





Country	Cuba
SIGI 2019 Category	N/A
SIGI Value 2019	N/A

Discrimination in the family		29%
	Legal framework on child marriage	50%
	Percentage of girls under 18 married	16%
	Legal framework on household responsibilities	50%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	-
	Female to male ratio of time spent on unpaid care work	2.7
	Legal framework on inheritance	0%
	Legal framework on divorce	25%

Restricted physical integrity		N/A
	Legal framework on violence against women	75%
	Proportion of the female population justifying domestic violence	4%
	Prevalence of domestic violence against women (lifetime)	-
	Sex ratio at birth (natural =105)	105.6
	Legal framework on reproductive rights	0%
	Female population with unmet needs for family planning	8%

Restricted access to productive and financial resources		N/A
	Legal framework on working rights	0%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	-
	Share of managers (male)	62%
	Legal framework on access to non-land assets	0%
	Share of house owners (male)	-
	Legal framework on access to land assets	25%
	Share of agricultural land holders (male)	-
	Legal framework on access to financial services	0%
	Share of account holders (male)	-

Restricted civil liberties		N/A
	Legal framework on civil rights	0%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	-
	Legal framework on political participation	50%
	Share of the population that believes men are better political leaders than women	-
	Percentage of male MP's	51%
	Legal framework on access to justice	0%
	Share of women declaring lack of confidence in the justice system	50%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

## Cuba

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

Women in Cuba have equal rights as men to enter into marriage (Family Code, Article 2). Article 2 of the Family Code states that marriage is a union entered into voluntarily by a man and a woman having the legal capacity to do so for the purpose of living together, and sets out the principle mentioned in the Constitution to the effect that marriage is based on the equality of rights and duties of both spouses (Constitution, Article 36).

While there is no specific legal provision which prohibits forced marriage, there are civil provisions that are used to address the latter. More specifically, a court can order the annulment of a marriage performed without the consent of one of the two spouses (Family Code, Articles 45 & 46).

Cuban law only recognizes civil marriage. The law provides for the official registration of informal partnerships (Family Code, Article 18). They are regulated through the concepts of retroactively formalised marriages and legal recognition of non-formalised marriages, in order to ensure that they have equal effects with formalised or civil marriages.

#### b) Child marriage

The legal age of marriage is 18 years old for both women and men (Family Code, Article 3). However, marriage for girls as young as 14 and for boys as young as 16 is permitted with the consent of the parents, grandparents, legal guardian or the court (Family Code, Article 3). A marriage without such consent would be considered as void (Family Code, Article 45).

According to UNICEF 2016 data, child marriage is a common phenomenon in Cuba as 5% of girls were married by the age of 15 and 26% by the age of 18 (UNICEF, 2016). These young brides generally do not finish their education and rarely hold full-time employment, making them financially dependent on their husbands and ill-equipped to end that dependence (Robert E. Emery, 2013). There is no available information on the government's efforts to prevent or mitigate such phenomenon.

#### c) Household responsibilities

The Constitution of the Republic (Article 36) and the Family Code (Article 2) outline the postulates and general principles of equal rights for men and women in marriage and family relations. Therefore, women have the same rights as men to be recognized as head of households, wives are not required to obey their husbands (Family Code, Article 26) and women have equal rights as men to choose where to live.

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. As for conjugal rights and duties, both spouses have the obligation to care for the family they have created and to cooperate with each other in educating, training and guiding their children. It also states that the spouses are required to contribute to meeting the needs of the family they have created by their marriage, each according to his or her ability and economic capacity (Family Code, Article 26). In addition, recent legislation

attributed economic value to housework, which is to be shared equally within the family (Family Code, Article 27).

The Centre for Women's Studies (CEM) conducted and promoted research on gender issues, in particular to eradicate stereotypes and cultural, ideological and psychological barriers not only in society but also within the family. According to the government, one priority objective is to create awareness in every member of the family of the need to share household chores (CEDAW, 2011).

The most significant invention in that regard is probably the child care centres or "*círculos infantiles*". Administered and controlled by the FMC (*Federación de las Mujeres Cubanas*) those free centres accept children from the age of forty-five days until they are ready to enter schools. This system contributed substantially to providing equal work opportunities for women (ECLAC, 2015).

However, in practice, unjust division of labour within the family is still prevalent in the country, traditional sexist behaviour and gender stereotypes persist, and laws requiring the equal division of household chores are not enforced. Consequently, women still bear the burden for performing the majority of household and caregiving responsibilities in addition to working outside the home (AAUW, 2011).

#### **d) Divorce**

The Civil Code does not discriminate against women in terms of divorce rights. Both women and men have the same right to initiate divorce (Family Code, Article 53). In the case of divorce, both parents continue to share parental authority over their children (Civil Code, Article 57). 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 (CEDAW, 2011).

In addition, community of property ceases upon dissolution of a marriage and the common property is divided equally between the spouses (Family Code, Article 57) (CEDAW, 2011).

It is difficult to assess the extent of divorce in Cuba because of the lack of accurate data available. Although the country's population is mostly catholic, Cuba is the only country in the Latin American region where there is no stigma attached to divorce. Cuba adopted an official position of atheism after the Cuban revolution, therefore, religion today has neither the political power nor the influence that it has elsewhere in the world. Furthermore, divorce, when it is uncontested, is fairly easy to obtain. However, although divorce is common, the country is experiencing a severe housing shortage, and cohabitation after divorce is increasingly common. Women without children or with only one child typically return to their parent's home after filing for divorce (Robert E. Emery, 2013).

#### **e) Inheritance**

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 Civil Code (Civil Code, Article 514). Similarly, female surviving spouses have equal rights to men to inherit land and non-land assets. If there are no other descendants, all of the property passes to the widow (Civil Code, Article 517). In addition, if a spouse or a child does not work and is financially dependent of the deceased, they cannot be disinherited. (Civil Code, Article 493).

In Cuba, children often live with a grandparent, when that grandparent is still alive. Inscribing a grandchild as officially occupying a grandparent's apartment allows him to keep occupying it after the grandparent's death and to claim legal ownership of that apartment. But this normative form of

inheritance is gendered. Indeed, as women tend to outlive men, the residence of a man is often passes to his spouse at his death. The passing of apartments from a man to his spouse explains why it is more common for grandchildren to inherit property directly from their grandmothers (Heidi Härkönen, 2016).

## 2. Restricted Physical integrity

### a) Violence against women

Cuba did not ratify any regional convention addressing violence against women and does not have a specific law addressing violence against women or criminalizing gender-based crimes such as femicides. However, in its effort to prevent and address violence against women and girls, part of the governmental strategy is to target mass media in order to raise awareness and promote changes in the culture. Therefore, several public-interest campaigns were conducted through different media. More particularly, in coordination with the Cuban Institute of Cinematographic Art and Industry and the department of gender studies of the University of Havana, workshops were conducted on the treatment of gender violence in audio-visual media (CEDAW, 2011). More recently, as part of the Radio and Television Festival Cuba in 2013, a panel was conducted entitled "Gender-based violence against women and girls in the media", organized by the Office of the Resident Coordinator of the United Nations System in Cuba, the United Nations Population Fund (UNFPA) and the United Nations Educational, Scientific and Cultural Organization (UNESCO, 2013).

A UNFPA report stresses that while the Government has achieved significant progress in the area of gender equality, inequalities persist as a result of a predominantly patriarchal culture and gender-based violence is a growing concern within the country (UNFPA, 2013). The most common form of gender-based violence being psychological or emotional violence, most frequently perpetrated against wives or female partners (Torralbas-Fernández et al., 2016).

### b) Domestic violence

Currently, Cuban law does not recognize domestic violence as a distinct category of violence. However, it does prohibit inflicting injuries (Criminal Code, Article 272) and being a parent or spouse of the victim is listed as an aggravating circumstance (Criminal Code, Article 53). Moreover, there is currently no national plan to address the issue of domestic violence in the country.

In 1997, Cuba created the Working Group for Prevention and Treatment of Violence in the Family (*Grupo Nacional para la Prevención y Atención de la Violencia Familiar*), a national organization to study and coordinate measures to combat domestic violence and provide support to victims. (CEDAW, 2011).

Victims can file claims against abusers at the Office of Victim Rights and can denounce their abusers to the police (AAUW, 2011). The issue of domestic violence is also dealt with in the mass media by implementing a media strategy aimed at raising public awareness of issues related to violence in all its manifestations. It includes television programmes such as *Hablemos de Salud*, *Haciendo Caminos*, *Cuando una Mujer*, *La Vida y sus Retos*. Women and families are also targeted by radio broadcasts and the printed press, notably the magazines *Mujeres* and *Sexología y sociedad* (CEDAW, 2011).

According to the Cuban government, an NGO, the *Federación de Mujeres Cubanas* (FMC, Federation of Cuban Women), has counselling centres providing care services to victims in several municipalities

(CEDAW, 2011). However, specialists reported that shelters for female victims of violence or specialized services for dealing with intimate partner violence are currently not universally available in the country (Torralbas-Fernández et al., 2016).

According to the U.S. Department of State, human rights advocates report that violence against women is a problem in Cuba, and police often do not act on cases of domestic violence. The press rarely reports on violent crime, and the government has not released data on the extent of domestic violence (US Department of State, 2016). Moreover, Cuban women chronically under-report violence in their homes and, often, they lack recourse or protection against domestic violence in family courts (Center for Democracy in the Americas, 2016). When women did report abuse, the abuse did not stop, and in some cases, the violence increased after the complaint was lodged (CEDAW, 2011).

### c) Rape

In Cuba, rape is a criminal offense under the Criminal Code (Criminal Code, Article 298). Penalties for rape are at least four years' imprisonment, with longer prison terms or death as possible penalties, if there are aggravating circumstances such as gang rape. The legal definition of rape is based on the lack of consent of the victim and requires proof of penetration. The law does not mention spousal rape and there is no statutory rape law, although penalties for rape increase as the age of the victim decreases (Criminal Code, Article 298).

There is currently no national plan to support the enforcement of the legislation on rape. However, the Government ran counselling centres for women and children in most municipalities, with staff trained in assisting victims of abuse (US Department of State, 2016).

A number of scholars noted a lack of public discussion, both in the political sphere and in the media on rape and sexual attacks. One of the reasons advanced is that unlike in many Western countries, where domestic violence and rape had been central for second-wave feminist movements, the Federation of Cuban Women did not prioritize those topics and preferred instead focusing on women's economic empowerment (Carrie Hamilton, 2012).

Furthermore, reports on the topic suggested that the legal concept of marital rape is not being understood or accepted within the Cuban society. During interviews, men indicated that "such crime does not exist; once women get married they owe carnal access to their husbands" (Samuel Farber, 2011).

### d) Sexual harassment

Cuban law currently provides penalties for sexual harassment, with potential sentences ranging from three months to one year of imprisonment and/or a fine (Criminal Code, Article 303). However, the current definition does not mention the setting in which the act could take place (such as the workplace, public places).

The government did not release any recent statistics on arrests, prosecutions, or convictions for offenses related to sexual harassment. However, civil society groups noted that sexual harassment was widely underreported (US Department of State, 2016) and cited anecdotal evidence to claim that it is a widespread phenomenon (AAUW, 2011). In addition, it was also reported that on the street, catcalls, or *piropos*, and other forms of (non-physical) sexual harassment are unavoidable for women (Nicole Wadley, 2015).

### **e) Female genital mutilation**

There is no known practice of female genital mutilation in Cuba.

### **f) Abortion**

Abortion is legal in Cuba. If gestation is five weeks or less, menstrual regulation is employed. Women require no confirmation of pregnancy and minors do not require parental consent for menstrual regulation to be performed. For abortions, gestation of 10-12 weeks requires confirmation of pregnancy. The pregnant woman must be examined by a gynaecologist and must receive counselling from a social worker. Women under 18 years of age must have parental consent. Women under 16 require authorization by a medical committee. For an abortion performed in the second trimester, in addition to meeting the conditions for abortion in the first trimester, the case must be authorized by a committee of obstetricians, psychologists and social workers (United Nations, n.d.)

Abortions performed outside the national health care system are illegal. More particularly, it is illegal if it is done against a woman's will, performed for a fee, done by untrained personnel, or performed outside the Cuban public health system (Criminal Code, Articles 267-271).

Abortion was legal in Cuba before the revolution. However, at that time, it was extremely expensive. Since many women sought illegal abortions at a cheaper cost, botched abortions were a leading cause of mortality for Cuban women during that era. After the revolution, the Cuban government criminalized all abortions performed outside the public health system to prevent deaths from postsurgical infection and malpractice. With this reform in place, the Cuban mortality rate from abortion complications has dropped significantly. Nevertheless, according to civil society groups, access to abortion appears to be an issue (AAUW, 2011).

## **3. Restricted Access to productive and financial resources**

### **a) Secure access to land and assets**

The law provides for equal rights to married and unmarried women over the ownership, use, decision-making power, and use as collateral over land and non-land assets. 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 (Family Code, Article 35-37 & Constitution, Article 44).

Under the Cuban economic system, collective ownership prevails over individual ownership, and most land ownership is acquired by inheritance (CEDAW, 2011). In practice, temporary transfer of land by fathers to their sons in some regions often deprives women of their right to inheritance to land. However, the custom seems to be falling into disuse (FAO, n.d.).

There are currently no programmes in place to ensure women's participation in cooperatives, producers' organizations or rural committees. The Food and Agriculture Organization (FAO) noted that although the proportion of women members in those organizations is higher in Cuba than in the other countries of the region, not even there do women account for as much as half of the membership or represent the majority on the management boards of these organisations. Moreover, most women continue to play a secondary role in production organizations. However, it was also reported that women's experience in those organizations had helped them to increase their self-esteem, overcome



their shyness, develop gender awareness, and improve family relations. There has been a change in their husbands' attitude, and that of the other family members, males included, who now help in the home, making it easier for the women to participate actively in their organizations (FAO, n.d.).

### **b) Secure access to formal financial resources**

Married and unmarried women have equal rights as men to open a bank account at a formal institution (Civil Code, Article 29.1 and Constitution, Article 39). They similarly have equal rights as men to obtain credit.

In December 2011, Cuba began to offer its citizens business loans, and State media promoted the new policy and bank procedures (Philip Peters, 2012). More particularly, Cuba's Credit and Commerce Bank has extended loans to more than 13 000 farmers. While this initiative is not targeting specifically women, it had far-reaching impacts as agriculture is one of the areas where women's employment lags behind men's. Yet, providing women greater access to capital is essential for the country to increase economic growth (Center for Democracy in the Americas, 2016).

### **c) Workplace rights**

Cuba has ratified ILO Conventions 100, 111, 183, but not 156 or 189.

The law mandates non-discrimination on the basis of sex in employment (Labour Code, Article 3) but does not specifically covers job advertisements, selection criteria, recruitment, hiring, terms and conditions, promotions, training, assignments and termination. The law also mandates equal remuneration for work of equal value (Labour Code, Article 3).

While the law does not prohibit women from entering certain professions, the law does prohibit the employment of women who are in position to have offspring in activities or occupations that might affect their gynaecological apparatus, reproductive function or the normal development of pregnancy (Labour Code, Article 213).

Cuban law grants working mothers preferential access to goods and services and mandates paid maternity leave of 18 weeks (Decree No. 234, Article 1). 100% of wages is covered by the Social Security system. However, until recently, no similar benefits were extended to fathers. In 2003, the government took measures to break down the traditional division of family duties by giving either the father or the mother the option of taking paid leave at 60% of salary to care for their infants from 12 weeks up to one year of age (Decree No 234, Articles 15 & 16). The parents may opt for the father to take the leave whether or not the couple is married. Although the legislation is expressly geared to promote the "shared responsibility of the mother and father" in the care and rearing of their children, the law does not grant paid leave for the father to attend the birth or to assist the mother in the days or weeks immediately following birth (Evenson, n.d.).

The law protects women's employment security while they are on maternity leave (Labour Code, Article 219); however, there are no restrictions on employers asking about family status.

It is expressly stated in the law that married women do not need the permission of their husbands to enter a profession (Family Code, Article 28). According to the latest data gathered by the World Economic Forum, the female labour force participation is 51% compared to 79% for men. In addition, Cuba continues to rank among the lowest countries in the LAC region on the Economic Participation

and Opportunity sub-index (World Economic Forum, 2017). Indeed, despite a robust legal framework and significant progress in some professions, women still face important obstacles to achieving equality in employment. More particularly, women remain the minority in traditionally male fields. Furthermore, Cuban women earn on average less than half of what men make—not because there is pay discrimination, but rather that men have access to higher paying jobs (Center for Democracy in the Americas, 2016).

## 4. Restricted Civil liberties

### a) Citizenship rights

Married and unmarried women have the same rights as men to acquire, change, retain their nationality, as well as confer their nationality to their children (Constitution, Article 29 & 32). Married women also have equal rights as married men to confer nationality to their spouse (Decree 358, *Reglamento de Ciudadanía 11, Título III*). Married and unmarried women have equal rights as men to register the birth of their children (*Reglamento Resolución No. 157, Article 74*). The birth declaration is made to the civil status registrars working in the National Health Service, within 72 hours of the birth. This system is highly effective. Indeed, according to data from UNICEF, the birth registration rate in Cuba between 2010 and 2015 was 100% (UNICEF, 2016).

Married and unmarried women have equal rights as men to apply for passports (Decree No. 302, Article 21). The law does not discriminate against women with respect to the passports and other travel documents of minor children (Decree No. 302, Article 21) and both unmarried and married women have the same rights as men to travel outside the country (Decree 301, Article 1).

### b) Voting

Articles 132 and 133 of the Constitution of the Republic of Cuba established that every Cuban citizen over the age of 16, irrespective of sex, race or religious belief, is entitled to vote and to be elected in public elections. Notices of elections call upon citizens to elect the best candidates without any kind of discrimination. However, the Cuban government in its 2011 state party report to the CEDAW Committee recognized the fact that although women 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, and women were confined to the home, the family and domestic work (CEDAW, 2011).

### c) Political voice

There are currently no formal quota systems in place for women's representation at the national or subnational levels. However, the Federation of Cuban Women – 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. In order to achieve that goal, several measures were established such as special publicity campaigns (CEDAW, 2011).

In contrast to the experience of most countries, female representation is considerably lower at the municipal level (34% of female city council members) than at the national level (49% of female legislators) (ECLAC, 2017). Moreover, women remained underrepresented in the most powerful decision-making bodies: for instance, there are no women on the executive committee of the Council of Ministers, or in positions of military leadership (US Department of State, 2016). Also, according to



data collected by ECLAC, women's participation in ministerial cabinet accounted for only 25% (ECLAC, 2017). Reports suggest that stereotypes and prejudice towards women explained men's unwillingness to nominate female candidates. Moreover, women's workload in the home, particularly the responsibility to care for the children and the lack of material resources were among the factors making women reluctant to agree to be candidates for public office (Ilja A. Luciak, 2012).

#### d) Access to justice

Married and unmarried women have equal capacity to men to sue and to be sued. Married and unmarried women's testimony also carries the same evidentiary weight as a man's in civil, criminal, family court, and tribunals (Civil Code, Article 29.1).

There are no specific measures in place to protect women or human rights defenders from violence in political and public life, despite widespread reports of harassments. In June 2016, authorities detained several activists to prevent their participation in the Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Pride March and reportedly asked others not to leave their homes that day, limiting participation to fewer than five activists (US Department of State, 2016).

Women are well represented within the legal sector. In 2013, women represented 78% of prosecutors and 60% of its leaders, 66.3% of professional judges and 71.4% of the Presidents of Provincial Courts (National Union of Jurists of Cuba, 2013).

The law does not establish a specific body in charge of monitoring gender equality. However, the Federation of Cuban Women is *de facto* a governing body (in terms of theory and methodology) for policy on women in Cuba. Indeed, while the Federation of Cuban Women is not part of the State executive branch, it does carry out similar functions to other institutions which are part of the State administration, such as: promoting policy, monitoring the implementation of policy, coordinating with State institutions, monitoring and assessing policy, and proposing any necessary amendments and corrections. The Federation is authorized to propose laws under the Constitution (Article 88) and, in that respect, participates actively in the legislative amendment processes taking place in the country. It has also developed its role in preparing contributions and comparative studies on the status of women, responding to questionnaires from the Office of the High Commissioner for Human Rights, the Commission on the Status of Women, in the Economic Commission for Latin America and the Caribbean, and in the work of CEDAW (CEDAW, 2015)

There is currently no law governing the production of gender disaggregated statistics. However, the National System of Statistical Information provides for the compilation, analysis and dissemination of demographic data through surveys and censuses, which includes information relating to the situation of women in all areas covered by the Convention (CEDAW, 2015).

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