination or hatred for the victim based on factors such as his or her ethnic origin or skin colour.

236. In addition, the penalties for the following offences are increased when they are committed as the result of any form of discrimination: wrongful imposition of disciplinary measures (art. 326); battery (art. 350 (b)); unlawful entry or illegal search (art. 381 (1) (2)); violation of the confidentiality of communications (art. 382 (1) (2) (b)); disclosure of confidential communications; infringement of personal or family privacy or a person's image, voice, identity or data (art. 393 (1) (4)); and damage (art. 426 (1) (4) (c)). (See annex 3.)

237. The general part of the Code provides that it is an aggravating circumstance for a crime to be committed as a result of gender-based or family violence or for any kind of discriminatory motive. Furthermore, the provisions regarding 36 offences set out specific penalties for cases where such motives are present.

238. With regard to the recommendations contained in paragraphs 18 (a), (b) and (c), it should be noted that combating all forms of discrimination has been – and continues to be – a priority for the Cuban State since the triumph of the Cuban Revolution in 1959.

239. In Cuba, all persons are equal before the law; consequently, any citizen who believes that he or she is being discriminated against may file a complaint.

240. In addition to the legislative framework intended to provide safeguards and protection against any act of discrimination, priority has been given to designing and implementing policies to eradicate disparities in the social and economic status of the black and mestizo population in order to prevent the continuation or repetition of models of marginalization in future generations. Government institutions and civil society organizations have supported and directly participated in these efforts.

241. In terms of social assistance, for 2023, the National Assembly of People's Power approved an earmarked executive budget of 6 billion Cuban pesos for social assistance, of which 1.7 billion was for resource delivery.

242. As at December 2023, 186,041 families in situations of economic vulnerability, comprising 337,534 individuals, were receiving assistance in the form of monetary benefits,

services and resources, which covered the cost of the food basket, basic services and medicine. Of that number, 24 per cent were black, 30.5 per cent were mulatto and 45.6 per cent were white.

243. Families in situations of vulnerability received 14,335 cooking appliances and other household goods.

244. Help with daily activities inside and outside the home is being provided to 13,931 persons through home-based social services. Of that number, 10,491 are older persons, 3,428 are persons with disabilities and 12 are working mothers of children with severe disabilities.

245. Time spent caring for a child with a severe disability is being counted towards the period of service for purposes of retirement for 3,738 parents. Temporary monetary benefits are being provided to 50,207 persons with disabilities.

246. Full or partial payments are being made for community-based or institutional social services for 204 persons whose use of electricity for air conditioning units and other equipment that allows them to stay active at home is subsidized; for 2,707 persons for the payment of nursing home services; for 2,106 persons for the payment of fees for day centres for older persons; and for 813 persons for the payment of family care services.

247. Measures taken in vulnerable communities in transformation have focused on, for example, giving working mothers access to 1,194 childcare centres and subsidizing the construction work done by 2,074 families, with 814 minor repairs having been made to the homes of older persons, mothers with three children<sup>6</sup> and persons with disabilities, 740 new homes having been built and 1,373 dirt floors having been removed.

248. A total of 62,685 mothers with three or more children have been identified. Of that number, 18,617, or 30 per cent, are in a situation of vulnerability; 24,985, or 40 per cent, are white, 13,278, or 21 per cent, are black, and 24,422, or 39 per cent, are mulatto; and 8,570 receive temporary monetary benefits through social services. Of the mothers identified, 38,875, or 62 per cent, are unemployed; they have received 10,340 job offers, of which 5,647, or 55 per cent, have been accepted, and have been given 2,653 places in childcare centres.

249. In response to a recommendation made by the Committee in paragraph 20, on 20 November 2019, the National Programme against Racism and Racial Discrimination “Color Cubano” was adopted by a decision of the Council of Ministers, reflecting the political will of the country’s leaders to permanently eradicate the phenomenon in Cuba.

250. The National Commission against Racism and Racial Discrimination “Color Cubano”<sup>7</sup> was formed to analyse, propose and follow up on measures to combat and permanently eliminate the vestiges of racism, racial discrimination and racial prejudice that persist in Cuba.

<sup>6</sup> As an example, 573 homes were provided to women with three or more children under 17 years of age.

<sup>7</sup> The work of the commission is steered by Inés María Chapman, Deputy Prime Minister, by authorization of the President. The Commission comprises 17 central government agencies, 3 other national State entities and 16 civil society organizations: the Office of the President of the Republic; the Executive Committee of the Council of Ministers; the Ministry of Culture; the Ministry of Foreign Affairs; the Ministry of Science, Technology and the Environment; the Ministry of Education; the Ministry of Higher Education; the Ministry of Health; the Ministry of Justice; the Ministry of the Interior; the Ministry of Economic Affairs and Planning; the Ministry of Labour and Social Security; the Ministry of Construction; the National Institute for Sport, Physical Education and Recreation; the National Institute for Regional and Urban Planning; the Institute for Information and Social Communication; the Attorney General’s Office; the People’s Supreme Court; the National Statistics and Information Office; the Cuban Institute of Friendship with the Peoples; the National Centre for Medical Genetics; the Fernando Ortiz Foundation; the Young Communist League; the Confederation of Cuban Workers; the Federation of Cuban Women; the Committees for the Defence of the Revolution; the Federation of University Students; the Federation of Senior Secondary School Students; the Union of Writers and Artists of Cuba; the José Antonio Aponte Commission; the Nicolás Guillén Foundation; the National Union of Jurists of Cuba; the Union of Cuban Journalists; the Cuban Communicators’ Association; the Association of Teachers of Cuba; and the Cuban United Nations Association.

251. The Programme has 11 subprogrammes (see annex 4) that address different aspects of the nation's economic, political and social life. To implement the Programme, 70 indicators, with targets, were set out over three phases: 2019–2021, 2022–2026 and 2027–2030.

252. The approach applied in the first phase focused on correction and recognition. The second phase employs a comprehensive, affirmative, multidisciplinary approach that is reflected in the six major programmes under the National Economic and Social Development Plan 2030. The National Programme against Racism and Racial Discrimination is part of the Macroprogramme for Human Development, Equity and Social Justice, one of the strategic areas of focus of the Plan.

253. Before the Programme was developed, an analysis was carried out to identify the origins of and the factors and situations that contribute to the persistence of prejudices and conduct detrimental to human dignity that are related to skin colour.

254. The Programme takes a coordinated approach to the factors that perpetuate social disadvantages based on skin colour in the country in seven key areas: education, health and welfare, work, habitat and living conditions, income, socioeconomic disadvantages and integration, and racism and discrimination.

255. Using a comprehensive, affirmative approach, the overall objective is to contribute to the elimination of the conditions that generate inequities and racial discrimination associated with skin colour, which place black and mulatto populations in a situation of disadvantage and vulnerability in relation to their access to welfare.

256. The following specific objectives have also been set: the implementation of a strategy to address racially discriminatory practices and overcome inequities associated with skin colour at the regional and local levels and by productive and social sector; the improvement of the socioeconomic situation of the black and mulatto segments of the population in relation to job quality, income levels, educational achievement, housing and habitat, health and access to leadership positions; and the elimination of discriminatory practices in various areas based on skin colour, prejudices and stereotypes relating to race.

257. The main characteristics of the Programme include its comprehensive scope and the coordination with various institutions in the country. The ties between the National Commission and academia and the scientific research on the issue of race allow for an academic analysis of the Programme at the level of social policy.

258. Each subprogramme is led by a specific central government agency, which coordinates a working group comprising other State entities and civil society organizations. These working groups are accountable to the National Commission.

259. The Programme is represented in each of the country's provinces, where there are provincial commissions, led by deputy governors, that have their own analyses and plans. There are municipal commissions at the municipal level, led by deputy mayors, which carry out the local tasks for which they are responsible under regional plans encompassing the 11 subprogrammes. The provincial commissions are accountable to the National Commission.

260. Since 2021, changes have been made to the higher education entrance system to favour disadvantaged social groups. An additional pathway for university admission for young people in situations of vulnerability, including black and mulatto youth, is being methodically studied and put in place.

261. At the initiative of Cuban civil society, the social observatory "Color Cubano" was opened at the Quintín Banderas Betancourt Cultural Centre in October 2023 to mark the Day against Genocide, Colonization and Racism.

262. Civil society has adopted a critical and multisectoral approach in helping to give follow-up to the implementation of the National Programme against Racism and Racial Discrimination "Color Cubano", with activities that have involved organizations, movements, networks and social actors that work on issues of racism and racial discrimination from different angles.



263. At meetings of the standing committee on education, culture, science, technology and the environment of the National Assembly of People's Power, the executive coordinating group of the National Programme against Racism and Racial Discrimination reports to deputies on the work done under the Programme since October 2021.

264. With respect to the recommendations contained in paragraph 22 (a), (b), (d), (e) and (f), the Constitution prohibits any act of discrimination, and the authorities are obligated to thoroughly investigate all complaints that they receive.

265. Public prosecutors' offices act on their own initiative in criminal cases involving racial discrimination. The offences against the rights of the person set out in title XIV of the Criminal Code, including the offence of infringing the right to equality (art. 388), may be prosecuted at the prosecutor's initiative, except for the offences of threats, coercion and unlawful entry, where a complaint is required from the person harmed. The offences of slander, insult and infringement of a person's privacy, image, voice, data or identity are prosecutable upon the filing of a criminal claim by the injured party or his or her legal representative. Consequently, in cases of discrimination of any kind, it is possible for prosecutors to act on their own initiative.

266. In addition to the foregoing, under article 122 (2) of the Criminal Procedure Act, the prosecutor may decide to prosecute when a victim or injured party from whom a complaint is required in order for criminal proceedings to be initiated fails to file one or drops the complaint, harming the interests of society or of the State, and the person has special protection under the law because of a situation of vulnerability, or when the victim or injured party is incapable of exercising his or her rights or is a minor and either has no legal representative or has one whose interests conflict with his or her own.

267. The Attorney General's Office has an information system that records the number of criminal cases brought before the courts for the most violent offences.

268. The Ministry of the Interior put in place an operational technical observatory that tracks indicators such as race, which allow for continuous monitoring and the timely preparation of evaluations and analyses and contribute to decision-making whenever an element of discrimination or evidence of a violation of citizens' rights emerges.

269. With respect to the recommendations regarding the prison population, the country's criminal legislation provides for the dignified treatment of persons deprived of their liberty. It safeguards their physical, mental, and moral integrity and their enjoyment of their rights. It guarantees their right to receive legal assistance from the outset of proceedings,<sup>8</sup> to bring complaints, claims and allegations before the authorities and receive a response, and to appeal against the decisions handed down.

270. The principle of equality applies while a person is serving a sentence, is subject to a security measure following his or her commission of an offence or is in pretrial detention as a precautionary measure, which means that discrimination based on sex, gender, sexual orientation, gender identity, age, ethnic origin, skin colour, religious belief, disability, national or regional origin or any other personal condition or circumstance that implies a distinction detrimental to human dignity is prohibited, as established in article 3 of Act No. 152 of 2022, the Sentence Enforcement Act.

271. In addition, article 19 (2) (c) of Decree-Law No. 74 of 2023, on the regulations to implement the Sentence Enforcement Act, authorizes the head of the Directorate of Prisons to approve, for prisoners who exhibit severe psychological trauma associated with being a

<sup>8</sup> Article 130 of Act No. 143, the Criminal Procedure Act, provides for the right of accused persons and defendants to communicate privately with their defence lawyers at any stage of the proceedings, as many times as they may request and for as long as may be necessary. Article 2 (2) provides for the right of all accused persons to have a defence and to appoint a defence lawyer once charges are filed against them, marking the beginning of the proceedings. If a person detained or held in pretrial detention as a precautionary measure or for another reason does not appoint a defence lawyer within 48 hours, one will be appointed for him or her ex officio by the acting authority for the taking of an initial statement. Act No. 152, the Sentence Enforcement Act, recognizes the right of prisoners to receive legal assistance and to communicate with their lawyers, which is also recognized under the Cuban Prison System Regulations.

victim of violence or any form of discrimination, placement in and assignment to a prison regime less strict than the one that they should be in.

272. Constitutional principles apply to the treatment of prisoners. There is a preference for the social reintegration of persons deprived of liberty, and their rights are safeguarded under the rules established for the treatment of prisoners.

273. Regulations on the work of prison professionals went into effect under Order No. 7/23 of the Minister of the Interior. Article 4 provides, as an overarching principle, that prisoners should be treated in a manner respectful of their physical and psychological integrity, and it prohibits discrimination based on sex, skin colour or any other grounds that constitute a distinction detrimental to human dignity.

274. The State's prison policy promotes the social reintegration of persons deprived of liberty and guarantees respect for their rights and compliance with the rules established for their treatment in prison. It provides for assistance for and the social reintegration of persons who serve non-custodial sentences or satisfy other types of court-ordered measures.

275. In prison, the right to free medical care to the same standard as other citizens is guaranteed,<sup>9</sup> as is access to education,<sup>10</sup> culture,<sup>11</sup> recreation and religious support, upon request by the prisoner.

276. The Minimum Rules for the Treatment of Prisoners are observed in the prison system. No form of discrimination is practised in Cuban prisons, and it is ensured that the same conditions of detention are available to all prisoners under a detention regime.

277. Of the prison population as a whole, 42 per cent is white, 33.3 per cent is mulatto and 24.7 per cent is black. All prisoners are entitled to the rights and benefits under the regulations implementing the Sentence Enforcement Act, with no distinction of any kind.

278. Inspections carried out by prosecutors in prisons revealed no violations of the law associated with any form of discrimination, and none of the complaints of discrimination processed were found to have merit following an investigation.

279. In 2022 and 2023, 42,263 inspections were carried out in prisons and detention facilities to confirm whether the rights of and protections for persons deprived of liberty were respected. During the inspections, 337,213 persons deprived of liberty were interviewed, making it possible to identify, process and provide a response to their claims, allegations and sources of dissatisfaction and to verify whether the legal rules in force were being upheld and what treatment the persons received.

280. At the same time, various units of the public prosecution service processed 8,612 complaints from prisoners, detainees and their family members. Following thorough investigations, 4 per cent were found to have merit; the violations of the law that they revealed were rectified, rights were restored and disciplinary measures were taken against those responsible.

281. Between 2018 and 2023, seven complaints of discrimination from prisoners were processed. Three were of discrimination based on skin colour and related to expressions allegedly used by prison officials, and four were of alleged discrimination based on sexual orientation and a reported inability to gain access to work and enjoy prison benefits. None of the complaints investigated were found to have merit, and the complainants were notified of the findings under the terms established.

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<sup>9</sup> Medical treatment is guaranteed for prisoners with HIV/AIDS, who receive an enhanced diet and medication to help improve their quality of life.

<sup>10</sup> The approach to education is based on the principles of a progressive system and group work, led by highly qualified personnel.

<sup>11</sup> Prisoners take part in sports and cultural performances. They are able to watch television and use public telephones to communicate with their families. There are tailored educational programmes for female prisoners, young prisoners, older prisoners and prisoners in situations of vulnerability.

282. With respect to the recommendations contained in paragraph 26, the progress made by Cuba in terms of gender equality and women's empowerment was further bolstered under the 2019 Constitution. Equality has been made a constitutional principle.

283. The gender perspective is taken into account in the work of the National Commission against Racism and Racial Discrimination "Color Cubano" and in the implementation of the National Programme against Racism and Racial Discrimination as part of the fight against racial discrimination, which includes addressing the vestiges of racial discrimination that may affect black and mulatto women in the country.

284. Events known as "Cuban Days" are held to mark the International Day of Afro-Latina, Afro-Caribbean and Diaspora Women and are sponsored by the University of Havana. The event was held for the third time in July 2024, with activities in different provinces of the country. *Articulación Afrofeminista*, which comprises more than 70 groups nationwide that are involved in the fight against racism, helped organize the event, along with the Federation of Cuban Women, the Union of Writers and Artists of Cuba, the Nicolás Guillén Foundation and others.

285. With respect to the recommendations regarding the return of migrants in an irregular situation, Cuba has continued to provide due assistance when migrants of Haitian origin arrive irregularly on Cuban shores via the easternmost part of the country. The Cuban State provides free housing, food, clothing and medical, psychological and dental care to the migrants, without discrimination. Cuba is taking the necessary steps and engaging in the necessary coordination to ensure the safe and voluntary return of these persons to their country, in accordance with the international commitments undertaken by Cuba with respect to migration.

286. This approach is in line with international law and the standards of the International Organization for Migration. Cuba continues to cooperate with the Organization and the Government of Haiti to ensure compliance with the tripartite memorandum of understanding signed in 2002.

287. Regarding the recommendations on trafficking in persons, Cuba has a zero-tolerance policy with respect to any form of such trafficking. Efforts continue to be made to reinforce the prevention of and fight against trafficking in persons and related offences, the protection of victims and international cooperation.

288. The National Working Group on Preventing and Combating Trafficking in Persons and Protecting Victims, chaired by the Ministry of Justice, follows the issue closely, with updates given on the plans developed and the work done by the different agencies, bodies and organizations that make up the Group. Events are also held to provide opportunities for training and the sharing of experiences. These exchanges have made it possible to raise awareness of the issue, better identify cases, coordinate the efforts of different institutions, train specialists and adopt monitoring measures to combat trafficking in persons.

289. Under a wide range of measures, trafficking has been addressed from the angle of race-based discrimination and selection as one of the aspects of the issue. Although it does not have a significant impact within the country, the authorities are engaged in efforts directed towards preparedness and the prevention of trafficking.

290. The national action plan for preventing and combating trafficking in persons and protecting victims for the period 2023–2026 was adopted on 12 December 2023 by Decision No. 94-X of the Council of State. It is a key tool for coordinating the efforts of the State and of Cuban civil society organizations in addressing this serious crime. The Ministry of Justice was designated as the central authority for the effective coordination and implementation of the tasks under the national plan. Civil society organizations participated alongside State institutions in the preparation of the national action plan and are active in its implementation.

291. Between 2013 and 2023, 147 cases of trafficking in persons were tried, 141 of which involved trafficking for purposes of sexual exploitation. This figure reflects the low incidence of the crime in the country, which has resulted from the measures taken to prevent and combat it and the absence of organized crime networks in the country.

292. Further information on the fight against trafficking in persons and related offences during the period 2018–2024 can be found in the annual national reports of Cuba on preventing and combating trafficking in persons and protecting victims, which are available on the Internet.

293. Regarding the recommendations contained in paragraph 32 (a), (b) and (c), legal mechanisms have been set up to address discrimination of any kind, including racial discrimination, ill-treatment and abuse of authority with respect to any person. Cuban law provides protection for any person who is subjected to any act of discrimination.

294. Under title V of the Constitution, on rights, duties and guarantees, the State recognizes and guarantees, for all persons, the inalienable, imprescriptible, indivisible, universal and interdependent enjoyment and exercise of human rights, in accordance with the principles of progressiveness, equality and non-discrimination, providing for respect and a binding guarantee for everyone.

295. With respect to the offence of abuse of authority, the Criminal Code provides for a penalty of 1 to 3 years' imprisonment or a fine of 300 to 1,000 times the daily minimum wage, or both, for public officials who, in seeking to cause harm to an individual or obtain an unlawful benefit, for themselves or for someone else, perform their duties in a manner that is manifestly contrary to the law or that arbitrarily exceeds the legal limits of their authority.

296. Cuban criminal law establishes a regime of general criminal responsibility which is applicable to all offences and to natural and legal persons. Perpetrators of, participants in and accomplices to the commission of criminal acts are subject to penalties irrespective of the form of authority they hold and their level of seniority. In crimes against humanity, human dignity or collective health and in those crimes established in treaties in force that so provide, all those who bear criminal responsibility are classed as perpetrators, irrespective of the manner or form in which they participated in the act.

297. It also makes criminal prosecution and punishment mandatory for officials who violate this obligation.

298. The Criminal Code provides for a penalty of 1 to 3 years' imprisonment or a fine of 300 to 1,000 times the daily minimum wage, or both, for public officials who fail to comply with an enforceable decision or order issued by the courts or a competent authority in accordance with the legal formalities. The offence of perverting the course of justice (arts. 177–180) is punished by 1 to 3 years' imprisonment or a fine of 300 to 1,000 times the daily minimum wage, or both, for officials who knowingly hand down unlawful decisions in cases brought before them in the course of their official duties.

299. A penalty of deprivation of liberty of 6 months' to 1 year's imprisonment or a fine of 100 to 300 times the daily minimum wage, or both, is set for persons who engage in malicious drafting in the handling or resolution of a case or who fail or refuse, without good reason, to perform a duty or act inherent in their functions. For persons 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, a penalty is set of 1 to 3 years' imprisonment or a fine of 300 to 1,000 times the daily minimum wage, or both.

300. The penalties for a number of offences are increased when the perpetrator is a public official.

301. As noted earlier and as set forth in article 16 of the Criminal Procedure Act, there is an obligation to investigate and prosecute. Persons who deliberately fail to comply with this obligation are liable to the penalty set out for the offence of perverting the course of justice.

302. In line with the recommendations contained in paragraph 34, the State conducts regular public awareness-raising and educational campaigns on the pernicious effects of racial discrimination with the aim of combating racial stereotypes and all forms of discrimination.

303. With respect to the recommendations contained in paragraph 35 regarding the ratification of other treaties, Cuba has ratified a significant number of international human rights instruments. It is a Party to 44 of the 61 internationally recognized instruments. In

terms of the conventions of the International Labour Organization, Cuba is a Party to the eight fundamental ones.

304. Cuba continues to review the international instruments to which it is not a Party. The decision as to whether or not to ratify an instrument of this type will be taken in a sovereign manner, without impositions or conditions, when the circumstances are such that the country's actions are not subjected to political manipulation and targeting. The fact that Cuba is not a Party to certain instruments has not kept the country from complying with them in letter and in spirit, which it will continue to do, in keeping with the country's practice of observing and respecting all human rights for everyone.

305. With regard to the recommendations contained in paragraph 36, Cuba reaffirms its unqualified commitment to the Durban Declaration and Programme of Action, adopted at the historic world conference in 2001. These documents remain fully valid and should continue to be the cornerstone of international efforts in the area. The texts of the Durban Declaration, the Programme of Action and other documents associated with the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance have been disseminated in Cuba and serve as a benchmark.

306. Cuba has continued to pay special attention to the effective implementation of the Durban Declaration and Programme of Action and to the promotion of activities at the national level aimed at contributing to the global fight against racism, racial discrimination, xenophobia and related intolerance.

307. The efforts made by Cuba in the area are in line with its obligations as a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination, the commitments it made in Durban and those relating to the International Decade for People of African Descent.

308. For example, the adoption and launch, in November 2019, of the National Programme against Racism and Racial Discrimination are in line with paragraph 60, in part III, of the Durban Programme of Action. In that paragraph, States are urged to adopt or strengthen, as appropriate, national programmes for eradicating poverty and reducing social exclusion which take account of the needs and experiences of individuals or groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance.

309. Cuba reiterates the need to respect the commitments undertaken in Durban and reaffirms its willingness to, modestly, contribute to the efforts of the international community to achieve their full implementation.

310. With regard to the recommendations contained in paragraph 37, activities have been undertaken in the context of the International Decade for People of African Descent, with the participation of government agencies and civil society organizations working to eliminate racial discrimination.

311. The main activities carried out include the strengthening of the inter-institutional coordination mechanism, with a special focus on the educational, media and cultural spheres, among others.

312. Greater coverage has been given to issues related to the country's African heritage in curricula in all education systems, and there has been a continued focus on anti-racist education and on the fight against racial discrimination in specialized subjects and the humanities at all levels of education.

313. As for the approach taken by the media, the dissemination of information on the country's African heritage in the mass media has been stepped up and the production of audiovisual works about this legacy has been promoted. In addition, efforts to increase the visibility of black and mulatto actors have been successful.

314. The activities of the José Antonio Aponte Commission of the National Union of Writers and Artists of Cuba are noteworthy in this regard. They include seminars, recitals, exhibitions, presentations of books and documentaries, tributes to national and international figures, workshops and panel discussions on the International Year for People of African Descent, the creation and promotion of the forum known as "The Deception of Race" as a space for exchanges on these issues, remembrance days to mark historic dates associated with

race relations as a cultural construct, the creation of the online monthly newsletter of the Aponte Commission, and the holding of meetings with national figures to discuss these issues.

315. These activities are complemented by increased coordination with the Ministry of Education and the Ministry of Higher Education to ensure the inclusion in curricula of issues relating to discrimination and prejudice and with the National Statistics and Information Office to improve data collection by cross-checking census variables with the indicator of skin colour.

316. At the regional level, in August 2022, Cuba participated in the third meeting of the working group on persons of African descent of the Community of Latin American and Caribbean States, in commemoration of the International Day for the Remembrance of the Slave Trade and its Abolition. At that meeting, Cuba reaffirmed its resolve to eliminate the vestiges of racism, racial discrimination and racial prejudice that persist in the country.

317. A Cuban delegation attended the Regional Conference of the African Diaspora in the Americas, held from 29 to 31 August 2024 in Salvador, Bahia, Brazil.

318. As already mentioned, the international conference “New Narratives: Memory, Resistance and Vindication” was held in Havana in 2024, commemorating the thirtieth anniversary of the UNESCO programme Routes of Enslaved Peoples, and the international conference Cuba 2024: Decade of People of African Descent will take place in December to mark the closing of the activities for this important decade in Cuba.

319. In response to the recommendations contained in paragraph 38, the combined nineteenth to twenty-first periodic reports of Cuba ([CERD/C/CUB/19-21](#)) were made available to the public, as were the Committee’s concluding observations.

320. In line with the recommendations contained in paragraph 39, cooperation with civil society human rights organizations, especially those focused on the fight against racial discrimination, continues to be developed. The present report was the result of broad-based and participatory consultations that involved numerous governmental and State institutions, the parliament, non-governmental organizations and other Cuban institutions in an assessment of the country’s implementation of and compliance with the Convention.

321. With respect to the recommendation contained in paragraph 40 regarding the possibility of making the optional declaration provided for in article 14 of the Convention, Cuba respectfully reminds the Committee that making the declaration is a matter of national sovereignty. It is up to Governments to make sovereign decisions on such issues. Cuba 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. It is deemed unnecessary to make the declaration at the present time.

322. In accordance with the recommendations contained in paragraph 41, Cuba submitted information on follow-up to the concluding observations on its combined nineteenth to twenty-first periodic reports, contained in document [CERD/C/CUB/FCO/19-21](#), within the requested time frame.

323. In accordance with the request made by the Committee in paragraph 42 of its concluding observations, the present report includes detailed information on the implementation of the recommendations in question. The recommendations contained in paragraph 43 were taken into consideration in the preparation of the present report.

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