

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/CUB/CO/2)

CUBA

(...)

C. Principal subjects of concern and recommendations

(...)

Detention conditions

10. The Committee notes that the State party has study programmes for all educational levels in detention facilities and that a programme of investment in the prison system has been approved. It regrets, however, that precise figures on occupancy levels in detention facilities have not been provided. The Committee is still extremely concerned about reports that the prison population allegedly experiences overcrowding, malnutrition, lack of hygiene, unhealthy conditions, and inadequate medical care. These reports also recount unjustified restrictions on family visits, transfers to detention facilities located a long way from detainees' family and friends, solitary confinement in degrading conditions and physical and verbal abuse of prisoners. For all these reasons, the Committee regrets the lack of data, disaggregated by age and sex, on the number of complaints and grievances filed by prisoners or members of their family and on the corresponding inquiries and their outcome (arts. 11 and 16).

Taking into account the voluntary commitments assumed by the State party in the universal periodic review in February 2009 (A/HRC/11/22, para. 130, (45)), the Committee recommends that the State party should take all necessary steps to ensure that conditions of detention in prisons and other detention facilities conform to the Standard Minimum Rules for the Treatment of Prisoners (resolution 663 C [XXIV] of 31 July 1957, and resolution 2076 [LXII] of 13 May 1977, of the Economic and Social Council) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), adopted by the General Assembly in resolution 65/229 on 21 December 2010. In particular, the State party should:

(...)

(c) Ensure that all persons deprived of their liberty enjoy the right to communicate with family members and a lawyer;

(...)

Complaints mechanism

16. Although the State party has provided information about the various bodies and mechanisms that deal with citizen complaints and petitions, the Committee regrets that no dedicated, independent and effective mechanism has as yet been established to receive complaints, conduct prompt and impartial investigations into allegations of torture and ill-treatment and ensure that those responsible are duly punished. The Committee also notes the lack of statistical information about the number of complaints, investigations, prosecutions and criminal and disciplinary sanctions imposed against the perpetrators of acts of torture and ill-treatment (arts. 2, 12, 13 and 16).

The Committee reiterates its previous recommendations (A/53/44, para. 118 (b) and (g)) in which it urged the State party to:

(...)

(b) Establish a central register of complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment, which should be publicly accessible.

(...)

Psychiatric institutions

19. The Committee notes the information provided by the State party regarding the content of the judgement delivered by the Second Criminal Division of the People's Court in Havana on 31 January 2011 in the case brought against the director, deputy directors and other employees of the Havana Psychiatric Hospital following the death of 26 patients from hypothermia in January 2010. The Committee regrets that it has not received the information requested about the redress and compensation measures ordered by the courts and actually provided to the families of the victims and other patients affected. Although it notes that the Ministry of Public Health has a plan to improve the efficiency of this institution, the Committee has received no information on the content of the plan. Lastly, the Committee regrets that it has received no statistical data on the number of persons with psychosocial disabilities that are currently receiving forced medical treatment (arts. 2, 11, 14 and 16).

The Committee urges the State party to provide information about the redress and compensation measures ordered by the courts and actually provided to the victims and/or their families in relation to the deaths that occurred in the Havana Psychiatric Hospital in 2010.

The State party should take the necessary steps to resolve any deficiencies that might exist in the psychiatric hospital network and ensure that events of this type do not recur. The Committee recommends that an analysis of the way in which psychiatric institutions operate in practice be

undertaken as a matter of urgency, by means of external and internal audits of the institutions involved, with a view to adopting legislative and administrative measures to ensure that the guarantees required to prevent torture are applied in practice.

(...)

Gender-based violence

21. The Committee notes with concern that the State party has provided no information on the existing legal framework for combating violence against women in Cuba or on the measures taken to eliminate this phenomenon, including domestic and sexual violence. The Committee also regrets the lack of statistical data corresponding to the period under review for the different forms of violence against women (arts. 2 and 16).

The Committee urges the State party to provide detailed information on existing legislation governing this area and on cases of violence against women that occurred during the period under review.

(...)

32. The Committee requests the State party to provide, by 1 June 2013, follow-up information in response to the Committee's recommendations related to: (a) ensuring or strengthening fundamental legal safeguards for detainees; (b) conducting prompt, impartial and effective investigations; and (c) prosecuting suspects and sanctioning perpetrators of torture or ill-treatment, as contained in paragraph 10 (c), paragraph 16 (b), paragraph 19 and paragraph 21 of this document. In addition, the Committee requests follow-up information on remedies and redress provided to the victims addressed in these paragraphs.

(...)
