

## COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Cuba (Combined 5<sup>th</sup> and 6<sup>th</sup> periodic reports)

### Information submitted to the Committee

The delegation was led by Mr. S.E. Abelardo Mareno, the Vice Minister of Foreign Affairs and included Ms. Yolanda Ferrer Gomez, the Secretary General of the Federacion de Mujeres Cubana and former CEDAW expert; the permanent representative to the United Nations; members of the State Council; and heads and representatives of various women's governmental organisations and commissions.<sup>1</sup>

Cuba submitted its combined fifth and sixth reports<sup>2</sup> under the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention), as well as written responses to the Committee on the Elimination of Discrimination against Women's (the Committee) list of issues and questions.<sup>3</sup> The State report is organised by the articles of the Convention, with each section detailing both actions of the State and statistics on the status of women pertaining to each article. There is little statistical information provided and no tables for comparisons over time in different sectors (of employment, for example), or in different geographical regions (such as comparing rural to urban women's situations). The report does note changes since the drafting of the last State report, but contains little information about the direct impact of measures taken. The State report notes that Cuba amended its constitution in 2001, following recommendations made by the Committee, which was particularly concerned with access to and the impartiality of the judicial system. The State report stresses that levels of women's participation in politics is comparable to those in more economically-developed countries. Numerous Government programs, including the program for migrant support, have recently adopted a gender perspective with the assistance of Organization of American States (OAS) and international Non-Governmental Organisations (NGOs). The report cited the economic blockade as the biggest obstacle to the progress of Cuban women, a situation which was also emphasised by the delegation during the dialogue with the Committee and acknowledged in the Committee's Concluding Comments. The National Action Plan, stemming from the World Conference of Women in April 1997, expresses the political will of the State towards women and gender equality. The State report also points out that recommendations from the Committee's previous Concluding Comments were published for Government bodies at the national and municipal level, showing the commitment of the Cuban Government to the full implementation the Convention. As requested by the Committee, in its response to the list of issues and questions, the Cuban Government provided the Committee with further information on the status of legislation, particularly in the Family Code and the Penal Code, affecting the full realisation of women's rights. However, the effectiveness and efficiency of the national machinery was not fully explicated by the State.

The sole NGO present, Federacion de Mujeres Cubana (FMC), generally lauded the efforts of the Cuban Government, stressing the need to assess the impact of various programs and continue work in the areas of political participation, media, family life, and education. Like the head of the delegation, the representative of the FMC referred to the 'genocidal' sanctions of the United States of America (USA) against Cuba as the primary obstacle to the full implementation of the Convention. Low Cuban NGO representation is not necessarily indicative of the situation of women's NGOs in Cuba. Difficulty in obtaining travel visas for the

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<sup>1</sup> For a full list of the delegates see: [http://www.un.org/womenwatch/daw/cedaw/cedaw36/delegation\\_cuba.pdf](http://www.un.org/womenwatch/daw/cedaw/cedaw36/delegation_cuba.pdf).

<sup>2</sup> Available at: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/CUB/5-6&Lang=E>.

<sup>3</sup> Available at: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/CUB/Q/6&Lang=E>.  
<http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/CUB/Q/6/Add.1&Lang=E>.

USA may have proved a determining factor, as according to Committee Expert Ms. Magalys Arocha who arrived late due to delays in obtaining a visa.

## **Themes and Issues<sup>4</sup>**

### ***Non-Governmental Organisations***

The Committee expressed concern about the relationship of the FMC to the Cuban State, both during the informal NGO meeting and the dialogue with the State party. As the sole NGO present from Cuba, the FMC was almost entirely complimentary of the Government. Committee Expert Ms. Fumiko Saiga recognised that situations where there is no clear separation between civil society and the State may be 'dangerous'. Without this distinction, it may be difficult or even impossible for civil society to hold its Government accountable to the citizenry, and safeguards against corruption may be limited. The Committee asked for clarification of the position of the FMC in the national machinery — its accountability and authority and whether or not it was in a position to either criticise or influence legislation or Governmental bodies. The head of the delegation claimed that FMC is a 'partner' or 'counterpart' to the Cuban Government, independent enough to criticise the State and answerable only to its membership, but able to work in conjunction with Governmental bodies on specific projects. The official press release from the meeting states, 'A non-governmental organization, the Federation of Cuban Women is the national agency responsible for the advancement of women and implementation of the Convention'.<sup>5</sup> In its dialogue with the State party, the Committee also suggested the creation of a Governmental budget for the FMC to make it a more effective partner of the Cuban State. In its Concluding Comments, the Committee states, 'The Committee further recommends that the State party expeditiously review, and if necessary, strengthen the links between the Federation of Cuban Women and government agencies to ensure gender mainstreaming in all government policy areas, as well as to ensure provision of adequate financial resources so that the Federation can fully implement its mandate.'<sup>6</sup>

### ***Patriarchy and Prejudicial Attitudes***

While Cuba is striving to achieve a 'knowledge society,' with a particular focus on the education of women, stereotypes concerning traditional gender roles encourage women to maintain full responsibility for household duties, even if they are employed outside the home. The Committee's previous Concluding Comments asked the Cuban Government to research and provide analysis on the situation of domestic violence.<sup>7</sup> The Committee was concerned that the delegation's report failed to address the real root causes of violence against women, particularly domestic violence, trafficking and prostitution: the prevalence of stereotypes and patriarchal attitudes. Numerous Committee Experts highlighted obstacles to the full implementation of the Convention in the areas of political participation, sharing of household duties, and gendered employment sectors to prejudicial attitudes.

Temporary special measures were suggested both in the Committee's 2000 Concluding Comments and during the current session to remedy the effects of stereotypes on women's political participation and in the employment sectors typically dominated by men.<sup>8</sup> The Committee urged the Cuban Government to focus more clearly and specifically on the effects of patriarchal attitudes on Cuban women, particularly in the educational system and in popular culture. The Committee raised the issues of trafficking and sex tourism within the context of masculine attitudes, though the delegation denied that either were significant problems in Cuba. The Cuban Government was urged to consider specific measures to combat negative public perceptions of

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<sup>4</sup> For a full account see <http://www.un.org/News/Press/docs/2006/wom1570.doc.htm>.

<sup>5</sup> See <http://www.un.org/News/Press/docs/2006/wom1570.doc.htm>.

<sup>6</sup> See paragraph 16: <http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/cuba/0647852E.pdf>.

<sup>7</sup> See <http://www.un.org/womenwatch/daw/cedaw/cedaw23/Cuba%20as%20adopted.html>.

<sup>8</sup> See <http://www1.umn.edu/humanrts/cedaw/cuba2000.html>.

women's status in Cuban society, such as greater support of media watchdog groups, editing textbooks, and gender sensitive educator training.

### **Abortion**

Expert Ms. Dubravka Simonovic was particularly concerned with what she called Cuba's 'culture of abortion.' As specified in the *Beijing Platform for Action*, abortion is not to be used as a family planning method. Rates of abortion in Cuba are cited as being particularly high, a fact already noted in the Committee's 2000 Concluding Comments. The delegation stressed the Government's commitment to providing safe, regulated abortion, as well as to increasing public awareness of and reliance upon contraceptive measures so that women would no longer view abortion as a method to determine the frequency and number of children, as provided by Article 16 of the Convention. According to the delegation, the rate of abortion decreased from 23 per 1000 women in 2000 to 19 per 1000 women in 2005. The Committee also requested the Cuban Government to provide more detailed information in the next report on the abortion rate and family planning methods.

### **Age of Marriage**

Although the legal age of marriage is 18 for both women and men in Cuba, 'special circumstances' permit marriage at the age of 14 for females and 16 for males. The Committee objected to this exemption from the law and cited Cuba's commitment to the implementation of the *Convention of the Rights of the Child*, highlighting Article 1, which establishes the age of majority at 18 years. The Committee urged the Cuban Government to fix the age of marriage firmly at 18 years.

### **Rural Women**

As in the Committee's 2000 Concluding Comments, the Cuban Government was criticised again for a lack of significant sex-disaggregated data on rural women, particularly those in poverty, and their access to health services, education, land, micro-credits, and technologies.<sup>9</sup> Committee Experts identified the lack of appropriate data as impeding their ability to gain a clear picture of the situation of rural women in Cuba. The Committee expressed concerns about access to healthcare, education, economic programs, and legal aid for Cuba's rural women.

### **Conclusions and Next Steps**

The Committee was both congratulatory and critical of the Cuban Government, with numerous commendations for the efforts and achievements of the Cuban State, as well as an insistence upon greater improvements and achievements for the next reporting period. The large delegation was extremely well-prepared and answered most questions easily and openly. Both the Committee and the delegation expressed satisfaction with the content and quality of their dialogue. Mr. Mareno assured the Committee that their Concluding Comments would be considered a matter of great importance by the Cuban Government and that all necessary steps would be taken to implement the Committee's recommendations. The Committee seemed pleased with the level of Cuba's commitment to fully implementing the Convention, as the delegation responded to each concern of the Committee with a present or future course of action. Largely due to the variety of representatives of the State party, the Cuban delegation was able to respond thoroughly to the queries of the Committee and the Committee rarely repeated questions for lack of sufficient answer, as occurred in sessions with other State parties. However, the Committee frequently pressed the delegation to elaborate on answers provided to the Committee's list of issues and questions.<sup>10</sup>

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<sup>9</sup> See <http://www1.umn.edu/humanrts/cedaw/cuba2000.html>.

<http://www.un.org/womenwatch/daw/cedaw/cedaw23/Cuba%20as%20adopted.html>.

<sup>10</sup> See <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/CUB/Q/6&Lang=E>.  
<http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/CUB/Q/6/Add.1&Lang=E>.

The head of the delegation announced that since the publication of the State report, new data from the Census Bureau had been compiled, detailing further achievements and deficiencies of the current programs of action. The delegation stated that this new data would be used in coordination with the recommendations of the Committee. The head of the delegation was pleased to announce Cuba's achievement of all of its health goals for the year 2000 and that women make up 56% of doctors in the country. The delegation also provided the Committee with information concerning recent changes to the Penal Code that define kinship as an aggravating factor in cases of violence against women. There is also a 'National working group' to research causes of domestic violence and conduct awareness-raising campaigns.

The obstacles presented by the USA-led trade embargo on Cuba are also noted in the Concluding Observations of the Committee against Torture (CAT) and the Committee on the Rights of the Child (CRC).<sup>11</sup>

The Committee's Concluding Comments ask the Cuban Government to consider ratifying other human rights treaties, including: the *International Covenant on Civil and Political Rights* (CCPR) and the *International Covenant on Economic, Social and Cultural Rights* (CESCR), and the *Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*.<sup>12</sup> As the first to sign and the second to ratify the CEDAW, Experts seemed puzzled as to why Cuba had not ratified the Optional Protocol to the Convention, which it signed in 2000. The Cuban delegation assured the Committee that the matter was under review and Mr. Mareno claimed that ratification was expected to occur soon. Cuba still maintains its reservation to Article 29 paragraph 1 of the Convention.

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<sup>11</sup> See [http://www.bayefsky.com/pdf/cuba\\_t4\\_cat.pdf](http://www.bayefsky.com/pdf/cuba_t4_cat.pdf),  
[http://www.bayefsky.com/pdf/cuba\\_t4\\_crc.pdf](http://www.bayefsky.com/pdf/cuba_t4_crc.pdf).

<sup>12</sup> See [http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/CUBA\\_Advance%20unedited%20version.pdf](http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/CUBA_Advance%20unedited%20version.pdf).