

CUBA

Date of admission to UN: 24 October 1945.

TREATIES: RATIFICATIONS AND RESERVATIONS

Land and People: Cuba has submitted a core document (HRI/CORE/1/Add.84) for use by the treaty bodies. The report prepared by the government contains economic, demographic and statistical data as well as a brief historical overview and information on the general political structure and the legal framework for the protection of human rights. The rights enshrined in the Universal Declaration of Human Rights are formulated in, and protected by, current legislation. The Constitution endorses each of those rights and specifies the essential guarantees of their exercise; all the rights and freedoms enunciated in the Constitution are duly elaborated in various legal provisions that make up domestic substantive law. In cases of conflict between domestic law and provisions of international treaties to which Cuba is a party, the international provisions take precedence. The defence of the rights and legitimate interests of citizens is a main task and a special obligation of the courts and the Office of the Attorney-General.

Racial Discrimination

Signed: 7 June 1966; ratified: 15 February 1972.

Cuba's 10th through 13th periodic reports have been submitted as one document (CERD/C/319/Add.4) which was considered at the Committee's August 1998 session; the 14th periodic report is due 16 March 1999.

Reservations and Declarations: Articles, 17, 18 and 22.

Discrimination against Women

Signed: 6 March 1980; ratified: 17 June 1980.

Cuba's fourth and fifth periodic reports were due 3 September 1994 and 1998 respectively.

Reservations and Declarations: Article 29.

Torture

Signed: 27 January 1986; ratified: 17 May 1995.

Cuba's second periodic report is due 15 June 2000.

Reservations and Declarations: Paragraph 1 of article 2; paragraphs 1, 2 and 3 of article 20; article 30.

Rights of the Child

Signed: 26 January 1990; ratified: 21 August 1991.

Cuba's second periodic report was due 19 September 1998.

Reservations and Declarations: General declaration.

REPORTS TO TREATY BODIES

Committee on the Elimination of Racial Discrimination

Cuba's 10th through 13th periodic reports were submitted as one document (CERD/C/319/Add.4, June 1997) which was considered by the Committee at its

August 1998 session. The report prepared by the government contains demographic data as well as information on, *inter alia*: relevant provisions in the Constitution of 1992, the Penal Code 1987, the Associations Act 1985, the Criminal Procedure Act, the Electoral Act 1992, the Family Code 1975 and the Labour Code; the prohibition of all propaganda and organizations seeking to justify or promote racial hatred or discrimination in any form; the role and functions of the Office of the Attorney-General; teaching and education, culture, access to information and mass media.

The Committee's concluding observations and comments (CERD/C/304/Add.60) noted factors hindering implementation of the Convention, including the serious economic difficulties in the 1990s arising from the embargo, particularly with regard to economic, social and cultural rights, and the situation of less favoured social groups. The Committee stated that among those groups there is, for historical and socio-cultural reasons, a high percentage of the black and mestizo population.

The Committee welcomed, *inter alia*: the adoption since 1959 of appropriate legislation and equal opportunity policies; the policy of promoting blacks to managerial positions at all levels within the country, including the highest political organs; the 1992 constitutional reform that introduced a number of provisions by which aliens resident in Cuba enjoy the same rights as Cubans in such matters as the protection of their persons and property and the enjoyment of the rights and performance of the duties laid down in the Constitution; and that academic institutions are conducting studies on different aspects of the racial question. In stating its concerns, the Committee noted that the government had not provided sufficient information on the practical implementation of Convention, especially in terms of article 4 (prohibition of organizations and individuals promoting ideas of racial superiority) and article 6 (effective protection and remedies).

The Committee recommended that the government, *inter alia*:

- ♦ provide further information in the next report on the demographic composition of the population and a summary of the findings of the study being conducted by the Anthropology Centre about race relations and ethnicity;
- ♦ provide in the next 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; clearly explain the role of the Attorney-General in dealing with complaints; and
- ♦ pay particular attention to the Committee's General Recommendations XIII and XVII, related to the training of law enforcement officials in the protection of human rights and the establishment of national institutions to facilitate the implementation of the Convention.