



REPUBLIC OF CUBA
Permanent Mission to the United Nations Office at Geneva
and other International Organizations in Switzerland

Note No. 04/2014

The Permanent Mission of the Republic of Cuba to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Committee on the Elimination of Discrimination against Women and has the honor of making reference to the concluding observations (CEDAW/C/CUB/CO/7-8) of the examination of Cuba combined seventh and eighth periodic reports presented to the Committee on July 9th 2013.

In this regard, the Permanent Mission of the Republic of Cuba has the honor of sending herewith the opinions of the Government of the Republic of Cuba on the document CEDAW/C/CUB/CO/7-8 containing the Concluding Observations of the Committee on the Elimination of Discrimination against Women.

The Permanent Mission of the Republic of Cuba **requests that the aforementioned opinions are fully incorporated to the Report of the 55th session of the Committee, and are published on the website of the Office of the High Commissioner for Human Rights, Section Committee for the Elimination of Discrimination against Women, 55th session.**

**Committee for the Elimination of Discrimination against Women (CEDAW),
Geneva**

The Permanent Mission of the Republic of Cuba to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Committee for the Elimination of Discrimination against Women the assurances of its highest and distinguished considerations.

Geneva, January 3rd 2014



Opinions of the Government of the Republic of Cuba on the document CEDAW/C/CUB/CO/7-8 containing the Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW) for Cuba combined seventh and eighth reports.

The Government of the Republic of Cuba wishes to express its views and concerns on the concluding observations of the Committee on the Elimination of Discrimination against Women at its 55th session of the combined seventh and eighth reports of the country. Some of them reflect ignorance of the Cuban reality and did not take into account the information provided by Cuba in its national report and by the delegation headed by the Minister of Justice of Cuba, Mrs. Maria Esther Reus González, during the dialogue with the Committee.

Cuba attended the discussion of the report, aware that, no matter how detailed and complete this document may be, it would fail to reflect a comprehensive view of the reality of the Cuban woman, based on the richness of this reality and the many particular experiences in this area.

Given the above, the Cuban government voluntarily provided an additional report with updated statistics for the prior analysis of the Committee. In addition, it delivered another document with scaled-up responses to some very specific questions to enrich, with data and more factual information, specific topics covered in the interactive dialogue with the Cuban delegation.

The discussion of the Committee with the Cuban delegation was comprehensive and the questions made were accurate. Experts to this body were satisfied with the answers provided by the delegation during the development of this exercise. It is also worth emphasizing that, although the time set for the exchange was sufficient, the Committee did not raised follow-up questions regarding several articles of the Convention on which there were very critical conclusions. In some of these cases, the Committee raised no questions.

However, the Cuban government noted with amazement that the concluding observations of the Committee did not reflect the above circumstances.

Several elements gathered by the Committee in its conclusions and recommendations on Cuba report, refer to aspects that were not even covered in the interactive dialogue with the delegation.

By reading the concluding observations and compare them with the summary records of the interactive dialogue with the delegation, one gets the impression that these conclusions and recommendations do not reflect the tone and content of the rich dialogue held between the experts of the body and representatives of the Cuban government, as well as the extensive, detailed and precise responses provided by the Cuban delegation to the questions made by Committee members on these issues.

In concluding observations there is little attention given to the concrete results of the protection and promotion of the rights of women in Cuba.

It even calls the attention in this context that the Committee has not made any mention of the impact of the blockade on Cuban women, an issue that in the past has received special attention of this body, as well as of other entities and agencies of the United Nations system.

Some of the conclusions of the Committee reproduce the ideas of the anti-Cuban propaganda on human rights, which are spread by media monopolies dominated by the United States and small groups of individuals who defend and promote the U.S. aggressive policy against Cuba, for the funding they receive for doing so, and try to present themselves as representatives of the civil society.

It is regrettable that a selective and unbalanced approach that gives less importance to the information provided by a State Party has prevailed in the work of the Committee in its examination of the Cuban report.

Pursuant to the foregoing, the Government of Cuba considers necessary to make the following clarifications on some observations and recommendations of the Committee, which are unfair and do not correspond to the Cuban reality, with the comprehensive information the Committee had access to and the quality of the dialogue it had with the delegation.

C. Main areas of concern and recommendations.

- **Visibility of the Convention:** In the recent period there have been a number of actions to disseminate the Convention by the State and the civil society in the country. The Cuban state, fulfilling its international commitments and obligations, has periodically assessed their compliance. Cuban civil society organizations, which play an active and useful role in this regard, have also participated in this process.

- **Access to Justice:** The Cuban women access to the courts of justice and the possibility to receive free legal assistance are guaranteed. The reality is that there is no obstacle in Cuba, or discrimination whatsoever, for the effective access of women to justice, on equal footing with men. Cuban women are treated on the same terms as men and without any discrimination, in any legal proceedings, as established by Law No. 5 of August 13, 1977, of the Criminal Proceeding and by Law No. 7 of August of same year, Law on Civil, Administrative and Labor Procedures.

- **Special mechanisms for human rights complaints:** In the country there are various institutional mechanisms and procedures of the State for filing complaints on violations of human rights and the achievement of compliance with current legislation. It should be noted, for example, the mechanisms of the Office of the Attorney General of the Republic, the National Assembly of the People's Power and the Council of State.

- **National Mechanism for the Advancement of Women:** The Committee has no power to question the status of the national mechanism for the advancement of women (Federation of Cuban Women (FMC)), which has demonstrated its effectiveness. Moreover, Cuba has a National Action Plan for monitoring the implementation of the Beijing Platform for Action, which has proved its usefulness. This Plan has several actions that the government institutions must comply with and it is considered as an Agreement of the Council of State. It includes measures that in practice also monitor compliance with the legal obligations of the country under the Convention.

- **Violence against women:** In Cuba there is no under-register of violence due to the alleged failure of the State to recognize the different types of violence against women. In fact, there were no questions from the Committee to the delegation on this matter. Therefore, no additional statistical information was given during the interactive dialogue. As reflected in the report and discussed in the exchange, in Cuba the prevailing gender-based violence is psychological, although cases of physical and sexual violence are also presented. The Cuban delegation never denied the existence of different forms of violence. Moreover, even if there is no specific law to prevent and punish gender-based violence, this does not imply the absence of effective protection for victims, who are protected through various legal norms in force, including the Penal Code. The characteristics of Cuban society allow the coordinate action of state institutions and civil society in the prevention, treatment and eradication of these facts from the communities.

- **Trafficking and exploitation of prostitution:** It is nonsense to say that the Cuban State makes no effort to address the exploitation of prostitution. Measures and rules of law in force to address this phenomenon in the country were reflected in the national report, as well as in the answer to all questions and in those offered during the interactive dialogue. Prostitution is not a crime, but pimping and trafficking are, defined and penalized under the Criminal Code. A comprehensive policy of coordination is applied in the country among society institutions addressing the issue of trafficking and exploitation of prostitution.

The Committee did not take note that in Cuba the phenomenon of prostitution has no structural causes, but it is a choice of men and women seeking access to certain consumer goods that make them have a standard of living much higher than the rest of the population and/or facilitate migration abroad. It does not constitute a survival practice. Cuban women have a system of protection and facilities for their professional and labor development, which puts them away from vulnerable positions that may force them into prostitution as a means of subsistence.

- **Groups of women at a disadvantage:** With the issues raised in paragraph 36 of the observations, the Committee completely ignored the Cuban reality, thus assuming a position that denies the recognized political will of State to ensure the effective enjoyment of human rights of all Cuban men and women and their access to basic services on an equal footing, including health and education. These services are free and universal for all people in the country and there is no discrimination on any grounds when accessing them. Cuba's

achievements in ensuring these services are well known. There is a legislative and institutional framework for the promotion and protection of all human rights for all.

Discrimination is outlawed by the Constitution. In its Article 41 there is a chapter on equality, which states that "all citizens have equal rights and are subject to equal duties", and Article 43 embodies all rights for all citizens, regardless of race, skin color, sex, religious beliefs, national origin and any situation that may be harmful to human dignity.

The selectivity and lack of objectivity of the Committee damage the credibility of this important treaty body, crucial for the promotion of human rights of all women.

The Cuban government requests that these comments are included in the report of the 55th session of the Committee.
