



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

Distr.: General
9 September 2016
English
Original: Spanish
English, French and Spanish only

Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States
parties under article 9 of the Convention**

**Nineteenth to twenty-first periodic reports of States parties
due in 2013**

Cuba*

[Date received: 28 July 2016]

* The present document is being issued without formal editing.



I. Introduction

1. Following the submission by Cuba of its combined fourteenth to eighteenth periodic reports (CERD/C/CUB/14-18) to the Committee on the Elimination of Racial Discrimination on 30 January 2009 and its oral presentation on 16 and 17 February 2011, and in the light of the concluding observations adopted by the Committee on 3 March 2011 at its 2077th meeting, during its seventy-eighth session (CERD/C/CUB/CO/14-18), the combined nineteenth to twenty-first periodic reports submitted herewith seek to present as comprehensively as possible the legislative, judicial, administrative and other changes introduced during the reporting period with a view to giving effect to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.
2. The Government of Cuba wishes to thank the Committee for its concluding observations. This report contains detailed information on the issues in which the Committee displayed the most interest in connection with the previous national reports.
3. This 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.
4. The preparation of this report represented a significant collective effort by various public institutions, coordinated by the Ministry of Foreign Affairs, which were part of a national working group tasked with following up on the Committee's recommendations, systematizing information and statistics and holding consultations among a broad range of stakeholders in the process, including civil society organizations.

II. Information relating to articles 2 to 7 of the Convention

Article 2

5. The Cuban State has maintained a consistent attitude of condemning all forms of racial discrimination, as is evident in its legislation and its plans, as well as in the international commitments which it undertakes; this attitude has been expounded in all the reports submitted since 1974.
6. The search for solutions to the issue of racial discrimination in Cuba is conducted in a holistic manner through systemic, differentiated and participatory actions that take account of the economic, political, cultural, social, educational, legal, media-related, and operative aspects involved. These aspects are addressed at both the individual and societal levels, with a focus on community work.
7. Existing Cuban legislation condemns and punishes any act of racial discrimination committed against individuals, groups or institutions. The public policy intended to eradicate all manifestations of racial discrimination enjoys constitutional status under chapter I (Political, social and economic foundations of the State), chapter VI (Equality) and chapter VII (Fundamental rights, duties and guarantees) of the Constitution.
8. Chapter VI, article 41, of the Constitution provides that all citizens have equal rights and the same duties. Article 42 prohibits and punishes by law discrimination based on race, colour, sex, national origin, religious belief, and any other form of discrimination that is an affront to human dignity. It also provides that the institutions of the State should teach everyone from earliest childhood the principle of the equality of human beings.
9. Pursuant to article 42 of the Constitution, one of the objectives of the Criminal Code (Act No. 62 of 29 December 1987) is to protect society and its members and the social, economic and political order and the State system and to promote the full exercise of the rights and performance of the duties of citizens.
10. Article 2 of the Labour Code (Act No. 116), which lays down the fundamental principles governing the right to work, including the principle of equality at work, stipulates that all citizens who are fit to work have the right to obtain employment of their own

choosing, subject to the exigencies of the economy, in either the State or the non-State sector without discrimination on the basis of colour, gender, religious beliefs, sexual orientation, national origin, disability or any other distinction that constitutes an affront to human dignity. These principles also include that of equal pay, whereby work is to be remunerated without discrimination of any kind commensurately with the products and services that it generates, its quality and the actual time worked, in accordance with the principle of socialist distribution that each person should contribute according to his or her ability and receive according to his or her labour.

11. Manifestations of racial discrimination, which are still present in Cuban society, and the need for strategies to eradicate them were among the issues discussed by the 10 standing working groups of the National Assembly of People's Power (the National Assembly).

12. The discussions resulted in an agreement that important black and mestizo figures and shameful historical events that occurred as a result of instances of racism and racial discrimination in the pre-Revolution era should be given greater prominence in curricula at all levels of education as a means of raising people's awareness from an early age of the need to continue the fight against racism.

13. Those who took part in the discussions also recognized the importance of continuing efforts to raise awareness of the African legacy in Cuban culture through music, dance, theatre, the visual arts and other disciplines, in the knowledge that racism must also be addressed in the cultural sphere.

14. At a meeting of the Committee for Education, Culture, Science and Technology held on 20 November 2011, prior to the eighth regular session of the seventh legislature, the Chair of the Committee presented a report on the issue of race in Cuba.

15. Moreover, at its first national conference in January 2012, the Communist Party of Cuba included among its work objectives for the coming years three objectives aimed at addressing the issue of racial discrimination.¹

16. In order to complement the Government's efforts and the broad protection offered by Cuban law, a decision was taken to appoint one of the country's Vice-Presidents from the Council of State to follow up and monitor the struggle against racism and racial discrimination.

17. In this connection, Cuba has put in place programmes to address racial issues, following concerted efforts by State institutions and civil society organizations. Attention should be drawn to the measures taken to encourage more discussion about the topic in the media and to ensure that the impact of the African heritage on Cuban culture receives greater coverage in the media, in educational curricula, in periodicals and books, in digital media and on social networks.

18. Furthermore, a proposal for a multisectoral policy to eliminate any remaining vestiges of racial discrimination has been developed. The main activities provided for under the policy include:

- (a) Necessary changes and updates to curricula;
- (b) Plans for publications specifically dealing with racial discrimination and African heritage in Cuban culture;
- (c) Communication strategy specifically dealing with racial discrimination;
- (d) Training of specialists, public officials, social communicators and law enforcement agents;
- (e) Focus on cases of discriminatory practices;
- (f) Diversification of debate at public meetings or on the mass media.

¹ Objective No. 57. Tackle prejudices and discriminatory conduct motivated by colour, gender, religious beliefs, sexual orientation, national origin, and other grounds that run counter to the Constitution and the law, undermine national unity and restrict the exercise of individual rights.

19. More generally, the Cuban State has always pursued a governmental policy of ensuring the effective exercise of all human rights by all the people. In this connection, attention should be drawn to the policies intended to continue guaranteeing the entire Cuban population full access to health care and high-quality education that is universal and free of charge and to maintain an extensive social security system with a human focus that guarantees broad coverage to the entire population and others.

20. Social programmes established under policies to promote accelerated processes of upward social mobility for working-class populations continue to be rolled out. These programmes are chiefly aimed at improving these populations' access to opportunities for social integration and have, over time, had a positive impact on the situation of the different racial groups, with black and mestizo persons having benefited most.

21. Various activities have been carried out to contribute to the fight against racial discrimination from a cultural perspective, including the overhaul of curricula in art schools and, more generally, to ensure that the community work carried out by art instructors makes greater reference to the African legacy in Cuban culture and to create spaces for discussion and reflection on issues related to racial discrimination, with the backing of the National Union of Writers and Artists of Cuba, the National Library, the Cuban Book Institute, the Fernando Ortiz Foundation, the Nicolás Guillén Foundation and, in particular, the Cuban committee for a United Nations Educational, Scientific and Cultural Organization (UNESCO) project entitled "The Slave Route: Resistance, Freedom and Heritage", among others.

22. Moreover, it has been proposed that films should be made about prominent black and mestizo intellectuals, artists and heroes in Cuban history.

23. The existing guarantees for the enjoyment of sport and physical education as a right of all citizens were maintained and extended during the period under consideration. In Cuba, participation in sporting activities remains universal and free of charge, and opportunities to participate in such activities are provided on an equal footing to all citizens. As proof of that practice, Cuba is proud to report that many of its Olympic and world champions, who act as role models for young people and are a source of pride for the nation, are young black or mestizo persons.

24. Priority has been given to the enforcement of domestic legislation and the United Nations Standard Minimum Rules for the Treatment of Prisoners within the prison system, which favours a preventive approach achieved by means of numerous social programmes, including programmes intended to convert prisons into education centres. No form of discrimination is practised in Cuban prisons and steps are taken to ensure that all prisoners enjoy the same conditions, according to their detention regime. Cuban prisons function in accordance with the principle of re-educating and rehabilitating every prisoner to enable him or her to rejoin society as a citizen.

25. The link between government agencies and civil society organizations working to eliminate racial discrimination has been strengthened in order to enable them to unite in eradicating the vestiges of this blight on humanity. Furthermore, a number of activities have been undertaken in the context of the International Decade for People of African Descent with the aim of devising a strategy for the introduction of specific measures to combat racial discrimination.

26. 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.

27. In addition, 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.

28. 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. Moreover, there is now a greater representation of black and mestizo actors in such productions.

29. Attention should also be drawn to the activities of the José Antonio Aponte Committee of the National Union of Writers and Artists of Cuba;² the Martin Luther King Memorial Centre, with its nationwide network of educators engaged in community outreach using a participatory approach; 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 executing the international UNESCO-led project, “The Slave Route: Resistance, Freedom and Heritage”; the Caguayo Foundation, which works to promote art of African origin or inspired by Africa; and, among other civil society organizations, the Cuban Chapter of the Regional Network of People of African Descent in Latin America and the Caribbean.³ Similarly, the Cuban Institute of Anthropology continues to regard the topic as one of the key areas of its work.

30. The work done by the organizations listed above, and others, has contributed significantly to giving greater visibility to this topic in public discourse. It has also helped to consolidate and redefine work strategies based on community mobilization and on the implementation of public policies aimed at reducing the inequalities that disproportionately affect the black and mestizo population.

31. Attention should also be drawn to the activities undertaken by the Aponte Committee to help reduce the incidence of racial discrimination in Cuba. These include seminars, recitals, exhibitions, presentations of books and documentaries, tributes to national and international figures, workshops and panel discussions on the International Decade for People of African Descent; the creation and promotion of the forum known as “El Engaño de las Razas” (“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 Committee; and the holding of meetings with national figures to discuss these issues. 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.

32. The celebration of the first day against racial discrimination in November 2014, which was promoted by the Cuban Chapter of the Regional Network of People of African Descent in Latin America and the Caribbean, also provided a useful opportunity to contribute to this work, with the holding of seminars, workshops and cultural presentations on the topic.

Article 3

33. Cuban law condemns and punishes any act of racial discrimination committed against individuals, groups or institutions. The constitutional rights and the means of asserting them and re-establishing equality following any infringement of these rights are also safeguarded by a wide range of supplementary legislation, in accordance with the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments.

² The Aponte Committee was created in 2009 on the proposal of the members of the National Union of Writers and Artists of Cuba at its seventh congress. The Committee’s main objectives are to study in greater detail the struggle against racial discrimination in the country, to coordinate related work conducted by the Union’s associations and units, to make the necessary contact with other Cuban institutions for the achievement of that goal and to re-evaluate the country’s historical memory in order to give the contribution made by Africa and its key role in shaping Cuban culture the attention that it deserves.

³ The Regional Network of People of African Descent in Latin America and the Caribbean set up its Cuban Chapter in September 2012 with the aim of building a forum for the exchange of ideas, projects and brainstorming sessions on racism, colonialism, exclusion, intolerance and social and cultural inequalities. It is a Cuban civil society space that seeks to bring together individuals, groups, projects and organizations engaged in the fight against racism.

34. Similarly, existing Cuban legislation expressly punishes the crimes of genocide and apartheid, as is stipulated in the special section of book II, title I, chapter III, articles 116 and 120, respectively, of the Criminal Code (Act No. 62 of 29 December 1987), entitled “Crimes against peace and international law”.

35. Article 116 of the Criminal Code relates to acts that constitute the crime of genocide,⁴ while article 120 of Criminal Code punishes the crime of apartheid.⁵

36. In relation to the aforementioned crimes regulated by the Criminal Code, it should be pointed out that, in the period under consideration, no person has been prosecuted or punished for having committed genocide, apartheid or any crime subverting the right to equality.

37. All propaganda and organizations that are based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin or that seek to justify or promote racial hatred and racial discrimination in any form are condemned and punishable under existing Cuban law. Acts of violence or incitement to such acts against any racial group or group of persons of any colour or ethnic origin are also punishable offences.

38. The Associations Act, which regulates the exercise of the right of association accorded to all citizens by the Constitution, prohibits the formation of racist or segregationist associations.

39. Furthermore, Cuba is a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, to which it acceded on 13 February 1977, and the Convention on the Elimination of All Forms of Discrimination against Women, which it ratified on 17 July 1980. It is also a party to the International Convention against Apartheid in Sports and the Convention on the Rights of the Child. The latter instrument provides, *inter alia*, that children’s rights must be respected regardless of race, colour or national origin.⁶

40. Cuba has always participated in international forums such as the Human Rights Council, the Economic and Social Council and the General Assembly of the United Nations, where it has condemned racism, xenophobia and racial discrimination, including new forms of such discrimination, such as the intolerance directed against migrants in various countries, and where it has criticized the use of the media and information technology for the purpose of spreading racist propaganda.

⁴ This article imposes penalties on anyone who, with the intention of partially or totally destroying a national, ethnic, racial or religious group as such: (a) imposes on such a group conditions of existence which threaten to exterminate the group or some of its members; (b) takes action to prevent or obstruct births to members of such a group; (c) forcibly transfers children from one such group to another; (d) causes the death or seriously impairs the physical or mental integrity of members of such a group.

⁵ In punishing the crime of apartheid, it imposes penalties on anyone who, with the intention of establishing or maintaining the dominance of one racial group over another and in pursuit of policies of extermination, segregation or racial discrimination: (a) denies members of a group the right to life and liberty by causing their death, seriously infringing their physical or mental integrity, liberty or dignity, or subjecting them to torture or cruel, inhuman or degrading treatment, arbitrary arrest or unlawful imprisonment; (b) subjects a group to legislative or other measures designed to obstruct its participation in the country’s political, social, economic or cultural life and intentionally to create impediments to its full development by denying its members fundamental rights or freedoms; (c) divides the population according to racial criteria, setting up reservations or ghettos, prohibiting marriage between members of different racial groups or expropriating their property; (d) exploits the labour of members of a group, in particular by subjecting them to forced labour.

⁶ Cuba is also a party to many other international human rights instruments, including the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the Optional Protocol to the Convention on the Rights of the Child on the participation of children in armed conflict; the UNESCO Convention against Discrimination in Education; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. Cuba signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in February 2008.

41. Despite the financial difficulties and resource constraints facing Cuba as a result of its situation as a developing country and of the impact of the economic, commercial and financial blockade imposed by the United States of America more than 50 years ago, the country has continued to make a modest contribution in support of the cause of the human rights of other peoples, including African peoples, in such areas as health, education, culture and sport.

42. International cooperation on health takes place in 67 countries, involves more than 51,000 collaborators and has made it possible to assist more than 1.206 billion people. Significant programmes include “Operación Milagro” (“Operation Miracle”), an eye programme that operates in 14 countries and has helped 2.6 million patients recover or improve their sight, and a disability study conducted in six countries, which has identified more than 1.2 million cases. Attention should also be drawn to the work done by the Henry Reeve International Contingent of Doctors Specializing in Disaster Situations and Serious Epidemics, which has provided services during emergency situations in 24 countries, including its invaluable intervention in the aftermath of the Haiti earthquake in 2010 and its response to the international call for assistance to combat the Ebola epidemic in West Africa by sending 256 collaborators to the region in 2014, who put their own lives at risk in the highest expression of human solidarity.

43. In addition, more than 4,000 Cuban doctors working in 32 African countries also rolled out programmes to prevent the spread of Ebola and specialists from Latin America and the Caribbean were trained in how to prevent and combat the epidemic.

44. From the beginning of this cooperation to the present day, over 325,000 health workers have provided services in 158 countries, a large number of them having served on two, three or more missions, with the result that more than 595,400 missions have been carried out in conformity with the principle of internationalism and international solidarity. Since 1966, 3,789 African students have graduated in Cuba with a qualification in specialized health-care studies.

45. In education, methods developed by Cuban experts, such as “Yo sí puedo” (“Yes I can”) and “Yo sí puedo seguir” (“I can go further”), have proved to be most useful in bringing literacy to millions of people who speak different languages, including indigenous peoples, Afro-descendent populations and rural women. These methods have served to make over 9 million people in over 30 countries literate.

Article 4

46. Article 295 of the Criminal Code, which remains in force, establishes the offence of infringement of the right to equality and imposes a prison term of 6 months to 2 years or a fine of 200 to 500 accounting units (cuotas), or both, on any person who discriminates against another person or encourages or incites discrimination, either by making remarks or performing actions offensive to that person’s sex, race, colour or national origin, or by obstructing or preventing that person, with the same motives, from exercising and enjoying the right to equality enshrined in the Constitution.

47. Paragraph 2 of the same article imposes penalties on any person who disseminates ideas based on racial superiority or hatred or who commits acts of violence or incites the commission of such acts against any racial group or group of persons of a different colour or ethnic origin.

48. The Associations Act (Act No. 54 of 27 December 1985), which regulates the exercise of the right of association accorded to all citizens by the Constitution and prohibits the formation of racist or segregationist associations, also remains in force. The Act does, however, allow associations that help to foster in Cuba the study, dissemination and preservation of the history, culture and art of various nationalities and friendship, solidarity and equality among human beings. The setting up of associations by nationals of other States or their descendants on the basis of these principles exemplify the country’s opposition to all forms of discrimination and its commitment to promoting equality among human beings.

Article 5

49. Cuba enforces the rights enshrined in article 5 of the Convention. The foundations of the country's institutional development and the comprehensive development of its people include the principles of condemning any kind of discrimination and promoting equality in the various areas of the country's political, social and economic life. This includes improving people's knowledge of the law and encouraging their active participation in legislative processes at various levels.

50. The function of the Office of the Attorney General is to uphold the law in order to protect the legal order and, in particular, the rights and freedoms of citizens.

51. Moreover, during the period under consideration, the Attorney General issued Instruction No. 1 of 2012 regulating the activities of the prosecutors responsible for monitoring compliance with the rights and guarantees of persons deprived of their liberty, including guarantees of non-discrimination.

52. Since November 2014, the Office of the Attorney General, in order to expand the range of avenues and mechanisms for channelling the public's concerns and/or complaints, has made available alternative avenues through which the public can seek assistance, including a helpline offering advice. Efforts are under way to set up an e-mail service and an interactive web portal. As at November 2015, 103,906 citizens had been provided with assistance, which was 40,697 more than the previous year.

53. These avenues are used as a means of guaranteeing the public greater access to the Office of the Attorney General, especially older persons, persons with disabilities or persons who, for any other reason, struggle to reach the relevant offices in each of the organizational units of the institution. Once the helpline had been set up as a means of channelling concerns, 22 per cent of the complaints received in 2015 were made through that avenue.

54. In 2015, 12,141 complaints were received and 11,151 criminal or administrative cases were processed. The majority of the complaints filed by the population relate to criminal matters, non-compliance with protective measures that have been imposed, non-compliance with the procedures of the Housing Directorate or disagreement with the imposition of fines resulting from infringements, among others. Complainants sometimes seek legal advice or simply file complaints or claims for alleged violations of the law or breaches of their rights by different institutions. The complainants were found to be justified in 24 per cent of the cases processed. To date, none of the violations of the law that have been brought to the attention of the Office of the Attorney General and processed by it have been linked to racial discrimination.

55. Despite the lack of complaints lodged with the relevant legal bodies, complaints of discrimination on the ground of colour have been received by non-governmental structures such as the Aponte Committee, and these have been referred directly to the relevant State agencies, which have taken the appropriate administrative steps. None of these cases resulted in judicial proceedings being instituted for discrimination.

56. In addition to the significant benefit of immediately restoring legality in any situation, this process has the advantage of gradually establishing among the people a culture of legality based primarily on respect for the law and on the performance of their duties and the exercise of their rights by all citizens, as enjoined by the Constitution.

Right to equal treatment before the tribunals and all other ministering justice (article 5 (a))

57. The right to equal treatment before the courts and all other organs administering justice is enshrined in the Constitution, which provides a legal guarantee of the right of all citizens to equality of opportunity in access to State institutions, including institutions responsible for the administration of justice. This entitlement to access to the justice system is consistent with the rules of international law. The equality of the parties in legal proceedings and the equality of persons before the law exclude all forms of discrimination.

58. The substantive and procedural rules set out in the Constitution establish the following principles:

(a) No one may be arrested except in the circumstances and in accordance with the procedures and guarantees provided for by law;

(b) The right of detainees and prisoners to protection against bodily harm is inviolable;

(c) No one may be tried or convicted except by a competent court in accordance with laws in force prior to the commission of the offence and with the procedures and safeguards established by such laws;

(d) Every accused person has the right to a defence;

(e) No violence or coercion of any kind may be used against persons to force them to testify;

(f) Any testimony obtained in violation of the above provision is null and void and those responsible are liable to the penalties set by law.

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

60. Both the Office of the Attorney General and the People's Supreme Court organize diploma and postgraduate training courses for judges and prosecutors. These courses provide officials of the justice system with much more comprehensive professional training.

Right to security of person and protection by the State against violence or bodily harm, whether inflicted by public officials or by any individual, group or institution

61. Article 133 of the Criminal Code penalizes abuse of authority by public officials who, in seeking to harm an individual or obtain an unlawful benefit, perform their duties in a manner that is clearly contrary to the law or arbitrarily exceed the limits of their authority.

62. It also penalizes judicial or administrative officials who fail to give effect to a final decision or order handed down by a competent court or authority in accordance with due legal procedure (the offence of "disobedience"); who knowingly hand down unlawful decisions in cases brought before them in the course of their official duties; who maliciously delay the handling or resolution of a case or fail or refuse without good reason to perform a duty or act inherent in their functions; who in the course of their duties deliberately fail to prosecute or punish an offender; or who prosecute a person whom they know to be innocent.

63. Furthermore, the Cuban State remains strongly committed to complying with international standards intended to prevent and punish human trafficking. Accordingly, on 20 June 2013, Cuba acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol).

64. During the period under consideration, the police have followed up on reports of alleged cases of trafficking of young Cuban women abroad and have initiated investigations, which are still in progress. Although no transnational trafficking cases have been tried, proceedings were instituted under domestic law in 2013 for 144 offences involving the corruption of minors and procuring. Actions that could involve human trafficking were observed in 13 of these cases.

65. During the period covered by this report, Cuba has continued to pay due attention to the arrival on Cuban shores of irregular migrants of Haitian origin via the easternmost part

of the country. Without exception, the Cuban State provides migrants with accommodation and food, and guarantees them access to high-quality medical care and basic provisions. Similarly, Cuba maintains a good level of cooperation with the International Organization for Migration and the Government of Haiti to ensure compliance with a tripartite memorandum of understanding signed in 2002.

Political rights, in particular the right to participate in elections, to vote and to stand for election on the basis of universal and equal suffrage, to take part in government and in the conduct of public affairs at any level, and to have equal access to public office

66. Chapter VII of the Constitution (Fundamental rights, duties and guarantees) sets out the main principles and guarantees of human rights and fundamental freedoms, which are consistent with the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. These principles and guarantees are supplemented by other chapters of the Constitution and the provisions of ordinary law.

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

68. Article 132 of the Constitution accords the right to vote to all Cuban men and women aged 16 years or older, except for persons with a mental disorder whose legal disability has been declared by a court and persons who have been legally disqualified for having committed a crime.

69. Cuban men and women who enjoy full exercise of their political rights are also entitled to stand for election. Candidates for election to the National Assembly must be at least 18 years old.

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

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

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

73. The Cuban parliament is representative of the widest range of sectors of society. One deputy is elected for every 20,000 inhabitants, with a second deputy for constituencies where the number of additional inhabitants exceeds 10,000. All the municipal territories are represented in the National Assembly. Up to 50 per cent of the deputies must be delegates from the constituencies and live in their constituency.

74. The 612 deputies of the National Assembly include representatives from all sectors and groups of the population without discrimination of any kind. As for the composition of the Assembly in terms of colour, in the current legislature of 612 members, 381 are white (63 per cent), 120 black (19.8 per cent) and 104 mestizo (17.2 per cent). This composition reflects the population demographic in terms of colour, based on the results of the 2012 population census, according to which 64.1 per cent of the Cuban population identify as white, 9.3 per cent as black and 26.6 per cent as mestizo. It should be noted that the parliamentary representation of the black population exceeds the percentage representation of that group in the Cuban population, while the mestizo population is underrepresented.

75. The Municipal Assemblies of People's Power have a total of 12,466 delegates throughout the country, of whom 2,154 (17.3 per cent) are black, 7,258 (58.2 per cent) are white and 3,054 (24.5 per cent) are mestizos. The Provincial Assemblies of People's Power are composed of 1,269 delegates representing the country's 16 provinces, of whom 234 (18.8 per cent) are mestizo, 212 (17 per cent) are black and 801 (64.1 per cent) are white.

76. The electorate is deeply involved in the election process. A total of 7,877,906 citizens (90.88 per cent of registered voters) took part in the election of deputies to the National Assembly in 2013.

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

Other civil rights

Right to freedom of movement and residence within the borders of a State

78. Article 43 of the Constitution enshrines the right of citizens, irrespective of race, colour, sex, religious belief or national origin or any other distinction that constitutes an affront to human dignity, to take up residence in any urban area, district or neighbourhood and to stay in any hotel.

Right to leave any country, including one's own, and to return to one's own country

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

80. In January 2013, Decree-Law No. 302 of 11 October 2012, which amends the Migration Act (Act No. 1312 of 20 September 1976) and its related decrees and decisions, entered into force, thereby updating the country's existing migration policy and bringing Cuba one step closer to ensuring that migration movements occur in a lawful, orderly and secure fashion. The measures adopted to date also contribute to reducing the cost of travel and to standardizing the migration process from a national policy perspective.

Right to a nationality

81. Chapter II of the Constitution (Citizenship) stipulates that Cubans may not be deprived of their citizenship, except on legally established grounds. Nor may they be deprived of the right to change their citizenship (art. 32).

Right to marriage and choice of a spouse

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

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

Right to own property alone as well as in association with others

84. While the Cuban economic system is based on the socialist ownership by the whole people of the basic means of production, the process of modernizing the country's existing economic model, which was undertaken during the period under consideration, includes the encouragement of new forms of property management, paving the way for self-employment and cooperative ownership.

85. Thus, while the socialist ownership of the basic means of production, namely those that are crucial to the country's development, is maintained, other forms of ownership are being encouraged. In addition to the State-owned socialist enterprise, which is the mainstay

of the national economy, the model of economic management recognizes and promotes mixed-capital companies, cooperatives, land users, self-employed workers and others.

Right to inherit

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

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

Right to freedom of thought, conscience and religion

88. Freedom of worship is fully recognized and protected by the Constitution. Articles 8 and 55 of the Constitution provide that the State recognizes, respects and guarantees religious freedom and that all beliefs and religions enjoy equal status. They also guarantee a citizen's freedom to change religious beliefs or to have none.

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

90. The guarantees underpinning freedom of worship in Cuba include protection under criminal law. Article 294 of the Criminal Code imposes stiff penalties on persons who commit offences intended to undermine freedom of worship, including public officials who abuse their position.

91. In Cuba, there are some 600 institutions and organizations belonging to various religions, including Christianity (Roman Catholic, evangelical, Protestant and Orthodox denominations), Judaism, Islam, Spiritism, Buddhism, yoga, Jehovah's Witnesses and Cuban religions of African origin. All of them have churches and premises where they can practise, and they do so regularly without hindrance.

92. In recent years, Cuba has received visits from important religious leaders. In March 2012, Cuba received a visit from Pope Benedict XVI at the formal invitation of the Government and, in September 2015, His Holiness Francis I travelled to the country. On both occasions, masses were held in public squares in Havana and other cities across the country, which were attended by the public at large without restriction. In 2013, Cuba hosted the Sixth Assembly of the Latin American Council of Churches and the Seventh World Spiritist Congress.

93. Cuba maintains good relations, based on mutual respect, with the religious authorities of the different creeds represented in the country and has created the conditions necessary for them to conduct their activities. Regular meetings are held between Government leaders and religious leaders and representatives from various institutions and fraternal associations, including Masonic lodges, at which participants are encouraged to engage in discussions on issues of general interest and on current challenges and expectations.

Right to freedom of opinion and expression

94. Article 53 of the Constitution expressly recognizes the right of citizens to freedom of expression and opinion.

95. The exercise of this right is also protected by criminal law, specifically under article 291 of the Criminal Code, which imposes penalties on any person, including public officials acting in abuse of their position, who sets out to infringe the right to freedom of thought.

96. The practical conditions for the exercise of this right are created by a high level of education and culture among the Cuban population, which is reflected in the country's literacy rate of 99.8 per cent and the fact that 11.2 per cent of the population has a university degree. According to the 2012 census, there were 1,165,002 university graduates

in the country. According to figures from the UNESCO Institute for Statistics, Cuba has the highest gross rate of university enrolment in the world, at 109 per cent.

97. Another factor that facilitates the exercise of the right to freedom of expression and opinion by the entire population is the collective ownership of the media, which the Constitution stipulates cannot be privately owned. In Cuba, the press, radio, television, cinema and other mass media are the property of all citizens, which ensures that they are used for the benefit of all citizens and in the best interests of society.

98. In Cuba, there is wide-ranging debate on topics of all kinds relating to the political, economic, social and cultural life of the nation and the world at large. Programmes such as the Daily News Round Table, broadcast by the national television network and Cubavision International, serve to raise public awareness of current national and international affairs. Other news programmes, televised political and academic debates and talk shows are also broadcast, all of which serve to increase participation and the free flow of opinions. Since January 2013, one of the national television channels has been transmitting the Latin American channel Telesur, which allows access to a diverse range of international current affairs broadcasts.

99. Discussion and artistic creation are encouraged in intellectual, cultural and academic circles, and this is reflected in the diversity of publications and the variety of artistic productions available to the general public. Cuba encourages the freest possible creativity; this results in intense intellectual activity, which is reflected in the various national periodicals and in the diversity of the works produced by the country's artistic community. Cuba has 723 periodicals, 406 of which are published in hard copy and 317 online, and 96 radio stations.

100. The country's creative artists are members of various non-governmental organizations (NGOs) involved in dance, music, design, visual arts and other disciplines, including the Saíz Brothers Association, which brings together, on a strictly voluntary basis, the most important Cuban writers, artists, intellectuals and impresarios aged under 35, and also of the National Union of Writers and Artists of Cuba, which had 8,933 members in 2015. With the broad democratization of culture in Cuba, it has been possible to hold numerous conferences of writers and other creative artists, which have fostered open and thorough discussions on various topics.

101. It has always been State policy to submit the most important national issues to popular consultation and debate. One example of this during the period under consideration was the broad public consultation that preceded the adoption by the National Assembly of the Economic and Social Policy Guidelines, which constitute the programme underpinning the current process of modernizing the Cuban economic model. The Guidelines were adopted following a very broad public debate involving 8,913,838 Cubans from all walks of life, without discrimination of any kind. Anyone who had an opinion on the Guidelines had the opportunity to express it. As much as 68 per cent of the original document was amended as a result of this public consultation process.

102. A similar process was undertaken prior to the adoption of the Labour Code (Act No. 116), which also took the form of a broad public consultation and involved 621,319 contributions to the debate at 69,056 assemblies, with the participation of 2,802,459 workers. As part of this exercise, workers expressed their views, made suggestions and raised concerns and 171,680 proposals were put forward. All the proposals were carefully considered and 90 per cent of them were incorporated into the Labour Code.

103. In recent years, the use of the feedback mechanisms offered by several digital media platforms has grown, which has boosted various options for expressing and analysing public opinion on various issues.

Right to freedom of peaceful assembly and association

104. Article 54 of the Constitution expressly recognizes the right to freedom of assembly, demonstration and association, for which the State provides and guarantees the necessary means.

105. The Associations Act (Act No. 54 of 1985) lays down the requirements for the recognition and registration of associations, which may exercise their functions freely, elect their representatives and leaders from among their members and maintain cooperative relations with governmental authorities at all levels, exchanging views and information.

106. The guarantees provided by Cuban law to protect these freedoms include severe punitive measures for persons or public officials who seek to unlawfully curtail freedom of thought, association, peaceful assembly, demonstration, complaint or petition, pursuant to articles 291 and 292 of the Criminal Code.

107. Cuba promotes the broad participation of civil society in the political, economic, social and cultural spheres. Cuban civil society is made up of more than 2,200 organizations, which are guaranteed the competence to propose legislation, consult, express opinions and take decisions, in addition to the broadest powers to perform their functions freely and to elect their representatives.

Economic, social and cultural rights

108. Ever since the triumph of the Revolution, the Cuban State has been working for and making rapid progress towards the full realization of the economic, social and cultural rights of all Cubans. The full exercise of these rights is guaranteed, without any discrimination.

Right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work and to just and proper remuneration

109. In Cuba, the right to work is guaranteed by the Constitution without discrimination of any kind and is realized by providing opportunities for decent work for all and equal opportunities for professional development, social security, occupational health and safety, paid leave and working days in keeping with internationally accepted limits and access to social security, among other rights.

110. In the area of international law, Cuba has ratified nine International Labour Organization conventions, including its eight core conventions. The country's labour and social security legislation is consistent with these instruments and, in some cases, goes beyond the international standards set out in the ratified instruments, by according broader rights, benefits and protection to all workers.

111. The Economic and Social Policy Guidelines adopted by the National Assembly to modernize the existing Cuban economic model recognize and promote not only State-owned socialist enterprises, which are the mainstay of the national economy, but also other non-State management structures, with a view to improving labour efficiency.

112. During the period under consideration, options for self-employment as an alternative form of employment were expanded, yielding direct benefits in the majority of cases while meeting the needs of the population and promoting economic development. Self-employment has had a positive impact on the supply of consumer goods and services, including the production and sale of food and transport. It has provided some families with an alternative source of income to the wages and pensions paid by the State and brought in additional tax revenue for the State budget, collected by the National Office for Tax Administration.

113. Wage discrimination does not exist in Cuba. The Constitution establishes the principle of equal pay for equal work.

114. Child labour is completely prohibited by law and does not exist in Cuba.

115. Special attention is being paid to helping young people find work. Graduates of daytime higher education and technical and vocational education courses are integrated into the labour market upon graduating, as part of a process that begins in the classroom.

116. Public policies have been designed and implemented with the strategic objective of removing the cultural, ideological, psychological, economic and social barriers that have kept women in a situation of subordination, marginalization and age-old suppression.

Currently, women represent 48 per cent of the total number of persons employed in the civil State sector, account for over 66 per cent of the technical workforce and play a principal role in key areas of the economic and social life of the country.

Right to form and join trade unions

117. Existing legislation and the daily practice in all workplaces in the country safeguard all trade union activity and the fullest enjoyment of trade union rights. Article 13 of the Labour Code recognizes the right of workers to freedom of association and to voluntary unionization, in accordance with founding principles, statutes and regulations that are discussed and approved democratically. Neither the Labour Code nor any complementary legislation places restrictions on the formation of trade unions. All Cuban workers have the right to form and join trade union organizations freely without having to obtain prior authorization.

118. There are 17 national unions and one trade union confederation. The current Labour Code recognizes the independent nature of trade unions. Trade union membership is voluntary, but more than 95 per cent of workers are members of a union.

119. All trade unions in Cuba and the Confederation of Cuban Workers carry out their activities and programmes in conditions of complete independence. The unions themselves draft and adopt their statutes and regulations and decide on the structure of their organizations and their working methods and approaches. There is no provision in the existing legislation that prescribes or prejudices the content of trade union regulations or refers to other internal trade union matters, which are to be decided upon solely by the workers themselves.

Right to housing

120. Article 9 of the Constitution provides that the State shall endeavour to ensure that no family lacks a comfortable home. To this end, the State plans, organizes and promotes the construction and repair of housing by small groups of workers, by State enterprises and agencies, by agricultural cooperatives and by the people themselves. In Cuba, 95.6 per cent of families own their own homes.

121. Decree-Law No. 288, which amended the General Housing Act by eliminating and relaxing restrictions on the transfer of ownership of housing, was adopted on 28 October 2011.

122. A total of 3,885,900 housing units have been registered in the country, a unit being any structurally separate and independent premises or facility that has been constructed or adapted, in whole or in part, for the purpose of housing people. Of the total number of housing units, 3,882,424 are private dwellings, 2,992 are workplaces or premises used as accommodation and 484 are collectives. In Cuba, there are 3,620,152 occupied private dwellings with permanent residents, which are either houses or apartments, as attested by the data collected during the 2012 population census.

123. Decree-Law No. 322, which amended the General Housing Act with a view to facilitating and making arrangements more flexible for the remodelling, restoration and construction of housing, entered into force on 3 January 2015. This new regulation empowers the physical planning departments to provide the public with a range of services for the issuance of licences and construction permits and for other procedures related to the habitability of buildings automatically and at no additional cost.

124. The policies adopted during the period under consideration that had the most favourable social impact include those relating to the transfer of housing and the granting of subsidies for building projects as a means of providing ongoing support to the most deprived persons. The amendments to the regulation that authorize the payment of subsidies to low-income persons to enable them to improve or build their own homes have helped to deliver financial assistance to 60,664 families between May 2012 and December 2014.

125. As for the impact on access to housing of social distinctions based on colour, it should be noted that the policies adopted by the State are aimed at minimizing such an impact and at increasing access to housing or to opportunities for access to resources

earmarked for the construction or improvement of housing for the more deprived sectors of the population. However, efforts are still under way to address the persistence of historical patterns of housing occupation and layout in the country's poor neighbourhoods, which are attributable to enduring forms of inherited inequality and not to the survival of forms of segregation based on colour. In these neighbourhoods, black, mestizo and white people live side by side, which demonstrates that, more often than not, there is solidarity among residents and mixed marriages are commonplace.

Right to public health, medical care, social security and social services

126. Every Cuban is guaranteed access to free, good-quality health-care services. Article 50 of the Constitution and chapter I, article 4, of the Public Health Act (Act No. 41 of 13 July 1983) enshrine this right for all Cubans.

127. The right to health is guaranteed by means of the national health system, which is entirely State-funded and has an extensive nationwide network of institutions. The country currently has almost 11,000 family doctor surgeries, which are the bedrock of a universal and free health-care system that is firmly rooted in the community. Services range from primary and preventive care to surgical interventions using the latest technologies. The system operates on the basis of a comprehensive approach to health promotion and disease prevention with community and intersectoral participation.

128. The health sector has 500,294 workers spread across 451 polyclinics, 10,741 surgeries, 1,215 dental clinics with 5,252 dental teams, 152 hospitals with 45,462 beds, 138 maternity centres with 3,589 beds, 247 day centres for older persons, 143 nursing homes for older persons with 12,046 beds and 13 research institutes.

129. Today, there is one doctor for every 130 inhabitants, one dentist for every 671 inhabitants and one nurse for every 123 inhabitants. The ratio of doctors to inhabitants is 7.7 doctors per 1,000 inhabitants. The supply of health-care services per inhabitant is 7.4 medical appointments and 2.3 dental appointments, which meets the existing demands of the population.

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

131. Cuba has a priority maternal and child care programme, which has enabled it to achieve a child mortality rate for children under 1 year old of 4.3 per thousand live births (2015) and a survival rate for children up to 5 years of age of 99.4 per cent. The country's maternal mortality rate stands at 35.1 per 100,000 live births and 99.9 per cent of births take place in health-care institutions. The preschool and school-age mortality rates stand at 3.8 and 1.8 per 10,000 inhabitants, respectively.

132. The immunization programme covers 13 diseases through the administration of 11 vaccines, 8 of which are produced in-country. Furthermore, campaigns are mounted to provide members of specific risk groups with vaccination against the following diseases: leptospirosis, seasonal influenza, pandemic influenza, human rabies and yellow fever. In the case of the latter, the vaccine is also administered to persons working abroad.

133. Fourteen transmittable diseases have been eradicated and another nine are no longer considered public health problems, since their prevalence is below 0.1 cases per 100,000 inhabitants.

134. Death by infectious and parasitic disease has dropped to 1.3 per cent of all deaths.

135. As recognized by the World Health Organization, in 2015 it was announced that Cuba was the first country in the world to eliminate mother-to-child transmission of HIV/AIDS and syphilis.

136. Life expectancy at birth is 78.45 years: 80.45 years for women and 76.50 years for men. Nineteen per cent of the Cuban population is 60 years of age or older. It is expected that by 2030 that figure will reach 30.3 per cent, which will entail a rise in the costs of services and the introduction of new technological processes. This will, in turn, necessitate

the restructuring of the health-care system and services so that they have the capacity to deal with the situation. The country has made care for older persons a priority and is undertaking multidisciplinary and intersectoral work to guarantee the quality of life of this sector of the population.

137. Equity in access to health-care technologies is one of the goals for achieving universal coverage. The introduction and increased use of new products from the medical/pharmaceutical and biotechnology industry in the health-care system has led to an improvement in patients' quality of life. This process is underpinned by an international regulatory framework and the holding of clinical trials.

138. The guarantees provided by article 50 of the Constitution pertaining to the right of all Cubans to free health care and protection also extend to prisons. The country's prisons have hospitals, polyclinics and other clinics for persons with HIV/AIDS, rooms for the care of pregnant women and medical services for people with psychiatric conditions, among other services. Moreover, all detainees are entitled to treatment in public health-care institutions, where necessary.

139. The results of the Cuban health-care system and the State's management of its social determinants serve as indicators of the work that has been carried out, taking into account such agreements as the Alma-Ata Declaration and the Millennium Development Goals, which considered the basic challenge to be universal coverage.

140. In Cuba, the benefits provided under the social security system are extended to the entire population on account of the principles underpinning the system and the fact that it is the responsibility of the State to provide such benefits. Overall expenditure on these benefits is borne by the national budget. The social security system provides protection for workers in the event of ordinary or work-related sickness and accidents, pregnancy, disability and old age and, in the event of a worker's death, it protects his or her family. The trend over the past 10 years has been for the State budget to provide 40 per cent of the funding of social security pensions, which, in 2014, amounted to 5.589 billion pesos for 1,683,583 pensioners.

141. The social security system is bolstered by the benefits available under the social welfare system, which provides protection through cash payments, goods and services. This ensures that 100 per cent of the Cuban population is guaranteed access to social protection.

Right to education and vocational training

142. Chapter V of the Constitution (Education and culture) establishes that education is a public service provided free of charge. This service is provided by the State as a non-transferable duty and as a right of all Cubans, without distinctions or privileges.

143. Article 51 of the Constitution reads: "Everyone has the right to education. This right shall be guaranteed by means of an extensive and free system of schools, part-time and full-time boarding schools, and scholarships for all types and levels of education, and by the free provision of school materials. All children and young people, regardless of their family's economic situation, shall thus be offered an opportunity to obtain an education suited to their aptitudes, the needs of society, and the requirements of economic and social development. This right shall be accorded to adults, also free of charge and by means of facilities specified by law, in the form of adult education, technical and vocational training, work experience in State enterprises and organizations, and higher education courses for workers."

144. The Cuban State has created the material conditions and human capital to ensure good-quality education for all, with universal free access at all levels, regardless of the gender, colour, family income, religion, opinions or political ideas of students or their families.

145. The Cuban education system, from preschool to higher education, is based on the guarantee of the right to free education, compulsory elementary education and access to higher education for all.

146. In the 2012/13 school year, 340,828 children aged between 3 and 5 years of age received preschool care, 337,557 of them — 99 per cent — in day-care centres, under the “Educate your Child” (*Educa a tu hijo*) programme and at the preschool level of primary school. Of a total of 803,194 children aged between 6 and 11 years, 783,995 — 99.4 per cent — are enrolled in school. Of a total of 424,284 children aged 12 to 14 years, 424,274 — 99.9 per cent — are enrolled in general secondary education or vocational schools. Cuba has one teacher for every 30 inhabitants. One hundred per cent of children with special educational needs receive appropriate attention in special schools.

Right to equal participation in cultural activities

147. Article 9 of the Constitution provides that the State should ensure that nobody lacks access to education, culture and sport.

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

149. Cuba promotes, respects and guarantees the rights of academic freedom and artistic creation, the right to participate in the cultural life of the community and the right to benefit from the development of science.

150. Cultural policy has focused on protecting identity, preserving and safeguarding cultural heritage and promoting creativity, artistic and literary production and art appreciation.

151. There is a wide network of cultural institutions, which ensures that cultural activities are accessible to all sectors of society. This means that all citizens, including those living in rural and more remote areas, are offered equal opportunities for developing their full potential. Culture is an important tool for the promotion of equality.

152. There are 38 establishments providing education in the arts nationwide, of which 16 are at the elementary level, 9 at secondary level, 7 covering both levels and 6 national schools. There are currently 1,400 students enrolled in the University of the Arts. Three provinces (Camagüey, Holguín and Santiago de Cuba) have similar higher education units. Taken together, these facilities provide free education in the arts for more than 27,000 students. The extensive range of teaching institutions throughout Cuba makes it possible for the country’s artistic talent to attain very high levels. There is an extensive network of cultural institutions across the country.⁷

153. Cultural and educational activities have had a positive impact, such as the University for All course on the influence of Africa on Cuban culture, episodes of the *Mesa Redonda* television programme specifically dealing with the African influence and other historical topics associated with anti-racism awareness for the Cuban people and the production of feature films addressing this issue, including *Cuba Libre* and *Irremediablemente Juntos* by the director Jorge Luis Sánchez.

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

154. Article 43 of the Constitution reads: “The State shall uphold the right, won by the revolution, for its citizens, irrespective of race, colour, sex, religious beliefs or national origin or any other distinction that constitutes an affront to human dignity:

- (a) To be served in all restaurants and other public service establishments;
- (b) To use, without segregation, sea, rail, air and road transport;

⁷ Alongside other cultural facilities, Cuba has 326 bookshops, 19 *casas de la trova* (traditional folk music centres), 368 video halls, including those in video youth clubs, 347 cultural centres, 392 public libraries, 272 museums, and two circus big tops. There are more than 2,500 professional cultural activities organizers active in people’s councils, districts and towns.

(c) To use the same seaside resorts, beaches, parks, social clubs and other cultural, sporting, recreational and leisure facilities.

155. Where access to public places and services is concerned, the law does not permit the imposition of any discriminatory restrictions based on colour, ethnic origin or any other consideration.

Article 6

156. Under the Cuban court system, there are offices at the municipal, provincial and national levels whose main function is to deal with complaints, irregularities, claims and reports concerning any non-compliance with or violations of the legal procedures or regulations in place, including racial discrimination. All citizens, without distinction, may submit an oral or written claim, with the right to receive a reply within a maximum of 60 days. This ensures that victims have access to justice that provides them with proper protection. The authorities run campaigns to publicize the service.

157. The right to equal treatment before the courts and other organs administering justice is enshrined in the Constitution, which also sets out the right of all citizens to equality of opportunity in access to all the benefits provided for under the Constitution and in holding office in any State institution, provided that they fulfil the criteria established in the applicable regulations.

158. The Cuban legal system as a whole and the court system in particular enjoy the trust of the public, inasmuch as the law guarantees citizen participation in the administration of justice; the right of every citizen to file complaints and petitions with the authorities and to have them acted upon or replied to within a reasonable time, in accordance with the law; and the right to enjoy equal rights and be subject to the same duties. Cuban law also provides for free judicial proceedings guaranteeing victims full access and fair and appropriate redress for potential damages, both material and moral.

159. Although there are legal provisions allowing for racism to be invoked as grounds for initiating criminal proceedings, to date there have been no such cases brought before the Cuban courts.

160. In the period covered by the present report, no information was registered on the invocation before the Cuban courts of article 295 of the Criminal Code, which deals with the offence of discrimination. Article 120 of the Code, which provides for the death penalty for offences of racial segregation, has not been invoked, either, and there is no record of its application in the country's post-revolutionary legal history.

Article 7

161. Activities in the fields of teaching, education, culture and information are governed by the constitutional provisions and principles condemning all forms of discrimination.

1. Teaching and education

162. Without doubt, one of the areas in which progress has been most tangible and remarkable has been the success in guaranteeing that all Cubans can exercise the right to appropriate, high-quality education to an increasing degree. With a literacy rate of 99.8 per cent, Cuba has the lowest illiteracy rate in Latin America, according to UNESCO, and has the highest school enrolment rate in Latin America, with 99.7 per cent of pupils enrolled in free education.

163. According to the 2012 population and housing census, Cubans aged 6 years and over attended school for an average of 10.1 years, with no significant differences on the basis of colour. On average, white citizens had 10.2 years of schooling, black citizens 10.6 and mestizo citizens 10.1.

164. It is significant that, despite the economic, commercial and financial embargo imposed against Cuba by the United States, 27 per cent of the country's resources in the

2014 budget were allocated to education. In a 2014 World Bank report, Cuba was ranked in first place in terms of investment in the education system for the period 2009-2013, with almost 13 per cent (12.9 per cent) of gross domestic product (GDP) invested in this sector.

165. For example, in 2013/14, over a million students were able to begin or continue their studies in preschool, primary and secondary education, and a further 207,237 in higher education, including teaching and medicine. A comprehensive system for the improvement of specialized education in schools for children with specific difficulties and needs, and in art, sports and vocational schools, has also been implemented.

166. The 2014/15 school year began with 1.8 million children, adolescents and young people in classrooms to continue their education. Although that figure represented a decrease over the previous period, this was due not to the quality of the teaching and learning process, or to a shortage of schools, especially in the areas most affected by hurricanes, but rather to the country's demographic situation.

167. Cuba attaches high priority to the programme to promote education for the population at large and for vulnerable groups, which is boosted by intersectoral and grass-roots participation. The coverage of the grass-roots alternative programmes designed to serve the specific interests of various population groups has been extended. Preventive education is being expanded through television programmes and the large-scale production of low-cost educational materials on such topics as health, and also through the expansion of the prevention and monitoring programme, which includes strategies for education, in particular sex education for young people, action against HIV/AIDS and other sexually transmitted diseases, drug use, and alcohol and tobacco addiction.

168. Steps have also been taken to expand the teaching of foreign languages and artistic subjects, to develop science and technology, and to improve early learning. Moreover, the principles of sustainable development have been incorporated into national policies and programmes and this has served to strengthen the measures to boost environmental education and grass-roots participation.

169. The adult-education programmes include the University for Older Adults, a programme developed jointly by the universities and trade union and community organizations with the aim of improving the quality of life of persons over 60 years old, a group that is growing rapidly in number as Cubans' life expectancy increases.

170. Progress has been made in the pursuit of excellence in special education for all children and adolescents with disabilities.

171. In the curriculum, although all subjects contribute to students' overall learning, subjects that focus directly on civic education and values are included, with new content based on the current situation, the construction that citizens put on it and the approaches deriving from it, with a view to putting a stop to any expression of prejudices or stereotypes based on race, gender or any other grounds.

172. As part of the ongoing improvement of the national education system, scientific, historical and cultural themes and approaches that contribute to combating any manifestation of discrimination or social exclusion on the grounds of gender or colour have been systematically incorporated into school curricula and textbooks. Among the subjects that contribute most to the promotion of anti-racist values and beliefs are the world in which we live, history, civic education, political culture, Spanish, literature and, of course, natural sciences and the arts.

173. Children at primary, lower secondary and upper secondary level have been given a better understanding of the history of Cuba, with classes on the roots and interaction of the various original ethnic groups that formed the current Cuban people and nation, and also their cultural, political and historical contributions. To this end, efforts are made to engage in closer study of the indigenous people, the trafficking and slavery of Africans, anti-slavery and anti-racist events during the colonial period and the neo-colonial republic, Cuban anti-racist thinking and its main exponents throughout history, the values of African and indigenous culture and their influence on the formation of the Cuban nation and nationality, distinguished persons of indigenous and African descent in the history, society

and culture of the country, and any other knowledge that contributes to the rejection of racial discrimination.

174. Larger venues are being made available for showing documentaries, films and historical series on these topics. The social justice work of the Cuban revolution, in which anti-racism plays a key role, is being intensified and promoted internationally in solidarity with all the peoples of the world, the focus being the fight against all injustices, including racism.

175. There has been a systematic increase in the number of teachers and researchers from the different bodies of the Ministry of Education and the teacher-training universities joining the various postgraduate modules on race and the influence of indigenous and African culture in shaping Cuban culture on offer in the universities and other cultural institutions of each region. Significant results and high levels of training have been achieved in those fields.

176. The 76 Cuban schools associated with UNESCO have worked hard on the Slave Route project. These schools carry out important historical and cultural activities related to Africana and their major impact in shaping Cuba. National seminars are also organized to present the results of these activities and enhance the knowledge of pupils and teachers. The experiences gained by these schools are shared with the other schools in their localities. The interactive “Slave Route” software developed by the Ministry of Education, which comprises information, documents and resources for students and teachers, has been very useful in dealing with the topic in these schools.

177. The Ministry of Education, in partnership with Cuban civil society and cultural institutions and organizations, has planned work aimed at improving its educational efforts with Cuban schoolchildren. The organizations concerned include the Cuban Academy of History, the Cuban Institute of History, the National Union of Historians of Cuba, the Association of Teachers of Cuba, the José Martí Cultural Society, the Cuban Committee of the Slave Route: Resistance, Liberty, Heritage, the Standing Committee on Education, Culture and Society of the National Union of Writers and Artists of Cuba, the Union’s Aponte Committee, which works against racial discrimination and racism, and other representatives of scientific and cultural activity in the country.

178. The importance of coordinated efforts among government institutions and civil society organizations is shown by the joint actions undertaken by the Ministry of Education and the Aponte Committee, which have achieved significant successes, such as:

(a) The development of courses and conferences conducted by specialists from these institutions for teachers and students with a view to raising awareness of such topics as indigenous history, resistance and tenacity; the history and current situation of Africa and the Caribbean; the slave trade, the enslavement of Africans and their descendants and their social aftermath; the formation of Cuban culture and identity and the contribution of indigenous and African groups; the role of Cubans of indigenous and African descent in the diffusion and development of Cuban history and society; and the evolution of racism and how it has been confronted throughout the history of Cuba;

(b) The compilation of written materials by Cuban specialists, such as articles, books, presentations and newsletters of cultural organizations and institutions, interviews, teaching and audiovisual materials, bibliographical and documentary sources, speeches, assessments and multimedia, related to the above-mentioned themes, which are available in the digital library “Africa in Cuban and global history and culture. Volume I”. Other materials are also available, containing scientific, cultural and teaching information on various topics related to the history of Africa, slavery, race and the significance of African heritage in the formation of Cuban, Caribbean, American and global culture;

(c) The presentation of various honours and awards, such as the José Antonio Aponte Honour for persons who have made an extraordinary contribution in highlighting the African legacy in Cuba and the Americas, and a research prize aimed at encouraging research on historical, political, economic and social issues linked to race relations;

(d) The dissemination in digital format of valuable documentaries, films and television programmes, such as the series *El etnos Cubano* (The Cuban Ethnicity) and the

subcycle *Ser cubano es también ser hijo de África* (Being Cuban means being a child of Africa, too), which was transmitted in the programme *Punto de partida* (Starting point) coordinated by the National Centre for Cultural Enhancement of the Ministry of Culture, to be viewed by teachers and students as a historical and cultural resource;

(e) Race-related issues have been systematically incorporated into events and workshops at the municipal, provincial and national levels providing education and analysis for teachers undergoing training;

(f) There is systematic analysis of the subject programmes in the curricula at the different levels of education, which, thanks to the cooperation of specialists from the country's scientific, cultural and educational institutions and organizations, systematically incorporate issues related to race and the influence of indigenous and African culture on Cuban identity and culture;

(g) The Ministry of Education is working on an action programme entitled "Programme to strengthen teaching on the issue of race and the indigenous and African influence in Cuba" for use at all educational levels and institutions in the country, with a view to teaching students more effectively about values that contribute to combating racism and any other manifestation of social exclusion.

2. Culture

179. Culture and the sciences are fostered and promoted in Cuba in all their forms. Cuba also fully supports the freedom of artistic creation and the need to protect the identity of Cuban culture, preserve the nation's cultural heritage and safeguard its artistic and historical wealth.

180. Artistic and literary works of African origin have been strongly promoted, as have those that reflect anti-racist values and the struggle against racial discrimination. At the same time, a plan to issue publications on the legacy of Africa and to conduct research and analysis on racism and racial discrimination and on action to combat them has been developed.

181. Commemorations of anniversaries directly related to persons and events associated with the struggle for independence, the abolition of slavery and the fight against racism and racial discrimination have been organized. These include the bicentenary of the birth of Mariana Grajales Coello.⁸

182. Furthermore, culture enjoys wide popular support in Cuba, on the basis of equal opportunities in the development of the potential of every citizen, without distinction.

183. The Ministry of Culture and its system of cultural institutions, including the subsystem of art education, promotes cultural programmes and activities, in such fields as music, theatre, circus and the fine arts, with the primary objective of encouraging participation by the population, particularly children and young people, without discrimination as to sex, colour or religion, in art and culture, public education and the preservation of the values of local, regional, national and Latin American cultural identity through the Ministry's 347 cultural centres and their 22,852 art instructors, 392 libraries and 272 museums, and other cultural institutions and governmental and non-governmental organizations (NGOs).

184. Seminars, workshops, book launches and other events to mark the anniversaries of personalities and events connected with the fight against racial discrimination and racism

⁸ The mother of the Cuban patriots, the Maceos, she was great not only because she was the mother of General Antonio Maceo, one of the main heroes of the Cuban independence movement, but also because she educated all her children to take the path that would lead to the freedom of Cuba, which was subjugated by Spanish colonialism. From her home, she provided an exceptional example of human behaviour in an entirely hostile environment. Her example has become the symbol of Cuban women. She devoted her life to the struggle for Cuban independence, to which she gave up all her children, with the love of a mother and the pride of a patriot, and encouraged her husband to follow them, herself immediately becoming an indomitable independence fighter.

have been organized. In addition, performances have been held, recordings made and audiovisual documentaries and works of fiction screened to mark these occasions.

185. During the period under review, the events outlined below, which are held annually (with the exception of the Havana biennial), were organized to mark the International Decade for People of African Descent, with the focus on specific topics related to the African legacy and the fight against racial discrimination and racism. Invitations were extended to countries and personalities. These events include:

- Caribbean Festival of Santiago de Cuba;
- Wemilere African Roots Festival;
- Havana Book Fair;
- Havana Biennial;
- New Latin American Cinema Festival;
- Cubadisco International Fair;
- International Handicrafts Fair.

186. The national system of 37 art schools encourages the enrolment of students, without discrimination, as reflected in the enrolment data for these institutions. Of a total of 7,683 students in these schools, 1,265 are black and 1,917 are mestizo, representing 41 per cent of the total student body. Enrolment by specialization breaks down as follows:

Enrolment by specialization and skin colour

<i>Discipline</i>	<i>Black</i>	<i>Mestizo</i>	<i>White</i>
Dance	214	342	541
Music	949	1 368	3 029
Ballet	46	112	461
Theatre	13	13	115
Circus	17	24	60
Fine art	26	58	295

3. Information

187. The editorial and reporting policy of the mass media in Cuba is designed to combat any form of discrimination. Their programmes promote human values, solidarity and non-discrimination, making them a real force for human rights advocacy and education.

188. In radio programming, there have been deliberate and systematic efforts to ensure equal treatment in terms of colour, as regards both programming in general and the opportunities for every radio station to expand its range of broadcasts.

189. The programming policy of Cuban television encourages respect for racial, gender, sexual and generational diversity, and efforts are made to ensure that programming expresses the real diversity of the Cuban population.

190. There are 723 periodical publications in the country, 406 paper-based and 317 digital. The most important are the 27 newspapers: 3 national (including the trade union paper *Trabajadores* and the young people's paper *Juventud Rebelde*), 14 provincial, 9 local and 1 international.

191. All the national and local papers are available on the Internet. Several radio stations broadcast on the Internet in real time and Cubavisión Internacional also broadcasts online. There are 89 Internet print media in Cuba.

192. Information and communication technology (ICT) is an instrument that serves the whole population, giving everyone full access to this technology and ensuring that there can be no racial discrimination of any kind. ICT education and training are entirely free. Cuba believes that the available resources should benefit as many citizens as possible. Access to

the Internet is facilitated and enhanced by the use of public and community facilities, principally schools, universities, hospitals and health centres, libraries, research centres, local, provincial and national government offices and cultural, press and artistic centres, as well as an extensive network of computer clubs for young people.⁹

193. The blockade imposed by the United States obstructs Cuban access to the Internet by restricting broadband availability and elevating the cost of connection, which is possible only by satellite. Nevertheless, at the end of 2014, Cuba had more than 1,067,000 computers, which is equivalent to 9.5 computers per 100 inhabitants, and 50 per cent of them are connected to the Internet. There are 2,180 domains on the .cu website address alone and over 3,500 Internet sites. ICT use by the people means that, despite the blockade's restriction of access to technology and connection by international submarine fibre-optic cable, Cuba has more than 3,048,500 users of Internet services.

194. There are 43 television channels. Of these, 21 are municipal, 16 provincial, 5 national and 1 international. There are 15 provincial television centres, including 1 in the special municipality of Isla de la Juventud and another for people living in mountain regions. Thirty new municipal television studios have been established and there are 71 municipal correspondents.

III. Replies to the Committee's suggestions and recommendations

195. This section addresses the suggestions and recommendations made by the Committee in 2011 (contained in document CERD/C/CUB/CO/14-18) following the consideration of the combined fourteenth to eighteenth periodic reports of Cuba (CERD/C/CUB/14-18) at its 2055th and 2056th meetings (CERD/C/SR.2055 and 2056), held on 16 and 17 February 2011.

196. With regard to the Committee's recommendation in paragraph 9, information is provided both in the present report and in the common core document on the situation of the people of Cuba in relation to their colour, on the basis of data obtained from the database of the 2012 population and housing census. These data show that there are very small differentials between white, black, mulatto and mestizo citizens. By way of example, it may be noted that the following data confirm that there are no significant differences between groups of people on the basis of their skin colour from a statistical point of view.

	<i>Total</i>	<i>White</i>	<i>Black</i>	<i>Mestizo</i>
Population structure by skin colour, %	100.0	64.1	9.3	26.7
Sex ratio (number of men per 1,000 women)	995	983	1105	989
Urbanization rate	76.8	77.2	85.1	72.9
Average number of persons per household	3.0	2.9	3.1	3.1
Average number of persons per bedroom	1.7	1.7	1.8	1.8
Average grade (%) of the population aged 14 to 49	11.2	11.3	11.4	11.0
Vertical structure (%) of the population that has completed higher level education	11.2	11.5	12.1	10.0
Horizontal structure (%) of the population that has completed higher level education	100.0	66.5	10.6	22.9
Horizontal structure (%) of the population with postgraduate education (Master's degree or doctorate)	100.0	67.1	10.7	22.2

197. With regard to the Committee's recommendation in paragraph 10 concerning the existence of appropriate provisions regarding effective remedies against violations of the Convention, Cuba has strong legislation containing guarantees to prevent and address acts of reprisal for discriminatory reasons and to expedite access to justice and remedies, by providing the opportunity to initiate administrative and judicial proceedings and to challenge decisions. This has resulted in the absence of criminal cases to date.

⁹ As of 2014, there were 600 free public access centres and 9,650 computers in the computer clubs for young people.

198. Any manifestations of discrimination prohibited under the Constitution and other laws constitute “offences against the right to equality”, which are specifically criminalized under article 295 of the Criminal Code.

199. Legal provisions in the area of employment guarantee access to justice and the right to challenge administrative decisions handed down in relation to employment and workers’ rights. Accordingly, if workers disagree with a disciplinary measure or if their rights have been violated, they may bring complaints before the labour dispute bodies and the courts in cases provided for by law and in accordance with articles 165 to 180 of the Labour Code (Act No. 116/13): article 180 governs the claims of workers hired by natural persons authorized to do so.

200. Cuba has an extensive and effective inter-institutional system, in which NGOs are also involved, for receiving, processing and responding to any complaints or requests from individuals or groups of individuals in respect of the enjoyment of any human right. Under article 63 of the Constitution, all Cuban citizens have the right to lodge complaints or address petitions to the authorities and to receive consideration or an appropriate response within the time frame set out by law.

201. The functions of the Attorney General’s Office include dealing with complaints lodged by citizens about alleged violations of their rights. It thus plays a central role in the complaints system.

202. In addition to the Attorney General’s Office, there are other bodies and mechanisms that deal with citizens’ complaints and petitions in respect of human rights, such as social organizations, the public service offices attached to each of the bodies of the central administration of the State, the Secretariat of the Executive Committee of the Council of Ministers, delegates of the municipal and provincial assemblies, the standing committees of the National Assembly and the public service mechanisms of the Council of State.

203. In practice, the existing judicial remedies are constantly being publicized and the public are duly informed about their rights in general and the legal remedies available to them for the protection of those rights in the event of violations.

204. In addition, the Ministry of Justice and the National Union of Jurists of Cuba have a public outreach programme that is active in communities and on the *Al Derecho* television programme with a view to educating the public on all their rights, including the fundamental human right to equality.

205. The information provided in paragraphs 48 to 51 of the present report demonstrates the confidence of the Cuban people in using the existing mechanisms for processing complaints, petitions, reports and claims. This is done not only through the Attorney General’s Office, the principal guarantor of legality, but also through other institutions and entities, including some NGOs such as the Aponte Committee of the National Union of Writers and Artists of Cuba.

206. The Committee’s recommendation in paragraph 11 on making racial motivation an aggravating circumstance has been duly analysed by the working group tasked with harmonizing national legislation, including the Criminal Code, with the country’s international commitments. The amendments proposed in the new Criminal Code must go through the internal legislative approval process, given the importance that Cuba attaches to these issues. This process will be completed once the Code has been analysed, evaluated and approved by the People’s National Assembly, the supreme legislative body of the Cuban State.

207. Although Cuban criminal law does not explicitly refer to racial motivation as an aggravating circumstance in the commission of crimes, equality is a principle that forms the basis of national legislation. Discrimination of any kind is prohibited under both the Constitution and the Criminal Code and is punishable by law.

208. With regard to the recommendation in paragraph 12, which invites the State party to consider the possibility of abolishing the death penalty or formalizing the current de facto moratorium, it should be noted that the death penalty has not been applied in Cuba since 2003. Currently, nobody is under sentence of death. All those sentenced to death had their

sentences commuted to 30 years' or life imprisonment in 2009. Cuba is against the application of the death penalty and is in favour of abolishing it when the necessary conditions for doing so are in place.

209. Article 29 (1) and (2) of the Criminal Code establishes that the death penalty is applied only in exceptional cases and is handed down by the court only for the most serious cases of the offences to which it is applicable. The death penalty may not be imposed on persons below 20 years of age or on women who were pregnant at the time of the offence or are pregnant at the time of sentencing.

210. With regard to the Committee's recommendation in paragraph 13 on the establishment of a national human rights body in accordance with the Paris Principles, Cuba has a functioning national system for the promotion and protection of human rights that has achieved tangible results and fully meets the aspirations and needs of the Cuban people. There are currently no plans to modify this system.

211. Given that there is no single model for the establishment of national human rights institutions, the priority for Cuba will continue to be to ensure that, regardless of the form they take, the mechanisms designed for this purpose fulfil the objective of helping to enhance the results achieved in maintaining and expanding guarantees for the enjoyment of all human rights by all citizens.

212. Cuba has a permanent State-run follow-up mechanism to combat racism and racial discrimination, as well as mechanisms to combat homophobia, protect the rights of women and address other forms of discrimination. The Ministry of Culture is the government body that deals with issues related to racial discrimination in close cooperation with civil society organizations and the Office of the First Vice-Chair of the Council of State, which is responsible for monitoring and oversight of the country's efforts to combat racial discrimination.

213. With regard to the Committee's recommendation in paragraph 14 on measures to put an end to racial stereotypes and prejudices, it should be noted that, in Cuba, the media promote the African cultural heritage, report on the struggles of black and mestizo people and produce audiovisual materials aimed at condemning and combating racial discrimination. The media provide the public with information on racial, generational and gender integration and on how these indicators are reflected in the composition of governmental and parliamentary leadership structures.

214. In addition, the media promote the African cultural heritage in Cuban culture, report on the struggles of black and mestizo men and women and produce audiovisual materials aimed at condemning and combating racial discrimination.

215. The law prohibits any type of discrimination in employment. The Labour Code provides that workers who do not have an employer have the rights and obligations of social security and other rights and obligations recognized by law. An employer is an entity or natural person employing one or more workers that has the legal capacity to enter into an employment relationship, exercising the powers and fulfilling the obligations and duties established by law. An employer has the responsibility to implement and enforce labour legislation in such a way that it achieves its object or purpose.

216. Efforts are being made to overcome some disparities that persist among black, mestizo and white citizens in terms of purchasing power and access to goods and services, inter alia, which are mainly associated with historical and economic factors inherited from a colonial past that consolidated and legitimized a class structure of society that created racist conditioning. This situation has been changing back since the triumph of the revolution.

217. In the field of education, an extensive coordination process is under way to promote the inclusion of this subject in schools and universities, and educational institutions are encouraged to carry out activities promoting the African and indigenous cultural heritage and are provided with support materials for that purpose.

218. Curricula are being updated to further increase coverage of the African cultural heritage and history, slavery and the fight for its abolition, and the evolution of the African heritage to the present day. Efforts are being made to improve knowledge of black and

mestizo leaders and patriots in Cuban history through monuments, commemorative days and appropriate coverage in textbooks, to which end considerable efforts are being made to revise the national history curriculum.

219. Furthermore, a group of important Cuban institutions, including the Museum of the Slave Route (the only one of its kind in the region), other municipal and provincial museums and the Fernando Ortiz Foundation are responsible for promoting African heritage and the history of slavery through the Cuban committee for the UNESCO project “The Slave Route: Resistance, Liberty, Heritage”.¹⁰

220. Particularly important initiatives in recent years have been the action plan for the International Year for People of African Descent in 2011 and the related commemorations in 2012, together with a communication plan specifically designed to highlight the importance of the bicentenary of the pro-independence and abolitionist rebellion led by José Antonio Aponte (1812) and the centenary of the massacre of the Independientes de Color movement (1912). Cuba warmly welcomed the idea of working on the Decade for People of African Descent, beginning in 2013. In 2015, numerous activities were organized to commemorate the bicentenary of the birth of Mariana Grajales, the mother of one of the most prominent mestizo families in the Cuban independence movement.

221. Diligent researchers, activists, members of social organizations and political leaders have set up working groups, organized events, published books and promoted commemorations.

222. The Government supports and promotes these debates, a fact that has contributed to ensuring that the fight against racial discrimination has become a subject of discussion in different areas of intellectual, community and political activity. This has also facilitated the coordination of all the factors involved in the issue and increased practical commitment to cooperation and participation.

223. With regard to the recommendation in paragraph 15, in which the Committee urges the State party to monitor the incidence of racial discrimination in those segments of the population where exclusion or economic marginalization remains high, it should be noted that, according to the information obtained from the censuses conducted in Cuba, the disparities in the inherited socio-occupational structure have declined as a result of the implementation of measures aimed at eliminating all forms of discrimination against persons based on the colour of their skin.

224. According to the 1981 census, in the occupational categories of officials, of professionals, scientists and intellectuals and of office employees, there was an overrepresentation of white individuals of between 4 and 4.9 percentage points higher than the average, while black and mestizo people were between 4 and 4.9 percentage points below the average. According to the 2012 census, those differences have virtually disappeared.

225. The representation of the black and mestizo population in the public administration, State enterprises and new forms of economic management generally corresponds to the percentages of each group in the composition of the population by colour, as seen in the following table:

	<i>White(%)</i>	<i>Black(%)</i>	<i>Mestizo(%)</i>
Population structure by skin colour %	64.1	9.3	26.7
Employed in the category of officials and managers at all levels	64.8	10.3	24.9
Employed in the category of professionals, scientists and intellectuals	63.2	11.0	25.8
Workers in corporations, public-private partnerships and foreign firms	59.2	11.2	29.7
Self-employed workers	68.1	9.0	22.9

¹⁰ From its establishment in 1994 until 2015, Cuban representatives have been members of the International Scientific Committee of the UNESCO project.

226. The disparities between different groups by skin colour are not significant and do not point to the existence of any kind of discrimination in the area of employment.

227. According to the 2012 census, the unemployment rate is as follows:

	<i>Total</i>	<i>White(%)</i>	<i>Black(%)</i>	<i>Mestizo(%)</i>
Unemployment rate (%)	3.5	3.3	3.2	4.1

228. Concerning the Committee's request in paragraph 16 that the State party include detailed information on the number of cases of trafficking in human beings for purposes of sexual exploitation, the first Cuban report on trafficking in persons in 2012, published in 2013, indicated that, as a result of the criminal justice system's handling of criminal acts characterized in the Criminal Code as procuring and corruption of minors, 14 persons were convicted in 2012 of conduct that could be defined as the offence of trafficking in persons under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol).

229. In 2012, the number of acts of sexual abuse of children remained negligible. Of a total population of 2,185,585 persons under 16 years of age, 2,117 complaints of offences against the normal development of sexual relations and against the family, children and the young were registered, which shows that such occurrences do not constitute a social problem in the country.

230. According to the Cuban report on trafficking in persons published in 2014, protection was provided in 2013 for 2,231 child victims of alleged cases of sexual abuse (1,036 sexual touching without penetration, 553 corruption, 365 rape, 191 sexual assault, 57 pederasty and 29 statutory rape), representing 0.09 per cent of the population of 2,260,751 children and young people.

231. In 2013, there were no cases of sale or trafficking of children for sexual purposes and the number of cases of prostitution involving minors was minimal. Cuba is not a country of destination, transit or origin of human trafficking, in particular with respect to the sexual abuse of children, or one in which criminal organizations engaging in such offences are based.

232. In 2014, four foreign nationals who had sexual intercourse with minors in Cuba were serving prison sentences for the offence of corruption of minors (one Canadian, sentenced to 13 years' imprisonment; one Indian, serving a combined sentence of 30 years' imprisonment for the offences of corruption of minors and drug trafficking; and two Italians, sentenced to 23 and 25 years' imprisonment, respectively, for the offences of murder and corruption of minors). Two other foreigners (one English and one Spanish) are awaiting trial for sexual intercourse with minors.

233. With respect to the recommendation in paragraph 17, Cuba is pleased to inform the Committee that on 20 June 2013, as an expression of the Government's commitment to international standards to prevent and punish trafficking in persons, the country acceded to the Palermo Protocol.

234. With respect to the recommendation in paragraph 18, in which the Committee urged the State party to amend its legislation on migration and the status of foreigners and its laws on citizenship, it should be noted that, as reflected in paragraph 80 of the report, during the reporting period migration policy was amended with a view to promoting safe and orderly migration and facilitating citizens' travel abroad for private purposes. The measures taken to update Cuban migration policy are in line with the current turning point in the country's history and take into account the economic and social transformations under way as part of the modernization of the Cuban economic model.

235. With regard to the protection of nationals of other countries and stateless persons, it may be noted that, although the Constitution makes no reference to statelessness, article 11 of the Cuban Civil Code recognizes for foreigners and stateless persons who are permanently resident in Cuba the same civil rights and duties as for Cuban citizens, unless

otherwise provided by law. Article 12.2 of the Code provides that the civil capacity of persons without citizenship who are resident in Cuba is governed by the applicable Cuban legislation.

236. Cuba agrees that there is a need to promote international cooperation to prevent statelessness and protect stateless persons. Measures have therefore been adopted to prevent the occurrence of such cases, the guiding principle being the equal treatment provided to Cubans and foreigners under the Constitution and the country's legal framework.

237. Cuba has also participated in international action in this regard, as demonstrated by its signing of the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas of 2010, which sets out relevant guidelines.

238. With regard to national regulations to prevent statelessness and the possibility of acceding to relevant international instruments, there are plans to assess these issues as part of the process of updating general national legislation that is currently under way in order to consider adjustments to the domestic legal system that reflect, to the extent possible, international concerns on this matter.

239. With regard to the recommendation in paragraph 19 on the ratification of international instruments on the issue of refugees and stateless persons, it should be noted that, although Cuba is not a State party to the instruments referred to by the Committee, its treatment of asylum seekers and refugees is based on the humanitarian tradition and solidarity of the Cuban people and its revolutionary process. Hence, it welcomes refugees from various parts of the world and respects the basic principles of refugee protection, particularly non-refoulement.

240. Cuban policy in this area has constitutional status, as reflected in article 13 of the Constitution, which deals particularly with the right to asylum. The country has a long humanitarian tradition when it comes to refugees.

241. For more than 25 years, the Office of the United Nations High Commissioner for Refugees (UNHCR) has had an office in Cuba, with which the Government maintains close and fruitful collaborative relations. Since it began operations in Cuba, UNHCR has dealt with approximately 11,000 refugees, according to its own sources.

242. All of the above demonstrates that, despite not being a party to the international conventions, Cuba does respect them. The possibility of acceding to these instruments will be carefully considered in due course. The possibility that accession will be considered as part of the current process of updating the country's legislation is not ruled out.

243. With regard to the information requested by the Committee in paragraph 20 on the treatment of foreigners at the border, in Cuba nobody is returned at the border on the basis of colour, sex, ethnic or religious background or any other discriminatory ground, but they can be returned for violating the specific provisions of article 215 of the Criminal Code. This article does not contain any rules of the kind mentioned, but criminalizes entry into the national territory by persons not complying with legal formalities or immigration rules.

244. The conduct set out in article 215 of the Criminal Code is fully consistent with the provisions of article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the legal purpose is to protect the domestic legal system. Consequently, any person who crosses the border without observing the legal formalities is returned to his or her country of origin. This is carried out with full respect for human dignity and the rights of migrants.

245. With regard to foreigners who have been tried and convicted by Cuban courts, article 46 of the Criminal Code establishes the additional penalty of expulsion from the national territory; paragraph 3 of the article exceptionally authorizes the Minister of Justice to order the expulsion of the convicted foreigner before the main sentence has been served, which is known as administrative expulsion. In this process, specific requirements must be met and supporting legal documentation must be provided, including a certified copy of the sentence, the certificate of extinction of the remainder of the penalty issued by the court, a behaviour and health report on the prisoner and a statement of the grounds for the requested expulsion.

246. As for the transfer of foreign prisoners to their countries of origin in order to serve their sentence there, in accordance with the legislation of each country, this is carried out under the agreements signed between Cuba and the State of origin or residence of the prisoner. These set out the requirements and conditions for the procedure, which may be initiated by any State party or by the prisoners themselves.

247. This procedure is governed by the relevant international principles, namely, ensuring, as a rule, that the prisoners serve their sentence in their country of origin, that they have agreed to be transferred, and that the requested State party and the requesting State party agree. Other formal requirements must also be met, such as accredited certification of the fact that the offence that led to the conviction also constitutes an offence in the person's country, a certified copy of the sentence, the certificate of extinction of the remainder of the penalty issued by the court, a behaviour and health report on the prisoner and a statement of the grounds for the transfer.

248. Pursuant to the State's desire to give special attention to this issue, the Governing Council of the People's Supreme Court issued Special Instruction No. 9 of 11 November 2009, which, in exceptional circumstances and subject to the requirements established therein, also authorizes the removal from the national territory of non-resident prisoners who have been granted any of the benefits of early release from prison. The same applies to persons sentenced to corrective labour without imprisonment or restriction of freedom, to those whose corrective labour sentence with imprisonment has been suspended, and to those who have received a conditional sentence but who, owing to their residence status, cannot, in the national territory, be subject to the restrictions or obligations provided for by criminal law.

249. These mechanisms are applied equally to all prisoners in these legal categories, without any distinction as to race, sex, origin, background, religious belief or other factors that may debase the status and human dignity of the individual concerned.

250. With regard to the Committee's recommendation in paragraph 21, concerning the ratification of international human rights treaties, Cuba keeps the international instruments to which it is not a party under review, including the two human rights covenants. The decision to ratify these instruments will be taken in exercise of the country's sovereignty when it is considered that the conditions are in place for its actions on these issues not to be subjected to political manipulation or targeting. The fact that these instruments have not been ratified does not mean, however, that Cuba has not complied with their spirit and letter, both in the country's internal enforcement and in its international outreach, in keeping with its consistent practice of observing and respecting all human rights.

251. In line with the Committee's recommendation in paragraph 22, 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.

252. In addition to the legislative framework aimed at providing guarantees and protection against any act of discrimination, priority has also 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 social exclusion in future generations. These actions have enjoyed the support and direct involvement of government institutions and the cooperation of civil society organizations. A series of coordinated actions has been promoted to address this problem through channels likely to have the greatest impact, such as the media, culture and education.

253. The Cuban Government has supported the actions planned in the framework of the Decade for People of African Descent and participated in the regional event for the decade, held in Brazil in March 2014, at which the situation on the continent was reviewed and new activities for the coming years were proposed. In the period under review, an action plan was developed for the International Year for People of African Descent, which was extended to 2012, the Government gave its support to the idea of hosting the Decade, as proposed by a summit of the Community of Latin American and Caribbean States (CELAC) in Salvador de Bahía, and a national programme for the Decade was developed, which

includes awareness-raising and exchange activities on the subject of racial discrimination and its social impact. During the Cuban presidency of CELAC, the establishment of CELAC's Working Group on People of African Descent was approved.

254. 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. In recent years, 3 regional and more than 10 national workshops have been held in Cuba on the development and implementation of plans of action against racism, racial discrimination, xenophobia and related intolerance. Cuba also has plans of action against racism and racial discrimination.

255. Concerning the Committee's recommendation in paragraph 23, Cuba ratified the amendments to article 8 (6) of the Convention on 21 November 1996.

256. In line with the Committee's recommendation in paragraph 24, forums for consultation and exchange with civil society on issues pertaining to the Convention were expanded and strengthened during the reporting period, which led to the establishment of cooperation and exchange mechanisms that facilitated the implementation of joint projects, as reflected in this report.

257. Furthermore, representatives of Cuban civil society participated fully in the preparation of this report, which is the result of a broad and participatory consultation process, involving many government and State institutions, Parliament, NGOs and other Cuban institutions, which together carried out an objective assessment of the implementation of and compliance with the Convention. An inter-institutional group was formed with the participation of multiple actors from Cuban society, coordinated by the Ministry of Foreign Affairs.

258. The recommendation in paragraph 25 was taken into account in the preparation of this report, which is submitted together with an updated common core document focused on the main themes.

259. With respect to the recommendation in paragraph 26 on 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 and it is up to Governments to make sovereign decisions on such issues, bearing in mind that article 14 is not binding.

260. As stated earlier in the present report, 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. Accordingly, it is deemed unnecessary to make the declaration at the present time.

261. Cuba complied with the request for information contained in the Committee's recommendation in paragraph 27 within the specified time limit. The response to the recommendations was sent to the Office of the United Nations High Commissioner for Human Rights in April 2013 through a note verbale from the Permanent Mission of Cuba to the United Nations Office at Geneva and other international organizations in Switzerland, and receipt was acknowledged in the Committee's note CERD/83rd/FU/GH/MN/vc dated 30 August 2013. Moreover, the present report provides additional information in the sections on the implementation of the articles of the Convention concerning each of those issues.

262. A response to the recommendation contained in paragraph 28 has been given in the report and in the replies to the recommendations contained in paragraphs 11 to 13.

263. The Committee's recommendation in paragraph 29 was taken into account in the preparation of this report, which is submitted in accordance with the guidelines for the submission of follow-up reports to the United Nations treaty bodies.