

CUBA

CERD 29TH NO. 18 (A/9618) (1974)

97. The initial report of Cuba contained information on constitutional principles and provisions of the Fundamental Law which bore a direct relation to most of the provisions of part I of the Convention, particularly those contained in articles 5, 6 and 7, as well as information on some administrative measures adopted by the Government of the reporting State. The Committee welcomed the information on Cuba's attitude to racial discrimination as manifested in its foreign policy, and noted with appreciation that the report under consideration was one of the few initial reports organized in accordance with the Committee's guidelines.

98. Some doubt was expressed about the application of some of the provisions of article 5 of the Convention; it was questionable whether the Labor Force Control System was compatible with the right to free choice of employment, for example. It was not clear whether article 4 of the Convention was fully applied. Nor was information provided on the specific provisions in the Penal Code which gave effect to the anti-discrimination provisions of the Constitution and the Convention. More information was needed on administrative and judicial measures. General interest was expressed in receiving the text of the Declaration of Havana and information on the ethnic composition of the population.

CERD A/31/18 + Corr.1 (1976)

158. The Committee took note with appreciation of the comprehensive information contained in the second periodic report of Cuba (which was submitted in three successive documents), its voluminous annexes, and the introductory statement made by the representative of the Government of Cuba. It noted that the report contained constitutional and legislative texts, as well as a detailed analysis of the background of the situation in Cuba and of the principles of its Government's policies at both the internal and the international levels. The detailed information covered the implementation of all the relevant articles of the Convention; and it dealt not only with legislative measures, but also with administrative and other measures.

159. Some members observed with satisfaction that the Cuban Government was not merely taking measures to prohibit racial discrimination through legislation, but also creating the economic and social structures necessary for the elimination in practice of any form of racial discrimination. Other members, however, questioned the premise on which the approach of the Cuban Government was predicated; while recognizing that there was a relationship between racism and certain economic and social structures, they questioned both the assertion that racial discrimination was attributable solely to social and economic causes and the belief that a refashioning of the economic and social structure automatically brought about the elimination of racism.

160. The opinion was expressed by some members - but was disputed by others - that not all the requirements of article 4, paragraph (b), of the Convention had been satisfied by the relevant constitutional and legislative provisions cited in the report. In that connection, the text of article 227 of the Code of Social Defence was requested.

161. Divergent views were expressed about the implementation of article 6 of the Convention in the Cuban Constitution and legislation. Some members thought that articles 26, 62, 123 and 130 of the Constitution - which made provision for redress in the case of injustice caused by a State official and guaranteed the rights of petition and complaint - did not require the authorities to which a petition was addressed to reply, did not give the courts a power to indemnify persons whose rights had been violated, and did not specify whether a person whose complaint had been rejected by the Attorney-General could apply to another body in order to force the Attorney-General to act. Other members, however, observed that article 62 of the Constitution did require the authorities to reply to complaints and petitions within a "reasonable time"; that article 36 of the Fundamental Law of the Cuban Republic specified that that period shall not exceed 45 days; that the Code of Social Defence referred to other State institutions competent to participate in guaranteeing the rights of citizens in cases of manifestations of racial discrimination; and that the "redress proceedings" described in the report assured an injured party of effective redress in the courts.

162. Some members wondered whether it was not dangerous to assert that the State had a duty to prevent unjust verdicts or that the executive had the right to intervene in order to quash verdicts given by the judiciary; but other members expressed the opinion that the State, personified by the Attorney-General, had the duty of quashing any unfair or illegal decisions which might be handed down by the national tribunals.

163. The following questions were raised by members of the Committee: (a) Should not the right of asylum, granted by article 13 of the Constitution to “those who are persecuted because of the struggle for the democratic rights of the majorities”, be extended to those who were engaged in the struggle to defend the democratic rights of minorities? (b) Were the rights proclaimed in articles 40, 41, 42, 52 and 62 of the Cuban Constitution restricted to citizens of Cuba or were they guaranteed to all, non-citizens and citizens alike?

164. Some members expressed the wish that the next report of Cuba would contain more detailed information about the practical measures taken to guarantee the rights enumerated in article 5 of the Convention, about the implementation of article 7 of the Convention, and about the ethnic composition of the population.

165. The representative of the Government of Cuba commented on all the views and observations summarized in paragraphs 159-164: (a) The efforts of the Cuban Government to create an environment in which racial prejudice and racial discrimination could not arise were not confined to social and economic reform but extended also to education; “the Cuban educational system was thus choking off all sources of racial discrimination in the economic and social life of the country”. (b) Under articles 202 and 227, paragraph 3, of the Code of Social Defence, organizations engaging in the activities described in article 4, paragraph (b), of the Convention could be punished; and under articles 230 and 232 of that Code, the leaders and officials of such organizations could also be punished. (c) Regarding article 6 of the Convention: article 213 of the Code of Social Defence provided for protection and remedies in the national tribunals for any citizen who had suffered discrimination of any kind; the individual himself could take a case of discrimination to court, and the initiative did not have to be taken by the Attorney-General. Other legal remedies in cases of racial discrimination were also provided for in articles 54 *et seq.* of Law No. 1251 on Penal Proceedings, adopted in 1972. (d) It was possible for the executive or the legislative powers to reverse decisions taken by the national tribunals; but the Cuban judiciary was guaranteed full independence in its proceedings, except in the matter of pardon or amnesty. (e) Cuba had in fact granted asylum to certain persons involved in the struggle for minority rights - “for instance, members of a black racial minority in a particular country who had been struggling for the elimination of racial discrimination”. (f) It was possible that there was some technical or legal inconsistency in that the legislation concerned sometimes referred to the rights of “all” and on other occasions to those of “citizens”; the matter would be brought to the competent Cuban authorities and would be clarified in the next report. (g) The requests for further information relating to the implementation of the provisions of articles 5 and 7 of the Convention would be transmitted to the Cuban authorities. (h) Regarding information on the ethnic composition of the population: The Cuban Government has suspended the practice of referring in birth certificates to the race of a child, and no questions concerning racial origin were now asked during census-taking; accordingly, the Cuban Government no longer had any information concerning the ethnic composition of the population.

CERD A/32/18 (1977)

312. The third periodic report of Cuba was considered together with the introductory statement made before the Committee by the representative of the reporting State. Members of the Committee noted with satisfaction that the new report gave detailed and comprehensive information on legislative, administrative and other measures adopted since the submission of the second periodic report some 16 months earlier, as well as detailed information and texts relevant to the observations, inquiries and requests made by members of the Committee at its thirteenth session. Several members supported a proposal that, with the consent of the representative of the reporting State, the report under consideration should be reclassified as a document for general distribution.

313. A view, expressed at the thirteenth session of the Committee, was reiterated at the sixteenth session: the premise on which the Cuban reports were based - namely, that the only cause of racial discrimination was socio-economic exploitation and that freedom from such exploitation would lead to the disappearance of racial discrimination - did not take into account other elements, including psychological elements, which created prejudices even in conditions of complete equality. The psychological element could be eliminated only through education; and the reports of Cuba implicitly recognized that fact by describing the measures taken by the Cuban Government in the fields of education and public information.

314. Bearing in mind the provisions of article 2, paragraph 2, of the Convention, a member of the Committee asked if any measures had been taken to promote equality for the ethnic groups referred to in the report, particularly in the matter of education, language use, cultural activities in those groups' own languages, etc.

315. Several members of the Committee expressed the view that the information contained in the third periodic report of Cuba, together with the information given in earlier reports, showed that full effect had been given in that country to the mandatory requirements of article 4 of the Convention. With reference to paragraph (a) of that article, however, it was asked whether "the provision of any assistance to racist activities, including the financing thereof" had been declared "an offence punishable by law"; and it was observed that the texts of articles 219, 224, 227 and 232 of the Code of Social Protection, quoted in the report, did not refer to the offences expressly mentioned in article 4, paragraph (a), of the Convention. With regard to paragraph (b) of that article, it was noted that the provisions of the Associations Act cited in the report did not make it clear whether organizations and propaganda activities which promoted and incited racial discrimination were declared illegal in Cuba. It was observed also that the provisions of article 224 of the Code of Social Proceedings - which states that "persons attending meetings or demonstrations at which any offence described in this Code or in particular statutes is committed shall be punishable as stipulated for the offence in question" - were excessive in their scope; but it was noted, on the other hand, that the Committee could not object to that article as long as it did not give rise to the application of punishments of a discriminatory nature. It was recalled that, when the Committee was considering reports from other States parties, the view had been expressed that it was not enough to declare illegal and prohibit organizations whose proclaimed aim was the promotion and incitement of racial discrimination, inasmuch as the Convention required that all organizations which promoted and incited racial discrimination should be declared illegal and prohibited, and it was clear that that requirement

applied to all racist organizations regardless of whether or not they acknowledged the promotion and incitement of racial discrimination as their “aim”.

316. With regard to the provisions of article 5 of the Convention, reference was made to the rights mentioned in paragraphs (c) and (d) (viii) as well as to the principle of equality before the law and equality in the enjoyment of human rights mentioned in the preamble of that article. It was observed that the new Elections Act, in addition to ensuring complete equality both in voting and in the matter of being elected, gave expression to the highest democratic principles, since it regulated not only the election of members of the legislature but also the procedure for their removal and for the holding of referenda; on the other hand, it was noted that, under that Law, members of government organs were elected indirectly. It was observed also that the fact that freedom of speech and of the press could be exercised only in keeping with the objectives of socialist society raised the question of whether that restriction was fully consistent with the right of everyone to equality before the law. It was noted that the Migration Act and the Alien Status Act gave broad protection to foreigners residing in Cuba and accorded them equal treatment; but questions were raised - in connection with the statement that, for the purposes of those Acts, foreigners had been classified into visitors, diplomats, guests, temporary residents and permanent residents - as to whether the equal treatment of all those categories of foreigners, including diplomats, was not inconsistent with international agreements defining diplomatic privileges.

317. Several members of the Committee expressed the view that the information given in the successive reports of Cuba, including the report under consideration, showed that the requirements of article 6 of the Convention had been fulfilled. On the other hand, it was noted that the report under consideration did not reply to a question raised at the Committee's thirteenth session, as to what redress was offered to a person who considered that his rights under articles 40 and 41 of the Constitution had been violated. It was observed that the information in the report under consideration referred exclusively to questions of criminal procedure, whereas the implementation of article 6 of the Convention basically raised questions of a civil nature, which were not dealt with at all in the report. It was stated that, while an injured party was allowed a period not exceeding 10 days in which to take penal action, a corresponding time-limit was not specified for the investigation to be carried out by the authorities. It was stated also that, while clear provision was made for a procedure in which the victim of an act of racial discrimination by other private individuals could lay the information in hand before the police, the Public Attorney or the courts, it was not clear to whom a private individual should address himself in cases in which the alleged perpetrator was a government official. It was suggested that there was a discrepancy between the procedures provided for in article 122 of the Criminal Procedure Act and those described in article 123 of that same Act. And it was stated that the articles of the Criminal Procedures Act cited in the report indicated that injured parties could take penal action only for the offences of insult, calumny, false accusation and unlawful claim and that, if an official or agent of the State committed an illegal act of a discriminatory nature which did not fulfil those conditions, action could be taken only on the initiative of the Public Attorney; on the other hand, it was stated that article 276 of the Criminal Procedure Act expressly stated that if a private individual was prepared to continue prosecution, the court should proceed with the case as appropriate.

318. Many members of the Committee noted with satisfaction that the report under consideration contained detailed information on diverse measures taken in implementation of article 7 of the

Convention.

319. Many members of the Committee took note with satisfaction of the information on Cuba's active participation in the international struggle to eliminate racial discrimination.

320. The representative of Cuba commented on the observations and inquiries made by members of the Committee and summarized in the preceding paragraphs. She stated that the Revolutionary Government of the Republic of Cuba had established equality for all citizens and eliminated all forms of racial discrimination when it had established a new political and socio-economic structure. She stated also that the various ethnic and racial groups in Cuba had been completely integrated. She pointed out that the information in the report before the Committee supplemented - but did not repeat - the information given in earlier reports, which provided replies to some of the questions raised by members of the Committee at the current session, particularly with regard to articles 4 and 6 of the Convention. Article 52 of the Cuban constitution clearly stated that the mass media were public property used to serve the interest of the working class and of society. Article 227 of the Code of Social Protection defined as illicit any associations which encouraged racial hatred or discrimination, and the Associations Act provided sanctions against associations which infringed its stipulations, even if they had been established with lawful aims. All Cuban citizens participated directly and on an equal footing in electing their representatives; Cuba's socialist institutions also provided a means for direct and systematic participation by the people in decision-making. The privileges and immunities granted diplomats were defined in separate enactments based on reciprocity and international agreements. Articles 277 et seq. of the Criminal Procedure Act provided that action could be taken against offences either by the Public Attorney on the initiative of the State or, exceptionally, by the injured party, who was given 10 days in which to proceed. Articles 430 et seq. listed the offences in respect of which the injured party could initiate proceedings. Other remedies were established by article 129 of the Judicial System (Organization) Act and by Act 1323, governing the organization of central State administrations. The apparent discrepancy between the provisions of article 122 and those of article 123 of the Criminal Procedure Act was explained in the light of the provisions of article 116 of that Act, and those two articles were shown to be mutually complementary.

CERD A/34/18 (1979)

424. The fourth periodic report of Cuba (CERD/C/48/Add.4) was considered by the Committee together with the introductory statement made by the representative of the reporting State.

425. Some members of the Committee commended the Government of Cuba for its efforts to fulfil its obligations under article 9 of the Convention and for including in its report replies to questions raised in connection with the consideration of its third periodic report. Satisfaction was expressed by those members in particular with the legislative measures adopted since the submission of the previous report. In this connection, members of the Committee asked whether the Convention had automatically acquired the force of law in Cuba or whether specific legislation had been enacted in order to incorporate its provisions into domestic law.

426. With reference to the multiracial character of Cuban society, it was asked whether any special measures had been taken in accordance with article 1, paragraph 4, of the Convention to secure the adequate advancement of the black population of the country, and it was hoped that statistics on the ethnic breakdown of the population would be provided to the Committee in future reports.

427. With regard to the implementation of article 3 of the Convention, members of the Committee expressed satisfaction with Cuba's co-operation with the international community in efforts to combat apartheid and racial segregation. Particular satisfaction was expressed by some members with the provisions contained in the new Criminal Code to punish offences involving labour rights, racial discrimination and apartheid. Clarification was requested regarding the relationship between article 128 and article 349 of the Criminal Code, in so far as there seemed to be some overlapping between the two articles and the severity of the penalties prescribed in those articles for similar offences varied greatly.

428. Some members noted with satisfaction that the provisions of article 4 of the Convention were duly implemented by the relevant provisions of the 1976 Constitution of Cuba, the 1976 Associations Act and the new Criminal code and that article 4 of the Convention could be invoked automatically by all organs and tribunals of the State. Other members, however, were of the view that article 4 of the Convention could not be considered self-executing and imposed an obligation on the States parties to enact specific legislation for its implementation. Doubts were expressed as to the adequacy of the legal provisions relating to the implementation of article 4, paragraph (b). Furthermore, it was not clear how articles 239 and 240 of the Criminal Code operated against an organization or association having objectives contrary to the Constitution and the laws, and clarification was requested regarding the system of "units" for calculating fines imposed for offences covered by those articles. It would be useful for the Committee to receive in a future report the full text of articles 239 and 240 of the Criminal Code.

429. With regard to the implementation of article 5 of the Convention, it was stated that the legislative measures referred to in the report seemed to meet the requirements of the provisions of that article. Some members noted, however, that, with regard to political rights, there was no information in the report on the selection of candidates for elections and a question was asked whether the ruling party had a monopoly on the selection of candidates or whether individuals had

the right to stand for election on their own initiative. Some members of the Committee also requested specific information on the implementation of the right to freedom of movement and residence within the border of the state, the right to leave any country, including one's own, and to return to one's country, the right to freedom of thought, conscience and religion, the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association.

430. With regard to the implementation of article 6 of the Convention, some members found it difficult to understand that there had not been cases of racial discrimination before the courts in 15 years, when it was admitted in the report that vestiges of racial prejudice might still survive among the people of Cuba. It was pointed out that recourse procedures envisaged in articles 26 and 62 of the Constitution did not per se ensure effective compensation for racial discrimination. Relevant texts were requested specifying the right of victims of racial discrimination to institute legal proceedings. It was also asked whether the people of Cuba were aware of their rights under article 161 of the Criminal Procedure Act providing that "No accused person shall be obliged to testify against himself ..." and whether the legal procedure described in article 697 of the Civil, Administrative and Labour Procedure Act was free of charge. With reference to article 149 of the Criminal Code clarifications were requested on who determined whether a judgement was unjust or contrary to the law and how could the intent of a judge be assumed or proven.

431. With regard to the implementation of article 7 of the Convention, members of the Committee commended the Government of Cuba for the ample information provided. It was asked whether all young people, irrespective of their race, benefited equally from the type of education described in the Children and Youth Code.

432. In replying to questions raised by members of the Committee, the representative of Cuba stated that the Convention had the force of law in her country and no other legislative provisions were necessary for invoking the Convention. Cuba was a multiracial society in which there was no division into separate races and no data on race had been considered necessary or collected in the last census. No special measures under article 1, paragraph 4, of the Convention were needed since all forms of discrimination or exploitation had disappeared completely from the country.

433. With regard to the question concerning the relationship between articles 128 and 349 of the Criminal Code, she informed the Committee that the former article prescribed severe penalties for the crime of apartheid, whereas the latter provided penalties for individual cases of racial discrimination.

434. In reply to questions concerning article 4 of the Convention, she stated that article 349 of the Criminal Code provided specifically for the implementation of that article, articles 239 and 240 of the Criminal Code prescribed penalties for offences in connection with illegal associations; under article 34 of the Criminal Code, fines imposed by the Cuban courts were determined in units, the amount of the unit being fixed in accordance with the wage of the offender.

435. The representative recalled that article 40 et seq. of the Constitution provided for the rights set forth in article 5 of the Convention and that specific information on electoral procedures had been supplied in Cuba's third periodic report.

436. With reference to the implementation of article 6 of the Convention, the representative stated that, while vestiges of racial prejudice might remain in the minds of certain people, no acts of racial discrimination were committed in Cuba. Replying to questions raised in connection with recourse procedures under articles 26 and 62 of the Constitution, she pointed out that article 346 of the Criminal Code prescribed penalties for infringements of the rights provided for in article 6 of the Convention. With regard to citizens' knowledge of their rights, she said that one of the duties of the Public Attorney was to monitor the actions of the courts and to ensure that citizens were aware of their rights and duties. Justice was completely free of charge for all persons in Cuba. With reference to article 149 of the Criminal Code she explained that the determination of offences against that article came within the competence of the Public Attorney, under article 130 of the Constitution.

CERD A/36/18 (1981)

382. The fifth periodic report of Cuba (CERD/C/75/Add.2) was considered by the Committee together with the supplementary information given by the representative of the reporting State in his introductory statement which included some comments on the report and concerned questions raised during the consideration of the fourth periodic report of Cuba.

383. Members of the Committee expressed their satisfaction at the presentation of the report and at the manner in which the Government of Cuba was implementing the provisions of the Convention internally and was promoting the ideals of the Convention at the international level. The report was clear evidence of the sincere effort of the Government to eliminate the economic disparity and all forms of racial discrimination which had been inherited from the colonial era. Several members commended Cuba for its educational systems guaranteeing equal opportunities for future generations, and for its social security system and the labour legislation.

384. With regard to implementation of article 2 of the Convention, members noted that the provisions of this article were given effect by article 26 of the Constitution as well as by article 143 of the Criminal Code. However, it was inquired whether any special measures had been taken to secure the adequate advancement of the black population in Cuba. The statistics of the ethnic breakdown of the population were also requested in the next periodic report.

385. In connection with article 3 of the Convention, it was noted that Cuba supported national liberation movements in southern Africa and that it was a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid. As an active and dynamic member of the Conference of Non-Aligned countries since 1961, Cuba was in the vanguard of the struggle against racism and colonialism at the international level. One member asked whether the Government of Cuba, in addition to condemning the racist régime of South Africa, also provided financial or any other form of assistance to the national liberation movements of the region.

386. As far as article 4 of the Convention was concerned, most members felt that the report provided ample information concerning the implementation of this article. The provisions in the Criminal Code of 1979 against persons practicing racial discrimination were equally commendable. For example, article 5 of the Criminal Code provided for sanctions against any persons expressing support for apartheid in Cuba even if they were not citizens of that country. One member asked, however, how the Government tackled such problems in accordance with its socialist systems; whether any organizations or associations even obliquely advocating racism had emerged and how the Government had dealt with them; whether there had been any cases of reverse racism and how the Government had tried to overcome that feeling.

387. With reference to article 5 of the Convention, some members noted that nearly all its provisions were reflected in Cuban legislation; that article 42 of the Constitution provided effective protection and remedies against any act of racial discrimination; and that the social security legislation was especially effective in its provisions ensuring that benefits would be given harmoniously and universally. Nevertheless, some members pointed out that article 42 of the Constitution did not fully reflect the contents of article 5, in particular article 5 (d), subparagraphs

(ii) to (ix), and 5 (e), subparagraphs (i) and (ii). With regard to article 5 (e), it was asked whether Cuban legislation provided for the right to form labour unions or only the right to join existing ones. Referring to article 5 (c), an explanation was requested of the procedure for the removal of elected officials under the 1976 Election Law. It was also asked whether there were special institutions which provided pre-school education for disabled children, if those children were not admitted to regular pre-school training programmes.

388. In connection with the implementation of article 6 of the Convention, it was especially noteworthy that an individual could request compensation for any discrimination to which he felt he had been subjected. Further information was requested on how offences prosecuted on the initiatives of the State differed from offences prosecutable privately and what were the exceptional cases in which criminal proceedings could be brought by the injured party. With reference to article 53 of law No. 1,323, it was asked whether this article would apply if a foreigner visiting Cuba suffered racial discrimination and what action a foreigner could take in this connection. A member pointed out that the submission of petitions to the concerned organs by citizens complaining of an act of racial discrimination could not be considered an adequate way of implementing article 6, unless the organ in question treated them immediately and objectively.

389. In connection with article 7 of the Convention, members welcomed Cuba's educational efforts concerning the propagation of the principles of the Charter and the Convention, in particular the education of youth, in order to guarantee equality for all citizens. Additional information was requested about the percentage of illiteracy among the adult population.

390. The representative of Cuba replied to a number of questions raised by members of the Committee. With regard to the question of the advancement of the black population, he stated that the principles of equality and equity had gone beyond the theoretical or philosophical to become a living reality, based on the solidarity of human beings, regardless of colour or ethnic origin.

391. Referring to some of the questions raised in connection with article 5 of the Convention, he explained that the worker could choose employment of his preference. Since Cuba was a country without unemployment, the right thus guaranteed under the Constitution was not hypothetical. As to the question concerning trade unions, he noted that before the revolution workers and employers had been divided, whereas currently they represented one entity dedicated to defending the interests of workers. Moreover, the provisions of article 53 of the Constitution, which were formulated in broad terms, assured freedom of association. Replying to the questions concerning elections, he explained that Cuba was a democracy in which any member of the community could propose a candidate for election. Elected officials could be removed by their constituencies. As to the question concerning the education of disabled person, he stated that rehabilitation for disabled people was free of charge in Cuba.

392. With regard to article 6 of the Convention concerning the remedies available to the victims of racial discrimination, he said that provision was made for the compensation of victims under article 26 of the Constitution and article 143 of the Criminal Code, which also dealt, in article 70, with the question of civil liability. Foreigners who might be victims of discrimination had the same rights as Cuban citizens.

393. With reference to article 7, the representative stated that adult illiteracy currently existed among those people who were physically unable to learn. In addition, efforts were being made to ensure that all adults completed the sixth grade and could read and write.

CERD (A/38/18) (1983)

442. The sixth periodic report of Cuba (CERD/C/106/Add.3) was considered by the Committee together with the introductory statement of the representative of the reporting State, who pointed out that in the international sphere his Government supported efforts to eliminate racism and apartheid wherever they existed and carried out a broad educational campaign in Cuba to sensitize the population to the evils of racial discrimination.

443. The Committee congratulated the Cuban Government for its report which concentrated on new legislative, judicial, administrative and other measures adopted since March 1981 and complied with the Committee's revised guidelines.

444. With regard to implementation of article 2, paragraph 1, of the Convention, members of the Committee wished to receive up-to-date information on the breakdown of the demographic composition of the various groups of the population, so that the Committee could judge the extent to which the Convention was being observed in practice, as well as to receive statistics on the infant mortality rate, life expectancy, income and educational levels of the different groups of the population, so that the Committee could follow the trend over time in order to ascertain whether the legislative and administrative measures taken by the Government were having any positive effects. Referring to the draft declaration on minorities and the draft international convention on the rights of migrant workers, one member wished to know Cuba's position on that aspect of improving international protection for groups which might be victims of racial discrimination.

445. Turning to article 3 of the Convention, the Committee commended Cuba on its front-line role in the struggle against apartheid and racial discrimination. It was pointed out that the struggle against racial discrimination and apartheid had become a basic feature of the foreign policy of socialist Cuba and that a further expression of Cuba's solidarity with the peoples struggling against racism, colonial domination and apartheid was the fact that it provided political support and material - including military - assistance to the national liberation movements as well as assistance to thousands of students from South Africa, Namibia and other countries who received education in Cuban schools and universities.

446. Most members of the Committee noted that the report furnished ample information concerning implementation of article 4 of the Convention. However, doubts were expressed regarding Cuba's compliance with article 4 (b). In that connection, it was pointed out that the fifth periodic report stated that if an association was formed whose objectives were contrary to the laws prohibiting discrimination, it would be subject to penalties. Since it was clear that an association could not be imprisoned, the reporting State should specify which members of the association would be imprisoned. Clarification was also sought on how the Cuban courts would deal with a complaint by a victim of racial discrimination who invoked article 4 of the Convention.

447. As far as article 5 of the Convention was concerned, it was pointed out that the report gave ample information on the implementation of that article. However, some other members expressed the view that the report provided only partial answers to questions which had been raised during the Committee's consideration of the fifth periodic report, in particular, it gave no information on the

implementation of paragraphs (d) and (e) of article 5. It was asked therefore whether Cuban legislation provided for the right to form trade unions or only the right to join the existing ones; whether the establishment of independent trade unions was permissible and if any independent trade unions had been formed. Turning to a statement in the report, one member asked for clarification of the term “people’s power” as well as the length of the mandate of elected representatives and the reasons why they should be revoked by the electors rather than simply being left to expire. The members also wished to know whether persons who could not exercise the right to vote or be elected under article 7 (b) of the Elections Act were disqualified from voting before or after being sentenced for the offence of which they were accused. In connection with article 7 (c) of that Act, further information was asked for on whether deprivation of civil rights and custodial sentences were complementary sentences and how individuals were deprived of their civil rights. Further detailed information was also asked for regarding the aspects of Decree-Laws No. 83/81 and 84/81, mentioned in the report in connection with article 5 of the Convention.

448. As regards the implementation of article 6, some members of the Committee pointed out that the report did not describe in detail how an individual could seek remedies if he felt he was a victim of racial discrimination and also it was not evident whether or not the authorities could be forced to take action in the courts, whether an individual could bring the claim himself or whether his opinion required acceptance by the office of the Attorney General (Fiscalia).

449. In connection with article 7 of the Convention, some members noted that the measures described in the report broadly satisfied the requirements of the convention. However, they would welcome further information on the training given to public officials, teachers, members of the police force and lawyers to make them better aware of the provisions of the Convention. Additional information about school curricula was also requested.

450. Replying to comments and questions raised by members of the Committee, the representative of Cuba stated that there was no differentiation whatever on grounds of race in Cuba and all citizens enjoyed absolute de jure and de facto equality. It would not be feasible to undertake a census of the different ethnic groups and such a census would serve no valid purpose. He also stated that if Cuba were to begin to differentiate between the various races in its population census, it would be forced to abandon the entire philosophy of equality that it had adopted in 1959. Any analysis of the Cuban population would show that a certain proportion was of African and Arab origin, that there were persons of Asian origin, mostly Chinese, and that there were “whites”, many of whom were of Spanish origin, which meant that they represented a mixture of so-called Aryan and Moorish blood. With reference to questions raised on the rate of infant mortality, the representative stated that mortality of children was similar to that of highly developed countries and that health care was completely free in Cuba. Referring to two drafts of international instruments concerning migrant workers and minorities, he explained that since both documents were still at the drafting stage, his Government would have to wait until they had been completed before expressing an opinion on them.

451. Turning to the implementation of article 4 of the Convention, the representative said that in the Cuban view the purpose of the Convention was to prevent the formation of organizations that would foment racism and racial discrimination. Members of such organizations were liable to imprisonment. The intent of Cuban law was not to suppress an organization per se, but to punish

the promoters of organizations established for illegal purposes.

452. In connection with questions raised regarding article 5 of the convention, he stated that the Constitution of Cuba guaranteed all rights mentioned in paragraphs (d) and (e) of that article, including the right to own property, the right to marriage and choice of spouse, and the equality of the rights and duties of the spouses with regard to the maintenance of the home and the upbringing of children. As to the phrase “people’s power” mentioned in the report, he said that the term denoted the institutionalization of the will of the people in government bodies. He also explained that in general elections to the National Assembly the term was five years and in local elections two and a half years, that, according to the law, elected officials who had systematically failed to fulfil their obligations, had lost the trust of their constituents, had been convicted of offences or had acted in a manner inconsistent with the holding of high office, could be removed from office by the same people who had elected them. The representative also stated that those deprived of their civil rights had recourse to remedies that could lead to some form of redress. Concerning the freedom of trade unions, he referred to the Cuban Constitution, which proclaimed the existence of a socialist State composed of workers, peasants and intellectuals and acknowledged, protected and promoted all mass organizations of the population. A single union might best serve the interests of the Cuban people.

453. In connection with article 6 of the Convention, he referred to articles 26 and 62 of the Constitution and article 154 of the Penal Code concerning the right of persons to have their complaint considered.

454. Replying to other questions, in particular the right to education, he stressed that education was free at all levels in Cuba, which meant that there was real equality and that from an early age children were taught the principles of liberty, equality and fraternity. Higher education in general was also based on those principles. On the question of the curricula for training of public servants, he said that in 1979 Cuba had organized its first symposium on penitentiary care and that such training was intended to increase the awareness of prison offices concerning the civil and political rights of those under their care.

CERD (A/42/18) (1987)

174. The seventh periodic report of Cuba (CERD/C/131/Add.4 and Corr.1) was considered by the Committee at its 759th meeting on 10 March 1986 (CERD/C/SR.759).

175. In introducing the report, the representative of Cuba made reference to relevant parts of the document and stated that her country continued to demonstrate its solidarity with the oppressed peoples living in South Africa, Namibia and Arab territories occupied by Israel, and fully supported the national liberation movements fighting against all manifestations of racial discrimination, zionism and apartheid.

176. The Committee praised Cuba's record in the struggle for the elimination of racial discrimination both domestically and internationally. The report complied with the Committee's guidelines (CERD/C/70/Rev.1) and provided relevant laws and constitutional provisions that were particularly useful. Cuba's success in eradicating illiteracy was particularly impressive. Members asked to be informed of the demographic distribution of the population. They also wished to know how the Cuban Government incorporated international conventions into internal laws and when the Convention had been published in the Gaceta Oficial.

177. With regard to article 2 of the Convention, clarifications were sought regarding the statement "promotion of sections of the population" mentioned in the report. In that context, members requested further information on the special measures the Government had taken to promote the rights of certain sections of the population which had been discriminated against by the old régime.

178. In relation to article 4 of the convention, clarifications were sought concerning the definition of "anti-social acts" mentioned in the report. It was pointed out that the report showed that Cuba was taking adequate measures to comply with the provisions of that article. Information was requested on the penalties provided in article 349 of the Penal Code to punish individuals guilty of discrimination and it was asked whether there had been any cases in which those penalties had actually been imposed.

179. With reference to article 5 of the Convention, members wished to learn whether migrant or foreign workers were covered by the provisions on social security and health care and whether they could join the single trade-union federation, whether people of darker complexion were being recruited to the ranks of the ruling party, whether dark-skinned people were recruited as teachers in order to enhance equality among all sections of the population, what the Government's policy was regarding the participation of Christian militants in the conduct of public affairs, particularly membership in the Communist Party, whether the right to leave and return to one's own country was guaranteed or whether there were restrictions on its exercise, and whether the existence of a single trade-union federation in Cuba meant that an ethnic group that wished to form its own trade union would not be permitted to do so.

180. As far as article 6 was concerned, members said that they would appreciate further information regarding effective protection and remedies against any act of racial discrimination and violations of fundamental rights, particularly when such violations were committed by public officials.

Members of the Committee noted that an intensified educational campaign was being carried out by the Government to heighten the legal awareness of the population. In that respect and in relation to article 7, it was asked whether specific courses on the concept of human rights were provided for students, police officers and members of the legal profession. It was also pointed out that implementation of that article was particularly satisfactory.

181. The representative was asked whether the Cuban Government might be willing to make the declaration under article 14 recognizing the competence of the Committee to deal with communications from individuals.

182. In replying to questions raised by members of the Committee, the representative of Cuba said that article 4 of the Convention could be invoked by all organs and courts, because once a treaty had been published in the Gaceta Oficial, it acquired the force of domestic law. Article 349 of the Penal Code prohibited and punished discrimination against another person or encouragement or incitement of others to discriminate. In addition, article 128 of the Penal Code made apartheid a serious offence carrying severe penalties.

183. She reiterated that there was no religious discrimination in Cuba. The question as to whether Christians could be members of the Communist Party in Cuba was an internal issue and was currently under study. Some encouraging developments included a recent meeting of church leaders, who had analysed the Church's dialogue with the Government and the favourable comments made by the Pope's emissary about the relationship between the Church and the Government.

184. Since 1959, Cuba had been striving to eliminate distinction based on class, sex and race. The latest Party Congress had stressed the need for proportional representation of women and all races within the ranks of the Party and the Central Committee and in economic and social life. The single trade-union federation dated from 1939. Nevertheless, independent trade unions existed in such sections as construction, public services, education and health care. There was no ethnic group that sought to form a trade union of its own. There was no flow of migrant workers and no distinction was made between Cubans and foreign workers with respect to rights and wages. Anyone who wished to leave the country could do so. An individual simply had to submit an application to emigrate and obtain the appropriate documents. Applications were being considered from many individuals who had left in the early years of the revolution and who wished to return. All students, regardless of race or colour, were guaranteed access to Cuban educational establishments.

185. In keeping with article 6 of the Convention, legal remedies were available to any Cuban who considered himself to be the victim of a violation of his human rights, as provided for in articles 26 and 62 of the Constitution and article 154 of the Penal Code. Prison terms and fines were imposed on offenders.

CERD (A/44/18) (1989)

319. The eight periodic report of Cuba (CERD/C/158/Add.4) was considered by the Committee at its 845th and 846th meetings, held on 17 August 1989 (CERD/C/SR.845 and 846).

320. The report was introduced by the representative of the State party, who emphasized that discrimination of any kind was alien to the very philosophy of the Cuban Revolution, as could be clearly seen in the economic and social changes that had taken place in the country since 1969. The provisions of the Convention as well as those of the International Convention on the Suppression and Punishment of the Crime of Apartheid had been incorporated into Cuba's national legislation. Furthermore, Cuba continued to demonstrate its solidarity with the oppressed people living in South Africa, Namibia and Arab territories occupied by Israel, and fully supported the national liberation movements fighting against all manifestations of racial discrimination and apartheid. In this connection, she drew the Committee's attention to the role played by Cuba in the talks that had led to the signing of the tripartite agreement ending the conflict in south-western Africa and promoting the independence of Namibia. Lastly, she highlighted several aspects of the new Penal Code, which had entered into force in April 1988, and stated, in particular, that it had introduced punishment other than deprivation of liberty with a view to reducing the prison population and that, as a result, 20,000 prisoners had been released and the sentences of 12,000 others had been reduced.

321. Members of the Committee took note with satisfaction of the report and commended the representative of the State party on its presentation. The Cuban authorities were also congratulated on having provided much detailed information demonstrating their will to implement as many provisions of the Convention as possible. Further information was sought concerning the demographic distribution of the population and the languages spoken in Cuba. With reference to the third congress of the Cuban Communist Party in 1988 it was observed that only 18 per cent of the members of the Central Committee were black or of mixed race. In this connection, questions were asked on the practical situation faced by mixed and black people in Cuba. One member also asked whether Cuba's involvement in an ethnic conflict in Ethiopia was compatible with its concept of human rights. Lastly, it was inquired whether the Government of Cuba might be willing to make the declaration under article 14 of the Convention.

322. In connection with article 3 of the Convention, Cuba's role in the struggle against racism and apartheid was highly commended.

323. With regard to article 4 of the Convention, clarification was sought concerning the definition of "anti-social acts" mentioned in the report. Information was requested on the penalties provided in article 349 of the Penal Code and it was asked whether there had been any cases in which those penalties had actually been imposed. It was also noted that according to the report there were no reasons for the occurrences of the offences under article 4 of the Convention. In that regard, it was recalled that such provisions as Cuba had taken under article 4 of the Convention were necessary, bearing in mind that discrimination sometimes manifested itself indirectly and that, even if there were no racial discrimination in a country at a given time, no one could predict that unfortunate events would not alter that situation in the future. With regard to the provisions of the new Penal Code, further information was sought, in particular on the measures taken against illegal abuses of

office by certain groups.

324. In connection with article 5 of the Convention, members wished to receive additional information on the conditions of detention in Cuba. It was asked whether those families who had been allowed to emigrate to the United States would be able to visit Cuba, and whether Cubans were permitted to choose and change their employment in accordance with the relevant ILO Convention. Further information was also sought on the implementation by Cuba of the rights to freedom of religion and of assembly and association, and also on the report of the group of the Commission on Human Rights that visited Cuba in 1988.

325. Members of the Committee said they would like information on the implementation of article 6 of the Convention.

326. With reference to article 7 of the Convention, members asked whether specific courses on the concept of human rights were provided for students, police officers and members of the legal profession, how the International Day for the Elimination of Racial Discrimination was observed, and what the requirements for access to higher education were. Further information was also requested on the advance placement of students in employment.

327. Replying to questions raised and observations made by members of the Committee, the representative of the State party explained that Cuban society was a mixture of different ethnic groups. The elimination of ethnic barriers in the social structure of Cuba was enshrined in its legislation. The consistent application of the principles of anti-racism, equality and human solidarity demonstrated her country's commitment to the promotion of all sectors of the population, irrespective of their social or ethnic origin. Through social, economic and political measures, the Cuban population had become homogeneous in nature. In those conditions, it would not be possible to carry out a census of the various ethnic groups in Cuba, which would not serve any useful purpose. She added that her Government was currently conducting a study on the possibility of making the declaration under article 14 of the Convention. Replying to questions raised in connection with the third congress of the Cuban Communist Party, she agreed that Cuba had a disproportionate number of black prisoners and that blacks remained the poorest sector of Cuban society. However, she explained that this situation did not reflect racial discrimination but was the product of social conditions that Cuba was endeavouring to improve. With regard to questions on Cuba's participation in ethnic conflicts, she stated that the Cuban intervention was not contrary to the Convention and that Cuba had merely responded to requests from the Governments of Angola and Ethiopia.

328. In connection with the implementation of article 4 of the Convention, the representative explained that the "anti-social acts" referred to in the report were acts that ran counter to established standards and national legislation at a given moment and that judges took into account in determining a penalty. Article 349 of the Penal Code prohibited and punished discrimination, while article 128 of the Penal Code characterized apartheid as an offence carrying severe penalties. She nevertheless emphasized that no one had ever been charged in connection with that offence. She added that past abuses on the part of some Government employees had created the need for the inclusion in the new Penal Code of the offence of misuse of authority.

329. Replying to questions raised in connection with article 5 of the Convention, the representative of the State party stated that the Cuban penitentiary system was based on respect for human dignity and that all prisoners had employment, medical care and the right to receive visitors. She added that those who sought to leave the country did not share the aims of the revolution and that they were, in fact, criminals and could not be permitted to return to Cuba, although some exceptions were made on humanitarian grounds. As concerned the report of the group of the Commission on Human Rights that had visited Cuba in September 1988 at the invitation of the Government, she stated that the group had received more than 1,600 complaints, 87 of which had been made orally. She emphasized that the visit had been an unprecedented event and that it had shown the Cuban Government's concern for the protection of human rights and fundamental freedoms.

330. Referring to other questions raised in connection with article 5 of the Convention, the representative pointed out that more than 1,600 different associations were registered in the country. All associations were required to respect the provisions of the Constitution and the Penal Code laid down penalties for violations of the law on equality or threats to the freedom of others. Concerning the right to freedom of religion, she explained that relations between Church and State were currently being improved and that, as was shown in the book "Fidel and Religion", positive results had already been achieved. Alternative forms of service were now available to conscientious objectors. She underlined, however, that religious propaganda should not hamper the Government's social welfare programmes. Lastly, she stated that there was no discrimination with regard to employment and that salary levels were determined solely on the basis of skills and qualification in accordance with ILO Convention No. 111.

331. Replying to questions asked about article 7 of the Convention, the representative emphasized that the Cuban population had access to, and was acquainted with, the provisions of the international human rights instruments. Although there were no specific courses on the concept of human rights, the entire Cuban education system aimed to promote respect for human rights and fundamental freedoms and to heighten awareness of the interdependence of economic, social and cultural rights. The concept of human rights and, consequently, racial discrimination were also the subject of university and post-graduate papers in various educational institutions of the country. Lastly, she emphasized that entry into university was on the sole basis of examination results and that primary and secondary school pupils who were interested in a particular occupation had the opportunity of joining a club to develop their interest.

CERD (A/46/18) (1991)

93. The ninth periodic report of Cuba (CERD/C/184/Add.3) was considered by the Committee at its 894th and 895th meetings, held on 7 March 1991 (see CERD/C/SR.894-895).

94. The report was introduced by the representative of the reporting State, who drew attention to the adoption in 1987 of the new Penal Code, which reflected a change in attitude towards the treatment of offenders by decriminalizing acts which did not constitute serious offences. Cuba had also taken legal measures to eliminate the vestige of racial discrimination inherited from the past, as well as measures aimed at bringing about changes in attitudes so that the population would be better able to recognize and to guard against manifestations of discrimination.

95. Members of the Committee expressed their appreciation of the cooperative attitude shown by the Government of Cuba. They noted that racial discrimination could not be characterized only as a vestige of the past, since no society was completely free of it. Members inquired whether certain types of racial discrimination still existed as a result of differences in the status of the various ethnic groups and whether the reform of the Penal Code had had any effect on the disproportionate number of Blacks in the prison population. They wished to receive demographic information reflecting the distribution of economic resources, as well as the representation of each of the main ethnic groups in the administration, in education and in law enforcement. Members also asked for further information concerning the relative importance of the various educational levels and the proportion of Blacks at each level.

96. With regard to article 1 of the Convention, members of the Committee sought information on any programmes that were being carried out to promote certain sectors of the population and how such programmes benefited the Black population in particular.

97. With reference to article 2 of the Convention, members of the Committee wished to know whether offences against racial equality were included in the new Penal Code; what the penalties were for such offences under article 295 of that Code; whether the reduction of the applicable prison term had been justified; and what penalties were applicable to an official who committed a discriminatory act.

98. In respect of article 3 of the Convention, members of the Committee asked what the penalties were for the crime of apartheid and why the consequences of decriminalization differed in the cases of racial discrimination and apartheid.

99. Turning to article 5 of the Convention, members of the Committee wished to know whether persons who openly professed a religion would be admitted as members of the Communist Party; whether there were any restrictions on freedom of movement and on leaving and entering the country; what the purpose was of the so-called "captive village"; and whether the identity card and registration of residence regulations were still in force. It was also asked what was meant by article 32 of the Cuban Constitution, which stated that citizenship could be forfeited for acting "against the people of Cuba and its institutions" and what the applicable procedures and remedies were in such cases. Members also wished to receive additional information on any restrictions on the right to own

property. With regard to freedom of thought, conscience and religion, they asked whether any cases of religious discrimination had arisen and, if so, what type of discrimination had been involved; what the precise scope was of articles 41 and 54 of the Cuban Constitution, which referred to faith or religious beliefs which “were in opposition to the Revolution”; and what restrictions were imposed on religious practice by the Office of Religious Affairs. In connection with freedom of opinion and expression, members of the Committee asked whether there had been any changes in the control of the Communist Party over the media. Concerning the right of assembly and association, members wished to know what the scope was of article 103 of the Penal Code, which governed expression of opinion by non-governmental organizations; what options were available for those who wished to exercise their right of association; and what the requirements were for such rights to be recognized under the Association Act. Referring to the right to health, they asked what kind of assistance was given to AIDS victims. Lastly, it was asked what steps were taken to ensure that all population groups, especially Blacks, had access to all aspects of cultural life.

100. With regard to article 6 of the Convention, it was asked whether a victim of acts of racial discrimination had the right to compensation.

101. In the context of article 7 of the Convention, it was asked why the Cuban education system did not provide for courses in human rights and whether the history curriculum, both at school and university, included the study of different ethnic groups and cultures.

102. In his reply, the representative doubted whether all the questions asked were within the Committee’s mandate. He said that manifestations of racial discrimination did occur in Cuba, but that such manifestations were regarded as disgraceful, rejected by the public’s social conscience and punished under criminal legislation. He explained that the high number of Blacks in Cuba’s prison population was due to the fact that Blacks were particularly numerous among the poorest sectors of the population. Information on the economic status of the different economic groups would be given in the next report.

103. In connection with article 1 of the Convention, the representative stated that the multidisciplinary programmes referred to in the report were intended for those groups, not meaning “racial groups”, which had not yet benefited from the social achievements of the Revolution.

104. The representative of the reporting State, in his reply to questions raised by the Committee in connection with article 2 of the Convention, said that, in cases of offences against racial equality, proceedings were brought in accordance with the general rules contained in the Code of Criminal Procedure. Information on whether such proceedings had already been brought under the new Penal Code would be provided in the next report. The reduction of the maximum penalty for the offence of racial discrimination from three to two years of imprisonment had been the result of a general tendency to reduce maximum penalties and of a sharp rise in anti-racist social feeling which had led to racism having less of an impact on Cuban society.

105. With regard to the implementation of article 5 of the Convention, the representative explained that no one was prohibited from participating in the country’s political life on account of his religious beliefs as far as the state apparatus was concerned. Relations with the Vatican had changed, so that tension with the clergy had become a thing of the past. Consideration was being

given to the possibility that persons professing a religion might be eligible for membership in the Communist Party, though questions would remain about their ability to subscribe to the principles of Marxism-Leninism. In reply to questions concerning freedom of movement, the representative said that everyone could freely change his residence, either temporarily or permanently. The term “captive villages” referred to pockets of insurgent and counter-revolutionary activities in 1960 and 1961; there was now complete freedom to enter and leave the areas in question. Regarding the obligation to possess an identity card and to record any change of residence of more than six months in the register of addresses, the representative stated that all citizens were bound by it, regardless of the group to which they belonged. The representative said that the Government imposed no limitation on the right to leave Cuba, but that in order to exercise that right in practice, it was necessary for another country to grant an entry visa and residence permit to a Cuban who wished to leave the country. Regarding the concept of loss of citizenship, the representative explained that this was generally associated with the acquisition of another nationality. The applicable procedure was rare and was applied only against persons who engaged in activities prejudicial to the Cuban people and its institutions.

106. With regard to the right to own property, the representative stated that all conceivable types of property were recognized; the only prohibition related to the establishment of capitalistic enterprises. Turning to the question of freedom of expression, he said that this freedom was separate from freedom of opinion and that Cuban legislation in that regard was comparable to that of other countries in the world and applied to all citizens without distinction as to race. As to freedom of religion, the representative noted that Fidel Castro himself had acknowledged that problems of religious discrimination had existed in Cuba. However, tension with the clergy was now a thing of the past, so much so that consideration was being given to the possibility that, one day, persons professing a religion might be admitted as members of the Cuban Communist Party. With reference to the freedoms of assembly and association, the representative stated that the relevant articles of the appropriate municipal by-law and of the Associations Act, in particular, were applicable to all citizens without distinctions as to race. With regard to the right to education, he stressed the fact that children of all races and all sectors of society had access to education on a footing of equality.

107. Replying to questions raised in connection with article 6 of the Convention, the representative explained that anyone who had grounds to complain that his rights to equality had been violated for reasons of race was able to institute criminal proceedings and was also entitled to bring a civil suit for damages.

108. With reference to article 7 of the Convention, the representative noted that in December 1990 he had given a university-level course on human rights under United Nations auspices at the Higher Institute of International Relations, and the course had been open to everyone. He added that similar courses would be organized in future.

Concluding observations

109. Members of the Committee said that the Government of Cuba had maintained a constructive dialogue with the Committee and acknowledged that active steps were being taken to combat racial discrimination in Cuba. It was hoped that additional information would be supplied in the next periodic report.

CERD (A/53/18) (1998)

347. The Committee considered the tenth, eleventh and twelfth periodic reports of Cuba (CERD/C/319/Add.4) at its 1290th and 1291st meetings, on 12 and 13 August 1998, and, at its 1301st meeting, on 20 August 1998, adopted the following concluding observations.

Introduction

348. The Committee welcomes the presentation of the State party's report and appreciates the opportunity to resume the dialogue with the State party. The report followed the guidelines for the presentation of reports and contained useful information which was complemented by the oral information provided by the delegation. The Committee also welcomes the submission by Cuba of the core document (HRI/CORE/1/Add.84).

Factors or difficulties impeding the implementation of the Convention

349. It is recognized that Cuba has experienced serious economic difficulties as a result of the embargo in place since the beginning of the 1990s that affect the full enjoyment of economic, social and cultural rights, especially by less favoured social groups. Among those groups there is, for historical and socio-cultural reasons, a high percentage of the black and mestizo population.

Positive aspects

350. Appreciation is expressed with regard to the commitment of the State party to eliminating all manifestations of racial discrimination, especially through the adoption since 1959 of appropriate legislation, equal opportunity policies and widespread education of the population. The policy of promoting blacks to managerial positions at all levels within the country, including the highest political organs, is welcomed.

351. The statement by the State party that although in public life racial prejudice is practically insignificant, it still appears in the most private areas of life, particularly in social engagements and marriage, is also appreciated. Efforts to promote equality seem to have raised a widespread feeling among the general public that racial prejudice is unacceptable and harmonious interracial relations increase in every walk of life.

352. It is also noted with interest that the 1992 constitutional reform introduced a number of provisions by which aliens resident in Cuba enjoy the same rights as Cubans in matters such as the protection of their persons and property and the enjoyment of the rights and performance of the duties laid down in the Constitution.

353. The fact that academic institutions are conducting studies on different aspects of the racial question is also welcomed.

Principal subjects of concern

354. The report of the State party does not provide sufficient information on the practical implementation of the Convention, in particular articles 4 to 6.

Suggestions and recommendations

355. The Committee recommends that the State party, in its next periodic report, provide fuller information on the demographic composition of the population in the light of paragraph 8 of the reporting guidelines. The findings of the study being conducted by the Anthropology Centre about race relations and ethnicity should be summarized in the next report.

356. The Committee requests the Government of Cuba to provide, in its next periodic report, information on the number of complaints of racial discrimination, the outcome of the prosecution of cases of racial discrimination and the redress, if any, provided to persons affected by such discrimination. The role of the Attorney-General in dealing with complaints should also be clearly explained in the light of article 6 of the Convention.

357. Particular attention should be paid by the State party to the Committee's general recommendation XIII (42) of 16 March 1993 on the training of law enforcement officials in the protection of human rights and general recommendation XVII (42) of 19 March 1993 on the establishment of national institutions to facilitate the implementation of the Convention. Information in that respect should be included in the next periodic report.

358. The Committee invites the State party to give publicity to the Convention, the periodic report as well as the Committee's concluding observations thereon, so that the judiciary, the legal profession, the relevant government agencies and the public at large are made fully aware of the provisions and the potential of the Convention.

359. It is noted that the State party has not made the declaration provided for in article 14 of the Convention and some members of the Committee requested that the possibility of such a declaration be considered.

360. The Committee recommends that the State party's next periodic report, due on 16 March 1999, be an updating report and that it address all the points raised in the present observations.