

## Submission by the United Nations High Commissioner for Refugees

### For the Office of the High Commissioner for Human Rights' Compilation Report

#### Universal Periodic Review: 3rd Cycle, 30th Session

## CUBA

### I. BACKGROUND INFORMATION

Cuba has not ratified the *1951 Convention on the Status of Refugees*, nor its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*). In addition, Cuba is not a State party to the *1954 Convention relating to the Status of Stateless Persons* nor the *1961 Convention on the Reduction of Statelessness* (hereinafter jointly referred to as the *Statelessness Conventions*).

National refugee status determination mechanisms or legislation in line with the universal refugee instruments do not currently exist in Cuba, thus UNHCR mandate recognition is the only possibility to access international protection in the country. UNHCR receives and resolves applications for international protection submitted by individuals who contact the agency. UNHCR also intervenes with Cuban institutions to guarantee the highest protection standards available for each person of concern according to national law and policy, and assists refugees recognized under its mandate to access the most suitable durable solution according to their specific situation.

The average number of asylum-seekers arriving to Cuba and seeking UNHCR protection used to be low (25 persons per year) but in 2015 and 2016 it increased considerably (129 and 89 new asylum seekers, respectively). As of 31 March 2017 there were 323 mandate refugees in Cuba (247 men, 46 women, 11 girls and 19 boys) from 11 nationalities, as well as 24 asylum seekers (9 men, 8 women, 2 girls and 5 boys) from 8 nationalities following refugee status determination processes. Of the total refugees, 175 (of whom 18 women) were young adult students on governmental scholarships, with a satisfactory level of State protection although limited to the duration of their studies, with no access to a local durable solution. Another 121 mandate refugees (77 men, 25 women, 6 girls, 13 boys) were recognized after spontaneously arriving in the country with tourist visas and the government provisionally allowed them to stay in Cuba without any legal status while UNHCR identifies for them a safer protection alternative through resettlement. The remaining 27 refugees (13 men, 3 women, 5 girls and 6 boys) were the exception, with legal opportunities for local integration through permanent resident status acquired due to their close family ties with Cuban citizens. No statistical information on stateless persons is available.

Cuba's policy towards refugees consists of observing the *non-refoulement* principle and offering *de facto* temporary protection to refugees recognized under UNHCR mandate, within Cuban territory. Although the national law includes a migratory sub-classification called "refugee"<sup>1</sup> under

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<sup>1</sup> Cuba's legislation on asylum is related to contents of Latin American conventions on territorial and diplomatic asylum, of which the country is a party (conventions of Havana 1928 and Montevideo 1933) and Caracas conventions of 1954. Article 13 of the Cuban Constitution establishes the granting of asylum to people persecuted for their political activities. Its wording corresponds to the characteristics of Latin American asylum (strictly political and discretionary), but not to International Refugee Law standards. The Cuban Constitution does not mention the status of refugees. However, article 80 of the Regulation for the Migration Law (1978, revised 2012) establishes that the migratory category of

the “temporary resident” category, recognition of refugee status under UNHCR’s mandate does not lead to the granting of a migratory status by the State. Refugees recognized under the mandate retain the same migratory status they had beforehand; those who entered the country as tourists are controlled by the Immigration Police after expiration of their visas.

Mandate refugees who are provisionally allowed to stay after arriving with tourist visas (121 persons as of 31 March 2017) rely on *ad hoc* arrangements coordinated by UNHCR with governmental institutions to access certain basic rights and services. As they are not permitted to work, they are unable to sustain themselves during their stay in Cuba, thus UNHCR is fully responsible for their assistance and for seeking a durable solution for them in another country. It should be noted that the Cuban Government requires UNHCR to observe tight timeframes for the completion of the refugee status determination process: 90 days from arrival of the applicant in the country, irrespective of the date of his/her application for international protection to UNHCR; however, Cuban authorities have been flexible with regard to the observance of such timeframes.

There is only one reception camp in Punta de Maisí, (Guantánamo province) run by the Cuban Red Cross (CRC), which receives small waves of undocumented Haitians -mostly migrants- arriving by sea. When arrivals occur in other provinces, Haitians are processed in their place of arrival. In the reception centre, those who express unwillingness or a fear to return to Haiti should be identified and referred to UNHCR. No Haitian asylum seekers have been reported since 2004.

A slow but steady process of migratory reforms continues in law and policy. The most relevant advances are the suppression of exit permits, the extension from 11 to 24 months of the period for private travel abroad for Cubans keeping their permanent resident status and the establishment of legal procedures for nationals considered as émigrés to apply for repatriation. Further legislative changes are expected as part of the ongoing process of “updating the socio-economic model”, including a constitutional revision. New legislation under discussion is expected to include specific provisions aiming at reducing statelessness by facilitating acquisition of nationality of children of Cuban parents who are born in the territories of *jus sanguinis* countries.

## II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

### **Positive developments linked to 2nd cycle UPR recommendations**

**Linked to 2nd cycle UPR recommendation no. 170.292: “Adopt legislative and administrative measures that would give greater coverage to the protection of the rights of refugees, asylum seekers and stateless persons (Niger)”**

UNHCR welcomes the indication made by Cuban officials in certain fora that the Government is conducting new analysis for the eventual accession to the Statelessness Conventions, and that certain legal and administrative measures are being considered to facilitate access to Cuban citizenship to children born abroad of Cuban parents, without the requirement to take up residence in the country.

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temporary resident in Cuba will be granted to – among others – political asylees and refugees. The term refugee refers to “those foreigners and persons without citizenship whose entry is allowed in the national territory because they had to flee their country due to a social disaster/calamity, armed conflict, cataclysm or other natural phenomena and who will remain temporarily in Cuba in so far as the normal conditions in their country of origin are re-established” (“*aquellos extranjeros y personas sin ciudadanía cuya entrada se autorice en el territorio nacional por tener que emigrar de su país a causa de calamidad social, bélica, por cataclismo u otros fenómenos de la naturaleza y que permanecerán temporalmente en Cuba, en tanto se restablezcan las condiciones normales en su país de origen.*”). Without commenting the wording, it should be noticed that this regulation is not applied by the State to refugees recognized under UNHCR mandate.

**Linked to 2nd cycle UPR recommendation no. 170.54: e.g. “Redouble all efforts to preserve the progress achieved in a number of areas such as culture, education, health and the fight against social inequality”**

UNHCR appreciates the education opportunities offered by the Cuban Government for many years to thousands of refugees through the granting of scholarships and other forms of schooling, as well as the enactment of a legal provision to guarantee access to free health services to all mandate refugees and asylum seekers, irrelevantly of their status in the country -or lack thereof.

### **III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS**

#### **Challenges linked to outstanding 2nd cycle UPR recommendations**

#### **Issue 1: Accession to international refugee law instruments, full compliance with the *non-refoulement* principle and measures to improve the protection of refugees and asylum-seekers**

**Linked to 2nd cycle UPR recommendation no. 170.292: “Adopt legislative and administrative measures that would give greater coverage to the protection of the rights of refugees, asylum seekers and stateless persons (Niger)”**

Cuba is not a State party to the *1951 Convention*, recognition under UNHCR’s mandate is currently the only means to obtain international protection in Cuba.

Although Cuba has ratified the *Convention against torture and other forms of cruel, inhuman or degrading treatment or punishment (Convention against Torture)* and has received recommendations during the first and second cycle UPR sessions on the issue of torture<sup>2</sup>, UNHCR is not aware of the existence of any legal or administrative rules or procedures conducive to: the identification of non-citizens eventually at risk of torture in another country; the assessment and determination of any individual claim in this concern; the prohibition to send that person to a country where he/she could be at risk of torture and the modality under which the State will offer protection to the individual in this situation (migratory status). The same is applicable to Cuba’s lack of legal or administrative rules or procedures with respect to the principle of *non-refoulement*, which is a fundamental principle of international law and is referenced in several treaties ratified by the State, such as the International Convention for the Protection of All Persons from Enforced Disappearance and the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.

Regarding identification and referral mechanisms, as a matter of practice, Cuban immigration authorities do not detain asylum-seekers. When a non-citizen in detention contacts UNHCR to submit an application for the refugee status, UNHCR is granted access to the person, who is subsequently released. However, it is possible that people in need of international protection could be detained and deported without having the opportunity to seek international protection, as immigration authorities do not have mechanisms or regulations to identify potential asylum-seekers and they do not refer cases to UNHCR. Other means to identify people potentially in need of international protection are not available, such as surveys at airports or in the immigration detention centre.

Additionally, UNHCR has no knowledge of the existence of governmental measures to identify and protect victims of trafficking, particularly those who may face security risks if returned to their countries of origin or last habitual residence. It is important to highlight that some victims of

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<sup>2</sup> All recommendations made to Cuba during its 1st and 2nd cycle UPR can be found in the respective: “Report of the Working Group on the Universal Periodic Review of Cuba”, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/CUIndex.aspx>.

trafficking and smuggled persons may be in need of international protection as refugees and that governments should take measures to ensure they are informed of their right to seek asylum.

As of 31 March 2017, there were 121 refugees under UNHCR mandate lacking a legal status after expiration of the tourist visas they held upon arrival to Cuba. This group comprises 102 adults (77 men and 25 women), some of them with minor dependants (6 girls and 13 boys).

Under current governmental policy and practice, refugees who arrived with tourist visas remain without a valid legal status after the expiry of their visas. This hinders their access to basic services with the exception of health and education. It also limits their access to the right to work, which is of special concern, considering the importance of work for the dignity of refugees, their need to earn income to sustain themselves and the limited resources available to UNHCR to assist them during their provisional stay in Cuba before accessing a durable solution.

UNHCR considers that granting mandate refugees, during their period of stay in Cuba, the migratory status of temporary residents under the sub-classification of refugees set forth in the national legislation on migration, will have a positive impact. This status would automatically grant them access to official documentation, the right to work, to social welfare, to other social entitlements, and would open the possibility to consider access to other opportunities (such as subsidized food or accommodation alternatives paid on national currency), in the same conditions as other foreigners registered as permanent residents in Cuba.

#### **Recommendations:**

UNHCR recommends that the Government of Cuba:

- (a) Accede to the *1951 Convention on the Status of Refugees* and its *1967 Protocol* in line with the concluding observations of various Treaty Bodies;<sup>3</sup>
- (b) Establish legal or administrative rules or procedures conducive to the full respect of the *non-refoulement* principle and the protection of non-citizens, including migrants, at risk of torture in their country of origin or falling under any other relevant category established in international instruments ratified by Cuba;
- (c) Establish official identification and referral mechanisms for persons in need of international protection, with the assistance of UNHCR; and,
- (d) Grant temporary residency status to mandate refugees recognized after arriving in the country with tourist visas, under the sub-classification of refugees set forth in the national legislation on migration.

#### **Issue 2: Accession to the Statelessness Conventions and measures to reduce statelessness**

**Linked to 2nd cycle UPR recommendation no. 170.292: “Adopt legislative and administrative measures that would give greater coverage to the protection of the rights of refugees, asylum seekers and stateless persons (Niger)”**

Stateless persons in Cuba are treated like other non-citizens, according to law and practice. Conditions are generally favourable, in terms of preventing statelessness among individuals born in Cuba. Application of the *jus soli* principle guarantees that all children born on Cuban soil are considered Cuban citizens, with the exception of children of alien citizens on missions of their

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<sup>3</sup> As recommended by the UN Committee against Torture, *Concluding Observations of the Committee against Torture: Cuba* (25 June 2012), CAT/C/CUB/CO/2, para 9, available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCUB%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCUB%2fCO%2f2&Lang=en); the UN Committee on the Elimination of Racial Discrimination (CERD), *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Cuba*, 10 May 2011, CERD/C/CUB/CO/14 - 18, para 19, available at: [http://www2.ohchr.org/english/bodies/cerd/docs/co/Cuba\\_AUV\\_sp.pdf](http://www2.ohchr.org/english/bodies/cerd/docs/co/Cuba_AUV_sp.pdf), and the UN Committee on the Rights of the Child (CRC), *Concluding Observations of the Committee on the Rights of the Child: Cuba*, 20 June 2011, CRC/C/CUB/CO/2, para 58, available at: <http://www2.ohchr.org/english/bodies/crc/crcs57.htm>.

governments or of an international organization. However, legal provisions in place for the acquisition of citizenship on the basis of the *jus sanguinis* principle (Decree No. 358 of 1944, Regulation on Citizenship) make it difficult for children born of Cuban parents in other countries to access Cuban citizenship because they must take up residence in Cuba. If a child is born stateless, he/she will most likely lack appropriate documents to travel from the country of birth to Cuba in order to apply for his/her parent's citizenship. Additionally, national legislation does not include the principle that a foundling is presumed to have been born on the territory of the State in which he/she was found unless the contrary is proved. More importantly, the State has not accessed the Statelessness Conventions despite the positive developments mentioned.

### **Recommendations:**

UNHCR recommends that the Government of Cuba:

- (a) Accede to the *1954 Convention relating to the Status of Stateless Persons* and to the *1961 Convention on the Reduction of Statelessness*, as recommended in the concluding observations of a number of UN Treaty Bodies,<sup>4</sup>
- (b) Make the necessary legislative amendments to ensure that children born abroad of Cuban parent(s) who would otherwise be stateless are able to acquire Cuban citizenship without the requirement of taking up residence in the country; and,
- (c) Include the principle that a foundling is presumed to have been born on the territory of Cuba, from parents possessing Cuban nationality, unless the contrary is proved.

**UNHCR**  
**October 2017**

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<sup>4</sup> As recommended also by the UN Committee against Torture, *Concluding Observations of the Committee against Torture: Cuba* (25 June 2012), CAT/C/CUB/CO/2, para 9, available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCUB%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCUB%2fCO%2f2&Lang=en); UN Committee on the Elimination of Racial Discrimination (CERD), *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Cuba*, 10 May 2011, CERD/C/CUB/CO/14 - 18, para 19, available at: [http://www2.ohchr.org/english/bodies/cerd/docs/co/Cuba\\_AUV\\_sp.pdf](http://www2.ohchr.org/english/bodies/cerd/docs/co/Cuba_AUV_sp.pdf), and UN Committee on the Rights of the Child (CRC), *Concluding Observations of the Committee on the Rights of the Child: Cuba*, 20 June 2011, CRC/C/CUB/CO/2, para 31, available at: <https://goo.gl/Ja3YPM>.

## ANNEX

### Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

### CUBA

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Cuba.

#### I. Universal Periodic Review (Second Cycle – 2013)

Recommendation <sup>5</sup>	Recommending State/s	Position <sup>6</sup>
<b>Refugees, asylum-seekers and stateless persons</b>		
170.292. Adopt legislative and administrative measures that would give greater coverage to the protection of the rights of refugees, asylum seekers and stateless persons	Niger	Noted
<b>Social, economic and cultural rights</b>		
170.53. Further ensure the enjoyment of human rights in particular in the areas of economic, social and cultural rights and the right to development	Cambodia	Supported
170.54. Redouble all efforts to preserve the progress achieved in a number of areas such as culture, education, health and the fight against social inequality	Turkey	Supported
170.55. Preserve the progress achieved in areas such as culture, education, health and the elimination of social inequality	Belarus	Supported
<b>Natural disasters</b>		
170.81. Provide humanitarian assistance at the extent possible to neighbouring countries which need assistance because of man-made or natural catastrophes (Russian Federation);	Russian Federation	Supported
170.85. Further strengthen the capacity to counter natural disasters	China	Supported
<b>Violence against women</b>		
170.152. Increase effort being carried out to combat violence against women	Timor-Leste	Supported
<b>Persons with disabilities</b>		
170.236. Continue to ensure food security for the elderly, persons with disabilities and persons at risk	Sri Lanka	Supported
170.283. Continue to implement the Brasilia rules regarding accessibility for persons with disabilities to the justice system	Brazil	Supported
170.284. Effectively achieve greater access to employment to persons with disabilities, particularly women	Cyprus	Supported

<sup>5</sup> All recommendations made to Cuba during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Cuba" (8 July 2013), A/HRC/24/16, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/CUIndex.aspx>.

<sup>6</sup> Cuba's views and replies can be found in: *Addendum* (September 2013), A/HRC/24/16/Add.1, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/CUIndex.aspx>.



## II. Treaty Bodies

### Committee against Torture

Concluding Observations, (25 June 2012), [CAT/C/CUB/CO/2](#)

#### **Non-refoulement and access to a fair and expeditious asylum procedure**

9. The Committee is concerned about the lack of an appropriate legal framework for the protection of refugees, asylum seekers, and stateless persons. While noting the information provided by the State party to the effect that persons identified as refugees by the Office of the United Nations High Commissioner for Refugees are permitted to remain in the country while their resettlement is arranged, the Committee is concerned that this de facto temporary protection does not include recognition of refugee status on the part of the Cuban authorities. It also notes with concern that, although refugees and asylum seekers have access to free health services and education, they are unable to obtain a work permit and have no access to housing and other public services. The Committee is concerned that, since there is no prospect of local integration, resettlement in a third country is the only permanent solution possible for refugees in Cuba. The State party should also ensure that all cases of forced deportation are carried out in a manner consistent with the provisions of the Convention. The Committee expresses its concern about the lack of information provided on the circumstances in which the repatriation of illegal Haitian immigrants takes place. It also regrets the lack of information about any existing migration management mechanisms that facilitate the identification of persons requiring international protection (arts. 2, 3, 11 and 16).

#### **The Committee recommends that the State party should:**

- (a) **Adopt the legislative measures necessary to ensure the protection of refugees, asylum seekers, and stateless persons. To this end, it urges the State party to consider ratifying the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees, as well as the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness;**
- (b) **Establish mechanisms for the identification and referral of refugees and other persons who have specific requirements in the context of mixed migration flows, so that their protection needs can be met;**
- (c) **Facilitate the process of local integration of refugees in Cuban territory, working in association with the Office of the United Nations High Commissioner for Refugees;**
- (d) **Amend the current legislation governing migration (Act No. 1312 on Migration and Act No. 1313 on the Status of Foreigners, both of 1976).**

#### **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:

- (a) Continue its ongoing efforts to improve infrastructures and reduce prison occupancy rates, principally by using alternative measures to deprivation of liberty;
- (b) Improve the quality of food and the medical and health-care facilities available to prisoners;
- (c) Ensure that all persons deprived of their liberty enjoy the right to communicate with family members and a lawyer;
- (d) Ensure that any cruel, inhuman or degrading punishment, such as solitary confinement in appalling conditions as a disciplinary measure, is absolutely prohibited.

**Prolonged pre-trial detention, detention for offences against State security and releases on extra-penitentiary leave.**

11. The Committee notes the delegation's clarification that the Cuban legal system does not allow for the use of incommunicado detention. However, the Committee remains concerned about NGO reports that recount situations of protracted pretrial detention and indefinite detention, in application of article 107 of the Criminal Procedure Act, which appear to affect persons deprived of their liberty especially for political reasons. The Committee regrets the lack of information provided on the number and status of detainees accused of offences against State security, pursuant to article 243 of the Criminal Procedure Act. Lastly, the Committee is concerned about the ambiguous legal situation of prisoners released on extra-penitentiary leave and about information received concerning arbitrary restrictions on their personal freedom and freedom of movement. The Committee expresses particular concern about the situation of José Daniel Ferrer and Oscar Elías Biscet (arts. 2, 11 and 16).

**The State party should take all necessary measures to:**

- (a) Ensure, in law and in practice, that pretrial detention is not excessively prolonged;
- (b) Amend the Criminal Procedure Act to prevent indefinite prolongation of the examination of the preliminary case file;
- (c) Ensure independent judicial supervision of custodial measures and prompt access to legal assistance;
- (d) Ensure respect for the personal liberties and freedom of movement of persons released on extra-penitentiary leave, including their right to return to Cuba.

**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.**

**Committee on the Elimination of Discrimination against Women**

Concluding Observations, (30 July 2013), [CEDAW/C/CUB/CO/7-8](#)



### **Violence against women**

24. The Committee is concerned at the persistence of violence against women, including domestic violence, in the State party, which remains underreported owing to the prevalence of discriminatory social and cultural norms and the denial by the State party of the existence of different types of violence. The Committee is also concerned at the absence of specific legislation on violence against women criminalizing all its forms, as well as of an effective complaint mechanism. It is also concerned that the existing legislation does not contain a specific definition of domestic violence as a criminal offence which covers both psychological and physical violence. The Committee is further concerned at the lack of information, studies or statistical data on the nature, forms, extent and causes of violence against women, as well as at the lack of shelters for women victims of violence.

**25. The Committee urges the State party to give priority attention to combating violence against women and girls and to adopt comprehensive measures to address such violence, in accordance with the Committee's general recommendation No. 19, including by:**

- (a) **Elaborating and adopting a comprehensive law on violence against women which recognizes that such violence is a form of discrimination against women and therefore constitutes a violation of their rights under the Convention, and ensuring that its legislation criminalizes all forms of violence against women;**
- (b) **Developing a national strategic action plan for the prevention of all forms of violence against women, the protection of victims and the punishment of perpetrators, and ensuring that it is fully implemented;**
- (c) **Raising public awareness, through the media and educational programmes, and providing mandatory training for judges, prosecutors, police officers, health-service providers, journalists and teaching staff in order to ensure that they are sensitized to all forms of violence against women and girls and can provide adequate gender-sensitive support to victims;**
- (d) **Providing free legal aid, adequate assistance and protection to women victims of violence by establishing shelters, especially in rural areas, and enhancing cooperation with non-governmental organizations;**
- (e) **Collecting statistical data on all forms of violence against women, including domestic violence, disaggregated by sex, age, ethnicity/minority status and relationship between the victim and perpetrator, and undertaking studies and/or surveys on the extent and root causes of violence against women.**

### **Trafficking and exploitation of prostitution**

26. The Committee is deeply concerned that the State party does not acknowledge the existence of the exploitation of prostitution. The Committee is also concerned at the lack of statistical data, disaggregated by sex and geographical area, on trafficking and the exploitation of prostitution in the State party. The Committee is further concerned about the lack of efforts to prevent the exploitation of prostitution and to address its root causes, and the lack of protection and services available to victims of such exploitation.

**27. The Committee calls upon the State party to fully implement article 6 of the Convention and:**

- (a) **To conduct studies and surveys on the prevalence of the exploitation of prostitution and include in its next report updated information and data on the prevalence of this phenomenon and of trafficking in women and girls;**
- (b) **To increase efforts aimed at international, regional and bilateral cooperation to prevent trafficking through information exchange by harmonizing legal procedures to prosecute traffickers;**
- (c) **To address the root causes of trafficking and prostitution, without stigmatizing the victims, in order to address the vulnerability of girls and women to sexual**

**exploitation and trafficking, and to ensure the rehabilitation and social integration of victims, including by providing them with shelter and assistance.**

**Disadvantaged groups of women**

36. The Committee is concerned about the vulnerability of women of African descent, elderly women, rural women and women with disabilities, as well as about obstacles preventing them from enjoying basic rights, such as access to health-care services, social benefits, education and participation in political and public life. While noting the information and data provided on women with disabilities, the Committee is also concerned at the lack of detailed statistical data, disaggregated by sex, geographical location and minority status, to accurately assess the situation of disadvantaged groups of women.

**37. The Committee recommends that the State party:**

- (a) Take all necessary measures, including temporary special measures, to improve the situation of disadvantaged groups of women, thereby eliminating their vulnerability to exploitation and improving their access to health-care services, social benefits and participation in political and public life, irrespective of their status;**
- (b) Establish mechanisms to monitor regularly the impact of social and economic policies on disadvantaged groups of women;**
- (c) Provide comprehensive information and statistical data, disaggregated by sex, geographical location and minority status, that can be used to assess the situation of disadvantaged groups of women, in particular, women of African descent, elderly women, women with disabilities and rural women.**