

2024 Trafficking in Persons Report: Cuba

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; therefore Cuba remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including approving the 2023-2026 NAP. However, there was a government policy or pattern to profit from forced labor in Cuba's labor export program, which included foreign medical missions. The government continued to deploy government-affiliated Cuban workers to foreign countries using deceptive and coercive tactics. In the majority of cases, the government kept a significant amount of workers' wages; confiscated workers' passports and professional credentials; subjected workers to surveillance and strict curfews; and did not consistently inform participants of the terms of their contracts, which varied from country to country. The government failed to address trafficking crimes despite an increasing number of allegations from survivors, credible NGOs, international organizations, and foreign governments of Cuban officials' involvement in facilitating serious human rights abuses and forced labor. The government threatened, coerced, and punished government-affiliated workers, including medical professionals, and their family members if participants left the program. Authorities did not make efforts to address labor trafficking crimes, and identified the fewest number of victims and had the lowest number of prosecutions and convictions in a decade.

PRIORITIZED RECOMMENDATIONS: ✓

Ensure government-sponsored labor export programs comply with international labor standards – specifically ensure participants receive fair wages that are fully paid into bank accounts the workers can control; retain personal passports, contracts, and professional and academic credentials in their possession; ensure a work environment safe from violence, harassment, free from surveillance and arbitrary curfews; and have freedom of movement to leave the program or refuse an assignment without penalties, such as being threatened, imprisoned, harmed, or banned from returning to Cuba. * Cease the use of Article 176.1 to penalize government-affiliated workers who leave the labor export program. * Investigate potential official complicity in the alleged fraudulent recruitment of Cubans to fight in Russia's full-scale invasion of Ukraine. * Vigorously investigate and prosecute sex and labor trafficking crimes and convict traffickers. * Implement formal policies and procedures to identify trafficking victims proactively, including among vulnerable populations, refer those identified to appropriate services, and train officials, including first responders, in their use. * Adopt policies and programs that provide trafficking-specific, specialized assistance for male, female, and LGBTQI+ trafficking victims. * Cease the recruitment of children for military activities before the mandatory military service age. * Screen individuals charged or detained for commercial sex-related crimes for trafficking indicators and refer identified victims to care. * Allow an independent international commission to monitor the government-sponsored labor export program. * Train those enforcing the labor code to screen for trafficking indicators and educate all Cuban workers about trafficking indicators and how to report trafficking-related violations. * Revise Article 363.1 of the penal code to remove the requirement to prove force, fraud, or coercion in child sex trafficking offenses. * Establish a permanent inter-ministerial anti-trafficking committee.

PROSECUTION ✓

The government decreased prosecution efforts. Authorities in the Ministry of Justice continued to be complicit in state labor export schemes by prosecuting people who left government-sponsored

labor export programs due to abuses and exploitative practices with strong indicators of human trafficking. The government criminalized sex trafficking and labor trafficking through various provisions of its penal code. Article 363.1 of the 2022 penal code criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties ranging from seven to 15 years' imprisonment for offenses involving an adult victim and 10 years to life in prison for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other grave crimes, such as rape. The definition in Article 363.1 correctly established the use, force, fraud, or coercion as an essential element of an adult trafficking offense; however, the law did not include the necessary provision indicating the elements of force, fraud, or coercion were unnecessary in cases of sex trafficking offenses involving children. However, Article 402.1 ("corruption of minors") criminalized the use of a person younger than 18 "in prostitution" and prescribed penalties of seven to 15 years' imprisonment, which were sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. The penal code criminalized labor trafficking offenses under Article 363.1. Article 176.1 prescribed penalties ranging from three to eight years' imprisonment to government-affiliated workers who did not complete their mission in another country or did not return to Cuba upon completion of the mission – thereby penalizing potential victims of labor trafficking.

In December 2023, the government published official data for calendar year 2022 on prosecutions and convictions, the most recent data available. The government's annual report was the primary source of information on its efforts. The government suppressed independent domestic sources, but some independent sources provided information on trafficking efforts and trends. The government investigated seven transnational trafficking cases involving eight alleged Cuban traffickers and five foreign nationals, who allegedly had ties to trafficking networks in 10 different countries; however, the government did not report investigating any domestic trafficking cases in 2022. This was compared with no investigations in 2021. Authorities prosecuted six suspects for possible trafficking crimes in 2022, compared with 12 prosecutions in 2021; officials did not report if any of the alleged perpetrators in the seven transnational cases were prosecuted or convicted. Officials reported convicting six sex traffickers, compared with convicting 10 sex traffickers in 2021. According to government reporting, sentences ranged from five to 15 years' imprisonment. This was the lowest number of prosecutions and convictions in a decade. Authorities did not report investigating any cases of labor trafficking and did not prosecute or convict any labor traffickers in 2022.

The government organized and sponsored training for law enforcement officers, prosecutors, and judges on investigating and prosecuting sex trafficking crimes. In 2022, the government cooperated with INTERPOL to investigate 10 alleged Cuban traffickers. Authorities had 20 bilateral cooperation agreements or MOUs that included trafficking; however, the government did not report tangible results associated with these agreements.

Authorities did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking, despite persistent allegations officials threatened and coerced participants to remain in the government-sponsored labor export program. According to official sources, the government allegedly identified a trafficking ring involved in the fraudulent recruitment of Cuban men coerced into fighting in Ukraine on behalf of Russian military forces; the government reportedly arrested 17 individuals, but officials did not provide additional details. It was unclear if Cuban official complicity played a role in the recruitment of fighters to support of Russia's full-scale invasion in Ukraine. However, some observers believed the Cuban government was involved or, at a minimum, aware of Cuban fighters traveling to support Russia's full-scale invasion of Ukraine. According to contacts, Cuban authorities allegedly expedited the issuance of passports to recruits, who had minimal income and no means to pay for travel independently, and claimed Cuban authorities knowingly declined to place exit stamps in the Cuban potential victims' passports to claim no knowledge of their travel. Moreover, months after the government allegedly took action against those facilitating trafficking to Ukraine, credible media reports indicated Cubans were still traveling to Russia to fight in Ukraine.

PROTECTION ✓

The government decreased efforts to identify and protect trafficking victims and continued to coerce individuals – using deceptive, manipulative, and exploitative tactics – to participate and remain in government-sponsored labor export programs. In 2022, the most recent year for which data was available, authorities identified six victims of sex trafficking, one woman and five girls, compared with 10 victims in 2021. In previous years, 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 law enforcement actions and relied on victims to self-identify. The government did not report having procedures to identify forced labor victims. Government- or communist party-organized and controlled NGOs, such as the Federation of Cuban Women (FMC), the Prevention and Social Assistance Commission, and the Committees for the Defense of the Revolution 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 often politicized and unavailable to people the government and/or Communist Party deemed subversive.

Authorities did not report protecting the victims identified in 2022; however, in the government's report, officials indicated survivors from the previous reporting period had received services, including permanent housing for two, while others received educational support and job placement. Neither the government nor the government-organized NGOs operated shelters or provided services specifically for adult male or LGBTQI+ victims. Police encouraged child sex trafficking victims younger than 16 to assist in prosecutions of traffickers by gathering testimony through psychologist-led videotaped interviewing, usually removing the need for children to appear in court; however, the government did not report using these tools. Observers reported law enforcement did not proactively screen for indicators of trafficking. As a result, police may have detained unidentified sex trafficking victims for commercial sex offenses or charged them with crimes. The government did not report identifying any foreign trafficking victims in 2022.

PREVENTION ✓

The government maintained insufficient efforts to prevent trafficking, particularly forced labor. At the end of 2023, authorities approved the new 2023-2026 NAP and published the annual report on anti-trafficking efforts, covering 2022. Authorities held awareness sessions for government employees, students, and tourist industry employees on the prevention and identification of trafficking crimes. The government and the FMC continued to operate a 24-hour hotline for individuals needing legal assistance, including sex trafficking victims; for the third year in a row, none of the calls to this hotline resulted in trafficking investigations or victim identification.

State media continued to produce newspaper articles and television and radio programs, including public service announcements, to raise public awareness about sex trafficking. The FMC raised public awareness through workshops and training with government officials, social workers, educators, and students, as well as the distribution of materials explaining trafficking and its risks; however, there were no publicly available materials that showed the effectiveness or impact of these programs. The Ministry of Tourism provided training for workers in the tourism sector on the prevention of extraterritorial child commercial sexual exploitation and abuse. Authorities did not make any efforts to reduce the demand for commercial sex acts.

The Ministry of Labor and Social Security (MOL) did not make sufficient efforts to address forced labor. In 2022, MOL officials conducted 1,150 labor inspections and issued more than 7,753 labor violations but did not identify any cases of forced labor. Authorities did not report screening workers traveling abroad for trafficking indicators and did not report identifying any concerns with employment contracts. In the past, officials may have used these authorities to target those who might want to leave the country. 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, manipulated, and

coerced participants to remain in government-sponsored labor export programs. The government did not explain international labor standards to participants in its labor export schemes working in conditions with strong trafficking indicators. Government policy indicated males older than age of 16 must register with the country's armed forces and prepare for mandatory military conscription starting at the age of 17; however, in previous years some reports noted the government's involvement in the forced recruitment of children to serve in military community brigades.

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. Sex trafficking and extraterritorial commercial sexual exploitation and abuse, including of child victims, occurs 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. LGBTQI+ individuals and economic migrants are vulnerable to sex trafficking. Government officials may be forcibly recruiting children to join community military brigades charged with repressing citizens who gathered in protest against the regime. Cuban citizens reported being recruited by Russia-affiliated private military companies or by the Russian military with fraudulent employment contracts to later be coerced to fight in Russia's full-scale invasion of Ukraine. For example, two young Cuban men reported being deceptively recruited to work in Russia as construction workers; however, upon arriving to Moscow, they were allegedly coerced into fighting in Ukraine on behalf of Russian military forces. Some of these individuals reported Cuban authorities were aware of their recruitment and may have facilitated their travel, and they were received in Moscow by a Cuban military official. According to stakeholders, approximately 750 and 1,000 Cubans had traveled to Russia to serve as foreign fighters.

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 Cooperación Médica, the Ministry of Health, and the Ministry of Foreign Trade and Investment. Government-affiliated Cuban workers serving abroad were subjected to forced labor by inherently coercive laws and regulations authorities used to manipulate workers to remain in the program. The Ministry of Interior labeled workers that left the program without completing their assignment as "deserters," a category that made them "undesirable" under Cuban immigration law, and banned workers from returning to Cuba for eight years. Cuban nationals who did not return to the country within 24 months were categorized as having "emigrated." Individuals who "emigrated" lost all their citizen protections; rights, including custodial rights over children; and any property left behind, and – if they also defected from a civilian mission – were not allowed to visit their families remaining in Cuba. These government provisions coerced workers and punished those who sought to exercise freedom of movement and will. A report on the rights of the child – published by an international organization – noted concern over Cuba's policy to prohibit parents who terminated a civilian contract abroad from reuniting with their children. According to an international NGO, by 2021, the Cuban government had sanctioned 40,000 government-affiliated workers under these provisions. In 2022, there were approximately 5,000 children forcibly separated from their parents due to the government's provisions for the program. The government promoted the program as altruistic, sought new partner countries, and increased its profit at the expense of desperately vulnerable and disempowered workers. The Cuban government reported \$4.9 billion in revenue from the export of medical services in 2022 (the last year for which data is currently available) out of a total of \$7 billion in service exports. According to the government, medical professionals comprise 75 percent of its exported workforce. According to a government report, there were roughly 22,000 workers in more than 53 countries by the end of 2023. Over the last five years, the labor export program operated or currently operates in Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, The Bahamas, Bahrain, Barbados, Belize, Botswana, Burkina Faso, Cabo Verde, Chad, People's Republic of China, Djibouti, Dominica, Dominican Republic, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, France, Gabon, The Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea Bissau,

Guyana, Haiti, Honduras, Italy, Jamaica, Kenya, Kuwait, Lesotho, Liberia, Maldives, Mauritania, Mexico, Mozambique, Namibia, Niger, Nicaragua, Palau, Panama, Peru, Portugal, Qatar, Saint Kitts and Nevis, Saint Lucia, , Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Seychelles, Sierra Leone, South Africa, Spain, Suriname, Tanzania, Timor-Leste, Togo, Trinidad and Tobago, Türkiye, Uganda, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Vietnam, and Zimbabwe. Cuban authorities employ workers through contracts with foreign governments and, in some countries, international organizations serve as intermediaries or provide funds for their work. The Cuban government confiscates between 75 and 95 percent of each worker's salary, leaving government-affiliated workers with compensation that in many places is an inadequate living wage. Officials retain a portion of each worker's salary in Cuban bank accounts, and funds can only be paid to the workers when the mission has been successfully completed and the workers have returned to Cuba. Salaries are often paid in Cuban pesos rather than the currency the host government uses to pay Cuba for their services. Survivors of the labor export program reported government minders coerced them into criminal activity by making them falsify patient records, manipulate medical files, report procedures that did not take place, and dispose of medications to corroborate fraudulent records and inflated statistics. In 2023, the U.N. Special Rapporteur (SR) on Contemporary Forms of Slavery sent a letter to Cuban authorities raising concerns over the alleged human rights abuses suffered by government-affiliated Cuban workers, including medical professionals and other civilian personnel. In the letter, the SR focused on abuses documented in Italy, Qatar, and Spain, including insufficient wages paid to workers, exhaustive work hours without adequate remuneration, the confiscation of passports, precarious work conditions, and the retaliation workers faced if they left the program.

In 2021, and with the support of an international NGO, 1,111 alleged trafficking victims filed a complaint with the International Criminal Court and the UN, claiming the Cuban government exploited them and forced them to work in the labor export programs. The complaint stated 75 percent of participants did not volunteer for the program, 33 percent never saw a contract, 69 percent did not know their final destination, 38 percent had their passport confiscated by Cuban officials once they arrived at their destination, 76 percent had "minders," 76 percent could not freely associate with locals, 79 percent had restrictions on their movement, 91 percent were told they could not return to Cuba if they defected, 75 percent suffered threats or witnessed coworkers being threatened, and 40 percent were separated from their children as punishment for defecting. In 2023, this NGO noted the number of testimonies increased to 1,402. The Cuban government acknowledges it withholds passports of overseas medical personnel in Venezuela, the largest mission, with approximately 13,000 workers. 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. Many medical professionals reported being sexually abused by their supervisors.

While the medical missions remain the most prevalent and visible, the government profited from other similarly coercive labor export programs; professional baseball players and coaches, teachers, artists, musicians, architects, engineers, forestry technicians, construction workers, nearly 7,000 sea mariners, and all other government-affiliated workers are vulnerable to forced labor and coercive, fraudulent practices by the Cuban government. In 2023, an online media network aired an anonymous interview with a government-affiliated Cuban engineer previously assigned to a mission in Saint Lucia. According to the worker, he was assigned to a construction project with Cuban firm, UNECA, SA. This individual reported having to transfer most of his salary directly to UNECA, SA, receiving threats from heads of mission, and being prohibited from befriending locals and leaving his residence after 6 p.m. In 2024, three government-affiliated Cuban workers in Spain, including an electrical engineer, a naval mechanic, and a sports specialist, alleged concerning exploitative conditions that may amount to forced labor by the Cuban government. Workers reported not having full awareness of the contracts they signed or knowing their destination until their time of travel, working between 54 and 77 hours a week under deplorable conditions, and withholding of half their wages by Cuban authorities.