



OMCT E-Bulletin June 2022

73rd Session of the Committee Against Torture

This E-Bulletin is part of the OMCT's Anti-Torture Programme. The OMCT mobilises and coordinates activities of civil society organisations during the sessions of the United Nations Committee Against Torture (CAT). It facilitates the engagement of civil society by building coalitions, sharing information, ensuring timely and effective report submissions, advising on advocacy opportunities and supporting effective access to the CAT. Find out more about our work on our [website](#).

Cuba

Repression of Political Opposition, Dire Detention Conditions and Impunity for Torture

During the review of Cuba's third periodic report, the Committee focused on: the criminalisation of torture and other aspects of the legal system; legal safeguards and detention conditions; repression of political opponents, including the events of July 11th, 2021; and gender-based violence.

The Committee welcomed Article 51 of the Constitution, which prohibits torture and other ill-treatment. However, it did not incorporate all elements of Article 1 of the Convention, and it asked that this be amended. The Committee expressed concern for judicial independence and restrictions on the freedom of lawyers. It asked that judges be appointed in line with international standards and that lawyers' rights to freedom of association and independence be respected. The Committee was concerned by 'dangerous condition', 'official warning' and 'sedition' offences in the criminal code, which penalise persons behaving in a dangerous state, persons 'likely' to commit crimes and persons accused of disturbing public order, respectively. It urged the State to remove vague and subjective offences from its criminal code. The Committee regretted that the State had not established an independent mechanism to investigate complaints of torture. It recommended a mechanism which affords protections for victims, suspends accused officials throughout the investigation and establishes a complaint register.

The Committee was concerned by the reported lack of legal safeguards in detention, especially for political detainees, such as prolonged pre-trial detention and limited access to lawyers, medical examinations or family contact. The State was asked to guarantee fundamental legal safeguards from the beginning of detention and discipline officials found to breach this. The Committee was concerned by the reported use of coercive interrogation methods including assault, threats, incommunicado detention, and exposure to sudden temperature changes. It asked that these practices end, that evidence obtained through these methods be inadmissible

in court and that judges be trained to detect torture in their courtrooms.

Regarding detention conditions, the Committee was concerned by reports of overcrowding, unsanitary conditions and limited access to food, drinking water or medical care. There were reports of frequent hunger strikes, torture and ill-treatment against inmates, prolonged solitary confinement and arbitrary visit restrictions. The State was urged to align prison conditions with international standards, ensure the provision of basic necessities, and investigate all acts of torture and ill-treatment against detainees. In addition, they were encouraged to establish an independent mechanism for the regular monitoring and inspection of prisons. The Committee expressed concern at the average figure of 100 deaths in custody per year and at the absence of comprehensive data. It urged the State to investigate all deaths in custody including any public officials responsible for them and to publish detailed information.

The Committee expressed concern at attacks against human rights defenders, journalists and artists who are viewed as political opponents. Reported acts include surveillance, violence, forced exile and other forms of intimidation by police and security forces. It asked that the State take measures to stop the attacks and establish mechanisms to protect those at risk. In particular, the Committee was concerned at the events of July 11th 2021, where police used excessive force and arbitrary detention during social protests, and it urged the State to investigate and regulate police conduct during protests. The Committee recommended that Cuba enact comprehensive legislation on gender-based violence, with reparations and support services for victims, due to concerns about its prevalence and the low rates of investigation and prosecution.

The Committee also issued recommendations regarding training for officials, psychiatric institutions, cases under military jurisdiction and the death penalty.

Issues for follow-up:

- ❖ Independent inspection of places of detention
- ❖ Attacks against human rights defenders, journalists and artists
- ❖ Investigations and accountability for events of July 11th

Read more: [Concluding Observations](#), [meeting summary](#) and [webcast](#).

OMCT Submissions

CUBA

The joint [alternative report](#) prepared by the OMCT along with a coalition of Cuban civil society organisations provides a comprehensive and wide-ranging evaluation of Cuba's domestic legal system and practice regarding torture. The report formulates specific recommendations based on four key areas of concern which are: legislation; the criminalisation of political opposition; gender-based violence; and detention. Firstly, the domestic criminal code includes restrictive provisions which infringe on citizens' rights to freedom of assembly, expression and association. Secondly, the report documents the systematic repression and criminalisation of human rights defenders, activists, journalists and artists, most frequently through harassment, arbitrary arrests and attacks. Detainees' due process rights are further infringed by the requirement that practising lawyers must be members of a body directly overseen by the Government. Thirdly, Cuba is facing issues with gender-based violence, especially domestic violence, and the State has not taken appropriately strong measures to combat this and protect women. Finally, Cuba has severe problems with detention and has one of the highest incarceration rates globally. There are widespread allegations of torture and other ill-treatment by guards and prison staff. The detention conditions are inhumane, with severe overcrowding and limited access to food, water and other basic necessities.