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2023 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, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity, 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 amending the penal code to include the criminalization of labor trafficking, and the requirement of force, fraud, and coercion as essential elements of an adult trafficking offense. However, during the reporting period, there was a government policy or pattern to profit from labor export programs with strong indications of forced labor, particularly in the foreign medical missions' program. The government continued to deploy Cuban workers to foreign countries using deceptive and coercive tactics. It failed to address trafficking crimes despite an increasing number of allegations from credible NGOs, former participants, and foreign governments of Cuban officials' involvement in abuses. The government did not consistently inform participants of the terms of their contracts, which varied from country to country; it confiscated their passports and professional credentials; and kept a significant amount of workers' wages. The government used its legal framework to threaten, coerce, and punish workers and their family members if participants left the program.

PRIORITIZED RECOMMENDATIONS:

- Ensure government-sponsored labor export programs comply with international labor standards or end them—specifically ensure participants receive fair wages that are fully paid into bank accounts

the workers can control; retain passports, contracts, and academic credentials in their possession; ensure a work environment safe from violence, harassment, and intrusive surveillance; 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.
- 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, and 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.
- Create a new NAP 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. 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 of Cuba criminalized sex trafficking and labor trafficking through various provisions of its penal code. In 2022, the government approved a new penal code and amended trafficking

provisions. Article 363.1 of the new 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 imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious 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 that 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 serious crimes, such as rape. The new penal code accurately considered minors to be younger than 18, a change from previous legislation, where a minor was anyone younger than 16. While the new 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 refused to return to Cuba upon completion of the mission – thereby penalizing potential victims of labor trafficking.

In December 2022, the government published official data for calendar year 2021 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 did not report investigating any trafficking cases in 2021. It prosecuted 12 suspects for possible trafficking crimes in 2021, compared with 17 prosecutions in 2020 and 15 in 2019. Officials reported convicting 10 sex traffickers, compared to convicting traffickers in 17 sex trafficking cases and one labor trafficking case in 2020. According to government reporting, sentences ranged from five to 20 years of imprisonment.

The government organized and sponsored training for law enforcement officers, prosecutors, and judges on investigating and prosecuting sex trafficking crimes, as well as analytical techniques for addressing complex cases. The government cooperated with INTERPOL to investigate a transnational trafficking case involving eight alleged Cuban traffickers, but authorities did not report prosecuting or convicting these individuals. Authorities had 20 bilateral cooperation agreements or memoranda of understanding 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 that officials

threatened and coerced participants to remain in the government-sponsored labor export program.

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 2021, the most recent year for which data was available, authorities identified 10 girl victims of sex trafficking, including one victim with physical and intellectual disabilities, compared with 18 victims identified in 2020 (17 sex trafficking victims and one victim of forced labor). 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 raids and relied on victims to self-identify. In 2022, an international NGO reported identifying 1,111 individuals who claim Cuban authorities forced them to work as part of the government's labor export program. 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, (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 often politicized and unavailable to people the government and/or Communist Party deemed subversive. In 2021, the government provided general support to 10 victims, which included medical and psychological care, school reintegration assistance, and some financial support. 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 during the reporting period. 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 such as "social dangerousness." The government did not report identifying any foreign trafficking victims in 2021.

PREVENTION

The government maintained insufficient efforts to prevent trafficking, particularly forced labor. Officials continued to use the expired 2017-2020 NAP. The government published its annual report of anti-trafficking efforts in December 2022, covering 2021. The report was available to the public. 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 second 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. While the Ministry of Tourism was responsible for combating sex tourism and addressing the demand for commercial sex acts, the government did not report any efforts to address these concerns.

The Ministry of Labor and Social Security (MOL) trained organizations working with disabled individuals on trafficking indicators. In addition, the MOL conducted 3,496 labor inspections but did not identify any cases of forced labor and no information was available about the number of labor inspectors. 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 indicates males over the age of 16 must register with the country's armed forces and prepare for mandatory military conscription starting at the age of 17; however, multiple press reports from 2021 noted the government's involvement in the forced recruitment of children to serve in military community brigades. According to sources, officials forcibly removed boys from their homes against their will and without parental consent to later transport them to other cities to help subdue citizens who rose against the regime

in the 2021 countrywide protests. In October 2022, a 16-year-old boy committed suicide while allegedly serving in the military.

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 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. LGBTQI+ individuals and economic migrants are vulnerable to sex trafficking. Professional baseball players are vulnerable to labor trafficking. The government uses some high school students in rural areas to harvest crops without paying them for their work but claims this work is voluntary. Government officials may be forcibly recruiting children to join community military brigades charged with repressing citizens who gathered in protest against the regime.

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 labor trafficking by inherently coercive laws and regulations that authorities used to manipulate workers to remain in the program. The Ministry of Interior labeled workers that did not return to the island upon the completion of their assignment as "deserters," a category that under Cuban immigration law deemed them as "undesirable." The government banned workers labeled as deserters and undesirables from returning to Cuba for eight years. In addition, the government categorized Cuban nationals that did not return to the country within 24 months as having "emigrated." Individuals who emigrated lost all their citizen protections, rights, 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 that 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 professionals under these provisions, and 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, seeking new countries to partner with, and increasing its profit at the expense of desperately vulnerable and disempowered workers. Authorities did not respond to the allegations presented by thousands of former participants who reported exploitation and trafficking. According to a government report, by the end of 2021, there were 41 brigades of the "Henry Reeve" contingent in 59 countries, compared with 56 Henry Reeve brigades in 40 countries with 4,941 medical workers in 2020. There were roughly 28,000 workers in over 60 countries by the end of 2021. The labor export program operated or currently operates in Algeria, Andorra, Angola, Antigua and Barbuda, The Bahamas, Bahrain, Barbados, Belize, Bolivia, Botswana, Brazil, Burkina Faso, Cabo Verde, Chad, Djibouti, Dominican Republic, Ecuador, Equatorial Guinea, Eswatini, Ethiopia, The Gambia, Ghana, 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, St. Lucia, St. Vincent and Grenadines, Saudi Arabia, Seychelles, Sierra Leone, South Africa, Suriname, Tanzania, Timor-Leste, Togo, Trinidad and Tobago, Türkiye, Uganda, United Arab Emirates, Uruguay, Venezuela, and Zimbabwe. Some overseas departments or territories, such as the Anguilla, British Virgin Islands, French Guiana, Grenada, Montserrat, Martinique, and Turks and Caicos. Authorities employ workers through contracts with foreign governments and, in some countries, international organizations serve as intermediaries or provide funds for their work. According to the government, medical professionals comprise 75 percent of its exported workforce. Experts estimate the Cuban government collects \$6 billion to \$8 billion annually from its export of services, namely the foreign medical missions program. Workers reportedly receive only a portion of their salary, ranging from five to 25 percent, and their salary is retained in Cuban bank accounts – often in Cuban pesos rather than the currency the government is paid for their services; the government seizes the workers' accumulated salaries if they leave the program. The conditions of each brigade vary from country to country. In 2022, an NGO reported the Government of Mexico paid the Cuban government approximately \$3,500 a month per worker, and in turn, the Cuban government paid each worker \$200 a month, keeping 94 percent of each worker's salary. According to the same NGO, to prevent workers from defecting, Cuban authorities sent military and intelligence personnel with general medical training to Mexico instead of specialists.

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 that 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. The Cuban government acknowledges 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. Many medical professionals reported being sexually abused by their supervisors. While the medical missions remain the most prevalent, the government profited from other similarly coercive labor export programs, including teachers, artists, athletes, sports coaches, engineers, forestry technicians, and nearly 7,000 merchant mariners across the world.

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