



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group

Thirty-sixth session

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List of issues and questions with regard to the consideration of periodic reports

Cuba

The pre-session working group examined the combined fifth and sixth periodic report of Cuba (CEDAW/C/CUB/5-6).

Legislation, machinery for the advancement of women and national plans

1. The report indicates that “national legislation is consistent with the treaties, agreements and other international instruments” and that “Compliance with this principle in all pertinent jurisdictional bodies is thus guaranteed” (CEDAW/C/CUB/5-6, para. 57). Please indicate whether the compatibility of national legislation with the Convention on the Elimination of All Forms of Discrimination against Women has been thoroughly reviewed and whether any laws have been found to contravene the principles laid down in the Convention. If the authorities have conducted such a review, please provide the results; if not, please indicate whether they have any plans to do so.
2. The report indicates that new situations have necessitated additional amendments to the Family Code (para. 76). Please specify what these new situations are and what kinds of amendments are to be made.
3. The report points out that the Penal Code does not include a specific section on psychological and physical violence but that several articles deal with it and penalize it (para. 113). Please indicate whether there are any plans to adopt a specific law on violence against women, bearing in mind the Committee’s general recommendation No. 19 on violence against women. If so, please provide detailed information on the proposed law, including the penalties it establishes.
4. According to the report, if the perpetrator is a relative of the victim, this fact is deemed to be an aggravating circumstance in considering penal responsibility and is only applied to offences against life and physical integrity and against the normal

development of sexual relations, the family, children and youth (para. 123). Is this aggravating circumstance also applicable in cases of psychological and economic violence? Does the law address the issue of marital rape?

5. The report states that a study is being done on the “advisability and possibility of drafting a legal norm, a law or a decree-law that would integrate concepts and treatment of domestic violence through a preventive and educational approach” (para. 259). Please provide further details on this draft and on the current status of the initiative.

6. In its recommendations in response to Cuba’s fourth periodic report, the Committee expressed concern about the absence of laws against sexual harassment.¹ Moreover, the report of the Special Rapporteur on violence against women indicates that “sexual harassment remains less defined and less well-known than sexual abuse and rape” and that it is hardly ever reported, since it is difficult to bring proof for lack of definition and because the victims feel ashamed or guilty (E/CN.4/2000/68/Add.2, para. 43). Cuba’s report indicates that article 303 of Decree-Law No. 175 of 1997 introduced the category of sexual affront, which includes sexual harassment (CEDAW/C/CUB/5-6, para. 120). Please provide information on any measures taken to publicize and enforce that law and, in particular, on whether there are any plans to wage large-scale information campaigns, especially in academic institutions and workplaces.

7. Are there any plans to raise the Federation of Cuban Women to ministerial status and to include it in the national budget?

8. Given that the Federation is a non-governmental organization, please provide more information on how it interacts with the Cabinet and how it plays its role of mainstreaming the gender perspective in the various national policies.

9. In relation to the National Action Plan and the 90 measures for adapting the areas of interest covered by the Beijing Platform for Action, the report indicates that progress has been made (para. 143). Please give more details on this progress and on the measures, their coverage in rural and urban areas and their effective implementation and oversight. What are the challenges facing the Plan and how will they be overcome? Also, please indicate where the Plan’s funding comes from and which entity has ongoing responsibility for coordinating and supervising its implementation.

10. According to the report, the Civil Code (Law No. 59 of 16 July 1987) regulates the legal capacity of natural persons as subjects of legal relationships, and discrimination based on sex or any other factor, which offends human dignity, is not allowed (para. 78). Have any legal proceedings been instituted to report, prosecute and penalize discrimination based on race, sexual orientation or other factors? If there are any other types of discrimination that affect women, please specify what they are and what penalties they carry.

Stereotypes and education

11. Please indicate what measures have been taken to publicize and enforce articles 83 and 85 of the Family Code, which, according to the report, are “aimed at

¹ See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38 (A/55/38)*, part two, para. 263.

putting an end to the sexual division of labour in the household, as that is one of the most important aspects of the culture and creates the most problems for women, owing to the burden of domestic chores it entails” (para. 74), as well as other measures to eliminate stereotypes within the household.

12. Have any studies been carried out to assess the impact of the various initiatives undertaken to eliminate stereotypes in the media, the family and the educational system? If so, please provide the results; if not, please indicate how the impact of these measures will be assessed.

13. The report states that by the end of 2002-2003, “3,581 students had dropped out of secondary school; of these ... 69.7 per cent were women” and that the main causes were “marriage, medical reasons and simply dropping out” (para. 361). It also states that measures have been taken to strengthen educational programmes (para. 362). What kinds of specific measures have been taken to prevent girl children and adolescents from dropping out of school, and what impact have they had? Please include more up-to-date information on school drop-out rates.

Violence against women

14. The report indicates that the National Group for Prevention and Treatment of Violence in the Family was created in 1997, and provides information on some of the initiatives launched (paras. 246-272). Have any impact assessment studies been done on these initiatives, and are there any plans to adopt and implement a national plan that would take a comprehensive approach to eliminating violence against women?

15. The Special Rapporteur on violence against women, in her recommendations, urged the Federation of Cuban Women to “establish shelters for women victims of violence in all provinces” (E/CN.4/2000/68/Add.2, para. 103). Cuba’s report refers to women’s and family counselling centres (CEDAW/C/CUB/5-6, para. 255). Do these centres provide special care and rehabilitation services for women victims of violence? If not, what steps will be taken to implement the Special Rapporteur’s recommendation?

16. The report indicates that the national programme carried out by the Ministry of Public Health to prevent suicide and suicide attempts also deals with the issue of violence and that the rate among women has fallen significantly, from 20.9 per cent in 1980 to 8.1 per cent in 2002. What measures were implemented to achieve this reduction, and have any studies been done on the causes of the high suicide rate among women, which the Special Rapporteur on violence against women highlighted in her report (E/CN.4/2000/68/Add.2, para. 34)?

17. Please indicate whether any research has been done or statistics compiled on legal proceedings instituted to report, prosecute and penalize violence against women or on assistance provided to women victims of violence.

18. Please indicate whether there are any plans to set up a central system for the collection of data on violence against women.

Exploitation of prostitution and trafficking in women and girls

19. Sex tourism is a significant problem in a number of Latin American countries, particularly those with beaches, such as Cuba. This is a complex phenomenon that

calls for strong preventive and punitive public policies. The report refers to penal legislation on pimping (CEDAW/C/CUB/5-6, para. 241). Please provide details on the preventive policies being implemented to address this phenomenon and to enforce the relevant laws.

20. Has any research been done on legal proceedings instituted to report, prosecute and penalize the exploitation of prostitution or on violence against sexually exploited women? What is the situation of girls and underage women in this regard?

21. In her report, the Special Rapporteur on violence against women “recommends the dismantling of the special rehabilitation centres set up for prostitutes as the centres violate their due process rights. Other mechanisms that do not violate the rights of the prostitutes would be more appropriate” (E/CN.4/2000/68/Add.2, para. 101). What steps have been taken in this regard?

22. Apart from the legislative provisions in place with respect to trafficking in persons (CEDAW/C/CUB/5-6, paras. 239, 243 and 244), what efforts have been made to determine the magnitude of such trafficking in Cuba and to take appropriate steps to enforce the relevant laws?

Employment and economic life

23. Please indicate whether any oversight systems are in place to ensure that Law No. 234, “Working Women’s Maternity Act”, is observed throughout the country.

24. It is stated that the National Statistical Office is working to address the lack of information on wages disaggregated by sex (para. 453). Please indicate what progress has been made with respect to this initiative and whether there is a mechanism to monitor the effective implementation of article 40 of the Constitution, which refers to equal pay for equal work.

25. The report indicates that personal loans are available to anyone who has a job (para. 622). What programmes are in place to provide unemployed people, especially women, with access to credit?

26. Are there any plans to establish microcredit programmes for women, especially rural women?

Health

27. According to the report, the HIV/AIDS epidemic has spread, in particular among women who engage in prostitution (para. 497). A number of measures to address this problem are mentioned (para. 499). What impact have these measures had, and are there any plans to adopt a comprehensive HIV/AIDS eradication plan, with special programmes aimed at this group of women?

Family relations

28. One of the Committee’s recommendations in response to Cuba’s fourth periodic report was “to monitor carefully the implementation of divorce by consent, and in particular any negative impact this option might have for women with regard to issues such as alimony payments, custody and maintenance of children and distribution of property”.² What measures have been taken in this regard?

² Ibid., para. 268.