

**Universal Periodic Review
(44th working group session)
Contribution of UNESCO to Compilation of UN information**

Cuba

I. RATIFICATION OF UNESCO CONVENTIONS

TITLE	Date of ratification, accession, acceptance or succession	Declarations/Reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's field of competence
Convention against Discrimination in Education (1960)	Ratification : 02/11/1962			The right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification : 24/03/1981			The right freely to participate in the cultural life of the community
Convention for the Safeguarding of the Intangible	Ratification : 29/05/2007			The right freely to participate in the cultural life

Cultural Heritage (2003)				of the community
Convention on the Protection and Promotion of the Cultural Diversity of Cultural Expressions (2005)	Ratification: 29/05/2007			The right freely to participate in the cultural life of the community

II. REVIEW OF LEGISLATIVE, REGULATORY AND POLICY FRAMEWORKS AND IMPLEMENTATION

A. RIGHT TO EDUCATION

Legislative, regulatory and policy frameworks

1. The 2019 Constitution¹ states that "Education is a right of all people and responsibility of the State, which guarantees free education services, affordable and quality training comprehensive, from early childhood to postgraduate university education ..." (article 73). It guarantees equality and proscribes discrimination "based on sex, gender, sexual orientation, gender identity, age, ethnicity, skin color, belief religious, disability, national or territorial origin, or any other condition or personal circumstance that imply a harmful distinction to the human dignity" (article 42).
2. The Law No. 680 on the First Integral Reform of Education of 1959² establishes that "Schooling for Cuban children shall be compulsory up to the age of twelve and up to the sixth grade of primary school, and shall be free when provided by the State, the Province or the Municipality. The policy of the Ministry of Education shall be to create the necessary means to extend compulsory education to the end of basic secondary school" (article 5). Only

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<http://www.unesco.org/education/edurights/media/docs/cfa7720fe4e3ef297c6dd4e50ad282fc044d9c51.pdf>

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<http://www.unesco.org/education/edurights/media/docs/23c2910be9cbb60c73d7458bb242438aba18afa3.pdf>

primary education is compulsory for a duration of six years. Primary education and secondary education are free (articles 5 and 8) for a duration of twelve years. However, while free, pre-primary education is not compulsory.³

3. Besides the Constitution and Law No. 680, recent texts include:

- Resolution of the Ministry of Education 120/2018 "Procedure for the Approval and Accreditation of Studies Abroad": Article 1 states that "Cuban students who study abroad can continue their studies in Cuba", article 3 that "Foreign students who have permanent residence in our country can continue their studies in Cuba", article 4 that "Foreign students who have temporary residence can continue their studies in Cuba" and article 28 that "Foreign students have the same study regime as Cubans".⁴
- Decree 364/2019 "On the Training and Development of the Qualified Work Force": article 8 states that "The Ministry of Education provides methodological advice and controls the linkage between educational institutions and entities of production and services, aimed at training and development of qualified workers and middle level professionals" ensuring continuous learning in the scenarios of production and services. Article 17 adds that "The directions of the provincial and municipal administrations of the People's Power, in coordination with those of Labor and Social Security and Education, establish training in the trades, based on local development and the needs of qualified workers in deficit activities in their territories".⁵
- Ministerial Resolution N°288 /2019:⁶ Rules the Constitution of the National Technical Group of the Social Program of Educational Attention "Educate your child" and establishes that one of its functions is to guide the strategies for the implementation of the non-institutional educational attention to the early childhood.
- Resolution 15/2019 of the Ministry of Education:⁷ Provides for the extension of the educational Program aimed at the prevention of drug use, in the National Education System. This responds to the previous UPR recommendation N° 24.323.
- Resolution no. 283 of 4 November 2020 of the Ministry of Public Health, which regulates scholarships for foreign students at Cuban universities of

³ https://www.unesco.org/education/edurights/media/resources/file/Cuba_-_10th_consultation_ES.pdf

⁴ https://www.unesco.org/education/edurights/media/resources/file/Cuba_-_10th_consultation_ES.pdf

⁵ Ibid.

⁶ Ibid.

⁷ <https://www.mined.gob.cu/wp-content/uploads/2020/01/RM-15-2019-.pdf>

medical sciences⁸: It notably establishes the way in which scholarships are integrated and the possibility of concluding a degree in the countries of origin when the concerned governments agree, Cuban medical brigades are present in those nations and the educational conditions are met.

- Family Code, law 156/2022⁹: Provides that the family is responsible for ensuring that children and adolescents enjoy and exercise their right to education (article 5), recognizes the role of grandparents, relatives and other people, in the intergenerational transmission in education (article 8), the responsibilities of the parents in educating their children (article 138), among other education-related provisions.

Legal age of marriage

4. The Family Code of 2022 is an important advancement as it provides that “The capacity of persons to formalize marriage is attained at the age of eighteen (18) years” (article 204) and prohibits minors below the age of 18 to marry (article 205). The former Family Code of 1975 provided for exceptions under which girls could marry at the age of 14.

Artistic education

5. Recommendation N°24.272 of the previous UPR cycle, recommended that Cuba continue improving the national system of artistic education at all levels. Cuba reported “in the 2018-2019 academic year, Artistic Education was incorporated with the specialties of music education teachers and artistic education teachers for primary and special education levels, as well as the specialties of musical-dance and visual-theater for the training of teachers of junior high school.”¹⁰

Corporal punishment

6. Corporal punishment is not explicitly prohibited in the legislation. However, the Resolution No.165 of 2006¹¹ proscribes educational workers from provoking or participating in any kind of violence.

Minimum age of employment

7. According to the Labour Code¹², the minimum age of employment is 17 years (article 22) and under certain circumstances 15 (article 64). However,

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<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/112171/140047/F-1544303111/RES%20283%202020%20CUB.pdf>

⁹ <https://www.mined.gob.cu/wp-content/uploads/2022/08/goc-2022-o87.pdf>

¹⁰ https://www.unesco.org/education/edurights/media/resources/file/Cuba_-_10th_consultation_ES.pdf

¹¹ https://www.yucabyte.org/wp-content/uploads/2019/10/Reglamento-Ramal-de-la-Disciplina-del-Trabajo-en-la-Actividad-Educacional-GO_O_102_2006_.pdf

¹² <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/96404/113996/F288013741/CUB96404.pdf>

education is compulsory only until the age of 12 (Law No. 680 on the First Integral Reform of Education of 1959, articles 5 and 6), which could lead to children working prior to the minimum age of 17 years. Compulsory education should be extended to ensure its alignment with the minimum age of employment.

Enrolment rates

8. The gross enrolment rates (GER)¹³ were:
- pre-primary education (2021): 100% in total, 100% for girls and 100% for boys;
 - primary education (2021): 101% in total, 100% for girls and 102% for boys;
 - secondary education (2019): 89% in total, 90% for girls and 88% for boys;
 - tertiary education: 54% in total, 71% for girls and 38% for boys.

Government expenditure

9. In 2020, 16.7% of total government expenditure was allocated to education.¹⁴

Digital education

10. In relation to recommendation N°24.180 of the previous UPR cycle, the country reported that "Regarding the use of ICT, a strategy for the adoption of ICT throughout the educational system has been developed in the context of the Sustainable Development Goals, which integrates the interconnection of all centers served by the Ministry of Education, to the Network of networks, whose goal has been projected until 2021 to insert the Computer Science subject into the school curriculum from Early Childhood to the upper secondary level with the aim of gradually developing in students: systems of knowledge, skills and values linked to computational thinking, taking as a premise the integrative nature of ICT. Programs are currently being developed to incorporate the fundamentals of robotics in the educational system. Currently, 38% of educational institutions have access to the Internet. At the same time, the training of teachers in the use and production of digital resources is promoted."¹⁵

Discrimination in education (UNESCO consultations)

11. Cuba submitted its national report for the 9th and the 10th Consultation on the implementation of the Convention and the Recommendation against Discrimination in Education.

¹³ UNESCO UIS data

¹⁴ Ibid. No data was found regarding the government expenditure on education as a percentage of GDP.

¹⁵ <https://www.unesco.org/education/edurights/media/resources/file/Cuba - 10th consultation ES.pdf>

B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

Constitutional and legislative frameworks

12. The Constitution¹⁶ allows for freedom of expression under Article 54. Article 55 recognizes press freedom with the qualification that it is to be exercised in accordance “with the law and the purpose of the society” and also underscores that “social communication media are the socialist property of the people or of the political, social and mass organizations; and they cannot be the object of another type of property”. The State is mandated with establishing the principles of organization and operation of the media. The Constitution also grants the right to “request and receive truthful, objective and timely information from the State, and to access information generated by State bodies and entities, in accordance with established regulations” (article 53).

13. Defamation is criminalized in Cuba’s Penal Code¹⁷ as follows:

- Defamation of institutions and organizations, and of the heroes and martyrs of the Republic of Cuba carries a prison term from two to five years and/or a fine (Article 270);
- Defamation of other persons carries a prison term from six months to one year and/or a fine. Reasons of enmity, revenge, discrimination or other malicious purposes constitute aggravating circumstances. Proof of truth exempts the alleged commissioner from culpability (Article 390).

14. Resolution 105/2021 “provides a national action model to respond to cybersecurity incidents” that involves different stages and the coordinated efforts of the Ministry of Communication, the Revolutionary Armed Forces and the Minister of Interior Affairs, classified by type of incident and level of danger (Article 11.1). Cybersecurity incidents with “a high level of danger” are , among others, “the dissemination of false news, offensive messages, defamation with an impact on the country's prestige; dissemination through the infrastructures, platforms or services of telecommunications/ICT of contents that violate the constitutional, social and economic precepts of the State, incite mobilizations or other acts that alter public order; spread messages that advocate violence, accidents of any kind that affect the privacy and dignity of people”. Altering the social order and promoting social indiscipline is labelled “very high”.¹⁸

¹⁶ <https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5.pdf> (available in Spanish)

¹⁷ https://www.gacetaoficial.gob.cu/sites/default/files/goc-2022-o93_0.pdf (available in Spanish)

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https://www.mincom.gob.cu/sites/default/files/marcoregulatorio/r_105-21_modelo_de_actuacion_nacional.pdf

15. The country is in the process of developing an Access to Information Law. A Law on Social Communication of the State and the Government is undergoing consultations.

Implementation of the law

16. The Ministry of Communications is the governing body for telecommunications/ICT sector and the use of the radio spectrum. Ministry officials are appointed by the Government.
17. The Institute of Information and Social Communication has been created by Decree-law 41/2021. This entity, once operational, will be in charge of “managing and monitoring the Social Communication Policy of the Cuban State and Government”.¹⁹
18. The Code of Ethics of the Cuban Union of Journalists provides the general framework for self-regulation.

Safety of journalists:

19. As of 31 January 2023, UNESCO has recorded no killings of journalists in Cuba since 2006, when systematic monitoring by the organization began.²⁰

C. THE RIGHT TO SHARE IN SCIENTIFIC AND ADVANCEMENT AND ITS BENEFITS

20. Cuba submitted a report on the implementation of the UNESCO Recommendation on Science and Scientific Researchers (2017) from 2017 to 2020. While there is no explicit recognition of the right to share in scientific advancement and its benefits, several constitutional provisions address science, directly or indirectly. Article 16 (m) articulates the State’s commitment to building an information and knowledge society where everyone can create, consult, use and share information and knowledge towards improving quality of life. Article 21 recognizes the importance of progress in science, technology and innovation (STI) for the country’s economic and social development. The State promotes the education, the sciences and culture with citizen’s participation as a key component of policy implementation (Article 32). Research and creation in science shall be free with scientific activity prioritizing problem-solving in the interest of society. Provisions on non-discrimination (articles 41 and 42), gender equality (article 43) and education are applicable in STI and the training of scientific researchers.
21. STI feature prominently in the National Plan for Economic and Social Development 2030 (PNDES) of 2017 with one of its 6 axes focusing on human potential. Cuba invested in 2020 0,52 % of its GDP in Research and Development.²¹ Some 12 policies were adopted in recent years on different STI-related issues. The 2019 Policy on the Reorganization of the Science, Technology and Innovation System is a fundamental instrument establishing scientific freedom and foreseeing the creation of adequate

¹⁹ <https://www.gacetaoficial.gob.cu/sites/default/files/goc-2021-o96.pdf>

²⁰ <https://en.unesco.org/themes/safety-journalists/observatory/country/223687>

²¹ <https://data.worldbank.org/indicator/GB.XPD.RSDV.GD.ZS?locations=CU>

working conditions for scientific researchers.

22. The 1992 Code on Professional Ethics of Science Workers with its two 2009 annexes (on ethical principles and norms on nanotechnologies and biosecurity) addresses important aspects of scientific freedom and responsibility. Women's participation in STI is high, and has further increased in recent years, reaching 57.3% in 2019.²² Women make up 50% of the board of the Cuban Academy of Sciences and hold two of the three vice-president positions.
23. Cuba has a data collection system on scientific endeavours and the conditions of scientific researchers based on a broad set of indicators and created in 2021 an Information system for the management and evaluation of STI activities.

III. RECOMMENDATION

A. RIGHT TO EDUCATION

24. Cuba should be encouraged to:
 - i. Gradually introduce at least one year of compulsory pre-primary education;
 - ii. Consider extending compulsory education to cover at least nine years of primary and secondary education and ensure the end of compulsory education aligns with the minimum age of employment;
 - iii. Continue to submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education;
 - iv. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education²³ and Her Atlas.²⁴

B. FREEDOM OF OPINION AND EXPRESSION AND THE RIGHT TO INFORMATION

25. Cuba is recommended to ensure that the ongoing consultations for the Law on Social Communications of the State and the Government count with the broadest level of participation of relevant actors in the country.
26. Cuba is recommended to ensure that the law on Access to Information is in alignment with international human rights standards, including the establishment of an independent oversight mechanism.

²² Fuente: Elaborado a partir del Anuario Estadístico de Cuba Enero-Diciembre 2019. Serie: Ciencia y Tecnología.

²³ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

²⁴ <https://en.unesco.org/education/girls-women-rights>

27. Cuba is recommended to review its media, broadcasting and internet/cybersecurity laws to seek alignment with international freedom of expression standards.
28. Cuba is encouraged to decriminalize defamation and incorporate it into the civil code, in line with international standards.

C. RIGHT FREELY TO PARTICIPATE IN THE CULTURAL LIFE OF THE COMMUNITY (CULTURAL RIGHTS)

29. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Cuba is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Cuba is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and civil society organizations, as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young people and persons with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. THE RIGHT TO SHARE IN SCIENTIFIC ADVANCEMENT AND ITS BENEFITS

30. Cuba submitted its National Report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation period from 2017 to 2020. Therefore, Cuba is encouraged to report again to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress

and its applications; the principle of non-discrimination, requiring in this case active promotion of women and girls entering scientific careers; protection for the rights of human subjects of research; and promotion of the science society interface. Furthermore, Cuba is encouraged to expand input on issues covered by the 2017 Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Cuba is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.