

U.S. Department of State

Diplomacy in Action

Cuba

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

[2018 Trafficking in Persons Report \(http://www.state.gov/j/tip/rls/tiprpt/2018/index.htm\)](http://www.state.gov/j/tip/rls/tiprpt/2018/index.htm)

Tier 2 Watch List

CUBA: Tier 2 Watch List

The Government of Cuba does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts by prosecuting and convicting more traffickers, including a trafficker that subjected a boy to forced begging; creating a directorate to provide specialized attention to child victims of crime and violence, including trafficking; and publishing its national anti-trafficking plan for 2017-2020. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not criminalize most forms of forced labor, or sex trafficking of children ages 16 and 17, and did not report providing specialized services to identified victims. The government lacked procedures to proactively identify forced labor victims and detained potential sex trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking. Because the government has devoted sufficient resources to a written plan, that, if implemented, would constitute significant efforts to meet the minimum standards, Cuba was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Cuba remained on Tier 2 Watch List for the fourth consecutive year.

RECOMMENDATIONS FOR CUBA

Draft and enact a comprehensive anti-trafficking law that prohibits and sufficiently punishes all forms of human trafficking, including forced labor, sex trafficking of children ages 16 and 17, and the full range of trafficking “acts” (recruiting, transporting, transferring, harboring, or receiving persons); vigorously investigate and prosecute both sex trafficking and forced labor offenses; implement formal policies and procedures on the identification of all trafficking victims and their referral to appropriate services, and train officials, including first responders, in their use; adopt policies and programs that provide trafficking-specific, specialized assistance for male and female trafficking victims, including measures to ensure identified sex and labor trafficking victims are not punished for unlawful acts committed as a direct result of being subjected to sex trafficking or forced labor; establish a permanent inter-ministerial anti-trafficking committee and implement the 2017-2020 national anti-trafficking action plan in partnership with international organizations; implement policies to prohibit force, fraud, or coercion by foreign labor recruiters and state-owned or controlled enterprises in recruiting and retaining employees; educate workers about trafficking indicators and where to report trafficking-related violations; and provide specialized training on trafficking indicators for hotline staff and interpretation for non-Spanish speakers.

PROSECUTION

The government increased law enforcement efforts. The penal code criminalized some forms of trafficking, but did not criminalize all forms of forced labor or sex trafficking of children ages 16 and 17, defining a child as an individual younger than 16 years of age, below the age set in international trafficking law, which is 18. Article 302

criminalized procuring and trafficking in persons and prescribed penalties of four to 10 years imprisonment, which were sufficiently stringent, and with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, or coercion as aggravating factors, rather than essential elements of the crime. The law defined trafficking broadly to include exploitative labor conditions and illegal adoption without the purpose of exploitation. Article 310 criminalized corruption of minors younger than 16 for sexual purposes and prescribed penalties of seven to 15 years imprisonment, which were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 312.1 criminalized corruption of minors younger than 16 for begging and prescribed penalties of two to five years or a fine. Articles 310 and 312 consider violence or intimidation, among other factors, as aggravating factors for which the penalty is increased to 20 to 30 years imprisonment or the death penalty. Provisions for adult and child sex trafficking did not explicitly criminalize the acts of recruitment, transport, and receipt of persons for these purposes. The penal code and labor code prohibited some conduct associated with forced labor including the deprivation of freedom (article 279.1), coercion (article 286.1), extortion (article 331), arbitrary exercise of rights (article 159.1), and directly establishing labor relations with adolescents younger than age 17 (labor code article 116). However, Cuban law did not prohibit forced labor as defined in international law. Since 2015, the government has mentioned its efforts to amend the criminal code to address trafficking as defined in international law, but as of February 2018 the criminal code did not prohibit all forms of trafficking.

In January 2018, the government published official data for calendar year 2016 on prosecutions and convictions of traffickers, the most recent data available. Authorities reported 21 prosecutions for 2016, compared with 10 prosecutions in 2015, and 39 convictions—37 sex traffickers, one trafficker for forced child labor, and one defendant for patronizing a child sex trafficking victim—compared with 17 convictions in 2015. The average sentence was 10.5 years imprisonment, compared to 12 years in 2015. One notable case included domestic forced labor involving a trafficker convicted in 2016 for forcing a boy to beg tourists for money in the streets and confiscating the profits; and 14 cases of international sex trafficking in Africa, North and South America, and Europe in 2016, which involved Cuban nationals abroad recruiting victims in Cuba through telephone and internet with false offers of employment, promises of financial gain, and romantic relationships.

Students at the Ministry of Interior academy and police assigned to tourist centers received specific training in trafficking and victim assistance. The government-funded training for provincial and national prosecutors on transnational organized crime and trafficking. The government maintained at least 18 bilateral cooperation agreements or memorandums of understanding with other countries that included trafficking. Cuban authorities cooperated with their counterparts in at least 12 countries in 2016. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking. Observers noted the government continued the practice of threatening or coercing some participants to remain in the foreign medical mission program.

PROTECTION

The government maintained efforts to identify and protect sex trafficking victims, but did not provide specialized or comprehensive services to all victims. Authorities identified at least 27 victims in 2016 (17 child sex trafficking victims, nine adult sex trafficking victims, and one child forced labor victim), compared to 11 victims in 2015 (seven child sex trafficking victims, four adult sex trafficking victims, and zero forced labor victims). Of the at least 27 victims, 26 were female and one was male. The government did not report whether it provided specialized assistance to the 27 victims. The government reported having procedures to proactively identify and refer sex trafficking victims. Police and medical professionals identified and evaluated potential trafficking victims and

referred them to other professionals for medical, psychological, psychiatric, educational, family, or social services. The government did not report having procedures to identify victims of forced labor. Other government-organized NGOs, like the Federation of Cuban Women (FMC), the Prevention and Social Assistance Commission, and the Committees for the Defense of the Revolution, referred trafficking victims to state authorities and provided victim services. Independent members of civil society expressed concern about the government's protection efforts and limited information on the scope of sex trafficking and forced labor in Cuba given sparse independent monitoring by NGOs and international organizations. The UN special rapporteur on trafficking in persons visited Cuba in April 2017 and reported a need for a comprehensive package of services for victims, particularly protection and housing.

The government-funded child protection centers and guidance centers for women and families, which served all crime victims, including some trafficking victims. These centers had the ability to screen cases, make referrals to law enforcement, assist with arranging cooperation with law enforcement in preparation for prosecution, and provide victim services. The attorney general created a special Family Protection and Jurisdictional Issues Directorate in 2016 to provide specialized attention to child victims of crime and violence, including trafficking. The FMC continued to receive funding from international organizations and operated centers for women and families nationwide to assist individuals harmed by violence, including victims of sex trafficking. These centers provided services such as psychological treatment, health care, skills training, and assistance in finding employment. Neither the government nor the government-organized NGOs operated shelters or provided services specifically for men who were trafficking victims.

Police encouraged child sex trafficking victims under the age of 16 to assist in prosecutions of traffickers by gathering testimony through psychologist-led videotaped interviews, usually removing the need for children to appear in court. The UN special rapporteur observed the government detained women engaged in prostitution, among them potential sex trafficking victims, for unlawful acts committed as a direct result of being subjected to trafficking. The government reported some foreign trafficking victims in Cuba, but did not report whether it offered these victims repatriation or services.

PREVENTION

The government maintained prevention efforts. The government published its national anti-trafficking plan for 2017-2020 in February 2017, identifying six objectives: (1) Strengthening prevention and identification; (2) protecting victims; (3) promoting research, consolidating and analyzing data, and disseminating such information; (4) investigating and prosecuting traffickers and their accomplices; (5) fostering coordination and cooperation between the government and society; and (6) promoting international cooperation. The government worked across numerous ministries to combat trafficking, including interior, public health, education, external relations, tourism, the Supreme Court, and the attorney general's office, and for the fifth consecutive year published an annual report of its efforts. The UN special rapporteur observed the government did not maintain a permanent inter-ministerial anti-trafficking committee, which led to challenges in coordination across the government and civil society. The government held training sessions for government employees, teachers and school administrators, police officers, tourist industry employees, prosecutors, judges, and parents on prevention and detection of trafficking. The government and the FMC continued to operate a 24-hour telephone line for individuals needing legal assistance, including sex trafficking victims but did not report whether any calls in 2016 led to trafficking investigations or identifying victims. The UN special rapporteur recommended specialized training on trafficking indicators for hotline staff and noted a need for staff to speak multiple languages.

State media continued to produce newspaper articles and television and radio programs to raise public awareness about sex trafficking. The FMC raised public awareness through the magazine “Mujeres,” educational talks in five tourism areas and with workers in nightclubs nationwide, and the distribution of flyers, posters, and bumper stickers. Authorities maintained an office within the Ministry of Tourism charged with monitoring Cuba’s image as a tourism destination, combating sex tourism, and addressing the demand for commercial sex acts. The Ministry of Tourism also trained law enforcement officials assigned to the tourism sector to identify cases during inspections of state-owned hotels and tourist facilities, leading to the identification of procuring for prostitution cases in 2016. The ministry monitored foreign tour companies and travel agencies, whose employees may be held accountable for marketing the country as a sex tourism destination or for trafficking offenses. Authorities imprisoned eight foreign nationals for patronizing minors for commercial sex. The government reported training Cuban professionals participating in foreign medical missions on how to identify trafficking, but did not report providing anti-trafficking training for its diplomatic personnel. The Ministry of Labor and Social Security offered training to labor inspectors to detect trafficking and ensure compliance with laws related to working conditions, health, and safety, but did not identify forced labor among the more than 9,000 labor violations in 2016.

TRAFFICKING PROFILE

As reported over the past five years, Cuba is a source, transit, and destination country for adults and children subjected to sex trafficking and forced labor. Sex trafficking and sex tourism, including child victims, occur within Cuba. Traffickers subject Cuban citizens to sex trafficking and forced labor in South America, the Caribbean, and the United States. Traffickers subject foreign nationals from Africa and Asia to sex trafficking and forced labor in Cuba to pay off travel debts. The government is the primary employer in the Cuban economy, including in foreign medical and other overseas missions that employ more than 84,000 workers in more than 67 countries, including Bolivia, Brazil, Colombia, and Venezuela. These medical missions constitute a significant source of Cuban government income. Some participants in foreign medical missions as well as other sources allege that Cuban officials force or coerce participation in the program; the government has stated the postings are voluntary, and some participants also have stated the postings are voluntary and well-paid compared to jobs within Cuba. The Cuban government acknowledges that it withholds passports of overseas medical personnel in Venezuela; the government provided ID cards to such personnel in place of passports. There are also claims about substandard working and living conditions in some countries. Observers noted Cuban authorities coerced some participants to remain in the program, including by allegedly withholding their passports, restricting their movement, using “minders” to monitor participants outside of work, threatening to revoke their medical licenses, retaliate against their family members in Cuba if participants leave the program, or impose exile if participants didn’t return to Cuba as directed by government supervisors. The government uses some high school students in rural areas to harvest crops and does not pay them for their work but claims this work is not coerced.

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