



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
Fifty-fifth session**

Summary record of the 1130th meeting*

Held at the Palais des Nations, Geneva, on Tuesday, 9 July 2013, at 10 a.m.

Chairperson: Ms. Ameline

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* No summary record was issued for the 1129th meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention

Combined seventh and eighth periodic reports of Cuba (CEDAW/C/CUB/7-8; CEDAW/C/CUB/Q/7-8 and CEDAW/C/CUB/Q/7-8/Add.1)

1. *At the invitation of the Chairperson, the delegation of Cuba took places at the Committee table.*
2. **Ms. Reus González** (Cuba), introducing the combined seventh and eighth periodic reports of Cuba (CEDAW/C/CUB/7-8), said that her Government had made outstanding progress in achieving de facto gender equality and empowering women. Her country offered a prime example of an inclusive society despite having had to cope with the adverse effects of the United States blockade and meteorological events such as Hurricane Sandy.
3. Since the previous dialogue with the Committee, the National Assembly of People's Power (parliament) had adopted a set of Economic and Social Policy Guidelines that were the fruit of an extensive process of democratic consultation and consensus-building in which Cuban women had been active participants. The aim of that process had been to update the economic and social model and to enable Cuba to ride out the global economic crisis without budget austerity or cuts to social services, and to combine sustainable economic development with equity and social justice. The process had necessitated a raft of legislative amendments encompassing housing, family, employment and gender equality law; work to bring the Cuban legal framework fully into line with international standards was ongoing.
4. An event of particular importance in that connection had been the third national seminar to assess compliance with the National Action Plan for Follow-up on the Beijing Conference, held in May 2013. The seminar had been preceded by a detailed analysis of implementation of the 90 measures contained in the National Action Plan at the national, provincial and local levels and had resulted in the issue of 49 recommendations. It had also provided an opportunity to review compliance with the Government's obligations under the Convention.
5. In terms of participation in political life, compliance was outstanding. Since the February 2013 elections, women held a record 48.9 per cent of parliamentary seats. In addition, 38 per cent of ministers were women, the number of women on the Council of State had risen from 8 to 13 and, after provincial government elections at the end of 2012, more than half of the country's provinces were led by women.
6. Women outperformed men in education and were well represented in traditionally male-dominated areas of study such as science, maths and medicine. That success in breaking down gender stereotypes was reflected in many sectors of the economy as well as in the judiciary, where women accounted for around three quarters of judges and district attorneys. Women had enjoyed the right to equal pay for many years and had equal access to credit, services and social security benefits. They had the right to up to one year's maternity leave and the Government was exploring ways to increase male involvement in the care of children and older family members. Women also enjoyed free and universal sexual and reproductive health-care services and the Government was working to secure access to high quality contraceptives.
7. In rural areas women had made major advances. Around a quarter of the country's agricultural cooperatives were headed by women and nearly 11,000 Cuban women owned land. Women were also assuming increasingly prominent roles in risk management and

disaster prevention, accounting for two thirds of the country's civil defence leaders, as well as in international cooperation and solidarity projects.

8. Despite its many achievements the Cuban State acknowledged the need for further measures, and with the active participation of civil society would continue working to eliminate stereotypes, to raise awareness of inequality, to fight violence and discrimination and to ensure full compliance with the Convention. Specific challenges identified as a result of the third national seminar on compliance with the Beijing Platform for Action had included the need for better training, education and advisory services, and improved statistics that would allow for a more accurate assessment of the root causes of problems, action required to address them and the impact of policies adopted. In the fight against gender-based violence, the need was particularly pressing.

9. Lastly, she was pleased to announce that, besides fulfilling its obligations under the 42 international human rights treaties to which it was a State party, in June 2013, Cuba had ratified the two protocols supplementing the United Nations Convention against Transnational Organized Crime – namely, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

Articles 1 to 3

10. **Ms. Acar** asked why the State party had still not incorporated in its national legislation an explicit definition encompassing both direct and indirect forms of discrimination, as it had been urged to do in the Committee's concluding comments on the combined fifth and sixth periodic reports of Cuba (CEDAW/C/CUB/CO/6). She had been concerned to read in the report currently under consideration that research to evaluate expressions of direct and indirect discrimination against women had not found sufficient evidence to corroborate scientifically perceptions of discrimination in the public or private spheres. She would appreciate an explanation of that statement, especially since violence against women, which was the most extreme form of gender-based discrimination, was acknowledged to be a problem. She would particularly like to know whether the challenges that were preventing the authorities from obtaining "sufficient statistical, qualitative and scientific information" about discrimination could be attributed to a lack of awareness and, if so, what was being done to counter that situation and ensure that the Convention and the Beijing Platform for Action were implemented more effectively. An update on progress towards ratification of the Optional Protocol would also be welcome.

11. **Ms. Šimonović** asked whether members of parliament were involved in the reporting process and in implementing the concluding comments, as the Committee had previously recommended; whether the amendment to article 20, paragraph 1, had been discussed in parliament prior to its ratification; whether the ratification of the Optional Protocol had been, or would be, the subject of parliamentary debate; and whether the State party had any plans to establish a national human rights institution in accordance with the Paris Principles that would have oversight for women's rights and gender-based discrimination.

12. **Ms. Bareiro-Bobadilla** (Country Rapporteur) expressed concern about the Federation of Cuban Women's dual role as a civil society organization with a huge grass-roots membership on the one hand, and as a national mechanism for the advancement of women on the other. She was particularly concerned that the Federation might be expected to perform duties that were responsibilities of the State and that its lack of State funding might limit its capacity for action. She wished to know, in that connection, whether budget funds were allocated to equality and anti-discrimination initiatives via other mechanisms and, if that was the case, how policies and measures were coordinated in the absence of a central State body.

13. The disaggregated data contained in the report was very useful, but similar data were needed for women of African descent, as well as information about the difficulties they experienced and what was being done to protect them against discrimination. She also sought a response to the question regarding the possible adoption of a specific national plan of action on the implementation of the Convention, contained in paragraph 4 of the list of issues (CEDAW/C/CUB/Q/7-8). Lastly, noting the availability of a large corpus of research into sentencing practices, she asked how the State party ensured that research of that kind served to enhance policy and practice and whether training for judges was envisaged to improve access to justice for women.

14. **Ms. Reus González** (Cuba) said that the ongoing process of updating the Cuban economic model entailed a range of legislative amendments that encompassed social as well as economic standards. For example, labour law, family law and criminal law were all undergoing review. The need for an explicit definition of discrimination was recognized and would be addressed as part of the reform process. However, the coordination and consultation that were pivotal to that process took time and the incorporation of the definition had been delayed for that reason.

15. **Ms. Audivert Coello** (Cuba), responding to Ms. Acar's queries concerning the research on gender-based discrimination, explained that a number of institutions had participated in the study, including the Attorney General's Office and the People's Supreme Court, and that the research had been based principally on an analysis of a range of documentation including research reports from other projects, an evaluation of the National Action Plan for Follow-up on the Beijing Conference, the Committee's 2006 concluding comments and complaints and suggestions submitted by members of the public. As detailed in paragraphs 32 and 33 of the report, the principal findings had been not that there was no evidence of discrimination but rather that there was a lack of awareness and, in particular, a lack of the detailed, qualitative data essential for a better understanding of the issues, especially within the judiciary, and for gender mainstreaming more generally. As detailed in paragraph 34 of the report, a number of recommendations had been issued as a result of the project.

16. **Ms. Amarelle Boue** (Cuba) said that having carefully considered the Committee's 2006 concluding comments regarding the status of the Federation of Cuban Women, the Government had concluded that there was no contradiction in its role, as the Government and the Federation were pursuing the same goal – i.e. that of full equality. Moreover, as the national mechanism for the advancement of women, the Federation was fully compliant with the Convention and the international standards consolidated at the Beijing Conference.

17. The Federation's status as national mechanism had been formalized in the National Action Plan for Follow-up on the Beijing Conference. As such, it was responsible for implementing the Plan, for informing the Government of areas in which improvements were needed and for making policy proposals. Its advisory role was particularly important, especially in the current scenario of economic and social reform, since its vast nationwide network guaranteed in-depth knowledge of women's concerns while its seat on the Council of State guaranteed that those concerns were transmitted directly to the Government. Thus, the Federation served as the counterpart of the Government which ensured that the State met its obligation to ensure the equal rights of men and women, as established in the Convention's preamble.

18. **Ms. Ferrer Gómez** (Cuba), acknowledging the existence of gender-based violence in Cuba, said that the Government was using all tools at its disposal to fight violence against women in all its forms, including the reform of criminal, family and labour law. A clear signal of the importance accorded to the fight had been the Council of Ministers' decision to make the Ministry of Labour and Social Security responsible for the integration

and implementation of all social protection and assistance measures, including those addressing gender-based, intrafamily violence.

19. **Ms. Pérez Alvarez** (Cuba) said that Cuba was considering the possibility of ratifying the Optional Protocol to the Convention. While Cuba understood the merits of the Protocol, it had not yet committed itself to any international instrument that recognized the right to submit individual complaints at a supranational level. There were, of course, internal procedures that had to be followed before ratification could take place. Although there was no dedicated human rights institution in Cuba, there were numerous governmental mechanisms for the submission of complaints.

20. **Ms. Kuper Herrera** (Cuba) said that there had been broad participation in the preparation of the combined report, with input from various State departments, the Attorney General's Office, the Supreme Court, parliament, and the Standing Committee on Childcare, Youth and Equal Rights for Women, which had carried out an analysis of the Convention in collaboration with the national mechanism for the advancement of women.

21. **Ms. Moya Richard** (Cuba) said that the composition of the delegation showed that racial discrimination was not a problem in Cuban society. In terms of data, although there was little difference between the fertility and maternal and infant mortality figures for women of African or mestizo descent and those for women of other ethnicities, the number of women in the former group holding important, decision-making positions remained low. However, it should be noted that 17 per cent of deputies currently serving in the National Assembly were of African or mestizo descent. Cuba had taken steps to raise the profile of Cuban women of African and mestizo descent, including through the publication of literature on the subject. Although some steps had been taken to address racial prejudices, much remained to be done, and Cuba would continue in its efforts in that regard.

22. **Ms. Reus González** (Cuba) said that the Government was also working to improve the information system nationwide, particularly with regard to statistics, and had recently promulgated Decree-Law No. 281 to that end. On the issue of the training of judges, she explained that judges and jurists received comprehensive training from the National Union of Jurists and the national courts, which included courses to combat discrimination.

23. **The Chairperson** welcomed the fact that Cuba was considering ratification of the Optional Protocol and urged the State party to consider the establishment of a dedicated human rights institution.

24. **Ms. Bareiro-Bobadilla** requested further information on the budget allocated for activities to address discrimination and violence against women. Moreover, she wished to know whether it would be possible for the Committee to receive a written copy of the National Action Plan for Follow-up on the Beijing Conference; the report stated that the Plan incorporated elements of both the Convention and Beijing Platform for Action and thus more information would be useful. Lastly, she emphasized that a lack of complaints did not mean that problems did not exist; fear was a significant factor that often prevented women from coming forward and making complaints.

25. **Ms. Pimentel** asked whether any analytical studies had been conducted into gender-based discrimination and violence in connection with judicial procedures in order to verify the effectiveness of training dispensed to the judiciary on human rights in general and gender issues in particular.

26. **Ms. Reus González** (Cuba) said that a copy of the National Action Plan for Follow-up on the Beijing Conference would be made available to the Committee, as requested by Ms. Bareiro-Bobadilla.

27. **Ms. Pérez Alvarez** (Cuba) reiterated that the question of the ratification of the Optional Protocol was currently under consideration.

28. **Ms. Reus González** (Cuba) explained that the studies and investigations conducted into discrimination had covered all institutions in Cuba and had not focused exclusively on the judicial system. However, her delegation would be happy to provide a written response detailing the results.

Articles 4 to 6

29. **Ms. Bareiro-Bobadilla** observed that the majority of special measures to ensure de facto equality described in the main documents submitted by the State party were temporary in nature. Although temporary measures were a positive step and helped to achieve objectives, permanent measures were also required to consolidate the progress made. She referred the delegation to the Committee's general recommendation No. 25 on temporary special measures for guidance in that regard.

30. **Ms. Pimentel** said that a number of the laws promulgated by Cuba, including the Family Code, had been held up as an example by many countries in the region. Turning to the issue of violence, she expressed concern that although it was a priority topic in Cuba, there were no plans for a specific law on domestic violence; dealing with that issue in a more general law meant that there was a risk that it would receive less attention than required. In addition, more information on the main concerns of women who attended women's and family counselling centres would be welcome. Lastly, she enquired whether Cuba was considering having specially trained lawyers to support women involved in court cases, including domestic violence cases, as was the practice in many other countries in the region.

31. **Ms. Acar**, echoing the concerns expressed by Ms. Pimentel regarding the lack of specific legislation on violence against women, said that decisions and policies to deal with such violence should be based on an in-depth analysis of the relationship between discrimination and violence and wondered whether that had been done. Moreover, she would welcome more information on the methods used for recording and categorizing information on all forms of violence against women, including violence within communities, against vulnerable groups or violence committed by State agents.

32. **Ms. Leinarte** observed that although prostitution was not illegal in Cuba, there was a wide range of measures in place to address prostitution, such as admission to rehabilitation centres, re-education and therapy. She wished to know how long prostitutes were kept at rehabilitation centres and whether they were kept against their will. She enquired who took care of the children of prostitutes during their stay in such centres and what the therapy administered entailed. It was clear that prostitution was considered to be a vice, even if it was not illegal; information on the measures taken against clients of prostitutes was needed. She asked whether the State Party had statistical data related to prostitution, including on the number of women involved and the type of clients.

33. **Ms. Moya Richard** (Cuba) said that many of the special measures introduced in Cuba under article 4 of the Convention were permanent. However, there were currently two temporary special measures in place that were yielding particular results. The first related to the promotion of women to decision-making roles, in which if there were male and female candidates of equal experience and skill, priority should be given to the female candidate. The second was related to subsidies in the housing sector; if a man and a woman in similar positions submitted a subsidy request, priority would be given to the woman.

34. **Ms. Ferrer Gómez** (Cuba) said that it was more important to provide women with the right protection against violence and to properly address the problem than to have legislation punishing violence. Although Cuba did not have a specific law on violence against women, there were numerous laws in place that contained provisions on different

forms of violence, such as the Criminal Code. In addition, an extensive process of legislative reform had been undertaken that would improve the relevant legislation.

35. There was indeed a fundamental link between violence and discrimination, as reflected in the Committee's general recommendation No. 19 and the articles of the Convention. For that reason, Cuba had made addressing psychological violence a priority as, although it was not a widespread problem, it persisted as the main form of violence in Cuban society. Awareness-raising activities were being undertaken to remedy the situation. In addition, the structure of Cuban society was such that there was a whole network of institutions and individuals (local authorities and officials, judiciary, police, health and social workers) that could take action and impose sanctions, as appropriate, in cases of violence within communities. There were women's and family counselling centres in all municipalities, where professionals from various different fields provided advice and other services to women, including the victims of violence.

36. **Ms. Jones Morrison** (Cuba) said that although prostitution was not an offence in Cuba, severe penalties were applied for pimping and soliciting. However, women who engaged in prostitution and displayed criminal tendencies or antisocial behaviour were subject to rehabilitation measures in centres for that purpose. Such centres were principally study centres in which social organizations such as the Federation of Cuban Women were closely involved. Their aim was to help women reintegrate into society and family life.

37. **Ms. Reus González** (Cuba) said that in addition to the women's and family counselling centres, there was a national lawyers' association with offices in all municipalities that could provide free legal advice to and legally represent women who were victims of violence.

38. **Ms. Gabr**, welcoming the measures adopted by the State party to combat human trafficking, said that Cuba was a source country for such trafficking, particularly in children, and therefore action needed to be taken to address its root causes. Were there any plans for a national committee or legislation to deal with the problem?

39. **The Chairperson**, speaking in her capacity as an expert, asked whether regional cooperation on trafficking was considered important in Cuba.

40. **Ms. Pimentel** asked whether there had been any discussion of the possible benefits of a specific law on violence against women in Cuba.

41. **Ms. Pérez Alvarez** (Cuba) said that there was a special group dealing with trafficking issues, but that trafficking was not a particular problem in Cuba; women were free to travel wherever they chose. Since Cuba was now a party to the Palermo Protocol, a more formal mechanism would be eventually established to monitor progress and observance of the Protocol.

42. **Ms. Rodríguez Camejo** (Cuba) said that regional coordination on human trafficking was of vital importance. Cuba had been working towards that end with other countries in the region prior to its ratification of the Palermo Protocol.

43. **Ms. Reus González** (Cuba) explained that the comprehensive legislative reform under way encompassed family, criminal and labour law. Any changes to legislation would take into account the principles in the Convention and would lead to increased focus on women's issues. Therefore, if, following an analysis of existing legislation, it was suggested that a specific law on violence against women was needed, such a possibility would be considered.

Articles 7 and 8

44. **Ms. Zou Xiaoqiao**, welcoming the progress made with regard to women's rights in Cuba, as reflected in their high representation in Government, asked whether there were any temporary special measures planned to promote the participation of women in other sectors, such as mining and metallurgy. In addition, she asked whether the aim to draw up reserve rosters that contained an equal number of male and female candidates for Government posts had been achieved and in which sectors. Lastly, she enquired whether the 28 women mentioned in the report as being diplomats were ambassadors or held other positions, and asked what measures were being taken to train women to accede to senior diplomatic posts.

45. **Ms. Jahan** requested clarification concerning the procedures for acquiring, changing and retaining Cuban nationality; for example if Cubans married foreigners, could they keep their nationality and would their spouse and children be eligible for Cuban nationality?

46. **Ms. Kuper Herrera** (Cuba) said that it had not been deemed necessary to apply quotas or targets, efforts had been focused on changing attitudes to ensure better gender balance in the public and private sectors. A commission had been set up to guarantee that women candidates would continue to be put forward for promotion to decision-making positions according to their skills and capacities; however, work was needed in sectors where there were fewer women in those positions. There were currently 28 female ambassadors for Cuba.

47. **Ms. Audivert Coello** (Cuba) said that Cuban citizenship was acquired at birth or by naturalization; marriage or dissolution of marriage did not affect the citizenship of either spouse, or their children. Cuban citizens were those born in Cuba, apart from the children of foreign nationals working for international bodies or diplomatic services. Those born abroad to a Cuban parent could acquire Cuban citizenship by following the relevant legal procedures, as could children born abroad to parents who had lost their Cuban citizenship.

48. **The Chairperson**, speaking in her capacity as an expert, asked whether the State party might reconsider the question of quotas to increase the participation of women in political life, which had proved to be an effective measure in other countries.

49. **Ms. Jahan** asked whether a Cuban woman married to a foreigner could transmit her nationality to her husband and whether it was the same for Cuban men married to foreigners.

50. **Ms. Reus González** (Cuba) said that measures had been adopted to increase the participation of women in public life and a commission had been set up to monitor the situation. In practice that meant that for any decision-making position, the shortlist must include at least one woman, who was favoured provided that she had the same skills and experience as the men on the list. The acquisition of Cuban citizenship by a foreign husband depended on his country's legislation; however, the Cuban wife retained her citizenship and could even have dual citizenship. Any children born of such a marriage were Cuban because they had a Cuban parent.

51. **Ms. Acar** asked whether procedures to acquire Cuban citizenship were exactly the same for men and women married to Cuban citizens.

52. **Ms. Reus González** (Cuba) said that there was no difference between the procedures applicable to men and women.

Articles 10 to 14

53. **Ms. Halperin-Kaddari** praised the State party on its achievements regarding women and girls in the education system, but expressed concern about the quantity and

quality of the data available. The data needed to be disaggregated beyond gender and to focus on specific groups, primarily girls and women of African descent. It was possible that the education system was now dominated by women and that children lacked male educators and role models. She requested clarification on the data concerning women holding senior positions in the Ministry of Education and institutes of higher education, provided in paragraph 143 of the State party's report.

54. She enquired about specific programmes aimed at teenagers in high schools to eliminate stereotypes and provide girls with tools for handling violence. Was there any bullying of girls in high schools? She asked for information on teenage pregnancy rates and how schools dealt with and supported pregnant students.

55. **Ms. Belmihoub-Zerdani** said that the achievements of Cuba in the field of women's education and literacy were commendable and had served as an example for other States, including Algeria. She urged the State party to continue to strive for equality for women in all sectors.

56. **Ms. Hernández Morejón** (Cuba), providing clarification on the data provided in paragraph 143 of the report, said that of the 17 institutes of higher education in Cuba, 7 had female rectors. Of all the universities, 7 per cent had female rectors. Higher education in Cuba had been feminized, but opportunities for male educators had not been curtailed. Women and girls were protected against violence by laws enforced by the Ministry of Education.

57. **Mr. Alfonso** (Cuba) said that the majority of full-time teachers at all levels of the education system were women and the majority of teachers and students in higher education were women. Abortion was a sexual and reproductive right that was also considered a basic human right. It was thus decriminalized under the Criminal Code, apart from in cases where the woman did not give her consent or it was not carried out in an approved medical centre. It was not seen as an alternative to family planning and there was wide use of birth control among women. Pregnant girls were not expelled from schools and they had access to all social protection mechanisms.

58. **Ms. Moya Richard** (Cuba) said that all girls had equal access to education, irrespective of race or ethnic origin. Moreover, education was compulsory for both sexes up to the ninth grade. A large proportion of teachers were women of African descent. An initiative had been launched 10 years previously to increase the number of male teachers, especially at primary level.

59. **Ms. Pimentel** asked why there was such a wide disparity between the number of girls and boys in special schools.

60. **Ms. Halperin-Kaddari** asked why women were predominant at all levels of education except in decision-making positions. A prime example was the low number of female rectors in institutes of higher education.

61. **Ms. Bailey**, referring to the objectives of the National Education system listed in paragraph 170 of the report, asked how the Government could guarantee that the objective for second grade students to appreciate that there were differences between boys and girls would not reinforce differences in gender roles and behaviour rather than challenge them. Similarly, she questioned whether the objective for fifth grade students to critically assess their behaviour as a member of the family in carrying out their duties and responsibilities would help to change the traditional pattern of the woman as primary caregiver and the man as the breadwinner and to encourage shared responsibility.

62. **Mr. Alfonso** (Cuba) said that there were more boys than girls in special schools because they tended to suffer more from antisocial behaviour disorders.

63. **Ms. Audivert Coello** (Cuba) said that in Cuba educational programmes from early childhood focused on gender issues, including within the family, using a variety of methods to avoid reinforcing gender stereotyping. It did not mean, however, that some challenges did not remain. Measures were in place to ensure that pregnant students received appropriate medical care and continued their education throughout the pregnancy.

64. **Ms. Moya Richard** (Cuba) said that a significant number of women held senior positions in higher education; for example, over 60 per cent of teacher training institutions were headed by women. Although only 7 per cent of university rectors were female, 30 per cent of university vice-rectors and 32 per cent of deans were women, which was a move in the right direction.

65. **Mr. Alfonso** (Cuba) acknowledged that, despite the progress made in women reaching high-level positions in higher education, the figure of 7 per cent for female rectors was too low. Efforts would be made to address the issue.

66. **Ms. Pomeranzi** asked what steps had been taken to redress the balance in the traditionally female-dominated caring professions. What training had been provided, or policy developed, to encourage male entry into those professions? Noting the trend in the labour market towards self-employment, she warned that women's representation, at only 25 per cent, might lead to inequality in the future. She also warned that the growing presence of women in agriculture, a traditionally male-dominated activity, might lead to a feminization of the sector.

67. **Mr. Bruun** was concerned about the lack of specific mechanisms to guarantee equality in employment and asked for examples of how Cuba was putting into practice the principle of equal pay for work of equal value, including for different types of work. He enquired about plans to introduce specific rules and procedures to address sexual harassment in the workplace. Why had no complaints from women concerning discrimination in the workplace been filed between 2010 and 2012? He asked whether men in Cuba availed themselves of the entitlement to paid paternity leave.

68. **Ms. Pimentel** requested data disaggregated by ethnicity on access to health care. She wondered whether priority was being given to the low birth rate in Cuba and to addressing the lack of availability of fertility treatments.

The meeting rose at 1 p.m.