



ALTERNATIVE REPORT TO THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (CERD)

Submitting Organization: Venezuelan Association of Jurists (AVJ)

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International Instrument: International Convention on the Elimination of All Forms of Racial Discrimination (1965)

Period Examined: 22nd to 26th Periodic Reports of the Republic of Cuba

Period Analyzed: 2018–2023

I. Introduction

The Venezuelan Association of Jurists (AVJ) is a Venezuelan civil association comprised of jurists with recognized experience in academic research, university teaching, and the practice of law in the public, private, and community sectors. Its goal is the defense of human rights, social democracy, and the rule of law.

The AVJ is a member of the International Association of Democratic Jurists and the American Association of Jurists, with both organizations having consultative status in the United Nations system.

The AVJ submits this alternative report to the Committee on the Elimination of Racial Discrimination (CERD) to contribute to the review of the 22nd through 26th periodic reports submitted by the Republic of Cuba regarding the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

The report analyzes legislative, constitutional, institutional and public policy advances adopted in the period 2018-2023, aimed at guaranteeing equality, non-discrimination and the eradication of racism.

II. Applicable international legal framework

The International Convention on the Elimination of All Forms of Racial Discrimination (1965) is one of the fundamental instruments of the international human rights system aimed at preventing and eradicating discrimination based on race, color, descent, or national or ethnic origin.

In accordance with Article 2 of the Convention, States Parties commit to condemning racial discrimination and adopting policies aimed at eliminating it in all its forms.



Likewise, Article 5 of the Convention establishes the obligation to guarantee the enjoyment of civil, political, economic, social, and cultural rights without racial discrimination.

Article 7 provides for the adoption of immediate and effective measures in the fields of teaching, education, culture, and information, with the aim of combating prejudices that lead to racial discrimination.

III. Constitutional framework of the Republic of Cuba

The Constitution of the Republic of Cuba, approved in 2019, establishes a broad legal framework for equality and non-discrimination.

It is important to highlight that the Republic of Cuba has maintained a principled position condemning all forms of racism, racial discrimination, homophobia, xenophobia, and other related forms of intolerance. In recent years, significant progress has been made in strengthening the legal and institutional framework to guarantee equality and non-discrimination.

Article 42 of the Constitution recognizes that all persons are equal before the law and prohibits discrimination based on sex, gender, sexual orientation, gender identity, age, ethnic origin, skin color, religious beliefs, disability, national or territorial origin, or other personal conditions.

Article 40 recognizes human dignity as the supreme value that underpins the recognition and exercise of the rights and duties enshrined in the Constitution.

Article 41 establishes that the Cuban State recognizes and guarantees to all persons the inalienable, indivisible, and interdependent enjoyment and exercise of human rights.

Article 44 guarantees equality between women and men in the enjoyment and exercise of rights.

Article 45 stipulates that the exercise of rights must respect the rights of others, collective security, the general welfare, and respect for public order.

IV. Legislative development and public policies against racism.

The AVJ recognizes that the national report presented by Cuba is a response to a social reality inherited from colonialism and reflects on a broad process, updated through legislative, institutional, and programmatic reforms aimed at



strengthening the protection and defense of human rights to advance respect for and eradication of racial discrimination.

Within the framework of the implementation of the 2019 Constitution, the Cuban State has adopted various institutional and programmatic measures aimed at combating racism and racial discrimination.

In November 2019, the National Program against Racism and Racial Discrimination was adopted, a public policy aimed at identifying, preventing, and eradicating the vestiges of racial discrimination in Cuban society.

As part of this program, the National Commission Against Racism and Racial Discrimination, known as the National Commission 'Cuban Color,' was created. Its mandate is to coordinate the actions of state institutions, promote academic research, and monitor policies aimed at strengthening racial equality.

These initiatives reflect a state policy focused on cultural and social transformation through educational, cultural, and institutional actions designed to eradicate racial stereotypes and prejudices.

V. Observations on the application of the Convention

The current constitutional framework in Cuba explicitly incorporates the principle of equality and the prohibition of racial discrimination, in accordance with Articles 1 and 2 of the International Convention on the Elimination of All Forms of Racial Discrimination.

Public policies adopted since 2019 demonstrate institutional efforts aimed at fulfilling the obligations set forth in Article 7 of the Convention, particularly in the educational, cultural, and social spheres.

The creation of institutional bodies dedicated to monitoring anti-racism policies is a practice aligned with the general recommendations issued by the Committee on the Elimination of Racial Discrimination.

VI. Challenges

Even with the progress identified, some challenges remain related to overcoming historical socioeconomic inequalities that affect certain social groups and territories in different ways.

These challenges include continuing to reduce structural socioeconomic gaps, expanding socioeconomic development opportunities in vulnerable communities, and strengthening social inclusion processes in specific work and production sectors.



It should be noted that informal manifestations of social stigmatization persist and require addressing through educational, cultural, and community processes that promote a culture of equality and respect for all.

Unequal access to certain digital technologies and economic resources, caused by unilateral coercive measures and the economic, financial, and commercial blockade imposed on the population, impacting their human rights, presents a major challenge for the country in achieving inclusive development, especially in a context marked by economic restrictions stemming from the blockade and the complex international economic situation.

VII. Conclusions

An analysis of the current constitutional, legislative, and institutional framework in the Republic of Cuba reveals significant progress in the legal recognition of the principle of equality and the express prohibition of racial discrimination.

The 2019 constitutional reforms, as well as the adoption of the National Program against Racism and Racial Discrimination, represent significant steps in strengthening the human rights protection system.

The continuity and consolidation of these public policies will allow for a deepening of the efforts aimed at eliminating the vestiges of racism and racial discrimination, in accordance with the obligations arising from the International Convention on the Elimination of All Forms of Racial Discrimination.