

CUBA

1. Discriminatory family code

The minimum **legal age of marriage** in Cuba is 18 for both men and women in heterosexual partnerships.¹ Updates to the Family Code, which have been pending since 2008, would include same-sex marriage.²

Article 2 of the Family Code sets out principles on the equality of rights and duties of both spouses, and Article 83 provides that **parental authority** be jointly exercised.³ Recent legislation attributed economic value to housework, which is to be shared equally within the family. However, according to the country's latest report to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), unjust division of labour within the family is still prevalent.⁴

There is no discrimination against women with regard to **inheritance**, and sons and daughters – regardless of the marital status of the parents – have the same rights to inherit under the Cuban Family Code.⁵

Under recent updates to the Family Code, widows cannot be disinherited: where the deceased has expressed such a wish, it is only taken into account for half of the estate, with the remainder passing to the legal heirs. If there are no other descendants, all of the property passes to the widow.⁶

No fault **divorce** is available in Cuba.⁷ If divorcing parents cannot reach agreement regarding custody of the children, the courts award custody based on the best interests of the child. In most cases, children stay with their mother.⁸

¹ CEDAW (2011), p. 47

² Gonzalez, Ivet (2013)

³ CEDAW (2011), p. 47

⁴ CEDAW (2011), p. 47

⁵ CEDAW (2011), p. 46

⁶ CEDAW (2006), pp. 86-87

⁷ CEDAW (2011), p. 46

⁸ CEDAW (2011), p. 46

2. Restricted physical integrity

Studies conducted in Cuba have indicated that gender-based violence is not an issue specific to any one region of the country but is a widespread problem, with **domestic violence** being the most prevalent form.⁹

In 1997, Decree-Law No. 175 of the Penal Code included specific language on domestic violence.¹⁰ The Working Group for the Prevention and Treatment of Violence in the Family was also founded that year, as part of the country's National Beijing Platform for Action Plan.¹¹ The Working Group is still in operation and continues to be overseen by the national women's machinery, the Federation of Cuban Women (FMC), with work in six areas: training, education and prevention, care, research, legislation, and dissemination.¹²

According to the latest report to CEDAW, police and other law enforcement officials who receive violence against women complaints are properly trained.¹³

There is no information on whether domestic violence is routinely reported or on conviction rates, and in fact, the paucity of gender disaggregated data was addressed by the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) in both 2006 and 2013.¹⁴

Rape, including spousal rape, is a criminal offence, punishable by a prison sentence of 4 to 10 years, and 15 years in the case of a repeated offence. Rapists are liable to capital punishment if the victim is under the age of 12.¹⁵

Decree-Law No. 175 of 1997 of the Penal Code addresses **sexual harassment** specifically,¹⁶ although there has been no indication in the last two reports to CEDAW of how this law has been implemented in practice. Additionally, although it is not clear whether it has been used for this purpose, Article 295 of the Penal Code "provides that anyone who discriminates against another person or encourages or incites to discrimination, either by expressions and attitudes that are offensive to the person's sex, race, colour or national ancestry or by actions aimed at hindering or preventing them, on grounds of sex, race, colour or national ancestry, from exercising or enjoying the rights to equality established in the Constitution, shall be punished by imprisonment."¹⁷

Female genital mutilation is not practiced in Cuba, and there are no laws addressing it.¹⁸

⁹ CEDAW (2013), p. 22.

¹⁰ CEDAW (2006), p. 17

¹¹ CEDAW (2011), p. 17

¹² CEDAW (2011), p. 17

¹³ CEDAW (2013), p. 8

¹⁴ CEDAW (2006); CEDAW (2013).

¹⁵ Article 298 of the Penal Code, adopted December 1987 via Law No. 62 in CEDAW, 2006, p. 1

¹⁶ CEDAW (2006), p. 17

¹⁷ CEDAW (2006), p. 16

¹⁸ CEDAW (2013), p. 22

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The Cuban government considers prostitution, while not illegal, a form of exploitation and violence against women.¹⁹

Abortion is available on request in Cuba.²⁰

3. Son bias

The male-to-female **sex ratio** at birth in 2013 is 1.06 and for the working age population (15-64 years old) is 1.²¹ There is no evidence to suggest that Cuba is a country of concern in relation to **missing women**.

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According to 2012 data, there is virtually no gender gap in primary and secondary **school** enrolment. The ratio of female to male primary enrolment was 99% and 100.5% for secondary education.²²

4. Restricted resources and assets

Under Article 24 of the Constitution, Cuban women have the same land ownership rights as men.²³ There was no overt gender discrimination when land was redistributed in 1959, but in practice few women obtained land. The number of women with **access to land** is increasing through inheritance and, according to the latest data reported to CEDAW (2011), there are 10,916 women land owners and 759 women tenants, marking an increase of 1,000 since its 2006 report.²⁴

Women have the same legal capacity as men to own **non-land assets**, and there is no legal discrimination.²⁵ Spouses must obtain their partner's consent if they wish to acquire, administer or transfer jointly owned property, and this applies to both men and women. Individual property acquired before or during the marriage can be freely used by one spouse without needing to seek agreement from the other.²⁶

Concerning **financial services**, under Cuban law, women have the capacity to enter into contracts, to administer property, and to obtain credit.²⁷

Although private credit remains mostly non-existent,²⁸ there have been recent reports of possible operations of microcredit systems in Cuba.²⁹ However, there is no indication as to whether women will be targeted for these programmes or of how widespread they will be.

¹⁹ CEDAW (2013), p. 12; CEDAW (2011), p. 20

²⁰ UN DESA (2013)

²¹ CIA. <https://www.cia.gov/library/publications/the-world-factbook/fields/2018.html> (accessed 23/04/2014)

²² World Bank Development Indicators Database. <http://databank.worldbank.org/data/views/reports/tableview.aspx> (accessed 23/04/2014)

²³ CEDAW (2006), p. 81

²⁴ CEDAW (2011), p. 44

²⁵ Civil Code, Law No. 59, enacted 16 July 1987; CEDAW (2011), p. 45

²⁶ CEDAW (2006), p. 86

²⁷ CEDAW (2011), p. 46.

5. Restricted civil liberties

There are no gender-specific restrictions on **access to public space** in Cuba. However, all Cuban citizens face restrictions on their freedom of movement, as attempting to leave the island without permission is a criminal offence, and changing residency from one city to another is only possible with official permission.³⁰

In the area of **political voice**, women and men have the same rights to vote and stand for election in Cuba. However, the most recent report to CEDAW notes that “although women have all these legal rights and account for 50% of voters, the nomination and election of women is still influenced by subjective factors relating to beliefs, prejudices and cultural patterns inherited from a classist and sexist society in which the sphere of work and public authority was restricted to men...”³¹

Although there are no formal **quota** systems in place for women’s representation at the national or sub-national levels, the FMC – the national machinery for the advancement of women – has taken an active role in promoting the political participation of women, aiming to increase the visibility of women in the electoral process.³²

In 2014, there are 299 women, out of 612 seats, in the Cuban single-house Parliament. This represents 48.9%, ranking Cuba third country in the world in terms of female representatives.³³ In 2007 – the last year for which data is available – women made up 40.7% of representatives in the provincial assemblies.³⁴

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There have been several recent national efforts to address bias against women in the **media**. According to the latest report to CEDAW, “[t]he FMC, the Music Institute, Cultural Dawn House and the Inter-American and African Masculinity Network cooperated on [a project]] ... to eliminate sexist images in print and negative images in songs.”³⁵ The National Gender Training Programme for Media Executives and/or Professionals in Cuba has also been approved for work with the FMC to begin a programme which seeks “to promote a conscious change in the media’s gender perspective by improving the professional conduct of journalists, particularly in the local media.”³⁶

All current **workplace rights** apply to women as well as men.³⁷ In addition, women’s committees have been set up in some sectors of the economy “to address the specific content of women’s activities as

²⁸ Freedom House (2013)

²⁹ Grogg, Patricia (2011)

³⁰ Freedom House (2013)

³¹ CEDAW (2011), p. 22

³² CEDAW (2011), p. 23

³³ Inter Parliamentary Union. <http://www.ipu.org/wmn-e/classif.htm> (accessed 07/05/2014); OECD (2014), *Gender, Institutions and Development Database*, <http://stats.oecd.org>

³⁴ CEDAW (2011), p. 23

³⁵ CEDAW (2013), p. 4

³⁶ CEDAW (2013), p. 5

³⁷ CEDAW (2011), p. 5

one of the measures taken in implementation of the National Action Plan for Follow-up of the Fourth World Conference on Women.”³⁸

In 2014, Cuba published its new Labour Code upholds and extends gender equality in employment, protecting women from discrimination.³⁹ CEDAW, in its latest review of Cuba’s reports to CEDAW, has indicated that the proposed amendments are in line with its recommendations on this issue.⁴⁰

Despite these efforts, the right to choose one’s place of employment is severely restricted for both men and women in Cuba.⁴¹

Maternity leave is covered by Decree-Law No. 234 (2003). The law provides protection to women during pregnancy, as well as antenatal and postnatal paid maternity leave. The state-sponsored leave covers 18 weeks, providing that the person has worked at least 75 days in the 12 months preceding.⁴² However, the latest report to CEDAW indicates that, in order for these laws to be fully effective, “much remains to be done to eliminate underlying cultural stereotypes.”⁴³

³⁸ CEDAW (2013), p. 17

³⁹ CEDAW (2013), p. 18

⁴⁰ CEDAW (2013), p. 8

⁴¹ Freedom House (2013)

⁴² CEDAW (2013), p. 31

⁴³ CEDAW (2013), p. 5

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