



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Consideration of reports submitted by States parties under article 44 of the Convention

Second periodic reports of States parties due in 1998

**Cuba**\*\*\*

[2 February 2009]

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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. Pursuant to this commitment, the legislation and practices of the Cuban State strictly conform to the letter of this international instrument, and the proper and necessary conditions have accordingly been put in place to guarantee and protect the rights of children and adolescents in every sphere of society.
2. At the time of ratification, the Government issued the following declaration: “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.”
3. Rights, guarantees and social policies benefiting children and adolescents in Cuba predate the Convention and in many cases have a broader scope of application.
4. The high priority given to this section of society is based on the principle that “nothing is more important than a child”. It is sustained by a multisectoral, multidisciplinary and inter-coordinated system involving governmental and non-governmental bodies, social organizations and the population at large, including children and adolescents themselves.
5. Cuba presented its initial report to the Committee on the Rights of the Child on 27 October 1995. This was considered in May 1997, making it necessary for the Cuban delegation to provide an update on the information it contained when it came to be discussed.
6. The document prepared was objective and realistic. It described the main measures adopted by the country to implement the rights recognized in the Convention, the many undoubted achievements in the country’s efforts on behalf of children and the circumstances and principal difficulties hindering our efforts to apply the principles of the Convention more fully.
7. Cuba participated in the discussions on its first national report, realizing that even the fullest and most detailed report will not always be enough to provide a real understanding of children’s and adolescents’ rights in a particular country. It is impossible to give a full picture of a country’s particular experiences and way of life in the space of a few pages, or in tables of statistics.
8. When considering the country’s 1997 report, the Committee on the Rights of the Child recognized the historic progress made in providing services for and advancing the well-being of children, especially in the fields of health and education, and formulated a variety of recommendations for applying the Convention on a national scale.
9. The Committee also expressed its satisfaction at the implementation of the country’s Plan of Action to attain the goals of the World Summit for Children, the great majority of which have been met or exceeded by Cuba.
10. In addition, the Committee highlighted the importance of the measures taken by the Cuban Government to implement sex education programmes in cooperation with the United Nations Population Fund (UNFPA) and praised the willingness of the State to provide international assistance to victims of emergencies, particularly in the case of people affected by the Chernobyl nuclear accident who received treatment offered by Cuba.
11. The Committee took note of the difficulties for the country in its implementation of the Convention as a result of the intensification of the economic, trade and financial embargo imposed by the United States.

12. The Cuban Government noted the recommendations formulated by the Committee and confirmed that it was preparing to analyse these and implement them as required.

13. In addition, the Cuban Government promptly made known its views on a number of the conclusions and recommendations formulated by the Committee on the Rights of the Child with regard to its Initial Report, stating its disagreement with the qualitatively and quantitatively unbalanced approach of a number of the suggestions and recommendations made.

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

15. 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 governments against the Cuban people for almost 50 years and greatly intensified by the Bush administration, whose insane anti-Cuba policy went so far as to turn upon the institution of the family. The embargo alone has inflicted direct losses of over US\$ 93 billion on the Cuban economy. This situation has inflicted enormous material hardships on the people of Cuba, affected the quality and quantity of the food supply and created huge obstacles to the development of health and education services, to cite just a few of its appalling consequences. Children and adolescents have been particularly affected.

16. Against this background, the State and Government of Cuba have continued to apply their strategy of survival, resistance and development in every sphere of economic, political and social life. Economic restructuring has continued and new alternatives and solutions have been devised to mitigate the harm as much as possible, optimize the use of financial and human resources and preserve what has been achieved.

17. In the face of the most varied difficulties, the country has continued to create and strengthen mechanisms to provide special protection for the rights, status and position of children and adolescents.

18. The present Report covers the period from 1997 to 2008. Those 10 years are thus to be taken as the time frame for analysis to reach an objective assessment of the tendencies and characteristics of the process the Cuban State has been going through in its efforts to fulfil its obligations under the Convention and give effect to the political determination of the Government and other State and non-State actors in Cuba for this purpose.

19. The Report now being presented, supplemented by a wealth of statistical information, reflects the great progress made in promoting the well-being of the population, particularly children and adolescents. The country's situation and its main social indicators evidently place it in the vanguard of developing countries and at a level comparable to that of developed countries, particularly in the spheres of health and education. These achievements have been made possible by the strong political determination and commitment of all actors in the country to the realization of all human rights for every Cuban.

20. Since it presented its last National Report to the Committee, Cuba has signed and ratified numerous international treaties dealing with the protection and advancement of the rights of children and adolescents.

21. In Cuba, the ratification of an international treaty is conducted in a very serious and rigorous fashion. Time has to be taken to analyse its provisions, conduct wide-ranging consultations with the institutions concerned and carry out a detailed study of current law

and an analysis of existing policies and programmes to ensure that the international obligations whose acceptance is proposed are compatible with every component of the system constructed by the sovereign Cuban people to further its development project. This approach guarantees that anything agreed will be fully honoured.

22. In this context, 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 2001. On 9 February 2007, it ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. On 1 June 2007, Cuba ratified the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. On 6 September that same year, it ratified the Convention on the Rights of Persons with Disabilities.

23. On 28 February 2008, Cuba signed the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights following the decision to this effect by the country's authorities, thereby formalizing and reaffirming its commitment to the principles of both instruments, a commitment that was accepted at the time of their adoption by the United Nations General Assembly, which Cuba supported.

24. Cuba has taken concrete measures in its international cooperation work to combat illegal migrant trafficking and human trafficking. In 2000, it signed the United Nations Convention against Transnational Organized Crime and more recently, on 9 February 2007, it proceeded to ratify this important convention.

25. The country's Treaty Coordinating Committee recently approved the report recommending ratification of International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

26. The preparation of this Report has illustrated the ever-increasing level of coordination, collaboration and consensus that exists between all agencies of the central State administration and Cuban civil society organizations concerned by and involved in implementation of the Convention on the Rights of the Child.

## **Chapter I**

### **General implementation measures**

#### **A. Measures taken to harmonize Cuban legislation and practices fully with the principles and provisions of the Convention on the Rights of the Child**

27. Article 12 of the Constitution of the Republic of Cuba, as proclaimed on 24 February 1976 (and reformed 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". This means that Cuban legislation is consistent with the treaties, conventions and other international instruments to which Cuba is a party. Compliance with this principle is guaranteed by all judicial authorities.

28. However, the Cuban State did not wait for the adoption of international instruments, summits or declarations and plans of action by world conferences to give effect to its political determination to protect and guarantee the rights of children and adolescents. In the 1960s, the country began to implement measures, programmes and legislation that

approached the place of children and adolescents in society from a different perspective, giving due weight to the need for greater scope for participation and initiative by providing for equality not just of rights, but of opportunities as well.

29. Article 40 of the Constitution establishes that “children and the young are given particular protection by the State and society. Families, schools, State agencies and social and mass organizations have a duty to pay special attention to the full development of children and the young.” The principles enshrined in the Constitution are not formal legal statutes but constitute the main basis for supplementary legislation protecting the interests of Cuban children and adolescents, and they are backed by the explicit political will of the Cuban State.

30. Article 9, paragraph (b) of the Constitution provides that the State, “as the people’s power, in the service of the people, guarantees: that no child shall go without schooling, food or clothing; that no young person shall be deprived of the opportunity to study; that no person shall be deprived of access to education, culture or sport”.

31. The Constitution also establishes (articles 28 ff.) the automatic right of children and adolescents born in the country to be Cuban citizens and details the different situations that may arise with a view to ensuring that no child is deprived of this right, even if born outside Cuba or to non-Cuban parents.

32. Article 37 establishes that all children have equal rights whether born in or out of wedlock, prohibiting any differentiation as to parentage. As the article states: “There shall be no record of any kind differentiating births, either by mention of the parents’ marital status in children’s birth certificates, or in any other document referring to the individual’s parentage.”

33. The rights of children and adolescents in Cuba are not confined to the legal sphere. The fundamental human right to a decent life transcends the letter of the law to form part of the very essence of the humanistic conception of the Cuban Revolution, which envisages the construction of a society free from discrimination and exclusion.

## **B. Measures to make the principles and provisions of the Convention more widely known**

34. Since 2000, a project to publicize children’s and adolescents’ rights has been in the process of implementation in the country, following an agreement entered into between the United Nations Children’s Fund (UNICEF) and the Government of Cuba (“Divulgación de los Derechos de la Niñez y la Adolescencia”). The basic purpose of the project is to increase the legal knowledge of the Cuban population, particularly as regards international instruments to protect children and adolescents.

35. Several of the project’s strategic goals have already been implemented, namely:

(a) Promotion, publicization and training in rights, values and Cuban law and international instruments protecting the child and adolescent population;

(b) Knowledge of the Convention on the Rights of the Child and other laws concerned with the all-round development of children and adolescents, instilling a legal culture into the Cuban population in this area;

(c) Development of a participatory attitude among institutions protecting children and adolescents and the direct beneficiaries themselves, as a way of ensuring knowledge and practices are sustainable;



(d) Support for the mass media in their campaigns to publicize and explain people's rights.

36. Some noteworthy initiatives undertaken as part of the project include the research carried out in 2000 and 2003 by the Youth Studies Centre [*Centro de Estudios sobre la Juventud*], published as "La Voz de los niños, niñas y adolescentes en Cuba" [*The voice of children and adolescents in Cuba*] and "Evaluación de los avances cognoscitivos de la población infanto-juvenil cubana" [*Evaluation of cognitive progress among the child and youth population of Cuba*]. These projects were nationally representative and involved children and adolescents aged 9 to 18. Their implementation revealed the need for further measures to publicize the Convention on the Rights of the Child, and efforts in this direction have been proceeding for the past eight years.

37. This project, as part of the social policies programme, has focused on promoting a culture of children's and adolescents' rights. The importance of this lies in the fact that its content cuts across the other activities and projects of the cooperation programme as well as the more than 100 programmes being implemented in the country with broad involvement by the community, social and mass organizations, State institutions and families in the fields of education, health, sport, culture, work and social security.

38. The project budget is being funded by UNICEF and the Government of Cuba, in accordance with State policy and the desire of our people to continue the work begun after the triumph of the Revolution to secure ever-increasing improvements in the living conditions and all-round development of the country's citizens in the face of adverse economic and climatic conditions and the most ignominious embargo known in the history of humanity.

39. Cuban agencies and organizations are taking the necessary steps to ensure that both general and specific project goals are promptly met by making the most rational use of the material, human and financial resources available to the Cuban State and the budgetary resources provided by cooperation funding, and by systematically monitoring spending to ensure it remains within budget and determining the most appropriate actions in each case.

40. It is only thanks to the country's installed capacity and the material, human and financial resources at our disposal that the funding earmarked for the project is able to maintain the continuity of the education and communication strategies, which are central to the project.

41. At the same time, 16 children's and adolescents' rights information centres (CRDNA) have been set up and brought into operation, with one functioning at a national level, three regionally (in Havana for the western region, Camagüey for the central region and Santiago de Cuba for the eastern region) and 12 at a provincial level (in the other 11 provinces and the Isla de la Juventud special municipality). Specialized multisectoral and interdisciplinary teams have also been created at different levels, coordinated by the Ministry of Justice and its local area offices.

42. The provincial children's and adolescents' rights information centres provide public information and education in rights, Cuban legislation and international instruments protecting the child and adolescent population. They also cater to people wishing to understand the field of application of children's and adolescents' rights. In addition, they coordinate measures in the province concerned for work to be done with the specialized municipal teams.

43. Rights are being publicized by bringing out special editions of the children's and youth magazines "Zunzún", "Pionero" and "Somos Jóvenes", six posters dealing with the subject and a small handbook (Bolsilibro) containing the Convention on the Rights of the Child. Other specialized publications have been brought out for adolescents and specialists in the subject.

44. Cuban television is showing a series of public information spots created by a team of young producers who were brought together for the project, helping to shape its current identity.

45. Children's programming reaches every part of the country via radio and via audio-visual information programmes and high-quality specialized programming incorporating children's and adolescents' rights as a practical reality. They are intended primarily for education, recreation and guidance, and orientation is provided by institutions working with the subject, including the José Martí Pioneers Organization, cultural institutions (provincial and municipal libraries, culture departments, art schools, museums, galleries, etc.).

46. The Radio Cubana system has 133 programmes for children and adolescents. The aim is to contribute to their general all-round culture, with emphasis on issues associated with their rights and values such as friendship, solidarity and honesty, which are vital pillars in the education of the new generations of Cuban citizens.

47. 50 per cent of programmes for children and adolescents are produced with their active collaboration. Of the 91 Radio Cubana broadcasting stations, 32 per cent run clubs in which children participate, working on different specialities such as presenting, acting, producing and reporting, among many other variants. Here, children have the opportunity to play and learn to produce a radio programme. Another 30 per cent of stations work with children even though they do not officially run clubs.

48. Following the experience of the television programme "Universidad para Todos" [*University for All*], the Cuban education system has been progressively improved and enhanced with audio-visual programmes and televised classes.

49. In the case of television, attention should be drawn to the work of the television centres situated in all the provinces and the two educational channels, whose programming is organized by educational grade and type, with 32,886 and 10,493 hours of programming, respectively, broadcast in 2007.

50. Cultural venues, community culture programmes and municipal arts centres have succeeded in incorporating the issue of rights into the different artistic disciplines (theatre, dance, music and the visual arts).

51. In general, the media have dealt extensively with the subject of children's and adolescents' rights, basing themselves on the provisions of the Convention.

## **Chapter II**

### **Definition of a child**

52. As of 31 December 2007, Cuba had a population of 11,236,790. Of these, 23.95 per cent were aged between 0 and 18, the range defined as childhood in the country. As a proportion of the total population, 11.63 per cent were girls and 12.32 per cent boys. As regards distribution by area of residence, 17.55 per cent lived in urban areas and 6.4 per cent in rural areas. These sociodemographic indicators were in line with those for the country as a whole.

53. Where the definition of a child is concerned, especially as regards age, Cuban legislation still presents the problems identified by the Committee on the Rights of the Child when it considered the Initial Report of Cuba (CRC/C/15/Add.72). The general provision for the upper age limit of childhood under the country's laws differs depending on the legal circumstances.

54. According to the Civil Code (Act No. 59 of 16 July 1987), full civil capacity for the exercise of rights and for legal acts is acquired at the age of 18.

55. According to the Labour Code (Act No. 49 of 28 December 1984), the capacity to enter into employment contracts is acquired at the age of 17. In exceptional cases only, the law allows adolescents aged 15 and 16 to enter into employment contracts. This must be approved centrally by the Ministry of Labour and Social Security, and the adolescent will usually be taken on under an apprenticeship contract to acquire the skills needed to provide a service or acquire a vocation. He or she receives a wage during this period.

56. The law stipulates that under-fifteens may not work under any circumstances. Cases of financial hardship will be dealt with by the system of social assistance operating in the country.

57. In cases where adolescents aged 15 and 16 are authorized for exceptional reasons to take up employment, the employer will be required, before the adolescent starts work, to arrange and conduct a medical examination and obtain certification of the adolescent's state of health to determine whether he or she is physically and mentally fit for work.

58. Under the Family Code (Act No. 1289 of 14 February 1975), women and men over 18 are allowed to marry. People younger than this are therefore not allowed to marry. In exceptional circumstances and with good cause, however, persons legally authorized to do so may grant under-eighteens authorization to marry provided that the woman is aged at least 14 and the man at least 16.

59. Under the Criminal Code (Act No. 62 of 29 December 1987), criminal liability can be enforced against a natural person who is at least 16 at the time the criminal act is committed. However, article 17.1 of the Code establishes a special regime for people aged between 16 and 18, cutting the maximum penalties by half.

60. Under the Elections Act (Act No. 72 of 29 October 1992), all Cuban citizens, male or female, are entitled to participate as voters in the periodic elections and referendums held in the country once they reach the age of 16.

61. Great efforts are now being made to bring Cuban legislation into line with the age provisions of the Convention.

### **Recruitment into the armed forces**

62. Law 75/94 (National Defence Act) and Decree-Law 224/2001 (dealing with military service) provide that in the year male citizens turn 16, they are obliged to come forward and formally enrol in the military register. Then begin the preparation, specialist military training and prevention, care and medical activities that are the prelude to recruitment.

63. Educational work is also done with these young men beforehand by community organizations in their place of residence to apprise them of the importance of performing this duty, what it involves, opportunities for resuming their education once it is over, etc.

64. These laws also establish that the minimum age for call-up to military service is 18, while people wishing to enlist voluntarily in the armed forces must wait until the year of their seventeenth birthday. In the specific case of men, active military service may last for up to two years. In the case of women, active military service is voluntary.

65. Adolescents have the option of working out their term of military service by performing duties of other kinds, which may be economic or social in character. Adolescents whose service is to be performed in this way are placed in military or civilian organizations where they are subject to the same regulations and have the same pay and employment rights as all other civilian workers, signing a contract whose fulfilment counts as completion of their period of active military service.

66. Cuba applies a recruitment policy that ensures adolescents are able to complete their secondary [*bachiller*] education or equivalent before being called up for active military service. Likewise, those awarded places to carry on studying at university perform no more than 14 months' military service to facilitate their entry into higher education centres the following year; to the same end, they benefit from a programme of cultural development classes in their units.

67. Depending on their conduct during their term of military service, persons who have earned a *bachillerato* or an equivalent degree who have not secured places to continue in higher education but wish to do so are given a second chance to apply for a university course and provided with facilities to prepare for this, in accordance with Ministry of the Revolutionary Armed Forces Order No. 18.

### **Chapter III**

## **General principles**

#### **A. The non-discrimination principle**

68. Application of the non-discrimination principle is obligatory under the Cuban Constitution and laws. All families bringing up children and adolescents benefit from all constitutional rights, freedoms and guarantees.

69. Article 37 of the Constitution establishes that all offspring have equal rights, whether born in or out of wedlock. The Civil Registry Act and article 4 of its regulations (Resolution No. 157/1985) abolished the differentiation and description of births and stated: "Neither birth records nor any other Civil Registry document or certification may contain any statement differentiating between births or referring to the civil status of the parents or describing the child's filiation."

70. The 1992 Constitutional Reform reiterated the pillars and main objectives of Cuban social policy. The concept of equality was enhanced by the amendments included. The new wording of article 44 extended and reinforced the maxim that women and men enjoy equal economic, political, cultural, social and family rights.

71. Numerous statute provisions guarantee fundamental human rights for children and adolescents of both sexes on a basis of non-discrimination, such as the right to life, the right to protection of adolescents' reproductive and sexual and family planning rights, the rights to health, education, social security and assistance, housing and employment, the rights to development and to the vote, and the right to elect and seek election, among others.

72. A fundamental element in our Constitution concerns the right to initiate legislation, with article 88 establishing that this belongs to the committees of the National People's Assembly and to social and mass organizations, among others.

73. These committees are created by the National People's Assembly (the highest authority in Cuba). Their membership consists of deputies, and they set up multisectoral, interdisciplinary working groups that deal with various tasks. They include the Standing Commission on Children, Youth and Equal Rights for Women, set up in 1982, which has the power to initiate legislation and has provided a means of studying and proposing a variety of laws and statutory provisions, while bringing in measures to ensure that equal rights and opportunities for women, children and young people are increasingly put into practice.

74. Different programmes and legal measures have reaffirmed the determination of the Cuban State to see that all children and adolescents have the right and opportunity, without distinction of any kind, to study in the national education system and to take their education as far as their efforts and abilities permit.

75. In its more than 30 years of existence, the Family Code (Act No. 1289 of 14 February 1975) has been instrumental in strengthening the family as the fundamental building block of society and has contributed to the growing equality of rights between boys and girls.

76. As this body of law provides, parents shall do everything in their power to meet their children's need for sustenance, housing and clothing and their educational, recreational and developmental requirements without distinction of any kind.

77. The nationalization of the health and education systems on the basis of free, universal provision (the first measures adopted by the Cuban Revolution) particularly benefited sections of society that had long been discriminated against, such as blacks and mulattoes, who previously had only limited access to these services.

78. The Cuban education system, whose indicators show levels comparable to those of developed countries, is structured throughout the country into a number of subsystems that are organically linked at every level and in every category of education and ensure that all citizens have the opportunity to continue their studies through to the university level without distinction of any kind.

79. There is a special education subsystem to meet the educational needs of children and adolescents with physical or mental handicaps or behavioural disorders. This subsystem caters to pupils who are mentally retarded, deaf, hard of hearing, blind and visually impaired and those suffering from language or behavioural disorders and retardation in their mental development.

80. Any system of education necessarily instils ethical values into individuals. In Cuba, teaching of any content, from preschool through to higher education, is informed by an educational approach oriented towards the attainment of the highest human values, including those of equality and friendship.

81. The Cuban State condemns and forbids racial segregation and apartheid, and its internal policies and international activities are consistent with this principle.

82. In Cuba, by virtue of article 42 of the Constitution, discrimination by race, skin colour, sex, national origin, religious belief or any other attribute that impairs human dignity is forbidden and punishable by law.

83. By virtue of this principle, article 295 of the Criminal Code makes provision for the category of crime against the right to equality, which carries a penalty of six months' to two years' imprisonment or a fine of 200 to 500 *cuotas* (a variable unit used to calculate fines by the courts), or both, for anyone discriminating against another person or promoting or inciting discrimination, either by remarks and attitudes that are offensive to that person's sex, race, colour or national origin, or by actions to hinder or prevent the person, for these

reasons, from exercising or benefiting from the rights of equality laid down in the Constitution. The same punishment is applicable to anyone disseminating ideas based on racial superiority or hatred or committing or inciting acts of violence against any race or group of persons of another colour or ethnic origin.

84. Article 120 of the Criminal Code punishes the crime of apartheid, with point 1 establishing a penalty of 10 to 20 years' imprisonment or death for "those who, with a view to instituting and perpetuating the domination of one racial group by another, and in pursuit of policies of racial extermination, segregation and discrimination:

(a) Deny members of this group the right to life and liberty by means of murder; serious assaults on their physical or mental integrity, liberty or dignity; cruel, inhuman or degrading treatment or punishments, or torture; or arbitrary detention and illegal imprisonment;

(b) Subject the group to legislative or other measures for the purpose of preventing its members from participating in the political, social, economic and cultural life of the country and of deliberately creating conditions that impede their full development by denying them fundamental rights and freedoms;

(c) Divide the population by racial criteria, creating reservations and ghettos, forbidding marriage between members of different racial groups or expropriating their property;

(d) Exploit the work of the group's members, especially when this involves forced labour."

85. Point 2 of this article provides for a penalty of 10 to 20 years' imprisonment if the offence consists in any kind of persecution or harassment of organizations and personnel opposing or combating apartheid.

## **B. The best interests of the child**

86. The concept of the best interests of the child has been present in the administrative, educational, family, legal and judicial aspects of Cuban legislation since the 1970s, expressed by terms such as "in the interests" and "for the benefit" or "utility" of children, confirming that the practice of the Cuban social project has been to protect and consider first and foremost what is best for children and adolescents.

87. 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 the protection of children and adolescents, which is not a static concept but reflects the values and outlook of our society and, in particular, the circumstances surrounding each case.

88. As required by its functions, the Ministry of the Attorney General participates in judicial and non-judicial proceedings to ensure the best outcome for the children and adolescents concerned.

89. Chapter IV ("Protection of minors") of the Public Prosecution Service Act (Law No. 87/97) provides that the organs of the Office of the Public Prosecutor, in the person of the public prosecutor appointed in each particular case, 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.

90. The public prosecutor visits homes and institutions that care for and educate homeless minors to assess the latter's legal situation and protect their rights, property and interests, ordering whatever measures are required, and carries out inspections of Revolutionary National Police units to ensure that legal requirements are met when these deal with minors who have committed infractions or actions categorized as crimes.

91. Inspecting behavioural schools and re-education centres, now known as general development schools [*escuelas de formación integral*], to ensure compliance with statutory requirements relating to the residence and treatment of those attending these centres is another important part of the public prosecutor's responsibilities on behalf of children. The public prosecutor also reviews documentation of every kind relating to the situation of children and interviews the children themselves and teachers, psychologists, educationalists, social workers, jurists and other officials with responsibility for education and reorientation.

92. When the public prosecutor finds that the law has been broken in these cases, this finding must be formulated in a resolution for redress.

93. When criminal proceedings affect children's lives, their views are sought in different ways such as exploratory discussions or conversation with specialists in the court or elsewhere, depending on the circumstances of the case. The Criminal Procedure Act governs this process and the People's Supreme Court has laid down guidelines for examining children. Child and adolescent protection centres were created in Havana in February 2005 and in Santiago de Cuba in March 2008 with a view to reducing the number of secondary offences against adolescents under 16 against whom sex crimes have been committed, as a further guarantee of proper treatment and involvement of children in proceedings, always with a view to their best interests and as the development of their faculties allows.

94. In the family sphere, the people's courts of justice are undertaking an innovative and important experiment which represents a remarkable step forward in the judicial treatment of family law issues involving children and adolescents. Taking into account the provisions of the Convention on the Rights of the Child, Instruction 187/07, published in the *Gaceta Oficial Extraordinaria* (the extraordinary official gazette) of 15 January 2008, establishes that the views of children over 7 will be heard in court proceedings involving them where the matter at issue is the child's guardianship and care and communication arrangements, always provided this is in their best interests and subject to the necessary arrangements being made for it to take place in absolute confidentiality and in a suitable environment, ideally the women's and family counselling centres of the Federation of Cuban Women (FMC)<sup>1</sup> or somewhere else that offers suitable conditions.

95. The grandparents of the children concerned and the public prosecutor may also be heard in the capacity of third parties, and provision is made for the involvement of a specialist multidisciplinary advisory team to assist the court and report on aspects concerning which the latter requests information.

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<sup>1</sup> The Federation of Cuban Women is a non-governmental organization which was officially created in 1960 and has a large grass-roots base. It covers women in every walk of Cuban society and is the national mechanism for the advancement of women in our country because of its enormous strength, representativeness, influence and prestige. It has a membership of 3,971,449 women, or 85.2 per cent of the female population of an age to join (minimum age of 14). Its main goals include striving for the full incorporation, participation and promotion of women in the economic, political, social and cultural life of the country on a basis of equal rights and opportunities. It has special consultative status at the Economic and Social Council of the United Nations.

96. The challenge for the future is to extend these arrangements to all the municipal courts in the country and improve procedural legislation accordingly. Work on these issues is currently in progress.

## **C. The right to life, survival and development**

### **The right to life**

97. The right to life is legally protected even prior to birth by the safeguards laid down in the Constitution for the family, motherhood and marriage. Under the Constitution, children and the young are entitled to particular protection from the State and society. Families, schools, State agencies and social and mass organizations have a duty to pay special heed to the overall development of children and the young.

98. The main goals of Cuban State social policy include the realization of citizens' right to health care and education; pensions for those retiring or in need of financial assistance; sources of employment; access to basic foods; comfortable housing; and a progressively fairer and more supportive society for all.

99. However, the economic, financial and trade embargo imposed by successive United States governments for some five decades is denying Cuban children the opportunity to develop in a more favourable social environment, as it affects essential sectors like health care and education.

100. The economic harm caused to the Cuban people by the embargo policy has been estimated at over US\$ 93 billion. This figure does not include direct damage to Cuban economic and social goals by sabotage and acts of terrorism encouraged, organized and financed from the United States. Nor does it include the value of goods that have gone unproduced or the harm caused by the onerous lending conditions imposed on the country.

101. Cuban child mortality levels have been among the world's lowest in all these years (so that the country has met one of the Millennium Development Goals) and the lowest in Latin America, being comparable only to those of developed countries. In 2008, infant mortality was 4.7 per 1,000 live births, a reduction on the 2000 figure of 7.2 and the lowest in the country's history. Indeed, 26 of the country's municipalities recorded zero infant mortality.

102. Children are given 10 types of vaccinations to protect them against 13 communicable diseases (poliomyelitis, diphtheria, tetanus, whooping cough, measles, rubella, mumps, severe forms of tuberculosis in infants, typhoid fever, hepatitis B, haemophilus influenzae, group B and C meningococcal disease). All these vaccinations have a coverage rate of over 95%. Six vaccine-preventable diseases have been eradicated: poliomyelitis, diphtheria, measles, whooping cough, rubella and mumps.

103. These results have been made possible by the strength of the Cuban health-care system developed at the community level through primary health care, particularly the preventive measures involved in differentiated care of pregnant women with special needs.

104. Accidents are the main cause of death among minors aged 1 to 4. A key factor in prevention has been family education of different kinds. There is a National Accident Prevention Programme with multisectoral participation coordinated by the Ministry of Public Health (MINSAP).



105. Reduction of the maternal mortality rate is a priority goal of the Cuban national health system. In the time since the Initial Report was presented, rates have been brought below 35 per 100,000 live births. The maternal mortality rate in 2007 was 30.2 per 100,000 live births. These indicators are the result of prenatal care programmes and measures to deal with late puerperium and reproductive risk.

106. Healthy lifestyles are promoted, particularly as regards nutrition; pregnant women are medically monitored, including technologically advanced tests for early diagnosis of congenital anomalies; newborns' development is periodically checked until the age of 1; expectant mothers at high risk receive differentiated care; maternal and infant mortality is monitored daily; risk factors are identified; and research and investigations are carried out to prevent diseases.

107. Cuba is implementing a national strategy to improve maternal health, with an emphasis on comprehensiveness and universality. Work is being done on the sexual education and reproductive health of adolescents; specific actions are implemented in cases of hypertensive diseases of pregnancy and cervicovaginal infections; expectant mothers who are at risk or live in remote areas are accommodated in maternity homes; the nutrition of expectant mothers is enhanced by dietary supplements and fortification of specific foods; and childbirth continues to be attended in institutions with an emphasis on natural birth and breastfeeding.

108. Family medicine is at the heart of the primary health-care model in Cuba. The Cuban primary health-care model allows a core team of medical practitioners who know their population to attend all children, adolescents and their families in an organized, continuous and dynamic process whose clinical approach is epidemiological and social.

109. By treating not only children but whole families, the Cuban primary care model provides scope for differentiated work, especially with so-called dysfunctional families, and for solutions to high-risk situations. Families are worked with so that the potential harm is averted. The community is engaged to transform the family environment. The doctor is involved and follows up cases together with volunteer health brigade members from the Federation of Cuban Women, nurses, paediatricians, psychiatrists, psychologists and social workers.

110. Disabled children and adolescents are catered to by specialist programmes and by centres that train their families to cope better and the children themselves to be as independent as their condition allows.

111. There are also basic work groups in every health district, consisting of paediatricians and other specialists, who work with the team known as the "family doctor and nurse" to carry out paediatric consultations. This provides another opportunity for contact between children and our health system with a view to evaluating children and adolescents and protecting them from any situation of risk, and to diagnosing and remedying problems before the damage is done. Paediatric consultations allow the physical or mental after-effects of sexual abuse, among other problems, to be identified and the appropriate measures taken.

112. Cuba has a National Programme of Comprehensive Adolescent Health Care run by the Ministry of Public Health, the goal of which is to increase coverage and improve all-round care for adolescents in this area, with a gender approach. The idea is to enhance their quality of life by rationalizing the resources available in the national health system, with the active participation of adolescents, families, the community and intersectoral cooperation, involving organization, information, education, communication, prevention and welfare, teaching and research activities.

113. Comprehensive health in adolescence is a concept that encompasses adolescents' bio-psychosocial and gender situation in the particular period of the life and family cycle they are passing through, with the aim of meeting their health, development and social welfare needs. To achieve this comprehensiveness in the health sector, a clinical, epidemiological and social approach is taken in the services provided to this age group.

114. Setting out from the Pan-American Health Organization (PAHO)/World Health Organization (WHO) initiative to stimulate local development through the Healthy Cities programme, Cuba has developed the Schools for Health Movement, whereby the school environment is used to develop the individual potential of pupils and workers and of groupings of teachers and students in a process of self-transformation, improvement and growth, with implications that are at once physical, mental and social. In this process, education workers place the emphasis on developing knowledge, habits and skills that can contribute to healthier lifestyles.

115. Cuban criminal law stipulates that the death penalty is to be applied only exceptionally by the courts in the most serious instances of the crimes for which it is established. Article 29.2 expressly prohibits the death penalty for people under 20 and for women who were pregnant when they committed the crime or are at the time of sentencing.

#### **The right to survival**

116. Since the triumph of the Revolution, government policy regarding the survival and development of children has focused on removing the social and economic divides that existed in the past.

117. Well before children are actually born, the Cuban State and society guarantee them the right to a healthy and happy life by providing mothers, without distinction of any kind, with the benefits of the special knowledge and care that have resulted in an infant mortality rate among the world's lowest. Once born, all children are entitled to an identity and citizenship.

118. In Cuba, 99.9% of births take place in national health system facilities.

119. A primordial goal and responsibility of the Cuban State has been the incessant search for ways to give the rights of mothers and their offspring the recognition and protection they deserve, with great attention paid to health and social security. This was given legal expression in Act No. 1263, the Working Women's Maternity Act, issued as long ago as 14 January 1974.

120. The maternity act contained unquestionable advances, but there was a vital need for regulations to foment and help create the conditions for shared motherhood and fatherhood, proper care for the minor in the event of the mother's death and the consequent financial protection for the father, and to provide working parents with the special care required by children with physical or mental disabilities. Accordingly, Decree-Act No. 234, also entitled the Working Women's Maternity Act, which was enacted on 13 August 2003, retained the essence of its predecessor but included some major additions.

121. The new legal dispensation extends and enhances the rights of working women and the protection given to motherhood, guaranteeing and facilitating medical care during pregnancy, pre- and postnatal rest, breastfeeding and care for their children, and differentiated treatment when the latter are disabled. It also helps to establish the shared responsibility of both parents for children's care and attention and that of the father in the event of the mother's death. This Decree-Law also applies to adoptive parents in everything concerning the protection of the children in their care.

122. Working mothers have time off work before and after the birth, with the right to a financial benefit from the social security system. The employment relationship is suspended during this time, with the worker retaining her job and wage.

123. To ensure proper care and treatment of the child during its first year of life, working mothers or fathers are entitled to one paid day off work a month to attend the paediatric centre and have the baby's health checked.

124. Article 27 of the Decree-Law entitles parents with disabled children to take unpaid leave from the child's first year of life until the age of 3 so that they can more easily monitor the conduct and behaviour of the child during these early years of life without forfeiting the opportunity to return to their place of work. This provision also extends to adoptive parents and to relatives obliged to pay a maintenance allowance under the Family Code. Letter (d) of the Code's First Temporary Provision gave it retroactive effect because of the benefit it entailed, so that its protection was extended to parents of disabled minors who had not yet turned 3 on the date these regulations came into force.

125. Current labour legislation (the Labour Code) provides that women who are pregnant or have children under 1 are exempt from overtime, double shifts or duties away from their employer's premises. If their condition prevents them from performing their usual work, they are to be temporarily transferred (subject to a medical report) to one suited to their physical capabilities.

126. Legal family relationships and the functions or duties/rights of parents are set out in the Constitution, the Family Code and the Children's and Youth Code (Act No. 16 of 28 June 1978), which establish the obligation for children's legal representatives to provide for their support, help them defend their interests and contribute actively to their education and development. Parental authority is shared jointly by the two parents, reverting to one of them if the other should die or be suspended in or deprived of the right to exercise it by court order. They may be suspended in or deprived of the right to exercise this authority by a court ruling in due process.

127. Children or adolescents who for any reason are sent to live in residential welfare, education, re-education or health centres will maintain communication with their parents and be taught the contents of education syllabuses even when in hospital, where advisable, by virtue of different social work procedures to maintain this tie and relationship.

128. The Cuban State has created a network of welfare centres for exceptional cases in which children have been abandoned or have no family, where they live in conditions much like those of a normal home; these Centres also temporarily take in children whose parents are financially insolvent or mentally incapable, or are serving jail terms handed down by the courts.<sup>2</sup>

129. As well as requiring children's legal representatives to meet their obligations, the State and society provide them with opportunities and support to care for their children.

130. The enactment of Decree-Act No. 76 in 1984 improved care for homeless children, first organized over 45 years ago, with an approach that safeguarded the child's dignity so that squalid orphanages gave way to homes with a structure that enables children to integrate into a group environment which gives them greater security and confidence. Its

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<sup>2</sup> Decree-Law 76 of 1984 and Ministry of Justice Resolution 48 of 1984, creating the network of welfare establishments for unprotected minors. This is the national network of social assistance centres where minors who have been either orphaned or abandoned by their families are housed and cared for, with living conditions similar to those of a family home. These centres comprise children's homes for 6- to 17-year-olds and mixed day-care centres for children under 6.

implementation marked a higher stage of development in social and welfare work. Admittance to centres is approved only in exceptional cases where the option of having the child cared for by a relative has had to be ruled out.

131. Current thinking about policies for the care of homeless school-age children is guided by the principle that the emotional needs of children who have been abandoned by their families or physically lost their parents should be fully met by creating a bond with foster families that can not only provide suitable conditions but can contribute to a stable and permanent upbringing that provides them with continuity in their lives on the basis of a sound conception of the standards of family and social existence.<sup>3</sup>

132. The Criminal Code (Act No. 62 of December 1987) with its latest two amendments (Decree-Act No. 175 of 17 June 1997 and Act No. 87 of 16 February 1999) establishes a number of criminal offences to protect the normal development of sexual relationships, families, children and the young. These two provisions created new offences or increased the penalties for existing ones, thereby directly or indirectly enhancing the system of protection for children and adolescents in Cuba.

### **The right to development**

133. Article 39, paragraph (b), of the Cuban Constitution provides that “education is a function of the State and is free of charge”. Through the extensive system of free day schools, boarding and semi-boarding schools and bursaries for every type and level of education, and by the provision of free school materials, the State ensures that every child, adolescent and young person, irrespective of his or her family’s financial situation, has the opportunity to undertake courses of study that match his or her aptitudes, the requirements of society and economic and social development needs.

134. In the national education system of Cuba, the conjunction of study and productive work, theory and practice, school and life and teaching and production are regarded as crucial to the all-round development of children and young people. Productive work is treated as part of the curriculum, so that it is both a foundation and a medium for the individual’s moral education, as work is considered to be a transforming and determining element in the developing personality.

135. All students have access to computers free of charge from the primary level, even if they live in remote locations.

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<sup>3</sup> A foster family [*familia sustituta*] is one consisting of a married couple or of an individual or related individuals living in an independent dwelling who assist in the upbringing of one or more minors as provided by the regulations of Decree-Law 76 of 1984 and Ministry of Justice Resolution 48 of 1984 and support children’s homes and mixed day-care centres in the tasks of lodging, caring for and catering to the needs of orphaned or abandoned minors during weekends, vacations and other periods in the interests of their emotional life.

The directors of children’s homes and mixed day-care centres are responsible for choosing foster families in the light of the interest shown by these, the personal situation of their members and the consent of the minor or minors.

Foster families are not pre-adoptive families, although they may coincide. To select foster families, the directors of children’s homes and mixed day-care centres coordinate with and are supported by the Federation of Cuban Women and other political, social and mass organizations as necessary.

## D. Respect for the views of the child

136. Article 53 of the Cuban Constitution recognizes and guarantees the right of everyone to express their opinion freely. The physical conditions for the exercise of this right are provided by the fact that the press, radio, television, cinema and other mass media are socially owned or belong to the State.

137. Cuban children and adolescents have opportunities to air their opinions in situations where these are listened to and respected.

138. Through their students' organizations, from school to university, Cuban students identify and discuss the shortcomings of the educational process, school life and the work of the organization they belong to. These organizations include:

- the José Martí Pioneers Organization (OPJM);
- the Federation of Senior Secondary School Students (FEEM);
- the University Students' Federation (FEU).

139. The country has a number of programmes for children and adolescents which were originated by the Government but whose coordination, development and implementation have been entrusted to student and youth organizations. This strategy is driven by a concern to see that the beneficiaries of programmes also take the lead in running them, so that they match their interests, needs and expectations.

140. Programmes undertaken by the Cuban Revolution on behalf of children and adolescents have the latter's active participation throughout the conception, coordination, development and implementation phases. These programmes include:

*People's Camping Programme:* this programme is coordinated by the Cuban political youth organization, the Union of Communist Youth (UJC), with a view to providing healthy recreation and leisure in direct contact with nature. Most participants are children, adolescents and young people with whom camping, young ecologist and young explorer associations are created to involve them in the implementation of the programme. The country has 84 facilities which are used by 60 per cent of the population each year.

*Young Computer Club Programme:* this involves children and adolescents from throughout the island in the development of educational software and didactic games, while they are also trained to impart this knowledge in schools and workplaces. There are a total of 602 Young Computer Clubs, with a minimum of two facilities per municipality, of which over 1.1 million people have been members over the years, and 21 types of nationally standardized courses are offered.

*Audio-visual Programme:* operated by the UJC and OPJM, this promotes and runs workshops with children and adolescents throughout the country to design programming that meets their cognitive needs and interests, taking account of the diversity and differing codes of the various age groups.

*Young Creators and Artists Programme:* implemented by the Saíz Brothers Association, which provides a forum where the work of youthful talents in literature and the arts can be appreciated and disseminated, and where they can be given the opportunity to participate in the country's artistic life and the design of cultural policies. It was created 20 years ago and has a membership of 2,403.

*Young Scientists Brigade [Brigadas Técnicas Juveniles] Programme:* this is a programme for adolescents and young people whose interests run towards research and problem-solving of different kinds. It brings together youthful scientific talents to contribute to the country's development and the implementation of far-reaching social programmes. There are 235 026 brigade members in 19,530 brigades.

141. Where the administration of justice is concerned, reference was made in paragraph 94 to the experimental family law proceedings at two of the country's municipal courts, and there are amendments to the current Family Code that directly relate to respect for the views of children and adolescents.

## **E. Registration and causes of death**

142. Because of the high priority given by the country and the national health system to the Mother and Child Programme, there are specific procedures for improving the quality of statistical data when recording child deaths and causes of death, and these are laid down in legal statutes.

143. Section IV of Chapter III of the Civil Registry Act, Act No. 51 of 15 July 1985, entitled "Registration of death", provides that deaths must be registered immediately upon receipt of the medical death certificate or the declaration made at the civil registry office for the place where:

- (a) death occurred;
- (b) the body was found;
- (c) the autopsy was conducted;
- (d) the body was buried or cremated.

144. Deaths are registered within 24 hours of taking place, except when they occur during catastrophes or natural disasters, at times of war or military aggression, or by court order. Each hospital keeps a register of deaths occurring in populations within its catchment area.

145. A special medical certificate is legally required for any child dying within 28 days of birth, with a view to obtaining the greatest possible amount of data on the death as per the World Health Organization recommendations detailed in the International Classification of Diseases. This death certificate must record the place and cause of death. In the case of natural deaths, the doctor may request a clinical autopsy to elucidate the causes or for reasons of scientific interest. Violent deaths and those for which criminal liability is suspected will be investigated, subject to elucidation of the causes by the police and forensic medical authorities.

146. To improve the quality and timeliness of statistical data on deaths, the Ministry of Public Health has established that in all cases where a child under 1 dies, the report on the death is to be prepared and dispatched within 60 days, setting out the causes described in the original death certificate and including investigative information not available at the time of death. The same procedures are followed for all age groups up to adolescence, allowing these cases and the circumstances surrounding the death to be followed up and monitored.

147. The Ministry of Public Health and the National Statistical Office reconcile information on births and deaths quarterly, chiefly because 99.8 per cent of births in Cuba take place in health-care institutions.

## Chapter IV Civil rights and freedoms

### A. Name and nationality

148. Legal protection for children under Cuban law and statutes is closely linked to the principles governing the social project as regards relationships within the family, the community, civil society and the State.

149. The provisions relating to children's civil status are regulated in the following statutes of the Republic of Cuba:

- Cuban Constitution, 24 February 1976;
- Family Code, Act No. 1289 of 14 February 1975;
- Civil Registry Act, Act No. 51 of 15 July 1985;
- Civil Code, Act No. 59 of 16 July 1987.

150. All these statutes guarantee children a legal personality, name and nationality.

151. The Civil Registry Act provides that births must be declared within 72 hours, and in any event before the newborn is discharged, at the health centre concerned, in compliance with the joint provisions of the Ministries of Health and Justice, ensuring that the civil registrar will record the birth without delay.

152. If the birth does not take place in a national health system facility, the declaration is to be made at a civil registry within 30 days. The law also regulates the acknowledgement of paternity and withdrawal of such acknowledgement.

153. Births are recorded by the registrar on the basis of a joint declaration by the mother and father or of a declaration by one of these alone to the director of the national health system facility where the birth took place.

154. If the birth does not take place in a national health system facility, the mother or father or both jointly or, in their absence, their legal representatives, an adult family member or anyone who saw or was present at the birth, found the minor or has the minor under his or her protection or guardianship and care, are obliged to declare the birth to the registrar within 30 days following the birth or the time the abandoned minor was found.

155. Registration of the birth of a child to parents who are not in a formalized or legally recognized marriage may be carried out by both together or one of them alone. If the mother alone registers the birth and declares the name of the purported father, the latter will be summoned in person to appear before the registrar, with the provision that failure to come forward and accept or deny paternity within 90 working days will lead to the child being registered as his, although with the option for this registration to be challenged in the courts. The same procedure will be followed for the mother if it is the father who makes the declaration (Civil Registry Act, Act No. 51 of the National People's Assembly dated 15 July 1985, articles 40-57).

156. The Civil Registry Act abolished any distinction between children born in and out of wedlock, while the articles of its Family Code explicitly regulate the acknowledgement and registration of children. Children's filiation can only be proven by producing certification of the registration of their birth issued with the formalities laid down in the Act.

157. Article 36 of the Constitution abolishes any and all descriptions of the nature of the filiation. There shall be no record of any kind differentiating births, either by mention of the parents' marital status in children's birth certificates or in any other document referring to children's parentage.

158. The health-care policy developed by the Revolution, involving the construction of polyclinics, hospitals and other community health centres in the remotest areas of the country, has resulted in the rural population receiving access to medical care during childbirth, and thus in the registration of births.

159. Citizenship is governed by the Constitution, article 28 of which provides that Cuban citizenship is acquired by birth or naturalization. The following shall be Cuban citizens by birth:

(a) Those born in Cuba, with the exception of the children of foreign citizens in the service of their government or international organizations. The requirements and formalities for the children of foreign citizens who are non-permanent residents in the country are established by law;

(b) Those born abroad to a Cuban father or mother on an official mission;

(c) Those born abroad to a Cuban father or mother, subject to compliance with the formalities laid down by law;

(d) Those born outside Cuba to a father or mother who is a native of the Republic of Cuba but has lost his or her Cuban citizenship, provided citizenship is claimed in the manner provided by law;

(e) Foreign citizens deemed to be Cuban citizens by birth because of exceptionally meritorious acts performed in the struggles for the liberation of Cuba.

160. Article 32 of the Constitution states: "Cubans may not be deprived of their citizenship save for established legal causes. Neither may they be deprived of the right to change citizenship."

161. Dual citizenship is not recognized. Therefore, when a foreign citizenship is acquired, the Cuban one will be lost. The procedure for formalizing the loss of citizenship and the authorities empowered to decide this are laid down by law.

## **B. The preservation of identity**

### **(a) The elements of a child's identity**

162. The elements constituting a child's identity are: his or her first name or names and surnames, sex, citizenship, parents' domicile and date (day, month and year) and place of birth (Civil Registry Act, Act No. 51 of 15 July 1985, art. 41).

163. Cuban law lays down particular requirements for the registration of a child. No-one may be registered with more than two first names. The mother or father or interested persons shall be free to choose their son or daughter's name, subject however to its being consistent with the educational and cultural development of the people and its traditions.

### **(b) Measures to preserve a child's identity**

164. The child's name, once acquired, is inalienable and cannot be the subject of a court settlement. A child's name is a fundamental element in his or her individualization and identification. Exceptionally, first names and surnames may be changed, modified or



relinquished once or at most twice if the individual concerned is an adult and the earlier modification was effected while he or she was under parental authority (Civil Registry Act, Act No. 51 of 15 July 1985, art. 43).

### C. Parental responsibility

165. As in any State governed by the rule of law, legal relationships within the family and the functions, rights and duties of the parents are enshrined in the Constitution, Family Code and Children's and Youth Code.

166. The State and society do not just require that legal representatives meet their obligations, but provide them with the opportunities and support they need to care for their children in the form of day-care centres, special surgeries dealing with child psychology, defectology, etc.

167. The Cuban Family Code legally institutionalizes the parental authority of the mother and father over their children whilst these are minors and the causes for which they may be suspended in or deprived of the right to exercise this authority. It also establishes legal safeguards to prevent arbitrary or unjust use being made of their children's rights. Accordingly, the father and mother, in the interests of the children under their parental authority, may dispose of, transfer, exchange or alienate the latter's property for good reasons of utility or necessity, subject to authorization from the competent court, with a public prosecutor's hearing.

168. The substance of parental authority is determined in its effects in relation to the person of the child and in relation to his or her property.

<i>Person of the child</i>	<i>Property of the child</i>
- Reciprocal duty and right of guardianship and guidance (arts. 84 and 85, paragraphs 1, 2 and 3)	- Administration: conservation of the property and receipt of the benefits from it (art. 85, paragraph 4)
- Representation (administration and disposal as the child's legal representative) (art. 85, paragraph 5)	- Disposal: pledging of property (only for reasons of utility or necessity and with prior court authorization) (art. 87)

169. In the first case, this includes the reciprocal rights and duties relating to guardianship and guidance, representation and correction. The second case concerns the administration and custody of children's property and the disposal of this in accordance with statutory provisions.

170. It must be pointed out that these rights and duties are not simply moral injunctions. Failure to fulfil them may result in parents being suspended in or deprived of their parental authority and becoming liable to criminal sanctions, as laid down in articles 275 and 310 to 317, this being a safeguard established by criminal law for the proper exercise of parental authority:

- Article 275 - Abandonment of minors;
- Articles 310-314 - Corruption of minors;
- Article 315 - Other acts contrary to the normal development of minors;
- Article 316 - Sale and trafficking of minors;
- Article 317 - Supplementary provisions;

- Ancillary sanctions:
  1. Permanent ban on employment as a teacher or in any other position conferring authority over the young;
  2. Temporary or permanent loss of the rights deriving from the status of parent or guardian.

171. Protection for children in Cuba has not only been established in family law but has been strictly supported by penal legislation, which defines certain acts as criminal offences against children's normal development and education, entailing as they do a breach of the parents' duties or social function towards them.

## **D. Freedom of expression**

### **Measures to guarantee the right of children and adolescents to freedom of expression**

172. The Constitution of the Republic of Cuba tacitly defines citizens' right to freedom of speech and publication, in accordance with the aims laid down by the Cuban people.

173. The effective exercise of this right is recognized in article 53 of the Constitution, which states: "Citizens have freedom of speech and of the press in keeping with the objectives of socialist society. The material conditions for the exercise of this right are provided by the social or State ownership of the media."

174. The material conditions for the exercise of the right are provided by the fact that the press, radio, television, cinema and other mass media are owned by the whole people or by social, political and mass organizations.

175. The main channels of expression for children and adolescents in Cuba are the José Martí Pioneers Organization (OPJM) and the Federation of Senior Secondary School Students (FEEM), two student organizations corresponding to the primary and pre-university levels, respectively.

176. The second paragraph of article 54 of the Cuban Constitution provides that "social and mass organizations shall have all the facilities they need to carry out these activities, in which their members shall enjoy the fullest freedom of speech and opinion based on the unrestricted right of initiative and criticism".

177. Opportunities for free expression by children and adolescents are likewise provided by municipal arts centres and radio programmes by and for children. They also exercise this right within the family.

178. In the teaching and learning process itself, and in their activities within the organizations they belong to, children and adolescents collectively analyse their problems and academic, educational and social outcomes. This allows them to channel their concerns and suggestions for resolving them by their own efforts or at a higher level, there being mechanisms and representatives for this purpose.

179. Article 291 of the Criminal Code provides for sanctions against those committing offences against the free expression of thought. Preventing another person in any way from exercising their right to freedom of speech or publication as guaranteed by the Constitution and laws is punishable by three months' to one year's imprisonment or a fine of 100 to 300 *cuotas*, or both.

180. The exercise of free thought and expression is restricted only by the need to defend the country's independence and sovereignty and guarantee the right to self-determination for the Cuban people.

181. Students of voting age are full participants in election and candidacy committees, where they analyse the candidates and decide which are to be put forward, both as delegates to provincial assemblies and as deputies in the National People's Assembly, which is the main legislative body of the Cuban State.

## **E. Freedom of thought, conscience and religion**

182. Article 8 of the Cuban Constitution establishes that the State recognizes, respects and guarantees religious freedom. It validates the separation of religious institutions from the State and confirms that different creeds enjoy the same consideration.

183. The constitutional reforms of 1992 strengthened the basis for the fullest legal protection of religious freedom in Cuba. A number of articles of the Cuban Constitution in force since 1976 were amended, with all reference to scientific atheism in the workings of the State and its institutions being removed; Cuba ceased to be an atheist State and became a secular one. Guarantees for the full exercise of religious freedom were consolidated.

184. Article 55 of the Constitution says that the State recognizes, respects and guarantees freedom of conscience and of religion and every citizen's freedom to change religious beliefs or to have none, and to profess, subject to the law, the religious belief of his or her choice.

185. Article 294 of the Criminal Code provides for a sanction of up to two years' imprisonment for offences against freedom of worship, when committed by a public official.

186. The 25 December began to be celebrated as a holiday in 1997 and was established as a permanent public holiday in 1998.

187. The Supreme Pontiff of the Catholic Church, Pope John Paul II, was received in Cuba in 1998, and in 1999 the Cuban Evangelical Celebration was held. The main religious activities of both events were held in the open air and broadcast live on radio and television. Ordinary people participated in the main public spaces of the country, including Revolution Square, and the events were broadcast live on radio and television.

188. In Cuba, religious institutions freely appoint their ordained ministers and send them to different parts of the country to work. They hold a large number of local, national and international religious events in the country and regularly receive their international representatives and religious literature.

189. A large number of religious institutions have their own periodical publications officially registered with the National Register of Serial Publications. The mass media report on the most notable developments concerning these institutions.

190. On festive days, both Catholic bishops and Protestant pastors broadcast radio messages to the faithful and to the whole population.

191. Over the past 10 years, over 1,000 temples, chapels, parsonages and rectories have been repaired. As the country has been able to afford it, churches and other religious organizations have acquired over 100 buildings, hundreds of vehicles and other facilities to allow them to carry out their religious activities.

192. In addition to Catholicism and the different Protestant and evangelical churches, other major religions include those of African origin, spiritism and Judaism, and the Jehovah's Witnesses religious organization.

193. Christianity is represented by the Catholic Church and Protestant or evangelical churches to the number of several dozen denominations operating nationwide.

194. There are three main religions of African origin: the Santería or Regla Ocha and the Palo Monte or Regla Conga, with a presence throughout the country; and the Abakuá Society, based in Havana and Matanzas.

195. Some practitioners of Santería are affiliated to the Yoruba Association of Cuba, which is currently setting up management committees to create the association's future branches in the provinces. Before the triumph of the Revolution, these religions were banned despite the large numbers participating in them. The Revolution recognized them and abolished any precept whereby believers were penalized for their religious faith.

196. Parents are free to provide their children with the religious and moral education that accords with their convictions. This may take the form of religious teaching within the family or in the theological seminaries of the churches.

## **F. Freedom of association and peaceful assembly**

### **Measures to guarantee the right of children and adolescents to freedom of peaceful association and assembly**

197. Article 7 of the Constitution provides that "the Cuban socialist state recognizes and encourages the social and mass organizations which arose from the historical struggles of our people. These organizations unite different sections of the population, represent their specific interests and engage them in the tasks of building, consolidating and defending socialist society."

198. Article 54 of the Constitution provides that "the rights of assembly, demonstration and association are exercised by both manual and intellectual workers, peasants, women, students and other sections of the working people, who are to dispose of the necessary means for these purposes".

199. The Cuban State guarantees the right of association recognized in article 54 as a means for children and adolescents to carry out numerous activities that contribute to the development of science, culture and sport, creative initiatives, leisure and recreation in their spare time, together with manifestations of human solidarity and friendship and other forms of social organization and benefits.

200. The Associations Act (Act No. 54 passed by the National People's Assembly on 27 December 1985) establishes the legal and regulatory framework for and governs the exercise of the right of association that belongs to all Cuban citizens.

201. Article 102 of the Children's and Youth Code provides that "children and adolescents in the first to ninth grades may voluntarily join the José Martí Pioneers Organization, whose objective is to initiate them into social tasks and activities in furtherance of their socialist education".

202. From this perspective, article 104 provides that "upper secondary students (...) who so wish may join the Federation of Senior Secondary School Students (...) These organizations are important vehicles for the participation and mobilization of students in the life of society and represent them vis-à-vis teaching institutions, whose work they support."

203. From the age of 14, they are also free to join the Committees for the Defence of the Revolution, the Federation of Cuban Women and the National Association of Small Farmers, and to participate actively in the activities of these organizations.

204. The State guarantees the right of primary, secondary and upper secondary school student organizations to hold conferences and assists them in so doing. It also allows children and adolescents to participate (by electing representatives in their study groups or

collectives) so that they can raise their problems, criticisms and suggestions for possible solutions to their concerns, which are conveyed directly to the highest authorities of the State and Government.

205. The fourth OPJM Congress was held in 2006. The pioneers themselves selected their delegates. The FEEM held its eleventh Congress on 8 and 9 March 2008.

206. Article 292 of the Criminal Code protects this right, punishing with imprisonment or a fine anyone preventing a lawful association from operating or a person from belonging to it, or preventing a lawful meeting or demonstration from being held or a person from attending it.

## **G. Protection of privacy**

### **Measures to prevent arbitrary or unlawful interference with the privacy of children and adolescents**

207. The Cuban State has protected children and adolescents and their families against arbitrary and illegal interference with their privacy by making constitutional provision for the inviolability of the home and correspondence.

208. Article 56 of the Constitution recognizes that “the home is inviolable. No-one may enter the home of another against his or her will, except in the cases prescribed by law.” Likewise, article 57 states that “correspondence is inviolable. It may only be seized, opened and examined in cases prescribed by law. Confidentiality shall be maintained on all matters unconnected with the one that motivated this examination. The same principle shall be observed in respect of cable, telegraph and telephone communications.”

209. Chapter II of the special book of the Cuban Criminal Code is devoted to the categorization of the offences of violation of the home and illegal recording. Chapter III penalizes both the offence of violating the confidentiality of correspondence and disclosure of its contents.

210. Where administrative and/or judicial proceedings involve children and adolescents, undue publicity is avoided for certain processes, data and records, as is media exposure.

211. In this connection, the Criminal Procedure Act provides: “Oral proceedings are public unless reasons of State security, morality, public order or respect for the victim of the crime or the victim’s family make it advisable for them to be held in camera. Closed sessions of proceedings will be attended only by the parties, their representatives, defence counsel, auxiliary personnel and persons authorized by the President or the court.”

212. In Cuba, legal protection for infants and adolescents is provided by the Office of the Public Prosecutor. The public prosecutor plays a preponderant role in the protection of children and adolescents under criminal law. In circumstances with criminal ramifications in which a child or adolescent may be a victim, the public prosecutor will exercise proper oversight of the investigation as provided by article 105 of the Criminal Procedure Act. The public prosecutor will in all cases represent and defend the physical integrity, rights, property and interests of children and adolescents.

213. With regard to children and adolescents in conflict with the law, Cuban legislation provides for a special system to evaluate and guide them and their families. Criminal responsibility becomes operative at the age of 16. Nonetheless, Cuban law provides for differentiated treatment for offenders between the ages of 16 and 20. Underage offenders with behavioural disorders or antisocial tendencies are dealt with by a system based on a comprehensive pedagogical approach with a scientifically grounded procedure that is coordinated, consistent and unitary, and legal improvements are progressively being made.

214. The juvenile justice system, which is legally grounded and complements the education and internal security systems, has teams of educators, psychologists, psychiatrists, social workers and other specialists who work with the parents or other legal representatives to secure the best interests of the children concerned, who are and always will be supported by the Cuban State and society.

215. The Cuban State is now making efforts to harmonize the country's criminal law with the provisions of the Convention on the Rights of the Child in respect of age. Consideration is being given to the possibility of raising the minimum age for the criminal liability of natural persons to 18 at the time the punishable act is committed.

216. As part of the draft bill of amendments to the current Family Code, which is still under discussion, there is a proposal to harmonize the exceptional age for marriage at 16 for both sexes. This exceptional age or legal puberty is currently 14 for girls and 16 for boys with the prior authorization of those entitled to provide it. The general rule that marriage is contracted at 18, as enshrined in current laws, would be maintained on the basis that this is recognized as the legal age of majority.

217. This change would help to eradicate the custom, which unfortunately still subsists as a prejudice among some fathers, mothers and other family members, of forcing daughters to marry when they have their first sexual relations. This has been shown to be very harmful to girls' physical and mental health and to the continuity of their education, being one of the factors causing 14-year-old girls to drop out of school. It is around this age that the personality and physical and intellectual capabilities of both girls and boys mature.

## **H. Access to appropriate information**

### **Measures to ensure that children and adolescents have access to local and international sources of information and to protect them from information harmful to their well-being**

218. In Cuba, the Constitution (art. 9) and other laws guarantee access to education and culture, as most broadly defined, from the earliest ages, so that children and adolescents can cultivate their mental faculties. The most important work where culture and information are concerned is done by schools for all students, with support from the community and from parents' and students' organizations.

219. The State provides the population with access to books and publications at moderate prices, especially for children and adolescents. However, the economic situation, caused by the adverse effects of the economic, financial and trade embargo imposed by the Government of the United States, has meant that despite the best efforts of government, supply has sometimes fallen short of demand.

220. The Ministry of Culture, working through the José Martí National Library, is the institution responsible for orienting acquisitions of bibliographical material for the national public library system, with a view to meeting the needs of a larger number of users of every age and level.

221. These institutions serve a useful function by preserving, safeguarding and disseminating the national or provincial heritage and providing the bibliographical materials needed to study our cultural roots, including both historical and up-to-date information. The utility of each library's work is manifested by the different types of services they offer users, including lending on and off the library premises, photocopying services, e-mailed references and the provision of documents to create new editions on CD-ROM, etc.

222. The functions of State cultural organizations, as established by article 83 of the Children's and Youth Code, include encouraging children and young people to seek out and research the origins of Cuban culture and the best artistic traditions and acquaint themselves with the country's values in every branch of art and literature. To fulfil this function, they receive cooperation from political, social and mass organizations and from other State agencies.

223. Those running educational establishments, from day-care centres to universities, ensure that these provide a cultured environment in which children and adolescents are properly educated in appropriate social conduct.

224. Where television is concerned, the Cuban Institute of Radio and Television (ICRT) has set hours for broadcasting children's programmes which are essentially educational and contribute to the all-round development of children and the young.

225. Children and adolescents in Cuba have access to the most diverse sources of local and international information about the political, economic, social and cultural life of the nation and the whole planet. Artistic creation and dialogue are encouraged in the intellectual, cultural and academic sphere, and this is reflected in the diversity of publications produced and the variety of artistic works available for the population to enjoy, including the child and adolescent population. The most unrestricted creativity is encouraged in Cuba, and the result is an intellectual ferment that is reflected in different publications that routinely circulate throughout the country and in the different works generated by the great diversity of artistic expression. There are 723 periodical publications in the country, 406 paper-based and 317 digital, and 91 radio stations. The Cuba 2008 seventeenth International Book Fair went to 42 cities and put over 8 million copies of new titles into circulation. Over half these books, which were moderately priced in view of the high priority the State gives the matter, were purchased by Cubans in the 24 days the Fair lasted alone.

226. Cuban law prohibits the showing to children of films with violent, sexual, erotic or pornographic content and the production of obscene or pornographic publications aimed at children, or children's publications of an obscene character. The National Board of Film Censorship works to enforce legal protections for the sexual and moral integrity of children and adolescents.

227. On 25 September 2001, Cuba ratified the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.

## **I. The right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment**

### **Measures against torture or other cruel, inhuman or degrading treatment or punishments inflicted on children and adolescents**

228. In Cuba, any act of torture is forbidden and punishable by law, as torture is considered incompatible with the principles and foundations of the general legal framework in operation in the Republic of Cuba, although torture is not defined as an independent offence in the Cuban Criminal Code.

229. In accordance with article 9 of the Constitution, the Cuban State guarantees Cuban children and adolescents full freedom and dignity, enjoyment of their rights, the exercise and fulfilment of their duties and full development of their personalities.

230. 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 the whole of society, as established by article 10 of the Constitution.

231. Article 58 of the Constitution states that “freedom and inviolability of the person are guaranteed for all those residing in the country (...) The physical integrity of those arrested or held in custody is inviolable.”

232. Only the competent courts may try and sentence the perpetrators of crimes by virtue of pre-existing laws and subject to the formalities and guarantees these provide for, in accordance with the provisions of article 59 of the Constitution: “Every accused person has the right to a defence. People shall not be subjected to violence or coercion of any kind to force them to testify. Any testimony obtained in violation of this provision shall be null and void and those responsible shall be punished as provided by law.” The same guarantee is codified in article 166 of the Criminal Procedure Act (Act No. 5 of 15 August 1977).

233. Article 30, section 11 of the Criminal Code (Act No. 62 of 29 December 1987) provides that “those sanctioned may not be subjected to corporal punishment, nor is it admissible to employ against them any measure entailing humiliation or a loss of dignity”.

234. The Office of the Public Prosecutor is the State body responsible, among other essential functions, for overseeing the treatment of children and adolescents and ensuring its legality. In the case of any violation of the integrity of a child’s person, the public prosecutor shall be required to represent and defend his or her interests.

## **Chapter V**

### **The family and other forms of guardianship**

#### **A. Parental direction and guidance**

235. Chapter II of the Family Code deals with the relations between parents and their children, with article 84 specifying that children are required to respect, consider and help their parents and, whilst under their authority, to obey them.

236. The current Family Code, enacted on 14 February 1975, was a milestone in the definition and promotion of the ethical and moral values of the Cuban family in the process of building a socialist society. After more than 30 years of practical application, however, and under the current conditions of economic and social development in the country, it has become necessary to update it with a version incorporating successive amendments, the experience of its application and the current reality of Cuban society. A draft Family Code bill is currently being worked on with the participation of different organizations and institutions.

237. In its work, the Drafting Committee has taken account of the results of numerous research projects, studies and working experiences that have come out of different disciplines and sciences pursued by universities and legal, social and community organizations and institutions, together with the commitments deriving from the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child and the National Action Plan to follow up the Beijing Conference, approved by agreement of the Council of State on 7 April 1997.



238. Some of the most significant aspects of the draft bill dealing with the rights of children and the safeguarding of their best interests are:

(a) It is recognized that the Code incorporates the provisions of CEDAW and its language is adapted to that of the Convention on the Rights of the Child.

(b) Emphasis is placed on the active participation of the public prosecutor in the most significant family issues requiring particular protection.

(c) Special attention is paid for the first time to everything connected with domestic violence and violence outside the household involving its members, namely violence against women, children and adolescents, with the consequent referrals to criminal law where applicable.

(d) The duties and rights entailed by parental authority and by the guardianship and care of minors are expanded to incorporate values essential to their upbringing.

(e) The exercise of parental authority is expanded to include new institutions that can contribute greatly to improving this, including extended, re-established and auxiliary authority.

(f) Provision is made for shared care and guardianship by the father and mother when circumstances warrant this. It is also provided that when family communication difficulties arise between those exercising care and guardianship and those not exercising it, the courts may determine a meeting or rendezvous point where this communication is to take place.

(g) The rights of children and adolescents in family relationships are explicitly established in accordance with the precepts of the Convention on the Rights of the Child. They include a prior hearing for children and adolescents on the different family matters affecting them, something that is currently stipulated only for adoption and guardianship procedures.

(h) It is provided that, in exceptional circumstances, parental authority over minors or over adults who are legally incapable may be exercised by grandparents if a court so orders. Likewise, in special circumstances and for the time determined by the court, care and guardianship may be transferred to these or other relatives or to third parties with a legitimate interest, the best interests of the child being paramount in all cases. Provision is also made for the right of grandparents, other relatives or third parties with a legitimate interest to communicate with minors or adults declared legally incapable and to enforce this right in court in pursuit of the latter's best interests.

239. The Cuban State and Government are constitutionally required to provide the tools needed to help families perform their role. As provided by article 44, third paragraph, the State is to organize such institutions as day-care centres, semi-boarding and boarding schools, homes for the elderly and services to assist working families in discharging their responsibilities.

240. There are 1,107 day-care centres in Cuba with a capacity of 151,034 children, benefiting 119,632 working mothers, not all of whose needs are thereby met, however. Day-care centres also benefit single mothers and people in need of social assistance.

241. Society and the State recognize the role and authority of the family in the moral, physical and spiritual upbringing of its youngest members. Under article 4 of the Children's and Youth Code, families have an obligation towards society to guide the all-round development of children and the young and to foster the exercise of their duties and rights in the home.

## **B. Responsibilities of the mother and father**

242. Cuban statute law establishes that the mother and father share an equal responsibility for everything involved in the rearing and upbringing of their children.

243. In Cuba, the mother and father are obliged under article 26 of the Family Code to take care of the family they have created and cooperate with each other in the education, upbringing and guidance of their children in accordance with the principles of socialist morality. They are also required to participate in the running of the home and cooperate to optimize its functioning to the extent of their individual abilities or opportunities.

244. In particular, article 85 of the Family Code recognizes the rights and duties that parents derive from the exercise of parental authority, including:

(a) Having their children under their guardianship and care; striving to provide them with a stable home and proper nourishment; caring for their health and personal hygiene; providing them to the best of their ability with the recreational resources appropriate to their age; giving them the necessary protection; overseeing their good behaviour and cooperating with the appropriate authorities to deal with any situation or environment that does or may unfavourably influence their upbringing and development;

(b) Attending to their children's education and inculcating a love of learning; ensuring their attendance at the educational establishment in which they are enrolled; ensuring that they acquire technical, scientific and cultural attainments commensurate with their aptitudes and vocation and the requirements of the country's development; and collaborating with the educational authorities on school plans and activities;

(c) Overseeing their children's preparation for life in society; instilling in them a love of their country, respect for its symbols and a proper esteem for its values, an internationalist spirit, shared social standards and socialist morality and respect for the common material heritage of society and the personal rights and property of others; inspiring in them the respect due to them by their own attitudes and behaviour; and teaching them to respect the authorities, their teachers and other people;

(d) Administering and husbanding their children's property with the utmost diligence; ensuring that their children derive proper use and enjoyment from the goods they own; and refraining from alienating, exchanging or ceding ownership of these goods, except in the interests of the minors themselves and in accordance with the requirements laid down in this Code;

(e) Representing their children in all the legal acts and transactions that concern them; completing their legal personality in those requiring full capacity to act; diligently and promptly undertaking such measures as are legally required to protect their interests and property.

245. Decree-Law 234/2003 allows the father to take up social security benefits following the expiration of the mother's postnatal maternity leave and on a basis of equal entitlement, thereby reinforcing shared responsibility as a principle of the father-child relationship and remodelling the role of the father figure in the education, care and attention of children.

246. Both parents have an obligation to provide for children who are minors, even when they have been suspended in or deprived of parental authority over them, or these children are not under their guardianship or care, or have been placed in an educational establishment.

## C. Parental separation

247. In Cuba, it is a principle that minors should maintain a relationship with both parents. The courts are the only authority competent to order any measure involving separation of a child from its mother or father.

248. Children will be separated from their parents only in exceptional circumstances. These include suspension<sup>4</sup> or deprivation<sup>5</sup> of parental authority in accordance with the regulations of the Family Code.

249. In no event will suspension or deprivation remove the obligation for parents to maintain their children (art. 96), and the court must in all cases rule on the legal representation of the minors, their guardianship and care, the maintenance allowance to be paid and the communication regime (art. 97, first paragraph, and art. 98).

250. If the mother or father is legally deprived of the exercise of parental authority in the appropriate proceedings with the participation of the public prosecutor, the child is sent to a specialized centre (children's homes created under Decree-Act No. 76 of 20 May 1984), where communication with his or her family is guaranteed.

251. Guardianship and care is a responsibility accepted on a more permanent basis by one of the parents in the event that the two parents do not live together as a result of divorce or separation. Heed must always be given to any agreement responsibly arrived at between them.

252. Only in the event of disagreement, or if the agreement reached goes against the best interests of the child or adolescent under 16, will the matter be decided by the court (tutelar function) which, for the latter's benefit, will observe the following rules:

- Other things being equal, the preference will be for children to remain in the custody of the parent they were with when the disagreement arose;
- The mother will be preferred if they were with both;
- Unless there is good reason to rule otherwise.

253. In cases where the mother and father separate or divorce, the court will likewise make the necessary provision for the parent who does not have guardianship and care of the minor to remain in verbal and written communication with him or her. Wherever possible, any agreement reached between the parents must be heeded in this case too, but in the

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<sup>4</sup> Suspension of parental authority (arts. 94 and 95) is a temporary prohibition on the exercise of the powers this entails. It is reversible, insofar as the right to exercise this authority may be recovered if the circumstances leading to the suspension change, and it may be motivated by:

Legally attested incapacity on the part of the parents;

Legally attested absence of the parents;

A court ruling where one of the situations described in article 95 of the Family Code applies.

These causes may expire or there may be a change in the circumstances that justified their adoption at a given time, whereupon the affected person or public prosecutor must apply for the suspension to be lifted by bringing a motion in the course of proceedings (art. 97, second paragraph).

<sup>5</sup> Deprivation or loss of parental authority (arts. 93 and 95) is a sanction imposed for improper conduct by parents that contravenes the substantive duties and rights arising from parental authority. The causes concerned must be serious in nature.

The court must show in the corresponding contentious proceedings that the conduct of the parents constitutes a threat to the health, safety or morality of the minors, or that they have left them in a state of complete abandonment. Our Family Code lays down the causes that can give rise to this legal ruling (art. 95).

absence of agreement, arrangements must be made for communication to take place at appropriate intervals as the case requires, always with a view to what is most beneficial to the children.

#### **D. Payment of maintenance for the child or adolescent**

254. The Family Code of the Republic of Cuba establishes the obligation of the mother and father to pay maintenance for their children while they are minors. Should they fail to do so, Cuban procedural law establishes the proper steps for claiming payment and enforcing it by distraint if necessary.

255. The Federation of Cuban Women carries out systematic monitoring and follow-up of cases where maintenance payments are not made by parents for their children. The organization has taken a great many steps to deal with this issue, focusing primarily on detecting situations of this type through direct community work, the reports of local offices or information received in women's and family counselling centres.

256. The Federation has also taken preventive measures in communities, specifically:

- Providing guidance and advice on the legal procedures for cases of this type;
- Visiting the workplaces of non-compliant parents to discuss the matter with them and positively influence their behaviour;
- Locating parents who do not comply with this duty, with the help of other institutions;
- Making the issue a permanent part of the Federation's training programmes for voluntary social workers;
- Dealing with this issue through the individual and group guidance activities carried out at women's and family counselling centres;
- Discussing this and related issues such as children's and adolescents' rights and paternal obligations towards children in grass-roots delegations, special centres such as maternity homes, centres with a high concentration of men, guidance and training courses run by women's and family counselling centres, prisons, etc.;
- Addressing the issue in the different communications media: "Mujeres" and "Muchacha" magazines and other national or local media.

257. Work is also under way to improve legal and judicial mechanisms for family matters. Since 2003, three national workshops on special family procedures have been coordinated by the Cuban National Union of Jurists and the Federation of Cuban Women, with the participation of the People's Supreme Court, the Office of the Public Prosecutor and the National Organization of Collective Law Practices, the aim being to debate the need and potential for the establishment of a special procedure for family matters and the creation of tribunals specializing in these at the People's Courts of Justice. Some of the agreements reached at these workshops, particularly the latest one, have focused on the need to improve the procedures for issuing injunctions and implementing judgements in cases where parents fail to pay their children's maintenance.

258. According to the annual report of the Federation of Cuban Women community work section for 2006, the organization was apprised of a total of 59,054 cases of non-payment of maintenance, of which 22,590 were resolved.

259. Children who need to be separated from their families for the above reasons are given assistance and protection by the State, always with their best interests in view.

260. The Federation of Cuban Women has also focused its work with the support of other institutions, with which it maintains close relations. Each centre has a brigade of voluntary social workers attached to it, and these carry out a variety of tasks, including:

- Providing a channel for specific cases or situations involving minors;
- Working directly with minors by organizing a range of recreational and educational activities at centres (group birthdays, talks, competitions);
- Identifying foster families and explaining to them what is involved;
- Participating in centre-run activities;
- Holding discussion events on subjects of interest to minors, these being run by women's and family counselling centre staff.

## **E. Adoption**

261. Adoption in Cuba is judicially authorized by the appropriate courts, as provided by the Family Code. The court transfers the dossier to the public prosecutor, who must then return it with an opinion.

262. The public prosecutor plays an active part in this process, ensuring that the best interests of the child are paramount at all times.

263. The court may hear natural persons, official institutions and the relevant social and mass organizations, and it will hand down a legal ruling authorizing or rejecting the proposed adoption within 15 working days from the date it receives the dossier from the public prosecutor with the latter's opinion, and setting the conditions under which it is to take place.

264. In cases concerning adoption of a child over 7, the court may ascertain the child's wishes and rule as appropriate.

265. In Cuba, there are no street children available for adoption and preference is given to adoption by Cuban nationals, as there are applications pending from Cuban couples who cannot have children and wish to adopt one.

266. The Office of the Public Prosecutor has in place a mechanism for in-depth investigation and analysis of all applications for international adoption and in exceptional circumstances will issue a favourable opinion, provided this alternative is the best for the child.

267. On 1 June 2007, Cuba ratified the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

## **F. Illicit transfer and non-return of children abroad**

268. Illicit transfers and non-return of children and adolescents abroad are punishable under Cuban law.

269. Statutory provision is made for human trafficking for the purposes of prostitution or any other form of sexual commerce in article 302.3 of the Criminal Code, which establishes a penalty of 20 to 30 years' imprisonment. This penalty will be increased if the victim is aged under 16. This was incorporated into penal legislation in 1999 in view of the importance of the issue.

270. Anyone depriving a minor under 16 of his or her personal liberty without being empowered to do so, other than in the cases and under the conditions provided for by law, shall be sentenced to four to 10 years' imprisonment, as established by article 279.1.2 of the Criminal Code.

### **G. Abuse and neglect, including physical and psychological recovery and social reintegration**

271. Section XI of the Criminal Code contains the articles directly protecting children from abuse of every kind, ill-treatment or discrimination to which they may fall victim. Thus, provision is made for offences against the normal development of sexual relations and against the family, children and the young. Section VIII also makes abandonment of minors a criminal offence.

272. In addition to criminal penalties, there are programmes of care for abused and neglected children and adolescents. Where required, they are placed in institutions for homeless children, where they receive all the necessary care and support.

273. In view of the need for children and adolescents to recover physically and psychologically in an environment where their dignity is respected and for children to be protected from victimization when exercising their right to a hearing in all judicial proceedings, child and adolescent protection centres belonging to the Minors department of the Interior Ministry have been created in Havana and Santiago de Cuba to take statements from children who have fallen victim to crimes. To this end, there are rules under which it is possible to dispense with exploratory questioning of children, examine only the filmed interview conducted during the investigation stage at the special centre, arrange for questioning to be carried out by a specialist, and examine them away from the oral hearing court in an office created for this purpose, in these special cases, in the presence only of the judges, the public prosecutor and their legal representative, without the use of robes. Only the court president is empowered to put the necessary questions to the child or adolescent.

274. Regarding work to prevent and remedy domestic violence, in 1996 the Beijing Conference national follow-up seminar was held, providing an important opportunity to reflect on what had been achieved and what, in the light of the country's situation, still remained to be done to overcome the obstacles and challenges that lay ahead and continue the struggle against a lingering cultural of discrimination in our society.

275. The results of the seminar provided the basis for proposals which led, on 7 April 1997, to adoption by agreement of the Council of State of the Republic of Cuba of the National Action Plan for Follow-up of the Beijing Conference, whose implementation, explicit in its content, is the responsibility of the Cuban State with the participation of all official agencies and assistance from NGOs working in this area, most especially the Federation of Cuban Women, as stated in the fourth point of its preamble.<sup>6</sup>

276. This action plan and the two seminars held since to evaluate progress with its implementation also provide a tangible example of the ongoing and well-considered gender interpretation of Cuban public policies and legislation. Each seminar has set up a committee devoted specifically to the evaluation of legislative achievements and obstacles, showing the concern that exists to improve the country's laws.

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<sup>6</sup> The third point of the preamble recognizes that during these long and arduous years the Federation of Cuban Women "... has played an important role as the mechanism promoting the advancement of women and the conquest of their genuine human rights".

277. Among the measures set in train by the National Action Plan, the National Working Group to Prevent and Deal with Domestic Violence was set up in 1997 at the behest of the Federation of Cuban Women, which also coordinates it, to integrate all the efforts of State institutions, non-governmental organizations and research centres dealing with this social problem, which had previously been studied and addressed in an unfocused, piecemeal manner.

278. The scale of domestic or specifically gender violence in Cuba cannot be compared to what exists in the outside world. Nonetheless, this is a problem that cannot be tolerated in our society and that requires ongoing, differentiated measures to deal with it, since the appropriate action needs to be taken on every case until it is resolved.

279. Physical violence against women, children and adolescents is repudiated and regarded as abusive or cowardly by most of the population, whilst the educational and cultural development of women and their financial independence have freed them from submission to violence at the hands of their partners or relatives. To this can be added the common action of social and mass organizations in the community, which play an educational role of persuasion, and of the competent authorities responsible for preventing and punishing instances of such violence.

280. Nonetheless, there are cases of violence in its different forms and some still see this as a private problem. This is why special measures are taken to deal with the issue.

281. The National Working Group to Prevent and Deal with Domestic Violence is a multidisciplinary and intersectoral body coordinated by the Federation of Cuban Women and has a permanent membership consisting of the Ministries of Education, Public Health, the Interior and Justice, the Office of the Public Prosecutor, the People's Supreme Court, the National Sex Education Centre, the University of Havana, the Institute of Forensic Medicine and the Cuban Institute of Radio and Television, among others. Its objective is to design and implement a joint action plan and make reasoned proposals to other sectors of society when necessary.

282. The composition of the Group, meanwhile, allows goals and tasks to be transmitted from the structures and functions of each agency and organization composing it to the individuals representing them in the community: teachers, doctors, police officers, judges and public prosecutors, among others.

283. Since the Working Group was set up in September 1997, the main areas of observation have included the legal implications of the issues concerned and the legislative actions to be taken, plus training for the judiciary, particularly those members who have specific responsibilities in legal proceedings (investigative officers, lawyers, judges and public prosecutors).

284. The Working Group has also carried out studies looking at the feasibility of a specific legal statute to deal with domestic violence, involving an analysis of the opinions of Cuban experts in this area and a comparison with current laws in Latin America and the Caribbean. Hitherto, the preference has been to work to improve existing legislation rather than create a specific statute. Accordingly, work has been done on proposed amendments to the Family Code and Criminal Code that include violence-related aspects and accord with the spirit of recommendation 19 of CEDAW.

285. The draft bill for the new Family Code is designed to pay special attention to everything connected with domestic violence, precisely so that this is articulated as one of the evils distorting family relationships, with referrals to the Criminal Code where appropriate. This is done in the articles dealing with conjugal rights and duties and in the article on children's rights in the family, while the article on the right of punishment in the provisions dealing with parental authority is amended.

286. Where criminal law is concerned, work is under way to improve the current Code with new proposals, but there can be no disputing that the amendments made to the Code as a result of the group's studies and research in 1997 and 1999 were significant:

287. Decree-Law 175 of 1997 included the following amendments:

- It revisited the offence of procuring and human trafficking in criminal law (art. 302) with very severe penalties ranging up to 30 years' imprisonment;
- It introduced the offence of sexual affront (art. 303), which includes sexual harassment (changing the name of the well-known offence of "public scandal");
- It excluded from the Code anything that might be construed as discrimination by reason of sexual orientation;
- It amended the offence of corruption of minors and increased the penalties (Decree-Law 175 first, and then Law 87).

288. In 1999, Act No. 87:

- Introduced the offence of sale and trafficking of minors with a view to preventing and severely punishing these degrading crimes, which are very uncommon in our country;
- Made it an aggravating circumstance in criminal liability "when the victim is the offender's spouse or related to the fourth degree of consanguinity or the second degree of affinity (...)", this being taken into account in crimes against life and physical integrity and against the normal development of sexual relationships, the family, children and the young (art. 53, letter (j)).

289. State and civil society agencies are working through the Group to step up their efforts to deal with and prevent the problem without resorting to the criminal courts. The point is not just for the criminal laws to offer protection when violence occurs, but for the whole of society to be involved in organized prevention and reintegration efforts.

290. Over these years, the results of the efforts by the National Working Group as regards legislation and within the judicial sector include:

- Training in domestic violence issues from a gender perspective for the governing boards of the National Revolutionary Police, the Ministries of Public Health and Justice, the Office of the Public Prosecutor and the Cuban Institute of Radio and Television;
- Preparation of three sets of educational material to be debated by more than 76,000 Federation of Cuban Women grass-roots organizations, dealing with violence against women within couples, violence against children and legislation protecting women and the family from domestic violence;
- Analysis of the content of judicial dossiers relating to selected offences such as bodily harm, homicide, murder and rape;
- Study of Cuban legislation and comparative analysis against that of other countries in the area, potentially yielding arguments for ways to improve legislation;
- Care and guidance for victims of domestic violence from the women's and family counselling centres of the Federation of Cuban Women;
- National radio and television exposure and articles in the press.

291. For all the progress made, there are still working priorities that pose real challenges:

- Improving family and criminal law, for which concrete proposals exist;



- Measuring the effectiveness and efficacy of all legislation;
- Improving and continuing the training of the different classes of law professionals, chiefly judges, prosecutors and lawyers, and the police, taking a multisectoral and interdisciplinary approach to the issues to ensure differentiated treatment for these cases;
- Increasing awareness of the issue among the public by every means possible (radio, TV, print media, pamphleteering in communities).

292. As part of the family procedure workshops mentioned earlier, there has been discussion of the importance of implementing family mediation as an alternative family conflict resolution procedure in Cuba.

293. At the first workshop in February 2003, a very general agreement was reached to the effect that mediation be suggested as a necessary alternative solution to family conflicts.

294. At the second national workshop in June 2004, a specific decision was taken to introduce family mediation and agreement was reached on the implementation of mediation processes in the community on the basis of a study by the Federation of Cuban Women. Showing the enormous potential of family mediation services run at women's and family counselling centres, given their conditions and characteristics and the professionalism and experience of those working there, if underpinned by a specific training programme and a set of ethical standards to govern the work of mediators.

295. At the third Special Family Procedure Workshop in November 2007, participants agreed to approve the general conditions for the family procedure and to form committees that would prepare the draft family procedure and a draft procedure for implementing mediation in the family procedure, while envisaging the possibility of effectively implementing mediation prior to court proceedings and giving in-depth consideration to how this would be implemented in cases involving domestic violence.

296. At the present time, the committee drafting the rules for mediation in the family procedure is working on the preliminary plan for implementation of family mediation as an alternative procedure for family conflict resolution in the family procedure.

297. In 2006, the Federation of Cuban Women began to develop the programme for implementing family mediation at women's and family counselling centres.

298. The purpose of introducing this new service at these centres is to use mediation as an alternative means of solving family conflicts in a way that supports families, provides mechanisms for obtaining solutions in conflicts of this type and improves relationships within families going through some situation that creates strains or difficulties in the smooth working of the family.

299. The project is currently at a stage where personnel are being trained and the methodological material that will guide their work is being prepared. This is being done with the support of the Cuban National Union of Jurists, which is sponsoring the effort alongside the Federation of Cuban Women. In accordance with the implementation timetable, family mediation began to be offered officially at counselling centres in the second half of 2008.

## **Chapter VI**

### **Basic health and well-being**

#### **A. Survival and development**

##### **(a) Infant mortality**

300. The infant mortality rate in Cuba has been on an almost interrupted downward trend for somewhat over four decades. In 2008, infant mortality was 4.7 per 1,000 live births (the lowest in the country's history), and 26 municipalities in the country had zero infant mortality.

301. The reduction in the indicator is the result of lower neonatal and post-neonatal mortality. The obstacles to further reductions are currently identified in the neonatal component, for reasons associated with the birth environment and arising during intra-uterine life, these being highly complex stages when it comes to short-term interventions and impact, so that major reductions are not expected in the near future.

##### **(b) Under-five mortality**

302. The under-five mortality rate in 2007 was 6.7 per 1,000 live births, which was down on the figure for the previous five years.

303. The goal for the decade from 2000 to 2010 is to keep this indicator below 11 per 1,000 live births.

304. The living conditions and health situation of this segment of the population are a particular priority for the Cuban State and the Ministry of Public Health, so that this indicator has tended to fall more or less constantly and has now reached low levels.

##### **(c) Maternal mortality**

305. Reducing maternal mortality is a priority of the Cuban national health system.

306. The maternal mortality rate in Cuba is among the lowest in the Latin America region. In 2007, the maternal mortality rate was 30.2 per 100,000 live births, representing a reduction of almost a third from 1990.

307. The main challenge at present is to maintain the downward trend in the rate, and to meet this goal intensive work is going on in the country to make further all-round progress with care for women from before conception until the pregnancy comes to term.

308. To this end, particular attention is being paid to sexual and reproductive health services, including promotion of family planning, the use of higher-quality contraceptives that reduce risks, and increased measures to reduce the rates of early or unwanted pregnancies and abortions.

309. The Ministry of Public Health, and specifically the National Department of Reproductive Health, has designed a set of concrete strategies to continue improving the results, even though the relative risk of death for a pregnant woman in our country is among the lowest in Latin America and the Caribbean.

**(d) Strategies**

- To continue training the human resources involved in caring for children (paediatric intensive care, neonatology, paediatrics, acute diarrhoea, acute respiratory infections, breastfeeding) and women (prenatal care, perinatology, attention during birth and peripartum, gynaecology, emergency obstetrics, family planning);
- Nutritional supplementation and fortification for children, pregnant women and nursing mothers;
- To improve the comfort of maternity homes, considering the role they have played and continue to play in lessening the risks of pregnancy (especially where nutrition is concerned), in reducing the low birth weight indicator and in achieving institutional standards of birth attended by qualified personnel;
- To increase the number and quality of measures to prevent and deal with the social problems affecting women, children and the family;
- To evaluate the prevalence of growth retardation in under-fives;
- To systematize and raise the quality of non-formal methods;
- To improve the quality of paediatric check-ups for under-fifteens;
- To evaluate the measures taken by the National Programme of Comprehensive Adolescent Health Care;
- To promote the relevant actions of the Adolescent Health and Quality of Life Programme with a view to bringing about changes in behaviour and responsible healthy conduct, with an emphasis on smoking and accident prevention, reproductive health and narcotics use, among other things;
- To use bimonthly surveys to evaluate the quality of and satisfaction with reproductive health services in the primary health-care system;
- To gauge the impact of the “My Happy and Healthy Home” community movement;
- To maintain the level of coverage achieved in comprehensive and pre- and perinatal care and periodically assess the quality of and satisfaction with services provided under the “For a Safe Birth” strategy;
- To promote breastfeeding exclusively until the sixth month, systematizing the actions of community support groups;
- To fully complete the country’s central and peripheral cold chains;
- To guarantee safe injections for under-fifteens using disposable syringes and needles;
- To bring the Cuban pentavalent vaccine (DTPw-HB/Hib) into use;
- To include the streptococcus pneumoniae vaccine by 2010;
- To eradicate iodine deficiency disorders (IDDs) in the country;
- To carry out a study on accident mortality and disablement among under-twenties;
- To train specialists from the Federation of Cuban Women and staff from women’s and family counselling centres as community mediators to provide an alternative method of resolving family conflicts;
- To strengthen the case resolution capacity of the primary health-care system and revitalize hospitals;

- To promote healthy lifestyles in families and family relationships that are characterized by harmony, solidarity and respect between members through the individual and group counselling work of women's and family counselling centres;
- To systematically evaluate the actions contained in the Programme for the Care of Handicapped Children and evaluate their impact.

**(e) Goals**

- Keep under-one mortality below 8 per 1,000 live births;
- Keep preschool mortality below 5 per 10,000 inhabitants;
- Keep under-five mortality below 11 per 1,000 live births;
- Keep school-age mortality below 4 per 10,000 inhabitants;
- Keep maternal mortality below 35 per 100,000 live births;
- Keep the low birth weight indicator below 7 per cent;
- Keep moderate and/or severe undernourishment in under-twos below 3 per cent (weight/height);
- Keep moderate and/or severe undernourishment in under-fives below 3 per cent (weight/height);
- Achieve coverage of over 95 per cent for the following vaccines in the under-fifteen population: DPT, HB, Hib, meningococcal B and C, BCG, MMR, OPV, DT, TT and AT (Vi);
- Prevent the following eradicated diseases from reappearing: poliomyelitis, diphtheria, measles, rubella, mumps and whooping cough;
- Prevent neonatal tetanus from reappearing;
- Achieve rates of below 0.1 per 100,000 inhabitants for tetanus, haemophilus influenzae type B (under-fifteens) and HB (under-fifteens);
- Equip each health area with a refrigerator, three thermoses and a thermometer, and provide a refrigerator for the main maternity hospitals;
- Guarantee 100 per cent safe injections for under-fifteens using disposable syringes and needles;
- Meet monitoring targets for likely cases of poliomyelitis, measles, rubella, mumps, whooping cough and adverse reactions to vaccines;
- Keep the country's certification as a "country free of iodine deficiency disorders (IDDs)", gained in 2005;
- Sustain the reduction in anaemia rates from 28.3 per cent to 23 per cent during the third trimester of pregnancy, achieved since 2005;
- Sustain the reduction in the prevalence of anaemia in under-twos from 40 per cent to 30 per cent;
- Keep the rate of pregnancies with inadequate weight gain below 15 per cent (2010);
- Ensure that under-threes and undernourished pregnant women receive subsidized basic foodstuffs fortified with micronutrients.

## B. Developing children's primary health care

310. The health of children and adolescents in Cuba is a priority of the State and the national health system, which is why the primary health-care subsystem is working to ensure that children are born and develop in a safe and healthy environment.

311. In accordance with the provisions of the Cuban Constitution, the national health system (and in particular the Family Doctor and Nurse Programme) provides Cuban children and adolescents with free, universal access to medical care irrespective of sex, skin colour, social status or religious belief.

312. The system of primary care and family medicine has made the Mother and Child Care Programme a development priority with the object of safeguarding children's and mother's health. The emphasis is on improving children's quality of life at all stages of life, and measures to prevent disease and promote health are a vital tool in the system of primary care and family medicine.

313. To be able to carry out these health actions and keep Cuban children and adolescents healthy, the primary care system has a structure comprising 32,548 family doctors working in 14,007 surgeries distributed within the community, so that medical resources are accessible and available to people near their homes, 24 hours a day. These family medical practices<sup>7</sup> look after a population of between 500 and 700 inhabitants, providing coverage of 99.7 per cent of the country, while the rest of the population (0.3 per cent) is covered by the community care system.

314. The core activities of these family doctors and nurses include disease prevention and health promotion measures in pursuit of a better quality of life. These start even before birth with a pre-conception risk assessment and appropriate prenatal care so that the child will eventually be born under the best possible conditions. Breastfeeding promotion work starts before the child is born with health education and promotion activities that include women of childbearing age, expectant mothers and families.

315. Following the birth, good health is promoted through paediatric check-ups and talks on health issues, both at surgeries and in the patient home visits that are systematically carried out. Breastfeeding is promoted, together with appropriate weaning and the prevention of acute respiratory infections (ARIs) and acute diarrhoea, among other things. Other actions include vaccination for vaccine-preventable diseases (like all other services, vaccination is free) and the formation of adolescents' groups, where young people prepare for life as adults.

316. The prevention measures taken by the family doctor and nurse as part of the Comprehensive Family Care Programme include the prevention of family crises that may affect the dynamic of a family and endanger the health of any of its members, particularly children.

317. To achieve this efficiently and harmoniously, the family doctor and nurse practise genuine family medicine by promoting and implementing health actions to safeguard the health of individuals and families. This involves periodic assessments of family health in the light of the family's clinical history to draw up an action plan for preventing any family problems that might principally affect children and adolescents.

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<sup>7</sup> This system of surgeries or basic health teams (EBS) simply entails the pairing of a family doctor and nurse who attend a geographically determined population, be this in the community, a workplace or an educational establishment. The goal is to increase the level of satisfaction in the population, improve the way work is organized in the light of the population's needs, improve the quality of the all-round medical care dispensed to individuals, families and the community and increase the satisfaction of primary care teams with the work they do.

318. The Comprehensive Family Care Programme, implemented in 100 per cent of Cuban families, also makes provision for a set of measures to aid the physical and psychological recovery of children who need it and the social reintegration of children who are or have been in trouble with the law, thereby ensuring integration takes place in an environment conducive to good health and respect for children and their families. The work of prevention and reintegration into the community is carried out nationwide in both rural and urban areas, with due consideration of the characteristics of each.

319. To achieve significant results in this sphere, the family doctor and nurse work together on the social welfare committee that is part of each people's council, with a membership that includes representatives of various local State agencies. They also work with formal and informal community leaders and with the Health Council to design strategies and possible solutions and thereby forestall and/or eradicate any bio-psychosocial disequilibrium that may affect the health of children and adolescents and their families.

320. The surgeries of the family doctor or basic health teams are also attended by basic work groups. Comprising a paediatrician, a consultant, a gynaecology and obstetrics specialist, a psychologist and a specialist in comprehensive general medicine, these provide direct assistance and training to a group of between 15 and 20 surgeries.

321. The function of the basic work group is essentially to improve the organization, implementation and evaluation of the comprehensive medical care provided to the population, including the organization, implementation and evaluation of the professional and technical training and specialization process, while striving to constantly improve user satisfaction levels.

322. Family doctor surgeries and basic work groups are the main components of the country's polyclinics, which in turn are a fundamental component of the national health system, overseeing the health-care institutions in their area and having charge of all health-care coordination and delivery, which means that they are responsible for patients' progress through all the levels of care in the system until their problems are resolved. Polyclinic services are organized and planned with regard to the health-care problems affecting the population or territory they serve, and they operate a programme of ongoing human resource training to ensure the proper functioning of services and other necessities, in coordination with universities.

323. Children and adolescents living in rural areas receive the same medical treatment. Rural areas have the same organizational and functional structures as those described above, including the remotest mountain areas, for which there is a special health-care plan. This plan provides 100 per cent coverage with a total of 1,885 doctors, 1,465 of whom work in the 1,170 surgeries built by the Cuban State in these areas of the country.

324. This structure ensures access to medical care for 100 per cent of Cuban children and adolescents, who are provided with comprehensive medical care as well as continuous assessment and risk evaluation.

### **C. Health promotion and education**

325. The Cuban Ministry of Public Health (MINSAP) has a National Health Promotion and Education Centre whose functions include establishing methodological principles and standards with a view to enhancing the knowledge of the Cuban population by means of health promotion and disease prevention measures that are also conducive to a better quality of life, especially for children and adolescents.

326. The National Health Promotion and Education Centre works through existing organizational structures to increase public participation in the solution of health problems, following an intersectoral approach. It also provides advice and support to national health system units, principally in the follow-up of educational strategies for intervention, participatory action and intersectoral and multidisciplinary coordination, with a particular emphasis on the primary level.

327. The health communication process in Cuba is designed to encourage individuals, families, groups and the community to adopt healthier lifestyles.

328. Work is ongoing to ensure that the messages conveyed by the social communications media are consistent with health promotion and education approaches. All health programmes have educational objectives, which are addressed in the light of children's and adolescents' perceptions of issues such as sexually transmitted diseases (STDs) and HIV/AIDS, the prevention of teenage pregnancies, addictions and other issues. Children and adolescents are also involved and participate in solving other health problems (anti-dengue efforts, the environment, natural and traditional medicine and sex education, to name a few). Education is provided for parents and training for teachers so that they are equipped to take advantage of opportunities that may arise in any teaching situation to address health content.

329. Accident prevention is a subject that has been dealt with not only by the health sector but also by the Traffic Department of the Ministry of the Interior, the Ministry of Transport and the Ministry of Education, which work systematically to identify dangers and risk factors and to guide and implement educational activities. Cuban children and adolescents have been invited to participate by means of competitions at different artistic and literary events.

330. The specialized national, provincial, municipal and even local health programmes publicized by the communications media operating at these different levels prioritize subjects that can contribute to the health and quality of life of Cuban families.

331. The 91 radio stations and 49 television channels that exist across the country (14 provincial and 30 municipal television centres and the four national television channels) now have up-to-date information on the health situation and can call upon a panel of specialists to give their position on the health situation, so that appropriate information on any given subject can be obtained.

332. The National Health Promotion and Education Centre favours face-to-face communication because of the opportunities it provides for immediate feedback and treatment targeted on the individual, couple or family concerned. This individual communication is facilitated by the characteristics of the primary care model, whereby the family doctor and nurse can analyse the health situation to familiarize themselves with the leading risk factors and characteristics and with other specialities in the area they serve.

333. Intensive work is going on at every level of the national education system to impart knowledge to educators, and this programme is being implemented with particular vigour at the preschool level and in the first cycle of primary school. This effort has proved successful to date.

334. The newest feature in the design of educational measures has been the introduction of this message from the earliest ages, with role-playing organized by the Educate Your Child programme among preschool children attending official day-care centres and informal establishments.<sup>8</sup>

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<sup>8</sup> The Educate Your Child Programme, which has been operating in the country since the mid-1990s,

335. Another example of the work being done by Cuba in this area is the Baby-Friendly Hospital movement, which has now been consolidated.

336. The potential for our children and adolescents to benefit from their rights where health education is concerned begins long before pregnancy, i.e., at the pre-conception stage, when responsible parenting actions and genetic counselling provide opportunities to give couples fuller information about the best time to conceive and the time they should wait before having more children, considering that this period should be no less than two years so that ongoing assessment and risk evaluation can be provided for women of child-bearing age. Any history of chronic disease that might represent a major risk factor at a given time is also assessed to ensure the well-being of any children conceived.

337. Different programmes are currently being implemented, among them the National Programme of Comprehensive Adolescent Health Care and the National Accident Prevention Programme. An information, education and communication strategy has been designed for these, with the following objectives:

- To develop information processes for the purpose of identifying, seeing and managing risks in specific spheres and areas, together with preventive measures;
- To design training workshops, essentially for primary health-care personnel, using educational techniques that offer interactive learning for the development of prevention measures;
- To establish communication strategies for disseminating prevention-oriented educational messages, using all available media for this purpose;
- To draw up summer accident prevention strategies, as a large number of people go on holiday during the summer months.

338. The National Health Promotion and Education Centre conducts joint projects with different international agencies such as the Pan-American Health Organization (PAHO), the United Nations Population Fund (UNFPA), UNICEF and the World Food Programme (WFP), among others, which contribute financially to the development and implementation of many initiatives, thereby contributing to the policy efforts of the Cuban Government to preserve and maintain the health of the whole population, with particular emphasis on children.

#### **D. STD and HIV/AIDS prevention and control**

339. As of 31 December 2008, a total of 99 cases of HIV/AIDS infection in children and adolescents had been diagnosed, representing 1.06 per cent of all cases of the disease in Cuba.

340. The epidemic has remained at a low level and the number of new infections diagnosed in the last six years has been very small. Since 2003, the seropositivity trend among children and adolescents has been downward. The year with the lowest incidence relative to 2001 was 2007, with six cases diagnosed.

341. Although men who have sex with men (MSM) are the most vulnerable group, in the child and adolescent group it has been girls (the female sex) that have accounted for the bulk of diagnoses since 2003. In 2007, twice as many girls were diagnosed as boys.

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prioritizes the educational function of the family, the idea being that if children are shown more affection and their capabilities and skills are stimulated, they will be better equipped to participate in the school environment and, to some degree, the community. It also provides a structure for different social actors to form a Programme support network.



342. In Cuba, the main form of transmission is sexual. Transmission by blood and between mother and infant have been extremely rare and are not a problem in the country. Only three cases of infection by direct mother-child transmission were diagnosed in 2007 and again in 2008, so that hitherto there have been just 34 cases of infection by this route.

343. A total of 19 infected children and adolescents have died from 1995 to date. In 2007, the death of one child was reported.

344. Periodic surveys by the National Statistical Office (2001, 2005 and 2006) have made it possible to evaluate the progress achieved and identify continuing weaknesses, which have been made the working priorities for the programme and will be addressed in the Intersectoral National Strategic Plan for 2007-2011.

345. The main priorities include:

- Enhancing the social communication strategy to improve the reach and interaction of measures taken by the different social sectors;
- Giving continuity to the implementation of measures to facilitate the publicization of technical and scientific information so that it becomes accessible to vulnerable groups, health-care personnel and the general population;
- Strengthening the national network for the diagnosis of STDs and HIV/AIDS while expanding and enhancing the epidemiological monitoring network;
- Improving the prevention strategy for MSM;
- Enhancing and expanding the condom marketing strategy, given the growing demand from the population;
- Expanding the national health system training strategy as a means to support the decentralization of comprehensive care;
- Decentralizing and regionalizing comprehensive care for people living with HIV, including the provision of antiretroviral therapy and the implementation of special follow-up studies.

## **E. Immunization**

346. In 1962, the decision was taken to create the National Immunization Programme with a view to resolving the great problem that existed in those years, when there were an average of 500 deaths a year from vaccine-preventable diseases, 300 cases of paralysis from poliomyelitis and several tens of thousands of infections by diseases that could have been prevented by vaccination.

347. The immunization programme received strong political support from the start. It was grounded in four basic pillars to ensure universal vaccination:

- It was designed to cover the whole Cuban population;
- It was incorporated into the primary health-care system;
- There was active community involvement;
- It was completely free of charge.

348. A variety of actions and measures were introduced as part of the immunization programme, namely:

- Rural hospitals were built and premises were adapted to create the first community care model;

- The Rural Social Medicine Service Act was passed, requiring doctors and nurses to be assigned to the most inaccessible parts of the country for a set period of time and increasing the intake of medical and nursing students;
- A literacy campaign was conducted in 1961, when Cuba was declared illiteracy-free;
- Education was greatly increased;
- Vaccination was carried out more locally.

349. All these measures and others undertaken during the 50 years of the Cuban Revolution have ensured universal vaccination for Cuban children.

350. Vaccination is regarded as a right of the population and a duty of the State. There are no laws in the country making vaccination compulsory, however.

351. Currently, 11 different types of vaccines are given to Cuban children, providing protection against 13 diseases. Vaccination coverage is now over 95 per cent.

352. It has proved possible to eradicate five diseases, two severe clinical forms and two serious complications, while three diseases have ceased to be a health problem because infection rates are below 0.1 per 100,000 inhabitants and morbidity rates for the other three have fallen by more than 98 per cent.

353. In consequence of the above, the country has prevented:

- 22,000 child deaths;
- 2,000 cases of deafness;
- 2,000 cases of blindness;
- 1,800 cardiopathies;
- 600 cases of meningitis;
- 13,000 cases of paralysis from polio.

## **F. Environmental sanitation and protection for children and adolescents in Cuba**

354. By virtue of the Cuban Constitution, there are a great many legal provisions, many of them originating in different agencies of the central State administration, designed to promote and protect children's environmental health by giving consistency to action in this area. Environmental protection activity in the country has been designed as a system involving:

- the Ministry of Public Health (MINSAP);
- the Ministry of Education (MINED);
- the Ministry of Science, Technology and the Environment (CITMA);
- the National Water Resources Institute (INHR);
- the Ministry of Basic Industry (MINBAS);
- the Ministry of the Economy and Planning;
- youth and mass organizations.

355. In addition, information and data for analysis are provided by the Ministry of Agriculture (MINAGRI) and the Ministry of Foreign Investment and Economic Collaboration (MINVEC).

356. The Ministry of Public Health analyses environmental threats to children with the participation of the following bodies:

- The National Environmental Health Unit;
- The National Institute of Hygiene, Epidemiology and Microbiology;
- The Health Analysis and Trends Unit;
- The National Bureau of Statistics;
- The National Maternity Bureau;
- The National Health Promotion and Education Centre, which is responsible for coordinating and drafting the final report.

357. The work involves identifying physical, chemical, biological and socio-environmental risk factors and implementing measures to minimize their effects on the health of students and workers in the Cuban education system. Essentially, these factors are identified by State health inspectors at intervals determined by establishment type and function, but educators, medical personnel attending establishments daily or at set intervals and students and families themselves are also involved.

358. In the areas of health and education, Cuba has indicators close to and sometimes better than those of developed countries, despite the constraints and obstacles the country faces, in particular those caused by the economic, trade and financial embargo imposed by the Government of the United States for almost five decades.

359. Like the world's other child populations, Cuban children and adolescents are exposed to the effects of air and water pollution, exposure to chemicals, traffic and household accidents, emerging and re-emerging diseases, hazardous wastes, climate change and the psychosocial effects on human behaviour, all of which affect every section of society alike.

360. At the present time, the country is implementing the first phase of the Integrated School Health Action Strategies with the roll-out and gradual extension of the comprehensive health diagnosis system, which consists in combining clinical and epidemiological, socio-environmental and psychopedagogic diagnoses of students and workers with a view to acting on any problems identified as quickly as possible and achieving the desired levels of health and learning in this population.

361. In Cuba, over 95 per cent of the population has:

- a safe drinking water supply;
- access to sanitation;
- chlorinated and treated water;
- a wide-ranging programme of social communication and training, relying on grass-roots community institutions and intersectoral work.

362. There has been a progressive recovery in the provision of disinfected drinking water to the population. The political determination of the Cuban Government and State, financing from the National Water Resources Institute and the mobilization of international cooperation resources have been important, strategic factors contributing to the rise in the coverage of the Cuban population in this area.

363. Despite progress in recent years, the desired environmental standards for the storage, collection, transportation, handling and safe final disposal of solid urban waste have yet to be reached.

364. The conditions at present are:

- The volume of solid waste collected is gradually rising;
- Waste dumps continue to be constructed;
- the volume of recycling of reusable material, from both industry and the general population, remains low despite gradual improvements;
- A considerable percentage of non-household storage takes place in containers, principally in provincial capitals, while other waste is stored in tanks, small local dumps, plastic bags, etc.;
- The collection and transportation of solid waste is institutionalized throughout the country, with national coverage of 90 per cent. Sanitation activities also take place nationally, following a timetable set in accordance with the characteristics of each province;
- Street sweeping is essentially done manually, and is carried out on all asphalted roads, public squares, pavements, etc.;
- Air pollution in cities increased steadily up until 1989, the bulk of this rise being accounted for by vigorous urban industrial development. After 1990, polluting emissions into the atmosphere fell because of plant closures and industrial downsizing in the country. Effective management instruments were brought into operation towards the end of the decade, including impact assessments and environmental licensing. Pollution from gases produced by mobile sources (automotive transportation) persists;
- Major projects are being undertaken with international cooperation to clean up river basins.

365. The Cuban State is making great efforts to improve and upgrade sanitation standards at educational establishments in cities and in semi-urban and urban areas where Cuban children and adolescents study.

366. All educational establishments in cities and rural areas use drinking water from aqueducts like the rest of the population. In some cases where not enough water is available, it is supplied by means of pipes or water tankers, this water too being of the required standard. In the countryside a large number of establishments use well water; the water cannot be disinfected with chlorine in 100 per cent of these cases for lack of chlorinating equipment or because chlorine is temporarily unavailable where the equipment exists. This difficulty is overcome by manually chlorinating drinking water at most establishments.

367. Procedures for collecting non-organic solid waste at these educational establishments in cities are determined by the planning of communal services at each location, while individual processing methods are used in rural areas: incineration and covered pits or trenches.

## G. Nutrition

368. One of the great challenges for the Cuban State and Government is to guarantee the food security of the population, and particularly the child population, even under the difficult economic conditions facing the country, aggravated as they have been by the tightening of the economic, trade and financial embargo imposed by the Government of the United States for almost 50 years.

369. Despite these conditions, Cuba gives high priority to the diet and nutrition of unborn children and breastfeeding mothers. Progress has been made in entrenching what has been achieved in terms of reducing malnutrition and applying the basic principles of a healthy diet from the earliest years of life.

370. In 1992, Cuba joined the WHO/UNICEF global initiative and implemented the Baby-Friendly Hospital Programme. All hospitals in the country where childbirth takes place have now been certified and the Ten Steps to Successful Breastfeeding have been extended to the primary health-care system. Recent years have seen the development of a breastfeeding training, promotion and communication programme for health-care personnel, mothers, families and the community, and this needs to be enhanced if the goals set are to be achieved.

371. Work is under way to create mother's milk banks, applying all the international standards laid down for their operation and the feeding of babies who are premature or have been admitted to neonatology and intensive care facilities, or whose mothers are severely constrained in their ability to breastfeed naturally.

372. The results of the UNICEF-MINSAP multiple indicator cluster survey (MICS III) conducted in 2005 showed that there was a particular focus on breastfeeding in Cuba.

373. Once their pregnancies have been confirmed, expectant mothers are provided free of charge with a number of supplements (Materlac) that contain iron, folic acid, vitamin C and vitamin A with a view to preventing anaemia, malnutrition, etc. Production levels for these supplements are stable in the country, so that all expectant mothers can be supplied with these valuable products for the length of time and in the quantities required.

374. Cuban pharmacies provide children aged up to 5 with Forfer, a product designed to prevent and control anaemia in children. It is produced by the country's pharmaceutical industry, with the support of UNICEF.

375. Steady progress has been made in fortifying children's fruit purées (for under-threes) with ferrous lactate (2 mg) and ascorbic acid (at least 30 mg). This is being done by the Unión de Conservas de Vegetales (UCV) with support from UNICEF.

376. Children aged under 2 from the country's eastern provinces receive a cereal fortified with iron and vitamins through the World Food Programme (WFP).

377. The country is developing a Programme for the Control of Iodine Deficiency Disorders (IDDs) designed to achieve optimal iodine nutrition in the population so that the country can be declared sustainably free of these disorders. The Programme operates on a multisectoral basis, involving all the agencies of the Central State Administration, particularly the Ministry of Public Health and the Ministry of Basic Industry.

378. The proposed goals and indicators have been met stage by stage since 2001. All salt for human consumption is now iodized at the production stage. For the purposes of the Oversight and Monitoring System, salt is considered to be adequately iodized if 90 per cent

or more of the samples analysed in shops and homes contain between 15 and 25 ppm. In 2006, 86.4 per cent of the samples analysed at wholesalers and 86.5 per cent of those analysed in households were adequately ionized by this definition.

379. In 2005, Cuba was declared to have sustainably eliminated iodine deficiency disorders (IDDs), thereby complying with the international commitments accepted at the World Health Assembly and the World Summit for Children.

## **Chapter VII**

### **Education, leisure and cultural activities**

#### **A. Education, including vocational training and guidance**

380. The Government of the Republic of Cuba attaches the highest importance to the full realization of its citizens' right to education, particularly where children and adolescents are concerned. The Cuban education system is a function of the State, which guides, foments and promotes education, culture and the sciences in all their manifestations. Its fundamental goals and principles are set out in articles 9, 39, 40, 51 and 52 of the Cuban Constitution.

381. Article 51 of the Constitution establishes that "this right is guaranteed by the extensive system of free day schools, boarding and semi-boarding schools and bursaries for every type and level of education, and by the provision of free school materials, providing every child, adolescent and young person, irrespective of his or her family's financial situation, with the opportunity to undertake courses of study that match his or her aptitudes, the requirements of society and economic and social development needs".

382. One of the first priorities of the Cuban Revolution when developing its policies and programmes from 1 January 1959 was the removal of structural and institutional obstacles to full enjoyment of the universal right to education. Beginning in that same year, the country began to create the conditions for the provision of free, universal education at every level.

383. Illiteracy as a social phenomenon was eradicated in Cuba with the universalization of primary and secondary education, supplemented by the National Literacy Campaign implemented in 1961 and the sixth and ninth grade programmes for the newly literate, the result of which was that the entire adult population of Cuba achieved a level of schooling higher than the ninth grade of general education.

384. It is the Cuban State that is responsible, with the participation and support of social and non-governmental organizations, for the structuring and operation of a national education system oriented towards the development and education of the new generations in a comprehensive, systematic, participatory and constantly evolving teaching process underpinned by a set of principles that go to make up a highly coherent system.

385. Education is free at every level and is based on the achievements and contributions of science in close connection with life, work and production. The law specifies the integration and structure of the national education system and the scope of compulsory schooling and lays down the basic general education that should be the minimum attainment of every citizen. The State maintains an extensive system of bursaries at boarding schools to help ensure continuity of studies for all students who so require and makes provision for multiple learning options and methods, free of charge and without distinction as to economic status, gender, race or religious creed.

386. All educational spending, whether current or for investment purposes (school buildings, equipment, etc.), is defrayed from public funds approved annually in the State budget by the National People's Assembly.

387. Current spending on educational services increased by a factor of 3.4 between 2000 and 2007, representing 22 per cent of the country's total spending in the latter year (7,109.6 million pesos).

388. As growth has gradually been achieved in the country's economy, essentially since 2000, students' living standards have continued to improve in areas such as nutrition, completion and fundamental modernization of educational and living equipment, and maintenance and repair of school buildings.

**(a) Preschool education**

389. The Cuban preschool education system covers children from birth to the start of school. It is the first subsystem of the national education system and is non-compulsory. Education for children aged 0 to 6 in Cuba is organized by two methods, an institutional one and a non-institutional one. The institutional method relies essentially on day-care centres and the preschool grades of primary schools, while the non-institutional method operates through the Educate Your Child Programme.

390. Created in 1961, day-care centres [*círculos infantiles*] are educational institutions that serve the children of working mothers from their first birthday until the age of 6, when they enter primary school. The mother is entitled to social benefits to care for her child during its first year of life, and once she has finished breastfeeding this right may be taken up by the father if the family so chooses. Families receive educational guidance under the Educate Your Child Programme.

391. At day-care centres, children's daily lives are organized around the requirements of a routine designed to meet their eating and sleeping needs and around the teaching timetable, which encompasses the different pedagogical activities required to foster their development. These centres also benefit from medical care, including stomatology and other specialisms, and a nutritional programme that meets the needs of these age groups. They are run by female educators who have graduated from the teacher training universities, supported by female assistants who assist with the educational process and receive the appropriate vocational training. Children attend these institutions every day between six in the morning and seven at night, depending on the mother's and father's working hours.

392. Disabled children who enter preschool education or whose needs are detected there can be placed in special day-care centres or in special groups organized in standard non-residential centres, or incorporated with their families into the non-institutional programme. The way centres are organized allows disabled children to relate to and interact with children who do not have these limitations. If the child's condition allows it, and subject to medical assessment and parental consent, he or she may be placed in a mainstream day-care centre. A total of 11,997 children with special educational needs and their families are currently being served by the Educate Your Child Programme, and supporting material has been prepared to provide guidance to the families.

393. The non-institutional method operates through the Educate Your Child educational social programme, the outcome of research conducted over 16 years, which was rolled out nationwide from 1992. It is based on an interdisciplinary syllabus whose development was contributed to by educators, psychologists, paediatricians and specialists in growth and development, sport, recreation and artistic education, among others things.

394. This syllabus is applied by setting up coordinating groups from the national to the community level. These groups are composed of the different social actors whose objectives include working with children from birth to 6 and/or their families. These groups, at every level, include representatives of the Ministries of Public Health, Culture and Justice, the Cuban Institute of Sports, Physical Education and Recreation and the Cuban Institute of Radio and Television. Also represented are mass organizations such as the Federation of Cuban Women, the National Association of Small Farmers, the Committees for the Defence of the Revolution and the Cuban Trade Union Federation, among others.

395. This programme has been spreading throughout the country since 1992. Its application and extension have meant that 99.5 per cent of children in the 0 to 6 age group have been fully covered since the class of 2006/2007.

**(b) Primary education**

396. A new “teaching model” has been designed and applied in all primary schools with a view to achieving better results in the all-round development of students’ personalities by encouraging them, right from the earliest grades, to internalize knowledge and values that are then gradually reflected in their feelings, ways of thinking and behaviour, in accordance with the system of socialist values and ideals.

397. There is not a corner of the country, however remote, that is not reached by the education system. This is demonstrated by the fact that, of the 9,047 primary schools that now exist, 1,330 have a roll of between one and five children, most of them in the remotest rural areas of the country.

398. 90.6 per cent of all children in primary education are in groups of up to 20 pupils per teacher and the rest are in classes with two teachers, giving an average ratio of 18.6 pupils per teacher in urban areas and 10.3 in rural areas. Some 98 per cent of teachers stay with their pupils right through the cycle or level, allowing them to familiarize themselves with their pupils and the latter’s families so that they can develop strategies for dealing with the individual differences of each.

399. 47.4 per cent of all students are semi-boarders who are given lunch at school, which facilitates their participation in recreational and educational activities. School attendance is 98.7 per cent and retention 100 per cent.

400. School organization and the single flexible timetable are being refined to make it possible to plan measures in the different programmes of improvement being implemented for children’s benefit. Particular mention may be made of the 7,659 art teachers working with children on dance, choral singing, painting exhibitions and other artistic education activities, the 11,700 teachers of computing who work in the laboratories created at each school to impart elementary knowledge of information technology and work with educational software from the “Multisaber” collection, and the 8,835 teachers of physical education who, in addition to giving classes and organizing sporting and recreational competitions, are currently introducing chess on a large scale. When the introduction of this scientific game in primary schools was assessed, 94.3 per cent of children displayed their knowledge and expressed their satisfaction at the contribution this made as a healthy and productive leisure activity.

401. All schools have electricity, to achieve which it was necessary to install 2,446 photovoltaic cells at establishments which did not receive electricity from the national grid because of their remote locations.



402. Schools have audio-visual, television and video cassette resources that raise the quality of learning. Primary schools are provided with 56,184 televisions (one for each group), 15,070 video players (one for every 100 pupils), highly instructive films and the output of two national educational channels broadcasting 31 curricular and extra-curricular programmes a week, plus training material for teachers. English is taught from the third grade by means of video classes.

403. There are 3,107 school libraries, and in recent years these have enhanced their collections with 834,436 new volumes published by Editorial Libertad.<sup>9</sup>

**(e) Secondary education**

404. The new basic secondary education model, which began to be implemented in 2001, has as its objective the all-round basic education of Cuban adolescents. It is based on detailed, in-depth study of the achievements, shortcomings and difficulties presented by this level of education, not just in Cuba but internationally. Its essence is that it focuses above all on the student, who is going through a difficult stage, adolescence, that entails major physical and mental changes. It prioritizes students' all-round education as good citizens and is supplemented by the large-scale use of information and communication technologies (ICTs), televisions, video cassette players and computers, as one of its goals is greater efficiency and effectiveness in the teaching process and in active learning by students.

405. These changes were based on the conception of a new type of teacher: the "comprehensive general teacher" [*profesor general integral*]. Implementation began experimentally with a group of 100 young volunteers, beginning in August 2001 in two experimental schools, the Cosmonauta Yuri Gagarin rural basic secondary school and then the José Martí urban basic secondary school. Then in 2002, over 4,000 students from across the country were trained as comprehensive general teachers at the Salvador Allende school. In the class of 2003-2004, the new teaching model was extended to all basic secondary schools in the country.

406. The use of video, television and computing and a programme of video classes and televised classes are being introduced as an indispensable element in the work of the comprehensive general teacher, with teachers selected for their classroom experience and broad grasp of the contents to be taught. The subjects of Spanish, history, mathematics and English are taught by means of video classes, with televised classes being used for the remaining subjects in the curriculum. The subjects of civic education and natural sciences were introduced in all three grades in the 2008-2009 school year, the last of these encompassing knowledge of physics, chemistry, biology and geography and being taught by means of televised classes. In the ninth grade, geography of Cuba is taught as a separate subject.

407. The Cuban Government has allocated the financing needed to equip each classroom with a 29-inch television, a video cassette player and a larger number of computers, in order to achieve a ratio of one computer for every 30 students throughout the country. It was also necessary to install solar panels to electrify all establishments that were not connected to the national grid, with a view to achieving equal potential and opportunities for all.

<sup>9</sup> Editorial Libertad is a publisher whose mission is to equip school libraries and documentation centres at the different teaching units with the literature that is essential to raise and broaden children's all-round cultural attainments, with a focus on dictionaries, encyclopaedias, books and atlases.

**(d) Pre-university education**

408. After graduating from the ninth grade of basic secondary school, students have different options for continuing their studies at the pre-university level, depending on their motivations and interests. These include pre-university institutes in the countryside (IPUEC),<sup>10</sup> vocational pre-university institutes of pedagogical sciences (IPVCP),<sup>11</sup> vocational pre-university institutes of exact sciences (IPVCE),<sup>12</sup> art teacher training schools (EIA),<sup>13</sup> sports initiation schools (EIDE) and the Camilo Cienfuegos military academies (EMCC).<sup>14</sup>

409. Changes in pre-university education have been based on the same general principles as already expounded for the primary and basic secondary levels, in order to give students more individualized and personalized attention. Group sizes have been cut to a maximum of 30 pupils and a comprehensive general teacher has been additionally appointed to each of the groups. The Government has provided the financing to equip each classroom with a video player and television, the number of computers in laboratories has been increased, a set of video classes has been prepared for every four groups in the subjects of mathematics, Spanish, history, biology, physics and English and televised classes have also been employed in the cases of geography, chemistry and political culture as part of the programming of the two national educational television channels.

410. In addition, 16 educational computer programs have been designed by the information technology groups at the teacher training universities to support an active role for students in the learning process.

411. A new syllabus has been introduced as part of the changes at this level of education, incorporating common subjects for all students in the tenth and eleventh grades. Syllabuses for the twelfth grade have been diversified into four areas: technical and mathematical sciences, social and humanistic sciences, medical, agricultural and biological sciences and physical culture, and pedagogical sciences, to match the courses that students going on to higher education can opt for.

<sup>10</sup> These are residential centres where secondary school graduates are trained on Martí's principle of combined work and study, graduating with a sciences and humanities qualification. There are 249 of these establishments in the country and they represent 65.5 per cent of all educational centres of this type.

<sup>11</sup> There are 72 of these institutes throughout the country, and their objective is to encourage a vocation for teacher training. They form part of the Cuban teacher training experience and are thus of fundamental strategic importance. Their syllabus provides for students to be trained in systematic teaching practices focused on different types of schools, depending on the specializations opted for. Students at these centres are guaranteed entry to the teacher training universities.

<sup>12</sup> Represented by 15 institutions, two in Havana and one in each province. Adolescents enter these centres by way of a rigorous selection process and acquire a more thorough knowledge of the different branches of science in the course of their studies.

<sup>13</sup> There are 15 centres enrolling students in the specializations of music, visual arts, dance and theatre. Graduates of these centres will have had a general education leading to a humanities qualification and then take up employment in schools as teachers of artistic appreciation, to develop the art lovers' movement among students and to forge ties with cultural institutions in the area and create a favourable cultural environment in schools.

<sup>14</sup> There are 17 institutions of this type in the country and they are attended by adolescents whose professional and vocational interests are met by officer training for different specialities in the Revolutionary Armed Forces.

412. Efforts to improve quality of life in pre-university institutes encompass not just diet, the supply of drinking water and the use of alternative food sources supplied from the school's own resources, but also the preparation of natural products including medicines from plant and bee products and the use of natural medicine, involving the cultivation of small herb gardens under the guidance and supervision of the national public health service.

413. Greater use is being made of new ICTs, whose employment is contributing to the improvement of the teaching process and the development of students' all-round general culture, as well as enhancing and consolidating the knowledge acquired in the different grades.

**(e) Technical and vocational education**

414. In the technical and vocational system, with its network of polytechnic institutes, adolescents and young people are entitled to a mid-level technical training in over 36 specializations, preparing them to begin their active working life or carry on studying at higher education establishments. They can also train as skilled workers in 16 specializations and are entitled to carry on studying at polytechnic institutes or workers' and peasants' faculties, an alternative route that can take them up to grade 12 of the general education system.

415. The teaching staff at polytechnics includes a comprehensive general teacher who stays with his or her students until their studies are complete in the fourth year and becomes a mentor to the group's members during that time (up to 30 students).

416. Another change that has affected the final years of school, with a view to improving the education provided by the Cuban education system, is the conversion of 26 polytechnics into centres for the study of information technology as a speciality, with a total roll of over 27,000 students. All of them have been comprehensively rebuilt to provide this specialization with latest-generation equipment. Cuba is preparing its adolescents and young people to be active agents in the construction of a fully computerized society.

417. In the 2007-2008 school year, the initial enrolment figure at the Ministry of Education polytechnic centres was 232,351 students, of whom 102,872 were girls and 129,479 boys; the initial enrolment at the trade schools [*escuelas de oficios*] was 9,812 students, 724 of them girls and 9,088 boys and/or adolescents.

418. The estimated technical/vocational school retention rate at the end of the 2007-2008 academic year cycle was 84.1 per cent, reflecting a gradual increase in retention and quality.<sup>15</sup>

419. Priority is also being given to the specialities of accounting, construction, agriculture and transport to respond to the growing need for these techniques in the country's economic and social development.

420. In addition to the polytechnic centres run directly by the Ministry of Education and local governments, the country has a large network of vocational training centres responsible for training specialists in the areas of health care, art and culture, fishing, sport and physical education, as well as other spheres of production and services, all with syllabuses approved by the Ministry of Education.

<sup>15</sup> Technical/vocational school retention rates in the 2004-2005 and 2005-2006 periods were 74.3 per cent and 79.4 per cent, respectively.

421. Work is going on at all mid-level technical and vocational training institutions in Cuba to enhance the use of computer laboratories with education-specific software. Students have the machine time they need to learn the basic skills required for the use of different operating systems and computer languages.

422. Polytechnic centres are open to international cooperation, as a way of manifesting the solidarity of the Cuban people with the peoples of the world, particularly developing countries, and adolescents and young people from different countries are currently studying in their classrooms, laboratories and workshops. So far, over 18,000 from 61 countries in the so-called Third World have graduated from the country's polytechnics.

423. Students who have fallen behind in their education by up to three school years because of learning problems and who are aged between 13 and 16 can continue their vocational education at the trade schools, which have curricula lasting from two to three years and where students are taught a trade that is needed by the community they live in. Once their studies are over they begin work provided they have reached the minimum working age of 17 prescribed by law.

424. The trade schools provide these children and adolescents with social motivation, foster interests and develop capabilities so that they are educated in work and study.

425. Decree No. 151, issued on 17 May 1989 by the Executive Committee of the Council of Ministers and modifying Decree 3664 of 17 May 1971, created the network of trade schools and laid down their objectives.

426. The two types of institutions in the Cuban technical and vocational education system ensure that some 40 per cent of the adolescents and young people who complete basic secondary education in the country can continue in upper mid-level studies and receive a training as mid-level technicians/skilled workers before starting working life or going on to university. Ministry of Labour and Social Security Resolution 34 of 2006 regulates the process whereby technical and vocational education graduates are placed in jobs.

427. Occupational training is carried out in concert with the whole of society and in particular with the cooperation of employers, with adolescents and young people doing their work experience with the latter. During the work experience period, they are entitled to a wage sufficient to meet their travel and food costs. Ministry of Labour and Social Security Ministerial Resolution No. 9 of 2007 regulates every aspect of vocational training.

428. Circular No. 11 of the Secretary of the Executive Committee of the Council of Ministers lays down the regulations for ensuring that work and study continue to be combined when students are thus employed and for appointing instructors for them, these being selected from among the best specialists in the workplace. It also regulates the support that agencies of the central State administration and its institutions are to provide to polytechnics to ensure their vitality and quality. To ensure this provision was complied with, nine agreements were reached at the Council of Ministers regulating the responsibilities of all agencies in the central State administration when it came to better meeting the needs of polytechnic institutes.

429. Graduates of the technical and vocational education system are guaranteed the right to work, are placed in a job and are given the opportunity to go on to centres of higher education.

430. The curriculum designed for the upper mid-level institutions includes Spanish language and literature, which helps to preserve cultural identity, among other things; the foreign language (English), which gives them the opportunity to communicate with other cultures, as well as serving as a professional tool for understanding technical literature in

that language; and history of Cuba, which enables them to know their past, their present and the direction Cuban society is going in, as well as contributing substantially to the preservation of national identity.

431. The subject of political studies gives them the opportunity to know and appreciate the world they live in, with all its contradictions and challenges. Physical education and sport allows them to develop their physical capabilities and enjoy healthy recreation, while computing makes them more at home in an increasingly computerized world.

**(f) Special education**

432. Special education is an example of the efforts made in Cuba to level out the opportunities available for all children and adolescents so that differences in physical, intellectual and sensorial development are not barriers to obtaining the benefits of these changes, in the interests of human betterment. The importance of this effort has been amply confirmed by different international forums as part of the principle of integration and recognition of the importance of “education for all”.

433. The right to education extends to all mentally or physically handicapped children in the form of special education. In the 2007-2008 school year, over 42,000 children were in special education in 403 special schools. Of these, 627 pupils were blind or vision-impaired, 934 were deaf or hard of hearing and 1,300 were motor-impaired, while 40,537 children with other types of disabilities were being educated in different schools.

434. 185 autistic children are being educated in the country, 52 of them forming the pupil body of the Dora Alonso school while the rest are educated in special classrooms and facilities in the different areas of the country.

435. Pupils entering this type of education are assessed by diagnosis and counselling centres (CDO), of which there are currently 193 around the country, with over 1,056 specialists working to evaluate pupils with special educational needs. The centres are continually improving this process by training specialists and making effective use of diagnostic techniques, technology resources and methods for obtaining information from children, their families and the community.

436. Those whose physical limitations leave them unable to attend school are educated by a peripatetic teacher, of whom there are currently 970 in total, teaching 2,230 pupils. There are also 30 hospital wings with more than 400 pupils.

437. Some 10,000 students with visual, hearing and motor impairments are studying at different special education centres and in other schools at the different levels of education. There are 214 support teachers advising on the work done at integration centres, which should help to improve the quality of teaching provided to these students. There are over 200 sign language interpreters.

438. There are currently 198 groups of diagnostic and counselling experts throughout the country, with over 1,225 specialists in different disciplines dedicated to the evaluation, diagnosis and guidance of teachers and parents of pupils with special education needs. As a psychopedagogical, social and genetic clinical study of mentally retarded individuals has shown, they have consolidated their work as a result and are more responsive to the needs of children, families and teachers.

439. The ranks of the Cuban Special Olympics include some 60,000 intellectually handicapped athletes, who train throughout the year to participate in local, municipal, provincial, national and international competitions.

440. The country pays particular attention to the practice of sports by these students, as it helps them to integrate into society. It should be mentioned that, in this noble undertaking, we are finding it difficult to obtain all the sporting equipment needed for such a large number of athletes, owing to the expense and to the many constraints on the ability of the international Special Olympics organization to provide Special Olympics Cuba with direct support because of the economic, trade and financial embargo imposed on Cuba by successive United States governments for almost 50 years. Indeed, there are real constraints on the material basis of study and subsistence in all the schools of the Cuban national education system.

441. The current emphasis is on systematically improving the training of human resources and on introducing leading-edge technologies to improve the quality of the all-round education provided to children and adolescents with special needs.

442. The continuity of education for disabled adolescents can be appreciated from the 1,317 pupils who have gone on to the different levels of education, including university, with the support of 52 teachers and 200 sign language interpreters placed in basic secondary schools and pre-university institutes.

443. The programmes prioritized by the Revolution are also implemented at special schools, which have a total of 813 video players and 4,960 televisions. There are also a total of 723 advisory teachers. To implement the information technology programme, there are 2,325 computers and the Multisaber and El Navegante educational software collections.

444. Special resources and equipment are being introduced to facilitate access to education for these pupils, including:

- TOUCH SCREEN (MAGIC TOUCH): for autistic, mentally retarded and motor-impaired pupils. Its use is being validated at 14 schools specializing in pupils of this kind around the country.
- VOICE VISUAL [VISUAL VOZ]: technology developed in Cuba that takes a sound signal from a microphone, analyses the attributes of the voice and shows it on a screen in the form of a visual signal. This programme can be used to train, correct and develop language use. It is employed in the treatment of autistic and deaf children and has been deployed in two deaf schools and the autism school.
- SWITCHES: these facilitate control of a computer by people who have difficulty coordinating their movements. They may be operable with the mouth, eyes or eyebrows or wrist, and can be infrared, photoelectric, etc. These accessories provide access to computing for children with physical handicaps and are available at the Solidaridad con Panamá school in Havana, the only one of its kind in the country.
- SMART KEYBOARD (INTELLIKEYS): an alternative keyboard with six interchangeable coloured sheets containing large, easy-to-understand printed keys that can be used by motor-impaired children. This is in use at the Solidaridad con Panamá school in Havana for motor-impaired children.
- SCANNER: this is used to give blind and vision-impaired children access to computing, as documents and books can be digitalized and brought up on screen. The pupil can use the Jaws reading programme to have the information read out, and can print it on a Braille printer if necessary. This technology is available at the 15 special schools for blind and visually impaired children (Jaws scanner and printers).

445. BRAILLE PRINTING has made it possible to publish 60 primary level book titles in Braille, benefiting all blind children studying in those grades at the country's different schools.

446. All this leading-edge technology has helped to level out opportunities for these disabled children and adolescents by making it easier for them to access information, keep up with the curriculum and integrate into sociocultural activities, thus allowing the needs of students to be met and their potential developed.

447. Work is going on in close coordination with the Ministry of Labour and Social Security to achieve full employment for disabled pupils.

448. The system for minors with behavioural disorders is a priority for the Department of Special Education, and accordingly a joint programme has been implemented to assist these establishments with the support of different agencies and organizations, including the National Institute of Sport, Recreation and Physical Culture (INDER) and the Ministries of Culture and Public Health.

449. 1,714 students with visual, hearing and motor disabilities are currently continuing their studies at different levels of education. To assist them, there are 252 posts for sign language interpreters and support teachers, which will improve the quality of the education they receive.

450. Intermediate technical level Cuban sign language interpreters have begun to be trained and the conditions have been put in place to start an experimental university course in this specialism with 30 students in Havana.

451. There are a total of 193 diagnostic and counselling groups in the country, with more than 1,056 specialists evaluating and diagnosing pupils with special education needs. As a psychopedagogical, social and genetic clinical study of mentally retarded individuals has shown, these have consolidated their work and are more responsive to the needs of children, families and teachers.

452. The international Special Olympics were created in 1968 by the Kennedy family in the United States for the benefit of people with an intellectual disability. Cuba joined the organization as an official member in 1986, although it has participated in all its activities since 1983, including six summer World Games and four winter World Games, with satisfactory results. Cuba has also held five national games in accordance with the intentions and requirements of this international sporting movement.

453. The ranks of the Cuba Special Olympics National Programme include 51,401 intellectually handicapped athletes, who train over the year to participate in local, municipal, provincial, national and international competitions.

454. The country pays particular attention to the Programme, as it contributes to the integration of people with this type of disability into society. We are currently finding it difficult to obtain all the sporting equipment needed for such a large number of athletes, owing to the expense and the many constraints on the ability of the international Special Olympics organization to provide Special Olympics Cuba with direct support because of the economic, trade and financial embargo imposed on Cuba by United States governments for almost 50 years.

## **B. State programmes**

455. The Cuban State and Government and Cuban society are currently implementing short- and long-term educational and social programmes, some of which have already been mentioned, to remove barriers and increase the opportunities and potential for children, adolescents and young people to obtain access to an increasingly high-quality education, sport and healthy recreation, a decent job and the best of the nation's and the world's

cultural and artistic heritage. Some of the main programmes now being implemented are listed below:

- the Educate Your Child Programme, which provides education to very young children through non-institutional channels of a community character;
- the Audio-visual Programme, involving the provision of television sets for all classrooms and of video cassette players for all teaching establishments, plus the creation of two national educational channels with programming for schoolchildren, teacher training seminars, courses for young people and a varied schedule of programming for the whole adult population;
- the Rural Schools Electrification Programme, involving the installation of solar panels;
- the National Education System Computerization Programme, involving the introduction of computer use as a teaching method and subject of study at all schools from the preschool grade onward and the production of educational software and videos in specialized centres created within the national network of 16 teacher training universities;
- the Editorial Libertad Programme, involving the printing and importation of a selection of reference and literary works for school libraries;
- the University for All Programme, with subjects encompassing science and technology, the environment and art and literature, among others, broadcast at different times on four national television channels by leading specialists, who give their time free of charge;
- the General and Comprehensive Self-improvement Programme, a special type of employment for young people aged 17 to 29 who have lost touch with the worlds of study and work, which also gives them the opportunity to enter higher-level courses at municipal universities;
- the Social Workers Training Programme for social work in communities, schools and other special programmes, like the one for economizing and rationalizing the use of electricity and fossil fuels. This programme is organized around tasks, and one of them is aimed at the child population aged 0 to 15;
- the Art Instructors Training Programme for schools and the community;
- the Programme of Intensive Short Courses for Primary School Teachers, to bring class sizes down to a maximum of 20 children in primary schools;
- the Comprehensive General Teacher Training Programme for basic secondary education (from the seventh to the ninth grade of general education), with a view to enhancing the all-round education of pupils and raising their level of learning, with the support of ICTs;
- the School Repair, Maintenance, Enlargement and Construction Programme, whose aim is to improve the material conditions of life and study in the national network of educational establishments;
- the Community Culture Programme (video screening rooms, municipal arts centres and community computing centres for the young) to supplement the work of schools and provide greater all-round access to general culture for the whole population;
- the Higher Education Universalization Programme, involving the creation of university campuses in all the municipalities of the country. This is being done by using local resources, from buildings to technological and human resources. The



main goal is for young people who for whatever reason did not go on to university after completing their secondary schooling to have a fresh chance to continue with higher education.

**C. The main quantitative and qualitative achievements in respect of access, inclusiveness, coverage, quality and participation**

456. The structure of the national education system guarantees every student the opportunity to carry on studying from primary education to undergraduate and postgraduate higher education.

457. The total roll at the different levels of the education system in 2007 was 3,191,000 students, of whom 744,000 were in higher education. Overall, then, one in every four inhabitants of Cuba is in education, distributed throughout the country in a network of over 13,000 educational centres, without counting the 3,000 municipal university campuses.

458. In recent years, despite the difficult economic conditions and the tightening of the embargo which successive United States administrations have applied against Cuba for some 50 years, it has remained a routine fact of life that virtually the whole of the child population aged 0 to 5 is being taught an education syllabus, that almost 100 per cent of those graduating from sixth grade go on to the intermediate basic level and that over 99.5 per cent of ninth grade graduates continue their studies at the upper secondary level, without distinction as to sex, rural or urban residence or economic and social background.

459. In terms of overall indicators, the educational coverage provided by the system under the conditions obtaining in the present century so far has resulted in the reinforcement of teacher training facilities and the capacity to provide continuity of education to the entire school-age population by guaranteeing a basic general education of nine grades and an intermediate and higher vocational training that meets the needs and priorities of economic and social development. This is explicitly manifested in the primary and secondary education enrolment rates and in gender parity, with data for 2006 and 2007 showing a net primary education enrolment rate of over 99.4 per cent and a gender parity index value of one, signifying equality between the sexes.

460. During these years, no child or adolescent has failed to receive an education because of a lack of schools or teachers, and the country has developed a number of methods for ensuring the necessary teachers are available at each stage and constantly raising their professional standards. At the time of the triumph of the Revolution, there were 32,800 wretchedly paid teachers in the country, 10,000 of them unemployed. Now there are 382,000 teachers, one for every 30 inhabitants.

461. In 1953, according to the census of that year, the school attendance rate of the population in the 6 to 11 age group (primary school age) was just 55.1 per cent. It gradually increased from January 1959 to almost 100 per cent in the 1990s, at which level it has remained.

462. School attendance in the 6 to 14 age group (nine-grade basic education) has risen from 55.6 per cent, according to the 1953 population census, to over 99 per cent, without gender or geographical differences. This is in accordance with the principles of social justice and equality for all citizens, irrespective of skin colour, sex or family economic status.

463. Beginning in 1992, methods and options were sought for expanding the educational coverage of preschool children (aged 0 to 5) by applying the Educate Your Child Programme. This has entailed vigorous community work, with the result that over 99 per cent of the population in this age group has been covered since the late 1990s. The

structure of education for these children in 2007 was as follows: 17 per cent were in day-care centres, 68 per cent in non-formal education and 15 per cent in the preschool grade at primary schools.

464. To achieve all this, a number of measures have been taken with the participation of different social actors as part of a multisectoral strategy, the results of which can be seen in the indicators the country now presents, with high levels of sixth and ninth grade graduates continuing their studies, improving school retention rates and a substantial decline in school dropout rates. These measures are constantly being enhanced and contextualized by means of programmes to act on the different environments where children are educated.

465. 76.6 per cent of pupils enrolled in the network of primary schools in the present school year are in urban areas, where 25.9 per cent of schools are located. Of the country's primary schools, 4,498 (55.4 per cent) serve less than 40 children, with 1,398 serving five or less (204 have one pupil, 294 two, 313 three, 315 four and 272 five). This represents a major effort by the State to reach every corner of the country and guarantee every citizen the right to a free education, irrespective of gender, skin colour or geographical and social origin.

466. The indicators published by the UNESCO Institute for Statistics and in the 2008 Education for All Global Monitoring Report, specifically as regards the development of primary education, basically show a high rate of entry, a low proportion of repeating pupils, a low school dropout rate, high indices of promotion by grade and within levels and high survival rates through to the fifth and final year, and confirm the findings for the net enrolment rate and its evolution over recent years. These findings show that the UNESCO Education for All goal of universal access to primary education has been achieved.

467. School retention has improved across education levels in the last five years by comparison with the previous period. Thus, for example, retention in primary education has been found to have increased since the beginning of the current decade and this trend has been maintained, allowing normal retention levels of over 99 per cent to be achieved in the primary cycle and confirming that the vast majority of children complete the level.

468. Repetition rates at the basic secondary level have been kept low. The school repetition rate was just 0.3 per cent in the 2007-2008 school year, the details by grade being:

**School repetition indicators for the basic secondary level**

<i>Seventh</i>	<i>Eighth</i>	<i>Ninth</i>
0.3	0.3	0.1

469. These indices, combined with the high rate of school retention in recent years and the increase in normal efficiency in basic secondary, pre-university and technical and vocational education, confirm the findings for the net enrolment rate in secondary education which, according to information published in the Education for All Global Monitoring Report (2008), makes Cuba one of the highest-ranked countries in Latin America, at 87 per cent.

470. The internal efficiency of the education system bears out what has been achieved at the different levels of education and shows an improvement in the results attained by the comparison with the previous period. In primary education, the figure was 99.6 per cent for the cycle ending in 2008, 4.3 percentage points above that for the cycle ending in 2000; at the basic secondary level, it was 88.5 per cent in the cycle ending in 2000 and 98.7 per cent

in the cycle ending in 2008, representing growth of 10.2 percentage points. In pre-university education the figure was 83.7 per cent for the cycle ending in 2008, so that here as at the other levels the trend of the indicator was upward.

471. One goal of Education for All is gender equality, which the country deems to have been achieved and which is socially monitored by schools and civil society organizations so that no boy or girl goes without schooling. The different parts of the education system display patterns of gender equality, summarized in the behaviour of the gender parity index, which stands at around one.

472. Cuban children have participated in two international evaluation studies conducted by the Latin American Laboratory for the Assessment of the Quality of Education (LLECE), which is run by the UNESCO Regional Office for Latin America and the Caribbean, namely the First International Comparative Study of Language, Mathematics, and Associated Factors for Third and Fourth Grade Primary School Students (1997) and, more recently (2006), the Second Regional Comparative and Explanatory Study (SERCE), the latter involving pupils in the third and sixth grades of primary school, in mathematics, language and natural sciences. In both studies, Cuban schoolchildren obtained results above the regional average in all the subjects and grades assessed; in almost all the assessments, furthermore, their scores exceeded the regional average by one or even two units of standard deviation and led the ranking of all the participating countries.

473. Cuban students' results are even more impressive when their ranking by performance level is analysed, since in all cases Cuba is the country with the greatest percentage of students in the highest rankings, indicating that a substantial proportion of its students are capable of solving the most complex and demanding exercises in the subject areas considered.

474. When the associated factors that best explain the cognitive performance results are examined, both studies confirm the positive influence exercised in Cuba by the sociocultural environment within which schools operate, in particular the education of students' families.

475. The country has also set out to systematically measure learning outcomes in primary and basic secondary education, to which end it carries out annual assessment operations as part of the quality measurement system. Analysis of these results shows an improvement in all disciplines over the most recent school years.

476. The Cuban education system is currently striving to facilitate access for all citizens, through different channels, to a general all-round culture so that knowledge becomes the possession of all without exception and a route towards justice of every kind.

477. The unquestionable determination of the Government of Cuba to provide a high-quality education for all, without exception, is also demonstrated by the fact that ever since the economy entered a stage of gradual recovery, essentially from 2000, the current education expenditure budget has increased more than threefold and the allocation of financial and material resources for education has risen year by year. By 2007 it had reached more than 7 billion pesos, equivalent to 12 per cent of that year's gross domestic product.

#### **D. Relaxation, recreation and cultural and artistic activities**

478. As pioneers, Cuban children and adolescents take part in the 16 pioneer camps run in all the country's provinces. Here they carry out a variety of activities, traditional games, sporting competitions, cultural activities, and handicraft, painting, theatre and dance

workshops. The camps provide a comprehensive recreational resource for pioneers, who visit historic sites, go to the seaside and on outings, etc.

479. Children in the fourth to ninth school grades belong to the Pathfinder Pioneers Movement, with activities at its 72 centres around the country helping to prepare them for life. At these centres, besides taking part in recreational activities, children are familiarized with the main aspects of the movement such as love of country and of nature, knot tying, orienteering, etc.

480. There are 127 pioneer training centres that provide children with the opportunity to participate in clubs catering to different interests. The main purpose of these centres is the vocational training of children and adolescents.

481. A large number of these facilities have been damaged by the combined effects of the recent hurricanes Gustav and Ike as they passed across practically the whole of Cuba.

482. These are not the only forms of recreation available to pioneers. There are movements within the organization such as the Creative Pioneers, the Movement of Pioneer Art Lovers and the Movement of Pioneer Sport Lovers that enable them to develop their cultural and sporting potential in each of the pioneer collectives. There is also the "Singing to the Sun" children's singing festival, where they compose and perform children's songs.

## **Chapter VIII**

### **Special protection measures**

#### **A. Children in situations of emergency**

##### **(a) Refugee children**

483. Cuba has not ratified the main international legal instruments dealing with refugees (Convention Relating to the Status of Refugees, Protocol relating to the Status of Refugees and Statute of the Office of the United Nations High Commissioner for Refugees).

484. Cuban law does not make provision for refugee status. Nonetheless, the Cuban Government maintains excellent relations with the Regional Office of the United Nations High Commissioner for Refugees (UNHCR).

485. As of the close of day on 30 June 2007, the UNHCR Cuba Office had a total of 642 refugees in its charge, including 94 Sahrawi children and one Ethiopian girl. The 94 Sahrawi children benefit from grants provided by the Cuban Government under bilateral agreements with the Sahrawi Arab Democratic Republic, with the express authorization of their parents and on a wholly voluntary basis. The Ethiopian girl is 3, is accompanied by her mother and enjoys all the same rights and benefits as Cuban children.

486. The 94 Sahrawi children are studying at the secondary and pre-university levels. They are accompanied by teachers from their country, who are responsible for maintaining their cultural values, while the Cuban Government provides all of them with education and health services.

487. The Office of UNHCR in Cuba systematically attends to these children's needs by carrying out periodic inspections and providing modest supplementary assistance to the school where the Sahrawis are studying, to help meet their requirements.

**(b) Children affected by armed conflict**

488. In Cuba, the earliest at which people may voluntarily join the armed forces is the year they turn 17. The National Defence Act (Law 75/94) and Decree-Law 224/2001 on military service lay down the rights, guarantees, duties and safeguards involved.

489. Cuba applies a recruitment policy that ensures adolescents and young people can complete their pre-university and/or equivalent studies before being called up for active military service. Similarly, those who obtain places to study at university only complete a maximum of 14 months of military service to facilitate their entry into higher education centres the following year. With this in view, they benefit from a programme of cultural development classes in their units while on military service.

490. By virtue of Order 18 of the Ministry of the Revolutionary Armed Forces, and depending on how they conduct themselves during their military service, adolescents and young people who have graduated from upper secondary education but have not obtained places to go on to higher education yet wish to do so are given a second chance to apply for a university course and provided with the facilities they need to prepare.

**B. Children in conflict with the law****(a) The administration of juvenile justice**

491. In Cuba, criminal responsibility is enforceable against persons aged 16 and over at the time the punishable act is committed, as laid down by article 16.2 of the Criminal Code.

492. In 1982, Decree-Law 64 was enacted, creating the System for Minors with Behavioural Disorders, a body of law that regulates specialist attention from the age at which incipient disorders are detected through to actual instances of antisocial behaviour, whether or not these result in significant levels of threats to or deviation from social norms or law-breaking in the form of participation in acts that qualify as crimes when committed by adults.

493. Adolescents under 16 are dealt with by specialist personnel and institutions under the guidance of the Ministries of Education and the Interior, with competence being determined by how serious the conduct concerned is. Another active participant is the System of Social Services and Prevention, which comprises 19 agencies, institutions and organizations including the Federation of Cuban Women, the Social Welfare Service of the Ministry of Labour and Social Security, the Ministry of Public Health, the Department for Minors of the Ministry of the Interior and student and youth organizations, whose basic task is primary prevention at the community level.

494. In the Cuban system, the legal counsel and judicial assistance provisions of the Beijing Rules are not strictly applicable because under-sixteens are not criminally liable, irrespective of the outcome of their acts; they are not judged by the courts of justice but dealt with by the Councils for Minors, multidisciplinary teams made up of jurists, psychologists and educators who decide collectively on the educational measures to adopt after considering the specialist reports prepared by the Centres for the Evaluation, Analysis and Guidance of Minors, which prepare a bio-psychosocial diagnosis to provide a fuller picture of the minor's educational, psychological, psychiatric and clinical situation so that a fairer decision can be arrived at in accordance with the degree of disturbance manifested in the adolescent's behaviour. The procedure provides not just procedural guarantees but social ones as well.

495. These bodies conduct a particular specialized procedure which does not involve open court hearings but interviews in the presence of the mother or father, guardians or legal representatives that are entirely educational in their aims. Subsequently, after consideration of the information presented in the dossier, the report of the Centres for the Evaluation, Analysis and Guidance of Minors and the adolescent's own actions with a view to demonstrating the alleged behaviour or action, they order measures as prescribed by Decree-Law 64/82, these being not penalties but reorientation and specialized education measures that are implemented by the community actors, officials and institutions whose task this is.

496. Because these are not punitive measures but a form of educational care and treatment as the case requires, they are modified or discontinued as the evolution of the minor's behaviour warrants or when the minor turns 16, the age of criminal responsibility as established in Cuban criminal law, or 18 if they have been sent to a comprehensive development school [*escuela de formación integral*].

497. Decree-Law 64/82 lays down a responsive and flexible procedure for dealing with under-sixteens, with terms reduced to the minimum for juveniles participating in acts which the law classes as crimes for adults. Furthermore, all actions taken are carried out in the presence of the parents, guardians or legal representatives (in exceptional cases only, when all efforts to locate these have failed, they are represented by the public prosecutor).

498. When a juvenile under 16 is reported to have been involved in a criminal offence, an essential guarantee is that all measures needed to verify his or her involvement in the alleged offence are to be undertaken in a period of no more than 48 hours, and there is a presumption of innocence until guilt is proved.

499. The administrative procedure for juveniles under 16 does not allow them to be accused of actions or omissions that are forbidden under Cuban and international law at the time they are committed.

500. To guarantee the above, the model taken is the current Criminal Code (Law 62 of 29 December 1987), which governs penal institutions, and a special preliminary investigation is held to ascertain the juvenile's illegal conduct or participation in actions classed as crimes.

501. All actions taken with regard to a juvenile under 16 who is under investigation are noted in a report signed by the legal representatives or guardians, who are provided with a copy of it as a record of the proceedings and their participation in them.

502. Cuban legislation provides other guarantees, such as responsiveness and flexibility, by establishing shorter legal time limits of up to 45 days for the processing of case files and empowering Councils for Minors to monitor and inspect them upon learning of the events concerned within the first 24 hours (Art. 27 of the Regulations for the Ministry of the Interior system for minors).

503. This procedure is overseen by the National Council for Minors in collaboration with the lower court authorities, the aim being to work with those processing cases at each level to prevent violations or take measures in the event of non-compliance.

504. The interviews with under-sixteens to obtain fuller information on the behaviour or actions they are accused of are conducted by the multidisciplinary team of the Council for Minors in the presence of the mother or father, guardians or legal representatives, who are actively involved. They are conducted individually with each family, with the voluntary participation both of the juvenile under 16 and of his or her representatives.

505. Steps are taken to safeguard the integrity of the juvenile under 16, with a prohibition on providing or using any information for publication or disclosure. The information processed on an offender is strictly for the use of system specialists and in no case constitutes a criminal record.

506. Because this is a tutelary process with an educational basis that protects the privacy and integrity of the juvenile under 16 to the greatest possible extent, no provision is made for legal counsel, as provided in current criminal legislation. Counselling is provided by the lawyers who participate in the process in the capacity of specialized officials from the outset, when the mother and/or father are told why they have been summoned. A lawyer from the multidisciplinary team is also present in the evaluation process followed at the Centres for the Evaluation, Analysis and Guidance of Minors (CEAOM), and is responsible for counselling the parents or legal representatives.

507. In cases where juvenile under 16 have behavioural problems but do not actually commit a crime, there is a document known as a certificate of acknowledgement [*acta de conocimiento*] whose purpose is to give effect to the right to an opinion. The mother and/or father are officially apprised of their child's behaviour and the procedures to which the child will be subject in the interests of proper guidance and education. The opinion of the parents and the child is recorded in this document, which they sign.

508. Those involved in these proceedings are entitled to apply, either in person or via the legal representatives or any interested party, for a review of them by the council ordering the measures or the National Council for Minors. One of the powers of the National Council for Minors is that of *ex officio* review of these proceedings with a view to giving the fullest protection to the rights of the juvenile.

509. In cases where under-sixteens are unable to communicate because they speak a different language or have difficulties of some other kind, they will be provided with a specialized and legally approved interpreter.

510. Under Cuban law, the treatment of offenders under 16 is preventive. Nonetheless, there are regulations allowing under-twelves to be committed to re-education centres, now known as comprehensive development schools. The decision to do this is taken only exceptionally and must be ratified by the National Council for Minors in an *ex officio* review process.

511. The special statutory provisions for minors in Cuba have provided for a wide range of measures pertaining to their care, treatment and protection, most of these being supplementary to the standard treatment applied. They are:

- placement in or attendance at a behavioural school run by the Ministry of Education or placement in a comprehensive development school run by the Ministry of the Interior;
- admission to a health-care establishment in the network of centres that come under the Ministry of Public Health;
- out-patient medical treatment;
- attention and oversight by the Ministry of the Interior;
- increased monitoring by the parents, guardians or whoever is in charge of the juvenile;
- personalized attention in the schools of the national education system, with a view to correcting behaviour without the need for placement in specialized schools;

- placement of the juvenile as a trade apprentice in a work unit following coordination with the local union organization, among others, and in accordance with the provisions of current labour legislation;
- attention from social workers of the Federation of Cuban Women.

512. The Councils for Minors have the power to coordinate with State and non-governmental agencies to provide protection for under-sixteens who have no parental home or suffer from other social and economic problems, something that in practice is governed by Decree-Law 64/82.

513. To ensure the measures ordered are complied with and behaviour improves, the Councils for Minors supervise implementation of the measures imposed by carrying out direct inspections and being sent half-yearly or special reports from each implementing agency. If modification or withdrawal of the measures ordered is requested following analysis by the Council for Minors, the outcome will be notified to the requesting agency within a period of no more than 30 days.

514. Nonetheless, the main means of ascertaining and assessing the minor's progress are direct inspections in the area where he or she lives, involving visits to the home and place of study (or work, if the minor has joined an apprenticeship scheme) to check that the general objectives laid down have been met and are effective and relevant, review the work of the implementing agencies and ascertain what social problems are affecting them, so that the appropriate action can be taken. The findings of these direct inspections are notified immediately to the non-governmental and State institutions that are supposed to be involved in solving the problems detected in any of their areas of influence. This may result in the dossier being revisited with a view to modifying or discontinuing measures applied earlier.

515. Once the minor has completed his or her progress through the system, the measures are discontinued. They are not considered to constitute a criminal record and the individual is fully reincorporated into society.

516. In the case of adolescents aged between 16 and 18 who are criminally liable for a crime of commission or omission stipulated by the Cuban Criminal Code, they will benefit from all the formal and material guarantees of due process during the investigation and oral trial process that are established in the Criminal Code and the Criminal Procedure Act (Act No. 5 of 13 August 1977).

517. The court is required to reduce the minimum and maximum penalties for the offence as provided by article 17.1 of the Criminal Code. In all cases, the predominant aim will be to re-educate offenders, train them in a trade or profession and instil in them a respect for law and order.

**(b) Children deprived of liberty through detention, imprisonment or committal in an institution under custody**

518. A juvenile may be committed to an institution in Cuba only once every avenue of reorientation in the community has been exhausted, the aim being to keep juveniles in their social and family environment where the objective will be to follow through on the intervention strategy decided upon.

519. In the system for minors, placement in institutions only applies in cases where the individual concerned represents a danger to society because he or she has committed offences with severe social consequences. This limitation is applied in two forms:

- (1) A period not exceeding 45 days in which to study the minor's personality and recommend the most appropriate measures to be taken in his or her treatment. This is done



at the Centres for the Evaluation, Analysis and Guidance of Minors by means of a bio-psychosocial study essentially involving psychologists, educators, jurists, psychiatrists and psychometrists. Evaluation involving committal is carried out only in extreme cases where the characteristics of the juvenile make it necessary for the examination to be carried out in these conditions, although this does not imply the adoption of institutional measures;

(2) It encompasses the placement of minors in comprehensive development schools, a measure that is ordered by the Councils for Minors of the Ministry of the Interior as a last resort.

520. Comprehensive development schools are educational institutions responsible for the specialized treatment of juvenile aged under 16. They operate under a system of regulations and standards setting out the rights and duties of those placed in them and emphasizing integration into the community in which the institution is located and the community of which the minor's home is part, as well as family contact. Guarantees include:

- In the first 72 hours after entering the institution, minors will be given a medical and stomatological check-up by specialized medical staff, and will have the school rules and their rights and duties in the institution explained to them;
- Appropriate segregation while they are at the school, by age, sex, general physical development, academic level and degree of social alienation;
- A 30-day adaptation period to allow them to be duly classified, in accordance with their personality characteristics and educational needs;
- Unrestricted telephone communication with their parents or legal representatives;
- Contact with their family in the form of visits to the centre, visits home and participation in activities inside and outside the school;
- Participation in productive activities;
- Physical education through participation in sport and recreational and cultural activities;
- Access to a medical service equipped with the physical resources and medicines needed to ensure they remain in a good state of physical, mental and stomatological health, with facilities for hospitalization of those requiring it. They will receive medico-stomatological, psychological, psychiatric, logopaedic and other types of care;
- Periodic assessments, in which pupils play an active role, involving councils of educators and the student council;
- Provision of clothing and personal hygiene facilities while they are at the school;
- Priority is given to the quality and quantity of food provided to them;
- Payment of a monthly stipend.

521. The teaching and education process in these institutions is governed by the national education system and combines the learning of trades, work associated with these and agricultural activities in accordance with the study-work principle upheld by Cuban education. In essence, the work done by these institutions is in accordance with the provisions of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

522. As a way of continuing to humanize the treatment provided and minimizing the stigma for adolescents under 16 who have been placed in institutions for reorientation or re-education, the decision was taken to change the name “re-education centres” to “comprehensive development schools” and cease employing the term “re-education” in favour of “educational work”, thereby treating the adolescents concerned as pupils.

523. The regulations for the operation of comprehensive development schools establish a system of care and protection for these adolescents with a view to contributing effectively to their education by enabling their errors and behavioural deficiencies to be corrected.

**(c) The punishment of children, and in particular the prohibition of capital punishment and life imprisonment**

524. In Cuba, as article 29.2 establishes, it is forbidden to apply the death penalty to under-twenties or to women who committed their crime while pregnant or are pregnant at the time of sentencing.

**(d) The physical and psychological recovery and social reintegration of children**

525. Adolescents aged between 16 and 18 who are sentenced in the country are committed to prisons equipped exclusively for this category of inmate, with a view to implementing the educational strategy laid down so that social reintegration can be achieved. This strategy is based essentially on improving their education level and giving them the opportunity to enter higher education, training them for trades so that they can obtain employment upon release, strengthening in them the political, ethical and moral values that are the basis of social harmony and raising their level of overall general culture.

526. In 2001, as part of a general programme of improvement in the Cuban prison system, an experiment was begun at the San Francisco de Paula prison, situated in Havana, involving implementation of a programme of teaching and educational activities, along with psychotherapy and group dynamics aimed at better developing young people’s personality and self-esteem.

527. The most remarkable thing about this prison is the system of educational treatment applied. It has an academic and technical training component, the aim being for inmates to obtain a grade 12 level of schooling plus a trade in the initial stage. The positive results of this system have led to its being extended to other young offenders’ prisons in the country.

528. With regard to the social reintegration of adolescents aged between 16 and 18 upon release from prison, Joint Resolution No. 1 of the Ministry of the Interior, the Ministry of Labour and Social Security and the People’s Supreme Court regulates, among other matters, the procedure for finding employment both for them and for juveniles subject to lesser sanctions than deprivation of liberty, conditional suspension of penalties and security measures.

529. In the system of care for adolescents under 16 with behavioural disorders, the social reintegration process begins as soon as their educational needs and potential are detected and identified in a rigorous process of bio-psychopaedagogical assessment and diagnosis, whereupon a special intervention strategy involving all the actors in the system is implemented.

530. At the comprehensive development schools, in particular, vocational training for pupils and preparation for different trades are an integral part of the social reintegration process, as is ongoing participation in social, politico-ideological, educational, cultural, sporting and recreational activities both inside and outside the school, bringing them into

direct contact with everything being done in the country in these different areas and thus helping to instil ethical and moral values and change their social behaviour with a view to their eventual release.

531. The social reintegration process includes a range of complementary actions designed to provide specialized attention for pupils once they have left the comprehensive development schools, to ensure that they can continue studying or find work, a process for which the necessary general conditions have been created with the Ministry of Education and the Ministry of Labour and Social Security.

## **C. Protection for children subjected to exploitation, including their physical and psychological recovery and social reintegration**

### **(a) The economic exploitation of children, including child labour**

532. In Cuba, there are no children engaged in child labour who have not reached the minimum age for employment. In 1975, Cuba declared in its ratification of International Labour Organization (ILO) Convention No. 138 concerning the minimum age for admission to employment that the minimum age in the country was 15. Cuban labour legislation has since moved on and raised the minimum working age to 17. Exceptionally, however, adolescents aged between 15 and 17 may be authorized to start work.

533. Current labour legislation in Cuba establishes that it is the responsibility of the State to enact measures to ensure that employers give the necessary special attention to adolescents aged 15 and 16 who for exceptional reasons are authorized to start work with a view to improving their state of preparation, adaptation to working life and ongoing development of their vocational training and cultural attainments. Before taking on such adolescents, employers are required to arrange and carry out a medical examination and obtain a certificate of health, to determine whether they are physically and mentally fit for the job.

534. It is also established that adolescents are entitled to initial instruction from the employer's management to train and prepare them for the job, and in exceptional circumstances these organizations may enter into apprenticeship contracts with adolescents of 14, provided the latter are authorized to work by their parents or guardians and the competent authorities in jobs suited to their physical and mental development and under conditions that do not interfere with their education. These are written contracts between the body providing the training and the person receiving it and last for the planned duration of the course.

535. Special working conditions are also stipulated in current employment legislation for adolescents authorized to work, it being provided that adolescents may not have a working day of more than seven hours or a working week of more than 40 and that they may not work on rest days, unless the work they do is of exceptional social importance.

536. It is likewise forbidden to employ adolescents in jobs unsuited to their level of physical and mental development. The law explicitly details the prohibitions, which concern:

- stowage and other work involving the handling of excessive weights;
- mining;
- places where harmful, reactive or toxic substances are used;
- work in subsoils;
- work at heights;

- night work;
- work where they are responsible for their own or others' safety.

537. Ministry of Labour and Social Security Resolution No. 8 of 1 March 2005, the General Regulations on Labour Relations, brought in substantial modifications to the protection measures to be adopted by all the country's employers for workers under 18, and to the preconditions for taking on such workers.

538. Employers are forbidden to enter into a direct employment relationship with adolescents under 17. Exceptionally, at the request of the employer or the parents or guardians, the Municipal Employment Director may authorize particular adolescents aged 15 or 16 to work when one or more of the following circumstances are present:

- Although not of working age, the adolescent has qualified as a skilled worker or mid-level technical worker in the national education system or a trade school;
- The adolescent has a medical report stating that he or she is unfit for study or recommending employment;
- The adolescent has left the national education system because of poor academic performance, making incorporation into the workforce advisable;
- On the basis of a report from one of the centres for the Evaluation, Analysis and Guidance of Minors the Council has directed that the minor should be placed with an employer as an apprentice;
- Other good cause as prescribed by law.

539. Article 15 of Resolution No. 8 of 2005 establishes that adolescents under 18 may not be employed in jobs where they are exposed to physical and psychological hazards, night work, underground or underwater work, dangerous heights or enclosed places, work with heavy loads, exposure to hazardous substances, high or low temperatures or noise or vibration levels that are harmful to their health and general development.

540. Before employing an adolescent under 18, the management of the organization concerned is required to arrange and conduct a medical examination and obtain a medical certificate.

541. Article 16 of the Regulations provides that the management is to evaluate jobs to identify any risks which, in view of the nature and conditions of the work involved, might jeopardize the safety, health or morality of under-eighteens. A schedule of jobs where these risks are present is given in an annex to the Collective Labour Agreement.

542. Resolution No. 8 of the Ministry of Labour and Social Security explicitly prohibits night work for under-eighteens and establishes that they are entitled to a rest period of over 12 hours, in accordance with the provisions of ILO Convention No. 79.

543. The maximum working day is 8 hours and the maximum working week 44 hours throughout the country. Given that a day has 24 hours, the rest period to which all workers are entitled is 16 hours.

544. The General Regulations on Labour Relations themselves (art. 16) empower employers throughout the country to evaluate jobs in order to identify any risks that, in view of the nature and conditions of the work involved, might jeopardize the safety, health or morality of under-eighteens. These issues are regulated in greater detail in the above-mentioned Resolution No. 31 of 2002, which is applied via the General Practical Procedures for Identifying, Evaluating and Monitoring Occupational Risk Factors forming part of this Resolution.

545. Ministry of Labour and Social Security Resolution No. 187/2006, the Working Day and Hours Regulations, which formalizes a working day of eight hours and a working week of 44 hours, also empowers the heads of employing organizations to apply working days different to those prescribed in activities whose characteristics require this.

546. Given all the above, the definition of the term “night” referred to by the ILO Committee of Experts does not in practice constitute a limitation on the minimum 12-hour rest time to which under-eighteens are entitled but, like ILO Convention 79, only highlights the fact that this rest time, which in Cuba is of more than 12 hours, must necessarily include the period between 22.00 and 6.00.

547. In Cuba there is a National Inspectorate for Labour attached to the Ministry of Labour and Social Security, which carries out its functions in accordance with the regulations of the national labour inspection system. These establish the universal character of labour inspections by stipulating that they apply to all workplaces situated in Cuban territory that have the legal capacity to establish relationships of employment.

548. The mission of the national labour inspectorate is to oversee compliance with the labour, wage, social security and workplace safety and protection legislation in force, and to apply all measures provided for by law.

549. The plans and programmes of the National Inspectorate for Labour include the relevant legislation encompassing the provisions of the Convention on the Rights of the Child.

550. Thus, the Methodological Instructions drawn up by the National Inspectorate for Labour to monitor compliance with Resolution No. 8 of 1 March 2005 (the General Regulations on Labour Relations), which contain important provisions relating to the protection measures to be followed by employers with workers under 18, stipulated that these had to:

“Verify that there are no young people under 18 working in jobs that involve exposure to hazards, as per the schedule attached to the Collective Labour Agreement. This verification is to be carried out for all young people under that age.”

551. The inspection reports prepared at this stage did not identify any violations of these legal provisions.

552. The Cuban National Labour Inspection System is in conformity with the ILO Labour Inspection Convention (No. 81), ratified by the Government of Cuba. It should be mentioned that the ILO Committee of Experts on the Application of Conventions and Recommendations has noted with interest the set of legislative and practical measures adopted by the Government to apply the Convention, as appears in Report III (Part 1-A), page 19, of the report of the Committee to the International Labour Conference in 2007.

553. In the employment sphere, workplace safety and health policies centre on the prevention of accidents and occupational diseases. Thus, article 5 of chapter II, “The Aims of Health and Safety at Work”, of Act No. 13 of 1977 on Health and Safety at Work establishes that “the objectives of workplace protection are to ensure safe and appropriate working conditions, prevent workplace accidents and contribute to the prevention of occupational diseases through the investigation, research, design, establishment and oversight of technical and organizational systems, methods and resources and statutory legal provisions”.

554. An important supplementary measure that reinforces these provisions is Ministry of Labour and Social Security Resolution No. 31 of 31 July 2002, which establishes an obligation for agencies of the central State administration and any other employer to identify, evaluate and monitor risk factors in work areas and jobs that affect or might affect the health or safety of workers, and to draw up a prevention programme.

555. Approved as annexes to this resolution, and forming an integral part of it, were the General Practical Procedures for Identifying, Evaluating and Monitoring Occupational Risk Factors. Periodic revision of these, the stages involved and the issues to be taken into account when drawing up a prevention programme, implementation of the training programmes for managers and workers, etc., are prescribed as systematic tasks. On 29 June 2007, Ministry of Labour and Social Security Resolution No. 39, entitled Fundamental Provisions for Health and Safety at Work, was approved. This lays down the general principles and the organization and operation of the system for managing workplace health and safety, covering both workers and students who do work experience as part of their general education.

556. A useful accident prevention mechanism is the National Workplace Health and Safety Group, comprising the Ministries of Public Health, of Science, Technology and the Environment, of Labour and Social Security and of the Interior (Fire Brigade), the Cuban Trade Union Federation and the National Inspectorate for Labour.

557. This National Workplace Health and Safety Group is convened every three months and those participating include representatives of the agencies of the central State administration and national unions, in addition to the bodies mentioned above. Its meetings evaluate the application of the workplace health and safety and prevention programmes of the different agencies and organizations.

558. We therefore conclude that both the workplace health and safety policy currently applied in the country and the national workplace inspection services have as their fundamental goal the prevention of occupational accidents and diseases for all workers, and particularly for under-eighteens, who benefit from special protection measures.

559. Where the incorporation of children and/or adolescents into the so-called "unstructured labour market" is concerned, the structure of employment in our country leaves no room for the proliferation of child labour seen in most developing countries, where poverty is overwhelming and child labour becomes a survival option.

560. Article 3, section 12 of Decree-Act No. 174 of 9 June 1997 on personal contraventions of the own-account working regulations establishes that anyone found in contravention or permitting the employment of under-seventeens in own-account working will be fined between 500 and 1,500 pesos and notified of the withdrawal of the licence accrediting this status for a minimum of two years.

561. Despite its limited resources and the economic embargo imposed by the United States for almost 50 years, Cuba is one of the few nations really exerting themselves to secure the well-being and happiness of children and adolescents.

562. No child and/or adolescent is forced to work to help provide for his or her family. In our society, there are no children abandoned in the streets, begging, or working or trading in the street. The Criminal Code punishes anyone using children for the purposes of begging.

563. One of the main measures ensuring that children and adolescents do not have to contribute their labour to the maintenance of their families has been the achievement of full employment throughout the country, thanks to an effective employment policy. The unemployment rate in 2006 was less than 2 per cent, which technically qualifies as full

employment. Thus, parents are in a position to obtain a job suited to their qualifications that enables them to meet their financial responsibilities towards their families, as well as other advantages and social protection plans such as free education and health care.

564. The set of measures gradually put in place by the Government over the decades has allowed the country to avoid a situation in which neediness becomes an argument, sometimes invoked in other countries, for the maintenance of child labour as something irremediable and inseparable from poverty. Measures have been adopted in the country to raise the educational level of the whole population, create sources of employment for parents so that they can earn enough not to have to use their children's labour, create the infrastructure needed for the education system to operate in every region of the country and for education to be provided free of charge up to the highest levels, put in place a comprehensive social protection system providing solutions to the main problems a family might face, etc. These are all effective measures that prevent the spread and perpetuation of child working.

565. The educational improvement measures taken, together with the statutory provision establishing the age of 17 as the earliest at which employment can be taken up in any sector of activity and the protective measures, restrictions and prohibitions preventing under-eighteens from being employed in hazardous jobs as laid down by the Labour Code and the Health and Safety at Work Act, together with other supplementary provisions already commented upon, provide the underpinnings to turn the eradication of child labour from principle into practice.

566. Health, safety and the general and specific education and training of Cuban children and adolescents in the appropriate branch of activity are principles of our employment policy that are duly reflected in both law and practice. Nonetheless, the work of adjusting and revising the Labour Code goes on. The Code is currently going through a process of consultation with unions before being submitted to Parliament, which will provide the opportunity to bring in the necessary amendments or clarifications in areas where there might be room for faulty interpretations regarding provisions concentrating on particular aspects of the work of under-eighteens.

567. Resolution No. 8 of 2005, which has already been explained, provided a solution for certain aspects of workplace protection for young people entering employment at the age of 17 that were not detailed either in the Labour Code or in Act No. 13 of 1977 on health and safety at work.

568. Other Ministry of Labour and Social Security resolutions, already detailed, have likewise provided clarification when it comes to identifying, evaluating and monitoring workplace risks, supplementing older employment provisions and permitting greater oversight and corrective measures as required in the employment conditions of this segment of workers.

569. The National Inspectorate for Labour of the Ministry of Labour and Social Security is responsible for ensuring that legal provisions are actually applied. A very rigorous part of the plans and methodologies applied to workplace inspections is oversight of compliance with the legal statutes protecting workers under 18 in those workplaces where they are employed, generally in small numbers.

570. Article 301, paragraph (c) of the Labour Code empowers the State inspectorate to require that disciplinary procedures be initiated, or to start criminal proceedings where appropriate, against managers, officials and other workers alleged to be responsible for infringements.

571. Strict, systematic supervision and oversight are maintained by the Social Services and Prevention Committees over cases detected in the community of minors faced with family problems or special issues requiring the application of social assistance programme measures.

572. There is strict oversight and follow-up of all cases dealt with. The Ministry of Public Health, the Ministry of Education, the Ministry of the Interior, the Federation of Cuban Women, the Committees for the Defence of the Revolution and other social and disabled persons' organizations are involved in implementing social welfare system programmes at the appropriate levels, in accordance with the characteristics of each case.

**(b) Narcotics and substance abuse**

573. Cuba is a party to the main international instruments dealing with drugs (the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances) and is an active member of the United Nations Commission on Narcotic Drugs. Cuba has signed 29 conventions or bilateral cooperation agreements with countries from different geographical regions: Latin America and the Caribbean, Europe, Africa and Asia.

574. Although drug abuse and trafficking are not widespread social phenomena in the country, least of all in the child population, the Cuban State and Government have adopted a number of measures to prevent this problem from taking hold in society. These include the Comprehensive National Drug Abuse Prevention Programme, approved by the Executive Committee of the Council of Ministers in 1999 and run by the National Drug Commission, chaired by the Ministry of Justice.

575. The participants in the Comprehensive National Programme are the main central State administration authorities involved in dealing with this issue (Ministry of Education, Ministry of Higher Education, Ministry of the Interior, Ministry of Public Health, Ministry of Justice, Office of the Public Prosecutor, Ministry of Foreign Affairs), with social and mass organizations also involved.

576. The objective of the Programme is to educate the Cuban population to prevent drug abuse and consolidate the efforts of Cuban society through coordinated actions to support the healthy all-round development of the individual, encouraging activities that offer alternatives to drug abuse. The strength of this programme is its intersectoral character and the engagement of the community.

577. As part of the Comprehensive Programme, each agency has adopted an offshoot programme. In the case of the Ministry of Public Health, the Programme for the Prevention of Drug Abuse and Comprehensive Treatment of Drug Addiction was adopted in 1998 under Ministerial Resolution No. 37, and is now run by the Deputy Minister for Medical and Social Assistance.

578. Mention should also be made of other programmes such as the programmes of prevention and assistance for alcohol and tobacco abuse, the aim being to forestall addiction across the board and work closely with so-called gateway drugs.

**(c) Sexual exploitation and abuse**

579. Chapter I, "Offences against the normal development of sexual relationships", of Section XI of the Criminal Code, "Offences against the normal development of sexual relationships, the family, children and the young", as amended by Decree-Law 175 of 1997, makes provision for offences of procuring and human trafficking (article 302), with penalties that can range from four to 30 years' imprisonment.



580. Sexual abuse against children is prohibited in our society and those committing acts of this kind are severely punished in accordance with the provisions of our Criminal Code, particularly those relating to the offence of corruption of minors, which lay down penalties for anyone using or inducing children into the practice of prostitution, heterosexual or homosexual acts of corruption or pornography or other indecent behaviour.

581. Decree-Law 175, containing a number of amendments to Law 62 of the Criminal Code, was approved on 17 June 1997, while 1999 saw the implementation of Law 87, which maintains the policy of applying increasingly severe sanctions to those who transgress standards of social behaviour, analysing most particularly the section dealing with protection for children and adolescents.

582. The first of these amendments added the offence of procuring and human trafficking, a procurer being 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 this practice. The penalties are of a higher order if those carrying out this activity have responsibilities for the protection of health, public order, education, tourism, the guidance of the young or the struggle against prostitution, if they employ threats, blackmail, coercion or abuse of authority or if the victim is a disabled person in the perpetrator's care.

583. In 1999, the maximum penalties were increased and specific provision was made for different types of human trafficking, with very severe penalties being prescribed for anyone promoting, organizing or encouraging people's entry or departure with a view to the practice of prostitution or any other form of sexual commerce, if they are repeat or persistent offenders in this type of crime.

584. Where offences against the normal development of children and the young are concerned, amendments were introduced in both periods. The offence of corruption of minors, for example, applied to anyone using a person under 16 of either sex in the practice of prostitution or in acts of heterosexual or homosexual corruption or pornography or other types of behaviour.

585. Particularly severe penalties are provided for when the perpetrator employs violence or intimidation, causes injuries or sickness in the minor or uses more than one minor, or if the offence is committed by a person exercising parental authority, guardianship or care over the minor, or if the victim is a child under 12 or is in a state of mental derangement or suffering from temporary mental disorders or has lost the use of his or her reason or senses or is incapable of resistance, or when the act is committed by two or more people.

586. There are also penalties for those who, upon learning that a minor under their authority or guardianship and care is using or consuming drugs or psychotropic substances or is practising prostitution or sexual commerce either consent to or do not take steps to prevent it or fail to notify the authorities, or performs sexual acts in the presence of persons over 16 or offers, sells, supplies or provides them with pornography. Also included is the offence of involving persons under 16 in begging or gambling or inducing them to ingest alcoholic beverages or use or consume drugs, whether intentionally or through negligence or neglect.

587. There are other provisions in the Code that also protect society's children and adolescents. Amidst the growth of tourism and numerous attempts to turn the country into a transit point for drug trafficking towards Europe and North America, it proved necessary to adopt a number of measures to protect minors from this vice. In 1997, heavy penalties were brought in for different forms of production, sale, demand, trafficking, distribution and illegal possession of drugs, narcotics and psychotropic substances and others of similar effects, and in 1999 the ranges of penalties were increased if the amounts involved were larger, while penalties ranged from 15 to 30 years or death in cases where the perpetrators

were public officials, authorities or their agents, or if they were involved in international trafficking, or if they used minors under 16 in pursuit of these ends. Anyone knowing of such acts but failing to report them also became liable for punishment.

588. The offences of rape, pederasty with violence and lascivious abuse (sexual touching without penetration) were also amended, with significantly different criminal penalties being reserved for perpetrators depending on the age of the victim, with severe penalties when the latter is over 12 and under 14, while the first two categories of offence bring maximum sentences of 15 to 30 years or death in the case of girls aged under 12 and boys under 14.

589. For all the offences analysed, the Code provides for the ancillary penalties of confiscation of property and deprivation or suspension of rights deriving from the parent-child relationship or that of tutelage in the case of older relatives, guardians or carers.

590. In addition, as part of the response to the needs of children and the issues affecting them, the Ministry of the Interior has brought in a number of plans and programmes to deal with prostitution and corruption, among other types of behaviour that may jeopardize children's physical, mental and social integrity.

591. Prostitution as a form of commercial sexual exploitation is not punishable as a crime. However, antisocial behaviour is considered to be dangerous, as it contravenes the moral standards of society. The Criminal Code stipulates that a person over 16 who persists in aggravated behaviour and shows a proclivity to crime may be deemed to be in a dangerous state and become the subject of a pre-criminal safety measure once all measures in the Programme for the Prevention, Treatment and Eradication of Prostitution have been exhausted.

592. Pre-criminal safety measures are therapeutic, re-educational, preventive measures legally conceived to prevent persons whose behaviour does not meet social standards from becoming involved in criminal activities. It is a mechanism of protection for both individuals and society.

593. People who have been secured in this way receive a different re-educational penal treatment from those who have been sentenced to prison terms, as the measures are essentially designed to instil habits of work or study into them so that they can be reintegrated into society in ways that benefit it.

594. These measures are applied by the people's municipal tribunals in fair proceedings that fully respect all legal guarantees for individual rights and that always involve the participation of a public prosecutor and defender, who will ensure that all these guarantees are honoured.

595. Children and adolescents under 16 who are victims of prostitution receive specialized treatment right from the time the fact becomes known. Skilled professionals from the police investigation service and the minors section of the Ministry of the Interior are involved in the proceedings. Officials from the Institute of Forensic Medicine are brought in at the same time to ascertain the mental or physical harm done, determine any after-effects for the victim and recommend the treatment or follow-up the case requires from the medical, psychological, psychiatric, educational, family or social point of view.

596. The working regulations for officials responsible for the welfare of minors at the Ministry of the Interior include guarantees of proper treatment for child victims and their families, including due compartmentalization and confidentiality of information, ensuring that the investigation process itself is not traumatic and does not produce psychological effects that might disturb the minor emotionally and stigmatize him or her socially. In the

light of the testimony of children who may have been victims of sexual and commercial exploitation, Cuban law provides for support in all areas to prevent them from falling victim to such crimes again.

597. To have children or adolescents testify, the multidisciplinary team working with them will take account of their cognitive development level, given their age and mental state.

598. The method used for this is the recording of child or adolescent victims of any sex offence (both video and audio) as part of the investigation process. The recorded interviews serve as testimonial evidence for the court and mean that the child or adolescent victim is not required to make any other statements or participate directly in the oral trial proceedings. This is intended to prevent the child or adolescent from falling victim to secondary offences.

599. This practice has shown that judicial testimony supports or supplements the opinion of experts, thus serving as an important element of evidence or conviction with regard to the criminal liability of the perpetrator.

600. Once the investigation process is over, a medical assistance network is available so that child victims can receive follow-up care from their family doctor and specialized personnel, with a view to expunging the possible after-effects of the crime.

601. The Ministry of Tourism also has a Security and Protection Department, whose priority goals include everything related to the effort to combat 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 the Interior and the Government, while implementing extreme disciplinary measures that range from expulsion from the tourism system to trial in court.

602. The policy in Cuba is to develop family tourism. The rule in the tourism system is that minors of either sex must be accompanied by an adult to enter tourist facilities. Access to discotheques and nightclubs is prohibited to children under 16 as being inappropriate to their normal development and hours. Official identification must be presented for verification purposes, this being the identity card in Cuba or the passport in the case of foreign children and adolescents.

603. The tourism sector in Cuba does not allow sex tourism for adults, far less children. There are strict measures of systematic oversight and severe penalties for those infringing this prohibition, who may be expelled from the tourism system and handed over to the courts.

604. Social and prevention work is carried out with the organized involvement of all governmental agencies, mass organizations and policies associated with this activity, which are integrated into social services and prevention systems at the national, provincial and municipal levels as a government coordination mechanism, giving greater comprehensiveness to analyses and actions of a multisectoral and multidisciplinary character.

605. Prevention work includes early detection of situations that might affect children and/or adolescents. This involves consideration of the reports on social issues compiled in communities, among other things. Family education issues are debated in communities, including sexist stereotypes, prostitution and domestic violence, among others.

606. The Cuban Institute of Radio and Television gives priority to the child audience when developing its programming, with a view to contributing to children's general education and development by highlighting ethical and aesthetic topics that by their nature are contrary to any practice that might be harmful to normal childhood development. Thus, all radio broadcasters and television centres in the country publicize children's rights with a view to raising awareness of the subject throughout the population.

607. These subjects are dealt with in family and general programmes, including the subject of sexual behaviour that might have adverse psychological effects on children and adolescents.

608. The Cuban Institute of Radio and Television has systematically addressed different subjects that in one way or another contribute to the development of responsible practices and attitudes towards the rights of children and adolescents.

609. Pornography is illegal in Cuba and therefore does not appear in the media. There is also strict supervision of programme content to ensure it is educational.

610. Different organizations and institutions such as the Federation of Cuban Women, education departments, the Ministries of Public Health and Culture, etc., collaborate systematically on family-oriented programmes, as do specialists (educators, psychologists, etc.), with special treatment being given to different issues such as family and social harmony, interpersonal communication, affective relationships, play, the important of non-formal channels, formal and sex education, advice, the mother, the father and other family members contributing to a positive atmosphere. In the case of television, there is a very clear intention to defend children's interests, one example of this being the message at the end of the children's programming period announcing that "Cuban Television programming for children and adolescents is now over". When films are shown on television, likewise, explicit warning is given if they contain sex, violence or adult language, so that the adults in the family are aware of anything that might be unsuitable for its younger members.

611. The Cuban State has the necessary resources such as homes, day-care centres and shelters for homeless minors, as well as trained personnel such as psychologists, psychiatrists, sociologists, educators and jurists, who form multidisciplinary teams to diagnose and provide specialist care for children who fall victim to crime or actions that affect their normal development and require admission to these institutions.

612. Different services are available in the country to support victims of crime, examples being:

- the family doctor or health area;
- women's and family counselling centres;
- sex therapy and counselling services;
- offices of the Public Prosecution Service to safeguard citizens' rights.

613. The following are also available for child and adolescent victims:

- Ministry of Education diagnosis and counselling centres. Staffed by teams of specialists, these centres work in close coordination with educational establishments and carry out evaluations of students both for preventive purposes and to deal with any issues affecting them. Their recommendations are essentially implemented by teachers in their direct individual relationships with students.

614. All the services referred to are free of charge, and each may provide an onward referral to others for anyone who so requires.

615. The organization and functions of the Cuban health system are designed to protect children from commercial sexual exploitation.

616. In September 2001, Cuba ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

617. Cuba has been an active participant in the three World Congresses against the Sexual Exploitation of Children, held in Stockholm (Sweden), Yokohama (Japan) and Rio de Janeiro (Brazil), as well as in other regional events held to address the issue.

## Annexes

### Anexo N° 1

#### **Ley 59/87 Código Civil**

*Artículo 29.1.* La plena capacidad para ejercer los derechos y realizar actos jurídicos se adquiere:

- a) por arribar a la mayoría de edad, que comienza a los 18 años cumplidos; y
- b) por matrimonio del menor.

*Artículo 30.* Tienen restringida su capacidad para realizar actos jurídicos, salvo para satisfacer sus necesidades normales de la vida diaria:

- a) los menores de edad que han cumplido 10 años de nacidos, los que puedan disponer del estipendio que les ha sido asignado y, cuando alcancen la edad laboral, de la retribución por su trabajo.

Ver: Código Civil. Editora del Ministerio de Justicia. La Habana, 2003. pp. 18-19

## Anexo N° 2

### Ley 1289 Código de Familia

#### Del matrimonio y su constitución

*Artículo 3. (Modificado).* Están autorizados para formalizar el matrimonio la hembra y el varón mayores de 18 años de edad. En consecuencia, no están autorizados para formalizar el matrimonio los menores de 18 años de edad.

No obstante lo dispuesto en el párrafo anterior, excepcionalmente, y por causas justificadas, podrá otorgarse a los menores de 18 años la autorización para formalizar el matrimonio, siempre que la hembra tenga, por los menos, 14 años cumplidos y el varón 16 años, también cumplidos.

Esta autorización excepcional pueden otorgarla:

1. El padre y la madre conjuntamente, o un de ellos si el otro hubiere fallecido o estuviere privado de la patria potestad;
2. El o los adoptantes cuando el menor hubiese sido adoptado;
3. El tutor, si el menor estuviere sujeto a tutela;
4. Los abuelos maternos o paternos, indistintamente, a falta de los anteriores, prefiriéndose a aquéllos que convivan en el mismo domicilio con el menor;
5. Uno solo de los facultados, cuando el otro que deba darla conjuntamente con él se vea impedido de hacerlo;
6. El tribunal, si por razones contrarias a los principios y normas de la sociedad socialista, se negaren a otorgar la autorización las personas facultadas para ello.

En caso de negar la autorización algunos de los que deben de otorgarla conjuntamente con otro, los interesados en contraer matrimonio o uno de ellos o un hermano o hermana mayor de edad de cualquiera de los mismos podrá instar al Tribunal Popular competente para que otorgue la autorización requerida.

El Tribunal, en audiencia verbal, oirá el parecer de todos los interesados y del fiscal y, teniendo en cuenta el interés social y el de los contrayentes, decidirá lo que proceda sin ulterior recurso.

*Artículo 4.* No podrán contraer matrimonio:

3. Las hembras menores de 14 años y los varones menores de 16 años.

#### Capítulo II De las relaciones entre padres e hijos

##### Sección Primera De la patria potestad y su ejercicio

*Artículo 82.* Los hijos menores de edad estarán bajo la patria potestad de sus padres.

*Artículo 83.* El ejercicio de la patria potestad corresponde a ambos padres, conjuntamente.

Corresponderá a uno solo de los padres, por fallecimiento del otro o porque se le haya suspendido o privado de su ejercicio.

*Artículo 84.* Los hijos están obligados a respetar, considerar y ayudar a sus padres y, mientras estén bajo su patria potestad, a obedecerlos.

*Artículo 85.* La patria potestad comprende los siguientes derechos y deberes de los padres:

1. Tener a sus hijos bajo su guarda y cuidado; es esforzarse para que tengan una habitación estable y una alimentación adecuada; cuidar de su salud y aseo personal; proporcionarle los medios recreativos propios para su edad que estén dentro de sus posibilidades; darles la debida protección; velar por su buena conducta y cooperar con las autoridades correspondientes para superar cualquier situación o medio ambiental que influya o pueda influir desfavorablemente en su formación y desarrollo;

2. Atender la educación de sus hijos, inculcarles el amor al estudio; cuidar de su asistencia al centro educacional donde estuvieren matriculados; velar por su adecuada superación técnica, científica y cultural con arreglo a sus aptitudes y vocación y a los requerimientos del desarrollo del país y colaborar con las autoridades educacionales en los planes y actividades escolares;

3. Dirigir la formación de sus hijos para la vida social; inculcarles el amor a la patria, el respeto a sus símbolos y la debida estimación a sus valores, el espíritu internacionalista, las normas de la convivencia y de la moral socialista y el respeto a los bienes patrimoniales de la sociedad y a los bienes y derechos personales de los demás; inspirarles con su actitud y con su trato el respeto que les deben y enseñarles a respetar a las autoridades, a sus maestros y a las demás personas;

4. Administrar y cuidar los bienes de sus hijos con la mayor diligencia; velar porque sus hijos usen y disfruten adecuadamente los bienes que le pertenezcan; y no enajenar, permutar ni ceder dichos bienes, sino en interés de los propios menores y cumpliendo los requisitos que en este Código se establecen;

5. Representar a sus hijos en todos los actos y negocios jurídicos en que tengan interés; completar su personalidad en aquellos para los que se requiera la plena capacidad de obrar; ejercitar oportuna y debidamente las acciones que en derecho correspondan a fin de defender sus intereses y bienes.

*Artículo 86.* Los padres están facultados para reprender y corregir adecuada y moderadamente a los hijos bajo su patria potestad.

*Artículo 87.* Los padres podrán, en interés de los hijos bajo su patria potestad, disponer de los bienes de los mismos, cederlos, permutarlos o enajenarlos por causa justificada de utilidad o necesidad, previa la autorización del tribunal competente, con audiencia del fiscal.

## **Sección Segunda**

### **De la guarda y cuidado y de la comunicación entre padres e hijos**

*Artículo 88.* Respecto a la guarda y cuidado de los hijos, se estará al acuerdo de los padres, cuando éstos no vivieren juntos.

*Artículo 89.* De no mediar acuerdo de los padres o de no ser el mismo atentatorio a los intereses materiales o morales de los hijos, la cuestión se decidirá por el tribunal competente, que se guiará para resolverla, únicamente por lo que resulte más beneficioso para los menores. En igualdad de condiciones, se atenderá, como regla general, a que los hijos queden al cuidado del padre en cuya compañía se hayan encontrado hasta el momento de producirse el desacuerdo; prefiriendo a la madre si se hallaban en compañía de ambos y salvo, en todo caso, que razones especiales aconsejen cualquier otra solución.



*Artículo 90.* En el caso del artículo anterior, el tribunal dispondrá lo conveniente para que aquel de los padres al que no se confiera la guarda y cuidado de los hijos menores, conserve la comunicación escrita y de palabra con ellos, regulándola con la periodicidad que el caso requiera y siempre en beneficio de los intereses de los menores. El incumplimiento de lo que se disponga a ese respecto podrá ser causa para que se modifique lo resuelto en cuanto a la guarda y cuidado, sin perjuicio de la responsabilidad de orden penal que se origine por tal conducta.

Excepcionalmente, cuando las circunstancias lo requieran, podrán adoptarse disposiciones especiales que limiten la comunicación de uno o de ambos padres con el hijo e incluso que la prohíban por cierto tiempo o indefinidamente.

*Artículo 91.* Las medidas adoptadas por el tribunal sobre guarda y cuidado y régimen de comunicación, podrán ser modificadas en cualquier tiempo, cuando resulte procedente por haber variado las circunstancias de hecho que determinaron su adopción.

### **Sección Tercera** **De la extinción y suspensión de la patria potestad**

*Artículo 92.* La patria potestad se extingue:

1. por la muerte de los padres o del hijo;
2. por arribar el hijo a la mayoría de edad;
3. por el matrimonio del hijo que no ha alcanzado la mayoría de edad;
4. por la adopción del hijo.

*Artículo 93. (Modificado).* Ambos padres, o uno de ellos, perderán la patria potestad sobre sus hijos:

1. cuando se les imponga como sanción por sentencia firme dictada en proceso penal;
2. cuando se atribuya a uno de ellos por escritura notarial o por sentencia firme dictada en proceso de divorcio o de nulidad de matrimonio o se prive a ambos por resolución judicial.

*(El inciso 2) de este artículo quedó redactado en la forma en que se consigna por la Disposición Final Segunda del Decreto-Ley 154 sobre el divorcio notarial de 6 de septiembre de 1994)*

*Artículo 94.* La patria potestad se suspende por incapacidad o ausencia de los padres, declarada judicialmente.

*Artículo 95.* Los tribunales, atendiendo a las circunstancias del caso, podrán privar a ambos padres, o a uno de ellos, de la patria potestad, o suspenderlos en el ejercicio de ésta, en los casos de los artículos 93 y 94, o mediante sentencia dictada en proceso promovido a instancia del otro o del fiscal, cuando uno o ambos padres:

1. incumplan gravemente los deberes previstos en el artículo 85;
2. induzcan al hijo a ejecutar algún acto delictivo;
3. abandonen el territorio nacional y, por tanto, a sus hijos;
4. observen una conducta viciosa, corrupta, delictiva o peligrosa, que resulte incompatible con el debido ejercicio de la patria potestad;
5. cometan delito contra la persona del hijo.

*Artículo 96.* La privación o suspensión de la patria potestad no exime a los padres de la obligación de dar alimentos a sus hijos.

*Artículo 97.* En las sentencias dictadas por los tribunales de lo civil, por las cuales se priven a ambos padres, o a uno de ellos, de la patria potestad, o se le suspenda su ejercicio, se proveerá, según proceda, sobre la representación legal de los menores, su guarda y cuidado, la pensión alimenticia y régimen de comunicación entre padres e hijos.

El padre afectado o el fiscal podrán instar, mediante incidente en las propias actuaciones, el cese de la suspensión de la patria potestad, así como la modificación de cualquiera otra de las medidas a que se refiere el párrafo anterior, cuando hayan variado las circunstancias que justificaron su adopción.

*Artículo 98.* Cuando a ambos padres o a uno de ellos se les hubiere privado de la patria potestad, o se les hubiere suspendido en su ejercicio, por sentencia dictada por los tribunales de lo penal, el otro padre, en su caso, o el fiscal, promoverá el procedimiento correspondiente en los tribunales de lo civil para resolver los extremos a que se refiere el primer párrafo del artículo anterior.

Ver: Código de Familia. Ministerio de Justicia. La Habana, 2004.

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## Anexo N° 3

### **Ley N° 75/94 "De la Defensa Nacional"**

*Artículo 77:* Los ciudadanos del sexo masculino, durante el año en que cumplen los dieciséis años de edad, están en la obligación de formalizar su inscripción en el registro militar.

Una vez inscritos en el registro militar, los ciudadanos están obligados a cumplir las actividades dirigidas a su preparación para la incorporación al Servicio Militar y mantener debidamente actualizada su situación personal.

*Artículo 67:* Los ciudadanos del sexo masculino, desde el primero de enero del año en que cumplen los diecisiete años de edad hasta el treinta y uno de diciembre del año en que arriben a la edad de veintiocho años, deben cumplir el Servicio Militar Activo por un plazo de dos años.

*Artículo 71:* Los ciudadanos de ambos sexos que así lo deseen y expresamente lo manifiesten podrán incorporarse voluntariamente al Servicio Militar Activo o al de Reserva cuando tengan cumplidos los diecisiete años de edad y reúnan los requisitos que establece el Ministerio de las Fuerzas Armadas Revolucionarias o el Ministerio del Interior, los que dispondrán además, en su caso, todo lo relacionado con el ingreso y la permanencia en esos servicios.

## **Anexo N° 4**

### **Decreto Ley N° 224/2001 "Del Servicio Militar"**

*Artículo 3:* La incorporación de los ciudadanos llamados al servicio Militar Activo debe realizarse a partir de que estos hayan cumplido los dieciocho años de edad. Los menores de dieciocho años y siempre que se encuentren en el año que cumplen los diecisiete, pueden incorporarse voluntariamente al Servicio Militar Activo.

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## Anexo N° 5

### Ley 62 Código Penal

*Artículo 16.2.* La responsabilidad penal es exigible a la persona natural a partir de los 16 años de edad cumplidos en el momento de cometer el acto punible.

*Artículo 17.1.* En el caso de personas de más de 16 años de edad y menos de 18, los límites mínimos y máximos de las sanciones pueden ser reducidos hasta la mitad, y con respecto a los de 18 a 20, hasta en un tercio. En ambos casos predominará el propósito de reeducar al sancionado, adiestrarlo en una profesión u oficio e inculcarle el respeto al orden legal.

*Artículo 29.1.* La sanción de muerte es de carácter excepcional, y sólo se aplica por el tribunal en los casos más graves de comisión de los delitos para los que se halla establecida.

*Artículo 29.2.* La sanción de muerte no puede imponerse a los menores de 20 años de edad ni a las mujeres que cometieron el delito estando encinta o que lo están al momento de dictarse la sentencia.

*Artículo 30.9.* Los menores de 20 años de edad cumplen la sanción en establecimientos especialmente destinados a ellos o en secciones separadas de los destinados a mayores de esa edad. No obstante, respecto a los de 20 a 27 años podrá disponerse que cumplan su sanción en iguales condiciones que aquellos.

*Artículo 42. 4* El destierro no es aplicable a las personas que no hayan cumplido los 18 años de edad.

### Capítulo III

## Delitos contra el normal desarrollo de la infancia y la juventud

#### Sección primera

#### Corrupción de Menores

*Artículo 310.1. (Modificado)* El que utilice a una persona menor de 16 años de edad, de uno u otro sexo, en el ejercicio de la prostitución o en la práctica de actos de corrupción, pornográficos, heterosexuales u homosexuales, u otras de las conductas deshonestas de las previstas en este Código, incurre en sanción de privación de libertad de siete a quince años.

2. (Modificado) La sanción es de privación de libertad de veinte a treinta años o muerte en los casos siguientes:

- a) si el autor emplea violencia o intimidación para el logro de sus propósitos;
- b) si como consecuencia de los actos a que se refiere el apartado anterior, se ocasionan lesiones o enfermedad al menor;
- c) si se utiliza más de un menor para la realización de los actos previstos en el apartado anterior;
- ch) si el hecho se realiza por quien tenga la potestad, guarda o cuidado del menor;
- d) si la víctima es menor de doce años de edad o se halla en estado de enajenación mental o de trastorno mental transitorio, o privada de razón o de sentido por cualquier causa o incapacitada para resistir;
- e) cuando el hecho se ejecuta por dos o más personas.

3. El que induzca a una persona menor de 16 años de edad a concurrir a lugar en que se practiquen actos de corrupción, incurre en sanción de privación de libertad de tres a ocho años.

4. La mera proposición de los actos previstos en los apartados 1 y 3 se sanciona con privación de libertad de dos a cinco años.

5. En los casos de comisión de los delitos previstos en este artículo podrá imponerse además, como sanción accesoria, la de confiscación de bienes.

*Este artículo fue modificado por el artículo 29 del Decreto Ley No 175 de 17 de junio de 1997 (G.O. Ext. No 6 de 26 de junio de 1997, pág. 37).*

*Posteriormente, el apartado 2 fue modificado por el artículo 18 de la Ley No 87 de 16 de febrero de 1999 (G.O. Ext. No 1 de 15 de marzo de 1999, pág. 1).*

*Artículo 311. (Modificado)* Se sanciona con privación de libertad de dos a cinco años al que:

- a) con noticias de que un menor sujeto a su potestad, guarda o cuidado se dedica al uso o consumo de drogas estupefacientes, sustancias sicotrópicas u otras de efectos similares, o se encuentra ejerciendo la prostitución, el comercio carnal o cualquiera de los actos previstos en el artículo anterior, lo consienta o no lo impida o no ponga el hecho en conocimiento de las autoridades;
- b) ejecute actos sexuales en presencia de personas menores de 16 años de edad;

c) ofrezca, venda, suministre o facilite a una persona menor de 16 años de edad, libros, publicaciones, estampas, fotografías, películas, videos u otros objetos de carácter obsceno o pornográfico.

*Este artículo fue modificado por el artículo 29 del Decreto Ley No 175 de 17 de junio de 1997 (G.O. Ext. No 6 de 26 de junio de 1997, pág. 37).*

*Artículo 312.1. (Modificado)* El que utilice a una persona menor de 16 años de edad en prácticas de mendicidad, incurre en sanción de privación de libertad de dos a cinco años o multa de quinientas a mil cuotas o ambas.

2. Si el hecho previsto en el apartado anterior se realiza por quien tenga la potestad, guarda o cuidado del menor, la sanción es de privación de libertad de tres a ocho años.

*Este artículo fue modificado por el artículo 29 del Decreto Ley No 175 de 17 de junio de 1997 (G.O. Ext. No 6 de 26 de junio de 1997, pág. 37).*

*Artículo 313.1. (Modificado)* El que induzca a una persona menor de 16 años de edad a participar en juegos de interés o a ingerir habitualmente bebidas alcohólicas, incurre en sanción de privación de libertad de dos a cinco años o multa de quinientas a mil cuotas o ambas.

2. Si la inducción se dirige al uso o consumo de drogas estupefacientes, sustancias sicotrópicas u otras de efectos similares, la sanción es de privación de libertad de cinco a doce años.

*Este artículo fue modificado por el artículo 29 del Decreto Ley No 175 de 17 de junio de 1997 (G.O. Ext. No 6 de 26 de junio de 1997, pág. 37).*

*Artículo 314. (Modificado)* El que, por su negligencia o descuido dé lugar a que un menor bajo su potestad, guarda o cuidado, use o consuma drogas estupefacientes o sustancias sicotrópicas u otras de efectos similares, o ejerza la prostitución, el comercio carnal, heterosexual u homosexual, o realice actos pornográficos o corruptores, incurre en sanción de privación de libertad de dos a cinco años o multa de quinientas a mil cuotas o ambas.

*Este artículo fue modificado por el artículo 29 del Decreto Ley No 175 de 17 de junio de 1997 (G.O. Ext. No 6 de 26 de junio de 1997, pág. 37).*

## **Sección segunda**

### **Otros Actos Contrarios al Normal Desarrollo del Menor**

*Esta Sección fue modificada por el artículo 19 de la Ley N° 87 de 16 de febrero de 1999 (G.O. Ext. N° 1 de 15 de marzo de 1999, pág. 1) quedando constituida solo por el artículo 315.*

*Artículo 315.1. (Modificado)* El que no atienda o descuide la educación, manutención o asistencia de una persona menor de edad que tenga bajo su potestad o guarda y cuidado, incurre en sanción de privación de libertad de tres meses a un año o multa de cien a trescientas cuotas o ambas.

2. En igual sanción incurre el que, habiendo sido privado de la patria potestad, no contribuye al sostenimiento de sus hijos, en las condiciones y por el término establecido en la Ley.

3. El que induzca a un menor de edad a abandonar su hogar, faltar a la escuela, rechazar el trabajo educativo inherente al sistema nacional de educación o a incumplir sus deberes relacionados con el respeto y amor a la patria, incurre en sanción de privación de libertad de tres meses a un año o multa de cien a trescientas cuotas o ambas.

*Este artículo fue modificado por el artículo 19 de la Ley N° 87 de 16 de febrero de 1999 (G.O. Ext. N° 1 de 15 de marzo de 1999, pág. 1).*

### **Sección tercera**

#### **Venta y Tráfico de Menores.**

*Esta Sección fue adicionada por el artículo 19 de la Ley N° 87 de 16 de febrero de 1999 (G.O. Ext. N° 1 de 15 de marzo de 1999, pág. 1).*

*Artículo 316.1. (Modificado)* El que venda o transfiera en adopción un menor de dieciséis años de edad, a otra persona, a cambio de recompensa, compensación financiera o de otro tipo, incurre en sanción de privación de libertad de dos a cinco años o multa de trescientas a mil cuotas o ambas.

2. La sanción es de tres a ocho años de privación de libertad cuando en los hechos a que se refiere el apartado anterior concurre alguna de las circunstancias siguientes:

a) si se comenten actos fraudulentos con el propósito de engañar a las autoridades;

b) si es cometido por la persona o responsable de la institución que tiene al menor bajo su guarda y cuidado;

c) si el propósito es trasladar al menor fuera del territorio nacional.

3. La sanción es de siete a quince años de privación de libertad cuando el propósito es utilizar al menor en cualquiera de las formas de tráfico internacional, relacionadas con la práctica de actos de corrupción, pornográficos, el ejercicio de la prostitución, el comercio de órganos, los trabajos forzados, actividades vinculadas al narcotráfico o al consumo ilícito de drogas.

4. Las sanciones previstas en este artículo se imponen siempre que los hechos no constituyan un delito de mayor entidad.

*Este artículo fue modificado por el artículo 19 de la Ley N° 87 de 16 de febrero de 1999 (G.O. Ext. N° 1 de 15 de marzo de 1999, pág. 1).*

## **Capítulo IV**

### **Disposiciones Complementarias**

*Artículo 317.1. (Modificado)* A los maestros o encargados en cualquier forma de la educación o dirección de la juventud que sean declarados culpables de alguno de los delitos previstos en los artículos 298, 299, 300, 302, 303, 304, 310, 311, 312, 313, 314 y 316, se les impone la sanción accesoria de prohibición permanente para el ejercicio del magisterio o de cualquier otra función de dirección de la juventud.

2. A los ascendientes, tutores o guardadores que cometan los delitos previstos en los artículos 298, 299, 300, 302, 303, incisos a) y b), 304, 310, 312 y 313, apartado 2, en la persona de sus respectivos descendientes, pupilos o menores a su cuidado, además de la sanción señalada en cada caso, se les priva o suspende temporalmente de los derechos derivados de la relación paterno-filial o tutelar.

3. En los delitos de violación, estupro o bigamia, el culpable es sancionado, además, a reconocer la prole que resulte, si lo solicita la ofendida.



4. A los declarados responsables de los delitos previstos en este Título podrá aplicarse la sanción accesoria de prohibición del ejercicio de una profesión, cargo u oficio, aun cuando en el hecho no concurra abuso del cargo o negligencia en el cumplimiento de los deberes y cualquiera que sea la profesión, cargo u oficio del culpable, siempre que de algún modo haya tenido relación con la comisión del hecho.

*Este artículo fue modificado por el artículo 29 del Decreto Ley No 175 de 17 de junio de 1997 (G.O. Ext. No 6 de 26 de junio de 1997, pág. 37).*

## **Anexo N° 6**

### **Ley N° 49 Código de Trabajo**

#### **Capacidad para concertar contratos de trabajo**

*Artículo 26.* La capacidad para concertar contratos de trabajo se adquiere a los diecisiete años de edad.

Excepcionalmente, pueden concertar contratos de trabajo los adolescentes de quince y dieciséis años de edad, siempre que se cumplan los requisitos que exige la ley.

#### **Trabajo de los adolescentes**

##### **Disposiciones generales**

*Artículo 220.* El Estado dicta medidas dirigidas a que las entidades laborales den atención necesaria y especial a los adolescentes de quince y dieciséis años de edad que por razones excepcionales son autorizadas a incorporarse al trabajo, a fin de lograr su mejor preparación, adaptación a la vida laboral y en el continuo desarrollo de su profesional y superación cultural.

La entidad laboral está obligada, antes de incorporar al trabajo al adolescente, a disponer y practicar un examen médico y obtener certificación de su estado de salud, a fin de determinar si está apto física y psíquicamente para el trabajo.

*Artículo 221.* Los adolescentes tienen derecho a que la administración de la entidad laboral facilite una preparación inicial que los capacite y adiestre para el trabajo.

##### **Prohibiciones**

*Artículo 223.* Los adolescentes deben ser empleados en trabajos apropiados a su desarrollo físico y mental.

*Artículo 224.* Se prohíbe emplear adolescentes en:

- a) labores de estiba u otras en las que se manipulen pesos excesivos;
- b) extracción de minerales;
- c) lugares donde se utilicen sustancias nocivas, reactivas o tóxicas;
- ch) trabajo de subsuelo;
- d) trabajos de altura;
- e) trabajos nocturnos;
- f) trabajos en que su seguridad o la de otras personas esté sujeta a su responsabilidad.

Ver: Sistema de Justicia Laboral. Ministerio de Justicia. La Habana, 1999. pp. 104-105

## Anexo N° 7

### Resolución 8/2005

#### Incorporación al empleo

*Artículo 14:* Está prohibido a las entidades establecer directamente relaciones laborales con jóvenes menores de 17 años. Excepcionalmente, el Director de Trabajo Municipal, a solicitud de la entidad laboral o de los padres o tutores, puede autorizar a determinado joven de 15 o 16 años de edad, cuando están presentes una o más de las circunstancias siguientes:

- a) sin arribar a la edad laboral, es egresado como obrero calificado o técnico de nivel medio del Sistema Nacional de Educación o de la Escuela de Oficios;
- b) posee dictamen médico que expresa su incapacidad para el estudio o recomienda su vinculación a una entidad laboral;
- c) está desvinculado del Sistema Nacional de Educación por bajo rendimiento académico, que aconseja su incorporación a un colectivo laboral;
- d) debido a dictamen de un centro de diagnóstico y orientación del Ministerio del Interior, que recomienda su incorporación al trabajo y
- e) otras causas justificadas, establecidas en la ley.

*Artículo 15:* Los jóvenes menores de 18 años no pueden ser ocupados en trabajos en que estén expuestos a riesgos físicos y psicológicos; labores nocturnas, bajo tierra o agua; alturas peligrosas o espacios cerrados; labores con carga pesada; expuestos a sustancias peligrosas, altas o bajas temperaturas o niveles de ruido o vibraciones perjudiciales para su salud y desarrollo integral. La administración de la entidad laboral está obligada, antes de incorporar al trabajo al menor de 18 años de edad, a disponer y practicar el examen médico y obtener certificación de su estado de salud.

*Artículo 16:* las administraciones evalúan los puestos de trabajo para, teniendo en cuenta su naturaleza y las condiciones de su realización, determinar los posibles riesgos que pueden poner en peligro la seguridad, salud y moralidad de los menores de 18 años de edad. La relación de puestos de trabajo donde están presentes dichos riesgos, se consigna en un anexo al Convenio Colectivo de Trabajo.

## Anexo N° 8

### Instrucción N° 187/07 del Tribunal Supremo Popular

*Gaceta Oficial* N° 006 Extraordinaria de 15 de enero de 2008

TRIBUNAL SUPREMO POPULAR

LICENCIADA CARIDAD M. FERNÁNDEZ GONZÁLEZ, Secretaria del Tribunal Supremo Popular.

**CERTIFICO:** que el Consejo de Gobierno del Tribunal Supremo Popular, en sesión ordinaria celebrada el día veinte de diciembre del año dos mil siete, aprobó la Instrucción que es del tenor siguiente:

**POR CUANTO:** Las disposiciones contenidas en el Código de Familia puesto en vigor el 14 de febrero de 1975, han contribuido notablemente a los avances logrados en el ámbito educativo y cultural de la población cubana; no obstante, determinados preceptos contenidos en dicho cuerpo legal han requerido y requieren de reformulación, para atemperarse a los cambios propiciados por el desarrollo alcanzado en nuestra sociedad; razón por la que se viene trabajando desde hace tiempo en la estructuración de nuevo Proyecto de legislación sustantiva de la naturaleza apuntada.

**POR CUANTO:** La materialización de ese propósito hace aconsejable la implementación, en forma experimental, de algunas modificaciones en determinados aspectos de la práctica judicial en los procesos vinculados al Derecho de Familia que, sin contravenir las normas vigentes, permitan comprobar y validar anticipadamente aspectos novedosos que pudieran incorporarse al ordenamiento procesal en vigor, y que por razones obvias se pondrán en práctica en un primer momento solo en aquellos tribunales que resulten designados al efecto.

**POR CUANTO:** Resulta necesario establecer, en correspondencia con lo postulado en la Convención Internacional Sobre los Derechos del Niño de la que Cuba es signataria, que cuando las circunstancias lo permitan, el niño o niña concernido sea oído por el tribunal que conoce del asunto, en aquellos litigios en que se discuta lo relativo a su guarda y custodia.

**POR CUANTO:** La complejidad y características especiales de los asuntos en materia de familia y la experiencia alcanzada al respecto por algunos países, evidencian la conveniencia de que, en los asuntos que se requiera, nuestros tribunales puedan recabar el parecer de un equipo técnico asesor multidisciplinario, que posibilite el acceso de los jueces a criterios profesionales especializados en esta materia, que los provea de mayores y mejores elementos para sus decisiones, en aras de satisfacer hondos intereses humanos, afectivos y sociales de las personas involucradas en el proceso.

**POR CUANTO:** El incremento de la calidad en el tratamiento judicial de las cuestiones comprendidas en el Derecho de Familia requiere que los litigios en los tribunales populares sean ventilados por jueces con conocimientos especializados en dicha materia, y consecuentemente capaces de utilizar al máximo las herramientas autorizadas en la vigente legislación procesal; presupuesto que está en correspondencia con las proyecciones estratégicas de nuestros órganos, de lograr la prestación más eficiente de los servicios de la administración de justicia en nuestra sociedad.

**POR TANTO:** En uso de las facultades que le están conferidas a tenor de lo preceptuado en el Artículo 19, apartado 1, inciso h), de la Ley No 82, Ley de los Tribunales Populares de

once de julio de 1997, el Consejo de Gobierno del Tribunal Supremo Popular, aprueba la siguiente:

### **Instrucción N° 187**

**PRIMERO:** En los procesos vinculados al Derecho de Familia, en especial cuando se traten cuestiones relacionadas con menores, los tribunales convocarán a los interesados a una comparecencia, agotando las posibilidades que ofrece el Artículo 42, de la Ley de Procedimiento Civil, Administrativo, Laboral y Económico, la que en el caso de los que se ventilen por los trámites del procedimiento sumario la efectuarían, de no haberse personado la parte demandada, antes de dictarse la resolución en que se disponga la práctica de pruebas o se prescinda de ello, conforme a la previsión del Artículo 364, de la citada Ley de Trámites. En el supuesto de haberse personado la referida parte y se opusiere a la demanda se realizará, en la oportunidad en que se le tenga por evacuado dicho trámite, y siempre antes de disponer la práctica de las pruebas que se hubieren propuesto por uno o ambos contendientes, garantizándose por parte del tribunal el principio de celeridad que debe observarse en la tramitación de los procesos.

En el procedimiento ordinario la celebración de la expresada comparecencia será una vez agotada la fase de alegaciones.

**SEGUNDO:** En los procesos en que se litigue sobre guarda, cuidado y régimen de comunicación de menores, siempre que sea racionalmente aconsejable, el Tribunal deberá oír en el debate, por vía de exploración, al menor involucrado que cuente con más de siete años de edad, dirigiéndole preguntas, cuidando que en modo alguno lo coloquen en situación de ofrecer respuesta que implique el repudio a alguno de sus padres, y adoptando las medidas de control necesarias para que dicho acto se desarrolle en ambiente propicio y con absoluta privacidad, utilizando preferentemente como sede la Casa de Orientación a la Mujer y la Familia de la Federación de Mujeres Cubanas del territorio u otro lugar con condiciones apropiadas para el acto que se realiza.

**TERCERO:** En los procesos de la naturaleza a que se refiere el apartado anterior, cuando resulte racionalmente conveniente, podrá el tribunal interesar la intervención en calidad de terceros de los abuelos del menor y oír el parecer del Fiscal al respecto.

**CUARTO:** Para obtener elementos que tributen a las cuestiones antes referidas, el tribunal actuante recabará información del Equipo técnico asesor multidisciplinario coordinado por la Federación de Mujeres Cubanas en el territorio en que se desarrolla la litis; asimismo lo interesará en aquellos procesos de la Jurisdicción Voluntaria y que ulteriormente se remitan a la de la Contenciosa. En su caso el dictamen emitido por dicho equipo se ajusta a lo expresamente preceptuado en los artículos 314 y 315 de la Ley de Procedimiento Civil, Administrativo, Laboral y Económico.

**QUINTO:** En presencia de la expresa situación a que se contrae el Artículo 40, de la Ley de Procedimiento Civil, Administrativo, Laboral y Económico, el Tribunal adoptará las medidas necesarias para restablecer la equidad procesal, incluyendo las de tipo cautelar.

**SEXTO:** En la tramitación de los procesos Sumarios en los casos de Alimentos, cuando se advierta demora en la obtención de la certificación acreditativa del nacimiento de los destinatarios de ese derecho, puede el tribunal estimar acreditado ese extremo teniendo a la vista los datos obrantes en la Tarjeta del Menor, o en su caso el Carné de Identidad, cuya exhibición debe exigirse a la demandante en el proceso al formular su pretensión, de lo cual se dejará constancia en las actuaciones.

En los supuestos en que se aduzca por la promovente que el demandado carece de vínculo laboral, ello no obsta a que se convoque a las partes a la comparecencia que

dispone el Artículo 370, de la Ley de Procedimiento Civil, Administrativo, Laboral y Económico, en cuya oportunidad podrá inquirirse acerca de sus ingresos económicos, y de no lograr-se, posibilita realizar por el Tribunal las actuaciones oficiosas que racionalmente estime oportunas al respecto.

En lo que concierne a la fijación de pensión provisional para el menor alimentista, se reitera lo previsto en el Acuerdo No 28 de 5 de febrero de 1985, del Consejo de Gobierno del Tribunal Supremo Popular, en el sentido de que se precisa su aplicación en todos los casos.

SÉPTIMO: Cuando resulte necesario el tribunal podrá para mejor proveer, considerar, la posibilidad del examen en calidad de testigos de representantes de las organizaciones de masas del territorio, de maestros vinculados a la educación del menor y de oficiales de menores, así como la de disponer el examen de los expedientes conformados por otros organismos o instituciones en relación con el asunto objeto del debate.

OCTAVO: El tribunal actuante adoptará las medidas necesarias con el objetivo de alcanzar la efectiva ejecución de las resoluciones que se dicten resolviendo conflictos sobre Guarda, Cuidado, Régimen de Comunicación y Fijación de Pensión, incluido en ello las del Auto sobre medidas provisionales que se acuerde en los procesos de Divorcio por Justa Causa. Para la consecuente efectividad de dicho actuar, en aquellos casos en que quien sea sujeto a dicha ejecución esté constituido y declarado en rebeldía en el proceso se le notifica el referido Auto, cuya diligencia ha de practicarse en el domicilio que le aparece consignado en las actuaciones.

NOVENO: Se designan con carácter experimental para ajustar su funcionamiento en concordancia con las previsiones a que la presente Instrucción se contrae a los tribunales municipales populares de Guanabacoa y Placetas, en cuyos órganos se designarán para su ejercicio jueces especializa-dos en la materia, con independencia que puedan continuar atendiendo la tramitación y decisión de asuntos de naturaleza diferente. Su aplicación podrá extenderse a otros tribuna-les oportunamente, previa decisión de la dirección del Tribunal Supremo Popular, a cuyos efectos se les participará para su conocimiento, con el objetivo además de que puedan evaluar su factibilidad, así como exponer los elementos que estimen tributen a su enriquecimiento.

DÉCIMO: Como elemento que contribuye a la consecuente aplicación de las normas antes referidas, los presidentes de los tribunales municipales populares de Guanabacoa y Placetas efectuarán coordinación al respecto con la Dirección del Bufete Colectivo, la Fiscalía y la Dirección de la Federación de Mujeres Cubanas radicadas en sus respectivos territorios para imponerlas de su contenido, y solicitar-les la necesaria cooperación que para su efectividad deben prestar.

UNDÉCIMO: La presente Instrucción comenzará a regir el tres de enero del dos mil ocho para los tribunales involucrados, que aplicarán sus disposiciones exclusivamente en los procesos de la clase apuntada que a partir de esa fecha se radiquen.

DUODÉCIMO: Comuníquese la presente Instrucción a los vicepresidentes y al Presidente de la Sala de lo Civil y de lo Administrativo del Tribunal Supremo Popular; a los presidentes de los tribunales populares provinciales de Ciudad de La Habana y Villa Clara, y por su conducto a los presidentes de la Sala de la especialidad de lo Civil de esos órganos, así como a los presidentes de los tribunales municipales populares de Guanabacoa y Placetas respectivamente; a la Fiscalía General de la República; a la Ministra de Justicia; al Presidente de la Junta Nacional de la Organización Nacional de Bufetes Colectivos; a la Secretaria General de la Federación de Mujeres Cubanas; publíquese en la Gaceta Oficial de la República, para general conocimiento.

## Anexo N° 9

### Reglamento para el funcionamiento de las Escuelas de Formación Integral (EFI)

*Artículo 4:* Se prohíbe toda clase de violencia, maltrato de obra y palabra contra los estudiantes y sus familiares.

*Artículo 8:*

d) Brindar una atención integral a los alumnos, promoviendo la realización de un algoritmo de trabajo, que se inicie con la caracterización y diagnóstico positivo, la determinación de las necesidades educativas y potencialidades y la consecuente elaboración y ejecución de las estrategias de intervención, en función de los Objetivos Generales que trazó el Consejo competente.

e) Propiciar para los alumnos adecuadas condiciones materiales de vida y de atención integral a su salud.

*Artículo 57:* Los alumnos/as tendrán los siguientes derechos:

- a) Conocer las regulaciones internas de la EFI.
- b) Recibir alimentación, vestuario, asistencia médico-estomatológica, docencia, educación política; así como práctica o disfrute de actividades culturales, deportivas y recreativas.
- c) Ser promovido de una Etapa a otra de acuerdo con la conducta mantenida.
- d) Disfrutar de pases cada 15 días y pases especiales, en correspondencia con la conducta.
- e) Recibir visitas semanalmente de sus representantes legales u otras personas que contribuyan a su formación.
- f) Recibir y realizar llamadas telefónicas a sus representantes legales u otras personas que contribuyan a su socialización y estabilidad emocional.
- g) Recibir y remitir correspondencia por la vía que se establezca.
- h) Poseer libros de su propiedad que le ayuden a su desarrollo político y cultural, así como aquellos textos que se correspondan con los estudios que realiza.
- i) Adquirir los conocimientos de un oficio o alcanzar una calificación laboral que le facilite su incorporación a la vida social una vez egresado.
- j) Recibir estipendio por concepto de permanencia en la Escuela de Formación Integral.
- k) Recibir salario o estipendio los vinculados directamente a las actividades de aprendizaje de Oficios.

*Artículo 76:* Las medidas disciplinarias contribuyen al desarrollo del proceso educativo, permitiendo la corrección de los errores y defectos en la conducta de los alumnos/as.

*Artículo 77:* Ante cualquiera de las indisciplinas en que participen los alumnos/as se procederá a la utilización escalonada de las medidas que más abajo se enumeran, las que serán propuestas según los niveles de dirección en la institución. Ellas son:

- Amonestación.
- Suspensión de una actividad recreativa, deportiva o cultural, sea de carácter externa o interna.
- Análisis del comportamiento y amonestación del alumno/a con los padres o tutores ante el Consejo de educadores.
- Suspensión de uno de los beneficios a los que tiene derecho, según la etapa de atención integral en que se encuentre.
- Traslado de destacamento.
- Disminución de horas, días de pase o hasta 1 pase.
- Aplicación de acta de compromiso.
- Remisión a área de reflexión, según los niveles de aprobación establecidos.



## Anexo N° 10

## Unidades de Servicio del Ministerio de Salud Pública

N°	Unidades	2002	2003	2004	2005	2006	2007
<b>1</b>	<b>Total</b>	<b>16 036</b>	<b>16 067</b>	<b>16 296</b>	<b>16 267</b>	<b>16 100</b>	<b>16 129</b>
2	Asistencia médica	15 688	15 715	15 943	15 885	15 702	15 722
3	Hospitales	265	267	267	248	243	222
4	Generales	83	84	84	85	83	83
5	Clínico quirúrgicos	35	35	35	35	36	35
6	Rurales a)	62	62	62	40	38	21
7	De maternidad	14	13	13	15	14	12
8	Materno-infantiles	13	15	15	13	13	12
9	Infantiles	25	25	25	25	24	26
10	Especializados	33	33	33	35	35	33
11	Institutos de investigación	13	13	13	13	13	13
12	Otras unidades de asistencia médica	15 410	15 435	15 663	15 624	15 446	15 487
13	Policlínicos	445	444	444	470	473	491
14	Consultorios médicos de la familia	13 857	13 880	14 074	14 078	14 007	14 007
15	Puestos médicos rurales y urbanos	170	166	160	135	138	138
16	Hogares maternos	272	276	280	289	291	309
17	Balnearios minero medicinales	5	5	5	5	5	5
18	Clínicas estomatológicas	164	165	165	165	164	165
19	Bancos de sangre	25	27	27	27	26	25
20	Otras unidades	472	472	508	455	342	347
21	Asistencia social	348	352	353	382	398	407
22	Hogares de ancianos	141	141	141	143	142	144
23	Casas de abuelos	172	177	178	201	219	226
24	Hogares de impedidos físicos y mentales	35	34	34	38	37	37

Fuente: Anuario Estadístico de Cuba 2007. Oficina Nacional de Estadísticas.

## Anexo N° 11

**Habitantes por médico en Cuba**

<i>N°</i>	<i>Años</i>	<i>Total</i>	<i>Habitantes por médico</i>
1	1958	6 286	1 076
2	1965	6 238	1 252
3	1970	6 152	1 389
4	1975	9 328	997
5	1980	15 247	638
6	1985	22 910	441
7	1990	38 690	276
8	1994	54 065	202
9	1995	56 836	193
10	1996	60 129	183
11	1997	62 624	176
12	1998	63 483	175
13	2000	65 997	169
14	2001	66 325	168
15	2002	67 079	167
16	2003	68 017	165
17	2004	69 713	161
18	2005	70 594	159
19	2006	71 489	158
20	2007	72 416	155

*Fuente:* Anuario Estadístico de Cuba 2007. Oficina Nacional de Estadísticas.

## Anexo N° 12

**Tasa de Mortalidad infantil en Cuba 2002-2007****Tasa por 1 000 nacidos vivos**

<i>N°</i>	<i>Concepto</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
1	Cuba	6,5	6,3	5,8	6,2	5,3	5,3
2	Pinar del Río	5,8	6,0	4,7	5,6	5,0	5,4
3	La Habana	8,4	5,1	7,3	5,7	6,1	5,6
4	Ciudad de La Habana	6,6	7,1	6,6	6,6	4,9	5,0
5	Matanzas	5,4	4,9	4,4	4,0	4,3	4,4
6	Villa Clara	4,5	5,9	4,6	4,2	4,6	5,5
7	Cienfuegos	4,7	7,4	5,2	7,0	5,7	7,1
8	Sancti Spiritus	5,9	5,5	3,3	7,9	6,8	4,1
9	Ciego de Ávila	6,7	5,3	5,7	5,1	9,0	7,0
10	Camagüey	7,6	6,8	5,8	8,0	4,3	4,2
11	Las Tunas	5,2	4,2	3,8	6,4	4,7	4,4
12	Holguín	7,3	6,3	5,9	4,5	3,8	5,0
13	Granma	6,5	5,1	5,0	6,6	4,4	5,3
14	Santiago de Cuba	6,9	7,0	7,2	7,2	7,9	5,9
15	Guantánamo	7,9	8,6	8,5	8,0	4,8	6,0
16	Isla de la Juventud	9,1	9,6	1,8	3,7	7,3	5,3

*Fuente:* Anuario Estadístico de Cuba 2007. Oficina Nacional de Estadísticas.

## Anexo N° 13

### Tasa de Mortalidad infantil de los niños menores de 5 años en Cuba 2002-2007

#### Tasa por 1000 nacidos vivos

Nº	Concepto	2002	2003	2004	2005	2006	2007
1	Cuba	8,1	8,0	7,7	8,0	7,1	6,7
2	Pinar del Río	7,4	7,6	6,3	7,2	7,2	7,1
3	La Habana	10,6	7,0	9,2	8,1	7,2	7,0
4	Ciudad de La Habana	8,3	8,9	8,6	8,1	6,8	6,5
5	Matanzas	6,8	6,5	5,8	5,8	6,3	5,5
6	Villa Clara	6,1	7,5	6,1	5,0	6,9	6,6
7	Cienfuegos	6,5	8,6	6,5	8,6	7,1	8,6
8	Sancti Spíritus	7,2	7,0	5,9	8,7	8,0	4,5
9	Ciego de Ávila	8,3	7,3	6,9	7,4	12,3	8,2
10	Camagüey	9,4	9,9	7,6	10,6	6,0	5,6
11	Las Tunas	6,9	5,2	6,0	8,2	5,8	5,6
12	Holguín	8,5	8,1	7,4	5,7	4,7	6,7
13	Granma	7,1	7,0	6,8	9,0	6,3	7,1
14	Santiago de Cuba	8,5	8,9	9,9	9,2	9,7	7,5
15	Guantánamo	10,0	10,2	11,3	11,0	7,6	7,3
16	Isla de la Juventud	11,5	9,6	4,5	6,4	9,4	6,3

Fuente: Anuario Estadístico de Cuba 2007. Oficina Nacional de Estadísticas.

## Anexo N° 14

### Principales causas de muerte en menores de un año. Cuba 1995-2006

N°	Causas	2002	2003	2004	2005	2006	2007
1	Ciertas afecciones originadas en el periodo perinatal	426	405	326	301	295	273
2	Malformaciones congénitas, deformidades						
3	y anomalías cromosómicas	273	238	214	203	147	139
4	Influenza y neumonía	29	33	34	31	15	25
5	Sepsis	8	9	15	22	15	15
6	Accidentes	29	33	16	20	13	15

*Fuente:* Anuario Estadístico de Cuba 2007. Oficina Nacional de Estadísticas.

## Anexo N° 15

## Tasa de Mortalidad materna en Cuba 2002-2007

## Tasa por 100 000 nacidos vivos

N°	Concepto	2002	2003	2004	2005	2006	2007
1	Cuba	41,1	39,5	38,5	51,4	49,4	30,2
2	Pinar del Río	69,6	20,8	57,0	60,4	53,0	26,8
3	La Habana	23,2	12,5	39,6	13,3	42,5	-
4	Ciudad de La Habana	42,1	40,4	52,5	70,1	66,3	45,0
5	Matanzas	38,3	41,2	30,5	59,7	96,6	47,0
6	Villa Clara	43,0	34,2	-	12,9	42,0	42,1
7	Cienfuegos	20,3	40,1	-	69,6	-	-
8	Sancti Spiritus	-	73,8	-	42,5	23,8	64,5
9	Ciego de Ávila	54,1	19,7	20,9	22,4	25,1	-
10	Camagüey	50,6	54,2	34,2	72,5	94,7	26,0
11	Las Tunas	-	44,7	-	34,7	37,3	35,1
12	Holguín	57,3	43,6	44,8	32,4	16,9	33,6
13	Granma	25,2	40,4	18,2	79,0	21,3	22,4
14	Santiago de Cuba	70,6	56,6	104,7	55,4	86,6	8,1
15	Guantánamo	13,1	25,0	27,5	59,2	30,9	63,3
16	Isla de la Juventud	82,4	-	-	-	-	-

Fuente: Anuario Estadístico de Cuba 2007. Oficina Nacional de Estadísticas.

## Anexo N° 16

### Tasa de Mortalidad materna en Cuba según sus causas (2005-2007)

N° Causas	Defunciones/Tasa por 100 000 n.v.					
	2005	2006	2007*	2005	2006	2007
<b>Directas</b>	<b>43</b>	<b>42</b>	<b>24</b>	<b>35,6</b>	<b>37,7</b>	<b>21,3</b>
1 Embarazo ectópico (O00)	4	8	3	3,3	7,2	2,7
2 Aborto excluye embarazo ectópico (O01-O08)	2	6	4	1,7	5,4	3,6
3 Complicaciones relacionadas con el puerperio (O85- O92)	15	9	9	12,4	8,1	8,0
4 Embolia obstétrica (O88)	10	4	4	8,3	3,6	3,6
5 Complicaciones del trabajo de parto y del parto (O60- O66, O68- O71,O73-O75)	2	4	2	1,7	3,6	1,8
6 Trastornos placentarios (O43-O45)	5	-	1	4,1	-	0,9
7 Otras hemorragias (O20, O46, O67, O72)	9	10	2	7,5	9,0	1,8
8 Trastornos hipertensivos (O11-O16)	3	5	2	2,5	4,5	1,8
9 Otras complicaciones (Resto O21-O23, O26, O29-O42,O47- O48, O95, A34, C58)	3	-	1	2,5	-	0,9
<b>Indirectas</b>	<b>19</b>	<b>13</b>	<b>10</b>	<b>15,7</b>	<b>11,7</b>	<b>8,9</b>
10 Enfermedades del sistema circulatorio (O99,4)	7	4	3	5,8	3,6	2,7
11 Enfermedades infecciosas y parasitarias (O98)	2	-	1	1,7	-	0,9
12 Anemia (O99,0)	2	3	1	1,7	2,7	0,9
13 Otras causas indirectas (Resto O10, O24-O25, O28, O99,1-O99,3, O99,5-O99,8, B20-B24, E23,0, M83,0, F53)	8	6	5	6,6	5,4	4,4
<b>Mortalidad materna</b>	<b>62</b>	<b>55</b>	<b>34</b>	<b>51,4</b>	<b>49,4</b>	<b>30,2</b>

Fuente: Anuario Estadístico de Salud 2007. Ministerio de Salud Pública.

## Anexo N° 17

## Inmunizaciones por tipo de vacunas. 2002-2007

N°	Tipos de vacunas	2002	2003	2004	2005	2006	2007
1	Antipoliomielítica (OPV)	589 446	567 608	561 640	545 233	512 672	507 040
2	Total BCG	140 214	135 378	126 456	119 269	110 495	111 854
3	Menores de 1 año	140 214	135 378	126 456	119 269	110 495	111 854
4	Triple bacteriana(DPT) <sup>a</sup>	284 437	211 032	114 927	101 185	310	72 392
5	Duple (DT)	117 549	137 458	132 251	130 503	99 228	133 470
6	Toxoide tetánico (TT)	975 694	976 295	552 678	757 800	392 279	951 204
7	Antitífóidica (AT)	24 094	248 483	306 224	434 331	432 568	472 788
8	Triple viral (PRS)	128 823	146 452	140 717	197 694	199 001	113 751
9	Hepatitis B (HBV) <sup>a</sup>	207 517	187 889	153 684	83 753	25 001	182 683
10	Haemophilus Influenzae (Hib) <sup>a</sup>	110 398	170 421	13 955	117 626	90 037	108 216
11	Antimeningocócica (Tipo B)	132 271	147 498	117 555	125 451	117 166	110 590
12	DPT + HB	-	-	-	48 967	80 984	146
13	DPT + HB + Hib	-	-	-	-	34 640	103 278

Fuente: Anuario Estadístico de Cuba 2007. Oficina Nacional de Estadísticas.

<sup>a</sup> A partir del 2006 la hepatitis B y la DPT están incluidas en la (DPT+HB) y en la (DPT+HB-Hib).



## Anexo N° 18

**Tabla de niños, niñas y adolescentes seropositivos  
enfermos y fallecidos**

Años	Masculino			Femenino			Total		
	Seropositivos	Enfermos	Fallecidos	Seropositivos	Enfermos	Fallecidos	Seropositivos	Enfermos	Fallecidos
1995	0	1	1	0	4	2	0	5	3
1996	1	1	0	0	1	3	1	2	3
1997	0	0	1	1	0	0	1	0	1
1998	0	1	0	1	1	1	1	2	1
1999	2	1	0	0	0	1	2	1	1
2000	2	0	0	0	1	0	2	1	0
2001	5	0	0	3	1	0	8	1	0
2002	5	3	2	3	5	1	8	8	3
2003	5	3	0	8	6	1	13	9	1
2004	3	1	1	8	4	1	11	5	2
2005	6	3	1	7	1	2	13	4	3
2006	3	0	0	6	2	0	9	2	0
2007	2	1	1	4	2	0	6	3	1

## Anexo N° 19

**Ejecución del Presupuesto del Estado Cubano (2002-2007)**

N°	Concepto	2002	2003	2004	2005	2006	2007
1	Gastos totales	17 193,2	18 622,4	20 241,4	27 156,4	33 326,5	39 992,6
2	Gastos corrientes	15 243,8	16 539,4	17 954,8	24 092,9	28 505,3	35 120,5
3	Actividades presupuestadas	11 468,7	12 628,8	13 786,8	18 759,3	21 524,9	27 420,9
4	Educación	2 751,6	3 296,9	3 601,0	4 819,4	5 310,0	7 109,6
5	Salud	1 923,0	2 028,1	2 089,1	3 168,8	3 734,8	5 791,9
6	Seguridad social	1 984,8	2 053,9	2 172,4	2 917,4	3 526,0	3 727,0
7	Viviendas y servicios comunales	873,6	960,5	1 059,6	1 345,8	1 468,7	1 626,2
8	Cultura y arte	395,6	475,7	569,8	780,6	921,6	1 200,5
9	Ciencia y tecnología	168,4	227,8	210,7	247,5	292,2	473,3
10	Deportes	196,6	223,0	242,3	367,1	455,0	516,1
11	Bienestar (asistencia social)	398,0	481,3	596,3	995,5	1 188,3	1 190,2
12	Otras actividades	754,6	825,0	1 037,6	1 208,4	1 395,0	1 824,3

*Fuente:* Anuario Estadístico de Cuba 2007. Oficina Nacional de Estadísticas.

## Anexo N° 20

## Escuelas en Cuba

N°	Concepto	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
<b>1</b>	<b>Total</b>	<b>12 619</b>	<b>12 397</b>	<b>12 327</b>	<b>12 334</b>	<b>12 364</b>	<b>12 323</b>
2	Primaria	9 347	9 029	9 005	9 034	9 047	9 022
3	Urbana	2 330	2 336	2 335	2 332	2 337	2 334
4	Rural	7 017	6 693	6 670	6 702	6 710	6 688
5	Media	2 032	1 956	1 959	1 951	1 988	1 977
6	Secundaria básica	1 012	989	991	993	989	992
7	De ello: En el campo	275	233	230	236	214	205
8	Preuniversitario	312	306	326	356	368	371
9	De ello: En el campo	235	229	246	270	251	257
10	Ciencias exactas	15	15	15	15	15	15
11	Ciencias Pedagógicas	32	36	39	42	73	74
12	Escuelas de Iniciación Deportiva Escolar	17	17	17	17	17	17
13	Vocacional	26	26	28	28	29	29
14	Técnica y profesional	665	618	597	557	585	568
15	Ministerio de Educación <sup>a</sup>	495	489	484	468	460	449
16	Otros organismos	170	129	113	89	125	119
17	Adultos	737	914	869	858	846	845
18	Educación Obrero Campesina	1	3	-	-	-	-
19	Secundaria Obrero Campesina	4	5	3	2	2	2
20	Facultad Obrero Campesina	228	237	193	176	181	189
21	Idiomas	46	42	39	39	39	40
22	Curso Superación Integral para Jóvenes	458	447	456	461	461	444
23	Otros <sup>b</sup>	-	180	178	180	163	170
24	Escuelas de Trabajadores Sociales	4	4	4	4	4	4
25	Especial	435	430	426	422	414	410
26	Superior	64	64	64	65	65	65
27	Ministerio de Educación Superior	17	17	17	17	17	17
28	Ministerio de Educación	16	16	16	16	16	16
29	Ministerio de Salud Pública	14	14	14	14	14	14
30	Otros organismos	17	17	17	18	18	18
31	Sedes universitarias <sup>c</sup>	-	734	938	3 150	3 150	3 150

Fuente: Anuario Estadístico de Cuba 2007. Oficina Nacional de Estadísticas.

<sup>a</sup> Incluye las escuelas de oficios en la Educación Técnica y Profesional.

<sup>b</sup> Se refiere a los cursos del Ministerio del Azúcar (MINAZ).

<sup>c</sup> No está sumado en el total.

## Anexo N° 21

## Libros y folletos editados

N°	Concepto	2002	2003	2004	2005	2006	2007
1	Libros	16 865,6	86 222,5 <sup>a</sup>	56 470,8	70 988,3	39 383,7	25 641,9
2	De ello: De texto	4 514,9	6 082,6	51 506,5 <sup>b</sup>	59 779,1	12 979,6	16 974,8
3	Para niños	851,7	974,8	924,9	1 810,8	2 353,9	1 730,4
4	Para jóvenes	836,1	489,8	397,0	713,2	719,8	1 019,9
5	Folletos	4 422,9	4 149,7	5 010,7	4 354,1	13 415,7	5 773,0
6	De ello: De texto	3,8	2 147,4	3 140,8 <sup>c</sup>	251,8	413,6	3 729,2

Fuente: Anuario Estadístico de Cuba 2007. Oficina Nacional de Estadísticas.

<sup>a</sup> Se incluyen las Bibliotecas Familiares de 29 volúmenes cada una.

<sup>b</sup> El incremento se debe a la edición de libros de textos en apoyo a los programas educativos.

## Anexo N° 22

## Ofertas artístico-culturales

<i>N°</i>	<i>Concepto</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
1	Funciones de:						
2	Cines de 35 mm	198 058	109 363	88 786	58 395	46 556	34 551
3	Cines de 16 mm	62 133	55 089	52 558	43 169	40 046	27 057
4	Salas de video <sup>a</sup>	96 136	88 037	80 136	71 450	73 550	72 773
5	Música	62 789	66 779	74 815	77 441	76 208	75 045
6	Espectáculos	1 070	725	1 610	1 988	3 462	3 726
7	Teatro	14 951	16 140	16 101	19 546	21 057	20 049
8	Danza	2 614	3 106	3 641	4 355	5 133	4 688
9	Circo	1 425	1 382	2 290	1 480	1 825	2 189
10	Exposiciones profesionales	1 973	2 530	2 548	2 763	4 635	2 967
11	De ellas: En galerías de arte	1 287	1 545	1 670	1 605	2 320	1 667
12	Servicios prestados en bibliotecas (miles)	12 731,2	13 447,8	16 266,4	16 373,4	18 030,7	19 276,8

*Fuente:* Anuario Estadístico de Cuba 2007. Oficina Nacional de Estadísticas.

<sup>a</sup> Corresponden al Ministerio de Cultura.