



Human Rights Council
Working Group on the Universal Periodic Review
Forty-fourth session
6–17 November 2023**Cuba****Compilation of information prepared by the Office of the
United Nations High Commissioner for Human Rights****I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

**II. Scope of international obligations and cooperation with
human rights mechanisms**

2. Two treaty bodies encouraged Cuba to ratify the international instruments to which it was not yet a party, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.²

3. In 2022, the Committee against Torture recommended that Cuba ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, with a view to establishing a system of regular unannounced visits, in order to prevent torture and ill treatment.³

4. In 2018, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Independent Expert on human rights and international solidarity encouraged Cuba to invite other special procedure mandate holders to make official visits to the country, and to consider issue a standing invitation to that effect. They also encouraged Cuba to implement the recommendations of the universal periodic review.⁴

5. In 2017, 2018 and 2019, Cuba made financial contributions to OHCHR.⁵



III. National human rights framework

1. Constitutional and legislative framework

6. Three treaty bodies welcomed the adoption of the new Constitution in 2019.⁶ In 2023, the United Nations country team welcomed the inclusion in the new Constitution, for the first time, of a human rights category and reported that 36 laws and 83 decrees-laws had been adopted for its implementation, with a further 16 laws planned for 2023.⁷ It also noted that a legislative schedule to accompany the main constitutional changes was being implemented.⁸

7. In 2019, the Committee on the Rights of Persons with Disabilities recommended ensuring the full incorporation of the Convention on the Rights of Persons with Disabilities in the domestic legal order and harmonizing policies and practices with it.⁹

2. Institutional infrastructure and policy measures

8. Three treaty bodies expressed concern at the absence of a national human rights institution.¹⁰ The Independent Expert on human rights and international solidarity pointed out that such an institution would further enhance and support the progress already achieved in the enjoyment of human rights.¹¹ Four treaty bodies and the Independent Expert recommended establishing an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).¹²

9. The Committee against Torture welcomed the efforts made by Cuba to amend its policies and procedures in order to afford greater human rights protection.¹³ The Committee urged Cuba to establish a dedicated independent mechanism that could make regular unannounced visits to any place where persons were deprived of their liberty and follow up on the outcome of that monitoring.¹⁴

10. In 2022, the Committee on the Rights of the Child recommended that Cuba strengthen its national mechanism for reporting and follow-up, and that it ensure that the national mechanism had the necessary mandate and adequate resources.¹⁵

11. The country team recommended that a database be established to follow up on recommendations at the national level.¹⁶

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

12. In 2018, the Committee on the Elimination of Racial Discrimination recommended that Cuba review its legislation prohibiting racial discrimination, intensify its efforts to adopt and implement the special measures required to put an end to the structural discrimination affecting the population of African descent population, and draw up a resourced national plan on the eradication of all forms of racial discrimination.¹⁷

13. The country team welcomed the adoption, in 2019, of the National Programme against Racism and Racial Discrimination and, in 2022, of a new Criminal Code that included the offence of discrimination on the grounds of skin colour and the crime of apartheid.¹⁸ It recommended continuing to train public officials on the elimination of discrimination in order to facilitate the implementation of the adopted legislation.¹⁹

14. The Committee on the Elimination of Racial Discrimination was concerned that only one case of racial discrimination had been brought before the courts, and recommended that Cuba ensure that all complaints relating to racial discrimination were investigated thoroughly and independently and that victims had effective legal remedies and compensation.²⁰ It also recommended that Cuba conduct regular public awareness-raising and educational campaigns on the pernicious effects of racial discrimination.²¹

2. Right to life, liberty and security of person, and freedom from torture

15. While noting the de facto moratorium on the death penalty since the last recorded execution in 2003, the Committee against Torture invited Cuba to consider declaring a formal moratorium on the death penalty, with a view to its future abolition.²²

16. The Committee against Torture reiterated its concern that torture was still not codified as a specific offence, and recommended criminalizing torture in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, making it punishable by appropriate penalties, and ensuring that the offence of torture could not be time-barred and was excluded from amnesties.²³

17. The Committee against Torture recommended that Cuba put an end to coercive practices during questioning, including aggression, prolonged incommunicado detention, solitary confinement, exposure to sudden temperature changes, and threats; and ensure that any statements obtained through torture were not admitted in evidence in practice.²⁴ The Committee also recommended that Cuba establish a mechanism for receiving complaints of torture and ill-treatment, ensure that all such acts were investigated, punish those responsible appropriately and provide full redress for victims.²⁵ The Committee further recommended that all public servants, especially members of the security forces and the armed forces, prison officers and justice officials, receive mandatory training on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and on the absolute prohibition of torture, and that all medical professionals and other relevant public officials receive training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).²⁶

18. The Committee against Torture was concerned at reports of prolonged pretrial detention, especially in the case of persons who had allegedly been deprived of their liberty on political grounds. It recommended ensuring that pretrial detention was used only exceptionally, for the shortest possible time and for no longer than the period prescribed by law; and maintaining an up-to-date register of persons deprived of liberty.²⁷

19. Although noting some efforts, the Committee against Torture remained concerned about reports of inadequate detention conditions.²⁸ The Committee urged Cuba to improve detention conditions, in particular by applying non-custodial measures, by ensuring inmates' access to proper meals, drinking water and medical and health care, and by improving hygiene and sanitation conditions. The Committee also recommended that Cuba bring its legislation and practice on solitary confinement into line with international standards, particularly the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), ensure that an investigation was opened whenever there were reasonable grounds to believe that an act of torture or ill-treatment had been committed, and investigate arbitrary or unjustified restrictions of the rights of detainees.²⁹ The Committee on the Rights of the Child made a similar recommendation regarding children.³⁰

20. While welcoming the introduction of a system to register persons deprived of their liberty in the facilities of the Ministry of the Interior,³¹ the Committee against Torture raised concerns about reports that the procedural safeguards were not applied in practice, particularly in the case of persons allegedly deprived of their liberty on political grounds, and about cases of alleged ill-treatment of detainees by the police.³² The Committee recommended affording all persons who were arrested, by law and in practice, all fundamental legal safeguards against torture from the very outset of their deprivation of liberty, and punishing officials who did not allow persons deprived of their liberty to benefit from these fundamental safeguards.³³

21. The Committee against Torture, the United Nations High Commissioner for Human Rights and the Committee on the Rights of the Child raised concerns regarding the excessive use of force deployed in the context of protests, and infringements of the right to association and peaceful assembly.³⁴ With numerous protesters reportedly detained on 11 July 2021, the High Commissioner called for the release of all those detained for exercising their rights to freedom of peaceful assembly or freedom of opinion and expression and urged Cuba to address the protesters' grievances through dialogue and respect, and to fully protect those rights.³⁵ She also deeply regretted the death of one protester and considered it important that there be an effective investigation.³⁶

22. The Committee against Torture recommended that Cuba investigate the acts of ill-treatment and excessive use of force that occurred during social protests, prosecute and punish those responsible, and establish protocols regulating the conduct of law enforcement officials during social protests, in conformity with international standards.³⁷ The Committee on the Elimination of Racial Discrimination recommended that Cuba ensure respect for the principle of proportionality and strict necessity in the use of force, and conduct training on the use of force.³⁸

23. The Committee on the Rights of the Child expressed concern that children, some as young as 13 years old, had been violently detained, and had been held incommunicado and transferred to different installations for interrogation for long hours, after taking part in the protests in July 2021; and at criminal prosecution of children, several of whom had been convicted and sentenced to deprivation of liberty for periods from 5 to 15 years as a result of exercising their right to peaceful assembly.³⁹

24. The same Committee urged Cuba to put an end to arbitrary restrictions and criminalization of children's exercise of the right to freedom of peaceful assembly, without discrimination; to take measures to prevent the use of excessive force by law enforcement officials policing assemblies; to review the Associations Act, No. 54 of 1985; and to review the severity and proportionality of sentences imposed on children who were found guilty for exercising their rights to freedom of peaceful assembly in the context of the July 2021 protests.⁴⁰

3. Administration of justice, including impunity, and the rule of law

25. The Committee against Torture welcomed the initiatives that Cuba had taken to revise its legislation in areas relevant to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁴¹ – including the Criminal Procedure Act of 2021, intended to strengthen due process guarantees.⁴² However, it raised concerns regarding the independence of the Attorney General's Office, the appointment of judges, and the restrictions on the independent practice of law. The Committee recommended that Cuba ensure the full independence, impartiality and effectiveness of the Attorney General's Office and the judiciary, including by ensuring that the appointment of judges conformed to the relevant international standards, particularly the Basic Principles on the Independence of the Judiciary; and ensure respect for the right to freedom of association and to the independent practice of law, in accordance with the Basic Principles on the Role of Lawyers.⁴³

26. The same Committee expressed concern about the competence of military courts in respect of cases involving civilians. It recommended that Cuba introduce the necessary legislative amendments to remove the jurisdiction of the military courts over civilians, and ensure that the ordinary courts alone had jurisdiction over cases involving serious human rights violations.⁴⁴

27. The Committee on the Elimination of Racial Discrimination recommended conducting regular training for public officials, prosecutors, judges, magistrates and law enforcement personnel in order to ensure the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and of legislation concerning racial discrimination.⁴⁵

28. The Committee on the Rights of the Child urged Cuba to bring its child justice system fully into line with the Convention on the Rights of the Child and other relevant standards; avoid pretrial detention of children and ensure due process; adhere to child justice principles in all cases involving children; and expeditiously review and conclude appeals against sentences, in particular sentences of supervision and confinement, imposed on children involved in the July 2021 protests.⁴⁶

29. The Committee against Torture regretted that the Criminal Code retained criminal offences based on subjective concepts such as “posing a danger to society”, and reiterated its concern that persons deemed to be “a danger to society” were subjected to measures that could entail internment in institutions for a period of between one and four years. It recommended that Cuba amend the relevant provisions of the Criminal Code with a view to ending detention on the basis of subjective, vague and imprecise criminal concepts.⁴⁷

30. The Committee on the Rights of the Child recommended that Cuba ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant judicial and administrative proceedings.⁴⁸

4. Fundamental freedoms and the right to participate in public and political life

31. UNESCO reported that, as at 31 January 2023, it had recorded no killings of journalists in Cuba since 2006 when systematic monitoring by UNESCO began.⁴⁹ UNESCO recommended that Cuba ensure that the ongoing consultations for the law on social communications enjoyed the broadest level of participation by relevant actors, and recommended that Cuba ensure that the law on access to information was aligned with international human rights standards, including regarding the establishment of an independent oversight mechanism. UNESCO also recommended that Cuba review its media, broadcasting, Internet and cybersecurity laws to seek alignment with international freedom of expression standards, and that it decriminalize defamation and incorporate it into the Civil Code, in line with international standards.⁵⁰

32. Two treaty bodies, and the Special Rapporteur on the situation of human rights defenders, endorsed by two other mandate holders, raised concerns regarding cases of harassment, attacks, arbitrary arrests, imprisonment and reprisals against human rights defenders, journalists and artists, especially those considered to be political opponents.⁵¹ The Committee on the Elimination of Racial Discrimination was concerned that human rights defenders who defended the rights of people of African descent had, on repeated occasions, reportedly been detained or been prevented from leaving the country to attend meetings organized by international human rights mechanisms.⁵²

33. The Committee against Torture urged Cuba to prevent and put an end to the arbitrary detention, harassment, intimidation, threatening and discrediting of human rights defenders, journalists, artists and their families; to ensure that acts of harassment, repression and intimidation were duly investigated and the perpetrators punished; and to establish an independent national mechanism for the protection of human rights defenders, journalists and other civil society actors.⁵³ The Committee on the Elimination of Racial Discrimination and the Special Rapporteur on the situation of human rights defenders made similar recommendations.⁵⁴

5. Right to marriage and family life

34. The country team and UNESCO referred positively to the new Family Code and noted with appreciation that it prohibited child marriage.⁵⁵ The country team was pleased that the Code formalized the equitable distribution of time spent on domestic work among all family members⁵⁶ and that the necessary regulations were adopted for the Code's implementation.⁵⁷ It recommended that Cuba continue to make progress in implementing the Family Code and that it operationalize the Family Ombudsman's Office established in 2023.⁵⁸

35. The Committee on the Rights of Persons with Disabilities recommended that Cuba repeal legal provisions that prohibited persons with intellectual or psychosocial disabilities from marrying and founding a family, and adopt the necessary support measures to enable persons with disabilities to exercise their right to maternity or paternity.⁵⁹

6. Prohibition of all forms of slavery, including trafficking in persons

36. The Special Rapporteur on trafficking in persons, especially women and children, and the Committee on the Elimination of Racial Discrimination, welcomed the measures taken to combat trafficking in persons.⁶⁰ However, the Special Rapporteur noted that the phenomenon was not comprehensively addressed in the legal framework,⁶¹ and that, given the scarce available data on trafficking in persons, it was difficult to assess the exact scope and magnitude of the phenomenon.⁶²

37. The Special Rapporteur on trafficking in persons, especially women and children recommended that Cuba revise and implement the anti-trafficking legal framework, implement the National Action Plan (2017–2020) and measure the progress and the impact on anti-trafficking initiatives, and accelerate the establishment of the inter-institutional national anti-trafficking body and of a systematized data collection system.⁶³ The Special

Rapporteur also recommended increasing efforts to prosecute traffickers, establishing the necessary legal framework and procedures to protect victims of trafficking and witnesses,⁶⁴ and strengthening the capacity of judicial officials to prosecute trafficking cases.⁶⁵ She further recommended ensuring a human rights-based and victim-centred approach to the prosecution of criminals and the protection of victims.⁶⁶

38. The Special Rapporteur on trafficking in persons, especially women and children recommended launching widespread awareness-raising campaigns about all forms of trafficking in persons, including for labour exploitation, sexual exploitation, and the removal of organs, particularly in the tourism sector; and providing comprehensive training programmes on trafficking in persons for all stakeholders, including police, immigration, customs and maritime officers, labour inspectors, prosecutors, judges, lawyers, employers, employment agencies, civil society organizations and the media.⁶⁷

7. Right to an adequate standard of living

39. The Committee on the Elimination of Racial Discrimination welcomed the fact that, despite the economic, commercial and financial blockade, Cuba had succeeded in establishing a universal education and health system and extending social protection coverage to the whole of the population, including people of African descent.⁶⁸ The Committee recommended eliminating all obstacles that impeded the effective enjoyment by people of African descent of their economic, social and cultural rights,⁶⁹ improving their living conditions, and combating the poverty, social exclusion and marginalization that disproportionately affected the population of African descent.⁷⁰

40. The country team noted with appreciation the adoption of Act No. 148 on Food Sovereignty and its respective regulations.⁷¹

41. Concerned that Cuba was facing the worst economic crisis in recent years, the Committee on the Rights of the Child recommended to Cuba continued investment to ensure that there was no shortage of food, raw materials and medical and other supplies, in order to attain an acceptable standard of living for children.⁷²

8. Right to health

42. The Committee on the Rights of the Child welcomed the allocation of 48.7 per cent of the State budget to health and education, and the significant progress in reducing child mortality,⁷³ and commended Cuba for its continuing commitment to the universal provision of primary health care.⁷⁴

43. The Independent Expert on human rights and international solidarity noted that the Constitution enshrined the right to health and health care, and that the national system of health care ensured the provision of free and universal medical and hospital care.⁷⁵ She also noted that Cuba had taken important measures to implement sex education programmes in relation to sexual and reproductive health, in cooperation with the United Nations Population Fund.⁷⁶

44. The Committee on the Rights of the Child recommended updating the National Health Programme for Comprehensive Care of Adolescents (2012–2017), and ensuring that sexual and reproductive health education was part of the mandatory school curriculum at all levels, was targeted at adolescent girls and boys, and paid special attention to preventing early pregnancy and sexually transmitted infections.⁷⁷

45. The country team observed that Cuba had a high rate of vaccination against coronavirus disease (COVID-19).⁷⁸

46. The Committee on the Rights of the Child remained concerned about the high and increasing rates of iron deficiency, overweight and obesity among children. The Committee recommended that Cuba strengthen efforts to prevent anaemia among children; intensify measures to combat overweight and obesity in children, including by carrying out studies into its root causes; and raise awareness about healthy nutrition among parents, children and the general public.⁷⁹

47. The Committee on the Rights of Persons with Disabilities recommended that Cuba implement measures to guarantee accessible health-care services for all persons with disabilities on an equal basis with others.⁸⁰

9. Right to education

48. The Independent Expert on human rights and international solidarity noted that the right to education was enshrined in the Constitution and implemented through a free and comprehensive school system for primary and secondary education.⁸¹ The Committee on the Rights of the Child commended Cuba for its commitment to free universal education, which was reflected in a literacy rate of 99.8 per cent.⁸²

49. The Independent Expert on human rights and international solidarity further noted that, although early childhood education was not compulsory in Cuba, free, quality education was available in both institutional and non-institutional forms. She welcomed the Educate your Child programme addressing children under 6 years of age who were not in institutions, including children with special needs.⁸³

50. UNESCO recommended that Cuba gradually introduce at least one year of compulsory pre-primary education; and that it consider extending compulsory education to cover at least nine years of primary and secondary education, and ensure that the end of compulsory education aligned with the minimum age of employment.⁸⁴

51. Concerned at prevailing segregated forms of education, the Committee on the Rights of Persons with Disabilities recommended that Cuba ensure the implementation of high-quality inclusive education at all levels, and provide training for teachers and non-teaching staff, and the necessary support and resources to foster inclusive environments for all students, in particular those with intellectual or psychosocial disabilities and girls with disabilities.⁸⁵ The Committee on the Rights of the Child expressed similar concerns and made recommendations.⁸⁶

10. Development, the environment, and business and human rights

52. The Committee on the Rights of the Child and the United Nations country team noted the negative impact of the embargo imposed on Cuba by the United States of America on the protection of human rights.⁸⁷ The country team noted the complex situation of exclusion and the economic and financial siege that the country was experiencing as a result of these unilateral measures.⁸⁸ In 2020, seven special procedure mandate holders noted that the embargo on Cuba was obstructing humanitarian responses to help the country's health-care system fight the COVID-19 pandemic.⁸⁹

53. OHCHR also noted that the restrictions imposed by the United States on Cuba had negatively affected the most vulnerable parts of the population by limiting access to basic human rights such as food and medicines at competitive prices, as well as life-saving technology and convertible currency. The fear of retaliation from other countries due to the extraterritoriality of the unilateral coercive measures had jeopardized the ability of Cuba to trade with many nations and, for example, to buy goods at affordable prices.⁹⁰ The country team added that the sanctions were having a direct negative impact on the humanitarian and development programmes of the United Nations system, as stated in the report of the Secretary-General on the General Assembly resolution.⁹¹

54. The country team noted that, in 2020, consolidated central government social spending stood at 36.3 per cent of gross domestic product – the highest percentage in the region –, while levels of health and education spending had made it possible for Cuba to meet internationally proposed targets. It emphasized that this effort was taking place in the context of an economic, commercial and financial embargo that has lasted for more than six decades.⁹²

55. The Independent Expert on human rights and international solidarity underlined that Cuba now experienced one drought every year, and that the phenomenon of water scarcity was beginning to be a problem.⁹³ She also noted the comprehensive National Civil Defence System to mitigate the adverse effects of natural disasters, and that the reduction and management of disaster risks continued to be a national priority.⁹⁴

56. In connection with the National Plan for Economic and Social Development,⁹⁵ the Independent Expert on human rights and international solidarity suggested that Cuba increase its efforts to find a common understanding of a human rights-based approach in development cooperation among all its partners and stakeholders.⁹⁶

57. The Committee on the Rights of the Child recommended that Cuba establish and implement regulations to ensure that the business sector complied with international and national human rights, labour, environmental and other standards, particularly with regard to children's rights; and undertake awareness-raising campaigns with the tourism industry and the public at large on the prevention of sexual exploitation of children in the context of travel and tourism through multilateral, regional and bilateral arrangements for its prevention and elimination.⁹⁷

11. Right to work and to just and favourable conditions of work

58. The country team was pleased to note that the Constitution enshrined the right to obtain decent work, prohibited child and adolescent labour and regulated the right to rest and annual paid holiday.⁹⁸

59. Concerned about the underrepresentation of women with disabilities in the workforce, the Committee on the Rights of Persons with Disabilities recommended that Cuba take effective and affirmative measures to encourage and ensure the employment of persons with disabilities, particularly women with disabilities, in the public and private sectors, and ensure that the open labour market was inclusive and accessible.⁹⁹

60. In 2019, the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) once again requested Cuba to take the necessary steps to establish a sufficiently broad definition of remuneration, in order to ensure that the principle of equal remuneration for men and women for work of equal value applied not only to the wage but also to any additional emoluments.¹⁰⁰

61. The ILO Committee of Experts also requested Cuba to ensure that the legislation expressly prohibited discrimination on the grounds of political opinion or social origin in employment and occupation, and asked about the measures taken to guarantee that, in practice, no information was sought on the political opinion of the workers or students. It also recommended ensuring that the legislation included a provision clearly defining and prohibiting all forms of sexual harassment in employment and occupation.¹⁰¹

12. Right to social security

62. The Committee on the Rights of Persons with Disabilities welcomed the policy to provide subsidies for basic necessities to persons with disabilities who met certain criteria,¹⁰² but regretted the lack of specific social protection and poverty alleviation measures for those persons.¹⁰³ The Committee recommended that Cuba review its social protection and poverty alleviation schemes, with the aim of guaranteeing an adequate standard of living for persons with disabilities.¹⁰⁴

B. Rights of specific persons or groups

1. Women

63. The country team noted the adoption of decrees and strategies related to women's rights,¹⁰⁵ but acknowledged pending challenges in the area of protection and care for victims of gender-based violence, and a lack of publicly available data in this regard.¹⁰⁶ It also referred to challenges such as teenage pregnancy, gender-based violence and the prevalence of sexist stereotypes.¹⁰⁷ It recommended the continuation of gender training efforts in sectors related to the media and the organization of campaigns to promote equality, combat gender-based violence and dismantle sexist stereotypes.¹⁰⁸

64. The Committee against Torture noted with concern persisting gender-based violence, weaknesses in the complaint mechanism, the insufficient number of shelters, and the lack of specific legislation on gender-based violence. The Committee recommended that all cases of

gender-based violence be thoroughly investigated, that the alleged perpetrators be prosecuted and, if convicted, punished appropriately, and that the victims receive comprehensive redress.¹⁰⁹ It recommended enhancing the capacity of protection and support services for women experiencing violence, by providing infrastructure, equipment and specialized personnel, and an adequate budget, by enacting a comprehensive law on gender-based violence, and by strengthening mandatory gender-based violence training for police, prosecutors and judges, and public awareness campaigns.¹¹⁰

65. The Committee on the Rights of Persons with Disabilities recommended that Cuba create a mechanism to gather disaggregated data on the situation of women and girls with disabilities regarding violence against them; and establish shelters for victims of violence, and facilities and services accessible to persons with disabilities, particularly women.¹¹¹

66. The Committee on the Rights of Persons with Disabilities noted the strategies and plans to promote equality of women with disabilities.¹¹² The Committee recommended that Cuba adopt specific legislation and strategies that reflected a gender perspective and intersectionality,¹¹³ and that it continue promoting an inclusive environment to facilitate the participation of women with disabilities, particularly those of African descent, in decision-making processes affecting them.¹¹⁴

67. The Committee on the Elimination of Racial Discrimination reiterated its concern about the multiple forms of discrimination that women of African descent continued to face.¹¹⁵ It recommended mainstreaming a gender perspective in all policies and strategies to combat racial discrimination as a way of addressing the multiple forms of discrimination affecting women of African descent.¹¹⁶

2. Children

68. The Committee on the Rights of the Child recommended that Cuba develop a comprehensive law on children's rights and continue to review its existing laws to ensure their full compliance with the Convention on the Rights of the Child.¹¹⁷ The Committee also recommended establishing a specific mechanism for monitoring children's rights that was able to receive, investigate and address complaints by children in a child-sensitive manner, and guaranteeing the independence of such monitoring mechanism.¹¹⁸

69. Concerned about cases of sexual abuse of children,¹¹⁹ the Committee on the Rights of the Child recommended that Cuba strengthen community-based awareness-raising and education programmes aimed at preventing and tackling child sexual abuse; develop a regulatory and institutional framework to ensure the effective protection of children from violence; put into place accessible, confidential and child-friendly mechanisms to facilitate and promote reporting of violence against children; and strengthen the Attorney General Office's Directorate of Family Protection and Jurisdictional Affairs to ensure that all reported cases of abuse of children were promptly investigated and prosecuted.¹²⁰

70. The country team recommended that Cuba establish a coordinating body for children's affairs, continue to make progress in implementing the Family Code, operationalize the Ombudsman's Office and draw up or strengthen institutional protocols to provide an effective and better coordinated response to violence against children.¹²¹

71. The Committee on the Rights of the Child recommended that Cuba extend the offence of corruption of minors to include children between the ages of 16 and 18, incorporate into its legislation a comprehensive definition of the sale of children, and expand the definition of child pornography in line with international standards.¹²²

72. The same Committee recommended that Cuba set 18 years as the minimum age for voluntary recruitment into the armed forces, and define and punish the recruitment of children under the age of 15 as a war crime.¹²³

3. Persons with disabilities

73. Concerned that Cuba had not yet harmonized its legislation with the Convention on the Rights of Persons with Disabilities, the Committee on the Rights of Persons with Disabilities recommended that the State expedite the review of its national legislation,

ensuring the full incorporation of the Convention in the domestic legal order, and that it adopt a national law on the protection of the rights of persons with disabilities.¹²⁴

74. The Committee on the Rights of Persons with Disabilities recommended that Cuba institute measures to prohibit all forms of discrimination on the grounds of disability;¹²⁵ take steps to achieve real equality;¹²⁶ and adopt and implement an action plan and strategy to identify existing barriers to accessibility, facilities and services, and provide the resources necessary to remove those barriers, in both urban and rural areas.¹²⁷

75. The same Committee raised concerns about the barriers that persons with disabilities faced in terms of access to justice, and the limitation of their legal capacity. It recommended adopting an action plan on access to justice for persons with disabilities, and instituting accessible, expeditious and independent judicial and administrative remedies to guarantee reparation in cases of discrimination.¹²⁸

76. The same Committee recommended that Cuba take all necessary steps to prevent exploitation, violence and abuse targeted at persons with disabilities, and ensure that persons with disabilities had information about how to avoid, recognize and report cases and had access to independent complaint mechanisms and appropriate remedies.¹²⁹

77. The same Committee recommended that Cuba repeal all legislation that allowed for deprivation of liberty based on actual or perceived impairment, and explicitly prohibit forced institutionalization of persons with disabilities.¹³⁰ It also recommended ensuring respect for the right of persons with disabilities to provide free and informed consent prior to medical treatment, institutionalization and sterilization.¹³¹

78. The same Committee recommended that Cuba effectively and systematically consult with and actively involve persons with disabilities, through their representative organizations, in all matters affecting them, and create an enabling environment for the establishment and functioning of organizations of persons with disabilities.¹³²

4. Lesbian, gay, bisexual, transgender and intersex persons

79. The country team welcomed the prohibition of any discrimination on the grounds of sex, sexual orientation or gender identity and the promotion of gender equality under the new Constitution, and the efforts of Cuba to guarantee rights in this area, including in the workplace. It also highlighted the importance of campaigns to dismantle stereotypes based on gender, orientation or sexual identity.¹³³

5. Migrants, refugees and asylum-seekers

80. The country team welcomed the ratification of the Global Compact for Safe, Orderly and Regular Migration, the signing of bilateral migration agreements with countries in the region and the willingness of Cuba to join regional mechanisms on the subject.¹³⁴

81. The Committee on the Elimination of Racial Discrimination recommended that Cuba, in drafting its new Criminal Code, consider eliminating the offence of illegal entry into the national territory, and ensure that the provisions relating to the return of foreign nationals were in conformity with the standards and principles of international human rights law, in particular the principle of non-discrimination.¹³⁵

82. While noting that Cuba continued to afford de facto temporary protection to refugees, the Committee against Torture noted that they were still unable to obtain a work permit, although they did have access to health services and education. The Committee was concerned about the lack of remedies to challenge return or “re-embarkation”.¹³⁶

83. The Committee against Torture recommended that Cuba ensure, by law and in practice, that no one may be expelled, returned or extradited to another State where there were substantial grounds for believing that he or she would run a personal and foreseeable risk of being subjected to torture or ill-treatment; ensure compliance with procedural safeguards against refoulement; and facilitate the integration of refugees into local communities, in collaboration with the Office of the United Nations High Commissioner for Refugees, and guarantee their access to basic rights and services, including the right to work.¹³⁷

84. The Committee on the Rights of the Child recommended that Cuba grant refugee and asylum-seeking children and their families an immigration status that allowed them to access all rights and services while in the country, and develop policies and procedures to guarantee family, community and educational reintegration.¹³⁸

Notes

- 1 [A/HRC/39/16](#), [A/HRC/39/16/Add.1](#) and [A/HRC/39/2](#).
- 2 [CERD/C/CUB/CO/19-21](#), para. 35; and [CRC/C/CUB/CO/3-6](#), para. 52 (a), (b) and (c). See also [CRPD/C/CUB/CO/1](#), para. 6; [A/HRC/38/45/Add.1](#), para. 95 (a); [A/73/85](#), pp. 130 and 131; [A/76/405](#), p. 150; and [A/75/81](#), p. 142.
- 3 [CAT/C/CUB/CO/3](#), para. 29 (b). See also [CRC/C/CUB/CO/3-6](#), para. 52 (d).
- 4 [A/HRC/38/40/Add.1](#), para. 88 (a) and (b); and [A/73/85](#), p. 131. See also [A/76/405](#), p. 150; [A/75/81](#), p. 142; and [A/74/91/Rev.1](#), p. 140.
- 5 OHCHR, *United Nations Human Rights Report 2017*, p. 79; OHCHR, *United Nations Human Rights Report 2018*, p. 77; and OHCHR, *United Nations Human Rights Report 2019*, p. 91.
- 6 [CRC/C/CUB/CO/3-6](#), para. 3; [CRPD/C/CUB/CO/1](#), para. 4 (a); and [CAT/C/CUB/CO/3](#), para. 6 (a).
- 7 United Nations country team submission for the universal periodic review of Cuba, paras. 9 and 12.
- 8 *Ibid.*, para. 2.
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- 20 [CERD/C/CUB/CO/19-21](#), paras. 21 and 22.
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- 26 *Ibid.*, para. 47 (a).
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- 30 [CRC/C/CUB/CO/3-6](#), para. 28.
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- 63 *Ibid.*, para. 96 (a), (b), (c) and (e).
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- ¹²² [CRC/C/CUB/CO/3-6](#), para. 49 (a), (b) and (c).
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- ¹²⁴ [CRPD/C/CUB/CO/1](#), paras. 7 (a) and 8 (a) and (b).
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