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## **National report submitted in accordance with Human Rights Council resolution 16/21, annex, paragraph 5\***

### **Cuba**

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## **I. Methodology and consultation process<sup>1</sup>**

1. The present report covers the period beginning after the presentation of the first report of Cuba to the universal periodic review (UPR)<sup>2</sup> and focuses on the recommendations the country accepted in the first review cycle.
2. The Ministry of Foreign Affairs coordinated the national group that produced the draft report<sup>3</sup> and was responsible for facilitating the follow-up to the UPR recommendations by the relevant national bodies. This group organized the information and statistics and held consultations among the large number of parties involved in the process, including civil society organizations.

## **II. Legal and institutional framework for the promotion and protection of human rights in Cuba<sup>4</sup>**

3. Since the previous review of Cuba, one of the significant achievements in the process of perfecting the legal and institutional order was the adoption by the National Assembly of the People's Power of the Economic and Social Policy Outline, aimed at guaranteeing the progress and development of Cuban society, its sustainable development, raising the quality of life of the Cuban people and progressing towards an increasingly just, free, independent and equitable society of solidarity, along with defending the country's independence and sovereignty.
4. The National Assembly of the People's Power, the Council of State and Ministers and other Government agencies, in their various areas of competence, are engaged in the process of establishing the country's legal and institutional framework to update the economic model, thereby sustainably preserving the principles of social justice, equality and solidarity that characterize Cuban society.
5. The country has continued to strengthen the democratic nature of its institutions, with laws, policies and programmes that are clearly popular and participatory, in accordance with the people's highest aspirations.
6. Between 2009 and 2012, the legal and institutional framework for human rights continued to be strengthened.<sup>5</sup> In February 2009, Cuba ratified the International Convention for the Protection of All Persons from Enforced Disappearance, as an indication of its ongoing commitment to the protection of human rights.<sup>6</sup>
7. New norms expanding the legal foundation for human rights,<sup>7</sup> including norms concerning the transfer of land in usufruct, social security, employment, housing and self-employment, have been adopted. The country's legal system, in turn, is being perfected through the implementation of amendments that meet the needs of Cuban society.<sup>8</sup>
8. Recent laws include updates to the migration policy contained in Decree-Law No. 302, adopted by the Council of State on 11 October 2012, promoting a relationship with Cuban emigrants while eliminating prior regulations regarding travel abroad imposed up to the present to limit the negative effects of the constant manipulation of the issue of migration by the United States of America.
9. The inter-institutional human rights system has also been strengthened.<sup>9</sup> Progress includes efforts to achieve a higher quality of access to justice, with special emphasis on the preservation of guarantees of due process at oral hearings and throughout the judicial process, including the preparatory or investigation phase, through more effective interaction

between the accused and his attorney.<sup>10</sup> Improvements were also made to conciliation proceedings in family court and labour and economic proceedings.

10. These measures have expanded the protection of human rights and citizen security in the country, which has contributed to the consolidation of social justice. In exercise of the sovereign will of the people, Cuba will continue to improve its human rights system.

### **III. Achievements and challenges in the promotion and protection of human rights in Cuba**

11. The country has taken numerous measures and initiatives in the past four years aimed at continued progress in its efforts to achieve the broadest possible enjoyment of all human rights and fundamental freedoms by all.<sup>11</sup> At the same time, Cuba continues to face the blockade policy that has been imposed by the Government of the United States of America for over 50 years, constituting a grave and systematic violation of the human rights of the Cuban people.

12. Studies conducted in recent years show that the citizens have a sense of security, demonstrated by an atmosphere of domestic tranquillity and order and confidence in the criminal justice system and police.<sup>12</sup> In addition, the absence of criminal organizations allows the fundamental rights endorsed in the Constitution to be experienced concretely.

#### **Rights of the child<sup>13</sup>**

13. Between 2009 and 2011, the Ministry of Justice<sup>14</sup> and the Centre for Youth Studies (CESJ), in cooperation with UNICEF, conducted the third national study intended to update the awareness of the child and adolescent population about their rights, as part of the project to disseminate the rights of children and adolescents in Cuba.

14. During that period, radio,<sup>15</sup> television, movies and other social communications media were used most effectively to disseminate the rights of the child.

15. In the area of education, there are 1,102 centres for infants and pre-school children, with an enrolment of 134,110 boys and girls, which benefit 121,607 working mothers.

16. Additionally, a community-based social programme offers education for pre-school children, tapping into the potential of each family to stimulate its children's development. This method reaches 70 per cent of children not enrolled in children's centres, and, together with the institutional method, provides coverage for 99.5 per cent of children from age 0 to 6.

17. In the legal area, the May 2012 approval of Instruction No. 216 of the People's Supreme Court provides better decision-making tools to ensure that the best interests of the child prevail, an issue closely related to the protective role of the family. The criterion of a predetermined age was eliminated; it had functioned to exclude testimony in producing the record of the meeting. It was replaced by an individual psychological evaluation or by establishing flexible age ranges within which the determining factor would be a sufficient degree of judgement and maturity of the child or adolescent, taking into account their best interests and, in principle, their ability to express themselves verbally in an articulate way.<sup>16</sup> A methodology was adopted for proceedings involving the appearance of a minor in such cases, which contributed to better and more effective justice.<sup>17</sup>

18. From 2009 to 2011, 19,371 mothers of children with severe disabilities received social security protection, which allowed them to care for their children themselves; the time devoted themselves to their care was considered a contribution to society.

19. Decree-Law No. 278 of 2010 on the special social security regime for self-employed workers provides protection for pregnant women working in this sector through the relevant maternity benefits.

20. Educational and informational materials were developed during that period on the prevention of sexual exploitation of minors, and sex education and training workshops for professionals were held. A legal assistance service was also begun for victims and their families and they were offered institutional support through the criminal process, in keeping with the spirit of the Brasilia Regulations Regarding Access to Justice for Vulnerable People,<sup>18</sup> endorsed by the Cuban judicial system. Coordination was also strengthened between the Centre for the Protection of Children and Adolescents (CPNNA), the Ministry of the Interior (MININT) and the National Sex Education Centre (CENESEX), with UNICEF support.

### **Youth<sup>19</sup>**

21. Work is being done on a proposed amendment updating the Child and Youth Code.<sup>20</sup>

22. Efforts are being made to reintegrate youth who have become disconnected from work or schooling through more and better access to new information technologies, enhancing their overall educational background and stimulating the habit of reading.

23. At the end of 2010, Cuba had 2,947,695 youth under 35 years of age (26.2 per cent of the population). Some 74 per cent live in urban areas. In September 2011, measures were adopted to allow 41,417 youth to acquire land in usufruct for use in agricultural production; youth represent 26.1 per cent of the beneficiaries of the policy.

24. Challenges include meeting the expectations of youth in mid-level and higher education and their subsequent employment; empowering community leaders to resolve problems for at-risk groups; and giving priority to the needs of youth living in rural areas.

25. Illicit drug use and trafficking is not a problem with a major social impact in Cuba, thanks to the efforts of the State in education and prevention. There is no organized crime in the country, nor are there criminal youth gangs. In order to maintain this positive situation and prevent the scourge of drugs from affecting the population, especially the youth, the National Commission for Drug Control and Prevention works systematically and in coordination to promote education for Cuban families and youth organizations and thus to ensure greater and more effective participation by society in those areas.

### **The elderly<sup>21</sup>**

26. Care for the elderly is a priority within Cuban society and therefore a focus of multidisciplinary and intersectoral efforts to guarantee the quality of life of this segment of the population. Cuba is among the 50 countries with the highest proportion of persons 60 years of age or older, owing to the positive results of the country's social and human rights policy. Life expectancy at birth averages 77.97 years. In 2011, the elderly represented 18.1 per cent of the total population, for a total of 2,038,453 people. In the next 10 years, over 87 per cent of Cuban citizens will live to age 60.

27. Since 2009, the three subprogrammes for the elderly have included institutional services,<sup>22</sup> hospital services<sup>23</sup> and a special emphasis on community-based services, including a regular health examination at the family doctor's office;<sup>24</sup> grandparents' circles (*circulos de abuelos*);<sup>25</sup> grandparents' houses (*casas del abuelo*);<sup>26</sup> home care;<sup>27</sup> caregiver training;<sup>28</sup> family meal programmes<sup>29</sup> and university chairs dedicated to the elderly.<sup>30</sup>

28. As part of Government efforts undertaken to achieve a more inclusive and just society for the elderly, a group of social service and assistance programmes has been developed, notably improved availability of medications and monitoring of the health of the

aged. They receive personalized and direct care that takes into account their economic, social, health and family situation, and when necessary, economic assistance is added to the services provided.

**Rights of persons with disabilities<sup>31</sup>**

29. The National Plan of Action for Persons with Disabilities was completed and is being updated for the period 2013–2016. A new perspective on accessibility was included and the gradual implementation of the International Classification of Functioning, Disability and Health is planned.

30. The People's Supreme Court endorsed the Brasilia Regulations Regarding Access to Justice for Vulnerable People<sup>32</sup> with regard to persons with disabilities, including guarantees of their safety, mobility, convenience, comprehension, privacy and communication.

31. The Regulations on Employment of Persons with Disabilities<sup>33</sup> were adopted in 2011, updated the laws governing their employment, including students completing special education.

32. Libraries provided services to 12,526 blind persons in 2011. Events for disabled artists were held with the support of 355 cultural centres. The closed-captioning programme increased television coverage and broadcasting and various magazines, books and other publications were issued in Braille. A booth at the most recent Book Fair was dedicated to the Braille system. Broadcasting of specialized news programmes for the deaf and hard of hearing has become a regular feature on Cuban television.

33. During the 2010/11 school year, 39,618 students from age 0 to 21 were enrolled in special education for children requiring highly specialized attention (13,715 girls and 25,903 boys). In regular schools teachers assist with travel and mobility, communication, self-sufficiency, nutrition, health and hygiene and the positive emotional state of persons with disabilities.<sup>34</sup>

34. There are efforts to increase human resources training by introducing other technologies that facilitate access to education for students with special educational needs.<sup>35</sup>

35. Training and participation in international sporting events for disabled athletes was promoted. At the 2012 London Paralympic Games, 22 Cuban athletes participated, winning 17 medals (9 gold, 5 silver and 3 bronze). Cuba ranked fifteenth among countries, its best showing in the history of these events.

36. Increased physical accessibility, as well as pursuing gender-disaggregated statistics, are challenges.

**Gender equality and empowerment of women<sup>36</sup>**

37. Cuba was the first country to sign and the second to ratify the Convention on the Elimination of All Forms of Discrimination against Women. The Government of Cuba submitted its combined seventh and eighth periodic report to the Committee established pursuant to the Convention in 2010.

38. As a result of Government strategies aimed at promoting women in public office, the proportion of women in the National Assembly of the People's Power has risen to 45 per cent. Cuba ranks third in the world in the proportion of women parliamentarians, as noted in the January 2012 report of the Interparliamentary Union (IPU). For the first time, there is a woman Vice-President of the Council of State and another holds the office of Vice-President of the National Assembly of the People's Power (Parliament). Nine of the fifteen Provincial Assemblies of the People's Power (provincial legislatures) are led by women.

Nine ministries are headed by women, which furthermore represents 40 per cent of the members of the Council of State.<sup>37</sup>

39. In 2011, women held 42.4 per cent of management posts and represented 65.6 per cent of the country's technical and professional workforce. They make up 47.3 per cent of the overall workforce.<sup>38</sup>

40. Out of the 14,537 delegates elected at the community level as members of the Municipal Assemblies of the People's Power at the October 2012 elections, 45.54 percent are women, representing an increase in their participation at that level over the 30.3 per cent achieved at the 2009 elections.

41. In 2011, the work of the Women and Family Guidance Centres benefited 1,202,215 persons; 81 per cent were women.

42. In 2010, 156.3 women were enrolled at the university level for every 100 men. In addition, 62.8 per cent of university graduates are women.

43. Sexual and reproductive rights, including the right to abortion and free choice regarding fertility, are fully guaranteed and there is free and universal access to family planning services for men and women.

44. Challenges include continuing to promote the gender perspective, achieving greater access to employment for women with disabilities, and eliminating sexist stereotypes from the national mentality. Through the National Plan of Action for follow-up to the Beijing agreements, the situation is being evaluated with the participation of State institutions and civil society organizations.

#### **Achievement of the Millennium Development Goals<sup>39</sup>**

45. Despite the blockade by the United States and its immense economic and social cost, Cuba has for the most part met the targets established by the Millennium Development Goals (MDGs) and is working to achieve Goals 5 and 6 by 2015,<sup>40</sup> in the context of the country's low maternal and infant mortality rates.

46. Cuba has already achieved Goal 1 (eradicate extreme poverty and hunger), Goal 2 (achieve universal primary education), Goal 3 (promote gender equality and empower women) and Goal 4 (reduce under-five child mortality). The political will to allocate limited resources towards these targets has produced these results, and the support of the United Nations, bilateral donors and non-governmental organizations was key to the process.

47. Cuba is a country with a high level of human development, ranking fifty-first out of 187 countries according to the Human Development Report 2011. In addition, according to the Non-Economic Human Development Index, it ranks seventeenth globally, the highest-ranking developing country. Having resolved the issue of access in order to achieve a high level of human development, national efforts are focused on the quality and sustainability of development targets.

#### **Right to health<sup>41</sup>**

48. Cuba continues to guarantee free and universal access to public health care. In 2012 it achieved an infant mortality rate of 4.6 per thousand live births, the lowest in Latin America and the Caribbean. Maternal mortality for that year was 21.5 per 100,000, among the lowest rates worldwide.

49. Changes were made to primary health care to increase the effectiveness of the doctor's visit programme (Programa de Atencion – Consultorio del Medico) and the Family Nurse (*Enfermera de Familia*) programmes.<sup>42</sup> Priority was also placed on raising the quality

of public health through more effective use of resources and changes in training. The Maternal-Child Health Programme was strengthened.

50. The Vaccination Programme guaranteed immunization coverage that was among the most extensive in the world, allowing prevention of 13 diseases.<sup>43</sup> It has contributed to the eradication of malaria, poliomyelitis, diphtheria, whooping cough, measles, rubella, congenital rubella syndrome, neonatal tetanus and tubercular meningitis.

51. Despite the restrictions imposed by the United States blockade on the acquisition of resources and technology, research is continuing into vaccines for the cholera, dengue fever and HIV viruses, among others. Research and production of generic technologies and medicines is also continuing.<sup>44</sup>

52. High-impact programmes, including cardiology, cancer, nephrology, ophthalmology and organ transplants, continued to be given priority.

53. Programmes to address epidemics were developed further, with priority given to care for mothers and children, chronic childhood diseases and the victims of natural disasters.

54. Considering the significantly low level of infant and maternal mortality achieved and the high cost of advanced technology, Cuba faces a challenge in continuing to make progress towards the MDGs in those areas. Nevertheless, doctors and technical personnel in the health sector are working tirelessly to lower those levels even further.

#### **HIV/AIDS<sup>45</sup>**

55. In recent years the National Programme on STD/HIV/AIDS<sup>46</sup> has been strengthened, resulting in notable achievements in that area.

56. At the end of 2011, mother-to-child transmission of syphilis and HIV had been virtually eliminated. The highest number of HIV tests were performed that year as well, and its incidence dropped by 2 per cent. Mortality and late diagnosis declined and survival of persons receiving treatment rose.

57. The policy of paid leave from employment for the scheduling of medical appointments remains in force, as well as consistent protection and reinstatement in employment or the application of relevant provisions concerning partial or full disability, as the case may be. Guarantees have been reinforced to ensure that workers diagnosed with HIV/AIDS cannot be fired. Access to international funding to meet the care needs of HIV/AIDS patients is a challenge, heightened by the United States blockade policy, which also affects multilateral organizations in that area.

#### **Right to education<sup>47</sup>**

58. The 2011 UNESCO Education for All Global Monitoring Report recognized that Cuba had a high level of educational development, and ranked it fourteenth in the world on its Education for All Development Index.

59. Despite the recognized progress in this area,<sup>48</sup> Cuba is working to achieve higher quality at all levels of instruction. Changes have been introduced in the educational system intended to continue the development of teacher training and increase the rigor and effectiveness of student preparation.

60. Regarding pre-school education, the levels of development achieved by children who had completed pre-school indicated that the quality of the management of the educational process had risen; over 97.5 per cent had acquired the basic skills needed for learning in first grade. In special education, work with children diagnosed with autism was strengthened through the introduction of new methods (sign language, theory of mind).



61. In the area of higher education, the preparation of students to begin university study was reinforced.
62. During the 2010/11 school year, the development of the entrance examination system for higher education continued, ensuring that all students in the pre-university course could participate.
63. Adult education continued to meet the demand for self-improvement among the population that had not yet completed elementary or basic secondary education. During the 2010/11 school year, 2,782 adults were graduated from elementary education and 6,812 from basic secondary classes.<sup>49</sup> In addition, there were 39,285 graduates from upper secondary education and 5,032 from language schools. During that academic year, a total of 53,911 adults were graduated; 25,357 of them were women.
64. As for human rights education,<sup>50</sup> topics relating to gender equality, rights of the child, sexuality, environmental preservation and management and local and human development were incorporated into study plans for primary, secondary and higher education.
65. Teacher training programmes for the 2010/11 school year emphasized the theme of human rights, with the aim of improving the preparation of future teachers and professors.<sup>51</sup>
66. The comprehensive course for police officers and the basic police training course, consisting of 170 and 154 hours of instruction respectively, addressed human rights in various subjects.
67. Beginning in 2009, changes were made to the course of study for judges. A master's programme in constitutional and administrative law was also launched, which included a module on the treatment of human rights.<sup>52</sup>
68. The National Union of Jurists and the Federation of Cuban Women gave courses on gender for legal professionals and worked to incorporate a gender module in various master's courses.
69. Cuba continues to promote a preventive approach to crime through education and social reintegration. Prevention efforts in schools focus on combating illicit use of drugs and narcotics, eliminating inappropriate social behaviour, proper use of the mother tongue, education in ethical values and the development of responsible sexual behaviour. There was continued development of Help Line services to prevent drug use, as well as sex education from a gender perspective with an emphasis on gender and rights.
70. The Programme for Promotion and Education for Health and a Healthy Environment<sup>53</sup> in the national education system was updated beginning with the adoption of the Declaration of Ministers of Health and Education in Mexico on 1 August 2008. The Ministry of Education, by Ministerial Resolution No. 139 of 2011, adopted the Programme on Sexuality Education from a Gender and Sexual Rights Perspective in the school curriculum of the national educational system, for all levels of education. This programme strengthened HIV/AIDS prevention, sexual and reproductive health care and sexual diversity. The Schools Promoting Health movement continued to develop, to promote healthy practices and environments in school life. The Programme was applied in various thematic areas.<sup>54</sup>

#### **Access to education for prisoners<sup>55</sup>**

71. In Cuba there are 27,095 inmates participating in education at various levels, many of whom are also receiving job training either through courses or on the job.

72. The activities of “Work and Study Centres”, open facilities that promote full education for prisoners, are being strengthened. In 2011, 3,244 inmates were enrolled in classes, 2,956 received job training and 6,031 had a job.

73. Continuing education courses are given in all prisons. Access is voluntary and educational materials and information technologies are used. They range from technical and job training to higher education, with special emphasis on illiterate or poorly- educated inmates. Acceptance into higher education is an incentive for convicts with high school diplomas who maintain good behaviour. This educational system has helped inmates in their future reintegration into society, including employment.

74. Innovative projects for cultural development of inmates have been implemented, including expositions, concerts, theatre classes, plastic arts, music and dance, as well as courses in library science and the establishment of new libraries and improvement of existing prison libraries.

75. The “Educate your Child” programme operates in women’s detention centres and is gradually being introduced in men’s prisons, an excellent experience that has strengthened the ties between inmates and their children under age 6 and the rest of their families. It provides them with knowledge, methods and procedures enabling them to participate in encouraging their children’s development and demonstrate positive changes in behaviour, interests and aspirations to rejoin society.

#### **Access to religious services for prisoners**

76. Attendance at religious services either individually or collectively is guaranteed for those inmates who so request. The services are conducted by representatives of religious organizations registered in Cuba.

#### **Right to adequate housing<sup>56</sup>**

77. The promulgation of Decree-Law No. 288/2011, amending Act No. 65 of 1988, “General Housing Act”, eliminates restrictions and makes procedures for transfer of property and housing more flexible. As of June 2012, 32,200 transfers of ownership had taken place under the new legislation. This measure has had a very positive impact, taking into account that Cuban families own almost 85 per cent of the country’s housing.

78. Decree-Law No. 289/2011<sup>57</sup> expanded the amounts and credit facilities available to individuals intending to purchase construction materials and pay workers for the construction, preservation and rehabilitation of their homes. In 2011, sales of building materials and related supplies amounted to 760 million pesos; 2012 sales are expected to rise to 2.3 million pesos. All of these actions facilitate access to adequate housing.

79. With the adoption of Council of Ministers Agreement 7155<sup>58</sup> of 4 January 2011, regulations were approved for the granting of subsidies to individuals for the purpose of construction on their homes.

80. In 2011, 32,540 housing units were constructed in the country, representing an increase in quality and architectural variety; 56 per cent were of high standard. The housing stock has improved through a combination of State and private actions — 662 multifamily buildings were rehabilitated and 566 housing projects eliminated; 44 settlements were fully urbanized.

81. A total of 101,526 housing units were constructed between 2009 and 2011. Some 33 per cent were replacements for those totally destroyed by hurricanes, a situation complicated by the recent impact of Hurricane Sandy. Out of the 600,032 housing units affected by hurricanes through 2008, a total of 503,646, or 84 per cent, had been repaired by the end of 2011.

82. From 2009 through March 2012, the country received US\$ 10,296,166 for international cooperation projects in the area of housing,<sup>59</sup> which helped in meeting the major challenges brought about by the impact of extreme weather events.

#### **Right to adequate food<sup>60</sup>**

83. The Cuban Government views enjoyment by all of the right to food and food security as a matter of national security. The Government has shown firm political will to make progress in this area, despite the United States blockade and its impact on available funding for food imports and capital and technological investment in this field.

84. Measures have been taken to implement the recommendations of the Special Rapporteur on the right to food following his visit in 2007.<sup>61</sup> A new agro-industrial policy was adopted in 2012 that expands the spectrum of strategies with respect to this human right.

85. A new model of economic management is being developed with a greater presence of non-State forms of production.

86. The law is being adapted to the changes in the production base,<sup>62</sup> eliminating obstacles to the independent operation of various types of cooperatives.<sup>63</sup> The objective is to expand the offerings of food to the population, which requires a more productive agricultural system. As of February 2012, there were 2,465 credit and services cooperatives, 1,413 basic cooperative production units and 746 agricultural production cooperatives.

87. By Decree-Law No. 259,<sup>64</sup> 1,440,091 hectares of land were distributed to 163,732 individuals<sup>65</sup> and companies<sup>66</sup> by January 2012. Decree-Law No. 300 of October 2012 consolidated the process of granting of unused land, guaranteed its ongoing sustainable exploitation, and extended by 10 years the possible term of use for land granted in usufruct and gave permission for the leaseholder to build housing on such land.

88. Other advances include the simplification of the links between primary production and the final consumer, as well as the development of a municipal food self-supply programme. The urban agriculture programme was also extended throughout the country<sup>67</sup> and the suburban programme to a municipality in each province. The amount of unproductive land continued to decline and initiatives for the development of sustainable agriculture were made.

89. The Government continued to guarantee basic foodstuffs at subsidized prices for the population as a whole, including a basic supply of grains, cereals, proteins, oil, salt and sugar, independent of the income of the individual or family. It also guarantees a litre of milk per day for each child from 0 to 7 years old. In 2010 alone, the cost of subsidizing the basic basket of foodstuffs reached US\$ 750 million.

90. The execution of the Integrated Plan for the Prevention and Control of Iron-deficiency Anaemia for children and pregnant women is ongoing; it has helped to keep the incidence of this nutritional disorder very low. There is also a subsidized nutrition service for the elderly, persons with disabilities and other persons at risk.

#### **Access to information and communications technology (ICT)<sup>68</sup>**

91. Improvements have been made in the quality of and access by society to ICT and the technological infrastructure and training of human capital.<sup>69</sup>

92. There was increased investment in telecommunications infrastructure projects and fibre optic and cell phone networks. Despite the United States blockade,<sup>70</sup> the country is showing major initiatives, including activities to reduce vulnerability to various disasters.

93. At the end of 2011, telephones were 98.9 per cent digitalized and telephone density (number of lines per hundred population) was 22.32. There are a total of 2,625,004 lines in service in the country. The bandwidth capacity for connection to the Internet has grown by 275 Mbps since 2009.

94. The use of these technologies is continuing to expand in rural settlements, including mountainous areas; their use as a technological support to the educational programme in primary, secondary and middle schools is also growing, including through youth computer clubs. At the end of 2011, some 455,234 students had graduated from the youth computer and electronics clubs.

95. At the end of 2010, there were 156 television transmitters, providing coverage to 96 per cent of the rural population. By the end of 2011, satellite receivers had been installed in 271 zones with complex topography and greater vulnerability to storms. Scientific studies were also conducted on reducing the vulnerability of transmission systems and six transmission towers were built that could withstand winds over 200 km/hour.

96. The high cost of technology, the global economic crisis, and the United States blockade, which, among other things, affects Internet access in Cuba, are major challenges.<sup>71</sup>

#### **Death penalty<sup>72</sup>**

97. Since the previous report under the universal periodic review, the courts have not imposed the death penalty. In April 2008, the Council of State decided to commute the death sentences of all prisoners who had received that sentence to 30 years to life imprisonment. That decision was a sovereign act, taken in accordance with Cuba's humanitarian and ethical conduct since 1959. Today, no one is on death row in Cuba.

98. Cuba is philosophically opposed to the death penalty. It is in favour of eliminating it when suitable conditions exist. Cuba has been forced, in the legitimate defence of its national security, to adopt and enforce severe laws against terrorist activities and crimes designed to destroy the Cuban State or the lives of its citizens, while always adhering to the strictest legality and respecting the most ample guarantees. Cuba understands and respects the arguments of the international movement that advocates the abolition of or a moratorium on the death penalty.

99. Although it is included in criminal legislation, this penalty is very rarely imposed. It may only be imposed by the duly empowered court, in extremely serious cases, concerning the small number of crimes for which it is the prescribed penalty, and is tempered by a wide range of obligatory requirements and guarantees, in line with the United Nations provisions. Life imprisonment is prescribed for some crimes as an alternative to the death penalty.

#### **Freedom of religion<sup>73</sup>**

100. All beliefs are respected in Cuba without discrimination and religious freedom is protected. The right of all citizens to full freedom of religion is guaranteed and promoted and, on this basis, the Government maintains and cultivates good relations with all creeds and religious institutions in the country.

101. There are some 400 religious institutions in Cuba, which operate without any State interference. They all carry out their activities and practices freely.

102. In 2012, His Holiness Pope Benedict XVI visited Cuba.

**Social security and assistance<sup>74</sup>**

103. Cuba's social security system<sup>75</sup> has been improved since its previous report was submitted to the universal periodic review and in the light of the implementation of Act No. 105, of 27 December 2008, which expanded the rights acquired within the social security and assistance systems.<sup>76</sup>

104. Special regimes were introduced that included new categories of workers. Decree-Law No. 270 of 2010, concerning creators of plastic, applied, musical, literary and audiovisual arts and arts workers, and Decree-Law No. 278 of 2010, concerning self-employed workers, were adopted. Other special regimes are currently being developed.

105. The regulations on temporary cash benefits,<sup>77</sup> home help services,<sup>78</sup> food kitchens<sup>79</sup> and assistance for mothers of severely disabled children<sup>80</sup> were upheld.

106. Decree-Law No. 285 was also promulgated on 5 September 2011, amending Decree-Law No. 234 on working women's maternity by introducing additional provisions to protect working women.

107. The social workers programme was restructured. Decree-Law No. 286 of 2011 was adopted in order to integrate prevention and assistance efforts with social work. It also established the Department of Prevention, Assistance and Social Work within the Ministry of Labour and Social Security.

**Cultural rights<sup>81</sup>**

108. Culture for all is promoted in the country, creating equal opportunities for developing every citizen's potential, without distinction. The cultural policy has focused on protecting identity, preserving cultural heritage and promoting creativity, artistic and literary production and art appreciation. There is a wide network of cultural institutions.<sup>82</sup>

109. Arts schools enjoy a high enrolment rate, with 4,499 students at the basic level, 3,210 at the intermediate level, and 1,368 at the advanced level (2011/12 academic year). The 22,852 arts teachers of the various schools and cultural centres, taught 209,580 creative and art appreciation workshops in 2011, attended by 2,492,167 people. The Amateur Artistic Movement was strengthened.

110. The State guarantees its citizens full access to the Cuban publishing system depending on the quality of their works and in line with their literary, scientific and historical concerns. This system includes provincial publishing houses, so citizens can access the system in their own regions.

**Respect for freedom of sexual orientation and gender identity<sup>83</sup>**

111. As part of the deep commitment to social justice and defending full equality between all Cubans, respect for freedom of sexual orientation and gender identity continued to be promoted and steps were taken to expand opportunities for dialogue and interaction on these issues from a position of respect, understanding and awareness.

112. Implementation of the educational strategy calling for respect for free and responsible sexual orientation and gender identity is being led by the National Sex Education Centre (CENESEX), a government institution that addresses these issues in coordination with other government institutions and civil society organizations. CENESEX is also responsible for coordinating the National Sex Education Programme.<sup>84</sup>

113. In recent years the focus of Programme activities, which involve numerous civil society entities and organizations, has included: communication strategies and sex education; promoting academic studies and scientific research; counselling and sex therapy; comprehensive care for lesbian, gay, bisexual and transgender (LGBT) people<sup>85</sup> and victims

of gender-based violence and of child sex abuse; developing community programmes; producing editorial and audiovisual content; links with social networks; online discussions; and campaigns for respect for freedom of sexual orientation.

**Good practices in prevention and mitigation of natural disasters seriously affecting the country<sup>86</sup>**

114. Protecting the right to life of all Cubans is a national priority when contending with the various dangers of natural disasters.

115. Therefore, everything possible has been done to limit the loss of human life during hurricanes, as in 2008, when Cuba was hit by three major hurricanes and two tropical storms that caused damage estimated at \$10 billion. Similarly, during the recent Hurricane Sandy, every effort was made to protect people. Intensive recovery efforts are under way as a result of the extensive material losses caused by this hurricane, particularly in the city of Santiago de Cuba, the country's second largest city, and in other eastern and central provinces. The resulting widespread damage is still being assessed.

116. Cuba has made substantial progress towards the five priorities set out in the Hyogo Framework for Action,<sup>87</sup> as recognized by the United Nations. The national role of the civil defence system has been strengthened; its operational units around the country work closely with local authorities to implement the disaster reduction plans.

117. The legal and institutional framework to reduce the risk of disasters was improved. Local capacities were increased and early warning systems made more effective.<sup>88</sup> A national public information and educational strategy was developed to promote a risk perception culture. Land use planning and scientific research were encouraged. Furthermore, these efforts took the national environment strategy and the impact of climate change into consideration.

118. Cuba works with agencies and organs of the United Nations system on projects concerning disaster risk reduction and as part of damage and needs assessment teams for the United Nations Office for the Coordination of Humanitarian Affairs, among others. In addition, 19 activities were carried out in the name of South-South cooperation and 44 documented good practices were published and disseminated.

119. From 2008 to 2012, the United Nations Development Assistance Framework, which applies to coordination and cooperation with Cuba, was implemented. Fifteen risks and disasters projects have been carried out, taking national priorities into account.<sup>89</sup>

120. Four cooperation agreements have been drawn up and five projects are underway with Latin American and Caribbean countries.<sup>90</sup>

121. Under the auspices of the Caribbean Risk Management Initiative of the United Nations Development Programme (UNDP), five Caribbean countries have announced that they have decided to use the Cuban Risk Reduction Management Centres as a model. Experts from these countries received training in Cuba during the biennium 2011–2012.

122. Between 2010 and 2012, nine workshops (regional and national) were held, attended by provincial and municipal leaders and officials; experts from the Cuban civil defence system and the Latin American region; officials from the United Nations system of agencies, funds and programmes; and civil society organizations. Technical assessments were also carried out in Grenada, Haiti, Saint Kitts and Nevis and Saint Vincent and the Grenadines.

**International cooperation in the area of health<sup>91</sup>**

123. In 2009, changes were made to the cooperation Cuba provides in the area of health allowing it to respond to new requests from countries, improve the quality of that cooperation, and help more people around the world.<sup>92</sup>

124. An innovative approach during that period was the active participation in a genetic and psychosocial clinical study of persons with disabilities in Venezuela, Ecuador, Nicaragua, Bolivia and Saint Vincent and the Grenadines<sup>93</sup> between 2007 and 2010. The aim of the study was to promote the care of persons with disabilities and their integration into their respective societies without discrimination.<sup>94</sup>

125. The Comprehensive Health Programme (PIS) continues to be implemented, although it has been in the process of being downsized since 2010 in order to make it sustainable.<sup>95</sup> The Programme's benefits include providing medical services in accordance with the national priorities of the countries receiving this cooperation, strengthening information systems and improving the credibility of national health statistics. There are currently 40 countries participating in this Programme.

126. Operation "Milagro" (Miracle), which seeks to restore the sight of thousands around the world, was begun in 2004. As of January 2012, 2,261,987 surgeries had been performed under the programme. Thirty-four countries in Latin America, the Caribbean and Africa have benefited from it. To enable it to continue, 47 ophthalmology centres have been set up abroad, with 59 operating theatres and 525 employees working in 16 countries.

127. Since the International Contingent of Doctors Specializing in Disaster Situations and Serious Epidemics (Henry Reeve Brigade)<sup>96</sup> was established, 5,490 Cuban medical professionals have provided medical assistance to more than 3 million disaster victims and the number of patients receiving care continues to increase. This Brigade has performed over 33,800 surgeries and has helped to save some 468,000 lives.

128. Cooperation with Haiti continues. The first Cuban medical brigade arrived in the country in December 1998, after hurricane George. Since then, 3,774 Cuban medical professionals have worked in Haiti and medical cooperation has been ongoing. Worthy of note in this area are the implementation of Operation "Milagro", which, since 2005, has allowed Haitians with eye disorders<sup>97</sup> to travel to Cuba for surgical treatment, and the assistance provided following the earthquake which helped to save some 74,530 lives.<sup>98</sup> In October 2010, when the cholera epidemic erupted, 67 health units were created to combat the disease and 46 groups to actively investigate cases. In addition, Cuba is helping to train Haitian health professionals: 817 Haitian doctors have graduated in Cuba and 324 are currently enrolled in courses (22 postgraduates).<sup>99</sup> Cuba is working in conjunction with the Haitian authorities, and with the support of Venezuela and other member States of the Bolivarian Alliance for the Peoples of Our America (ALBA), to develop and strengthen the Haitian health system, including by building hospital infrastructure.

129. As a gesture of solidarity, Cuba provided assistance in the area of health care after the earthquake in Chile in 2010. Cuban doctors held 37,463 consultations and carried out 1,384 major surgeries in that country.

130. In the period 2005–2011, 9,960 doctors from 58 countries graduated from the Latin American School of Medicine (ELAM) and the health professionals training programme in Cuba.

131. For the 2011/12 academic year, 21,217 students from 122 countries enrolled in the Cuban training programme for health professionals from other countries, specializing in medicine (18,364), psychology (1), health technology (417), nursing (362), stomatology (66) and postgraduate studies (207).

132. More than 35,000 health professionals have received training in 11 countries (Angola, Bolivia, Equatorial Guinea, Eritrea, Gambia, Guinea-Bissau, Nicaragua, Bolivia, South Africa, Tanzania, Timor-Leste and Venezuela), where there are more than 1,900 Cuban professors in the Overseas Medical Schools. Around 1,000 students are currently completing their internship (the final year of a degree in medicine).

133. In addition, more than 200 Cuban teachers are working in Medical Schools in seven countries (Ghana, Haiti, Mozambique, Nicaragua, South Africa, Uganda and Yemen). With regard to postgraduate education, Cuba is training more than 800 specialists in seven countries (Bolivia, Equatorial Guinea, Guatemala, Guinea-Bissau, Haiti, Nicaragua and Venezuela); the majority of whom are specializing in general practice.

#### **International cooperation in the area of education<sup>100</sup>**

134. Cuban cooperation in the area of education is carried out at various educational levels. From 2004 to date, cooperation on literacy and post-literacy teaching methods has been extended using the Cuban teaching programmes “Yes, I can” (winner of the King Sejong Literacy Prize), “Now I can read and write” and “Yes, I can go further”. By the end of November 2012, a total of 6,950,693 people had completed the “Yes, I can” programme and 975,837 the “Yes, I can go further” programme.

135. The “Yes, I can” programme<sup>101</sup> has been used in 29 countries. It is currently being implemented in 16 countries in Latin America and the Caribbean, Africa, Asia, Oceania, Europe and Canada.

136. In addition, 413,539 people in Bolivia, Colombia, Nicaragua and Venezuela are currently following the “Yes, I can go further” programme to reach the primary literacy level.

137. Cuba is also encouraging cooperation on projects to improve educational quality; the early childhood programme “Educate Your Child”; the project to assist children with special educational needs;<sup>102</sup> postgraduate training programmes; consultancy on basic and professional technical education; and teaching Spanish as a foreign language. It is also developing assistance activities and teaching methods, as well as master’s and internship programmes with various countries.<sup>103</sup>

138. Between 1961 and the 2010/11 academic year, more than 35,671 young people from 129 countries graduated from Cuban universities, of whom 14,202 were from Sub-Saharan Africa and 1,879 from North Africa and the Middle East. There are also currently a total of 419 foreign students from 43 countries studying at the Universities of Pedagogical Sciences in Cuba.

139. A total of 16,955 scholarship students from 131 countries are currently enrolled in undergraduate courses in post-secondary and higher education in Cuba.

140. Every two years an international teaching event and university conference is held to encourage the sharing of experiences and best practices and to promote better quality training for specialist teachers. It also advances the work of a group of national institutions that promote research and exchanges on the subject, both nationally and internationally.<sup>104</sup>

141. Cuba has also developed cooperation in access to culture. Collaborative projects are underway in six countries,<sup>105</sup> run by 35 staff members covered by intergovernmental agreements. Another 274 Cubans are employed in this sector by intergovernmental and/or private institutions in 30 countries. There are also some 1,250 Cuban instructors in different art forms (dance, music, fine arts, theatre and literature) working in Venezuela.<sup>106</sup>



**Right to self-determination**<sup>107</sup>

142. Cuba continues firmly to support initiatives in favour of the right of peoples to self-determination and independence. It has spearheaded and presented specific initiatives in support of this question to the General Assembly of the United Nations, the Human Rights Council and other agencies and organizations of the United Nations system.

143. Cuba co-sponsored the resolution adopted by the General Assembly that accorded Palestine observer State status in the United Nations and called for the Security Council to consider and accept without further delay the application submitted by Palestine in 2011 for admission to full membership in the United Nations.<sup>108</sup> It also unequivocally supported Palestine becoming a member State of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and has continued to submit several draft resolutions in support of the Palestinian cause to the Fourth Committee of the General Assembly of the United Nations.<sup>109</sup>

144. Cuba is also committed to Puerto Rico's independence and self-determination<sup>110</sup> and traditionally submits a draft resolution on this issue to the United Nations Special Committee on decolonization.<sup>111</sup>

**Cuba's cooperation with the United Nations human rights machinery**<sup>112</sup>

145. Cuba maintains a high level of cooperation and interaction with the United Nations human rights procedures and mechanisms, as human rights are enjoyed by all, without discrimination.

146. Cuba has provided comprehensive information on various human rights issues to the United Nations system. The Government has always demonstrated its genuine commitment to dialogue with all States on any issue, based on mutual respect, sovereign equality, self-determination and recognition of the right of all peoples to choose their own political, economic and social system.

147. Cuba has never failed to cooperate with the human rights mechanisms, even in the past when the United States resorted to a spurious anti-Cuban ploy within the defunct and discredited Commission on Human Rights.

148. Cuba has established a positive dialogue with the international human rights treaty bodies. Between the submission of its first report to the universal periodic review in 2009 and late 2012, Cuba has focused its full efforts on honouring its considerable commitments to prepare and submit reports to these bodies.<sup>113</sup>

149. During that period, five national reports were prepared. Cuba fulfilled these obligations despite the enormous effort needed to comply with these requirements.

150. Three reports were submitted to human rights treaty bodies<sup>114</sup> and the other two were sent for consideration to the appropriate bodies.<sup>115</sup> Cuba's initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and its initial report under the Convention on the Rights of Persons with Disabilities are currently being reviewed prior to submission.

151. The Cuban Government has systematically provided information requested by the special procedures of the Human Rights Council. Cuba has sent information regularly and has completed most of the questionnaires sent by the special mandate holders during the period under review, within the time allowed.

152. Cuba has expressed its concern about the biased content and political prejudice of some communications from the Office of the United Nations High Commissioner for Human Rights (OHCHR), based on false allegations made by individuals and illegal groups lacking credibility or authority.

153. Cuba has continued to ratify human rights treaties and to fulfil its international commitments and obligations under those treaties. It is party to 42 human rights instruments<sup>116</sup> and complies with their provisions.

154. It acceded to the International Convention for the Protection of All Persons from Enforced Disappearance in February 2009, and to the United Nations Convention against Corruption in July 2008.

155. Various human rights and related instruments are being examined and are undergoing the standard consultation and reconciliation procedures with the national bodies and institutions concerned, with a view to future accession and/or ratification.<sup>117</sup>

156. In Cuba, the process of ratifying an international instrument is very rigorous, in order to ensure consistency between the provisions of each instrument and national legislation as well as to examine Cuba's current policies and programmes that would allow the obligations assumed by the State to be implemented. This is a sovereign process that guarantees full compliance with the agreed provisions.

157. The Cuban Government remains strongly committed to continuing to issue invitations to visit the country to the special mandate holders of the Human Rights Council established on a non-discriminatory basis.<sup>118</sup>

158. The country cultivates partnerships with various humanitarian and human rights organizations from around the world, to develop collaborative missions both nationally and internationally. Every year hundreds of representatives from intergovernmental and non-governmental organizations, including United Nations senior managers, visit Cuba. The Director-General of UNESCO visited Cuba in 2012.

159. Cuba has regular and free-flowing contact with the International Committee of the Red Cross, whose representatives visit the country and, together with the Government, promote the exchange of opinions on issues of common interest, while always respecting the scope of the Committee's mandate and the mutually agreed cooperation efforts.

160. Cuba continues to make voluntary contributions to OHCHR. In 2001, 2008 and January 2013, Cuba made voluntary contributions to support the work of the Office.

#### **Strengthening of the United Nations human rights system<sup>119</sup>**

161. Cuba participated actively in the Human Rights Council's institution-building process and its review. It has also promoted greater balance and transparency in the work of OHCHR.

162. It has been working on the following issues:

(a) Developing third-generation rights progressively, particularly regarding the value of international solidarity.

(b) Supporting the promotion of Non-Aligned Movement initiatives, particularly with regard to the right to development.

(c) Presenting and co-sponsoring several resolutions,<sup>120</sup> including the establishment of special procedures.

(d) Supporting the work of the universal periodic review as an intergovernmental mechanism for respectful dialogue and exchange, that allows for truly universal scrutiny of the human rights situation around the world.

(e) Ensuring the transparency and impartiality of the reports prepared by OHCHR in the framework of the universal periodic review, in accordance with paragraph 15 (b) and (c) of Human Rights Council resolution 5/1.

- (f) Participating actively in discussions and interactive panels within the Council.
- (g) Ensuring a cooperative, non-politicized approach and respectful dialogue among States on the subject of human rights.
- (h) Condemning the growing tendency in the Council's work of adopting a confrontational stance and double standards, as was the case with the Commission on Human Rights.
- (i) Improving the geographic composition of OHCHR to make it more representative.
- (j) Improving transparency and balance when allocating resources to special procedures mandate holders.
- (k) Respecting the principle of equitable geographical distribution when selecting special procedures mandate holders and strict compliance with the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council.
- (l) Not using contributions linked to specific activities or earmarked for specific mandates.
- (m) Addressing all human rights categories comprehensively and equally and paying particular attention to the right to development.

#### **IV. Priorities, obstacles and challenges**

163. Cuba's human rights priorities are to:

- (a) Strengthen the legal and institutional framework to promote and protect human rights and to continue to expand social justice.
- (b) Promote and protect all human rights for all.
- (c) Continue to improve the Cuban political system, to uphold Cuban social values and national unity, and to promote the strengthening of Cuban democracy.
- (d) Further increase popular participation in elections and decision-making processes.
- (e) Promote access for all to information and culture.
- (f) Continue to denounce the economic, commercial and financial embargo imposed by the Government of the United States of America against Cuba,<sup>121</sup> condemned almost unanimously by United Nations Member States. The embargo violates the Cuban people's human rights and qualifies as an act of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide of 1948.
- (g) Strengthen national defence and security against United States attempts to destroy the current constitutional order and to impose its plan for domination, which promotes inequality and injustice.
- (h) Work to strengthen the United Nations human rights system to ensure that it functions on a basis of cooperation and non-politicization.
- (i) Continue international cooperation with United Nations human rights mechanisms and to provide other countries with its own modest support and assistance.

164. The obstacles and challenges that hamper the promotion and protection of human rights in Cuba are:

(a) The ongoing policy of hostility, embargo and aggression of successive United States Governments.<sup>122</sup>

(b) The existence of the Guantánamo Naval Base, an international centre for torture and crimes against humanity that is operating on a section of national territory illegally occupied by the United States.

(c) The anti-Cuban political and media campaigns, which deny or distort the country's achievements and have a negative impact on the United Nations human rights mechanisms.

(d) The scourge of terrorism promoted, organized and financed by the United States or from its territory.<sup>123</sup> The fact remains that five Cuban anti-terrorist fighters and human rights defenders of the Cuban and American people are still in arbitrary detention in the United States and subjected, along with their families, to psychological torture of the cruelest kinds.

(e) The recruitment, support and use by the United States of agents in the country, who undermine the Cuban people's rights to self-determination, security and national integrity.

(f) The increase in funds and resources used by the United States Government<sup>124</sup> to subvert and destroy the constitutional order endorsed by the Cuban people.

## V. Conclusions

165. Cuba will continue to explore options for improving the current system for protecting human rights. It will continue to develop international cooperation with United Nations human rights mechanisms and will provide its own modest support and assistance to those countries that request it. Cuba will always be ready to engage in a frank and genuine discussion of human rights, through the universal periodic review or other existing mechanisms, based on complete respect for its dignity and sovereignty.

### Notes

<sup>1</sup> Recomendaciones 58, 59 y 60 realizadas a Cuba en su examen periódico durante el primer ciclo.

<sup>2</sup> Informe Nacional de Cuba al mecanismo del Examen Periódico Universal del Consejo de Derechos Humanos de las Naciones Unidas. A/HRC/WG.6/4/CUB/1 de 4 de noviembre de 2008. El primer informe de Cuba al EPU se presentó en febrero de 2009 en el Consejo de Derechos Humanos.

<sup>3</sup> El ámbito de aplicación de este informe no incluye el territorio ilegalmente ocupado por la Base Naval de Estados Unidos en Guantánamo, donde se priva al pueblo cubano de ejercer su soberanía y dentro de cuyo perímetro se ha instalado el mundialmente repudiado centro de detenciones arbitrarias y torturas.

<sup>4</sup> Recomendaciones 1, 2, 3, 4, y 36. Esta última fue de las respondidas por Cuba en el 2009.

<sup>5</sup> El marco jurídico se conforma por la Constitución de la República, así como otras normas sustantivas y procesales vigentes a nivel nacional, a saber: La Ley 59 de 16 de julio de 1987 (Código Civil); la Ley 49 de 28 de diciembre de 1984 (Código de Trabajo); la Ley 81 (Ley del Medio Ambiente); la Ley 14 de 1977 (Ley de Derecho de Autor); la Ley No. 24 de 1979 (Ley de Seguridad Social); la Ley No. 1289 de 1975 (Código de Familia); la Ley No. 16 de 1978 (Código de la Niñez y la Juventud); la Ley 62 de 1987 (Código Penal); la Ley No. 7 de 1977, modificada por el Decreto-Ley 241, de 26 de septiembre del 2006 (Ley de Procedimiento Civil, Administrativo, Laboral y Económico); la Ley No.5 de 1977 (Ley de Procedimiento Penal) y otras leyes, complementan y establecen garantías al ejercicio en Cuba de todos los derechos humanos.

<sup>6</sup> Cuba es Estado parte de numerosos instrumentos internacionales en la materia, entre ellos: la Convención Internacional sobre la Eliminación de todas las Formas de Discriminación Racial; la

- Convención sobre la Eliminación de Todas las Formas de Discriminación contra la Mujer; la Convención sobre los Derechos del Niño; el Protocolo Facultativo de la Convención sobre los Derechos del Niño relativo a la venta de niños, la prostitución infantil y la utilización de niños en la pornografía; el Protocolo Facultativo de la Convención sobre los Derechos del Niño relativo a la participación de niños en conflictos armados; la Convención Internacional sobre la Represión y el Castigo del Crimen del Apartheid; la Convención de la UNESCO contra la discriminación en la educación; la Convención contra la Tortura y Otros Tratos o Penas, Crueles, Inhumanos o Degradantes; la Convención Internacional contra el Reclutamiento, la Utilización, la Financiación y el Entrenamiento de Mercenarios. En febrero de 2008, Cuba firmó el Pacto Internacional de Derechos Civiles y Políticos y el Pacto Internacional de Derechos Económicos, Sociales y Culturales.
- <sup>7</sup> En el primer ciclo del EPU se informó ampliamente de la base legislativa que condujo a la elaboración y fundamentación de los derechos humanos, lo cual puede consultarse en el informe nacional de Cuba (documento A/HRC/WG.6/4/CUB/1).
- <sup>8</sup> En la actualidad se trabaja en la elaboración o modificación de varias propuestas legislativas entre las que se destacan: El Código Penal, la Ley de Procedimiento Penal, la Ley de Ejecución de Sanción, la Ley de Policía, el Código Contravencional, la Ley sobre el Tratamiento a las niñas y niños infractores de la Ley Penal, entre otras.
- <sup>9</sup> En el año 2012, se adoptó la Resolución No.2 de la Fiscalía General de la República mediante la cual se creó un Departamento especializado a nivel nacional, provincial y municipal para perfeccionar el proceso de Atención a la Población en la presentación de quejas, reclamaciones y denuncias. Entre el año 2007 y 2011, fueron atendidas por la Fiscalía un total de 419 mil 937 personas siendo tramitados sus asuntos y habiéndole asistido la razón al 26%.
- <sup>10</sup> En el año 2010, se adoptó la Instrucción No. 201 del Tribunal Supremo sobre el control, influencia y atención a sancionados que cumplen en libertad. En el 2011, se adoptó la Instrucción No. 211, sobre la Metodología para la celebración del juicio oral. Además, en marzo de 2012, el Tribunal Supremo Popular adoptó el Acuerdo No.72, mediante el cual se dispuso la aplicación de las Reglas de Brasilia para las Personas en Condiciones de Vulnerabilidad, para brindar mayores garantías a los derechos de las personas en los procesos judiciales.
- <sup>11</sup> Recomendaciones 5 y 38.
- <sup>12</sup> Las tasas de ocurrencia de asesinatos, homicidios y violaciones representaron en el 2011 el 3,3, el 1,9 y el 8,9 por cada 100 mil habitantes, respectivamente.
- <sup>13</sup> Recomendación 6, así como la 15 de las respondidas por Cuba en 2009.
- <sup>14</sup> Coordinador Nacional del Proyecto de Divulgación de los Derechos de la Niñez.
- <sup>15</sup> El Sistema de la Radio Cubana cuenta con 133 programas dirigidos a los niños. El 50 % de los programas dirigidos a la niñez cuentan con la colaboración activa de los propios niños en la realización y confección de estos programas. De las 96 emisoras de la Radio Cubana, el 32% desarrollan círculos de interés con la propia niñez, donde trabajan diferentes especialidades.
- <sup>16</sup> Mediante la Instrucción 216 del Tribunal Supremo, se brindó mayor importancia a los procesos que involucren a niños, niñas y adolescentes. Se confirieron amplias posibilidades de interacción de los tribunales con las partes, mecanismos que se corresponden con las actuales tendencias del Derecho Procesal, y con los compromisos contraídos por Cuba al ratificar en 1991 la Convención Internacional de los Derechos del Niño y los que por similar razón derivaron en el Plan de Acción Nacional de Seguimiento a la Conferencia de Beijing, a fin de garantizar el ejercicio pleno y efectivo de los derechos y garantías de los destinatarios de la gestión judicial.
- <sup>17</sup> Dicha metodología consiste en el establecimiento de “Reglas mínimas para la escucha de los menores de edad” y “Reglas para la constitución y funcionamiento del Equipo multidisciplinario en el procedimiento de familia, con la proforma de dictamen”.
- <sup>18</sup> Reglas Básicas de Acceso a la Justicia de las Personas Vulnerables.
- <sup>19</sup> Recomendación 18.
- <sup>20</sup> Ley 16 del 28 de junio de 1978.
- <sup>21</sup> Recomendación 7.
- <sup>22</sup> El Subprograma Institucional cuenta con Hogares de Ancianos en los que hay predominio de hombres (65%) y del grupo de edad de 75 a 99 años (62.63%). Cuenta con 40 centenarios (0.52%). Es una población con algún tipo de discapacidad (71 %), donde el 41 % tiene discapacidad físico-motora y el 30 % discapacidad mental, con algunos casos de discapacidad sensorial.

- <sup>23</sup> El Subprograma Hospitalario cuenta con 32 servicios hospitalarios de Geriatría. Además, existe un Centro de Investigaciones sobre Longevidad y Envejecimiento (CITED).
- <sup>24</sup> Existen 444 Equipos Multidisciplinarios de Atención Gerontológica (EMAG) en cada policlínico, que garantizan la atención a los adultos mayores frágiles y en estado de necesidad. Existen 224 Casas de Abuelos con 6 300 beneficiarios.
- <sup>25</sup> En la actualidad existen 12 438 Círculos de Abuelos. Estos Círculos son una modalidad de atención y socialización de los adultos mayores en la comunidad.
- <sup>26</sup> Las casas del Abuelo son instituciones sociales que brindan atención integral diurna a los ancianos carentes de amparo filial en absoluto o de familiares que no pueden atenderlos durante el día. En estos centros se les proporciona alimentación, asistencia médica y otros servicios de atención que satisfacen las necesidades de estos adultos mayores y la demanda de familiares interesados en acceder a un servicio de atención a tiempo parcial.
- <sup>27</sup> Este tipo de atención para los adultos mayores se ofrece a aquellos que viven solos o con otros ancianos. Son atendidos en esta modalidad 118 141 adultos mayores por 7 500 asistentes sociales domiciliarios que existen en todo el país.
- <sup>28</sup> Las 115 Escuelas de Cuidadores entrenan a las familias en el cuidado de los ancianos.
- <sup>29</sup> Hay 35 580 comedores de atención a la familia en el país y tiene el objetivo de asegurar la alimentación y el estado nutricional a un precio módico.
- <sup>30</sup> Han graduado a 17 000 adultos mayores.
- <sup>31</sup> Recomendación 41.
- <sup>32</sup> Ver nota 18.
- <sup>33</sup> Resolución No. 14 del 2011 de la Ministra de Trabajo y Seguridad Social.
- <sup>34</sup> En la Educación General se encuentran atendidos 3 582 niños, adolescentes y jóvenes con necesidades educativas especiales.
- <sup>35</sup> Entre las nuevas tecnologías están la pantalla táctil, visual voz; interruptores; teclado inteligente; scanner; y la imprenta Braille.
- <sup>36</sup> Recomendaciones 39, 40, 43, 48. Recomendación 12 de las respondidas por Cuba en 2009.
- <sup>37</sup> Además las mujeres constituyen el 28,6% de los ministros (8 Ministras) y el 35,6% de los Viceministros (42 Viceministras).
- <sup>38</sup> Las mujeres son mayoría en los sectores de la educación (72%) y en la salud (69.8%), el 60% de los médicos y el 85,7% del personal de enfermería, constituyen además el 69,3% de los Médicos Generales Integrales. Asimismo, las mujeres son el 53,3 % de los ocupados en el sistema de las ciencias, las innovaciones y las tecnologías, siendo el 48,5% de ellas investigadoras. En las unidades de ciencia y técnica son también el 49,4% de los investigadores. Han irrumpido en muchos sectores que tradicionalmente eran de hombres e incluso ocupan en ellos puestos de dirección. Un ejemplo palpable es la judicatura, donde las mujeres son el 77,5% de los jueces profesionales.
- <sup>39</sup> Recomendaciones 47 y 48.
- <sup>40</sup> El Tercer Informe de Cuba sobre el cumplimiento de los ODM puede encontrarse en los sitios web (<http://www.cubaminrex.com>) y (<http://www.one.cu>).
- <sup>41</sup> Recomendaciones 25, 27, 28, 48 y 50.
- <sup>42</sup> En Cuba funcionan más de 11 mil Consultorios del Médico y Enfermera de la Familia.
- <sup>43</sup> Los niños cubanos se inmunizan contra la tuberculosis, hepatitis B, difteria, tosferina, tétanos, meningocócica B y C, parotiditis, rubeola, sarampión, poliomielitis, las causadas por haemophilus influenzae, y la vacuna contra la fiebre tifoidea.
- <sup>44</sup> Entre los medicamentos que han tenido una gran repercusión están el PPG (policosanol), la Estreptoquinasa Recombinante, el Citoprop-P y el Heberprot, para el tratamiento del pie diabético. Se pueden citar además, el Leuferon Colirio, la Eritropoyetina, el Intaccglobín y el Factor de Transferencia.
- <sup>45</sup> Recomendación 27.
- <sup>46</sup> Entre los espacios de creación conjunta para la respuesta al VIH/SIDA se encuentran el Grupo Operativo para el Enfrentamiento y Lucha contra el sida (GOPELS), el Mecanismo de Coordinación de País, la Comisión Técnica de SIDA, Grupo Técnico de ONUSIDA y las Reuniones Nacionales de PVIH y promotores HSH, jóvenes, promotores de condones, y más recientemente de mujeres seropositivas.
- <sup>47</sup> Recomendaciones 6, 48, 50, 55.

- <sup>48</sup> En el 2010, la Tasa neta de matrícula en la Enseñanza primaria era del 99,5% comprendido de 6 a 11 años y el 99,4% de los alumnos que inician el primer grado culminan la Educación primaria (retención en el ciclo).
- <sup>49</sup> Desde el año 1961 hasta la actualidad se han graduado de los dos niveles de enseñanza un total de 2 891 790 personas adultas.
- <sup>50</sup> Recomendaciones 9, 10, 44.
- <sup>51</sup> Anualmente se realiza, durante una semana, el Seminario Nacional para Educadores (por televisión), donde siempre se incluye un tema relacionado con la formación de valores y los derechos humanos. Existe una programación habitual televisiva dirigida a la preparación de los docentes, mediante un espacio denominado *Para ti Maestro*, que se transmite por el Canal Educativo. En el curso escolar 2011-2012 se transmitió el programa *La educación de los niños, adolescentes y jóvenes para un mundo sostenible*.
- <sup>52</sup> Entre los temas que se trabajan a través de postgrados, cursos y conferencias están la tutela efectiva de los derechos; el conocimiento y aplicación de la Constitución; el tratamiento de principios jurídicos como la legalidad y la igualdad; la protección de los derechos a determinados grupos poblacionales como son las mujeres, las personas LGTB y los procesos jurídicos penal, civil, familiar, laboral, económico.
- <sup>53</sup> Recomendación 50.
- <sup>54</sup> Estos ejes temáticos son: la Salud Ambiental (Higiene Personal y Colectiva); la Educación Nutricional e Higiene de los Alimentos; la Educación antitabáquica, antialcohólica y prevención de otras adicciones; la Educación Sexual y la Prevención de las ITS/VIH/Sida; la Prevención de accidentes y la Educación Vial; la Convivencia y Comunicación y la Medicina Natural y Tradicional.
- <sup>55</sup> Recomendaciones 16 y 45.
- <sup>56</sup> Recomendaciones 8 y 54.
- <sup>57</sup> Decreto Ley 289 “De los Créditos a las personas Naturales y otros Servicios Bancarios” del 28 de octubre de 2011.
- <sup>58</sup> El Reglamento aprobado por el Comité Ejecutivo del Consejo de Ministros concede prioridades a la hora de otorgar dichos subsidios, las cuales benefician en primer lugar a las familias afectadas por catástrofes y los casos sociales críticos.
- <sup>59</sup> De ellos 2 870 873 USD fueron aportados por la colaboración multilateral.
- <sup>60</sup> Recomendaciones 51 y 53.
- <sup>61</sup> Para la recomendación relativa a este derecho están vigentes las consideraciones de Cuba acerca del informe de la visita al país del Relator Especial del Consejo de Derechos Humanos sobre el Derecho a la Alimentación. (A/HRC/7/5/Add. 3).
- <sup>62</sup> Diversas regulaciones se han adoptado para ampliar el objeto social del sistema cooperativo. Las Resoluciones No 971/2008, del 25 de noviembre del 2008, la No 982/2011, del 8 de agosto del 2011 y la No. 574/212, del 13 de agosto del 2012, y las Resoluciones No 90/11 del Banco Central de Cuba, la No 122/11 del Ministerio de la Agricultura, la No 369/11 del Ministerio de Finanzas y Precios y la No 121/11 del Ministerio del Turismo en la Gaceta Oficial No. 038 Extraordinaria de 15 de Noviembre de 2011 que autoriza a comercializar, de forma mayorista, productos agrícolas al sector del turismo.
- <sup>63</sup> Todas estas formas de producción ejercen la democracia cooperativa a través de las asambleas de asociados que se reúnen sistemáticamente. Poseen un reglamento interno que rige su funcionamiento y el Estado las apoya con créditos, semillas, precios justos y maquinarias, respetando su autonomía.
- <sup>64</sup> El Decreto Ley 259 promulgado el 8 de julio de 2008, dispuso la entrega de tierras ociosas en usufructo a personas naturales y jurídicas.
- <sup>65</sup> Hasta el 31 de enero de 2011 se habían entregado a 161 207 personas naturales un total de 1 288 746.5 hectáreas, de las cuales se han puesto en uso 1 013 508,6 para un 78.6 %, principalmente para ganadería vacuna, cultivos varios y arroz.
- <sup>66</sup> Hasta enero de 2011 se habían entregado a 2 525 personas jurídicas 151 344.5 hectáreas, de las cuales se han puesto en uso 111 257.6 para un 73.5 % principalmente para ganadería vacuna y cultivos varios. De los 2 525 Expedientes de solicitud aprobados para las personas jurídicas, 1 565 son del sistema cooperativo para un 62 %.
- <sup>67</sup> La agricultura urbana se desarrolla bajo el sistema de Oferta y Demanda a los consumidores. En el 2011 existían 3 305 organopónicos, 6453 huertos y 294 sistemas de cultivos semi-protegidos . La Agricultura Suburbana o Peri-urbana se desarrolla en un radio de acción entre 10 y 15 kilómetros

- alrededor de las poblaciones para propiciar un mayor acceso a los alimentos y racionalizar el gasto de recursos en transporte.
- <sup>68</sup> Recomendación 19.
- <sup>69</sup> El país contaba al cierre de 2011 con 783 000 computadoras personales, . De ellas se estima que 18% están en los hogares y más del 33% en sectores sociales de la salud, la educación y la cultura. A su vez, 2 610 000 usuarios utilizan los servicios de Internet, de ellos 622 000 con navegación plena. Hay un total de 2 285 dominios registrados bajo el .cu y existían más de 500 000 páginas cubanas disponibles en Internet.
- <sup>70</sup> El bloqueo impuesto por los Estados Unidos afecta el acceso a Internet, con restricciones por disponibilidad de ancho de banda y elevados costos de conexión, actualmente sólo es posible a través de satélite. Cuba no puede acceder a tecnologías, programas y aplicaciones informáticas, incluyendo software libre de compañías norteamericanas.
- <sup>71</sup> Ver nota 69.
- <sup>72</sup> Recomendación 42. Recomendación 13 de las respondidas por Cuba en 2009.
- <sup>73</sup> Recomendación 46.
- <sup>74</sup> Recomendación 17.
- <sup>75</sup> En el 2010, el Estado destinó 4 762 millones de pesos a los gastos del régimen de Seguridad Social para beneficiar a 1 649 710 jubilados y pensionados, y sufragó 402.9 millones de pesos para los gastos de Asistencia Social, que protegieron a 118 089 familias y 185 719 beneficiarios protegidos.
- <sup>76</sup> Entre la ampliación de esos derechos están la extensión del derecho a la protección mediante pensión a los huérfanos de ambos padres, a mayores de 17 años que se encuentren estudiando en cursos regulares; se reconoció el derecho del viudo de 65 años o más, o incapacitado para el trabajo, y que dependiera del cónyuge, a simultanear su pensión con la pensión que generó la fallecida, beneficio que sólo se concedía a las viudas, entre otros derechos. La referida Ley ratificó que el régimen general de seguridad social ofrece protección al trabajador en los casos de enfermedad y accidente de origen común o profesional, maternidad, invalidez y vejez y, en caso de muerte, a su familia. De igual forma mantuvo el régimen de asistencia social que brinda protección a cualquier persona no apta para trabajar que carezca de familiares en condiciones de prestarle ayuda.
- <sup>77</sup> Son prestaciones monetarias que se conceden por el término de un año o superior a éste, cuando se demuestra la incapacidad de los miembros del núcleo familiar para incorporarse al empleo, motivado por situaciones de salud, discapacidad u otras causas que lo justifiquen, se verifique insuficiencia de ingresos para asumir la alimentación, medicamentos, el pago de los servicios básicos, y la carencia de familiares obligados a prestar ayuda. Son protegidos en la actualidad (hasta octubre del 2011) un total de 108 942 familias.
- <sup>78</sup> Consiste en atenciones y cuidados básicos de carácter personal, doméstico y social, que se dispensa en el domicilio del beneficiario y que procura apoyos complementarios a personas cuyo grado de discapacidad y/o validismo, le impidan un normal desempeño de sus actividades de la vida diaria. El Servicio ha sido priorizado para la protección de aquellos adultos mayores con discapacidad severa que no cuentan con amparo filial, considerándose éste el sector más necesitado de atención especializada. Son protegidos en la actualidad (hasta el mes de octubre del 2011) un total de 3,666 beneficiarios.
- <sup>79</sup> Consiste en proporcionar a adultos mayores, personas con discapacidad y otras personas, la alimentación requerida para elevar su calidad de vida. Tiene como objetivo garantizar el sustento alimentario básico a las personas que lo requieran, mediante la oferta de alimentos elaborados y asimismo en la adquisición de alimentos para una dieta adecuada.
- <sup>80</sup> Las madres de hijos con discapacidad severa que pierden el vínculo laboral para dedicarse al cuidado de su hijo, por constituir la garantía de su debida atención, se le considera ése como su empleo y en consecuencia reciben una prestación monetaria temporal. Se reconoce el tiempo dedicado al cuidado de su hijo como años de servicios, a los fines de la jubilación. Son protegidas en la actualidad ( hasta el mes de octubre del 2011) con esta modalidad de protección, un total de 4,264 madres.
- <sup>81</sup> Recomendación 56.
- <sup>82</sup> Existen 310 librerías, 18 casas de la trova, 464 salas de video - incluyendo 334 en los videoclubes juveniles -, 356 bibliotecas públicas, 267 museos y 2 carpas de circo. Más de 2 500 promotores culturales profesionales se desempeñan en Consejos Populares, circunscripciones y asentamientos poblacionales.
- <sup>83</sup> Recomendaciones 5 y 38.



- <sup>84</sup> La mayor responsabilidad se estableció en los Ministerios de Salud, Educación y Cultura, así como en organizaciones de la sociedad civil como la Federación de Mujeres Cubanas y la Unión de Jóvenes Comunistas.
- <sup>85</sup> Lesbianas, Gay, Transexuales y Bisexuales.
- <sup>86</sup> Recomendaciones 11 y 20.
- <sup>87</sup> El Marco de Acción de Hyogo es el instrumento más importante para la implementación de la reducción del riesgo de desastres que adoptaron los Estados miembros de las Naciones Unidas.
- <sup>88</sup> Se fortalecieron los sectores claves de medioambiente, vivienda, salud, planificación física, educación, agua y agricultura, entre otros, con el objetivo de permitir a las comunidades su independencia. Se trabajó sobre la base del principio de generación territorial distribuida y se instalaron grupos electrógenos de emergencia en objetivos económicos y sociales vitales.
- <sup>89</sup> Cuba creó 57 Centros de Gestión para la Reducción del Riesgo con el apoyo, fundamentalmente, del Programa de Naciones Unidas para el Desarrollo (PNUD). De ellos, 6 a nivel provincial y 51 municipal con 201 Puntos de Alerta Temprana a nivel comunitario (Consejo Popular), y se han instalado 61 sistemas de información geográfica. Además, fueron instalados 89 puntos de alerta y sensores automáticos en ocho cuencas del país.
- <sup>90</sup> Los Acuerdos de cooperación son con Rusia, Ecuador, Argentina y Haití. Los cinco proyectos son con El Salvador, Nicaragua, Guatemala, Haití, República Dominicana y Uruguay.
- <sup>91</sup> Recomendaciones 21, 22, 23, 24, 25, 26, 30 y 33.
- <sup>92</sup> Entre estos estuvieron cubrir las posiciones de la brigada médica con graduados de la Escuela Latinoamericana de Medicina; disponer que un mismo profesional asumiera varias actividades; sustituir a especialistas en anestesia, radiología y fisioterapia, por tecnólogos y licenciados de estos perfiles; negociar con la contraparte la cancelación de servicios que no se emplearan eficientemente, etc.
- <sup>93</sup> En el estudio se detectaron por países las siguientes cifras de población con alguna discapacidad: Venezuela: 336 270; Ecuador: 279 228; Bolivia 82 087; Nicaragua: 126 313 y San Vicente y las Granadinas 2195, lo que evidenció una tasa de 1.54 discapacitados por cada 100 habitantes.
- <sup>94</sup> En el Estudio Clínico Genético Psicosocial a las Personas con discapacidad, mental y motora participaron Genetistas, Defectólogos, Otorrinolaringólogos, Psicólogos, Ortopédicos, Neurofisiatras, entre otras especialidades.
- <sup>95</sup> Entre las estrategias que se aplican para lograr la sostenibilidad se encuentran: garantizar la permanencia de las brigadas médicas cubanas, proteger la docencia y otros programas como la Operación Milagro y el estudio de discapacitados; sustituir unas especialidades por otras factibles para Cuba; diversificar los recursos humanos disponibles, incorporando a las misiones técnicos y licenciados, así como profesores consultantes y titulares en aras de proteger la docencia y mantener su calidad; ente otras.
- <sup>96</sup> El contingente internacionalista “Henry Reeve” fue constituido el 19 de septiembre de 2005. Han prestado colaboración miles de colaboradores cubanos: 688 en Guatemala, 2 564 en Pakistán, 602 en Bolivia, 135 en Indonesia, 54 en México, 79 en Perú, 35 en China. En noviembre del 2009 se envió una brigada emergente para El Salvador con 16 colaboradores, en enero del 2010 otra con 1 196 para Haití y en marzo de ese año 68 para Chile.
- <sup>97</sup> Además, con la Operación Milagro en Haití se han realizado 55 402 intervenciones quirúrgicas para devolver la visión a personas con catarata u otras enfermedades de la visión.
- <sup>98</sup> En enero de 2010, al producirse el terremoto en Haití, se encontraban trabajando en ese país 367 colaboradores cubanos, cifra que se incrementó a 1 564 con los integrantes de la Brigada “Henry Reeve”.
- <sup>99</sup> En 1999 Cuba recibe 132 jóvenes haitianos para realizar estudios de medicina, en el 2011 se inaugura la Facultad de Ciencias de Salud en Haití con profesores cubanos, y en el 2004, 321 estudiantes de dicho centro se trasladan a Santiago de Cuba para finalizar sus estudios.
- <sup>100</sup> Recomendaciones 22, 23, 31, 48 y 50.
- <sup>101</sup> El programa se imparte en varios idiomas: español (12 versiones); inglés (1); portugués (2) y en lenguas originarias como aymara(1); quechua (1); guaraní(1); tetum(1); suahili(1); creol(1) y se prevé hacerlo en bambaran (1).
- <sup>102</sup> Con Bolivia y México se firmaron convenios para la Educación Especial.
- <sup>103</sup> Entre ellos se encuentran Angola, Mozambique, Laos, El Salvador, Colombia, Guatemala, Panamá, México, Chile, Perú.

- <sup>104</sup> Instituto Pedagógico Latinoamericano y Caribeño (IPLAC), Centro de Referencia Latinoamericano para la Educación Especial (CELAEE), Centro de Referencia Latinoamericano para la Educación Preescolar (CELEP), Instituto Central de Ciencias Pedagógicas (ICCP), Centro de Idiomas y Computación para extranjeros “José Martí” (CICE) y 16 Universidades Pedagógicas (UCP) en todo el país.
- <sup>105</sup> Se presta colaboración en seis países: Haití. (4), Angola (5), Mozambique (3), Mali (16), Timor Leste (4) y Pakistán (3).
- <sup>106</sup> En Venezuela se inició la Misión Cultura Corazón Adentro el 26 de abril de 2008.
- <sup>107</sup> Recomendaciones 13 y 14.
- <sup>108</sup> Cuba igualmente ha respaldado iniciativas y promovido pronunciamientos en el marco del MNOAL a favor del reconocimiento y admisión del Estado de Palestina en la ONU y en contra de la ocupación israelí. Cuba es Vicepresidente del Comité para el ejercicio inalienable de los derechos del pueblo palestino y Vicepresidente del Comité Especial de Descolonización de las Naciones Unidas. Además, el país es miembro del Comité sobre Palestina del MNOAL.
- <sup>109</sup> “Prácticas israelíes que afectan a los derechos humanos del pueblo palestino en el territorio palestino ocupado, incluida Jerusalén Oriental”; “Los asentamientos israelíes en el territorio palestino ocupado, incluida Jerusalén Oriental, y en el Golán sirio ocupado”; “Aplicabilidad del Convenio de Ginebra relativo a la protección debida a las personas civiles en tiempo de guerra, de 12 de agosto de 1949, al territorio palestino ocupado, incluida Jerusalén Oriental, y a los demás territorios árabes ocupados” y “Labor del Comité Especial encargado de investigar las prácticas israelíes que afectan a los derechos humanos del pueblo palestino y otros habitantes árabes de los territorios ocupados”.
- <sup>110</sup> Cuba ha denunciado reiteradamente la situación colonial en la que Estados Unidos mantiene sometido al pueblo puertorriqueño, negándole el ejercicio del derecho inalienable a la libre determinación y la independencia plenas.
- <sup>111</sup> La postura de Cuba parte del pleno respeto a la resolución 1514 (XV) de la AGNU y las 30 resoluciones y decisiones aprobadas por el Comité Especial de descolonización relativas a Puerto Rico.
- <sup>112</sup> Recomendaciones 34, 36, 37, 53. Recomendaciones 1, 5, 8, 9, 10 y 11 de las respondidas por Cuba en 2009.
- <sup>113</sup> La elaboración de estos informes contribuyó al fortalecimiento del marco institucional de derechos humanos en Cuba. Asimismo, contribuyó a crear las herramientas y la adopción de medidas a nivel nacional para dar seguimiento a las recomendaciones y observaciones finales de los órganos de tratados.
- <sup>114</sup> Estos informes son: el segundo informe periódico al Comité de los Derechos del Niño (2011), los informes combinados del 14° al 18° al Comité para la Eliminación de la Discriminación Racial (2011) y los informes combinados segundo, tercero y cuarto al Comité contra la Tortura (2012).
- <sup>115</sup> Estos informes son: los informes periódicos combinados séptimo y octavo en virtud de la Convención sobre la eliminación de todas las formas de discriminación contra la mujer (2010), y el informe inicial en virtud del Protocolo Facultativo de la Convención sobre los Derechos del Niño relativo a la participación de los niños en los conflictos armados (2011).
- <sup>116</sup> Cuba es parte de los siguientes instrumentos internacionales en materia de derechos humanos: Convención Internacional para la Eliminación de todas las Formas de Discriminación Racial, Convención Internacional sobre la Represión y el Castigo del Crimen del Apartheid, Convenio de la OIT (No. 100) sobre la igualdad de remuneración para hombres y mujeres, Convención de la UNESCO contra la discriminación en la educación, Convenio de la OIT (No. 111) relativo a la discriminación en materia de empleo y ocupación, Convención Internacional contra el Apartheid en los Deportes, Convención para la Prevención y la Sanción del Delito de Genocidio, Convención sobre la Imprescriptibilidad de los Crímenes de Guerra y de los Crímenes de Lesa Humanidad, Convención contra la tortura y otros tratos o penas crueles, inhumanos o degradantes, Convención suplementaria sobre la Abolición de la Esclavitud, la Trata de Esclavos y las Instituciones y Prácticas Análogas, Convenio para la Represión de la Trata de Personas y de la Explotación de la Prostitución Ajena, Convenio de la OIT (No. 29) relativo al trabajo forzoso, Convenio de la OIT (No. 105) relativo a la abolición del trabajo forzoso, Convención sobre el Derecho Internacional de Rectificación, Convenio de la OIT (No. 11) sobre el derecho de asociación y de coalición de los trabajadores agrícolas, Convenio de la OIT (No. 87) sobre la libertad sindical y la protección del derecho de sindicación, Convenio de la OIT (No. 98) relativo a la aplicación de los principios del derecho de sindicación y de

negociación colectiva, Convenio de la OIT (No. 122) relativo a la política de empleo, Convenio de la OIT (No. 135) relativo a la protección y facilidades que deben otorgarse a los representantes de los trabajadores, Convenio de la OIT (No. 141) sobre las organizaciones de trabajadores rurales y su función en el desarrollo económico y social, Convenio de la OIT (No. 151) relativo a la protección del derecho de sindicación y los procedimientos para determinar las condiciones de empleo en el Servicio Público, Convención sobre los Derechos Políticos de la Mujer, Convención sobre la Nacionalidad de la Mujer Casada, Convención sobre el Consentimiento para el Matrimonio, la Edad Mínima para Contraer Matrimonio y el Registro de los Matrimonios, Convención para la eliminación de todas las formas de discriminación contra la mujer, Convención sobre los Derechos del Niño, Protocolo Facultativo a la Convención sobre los Derechos del Niño relativo a la venta de niños, la pornografía y la prostitución infantiles, Protocolo Facultativo a la Convención sobre los Derechos del Niño relativo a la Participación de los Niños en los Conflictos Armados, Convenio de la OIT (No. 138) relativo a la edad mínima de admisión al empleo, Convenio de Ginebra para aliviar la suerte que corren los heridos y los enfermos de las fuerzas armadas en campaña, Convenio de Ginebra para aliviar la suerte que corren los heridos, los enfermos y los náufragos de las fuerzas armadas en el mar, Convenio de Ginebra relativo al tratamiento a los prisioneros de guerra, Convenio de Ginebra relativo a la protección debida de las personas civiles en tiempo de guerra, Protocolo Adicional a los Convenios de Ginebra del 12 de agosto de 1949 relativo a la protección de las víctimas en conflictos armados internacionales, Convención para la Protección de todas las Personas contra las Desapariciones Forzadas, Convención sobre los Derechos de las Personas con Discapacidad, Segundo Protocolo Adicional a los Convenios de Ginebra del 12 de agosto de 1949 relativo a la protección de las víctimas en conflictos armados sin carácter internacional, Protocolo de la UNESCO instituyendo una Comisión de buenos oficios y conciliación que será responsable de buscar el arreglo de cualquier disputa que puede aflorar entre los Estados Partes de la Convención contra la Discriminación en la Educación, Convención Internacional para la represión de los atentados terroristas cometidos con bombas, Convención Internacional para la represión de la financiación del terrorismo, Protocolo para modificar la Convención sobre la Esclavitud, Convención para la protección de las expresiones de diversidad cultural.

<sup>117</sup> Estos son los Pactos de Derechos Humanos; el Protocolo para prevenir, reprimir y sancionar la trata de personas, especialmente mujeres y niños, que complementa la Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional; el Protocolo contra el tráfico ilícito de migrantes por tierra, mar y aire que complementa la Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional; Protocolo sobre el Estatuto de Refugiados; Convenio 182 de la OIT sobre las peores formas de trabajo infantil y la acción inmediata para su eliminación; Convenio Iberoamericano de Seguridad Social.

<sup>118</sup> Cuba preserva su capacidad soberana de invitar, según considere oportuno, a cualquier titular. Se tendrá presente tanto la capacidad de asegurar el cumplimiento exitoso de los programas que requieren las visitas, como el impacto y contribución que las mismas puedan realizar al país y a la promoción de los derechos humanos en otras partes del mundo.

<sup>119</sup> Recomendación 35.

<sup>120</sup> Cuba continúa presentando diversas resoluciones en el Consejo de Derechos Humanos y en la Tercera Comisión de la AGNU, tales como: “El derecho a la alimentación”, “Composición del personal de la Alta Comisionada para los Derechos Humanos”, “El Foro social”, “Promoción del disfrute de los derechos culturales de todos y respeto de la diversidad cultural”, “Los Derechos Humanos y la solidaridad internacional”, “El uso de mercenarios como medio de violación de los derechos humanos y obstaculizar el ejercicio del derecho de los pueblos a la libre determinación”, “La promoción del derecho de los pueblos a la paz”, “Consecuencias de la deuda externa y de las obligaciones financieras internacionales conexas de los Estados para el pleno goce de todos los derechos humanos, sobre todo los derechos económicos, sociales y culturales”, “La promoción de un orden internacional democrático y equitativo”, “Fortalecimiento de las actividades de Naciones Unidas en el campo de los derechos humanos, a través de la promoción de la cooperación internacional y la importancia de la no selectividad, objetividad e imparcialidad”.

<sup>121</sup> Recomendación 12. Cuba continuará presentando en la Asamblea General de las Naciones Unidas el proyecto de resolución titulado “Necesidad de poner fin al bloqueo económico, comercial y financiero impuesto por los Estados Unidos de América contra Cuba”. Esa resolución es respaldada cada año por la abrumadora mayoría de la comunidad internacional.

- <sup>122</sup> Esta guerra económica ha durado más de cinco décadas. Hasta diciembre de 2011, el daño económico directo causado al pueblo cubano por la aplicación del bloqueo superaba los 108 mil millones (108,000,000,000) de dólares de los Estados Unidos, a precios corrientes, en un cálculo sumamente conservador. Si se toma en consideración la depreciación del dólar frente al valor del oro en el mercado financiero internacional, la afectación a la economía cubana asciende a un billón 66 mil millones (1,066,000,000,000) de dólares de los Estados Unidos.
- <sup>123</sup> Las invasiones mercenarias; agresiones biológicas, radiales y televisivas; aliento externo a la emigración ilegal y violenta; planes de asesinato a sus principales dirigentes; amenazas de invasión, incluida en 1962; así como sabotajes y actos terroristas que han causado numerosas víctimas y cuantiosos daños a objetivos económicos y sociales del país. Como resultado de 681 acciones terroristas y una invasión mercenaria contra el pueblo cubano, todas probadas y documentadas, se ha producido la pérdida irreparable de la vida de 3478 mujeres, hombres y niños, mientras otros 2 099 cubanos han quedado físicamente discapacitados por el resto de sus vidas.
- <sup>124</sup> Para los años fiscales 2010 y 2011, la administración del Presidente Obama destinó 40 millones de dólares (20 millones en cada año fiscal), a través de la USAID y el Departamento de Estado, a operaciones públicas dirigidas a imponer un “cambio de régimen” en Cuba. Mucho más dinero ha sido canalizado para acciones encubiertas de sus servicios de inteligencia.
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