

Country session: Cuba CRC

Date of session: 11th and 12th May 2022 (90th session)

Context

The review was delayed due to the Covid-19 pandemic, which disrupted the normal planning of the CRC sessions.

The Committee noted the continuing negative economic and social effects of the embargo imposed by the United States of America, which limits children's enjoyment of their rights and the full implementation of the Convention.

Background information

[OHCHR press release](#)

Webcast: [first part](#) and [second part](#)

Audio file <https://conf.unog.ch/digitalrecordings/>

Reporting

Reporting methodology

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

Common core document	
Updated document	29 July 2016

CRC	
No. of report	3 rd to 6 th
Due date	19 March 2017
Submission	2 November 2018

Written replies	
Due date	15 June 2020
Submission	7 September 2020

Public reports from children's rights defenders

[Alternative reports and additional information](#)

Alternative reports and additional information	
NGOs	<ul style="list-style-type: none"> • Asociación Americana de Juristas • Asociación Cubana de las Naciones Unidas • Asociación Cubana de Limitados Físicos • Asociación Cubana de Producción Animal • Asociación de Pedagogos

- Centro de Estudio, Liderazgo y Desarrollo
- Centro de Estudios Sobre la Juventud
- Centro Félix Varela
- Conscience and Peace Tax International
- Consejo de Iglesias de Cuba
- Global Initiative to end Corporal Punishment
- World Policy Analysis Center
- Observatorio Cubano de Derechos Humanos
- Cubalex y Grupo de Trabajo sobre Detenciones por Motivos Políticos
- Cubalex + Justicia 11j
- Prisoners Defenders
- FMC
- Fundalatin
- Juvenile Justice Advocates International NGO Cuba Session
- Unión de Escritores y Artistas de Cuba
- UNJC
- Sociedad Cubana de Pediatría
- SURES

State delegation

The State delegation was multisectoral and majorly of high-level, with representatives of the Ministries of Education and of Foreign Affairs, the ambassador and representatives of the permanent mission of Cuba in Geneva, the vice-president of the Popular Supreme Court, and a jurist expert in child rights.

The State’s opening Statement is available [here](#).

Committee’s Task Force members

Name & Last Name	Country
Faith Marshall-Harris (coordinator)	Barbados
Benyam Dawit Mezmur	Ethiopia
Clarence Nelson	Samoa
Luis Pedernera	Uruguay



Dialogue description

i. Character of the dialogue

The dialogue was interactive and dynamic. The Committee noted the efforts from the Cuban delegation to provide them with detailed information in their answers. The answers were technical and political, illustrated with law projects and articles. Nevertheless, the government denied some of the allegations raised by the Committee.

ii. General assessment made by the Committee

The Committee welcomed the various legislative, institutional and policy measures taken by the State party to implement the Convention including the adoption of a new Constitution in April 2019 which recognizes children as the subject of rights and integrates the principle of the best interests of the child. Nevertheless, the Committee remains concerned about urgent issues to address, such as the freedom of association and peaceful assembly and child justice.

iii. Main issues discussed:

Right to life: The Committee was really preoccupied about child mortality due to traffic accidents, which is a severe issue in Cuba. They asked what measures had been implemented to protect children from these kinds of accidents.

Non-discrimination: To the questions of the Committee about non-discrimination, the State delegation provided a lot of answers on gender-based discrimination and violence. For example, during Covid-19, they have been providing help to victims of gender-based violence, with phone numbers and applications. They also elaborated a guide for judges and lawyers on the incorporation of the gender perspective and the protection against violence, including an approach on the security of transgender people.

Birth registration: The Committee commended the fact that 99% of the children born in hospitals have been registered, however, asked the delegation what the timeframe was for registering children, and if the State ensures that birth certificates were given to the relevant parties. The delegation answered that the country ensures a universal and free birth registration system for everyone. There is a civil registry in each hospital, and in the few cases in which the birth did not take place in a hospital, the parents have 30 days to register their child. They also said that the ministry of justice had granted citizenship to children born abroad from transnational families.

Freedom of expression: The Committee asked the Cuban delegation about the restrictions to freedom of expression, applicable in the context of their Constitution and subsidiary legislation. The Cuban delegation affirmed that they are in full compliance with the article 72 of the Convention, but that some restrictions exist regarding some liberties. To these concerns, the delegation answered that this right can only be repressed when individuals threaten national security of public order.

Freedom of thought, conscience and religion: As the violation of freedom to religion is an offence in the legislation, the Committee asked for more details on how this violation is punished and how it applies to child rights. The Cuban delegation answered that children have the liberty of religion in their families (each



family has the right to profess the religion they want or none), but also in schools; and they can access to information on internet, in national libraries, etc.

Freedom of association and peaceful assembly: The Committee asked what the legal framework that protected the right to peaceful assembly entails. It also wanted to know in which conditions the use of force is authorized, and if there is a differentiation when children are involved in an assembly or not. To these questions, the delegation answered that this right was guaranteed by the Constitution, and that children were free to join student organizations in primary and secondary schools.

Torture and other cruel or degrading treatment or punishment: The Committee raised concerns about children under 16 being incarcerated in the country following the July 2021 protests, and that it was reported that there were 27 minors under 16 that have received punishment. It also raised that some children allegedly suffered from ill treatment by the police, transfer in adults' cells, lengthy interrogation, as well as emotional and psychological intimidations. The Committee therefore asked the delegation if they had investigated these events. Despite the Committee's evidence-based questions, the delegation denied all of the allegations.

Corporal punishment: The Committee raised concerns about corporal violence, as allegedly 41.6% of Cuban households are still using corporal punishment as an education method. They were wondering if Cuba was planning to completely prohibit this method by law, as they do not have yet a complete prohibition of such practice, and if they had a system to compile data on this issue. To this concern, the State delegation answered that they want to reach a total prohibition of violence. Also, they said to have developed a complete strategy against family violence.

Sexual abuse: The Committee asked the delegation about the follow-up process to cases of sexual abuse, and what support is provided to victims. The Committee also asked the State how it considered monitoring sexual abuse for children in the tourism sector, and how to formally regulate such abuses. The delegation answered that there are specific regulations on sexual tourism in Cuba, with an approach based on prevention and care given to child victims. Also, they integrated the theme of sexual abuse in their Integral Strategy on Violence. Finally, the delegation affirmed that there are measures for victims of feminicides, and a special condition for victims of abuse.

Family environment: The Committee acknowledged and commended the protection that the 2019 Constitution provided for families. However, they wanted to know if there was a specific budget dedicated to this topic, and expressed concerns that the corresponding legislative reforms would not be sufficient. The delegation answered that with the decree L76 and the Resolution on the Project of Family Code, they adopted a complete protection and adoption system. It includes the adoption for integration or between brothers and sisters. They also have another level of protection for grandparents with their grandchildren.

Children deprived of a family environment: The Committee asked if there were changes planned regarding the laws related to children deprived of parental care under the new Family Code, and asked about measures for family reunification for parents who decide to quit their activities abroad and are facing difficulties to return to Cuba. The delegation answered that the fact that children cannot reunify with their



families living abroad were allegations, and that family reunification is impossible if they comply with the process.

Children of incarcerated parents: The Committee was concerned about children of incarcerated parents, especially affecting young children. It asked if the State was considering allowing mothers in this situation to live in a community environment. To these concerns, the State delegation answered that pregnant women were provided with healthcare support through their pregnancies, and their children assigned to family doctors and benefiting from the immunisation programme. These children and mothers are also linked to the “teach your child programme”, with the aim of leading to better behaviours from mothers.

Children with disabilities: The Committee recognized that in the Constitution, there are a lot of provisions on the status of children with disabilities, but raised concerns about special schools for children with disabilities that become permanent ones rather than being a step to mainstream school. It asked how the country was planning to guarantee a fully inclusive education for them (trainings of teachers, opportunities to participate in regular activities, especially sports). It also wanted to know what support was provided to the parents of children with disabilities, and how the State is managing the detection of disabilities. To all these concerns, the State first answered that children with disabilities only stay for 2 years in special schools, as the aim is to fully integrate them to the mainstream system. They affirmed that out of all the children with disabilities in Cuba, 11323 were in mainstream schools, and 2000 in special schools. The Cuban delegation affirmed that participation in sports is part of the children with disabilities’ curriculum. Regarding the detection and prevention of disability, the State delegation answered that they have a maternal and infant programme, as well as an intersectoral programme for this issue. Finally, the State delegation affirmed that children with disabilities could be taken care of during Covid-19 and could still receive an education (televised activities, for example, were adapted for sign language or other disabilities).

Health and health services: The Committee commended Cuba’s health system, recognized as one of the best in the world, and acknowledged that approximately 48% of the national budget was spent on health and education. However, some issues remain concerning for the Committee, such as child mortality. The delegation explained that for several years, their child mortality rate had been on a downward trend, with a rate of 7.4 deaths for 1000 births.

Nutrition: The Committee was really concerned about overweight and underweight children. On obesity, it asked if it was still an issue in the country, and if yes, if the government could try working on new methods and studies. On underweight children, the Committee asked the delegation how they were dealing with the rising cases. The delegation first answered that there was an increasing prevalence of obesity. For this, their strategy is caring for children up to the age of 5, especially those who are more at risk of malnutrition. They also addressed the topic of anaemia, considered as a moderate health problem. Their recommendation for that is promoting immediate breastfeeding, resulting in 98.2% of children that were at least once breastfed.

Adolescent health: The Committee raised concerns about teen pregnancies and asked if children receive sexual education at school and out of school. The State delegation answered that there was significant research made on the causes and effects of teen pregnancy. They said that there was a lack of availability of contraception caused by the blockage in the country. Their priority is the free access to contraception



for all and the implementation of family planning services, and they also have a National Strategic Plan to monitor sexually transmitted diseases.

Education, leisure and cultural activities: The Committee commended the fact that Cuba was the only country in Latin America and the Caribbean that had reached the Global Education Goals, and that they have the highest alphabetization rate. Also, they commended the strong school enrolment (99.2%). They then asked how they could build on these impressive records, and what is the attendance rate at school, as well as the trends observed during the Covid-19 pandemic. The State delegation answered that during Covid-19, all children kept receiving an education, with televised teaching being the main alternative to in-person schooling.

Administration of child justice: The Committee commended the fact that the minimum age for criminal responsibility is 16, which makes it one of the highest globally. However, the Committee still raised concerns about several issues related to juvenile justice and children being deprived of liberty, including:

- *July 2021 protests:* The Committee asked how it was possible that minors under 16 had been sentenced, and if there was a possibility for the sentences to be assessed by some juries. The delegation replied that no minor under 16 were incarcerated in Cuba. They further answered that the minors between 16 and 18 who are currently judged in Cuba are in this situation because of actions of particular gravity for the security of the nation, and that even for these minors, the guarantees regarding the Convention on the Rights of the Child are respected: minors can be accompanied and / or visited by their parents or legal guardians and can count with a legal aid provided by the State. Finally, the delegation agreed with the Committee on the need to assess sentences for children between 16 and 18 years old. According to the delegation, the Cuban justice is assessing the events again based on allegations and evidence, and higher bodies will probably amend some of the sentences.
- *Minors between 16 and 18:* Even though the minimum age for criminal responsibility is quite high, the Committee remains concerned about the situation of children between 16 and 18, being criminally responsible. Therefore, it asked the Cuban delegation if there are special courts for minors in the country. It also wanted to know if other components were considered for cases of minors between 16 and 18, such as the length and type of sentence and alternative sentences for minors, including some detention systems for minors. It also wanted to know if there were possibilities to file complaints for children when they are placed. To these questions, the delegation answered that no juvenile courthouses were in place in Cuba, but that they could assure the Committee that their justice system has a differentiation for minors. Also, they agreed with the Committee on the necessity to reduce the sentences for minors. They also told the Committee that their Constitution project includes the protection of minors between 16 and 18 and that children effectively have ways to file complaints, with the articles 41 and 61 of the Cuban Constitution.
- *Comprehensive development schools:* The Committee raised concerns about the comprehensive development schools in Cuba, in which children with “deviant” behaviours can be sent to and which could lead to deprivation of liberty. It asked the delegation if children in these schools were isolated from the community, and what were the specific behaviours that justified them being sent to these schools. It also wanted to know what these schools looked like and if there was a balance between education and pedagogy, and how many of these centres existed in the country with how many places. In response to these concerns, the Cuban delegation answered that there are 12 such schools



in Cuba, with an enrolment rate of 150 children per year. There are generally more boys than girls, majorly aged between 14 and 18. They also affirmed that these schools dispose from multidisciplinary teams who provide children with their learning and activities, and the education principles are the same that are applied in regular schools, which means that there is no deprivation of liberty in these schools: children can maintain contact with their parents and can be provided with care by specialized and trained staff. Finally, it affirmed that the children are sent to these schools because of actions of extreme seriousness.

Optional Protocol on the Sale of Children, child prostitution and child pornography (OPSC): The Committee asked the delegation if there was further information on the monitoring and follow-up of cases of child trafficking. They also wanted to know if it was possible to extend the definition of minors' corruption from 16 to 18 years old, and if the State was considering broadening its definition of child pornography to include distribution. To these concerns, the delegation answered that they were developing a national plan of prevention against human trafficking. Also, they affirmed that they have special measures and conditions for victims of prostitution or trafficking, and that each year, they develop a report on human trafficking to set out data on the topic.

Optional Protocol on the involvement of children in armed conflict (OPAC): The Committee asked the delegation to withdraw their declaration 32 on the OPAC and what was preventing the State from raising the age of recruitment in armed force to 18. The delegation answered that children in Cuba are not enrolled in armed forces, and that their enrolment is even considered as a criminal offense.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew the State party's attention to the need for urgent measures concerning the following areas:

Freedom of association and peaceful assembly: The Committee urges the State party to: (a) Put an end to any arbitrary restrictions and criminalization of children's exercise of the right to freedom of peaceful assembly; (b) Ensure that the enjoyment of the right is undertaken in a non-discriminatory manner; (c) Take measures to prevent the use of excessive force by law enforcement officials policing assemblies, and hold those who violate the rights of children in this context to account; (d) Review its legislation, namely the Associations Act, No. 54 of 1985, to ensure that children can effectively exercise the right to freedom of association and peaceful assembly, including in organizations other than the José Martí Pioneer Organization and the Federación Estudiantil de la Enseñanza Media; (e) Review and/or consider through appeal the severity and proportionality of sentences imposed on children who were found guilty for exercising their rights to freedom of peaceful assembly in the context of the July 2021 protests.

Sexual abuse: The Committee is very concerned about cases of sexual abuse of children, and urges the State party to: (a) With the participation of children, strengthen community-based awareness-raising and education programmes aimed at preventing and tackling child sexual abuse, targeting, in particular, children, families, communities and schools; (b) Ensure the mandatory reporting in all settings of suspicion of sexual abuse; (c) Conduct a comprehensive study on the scope and root causes of the vulnerability of children to sexual abuse, including in the family, and apply the findings in the development of a national action plan to prevent and combat this issue; (d) Combat the stigmatization of children who are victims of



sexual abuse, and establish accessible, confidential, child-friendly services and continue investing in specialized support for child victims, including psychological counselling and rehabilitation and social integration assistance; (e) Regularly collect and publish disaggregated data on all reported cases of sexual abuse against children, on the number of investigations and prosecutions conducted, and on the number and type of sentences served.

Children deprived of a family environment: Drawing the State party's attention to the Guidelines for the Alternative Care of Children and the best interests of the child, the Committee recalls its previous recommendations and recommends that the State party: (a) Ensure that the draft Family Code defines and regulates the alternative care system which should promote foster care over institutional care, and adopt a national policy on the alternative care system; (b) Ensure that policies and practices are guided by the principle that financial and material poverty – or conditions directly and uniquely attributable to such poverty – should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration; (c) Put an end to all separation of children from their parents due to their parents deciding to end a labour contract, and modify article 135 (1) of the Criminal Code to remove obstacles that impede family reunification; (d) Establish accessible and child-friendly channels for reporting, monitoring and remedying maltreatment of children in care and ensure that all reported incidents are promptly investigated and remedied; (e) Review and update Decree Law No. 76/84 and Resolution No. 48/84 regarding children without a family environment, including bringing it into line with the Convention.

Nutrition: Recalling its previous recommendations and taking note of Goal 3 and target 2.2 of the Sustainable Development Goals, the Committee urges the State party to: (a) Strengthen efforts to prevent anaemia among children by promoting proper infant and young-child feeding practices, including promoting breastfeeding for the first six months of infancy, providing nutritional supplements for breastfeeding mothers, implementing the International Code of Marketing of Breast-milk Substitutes as well as targeted interventions to prevent and treat iron deficiency anaemia, and raising public awareness of good nutrition; (b) Undertake a study on the causes of anaemia among young children and pregnant women and, based on the findings, formulate and implement programmes to address the issue; (c) Intensify measures to combat overweight and obesity in children, including by carrying out studies into its root causes; raise awareness about healthy nutrition among parents, children and the general public; promote healthy eating habits, particularly among children and adolescents; regulate the marketing of CRC/C/CUB/CO/3-6 10 unhealthy foods to children and adolescents; and introduce strategies that enable poor households to access healthy food.

Education, including vocational training and guidance: Recalling its previous recommendations and taking note of target 4.5 of the Sustainable Development Goals, the Committee urges the State party to: (a) Set up comprehensive measures to promote inclusive education and ensure that all children with disabilities have access to inclusive education in mainstream schools, ensuring that schools are equipped with trained teachers, accessible infrastructure and teaching materials adapted to the needs of children with disabilities; (b) Train and assign specialized teachers and professionals in integrated classes providing individual support and tailored assistance to children with disabilities; (c) Undertake interventions to address the learning loss that has been experienced as a result of school closures due to the Covid-19 pandemic.

Administration of child justice: Recalling its general comment No. 24 (2019) on children's rights in the child justice system and with reference to the United Nations Global Study on Children Deprived of Liberty, the Committee urges the State party to bring its child justice system fully into line with the Convention and



other relevant standards, and in particular to: (a) Carry out a comprehensive review of the administrative and judicial norms governing both the system for children under 18 years of age and the system for children above 16 years of age to fully align them with the Convention – including of Decree Law No. 64/82 (and complementary provisions), Ministry of the Interior order No. 19/1995, Ministry of Education Resolution No. 40/83, Law No. 83/97 (Attorney General’s Office), Law No. 62/88 (Criminal Code) and Decree Law No. 310 of 2013; (b) Review its administrative system governing the council for minors and the comprehensive development schools with a view to ensuring that children aged below 18 years have the minimum substantive and procedural guarantees related to criminal proceedings, including the right to a defence, the right not to incriminate themselves and the right to appeal, and put in place an independent review and appeal mechanism; (c) Expeditiously establish specialized child justice systems and procedures, for children of all ages, with adequate human, technical and financial resources, and with designated specialized prosecutors and judges and ensure that they receive appropriate education and training; (d) Regularly collect and publish disaggregated data on all children under 18 years of age who are handled by the administrative and legal justice systems; (e) Avoid pretrial detention of children, shorten its length and establish a limit, provide access to justice, and ensure due process and adherence to child justice principles in all cases involving children; and expeditiously review and conclude appeals against sentences, in particular sentences of supervision and confinement, imposed on children involved in the July 2021 protests.

The Committee also drew the State party’s attention to the recommendations concerning the following areas:

General Measures of implementation: **legislation; comprehensive policy and strategy; allocation of resources; data collection; independent monitoring; dissemination awareness-raising and training; cooperation with civil society; children’s rights and the business sector;**

Definition of the child

General principles: **non-discrimination; best interests of the child; respect for the views of the child**

Civil rights and freedom: **birth registration; nationality; freedom of expression; freedom of thought, conscience and religion; right to privacy and access to appropriate information**

Family environment and alternative care: **family environment; children of incarcerated parents**

Children with disabilities

Basic health and welfare: **health and health services; adolescent health; standard of living**

Special protection measures: **asylum-seeking and refugee children; economic exploitation, including child labour**

Follow-up to the Committee’s previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention: **Optional Protocol on the Involvement of Children in Armed Conflict**

Ratification of the Optional Protocol on a Communications Procedure

Ratification of international human rights instruments

Sustainable Development Goals

The Committee recommended the realization of children’s rights in accordance with the Convention and the Optional Protocols thereto throughout the process of implementing the 2030 Agenda for Sustainable Development and urged the State to ensure the meaningful participation of children in achieving all 17 Sustainable Development Goals.



Throughout its Concluding Observations, the Committee referred to the following targets:

- **Target 5.1:** End all forms of discrimination against all women and girls everywhere
- **Target 3.1:** By 2030, reduce the global maternal mortality ratio to less than 70 per 100,000 live births
- **Target 3.7 and Target 5.6:** By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes; Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences
- **Goal 3 and Target 2.2:** Ensure healthy lives and promote well-being for all at all ages; By 2030, end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons
- **Target 4.5:** By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations
- **Target 8.7:** Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms

Next State report

CRC	
No. of report	VII-VIII
Due date	19 September 2027

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