

CUBA: Tier 3

The Government of Cuba does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Cuba remained on Tier 3. During the reporting period, there was a government policy or government pattern to profit from labor export programs with strong indications of forced labor, particularly its foreign medical missions program. Despite the lack of significant efforts, the government took some steps to address trafficking. Some reports indicated the government continued training law enforcement officers, prosecutors, and judges on trafficking crimes. However, in 2020, the government capitalized on the pandemic by increasing the number and size of medical missions and refused to improve the program's transparency or address labor violations and trafficking crimes despite persistent allegations from observers, former participants, and foreign governments of Cuban officials' involvement in abuses. The government failed to inform participants of the terms of their contracts, which varied from country to country, confiscated their documents and salaries, and threatened medical professionals and their family members if participants left the program. Within Cuba, the government did not report investigating, prosecuting, or convicting trafficking crimes. Authorities did not report identifying victims and lacked a comprehensive package of housing and other services for victims and did not protect potential trafficking victims from being detained or charged for unlawful acts their traffickers coerced them to commit. The government did not criminalize all forms of forced labor or sex trafficking.

PRIORITIZED RECOMMENDATIONS:

Ensure state-run labor export programs, such as foreign medical missions, comply with international labor standards or end them—specifically ensure participants receive fair wages, fully paid into bank accounts the workers can personally control; retain control of their passports, contracts, and academic credentials; ensure a work environment safe from violence, harassment, and intrusive surveillance; and have freedom of movement to include leaving the program or refusing an assignment without penalties such as being threatened, imprisoned, harmed, or banned from returning to Cuba. • Vigorously investigate and prosecute sex trafficking and forced labor crimes and convict offenders. • Implement formal policies and procedures to proactively identify trafficking victims, including among vulnerable populations, and refer them to appropriate services, and train officials, including first responders, in their use. • Draft and enact a comprehensive anti-trafficking law that criminalizes all forms of trafficking, including the explicit

prohibition of labor trafficking, and ensures that the use of force, fraud, or coercion is considered an essential element of adult trafficking. • Adopt policies and programs that provide trafficking-specific, specialized assistance for male, female, and LGBTQI+ trafficking victims. • Screen individuals charged or detained for commercial sex-related crimes for trafficking indicators and refer identified victims to care. • Train those responsible for enforcing the labor code to screen for trafficking indicators and educate all Cuban workers about trafficking indicators and how to report trafficking-related violations. • Establish a permanent inter-ministerial anti-trafficking committee. • Create a new national anti-trafficking action plan in partnership with international organizations. • Provide specialized training on trafficking indicators for hotline staff and interpretation for non-Spanish speakers.

PROSECUTION

The government did not report making law enforcement efforts to combat trafficking in persons. Government officials in the Ministry of Justice continued to be complicit in state labor export schemes by prosecuting people who abandoned Cuba's international missions due to abuses within the programs. The Cuban penal code criminalized some forms of sex trafficking and labor trafficking. Article 302 ("procuring and trafficking in persons") criminalized inducing another person to engage in prostitution, or cooperating, promoting, or benefiting from such an act, and prescribed penalties of four to 10 years' imprisonment. These penalties were sufficiently stringent and 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. Article 310 ("corruption of minors") criminalized the use of a person under the age of 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 ("corruption of minors") criminalized the use of a person under the age of 16 for begging and prescribed penalties of two to five years' imprisonment or a fine; these penalties were sufficiently stringent. Article 316 ("sale and trafficking of minors") criminalized the sale or illegal adoption of a person under the age of 16 for "international trafficking relating to corrupting or pornographic conduct, the practice of prostitution, trade in organs, forced labor, or activities linked to narcotics trafficking or illicit drug use," and prescribed penalties of seven to 15 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with other grave crimes such as rape. Inconsistent with international law, these provisions defined a minor as under the age of 16 instead of 18. Provisions relating to adult and child trafficking did not explicitly criminalize the acts of recruitment, transport, and receipt of persons for these purposes. Cuban law did not explicitly prohibit labor trafficking as defined in international law. The government did not make efforts to amend the criminal code to address trafficking in line with

international law.

The government did not publish official data on anti-trafficking efforts for 2020, making it difficult to assess progress compared to the previous reporting period. The government's annual report was the primary source of information on its efforts; however, the annual report's last publication was in January 2020 and covered efforts made in 2019. While the government controls all sanctioned media outlets, some independent sources provided information on trafficking and efforts to combat it. The government did not report investigating cases of trafficking in 2020, compared with 15 potential cases of trafficking investigated in 2019. Authorities did not report prosecuting or convicting any traffickers during the reporting period, compared with 15 prosecutions in 2019, 20 in 2017, 21 in 2016, and 10 in 2015; and 24 convictions in 2019, 20 in 2017, 39 in 2016, and 17 in 2015. In addition, authorities did not report any information on sentences given to traffickers, compared with reports indicating that the average sentence was 7.1 years of imprisonment in 2019, 9.2 years in 2017, 10.5 years in 2016, and 12 years in 2015. Authorities did not report any new investigations, prosecutions, or convictions of foreign nationals for purchasing sex from child sex trafficking victims, compared with five foreign nationals imprisoned in 2019 from Italy, Serbia, India, France, and the Netherlands. According to sources, the Cuban government organized and sponsored training for law enforcement officers, prosecutors, and judges, but there was no information on the content of the training or details on the number of officials who participated. The government did not report cooperating with foreign governments on trafficking cases during the reporting period. Authorities had more than 20 bilateral cooperation agreements or memoranda of understanding with 15 countries that included trafficking; the government did not provide information on trafficking-related protections or the results of these agreements. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking, despite persistent allegations that officials threatened and coerced some participants in the foreign medical missions to remain in the program.

PROTECTION

The government did not make efforts to identify or protect trafficking victims. Rather reports continued that government officials forced or coerced individuals to participate and remain in the Cuban government's labor export programs, particularly the foreign medical missions program. Authorities did not report identifying any victims in 2020, compared with 25 in 2018, 24 in 2017, 27 in 2016, and 11 in 2015. While authorities reported having some procedures to screen travelers abroad, they did not report screening individuals for trafficking indicators. The government reported having procedures to proactively identify and refer sex trafficking victims to care; however, the government lacked formal procedures to identify victims in police raids and relied on victims to self-report in previous years. The government did not report having procedures to identify victims of forced labor and no information was available about the number of labor

inspectors. NGOs organized by the government or Communist Party of Cuba, such as the Federation of Cuban Women (FMC), the Prevention and Social Assistance Commission, and the Committees for the Defense of the Revolution (CDRs), could identify and refer trafficking victims to state authorities and provide some victim services, including psychological treatment, health care, skills training, and assistance in finding employment; however these services were politicized and unavailable to people the government and/or Communist Party deemed subversive. 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. Observers, however, noted that these organizations did not have the capacity to help trafficking victims, and the government did not offer comprehensive or specialized services for victims. Neither the government nor the government-organized NGOs operated shelters or provided services specifically for adult male or LGBTQI+ victims.

As of early 2020, the government funded child protection and guidance centers for women and families, which served all crime victims, including some trafficking victims, but authorities did not provide an update on funding provided for these centers or how the pandemic affected their operations. These centers reportedly 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. Authorities did not report if guidance centers screened for trafficking indicators, referred cases to law enforcement, arranged for victims to cooperate with prosecutors, or provide services. The Family Protection and Jurisdictional Issues Directorate was charged with providing specialized attention to child victims of crime and violence, including trafficking, but authorities did not report if it assisted any trafficking victims during the reporting period. The government shut down the courts for an extensive period of time to mitigate the spread of the virus; actions that likely impacted measures police took to encourage child sex trafficking victims younger than the age of 16 to assist in the prosecution of their traffickers. Prior to the pandemic, authorities could gather testimony through psychologist-led videotaped interviewing, usually avoiding the need for children to appear in court. Observers reported law enforcement did not proactively screen for indicators of trafficking as police may have detained individuals in commercial sex or charged them with crimes such as "social dangerousness," thereby potentially penalizing some victims for unlawful acts their traffickers coerced them to commit. Cuban law permitted courts to order restitution be paid to victims, but the government has not reported any such orders since 2018. The government did not identify any foreign trafficking victims in Cuba in 2020.

PREVENTION

The government did not make efforts to prevent sex trafficking or forced labor. The 2017-2020 anti-trafficking national action plan expired at the end of the

reporting period, and the government did not provide information on the development of a new national action plan. The government reportedly held training sessions for government employees, teachers, school administrators, tourist industry employees, 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; authorities did not report if any of the calls made to this hotline in 2020 were in reference to trafficking in persons.

State media continued to produce newspaper articles and television and radio programs, including a new public service announcement, to raise public awareness about sex trafficking. The FMC raised public awareness through workshops and training with government officials, social workers, educators, and students, and the distribution of materials explaining trafficking and risks associated with it; however, there were not publicly available materials that showed the effectiveness or impact of these programs. 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 reportedly monitored foreign tour companies and travel agencies, whose employees could be held accountable for marketing the country as a sex tourism destination or for trafficking crimes. The government did not report efforts to reduce its nationals' participation in child sex tourism. The Ministry of Labor and Social Security did not report training inspectors or identifying cases of forced labor. In the past, authorities reported taking steps to identify and prevent young people who might be vulnerable to traffickers from traveling abroad; however, the government did not report how many victims had been identified. Observers noted that the government failed to monitor and combat forced labor in its own supply chains. The government did not implement policies to prohibit force, fraud, or coercion by foreign labor recruiters and state-owned or controlled enterprises in recruiting and retaining employees, despite persistent allegations Cuban officials threatened and coerced some participants to remain in the foreign medical mission program. The government did not explain international labor standards to members of its labor export schemes working in conditions that might be considered trafficking. The Cuban government did not maintain labor attachés abroad, nor did it coordinate with other governments to ensure safe and responsible recruitment of Cuban laborers. Observers noted that the government prohibited freedom of movement of its citizens internally or abroad, rendering them without a way to migrate legally, making them more vulnerable to trafficking.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Cuba, and traffickers exploit victims from Cuba abroad. Human trafficking concerns in Cuba fall under two broad categories: sex trafficking and forced labor, and government-sponsored labor export programs. Sex trafficking and sex tourism, including of child victims, occur within Cuba. Traffickers exploit

Cuban citizens in sex trafficking and forced labor in Africa, Asia, the Caribbean, the Mediterranean, Latin America, and the United States. Traffickers exploit foreign nationals from Africa and Asia in sex trafficking and forced labor in Cuba to pay off travel debts. The government identified children, young women, elderly, and disabled persons as the most vulnerable to trafficking. Experts raised concerns about Cuba's LGBTQI+ population and its vulnerability to sex trafficking and the increasing vulnerability of Cuban economic migrants, including cases of professional baseball players, to labor and sex trafficking. 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 voluntary.

International observers and former participants reported government officials force or coerce individuals to participate and remain in the Cuban government's labor export programs, particularly the foreign medical missions program, managed by the *Unidad Central de Cooperacion Medica (UCCM)*, the Ministry of Health, and the Ministry of Foreign Trade and Investment. The government has not addressed its exploitative and coercive policies in these missions, which are clear indicators of human trafficking. According to statements from government officials, the government employed between 34,000-50,000 health care professionals in more than 60 countries in Africa, the Americas, Asia, Europe, and the Middle East in foreign medical missions through contracts with foreign governments and, in some countries, with international organizations serving as intermediaries or providing funds for their work. According to the government, 75 percent of its exported workforce are medical professionals. Experts estimated the Cuban government collected \$6 billion to \$8 billion annually from its export of services, namely the foreign medical missions program. The government has stated the postings are voluntary, and some participants also have stated the postings are voluntary and better paid compared to low paying jobs within Cuba, where basic wages for a doctor are \$55 a month. However, observers report the government does not inform participants of the terms of their contracts or allow them to retain a copy of their contracts, heightening their risk of forced labor. Workers receive only a portion of their salary ranging from five to 25 percent, and these funds are retained in Cuban bank accounts – often in Cuban pesos rather than the hard currency the government is paid for their services, which are relinquished if the participant leaves the program. The Cuban government acknowledges that it withholds passports of overseas medical personnel in Venezuela; the government provided identification cards to such personnel. Many Cuban medical personnel claim they work long hours without rest and face substandard and dangerous working and living conditions in some countries, including a lack of hygienic conditions and privacy, and are forced to falsify medical records. In 2020, at least four Cuban medical professionals died after contracting COVID-19, three in Venezuela and one in Angola. Observers noted that failure to obtain adequate personal protective equipment (PPE) for medical workers in Venezuela could have contributed to the death of at least one worker. In

2019, at least six professionals died, two were kidnapped, and others were sexually assaulted. Many medical professionals reported being sexually abused by their supervisors. Observers reported Cuban authorities coerced some participants to remain in the program, including by withholding their passports and medical credentials; restricting their movement; using “minders” to conduct surveillance of participants outside of work; threatening to revoke their licenses to practice medicine in Cuba; retaliating against their family members in Cuba if participants leave the program; or imposing criminal penalties, exile, and family separation if participants do not return to Cuba as directed by government supervisors. Sources indicate that from March to mid-June 2020, the government used the pandemic as an opportunity to expand the reach of its exploitative export medical services, sending more than 2,770 workers to 26 countries to provide medical care. By September 2020, official government media reported medical missions in 39 countries (22 in the Americas), in addition to the 28,000 health workers already in 58 countries. All agreements were made under unclear financial arrangements. In addition to the medical missions, the government profited from other similarly coercive labor export programs, including dance teachers and sports coaches in Venezuela, engineers in South Africa, forestry technicians in Angola, and merchant mariners across the world.

Fuente: <https://www.state.gov/reports/2021-trafficking-in-persons-report/cuba/>