

Universal Periodic Review
(16th session, spring 2013, from 22 April – 3 May 2013)
Contribution of UNESCO

(The countries to be reviewed are, in this order: Turkmenistan, Burkina Faso, Cape Verde, Colombia, Uzbekistan, Tuvalu, Germany, Djibouti, Canada, Bangladesh, Russian Federation, Azerbaijan, Cameroon, and Cuba. Each submission should refer to one country only)

Cuba

I. BACROUND AND FRAMEWORK

1. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Ratified 02/11/1962	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratified 24/03/1981			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratified 29/05/2007			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratified 29/05/2007			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

1. Right to education¹

Normative Framework:

2. Constitutional framework: Cuba is a socialist republic whose educational system is run by the State. The State guides, develops and promotes education, culture and sciences of all sorts.² Its objectives and fundamental principles have been adopted (after a referendum) in the Constitution of the Republic of Cuba of February 1976³ (amended in 2002⁴), which enshrines the right to education.

3. Under Chapter VII on Fundamental Rights, Duties and Guarantees, Article 51 states that: “Everyone has the right to education. This right is guaranteed by the free and widespread system of schools, semi-boarding and boarding schools and scholarships of all kinds and at all levels of education and because of the fact that all educational material is provided free of charge, which gives all children and young people, regardless of their family's economic position, the opportunity to study in keeping with their ability, social demands and the needs of socioeconomic development. Adults are also guaranteed this right; education for them is free of charge and with the specific facilities regulated by law, by means of the adult education program, technical and vocational education, training courses in state agencies and enterprises and the advanced courses for workers”.

4. Article 52 indicates that: “Everyone has the right to physical education, sports and recreation. Enjoyment of this right is assured by including the teaching and practice of physical education and sports in the curriculum of the national educational system; and by the broad nature of the instruction and means placed at the service of the people, which makes possible the practice of sports and recreation on a mass basis”.

5. Under Chapter 1 on Political, Social and Economic Principles of the State, Article 9 stipulates that “the State [...] assures the educational, scientific, technical and cultural progress of the country and “guarantees [...] that no child will be left without schooling, food and clothing, that no young person will be left without the opportunity to study and that no one will be left without access to studies, culture and sports;”

6. Under Chapter 5 on Education and Culture, Article 39 stipulates that “The state orients, foments and promotes education, culture and science in all their manifestations. Its educational and cultural policy is based on the following principles: a) the state bases its educational and cultural policy on the progress made in science and technology, the ideology of Marx and Martí, as well as universal and Cuban progressive pedagogical tradition; b) education is a function of the state and is free of charge. It is based on the conclusions and contributions made by science and on the close relationship between study and life, work and production.

¹ Sources:

²International Bureau of Education (IBE), Profile of Education, Cuba, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Cuba.pdf

³ http://www.cubadebate.cu/wp-content/uploads/2009/06/go_x_03_2003.pdf (Accessed 09/08/12)

⁴<http://www.cubanet.org/ref/dis/10290201.htm>
http://www.cubaverdad.net/2002_constitutional_amendment.htm

7. The state maintains a broad scholarship system for students and provides the workers with multiple opportunities to study to be able to attain the highest possible amount of knowledge and skills.

8. The law establishes the integration and structure of the national system of education and the extent of compulsory education and defines the minimum level of general education that every citizen should acquire; c) the state promotes the patriotic and communist education of the new generations and the training of children, young people and adults for social life. In order to make this principle a reality, general education and specialized scientific, technical or artistic education are combined with work, development research, physical education, sports, participation in political and social activities and military training;[...] in order to raise the level of culture of the people, the state foments and develops artistic education, the vocation for creation and the cultivation and appreciation of art;[...]j) the state promotes the participation of the citizens, through the country's social and mass organizations, in the development of its educational and cultural policy.

9. Article 40 states "It is the duty of [...] the schools, [...] to pay special attention to the integral development of children and young people."

10. According to Article 43, under Chapter VI on Equality, "The state consecrates the right achieved by the Revolution that all citizens, regardless of race, skin color, sex, religious belief, national origin and any situation that may be harmful to human dignity: (...) have a right to education at all national educational institutions, ranging from elementary schools to the universities, which are the same for all;"

11. Legislative framework: The major laws on education are:

12. The "Ley sobre la Primera Reforma Integral de la Enseñanza" (First Integral Reform Law on Education), adopted on 26 December 1959, which establishes a new organization and sets the fundamental objectives in accordance with the revolutionary interests.

13. The "Ley de Nacionalización general y gratuita de la enseñanza"⁵ (Law on the Nationalization of General and Free Education), adopted on 6 June 1961, establishes public and free education (Article 1). The law stipulates that the State is in charge of the education function, and has the duty to implement this right, that all the Cubans should have, without discriminations or privileges.

14. The Ministerial Resolution n° 403 of 22 July 1989 sets out the education system for all the compulsory schooling (general, polytechnic and professional). The evaluation system of pupils through all the compulsory schooling is governed by Resolution n°216 of 7 June 1989.

15. Law n° 1306 of the 31 July 1976 creates the Ministry of Higher Education. Law n° 1307 has been published the same day. It defines the organization of the structure of higher education, and the types of institutions available.

16. The Law Decree n° 67 of 19 April 1983 reasserts that the Ministry of Higher Education is the organ in charge of the direction, the execution and the monitoring of the

⁵ http://www.oei.es/quipu/cuba/Ley_educ.pdf (Accessed 2/0000005/11)

application of the State's and Government policy implementation as regards higher education. Law Decree n° 147 of 21 April 1994 gradually replaced the Law Decree of April 1983.

17. With regard to adult education, a new programme has been operating since October 2001 called "Curso de Superación Integral para Jóvenes" with an aim to respond to the need for job creation for young people between 17 to 29 years old. The concept is studies as a job. It is regulated by the Ministerial Resolutions No. 134 of 2001 and No. 209 of 2004.⁶

18. Moreover, below are the principal Ministerial Resolutions and Regulations that govern primary education in Cuba⁷:

- i) Ministerial Resolution No. 120 of 2008 regulates the inspection system;
- ii) Ministerial Resolution No. 119 of 2008 regulates the methodological work of the Ministry of Education;
- iii) Ministerial Resolution No. 118 of 2008 on the prioritized objectives of the Ministry of Education;
- iv) Ministerial Resolution No. 116 of 2008 on the school calendar;
- v) Circular Letter No. 7 of 2007 on guidelines for Directors;
- vi) Ministerial Resolution No. 65 of 2006 on the Boards of Directors;
- vii) Ministerial Resolution No. 170 of 2000 on vocational training;
- viii) Ministerial Resolution No. 112 of 2000 on patriotic work;
- ix) Law Decree No. 196 of 1999 on the framework policy;
- x) Ministerial Resolution No. 90 of 1998 on the guidelines for the strengthening values;
- xi) School Regulation Ministerial Resolution No. 88 of 1998 on rights and duties;
- xii) The 1991 National Program of Action;
- xiii) Ministerial Resolution No. 292 of 1990 on the Evaluation System of Primary Education;
- xiv) The 1989 International Convention on the Rights of the Child;
- xv) Ministerial Resolution No. 216 of 1989 on the Academic Evaluation System;
- xvi) Law Decree No. 64 of 1982;
- xvii) Code on Children and Youth of 1978;
- xviii) Family Code, Law No. 1289 of 1975;
- xix) Promotion and Health Education Program in the National System of Education;
- xx) Health Promoting Schools Methodology.

Policy measures:

19. With the transition from the 20th to the 21st century, Cuba went further to develop education. The State made significant changes at all levels of education through a political framework called "fight of ideas" with a final goal to continually increase the quality of education. This process of innovation covers the basic principles of education, the form of the pedagogical work, the different interpretation of the curriculum and the strategies for citizenship education and teaching.⁸

⁶ National Report on the Development of Education in Cuba, 2008, p. 23, http://www.ibe.unesco.org/National_Reports/ICE_2008/cuba_NR08_sp.pdf

⁷ http://www.cubaeduca.cu/index.php?option=com_content&view=article&id=5165&Itemid=3

⁸ National Report on the Development of Education in Cuba, op. cit., p. 1.

20. Reaching this goal is a collective effort of the society, based on continuous cooperation between the ministries of education and the other administrative bodies (at state and territory level), as well as with civil society (students' organizations, social organizations).⁹

21. Among programs adopted within the framework of "fight of ideas" are:

- a) audiovisual programs: creation of TV educational programs;
- b) teacher training;
- c) reduction of student numbers at school;
- d) programs to extend library resources;
- e) social worker teaching;
- f) physical education programs;
- g) programs to repair, extend and build new schools¹⁰.

22. Education in Cuba is based on principles which include:

- a) Good knowledge of the student by the educational community;
- b) Recognition of the diversity and the special attention given to each student;
- c) Use of various resources and forms to receive knowledge and a better use of technologies for information and communication;
- d) Educational attention of one teacher for a small number of students (20 at primary level and 15 at secondary level);
- e) Systematic and continuous evaluation at secondary level to reduce or eliminate final exams;
- f) School days in double session (morning and afternoon) which provides spaces for improved special attention to each student;
- g) Strengthening of the professional and scientific preparation of educational staff¹¹.

23. Cuba is often shown as a good example in Education. For instance, in the EFA Global Monitoring Report 2011, it is stated that "Over half of grade 3 students in Cuba performed at level 4 more than three times the share in Argentina or Chile, for example. Cuba registered by far the highest proportion of students scoring at the highest benchmark and by far the smallest proportion scoring at level 1 or below."¹² Moreover, in the Latin American Laboratory for the Evaluation of Educational Quality LLECE study, Cuba had the highest level of student achievement and the smallest variation in parents' educational attainment. Detailed analyses of the LLECE data revealed several factors in Cuba's success, including universal day care, more prevalence of home educational activities, smaller class sizes, higher levels of school and classroom material resources, better-trained teachers, greater parental involvement in school, a strong classroom disciplinary climate and relatively few multi-grade or ability-grouped classes¹³.

⁹ National Report on the Development of Education in Cuba, op. cit., p. 2.

¹⁰ National Report on the Development of Education in Cuba, op. cit., p. 36.

¹¹ National Report on the Development of Education in Cuba, op. cit., p. 9.

¹² EFA Global Monitoring Report 2011, p. 85, <http://unesdoc.unesco.org/images/0019/001907/190743e.pdf>

¹³ Ibid, p. 125

24. Compulsory, universal and free Education: Primary education is compulsory and universal between 6 and 11 years old.¹⁴

25. Financing of Education: The political will of the Cuban government to develop an education of quality for all without exclusion is proved by the fact that the budget for education has been multiplied by more than third since 2000 and is still increasing. In 2007, it was 12% of GNP.¹⁵

26. Private schools: Since the 1961 Law (Ley de Nacionalización general y gratuita de la enseñanza), education is only public; there is no private education in Cuba. This is also a constitutional mandate (Article 39).¹⁶

27. Vocational Education: The Government of Raúl Castro wants to promote vocational education so that more students go through those studies. The Government wants to reduce by 40% the places number in universities in so far as there are too many academic students and not enough skilled workers or technicians in Cuba.¹⁷

e) Early Childhood Policy

28. Since the 90s, a program has been developed called “Educa a tu Hijo” (Educate your child) which includes family and other members of the community in preschool education. This program had positive results, as before its implementation only 30% of the children of this age went to school and they are now 98%.¹⁸

29. Teachers training: Teachers are trained at a higher education level through a pedagogical university network with the essential goal to continually increase the quality of education. This training aims to provide a positive and creative attitude with regard to their work, which has to be linked with life and to prepare students to respond to requests for development beyond school.¹⁹ At the moment, contents for teacher training are revised based on a better comprehension of diversity at school to correspond to the new demands for quality education for all, with equal opportunities and full social justice.²⁰

30. Inclusive Education: In Cuba, no group is excluded from education. There are schools in the most remote areas, even for just one isolated or hospitalized student. When students

¹⁴ National Report on the Development of Education in Cuba, op. cit., p. 3.

¹⁵ National Report on the Development of Education in Cuba, op. cit., p. 33. According to the 2010 EFA Global Monitoring Report, it was 13,6% of the GNP.

¹⁶ IBE, op. cit.

¹⁷ Actu Latino, *Cuba manifieste sa volonté de reformer son système éducatif*, 27 March 2011, <http://www.actulativo.com/2011/03/27/cuba-manifeste-sa-volonte-de-reformer-son-systeme-educatif/>

¹⁸ National Report on the Development of Education in Cuba, op. cit., p. 38.

¹⁹ National Report on the Development of Education in Cuba, op. cit., p. 8.

²⁰ National Report on the Development of Education in Cuba, op. cit., p. 40.

cannot go to school by themselves, there are some mobile teachers. For those who dropped out of school before completing nine years of basic education, various options exist to encourage them to continue their studies.²¹

31. The 10th Summit of the Bolivarian Alliance for the Americas (ALBA²²) concluded on 25 June 2010 in Ecuador with new goals of social justice, aimed at the increasing inclusion of indigenous peoples and Afro-descendants. At the city of Otavalo, Presidents Rafael Correa, from Ecuador; Hugo Chavez, from Venezuela; and Evo Morales, from Bolivia, and Cuban vice-president Esteban Lazo, signed a final document, Declaration of Otavalo²³, which defends the construction of inclusive, culturally diverse and environmentally responsible societies. Paragraph 9 states: « We are committed to strengthening public policies that provide access to health, education, employment and housing on a priority basis in favour of those most severely excluded, and to promote policies in direct benefit of Indian and Afro-descendent People.”

32. Teaching Methods and Curriculum: The Cuban form of competition, ‘emulation’, is conceived of as self-improvement through solidarity and collaboration among peers. Emulation occurs among pupils, among teachers and among schools. For each group, incentives reward excellence, and mechanisms are in place to make sure others benefit from the experience. An example is the “colectivo pedagógico”, (pedagogical collectives), a group of subject teachers meeting frequently for mutual learning and joint development of curricula, methods and materials. The result is an education system that stakeholders are encouraged to improve. Extra-curricular contributions, such as to school maintenance, are common, and the system is characterized by a high level of discipline and classroom order. Cuba’s educational feats are impressive: it reduced illiteracy from 40% to near zero in ten years (Ritzen, 1999), and in the recent OREALC/UNESCO study the average performance of the bottom quartile of its tested students was higher than the average of the top quartile for any other country in the survey²⁴.

33. Cuba’s national curriculum continually undergoes reform and adaptation to respond to local realities. Teachers and students take an active role and support the school in producing learning materials. Teachers exchange experience on teaching methods and materials in colectivos pedagógicos, which are organized by subject; each collective is supported by an expert in methodology. Every teacher is expected to carry out applied research, and the best results are shared at municipal education conferences. Specialized institutes guide the research. Strong links with the community are assured through home visits by teachers, homework sessions by students (three times per week) and mass gatherings and other

²¹ National Report on the Development of Education in Cuba, op. cit., p. 35.

²² Nine States are members of ALBA: Bolivarian Republic of Venezuela, Cuba, Bolivia, Nicaragua y Dominica, Honduras, Ecuador, San Vincent and the Grenadines and Antigua and Barbuda, <http://www.alianzabolivariana.org/> (accessed 01/03/2011)

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<http://indigenouspeoplesissues.com/attachments/article/5732/Declaracion%20de%20Otavalo%20-%20Ingles.pdf> (accessed 01/03/2011)

²⁴ 2010 EFA Global Monitoring Report, p. 51.

participatory activities. Both pre- and in-service training (lasting five and six years, respectively) are school-based, assuring links between schools and training institutions²⁵.

34. Cooperation for Literacy: Through its literacy program “Yo si puedo”, (Yes I can) implemented by Cuban teachers in 28 Countries, 3,605,955 persons were literate as of December 2007.²⁶ According to the Ministry of Social Development in Panama, this cooperation contributed to a reduction in illiteracy rates in the country, benefiting 60 thousand people²⁷ from low socio-economic backgrounds, particularly in rural areas. This program is used in many other countries of Latin America, such as Venezuela, Nicaragua and Ecuador and also in Europe. Spain is the first country in Europe which decided to implement this program in Seville and thanks to it there are 500 less illiterates so far.²⁸ It is also worth mentioning that in 2005 UNESCO declared Venezuela free from illiteracy thanks to the Cuban help in Educational programs and policies.²⁹

j) Quality of Education

35. The Ministry of Education has a booklet to evaluate the educational process and the quality of education. Several criteria are enumerated in order to guarantee the best learning environment for the children.³⁰

Cooperation:

36. Cuba is party to UNESCO’s Convention against Discrimination in Education since 2 November 1962 but did not report to UNESCO for the Seventh Consultation on the measures taken for its implementation (covering the period 2000-2005).

37. Cuba is not party to UNESCO’s 1989 Convention on Technical and Vocational Education.

38. Cuba did not report within the framework of the fourth consultation of Member States the measures taken for the implementation of the 1974 UNESCO’s Recommendation

²⁵ Ibid, p.179

²⁶ National Report on the Development of Education in Cuba, op. cit., p. 6.

²⁷ Destacan en Panamá eficacia de método cubano de alfabetización, Correo del Orinoco, accessed: 31/07/2012, <http://www.correodelorinoco.gob.ve/multipolaridad/destacan-panama-eficacia-metodo-cubano-alfabetizacion/>

²⁸ Agencia Cubana de Noticias

<http://www.ain.cubaweb.cu/2010/junio/25edalfabetizacion.htm>

²⁹ Prensa Latina, Agencia Informativa Latinoamérica

http://www.prensa-latina.cu/index.php?option=com_content&task=view&id=202767&Itemid=1

³⁰ Criterios Para Evaluar El Proceso Educativo

<http://mediateca.rimed.cu/media/document/1027.pdf>

concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008).

Right to take part in cultural life

Achievements, challenges, best practices and constraints related to the implementation of the right to take part in cultural life

39. Normative Framework: constitutional and legislative frameworks: The Cuban Constitution provides that artistic and creative production is free, unless it is against the principles of the Cuban Revolution, and that the State has the obligation to ensure the country's cultural development, ensure access to culture by all, protect and manage cultural heritage (articles 7, 39 of the Constitution), protect the Cuban cultural identity and to promote civil participation in the development and implementation of its cultural policies. The cultural sector has its own norms and policies, in particular related to museums, the arts, and heritage.

40. Institutional framework: The Council of Ministers is in charge of implementing the country's cultural measures adopted by the People's General Assembly. The Ministry of Culture, its specialized institutions and other autonomous entities coordinate the overall implementation of cultural policies. At local level the Assemblies of the People's Power represent the state, monitor the implementation of adopted policies and promote the participation of all in cultural life, supported by the People's Councils and the Houses of Culture network. In historic towns, the protection and management of cultural heritage is led by the Offices of the Historian. The Ministry of Culture itself, or through its specialized autonomous institutions, is in charge of ensuring the implementation of UNESCO's conventions in the field of culture. The Ministry's Department of International Cultural Cooperation is in charge of facilitating the implementation of joint projects and of promoting new international contacts.

41. Policy measures: The Ministry of Culture, and, in particular, its National Heritage Council, have created specialized working teams with representatives from different ministries and institutions to promote the implementation of the heritage conventions. In their work they are supported by the National Commission for UNESCO, which is part of the Ministry of Foreign Affairs. The Ministry and its institutions work closely with UNESCO. The country's cultural agenda is well fed, and many activities include cooperation with other countries, especially Latin American and Caribbean countries.

42. Work with civil society: Civil society is officially recognized as a key player in Cuba's cultural life. Many associations exist, including international associations (e.g. the Cuban Caribbean Association) and they have an active life at local level through their work with the Houses of Culture and the People's Councils. Cultural life is much institutionalized, and artists are often only recognized as such when they belong to one of the cultural institutions. The often academic approach to culture gives prominence to cultural manifestations of high quality, according to pre-determined patterns.

Freedom of opinion and expression

Achievements, best practices, challenges and constraints

43. Legislative framework: The Cuban Constitution³¹ allows for freedom of speech and the press under Article 53 with the qualification that this should be “*in keeping with the objectives of socialist society.*” It goes on to state “*that the press, radio, television, cinema, and other mass media are state or social property and can never be private property*”.
44. Defamation remains criminalized under Article 204 and Article 318 of Cuba’s Penal Code³² which carries a prison term of up to one year. Furthermore, under Article 210 of the Penal Code, those who “produce or circulate publications without indicating the origin or in non-compliance with the rules related to publication shall face imprisonment for up to one year”.
45. There is yet to be a freedom of information law in the country.
46. Media self-regulation: Media self-regulatory mechanisms yet to be established in Cuba.
47. Safety of journalists: UNESCO recorded no killing of journalists and media workers in Cuba between 2008 and 2011. However, there continue to be reported intimidations, arrests, and imprisonments of journalists and media workers in the country.

4. The right to enjoy the benefits of scientific progress and its applications (REBSP)

Co-operation, Achievements, best practices, challenges and constraints:

48. Cuba submitted to UNESCO its national report on the application of the 1974 Recommendation on the Status of Scientific Researchers and took an active part in the consultations concerning the question of a possible revision of the 1974 to be discussed.
49. As indicated in the national submission of Cuba, the Cuban national law incorporates most principles of the 1974 Recommendation.

III. RECOMMENDATIONS

Right to education

50. UNESCO has recently launched the 8th Consultation on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education (covering the period 2006-2011), the results of this Consultation will be submitted to UNESCO’s governing bodies at the end of 2013. Cuba has not yet reported to UNESCO on the Convention and is now strongly encouraged to submit a report.

³¹ http://www.cubanet.org/ref/dis/const_92_e.htm

³² <http://ruleoflawandcuba.fsu.edu/law-penal-code.cfm>

51. Cuba could be encouraged to adopt further measures (e.g. special laws) which aim to improve the quality of education, combat discrimination in education, protect minority groups, combat illiteracy, and promote gender equality.

Right to take part in cultural life

52. Cuba is undergoing an adaptation of its economic model, which focuses on decentralization, on the reduction of costs, and on the development of new productive sectors. Culture has a major role to play in this considering the country's comparative advantages thanks to decades of investment in the cultural sector. However, the capacities at local level to develop and implement cultural activities autonomously are limited. As such, Cuba should concentrate on strengthening capacities to develop an ever stronger cultural sector, in conformity with the legislations concerning the adaptation of the country's economic model. Initiatives by the youth should also be supported. Special attention should also be paid to local needs, to the economic potential of the country's cultural sector and to the cultural approach to prevent conflict, in particular violence against women, with UNESCO's support.

Freedom of opinion and expression

53. The Government is encouraged to decriminalize the defamation law and subsequently incorporate it into the civil code in accordance with international standards.

54. The Government is encouraged to begin the process to introduce a freedom of information law to enable public information to be accessed easily and freely by the public in accordance with international standards.

55. The Government is encouraged to allow for self-regulation of the media.

56. The Government is encouraged to allow journalists and media workers to practice the profession in a safe, free, independent, and pluralistic media environment as part of their fundamental human rights.