



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities Twenty-first session

### Summary record of the 457th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 26 March 2019, at 3 p.m.

*Chair:* Mr. Basharu

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*The meeting was called to order at 3.05 p.m.*

### **Consideration of reports submitted by parties to the Convention under article 35**

*(continued)*

*Initial report of Cuba (CRPD/C/CUB/1; CRPD/C/CUB/Q/1 and CRPD/C/CUB/Q/1/Add.1)*

1. *At the invitation of the Chair, the delegation of Cuba took places at the Committee table.*

2. **Mr. Reyes Rodríguez** (Cuba) said that his country's initial report (CRPD/C/CUB/1) was the outcome of a broad consultation process involving governmental, non-governmental and other institutions and organizations. For Cuba, the promotion and protection of the rights of persons with disabilities and the inclusion of such persons in the life of the country had been a priority ever since the Cuban Revolution, the triumph of which had inspired the project of building a country based on equal rights and social justice, in which no one was left behind. It was in keeping with that ongoing project that the Government had established a system of institutions, policies, laws, financial resources and qualified personnel to respond to the specific needs of persons with disabilities.

3. At the end of 2018, Cuba had over 447,000 persons with disabilities, equivalent to 4 per cent of the population, slightly fewer than half of whom were women. In 1996, the National Council to Support Persons with Disabilities, which consisted of representatives of governmental institutions and organizations of persons with disabilities, had been established in order to study, approve and implement public policies and social programmes to better promote, protect and realize the rights of persons with disabilities, and to coordinate the work of the entities that implemented the Convention. Cuba was currently implementing its third National Plan of Action to Support Persons with Disabilities, under which activities were carried out in different sectors to enhance the social integration and the quality of life of persons with disabilities. Another aspect of the Government's approach to disability was its ongoing dialogue with the country's three organizations of persons with disabilities, who participated in policymaking, programme development and the implementation of the National Plan of Action. The Government and society lent their full support to the activities of those organizations.

4. As part of the process of updating its economic and social model, Cuba was strengthening its legal and institutional framework for the promotion and protection of human rights. The new Constitution, which had been approved by a large majority in a referendum, strengthened the human rights approach to disability as envisaged in the Convention. To protect the rights of persons with disabilities, the courts applied the Convention directly with a view to ensuring the exercise of legal capacity on an equal basis. In that regard, on 15 March 2019, the Governing Council of the People's Supreme Court had adopted Instruction No. 244, on procedural mechanisms to regulate the exercise of legal capacity in accordance with the model of supported exercise of such capacity, together with the accommodation necessary for access to justice, including the issuance of judicial decisions in Easy Read format.

5. Although Cuba did not have specific legislation on the rights of persons with disabilities, the adoption of the new Constitution would entail the amendment and adoption of laws to bring the Cuban legal system into line with the Convention. Nonetheless, the reality was that Cuba fully protected the rights of persons with disabilities to full equality and non-discrimination and to life, health, liberty and security of person, equal recognition before the law, and protection from torture, exploitation, violence and abuse, among other rights. Persons with disabilities had full access to justice to defend their rights. The Government was strengthening mechanisms, remedies and procedures to prevent and punish violations.

6. With respect to access to justice, the courts, public prosecutors' offices, collective law practices, women's and family counselling centres and organizations of persons with disabilities had engaged in a collective effort to train justice officials in the handling of cases that involved persons with disabilities. In addition, persons with disabilities were encouraged to participate in decision-making processes and in political life, and were free to hold office in State institutions. There was one female deputy with a disability in the National Assembly

of People's Power and seven delegates with disabilities sitting in municipal assemblies; however, more remained to be done in respect of political representation.

7. Campaigns were carried out to raise awareness of the specific needs of persons with disabilities, their participation and inclusion in society and the protection of their rights. In the future, the Government intended to disseminate the Convention more broadly, amend laws that used pejorative or outdated language, promote the increased use of sign language, and continue to produce educational materials on disability in accessible formats.

8. In recent years the Government had worked to ensure that accessibility criteria were taken into account in the repair, maintenance and investment budgets for public facilities whose original design had not included them, and to apply those criteria in the construction of new buildings. In 2017, 834 construction projects had met accessibility criteria, including 240 projects in the tourism sector. Efforts had also been made to increase the accessibility of communications, including the provision by television channels of closed captioning, audio description and sign language interpretation. Persons with disabilities participated in projects to build an information society, and many of them had received training in the use of new information technologies; specially adapted training was available to persons with visual impairments.

9. The Government continued to promote access to employment for persons with disabilities, considering that under the Labour Code, all citizens who were fit to work had the right to obtain employment. It also continued to ensure the universal right to a free, quality education. Educational institutions at all levels catered for students with disabilities and provided the reasonable accommodations that they required, while a free special education system met the educational needs of children, adolescents and young people whose disabilities were such that they required differentiated treatment. The right to health was protected thanks to a free, universal health system that ensured the non-discriminatory provision of health care, including sexual and reproductive health care and family planning services, to persons with disabilities. Various primary health-care programmes ensured that specialized medical care was available to persons with disabilities throughout the country, allowing them to undergo procedures and treatments and to receive medicines and mobility aids free of charge. Persons with disabilities were also protected by the social assistance scheme, where necessary. In 2018, the State had allocated over 308 million pesos to social assistance, benefiting over 35,000 persons with disabilities.

10. Cuba placed special emphasis on sport as a means of improving the quality of life and the inclusion of persons with disabilities. The Paralympic Movement was flourishing in the country, and Cuban athletes had performed strongly in international competitions, receiving positive media coverage. The Government also worked to improve the access of persons with disabilities to the arts and to culture.

11. In achieving so many positive outcomes, Cuba had been forced to overcome not only the problems that were common to all developing countries faced with multiple priorities and limited resources, but also the adverse impact of the economic, commercial and financial embargo imposed by the United States of America for almost 60 years. The embargo was contrary to the principles of international law and the Charter of the United Nations and was a massive, flagrant and systematic violation of the human rights of the Cuban people. It had cost the Cuban economy an estimated US\$ 1 trillion and it continued to affect the rights of persons with disabilities, since it prevented the acquisition of the equipment they required, such as prosthetic devices and Braille writers. Nevertheless, with political will, the support of the overwhelming majority of the Cuban people and the active engagement of organizations of persons with disabilities, the Government would continue to promote and protect the rights of persons with disabilities. In that regard, he believed that the delegation's exchanges with the Committee would prove helpful in meeting the challenges that lay ahead.

#### *Articles 1–10*

12. **Ms. Gamio Ríos** (Country Rapporteur) said that notwithstanding the work undertaken to strengthen the protection of the rights of persons with disabilities in the State party, its report showed that greater efforts were required. Considering that the participation of persons with disabilities through their representative organizations was an important principle of the

Convention, she was deeply concerned to note that certain organizations had been unable to register with the authorities and thus to obtain recognition, and that their voices would not be heard during the Committee's dialogue with the State party.

13. The Committee, while aware that the State party had been awaiting the adoption of the new Constitution before harmonizing its legislation with the Convention, was nevertheless concerned about the fact that practically all Cuban legislation, including the Civil Code, the Family Code, the Civil, Administrative, Labour and Economic Procedure Act and the Public Health Act, contained terms that were discriminatory towards persons with disabilities. The Committee hoped that the authorities would expedite the legislative review process, in consultation with organizations of persons with disabilities, with a view to identifying and abolishing those provisions that violated Convention rights. In that regard, and considering that the concept of guardianship, still applied in Cuba, prevented persons with disabilities from exercising their autonomy and accessing justice, she drew attention to article 12 of the Convention, which articulated the need for States parties to replace substitute decision-making with supported decision-making. The Committee was also concerned to note that the State party had neither a law defending the rights of persons with disabilities nor a national human rights institution, both of which were important for the implementation and monitoring of the Convention. The information that all persons enjoyed legal protection of their rights to health, education, work and culture was welcome; however, specific legislation was needed in order to safeguard the rights of persons with disabilities, considering that they faced barriers to their participation as equal members of society and violations of their human rights.

14. The Committee was further concerned about the treatment of persons with intellectual or psychosocial disabilities in psychiatric hospitals, the fact that the reported number of such hospitals, at 19, seemed very high, and the fact that the Public Health Act permitted the hospitalization of "patients with mental disorders" without their consent. It was also unclear whether institutions were supervised to prevent violations such as forced treatment or forced sterilization. Moreover, in the report and the replies to the list of issues, the State party tended to refer to disability issues as belonging to the health sphere, suggesting that it applied the medical model of disability rather than the human rights approach that had superseded that model. The information on the ability of persons with disabilities to live independently and be included in the community and on the audiovisual materials that had been produced as part of awareness-raising efforts seemed to reflect a charity-based approach. It was to be hoped, therefore, that the dialogue would shed light on the extent to which Cuba had moved towards the human rights approach and was committed to bringing its legislation into line with the Convention.

15. **Mr. Babu** (Country Rapporteur) said that Cuban anti-discrimination laws were in need of strengthening, notwithstanding the constitutional recognition of the equality of all citizens, and that the National Plans of Action to Support Persons with Disabilities that had been implemented were insufficiently explicit in their prohibition of discrimination. The law made no provision for redress when persons with disabilities, especially persons with psychosocial disabilities and women and girls with disabilities, were the victims of discrimination. Although the delegation had mentioned the significant efforts made in the capital to ensure accessibility, much remained to be done to bring the country's urban and rural infrastructure into line with universal design standards. An overarching, inclusive approach to accessibility was required. It appeared that the Government had not fully embraced the Convention in the country's socioeconomic development fabric and that insufficient efforts had been made to support inclusive development that met the preferences and needs of persons with disabilities.

16. While it seemed that some persons with disabilities were employed in government departments, the Convention called for their broad inclusion in the open labour market. There was specifically a need to promote programmes to increase employment among women with disabilities. Abject poverty in Cuba was much more prevalent among persons with disabilities than among persons without disabilities. He hoped that the Government would place greater emphasis on efforts to raise the living standards of persons with disabilities in both rural and urban areas and would do more to ensure that persons with disabilities could choose where to live. The problem of violence committed against persons with disabilities

was apparently endemic, especially in rural areas, and needed to be addressed as well. Lastly, he urged the State party to make more efforts to ensure that persons with disabilities had access to electoral processes and materials and could fully take part in elections and stand for office.

17. **Ms. Kim Mi Yeon** said that she would like to know whether there were any organizations representing women with disabilities in Cuba and, if not, whether the Government planned to take measures to encourage the formation of such associations. What measures had been taken in the context of the National Plan of Action to Support Persons with Disabilities to ensure equality between men and women and to combat gender discrimination and discrimination against persons with disabilities? The replies to the list of issues (CRPD/C/CUB/Q/1/Add.1) indicated that there were programmes in Cuba for women with disabilities and that such women had equality of opportunity in employment, education, sports and culture. The Committee would like to find out whether there were any specific policies benefiting women with disabilities in other sectors as well. Was the gender perspective included in such policies, and were efforts made to combat pernicious stereotypes and prejudices? She also requested the delegation to describe programmes carried out in primary and secondary schools to foster an attitude of respect for the rights of persons with disabilities.

18. **Mr. Ishikawa** said that the Committee would like to know what measures the State party was taking to bring national laws into line with the Convention and to eliminate the use of derogatory terms such as “incapable” or “impeded”. Implementation of the Convention could only progress if constructive recommendations made by civil society organizations were given due consideration. Noting that the Government recognized three organizations of persons with disabilities, he asked whether other organizations had been formed and had obtained official recognition. If not, he would like to receive information on measures taken to amend laws restricting the participation of persons with disabilities, including persons with intellectual or psychosocial disabilities, in consultation processes and to establish a new legal framework, in line with the Convention, to ensure their full participation.

19. **Mr. Buntan** said that while there was no specific definition of disability in Cuban law, the Government’s replies to the list of issues stated that disabilities were categorized according to the World Health Organization (WHO) international classification; that suggested that the authorities were relying heavily on a medical approach to the very concept of disability. The Committee would like to hear whether the Government had any plan to move away from the medical model and to adopt a rights-based approach, including to the assessment of disability, in line with the Convention. In the light of the fact that there was no specific law prohibiting discrimination against persons with disabilities in Cuba, he asked what mechanisms were available for lodging complaints of discrimination, how many such complaints had been filed and whether any remedies had been provided or court rulings handed down in such cases. Noting that the State party had established accessibility requirements for new buildings, he asked whether other policies, such as penalties or incentives, were applied in the framework of the rules and regulations on accessibility. For example, the Committee would like to know whether accessibility requirements were mandatory in the State party’s public procurement activities.

20. **Mr. Chaker** said that in Cuba, the use of corporal punishment in schools was evidently not prohibited. Such a policy violated children’s rights and was also at variance with articles 7, 15 and 17 of the Convention. Corporal punishment was a problem that was frequently ignored by Governments, notwithstanding the fact that it was prohibited by international instruments and that the Sustainable Development Goals specifically called for its elimination.

21. **Mr. Kabue** said that the Committee would like to have more information on the legal formalities for the registration of associations of persons with disabilities in Cuba and to find out whether there were individuals who were not allowed to join such associations. The Committee regularly received alternative reports from civil society organizations when it considered State party reports, but no such reports had been submitted by Cuban organizations. In the State party’s replies to the list of issues, the Government indicated that complaints of discrimination against persons with disabilities could be filed through the Attorney General’s Office. As the Office itself was a government agency, he questioned

whether it had the independence required to challenge government decisions. How were such complaints handled by the Office, and what action had been taken in the past in relation to such complaints? Noting that the State party report mentioned awareness-raising programmes, he asked what role persons with disabilities had played in such programmes. He had received information indicating that many people with disabilities in Cuba were unaware of the services available to them. What action had the Government taken to disseminate information, and how did organizations help in awareness-raising?

22. **Ms. Gabrielli** said that she would like to know whether children with disabilities could be refused admittance to schools and, if so, whether any steps would be taken to change that situation. In the replies to the list of issues, the State party affirmed that persons with disabilities received the same treatment in rural and in urban areas, and specifically mentioned the activities of the Cuban Association of Persons with Motor and Physical Disabilities. The Committee would like to receive more information about the measures adopted to guarantee accessibility and to ensure the full inclusion of persons with disabilities who lived and worked in rural areas.

23. **Ms. Gamio Ríos**, noting that the State party had reported that the most common complaints were monitored systematically, said that the Committee would like to receive details about the number of complaints received from women with disabilities who had been subjected to rape, forced committal or forced treatment. She asked how many children with disabilities were living in institutions and whether such institutions were adequately monitored to prevent ill-treatment and abuse. It would be of interest to the Committee to hear what measures were being taken by the Government to eliminate the harmful practice of not registering infants who were born with disabilities or with life-threatening conditions, as the failure to register such children violated their rights under articles 10 and 18 of the Convention. The Committee would like to receive disaggregated data on the number of women and children with disabilities who had access to the services provided as part of the National Plan of Action to Support Persons with Disabilities.

24. **Mr. Babu** said that he would like to know to what extent organizations of persons with disabilities took part in the seminars and training courses in the Judicial Training College. Was any monitoring or evaluation carried out to ascertain the effectiveness of such training in improving participation by persons with disabilities in the justice system?

*The meeting was suspended at 4.10 p.m. and resumed at 4.25 p.m.*

25. **Mr. Reyes Rodríguez** (Cuba) said that there were no limits on the activities or participation of civil society organizations in Cuba and that three such organizations were included in the delegation. It was his understanding that at least three civil society organizations had submitted alternative reports to the Committee. The delegation had adopted a highly participatory approach in order to guarantee that various vantage points would be reflected in the dialogue with the Committee. The Associations Act, Act No. 54, in no way restricted the establishment of civil society organizations for persons with disabilities. No applications for the establishment of such associations had been denied. At the same time, it should be noted that Act No. 54 was one of the laws that were currently under consideration for amendment following the adoption of the new Constitution, which ensured respect for the socialist rule of law, with full observance of all human rights. He requested the Committee, when considering the statements made by the Cuban delegation, to bear in mind that different societies had different models and implemented rights and obligations in different ways.

26. **Mr. Soler López** (Cuba) said that policies, laws and practices in respect of people with disabilities were not based solely on a medical or charity-based approach. They were combined with a constitutional guarantee of equal treatment of persons with disabilities and of all persons before the law, without any distinction or discrimination on grounds of sex, sexual orientation, gender identity, age, ethnic origin, skin colour, religious belief, ability or disability or national origin. Under Instruction No. 244, issued on 15 March 2019, all Cuban courts were obliged to apply the most protective legal procedure in modifying the exercise of legal capacity by persons with disabilities and to provide for the appointment of supports. The new order was part of an explicit paradigm shift from the substitution model to the human rights model and to support for empowerment and self-determination.

27. While there were no specific laws addressing the situation of persons with disabilities, the laws in force established sufficient guarantees, procedures and remedies to protect their rights. The Criminal Code prohibited discrimination and the abuse or abandonment of persons with disabilities, imposing penalties consisting of fines or of 3 to 8 months' deprivation of liberty for such offences. The Civil Code included provisions for compensation for psychological or economic harm. The new Constitution recognized that persons whose rights were violated by public officials had a court-enforceable right to claim and obtain compensation or reparation.

28. The Attorney General's Office investigated and processed complaints of discrimination and gave priority to complaints filed by persons with disabilities, who were interviewed at home. In cases where it was ascertained that violations had occurred, the State was obliged to address the situation. The procedures in place had been in force since 1973 and had produced tangible results. The country had a low crime rate and a relatively low rate of complaints of discrimination or other offences committed against persons with disabilities. In the last two years, the Government had received 129 such complaints, relating mainly to inheritance or abandonment. The Government was continuing to seek out new ways of providing remedies for persons with disabilities, in particular through the development of the national programme for the protection and promotion of their rights, through the establishment of new forums to facilitate their access to the courts and through the use of the Internet to enable them to lodge complaints more easily with the authorities.

29. **Ms. Machín Reyes** (Cuba) said that nobody in Cuba, with or without a disability, was living in extreme poverty. The Ministry of Labour and Social Security was responsible for coordinating activities in the field of disability, including the work of the National Council to Support Persons with Disabilities. The National Plan of Action, which was implemented at all levels, down to the community level, comprised five focus areas: health, education, employment, participation and accessibility. The objective was to promote, coordinate and implement policies, programmes and services to improve quality of life and ensure equal opportunities, inclusion, autonomy, independent living and effective participation for persons with disabilities. The plan also incorporated monitoring of public policies. Organizations of persons with disabilities had participated in the design of the action plan and were also involved in the evaluation of its results.

30. Persons with disabilities had legal capacity on an equal basis with others and were full citizens and rights holders. They received equal pay, had the same property and inheritance rights and could manage their own financial affairs. Cuba had transitioned from a charity-based approach to a human rights approach to disability. Cuban legislation protected the rights of all persons with disabilities, regardless of whether they were members of one of the country's three organizations of persons with disabilities. Non-members received the necessary support services directly in the community. The Government consulted the three organizations of persons with disabilities on a variety of disability-related and other issues, such as the amendment of the Labour Code in 2013 and the drafting of the new Constitution. Persons with disabilities participated fully in decision-making on an equal basis with others. They were not only the beneficiaries of social programmes and public policies but also actors in charge of their own lives, with the full support of the Government. When it came to employment, the Government was committed to guaranteeing that persons with disabilities received the same pay and benefits as other workers.

31. **Mr. Cala Ledesma** (Cuba), speaking as the President of the National Association of Blind and Visually Impaired Persons, said that the main objective of the country's organizations of persons with disabilities was to promote the full social inclusion of such persons at the national, provincial, municipal and community levels, with particular emphasis on rural and remote areas. Representatives of the organizations of persons with disabilities sat on the People's Councils in each community. As active members of the National Council to Support Persons with Disabilities, the organizations were involved in the design, implementation and monitoring of national disability policies. Organizations of persons with disabilities had worked together with other civil society organizations on awareness-raising campaigns and training courses aimed at improving accessibility and eliminating stereotypes and pejorative language in relation to persons with disabilities.

32. Cuban schools were equipped with the necessary technology and tools to ensure that students with visual impairments had access to information and communications on an equal basis with others. However, as a result of the embargo imposed on Cuba, such equipment was often difficult to acquire because of high prices on the international market and the inability to purchase products manufactured in the United States. The National Association of Blind and Visually Impaired Persons had computer labs in all its centres and provided training for persons with visual disabilities. The Association was participating in the national e-government and e-commerce projects to ensure that the relevant websites were accessible to persons with disabilities, in line with international standards. Accessibility regulations had also been introduced to eliminate physical and architectural barriers.

33. **Mr. Marzo Peña** (Cuba), speaking as the President of the National Association of Deaf Persons, said that persons with disabilities participated actively in the design of awareness-raising campaigns. The three organizations of persons with disabilities were allocated specific budgets for such campaigns. Competitions were also organized for persons with disabilities of all ages to raise awareness of their rights. Efforts had been made to improve the situation of persons with disabilities in various spheres of life, such as employment, health, sport and education. Radio Cubana had designed a communications plan to deal appropriately with the topic of disability.

34. Specific campaigns had been run for persons with intellectual disabilities, including a campaign entitled “Everyone Counts”, which had also used alternative formats such as Easy Read. A paper on the need for implementation of the Convention in conjunction with the National Plan for Economic and Social Development had been published. The Convention had been disseminated in various formats, including Braille. In 2017, with support from the United Nations Children’s Fund (UNICEF), an illustrated version of the Convention had been distributed in all schools nationwide. Publications on specific articles of the Convention had also been issued, and programmes and advertisements had been broadcast on television and radio.

35. The teaching of deaf children and adolescents in Cuban Sign Language had been introduced in 2005. Programmes had been designed for the teaching of sign language to various professionals who worked with persons with hearing impairments. Work was under way to have Cuban Sign Language recognized as an official language. All Cuban citizens had the right to access to justice and protection and were equal before the law without discrimination on the basis of disability. Persons with hearing impairments who were involved in judicial proceedings, whether as defendants, victims or witnesses, were entitled to the services of a sign language interpreter. In fact, proceedings involving a deaf person could not take place in the absence of a qualified interpreter. Deaf persons could also request the services of a sign language interpreter to participate in the electoral process, and election-related programmes on Cuban television were broadcast in sign language. Training programmes for sign language interpreters were provided at university level. There were more than 300 sign language interpreters in the country who were qualified to work in administrative and legal proceedings.

36. **Ms. Ballesteros López** (Cuba), speaking as the President of the Cuban Association of Persons with Motor and Physical Disabilities, said that Cuba had made great strides in realizing the rights of persons with disabilities. Her organization represented more than 77,000 persons. While the activities carried out by organizations of persons with disabilities were quite distinct from those conducted by the Government, public policies and government strategies were designed in consultation with those organizations and were based on their demands. The organizations of persons with disabilities followed their own strategic plans based on their own evaluations of the situation throughout the country in order to reach every individual with a disability, using a holistic, multisectoral human rights approach.

37. The Association of Persons with Motor and Physical Disabilities was implementing a programme for more than 33,000 women with disabilities with the objective of ensuring their inclusion, financial empowerment and participation in the economic, political, social and cultural life of the country. The more than 207,000 women with disabilities in Cuba represented 46.3 per cent of the total population of persons with disabilities. More than 4,000 women with motor and physical disabilities were employed in regular workplaces, 240 were employed in specialized workshops and more than 500 were self-employed; more than 8,600



were university graduates and some 5,000 were involved in community leadership. The three organizations of persons with disabilities did not have any database of women victims of violations.

38. There was a great deal of disinformation about the situation in Cuba; it was difficult for those outside the country to understand the reality on the ground. The Committee should take account of the information provided by the legitimate press in Cuba. The main impediment to progress in the area of disability rights was the cruel embargo imposed on Cuba. The organizations of persons with disabilities were aware of how much remained to be done but acknowledged that there was strong political will on the part of the Government to pursue efforts to enhance the participation of persons with disabilities in all spheres of life and to remedy shortcomings.

39. **Ms. Triana Mederos** (Cuba) said that, in line with articles 7, 15, 16 and 17 of the Convention, the State protected all children in Cuba, including children with disabilities. Specialized personnel provided differential services to children at all levels of education to enable them to increase their self-esteem and develop personal resources and emotional skills to deal with their problems and resolve conflicts. The sex education programme incorporated a gender perspective, and teachers received training on gender-based violence and trafficking in persons. A system was in place for reporting cases of violence, ill-treatment, abuse and harassment in schools. Thirty-nine such cases had been reported to the Ministry of Education in 2018, but none of the victims had been persons with disabilities. The Ministry of Education had issued disciplinary regulations prohibiting punishment of any kind in schools.

40. Education policies in Cuba were inclusive by nature. Education was universal, accessible and free of charge. All children had the right to receive quality education and no one was denied access to school. Children with disabilities received a range of specialized educational support services, including psychological and therapeutic care, rehabilitation, sensory stimulation and communication assistance, at all stages of their education. Students with disabilities had access to university once they passed the entry examinations. Their applications were assessed to ensure that the proposed course of study matched not only their personal interests and aspirations but also the realities of professional practice. Persons who were hospitalized for extended periods received mobile educational services. In partnership with UNICEF and the Latin American Reference Centre for Special Education, the Ministry of Education had produced a video on inclusive education practices in Cuba. Reasonable accommodation measures included alternative means of communication such as sign language interpretation, curricular adjustments and classroom adjustments. Teachers received continuous training, and resources were allocated for the provision of the necessary support and adjustments inside and outside the classroom. Children with disabilities participated in a range of cultural activities and visits to places of interest.

41. **Mr. Fernández Seco** (Cuba) said that although his country classified disabilities in accordance with the WHO International Classification of Functioning, Disability and Health, using medical criteria, its services for persons with disabilities took a human rights-based approach, grounded on the principle that all persons were equal before the law, as stated in the Constitution and in line with article 5 of the Convention. Not all disability-related national legislation used language that was aligned with that of the Convention, as many laws dated from before its adoption, but all legislation resulting from the National Plan of Action used appropriate language, and new laws based on the new Constitution would use terms that reflected the human rights approach.

42. Between 2001 and 2003, a study had been conducted of all medical facilities where persons with disabilities were resident. The study had raised awareness of persons with disabilities, in line with the Convention. The statistics generated by the study had been added to the records of the Ministry of Health for use in such areas as social policy and epidemiology. The right to health was ensured by a free and universal system of health services delivered without discrimination and based on the development of primary care. The primary health-care facilities served many persons with disabilities. The benefits and social services that they received were determined on the basis of an assessment of their capacity to work conducted by the Ministry of Health. Cuba did not have a policy of institutionalization and only 2 per cent of persons with intellectual disabilities were currently in medical centres. Such institutions were designed to develop skills and foster autonomy

through early stimulation programmes. Persons were admitted to such institutions and to psychiatric hospitals when their needs could not be accommodated otherwise, and were discharged when that situation changed. All institutions were monitored by various levels of government, including the Attorney General's Office.

43. Sexual and reproductive health services were provided to all on a free and accessible basis, including to women with intellectual disabilities. Family planning consultations with genetic counselling were provided, and persons with disabilities could request a sign language interpreter or be accompanied by a family member to facilitate communication. Forced sterilization did not occur in the country, and surgery was carried out only with the prior informed consent of the patient. Most births took place in hospitals, which had reduced the infant mortality rate, and were registered within 72 hours.

44. **Mr. Quintanilla Román** (Cuba) said that all Cuban citizens had the right to vote. Guarantees were in place to ensure that persons with disabilities could exercise their right to vote, to stand for office and to take up government posts. For example, all citizens had been able to participate in the recent referendum on the new Constitution without any discrimination. Persons with disabilities who might otherwise have been unable to participate in meetings had been invited to express their views in writing or by means of sign language interpreters. In that referendum, held on 24 February 2019, assisted voting had enabled persons with disabilities to participate. Ballot papers had been delivered to hospitals and to the homes of persons who could not go to polling stations. Finally, extreme poverty did not exist in Cuba. All persons had the minimum level of resources to participate actively in society, including access to work and social protection.

#### *Articles 11–20*

45. **Mr. Martin** said that he would like to know how and when the State party would repeal guardianship laws and replace them with supported decision-making and how it would ensure that all persons with disabilities, including intellectual disabilities, could live in the community and choose where and with whom they lived.

46. **Ms. Fefoame** said that she would appreciate information on the measures taken to prevent the use of forced treatment, electric shock and other degrading methods to rehabilitate persons with disabilities, especially children with psychosocial disabilities. She wished to have clarification of the legal and other measures implemented to protect women and children with disabilities from violence, including domestic violence, and to prevent the neglect and abandonment of children and elderly persons with disabilities. It would be helpful to have information on the accessibility of shelters and legal assistance to women who were victims of violence and the redress mechanisms in place. In the light of allegations that children born with “severe impairments” were not registered until several weeks after birth so as not to affect the infant mortality figures, she wished to know what steps had been taken to eliminate that practice, which violated the right of newborn children to a name and a nationality. As the Committee had heard reports that human rights defenders faced serious restrictions on their freedom of movement, she wished to hear about any measures taken to remove such restrictions. She would like an explanation of the situation that had necessitated the programme that was being implemented in partnership with the non-governmental organization CBM.

47. **Ms. Utami** said that she would appreciate clarification of how many organizations of persons with disabilities were recognized by the Government. She would like to know what measures the Government had taken to recognize such organizations, particularly organizations representing women with disabilities, and to ensure their equal participation, including in the constructive dialogue with the Committee. She wondered whether there were any restrictions on such participation and wished to stress that the involvement of organizations of persons with disabilities in all decision-making and monitoring processes was key to the successful implementation of the Convention. She wished to have information on whether persons with disabilities had affordable access to mobility aids and other assistive devices and technologies and on whether mobility skills training was provided to persons with disabilities and the specialized personnel working with them.

48. **Ms. Kim Mi Yeon** said that she would like to know what measures were taken to support persons with different types of disabilities in judicial proceedings. She also wondered what follow-up measures on guardianship were in place to ensure respect for the rights and wishes of persons with disabilities and their protection from conflicts of interest and undue influence. It would be useful to have the data generated by the monitoring carried out by the People's Supreme Court on women and girls with disabilities who had been victims of domestic violence. Lastly, of the 4,336 proceedings to deprive persons of legal capacity, she wished to know the proportion accounted for by women and girls with psychosocial disabilities.

49. **Mr. Ruskus** said that he would appreciate clarification of the conditions under which persons with psychosocial disabilities were deprived of their liberty on the basis of the concept of "dangerousness" set out in the Criminal Code and whether the State party intended to repeal all such provisions and replace them with human rights-based support. He wished to echo the request of the Committee against Torture for information on the redress provided to the families of the 26 persons who had died of hypothermia in a psychiatric hospital and on the measures taken to prevent similar occurrences in the future. He would also like to have information on the reasonable accommodation made for persons with disabilities who were deprived of their liberty in penitentiary institutions. He wondered what progress was being made towards the enactment of a new Family Code that would repeal the provisions allowing for "adequate and moderate correction" of children and prohibit all corporal punishment. He wished to know whether an independent monitoring mechanism existed for psychiatric hospitals and other residential institutions for persons with disabilities, how the personnel of any such mechanism were appointed and how it was provided with the resources needed to carry out its duties independently.

50. **Mr. Lovász** said that he wished to know whether organizations of persons with disabilities had been involved in the drafting of the disaster risk reduction plans drawn up by the Civil Defence Organization and whether the relevant manuals were available in accessible formats and sign language. He wondered whether Directive No. 1 of the President of the National Defence Council, on disaster reduction, was available in formats that were accessible to all persons with disabilities, what explicit and concrete references to persons with disabilities it contained and whether government reports based on the directive were accessible to persons with disabilities. He also wanted to know what institutions and bodies were in charge of providing the support that persons with disabilities required in order to live an independent life. Specifically, he was interested in the composition of any decision-making and assessment bodies on the provision of support services and whether they included non-medical experts. Finally, he wished to know whether applicants for support services had access to a complaint mechanism in order to appeal against decisions in that regard and how many decisions had been successfully revised.

51. **The Chair** said that he would like an explanation of the procedural accommodations available for persons with disabilities in court proceedings and the provision of information during the judicial process in accessible formats such as Braille, sign language and Easy Read. He wished to know whether persons with disabilities were encouraged to work as judges, lawyers and prosecutors.

52. **Mr. Schefer** said that, according to the Human Rights Watch *World Report 2019*, the Government continued to employ arbitrary detention to harass and intimidate critics, independent activists, political opponents, and others. The number of arbitrary short-term detentions, which had increased dramatically between 2010 and 2016, had started to drop in 2017, according to the Cuban Commission for Human Rights and National Reconciliation, an independent human rights group that the Government considered illegal. The Government still refused to recognize human rights monitoring as a legitimate activity and denied legal status to local human rights groups. Government authorities had harassed, assaulted, and imprisoned human rights defenders who had attempted to document abuses. He asked whether the delegation could account for the number of persons with disabilities who had been arbitrarily detained, harassed or intimidated as described in the report and who belonged to civil society organizations monitoring and championing the human rights of persons with disabilities.

53. **Mr. Babu** said that he would appreciate further elaboration on exactly how the level of “dangerousness” used to justify forced hospitalization was determined, the circumstances under which persons might be considered dangerous and any avenues for legal redress in the event that law enforcement personnel applied the concept in error.

54. **Mr. Buntan** said that he wished to know how persons with intellectual and psychosocial disabilities and autistic persons participated in public consultations, especially on matters that affected their lives. He asked whether they were able to form their own representative organizations and, if not, who decided what their best interests were. He wondered whether persons with disabilities whose political positions differed from those of the Government were allowed to express their opinions on disability policies and the human rights of persons with disabilities and to form their own organizations.

55. **Ms. Gamio Ríos** said that she had already acknowledged the advanced health and education systems in Cuba and that the Committee would appreciate a tighter focus on programmes that were specific to persons with disabilities, not only programmes for the general population.

56. **Mr. Alsaif** said that it would be useful to have data on complaints filed with respect to violations of the right to integrity of person in the case of persons with disabilities. He would like to know what measures were taken to prevent and investigate the forced sterilization of women and girls with disabilities.

57. **Mr. Martin** said that he would like to know what had been done to support organizations of persons with disabilities to ensure that they included persons with intellectual disabilities.

*The meeting rose at 5.55 p.m.*