



**Convention on the  
Rights of the Child**

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**Committee on the Rights of the Child**

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**Reply of Cuba to the list of issues concerning  
additional and updated information  
(CRC/C/CUB/Q/2) related to the second periodic  
report of Cuba (CRC/C/CUB/2)\***

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

## **Reply to the issues raised in part I, paragraph 1, of the list of issues (CRC/C/CUB/Q/2)**

1. The Project to Spread Information on Child and Adolescent Rights administered by the Social Policy Programme, has focused its efforts on promoting a culture of child and adolescent rights in Cuba. This project is carried out in cooperation with the United Nations Children's Fund (UNICEF).
2. The importance of the project lies in its cross-cutting relationship with other activities and projects carried out by the programme of cooperation between UNICEF and the Cuban Government, and with the hundred or so programmes under way in the fields of education, health, sports, culture, labour and social security, with broad participation by communities, social associations, grass-roots organizations, Government institutions and families.
3. In the children's and adolescents' rights information centres, justice officials coordinate the work of a multisectoral and multidisciplinary technical team, by training and engaging the interest of institutions and experts working on issues related to children. The centres provide a venue in which individuals from different professions, backgrounds, interests and points of view can work together on implementing children's rights.
4. These centres have become a means for testing and confirming strategies to transform and improve the legal culture of Cuba. They contribute to the process of training experts and strengthening institutions and seek to promote, disseminate, and raise awareness about the laws and values that protect children and adolescents. They respond to requests for information regarding children's and adolescents' rights and help to solve any critical problems that may arise.
5. The experience we have gained has made an important contribution to confirming the validity of this approach.
6. The project is funded by UNICEF and the Government of Cuba, in accordance with the policies of the Cuban Government and the will of the people to carry on an undertaking that began with the triumph of the revolution, whose purpose is to continue to improve the conditions of life and to foster the comprehensive development of citizens while confronting adverse economic and climatological conditions and the longest economic, commercial and financial embargo ever experienced in the history of humanity.
7. The agencies and institutions involved in the project use all available means to ensure that the general and specific objectives are expediently met by making rational use of the material, human and financial resources available to the Cuban Government and of budgetary allocations provided by international cooperation, while systematically monitoring budget performance and taking appropriate action on a case-by-case basis.
8. The funds allocated for the project, and therefore for the information centres, are solely sufficient for continuing to carry out the training and communication strategies, which are key elements of the project, in view of the infrastructure and material, human and financial resources available in Cuba.

## **Reply to the issues raised in part I, paragraph 2, of the list of issues**

9. National plans, policies and programmes are considered to be systematic strategies for action, participation and evaluation and incorporate the terms of the Convention on the Rights of the Child and of other international instruments to which Cuba is a party. Action

plans specify the organizations responsible for each task, which are answerable to the relevant governmental bodies.

10. The Standing Committee on Children, Youth and Equal Rights for Women — one of the commissions of the People's National Assembly, which is the supreme organ of State authority — carries out the important tasks of consultation, evaluation, investigation and monitoring, with a view to assisting and protecting individuals and the legal and moral property and assets held in their name. The Commission has the power to propose legislation, and it has analysed and introduced a number of laws and other legal measures, as well as measures to ensure their effectiveness, in matters related to children and women.

11. In the area of health, starting in 1959, a set of laws was adopted in Cuba that enabled an improvement in the standard of living, especially of families and such vulnerable groups as women and children.

12. Those laws — although some are no longer in effect — benefited the whole Cuban population, especially women and children, and strengthened the country's institutions:

- (a) 1959: Act No. 135, on reducing rents;
- (b) 1959: Presidential Decree No. 709, on controlling the price of medicines;
- (c) 1960: Act No. 723, establishing the postgraduate social and medical service;
- (d) 1963: the Agrarian Reform Act;
- (e) 1974: Act No. 1263, the Working Women's Maternity Act, amended by Decree-Law No. 234/2003;
- (f) 1975: Act No. 1289, the Family Code, Decree-Law No. 76/1984 on adoption, children's homes and foster families, and Decree-Law No. 154/94 on notarial divorce;
- (g) 1976: the Constitution of the Republic of Cuba;
- (h) 1978: Act No. 16, the Children and Youth Code;
- (i) 1982: Decree-Law No. 64, on the system for the care of minors with behavioural problems;
- (j) 1983: Act No. 41, the Public Health Act;
- (k) 1984: Act No. 49, the Labour Code and Act No. 24/79, the Social Security Act, amended by Act No. 105/08, the Social Security Act;
- (l) 1985: Act No. 51, the Civil Registration Act and its Regulatory Decision No. 157/1985;
- (m) 1986: Decree-Law No. 95, establishing the Social Protection and Care Committees, amended by Decree-Law No. 242/2007 on the social protection and care system;
- (n) 1987: Act No. 59, the Civil Code;
- (o) 1987: Act No. 62, the Criminal Code, amended by Decree-Law No. 175/1997 and Act No. 87/1999;
- (p) 1992: Act No. 72, the Cuban Electoral Act;
- (q) 1994: Act No. 75, on national defence, and Decree-Law No. 224/2001 on the military service;
- (r) 1995: Act No. 77, on foreign investment.

13. The current legislation on maternity protection is the most advanced in the world. Decree-Law No. 234 on maternity arrangements for working women expanded the rights of working women and maternity protection, guaranteeing medical care during pregnancy, pre- and post-natal maternity leave, breastfeeding, childcare, and specialized treatment for children with disabilities, and recognizing the shared responsibility of the mother and father in caring for children and the responsibility of the father in the event of the mother's death.

14. In order to make this protection effective, the Government provided for economic assistance lasting 18 weeks, and until the child's first birthday. It also provided for additional paid leave, including days of paid leave for medical visits, and for breastfeeding the baby during its first year of life, as well as unpaid leave to care for children under 16.

15. Additional paid leave for medical and dental care consists in 6 days or 12 half days up to the 34th week of pregnancy; if these are not enough, the management will accept any extra days as justified leave of absence. Until the baby's first birthday, one day of paid leave is provided monthly for visits to the paediatric clinic. Working mothers who return to work at the end of their maternity leave are allowed to breastfeed for an hour a day, until the baby's first birthday.

16. In the area of education, there are 1,140 institutions for children, of which 1,019 are day-care centres and 121 are kindergartens, with a capacity of 150,622 children, thereby benefiting 120,749 working mothers – although the coverage is insufficient to meet the needs of all working mothers. Day-care centres also benefit single mothers as well as mothers on social assistance.

### **Preschool education**

17. The Cuban preschool educational system covers children from the time of birth until school age. The first phase of the national educational system is not compulsory. Educational care for children aged 0 to 6 is organized in two ways: institutional and non-institutional. The institutional approach consists of day-care centres and preschool classes in primary schools; the non-institutional approach is the educational care programme (Teach Your Child) *Educa a tu Hijo*.

18. Since their inception in 1961, the day-care centres have provided educational care to children of working mothers between the ages of 1 and 6, when they start primary school. The mother enjoys the right to social assistance for the care of her child up to his or her first year of life, and once she has stopped breastfeeding, this right can be exercised by the father if the family so decides. The family receives educational care guidelines as part of the Teach Your Child programme.

19. In the day-care centres (children 1 to 6 years old) and in preschool classrooms in primary schools (children 5 to 6 years old) the daily routine includes learning sessions, time for meals and naps, and pedagogical activities that encourage comprehensive child development. The centres also provide medical, dental and other kinds of specialized care, and offer a nutritional programme suitable to those ages. The children are cared for by child minders, preschool teachers with teaching degrees earned at the high school and university levels, and teaching assistants with the appropriate professional training. Children attend these centres between 6 a.m. and 7 p.m. daily, depending on their parents' working hours.

20. The non-institutional approach is the Teach Your Child programme, the result of a 10-year countrywide study begun in 1992. The programme uses an interdisciplinary teaching method designed by teachers, psychologists and paediatricians, along with specialists in such areas as growth and development, sports, recreation and art education.

21. For the administration of the programme, coordinating groups are set up from the national down to the community level. They represent a range of social organizations

involved in the care of children from the age of 0 to 6 and their families. At all levels, these groups include representatives from the Ministries of Health, Culture and Justice, the National Institute of Sports, Physical Education and Recreation and the Cuban Institute of Radio and Television. Also represented are such grass-roots organizations as the Federation of Cuban Women, the National Association of Small Farmers, the Committees for the Defence of the Revolution and the Confederation of Cuban Workers.

22. The total number of Cuban children aged 0 to 6 enrolled in those programmes is 717,862, which means that 99.5 per cent of children in that age group receive educational care using one of the approaches set out in Cuban educational policy: day-care centres, 129,811 children (18 per cent); preschool classes in primary schools, 108,079 (15 per cent), and the Teach Your Child programme, 479,972 (66.8 per cent).

### **Reply to the issues raised in part I, paragraph 3, of the list of issues**

23. The Cuban legal system guarantees that all citizens, including children, shall enjoy their rights under equal conditions. The Constitution of 1976 laid the foundation for this type of protection by stipulating, in article 63, that “Every citizen has the right to file complaints and requests with the authorities and to receive consideration or an appropriate response within the time frame, set out by law”, which also applies to children. Accordingly, institutions and agencies are required to give their consideration and provide pertinent replies within a time frame of 60 days to the complaints and requests filed by citizens, making their best efforts correctly to resolve the issues raised therein, and taking measures to eliminate the problems brought to their attention.

24. Act No. 83 of 11 July 1997 on the Office of the Prosecutor-General streamlines and consolidates the machinery for ensuring legal protection of citizens by including under Title III, Chapter III a provision on the protection of the rights of citizens. This chapter is an important tool, providing governmental protection for violations of the rights of citizens, including those of children and adolescents.

25. The Office of the Prosecutor-General of the Republic, representing the Cuban State, carries out judicial responsibilities, as required under current law, in the social interest and, where applicable, on behalf of minors who are absent or incompetent; monitors compliance with laws, regulations and provisions on the treatment of minors who have committed crimes, exhibit behavioural disorders, or are in the care of the State; represents, in civil, family or any other proceedings, minors who are absent or incompetent, or who have no legal representation, or when the interests of the legal representative are in conflict with those of the absent or incompetent minor — such as those involving adoption, guardianship, parentage, custody and care, and communication — and assists, in accordance with the relevant procedural law, minors and other legally incompetent persons who participate as victims or witnesses, either giving testimony or in other proceedings, in cases where they are unrepresented, or where, for other reasons, their representative, cannot or should not participate in the proceedings.

26. In each of these cases, prosecutors conduct thorough investigations and inform the judges of the results in accordance with established procedure, not only in their capacity as guardians of the law, but also to ensure that any decisions made must favour the best interests of the child.

27. The Office of the Prosecutor-General of the Republic, in the person of the appointed prosecutor, considers, investigates and responds, within a period of 60 days, to allegations, complaints and claims lodged by citizens in accordance with the legal requirements.

28. If investigations reveal that a citizen's rights have been violated, the prosecutor will take a decision to redress the breach.
29. If the case is deemed to be inadmissible to lack sufficient grounds, the prosecutor's response to the applicant must be explained in writing; a verbal reply must be documented.
30. If the applicant disagrees with the handling of the case or with the response received, he or she can turn to the chief prosecutor who is the prosecutor's immediate superior, or apply directly to the Prosecutor-General within 30 days after receipt of the response, giving reasons for his or her disagreement, so that the case may be reconsidered and a reply given.
31. The agencies of the Office of the Prosecutor-General of the Republic, in the person of the appointed prosecutor, are empowered to carry out all tasks related to monitoring and ensuring compliance with the law in cases involving minors.
32. The powers of the prosecutor include: representing and defending minors without legal representation, or in cases where the interests of the legal representative are in conflict with the interests of the child; visiting homes and institutions responsible for the care and education of children without parental protection, with a view to assessing their legal status, protecting their rights, property and interests, and taking the appropriate measures; conducting inspections of Nationality Revolutionary Police units to monitor compliance with established standards for the treatment of minors who have engaged in delinquent behaviour or committed acts characterized as offences; visiting behaviour schools and juvenile rehabilitation centres with a view to verifying compliance with established standards for the maintenance and treatment of the children living in such institutions, inspecting all varieties of documentation relating to their situation, and conducting interviews with children, as well as with teachers, psychologists, educators, social workers, lawyers and other officials responsible for educating and rehabilitating them.
33. If the prosecutor determines that a violation has occurred, he or she must issue a decision taking measures to correct it.
34. The Directorate for the Protection of Citizens' Rights which specializes in defending the rights of individuals, especially children, was established within the Office of the Prosecutor-General of the Republic to ensure the performance of this duty. In every municipal or provincial prosecutor's office in Cuba, there are prosecutors assigned to this important task, ensuring daily attention to the matter. Prosecutors also receive and process complaints or claims from individuals submitted in writing, and must, within a period of 60 days, carry out the appropriate investigations to determine whether a violation of the law has occurred.
35. Prosecutors inspect the behaviour schools and comprehensive development schools on a periodic basis, to ensure their compliance with legal standards developed to regulate the maintenance and treatment of children, living therein, which address health care, educational advancement, job training, leisure activities, communication with family members, and other rights.
36. The task of the prosecutor goes beyond strictly formal and technical matters, extending into the schools and communities where these children and adolescents study and live. He or she must ensure compliance with these standards in fulfilling the requirements and demand and insist that all persons involved in care and support properly carry out their duties.

## **Reply to the issues raised in part I, paragraph 4, of the list of issues**

37. In accordance with the terms of article 3 of Decree-Law No. 147 of 21 April 1994 on restructuring the administrative offices of the central Government, the National Statistics Office was established within the Ministry of Economy and Planning to propose and carry out, as appropriate, the implementation of statistical policy.

38. Accordingly, Agreement No. 6688 of 23 September 2009 of the Executive Committee of the Council of Ministers gave the National Statistics Office the job of consolidating all statistical tasks into the National Statistical System, a single efficient system that includes the National Statistical Information System, the Territorial Statistical Information System and the Additional Statistical Information System.

39. The National Statistical System enables the National Statistics Office to provide timely, accurate information that serves as the basis for decision-making, assists in the evaluation of economic and social processes, while at the same time showing international organizations the realities of Cuban life and complying with the Government's international commitment to provide information.

40. The National Statistics Office is also responsible for assembling and issuing the country's official statistics. It therefore methodically reviews the statistical activities of organizations, agencies, institutions and entities and supervises their work, overseeing statistical audits, the checking on authenticity of information, and evaluating the methodological standards they use for the classification of information.

41. Among other tasks, it is responsible for the compilation by the National Statistical System and the additional statistical systems approved by the offices of the central administration, of demographical and social data aggregated by specific age and age group, with a view to providing policymakers with a current, objective view of the situation of children and adolescents in Cuba.

42. Among its efforts to achieve the Millennium Development Goals, Cuba participated in a project to strengthen monitoring of the goals at the local level, in cooperation with the United Nations Office of the Resident Coordinator in Cuba, making it possible to assess its fulfilment of goals and targets related to childhood and adolescence, starting at the municipal level.

43. As a result of the joint project of UNICEF and the National Statistics Office, a computer application — developed using the DevInfo 6.0 platform — was called "A Statistical Look at Childhood and Adolescence in Cuba", with simple, easy-to-use tools for data searching, and for designing tables, graphs and maps for use in reports, presentations and other documents, which are exportable into various indicator formats related to data on children and adolescents.

44. As part of the National Statistical Information System, the National Statistics Office conducts annual household surveys, designed to include variables for assessing the nature of Cuban households, and thereby understanding the situation of Cuban children and adolescents.

45. The attached tables show the results of this effort, presenting studies undertaken and data compiled on the implementation of the Convention in Cuba (annexes II to XIV).

## **Reply to the issues raised in part I, paragraph 5, of the list of issues**

46. There is a national strategy, for the legal education of Cuban society, coordinated by the Ministry of Justice, involving all institutions working in the area of law, and others with related areas of expertise, in shared civic and legal education programmes held in the provinces and municipalities, in coordination with schools, national health offices, legal workers and others working in related professions and the community, for administrators, teachers, professors, students and other professionals.

47. Contests, exhibitions, panels and role-playing exercises have been developed, according to educational level, to transmit knowledge about the workings of the Cuban Constitution, as well as about national and international laws, including, for example, the Convention on the Rights of the Child, with emphasis on their basic legal principles and the rights and duties of Cuban children as citizens.

48. Centres for training, advanced training and upgrading skills, provided by Cuban legal institutions, work to familiarize professionals with child-related topics. Information centres participate in the process of training and updating both specialists and institutions. Efforts have also been made to train professionals working with children in such areas as visual art, communications media, education, health and community services.

49. Each centre has a small library offering basic literature on issues related to the Convention on the Rights of the Child and its Optional Protocols. The National Information Centre located within the Ministry of Justice currently has sufficient literature to assist in the training of specialists, and sends information to other parts of the country in both hard copy and in digital formats.

50. Child rights-related topics are now often covered in postgraduate courses from the perspective of such diverse but related disciplines as health, mediation, adolescent development, and peace and human rights studies, and media professionals are also receiving formal training. A degree course in local human development, gender, childhood and health was developed in cooperation with the Local Human Development Programme and UNICEF.

51. Measures have been taken in the priority area of providing training with a multisectoral and interdisciplinary focus. Specifically with regard to the preparation of judges, professionals are taking interdisciplinary master's degrees in family law, which are degree courses in women, gender and the law. Family workshops and educational seminars have also been held, ensuring that these topics are given the special attention they deserve.

52. In the area of health, according to data from the 2009 Statistical Yearbook on Health, Cuban children from all provinces receive outpatient care in the 12,068 medical clinics distributed throughout the country, or in the polyclinics, of which there are now 498. These clinics, located in every community, provide curative medical care as well as health promotion and prevention for children and their families.

53. Care for paediatric patients requiring hospitalization is provided in 25 paediatric hospitals, 10 maternal and children's hospitals, as well as in the paediatric clinics located in most of the 81 general hospitals in Cuba. Care for children with serious illnesses is offered in 35 paediatric intensive care units. Specialized care for infants with unusual ailments is also provided in national and provincial research clinics and in specialized hospitals. For example, children with heart conditions are cared for in cardiac clinics located in each of Cuba's three regions. Children with cancer are treated in the Oncology Institute, and children requiring extensive rehabilitation are cared for in specialized rehabilitation clinics.

54. As of 2009, the country had 1 doctor for every 150 inhabitants, and health care for children was provided by 34,261 family doctors, 2,989 paediatricians, 194 paediatric surgeons and 188 paediatric intensivists. There were also 41,568 professional nurses with university degrees, 46,729 licensed practical nurses and 18,133 nursing assistants in primary care clinics, hospitals and other medical clinics throughout Cuba.

55. A simple analysis of the evolving availability of human resources and clinics in Cuba over the past 50 years shows that Cuban children benefit from an acceptable level of health-care coverage — among the best in the region — and explains the favourable results shown by morbidity and mortality indicators.

### **Reply to the issues raised in part I, paragraph 6, of the list of issues**

56. Among his or her other duties, the prosecutor participates in judicial and non-judicial proceedings with a view to ensuring the best interests of the child or adolescent.

57. Chapter IV of the Act on the Office of the Prosecutor (No. 87/97), concerning protection for minors, provides that the agencies of the Office of the Prosecutor-General of the Republic are empowered to carry out, in the person of the appointed prosecutor, the tasks related to monitoring and maintaining lawfulness in the treatment of minors, and accordingly represent and defend children who lack legal representation or where the interests of their legal representatives are in conflict with the interests of the child. Children's rights are also protected by article 4 of the Organization of the Courts Act (No. 82/97), which sets out the objectives of judicial action, and in particular subparagraphs (b) and (c), safeguarding the social and political order established by the Constitution and protecting life, liberty, dignity and family relationships, and by article 65, subparagraphs 2 and 3, of the General Housing Act, providing protections against homelessness.

58. The prosecutor visits homes and institutions responsible for the care and education of children without parental protection, with a view to assessing their legal status, protecting their rights, property and interests, and taking the appropriate measures; he or she also conducts inspections of National Revolutionary Police units to monitor compliance with established standards for the treatment of minors who have engaged in delinquent behaviour or committed acts characterized as offences.

59. Visits to the behaviour schools and rehabilitation centres (now called comprehensive development schools), to monitor compliance with established standards on the maintenance and treatment of children, is another important responsibility of the prosecutor in protecting the interests of children. He or she also inspects all varieties of documentation relating to their situation and conducts interviews with the children themselves, and with teachers, psychologists, educators, social workers, lawyers and other officials responsible for educating and rehabilitating them.

60. Under the circumstances described above, if the prosecutor finds that a violation has occurred, he or she must issue a decision taking measures to correct it.

61. In criminal proceedings affecting the lives of children, their views are given consideration using such methods as question and conversation sessions with specialists either in the courthouse or elsewhere, depending on the circumstances of the case. The Criminal Procedure Act regulates such proceedings, and the People's Supreme Court has given consideration to methods for questioning children. In February 2005, the Child and Adolescent Protection Centre was established in Havana, and another in Santiago de Cuba in March 2008, with the aim of combating the secondary victimization of children under the age of 16 who have been victims of sexual offences, again ensuring their participation and

appropriate treatment in legal proceedings, in consideration of their best interests and in a manner consistent with their evolving capacities.

62. In the area of family environment, the People's Courts of Justice are introducing an innovative and important approach that represents a momentous step forward in the judicial handling of cases related to family law that affect children and adolescents. Instruction No. 187/07, published in the special edition of the Official Gazette dated 15 January 2008 — taking into account the provisions of the Convention on the Rights of the Child — established that in litigations involving his or her custody or care or means of communication and where his or her best interests are served, the views of a child over the age of 7, shall be heard, and the necessary measures shall be taken to ensure that this hearing takes place in a comfortable setting and in absolute privacy, preferably in the Women's and Family Counselling Centres of the Federation of Cuban Women<sup>1</sup> or in another locale that offers a setting.

63. In all circumstances envisaged in Instruction No. 187, the courts must interpret the law on the basis of the principle of the best interests of the child and the principle of participation, and individual cases are argued accordingly.

64. When proceedings on the suspension or deprivation of parental authority are heard by the courts, the best interests of the child or adolescent are always considered to be paramount in any decisions handed down.

65. The new approach generated by the entry into force of Instruction No. 187 is now in use in 31 municipal courts in the country.

### **Reply to the issues raised in part I, paragraph 7, of the list of issues**

66. Cuban law addresses the participation of the child in matters affecting him under legislation ensuring the right of the child to be heard in family, criminal and administrative proceedings.

67. The Family Code expressly states that in cases of adoption, where the child is 7 years of age or older, the court may consider his or her wishes and take a decision accordingly.

68. In this respect, when ruling on the guardianship of a minor, the court will convoke his or her relatives to the third degree who live within its jurisdiction or in that of another court in the same city or rural area where it presides, for the purpose of hearing their views, and those of the child if he or she is 7 or older, and of assigning a guardian.

69. As the report describes, the People's Courts of Justice are introducing an innovative and important approach to family cases that represents a momentous step forward in the judicial handling of cases related to family law that affect children and adolescents. Instruction No. 187/07, published in the special edition of the Official Gazette dated 15

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<sup>1</sup> The Federation of Cuban Women is a non-governmental organization officially established in 1960 with a wide social base spanning all female sectors of Cuban society. It is the national mechanism for the advancement of women in the country, given its enormous strength, representation, influence and prestige. It brings together 3,971,449 women, constituting 85.2 per cent of the female population who meet the age requirement (a minimum age of 14 years). Its primary objectives include fighting for the full inclusion, participation and promotion of women in the economic, political, social and cultural life of the country, with equal rights and opportunities. It has special consultative status with the Economic and Social Council.

January 2008 — taking into account the provisions of the Convention on the Rights of the Child — establishes that in litigations involving his or her custody or care or means of communication, and where his or her best interests are served, the views of the child or adolescent shall be heard, and also sets out the measures necessary to ensure that such hearings take place in a comfortable setting and in absolute privacy, preferably in the women's and family counselling centres of the Federation of Cuban Women (FMC).

70. In these proceedings, the child's grandparents and the prosecutor may also participate as third parties, and provision is made for a specialized multidisciplinary advisory team to assist the court by giving its views when so requested.

71. With respect to criminal cases, the Criminal Procedure Act provides for the examination of children under 16 by means of question and conversation sessions with specialists, in the courtroom or elsewhere, depending on the circumstances of the case.

72. According to the report, in view of the need for children and adolescents to recover physically and psychologically in an environment where their dignity is respected, and to be protected from victimization when exercising their right to a hearing in all judicial proceedings, child and adolescent protection centres have been created in Havana and Santiago de Cuba under the Department of Children within the Ministry of the Interior for the purpose of taking statements from children who are the victims of crime. There are rules which permit the exploratory questioning to be waived, and video footage of the interview done during the investigation stage at the special centres to be examined instead. The question session may be conducted by a specialist and the hearing may take place in a special chamber rather than in the courtroom; in these exceptional cases, no one may be present but the judges, the prosecutor and the child's legal representative, and no gowns will be worn. Solely the President of the Chamber is empowered to pose the necessary questions to the child or adolescent.

73. The fact that children have the right, on their own or through a legal representative, to challenge, before the competent authorities, any administrative measures affecting them, indicates that they have not only the right to be heard, but also the right to initiate legal action.

74. Title VIII of the Criminal Code, entitled "Offences against life and physical integrity" penalizes the crimes of homicide (art. 261), murder (arts. 263 and 264), firing a weapon at a person (art. 265), illegal abortion (arts. 267 to 271), injury (arts. 272 to 274) and abandonment of children, or disabled or destitute persons (arts. 275 to 278).

75. Title IX, "Offences against individual rights", covers the offences of false imprisonment (arts. 279 to 283), intimidation (arts. 284 and 285), duress (art. 286) and infringement of the right to equality (art. 295).

76. Article 295 provides that anyone who "discriminates against another person or who encourages or incites discrimination, either by statements or actions offensive to that person's sex, race, skin colour or national origin or by obstructing or preventing that person, because of his or her sex, race, skin colour or national origin, from exercising or enjoying the right to equality established in the Constitution, shall be subject to imprisonment. Anyone who disseminates ideas based on racial superiority or hatred or who commits acts of violence or incites others to commit such acts against any racial group or group of persons of a different colour or ethnic origin, shall be subject to imprisonment.

77. Title XI, "Offences against the normal development of sexual relations and against the family, children or young persons", is divided into three chapters. Chapter I, "Offences against the normal development of sexual relations", covers rape (art. 298), pederasty with violence (art. 299) and sexual abuse (arts. 300 and 301), with Act No. 87 of 1999 providing harsher sentences for the first two of these offences.

78. Decree-Law No. 175 of 1997 introduced the offences of pimping and trafficking in persons (art. 302), with sentences of up to 30 years in prison, and sexual affront (art. 303), which includes so-called sexual harassment.

79. Chapter II, concerning “Offences against the normal development of the family”, provides punishments for incest (art. 304), statutory rape (art. 305), bigamy (art. 306), illegal marriage (art. 307) and child swapping (art. 308). Chapter III, on “Offences against the normal development of children and young persons”, covers the corruption of minors (arts. 310 to 314), other acts against the normal development of children (art. 315) and the sale and trafficking of minors (art. 316).

80. Punishments for the offence of corrupting minors were stiffened, first by Decree-Law No. 175 and subsequently by Act No. 87, which introduced the offence of sale and trafficking of minors with a view to preventing and severely punishing these degrading crimes, which are very uncommon in Cuba.

81. The law also provides that, when the victim is the offender’s spouse or related to the fourth degree of consanguinity or the second degree of affinity, this constitutes an aggravating circumstance in criminal liability. The provision comes to bear only with regard to crimes against life or physical integrity or against the normal development of sexual relationships, the family, children or young persons (art. 53, para. (j) of the Criminal Code).

82. Under article 12, paragraph 2 of the Convention, with respect to the opportunity for a child to be heard, either directly or through a representative or an appropriate body and in a manner consistent with the procedural rules of national law, in any legal or administrative proceedings affecting him or her, the prosecutor shall, in the exercise of his or her duties, represent the child or adolescent with a view to ensuring the best outcome for him or her. This function in civil trials is covered in articles 46 to 48 of the Civil, Administrative, Labour and Economic Procedure Act, which states:

Article 46: Prosecutors shall bring civil actions and institute actions and proceedings legally incumbent upon the prosecution, and shall represent the State before the courts in civil cases where it must be a party without the need for an express power of delegation, and without prejudice to its power to delegate when it so chooses.

Article 47: The prosecutor shall be a party in proceedings on the civil status and competency of persons and in those for which the law makes such provision. The prosecutor may also be a party in any other case where, in his or her view, the interests of society are at stake.

When participating in a trial, the prosecutor may do so as the petitioner or the defendant. In the first instance, he or she may support, expand or amend the claim raised by the primary petitioner or add further allegations provided that the purpose of the suit is not fundamentally altered. In the second instance, he or she may raise as many pleas as he or she deems pertinent.

Article 48: The prosecutor shall represent and defend minors who are incompetent or absent until such time as they are provided with a guardian or representative or an individual responsible for their care and for the defence of their property and rights.

## **Reply to the issues raised in part I, paragraph 8, of the list of issues**

83. The Cuban Government considers the family to be the fundamental unit of society. Article 35 of the Constitution of the Republic gives it fundamental responsibilities and

duties with regard to educating and preparing the next generation. Safeguarding the interests and lives of children is a priority for the Revolutionary Government, as the Children's and Youth Code attests. Family unity plays an important role in this respect.

84. The Family Code devotes Title II to the parent-child relationship, in particular Chapter II, while article 85, cited above, sets out the rights and responsibilities of parents with regard to their children, and vice versa.

85. First and foremost, minors must live with their parents. Separation is permissible only in exceptional circumstances, when the children have been abandoned or where warranted by the parents' mental health or their deprivation of liberty.

86. Parental authority is suspended in the case of the parents' incompetence or absence, as established in a legal decision.

87. Exceptionally the court, when reviewing the circumstances of a case, may deprive or suspend the parental authority of one or both parents by way of a decision handed down at proceedings brought by the other parent or by the prosecutor when one or both parents blatantly disregard their legal responsibilities by inducing a child to commit a criminal act, abandoning a child, engaging in corrupt, criminal or dangerous behaviour that is incompatible with the proper exercise of parental authority or committing a crime against the person of a child.

88. The Cuban Criminal Code contains articles that directly protect children from all types of abuse, ill-treatment or discrimination that may be committed against them. Title XI describes offences against the normal development of sexual relations and against the family, children and young persons. Title VIII also characterizes the abandonment of minors as a criminal offence.

89. While such cases are exceptional in the social life of Cuba, no children so affected are left to their fate. Decree-Law No. 76 of 20 May 1984 established a legal framework for the care of these children, and provided for the creation of homes for children without parental protection.

### **Reply to the issues raised in part I, paragraph 9, of the list of issues**

90. With the enactment of Decree-Law No. 76 in 1984, over 45 years ago improvements were made in the provision of care to children without parental protection, on the principle that children should be treated with dignity, and the dismal orphanages were transformed into homes designed to enable children to take part in a communal environment offering them greater security and fostering trust. Its entry into force was a milestone in the evolution of social work and social assistance. Admission to such homes is approved only in exceptional cases, and only when alternatives allowing for care by a family member have been ruled out.

91. The creation of a national network of social assistance centres provided care and shelter for children without parental protection, whether orphaned or abandoned, in living conditions resembling a family home.

92. These centres include homes for children between the ages of 6 and 17, and mixed day-care centres for children 6 and under.

93. A foster family is a married couple or one or more persons who are related by blood, live in an independent dwelling, and care for one or more children in accordance with the relevant regulations.

94. Foster families certified under the terms of this decree-law are selected according to the standards laid down by the Ministry of Education, and assist the children's homes and mixed day-care centres in providing shelter, care and attention to orphaned and abandoned children on weekends and holidays, as well as during other periods, with emphasis on emotional well-being.

95. During a child's stay with a foster family, the head of the family is in charge of him or her and must ensure his or her proper behaviour, consequently assuming the legal responsibilities incumbent on any person responsible for minors.

### **Reply to the issues raised in part I, paragraph 10, of the list of issues**

96. Article 1 of Social Security Act No. 105 of 27 December 2008 provides that the social security system shall guarantee adequate protection to the worker, his or her family and the population at large, by means of a general social security programme, a social assistance programme and other special arrangements.

97. The social assistance programme covers any person who is unfit to work and has no family members in a position to help.

98. Social services consist in social protection programmes and activities aimed at improving the quality of life and the social integration of persons in need, by providing them loans in kind or as services.

99. These programmes and activities are targeted for persons who are older, disabled or chronically ill, expectant mothers, children, former prisoners and members of other population groups.

100. Social services are organized by region, and in accordance with the complexity and specificity of the problems they address. By definition, community social services work closely with communities, and with families and social groups; and institutional social services are for population groups with specific problems calling for special attention.

101. In recent years a new stage has been reached in the psychosocial study on persons with disabilities and in the psychopedagogic, social and clinical-genetic study on intellectual disabilities – the broadest and most in-depth research programme ever conducted about this population group in Cuba, involving home visits to persons with disabilities, and the participation of 33,626 professionals, most from the health and education sectors.

102. The value of this research lies in its broad scope, which permitted a full assessment of the disabled population, and produced significant information for the development of prevention programmes, while at the same time identifying individual needs and proposing strategies to meet those needs with a view to improving the quality of life of disabled persons.

103. An important programme that arose from the results of this study offers direct protection to mothers who by caring for a severely disabled child have lost their place in the job market. The programme guarantees them a salary, labour rights and social security, and studies, on a case-by-case basis, the situation of mothers who are still at work or who, for the same reasons, have been unable to find work, with a view to giving them support. It serves as an important protection for disabled children, by allowing mothers to care for them personally with the guarantee of an income and other services.

104. The programme also offers benefits to women who were housewives when their children were born. Mothers who have kept their jobs are entitled to receive their salary while working at home, and may also be assisted by home caregivers.

105. As of 2009, Cuban social security programmes and services have provided protection benefits to 71,137 mothers of disabled persons, including 7,599 of severely disabled children. More than 900 million pesos have been allocated for this purpose.

106. Established under Ministry of Labour and Social Security Resolution No. 4 of 2 April 1996, the National Council to Support Persons with Disabilities is a multisectoral working group. The membership of this professional body, presided over by the Minister for Labour and Social Security, represents all governmental institutions and agencies, and its responsibilities include working together with associations for disabled persons, with a view to addressing their needs.

107. The provincial and municipal councils operate based on a common structure, and are responsible for programme implementation on a regional basis and for incorporating strategies for adapting community resources and decisions to the resolution of local problems into community development plans.

108. The principle of non-discrimination is enshrined in article 41 of the Constitution of the Republic, which provides that all citizens shall enjoy equal rights and shall have equal responsibilities; article 42 therefore stipulates that discrimination on the grounds of race, skin colour, sex, national origin or religious belief or any other form of discrimination harmful to human dignity is prohibited and punishable by law. The second paragraph of article 42 establishes that Government institutions must educate everyone, from the earliest age, in the principle that all human beings are equal.

109. Article 295 of the Criminal Code provides that anyone who discriminates against another person or encourages or incites discrimination, either by statements or actions offensive to the person's sex, race, skin colour or national origin, or by obstructing or preventing that person because of his or her sex, race, skin colour or national origin, from exercising or enjoying the right to equality established in the Constitution shall be subject to imprisonment for a period of 6 months to 2 years or to a fine in the amount of 200 to 500 cuotas, or to both.

110. There have been various approaches to special education for intellectually disabled schoolchildren in Cuba, progressing from an essentially medical model (clinical biology) to a model providing multidisciplinary care.

111. The Warnock Report 1978, which changed the term "children in special education" to "children with special educational needs" (SEN), provides insight into the social impact of the so-called "new" way of understanding the attention given to children with intellectual disabilities; the traditional concept of special education, which located the problem of social integration inside the child, has been supplanted by the notion of "special educational needs", in accordance with which the problem resides in the institution's ability to meet the needs of the child and to offer a variety of pedagogic alternatives that correspond to his or her needs and abilities.

112. Cuba implements change in response to the experience it has accumulated. Official data confirms that, before the triumph of the Cuban Revolution in 1959, three of the eight schools for disabled persons were for mentally retarded children and were virtual asylums attending to very few children. After 1959, the educational system was transformed with a view to benefiting all children in Cuba, as a principle and a right, which enabled the Ministry of Education to launch a serious educational campaign.

113. Disabled children who enrol in preschools or are identified at preschool age can be placed in special day-care centres or in special groups within regular day-care centres; they

may also be cared for by their families, with special training provided by the Teach Your Child programme. The centres and non-institutional programmes are structured to allow children with disabilities to interact and socialize with children who do not have such limitations. If the child's disability so allows, and subject to medical evaluation and parental consent, he or she may be placed in a regular day-care centre. A total of 23,161 disabled children and their families are receiving support under both these approaches, especially the Teach Your Child programme, which has produced brochures providing guidance to families.

114. As mention in Cuba's second periodic report, the right to education extends to all children with physical, sensory and intellectual disabilities, in the form of special education. During the 2010/11 school year, over 40,176 children were enrolled in special education courses in 391 special schools. Of these, 521 pupils were blind or visually impaired; 696 were deaf or hearing-impaired; 1,134 were motor-impaired; 1,599 had behaviour problems; 640 had communication problems; 4,358 suffered from delayed psychological development; 363 were in hospital wards; 123 were autistic; and 97 were asthmatic or diabetic.

115. Children admitted to educational programmes of this kind are evaluated by the diagnosis and Counselling Centres. There are currently 203 throughout the country, with 1,327 specialists trained in best methods of evaluating pupils with special needs by making effective use of diagnostic techniques, technological resources and methods for obtaining information from children, their families and the community.

116. Children whose physical limitations prevent them from attending school are educated by mobile teachers. There are currently 864 such teachers in Cuba, giving lessons to 1,526 pupils. There are also 32 hospital wards caring for more than 121 pupils.

117. Cuba gives priority attention to participation in sports activities by students with special needs, which helps them integrate into society. Despite the noble nature of the project, it is difficult to obtain sports equipment for such a large number of athletes.

118. The following laws confirm the above:

- (a) Ministry of Education Resolution No. 3 (1962);
- (b) The Family Code (1975);
- (c) The Constitution of the Republic (1976–1992);
  - (i) Article 42: Discrimination on the grounds of race, skin colour, sex, national origin, religious belief, or any other form of discrimination harmful to human dignity is prohibited and punishable by law;
  - (ii) Article 39 (b): Education is a responsibility of the State and shall be free of charge. It shall be grounded in the discoveries and contributions of science and in the close relationship between study and life, work and production ...;
- (d) The Children's and Youth Code (1978);
- (e) Decree-Law No. 64 (1982);
- (f) Decree-Law No. 76 (1984) on adoption, children's homes and foster families;
- (g) The National Action Plan for Persons with Disabilities;
- (h) The Employment Programme for Persons with Disabilities (1995);
- (i) The establishment of the Information Centre on the Rights of Children and Adolescents (2000).

119. As elsewhere in the world, therapeutic programmes for treating mentally retarded persons take a medical and psychopedagogic approach to their education.

120. Several sectors, including the Ministries of Education and Public Health, have combined their efforts with a view to ensuring comprehensive care to disabled persons.

121. A department for differentiated learning was established in 1962 under Ministerial Resolution No. 3, which divided the intellectually disabled into two separate groups: one, under the Ministry of Education, for mild or moderate mental retardation, and the other for severe mental retardation with or without physical impediments.

122. Our understanding of the concept of special education is the result of many years of arduous efforts to interpret and adapt innovative and contemporary global approaches to conditions in Cuba. In consequence, special education is a system of schools, methodologies, resources, assistance, and guidance and training centres for children with special educational needs (grouped according to their level) and for their families, teachers and community.

123. The system also offers:

(a) Diagnosis and Counselling Centres responsible for placing pupils in special schools following a thorough initial psychopedagogic evaluation with the significant participation of teachers, professors, parents and the community;

(b) Special day-care centres;

(c) Special rooms in community day-care centres;

(d) Hospital wards;

(e) Shelters for children without parental protection;

(f) Special schools for children with:

(i) Mental retardation;

(ii) Delayed psychological development;

(iii) Deafness or hearing impairment;

(iv) Behavioural problems;

(v) Severe language and communication problems;

(vi) Blindness or visual impairment

(vii) Strabismic amblyopia;

(viii) Motor impairment;

(ix) Autism;

(g) Outpatient treatment for children with severe physical disabilities who cannot be transported to medical facilities.

124. The introduction of day services for disabled children in 1975 was an important milestone, broadening the scope of operation to include outpatient treatment.

125. The establishment of a countrywide network of psychopedagogic medical centres is one of the achievements of the Revolution, within the framework of momentous transformation in the provision of institutional care.

126. The first institutions providing care to persons with severe or profound mental retardation were founded in 1963, one in the venerable La Castellana Clinic. In the decade

from 1965 to 1975, new institutions were created in Havana city, including the Benjamín Moreno psychopedagogic medical centre.

127. The National Defectology Group was established in 1980, within the Ministry of Public Health, for the purpose of assessing, from a methodological point of view, the provision of care to mentally retarded persons in the psychopedagogical centres.

128. In 1985, the first inpatient, comprehensive care programme was developed for persons with severe and profound mental retardation. Such programmes have since evolved, in consideration, inter alia, of their levels and structures of support and their focus on comprehensiveness, and diversity, making them more flexible, dynamic and accessible in relation to the specific characteristics of persons in their care.

129. These institutions offer programmes for children, adolescents, young persons and adults with severe or profound mental retardation designed to inculcate habits and skills that will allow for their social integration into the workplace, in cases where such a possibility exists.

130. The Psychopedagogic Medical Centre, now considered to be part of the Ministry of Public Health, provide comprehensive care to persons with severe or profound intellectual disabilities, including such services as assistance, evaluation and diagnosis, and education, research and support, with a view to maximizing potential, and encouraging social inclusion, family relationships and community integration.

131. Its main activities focus on health care and prevention and the development of sensory motorskills and intellectual potential by means of psychopedagogic coaching in close collaboration with families and the community.

132. There are currently 30 Psychopedagogic Medical Centres in Cuba, for boarders, part-time boarders and outpatients.

133. The Psychopedagogic Medical Centres provide several forms of care, including:

- (a) Early stimulation;
- (b) Basal stimulation;
- (c) Intensive stimulation;
- (d) Psychopedagogic care;
- (e) Sheltered workshops;
- (f) Social integration and employment workshops;
- (g) Job support.

134. Medical care programmes for other disabilities include:

- (a) An immunization programme against 13 illnesses;
- (b) A technical support development programme for persons with permanent or temporary disabilities;
- (c) A programme for community-based rehabilitation;
- (d) A programme for the early detection and treatment of hearing loss;
- (e) A programme for the early detection and treatment of visual impairment;
- (f) A programme for the prevention of accidents in ages 19 and under in school, on the roads or at home;

- (g) An early stimulation programme for children at risk or with neuro-developmental alterations;
- (h) A national programme for the prevention of disabilities caused by environmental or genetic factors during childhood, adolescence or youth;
- (i) A programme for chronic childhood illnesses;
- (j) A national care programme for mentally retarded persons;
- (k) A national commission for the treatment of deaf-blind persons;
- (l) A comprehensive statistical information system on disabilities and rehabilitation.

135. To ensure the effective evaluation of persons with disabilities Cuba has developed a statistical information system on disabilities and rehabilitation, including an identification and monitoring system, an efficient mechanism for providing oversight, measuring progress, establishing long-term objectives, and exchanging relevant information in all spheres and in the interest of international cooperation. The pilot programme proved a great success in one region, and may be introduced in all provinces.

136. An advisory group is also working to develop a Cuban system for the International Classification of Functioning, Disability and Health, which will allow for the establishment of a useful framework for measuring an individual's functioning, disability and health, and the conditions affecting his or her health.

137. In addition, one of the main objectives of the intersectorial ForLife (*Para la Vida*) programme — in which the Ministry of Culture, the Ministry of Education, the Council for Children of the Ministry of the Interior, the office of the Prosecutor-General of the Republic and others participate — is communication with international organizations for the purpose of supporting children and disseminating educational messages, as an alternative, community-based form of education.

### **Reply to the issues raised in part I, paragraph 11, of the list of issues**

138. Cuban criminal legislation establishes that 16 is the age of criminal liability, and children under that age are therefore not subject to the criminal law; instead their cases are handled in administrative proceedings by a multisectoral team overseen by the Ministries of Education and the Interior.

139. Under Cuban criminal law, prostitution is not a crime. There is, however, an established procedure for persons whose social conduct makes them a manifest threat to society, whose purpose is preventive and re-educational, and which applies to women who engage in antisocial conduct, who are over 16, and who engage in prostitution. In such cases, re-educational security measures may be imposed, including confinement in a rehabilitation centre offering specialized programmes, involving the participation of the Ministry of Culture, the Institute of Sports and Physical Education, the Ministry of Education, the Committees on Social Services and Prevention, the Ministry of Labour and Social Security and the Ministry of Public Health. They may also be required to attend a study or work centre while remaining in their family and social environment, or be placed under the supervision of judges or other officials who are specialists in prostitution and may have a positive influence on their conduct. These procedures are handled, and decisions made, in accordance with all the established legal guarantees.

140. It should be noted that preventive security measures are therapeutic, re-educational and preventive and are devised with a view to preventing persons whose conduct demonstrates social adjustment problems from becoming involved in criminal activities. This is a protection mechanism for both individuals and society.

### **Reply to the issues raised in part I, paragraph 12, of the list of issues**

141. Within the juvenile justice system — which has a legal framework and works together with the educational and internal security systems — there are teams of educators, psychologists, psychiatrists, social workers and other specialists who, along with the mother and father or the legal guardians, ensure that the best interests of the child will always be protected by the Government and society of Cuba.

142. The Department of Special Education gives priority to the system of centres attending to children with behavioural problems, and has launched a joint work programme to improve them, with support from a number of agencies and organizations, including the National Institute of Sports, Physical Education and Recreation, and the Ministries of Culture and Public Health.

143. In Cuba, a person is criminally responsible if he or she has reached the age of 16 when the crime was committed, as stipulated in article 16, paragraph 2 of the Criminal Code.

144. Pursuant to article 17, paragraph 1 of the Criminal Code, the court is required to reduce the minimum and maximum penalties for an offence committed by a minor. In all cases, the paramount purpose will be to re-educate the offender, prepare him or her for a profession or trade and instil in him or her respect for the law.

145. In Cuba, convicted offenders between the ages of 16 and 18 serve out their sentences in prisons outfitted exclusively for this category of inmate, with a view to realizing the educational strategy developed by the Directorate of Prisons to bring about their social reintegration, which basically seeks to improve their educational level, provide them with opportunities for advanced studies, prepare them for employment after their release, bolster their political, ethical and moral values, so that they can coexist harmoniously with others, and to enhance their all-around appreciation of culture.

146. In Cuba, young offenders are held in prisons exclusively outfitted for this category of inmate, with a view to realizing the educational strategy developed by the Directorate of Prisons to bring about their social reintegration, which basically seeks to improve their educational level, provide them opportunities for advanced studies, prepare them for employment after their release, and bolster their political, ethical and moral values so that they can coexist harmoniously with others.

147. This approach reflects the terms of article 30, paragraph 9 of the Criminal Code, which establishes that “offenders under the age of 20 shall serve out their sentences in prisons solely holding minors, or in separate wards of adult prisons. However, arrangements may be made for persons between the ages of 20 and 27 to serve out their sentences in the same conditions as for younger prisoners”.

148. This provision demonstrates the Government’s intention to provide such protections to all young people under the age of 27 – an intention which is becoming a reality in the Cuban prison system.

149. It is important to point out that beginning on 21 October 2001, as part of a comprehensive systemwide prison improvement programme, the San Francisco de Paula

prison, located in the Cuban capital, was remodelled into a school, with no bars, security cordon or armed guards, and is offering a regime of educational and academic courses, for young offenders, along with psychotherapy and group therapy sessions designed to build character and improve self-esteem.

150. This pilot reintegration centre offers comfortable beds, a school building with several classrooms (including one with computers), cafeterias, a medical clinic, visiting rooms, and organoponic gardens (for growing fresh vegetables, which substantially improve the prison diet).

151. The most remarkable aspect of the reintegration centre is the educational treatment programmes, with an academic and technical training component which allows inmates, in the first phase, to achieve proficiency at the 12th grade level and learn a trade, and, in the second phase, to take advanced courses at the city university or work in factories nearby, returning to the centre to spend the night.

152. The centre is an example of what the country has been doing to revolutionize the national prison system, and to ease the reintegration of young prisoners into society. Proven effective over the years, the experiment is now being introduced into other youth prisons in Cuba.

153. The Social Workers Programme, which plays a critical role in the task of reintegration, has a direct impact on prisoners, in particular young offenders. Social workers use participatory approaches to applying their knowledge in psychology, sociology and other fields of the humanities, with attention to individual differences, and serve as liaisons with families and as guides in the areas of work and study.

154. In every local courthouse in Cuba, one or more professional judges is assigned to coordinate and monitor, within his or her jurisdiction, the serving of alternative (rather than prison) sentences, including conditional suspended sentences, preventive security measures, conditional release, and corrective work, under the terms of which convicted offenders may live at liberty subject to specific obligations and limitations established by law.

155. The Office of the Prosecutor-General of the Republic is responsible for maintaining lawfulness, by ensuring strict compliance with legislation and other legal regulations.

156. Accordingly, in all agencies of the Office of the Prosecutor-General there are prosecutors responsible for carrying out investigations, with a view to confirming that the rule of law is adhered to in all Cuban prisons, detention centres and jails. This guarantees respect for the individual rights of prisoners, in particular the lawful enforcement of sentences, and ensures review by a judicial body or other competent authority not belonging to the prison administration.

157. The enforcement of prison sentences is therefore not the exclusive domain of the prison administration, but rather is subject to oversight by the Office of the Prosecutor-General, which both strengthens the enforcement of sentences and ensures due respect for the legitimate rights and interests of prisoners, in particular youthful offenders.

158. There are two basic means of oversight: direct, through visits to the prisons and detention centres, and indirect, by way of a complaint or a claim lodged by the prisoner or by a third party who meets certain minimum formal requirements.

159. Current law prohibits children under the age of 16 to be held in the cells of the National Revolutionary Police, and where an exception is made on justifiable grounds, provides that a child shall be held separately and safely and be ensured the exercise of his or her rights.

## **Reply to the issues raised in part I, paragraph 13, of the list of issues**

160. As explained in the second periodic report of Cuba, current national law provides that the treatment of offenders under 16 should be preventive. Nonetheless, there are regulations allowing for children under 12 to be committed to re-education centres, now known as comprehensive development schools, a decision that is taken only exceptionally and which must be approved by the National Council for Minors in an ex officio review process.

161. The comprehensive development schools are educational institutions responsible for the specialized treatment of children and adolescents under 16. They function in accordance with a system of regulations and standards setting out the rights and duties of inmates, and emphasize integration into the community where the school is located and the community where the child's family lives, as well as family contact, providing the following guarantees:

(a) In the first 72 hours after entering the school, the child will be given a medical and dental check-up by specialized health-care staff, and the rules of the school and their rights and duties will be explained to him or her;

(b) The child will be appropriately segregated during his or her stay at the school, in accordance with age, sex, general physical development, academic level and degree of social alienation;

(c) There will be a 30-day adjustment period to allow the child to be correctly classified, in accordance with his or her personality traits and educational needs;

(d) There will be no restrictions on the child's telephone communications with parents or legal representatives;

(e) The child will have contact with his or her family in the form of visits to the school, home visits and participation in activities inside and outside the school;

(f) He or she will participate in productive activities;

(g) He or she will be kept physically fit by practicing sports and will participate in recreational and cultural activities;

(h) He or she will have access to a health-care service equipped with materials and medicines for the care of their physical, mental and dental health, and will be hospitalized when necessary. He or she will receive medical, dental, psychological and psychiatric care and speech therapy, among other types of care;

(i) Periodic evaluations will be carried out by the teachers council and the student council, with the active participation of students;

(j) Clothing and toiletries will be provided during his or her stay at the school;

(k) Special attention will be given to the quality and quantity of the food served;

(l) A monthly allowance will be provided.

## **Reply to the issues raised in part II, paragraph (a), of the list of issues**

162. On the basis of experience acquired during years of carrying out programmes, both domestically and abroad, in accordance with the principles and provisions of the

Convention on the Rights of the Child, the Government of Cuba carefully reviews and amends national laws, in a gradual and methodical improvement process.

163. Amendments have been made to the criminal legislation, introducing new categories of offences, increasing the severity of others, and adjusting standards to reflect current realities with a view to strengthening the protection and safety of Cuban children.

164. Amendments have also been made to Decree-Law No. 234/2003, the Working Women's Maternity Act, which gives rights to working women and protects maternity, guaranteeing the provision of medical care during pregnancy, as well as prenatal and postpartum leave, breastfeeding, care for underage children, and special treatment for disabled children. It also encourages parents to share the responsibility of caring for their children, and calls for the father to assume that responsibility in the event of the mother's death. All provisions related to the protection of children also apply to adoptive parents. Decree-Law No. 278/2010, on special social assistance arrangements for self-employed workers, providing protections for pregnant working women as well as maternity benefits was recently enacted to adapt to current conditions in Cuba.

165. Family law is also being reviewed in the context of this reform process, and, pursuant to article 121 of the Constitution of the Republic, the Governing Council of the People's Supreme Court has issued mandatory instructions for the establishment of a uniform judicial practice in the interpretation and application thereof so as to ensure compliance with all the principles and provisions of the Convention on the Rights of the Child. Accordingly, Instruction No. 187/2007 provides that children shall be heard in litigations that affect their guardianship and care, and stipulates that, in cases that so require, the courts may request a specialized multidisciplinary advisory team to give recommendations to judges, and to improve and expand the basis for their decisions, to reflect the deep emotional and social needs of persons involved in the proceedings.

166. Furthermore, Instruction No. 173/2003, enacted to prevent the revictimization of children who have been the victims of crimes, establishes that court proceedings shall always take into account the best interests of the child, allowing for questioning only in cases where absolutely necessary; gives additional instructions for conducting conversation sessions so as to protect the child from harm, and calls for the use of a uniform practice in all criminal courts in the country.

### **Reply to the issues raised in part II, paragraph (b), of the list of issues**

167. The first Care Center for Children and Adolescents was created in February 2005, for the express purpose of preventing the secondary victimization of abused children and adolescents. It gives priority attention to acts involving sexual offences. There are specialists trained in child psychology and sexuality, psychologists, clinicians, teachers and jurists working together with examining judges to identify the best means of collecting evidence in a pleasant setting in which children and adolescents will feel at ease with the proceedings. In March 2008, a second programme was launched in Santiago de Cuba, and plans for a third in the interior were under way.

168. The creation of special chambers for family matters in the People's Courts of Guanabacoa in the province of Havana, and in the city of Placetas in the province of Villa Clara should also be mentioned. Recommendations have been made to introduce that practice into the provincial capitals, pursuant to the provisions of the Convention on the Rights of the Child, which provides that the views of children aged 7 and older should be heard in proceedings affecting their custody, care and means of communication, provided it serves their best interest, and taking steps to ensure that the hearing takes place in a

comfortable setting and in absolute privacy – preferably in the women’s and family counselling centres of the Federation of Cuban Women.

### **Reply to the issue raised in part II, paragraph (c), of the list of issues**

169. The second periodic report of Cuba describes policies and programmes implemented in recent years, with emphasis on streamlining policies related to education, health, social welfare and culture.

170. Most preschool classes are held in the primary schools; each teacher currently has only 20 pupils, which allows for better teaching, specialized attention to each child and his or her family, and a more comprehensive approach to education.

171. Classrooms are equipped with televisions, video equipment, and computer labs – amazingly effective teaching tools for expanding children’s knowledge. Schools without electricity have been equipped with solar panels so that computers, televisions and video units can now be used.

172. Computers have been introduced in classrooms, starting at the preschool level. A large number of teachers trained in basic computer skills have visited classrooms, and all primary school teachers have also been given computer training.

173. Children with special educational needs have also benefited from new, modern teaching methods; detailed information is provided in the reply to part I, paragraph 10, of the list of issues.

174. Another important new component is video lessons in English, starting in the third grade. Chess is also taught intensively in all schools, and culture and art are taught by graduate-level art teachers, who work in the schools as well as in other social and cultural community centres.

175. Food services have been improved in the schools, and lunches are provided.

176. Ever since the first programme measuring the weight and height of all Cuban children age 15 and under, which took place in 2001, careful attention has been paid to children showing nutritional deficiencies. A comprehensive study of Cuban children was conducted for the evaluation of such areas as nutrition, educational care, family environment and living conditions, which are now being given the necessary attention.

177. Taken together, these innovations have made it possible to introduce a system of two class sessions daily, and children in primary school now learn 2.2 times more in mathematics and 1.5 times more in Spanish than they did several years ago. These figures should continue to improve if the educational system develops as planned. All children, regardless of their place of residence, skin colour or social background, now have genuinely equal access to knowledge and physical and intellectual development.

178. Radical innovations have also been introduced into basic secondary education, for children and adolescents in the seventh, eighth and ninth grades, using an experimental new educational model that breaks with outdated ideas about teaching.

179. The secondary level now provides a general teacher responsible for 15 pupils, who covers all subjects except for English and physical education, and serves as a tutor, teacher and guide for each of his or her pupils – who no longer have to contend with separate professors for each subject matter, a practice which hampers a comprehensive approach to learning, and the teacherly influence so essential at that sensitive stage of life.

180. Classes shown on video in mathematics, Spanish language, History, English and Physics, prepared and delivered by the most prestigious professors in Cuba, support the efforts of local professors and enhance the quality and depth of the subjects taught.
181. The new art instructors are also working in the basic secondary schools, promoting culture and familiarizing adolescents with the finest traditions of Cuba and the world.
182. Programme plans include offering snacks or lunches to students in basic secondary education allowing them to stay, comfortably fed, through the second session of classes, and improving their safety, since they have no need to leave the school grounds until the end of the class day.
183. Comprehensive improvement courses have also been introduced for young people from the ages of 17 to 30 who have completed ninth grade (the usual grade-level for this age group), but are not studying or working.
184. Higher education has now been universalized, and all young people who have attended the revolutionary programmes, and workers in general, may attend the universities.
185. This programme — subscribing to the goal of providing all citizens with a comprehensive cultural education regardless of the kind of work they do — has offered previously unthinkable possibilities to young people and adults who could never before have benefited from higher education.
186. The University of Information Science was established, with an eye to promoting centres of excellence in higher education. The first institution of its kind in Cuba, it has opened its doors to young people from all over the island, using innovative concepts and revolutionary working methods to make rapid and significant strides in teaching and productive work.
187. In the vital area of health care for children and adolescents — and for the population as a whole — significant investments have been made in the 444 polyclinics, 107 totally refurbished and 34 in construction. Many hospitals are being renovated and modernized as part of a countrywide programme which will eventually include all hospitals; physiotherapy units have been installed in the polyclinics; hemodialysis, optical and intensive therapy clinics have been set up in the municipalities, many of which lack surgical hospitals, whose critically important services have saved so many thousands of lives.
188. The technological refurbishment programme, now fully under way, affects all primary and secondary health services in the country, and as an immense additional benefit, brings basic, high-quality care to homes and places of residence.
189. Furthermore, 1,905 television rooms have been installed in remote rural settlements without electricity, providing informational, recreational and educational programmes to over a half million Cubans; all Cubans now have access to television. Rural children and adolescents have directly benefited from these programmes.
190. In the area of culture, the Book Fairs have become a great festival for the Cuban family. Traditionally in Havana City, they are now held in 19 Cuban cities and recently welcomed 9 and a half million visitors and offered 15 million books for sale.
191. The Youth Clubs have continued to expand, in recent years acquiring a professional staff trained in computer skills.
192. The Biblioteca Familiar (Home Library) Collection has provided the best of Cuban and universal literature to the Cuban people at reasonable prices. A set of 25 titles was produced in an edition of 100,000 copies. A second set is ready for publication.

193. With the expansion of visual arts education in Cuba, art classes have been introduced into all the provinces, and schools created in 17 cities.

194. Enrolment in the new National School of Ballet has expanded to 300 students and is open to pupils from all the provinces.

195. Children and adolescents from all the municipalities of Havana attend vocational workshops of the National School of Ballet twice weekly. Other dance schools conduct similar programmes.

196. School and public libraries are stocked with encyclopaedias, dictionaries and atlases, and their book catalogues have been expanded to include new titles.

197. Cubavision, Telerebelde, and two recently launched educational channels together offer 394 hours per week of educational programming, which represent 62.7 per cent of the total broadcast hours offered on Cuban National Television. Therefore, 247 broadcast hours are related to study plans.

198. As detailed in annex III, there has been an increase in the production of books and other publications for children and adolescents, including textbooks, tabloids, pamphlets and assorted texts related to programmes and causes.

199. In the area of social security, 380 million jobs have been created, as part of the colossal effort to achieve the highest level of justice for the Cuban population and to provide fully equal opportunities for all. This achievement of the revolutionary programmes benefits young people most of all. The task of preparing teachers and professors is ongoing.

200. As of late 2000, the social security system had only 795 social workers in all areas of the country; that number has been continually rising.

201. Over the course of recent years, many projects have been launched, for the construction, renovation and expansion of education, health, and cultural institutions, including rebuilding and enlarging the Instituto Superior de Arte. Capital repairs have been made to many schools and new schools have been built.

### **Reply to the issues raised in part II, paragraph (d), of the list of issues**

202. As described in paragraph 112 of the report of Cuba to the Universal Periodic Review (UPR), Cuba has ratified a number of important international human rights instruments; at the time of its drafting, Cuba was a State party to 41 of the most important of those instruments. It subsequently ratified the International Convention on the Protection of All Persons from Forced Disappearance, making Cuba a State party to 42 international human rights instruments (see annex I).

### **Reply to the issues raised in part III, paragraph 1, of the list of issues**

203. Annex XI contains a chart giving statistical data from the years 2002 to 2009 on the performance of the Cuban national budget, covering the various areas of implementation provided under the Convention.

## Reply to the issues raised in part III, paragraph 4, of the list of issues

204. The Ministry of Education has provided the following data on the various centres providing alternative care.

205. Mixed centres are for both boys and girls, providing care either around-the-clock or by the day.

### Registration in mixed centres by province

Province	2007			2008			2009		
	Total	Female	Male	Total	Female	Male	Total	Female	Male
Pinar del Río	5	2	3	6	3	3	5	3	2
Havana City	93	46	47	73	35	38	73	16	
Matanzas	8	3	5	8	4	4	5	3	2
Ciego de Ávila	3	1	2	3	3	0	1	0	1
Camagüey	7	4	3	5	2	3	4	1	3
<b>Total</b>	<b>116</b>	<b>56</b>	<b>60</b>	<b>95</b>	<b>47</b>	<b>48</b>	<b>88</b>	<b>23</b>	<b>57</b>

206. The children's homes function like foster homes, where girls and boys live on their return from day-care centres and on weekends.

### Registration in homes by province

Province	2007			2008			2009		
	Total	Female	Male	Total	Female	Male	Total	Female	Male
Havana	2			2			4	2	2
Villa Clara	9			8			3	0	3
Holguín	0			7			11	7	4
Granma	0			10			4	1	3
Santiago de Cuba	4			4			4	0	4
Guantánamo	10			7			9	9	0
<b>Total</b>	<b>25</b>			<b>38</b>			<b>35</b>	<b>19</b>	<b>16</b>

### Special education

207. Decree-Law No. 76 provides for a national network of social assistance centres, offering shelter and care to children without parental protection, whether orphaned or abandoned, in conditions that resemble life in the family home.

208. This network of centres will include homes for children between the ages of 6 and 17 and mixed homes for small children under the age of 6.

209. Under the terms of this legislation, orphans are children whose parents are deceased, and abandoned children are those whose parents have lost their parental rights or permanently left the national territory, who have been left in hospitals or any other locale

that indicates its intention to abandon them, or whose parents have neglected to provide them with education, care or food.

210. The applicable age range is from 6 to 18.

211. Under this legislation, children with physical or mental disabilities will live in special schools. When such disabilities are severe or profound, the children will be committed to medical and psychopedagogical institutions within the national health system.

212. Children living in such homes shall attend classes in centres administered by the national educational system.

### **Reply to the issues raised in part III, paragraph 5, of the list of issues**

213. The number of international adoptions arranged by the central authority of the Ministry of Justice, pursuant to the Hague Convention on Protection of Children and Cooperation with Respect to Inter-Country Adoption follow:

(a) In 2007, none;

(b) In 2008, none;

(c) In 2009, two adoptions, approved by the Nicaraguan National Adoption Council, of boys aged 6 months and 1 year respectively, each adopted by a Cuban couple.

214. At the national level, the People's Supreme Court is the instance responsible for processing adoptions. In 2008, 38 adoption requests were submitted to the municipal courts; in 2009, that number dropped to 36; in 2010, it rose again to 39.

<i>Province</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>Total</i>
Pinar del Río	1	5	1	7
Havana	4	1	5	10
Havana City	22	14	15	51
Matanzas	0	2	5	7
Villa Clara	0	1	0	1
Cienfuegos	0	1	4	5
Sancti Spíritus	0	1	2	3
Ciego de Ávila	2	2	0	4
Camagüey	0	1	3	4
Las Tunas	1	2	0	3
Holguín	1	2	1	4
Granma	2	2	2	6
Santiago de Cuba	3	1	1	5
Guantánamo	1	0	0	1
Isla de la Juventud	1	1	0	2
<b>Total</b>	<b>38</b>	<b>36</b>	<b>39</b>	<b>113</b>

**Reply to the issues raised in part III, paragraph 7, of the list of issues**

215. Cuba considers the following topics to be important for its dialogue with the Committee:

- (a) Basic health and well-being;
- (b) Education, leisure and cultural activities, with particular emphasis on special education;
- (c) Respect for the views of the child;
- (d) International cooperation.

## Annexes

### Annex I

#### **International human rights instruments ratified by Cuba (2010)**

- International Convention on the Elimination of All Forms of Racial Discrimination
- International Convention on the Suppression and Punishment of the Crime of Apartheid
- International Labour Organization (ILO) Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100)
- Convention against Discrimination in Education
- Protocol Instituting a Conciliation and Good Offices Commission to be Responsible for Seeking the Settlement of any Disputes which May Arise between States Parties to the Convention against Discrimination in Education
- ILO Convention concerning Discrimination in respect of Employment and Occupation (No. 111), 1958
- International Convention against Apartheid in Sports
- Convention on the Prevention and Punishment of the Crime of Genocide
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
- International Convention for the Suppression of Terrorist Bombings
- International Convention for the Suppression of the Financing of Terrorism
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- International Convention for the Protection of All Persons from Enforced Disappearance
- Protocol amending the Slavery Convention signed at Geneva on 25 September 1926
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
- ILO Convention concerning Forced or Compulsory Labour (No. 29), 1930
- ILO Convention concerning the Abolition of Forced Labour (No. 105), 1957
- Convention on the International Right of Correction
- Convention on the Protection and Promotion of the Diversity of Cultural Expressions
- ILO Convention concerning the Rights of Association and Combination of Agricultural Workers (No. 11), 1921

- ILO Convention concerning Freedom of Association and Protection of the Right to Organise (No. 87), 1948
- ILO Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (No. 98), 1949
- ILO Convention concerning Employment Policy (No. 122), 1964
- ILO Convention concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking (No. 135), 1971
- ILO Convention concerning Organisations of Rural Workers and Their Role in Economic and Social Development (No. 141), 1975
- ILO Convention concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service (No. 151), 1978
- Convention on the Political Rights of Women
- Convention on the Nationality of Married Women
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention on the Rights of the Child
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- ILO Convention concerning Minimum Age for Admission to Employment (No. 138), 1973
- Convention on the Rights of Persons with Disabilities
- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field
- Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea
- Geneva Convention relative to the Treatment of Prisoners of War
- Geneva Convention relative to the Protection of Civilian Persons in Time of War
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)

## Annex II

## Health care units of the Ministry of Public Health

No.	Units	2002	2003	2004	2005	2006	2007	2008	2009
1	<b>Total</b>	<b>16 036</b>	<b>16 067</b>	<b>16 296</b>	<b>16 267</b>	<b>16 100</b>	<b>16 129</b>	<b>12 916</b>	<b>14 237</b>
2	Medical assistance	15 688	15 715	15 943	15 885	15 702	15 722	12 496	13 813
3	Hospitals	265	267	267	248	243	222	217	219
4	Primary care	83	84	84	85	83	83	82	81
5	Surgical	35	35	35	35	36	35	36	36
6	Rural <sup>a</sup>	62	62	62	40	38	21	17	17
7	Maternity	14	13	13	15	14	12	12	12
8	Mother and child	13	15	15	13	13	12	9	10
9	Children's	25	25	25	25	24	26	26	25
10	Specialized	33	33	33	35	35	33	35	38
11	Research institutes	13	13	13	13	13	13	13	13
12	Other medical assistance units	15 410	15 435	15 663	15 624	15 446	15 487	12 266	13 581
13	Polyclinics	445	444	444	470	473	491	499	498
14	Family health clinics	13 857	13 880	14 074	14 078	14 007	14 007	10 717	12 068
15	Rural and urban health posts	170	166	160	135	138	138	120	127
16	Maternity homes	272	276	280	289	291	309	335	338
17	Mineral water spas	5	5	5	5	5	5	5	5
18	Dental clinics	164	165	165	165	164	165	160	158
19	Blood banks	25	27	27	27	26	25	26	26
20	Other	472	472	508	455	342	347	404	361
21	Social assistance	348	352	353	382	398	407	420	424
22	Homes for the elderly	141	141	141	143	142	144	156	156
23	Care centres for older persons	172	177	178	201	219	226	229	233
24	Homes for persons with physical or mental disabilities	35	34	34	38	37	37	35	35

Source: Cuba, National Statistics Office, *Statistical Yearbook for Cuba*, (2009).

<sup>a</sup> [Translator's note: footnote missing.]

## Annex III

**Inhabitants per doctor**

<i>No.</i>	<i>Year</i>	<i>Total</i>	<i>Inhabitants per doctor</i>
1	1958	<b>6 286</b>	1 076
2	1965	<b>6 238</b>	1 252
3	1970	<b>6 152</b>	1 389
4	1975	<b>9 328</b>	997
5	1980	<b>15 247</b>	638
6	1985	<b>22 910</b>	441
7	1990	<b>38 690</b>	276
8	1994	<b>54 065</b>	202
9	1995	<b>56 836</b>	193
10	1996	<b>60 129</b>	183
11	1997	<b>62 624</b>	176
12	1998	<b>63 483</b>	175
13	2000	<b>65 997</b>	169
14	2001	<b>66 325</b>	168
15	2002	<b>67 079</b>	167
16	2003	<b>68 017</b>	165
17	2004	<b>69 713</b>	161
18	2005	<b>70 594</b>	159
19	2006	<b>71 489</b>	158
20	2007	<b>72 416</b>	155
21	2008	<b>74 552</b>	151
22	2009	<b>74 880</b>	150

*Source:* Cuba, National Statistics Office, *Statistical Yearbook for Cuba*, (2009).

## Annex IV

**Child mortality rate (2002–2009)**

(per 1,000 live births)

<i>No.</i>	<i>Province</i>	2002	2003	2004	2005	2006	2007	2008	2009
1	Cuba	6.5	6.3	5.8	6.2	5.3	5.3	4.7	4.8
2	Pinar del Río	5.8	6.0	4.7	5.6	5.0	5.4	5.7	3.9
3	Havana	8.4	5.1	7.3	5.7	6.1	5.6	4.2	5.0
4	City of Havana	6.6	7.1	6.6	6.6	4.9	5.0	5.7	4.9
5	Matanzas	5.4	4.9	4.4	4.0	4.3	4.4	4.1	4.5
6	Villa Clara	4.5	5.9	4.6	4.2	4.6	5.5	3.3	4.4
7	Cienfuegos	4.7	7.4	5.2	7.0	5.7	7.1	4.8	6.8
8	Sancti Spíritus	5.9	5.5	3.3	7.9	6.8	4.1	4.2	3.6
9	Ciego de Ávila	6.7	5.3	5.7	5.1	9.0	7.0	6.9	5.8
10	Camagüey	7.6	6.8	5.8	8.0	4.3	4.2	4.7	4.0
11	Las Tunas	5.2	4.2	3.8	6.4	4.7	4.4	2.7	3.6
12	Holguín	7.3	6.3	5.9	4.5	3.8	5.0	3.3	3.5
13	Granma	6.5	5.1	5.0	6.6	4.4	5.3	4.0	5.3
14	Santiago de Cuba	6.9	7.0	7.2	7.2	7.9	5.9	6.1	6.7
15	Guantánamo	7.9	8.6	8.5	8.0	4.8	6.0	5.7	4.6
16	Isla de la Juventud	9.1	9.6	1.8	3.7	7.3	5.3	2.9	9.2

*Source:* Cuba, National Statistics Office, *Statistical Yearbook for Cuba*, (2009).

## Annex V

**Mortality rate for children under 5 years of age (2002–2009)**  
(per 1,000 live births)

No.	Area	2002	2003	2004	2005	2006	2007	2008	2009
1	Cuba	8.1	8.0	7.7	8.0	7.1	6.7	6.2	6.1
2	Pinar del Río	7.4	7.6	6.3	7.2	7.2	7.1	6.6	5.5
3	Havana	10.6	7.0	9.2	8.1	7.2	7.0	5.3	6.3
4	City of Havana	8.3	8.9	8.6	8.1	6.8	6.5	6.8	6.0
5	Matanzas	6.8	6.5	5.8	5.8	6.3	5.5	5.4	5.7
6	Villa Clara	6.1	7.5	6.1	5.0	6.9	6.6	5.0	4.9
7	Cienfuegos	6.5	8.6	6.5	8.6	7.1	8.6	7.1	8.3
8	Sancti Spíritus	7.2	7.0	5.9	8.7	8.0	4.5	5.8	3.8
9	Ciego de Ávila	8.3	7.3	6.9	7.4	12.3	8.2	8.8	7.4
10	Camagüey	9.4	9.9	7.6	10.6	6.0	5.6	6.0	5.9
11	Las Tunas	6.9	5.2	6.0	8.2	5.8	5.6	4.4	5.1
12	Holguín	8.5	8.1	7.4	5.7	4.7	6.7	4.3	4.9
13	Granma	7.1	7.0	6.8	9.0	6.3	7.1	5.3	6.7
14	Santiago de Cuba	8.5	8.9	9.9	9.2	9.7	7.5	8.2	7.9
15	Guantánamo	10.0	10.2	11.3	11.0	7.6	7.3	8.0	5.7
16	Isla de la Juventud	11.5	9.6	4.5	6.4	9.4	6.3	3.9	10.2

Source: Cuba, National Statistics Office, *Statistical Yearbook for Cuba*, (2009).

## Annex VI

### Main causes of death of children under 1 year of age (2002–2009)

No.	Cause	2002	2003	2004	2005	2006	2007	2008	2009
1	Conditions originating in the perinatal period	426	405	326	301	295	274	311	282
2	Congenital malformations, deformities and chromosomal anomalies	273	238	214	203	147	141	116	141
3	Flu and pneumonia	29	33	34	31	15	25	32	45
4	Sepsis	8	9	15	22	15	15	-	-
5	Accidents	29	33	16	20	13	17	17	17

Source: Cuba, National Statistics Office, *Statistical Yearbook for Cuba*, (2009).

## Annex VII

**Maternal mortality rate (2002–2009)**

(per 100,000 live births)

No.	Province	2002	2003	2004	2005	2006	2007	2008	2009
1	Cuba	41.1	39.5	38.5	51.4	49.4	31.1	46.5	46.9
2	Pinar del Río	69.6	20.8	57.0	60.4	53.0	26.8	49.9	11.9
3	Havana	23.2	12.5	39.6	13.3	42.5	-	92.4	24.2
4	City of Havana	42.1	40.4	52.5	70.1	66.3	45.0	47.9	34.6
5	Matanzas	38.3	41.2	30.5	59.7	96.6	47.0	58.4	81.3
6	Villa Clara	43.0	34.2	-	12.9	42.0	42.1	13.0	61.6
7	Cienfuegos	20.3	40.1	-	69.6	-	-	46.1	21.2
8	Sancti Spíritus	-	73.8	-	42.5	23.8	64.5	38.6	-
9	Ciego de Ávila	54.1	19.7	20.9	22.4	25.1	-	104.2	117.0
10	Camagüey	50.6	54.2	34.2	72.5	94.7	26.0	11.8	85.9
11	Las Tunas	-	44.7	-	34.7	37.3	35.1	64.5	87.3
12	Holguín	57.3	43.6	44.8	32.4	16.9	42.0	38.1	52.5
13	Granma	25.2	40.4	18.2	79.0	21.3	22.4	19.9	29.4
14	Santiago de Cuba	70.6	56.6	104.7	55.4	86.6	8.1	67.6	41.9
15	Guantánamo	13.1	25.0	27.5	59.2	30.9	63.3	27.9	40.8
16	Isla de la Juventud	82.4	-	-	-	-	-	-	-

Source: Cuba, National Statistics Office, *Statistical Yearbook for Cuba*, 2009.

## Annex VIII

## Maternal mortality rate by cause (2005–2009)

No.	Cause	Rate per 100,000 live births									
		2005	2006	2007	2008	2009*	2005	2006	2007	2008	2009*
<b>Direct</b>		<b>43</b>	<b>42</b>	<b>25</b>	<b>36</b>	<b>39</b>	<b>35.6</b>	<b>37.7</b>	<b>22.2</b>	<b>29.4</b>	<b>30.0</b>
1	Ectopic pregnancy (O00)	4	8	3	5	5	3.3	7.2	2.7	4.1	3.8
2	Miscarriage not related to ectopic pregnancy (O01-O08)	2	6	5	8	2	1.7	5.4	4.4	6.5	1.5
3	Postpartum complications (O85-O92)	15	9	9	6	9	12.4	8.1	8.0	4.9	6.9
4	Obstetric embolism (O88)	10	4	4	3	7	8.3	3.6	3.6	2.4	5.4
5	Complications of labour and delivery (O60- O66, O68-O71, O73-O75)	2	4	2	1	5	1.7	3.6	1.8	0.8	3.8
6	Placental disorders (O43-O45)	5	-	1	-	3	4.1	-	0.9	-	2.3
7	Other haemorrhages (O20, O46, O67, O72)	9	10	2	9	8	7.5	9.0	1.8	7.3	6.2
8	Hypertensive disorders (O11-O16)	3	5	2	3	2	2.5	4.5	1.8	2.4	1.5
9	Other complications (O21-O23, O26, O29-O42, O47-O48, O95, A34, C58)	3	-	1	4	5	2.5	-	0.9	3.3	3.8
<b>Indirect</b>		<b>19</b>	<b>13</b>	<b>10</b>	<b>21</b>	<b>22</b>	<b>15.7</b>	<b>11.7</b>	<b>8.9</b>	<b>17.1</b>	<b>16.9</b>
10	Diseases of the circulatory system (O99.4)	7	4	3	7	3	5.8	3.6	2.7	5.7	2.3
11	Infectious and parasitic diseases (O98)	2	-	1	1	2	1.7	-	0.9	0.8	1.5
12	Anaemia (O99.0)	2	3	1	4	1	1.7	2.7	0.9	3.3	0.8
13	Other indirect causes (Remaining O10, O24-O25, O28, O99.1-O99.3, O99.5-O99.8, B20-B24, E23.0, M83.0, F53)	8	6	4	5	3	6.6	5.4	3.6	4.1	2.3
<b>Maternal mortality</b>		<b>62</b>	<b>55</b>	<b>35</b>	<b>57</b>	<b>61</b>	<b>51.4</b>	<b>49.4</b>	<b>31.1</b>	<b>46.5</b>	<b>46.9</b>

Source: Cuba, Ministry of Public Health, *Health Statistics Yearbook* (2009).

## Annex IX

## Immunizations by type of vaccine (2002–2009)

No.	Type of vaccine	2002	2003	2004	2005	2006	2007	2008	2009
1	Polio (OPV)	589 446	567 608	561 640	545 233	512 672	507 040	490 735	479 342
2	Total BCG (children under 1)	140 214	135 378	126 456	119 269	110 495	111 854	121 328	128 984
3	Tribacterial (DPT <sup>a</sup> )	284 437	211 032	114 927	101 185	115 934	177 216	133 121	120 351
4	Double bacterial (DT)	117 549	137 458	132 251	130 503	99 228	133 470	121 171	162 296
6	Tetanus toxoid (TT)	975 694	976 295	552 678	757 800	392 279	951 204	907 496	1 368 478
7	Antityphoid (AT)	24 094	248 483	306 224	434 331	432 568	472 788	613 945	290 249
8	Triple viral (SRP)	128 823	146 452	140 717	197 694	199 001	113 751	116 084	124 113
9	Hepatitis B (HBV) <sup>a</sup>	207 517	187 889	153 684	83 753	140 625	287 507	159 953	120 351
10	Haemophilia Flu (Hib) <sup>a</sup>	110 398	170 421	13 955	117 626	124 677	211 494	114 656	120 351
11	Antimeningococcal B	132 271	147 498	117 555	125 451	117 166	110 590	114 780	130 184

Source: Cuba, National Statistics Office, *Statistical Yearbook for Cuba*, 2009.

<sup>a</sup> As of 2006, hepatitis B and DPT are included in the (DPT+HB) and in the (DPT+HB+Hib).

## Annex X

### HIV-positive children and adolescents who are sick or have died

Year	Male			Female			Total		
	HIV-positive	Sick	Died	HIV-positive	Sick	Died	HIV-positive	Sick	Died
1995	0	1	1	0	4	2	<b>0</b>	<b>5</b>	<b>3</b>
1996	1	1	0	0	1	3	<b>1</b>	<b>2</b>	<b>3</b>
1997	0	0	1	1	0	0	<b>1</b>	<b>0</b>	<b>1</b>
1998	0	1	0	1	1	1	<b>1</b>	<b>2</b>	<b>1</b>
1999	2	1	0	0	0	1	<b>2</b>	<b>1</b>	<b>1</b>
2000	2	0	0	0	1	0	<b>2</b>	<b>1</b>	<b>0</b>
2001	5	0	0	3	1	0	<b>8</b>	<b>1</b>	<b>0</b>
2002	5	3	2	3	5	1	<b>8</b>	<b>8</b>	<b>3</b>
2003	5	3	0	8	6	1	<b>13</b>	<b>9</b>	<b>1</b>
2004	3	1	1	8	4	1	<b>11</b>	<b>5</b>	<b>2</b>
2005	6	3	1	7	1	2	<b>13</b>	<b>4</b>	<b>3</b>
2006	3	0	0	6	2	0	<b>9</b>	<b>2</b>	<b>0</b>
2007	2	1	1	4	2	0	<b>6</b>	<b>3</b>	<b>1</b>

## Annex XI

**Budget performance of the Cuban Government (2002–2009)**

<i>No.</i>	<i>Item</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
<b>1</b>	<b>Total expenditure</b>	<b>17 193.2</b>	<b>18 622.4</b>	<b>20 241.4</b>	<b>27 156.4</b>	<b>33 326.5</b>	<b>39 992.6</b>	<b>47 493.1</b>	<b>46 611.5</b>
2	Current expenditure	15 243.8	16 539.4	17 954.8	24 092.9	28 505.3	35 120.5	42 543.8	41 800.5
3	Budgeted activities	11 468.7	12 628.8	13 786.8	18 759.3	21 524.9	27 420.9	31 764.3	33 029.5
4	Education	2 751.6	3 296.9	3 601.0	4 819.4	5 310.0	7 109.6	8 620.0	9 030.6
5	Health	1 923.0	2 028.1	2 089.1	3 168.8	3 734.8	5 791.9	6 259.0	6 610.3
6	Social security	1 984.8	2 053.9	2 172.4	2 917.4	3 526.0	3 727.0	4 342.3	4 704.0
7	Community housing and services	873.6	960.5	1 059.6	1 345.8	1 468.7	1 626.2	1 740.1	1 717.2
8	Culture and art	395.6	475.7	569.8	780.6	921.6	1 200.5	1 351.1	1 327.2
9	Science and technology	168.4	227.8	210.7	247.5	292.2	473.3	568.7	603.6
10	Sports	196.6	223.0	242.3	367.1	455.0	516.1	545.2	617.9
11	Well-being (social assistance)	398.0	481.3	596.3	995.5	1 188.3	1 190.2	1 297.4	934.0
12	Other activities	754.6	825.0	1 037.6	1 208.4	1 395.0	1 824.3	1 718.1	1 675.3

*Source:* Cuba, National Statistics Office, *Statistical Yearbook for Cuba*, 2009.

## Annex XII

## Schools

Type	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
<b>Total</b>	<b>12 619</b>	<b>12 397</b>	<b>12 327</b>	<b>12 334</b>	<b>12 364</b>	<b>12 323</b>	<b>12 172</b>	<b>11 313</b>
Primary	9 347	9 029	9 005	9 034	9 047	9 022	8 999	8 215
Urban	2 330	2 336	2 335	2 332	2 337	2 334	2 336	2 296
Rural	7 017	6 693	6 670	6 702	6 710	6 688	6 663	5 919
Secondary	2 032	1 956	1 959	1 951	1 988	1 977	1 941	1 946
Basic secondary	1 012	989	991	993	989	992	994	1 006
in the field	275	233	230	236	214	205	197	175
Pre-university	312	306	326	356	368	371	371	414
in the field	235	229	246	270	251	257	254	194
Exact sciences	15	15	15	15	15	15	15	15
Teaching	32	36	39	42	73	74	72	75
Sports for beginners	17	17	17	17	17	17	17	17
Vocational	26	26	28	28	29	29	30	30
Technical and professional	665	618	597	557	585	568	529	479
Ministry of Education <sup>a</sup>	495	489	484	468	460	449	447	442
Other	170	129	113	89	125	119	82	37
Adult	737	914	869	858	846	845	760	691
Worker-farmer education	1	3	-	-	-	-	-	-
Worker-farmer secondary education	4	5	3	2	2	2	3	4
Worker-farmer faculty	228	237	193	176	181	189	191	443
Language	46	42	39	39	39	40	40	40
Comprehensive improvement course for young people	458	447	456	461	461	444	398	48
Other courses <sup>b</sup>	-	180	178	180	163	170	128	156
Social work	4	4	4	4	4	4	4	-
Special	435	430	426	422	414	410	403	396
Higher	64	64	64	65	65	65	65	65
Ministry of Higher Education	17	17	17	17	17	17	17	17
Ministry of Education	16	16	16	16	16	16	16	16

<i>Type</i>	<i>2002/03</i>	<i>2003/04</i>	<i>2004/05</i>	<i>2005/06</i>	<i>2006/07</i>	<i>2007/08</i>	<i>2008/09</i>	<i>2009/10</i>
Ministry of Public Health	14	14	14	14	14	14	14	14
Other institutions	17	17	17	18	18	18	18	18
University campuses <sup>c</sup>	-	734	938	3 150	3 150	3 150	3 150	169

*Source:* Cuba, National Statistics Office, *Statistical Yearbook for Cuba*, 2009.

<sup>a</sup> Includes technical and professional job-training schools.

<sup>b</sup> Refers to courses provided by the Ministry.

<sup>c</sup> Not included in the total.

## Annex XIII

## Published books and pamphlets

No.	Item	2002	2003	2004	2005	2006	2007	2008	2009
1	Books	16 865.6	86 222.5 <sup>a</sup>	56 470.8	70 988.3	39 383.7	25 641.9	23 940.7	20 937.5
2	School texts included in (1) above	4 514.9	6 082.6	51 506.5 <sup>b</sup>	59 779.1	12 979.6	16 974.8	14 705.1	12 409.5
3	For children	851.7	974.8	924.9	1 810.8	2 353.9	1 730.4	3 553.1	2 528.4
4	For young people	836.1	489.8	397.0	713.2	719.8	1 019.9	829.3	747.3
5	Pamphlets	4 422.9	4 149.7	5 010.7	4 354.1	13 415.7	5 773.0	9 692.8	11 491.3
6	School texts included in (5) above	3.8	2 147.4	3 140.8	251.8	413.6	3 729.2	5 837.1	1 942.7

Source: Cuba, National Statistics Office, *Statistical Yearbook for Cuba*, 2009.

<sup>a</sup> Includes the Home Library Collections (*Bibliotecas Familiares*), each made up of 29 volumes.

<sup>b</sup> The increase results from the publishing of textbooks for educational programmes.

## Annex XIV

## Cultural and artistic activities

No.	Item	2002	2003	2004	2005	2006	2007	2008	2009
1	Activities:								
2	Cinemas (35 mm)	198 058	109 363	88 786	58 395	46 556	34 551	25 164	17 625
3	Cinemas (16 mm)	62 133	55 089	52 558	43 169	40 046	27 057	19 963	13 575
4	Video rooms <sup>a</sup>	96 136	88 037	80 136	71 450	73 550	72 773	71 577	92 056
5	Music	62 789	66 779	74 815	77 441	76 208	75 045	86 397	74 431
6	Entertainment	1 070	725	1 610	1 988	3 462	3 726	3 555	2 407
7	Theatre	14 951	16 140	16 101	19 546	21 057	20 049	17 129	17 353
8	Dance	2 614	3 106	3 641	4 355	5 133	4 688	4 974	3 674
9	Circus	1 425	1 382	2 290	1 480	1 825	2 189	2 097	1 252
10	Professional exhibitions	1 973	2 530	2 548	2 763	4 635	2 967	2 184	2 024
11	Exhibitions in art galleries included in (10) above	1 287	1 545	1 670	1 605	2 320	1 667	1 341	1 357
12	Library loan services (in thousands)	12 731.2	13 447.8	16 266.4	16 373.4	18 030.7	19 276.8	21 866.0	15 380.9

Source: Cuba, National Statistics Office, *Statistical Yearbook for Cuba*, 2009.

<sup>a</sup> Of the Ministry of Culture.

## Annex XV

### Laws mentioned in the report

- 1959: Act No. 135, on reducing rents
  - 1959: Presidential Decree No. 709 on controlling the price of medicines
  - 1960: Act No. 723, establishing the postgraduate social and medical service
  - 1963: Agrarian Reform Act
  - 1974: Act No. 1263, Working Women's Maternity Act, amended by Decree-Law No. 234/2003
  - 1975: Act No. 1289, Family Code, Decree-Law No. 76/1984 on adoption, children's homes and foster families, and Decree-Law No. 154/94 on notarial divorce
  - 1976: Constitution of the Republic of Cuba
  - 1978: Act No. 16, Children and Youth Code
  - 1982: Decree-Law No. 64, on the system for the care of minors with behavioural problems
  - 1983: Act No. 41, Public Health Act
  - 1984: Act No. 49, Labour Code, and Law No. 24/79, Social Security Act, amended by Act No. 105/08, Social Security Act
  - 1985: Act No. 51, Civil Registration Act, and its regulatory, Decision No. 157/1985
  - 1986: Decree-Law No. 95, establishing the Social Protection Care Committees, amended by Decree-Law No. 242/2007 on the social protection and care system
  - 1987: Act No. 59, Civil Code
  - 1987: Act No. 62, Criminal Code, amended by Decree-Law No. 175/1997, and Act No. 87/1999
  - 1992: Act No. 72, Cuban Electoral Act
  - 1994: Act No. 75, on national defence, and Decree-Law No. 224/2001 on the military service
  - 1995: Act No. 77, on foreign investment
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