COI QUERY

Country of Origin	**CUBA**
Title	**Situation of LGBTIQ+ people**
Reference period	August 2024 to 8 September 2026
Topic(s)	1. Legislation and implementation 2. Treatment by the state 3. Treatment by society 4. Access to support services, including information on state protection
Date of completion	8 September 2026
Query Code	Q26-2026
Contributing EU+ COI units (if applicable)	**N/A**

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COI QUERY RESPONSE – Cuba

Situation of LGBTIQ+ people

1. Legislation and implementation

According to Freedom House, 'individuals enjoy broad freedom in their interpersonal, romantic, and sexual relationships' in Cuba.[1] In a country report covering the period from 1 February 2023 to 31 January 2025, Bertelsmann Stiftung noted that government policy toward LGBTIQ+ persons 'has changed substantially', with the state achieving substantial advances in safeguarding their rights[2] by introducing substantive legal frameworks concerning LGBTIQ+ rights in recent years.[3]

Consensual same-sex sexual acts were decriminalized in Cuba in 1979.[4]

The 2019 Constitution introduced the prohibition of discrimination on the basis of sex, sexual orientation, and gender identity.[5] Article 42 of the 2019 Constitution states that:

> [informal translation] 'All persons are equal before the law, receive the same protection and treatment from the authorities, and enjoy the same rights, liberties, and opportunities, without any discrimination on the basis of sex, gender, sexual orientation, gender identity, age, ethnic origin, skin color, religious belief, disability, national or territorial origin, or any other personal condition or circumstance that entails a distinction harmful to human dignity.'[6]

The 2022 Penal Code introduced a provision criminalizing discrimination on grounds including sex, gender, sexual orientation and gender identity.[7] Specifically, article 388.1 of the Penal Code stipulates that:

> [informal translation] 'Any person who discriminates against another person or promotes, or incites discrimination, whether through statements or with offensive intent on the grounds of age, sex, gender, sexual orientation, gender identity, ethnic origin, skin colour, religious beliefs, national or territorial origin, disability, or any other

[1] Freedom House, Freedom in the World 2025 - Cuba, 2025, url
[2] Bertelsmann Stiftung, BTI 2026 Country Report - Cuba, 2026, url, pp. 12, 36
[3] El Periódico CR, Comunidad Lgbti en Cuba exige implementación de sus derechos legales, 14 June 2026, url; IPS Cuba, Derechos de las personas LGBTIQ+ en la legislación cubana, 18 May 2026, url; Bertelsmann Stiftung, BTI 2026 Country Report - Cuba, 2026, url, p. 12
[4] Outright International, Cuba, Last updated: 12 March 2026, url; ILGA, ILGA World Database – Cuba, [2026], url
[5] El Periódico CR, Comunidad Lgbti en Cuba exige implementación de sus derechos legales, 14 June 2026, url; Freedom House, Freedom in the World 2025 - Cuba, 2025, url; UN Human Rights Council, Cuba: Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights, 4 September 2023, url, para. 79
[6] Republic of Cuba, Constitución de la República, 10 April 2019, url
[7] Equaldex, LGBT Rights in Cuba, [2026], url; ILGA, ILGA World Database – Cuba, [2026], url

> form harmful to human dignity, or through actions to obstruct or prevent that person, for those reasons, from exercising or enjoying the rights to equality established by law, hall be subject to a penalty of imprisonment for six months to two years or a fine of two hundred to five hundred quotas, or both.'[8]

Furthermore, the Penal Code provides for aggravated penalties for bodily injury committed on the grounds of sexual orientation or gender identity and for killings motivated by hatred based on these grounds.[9]

Following a national referendum, the 2022 Family Code introduced a gender-neutral definition of marriage, thus legalizing same-sex marriage in Cuba[10] and granting same-sex couples the right to adopt or use assisted reproduction techniques.[11]

In July 2025, Cuba's parliament adopted a new civil registry law, which provides for legal recognition of gender identity,[12] allowing adults to change their legal gender markers in official identification documents upon request,[13] eliminating the previous requirement to provide evidence of the change of legal gender.[14] Under the new procedure, a change in legal gender does not require prior gender-affirming surgery, a court order,[15] or proof of the absence of a criminal record.[16] Minors can also access legal gender recognition, but only through a judicial procedure.[17] The law was published in the Official Gazette in March 2026 and provides that it will enter into force 180 days after publication,[18] placing its effective implementation in September 2026.[19]

However, sources noted that the remaining requirement for a prior assessment by the National Center for Sexual Education (Centro Nacional de Educación Sexual – CENESEX), a state institution operating under the Ministry of Public Health, constitutes a limitation.[20]

The Code on Children, Adolescents and Youth, which was adopted in July 2025 and entered into force in January 2026,[21] prohibits discrimination and violence against children and

[8] Republic of Cuba, Ley 151/2022 "Código Penal", September 2022, url
[9] ILGA, ILGA World Database – Cuba, [2026], url
[10] ILGA, ILGA World Database – Cuba, [2026], url; HRW, World Report 2024 - Cuba, 11 January 2024, url
[11] Freedom House, Freedom in the World 2025 - Cuba, 2025, url; AP, LGBTQ-inclusive church in Cuba welcomes all in a country that once sent gay people to labor camps, 1 April 2024, url
[12] HRW, World Report 2026; Cuba, 4 February 2026, url
[13] OnCuba, Publican nueva Ley del Registro Civil, con trámites simplificados y cambios en la identidad de género, 18 March 2026, url; Efe, El parlamento cubano aprueba el cambio de sexo por solicitud personal, 18 July 2025, url
[14] Cubadebate, El nombre, el sexo registral y la identidad de género en la nueva Ley 180 del Registro Civil, 3 August 2026, url; Reuters, Cuba trans community sees glimmer of hope in proposed legislation, 30 June 2025, url
[15] OnCuba, Publican nueva Ley del Registro Civil, con trámites simplificados y cambios en la identidad de género, 18 March 2026, url; Efe, El parlamento cubano aprueba el cambio de sexo por solicitud personal, 18 July 2025, url
[16] Context, Cuba's trans people see legal progress with new gender ID law, 12 September 2025, url
[17] ILGA, ILGA World Database – Cuba, [2026], url
[18] Republic of Cuba, Ley No. 180/2025 del Registro Civil, 2025, url
[19] Cubadebate, El nombre, el sexo registral y la identidad de género en la nueva Ley 180 del Registro Civil, 3 August 2026, url
[20] Outright International, Cuba, Last updated: 12 March 2026, url; HRW, World Report 2026; Cuba, 4 February 2026, url
[21] Republic of Cuba, Ley 178/2025 "Código de la niñez, adolescencias y juventudes", 28 January 2026, url

teenagers on the basis of sexual orientation, gender identity, or sex characteristics, as well as all forms of harassment in educational institutions.[22]

Moreover, since 2008, transgender people in Cuba have had access to gender-affirming surgery, with the procedures fully covered by the national health system.[23]

Information on the implementation of the legislation concerning LGBTIQ+ rights in Cuba was scarce among the sources consulted by EUAA within time constraints of this query response. However, the following information may be relevant.

According to sources, activists have noted a gap between the legal recognition of LGBTIQ+ rights and their implementation in practice.[24] In an October 2024 report, the United Nations Committee on the Elimination of Discrimination Against Women (UN CEDAW) highlighted that there was limited implementation of existing laws and policies to address intersecting forms of discrimination against women, including in particular lesbian, bisexual, transgender and intersex women.[25]

Concerning protection from discrimination, Freedom House indicated that the Communist Party of Cuba's (PCC – Partido Comunista de Cuba)[26] control of the government and justice system 'limits the authorities' ability to enforce such guarantees impartially or effectively, and independent calls for equal treatment can draw state reprisals'.[27] Social and cultural barriers,[28] as well as the economic crisis were further identified as factors hindering the implementation of policies relating to LGBTIQ+ rights.[29]

In its 2025 annual report for Cuba, the Inter-American Commission on Human Rights (IACHR) indicated that the state had continued to lack official data on the prevalence of violence and discrimination against LGBTIQ+ individuals.[30]

2. Treatment by the state

Sources noted that despite the comprehensive legal framework adopted in Cuba,[31] persons with diverse SOGIESC (Sexual Orientation, Gender Identity, gender Expression, and Sex Characteristics) continued to experience discrimination.[32]

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[22] ILGA, ILGA World Database – Cuba, [2026], url
[23] Outright International, Cuba, Last updated: 12 March 2026, url; Equaldex, LGBT Rights in Cuba, [2026], url
[24] El Periódico CR, Comunidad Lgbti en Cuba exige implementación de sus derechos legales, 14 June 2026, url; IPS Cuba, Voces LGBTIQA+ denuncian discriminación en Cuba, 6 May 2026, url
[25] UN CEDAW, Concluding observations on the ninth periodic report of Cuba, 30 October 2024, url, para. 11
[26] The governing party in Cuba.
[27] Freedom House, Freedom in the World 2025 - Cuba, 2025, url
[28] CubaNet, Los derechos LGBTIQ+ en Cuba tras la aprobación del Código de las Familias, 21 August 2024, url
[29] El Periódico CR, Comunidad Lgbti en Cuba exige implementación de sus derechos legales, 14 June 2026, url; CubaNet, Los derechos LGBTIQ+ en Cuba tras la aprobación del Código de las Familias, 21 August 2024, url
[30] IACHR, Annual Report 2025 - Chapter IV.b; Cuba, 26 February 2026, url, p. 761
[31] El Periódico CR, Comunidad Lgbti en Cuba exige implementación de sus derechos legales, 14 June 2026, url; IPS Cuba, Derechos de las personas LGBTIQ+ en la legislación cubana, 18 May 2026, url
[32] IPS Cuba, Voces LGBTIQA+ denuncian discriminación en Cuba, 6 May 2026, url; Amnesty International, The State of the World's Human Rights 2024, 29 April 2025, url, p. 143

Concerning political representation, Freedom House highlighted that LGBTIQ+ people could not 'pursue their political interests outside the PCC structure', with advocacy efforts of independent LGBTIQ+ groups and activists continuing 'to be either ignored or suppressed'. According to the same source, although public advocacy is allowed to a certain extent, though 'only with the permission of the PCC and under the threat of persistent police harassment'.[33] In an October 2024 report, the UN CEDAW noted consistent reports of 'threats, attacks, gender-based violence, stigmatization, harassment, intimidation (including online), criminalization, cases of reprisals, arbitrary arrests and detention, and defamation campaigns' targeting women human rights defenders, including women advocating for the rights of lesbian, bisexual, transgender and intersex women.[34] Non-governmental organizations promoting LGBTIQ+ rights were also reported to face legal and logistical constraints affecting their operations.[35]

In its 2024 report, the UN CEDAW noted that lesbian, bisexual, transgender and intersex women continued to face high levels of gender-based violence and 'police brutality', as well as intersecting forms of discrimination, and stigmatization in Cuba.[36] According to the same source, although the state has taken steps to raise awareness among public officials of the rights of women with diverse SOGIESC, measures in place to 'prevent, investigate, prosecute and punish gender-based violence' against them were 'insufficient', resulting in low prosecution and conviction rates in such cases.[37] Similarly, Amnesty International research highlighted that women faced specific forms of violence based on their gender, race, class and sexual orientation, associated with a lack of judicial independence and effective reporting, protection, and redress mechanisms.[38] UN CEDAW also reported on limited employment opportunities for, inter alia, lesbian, bisexual, transgender and intersex women.

Furthermore, sources have reported cases of transgender women incarcerated in Cuba being held in prisons with men.[39]

3. Treatment by society

Sources noted that despite the recognition of rights in law, prejudice, stigma and discriminatory attitudes persisted in Cuban society and continued to affect persons with diverse SOGIESC in areas including family, employment and educational settings.[40]

[33] Freedom House, Freedom in the World 2025 - Cuba, 2025, url
[34] UN CEDAW, Concluding observations on the ninth periodic report of Cuba, 30 October 2024, url, para. 33
[35] CubaHerald, La comunidad LGBTIQ+ vuelve a marchar en La Habana en rechazo a la homofobia y la transfobia, 11 May 2025, url
[36] UN CEDAW, Concluding observations on the ninth periodic report of Cuba, 30 October 2024, url, paras. 27, 49
[37] UN CEDAW, Concluding observations on the ninth periodic report of Cuba, 30 October 2024, url, paras. 27, 49
[38] Amnesty International, Cuba: They want to silence us but we will continue to resist: Authoritarian practices and state violence against women in Cuba, 26 November 2025, url, p. 3
[39] IACHR, Annual Report 2025 - Chapter IV.b; Cuba, 26 February 2026, url, p. 761; UN CEDAW, Concluding observations on the ninth periodic report of Cuba, 30 October 2024, url, para. 47; HRW, World Report 2024 - Cuba, 11 January 2024, url
[40] IPS Cuba, Voces LGBTIQA+ denuncian discriminación en Cuba, 6 May 2026, url; CubaNet, Los derechos LGBTIQ+ en Cuba tras la aprobación del Código de las Familias, 21 August 2024, url

The IACHR reported acts of violence against LGBTI persons in Cuba in 2024.[41] In 2025 and 2026 media sources also documented, through social media, incidents of violence against LGBTIQ+ persons, particularly transgender persons.[42]

Further information on the treatment of persons with diverse SOGIESC by society in Cuba could not be found among the sources consulted by EUAA within time constraints of this query response.

4. Access to support services, including information on state protection

Information on access to support services, including information on state protection, for persons with diverse SOGIESC in Cuba could not be found among the sources consulted by EUAA within time constraints of this query response.

[41] IACHR, Annual Report 2024 - Chapter IV.b; Cuba, 2025, url, p. 682
[42] IPS Cuba, Voces LGBTIQA+ denuncian discriminación en Cuba, 6 May 2026, url; CiberCuba, Trans women suffer aggression in the vicinity of the Ciudad Deportiva in Havana, 2 October 2025, url

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