



Convention on the Rights of the Child

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Summary record of the 2045th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 29 September 2015, at 10 a.m.

Chairperson: Mr. Mezmur

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Initial report of Cuba on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/CUB/1; CRC/C/OPSC/CUB/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Cuba took places at the Committee table.*

2. **Ms. Reus González** (Cuba) said that the reports Cuba had submitted were the product of intense consultations involving governmental institutions, civil society organizations and other entities, including children's organizations. The process had enabled the authorities to identify more clearly current challenges in respect of the issues addressed by both the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict.

3. Cuba had been one of the first countries to ratify the Convention, and it had led negotiations on what would become the second Optional Protocol, to which it had been a party for several years. Since 2011, the year of the country's previous appearance before the Committee, Cuba had undergone a profound socioeconomic and legal transformation, and although Cuban children currently enjoyed a wide range of protections, the authorities were aware that more remained to be done, not least to win broad support for bringing the age of majority into line with the provisions of the Convention.

4. Pending approval of the National Action Plan for Children, Adolescents and their Families 2015-2020, which had been developed with the support of the United Nations Children's Fund (UNICEF), ongoing cooperation with international organizations had led to the development of a number of programmes relating to children's rights. Only the day before, moreover, Cuba had deposited its instrument of ratification of the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182), making it a State party to the eight core ILO conventions.

5. There were no armed conflicts in Cuba, no non-State armed groups and no child victims of armed conflict. Nor were any Cuban children required to participate in armed conflicts anywhere in the world. No one under 18 was compelled to serve in the Armed Forces, and under no circumstances were minors expected to use firearms.

6. Cuba had a policy of zero tolerance for all threats to normal sexual development. It had therefore taken measures to curb those threats, ensure that the perpetrators of sexual offences against children were punished severely and provide protection to the victims.

7. The country's considerable achievements in the areas of social welfare, health care, education, culture and sport were a reflection of the fact that more than half of the national budget was allocated to activities in those areas. According to the World Bank, no country invested a greater share of its gross domestic product — some 13 per cent — in education. Cuba had also been the first country to receive validation from the World Health Organization that it had eliminated mother-to-child transmission of HIV/AIDS and syphilis. In addition, it had eradicated six vaccine-preventable diseases.

8. Street children and child labour did not exist in Cuba. Measures to prevent human trafficking and related crimes, such as organ harvesting or illegal adoption, had been fully effective, and the authorities promoted a wholesome brand of tourism,

without sexual exploitation, drugs, gambling or other such activities. Foreign tour operators were required to alert their clients to the severity of Cuban legislation, particularly in respect of child protection. Efforts to restrict access to websites promoting sexual exploitation or showing pornographic material were ongoing, and parents were given guidance on how to teach their children to use new information technologies. The country's considerable progress had been made despite the embargo imposed by the United States of America for more than 50 years.

9. **Mr. Guráñ** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography), noting that the State party was on the brink of changes that could pose a threat to the welfare of its children, asked whether it had any plans to take all necessary measures to harmonize its legislation with the principles and provisions of the Convention, as the Committee had recommended in its concluding observations of 2011 (CRC/C/CUB/CO/2, para. 7). In particular, he wished to know whether the State party intended to adopt an updated Family Code and include clear definitions of the sale and prostitution of children in its legislation.

10. He requested an explanation of the procedure whereby, according to reports received by the Committee, the decision was made to send victims of sexual exploitation to re-education centres. In view of the likely expansion of the State party's tourist industry and the prostitution currently taking place around hotels, beaches and other tourist destinations, he asked whether there were any plans to encourage suppliers of travel services to adopt the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.

11. Data on children in the State party were rarely disaggregated, and when they were they did not include children in the 16-18 age range, who were generally considered adults. Did the State party intend to raise the age of majority from 16 to 18 in order to bring its legislation more fully into line with the provisions of the Convention?

12. **Mr. Nogueira Neto** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked what the Cuban authorities were doing to raise awareness of the Optional Protocol. In particular, it would be interesting to know if a simplified version of the text had been drawn up for children.

13. He would welcome a detailed explanation of the Cuban laws providing for the exercise of extraterritorial jurisdiction. Following up on a question posed by Mr. Guráñ, he asked whether child victims of sexual abuse and exploitation were not also victims of prejudices held by education and health officials and society as a whole.

14. **Mr. Cardona Llorens** commended the State party for its ratification of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), which the Committee had recommended in 2011. The Committee had also recommended that the State party should amend its legislation to allow direct application of that Convention in the domestic legal order. He expressed the hope that that recommendation would be implemented in due course.

15. The prospective lifting of the embargo against Cuba certainly gave cause for a great deal of hope, but it was also necessary to be prepared for change, as the coming end to the State party's long period of isolation, which had enabled it to maintain a considerable degree of control over the domestic situation, would expose the country and its people to the pressures exerted by a burgeoning tourist industry. He therefore wondered what measures the Government intended to take to ensure that children's rights were respected and, in particular, to prevent the lure of easy money from contributing to the spread of such phenomena as child prostitution. He also wished to

know whether the State party intended to amend the Criminal Code so as to raise the age of criminal responsibility to 18 and stiffen penalties for child pornography.

16. **Ms. Ayoubi Idrissi** asked what plans the State party had made to ensure that its future independent complaints mechanism operated in accordance with the Paris Principles, to continue providing children with basic social services, despite the economic slowdown, and to provide assistance, in particular psychological support and rehabilitation, to child victims. Information on what was being done to help children protect themselves from sexual exploitation and other abuses would also be welcome.

17. **Ms. Khazova** asked whether the Global Code of Ethics for Tourism had been adopted by the stakeholders in the Cuban tourist industry. The State party had noted that it had taken a number of measures, such as prohibiting the entry of minors to nightclubs, to prevent the forms of sexual exploitation associated with a growing tourist industry. Such prohibitions were rarely sufficient, however. Educating children, their parents and all those who worked with children was more important.

18. The country's sex education programmes were apparently quite comprehensive, but she wondered whether they addressed the crimes covered by the Optional Protocol. She also wondered what was done to prevent children from entering into prostitution, which was apparently legal, and whether the country's hotlines were widely accessible to children.

19. **Ms. Sandberg** asked whether the subject of sexual abuse was discussed openly by children, parents and teachers in Cuba. In her view, the State party's zero-tolerance policy in respect of all threats to normal sexual development could place homosexual young people at a greater risk of sexual exploitation by tourists, as they were not free to express their sexual identity.

20. **Ms. Oviedo Fierro** asked whether children who were victims of the offences covered by the Optional Protocol received special care under the Cuban health system; whether those offences and the strategies to prevent them from occurring were discussed in children's and young people's organizations; and whether activities aimed at raising children's awareness of those offences were conducted in schools.

21. **Mr. Kotrane** said that he was not convinced that the State party had fully aligned the provisions of its criminal law, including the definitions of the sale of children, child prostitution and child pornography, with those of the Optional Protocol. He asked whether forced labour and illegal adoption amounted to the sale of children under Cuban criminal law and were punished as such. He also wished to know whether the obscene material referred to in article 303 (c) of the Criminal Code included child pornography and whether the possession of child pornography was a criminal offence in and of itself in Cuba. Lastly, he asked whether State-owned enterprises could be prosecuted and punished for the offences covered by the Optional Protocol.

22. **Mr. Nelson** asked why the complaints of violations of the Optional Protocol brought before the courts far outnumbered the judgements handed down to resolve them. He also wished to know who manned the 24-hour children's helpline operated by the Office of the Attorney General of the Republic and what offences were reported most frequently.

The meeting was suspended at 10.50 a.m. and resumed at 11.10 a.m.

23. **Ms. Reus González** (Cuba) said that the process of updating the Cuban economic model necessitated an overhaul of its domestic legislation. The legislative programme for the period 2013-2017 listed the different amendments proposed. A new Criminal Code, a new law on criminal procedure, a new Misdemeanours Code

(*Código de Contravencions*), a new law on the enforcement of criminal penalties and a new Family Code were currently being drafted and would incorporate the recommendations made by the Committee on the Rights of the Child and other treaty bodies with a view to bringing Cuban legislation into closer conformity with the international human rights conventions that it had ratified.

24. However, updating domestic legislation was a slow and complex task, especially given the need in some cases to undertake a process of popular consultation in relation to proposed legislative amendments. Efforts were also being made to build administrative capacity to ensure the effective implementation of the proposed programme of legislative reforms and to disseminate information on its scope and desired impact. The progress made in terms of preventing the offences covered by the Optional Protocol had been the result of coordination between the different government ministries, civil society and the community at large.

25. **Ms. González Ferrer** (Cuba) said that the recommendations made by the Committee in 2011 had been incorporated in the National Action Plan for Children, Adolescents and their Families for the period 2015-2020. Children and adolescents had helped to frame the plan and would be involved in its implementation. Under the plan, training on the issues dealt with in the Optional Protocol would be dispensed to public officials and professionals working in the tourism, education and health sectors, and all contracts concluded with foreign tour operators would contain clauses aimed at promoting child-friendly tourism.

26. Cuba did not promote or tolerate sex tourism under any circumstances. The Ministry of Tourism scrutinized the tourist information published by foreign tour operators and hotel chains to ensure that it complied with Cuban regulations and was respectful of the moral values of Cuban society. The Ministry had also issued various decrees aimed at preventing child prostitution, pimping, child pornography and the corruption of minors. The decrees, which were binding on hotels and other types of tourist accommodation, had introduced both the obligation to report on the prevalence of the above offences and general disciplinary regulations for the tourism sector. Further regulations on access to hotels and nightclubs and on the use of hotel facilities and services had also been introduced. However, tourist accommodation offered by private landlords often fell outside the scope of such regulations. The Government was working with the police and civil society organizations to prevent child prostitution, pimping and child pornography from occurring in such accommodation and to root out offenders and bring them to justice.

27. The Federation of Cuban Women provided training to social and health workers on preventing and caring for the victims of the aforementioned offences. Moreover, multidisciplinary teams comprising psychologists, lawyers, social workers and other specialists ran family counselling sessions in every municipality of the country. Community health workers supported doctors and nurses in preventing the sexual exploitation of children. The Government had adopted three major public health strategies: the national strategy to prevent sexually transmitted diseases and HIV for the period 2014-2018, which targeted vulnerable groups such as children and adolescents and persons engaging in transactional sex; the comprehensive adolescent health programme for the period 2012-2017, which required municipal health clinics to provide youth-friendly sexual and reproductive health services; and the national sexual education and health programme for the period 2015-2018, which addressed the issue of sex tourism.

28. The purpose of the Government's zero-tolerance policy in respect of all threats to normal sexual development was not to discriminate against or to prevent homosexual young people from expressing their sexual identity but to protect children and adolescents from sexual exploitation. The Government had launched campaigns to

promote respect for the rights of the lesbian, gay, bisexual and transgender community, and to combat discrimination against that group. In Cuba, prostitutes were considered victims of sexual exploitation and were provided with the necessary care and support. Operating an establishment for the purpose of prostitution was prohibited under Cuban law.

29. **Ms. Román Arredondo** (Cuba) said that the Government had taken a number of steps to disseminate the Optional Protocol throughout Cuban society. School curricula contained a component on the rights of the child and radio and television stations promoted those rights in a number of broadcasts. Lawyers also conducted information campaigns on the prevention of the offences covered by the Optional Protocol within the community. There were also 16 reference centres on children's rights throughout the country. The Government had adopted several programmes covering areas such as education, children with disabilities and sexual and reproductive health, which made reference to the rights of children and adolescents.

30. While State-owned enterprises themselves were not liable to prosecution for the offences set out in the Optional Protocol, the employees of such enterprises could be prosecuted to the full extent of the law.

31. Despite there having been no known cases of illegal adoption in Cuba, a number of mechanisms were in place to detect and prosecute that offence. Special procedures had also been introduced in hospitals to protect newborns against illegal adoption. In Cuba, the adoption process was strictly regulated and included an assessment of the child's best interests. Around 30 national adoptions had taken place in 2014, while there had been only three international adoption cases in which Cuba had been the receiving country.

32. There had been no cases of extradition of persons alleged to have perpetrated one or more of the offences covered by the Optional Protocol. Were such cases to occur, the individuals in question would be prosecuted and punished in Cuba. Child pornography, which was considered a sexual offence, was included under the offence of corruption of minors and severely punished. The Government had introduced regulations aimed at preventing the distribution of child pornography via the Internet, which imposed obligations and restrictions on Internet users and service providers.

33. **Ms. Ayoubi Idrissi** asked whether the State party intended to criminalize the prostitution of children under 18 years of age. It was her understanding that Cuban nationals could not be extradited for offences covered by the Optional Protocol, but had to be tried in Cuba. With that in mind, she asked whether, in cases where Cuban children were the victims of such offences in countries where they were not criminalized, Cuba could exercise extraterritorial jurisdiction.

34. **Mr. Cardona Llorens** asked what penalties the offence of child pornography carried in Cuba and how redress was provided to the victims of sexual offences committed by Cuban nationals abroad if the offenders were prosecuted in Cuba.

35. **Mr. Nelson** asked whether there was a law prohibiting foreign nationals who had been convicted of sexual offences against children from entering Cuba.

36. **Ms. Silot Navarro** (Cuba), referring to the issue of protection for adolescents aged 17 and 18, said that while the corruption of minors was a specific crime relating to the sexual exploitation of children under 16, anyone who engaged in pimping or trafficking in persons was liable to criminal sanctions regardless of the age of the victim. A thoroughgoing overhaul of the Criminal Code had been undertaken with a view to ensuring that domestic legislation was brought into line with Cuba's international commitments.

37. Referring to allegedly lenient sentencing for sexual offences against minors, she noted that, under the provisions of the Criminal Code, the crime of selling or providing pornographic material to a minor carried a prison sentence of between 2 and 5 years. She stressed that producing or circulating pornographic material necessarily implied possession, an offence that was also covered by domestic legislation. With regard to the apparent discrepancy between the number of complaints received and the number of cases prosecuted, she stressed that of the 2,000 or so cases relating to offences that prevented a child's normal sexual development that had been filed between 2012 and 2013, only 198 cases specifically related to the corruption of minors.

38. On the issue of illegal adoptions, she noted that, under article 316 of the Criminal Code, the sale or transfer — for profit — of children for adoption was an offence that carried a prison term. Aggravating circumstances were recognized in cases where the offender was responsible for the child's welfare, or if the child was taken abroad.

39. She noted that the public hotline managed by the Attorney General's Office employed specialized prosecutors, with the support of other experts, such as psychologists, to deal with issues relating to children's rights. While the Attorney General's Office received few calls from children, it did receive some letters. However, none of those letters concerned issues relating to the Optional Protocol. Most of the concerns expressed by children related to the rights of a parent in detention, or other issues. Calls and letters from children always received a personal response, and follow-up was provided.

40. **Mr. Amoros Núñez** (Cuba) emphasized that the National Action Plan for Children, Adolescents and their Families was a major pillar of Cuba's child protection policy. He assured the Committee that, in spite of recent and current challenges, a healthy budget had been allocated for social spending, including on issues relating to education and child protection. Children's rights were a priority for the Government, as its close cooperation with UNICEF demonstrated.

41. The Government was developing a data-collection system for the public sector and the justice system. Under the management of the National Statistics Office, work on the project involved the Ministry of Internal Affairs and the Attorney General's office, and aimed to create an automated governmental data-collection system. Legislation passed in 2011 on government information systems had sought to improve the system and support the harmonization process, and a technical committee on data collection and dissemination had been established.

42. He noted that there were various possible approaches to establishing and implementing human rights mechanisms. Cuba had a broad and effective human rights protection system, involving a range of stakeholders and backed by a series of legal guarantees, including those provided by the Constitution. Any person could apply to the courts to enforce their rights or seek redress. Since 2013, the Vice-President had been responsible for children's issues, and a standing committee on children's rights had been established, with a key role in coordinating policies and liaising between institutions.

43. **Ms. González Ferrer** (Cuba) said that prostitution was not a criminal offence, and that persons engaged in sex work were considered victims rather than offenders. Under article 302 of the Criminal Code, any person promoting or facilitating prostitution for profit, was considered to be engaged in sexual exploitation.

44. As part of efforts to combat homophobia, measures had been taken to raise awareness of sexual orientation. He noted that Cuban society was moving towards a general culture of tolerance and respect. The National Sex Education and Sexual

Health Plan contained provisions to raise awareness and foster debate in the education system, from primary to tertiary level, and such matters were also discussed during monthly parent-teacher meetings. The Federation of Cuban Women was also involved in publishing material on the issue and fostered debate at grass-roots level. The Faculty of Law curriculum included an optional module on gender and the law and another on the law relating to children and adolescents. The work of the faculty included outreach programmes at schools, aiming to address issues relating to equality and sexual orientation. An anti-homophobia event was held annually at the end of May. There were clear efforts being made to broaden debate and combat discrimination.

45. **Ms. Rielo Ruiz** (Cuba) said that child victims of offences covered by the Optional Protocol were not institutionalized. They were taken to evaluation centres for minors where a team of professionals, including psychologists and educational specialists assessed what care and support they might need, including the level of support their families could provide, and whether they required special education or counselling. If the children's behaviour or family situation warranted such a move, they would be sent to a comprehensive training school, managed by the Ministry of Education. Such schools provided training aimed at helping children to reintegrate into society. Families would be involved in the process and, if they failed to cooperate or provide adequate support, the relevant measures — including legal measures — would be taken.

46. **Ms. Reus Gonzáles** (Cuba), referring to the issue of extradition, stressed that Cuban citizens must be tried in Cuba. If a crime was committed against a minor by a foreign national, the case would be tried in Cuba, and dealt with severely. Where an offence was committed abroad, and the child victim also lived abroad, the procedure to be followed would depend on the agreement Cuba had signed with the country in question, and would be handled on a case-by-case basis.

47. **Mr. Guráñ** said that further clarification was required regarding the comprehensive training schools, for example the services they provided, and whether the children attended on a daily or weekly basis. He asked when the Family Code would be amended, and wished to know what legislative changes had been introduced following the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Trafficking in Persons Protocol).

48. **Ms. Rielo Ruiz** (Cuba) said that children in comprehensive training schools were able to go home or receive family visitors at the weekend and, if they had sufficient family support, efforts would be made to reintegrate them into their family environment. She also noted that, in 2014, Cuba had hosted an international conference on child protection with support from UNICEF.

49. **Ms. Reus Gonzáles** (Cuba) noted that the Family Code was not merely being amended, but rewritten. As part of that process, efforts were being made to take into account all recommendations and international commitments in that field. However, the drafting of a new Code did not prevent the implementation of other strategies and measures to promote and protect children's rights.

50. **Mr. Amoros Núñez** (Cuba) stressed that the comprehensive training schools were a source of pride for the Government. Cuba had a good relationship and cooperated with the United Nations in the field of trafficking, and took the issue very seriously. With regard to the Trafficking in Persons Protocol, he said that Cuba had wanted to ensure that all the necessary practical measures were in place prior to

ratification, and had engaged in in-depth consultations. It was working to ensure that its international commitments were reflected in domestic legislation and in practice.

51. **Ms. González Ferrer** (Cuba) said that the amendments to the Criminal Code were in line with the Trafficking in Persons Protocol and were designed to enhance the overall protection of children and adolescents. The offence of corruption of minors was punished particularly severely.

52. **Ms. Silot Navarro** said that Cuba was committed to implementing the Trafficking in Persons Protocol and applied a zero-tolerance policy in that regard.

53. **Ms. Oviedo Fierro** said that she was interested to know more about the work carried out in cooperation with the families of young people attending the comprehensive training schools and asked what kind of measures were taken to support vulnerable families.

54. **Mr. Madi** asked at what age prostitution was permitted and up to what age children were considered to be minors.

55. **Ms. Sandberg** asked whether children attending the comprehensive training schools were free to come and go or whether their movements were restricted.

56. **Ms. Reus González** (Cuba) said that a community-based system was in place to ensure implementation of prevention measures in relation to the issues covered by the Optional Protocol and to identify and protect vulnerable families. In some cases, financial and material resources were provided to vulnerable families to help them build or renovate their homes.

57. **Ms. Rielo Ruiz** (Cuba) said that children attending the comprehensive training schools were not permitted to leave whenever they wished. The schools aimed to protect the children and prepare them for reintegration into their families. They were given psychological support and encouraged to take part in cultural and sporting activities, in which their families were also involved. Various projects were being conducted in cooperation with UNICEF, under which funds were earmarked for workshops and other activities. At the community level, families were given training to enable them to improve the home environment and criminal measures were in place in the event that parents failed in their duty to protect their children.

58. **Ms. Silot Navarro** (Cuba) said that the Attorney General's Office and officials responsible for the welfare of minors within the Ministry of Internal Affairs also issued warnings to parents, explaining the legal consequences of failure to meet the requirements of the Family Code. In 2014, over 20,000 such warnings had been issued and 485 parents had been brought before the courts and incurred penalties, including loss of child custody.

59. **Ms. González Ferrer** (Cuba) said that efforts were being made to implement the Committee's recommendation that the age of majority in Cuba should be brought into line with the definition of the child in the Convention on the Rights of the Child. While they could be deemed criminally responsible, offenders under the age of 20 were given special protection and support, often involving community follow-up, and efforts were made to raise awareness among the population of their legal rights. Measures were also in place to prevent juvenile offending; in particular, the Government placed a strong emphasis on ensuring school attendance and helping children over the age of 16 to find employment.

60. **Ms. Silot Navarro** (Cuba) said that prostitution was prohibited at all ages but that procurement of prostitution was an offence under the Criminal Code.

61. **Ms. Winter** asked whether young people attending the comprehensive training schools were allowed to return home to their families every evening.

62. **Mr. Madi** said that clarification was needed as to whether prostitution was criminalized in the State party and, if it was not, at what age a girl could work as a prostitute.

63. **Ms. Reus González** (Cuba) said that the comprehensive training schools formed part of the national education system and were designed to provide special assistance to children who needed it, with input from the community and families. Children were kept in such schools when the family environment was not conducive to their returning home. Some children were reintegrated into their families and given access to education and employment so that they could participate constructively in society.

64. Prostitution was not an offence in Cuba but there was a focus on preventing that practice and ensuring that all children enjoyed positive social development, for the benefit of the country. The procurement of children for the purposes of prostitution carried very severe penalties.

Initial report of Cuba on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/CUB/1; CRC/C/OPAC/CUB/Q/1 and Add.1)

65. **Mr. Nogueira Neto** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked whether Cuba intended to review the declaration made upon ratification of the Optional Protocol on the involvement of children in armed conflict in order to bring its domestic legislation into line with the provisions of the Optional Protocol. Did Cuba intend to adopt legislative and practical measures to ensure that all children under 18 were prevented from participating in hostilities and were not obliged to enlist in military service? He asked whether it would be possible to increase the minimum age of marriage to 18 for both boys and girls and whether the State party intended to review the age of criminal responsibility to ensure that appropriate and restorative juvenile justice was administered to all persons under the age of 18.

66. **Ms. Ayoubi Idrissi**, noting that human rights education was provided in military schools, asked whether the general public were also informed about the provisions of the Optional Protocol and what was being done to provide accessible versions of the text to children of all ages, including those with disabilities, and to groups working for and with children.

67. **Mr. Guráñ** said that it would be useful to know how the State party had decided upon the minimum ages for voluntary and compulsory recruitment into the military. Were any benefits associated with voluntary recruitment at the age of 17? He asked for more information about measures to ensure the protection of children in the event of general mobilization and about the country's Camilo Cienfuegos military schools, which were attended by children as young as 15. Were those children trained with real firearms? Did they receive a similar education to children in other schools and did their families enjoy special benefits?

68. **Mr. Gastaud** asked whether the Optional Protocol could be invoked directly in court proceedings and whether any court rulings had been based on that instrument. The relevant legislation should be amended in order to criminalize the recruitment of children into armed groups, in case such groups emerged in the future. Lastly, he asked whether the State party intended to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

69. **Mr. Madi** asked whether parental consent was required in the case of voluntary recruitment under the age of 18, in accordance with article 3, paragraph 3, of the Optional Protocol. He noted that the age of majority in the State party was 16 and that young people were encouraged to volunteer for military service before going to

university, which seemed to contradict the fact that the minimum age for voluntary recruitment was 17.

70. **Ms. Oviedo Fierro**, noting that Cuba was involved in various solidarity initiatives around the world, asked whether Cuban citizens who provided humanitarian assistance overseas were given training on the Optional Protocol.

71. **Mr. Kotrane** asked whether the State party intended to ratify the Rome Statute of the International Criminal Court and whether it had established extraterritorial jurisdiction over war crimes committed abroad involving children under the age of 15.

The meeting rose at 1 p.m.