

The Committee's concluding observations and comments (CAT/C/CUB) noted favourably: provisions in the Constitution committing the state to upholding the dignity of the individual and safeguarding the inviolability of people and their homes; acknowledgement by Cuba of the universal jurisdiction for the trial of crimes against humanity to which category, it may be argued, torture belongs; the provision in the labour code stipulating that persons acquitted of criminal offenses are entitled to compensation for any period in which they were deprived of their liberty as a result of pre-trial detention; the constitutional prohibition of the use of violence or pressure against people to force them to testify; the declaration that statements obtained in breach of this principle are null and void; the declaration that those responsible for such violations will be held liable to punishment; and, the criminalization of every form of complicity in crimes against humanity, human dignity and offences laid down in international treaties. The Committee acknowledged the deteriorating economic conditions due, *inter alia*, to the embargo which make it difficult for the government to provide appropriate nutrition and essential medical supplies to prisoners.

The principal subjects of concern identified by the Committee were: the failure to establish a specific crime of torture as required by the Convention; reports and information indicating serious violations of the Convention with regard to arrest, detention, prosecution, access to counsel and imprisonment of individuals; serious violations in prisons affecting the safety, dignity and health of prisoners; the failure of the authorities to respond to allegations in reports of the CHR Special Rapporteur on the situation in Cuba; the uncertainty created related to the constituent elements of certain nebulous offences, namely "disrespect", "resistance to authority" and "enemy propaganda" and the room they provide for misuse and abuse; the use of certain types of punishment primarily directed at the limitation of the liberty of citizens, i.e., internal exile and confinement at home; the absence of specific training of law enforcement, civil, military and medical personnel and generally personnel involved in the arrest, custody, interrogation, detention and imprisonment about the norms of the Convention; the absence of adequate information about the investigation of complaints of torture and other inhuman and degrading treatment and the outcome of any such investigations; the many complaints made that certain categories of persons referred to as dissidents are targeted and their fundamental rights violated without having satisfactory means of redress; and, the absence of satisfactory information as to the rights of victims of torture and other inhuman and degrading treatment to seek redress, including satisfactory compensation.

The Committee recommended that the government:

- ▶ criminalize torture as defined in the Convention by the creation of a specific crime or crimes giving effect to every aspect of it;
- ▶ establish a transparent permanent procedure for receiving complaints about torture and other inhuman and degrading treatment or punishment, promptly examine such complaints and bring those responsible to justice;
- ▶ incorporate into the law the right of the suspect or detainee to silence at all stages of investigation;

- ▶ establish a system of recurrent review of prisons with a view to improving conditions in prisons;
- ▶ revise the rules on the organization of the judicial system in accordance with international instruments and the UN guidelines on the independence of the judiciary;
- ▶ set up and keep under constant review a comprehensive programme for the education and training of law enforcement personnel, medical personnel, public officials and all others involved in the interrogation, custody or treatment of any person arrested, detained or imprisoned;
- ▶ establish a central register containing adequate statistical data about complaints of torture and other inhuman or degrading treatment or punishment, the investigation of such complaints, the time within which the investigation is conducted and any prosecution undertaken and its outcome;
- ▶ establish a compensation fund for the victims of torture and other prohibited treatment;
- ▶ allow into the country human rights NGOs and cooperate with them in the identification of cases of torture and other inhuman and degrading treatment; and,
- ▶ urgently address complaints about torture and other cruel, inhuman and degrading treatment or punishment raised in NGO reports and the reports of the Special Rapporteurs, take such action as required under the Convention and report to the Committee the outcome of such investigations and any action taken in its next periodic report.

#### Rights of the Child

Signed: 26 January 1990; ratified: 21 August 1991.

Cuba's second periodic report is due 19 September 1998.

*Reservations and Declarations:* General declaration.

Cuba's initial report (CRC/C/8/Add.30) was considered by the Committee at its May/June 1997 session. The report prepared by the government contains information on, *inter alia*: civil rights and freedoms; the family environment and alternative care; health and health services; treatment of severe mental disability; care for children with disabilities; education, leisure and cultural activities; and special protection measures related to children in conflict with the law and child labour.

The Committee's concluding observations and comments (CRC/C/15/Add.72) noted: the progress made by Cuba in providing services for and advancing the well-being of children, especially in the fields of health and education; the formulation and implementation at the national and municipal levels of a plan of action to attain the goals of the World Summit for Children; recent initiatives to implement sex education programmes in cooperation with the United Nations Population Fund (UNFPA); the importance attached to the provision of care for disabled persons and the priority measures introduced in this area; and, Cuba's cooperation in providing international assistance to victims of emergencies such as the 14,000 people affected by the Chernobyl environmental disaster.

In terms of factors and difficulties impeding the implementation of the Convention, the Committee referred to the dissolution of Cuba's traditional economic ties and the intensification of the trade embargo.