



Convention on the Rights of the Child

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Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Reports of States parties due in 2003

Cuba*

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* The present document is being issued without formal editing.



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Introduction

1. Cuba signed the Convention on the Rights of the Child on 26 January 1990 and ratified it on 21 August 1991. In keeping with this commitment, the Republic of Cuba strictly adheres to the provisions of that international instrument in its legislation and practices and has thus laid the groundwork for consolidating and protecting the rights of children and adolescents in all areas of society.¹
2. As a sign of its commitment to the comprehensive protection of the rights of children and adolescents, Cuba ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 25 September 2001² and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 9 February 2007.³
3. Cuba has entered no reservations to the Optional Protocol to which this national report refers.
4. The rights, guarantees and social policies benefiting children and adolescents in Cuba preceded the relevant legal instruments and in many cases are broader than the provisions of the Protocol.
5. The high priority accorded to children and adolescents is sustained by an inter-institutional, multidisciplinary and inter-coordinated system involving governmental and non-governmental bodies, social organizations and society at large in a balanced manner that ensures that the commission of the offences covered in the Protocol in Cuba is rare.
6. The second national report of Cuba to the Committee on the Rights the Child (CRC/C/CUB/2) was presented in January 2009 and contains extensive information on progress achieved in promoting the well-being of children and adolescents.
7. This report is the outcome of a feedback process involving a number of ministries and government or State bodies, the National People's Assembly, NGOs and other relevant bodies. The Ministry of Foreign Affairs coordinated the multidisciplinary working group set up to conduct that broad and inclusive consultation process.
8. In preparing this report, the national working group took due note of the revised guidelines regarding initial reports to be submitted by States parties under article 12, paragraph 1 of the Optional Protocol (CRC/C/OPSC/2). The Government intends to cover the measures it has adopted in a manner that is in keeping with that document. Any further information with respect to the implementation of the Protocol will be included in the periodic reports that must be submitted every five years.
9. The scope of this report does not extend to the territory illegally occupied by the United States naval base located in the province of Guantanamo, where the Cuban people are deprived of the ability to exercise their sovereignty and within whose bounds a universally denounced and reviled centre of arbitrary detention and torture has been set up.

¹ Upon ratification of the Convention, the Government formulated a declaration which reads as follows: "With reference to article 1 of the Convention, the Government of the Republic of Cuba declares that in Cuba, under the domestic legislation in force, majority is not attained at 18 years of age for purposes of the full exercise of civic rights".

² That instrument entered into force for Cuba on 18 January 2002.

³ Moreover, on 20 June 2013, Cuba deposited with the United Nations the instruments of ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

10. Article 12 of the Constitution of the Republic of Cuba, as promulgated on 24 February 1976 (and amended in 1992 and 2002), reaffirms “respect for the principles proclaimed in the Charter of the United Nations and in other international treaties to which Cuba is a party”. Cuban legislation is consistent with those treaties, conventions and international instruments at all levels of judicial authority.

11. Once the Council of State has ratified an instrument or acceded to it, the instrument acquires full legal effect in the national legal system. In addition, under article 20 of the Civil Code, “if an international agreement or treaty to which Cuba is a party contains provisions that differ from those appearing in the corresponding articles of the preliminary provisions of the Code or contains provisions which are not set forth therein, the provisions of the said agreement or treaty shall apply”.

12. The protection of children in Cuba preceded the Convention. The provisions of the Family Code, in force since 14 February 1975, are the basis for the protection of the rights of the country’s children and adolescents. That body of law encourages the protection of children and, together with dissemination activities, is the basis for improving the legal culture of the Cuban population. Yet certain Family Code provisions require review in line with changes brought about by the development of Cuban society.

13. The adoption of the country’s new economic and social policy in 2011 was followed by an increase in legislative activity aimed at boosting the relevant substantive changes.

A. Mechanisms and procedures used for the periodic evaluation of the implementation of the Optional Protocol

14. In Cuba, all State bodies and all entities participate in the process of implementation of national standards and international legal instruments to which Cuba is a party.

15. The national inter-agency system for the protection of children and adolescents includes coordinated multi-sector teams which participate in programmes and projects in the areas of health, education, social security, tourism and the media, and encompasses the courts, the public prosecution service and the Ministry of Internal Affairs (MININT) at all levels. In that system, strategies are drawn up to ensure and enhance the protection of children’s rights throughout the country; the efforts and activities of society’s various sectors are coordinated; and dialogue among the representatives of social disciplines, institutions and sectors is supported through forums for discussion, debate, experience sharing and joint projects and research related to children.⁴

16. The numerous specific programmes developed as part of that system include: “Educate your child”, coordinated by the Ministry of Education;⁵ “For a World of Rights”, coordinated by the Ministry of Justice; the Programme for Persons with Disabilities, coordinated by the Ministry of Labour and Social Security; and the National Programme for Sex Education and Sexual Health, coordinated by the National Centre for Sex Education (CENESEX).

17. Moreover, under that system, the work of various governmental bodies is coordinated with such the activities of such entities and social organizations as, in particular, the Federation of Cuban Women, the National Association of Small Farmers, the

⁴ A key role is played by central State administration bodies, inter alia the Ministries of Health, Education, Culture, Justice, Tourism and Internal Affairs.

⁵ The system of national education includes a subsystem for the education of children, adolescents and young persons with special educational needs. That subsystem is managed by the Special Education Department of the Ministry of Education and comprises qualified staff and specialized institutions.

Committees for the Defence of the Revolution, the Association of Combatants of the Cuban Revolution, and youth and student organizations.

18. In order to safeguard the application and exercise of the above rights, departments for the protection of citizens' rights were established in the Attorney General's office. They ensure compliance with the principle of legality, particularly in relation to the provisions concerning the protection of children's rights in accordance with the Constitution.⁶

19. As of 2013, First Vice-President Miguel Díaz-Canel Bermúdez is the country's designated authority⁷ for coordinating the protection and supervision of children's rights. Consideration is currently given to the creation of an entity responsible for ensuring the welfare of children and adolescents and following up on prevention-based policies.

B. Factors affecting the implementation of the Convention and the optional protocols thereto

20. It is impossible to assess the situation of Cuba, particularly of its children and adolescents, without considering the severe outside challenges and threats that are hindering the full application of the Convention.

21. Even as the Cuban nation has advanced with the implementation of far-reaching social programmes to enhance civic participation, equity and social justice, the external threats to the enjoyment of its rights to development, self-determination and peace have worsened in consequence of the hostile policies and the genocidal economic, trade and financial embargo upheld by successive United States Administrations against the Cuban people.

22. The direct economic damage caused to the Cuban people by the embargo up to April 2013, considering the depreciation of the dollar against the price of gold on the international market, amounts to US\$ 1,157,327,000,000.⁸

23. In addition to the embargo, which has had repercussions on every aspect of life in the country, Cuba has had to cope with the impact of the international crisis, the increase in the cost of food, petroleum and petroleum products, and the recent weather events of great intensity.

24. These factors, especially the embargo, have translated into enormous material shortages for the Cuban people, reductions in the quality and quantity of their food supply and tremendous obstacles to the development of health and educational services. This has affected, in particular, the development of children and adolescents in all spheres of life.

25. Although those difficulties persist, mechanisms to protect children's and adolescents' rights have been strengthened.

⁶ Under Act No. 83 of 11 July 1997 on the public prosecution service, it is incumbent on that service to ensure compliance, on the part of State agencies, financial and social institutions and citizens, with the Constitution, the law and other legal provisions. The service must also ensure respect for procedural safeguards during investigation of complaints or other information regarding offences and for due process of law and enhance the institution of criminal proceedings on behalf of the State.

⁷ This instance was approved prior to the presentation of the second report of Cuba to the universal periodic review (A/HRC/WG.6/16/CUB/1) on 1 May 2013.

⁸ Based on the report by Cuba on Resolution 67/4 of the United Nations General Assembly, entitled "Necessity of ending the economic, commercial and financial blockade imposed by the United States of America against Cuba".

I. Prevention of the sale of children, child prostitution and child pornography

26. In Cuba, the sale of children, trafficking in children for such purposes as sexual exploitation, sex tourism, child pornography, paedophilia, commercial sexual exploitation or other forms of child exploitation are not frequent. The occurrence of prostitution involving children or adolescents is minimal.

27. Such offences differ from the activities of sexual exploitation observed in many parts of the world, characterized by the existence of criminal networks and conditions of slavery in which prostituted women or children are maintained. In addition, Cuba does not constitute a country of destination, transit or origin of human trafficking, in particular with respect to the sexual abuse of children or one in which criminal organizations related to such crimes are based.

28. Generally speaking, the level of reported sexual offences against children and adolescents is low; these types of offences are not representative of the kinds of criminal activity that occurs. The factors conducive to this type of offence are generally not present in Cuba, where, in particular, women and children have the benefit of a system of comprehensive protection at the legal, labour, education and social levels.

A. Criminal legislation

29. Cuba has appropriate legal instruments to face the sale of children, child prostitution and child pornography.

30. The latest amendments (Decree-Act No. 175 of 17 June 1997 and Act No. 87 of 16 February 1999) to the Criminal Code (Act No. 62 of December 1987) are part of a legislative reform process, characterized by a policy of applying increasingly severe sanctions to those who transgress standards of social behaviour. In particular, amendments were made to protect the normal development of sexual relationships, families, children and the young and establish new offences, while increasing the penalties for existing ones, in order to enhance the system of protection of children and adolescents.

31. Certain offences involving types of behaviour referred to in the Protocol are listed below:

- Sale of and trafficking in minors, an offence provided for in article 316 of the Criminal Code. Given that such offences are rare in the country, the relevant criminal provisions are mainly preventive. The offence consists in selling or offering for adoption a person under 16 to another person against remuneration or financial or other compensation:
 - Punishment for the above offence, five years' imprisonment or a fine of 300-1,000 base units or both, may be increased to a 15-year sentence for one of the following aggravating circumstances: commission of fraudulent acts in order to deceive the authorities, commission of the offence by a staff member or person in charge of the institution responsible for custody and care of the minor, or intent to transport the minor abroad.
- Penalty limits are increased for intent to subject the minor to any form of international trafficking involving acts of corruption, pornography, prostitution, organ trading, forced labour, drug trafficking or illegal consumption of drugs.
- Corruption of minors, an offence provided for in article 310.1 of the Criminal Code. It consists in involving a person under 16 of either sex in prostitution, debauchery,

heterosexual or homosexual pornography or other indecent activities; and incurs imprisonment for a period of 7 to 15 years.

- Section 2 of the relevant provision stipulates such aggravating circumstances as use of violence or intimidation, injuries or disease suffered by the minor as a result of the offence, or commission of the offence by a person having parental authority over or custody and care of the minor, by two or more offenders or against a victim under 12. The penalty in such cases consists in 20-30 years of imprisonment or capital punishment.
- Provisions against the offence in question also stipulate penalties for mere intent to commit the above acts, commission of sexual acts against minors, and supply of obscene or pornographic publications, photographs or films.
- Punishment for corruption of minors also includes imprisonment for a period of two to five years imposed on a person who has parental authority over or custody and care of a minor found to use or consume drugs or psychotropic or analogous substances, engage in prostitution, the sex trade or any of the acts provided for in the preceding article, and who consents to such acts or fails to prevent them or report them to the authorities.

32. Article 302.1 of the Criminal Code provides for the crime of procuring and human trafficking. In that connection, a procurer is deemed to be anyone using prostitution for his or her own benefit, including anyone inducing or abetting prostitution or sexual commerce and anyone owning or running an establishment or premises dedicated to that practice. The penalty, 4 to 10 years' imprisonment, may be increased if the accused participates in activities involving in any way the protection of public order, health, education, tourism, guidance of the young or the combat against prostitution or other types of sex trade, if threats, blackmail, coercion or abuse of authority are employed in committing the offence, if the victim is a disabled person who for any reason is in the perpetrator's care, if the offender is a recidivist or if the offence is committed habitually.

33. The same article also punishes any person who induces or in any way abets or encourages another to engage in prostitution or sexual commerce, or who directly or through third parties owns, manages, administers, operates or finances in whole or in part any premises, establishment or residence where prostitution or any other form of sexual commerce is exercised, or who in any manner derives benefit from the prostitution of another, provided the act does not constitute a more serious crime.

34. The law defines human trafficking as promoting, organizing or encouraging a person's entry into or exit from the country for the purpose of engaging in prostitution or any other form of sexual commerce.

35. In 2013, Cuba published its first report on the treatment, under criminal law, of human trafficking and other forms of sexual abuse (2012). The report included four cases in which punishment was imposed for corruption of minors and which involved sexual abuse of children.

36. The factors conducive to human trafficking and to the victims' vulnerability in various parts of the world are generally absent in Cuba, where, in particular, women, children and adolescents have the benefit of a system of comprehensive protection at the legal, employment, education and social levels.

B. Other offences recognized by the law that are considered important for the implementation of the Protocol

37. With a view to strengthening the protection and safety of children, the main penalties have been supplemented with ancillary penalties consisting in confiscation of assets, suspension or temporary loss of parent-child rights and, in the case of teachers punished for such behaviour, disqualification from the exercise of their profession. That has broadened the power of the courts to prohibit those convicted for the offences in question from exercising any profession or holding any position or office related in any manner to the offence committed.

38. Cuban criminal law also punishes the offences of rape and pederasty committed with violence and lascivious abuse. The penalties vary significantly depending on the age of the victim. The most severe penalties, which may be up to 30 years' imprisonment, are imposed if the victim is under 14.

39. Criminal law specifies further relevant offences.

C. Grounds for exemption, and aggravating or extenuating circumstances

40. Article 52 of the Criminal Code provides for the following extenuating circumstances:

- (a) The offender has acted under threat or coercion;
- (b) The offender has acted under the direct influence of a person with whom he or she has a close relationship of dependence;
- (c) The offender has acted in the erroneous belief that he or she had a right to carry out the punishable act;
- (d) The offender has taken spontaneous steps to avoid, repair or diminish the effect of the offence, compensate the victim, confess to the authorities his or her participation in the act, or help to elucidate it;
- (e) A woman has acted while in a disturbed state attributable to pregnancy, menopause, menstrual periods or puerperium;
- (f) The offender had, prior to commission of the offence, an outstanding record of fulfilling his or her duties to the country, his or her work and family, and society;
- (g) The offender has acted while in a state of serious emotional disturbance due to illegal acts committed by the victim;
- (h) The offender has acted with a noble purpose;
- (i) The offender has committed an omission as a result of fatigue from excessive work.

41. Article 53 of the Criminal Code provides for the following aggravating circumstances:

- (a) The offender has committed the offence as member of a group of three or more persons;
- (b) The offender has committed the offence for profit or other base motives or trivial reasons;
- (c) The offence has had serious consequences;

- (d) The offender has committed the offence with the participation of a minor;
- (e) The offender has committed the offence with cruelty or extreme depravity;
- (f) The offender has committed the offence by taking advantage of a public disaster, imminent danger thereof, or other special circumstances;
- (g) The offender has used a means to commit the offence that poses a public danger;
- (h) The offender has committed the offence by means of abuse of power, authority or trust;
- (i) The offender has deliberately committed the offence at night or at a deserted, secluded or dark place in order to take advantage of those circumstances;
- (j) The offender has committed the offence by taking advantage of the victim's defencelessness or dependence on or subordination to the offender;
- (k) The victim is the offender's spouse or relation up to the fourth degree of consanguinity or the second degree of affinity. This aggravating circumstance applies only to crimes against life or physical integrity or against the normal development of sexual relationships, the family, children or young persons;
- (l) The offence has been committed despite the existence of friendship or intimate affection between offender and victim;
- (m) The offender has acted under the influence of alcohol, provided that he or she has deliberately sought inebriation in order to commit the offence or that his or her inebriation is habitual;
- (n) The offender has acted under the effect of the ingestion, absorption or injection of drugs or hallucinogenic, hypnotic, narcotic or similar substances, provided that he or she has deliberately sought that condition in order to commit the offence or that he or she is a drug addict;
- (o) (Repealed);
- (p) The offender has committed the act after receiving an official warning from a competent authority;
- (q) The offender has committed the offence against any person who was fulfilling a legal or social duty or had done so in revenge or retaliation for such action (added provision);
- (r) The offender has committed the offence against persons or assets related to priority activities designed to further the country's economic and social development (added provision).

Seventh section of the Criminal Code

Special extenuation and aggravation of penalties

42. Under article 54.1 of the Criminal Code, if various extenuating circumstances apply or any such circumstance is particularly significant, the court may halve the minimum penalty incurred by the offence.

43. If various aggravating circumstances apply or any such circumstance is particularly significant, the court may increase the maximum penalty for the offence by half.

44. In assessing extenuating and aggravating circumstances, even such as may be particularly significant, the court shall consider how they counterbalance each other so as to hand down a fair penalty.

45. In the case of deliberate offences, the court shall increase the corresponding penalty up to double the minimum and maximum limits thereof if, when committing the offence, the perpetrator was serving another sentence, was subject to a security measure or to precautionary remand in custody, had escaped from prison or was on parole.

46. Under article 51 of the Criminal Code, strictly personal circumstances likely to exempt a person from criminal liability or to extenuate or aggravate criminal liability shall be assessed solely with respect to the person whom they concern.

D. Penalties for attempts to commit and complicity or participation in the offences described

47. Under Cuban law, perpetrators and accomplices incur criminal liability.

48. Moreover, Act No. 62/87 punishes attempted criminal acts and empowers the court, in judging a case, to confiscate illegally acquired assets and expel aliens from the national territory once they have served the main sentence. Where parents, guardians or custodians commit such offences against their children, wards or minors under their care, the rights of the parent-child or guardianship relationship are temporarily suspended.

49. The country's migration authorities may order re-embarkation or expulsion from the national territory of aliens declared undesirable by virtue of migration provisions and whose conduct contravenes the principles and interests of society, the State and the Cuban people as a result of links with criminal activities which involve children or trafficking in human beings.

50. The above Act also contains a set of articles which protect minors who obtain passports and authorization to travel abroad, by requiring the parents' or legal representatives consent, certified by a notary public or, in the event that one or both of the parents or legal representatives are abroad, by the competent consular official.

E. Bodies responsible for dealing with offences provided for in criminal law

51. The General Directorate of the Revolutionary Police (DGPNR) and the General Directorate of Criminal Investigation and Operations (DGICO) of the Ministry of Internal Affairs include investigative and criminal prosecution staff responsible for dealing with acts involving sexual offences, including the corruption of minors, sexual affront, sale of and trafficking in minors, procuring and human trafficking.

F. Current rules of law related to the implementation of the Protocol and adoption of new rules, procedures or guidelines regarding matters addressed therein

52. Court action in protecting children and adolescents involved in criminal proceedings as a result of the commission of an offence that has harmed them is based on special regulations for the judicial treatment of child victims, laid down in various instruments.⁹

⁹ Information on Instructions issued by the Supreme Court is contained in chapter II of this report.

53. In Cuba, appropriate rules of law have been adopted to protect children from such offences as the sale of children, child prostitution and child pornography and from economic exploitation and the performance of work that may be dangerous and obstructs their education or affects their health or physical, mental, spiritual, moral or social development.¹⁰

G. New activities

54. Currently, studies and proposals are developed for the provision of counselling and advice by specialized staff to persons in need of guidance on, or handling of, care and protection issues related to children and adolescents. In that programme, agencies, organizations and especially the family play a key role in the framework of comprehensive protection policies in that sector.

H. Statutory limitations

55. Article 64 of the Criminal Code stipulates the following periods of limitation, which are calculated starting from the commission of the offence:

- (a) 25 years for offences for which the penalty is 10 or more years of imprisonment;
- (b) 15 years for offences for which the penalty is imprisonment of from 6 years and a day up to 10 years;
- (c) 10 years for offences for which the penalty is imprisonment of from 2 years and a day up to 6 years;
- (d) 5 years for offences for which the penalty is imprisonment of any other duration;
- (e) 3 years for offences for which the law stipulates any other penalty.

56. In the case of offences for which the law stipulates more than one penalty, the above periods shall be calculated on the basis of the qualitatively most severe penalty and its longest duration under the law.

57. Prescription is interrupted:

- (a) As soon as proceedings are instituted against the accused;
- (b) By any act undertaken by the competent State body towards prosecuting the perpetrator;
- (c) If the perpetrator commits another offence during the prescription period.

58. The calculation of the period of prescription resumes after each interruption.

¹⁰ Labour Code, Decree-Act No. 310 amending the Criminal Code and the Criminal Procedure Act of 29 May 2013. Decree-Act No. 302/12 amending Act No. 1312 of 20 September 1976 on migration. Decree-Act No. 288/11 of 28 October 2011 amending General Act No. 65/88 on housing. Decree-Act No. 286/11 of 20 September 2011 on the integration of prevention and assistance efforts with social work in the Ministry of Labour and Social Security. Decree-Act No. 281/11 of 8 February 2011 establishing the principles of organization and functioning of the information system of the Government. Decree No. 313 of 15 July 2013 on "Deposit, storage and disposal of moveable property seized in criminal proceedings or through administrative confiscation". Decision No. 41/2013 of the Ministry of Labour and Social Security on self-employment regulations.

59. In such cases, the statutory limitation on criminal proceedings enters into effect after twice the stipulated period of prescription.
60. The statutes of limitation of criminal proceedings do not apply to crimes that bring the death penalty or to crimes against humanity.
61. Under article 65.1 of the Criminal Code, penalties imposed by final decision may not be enforced after the following periods have transpired:
- (a) 30 years if the penalty imposed is capital punishment;
 - (b) 25 years if the penalty imposed is more than 10 years' imprisonment;
 - (c) 20 years if the penalty imposed is imprisonment of from 6 years and a day up to 10 years;
 - (d) 10 years if the penalty imposed is imprisonment of 6 years or less;
 - (e) 5 years for all other penalties.
62. If more than one penalty has been imposed, the above periods are calculated on the basis of the severest penalty.
63. Prescription is interrupted:
- (a) During any period in which, according a statutory provision, the penalty may not be enforced;
 - (b) By any court order aimed at ensuring enforcement of the penalty.
64. Calculation of the period of prescription resumes after each interruption. In such cases, the statutory limitation on criminal proceedings enters into effect after twice the stipulated period of prescription.
65. The provisions on the prescription of criminal proceedings do not apply to crimes against humanity.

I. Criminal liability of legal entities

66. Under article 39.1 of the Civil Code (Act No. 59 of 1987), legal entities are bodies possessing assets of their own and have the capacity to enjoy rights and be bound by obligations.
67. Under article 39.2, legal entities, in addition to the State, are:
- (a) State enterprises and unions thereof;
 - (b) Cooperatives;
 - (c) Political, mass and social organizations and their enterprises;
 - (d) Societies and associations formed in accordance with the requirements of the law;
 - (e) Foundations. Such an entity, formed in accordance with the requirements of the law, is a set of assets donated as a separate whole by their owner for the fulfilment of a lawful purpose;
 - (f) Non-State enterprises authorized to carry out activities;
 - (g) Other bodies statutorily endowed with a legal personality.

68. Under article 42.1, legal entities carry out their activities through their duly appointed or elected leadership.

69. Under article 42.4, where damage is caused to the legal entity or to third parties through negligent management of its leadership, the persons having occasioned the damage are also liable.

70. Legal entities may incur criminal liability for offences specified in the Code or falling within the scope of special acts and committed by their representatives or through consent of their members, without prejudice to any personal criminal liability incurred for the offence by the perpetrators or accomplices.

71. Cuban criminal legislation covers all occurrences related to an offence in the form of preparatory acts, attempts or perpetration, stipulating liability in each case as appropriate. Such liability applies to offences related to the Protocol.

72. Moreover, legal entities are subject to penalties for offences stipulated in criminal law and related to acts proscribed in the Protocol. Such entities may thus incur the set of penalties specified in articles 28.4-28.6 of the Criminal Code, which provides for dissolution, temporary closure of the establishment or business or temporary or permanent repeal of the license of operation or business of the entity, with the additional penalty of seizure or confiscation of assets. Furthermore, regulations concerning legal entities are taken into consideration in the preparation of new draft legislation.

J. Adoption

Legislation in force regarding adoption

73. Adoption is regulated in the Family Code, adopted in 1975, as amended in Decree-Act No. 76 of 1984, which governs full adoption.

74. The adoption process is regulated and safeguarded by those legal rules and the implementation of relevant procedures, subject to rigorous monitoring by the competent authorities to avoid violations that may infringe or undermine the rights of children or adolescents.

75. In Cuba, the adopter-adoptee relation is viewed as a genuine relationship between parents and children, on an equal footing with a parent's relationship with consanguineous or biological offspring, in line with the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (the Hague Adoption Convention), which entered into force for Cuba on 1 June 2007, with the Ministry of Justice as central authority.

76. In Cuba, the Ministry of Education, the Ministry of Health and the public prosecution offices are empowered to carry out, on behalf of the State, all action necessary for ensuring the adoption process proceeds in accordance with the legislation in force.

77. In this area, Cuba applies principles fully in line with the Convention, namely that national or domestic adoption has priority, while international adoption may take place only if it is impossible to satisfy the child's needs in terms of care in his or her country of origin.

78. Indicators of the condition of children in Cuba are comparable to those of developed countries. The adoption system is guided by the best interests of the adoptee and protects his or her person, assets and rights, establishing a legal relation between him or her and the adopter. The national adoption procedure ensures that the information required is available and that the child's identity at birth is registered officially before adoption is carried out. In adoption cases, the children's right to express their opinion is respected.

79. National legislation stipulates prerequisites for the adoption process regardless of the legal requirements of the country of origin or destination. Accordingly, an investigation process occurs, mainly in order to ensure that the prospective adoptive parents are eligible and suited to adopt (in accordance with article 5 of the Convention and articles 100 and 102 of the Family Code).

80. Adoptive parents must meet the following prerequisites:

- Be at least 25 years old;
- Fully enjoy civil and political rights;
- Be able to meet the adoptee's economic needs;
- Meet moral standards and have a record that reasonably allows to presume that they will fulfil towards the adoptee the duties specified in article 85.

81. Adoption applications presented by prospective adoptive parents must contain at least the following elements:

- (a) Full names of the applicants;
- (b) Applicants' address;
- (c) Applicants' birthplaces;
- (d) Applicants' dates of birth;
- (e) Each applicant's total personal income of any type;
- (f) Other members of the nuclear family;
- (g) Total of income of the nuclear family;
- (h) Attachments, withholdings or loans affecting the nuclear family;
- (i) Applicants' past and current place of employment and length of employment;
- (j) Records of prior indictments, trials or sanctions, if any;
- (k) Certificates attesting to the absence of past or present criminal proceedings against the applicants or records of any such proceedings.

82. The number of adoptions in the country has not been significant, with a total of 10 cases in the period 2010-2013. That is due to the high level of social security in the country and to the prevailing view that adoption is not the only way to solve problems experienced by a child or his or her family.

83. In cases of economic difficulties, dysfunctions, disease or imprisonment of the legal representatives of children or adolescents and the absence of other relatives to care for them, homes for children deprived of family care offer them protection until their family can fully resume its role. Thus, most children in such institutions maintain their ties with their original family and are not put up for adoption.

84. Of the country's total of 49 institutions which attend to abandoned children and adolescents, orphans or minors whose parents have been legally deprived of parental authority, 15 house children up to 6 years of age and the other 34 care for children between the ages of 7 and 17. Such homes operate in all provinces of the country and the special municipality Isle of Youth. These institutions provide care for a total of 401 children and adolescents.

International adoption

85. The Hague Convention limits its scope exclusively to adoptions involving placement of children abroad, provided that the competent authorities of the States of origin and destination fulfil the requirements of international and national law in order to ensure that:

- International adoptions take place when such adoptions are in the best interests of the child and must safeguard children's fundamental rights as recognized in international law;
- Cooperation among contracting States ensures that those safeguards are respected in order to prevent the abduction or sale or trafficking of children;
- Adoptions made in accordance with the Convention are recognized in the contracting States (art. 1).

86. If it deems the applicants eligible and suited to adopt, the Ministry of Justice, in its capacity as central authority and on the basis of the required legal documents, prepares a report that includes information about their identity, eligibility and suitability to adopt, background, family and medical history, social environment, reasons for adoption and ability to undertake an intercountry adoption, as well as the characteristics of the children for whom they would be qualified to care. The report is transmitted to the central authority of the State of origin/destination.

87. Both central authorities involved in the process must cooperate and promote collaboration among the other competent authorities and accredited bodies of their respective States in order to ensure the protection of the adoptee and strict compliance with the principles enshrined in the Convention on the Rights of the Child and the provisions of the Optional Protocol.

Measures for preventing illegal adoptions

88. The office of public prosecution, which receives every adoption file submitted to people's municipal tribunals, must issue an expert opinion which covers an analysis of each case and the corresponding findings.

89. The Office of the Public Prosecutor is consulted on all international adoption requests and must base any favourable recommendation regarding adoption of any type on the principle of the child's best interests.

90. Under article 316.1 of the Criminal Code, a person who sells or offers for adoption a child under 16 in exchange for remuneration or financial or other compensation incurs a penalty of from 2 to 5 years' imprisonment or a fine of 300-1,000 units of account or both. The penalty is 3 to 8 years' imprisonment if the offence in question is aggravated by one of the following circumstances:

- Commission of fraudulent acts in order to deceive the authorities;
- Commission by a staff member or person in charge of the institution responsible for custody and care of the minor;
- Intent to transport the minor abroad.

91. The penalty is from 7 to 15 years' imprisonment where the intention is to use the minor in any form of international trafficking involving acts of corruption, pornography, prostitution, the sale of organs, forced labour, drug trafficking or illegal consumption of drugs.

Legal and administrative measures taken to prevent theft of young children and fraudulent birth registration

92. The measures taken to prevent illegal adoptions include measures to prevent such adoptions based on fraudulent birth registration. All births are registered and, almost without exception, take place in public health institutions. The Ministry of Justice, which is in charge of birth registration and the maintenance of birth records, in cooperation with the Ministry of Health, has taken the necessary steps to ensure that newborns can be duly registered by their parents before leaving the birthing centre. Accordingly, the probability of fraudulent registration is very low.

93. If such a case is detected, legal remedies are available to either parent or the public prosecutor through which paternity can be contested. Article 308 of the Criminal Code establishes the terms of imprisonment that apply in cases where another person's child has been abducted or one child substituted for another; the commission of such acts with the intent to obtain financial gain or pursue another malicious purpose constitutes an aggravating circumstance.

K. Jurisdiction

94. With respect to the geographic scope of criminal law, Cuba has adopted the territoriality-of-law approach, which imposes two basic considerations: territorial and extra-territorial validity of Cuban criminal law as provided for, respectively, in articles 4 and 5 of the Criminal Code, which cover the requirements for authorizing the State to engage in criminal prosecution in the following cases:

- Where the acts occur in the national territory (art. 4);
- Where the acts occur on Cuban vessels or aircraft regardless of location, save for exceptions provided for in international treaties signed by Cuba (art. 4);
- Where the acts occur on foreign vessels or aircraft in Cuban territorial waters or airspace, whether carried out by Cubans or aliens. Unless they occur among crew members and the victim, the vessel captain or the consul of the victim's State require the participation of Cuban authorities (art. 4);
- Where an offence is committed abroad by a Cuban or a stateless person residing in Cuba. In that case, offenders are subject to Cuban criminal law, if they are in or are extradited to Cuba (art. 5);
- Where an offence is committed abroad by a Cuban who is surrendered to Cuba to be tried by Cuban courts, pursuant to treaties signed by Cuba. In that case, offenders are subject to Cuban criminal law (art. 5).

95. The foreign country concerned may request to be informed of the proceedings initiated by the competent Cuban authorities and the surrender of the accused, in line with the relevant treaty provisions.

L. Extradition

96. Existing inter-State cooperation procedures include extradition; transmission or notification of criminal proceedings and charges for the hearing of a case; international requests for judicial assistance; drug law enforcement at sea; and other sentence-enforcement or subsequent assistance measures.

97. With specific regard to extradition, the sources of law on which Cuba relies are, in the following order, international treaties, domestic law and, in their absence, the principle of reciprocity established under international law.

98. Cuba is currently party to 11 treaties on extradition and 14 agreements on legal assistance which include the issue of extradition, namely to a total of 26 instruments covering extradition, including the Convention on Private International Law (also known as the Bustamante Code) of 1928, which in its title 3 regulates extradition.

99. Under article 6.1 of the Criminal Code, Cuban citizens may not be extradited to another State, while aliens are extradited in accordance with international treaties or, in their absence, Cuban law.

100. Accordingly, extradition is inadmissible in the case of aliens prosecuted for having combated imperialism, colonialism, neo-colonialism, fascism or racism or defended the democratic principles or the rights of the working people.

101. The mechanisms and bodies established to bring complaints and address petitions to the authorities may be used by Cuban or foreign nationals subjected to the extradition procedure, which is governed by Cuban criminal law. In some cases, the intervention of the Ministry of Justice may be required, as in the case of foreign nationals and stateless persons not resident in Cuba.

102. The following principles are enshrined in the country's Constitution:

- All State bodies and their managers, officials and staff act within the limits of their respective powers and are obliged to comply strictly with socialist legality and enforce this in the life of society as a whole;
- Aliens residing in Cuban territory shall be on an equal footing with Cubans as regards:
 - Protection of their person and assets;
 - Enjoyment of rights and fulfilment of obligations laid down in the Constitution, under the conditions and within the limits established by the law;
 - The obligation to comply with the Constitution and the law;
 - The obligation to contribute to public expenses in the manner and volume set by law;
 - Submission to the jurisdiction and decisions of the national courts and authorities;
- The law specifies the cases and manner in which aliens may be expelled from the national territory, and the authorities empowered to make such a decision;
- Freedom and inviolability of the person are guaranteed to all those residing in the national territory. None may be arrested save in the cases and manner and under the safeguards specified in the law. The physical integrity of detainees and prisoners is inviolable;
- No one may be tried or sentenced save by a competent court, under law that existed prior to the offence and with the formalities and guarantees established by law. Any accused person is entitled to defence. No violence or coercion of any kind may be used on persons to force them to testify;

- Any testimony obtained in violation of the above provision shall be null and void and those responsible shall be punished as provided by law.

103. An offence is deemed to have been committed in Cuban territory if the offender carries out therein acts of preparation or execution, even though the result may occur abroad, or vice versa.

104. Issues arising from offences committed in Cuban territory by diplomats or foreign citizens enjoying immunity from the jurisdiction of Cuban courts under international treaties are resolved through the diplomatic channel.

105. Cuban criminal law applies to Cubans and stateless persons residing in Cuba who commit an offence abroad, if they are in Cuba or are extradited, provided that the act in question is punishable also at the place of its commission. That last requirement is not necessary, if the act constitutes an offence against the fundamental political or economic interests of the Republic or against humanity, human dignity or collective health, or calls for prosecution under international treaties (art. 5).

106. Cuban criminal law applies to Cubans having committed an offence abroad and been surrendered to Cuba to be tried by Cuban courts, pursuant to treaties signed by Cuba.

107. A sentence or part thereof that an offender has served abroad for the same offence is deducted from the one imposed by a Cuban court. If, however, differences between the two types of penalty make this impossible, the calculation proceeds in the manner that the court deems fairest.

108. Aliens sentenced to imprisonment by Cuban courts may be surrendered to the State of which they are nationals in order to serve their sentence, in the cases and manner prescribed by the treaties.

109. Similarly, Cuban nationals sentenced to imprisonment by foreign courts may serve their sentence in Cuba, in the cases and manner prescribed by the treaties. The Cuban court considered competent to hear the case at first instance will be competent to hand down the verdict and determine the length of the sentence, which will for all purposes be considered equivalent to the sentence at first instance.

110. In sentencing an alien, the court may impose, as an additional penalty, expulsion from the national territory if the nature of the offence, the circumstances of its commission or the offender's personal characteristics indicate that his or her stay in the country would cause further damage. Expulsion takes place once the main sentence has been served. In exceptional cases, the Minister of Justice may decree expulsion of a convicted alien before the main sentence is served, even if expulsion has not been imposed as an additional penalty. In such cases, criminal liability shall be discontinued.

111. Under the Criminal Procedure Act, the public prosecutor monitors the preparatory stage conducted by the examining officer. The preparatory steps are taken directly by the examining officer of the police, the State Security Department or the public prosecutor's office itself, as appropriate.

112. Where he or she deems it necessary, the Attorney General may recover any file from an examining officer not belonging to his or her Office and assign further processing of the file to an examining officer in of Attorney General's Office.

113. Examining officers are directly responsible for the planning, conduct and evaluation of preliminary proceedings, investigative action and other pre-trial steps. However, in certain cases specified in the Act, in order to take the necessary action they must obtain the public prosecutor's explicit authorization. During preparatory proceedings, examining officers must duly carry out the measures and indications that the public prosecutor may decide in accordance with the provisions of the Act.

114. An extradition request may be granted only if the offence is provided for in an act in force at the time of commission of the offence and of the processing of the request. That requires issuance of a reasoned procedural decision affirming the existence of merits sufficient to institute criminal proceedings or the handing down of a binding conviction of the accused referred to in the request.

115. An extradition request is admissible in the specific cases stipulated in the treaties in force with the State in whose territory the person concerned is located, and in multilateral treaties which provide for extradition and to which both States are parties. Extradition may be requested solely with regard to:

(a) Cuban citizens who, having broken the law in Cuba, have escaped from judicial action and fled abroad;

(b) Aliens who, having broken the law in Cuba, have escaped from judicial action and are in another country that is not their own;

(c) Cuban or foreign nationals who have broken the law abroad, in cases that, under substantive criminal law, Cuban courts are competent to hear.

116. The competent court decides, ex officio or at the request of the public prosecutor, in a reasoned ruling, to request extradition provided that, in view of the state and outcome of the proceedings, such decision is admissible in accordance with the preceding articles.

117. A decision rejecting an extradition request may be appealed within three days before the immediately superior court, which decides after consulting the public prosecutor.

118. The proposal to request extradition is transmitted to the Ministry of Foreign Affairs through the President of the People's Supreme Court. The proposal is accompanied by an exact copy of the relevant decision and other necessary records so that the Government may transmit the request.

119. Through its International Relations and Cooperation Department, the Attorney General's Office processes and monitors the course of requests for legal assistance which are transmitted to foreign institutions and authorities on behalf of the Office or received by the latter. Such requests are transmitted abroad through the Ministry of Foreign Affairs.

120. Under instruction No. 86 of the People's Supreme Court on the procedure for the enforcement of penalties imposed by foreign courts in cases in which, according to the treaties, such penalties must be implemented in Cuba, it is incumbent on the thematically competent chamber of the Court to order, where appropriate, the enforcement of writs of execution issued by foreign courts against Cuban citizens in cases in which, under the provisions of treaties signed with other countries, such a writ has been transmitted to ensure that a prison sentence is served in Cuba in whole or in part.

Conclusion of an extradition treaty after the country became a party to the Optional Protocol

121. After Cuba acceded to the Optional Protocol, the agreement on legal and judicial cooperation with Algeria, which covers extradition, entered into force, on 1 November 2013, an extradition agreement was signed with Mexico and agreements are being negotiated with the following five countries: Saint Kitts and Nevis, Brazil, South Africa, India and Serbia.

M. Seizure and confiscation of goods and proceeds and closure of premises

122. In its list of additional penalties, contained in its General part, the Criminal Code (art. 43) provides for the seizure of all assets or items having served or having meant to serve for the commission of an offence; of the direct or indirect proceeds from the offence; and any related items used, possessed or trafficked. It also provides for the possibility to seize any items or instruments involved in the offence which non-liaible third parties may possess or own, if such possession or ownership serves to hide or secure such assets or items or to benefit such third parties. In the case of offences affecting children, those provisions constitute an effective means of protection.

123. Under article 41 of the Code, frequentation of certain areas or places may be prohibited as an effective measure in cases involving offences against children or adolescents.

124. Confiscation of assets applies, on a mandatory or optional basis, to the offences referred to in the Special Part of the Criminal Code, according to the relevant procedures. It is provided for as an additional penalty in cases that include the offences of procuring and human trafficking.

125. Closure of premises is not provided for as an additional penalty in Cuban criminal law, although in fact it takes place upon seizure or confiscation of a residence where the practices referred to occur.

126. At the administrative level, provisions allowing to proceed with confiscation of assets are contained in:

- Decree-Act No. 149/1994, which provides for “Confiscation of assets and illegal income” for the offence of human trafficking;
- Decree-Act No. 232/2003 on “Confiscation for offences related to drugs, corruption or other illegal activities”. It provides for confiscation or forfeiture of residences, premises, land or agricultural assets in the case of the illegal activities in question, including prostitution and human trafficking.

127. Decree No. 313 on “Deposit, storage and disposal of moveable property seized in criminal proceedings or through administrative confiscation” was issued in August 2013.

N. Measures applicable to cases of educators subject to disciplinary action

128. The regulations governing the educational activities of the Ministry of Education establish the obligations (see Ministerial Decision No. 165/06) to be fulfilled in order to ensure that educators’ conduct is consistent with the ethical principles of educational policy. The regulations also govern the ongoing performance of teaching duties and of activities designed to uphold the rational organization of student life and the adherence to standards of conduct in teaching establishments.

129. It is thus prohibited to bring into the establishment pornographic literature or material, engage in gambling or other activities affecting students’ education or maintain overly familiar relationships with pupils, students or workers of the establishment that may lead to verbal or physical abuse or other inappropriate conduct.

130. Any such violations of the regulations are deemed to be serious and, depending on their gravity, violators may be temporarily transferred to another, lower-paying post or may be separated from the establishment or the sector on a permanent basis.

131. Provincial and municipal directors of educational institutions and directors of teacher training institutes are authorized to impose such measures.

132. The above acts, when committed by educators or school staff, may also constitute criminal offences. Accordingly, such persons may be held accountable and prosecuted for offences that interfere with the normal development of sexual relations and for offences against the family, children and youth (title XI, chapters I-III and IV, supplementary provision, art. 317.1). Teachers and any other person responsible for the education or supervision of young people who are found guilty of any of the offences covered in articles 298-300, 302-304, 310-314 or 316 are permanently disqualified, as an additional penalty, from teaching or performing any other function involving the supervision of young people.

133. In the last three school years (2011-2014), educators or school staff members have committed 128 serious or extremely serious violations covered in the aforementioned regulations. The breakdown of these violations is as follows: 53 cases of lascivious abuse, 25 rapes, 19 cases of sexual harassment, 7 cases of sexual corruption of minors, 15 cases of relations with students, 5 cases of child pornography, 3 cases of incitement to prostitution and 1 case of exhibitionism.

134. Of the offenders, 24 were permanently separated from the teaching establishment in question and 104 were separated from the sector altogether.

135. All cases were treated in accordance with the legislation in force regarding education-sector workers, independently of any criminal penalties that may be imposed.

O. Achievements in law enforcement

136. Acts of sexual abuse of children have remained at very low levels. Against the backdrop of a total population of 2,201,619 persons under 16 years of age in 2012, 2,117 complaints of offences against the normal development of sexual relations and against the family, children and the young (concerning 0.09 per cent of the total number of children) were registered. Such occurrences, therefore, do not constitute a social problem in the country.

137. The results achieved in the area of law enforcement demonstrate that the offences referred to in the Optional Protocol are being addressed.

138. Statistical data on the commission of the offence of corruption of minors in the period 2012-2013 have been selected as indicative of the current situation regarding the criminal acts covered by the Optional Protocol.

139. During that period, a total of 198 trials (106 in 2012 and 92 in 2013) were held that involved the offence of corruption of minors in which the types of conduct covered in the Optional Protocol were at issue (e.g., child prostitution and pornography), as well as other types of sexual assault against children or adolescents.

140. Of the 268 persons who stood trial, most of the defendants in cases of sexual assault of children and/or adolescents were men.¹¹ Of those 268 defendants, 266 (99.2 per cent) were convicted. That conviction rate is indicative of the full rigour with which the courts hear such cases.

141. Of the 249 child victims in the above cases, 201 (80.7 per cent) were girls and 48 (19.2 per cent) boys.

¹¹ Of those tried, 228 (85.1 per cent) were men and 40 (14.9 per cent) women.

142. In the above period, the courts reported no cases involving the offences of sale of children or of adoption involving any of the criminal acts provided for in the Protocol.

143. In 46 of the judgements that were handed down, it was established that the victim had engaged in consensual sexual relations with an adult in exchange for money or gifts. This indicates that children or adolescents are engaging in prostitution without any third party motivated by financial gain who is inducing them to accept such proposals.

144. A total of 13 of the judgements concerned persons who had involved children or adolescents in acts of prostitution for their personal gain. It became clear in these cases that the children were made available to third parties for the purpose of engaging in sexual relations in exchange for money or other benefits. The children who were victims of these offences were girls.

145. The most frequent involvement of children or adolescents in pornography consists in inducing them to participate as spectators. That constitutes an offence because viewing the unhealthy material in question deforms the victims' perception of sexuality. Of the above judgments, 18 concerned inducing a child or adolescent to view pornographic images. Although not directly related to the provisions of the Optional Protocol, that fact reveals the State's severity in dealing with any act related to child pornography.

146. Statistics regarding offences covered by the Protocol show that the sale of children, child prostitution and child pornography do not constitute a widespread social phenomenon in the country.

147. In the case of children or adolescents entertaining a consensual sexual relation with an adult (regardless of whether the relation is covered by the Optional Protocol), such behaviour was generally found to arise from the family's dysfunction or inadequate monitoring of the minor's behaviour, lack of daily routine habits or models, the persons with whom the children or adolescents associate and the monitoring of their school work. Various institutions work to prevent such behaviour, which is thus rare in the country.

II. Protection of the rights of child victims

148. In Cuba, the system of comprehensive protection of children and adolescents is supported by the social policy of the Revolution. That policy includes the participation of various State bodies, which have developed a comprehensive legal framework promoting that policy through their regulations and projects.

149. Such regulations include, inter alia, Decree-Act No. 64/82 on the "System of care for juvenile delinquents" and Decree-Act No. 76/84 on "Adoption".

150. To that end, the Institute for Children and the Commission on Care for Children and Youth and on Equal Rights for Women in Parliament (ANPP) were created in 1976; and Decree-Acts Nos. 95/1986, 242/2007 and 186/2011 were adopted.

151. The principle of the best interests of the child was enunciated in Cuban legislation before the Convention entered into force and is enshrined in such national legal instruments as the Constitution, the Family Code, the Criminal Code and the Criminal Procedure Act.

152. According to the Family Code, the concept of the judges' prerogative to act "in the minor's best interests" applies the relevant provisions in a cross-cutting manner and, in practice, safeguards the children's and adolescents' rights to life, physical and mental integrity, life together, whenever possible, with their parents or other relatives, education,

health, culture, sport, food, clothes, housing, a life free of violence and all forms of exploitation, consideration of their opinions and respect for their privacy.

A. Rules, guidelines and instructions adopted by the competent authorities in order to guarantee the best interests of the child in the criminal justice system

153. In accordance with article 121 of the Constitution, the courts constitute a system of State bodies which are set up with functional independence from all other systems and are only subordinated to the National Assembly of People's Power and the Council of State.

154. The People's Supreme Court is the foremost judicial authority and its decisions are final in that system.

155. The People's Supreme Court interprets legal rules in the best interests of the child in the light of the Constitution, the Family Code, Civil, Administrative, Labour and Economic Procedure Act and the Criminal Procedure Act. Moreover, it establishes a standard judicial practice regarding the interpretation and application of the law by the courts.¹²

156. Thus, the Court may allow representatives of the country's mass organizations and teachers involved in the education of children or adolescents to be heard as witnesses.

157. The Supreme Court has adopted various instructions approved by exist in order to ensure that the best interests of the child are a primary consideration in the treatment afforded by the criminal justice system to children who are victims of any offence.

158. Supreme Court Instruction No. 173 of 7 May 2003 establishes guarantees for preventing secondary victimization of the minor, requires court proceedings to take always into account the best interests of the child and calls for mechanisms of examination and conversation sessions that do not negatively affect the child or adolescent and for the use of a uniform practice in all criminal courts in the country.

159. To that end, when it receives a file which is to be examined in oral proceedings which involves a child or adolescent victim, a court of any level will decide whether the child's testimony, taken for exploratory purposes, is essential to the proceedings on the basis of the following criteria:

- Whether or not it would adversely affect the mental health of the child or adolescent;
- The objectives of justice should be attained, as appropriate, without victimizing the child or adolescent;
- Whether or not the child or adolescent victim's testimony is crucial to elucidating the case;
- If a prior filmed interview of the child or adolescent, particularly if under 12, might suffice as evidence;
- The expert opinion of the physician who treated the child or adolescent that is contained in the case file;
- The relevant proposals and reasoned statements of the public prosecutor and the defence counsel.

160. Based on that assessment, the court may decide:

¹² Instruction No. 173 on trying and judging juvenile delinquents and Instruction No. 216 on the improvement of family law proceedings, both adopted by the Governing Council of the People's Supreme Court.

- To refrain from having the child or adolescent testify during the exploratory phase of the proceedings;
- To view any interview with the child or adolescent which may have been filmed during preliminary proceedings, or to read out a transcript of the testimony given by the minor during such proceedings rather than having the child appear in court (especially in the case of minors under 12);
- To order an exploratory discussion to be held in a room set up for purpose in the Protection Unit for Minors by a specialist who will pose questions supplied by the presiding judge on his or her own initiative or at the request of the parties to the case. The child's or adolescent's testimony may be heard in the court through a closed circuit broadcast or a videoconference, by direct communication with the interviewer, or through other technical means;
- If such technical means are lacking, or when it is a suitable approach for the child or adolescent in question (especially if over 12), to have the child or adolescent be examined by the court. In such cases, the interview is to take place in the office of the presiding judge or other appropriate premises. Judicial officials do not use their gowns and the interview takes place in the presence of the defence counsel, the public prosecutor, the child's or adolescent's legal representative and the judges; the questions are asked by the presiding judge without any further formalities;
- Where it is not permissible for the child or adolescent to be examined in court but the court deems such an examination to be crucial in order to determine the defendant's culpability (in accordance with article 328 of the Criminal Procedure Act), the court may arrange for a meeting to be held in the residence or centre where the child or adolescent is staying. One or more officials of the court will attend this meeting, which is to be held in the presence of the parties and of the victim's legal representative. The exploratory discussion with the victim will be held with the assistance of the attending physician or specialist, who will address the subjects that are of interest and pose questions whose answers will be useful to the court and the parties;
- If the child or adolescent is in a remote location and it would be difficult for court officials to travel to that location, the court may request the appropriate judicial authority of the locality in question to interview the minor in accordance with article 329 of the Criminal Procedure Act.

161. The above provisions also apply to persons whose mental age is under 16, although they be physically older, and to all underage witnesses, especially if their testimony concerns events that have marked them or may affect them psychologically.

162. In examining the child or adolescent, the presiding judge or a judge from the appropriate division will endeavour to create a relaxed atmosphere, especially if the child is under 12 year of age, by using clear, simple and appropriate language to refer to school, games, the child's friendships and other such matters so as to establish trust and rapport and eventually to talk about the events in question in a natural manner.

163. According to the above-mentioned instructions, the courts must give priority to such cases and handle them promptly. The court officials dealing with such cases must have been trained in conducting criminal proceedings requiring the testimony of children or adolescents.

164. The work in question involves experts in various areas related to the behaviour of children and adolescents. An overall opinion on the matter is drawn up on the basis of discussion with such highly qualified specialists. Such work, which constitutes a best practice in the judicial sector, relies on the view that children are a vulnerable group and

need special access to justice. The team attending to a child or adolescent victim during investigation of such an offence assesses the degree of its effects and the reliability of the preliminary findings in order to enable the judge to reach an appropriate decision.

165. The above interdisciplinary work does not end with the contribution of the specialist of the Centre for the Protection of Minors or the analysis of his or her opinion in oral proceedings: in the course of enforcement, the court may need help in monitoring the offender if he is on parole or serves a sentence alternative to imprisonment, especially if he has family ties with the child or adolescent victim.

166. The aforementioned Instruction was enhanced, in terms of implementing oral proceedings methods, through Instruction No. 211 of 15 June 2011 of the Governing Council of the People's Supreme Court, under whose section IV (b) 2, if the court decides to forego the exploratory examination of the minor, especially if he or she is under 12, the relevant interview carried out in the unit for the protection of minors or the preliminary procedure may be used directly, if the conversation has not been filmed.

167. Instruction No. 216 of 17 May 2012 of the Governing Council of the People's Supreme Court provides for measures improving the procedure under family law so as to, inter alia, opt for the solution serving the best interests of the child. To that end, in proceedings involving family law, the courts pay special attention to the fundamental principles of immediacy, concentration and oral nature of proceedings and equality of the parties with regard to the submission of evidence, the conduct of proceedings and precautionary protection.

168. Such practices are implemented by sentencing courts relying on child- and adolescent-care experts and community leaders, and taking measures aimed at the households of the minors affected.

169. The country has no family courts but there are qualified court sections versed in family proceedings and cooperating with teams of experts in all municipalities. Moreover, municipal courts are staffed with judges specialized in such procedures, who mainly deal with child or adolescent custody and care applications, communication arrangements, and cases of alimony, adoption and guardianship.

170. Since the introduction of such practices and on the basis of the relevant statistics, the level of compliance with court decisions has risen and the number of contestations has declined.

171. The current challenge, addressed by work in progress, consists in transmitting the above experience to all of the country's municipal courts and improving the said practices in accordance to procedural legislation.

B. Measures adopted to ensure that the rights and best interests of children who have been the victims of the practices prohibited under the Protocol are fully recognized, respected and protected at all stages of criminal investigations and proceedings which concern them

172. The agencies and institutions of the Cuban State have implemented policies of comprehensive protection for children and adolescents, and the State has determined that the Office of the Public Prosecutor is to have ultimate responsibility for their protection.

173. As required by its functions, the Public Prosecution Service participates in judicial and non-judicial proceedings to ensure the best outcome for the children and adolescents concerned.

174. Under chapter IV (“Protection of minors”) of the Public Prosecution Service Act (Act No. 87/97), the organs of the Office of the Public Prosecutor are empowered to discharge the functions involved in overseeing and maintaining the correct legal treatment of children, and it accordingly represents and defends those who lack legal counsel, or whose counsel’s interests are opposed to their own. In every municipal or provincial prosecutor’s office in the country, there are prosecutors assigned to that task.

175. One of the roles of the public prosecutor consists in representing and defending minors who for any reason are deprived of parental protection or lack a legal representative 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 assets and rights.

176. The Act has also entrusted the office of the public prosecutor with defending minors who lack legal counsel or whose counsel’s interests are opposed to their own. The judicial or administrative action necessary in that connection is undertaken in accordance with the legislation in force.

177. Public prosecutors have the power to inspect all types of documentation regarding the legal situation of children, and conduct interviews with children, as well as with teachers, psychologists, educators, social workers, lawyers and other officials responsible for educating and assisting them, and, in the event of violations of the relevant provisions, demand immediate rectification.

178. In order to fulfil those functions, the Public Prosecution Service has offices in all of the country’s provinces and municipalities. Each such office is staffed with prosecutors specialized in the protection of human rights, especially of children and adolescents, and of women victims criminal acts, including offences against the normal development of sexual relations and any other form of violence.

179. Aware of the existence of such offices and that role of the office of the public prosecutor, the population uses the mechanism to file complaints and report various problems, including issues related to the Protocol.

180. Accordingly, in the period 2010-2013 the branch offices of the Attorney General’s Office dealt with 358,019 persons and processed 54,881 written claims, complaints and allegations of various kinds, of which 22.3 per cent were found to have merit.

181. Such persons receive the information that they need, appropriate guidance and, if necessary, the Office of the Public Prosecutor provides any required specialized support, particularly to children or adolescents in need of medical or psychological care or other protection.

182. In order to define the action of public prosecutors in cases of child or adolescent victims, the Attorney General issued Instruction No. 1/2013, offering methodological guidance on criminal proceedings regarding offences against the normal development of sexual relations and against the family, children and youth, along with other criminal acts involving such victims.

C. Assistance for victims of offences: subsequent treatment, including the physical and psychological recovery, and measures for avoiding secondary victimization

183. In the few cases of child or adolescent victims of offences against physical, psychological and moral integrity, such as, inter alia, various forms of mistreatment, lascivious abuse, rape, sexual harassment, corruption of minors, pornography and

prostitution, the persons concerned receive individualized treatment right from the time the fact becomes known.

184. Skilled professionals from the criminal investigation service and Department for Minors of the Ministry of Internal Affairs and officials from the Institute of Forensic Medicine are involved in the proceedings. They ascertain the mental or physical harm done, determine any after-effects for the victim and recommend the treatment or follow-up required from the medical, psychological, psychiatric, educational, family or social point of view.

185. These services are offered by the National System of Education in the country's Evaluation and Orientation Centres, which focus on helping to restore the emotional stability of child or adolescent victims. This specialized treatment, which is made available to all children or adolescents who are in need of it, contributes to their integral development.

186. In the country's 202 such centres, which are attached to the municipal and provincial directorates of education, 1,203 specialists provide care for children and adolescents participating in the institutional and non-institutional education systems (under the "Educate your child" programme).

187. Three highly effective regional Centres for the Protection of Children and Adolescents (CPNNA) of the Ministry of Internal Affairs have been set up (in Havana, Santiago de Cuba and Villa Clara) on the basis of the provisions of articles 12 and 34 of the Convention and have been assigned the task of reducing secondary victimization of abused children or adolescents. They also provide family guidance, treatment and psychological care, and, if necessary, refer child victims to specialized institutions of the Ministry of Health.

188. With their multidisciplinary teams and technology, they produce audiovisual recordings of preliminary examinations, thereby sparing children from having to appear in court, in line with Instruction No. 173/2003 of the People's Supreme Court, which seeks to protect children's privacy. The number of persons interacting with the victims and their families has thereby been reduced to a minimum.

189. The centres are staffed with 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.

190. As part of procedures followed with children or adolescents by the staff in order to offer treatment conducive to investigation, analysis and prevention of such social phenomena as child prostitution and the use of children in the pornography, interviews are carried out to gather information on socialization facets, with the stress on aspects having affected the victims' behaviour.

191. That method is applied in individualized form in the presence of the parents, guardians or legal representatives, encouraging dialogue among them to identify their concerns and provide them with tools to reverse the situation having prompted the events. They are informed of the decisions adopted, whose implementation is monitored periodically.

192. Compliance with rules safeguarding the integrity of the children or adolescents is obligatory, with a prohibition on providing or using any information for publication or disclosure. The documentation on file is strictly for the use of the staff in order to avoid that the investigation process itself is traumatic or produces psychological effects that might disturb the minor emotionally and stigmatize him or her socially.

193. The rules and terms governing each phase of the process are premised on the need for flexibility and promptness of care and treatment.

194. The administrative approach in question is, especially, of an educational and orientational nature and is not reflected in criminal records or require legal counselling as the law provides in the case of adults.

195. In order to avoid further victimization during criminal proceedings, article 179 of Criminal Procedure Act No. 5 provides that that the minor's statement must be taken as part of the exploratory investigation, without the requirement of an oath and with the participation of the minor's legal representative. The public prosecutor must ensure compliance with these rules during the pretrial phase of instruction and be guided by the best interests of the child.

196. The method used consists in an exploratory discussion (a specific interview regarding cases in which there are child or adolescent victims), taking into account the victim's level of cognitive development and his or her age and mental state. The method produces an audiovisual record that can then be used as testimony in court.

197. Through exploratory discussion in the aforementioned centres, the child or adolescent is examined or interviewed so as to understand his or her perception of the facts investigated. The examination must be based on strategies and methods creating a propitious atmosphere so that the child or adolescent may describe everything that happened to avoid, as already noted, his or her secondary victimization.

198. After completion of the investigative process, the medical assistance network, through a general practitioner and specialized personnel, follows up on the victim in order to treat any after-effects.

199. Although it usually coincides with the interview, the exploratory work may occur in stages, as a process that, with the coordinated participation of specialists (psychologists, jurists, sociologists, defectologist or sexologist), may help to obtain the testimony in question.

200. Every stage or interval of the exploratory process is characterized by an inter- and trans-disciplinary approach to the treatment of child and adolescent victims, including possible victims of sexual abuse, child prostitution, child pornography or sale and trafficking. Such exploratory stages are described below.

- Reception: The child or adolescent victim, in the company of his or her legal representatives, is welcomed in the centre by a specialist of the establishment who, without referring to the offence, provides general information on, and shows the various areas of, the facility;
- Preparation: The psychologist obtains a preliminary psychological impression of the victim through interactive techniques (observation, interview, drawing and games). The aim is to reduce tensions so as to create a favourable setting for subsequent exploratory discussion.

201. If the child or adolescent is disabled, the participation of a defectologist may be necessary to determine, with the psychologist, whether the victim can be taken to the premises provided for exploratory discussion. This is when the reason for being in the centre and the subsequent activity are appropriately explained to the victim.

- Focus on the family: While the child or adolescent is in the preparation stage, his or her legal representatives are interviewed by a specialist who thus obtains information on the family environment in which the child or adolescent develops and on the facts investigated.

202. As part of the above interview, the family receives relevant orientation and information on all procedures so that the legal representatives provide, in writing, their consent for the exploration process. If the victim is not represented by parents or guardians, the victim is represented by the public prosecutor, defending his or her best interests.

- Outlining of the exploration strategy: At this point, the specialists having participated in the preceding stages, the operating public prosecutor, the official for the protection of minors, the examining official, the defence counsel¹³ and the specialized investigator hold a meeting coordinated by the jurist of the centre to take stock of the key elements in order to outline an exploration strategy.

203. It is crucial that the questions asked during the interview are not formulated so as to suggest certain replies and that they so not result in further victimization. Moreover, a decision is made, based on the information available and the participants' professional opinion, as to whether it is an appropriate time to carry out the interview.

- Exploratory discussion: During the interview, a specialized criminal investigator, in accordance with the provisions of the Criminal Procedure Act, establishes communication with the child or adolescent for him or her to narrate the course of events.

204. The premises provided for the exploratory discussion must be appropriately fitted out with soundproofing to avoid external noises, air conditioning, toys with specific characteristics conducive to the interview and pleasant decoration to create a propitious atmosphere. The premises are the same where the exploration strategy was earlier outlined. The legal representatives of the victim attend the interview. The premises include technical facilities for ongoing communication between the interviewer and the specialists in order to ensure the effectiveness of the exploratory discussion.

- Closing stage: After the interview, the psychologist eases any tensions that may have been created during the exploratory discussion and the team of specialists meets in order to evaluate the quality of the interview, the adequacy of the stages and the effectiveness of the strategy; to determine whether victimization and the formulation of questions in a manner suggesting certain replies were avoided during the discussion; and to decide on the further course of the case.

205. Victim follow-up is crucial. It is ensured through coordination among the child and juvenile psychiatry services of paediatric hospitals and the community mental-health centres of the National System of Health, and the specialized child and juvenile psychology and psychiatry consultation offices.

206. Under the current working strategy, steps are taken to ensure due protection of the privacy and identity of child and adolescent victims, avoiding the dissemination of information that could lead to their identification. The relevant database is off-line, no information on the exploratory activities is provided to persons unrelated to the parties to the proceedings and all documentation regarding the various cases is kept under surveillance.

207. In judicial proceedings whose outcome will affect a child, the child's views are taken into consideration. The methods used to learn what those views are include exploratory conversations between the child and specialists, either in the courthouse or elsewhere, depending on the nature of the proceedings and the circumstances of the case.

¹³ The defence counsel participates if he or she is present in the proceedings.

208. In the judicial phase, the court hears the child or adolescent only if absolutely necessary, opting for exploratory methods ensuring minimum harm and standard procedures in all criminal justice bodies in the country.

209. When it receives a file which is to be examined in oral proceedings and involves a child or adolescent as a victim, a court of any level will decide whether the child's testimony, taken for exploratory purposes, is essential to the proceedings, on the basis of the following criteria:

- The mental health of the child or adolescent should not be affected;
- The objectives of justice should be attained, as appropriate, without harm to the child or adolescent;
- The child or adolescent victim's testimony should be crucial to elucidating the case;
- A prior filmed interview of the child or adolescent, particularly if under 12, might suffice as evidence;
- The relevant opinion, contained in the file, of the physician who treated the child or adolescent should be considered;
- The relevant proposals and reasoned statements of the public prosecutor and the defence counsel should be considered.

210. The law provides for no differences in treatment between children or adolescents who are or who are presumed to be nationals and those who are not nationals or whose nationality is unknown.

211. In the period 2010-2013, protection was offered to 1,907 children or adolescents considered as possible victims of a presumed offence involving corruption of minors. Of those persons, 187 were engaged in prostitution, in certain cases through procurers.

212. Of the 57 cases of pornographic photographs and videos identified, and occurring within couples, 31 involved taking of photographs with a mobile telephone, presupposing trust between victims and offenders, without any intent of financial gain. Perpetrators took advantage of their profession (photography and teaching) in only 7 cases.

D. Damages

213. Liability for damages to child or adolescent victims of sale, prostitution or pornography is established by the same court that tries the offence. Through the Compensation Fund, the body responsible for enforcing civil liability, the victims receive the compensation due through their legal representatives.

214. The country's legislation includes provisions on the best interests of the child, homelessness and relevant legal and judicial procedures.

III. Prevention of the sale of children, child prostitution and the use of children in pornography

215. Over and above the provisions of national criminal legislation on the offences referred to in the Optional Protocol, Cuba has drawn up a prevention strategy based on respect for the dignity of all children and adolescents.

216. That process is based on the role and interactivity of society as a whole, namely State bodies,¹⁴ NGOs, mass and social organizations, the media and a set of programmes and activities.

217. In that connection, Decree-Act No. 286/2011 entrusted the Ministry of Labour and Social Security with proposing, directing and monitoring the adopted policy for prevention, assistance and social work in the area concerned.

218. Accordingly, a coordinated multidisciplinary system was set up, joined by the Ministries of Labour and Social Security, Education, Higher Education, Justice, Health, Culture and Internal Affairs, the Attorney General's Office, the National Institute of Sport, Physical Education and Recreation, the Union of Young Communists, the Federation of Cuban Women and the Committees for the Defence of the Revolution.

219. A crucial role is played by the specialized preventive- and community-work teams of the Department for Minors in the Ministry of Internal Affairs. Their mission consists in identifying, monitoring and thwarting possible perpetrators of offences and acts having a negative social impact, and following up on the victims of offences.

220. Those teams consist of 484 officers and 1,492 cooperating members. There are thus 2.1 such workers per 10,000 children and adolescents, whose total number is 2.2 million.

221. In the period 2010-2013, those teams carried out an annual average of 30,000 activities consisting in counselling, training, and legal and educational guidance for parents and family members, including family dynamics, mediation in conflicts, referral to the medical, psychological and psychiatric care systems, and judicial assistance.

222. That preventive work is guided by certain indications, which help to identify children or adolescents particularly vulnerable to the practices in question and include the following:

- (a) Increasing signs that foreshadow dropping out of school;
- (b) Associating with persons related to those practices;
- (c) Evidence of engaging in those practices;
- (d) Inexplicable possession, observed by the family, of objects or money by the child or adolescent, and signs of change in his or her behaviour.

223. In that connection, 4,596 minors who displayed serious antisocial behaviour or committed offences, or 0.2 per cent of the child and adolescent population, were monitored on the average each year.

224. The Centres of Evaluation and Care for Minors are crucial to preventive work with children or adolescents likely to be victims of offences referred to in the Optional Protocol.

225. Those Centres include multidisciplinary teams consisting of psychologists, educators and lawyers entrusted with assessing, diagnosing or predicting inappropriateness of behaviour of minors, determining their educational potential and needs and any factors conducive to change, and thus recommending appropriate administrative measures based on the best interest of the child. They are also expected to facilitate exploratory discussions with child or adolescent victims of offences in provinces lacking protection centres.

226. Comprehensive Training Schools were set up throughout the country to deal with cases requiring individual attention and presenting special educational needs. Their mission consists in all-round care for child or adolescent boarders, in cooperation with the family

¹⁴ Ministry of Education, Ministry of Labour and Social Security, Ministry of Health and Ministry of Culture.

and the community, enhancing their potential, promoting their development, meeting their educational needs and ensuring their social reintegration.

227. Studies are currently in progress with a view to adopting measures to improve the guarantees and protection offered to the children or adolescents violating criminal law. Analyses are being carried out regarding the system of care and treatment for children and adolescents, family responsibility and the children's environment.

228. Various awareness-raising, education and training activities are undertaken to promote respect for children's rights and rejection of the offences referred to in the Protocol. These activities target various groups and their scope varies from local to regional, national and even international.

229. At the national level, activities are developed in various areas, including inter alia those of children's and adolescents' access to education, family education, care and guidance services, creation of a supportive environment for vulnerable families, children and adolescents, gender-sensitive economic and social policies, enhanced role of the media in developing prevention strategies, and dissemination of quality information that is reliable and strengthens social values.

230. Prevention, assistance and social work policies enhance support for the most vulnerable segments of society and at the same time provide for inclusive outreach activities for all persons.

A. National Action Plan

231. In 2014, the Ministry of International Trade and Foreign Investment launched coordinated efforts for the preparation of the National Plan for Children, 2015-2018.

232. In May, all State bodies and other institutions and organizations were convened with a view to launching that process, on the basis of past experience in drawing up such plans, and the priority areas identified in the United Nations Children's Fund (UNICEF) programme for cooperation with the Government of Cuba.

233. In parallel with the updating of the National Action Plan, diverse activities for the prevention of offences referred to in the Protocol have continued as part of initiatives and projects planned by various State bodies and other organizations and entities in the country.

B. Adequate training for all professional groups in implementing the law and for the groups involved in enforcing and ensuring compliance with the law

234. In Cuba, technical and vocational training is a priority for medical workers, the members of the Revolutionary National Police, the judges, the public prosecutors and, generally speaking, all professional groups working with children.

235. As part of such activities, the Ministry of Justice, the Ministry of Internal Affairs, the Attorney General's Office and the People's Supreme Court have organized various programmes, including qualification and postgraduate training courses for judges and public prosecutors. Such courses contribute to enhancing the training of law professionals.

236. In particular, in-service training and preparation of directors, judges and other civil servants of the judicial system have been intensified through the following activities:

- Enhancement of the directors' capacity, inter alia, to detect inefficient or wrong procedural practices, particularly in the areas of family law and the rights of children or adolescents victims of offences;
- Organization of national meetings of the presidents of criminal courts on specified forms of criminal behaviour with child or adolescent victims, establishing criteria for identifying best practices in dealing with such behaviour and in implementing policies on avoiding secondary victimization;
- Organization of a postgraduate course on gender, the family, violence and minors;
- Since 2001, organization of various workshops on monitoring, reforming and caring for offenders serving non-custodial sentences, including generalization of relevant best practices in the case of perpetrators of offences involving children or adolescents;
- Visits by judges to centres for the protection of children and adolescents to observe the work methods of the centres and thus assess better the scope and reliability of exploratory sessions with children or adolescents, with a view to improving examination in court and the justification of court decisions;
- In-service training and preparation of directors, judges and other civil servants in improving the implementation of family law through and using relevant evaluations in criminal proceedings and in sentence enforcement, with assistance from experts of multidisciplinary teams of women's and family counselling centres during court proceedings;
- Organization of national workshops on family procedure in 2010 and 2012;
- Organization of a symposium on judicial practice regarding family procedure in September 2013;
- Organization of local events for experience exchange with the participation of representatives of the court system, the Office of the Public Prosecutor, the faculties of law and psychology, the Federation of Cuban Women and the women's and family counselling centres, specialists of the Department for Minors of the Ministry of Internal Affairs and distinguished educators, psychologists, general practitioners, representatives of the academic community, and community leaders. Such exchanges tangibly promoted the interdisciplinary approach and enhanced the qualification of judges.

237. Act No. 41 on Public Health provides a legal framework for the training of health workers.

238. The Department for Minors of the Ministry of Internal Affairs promotes training and skills improvement for the personnel concerned in preventing and dealing with prostitution, pornography and sale of minors, with a focus on legal and psychological matters.

239. In that connection, the high-level institutes of the Ministry of Internal Affairs offer university degrees for officials, including jurists and child- and adolescent-care specialists. They also offer upper secondary education courses, postgraduate courses for, inter alia, master's and professional qualification degrees, and technical workshops classes. Such training is being extended to other institutions and organizations engaged in prevention and care in the areas in question.

Dissemination of the Protocol

240. Since 2000, the Government has implemented a project to publicize children's and adolescents' rights, designed to raise legal awareness among children, adolescents, young

persons and the adult population in general, through the dissemination of the relevant rights and the legislation protecting children and adolescents. The project is carried out in cooperation with UNICEF.

241. That project constitutes a cross-cutting pillar of the cooperation of UNICEF in the country. Coordinated by the Ministry of Justice, it is run by a national team characterized by diversity, which is crucial to ensuring a comprehensive approach to children and adolescents and to their rights.

242. The reference centres operated by the project in every province contribute to the promotion, dissemination and awareness of the legislation and values designed to protect the children and adolescents and, in that framework, provide information, education and training in relation to the provisions of the Optional Protocol. They respond to relevant information requests and help to resolve critical problems encountered by children, adolescents and their parents.

243. The composition of the national team and its provincial and municipal counterparts ensures the comprehensiveness and multidisciplinary character of the activities planned.

244. The team includes representatives of the Ministries of Justice, International Trade and Foreign Investment, Education, Culture, Health, Foreign Affairs and Labour and Social Security, the National Assembly of People's Power, the Attorney General's Office, the People's Supreme Court, the National Institute of Water Resources, the National Institute of Sport, the Cuban Institute of Radio and Television, the National Centre of Sex Education, the Public Libraries System, the Federation of Cuban Women, the Federation of Secondary Education Students, the José Martí Pioneer Organization and the Centre of Youth Studies.

245. In 13 years of implementation of the project, support has been provided for the promotion and dissemination of, and training in, rights, values, Cuban law and international instruments protecting the child and adolescent population, particularly information on the Convention and the Optional Protocols thereto, and legislation for the integral development of children and adolescents. A legal culture concerning the rights of the child and the gender approach has been instilled, and a participatory attitude has been developed among institutions protecting children and adolescents and the direct beneficiaries themselves, as a way of ensuring that knowledge and practices are sustainable, relying on the media to carry out awareness-raising and rights-dissemination campaigns.

246. The courts play a key role in dissemination by developing, in cooperation with the National Union of Jurists and the Federation of Cuban Women and well-known Cuban NGOs, family workshops which contribute to raising awareness of the rights concerned. The courts also promote training for judges who hear family cases, through relevant master's degrees, specialized courses, professional qualification programmes and seminars, thereby promoting the judges' legal culture in the area of the rights of children and adolescents from an integral perspective.

Campaigns or other measures that have been taken to promote public awareness

247. The national media policy seeks to promote, in the audience, attitudes based on the principles and values defended by Cuban society, as to design, formulate and propose local cultural models.

248. The national media are responsible for fostering the understanding and acceptance of racial, religious, and identity-, gender- and generation-related diversity, and for covering topics that encourage thought on social values.

249. Broadcasts are governed by strategic approaches fully aligned with the main targets of the children's and adolescents' rights dissemination project. The Cuban Television

System participates in the advisory team that, directed by the Ministry of Justice, disseminates and promotes children's rights in the country.

250. Children's programming reaches every part of the country via radio and via audiovisual information programmes and high-quality specialized programming incorporating children's and adolescents' rights as a practical reality, with the support of Cuban specialists and relevant institutions.

251. Television programming seeks to promote the concept of and love for the family, interpersonal relations, respect between parents and children, morals, modesty and honesty. It is systematically sought to examine seriously and rigorously any specific conflicts in the various social segments and areas of the country, without neglecting the overall context. Generally speaking, the goal consists in educating and developing, in cooperation with the rest of the system and especially the family, better human beings.

252. Another objective of the Cuban Institute of Radio and Television consists in offering broadcasts that contribute to a scientific conception of the world and provide information conducive to well-being and development. Moreover, extensive information campaigns focus on the parents' role in preventing violence, abuse and any problems arising from inadequate sex education.

253. Encouragement is given to participatory programmes highlighting the activities of various age groups, whose members are viewed as socially active individuals entitled to think on and take part in all processes that concern them.

254. The media broadcast reports and messages conducive to the development of healthy sexuality among all citizens and abstaining from using women and children as advertising objects, so as to raise awareness of the dangers of prostitution and seek its social rejection. Programmes are developed to protect the rights of children, strengthen social values and preventing all forms of violence.

255. Such broadcasts contribute to building the children's capacity to understand and participate in subjects related to education, sexuality, diversity, environmental protection, culture, politics, the economy and society, without neglecting play, artistic quality and the related aesthetic benefits.

256. In planning any space dedicated to children, the particular characteristics of every age group are taken into account.

257. Rights dissemination campaigns have been organized on radio and television by prevention bodies, the Public Libraries System and other partners, in connection with regional efforts. For instance, the public interest campaign "For Life" has been implemented for years (it currently includes more than 110 spots, many of them created by a team of young film directors brought together for the project).

258. Valuable locally focused services are provided by the public computer centres that are situated in each of the country's provinces.

259. In developing and enriching the programmes, steps are taken to ensure that the young people watching these programmes can identify with the children or adolescents who appear in the programmes, which are intended to serve as a vehicle for the transmission of values and information that will contribute to the integral development of the young people in the audience.

260. A main target of capacity-building for specialists consists in ensuring ongoing ties with the Social Research Centre of the Cuban Radio and Television Institute and with the other bodies and institutions engaged in work for children and the family, thereby ensuring alignment with the members of the audience and their environment.

261. Every year, the Division of Programmes for Children and Young Persons holds a meeting on “Children and Communication”, in which specialists in the field from the country as a whole discuss the relevant issues with experts in other spheres who are invited to present their experience.

262. The Ministry of Justice has promoted strategies for training and dissemination of the programme entitled “For a World of Rights”, with relevant courses, lectures and presentations of various types. State bodies, research centres such as the Centre for Youth Studies (CESJ) and the National Centre for Sex Education (CENESEX), and social organizations have participated in that process. Surveys reveal a gradual increase in awareness of national legislation and the Convention and possibilities to expand the participation of children and adolescents in matters that concern them.

Initiatives of the Ministry of Informatics and Communications

263. The Ministry of Informatics and Communications impose restrictions on access to websites that encourage and promote acts incompatible with human dignity and integrity, such as prostitution, child pornography, human trafficking and other activities that run counter to the moral values promoted in Cuban society or violate the law.

264. Access to the Internet is commercialized through public centres without any discrimination based on age. Bodies known as computing and electronics youth clubs¹⁵ have developed various initiatives for children or adolescents, designed to familiarize them with and prepare them for the use of information and communication technologies (ICTs).

265. Children with disabilities and special educational needs are included in all activities of educational institutions. The main services offered by youth clubs to children and adolescents aged up to 18 are:

- Courses for children and adolescents, completed by 175,081 persons in the last three years;
- Interest circles promoting vocational training for occupations related to ICTs and electronics;
- Work with children in informal education in coordination with elementary schools;
- Support for talented children;
- Instructive and skills enhancing games, demanded extensively by the users concerned;
- Social projects: Video game events (“Digital dreams”) and festivals.

Initiatives of the Ministry of Tourism

266. The tourism sector in Cuba does not allow sex tourism. Strict measures are systematically taken against that activity.

267. The Ministry of Tourism has a Security and Protection Department responsible for combating any sign of possible sexual exploitation or corruption of any kind, to which end it trains staff at tourist facilities, develops standards and regulations and carries out inspections, oversight and coordination with the agencies of the Ministry of Internal Affairs and the Government.

¹⁵ Communitarian centres have been set up in order to enhance familiarization with computers among the population, with priority given to children and young persons. More than 600 such facilities, each with the necessary equipment, teachers and instructors, operate throughout the country.

268. Thus, a set of administrative measures is applied to prevent sex tourism in tourism facilities and to ensure that foreign tourist operators and travel agencies comply with Cuban regulations. Relevant advertising excludes depicting women as sexual objects and highlights family tourism.

269. In that connection, the sojourn of children and adolescents up to 12 is free of charge. In the tourist facilities, mainly hotels, “children’s clubs” are organized to help parents to rest. Children have no access to entertainment facilities for adults, such as discotheques and nightclubs, without their parents, relatives or guardians (minors over 16 may enter only by showing official identification), since such access would not be compatible with the normal development and hours of children or adolescents.

270. The Department of Communication of the Ministry of Tourism and the Cuban tourism advisers abroad monitor systematically the announcement of foreign tourist operators and travel agencies in their literature, to ensure compliance with Cuban regulations. The Ministry of Tourism and INFOTUR oversee the information published in the various announcements of the Information System for Visitors.

271. Currently Cuba is visited by almost 3 million tourists per year, mainly from Canada, the United Kingdom, Spain, Italy, Germany, France and Mexico. Of the 60,500 rooms constituting hotel capacity, more than 30,000 belong to hotels under management and marketing contracts with 15 international hotel chains that prohibit all forms of sex tourism. Combating that scourge is a priority of the Security and Protection Department. Any related violations incur disciplinary measures that range from expulsion from the tourist system to the institution of criminal proceedings.

272. In all tourist facilities and vocational training and in all training facilities of the tourist system, workers are sensitized to the moral values of Cuban society and the prohibition of commercial sexual exploitation.

273. Close relations have been encouraged between tourist facilities and the local community. Thus, community and social coexistence programmes have been developed in various centres of tourist activity.¹⁶

274. The Ministry of Tourism and other Cuban institutions have reaffirmed their readiness to cooperate with any States interested in combating and preventing all manifestations of organized transnational crime, particularly human trafficking, and any form of social or commercial exploitation of children.

Initiatives of the Ministry of Education

275. The Ministry of Education, as the rest of the country, is deeply committed to implementing the main thrusts of the new economic and social policy, particularly as regards the ongoing improvement of the quality and rigour of the teaching and learning process.

276. As part of that goal, intensive efforts are made in the area of preventive and community work, which is crucial to the quality of the overall educational progress of children and adolescents.

277. The new outreach objectives of the work undertaken aim at:

¹⁶ One may cite as examples Old Havana, with mother-and-child centres and a centre for severely disabled children; and Las Terrazas, a rural community in a biosphere reserve, a sustainable tourism project fully planned for the development of the community, with classrooms in museums to raise the children’s cultural and educational level and ongoing interaction between education, health, tourism and NGOs that support community restoration work and show to the children the value of the environment as a heritage of humanity.

- Ordering the legal rules for implementing, in the educational sphere, the protection of children and adolescents exposed to environments detrimental to their normal development;
- Creating a system for care extending from the schools to the municipal and provincial bodies, with systematic follow-up of the children, from the early ages, throughout the educational system;
- Ensuring greater comprehensiveness and coherence in preventive work as a key component of the education process;
- Building decision and control mechanisms that can provide a much more effective educational response to learners and families in need of relevant assistance;
- Organizing the system of preventive care through the creation of a functional structure, extending from the schools (with the participation of the learners and their families) to the municipal and provincial bodies and the Ministry of Education.

Commission on Children, Youth and Equal Rights for Women of the National Assembly of People's Power

278. The Commission on Children, Youth and Equal Rights for Women plays a crucial role in the area of prevention.

279. The relevant work is carried out in cooperation with the Cuban Society of Civil Law and the Family and the National Union of Jurists, and with the participation of, inter alia, the Ministry of Justice, the People's Supreme Court, the Attorney General's Office, the University of Havana, the Ministry of Education, the Ministry of Labour and Social Security, and the Ministry of Health.

Other methods used to identify children who are especially vulnerable to the practices in question

280. Various bodies of the country's existing inter-institutional system participate in the identification of children or adolescents who are potentially vulnerable to the practices in question.

281. At the community level, prevention coordination relations are established through the Prevention, Assistance and Social Work Group, which is managed by the Ministry of Labour and Social Security and consists of representatives of the organizations, institutions and other bodies of the areas of culture, sports, education, health, the general practitioner, the chairpersons of the people's council and the delegates of People's Power of the district, the penal enforcement judge of the People's Municipal Court, judicial assistants, the social worker and representatives of the Revolutionary Police.

282. Such prevention groups coordinate prevention activities at community level and are in direct contact with the family and the persons at risk in their social behaviour or serving a non-custodial criminal sentence.

283. Community work aims to exercise effective and stabilizing influence on the community and develop relations and cooperation with the Government, social and mass institutions and organizations in eliminating the factors and conditions conducive to offences and antisocial behaviour.

284. Community work focuses on the reduction of manifestations of violence and assisting vulnerable families so as to affect the community proactively and thus reduce the above factors and conditions.

285. Specific follow-up is provided with regard to certain phenomena, such as dropping out of school, behaviour problems of children and adolescents, and reintegration of persons having served a criminal penalty.

286. Community work provides a framework for accountability and community mobilization through meetings of people's councils, assemblies of people's power and mass organizations.

287. At community level, the Revolutionary National Police systematically engage in preventive action and operations developed in cooperation with social and mass organizations (informal social monitoring of crime) with a view to preventing and to suppressing delinquency.

288. Monitoring, patrolling, detection, community work, and transit-travel and road-traffic inspection constitute services performed by the police for the benefit of the community, in addition to the specific duties of responding to emergencies and other needs of the population, protection and assistance in cultural, festive, recreational and sport events or activities, detection of and timely response to complex criminal occurrences, assistance (transport of patients, pregnant women or victims to a hospital) or other occurrences requiring police intervention.

289. The Ministry of Internal Affairs systematically carries out sample surveys on victimization among the population, using methodology designed by the United Nations Interregional Crime and Justice Research Institute.

290. With due account of the specific circumstances in Cuba, those surveys basically identify occurrences of sexual interpersonal violence and explore issues related to offences committed against persons and the perception of such offences in terms of security. Of the nine such surveys conducted in five regions of the country in the period 2004-2011, three concerned the capital.

291. According to the surveys, the rate of victims is relatively stable, the rate of complaints is increasing and therefore the rate of unreported offence is decreasing. The rate of resolved cases is rising, while rate of persons fearing victimization is declining.

Contributions made by civil society to efforts to eliminate offences referred to in the Protocol

292. The State, assisted by civil society organizations, devotes special efforts to the fight against violence, prostitution, drug addiction and other evils that, in particular, afflict and harm the world's children and adolescents.

293. For instance, as an organization with a significant number of members aged 15-19, the Federation of Senior Secondary School Students (FEEM) implements in each of its centres a plan of action to involve those persons in educational, training, cultural and sport activities.

294. The activities developed by the Federation include the following:

- Adoption and implementation of the "Young Family" project, designed by the Youth Commission of the United Nations Association of Cuba, chaired by the above Federation and the Federation of University Students (FEU). The main goal of the project is to contribute to the comprehensive upbringing of children and adolescents deprived of parental care admitted to the network of mixed day-care centres and children's homes created to that end, and of boarders in special school who require care for serious behavioural problems or assistance to support their integral development;

- Visits by heads of centres to students exposed to social conflicts in their homes, in order to avert their dropping out of school;
- Presentations of book and organization of debates on the effects of drug consumption on human beings;
- Participation of the Federation in the Prevention and Social Care Commission at all levels;
- Creation of spaces for the promotion of the culture as a means of social integration and for comprehensive education of adolescents; and organization of festivals for, inter alia, amateur artists and bibliophiles.
- Annual organization of the “6 December Cup” in order to promote the practice of sports;
- Vacation activities and summer courses for students;
- Video debates on the habit of smoking and alcohol addiction, particularly in schools;
- Articles in the *Somos Jóvenes* magazine, dealing with prostitution, drug addiction and violence in general.

295. Throughout the country, the Computing and Electronics Youth Club performs with children and adolescents outstanding work focused in their development.

296. For instance, the Club carries out activities such as:

- Vocational training in informatics and electronics;
- General support for learning and using various computer tools;
- Information complementing the computer-related training offered in primary and secondary general education schools.

297. In cooperation with centres providing care for minors implicated in offences referred to in the Protocol, activities such as the following are carried out:

- Family dynamics, with voluntary support from the parents, to achieve progress in school;
- School activities with educational games, therapeutic drawings, work with the “multi-saber” collection, “street games” and drawing contests;
- Educational and/or recreational games contributing to healthy and development-friendly recreation that discourages violence, discrimination or other aberrant forms of behaviour;
- Development of national video games promoting healthy recreation;
- Programmes for working with children and adolescents with disabilities;
- High-performance informatics programme for children and adolescents, involving inter alia the development of simple games, web pages and multimedia;
- Drawing, digital-art and poetry contests, knowledge and informatics events, festivals, “street games” or other cultural and recreational activities in which the Youth Club participates through educational, cultural and recreational community institutions;
- In cooperation with the Jose Martí Pioneer Organization, organization of discussion forums where children debate matters of interest regarding their organization;

- Free access to the “*Lecturas en la Red*” service, as part of projects facilitating and contributing to intellectual development.

298. Outstanding work is performed by the Centre for Studies on Youth (CESJ), managed by the Ministry of Justice and responsible for research on youth dynamics. The centre has carried out various activities related to children, under the project for the dissemination of the rights of children and adolescents.

299. The Centre was requested to conduct a diagnostic study for assessing the Cuban children’s and adolescents’ awareness of their rights and contribute to promoting a culture of rights through strategic dissemination of values and national and international law.

300. Thus, in 2003 and 2009, studies were carried out in order to determine:

- Children’s and adolescents’ awareness of their rights;
- Parents’ and teachers’ awareness of children’s and adolescents’ rights;
- The effect of dissemination project activities on such awareness.

301. Although those studies do not specifically refer to offences provided for in the Optional Protocol, certain findings are pertinent as general information.

302. At the general level, it was found that:

- Cuban children and adolescents are aware of their rights. Such awareness has been built gradually and steadily in conjunction with activities carried out at various levels by the project through the years. The rights best known were found to be those concerning education and health;
- Women, regardless of age, are more aware of their rights;
- Although children and adolescents become aware of their rights through various channels, the roles of audiovisual media, television in particular, and of the parents and teachers stand out;
- Generally speaking, children and adolescents are aware that, in the family and at school, they are entitled to free expression, and to consideration of and respect for their opinion.

303. With regard to development, it was found that:

- Most children and adolescents live together with both parents; the single-parent trend concerns mainly mothers; and other persons, not necessarily family members, live in the same premises as children and adolescents;
- Parent figures, particularly the mother, are those most admired by children and adolescents, on the basis of relations of affection, understanding, concern and solidarity;
- The children’s and adolescents’ perceptions of happiness and unhappiness are primarily related to the quality of interpersonal relations in the family and with their friends and teachers, and to any concerns and problems;
- Subject to particularities depending on the type of education, the school is an effective socialization space where children and adolescents, according to their statements, feel very well, including with regard to their relations with their schoolmates and their teachers, who moreover are supportive towards them.

304. With regard to surviving children, it was found that:

- Children’s and adolescents’ view of their parents is characterized by positive elements (understanding, support, good communication, trust and respect) and

negative elements (verbal aggression, poor character and troubled coexistence), which are more or less pronounced, depending on the case.

305. With regard to protection, it was found that:

- The manifestation of any type of violence in the household was not considered as relevant by the children and adolescents.

IV. International assistance and cooperation

A. Prevention

306. Cuba has a coordinated and multidisciplinary prevention system, with legal, institutional and material foundations that preserves the integrity of children and adolescents.

307. Moreover, the country has concluded various bilateral cooperation agreements with a number of countries in diverse areas, such as the promotion of health, education and the sport. Through their significant social role, such agreements reduce the children's and adolescents' vulnerability to criminal practices or behaviour, such as the sale of children, child prostitution and the use of children in pornography in various parts of the world, and the factors that contribute to their vulnerability to poverty and under-development.

308. In the period 1961-2013, Cuba cooperated with 167 countries through 836,142 co-workers, of whom 526,602 are health professionals and technicians. In April 2014, 64,362 Cuban co-workers were offering their services in various sectors abroad.

309. Operation Miracle, a solidarity-based ophthalmological surgery programme, has restored the eyesight of thousands. In 2013, 138,672 ophthalmological operations were carried out, mainly for cataracts, bringing the total to 2,555,077. At the end of April 2014, 216 physicians were working in 12 countries under that programme.

310. The Cuban "Yes I can" literacy method has benefitted millions of persons, especially in Latin America and the Caribbean, where access to education services was inadequate, including indigenous people, people of African descent and rural women. It is currently implemented in 11 countries by 151 co-workers. In 2013, 8,173,206 persons had been taught and 706,525 persons were attending literacy projects.

311. On 19 September 2005 the Henry Reeve international contingent was created to provide emergency medical assistance to countries hit by natural disasters, including China, Pakistan, Mexico, Guatemala, Peru, Bolivia, and Haiti and Chile, which had been hit by earthquakes in 2010. Currently, 426 members of that contingent provide services in Haiti.

312. Of the 64,926 grant recipients from 155 countries who graduated in Cuba in the period 1961-2013, 27,017 (41.61 per cent) were trained through the Ministry of Health. Of the 12,873 grant recipients currently being trained, 2,650 are at the postgraduate level.

B. Agreements, treaties or other bilateral arrangements concluded by the State party

313. In addition to the main relevant international instruments to which Cuba is party, the country has signed 53 complementary bilateral agreements on judicial assistance: 23 regarding criminal matters, 20 regarding the transport of sentenced offenders and 11 regarding extradition.

314. The Cuban State actively participates in discussions on the relevant multilateral agenda at the General Assembly of the United Nations, particularly in the Third Committee, and at the Human Rights Council in Geneva.

315. The Attorney General's Office, in cooperation with representatives of the People's Supreme Court and the Ministry of Justice, has acceded to the Ibero-American Network for International Legal Cooperation (IberRed) in order to facilitate the exchange of data and information on criminal and civil cases in process, provide judicial assistance and ensure sustainable cooperation between member States.

C. International cooperation

Cooperation with UNICEF

316. The 2015-2018 Plan of Action concluded between UNICEF and Cuba is a model for cooperation with United Nations agencies. With more than 60 projects in the country, it contributes to the Government's efforts to guarantee full enjoyment of the rights enshrined in the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, in line with the national public policies.

317. UNICEF has contributed to the improvement of living and medical care conditions in maternity centres and community centres for pregnant women. A significant number of pregnant women residing in less favourable areas of the Eastern region and exposed to prenatal nutritional risks, iron-deficiency anaemia and inadequate weight gain, received medical care of better quality, carrying the pregnancy to term, with control and elimination of risk factors.

318. Creation of the human milk banks service in six provinces strengthened the campaign promoting exclusive breastfeeding, whose rate, up to the age of 6 months, increased from 26.4 per cent in 2006 to 48.6 per cent in 2010.

319. In support for the State policy to raise the level of the quality of life, initiatives were undertaken for the participation of children and adolescents in sport and the organization of football tournaments and of swimming teaching programmes which contribute to accident prevention in five provinces. In locations with a lower level of development, community facilities for healthy and safe recreation were set up.

320. With UNICEF support, a culture of rights and the children's and adolescents' participation in culture, sport, recreation and the media were promoted. Partnerships were formed in the areas of protection, dealing with juvenile delinquents, the care for victims and prevention. Since 2011, the project of "comprehensive and participatory social development of adolescents in Old Havana" has been contributing to the preparation and better social integration of the persons in question, through meaningful participation opportunities, from a rights and equity perspective. Since 2008, the Ministry of Culture participates in the culture of rights, protection and participation project sponsored by UNICEF.

321. Educational activities for disaster and emergency prevention and risk reduction, launched in primary and secondary schools in geographically and environmentally vulnerable municipalities, facilitated initiatives to build the local response capacities. The 2008 and 2012 hurricanes damaged educational establishments in the areas affected. UNICEF cooperated in the rehabilitation of 198 such units, helped to ensure the continuity of the school year in preschool, primary and secondary education and carried out psychological and emotional recovery activities.

322. Emphasis was placed on better quality of education through an educational model focused on human and social values, comprehensive learning and acquisition of life skills, with special attention to adolescents that are vulnerable or socially disadvantaged or have special educational needs;¹⁷ better quality of health and promotion of safe and responsible behaviour, with the stress on, inter alia, sexual and reproductive health and the right to healthy, safe and cultured recreation; and promotion of a culture of rights and participation among adolescents, their families and communities.

323. The programme also concentrated on raising the quality of learning and on equal opportunities for all, with special attention to children with special needs, and pupils in rural and mountain areas or from socially disadvantaged families. Moreover, it promoted the primary education pupils' right to healthy recreation through their participation in cultural recreation and sport activities; the prevention of transmissible diseases and the reduction of accident-related mortality; and the prevention and management of risks related to natural phenomena, mainly through the children's and adolescents' preparation for emergencies.

324. Support from UNICEF and the United Nations Development Programme (UNDP) helped to organize professional qualification courses on local human development, children, gender and health, and other courses on violence prevention, gender and children's rights.

325. The European Union and Save the Children also provide cooperation in this area.

Cooperation with INTERPOL

326. Through an international cooperation network including 29 foreign police authorities and through the International Criminal Police Organization (INTERPOL) and its national central bureaus throughout the world, the Ministry of Internal Affairs checks and monitors persons identified or subject to international searches in connection with paedophilia, prostitution or other sex-related offences, mainly against children or adolescents.

327. In the period 2010-2013, INTERPOL provided alerts regarding the presence in the country of 16 aliens sought as offenders or suspected sexual abusers of children. They were checked and monitored, without detection of any indications related to the activity in question.

328. Upon receiving such information from INTERPOL or directly from another police force, a check is run to determine whether the person in question has been in the country before so that information about previous stays in the country can be gathered along with information regarding any persons with whom he or she has travelled or associated in the national territory, and regarding his or her possible involvement in criminal acts.

329. Such persons are monitored as they cross the borders (to enter or leave the country) and their luggage and personal effects are inspected (through video or other cameras with the use of, inter alia, laptops and memory sticks), in search of indications or evidence of the offence.

330. Where an offence is detected, the response is immediate. Operational cooperation is established with counterpart services abroad for purposes of the provision of any information required and the launching of joint investigations with a view to full identification of the victims and the offenders. Cooperation also takes place in order to build the capacities of Cuban personnel.

¹⁷ Care has been provided to more than 11,000 children with special needs.

331. Any elements secured through investigative action in Cuba are immediately transmitted to the police authorities concerned and to INTERPOL.

V. Other legal provisions

A. Main national legal instruments

332. The following legal instruments should be mentioned:

- Constitution;
- Act No. 1289/75 of 15 February 1975 on the Family Code;
- Act No. 116 of 20 December 2013 on the Labour Code;
- Decree-Act No. 234 of 12 September 2003 on maternity benefits for working women;
- Act No. 105 of 27 December 2008 on Social Security;
- Act No. 75/94 on National Defence and Decree-Act No. 224/2001 on military service;
- Act No. 87/97 on the Office of the Public Prosecutor;
- Decree-Act No. 310 of 29 May 2013 amending the Criminal Code and Criminal Procedure Act;
- Decree-Act No. 302/2013 (amending Act No. 1312 of 20 September 1976 on migration);
- Decree-Act No. 288/11 of 28 October 2011 amending General Act No. 65/88 on housing;
- Decree-Act No. 281/11 of 8 February 2011 establishing the principles of organization and functioning of the information system of the Government;
- Decree-Act No. 286 of 20 September 2011 on the integration of prevention and assistance efforts with social work;
- Decree. No. 313 of 15 July 2013 on “Deposit, storage and disposal of moveable property seized in criminal proceedings or through administrative confiscation”;
- Decision No. 41/2013 of the Ministry of Labour and Social Security on self-employment regulations;
- Decision No. 165 of 2006 of the Ministry of Education.

B. National plans of action

333. The following plans of action should be mentioned:

- National Plan of Action for Children and Adolescents. Follow-up to the document “A World Fit for Children”. United Nations General Assembly Special Session on Children. A national team has been created to draw up a national plan for the protection of children and adolescents, 2015-2018. Such protection is also ensured under the sectoral plans of various State bodies and NGOs;

- National Action Plan for follow-up to the Fourth World Conference on Women. Official Journal No. 14 of 5 May of 1987. Decision of the Council of State of April 1997.

C. Certain international instruments to which Cuba is a party

334. The following international instruments should be mentioned:

- Convention on the Rights of the Child and the Optional Protocols thereto;
 - Convention on the Elimination of All Forms of Discrimination against Women;
 - United Nations Convention against Transnational Organized Crime and the Protocols supplementing it;
 - The Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption;
 - Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (Lake Success, New York, 25 July 1951);
 - Final Protocol to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (Lake Success, New York, 25 July 1951);
 - International Convention for the Suppression of Traffic in Women and Children (Geneva, 30 September 1921), as amended by the Protocol signed at New York on 12 November 1947;
 - Protocol signed at Lake Success, New York, on 12 November 1947 amending the International Convention for the Suppression of Traffic in Women and Children and the International Convention for the Suppression of the Traffic in Women of Full Age, Geneva 11 October 1933 (Lake Success, New York, 12 November 1947);
 - United Nations Convention against Corruption (New York, 31 October 2003);
 - International Instrument on the 100 Brasilia Regulations regarding Access to Justice for Vulnerable People, which includes children.
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