

# Immigration and Refugee Board of Canada

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> Responses to Information Requests

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment please email [Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca](mailto:Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca).

28 March 2014

### **CUB104825.E**

Cuba: Military service, including legislation, obligations, and alternatives; consequences for refusal  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### **1. Military Conscription**

Sources report that military service is compulsory in Cuba for men (UN 1 Mar. 2013, para. 107, para. 111; Child Soldiers International 2004; Agencia EFE 4 June 2013). The website of the government of the Republic of Cuba, which provides information about Cuban national defence, similarly states that "all male citizens must fulfill Active Military Service for a period of two years" (Cuba n.d.a). The website further indicates that citizens of both sexes may voluntarily perform military service (*ibid.*). Two sources state that women may take part in defence activities as professional soldiers or as members of the Women's Voluntary Military Service for a two-year service period (Child Soldiers International 2004; Cuba n.d.b). However, the US Central Intelligence Agency (CIA) *World Factbook* reports that "both sexes [are] subject to military service" of two years and that military service is compulsory for individuals between the ages of 17 and 28 (US 11 Mar. 2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

A 2011 report by the UN Office of the High Commissioner for Human Rights on the rights of the child in Cuba explains that the National Defence Act [*Ley Numero 75 de la Defensa Nacional*] and Decree-Law 224/2001 "establish that the minimum age for call-up to military service is 18, while people wishing to enlist voluntarily in the armed forces must wait until the year of their seventeenth birthday. For men, active military service may last for up to two years. For women, active military service is voluntary" (UN 8 June 2011, 2).

A report by the UN Committee on the Rights of the Child dated 1 March 2013, states that women are "subject to the same age requirements as men" (para. 107). Media sources report that young people who completed their university degree must fulfill active military duties for 14 months (Agencia EFE 4 June 2013; *Juventud Rebelde* 14 Jan. 2010).

#### **1.1 Registration for Military Service**

The report of the UN Committee on the Rights of the Child indicates that, according to National Defence Act 75/94 and Decree-Law 224/2001, male citizens are obliged to report to the authorities and to officially register for military service in the year in which they turn 16 years of age (UN 1 Mar. 2013, para. 105).

Cuba TV reports that an announcement made by the Ministry of Revolutionary Armed Forces (Fuerzas Armadas Revolucionarias) indicating that young men born in 1998 must register for military service before 31 March 2014 with the Military Register (8 Jan. 2014). Similarly, *Periódico26*, an English-language Cuban newspaper, reported on 11 February 2014 that in Las Tunas province over 3,000 girls and boys born in 1998 "will be enrolled in the Military Register" (*Periódico26* 11 Feb. 2014). A Lieutenant Colonel, quoted by the same

newspaper, "said that the province is [at] over 80 percent compliance with the registration process and [he] recognized the willingness of women to enrol in the Voluntary Military Service" (ibid.).

In order to register, individuals must present their identity card (*Carné de identidad*) or their card for minors (*Tarjeta de menor*), according to Cuba TV (8 Jan. 2014). The report of the UN Committee on the Rights of the Child similarly states that individuals must present their identity cards to register (UN 1 Mar. 2013, para. 120). The report further explains that

[i]n addition to the initial written application from the person concerned, which includes a statement of intention, the necessary documents are prepared for the person's registration with the Military Committee, a medical examination is performed in order to assess the person's state of health, and information on the person's family and economic situation is obtained.

All of these materials are evaluated by the recruitment commission in conjunction with the person concerned. The recruit's close relatives are also invited to participate in the process as soon as the decision concerning entry into active military service is taken, and they remain involved up to the time of the initial posting. This process ends when the person officially reports for duty to the unit where he or she will serve. (ibid., para. 117, para. 118)

According to *Periódico26*,

[f]or the basic military training of young people incorporated into the SMA [Active Military Service (Servicio Militar Activo, SMA)], there are training centres in military units; there they receive an intensive program of courses and activities: Marxist-Leninist Training, Martial [arts] Training, Tactics, Shooting, Infantry, Physics, Engineering, Exploration, Regulation, Health, Protection against weapons of mass destruction and others. (11 Feb. 2014)

The report of the UN Committee on the Rights of the Child also states that "pre-recruitment preparatory arrangements, specialist military training and preventive medical treatment and assistance" begin at the time of the registration (1 Mar. 2013, para. 105).

## **1.2 Active Military Service and Reserve Military Service**

According to the website of the government of Cuba, there is "active military service" and "reserve military service" in Cuba (Cuba n.d.a). The website explains that

Active Military Service consists of the direct fulfillment of military obligations by citizens in units or dependencies of the Revolutionary Armed Forces or the Ministry of Interior ... Citizens who are the only wage-earners in their families receive a social assistance allowance while they are on active military service. (ibid.)

and

Reserve Military Service consists of the fulfillment by male citizens of up to forty-five years of age of tasks related to defense preparation. For this purpose, they may be mobilized as many times as necessary, provided that the total time does not exceed one year. (ibid. n.d.c)

Chapter VII of the National Defence Act No. 75, which came into force in February 1995, provides additional information on active and reserve military service in Cuba (Cuba [1994]). A copy of Chapter VII of the National Defence Act No. 75 is attached to this Response.

## **2. Exemptions from Service**

Article 65 of the National Defence Act No. 75 specifies conditions under which individuals may be exempt from military service (Cuba [1994], Art. 65). A copy of the National Defence Act No. 75 is attached to this Response.

## **3. Alternatives to Military Service**

Without providing details, the government website states that the Ministry of the Revolutionary Armed Forces may determine if active military service may be substituted by alternative forms of services, "as long as the corresponding military training is guaranteed" (Cuba n.d.a). According to the report of the UN Committee on the Rights of the Child, "adolescents have the option of working out their term of military service by performing duties of other kinds, which may be economic or social in character" (8 June 2011, 2). Further information on alternative military service could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

#### 4. Penalties for Evasion

Articles 171 and 172 of the Cuban Penal Code of 1987 list the following penalties related to violations of duties related to general military service:

[translation]

ARTICLE 171.

1. The punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred *cuotas* [installments between one and fifty pesos (Cuban peso is about C\$0.041 [XE 4 Apr. 1014]) (Cuba 1987, Art. 35.2)] shall be imposed on the authority, official or employee who:
  - a. impedes, obstructs or aids, in any fashion whatsoever, the fulfillment of the duties with reference to the General Military Service by the party who is subordinated to him in terms of work or administration;
  - b. fails to fulfill his duties with the military registry, with the execution of notice and delivery of personnel, means or equipment of the national economy allocated to the Revolutionary Military Service.
2. The same punishment shall be imposed on whomever, in order to avoid the fulfillment of his duties concerning the General Military Service, fails to comply with the tasks related to his incorporation to the Active Military Service or the Reserve, or with other acts related to the General Military Service.
3. Should fraudulent means be utilized for the execution of the acts mentioned in the preceding paragraph, the individual shall be subject to a punishment for a period of from six months to two years or a fine between two hundred and five hundred *cuotas*.

ARTICLE 172.

The reservist who fails to appear upon a call in request for his joining up the ranks in the event of a possible aggression of the enemy, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years. (Cuba 1987, Art. 171, Art. 172)

According to the report of the UN Committee on the Rights of the Child,

[t]he system for the administration of justice and rules of military discipline apply equally to everyone. At the time of writing, no members of the military under the age of 18 were being detained or were the subject of judicial proceedings before military courts. Article 18 of Military Offences Act No. 22 of 15 February 1979, as amended by Decree-Law No. 152 of 1994, establishes penalties for the crime of desertion ranging from 2 to 5 years' imprisonment. (1 Mar. 2013, para. 123)

Further information on consequences for refusal to serve in the military could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

### References

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## Additional Sources Consulted

**Oral sources:** Attempts to contact the following organizations were unsuccessful within the time constraints of this Response: Center for Latin American and Caribbean Initiatives, Miami Dade College; Cuba – Embassy of Cuba in Ottawa; Cuban Studies Institute, Florida International University; Institute for Cuban and Cuban-American Studies, University of Miami.

**Internet sites, including:** Agencia Cubana de Noticias; Amnesty International; Asociación Cubana de las Naciones Unidas; British Broadcasting Centre; Center for Cuban Studies, New York; Cuba – Asamblea Nacional del Poder Popular, Consulate General of Cuba in Toronto, Embassy of Cuba in Ottawa, Embassy of Cuba in Moscow, Fiscalía General de la República, Gaceta Oficial, Tribunal Supremo Popular, Ministerio de Justicia, Oficina Nacional de Estadística e Información; Cuban Committee for Human Rights; Cubanet; Cuban and Caribbean Studies Institute, Tulane University; Cuban Studies Consortium, Duke University; Cuban Studies Institute, Florida International University; David Rockefeller Center for Latin American Studies, Harvard University; Freedom House; Fundación Amistad; Foundation for Human Rights in Cuba; GlobalSecurity.org; Granma.cu; *The Havana Reporter*; *Havana Times*; Human Rights Watch; Institute for Cuban and Cuban-American Studies, University of Miami; International Federation for Human Rights; Itar Tass; The Jamestown Foundation; Jane's Intelligence Review; La Joven Cuba; *Miami Herald*; Netherlands Institute of Human Rights, Utrecht School of Law; Peace Direct; Rule of Law and Cuba, Florida State University; Siglo XXI; Comité cubano pro derechos humanos; United Nations – Refworld, UN Women; United States – Department of State.

## Attachment

Cuba. [1994]. *Ley Numero 75 de la Defensa Nacional* (National Defence Act No. 75). Translated by the Translation Bureau, Public Works and Government Services Canada.

<[http://www.mvd.sld.cu/base\\_legal/Ley%2070%20de%20Defensa%20Nacional.pdf](http://www.mvd.sld.cu/base_legal/Ley%2070%20de%20Defensa%20Nacional.pdf)> [Accessed 24 Mar. 2014]

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