



## Convention on the Elimination of All Forms of Discrimination against Women

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### Committee on the Elimination of Discrimination against Women Thirty-sixth session 7-25 August 2006

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Cuba

1. The Committee considered the combined fifth and sixth periodic report of Cuba (CEDAW/C/CUB/5-6) at its 739th and 740th meetings, on 8 August 2006 (see CEDAW/SR.739 and 740). The Committee's list of issues and questions is contained in CEDAW/C/CUB/Q/6 and the responses of Cuba are contained in CEDAW/C/CUB/Q/6/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its combined fifth and sixth periodic report which followed the Committee's guidelines, and referred to previous concluding comments, while regretting that it was overdue. The Committee also expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation headed by the Vice Minister of Foreign Affairs, and which included the Secretary General of the Federation of Cuban Women a member of the Council of State and representatives from the Ministry of Public Health, the Ministry of Labour and Social Security, the Federation of Cuban Women, the National Statistics Office and specialized institutions. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

4. The Committee notes that the effects of the embargo are reflected in the difficult economic and social situation prevailing in the country, which has had repercussions on women's enjoyment of their rights, in particular in the socio-economic field, impeding the full implementation of the Convention.

**Positive aspects**

5. The Committee welcomes the adoption of the Working Women's Maternity Act (Decree-Law No. 234) in 2003, aimed at strengthening the recognition of the responsibility of both parents in child rearing.
6. The Committee commends the State party for amending its Penal Code in regard to domestic violence, making it an aggravating factor when violence is perpetrated by a spouse or relative.
7. The Committee commends the State party for its efforts to evaluate and update the National Action Plan for follow-up to the Fourth World Conference on Women, through national follow-up seminars, aimed at ensuring that effective policies are in place to achieve the recognition of the human rights of women and gender equality.
8. The Committee notes with satisfaction the increased representation of women at all levels, including in Government bodies at the municipal, provincial and national levels. It also commends the high representation of women in Parliament.
9. The Committee welcomes the high percentage of women in employment and pursuing careers in the scientific and technical fields as an important achievement.

**Principal areas of concern and recommendations**

**10. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

11. The Committee is concerned that, although articles 41 and 42 of the Constitution stipulate that all citizens have equal rights and that discrimination on the basis of sex is prohibited, no explicit definition of discrimination against women, in accordance with article 1 of the Convention, is contained in the State party's legislation.

**12. The Committee encourages the State party to incorporate fully the definition of discrimination, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, in its Constitution or other appropriate national legislation. It encourages the State party to strengthen education and training programmes, in particular for judges, lawyers and law enforcement personnel, on the Convention and its applicability in domestic law and on the meaning and scope of indirect discrimination. The Committee also encourages the State party to strengthen awareness-raising and education measures to enhance women's knowledge of their rights and of the Convention.**

13. While noting that the minimum legal age of marriage is 18 years for both girls and boys, the Committee expresses concern that minimum ages of marriage of 14 for females and 16 for males may be authorized in exceptional cases.

14. **The Committee urges the State party to amend the legislation pertaining to age of marriage with a view to eliminating the exceptions that allow for marriage of females at age 14 and for males at 16 and to bring its legislation into line with article 1 of the Convention on the Rights of the Child, which defines a child as anyone under the age of 18 years, with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women and with general recommendation No. 21 of the Committee.**

15. While appreciating the reasons for the State party's designation of the Federation of Cuban Women, a non-governmental organization with significant experience in advocacy for and implementation of the human rights of Cuban women, as the national machinery for the advancement of women, the Committee is concerned that this institutional status may limit the authority and influence of the national machinery within the government structure and diminish the accountability of the State party with respect to the implementation of the Convention. The Committee is also concerned that the Federation's financial resources, which consist of membership fees and its economic activities, might be insufficient and as a result, limit the Federation's effective implementation of its functions in promoting women's enjoyment of their human rights and gender equality.

16. **The Committee reminds the State party of its responsibility to fully ensure Government accountability for respecting, protecting and fulfilling women's enjoyment of their human rights under the Convention. In this regard, the Committee refers to its general recommendation No. 6 on effective national machinery and publicity and the guidance provided in the Beijing Platform for Action on national machinery for the advancement of women. 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 governmental policy areas, as well as to ensure provision of adequate financial resources so that the Federation can fully implement its mandate.**

17. While welcoming the State party's efforts to eliminate gender-based stereotypes including through the revision of textbooks, curricula and teaching methods, the Committee is concerned about the persistence and pervasiveness of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family. These stereotypes continue to undermine women's social status, constitute serious obstacles to women's enjoyment of their human rights, present a significant impediment to the implementation of the Convention and are a root cause for the persistence of violence against women.

18. **The Committee calls upon the State party to strengthen its efforts to combat the widespread acceptance of stereotypical roles of men and women, including through awareness-raising in the media and public education programmes, so as to ensure the elimination of stereotypes associated with men's and women's traditional roles in the family and in society at large, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee recommends that effective measures be taken towards changing the culturally determined attitudes and behaviour that remain permissive of violence against women.**

19. While noting the introduction of provisions in the penal and family codes to address domestic violence, the Committee regrets that insufficient information was provided about the content of these provisions and their effective enforcement. It is not clear to the Committee whether the definition of violence included in the legislation is in line with the Committee's general recommendation No. 19 on violence against women. The Committee is further concerned about the lack of information regarding measures taken to implement the recommendations made by the Committee in the examination of the fourth periodic report, namely to increase the availability of support measures for women victims of domestic violence, such as telephone help lines and shelters.<sup>1</sup>

**20. The Committee calls on the State party to review and clarify the content of the new provisions and definition of violence and to provide in its next periodic report detailed information about the measures taken to ensure their effective enforcement. The Committee reiterates its request to increase the availability of support measures for women victims of violence and to include information about the impact of these measures in its next periodic report.**

21. While noting recent efforts of the State party with respect to the tourism sector aimed at discouraging prostitution, the Committee is concerned about the absence of legal and other measures aimed at further discouraging the demand for prostitution. It is also concerned about the insufficient awareness of and information regarding the root causes that lead women, including educated women, into prostitution.

**22. The Committee calls on the State party to take all appropriate measures to suppress the exploitation of prostitution of women, including discouraging male demand for prostitution. It further urges the State party to increase its efforts to implement preventive education programmes and campaigns on prostitution for women and men, to enhance women's economic opportunities, and to conduct studies to identify the root causes that lead women into prostitution and take remedial measures. The Committee requests that the State party provide information and data on measures taken to combat this phenomenon, and their impact, in its next report.**

23. While welcoming the progress achieved in the participation of women in the public and political spheres, the Committee is concerned about the low representation of women at the local level and in the country's Foreign Service. It is also concerned about the State party's apparent limited understanding of the nature and purpose of temporary special measures and the reasons for their application in areas where gender disparities to the disadvantage of women persist.

**24. The Committee recommends the utilization of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25 of the Committee to accelerate the increase of women in elected and appointed bodies in all areas of public life, especially at the local level. Such measures should include clearly defined goals and timebound targets, as well as the continuation of educational measures aimed at achieving a balanced representation of women and men at the local level, in the country's Foreign Service and at high levels of decision-making in government agencies and state bodies.**

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<sup>1</sup> See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38 (A/55/38)*, para. 264.

25. The Committee lacks sufficient information regarding women's participation in the labour market that would enable it to assess whether they may face indirect discrimination in access to the various sectors of the economy, and the scope of such indirect discrimination. While recognizing the expansion of the traditional role of housewives through opportunities of voluntary work, the Committee is concerned about the insufficient information regarding the factors that lead to the high percentage of housewives and regarding the percentage of such women who are interested in entering paid employment. While noting the high percentage of women pursuing careers in the scientific and technical fields, the Committee expresses concern at the lack of data, and trends over time, regarding women's participation in other occupational categories and sectors of the labour market, and the vertical and horizontal labour force segregation and wage levels disaggregated by sex.

**26. The Committee requests the State party to include detailed information and statistics about the number of women, compared to those of men, in occupational categories and sectors of the labour market, as well as the vertical and horizontal labour force segregation and wages disaggregated by sex, and over time. It calls on the State party to conduct studies to assess whether women, including housewives, face direct or indirect discrimination in accessing specific types of jobs and levels in the labour market. It invites the State party to include the results of such studies, including action taken in response to the findings, in its next periodic report.**

27. The Committee is concerned that, as a result of insufficient awareness about, and access to family planning and contraceptive methods, abortion may be used as a method of birth control and lead to multiple abortions during a woman's childbearing years. It regrets the lack of data about the incidence of abortion disaggregated by age and by rural and urban areas.

**28. The Committee calls on the State party to strengthen the implementation of programmes and policies aimed at providing effective access for women and men to family planning information and services and to affordable and quality contraceptive methods, and at raising awareness about the risks of abortion to women's health. It requests the State party to provide comprehensive information about the scope and impact of the measures taken, as well as data on the incidence of abortion disaggregated by age, by rural and urban areas, and reflecting trends over time, in its next periodic report.**

29. The Committee expresses concern about the low percentage of women that own land in the rural areas and their limited access to credit and training.

**30. The Committee recommends that the State party pay special attention to the situation of rural women so as to enhance compliance with article 14 of the Convention. In particular, the Committee calls upon the State party to ensure that women in the rural areas have effective access to, and control over, land and to credit facilities and training opportunities.**

**31. The Committee calls upon the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

32. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

33. The Committee emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.

34. The Committee notes that States' adherence to the seven major international human rights instruments<sup>2</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Cuba to consider ratifying the treaties to which it is not yet a party, namely, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

35. The Committee requests the wide dissemination in Cuba of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

36. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in September 2006, and its eighth periodic report, due in September 2010, in a combined report in 2010.

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<sup>2</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.