

## **ACCESS TO JUSTICE FOR CHILDREN: CUBA**

*This report was produced by White & Case LLP in April 2015 but may have been subsequently edited by Child Rights International Network (CRIN). CRIN takes full responsibility for any errors or inaccuracies in the report.*

### **I. What is the legal status of the Convention on the Rights of the Child (CRC)?**

#### **A. What is the status of the CRC and other relevant ratified international instruments in the national legal system?**

Cuba signed the CRC in January 1990 and ratified it in August 1991.<sup>1</sup> Cuba has also ratified the Optional Protocols to the CRC on children in armed conflict<sup>2</sup> and sale of children.<sup>3</sup>

The CRC does not have the authority of national law. In accordance with the Constitution, Cuban legislation must be interpreted in a manner that is consistent with the CRC and other international instruments to which Cuba is a party.<sup>4</sup>

#### **B. Does the CRC take precedence over national law?**

No, the CRC does not take precedence over national law. However, where possible, the courts interpret national law in a manner which is consistent with the CRC and other international human rights obligations.<sup>5</sup>

#### **C. Has the CRC been incorporated into national law?**

Cuba has sought to incorporate the CRC into national law; however, the principles and provisions of the Convention are not fully integrated into national legislation.<sup>6</sup> Furthermore, the Committee on the Rights of the Child has expressed concern that national legislation in force in Cuba that was enacted before the Convention, such as the Cuban Family Code, the Cuban Child and Youth Code and the Cuban Law on Adoption, Alternative Care

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<sup>1</sup> UN Treaty Collection, 'Convention on the Rights of the Child', available at:

[http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en)

<sup>2</sup> UN Treaty Collection, 'Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict', available at:

[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11-b&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&lang=en).

<sup>3</sup> UN Treaty Collection, Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, available at:

[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11-c&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&lang=en).

<sup>4</sup> Constitution of the Republic of Cuba (*Constitución de la República de Cuba*), Article 12, available at:

<http://www.cuba.cu/gobierno/cuba.htm> (Spanish) and <http://www.constitutionnet.org/files/Cuba%20Constitution.pdf> (English); See also *Second periodic report of Cuba to the UN Committee on the Rights of the Child*, CRC/C/CUB/2, 5 May 2010, para. 27, available at:

<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-CUB2.pdf>.

<sup>5</sup> Ibid.

<sup>6</sup> UN Committee on the Rights of the Child, *Concluding observations on the second periodic report of Cuba*,

CRC/C/CUB/CO/2, 3 August 2011, para. 16, available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCUB%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCUB%2fCO%2f2&Lang=en).

and Foster Families, does not conform to the CRC.<sup>7</sup>

D. Can the CRC be directly enforced in the courts?

No, the CRC cannot be *directly* enforced in the courts. It can only be enforced in the courts to the extent that it is incorporated into national law, and to the extent that the provisions are similar or the same. It would therefore be the national law that would be enforced, not the CRC itself.

E. Are there examples of domestic courts using or applying the CRC or other relevant international instruments?

Cuban case law does not appear to be publicly available. Examples of domestic courts citing or applying the CRC or other relevant international instruments could not be located. However, in its review by the Committee on the Rights of the Child in 2011, the government stated that “in 2009 judges started to apply the CRC in relevant cases”.<sup>8</sup>

## II. What is the legal status of the child?

A. Can children and/or their representatives bring cases in domestic courts to challenge violations of children's rights?

Children through their representatives may bring civil cases in courts regarding violations of their rights (see part III.A below). The law provides that all children have equal rights and that parents have a duty to ensure their protection (see part II.B below).

B. If so, are children of any age permitted to bring these cases by themselves in their own names/on their own behalf, or must the case be brought by or with the assistance of a representative?

Generally, the age of majority as defined in the Cuban Civil Code is 18 or, if earlier, the age at which the minor is married.<sup>9</sup> A person who reaches the age of majority has full legal capacity to exercise rights and perform juridical acts and all acts related to his or her civil life.<sup>10</sup>

It therefore appears that children must have a representative to bring a case on their behalf if they are under the age of 18 and not married. This is supported by Article 82 of the Cuban Family Code, which states that “minors are under the *patria potestas* of their parents”, the duties of which are listed in Article 85 and include “representing their children in every judicial action or arrangement in which they are involved; giving their authorisation in those cases where full capacity for taking action is required; and taking

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<sup>7</sup> Ibid., para. 6.

<sup>8</sup> NGO Group for the CRC, *State party examination of Cuba's 2nd periodic report*, 2011, p. 11, available at: [http://www.childrightsconnect.org/wp-content/uploads/2013/10/Cuba-Report\\_CRC\\_FINAL-57.pdf](http://www.childrightsconnect.org/wp-content/uploads/2013/10/Cuba-Report_CRC_FINAL-57.pdf).

<sup>9</sup> Cuban Civil Code (*Código Civil Cubano*), Article 29, available at: [http://www.tsp.cu/ley\\_59\\_codigo\\_civil\\_cubano](http://www.tsp.cu/ley_59_codigo_civil_cubano)

<sup>10</sup> Ibid.; Cuban Family Code (*Código de la Familia*), Article 320, available at: [http://www.cepal.org/oig/doc/cub\\_1975\\_ley\\_1289\\_codfamilia.pdf](http://www.cepal.org/oig/doc/cub_1975_ley_1289_codfamilia.pdf).

action opportunely and in due fashion to defend the children's interests and property".

However, the Cuban Civil Code provides certain exceptions. For example, a child over the working age of 10 has the capacity to bring a lawsuit regarding his or her compensation.<sup>11</sup>

Moreover, children may be represented by the Public Prosecutor in criminal proceedings. The mandate of the Public Prosecutor Office includes "the protection of children and adolescents and their representation in judicial and non-judicial proceedings."<sup>12</sup>

C. In the case of infants and young children, how would cases typically be brought?

Cases may be brought by the child's parents or Public Prosecutor's office.<sup>13</sup>

D. Would children or their representatives be eligible to receive free or subsidized legal assistance in bringing these kinds of cases?

Cuban law does not provide for free or subsidised legal assistance.<sup>14</sup>

E. Are there any other conditions or limits on children or chosen legal representatives bringing cases (e.g., would a child's parents or guardian have to agree to a case being brought)?

There do not appear to be any other such conditions or limits under Cuban law.<sup>15</sup> Notably, parents have a duty to give their authorisation in those cases where full capacity for taking action is required.<sup>16</sup>

### III. How can children's rights violations be challenged before national courts?

A. If there is a potential violation of the Constitution or other principles established in domestic law, or with the CRC or other relevant ratified international/regional instruments, how can a legal challenge be brought?

Civil cases can be brought to Municipal or Provincial Courts, or the Supreme Court, which has the authority to hear certain cases that fall under its authority, such as requests for opinions by the National Assembly or the

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<sup>11</sup> Ibid., Article 30(a).

<sup>12</sup> UN Committee on the Rights of the Child, para. 12; see also Law of the Attorney General of the Republic (*Ley de la Fiscalía General de la República*), Article 25(2), available at: <http://www.fgr.cu/sites/default/files/Ley%20No%2083.pdf>.

<sup>13</sup> Cuban Family Code, Article 85(5).

<sup>14</sup> See generally Cuban Constitution; Cuban Civil Code; Cuban Penal Code (*Código Penal Cubano*), available at: <http://www.cepal.org/oig/doc/cub1987codigopenalley62.pdf>; Cuban Civil Procedure, Administrative and Labour Law (*Ley de Procedimiento Civil, Administrativo y Laboral*), available at: [http://www.tsp.cu/ley\\_procedimiento\\_civil](http://www.tsp.cu/ley_procedimiento_civil); Cuban Penal Law Procedure (*Ley de Procedimiento Penal*), available at: [http://www.tsp.cu/ley\\_procedimiento\\_penal](http://www.tsp.cu/ley_procedimiento_penal); Cuban Law of the People's Court (*Ley de los Tribunales Populares*), available at: [http://www.tsp.cu/ley\\_82\\_tribunales\\_populares](http://www.tsp.cu/ley_82_tribunales_populares).

<sup>15</sup> See generally Cuban Civil Code; Cuban Family Code.

<sup>16</sup> Cuban Civil Code, Article 85.

Council of State about the constitutionality of laws or decrees.<sup>17</sup>

Claimants in Cuba are not allowed to bring “lawsuits seeking remedies for human rights violations”<sup>18</sup> rendering citizens unable to “obtain any relief from government abuses of power”.<sup>19</sup> There are no legal provisions which would allow for judicial review proceedings, i.e. “the right of courts to review government acts to determine their lawfulness”.<sup>20</sup> There is no constitutional court where individual claimants could bring constitutional complaints.

### *Inter-American Commission*

Individuals or groups of individuals, including children, and NGOs may submit petitions to the Inter-American Commission on Human Rights (IACHR),<sup>21</sup> on their behalf or on behalf of third persons, regarding alleged violations of the American Declaration of the Rights and Duties of Man<sup>22</sup> and other Inter-American human rights instruments.<sup>23</sup> A petition can only be lodged after domestic remedies have been exhausted, and normally must be filed within six months after the final judgment.<sup>24</sup> The petition must include, amongst other things, the name of the person filing it or, in the case of an NGO, the name of the legal representative, the name(s) of the victim(s) if possible, and whether the petitioner wishes to remain anonymous and the respective reasons.<sup>25</sup> The victim may designate a lawyer or other person to represent him/her before the IACHR, but this is not compulsory.<sup>26</sup> When a petition is declared admissible, the IACHR attempts to reach a “Friendly Settlement” between the parties concerned. If this is not possible, the IACHR will reach a decision on the merits, which consists of non-binding recommendations to the violating State, aimed at ending the human rights violations, making reparations, and/or making changes to the law.

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<sup>17</sup> See: <http://blogs.loc.gov/law/2015/01/falqs-cuban-legal-system/>; Cuban Law of the People’s Court, Article 19(1)(b).

<sup>18</sup> U.S. Department of State, *Cuba 2013 Human Rights Report*, page 11, available at: <http://www.state.gov/documents/organization/220646.pdf>.

<sup>19</sup> Laura Patallo Sánchez, *The Role of the Judiciary in a Post-Castro Cuba: Recommendations for Change*, Cuba Transition Project, Institute for Cuban and Cuban-American Studies, University of Miami, 2003, page 22, available at: [http://ctp.iccas.miami.edu/Research\\_Studies/LPatalloJudiciary.pdf](http://ctp.iccas.miami.edu/Research_Studies/LPatalloJudiciary.pdf).

<sup>20</sup> Laura Patallo Sánchez, page 17.

<sup>21</sup> The Inter-American Commission on Human Rights is one of two bodies within the Organisation of American States (OAS) for the promotion and protection of human rights. The other human rights body is the Inter-American Court of Human Rights. The Commission benefits from a “dual role” as its mandate is found in both the Charter of the Organisation of American States, and in the American Convention on Human Rights (ACHR). As an OAS Charter organ, the IACHR performs functions in relation to all OAS Member States. As an organ of the Convention, its functions are applicable only to States that have ratified the ACHR: Charter of the Organisation of American States, Chapter XV, available at:

[http://www.oas.org/dil/treaties\\_A-41\\_Charter\\_of\\_the\\_Organization\\_of\\_American\\_States.htm](http://www.oas.org/dil/treaties_A-41_Charter_of_the_Organization_of_American_States.htm); American Convention on Human Rights, *Pact of San Jose, Costa Rica*, Chapter VII, available at:

[http://www.oas.org/dil/treaties\\_B-32\\_American\\_Convention\\_on\\_Human\\_Rights.htm](http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm).

<sup>22</sup> Available at: <https://www.cidh.oas.org/Basicos/English/Basic2.American%20Declaration.htm>.

<sup>23</sup> Statute of the Inter-American Commission on Human Rights, Section IV, available at:

<http://www.oas.org/en/iachr/mandate/Basics/statuteiachr.asp>.

<sup>24</sup> Rules of Procedure of the Inter-American Commission on Human Rights, Articles 31-32, available at:

<http://www.oas.org/en/iachr/mandate/Basics/rulesiachr.asp>.

<sup>25</sup> *Ibid.*, Article 28.

<sup>26</sup> *Ibid.*, Article 23.

**B. What powers would courts have to review these violations, and what remedies could they offer?**

Article 38 of the Cuban Civil Code states that a “violation of rights inherent to the personality granted in the Constitution affecting the patrimony or honour of the holder shall grant him or his successors the power to demand: a) the immediate cease of the violation or the elimination of its effects, should it be possible; b) the recant performed by the offender; and c) the reparation for damages caused.”

No further information about remedies could be found.

**C. Would such a challenge have to directly involve one or more individual child victims, or is it possible to challenge a law or action without naming a specific victim?**

No information on this issue could be found.

**D. Is any form of collective action or group litigation possible, with or without naming individual victims?**

No form of collective action or group litigation is provided for in Cuban Civil Law.<sup>27</sup>

**E. Are non-governmental organizations permitted to file challenges to potential children's rights violations or to intervene in cases that have already been filed?**

Cuban law does not provide a mechanism for non-governmental organisations to file or intervene in challenges to potential children's rights violations. NGO activities generally are heavily restricted in Cuba (see section V. below).

Under a new draft Family Code, provision is made for the right of third parties with a legitimate interest to communicate with minors and to enforce this right in court in pursuit of the latter's best interests,<sup>28</sup> but it remains unclear what this provision would mean if it came into effect, i.e. whether NGOs with a legitimate interest could intervene in proceedings on behalf of children or file cases.<sup>29</sup>

**IV. Practical considerations.** Please detail some of the practical issues, risks and uncertainties that might be involved in bringing a case to challenge a violation of children's rights, such as:

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<sup>27</sup> No such provisions could be located in the Cuban Civil Code or the Cuban Civil, Administrative and Labour Procedure Law.

<sup>28</sup> *Second periodic report of Cuba to the UN Committee on the Rights of the Child*, para. 238(h).

<sup>29</sup> As of June 2015, it appears that the new draft Family Code has not yet been passed by the National Assembly, see e.g.: <http://www.cubacontemporanea.com/noticias/proposito-de-un-nuevo-codigo-de-familia-y-el-matrimonio-igualitario-en-cuba>.

A. Venue. In what courts could a case be filed (e.g., civil, criminal, administrative, etc.)? What would the initial filing process entail?

Civil, administrative and criminal cases are generally heard by the People's Court (*tribunal popular*) of the parties' jurisdiction at the municipal or provincial level.<sup>30</sup>

Cases must be filed with the courts in Spanish<sup>31</sup> and submissions must be signed by the parties.<sup>32</sup> The complaint must be made in writing and must include:

- 1) All relevant general information regarding the claimant and respondent or, regarding the latter, at least the respondent's name and address or whereabouts; and if these are not known, the last known address or whereabouts;
- 2) The facts on which the complaint is based, numbered and in brief;
- 3) The legal basis of the claim, numbered and in brief, pointing out the statutory provisions which are being referred to;
- 4) The exact claim.<sup>33</sup>

The complaint must be accompanied by any supporting documents.<sup>34</sup> Cases can be combined by the court if they concern the same issue<sup>35</sup> and individuals can intervene in cases filed by other parties.<sup>36</sup>

B. Legal aid / Court costs. Under what conditions would free or subsidised legal aid be available to child complainants or their representatives through the court system (i.e., would the case have to present an important legal question or demonstrate a likelihood of success)? Would child complainants or their representatives be expected to pay court costs or cover other expenses?

Cuban law does not provide for free or subsidised legal aid<sup>37</sup> and there are no provisions which would allow court fees to be reduced or waived.<sup>38</sup>

C. Pro bono / Financing. If legal aid is not available, would it be possible for child complainants or their representatives to obtain legal assistance from practicing lawyers on a pro bono basis, through a children's rights organization, or under an agreement that does not require the payment of legal fees up front?

There are some non-profit, non-governmental organisations, such as

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<sup>30</sup> See generally Cuban Law of the People's Court.

<sup>31</sup> Cuban Civil Procedure, Administrative and Labour Law, Article 107.

<sup>32</sup> Ibid., Article 108.

<sup>33</sup> Ibid., Article 224.

<sup>34</sup> Ibid., Article 226.

<sup>35</sup> Ibid., Chapter III.

<sup>36</sup> Ibid., Chapter VI.

<sup>37</sup> See generally Cuban Constitution; Cuban Civil Code; Cuban Penal Code; Cuban Civil Procedure, Administrative and Labour Law; Cuban Penal Law Procedure; Cuban Law of the People's Court.

<sup>38</sup> Cuban Civil Procedure, Administrative and Labour Law, Articles 198-212.

Cubalex,<sup>39</sup> that provide free legal advice but are not recognised by the Cuban state. As private or independent legal practice is not permitted, it seems unlikely that legal assistance can be given on a pro bono basis.

- D. Timing. How soon after a violation would a case have to be brought? Are there any special provisions that allow young adults to bring cases about violations of their rights that occurred when they were children?

Statutes of limitations depend on the specific cause of action. For civil claims, the standard time limit for bringing a complaint is five years<sup>40</sup> and limitation periods can be interrupted by bringing a claim in court.<sup>41</sup> Statutes of limitations are suspended inter alia if the rights holder is unable to exercise his right before the courts due to force majeure, or if the rights holder does not have legal representation, or if the rights holder remains under the custody or guardianship of the person who is to be sued.<sup>42</sup> Cuban law does not contain any other special provisions that would generally allow young adults to bring cases about violations of their rights that occurred when they were children.

- E. Evidence. What sort of evidence is admissible/required to prove a violation? Are there particular rules, procedures or practices for dealing with evidence that is produced or presented by children?

Children may testify in civil proceedings if they are at least 12 years of age.<sup>43</sup> The views of children over seven years of age<sup>44</sup> must be heard in family proceedings on parental authority involving them.

According to Cuba's report to the Committee on the Rights of the Child, Cuban law contains special provisions governing the testimony of children who may have been victims of sexual and commercial exploitation. Evidence from such child victims will be taken via an audiovisual recording as part of the investigation process. The recorded interviews serve as testimonial evidence for the court and mean that the child is not required to make any other statements or participate directly in the oral trial proceedings.<sup>45</sup>

General evidence which is admissible in court proceedings includes confessions, documents and books, expert opinions, legal inspection, witnesses, and assumptions.<sup>46</sup>

- F. Resolution. How long might it take to get a decision from the court as to whether there has been a violation?

Because case law regarding children's human rights violations is generally

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<sup>39</sup> See: <http://centrocubalex.com/>.

<sup>40</sup> Cuban Civil Procedure, Administrative and Labour Law, Article 114.

<sup>41</sup> Ibid., Article 121(1).

<sup>42</sup> Ibid., Article 123(1).

<sup>43</sup> Ibid., Article 327(3).

<sup>44</sup> Instruction 187/07 (2008).

<sup>45</sup> *Second periodic report of Cuba to the UN Committee on the Rights of the Child*, paras 596-598.

<sup>46</sup> Cuban Civil Procedure, Administrative and Labour Law, Article 261.



unavailable, the approximate length of time for such a decision is difficult to estimate.

**G. Appeal.** What are the possibilities for appealing a decision to a higher court?

Decisions of the popular tribunal can be appealed to the Supreme Popular Tribunal (*Tribunal Supremo Popular*).<sup>47</sup> This is the Cuban Supreme Court, the highest judicial body in the country whose decisions are final.<sup>48</sup>

**H. Impact.** What are the potential short-term and long-term impacts of a negative decision? Is there a possibility for political backlash or repercussions from a positive decision?

Similar to above, as Cuban case law does not appear to be publicly available, the impact of any decision relating to children's human rights is difficult to ascertain. However, political repercussions are likely from a positive decision (see part IV.I below).

As Cuba's legal system is based on principles of civil law, which have been adapted to the socialist system,<sup>49</sup> the judiciary does not rely on precedent and negative decisions are therefore likely to have less long-term impact on future decisions.

**I. Follow up.** What other concerns or challenges might be anticipated in enforcing a positive decision?

While the Cuban Constitution recognises the independence of the judiciary, courts are directly subordinate to the National Assembly, Council of State, and the Communist Party, which exercise "complete control over the courts and the judiciary".<sup>50</sup> Therefore enforcement of decisions against the government would be problematic as there is no separation of powers between the judiciary, executive and legislative branches. Furthermore, a 2013 report by the US State Department says that "general procedural and bureaucratic inefficiencies often delayed or undermined the enforcement of both administrative determinations and civil court orders".<sup>51</sup>

**V. Additional factors.** Please list any other national laws, policies or practices you believe would be relevant to consider when contemplating legal action to challenge a violation of children's rights.

*National human rights institution*

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<sup>47</sup> Cuban Law of the People's Court, Article 76; Criminal Procedure Law, Article 58.

<sup>48</sup> See: [http://www.ecured.cu/index.php/Sistema\\_Judicial\\_en\\_Cuba](http://www.ecured.cu/index.php/Sistema_Judicial_en_Cuba)

<sup>49</sup> See: <http://blogs.loc.gov/law/2015/01/falqs-cuban-legal-system/>.

<sup>50</sup> Freedom House, *Freedom in the World 2015: Cuba*, available at:

[https://freedomhouse.org/report/freedom-world/2015/cuba#\\_VXH7G\\_hx0xA](https://freedomhouse.org/report/freedom-world/2015/cuba#_VXH7G_hx0xA); Human Rights Watch, *World Report 2014: Cuba*, available at: <http://www.hrw.org/world-report/2014/country-chapters/cuba>; U.S.

Department of State; Inter-American Commission on Human Rights, *Annual Report 2013: Cuba*, available at: <http://www.oas.org/en/iachr/docs/annual/2013/docs-en/AnnualReport-Chap4-Cuba.pdf>.

<sup>51</sup> U.S. Department of State.



As at the date of this report, Cuba does not have a national human rights institution that is capable of receiving complaints about children's rights. In its 2011 concluding observations on Cuba, the Committee on the Rights of the Child recommended that the State "take all necessary measures to establish a separate independent national mechanism... to ensure comprehensive and systematic monitoring of children's rights."<sup>52</sup>

### *NGOs*

The activities of NGOs are heavily restricted in Cuba. Under the Cuban Constitution, citizens' limited rights of assembly and association may not be "exercised against the existence and objectives of the Socialist State."<sup>53</sup> Civil rights organisations are illegal;<sup>54</sup> the Cuban government "refuses to recognise human rights monitoring as a legitimate activity and denies legal status to local human rights groups."<sup>55</sup>

Freedom House stated that in 2013, initiatives by emergent NGOs, such as the independent Cuban Legal Association (CubaLex) and its consulting services, were "forcefully rebuffed by the state".<sup>56</sup>

### *Legal assistance*

As the private practice of law was abolished in Cuba, there are collective law offices called Bufete Colectivos, that were established by the Ministry of Justice under the oversight of the National Organisation of Bufetes Colectivos. Independent legal practice is not permitted, so the first step would be to take the claim to a Bufete Colectivos.

### *Juvenile justice*

In its 2011 concluding observations on Cuba, the Committee on the Rights of the Child expressed its concern that the "juvenile justice system is not in compliance with the provisions of the Convention regarding children in conflict with the law".<sup>57</sup> It recommended that the State "[r]estructure the court system to establish specialised courts for children in conflict with the law".<sup>58</sup>

*This report is provided for educational and informational purposes only and should not be construed as legal advice.*

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<sup>52</sup> UN Committee on the Rights of the Child, paras 12-13.

<sup>53</sup> Freedom House.

<sup>54</sup> Ibid.

<sup>55</sup> Human Rights Watch.

<sup>56</sup> Freedom House.

<sup>57</sup> UN Committee on the Rights of the Child, para. 54.

<sup>58</sup> Ibid., para. 55(b).