

CUBAN PUBLIC POLICIES ON SCHOOL VIOLENCE:  
LEGAL FRAMEWORK AND REALITY

Yoanka Rodney Rodríguez PhD, Mirtha García Leyva PhD

Enrique Jose Varona University of Pedagogical Sciences

[emmanueldejesus@cubarte.cult.cu](mailto:emmanueldejesus@cubarte.cult.cu)

ABSTRACT

THE REPORT ON VIOLENCE AGAINST BOYS AND GIRLS (UNICEF, 2006) REAFFIRMED THAT CHILD VIOLENCE IN SCHOOL IS A LONG-STANDING ISSUE AND A SERIOUS SOCIAL PROBLEM. CUBA HAS NOT BEEN SPARED THIS PHENOMENON. THE TRUTH OF THE MATTER IS THAT DESPITE EXISTING RIGHTS IN THE LEGISLATIVE AND POLICY FRAMEWORK SOME CHILDREN AND YOUTH CANNOT MATERIALIZE THEIR LIFE PROJECTS AND ARE EXCLUDED FROM EDUCATIONAL OPPORTUNITIES. THIS CONTRADICTION BETWEEN THE LEGAL FRAMEWORK AND THE REALITY MUST THEREFORE BE SOLVED SINCE THEY ARE CUBAN CITIZENS, HENCE, FULLY FLEDGED SUBJECTS. THE PURPOSE OF THIS PAPER IS TO EVIDENCE THE NEED TO DEVELOP EDUCATIONAL PUBLIC POLICIES CONCERNING SCHOOL VIOLENCE SINCE SCIENTIFIC RESEARCH ON THIS TOPIC IN CUBA IS SCARCE. AS A RESULT, A PRELIMINARY STUDY OF EDUCATIONAL EXPERIENCES WAS CARRIED OUT BASED ON THE EXISTING LEGAL AND POLICY FRAMEWORK ON SCHOOL VIOLENCE, AIMED AT PREVENTING THIS

PHENOMENON AND/OR PROMOTING AN EDUCATION FOR PEACE AND HUMAN RIGHTS IN EDUCATIONAL INSTITUTIONS. THE STATE AND ITS SOCIAL REPRESENTATIVE, THE CUBAN MINISTRY OF EDUCATION, WORK TO PREVENT SCHOOL VIOLENCE, BUT THERE IS A QUESTION THAT REMAINS UNANSWERED: CAN THE EXISTING EDUCATIONAL POLICIES ON SCHOOL VIOLENCE GUARANTEE THE PREVENTION OF THIS PHENOMENON?

KEY WORDS: PUBLIC POLICIES, SCHOOL VIOLENCE

One of the problems to be addressed by educational systems in a significant number of countries is school violence, which is considered a political, educational, and public health issue since its prevalence not only has an impact on the personality development of the new generations but also on the democratic pillars of society, with a human, economic and social cost at world level.

Though governments assign considerable resources to fight violence affecting the new generations inside and outside schools, many initiatives fail because very little has been done to assess the impact of projects and the involvement of these population groups in such processes (1).

The World Report on Violence and Health revealed that Latin America and the Caribbean is the region most affected by violence with children being the most affected population. It likewise acknowledges that the chances for a healthy development in these population groups are restricted when they are hit by violence either as a witness, victim or aggressor (1). Four years later, the World Report on Violence against Boys and Girls revealed that the diversity and scope of all forms of violence against children are more

visible as well as the cost in terms of suffering (2) even though education authorities have been concerned with school violence since the early 1960s.

It seems that people forget that violence in Latin America and the Caribbean, and particularly the education systems, is marked by a history of colonization, first, and dictatorships and authoritarian governments later, together with violent political processes, which have been a common denominator in the region. More recently, despite difficulties and setbacks, the region has managed to maintain democratic governments along with peace processes.

Since the last decade of the 20th century and beginning of the 21st century, the Latin America and Caribbean region has witnessed a special dynamism in the educational sector aimed at transforming the systems in the region. The rapid social, economic, cultural, and technological changes compel constant renewal of educational systems to address the demands and needs of people and societies. Since then, a number of official documents have been drafted by different regional entities establishing policies for Latin America and the Caribbean (ETP 2000; Ibero-American Meeting of Ministers of Education, 2008; Summit of Heads of State and Government, 2010, in Argentina) evidencing a serious concern for actions to improve quality and equality in education in order to address poverty and inequality and favor social inclusion and prevent violence affecting a significant number of persons in schools.

According to the Pan-American Health Organization, in Latin America and the Caribbean "State institutions are the main space where Latin American boys, girls and adolescents experience violence and their legislations do not specifically refer to prohibiting such punishment to these population groups" (3). The performance of education centers in a

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context of violence is no easy task due to the impact of social, economic and, in certain cases, political violence. Different national bodies should make an assessment of this impact in a common goal to fight this phenomenon.

A basic decisive factor to prevent school violence is related to the "social protection provided by States to the new generations, as well as good governance in the country in terms of public policy and legal frameworks for social protection" (4). Therefore, educational system reforms should be examined to see how violence prevention is addressed in the countries of the region, since educational reforms are meant to implement the letter and spirit of education policies in order to meet the society's demands.

Today, Social Sciences are paying more attention to violence (5) affecting society at large, "sometimes as a response to the impact of violence-related developments" (6) and therefore, there are as many definitions of the term as experts on the matter. Some of these definitions are:

- "A way of exercising power through force (be it physical, economic, psychological, political), implying the existence of a symbolic subordination usually adopting the form of complementary roles: father-son, man-woman, teacher-student, young-old, boss-subordinate" (7).
- "An expression of evident or covert aggressiveness with negative consequences for whom is in direct contact with it. Violence is destructive aggressiveness" (8).
- "A phenomenon that has its roots in inter-personal relations where one of the poles exerts its power over the other, causing physical or moral injury or both" (9).

- "A social phenomenon that has its roots in the imbalance of power in interpersonal and social relations causing damages to both those who exert it and those who suffer it, though it is preventable" (10).
- "The intentional use of physical force or power, threatened or actual, against oneself, another person or a group or community that either results or has a high likelihood of resulting in harm, death, psychological damage, development disorders or deprivations" (11).

In analyzing these definitions, the authors of this paper are of the view that one can find aspects that enable us to understand that violence:

- Is a social, multi-faceted and complex phenomenon that covers different behaviors and attitudes; it has a "universal connotation due to the application of its instruments and its negative impact" (12) in all spheres of life and society. The term violence has many meanings that try to explain and describe different processes, events and social realities with significant differences (5), which change according to the historic-social context and time, a characteristic that makes its understanding difficult (5, 6, 9, 13). Therefore, it is necessary to understand that it is passed on from one generation to the other; that it is caused by many factors and has increasing consequences, being women, children and elders the most vulnerable groups.
  - It takes place in the social relations among societies and among persons. The antagonism between the ruling class and the oppressed is evident in situations of violence. The development and enrichment of a wealthy minority at the expense of an impoverished, exploited and oppressed majority is also evident (7). There is no
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society, irrespective of its traditions, religion or culture, free of violence. The violence between societies is better known, visible, less naturalized and accepted, and it has an economic and political purpose (14).

Violence between persons is more naturalized; it hinges on violent social relation models and patterns based on the misuse of power and non-democratic, hostile and aggressive styles of interaction among inter-personal, inter and intra-gender symmetrical or asymmetrical social relations (7, 13, 15-17). In any of the above cases, the norms established by power groups, their implementation, the way in which power is used and democracy concepts should be revised.

- It is harmful. The misuse of power and authority has negative effects on all human beings involved in violence. It is used in any of its forms to subject or control others through the use of force (5, 7, 8, 10, 13). It is compounded by powerful subjective and inter-subjective elements that make it difficult to “determine objectively to what extent the violence suffered by the victim is intentionally caused by the aggressor. Likewise, not all aggressors or group of aggressors are fully aware of their intention to harm others” (18).

At world level, however, there is consensus among scholars of this topic that violence is a preventable phenomenon “when people are educated to use power adequately, to have the necessary skills and strategies to establish norms and limits, to settle conflicts peacefully, which in turn encourages the education of human beings and the development of societies in a culture of coexistence, peace, and human rights, promoting a more intersectorial participation in prevention and a more comprehensive approach to research on violence” (19).

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The crisis in the society is reflected in the micro-world of the school. The multi-causal nature of the internal and external factors that have an impact on the school are key elements to understand that micro-world. Sometimes, the negative convergence of these factors creates problems that both the school management and the teaching staff find difficult to solve (13, 16, 17, 19).

School violence is the result of the involvement of individuals living in situations of violence in their social environment and reproducing it in school. This creates a serious crisis in the social relation system within the school. On this assumption, school violence is the inappropriate use of power that any member of the education community can exercise, affecting school dynamics, violating the rights of the victim(s), harming people and material goods and hindering the development of the student's personality.

This definition assumes that all those involved in school life (professors, students, school managers, school officials, teaching support staff, parents, and community members) are responsible for what happens in the school; take into account the negative influence of the misuse of power and authority in personal, inter and intra-generation relations, and acknowledge that when based on difference, it is inappropriate and unjustified, and the situation becomes worse when it is a member of the teaching staff who does not adequately use his/her powers.

There are two types of situations in school that imply school violence:

- those which constitute an asymmetric power and forced submission relation in any of its forms in the hierarchical institutional or educational system relations;
- those which materialize in symmetric or peer relations in which the victim can return the aggression and be socially accepted, with certain nuances, or in

asymmetric relations where mistreatment takes place among persons of the same age group (16).

The foregoing enables us to understand why studies conducted in Latin American countries show that “in the first place, corporal punishment (particularly in the Caribbean) as well as emotional abuse and sexual violence by educators are still a practice; secondly, there is an increasing trend of harassment among peers (expounded by the use of Internet), and thirdly, student (particularly male) and in some cases parent aggression against teachers and other educational authorities” (20).

In the case of Cuba, we must begin by stating what is understood by public policies to prevent school violence. Though the concept in general terms is not socialized in the population, there is a great effort in the country aimed directly or indirectly to preventing school violence. In other words, public policies on school violence prevention in Cuba are part of the overarching framework of the Cuban social policy related to education, social security, health, housing, sports and recreation since it eliminated vulnerability, discrimination, and exclusion of boys, girls and adolescents since the very triumph of the Revolution. This enabled the participation of young generations in the different actions of the revolutionary process and brought up in the knowledge of solidarity, collectivism, love for their homeland, among other principles.

This is understandable considering that social policy is understood as “the set of actions implemented by the State to structure a more just society by putting in place and developing long-term profitable social services and enacting laws to improve the social conditions of the economically weak and legally unprotected” (21); and public policies as “the set of interrelated decisions made by the State and governments to address or

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eliminate different social problems. Their implementation depends on the intention and will of a group of individuals and institutions upon which legal and legitimate powers have been conferred to make binding decisions on society and act for the common good" (22).

The foregoing has been corroborated by other authors when they state that public policies are related to social power; deal with concrete solutions to address public affairs; are the main tools for government action; are aimed at guiding the destiny of a country, solving problems of public interests, detecting and settling controversies arising from government actions; act as the accelerator or brake of the ship; and act as catalytic or delaying factors of political processes (23), proving a fundamental relationship: both entities are mutually influential.

In the specific case of public policies on school violence, their design, implementation and evaluation must promote and ensure the prominence of schools in the community where they are located. Accordingly, young generations will consider that school facilities not only belong to those who attend school but to all members of the community and will defend them and stop attacking them. On the other hand, schools must be acknowledged as a safe place that provides life-long teachings, thus promoting the active and conscious involvement of all members of the educational community and related socializing institutions to achieve a common good: the comprehensive education of young generations, a key factor to ensure better learning results and the exercise of a fundamental human right in terms of citizenship-building.

Likewise, public policies on school violence prevention should focus on the empowerment of women and greater equality and social recognition as compared to

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males. They should become a key instrument in developing new and improved formulas for family performance by implementing new forms of relationship with the student's family. Such public policies must be comprehensive and rely on human capital in order to ensure the effective performance of the educational community and the school, covering topics such as school coexistence, human rights, peace, development of skills, peaceful settlement of conflicts and development of "mediation," trying to involve a wide range of socializing agents and institutions in order to structure solutions and generate synergies underpinning the work of all the participants (3). We cannot forget that "school violence is a complex phenomenon the manifestations of which have different causes that calls for joint actions by the civil society, the family, the educational community and, of course, boys, girls, and adolescents" (24).

Cuba is recognized as one of the Latin American countries with an intense and extensive work on public policies for protecting childhood. These are State policies aimed at ensuring the continuity of and compliance with basic principles in institutional actions for prevention and childhood care. It is important to know that the educational policy in Cuba—derived from the State policy—is designed and guided by the debates at the congresses of the Communist Party of Cuba and the National Assembly of the People's Power—the highest ruling body in the country with supervising and control functions—through its Commission for Education, Science, and Culture, and is implemented by the Ministry of Education (MINED, its Spanish acronym). The Main Working Divisions of this Commission, together with other bodies, organizations and institutions, have the mandate to scientifically guide the training and education of the young generations and the teaching staff.

The national education policy recognizes society as a large school, reflecting the democratic and popular nature of Cuban education policy. This entails the involvement of

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the population in its design and control, and in ensuring its successful implementation. The educational policy also “establishes the criteria for the ideal citizen to be raised and trained, the way in which it will be done and the responsibility of the State in the implementation, the general characteristics of the education process and the political, economic and social requirements to be met” (25) in order to prevent school violence. Reality, however, compels us to conduct a thorough analysis of public policies on violence prevention in Cuba, since in the dialectic interrelation between the State, the education policy and educational practice there are gaps that cannot be ignored and could have a negative impact on society if not properly analyzed.

Though in Cuba the rights of children, adolescents and youth have been recognized and defended long before the adoption of the Convention on the Rights of the Child, there is no education law or national legislation tacitly prohibiting corporal punishments and other abuses in schools. There are no public policies specifically aimed at preventing school violence. This prevents identifying, visualizing, denouncing, and addressing the different forms of violence against children, adolescents, and youth in educational institutions. Likewise, claiming reparation for the victim(s) of school violence once a report has been filed is hindered by the lack of such public policies. Therefore, contextualized legal provisions to this end are required to protect Cuban childhood. The documented study conducted by the authors of this paper, however, shows that there are a number of resolutions, ministerial provisions and circulars corroborating the commitment of the Communist Party of Cuba, the Cuban State and the Ministry of Education to prevent this scourge.

Hence, this article will deal with those legal documents that directly comply with the obligations under international instruments that contribute to prevent school violence in Cuba.

One of these laws is Law 3664 of May, 1971 protecting disabled children by establishing youth centers and schools-workshops. This law establishes the right of adolescents lagging behind in their studies, thus preventing dropouts after completing primary school. This provides opportunities to study a trade in centers linked to the agriculture industry and factories.

Till 2002 in Cuba there were 50,000 disabled children, 4,249 special schools, 21 orphan's homes, and a total of 4,400 persons including teaching staff, assistants and speech therapists, taking care of 55,000 students. Efforts are being made to improve the organization and performance of the schools in which these children study and/or live and to make better use of their capacities. To this end, the Cuban State has provided funds for developing education, recreation, cultural, and sports programs. However, we still witness some misconduct among education professionals, support personnel and family members regarding the biological and educational needs, as well as physical and psychological mistreatment of these children. In the case of education professionals and support staff, this denotes lack of human sensitivity and professionalism while in the case of parents it denotes "a feeling of guilt, skepticism, rejection or pity towards the minor mainly due to the fact that they are not prepared to assume the role that as parents they have to play in their education" (26). In this regard we must point out that despite the fact that Article 315.1 of the Cuban Penal Code prohibiting "Other acts against the normal development of a minor" is applicable to any person who has custody, guardianship or care of a minor and does not attend to or

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neglects his/her education, maintenance, and assistance”, no reports are ever filed. There are also legal contradictions since the Family Code is ambiguous as to punishment of children by their parents.

The Family Code (Law 1289 of 1975) is also important for the protection of children and youth. This Code regulates family institutions (marriage, divorce, parent-child relations, alimony, adoption, and guardianship) and is currently being amended. The importance of this Code lies in the fact that for the first time “specific legal provisions for this social institution” (27) establishing the obligations of adults towards children and vice-versa were enacted. One of the limitations of the Family Code expressed in Article 3 requires authorization for girls under the age of 14 and boys under the age of 16 to get married, despite the fact that the National Plan of Action for the Follow-up of the Beijing Conference, adopted by the State Council on April 7, 1997, establishes in Section 61 on Family Rights that: “We shall work for ongoing improvement of the family legislation in order to promote more harmonic, fair and equitable relations among members of the family.”

The Family Code is currently being reviewed. Many, however, are of the view that such articles should be amended since it would avoid to a great extent the recent trend of fourteen-year old girls and sixteen-year old boys marrying nationals or foreigners, which in many cases is related to prostitution and being relieved from responsibilities and encourages dropouts from school and child abuse suffered by a great number of children both within the family or in educational institutions or at the hand of those relatives in charge of their education (14, 28). A comprehensive education is required to influence socializing institutions and contribute to eliminate the remaining prejudices of parents, relatives and tutors who compel minors to get married after their first sexual relation.

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This is detrimental for the physical health of girls and the mental health of both boys and girls, since the personality as well as the physical and intellectual capacities of men and women are developed at these ages.

Sexist and patriarchal concepts governing to a lesser or greater extent family relations since time immemorial make boys, girls, adolescents, and youth more vulnerable, and the acknowledgement of such concepts more difficult. Transforming reality will be much more difficult in the absence of clear and effective laws.

Another limitation of the Family Code affecting school is the authority that Article 86 confers upon parents to "adequately and moderately reprehend and correct children under patria potestad (parental authority)" (29). We cannot ignore that family violence is the result of a process of historical naturalization, which persists due to concepts that prevent intervening in the so-called private world.

This mainly affects students and the teaching staff, since they come from families who have their own history that cannot be denied and they are bearers of what they have learnt in their families and many times reproduce it in school (19). Schools must continue to prevent violence. This presupposes comprehensive childhood care providing equal opportunities and possibilities to all children. "It implies knowing the individual characteristics of each child and his/her family and analyzing those that have an impact in the quality of their development in order to propose the most convenient strategy" (30).

The Cuban Constitution of 1976, considered one of the most advanced constitutions in Latin America at the time, establishes in one of its chapter that all the country's citizens enjoy equal rights and duties. It also states that under the principle of equality all State institutions are responsible for the education of all citizens since the very early ages and

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that childhood must be specifically protected by the State and that state institutions and mass organizations alike must pay attention to the comprehensive education of children and youth (31). The responsibility of the Cuban State in protecting children and youth is thus explicitly stated, evidencing the link between the humanist concept of education and the Cuban educational policy, which is consistent with such constitutional precepts.

The First Congress of the Communist Party of Cuba agreed to conduct studies to draft a specific legislation to protect childhood and youth through a differentiated legal treatment. Hence, Law 16/1978, more commonly known as the Childhood and Youth Code, was passed, "coordinated by the Party, the State and, to a lesser extent, by the Young Communist League,...implemented by the Ministries of Education, Higher Education, Labor and Social Security, Public Health, and Culture, among other state and social entities that participated in its drafting and implementation by consensus" (32).

This Law sets the rights and duties of children and youth as well as the obligations of state and social institutions. Its first article regulates "the participation of children and young people under the age of 30 in the process of building the new society and establishes the obligations of individuals, agencies and institutions involved in their education in accordance with the objective of promoting the development of a communist personality in the young generation." The second article specifies that "it is part of the socialist legislation and, therefore, the exercise of rights and the fulfillment of obligations established by the existing legislation regarding childhood and youth must comply with the provisions of said law" (33).

The foregoing legal text explicitly refers to the socialist policy on childhood and youth, establishing the rights and duties of these population groups as well as the responsibility

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of state and social institutions towards them (27). It would be fair to say that Law 16/1978 was, at the time, a revolutionary and advanced text. Though it antecedes the Convention on the Rights of the Child, it included some of the principles enshrined in the latter such as guarantees for the full development of new generations, non-discrimination on the basis of skin color, sex or religion, and participation.

As to the regulations stemming from the educational policy and contributing to prevent school violence, we must mention Ministerial Resolution 88/98 on School Regulation. This Ministerial Resolution establishes school regulations for pre-schooling, primary education, special education, secondary education, college education, technical and vocational education, adult education as well as for pedagogical higher institutes. In this regard, four articles explicitly deal with preventing school violence:

- Article 6, prohibiting “circulation or use of documents, objects or articles not related to the educational process in schools, nor any non-state commercial activity.” This guarantees the safety of all members of the educational community and of students, professors, and non-teaching staff directly involved in school activities.
- Article 11, compelling students to be polite and respectful, keep their voice down, use proper language, ask for permission before interrupting a conversation, give their seats to girls, physically disabled persons or senior citizens, among other things. It explicitly states that “no hitting, using offensive nicknames, insolent or rude jokes or phrases in detriment of the social prestige of others shall be admitted.” This article prevents cruel or humiliating treatment, humiliations and threats, which is a positive thing since words suggesting “that a boy is acting as a girl or can be homosexual or that a girl is acting as a boy or can be lesbian” (34)

are used in many schools. Humiliating words are maliciously used as a joke “to punish or intimidate boys and girls because they are ‘too feminine’ or ‘too masculine,’ because they are known or suspected to be homosexuals or lesbians or simply different from what is socially accepted” (35). This constitutes a violation of their rights and therefore leaves those who break socially accepted rules unprotected. The limitation of this article is that it refers only to students, leaving adults—who sometimes are reproducers of manifestations of violence—free to feel that they are not compelled to comply with this provision.

- Article 12 deals with couple relations among students, pointing out that these should be stable relations based on respect, male courtesy, and decency. Though compliance of this article prevents violence in couple relations, which generally results from gender inequality and gender roles and stereotypes imposed by society, it does not mention couples with the same sexual orientation nor the polite treatment of adolescents towards their male partners and does not deal with the issue of sexual harassment and abuse in schools by members of the teaching staff, students or any other member of the educational community that must be prevented.
  - Article 13 deals with the relations of the teaching staff with the students and their families. It points out that these relations “should be characterized by due respect and consideration” and prohibits requesting “monetary contributions for activities carried out in school.” Compliance with this article demands the commitment of the teaching staff to the ethics that characterizes their profession and to the role that as scientifically trained professionals they must play in educating not only the students and their families but the educational community as a whole.
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- Article 30 regulates sanctions applied in school. In this regard, it states that sanctions are aimed at “maintaining order in the center, addressing the negative conducts of the student and preventing lack of discipline. The following sanctions will be applied: private admonition, public admonition (before the class or the Board of Directors), transfer to another class or school and, in extreme cases, dismissal or expulsion from school...in no case physical punishment or moral humiliation of the student will be allowed.” Though the resolution limits the sanctions to be applied by educational professionals to ensure discipline and demands respect for the student who is sanctioned, by expelling the student from the center it transfers the problem to another school or to the community rather than attempting to change the student’s behavior. Another limitation is that it does not mention the consequences for those who do not abide by the rules.

The regulation, however, shows the concern of the Ministry of Education in ensuring a comprehensive education of the young generations and even though there are still some gaps, the enforcement of this regulation will undoubtedly promote non-violence in schools.

Another regulation of the Ministry of Education that contributes to prevent school violence is Resolution 90/1998 on the guidelines to instill values and promote discipline and responsible citizenship in school.

Another important document that contributes to prevent school violence is Circular 4/1999 stating the efforts of the Ministry of Education “to promote actions aimed at instilling values and promoting responsible citizenship among children, adolescents, and youth as an essential goal of its educational work” (36). It also includes provisions aimed at directors of educational centers and teaching staff, among others, regarding the

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design, organization and implementation of objective, characterizing and individualizing assessments that will enable a preventive education work with all the students, particularly with those showing risk factors. This Circular also prohibits smoking and drinking alcohol in educational institutions.

Another example of public policies to prevent school violence is Ministerial Resolution 139/2011 about the sex education program of the Ministry of Education, which in the case of Cuba was “developed in the early years of the Revolution by the Federation of Cuban Women and later coordinated by the National Center for Sexual Education under the Ministry of Public Health. This program has been implemented as part of the social policy with the active involvement of other agencies, institutions and mass and social organizations in the country.” In terms of educational policy, the program is an objective, since sex education is conceived “as a human right and as part of the comprehensive education of boys, girls, adolescents, and youth, the content of which is taught as part of the curriculum at different educational levels and is being constantly improved by the Ministry of Education” (37). Prior to this resolution, the MINED-MINSAP Joint Resolution No. 1 of January 4, 1997 established the “guidelines for the joint work between the Ministry of Education and the Ministry of Public Health” and the Umbrella Program for Health Promotion and Education in the National Education System, adopted in 1999, established the thematic areas to be included in the educational curriculum, one of which is Sex Education that includes STIs and HIV prevention.

The current Program of Sex Education with a Gender and Sexual Rights Perspective is the result of the advancement of Cuban education and curricula updating. This program is included in the school curriculum of the Ministry of Education and teacher-training institutions.

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The purpose of this Program is to consolidate sex education with a gender and sexual rights approach and the prevention of HIV and other sexually transmitted infections in the training of teachers of primary, middle and higher education levels through basic or optional-elective curricula and post-graduate courses on a scientific basis to promote personal and social development styles based on respect, responsibility, equality, cooperation, and reciprocity in order to eliminate all forms of gender-based discrimination against men or women. Hence, the curricula serves the purpose of training the young generations and teaching staff in order to promote equal rights, gender relationship, peace, democracy, human rights, and violence prevention.

More recently, the Minister of Education approved Resolution 11 of January 12, 2012, updating and regulating school life in all educational levels except higher education. The purpose of this Ministerial Resolution is to “eliminate the dispersion of school regulations in order to update them and encourage greater involvement of students, teaching staff, and parents in the development of school regulation in each teaching center.” The aim of this new regulation is “to establish the duties, rights, obligations and prohibitions in school activities, taking into account our educational priorities and accumulated experience in the implementation of school regulations, so that all students and staff know and fully comply with them in order to consolidate discipline” (38).

We will analyze some of the modifications directly related to school violence prevention.

- Chapter III states that students must respect professors and non-teaching staff inside and outside school; maintain a correct behavior inside and outside the educational center; criticize and be self-critical regarding wrongdoings; take care of and preserve learning material, facilities, equipment, and existing means.

- Article 12 of the abovementioned Chapter states the same obligations stated in Article 11 of the old resolution. Article 15 deals with the organizational and control measures that guarantee the health regulation and states that students must have a responsible sexual behavior though it does not state that it should be based on respect and courtesy. This, in our view, gives leeway to a wide range of behaviors that are considered acts of violence and would therefore go unpunished.

As to the rights of students, Ministerial Resolution 11/2012 states in Article 16a) that they should be treated with respect and courtesy by school workers, teaching staff and the Board of Directors. They have the right to participate in all school activities and receive free education in all educational levels.

Regarding the disciplinary actions contained in Chapter IV, we will mention only those directly related to school violence. Hence, it is important to know that breach of discipline is classified as very serious, serious, and less serious. Prior consideration of the characteristics of the student who commits a breach of discipline, the circumstances, and the seriousness and consequences of such breach of discipline is required to apply any sanction. Sanctions of an educational nature must be ensured following Jose de la Luz y Caballero's principle that when imposing a sanction "it should not be for the sake of tormenting you...and convinced that it is not a matter of tormenting you, the sanction is fair and in accordance with the misconduct" (39).

The serious faults listed in Ministerial Resolution 11/2012 are the following:

- a) maintain an attitude or commit serious and obvious acts contrary to the moral and ideological principles of our society without prejudice to the criminal responsibility which may be incurred;
  - b) commit any other act that is considered a degrading intentional crime or immoral attitude or any other act that due to its social nature and impact undermines the prestige of the school;
  - c) intentional damage or destruction of socially owned property in any of the areas of the educational center;
  - d) participate in acts that cause the loss of material resources provided by the State free of charge, without prejudice to the criminal responsibility which may be incurred;
  - e) commit such acts in school which are considered by law as criminal offences, without prejudice to the criminal responsibility which may be incurred;
  - f) incite or take part in brawls;
  - g) bring to school any porno, subversive, counterrevolutionary material—in any format—or any other information infringing upon the educational policy;
  - h) introduce and/or consume alcoholic beverages or any other forbidden substance inside or outside the center as well on the trip home or back to school or weekend-leaves in case of boarding schools;
  - i) introduce and/or consume drugs or psychofarmaceutical drugs without advising the Board of Directors and without medical prescription;
  - j) practice sexual intercourse in school.
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In accordance with Article 21, serious faults are the following:

- a) physically mistreat or insult professors, members of the school board, school workers or fellow students or any other person;
- b) make false accusations about other persons in an attempt to cover one's responsibility or the responsibility of others when discussing acts related or not to school, without prejudice to the criminal responsibility which may be incurred;
- c) create public disorder in any of the school areas or in other areas where activities of the teaching-learning process or related to it are being carried out;
- d) showing oneself nude or semi-nude in educational, sports, outside or common areas of the dormitory;
- e) violate the moral and social coexistence standards of our socialist society.

In accordance with Article 23, less serious faults are as follows:

- a) not observing due discipline during the teaching-learning process;
- b) hitting, using offensive nicknames, insolent or rude jokes or phrases in detriment of the social prestige of fellow students and professors;
- c) aiding and abetting any breach of the School Regulations;
- d) raising one's voice, being impolite or infringing the rules of polite behavior.

In analyzing the disciplinary actions to be applied to the student(s) for very serious and serious faults we must stress that though such disciplinary actions are of an educational nature most of them are just discussed with the student or the members of the education community or the socializing institutions while less serious faults carry actions such as private or public admonition and criticism, though Article 25 suggests that in general these analysis can take place with the presence of parents, relatives or tutors, or

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in the meetings of student organizations or Board of Directors, School Board or Council for the Care of Children meetings.

In this regard, we feel that action by the student(s) to compensate for the damage caused to another fellow student due to violence should be included in this or another Resolution. Likewise, the regulation or disciplinary actions applicable to the teaching staff and other members of the education community committing acts of violence in school is a pending subject for future research since they are not included in this Regulations. The Ministry of Education's stand on physical and verbal violence is clearly stated in the Resolution while its stand on sexual orientation and gender-based violence is rather ambiguous. Therefore, this Resolution should be reviewed taking into consideration the foregoing limitations or a legal instrument explicitly addressing actions to prevent all forms of school violence should be drawn up.

Despite all efforts, Cuban schools are not free of school violence due to the complexity of this phenomenon. It is known that some members of the education community use violence even though it is not approved by agencies and authorities in charge of protection against violence. In this regard, there are research works that have directly or indirectly identified different forms of violence in this socializing institution and propose actions to prevent this situation (6, 9, 10, 13, 19, 28, 42-45) while other research works reveal the need to enact a specific law to address sexual and psychological violence in Cuban schools. However, it is very difficult to determine the extent of school violence and other forms of child abuse.

When analyzing the different school models, we find that the Cuban education policy established by the Party and required by the Cuban society is implemented in all of

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them. All these models demand a teaching staff with an exemplary conduct capable of promoting an environment where discipline, organization and respect prevail for the basic and comprehensive education of Cuban students (46). However, it is a contradiction that despite the letter of these policy documents developed in accordance with the Cuban education policy formulated in theses and resolutions of the Communist Party of Cuba and stating that the basic and comprehensive education of the young generations should take place in a safe and fraternal environment that promotes solidarity and respect, we still witness different manifestations of violence that the teaching staff cannot prevent and which affect this purpose.

Research conducted in a secondary school with 146 students aged 11 to 14 years old, out of which 66 were girls and 79 were boys, showed that students play different roles (victim, aggressor, and spectator) in situations of violence. According to the research, girls are more aggressive to impose respect and to provoke, while more boys report that they are victims of such aggressions (19).

The August 2011 edition of the Revista CEPAL (ECLAC Magazine) published the results of a study on violence among students in seventeen Latin American countries (Argentina, Brazil, Colombia, Costa Rica, Chile, Ecuador, El Salvador, Colombia, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Uruguay, and Cuba). In Cuba, 206 primary schools, 383 classrooms, and 5,910 sixth-grade students were studied. The study shows that 10.55% of the students were victims of theft; 6.86% were intimidated or threatened; 4.38% were physically abused, and 13.23% had been victims of violence.

The study also points out that 12.1% of the students knew classmates that had been victims of theft during the last month, 7.38% knew how many classmates had been victims of intimidation or threat, and 7.42% had been victims of violence. Regarding the variables studied (gender, social and economic status of their families, cultural level and place of rural or urban residence), the data collected in the seventeen countries "show that there is a statistically significant relation between students' gender and the victims of theft, insults, threats or physical mistreatment" (47). In this regard, variables related to theft, verbal and physical violence are statistically related to gender. Boys outweigh the number of girls who are victims of theft, insults, threats, and physical aggression. According to the study, in Cuba abuse equally affects both genders in the three dependent variables used (47). These results were confirmed in Y. Rodney's research (19).

Another study, conducted in the Cuban capital in early 2012 in a primary school with 40 students of both sex out of a population of 60 sixth-grade students, revealed 27.5% of the girls and boys surveyed reported they had been victims of threats; 20% had been yelled at; 15.5% had been humiliated, and 2.5% had been physically abused. As to the frequency of such acts, 17.5% stated that they were frequent, 70% said it was occasionally, and only 5% stated that they had never been victims of abuse by their classmates (48).

Regarding the causes of the aggressions against or received from their classmates, the study showed that there were many factors but the most outstanding was losing control (both girls and boys) when they are called by nicknames, threaten or victims of false rumors. The risk spaces identified were during the break and early morning gatherings.

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The Cuban educational system acknowledges the importance of educating the new generations and the role that the teaching staff is called to play in this endeavor, thus contributing to the development of the society in which they live, hence the importance of updating and improving the educational system. To this end, the educational work of the teaching staff must be more efficient, intense and systematic. The teaching staff must have a profound humane and solidary spirit and a sense of national and cultural identity that will enable them to keep always in mind the history of the Cuban people and be capable of transforming their reality.

On the basis of these research findings we can state that Cuba is one of the countries with the lowest rate of children victims of school violence and compared to the other countries studied can state that its classrooms are among the safest in the region. To maintain these achievements a systematic and multidisciplinary work is required to prevent this phenomenon and continue to be "a regional reference on how to prevent the social causes of child and adolescent abuse" (49). This is mainly due to the teaching tradition in our country that paved the way for the efforts of Cuban teachers, supported by the political will of the State, to modify the social and cultural context and its influence on the development of the personality of the new generations; to improve the methodology used and the technical quality of their classes; to link theory and practice, to update and ensure the scientific rigor of the contents, and instill values and promote responsible citizenship in their education work.

## CONCLUSIONS

It would be naive to think that prohibiting corporal punishment in schools will do away with such practice. The analysis of the situation reveals the conflict between legal and

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institutional rhetoric and real protection and enjoyment of human rights. Countries where such laws have been enacted recently revealed that such laws are still infringed. This becomes an obstacle since violence among educators, girls, boys, and adolescents is rooted despite the laws against it. This also evidences that changing the social and cultural environment in schools will be slow and probably such laws have made no impact or changed such practices.

Specific public policies to prevent school violence and ensure the protection of children in school are required. Such policies must explicitly prohibit, among other things, corporal punishment, psychological abuse, bullying, mistreatment of disabled children, and discrimination of students who are not heterosexual and have different sexual orientations. They should also be complemented with administrative and technical regulations and provisions aimed at expanding the scope of prohibitions and establishing mechanisms to prevent school violence, including modification of curricula, educational management and administration mechanisms, training of the teaching staff, as well as monitoring and control systems. The foregoing requires the involvement of children, adolescents, youth, parents and socializing institutions interacting with the school in the decision-making process as well as a system for receiving claims and reports on cases of violence.

There is a direct link between school violence prevention and the promotion of a culture of peace, democracy, and human rights through education. The best way to deal with this issue is by exploring its causes and finding collective solutions taking into account peoples' needs and mutual respect and understanding.

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