

Joint Contribution for the 89th Session of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Gender-Based Violence Against Women in Cuba: Femicides, Trafficking, and Exploitation

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Comprehensive Law Against Gender Violence and the Classification of Femicide in the Penal Code

1. The debate on Gender Studies in Cuba is relatively new. This is partly because gender violence has not been fully recognized, and because the Federation of Cuban Women (FMC) holds a monopoly as the only legally authorized organization addressing women's issues. In recent years, thanks to international cooperation support and independent

¹ Created in 2019 as part of the Cuban feminist magazine Alas Tensas, it is dedicated to making visible and denouncing male violence in Cuba, reporting and recording cases of femicides. It arises from the lack of access to official statistics and the concealment of the problem by the State and seeks to have a political impact through reports and communication in networks.

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² An autonomous project of Cuban civil society supported by the Foundation for Human Rights in Cuba. It aims to expose, educate, and empower citizens willing to take initiatives to address the issues affecting Cuban society. Website: <https://observatoriocubano.com/cubano-conflictos/> Contact: cubaconflicto@gmail.com

³ Non-Profit Entity (ESAL) formed by researchers from different countries, working on cooperation and consulting projects. They monitor and denounce human rights violations in Cuba. Website: <http://www.4metrica.org> Contact: contacto@4metrica.com

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- activism, some aspects of gender violence have begun to be recognized by the authorities. However, femicides and gender-biased violence continue to face strong official resistance.
2. This is evident in key issues such as the refusal to include femicide as a crime in the Penal Code and the absence of a Comprehensive Law Against Gender Violence. Although the 2019 Constitution establishes gender equality as a fundamental principle, and the Penal Code provides penalties for crimes related to violence, these measures have proven insufficient. They fail to offer adequate protection for women, representing a critical deficiency in the Cuban legal system.
 3. Specifically regarding femicide, the government maintains that women victims of "crimes against their bodily integrity"—a term that encompasses gender violence according to this classification—have access to protection mechanisms provided in the Penal Code. However, this code lacks a specific definition of femicide, which represents a serious omission in the fight against this type of violence, excluding key concepts and phenomena such as machismo, misogyny, and gender violence itself. This omission reflects the State's lack of recognition of the specific dynamics of this type of violence.
 4. Deepening the government's reluctance to make urgent changes to the law, the National Assembly of People's Power (ANPP) publicly rejected in 2019 the petition to include femicide in the Penal Code. This petition, made by citizens and even supported by the deputy and director of the state-run National Center for Sex Education (CENESEX), [Mariela Castro Espín](#), was rejected by the President of the Supreme People's Court, Rubén Remigio Ferro, who argued that the law seeks to maintain tradition and coherence concerning criminal figures⁶. This stance also resulted in the refusal to implement a Comprehensive Law Against Gender-Based Violence, despite proposals from several voices and direct requests from 40 women on November 21, 2019. In 2023⁷, a coalition of civil society organizations—including the Observatorio de Género de Alas Tensas (OGAT), Yo Sí Te Creo en Cuba, Red Femenina de Cuba, the Virtual Museum of Memory against Gender-Based Violence, and DemoAmlat—also requested such a law, but the institutional response remained negative.
 5. In February 2023, various organizations reiterated their call to the government to create a consistent and independent legal framework. This demand sought to establish a legal and executive framework capable of breaking the culture of impunity related to gender violence. However, the government's rejection of this proposal became a point of conflict during the mobilizations organized by independent collectives around International Women's Day. Cuban authorities delayed responses to permits requested for demonstrations, resulting in the arbitrary detention of some leaders and the criminalization of their activism. This repression limited the space for protest to social media. Furthermore, the demand for a Comprehensive Law Against Gender Violence was excluded from the Cuban government's Agenda 2030, perpetuating inertia and the lack of consequential transformations to the severe situation faced by women on the island. Cuba remains the only country in the region without adequate legislation to protect victims of gender violence, leaving them in a legal void that not only leaves them unprotected but also complicates the pursuit of justice in cases of sexist violence.

⁶ <http://www.cubadebate.cu/noticias/2022/05/15/diputados-cubanos-aprueban-nueva-ley-del-codigo-penal-pdf/amp/>

⁷ <https://alastensas.com/documentos/demanda-de-ley-integral-contra-la-violencia-de-genero-a-la-asamblea-nacional-del-poder-popular-de-cuba/>

6. The gravity of this situation underscores the urgent need for legal reform to implement effective protection policies to guarantee the rights and safety of women in Cuba. Without comprehensive legislation and a genuine commitment from the State, gender violence will continue to be a systematic and structural problem. The classification of femicide in the Cuban Penal Code and the formulation of a law that extensively and comprehensively addresses gender violence are urgent and necessary measures to ensure safety and justice for women in Cuba. Without this reform, Cuban women will continue to face an unequal struggle against a system that does not fully recognize their rights or the gravity of the violence they face.

Availability of Data and Statistics Related to Gender Violence and Femicide

7. In Cuba, the collection and publication of data on gender violence and femicide have been a controversial and delicate issue due to the State's lack of transparency in revealing these figures, the inaction of authorities, and the existence of cases that are not even addressed. Throughout 2023, the Cuban government, along with its affiliated organizations and media, presented inconsistent and unclear figures on femicides on the island. Without detailing the methodology used to record these cases or, in many instances, the sources employed. One of the most concerning and arbitrary pieces of data provided by the Cuban State in 2023 was mentioned in December during the VII Plenary of the Central Committee of the Communist Party of Cuba (PCC). According to Cuban authorities, up to October 2023, there were "117 cases of violent deaths of women" recorded⁸.
8. Given the limited information provided by the government and the shortcomings in evaluating femicide cases, independent initiatives and organizations such as the Cuban Women's Network or Gender Observatories Alas Tensas and Yo Sí Te Creo en Cuba have had to take on the responsibility of documenting these cases and producing information, analysis, and statistics on the matter. For 2023, Cuba was the Latin American country where the increase in such cases was the highest⁹ (by 150%) compared to 2022, based on the cases that have been verified by these organizations.
9. Referring to the methodology followed by OGAT, it records femicides using the methodology established by the Spanish Ministry of Equality in December 2021, which has been applied in that country since 2022 and is considered the most comprehensive and equitable for documenting femicides. This methodology includes, in addition to partner or ex-partner femicide, other categories such as sexual, social, family, and vicarious femicide. For 2023, OGAT decided to incorporate a new category: gynecobstetric femicide, which helps to more accurately reflect machismo and its effects on families and society, promoting the implementation of prevention and redress policies for victims, survivors of violence, and their families.
10. According to the data collected by OGAT and Yo Sí Te Creo en Cuba, a total of 134 femicides were recorded between 2019 and the first two months of 2023. In the last year, 89 femicides were recorded. Of these, 85.39% (76 cases) were committed by partners or ex-partners of the victims. This type of femicide remains the most common, highlighting the deep power imbalances between genders in intimate relationships. These crimes reflect the impact of machismo in society, where the idea of male possession over women persists

⁸ <https://www.granma.cu/cuba/2023-12-16/en-cuba-tolerancia-cero-a-la-violencia-de-genero>

⁹ Learn more at: <https://mundosur.org/wp-content/uploads/2023/11/2-INFORME-MLF-2023.pdf>

in the context of intimate and emotional relationships. Notably, in addition to femicides committed by partners or ex-partners, other types such as sexual (5), social (4), and family (3) femicides have also been identified, along with one gynecobstetric femicide, a category recently added. The variety of types and contexts of femicides underscores the complexity of the problem. It highlights the urgent need for a comprehensive approach.

11. Regarding the perpetrator's affiliation with the victim, there is a strong correlation between the type of femicide and the relationship with the aggressor. In the last year, it has been observed that more than two-thirds of femicides were committed by partners or ex-partners of the victims, specifically representing 76 of the 89 recorded cases. Of these, 42 femicides were perpetrated by ex-partners and 34 by current partners. The category "acquaintances" (6 cases) generally involves men from the community environment, while the "family" category (3 cases) includes men from the victim's family circle. In 2 cases, the relationship between the victim and the aggressor could not be determined with certainty. It is relevant to highlight that the gynecobstetric femicide has been classified under the "Others" category, identifying the health institution as directly responsible for the woman's death.
12. Referring to the geographical distribution of incidents and dividing the island into its three traditional regions, it is observed that 37 femicides were reported in the western region, 19 in the central region, and 33 in the eastern region. Havana, the capital city and the most densely populated province, leads with 11 femicides. It is followed by Matanzas and Santiago de Cuba, each with 9 cases, while Holguín and Granma recorded 8 femicides each. In contrast, Cienfuegos was the province with the fewest verified femicides, with only 2 cases recorded. In the special municipality of Isla de la Juventud, no femicides could be verified, although this does not rule out the possibility that they may have occurred.
13. Regarding the monthly distribution of femicides, it is observed that at least one case was verified in every month. However, the months with the highest number of femicides were June, with 14 cases, and October, with 11. In June, the average was more than three femicides per week. It is important to note that, compared to 2022, a similar pattern is repeated, as June (6) and October (6) were the months with the highest incidence of gender-based crimes. Concerning the location of femicides, OGAT determined that 70 of the 89 confirmed femicides in 2023 occurred in the victims' homes, reiterating that, once again, the most dangerous place for women is their own home. In terms of ages, the most affected group is women between 31 and 45 years old, with a total of 39 victims in this age range.
14. Finally, considering that femicides not only directly affect the murdered women but also impact their families, especially those who depend on the victim, such as minor children or elderly parents under their care, of the 89 femicides recorded in 2023, it is estimated that most of the murdered women (68 in total) had dependents, mainly children. According to OGAT and YSTCC data, the total number of people who lost care due to these femicides amounts to 126.
15. Regarding perpetrators and their backgrounds, despite difficulties due to the lack of transparency from legal, police, and judicial bodies in Cuba, attempts were made to confirm the existence of previous complaints. In 2023, OGAT verified that there were such complaints for 12 cases related to machista violence, and that, if the appropriate protocols had been followed, these femicides could have been prevented. However, in 48 cases, this information could not be confirmed due to the lack of transparency. These figures highlight the importance of conducting thorough statistical analyses to identify and understand

gender violence in all its manifestations, as well as the need for a comprehensive and effective response to address this serious social problem.

Efforts and Protocols for Preventing Gender Violence

16. Regarding established protocols for preventing and addressing discrimination and gender violence, these are inadequate considering the absence of comprehensive laws and strategies. As mentioned, existing mechanisms, such as the Penal Code and the Family Code, do not include specific definitions like femicide, and prevention and response protocols are insufficient. Additionally, women from disadvantaged groups, such as Afro-descendant women, rural women, and human rights activists, face double vulnerability, suffering not only from gender violence but also from institutional discrimination and lack of access to resources and protection. Regarding the rights of the LGBTBIQ+ sector and dynamics related to sexual orientation and gender identity, there have been some positive advances in recognizing sexual diversity at the normative and public policy levels. The anti-homophobia and anti-transphobia days, held annually since May 2008, reflect institutional openness toward LGBTBIQ+ rights, although their media coverage is limited.
17. A significant advance in the context of the new Family Code's approval is the allowance of same-sex marriage, contributing to reducing discrimination and violence against this group. However, much remains to be done, especially regarding the recognition of the right to gender self-determination for transgender people. The lack of a right to free association limits the full development of LGBTBIQ+ individuals and women in general. For example, lesbian women often face insults and demands for sexual services during detentions, and Afro-descendant lesbian women face triple discrimination, receiving worse treatment due to their race, gender, and [gender expression](#).
18. Beyond this, it is important to recognize that most initiatives aimed at eliminating gender violence and addressing the situation of women in general have been developed independently. Various campaigns and projects have been carried out, such as the Casa Palanca Campaign, focused on supporting independent women journalists; the Cuban Alliance for Inclusion (ACI) initiative, which created a guide on political violence against women and developed a study revealing that 96.8% of surveyed women felt exposed to political violence simply for being activists or acting in the public sphere (of the 62 interviewed women, 71% reported experiencing violence on social media, 93.8% experienced psychological violence, and 43.8% experienced physical violence). Additionally, the Cuban Women's Network launched the "Tenemos Nombre" campaign to promote a Comprehensive Law against Gender Violence, and YSTCC coordinated campaigns such as "For Shelters for Women and Their Children in Cuba NOW!" and "End Child Marriage in Cuba."
19. Regarding shelters for women, it is important to note that the coverage of shelters for women and girls who are survivors of domestic violence and other forms of gender violence is limited, reflecting a significant gap in protection and support for victims. Despite the lack of government support to expand the coverage of these facilities, independent organizations and NGOs have taken alternative measures. They promote initiatives to make these spaces safe and suitable for survivors of gender violence. In addition to the YSTCC initiative, the Directory of Aid and Resources for Victims of Gender Violence published by OGAT provides information on available resources for victims on

the island, including shelters and support services. However, access to these services has been particularly precarious in rural areas and for women with disabilities, who do not even find optimal living conditions in these spaces. This Directory is one of the few resources on the island aimed at collecting and disseminating information about places where women can receive support, highlighting the need to create a more comprehensive network of shelters and specialized services for these individuals. Independent organizations have called for the development of more shelters and the expansion of support services, particularly for vulnerable groups such as women with disabilities who do not always have access to these networks due to their condition.

20. Unfortunately, these alternative efforts are insufficient in the long term without adequate state intervention and the legal ability to independently acquire funds and implement projects. Faced with entities that fail to effectively fulfill their duty—legally mandated to support victims of gender-based violence and survivors—civil society has been forced to take on this responsibility. These organizations continue to face challenges imposed by the status quo as they attempt to meet the growing demand for these essential services, while also trying to fill the void left by the lack of effective public policies and the failure of government measures to address the crisis of gender-based violence in Cuba.
21. The precariousness of services to address cases of gender-based violence is further evidenced by the absence of clear initiatives, many of which have had to be developed by independent citizens. This is also reflected in the situations persisting in places like hospitals, centers for people with disabilities, and juvenile detention centers. For example, in detention centers, [reports](#) of gender-based violence and mistreatment of human rights defenders, transgender women, and political activists are frequent. Physical, psychological, and sexual abuses during detention are persistent, as evidenced by a report on the use of sexual violence in Cuban prisons. The lack of effective mechanisms for reporting and protection, along with the absence of independent monitoring, exacerbates the situation, allowing these practices to continue without consequences for the perpetrators, who, in the case of human rights defenders, are often state forces.
22. In psychiatric hospitals and centers for people with disabilities, women's vulnerability to gender violence is considerably high due to their dependence on caregivers and the lack of external supervision. The absence of clear public policies and protocols designed to protect these women, as well as the scant investigation of abuse complaints, creates an environment of insecurity. The invisibility of the violence is exacerbated by the associated stigma and fear of retaliation.
23. Adolescents and girls in juvenile centers are also exposed to gender violence, with reports of sexual violence as punishment. An alarming case in Holguín revealed an accusation against a school deputy director for the rape of a student, highlighting the severity of the problem and the lack of preventive measures in Cuban educational institutions. The lack of staff training in gender violence and the absence of specific protocols limit preventive efforts, leaving these young people in a state of extreme vulnerability. In summary, although the Cuban government has declared the importance of protecting women, attempts to prevent violence in these institutions have been insufficient. The lack of transparency, independent oversight, and adequate protocols contributes to an environment where gender violence can occur without consequences for perpetrators or redress for victims. Human rights organizations and the international community have urged the state to improve its policies, but progress is limited and implementation almost non-existent.

Trafficking and Prostitution Exploitation

24. In Cuba, initiatives to prevent and eradicate human trafficking, especially in cases of sexual exploitation of Afro-descendant and rural women, have faced serious limitations in terms of implementation and resource availability. Although the government has ratified international treaties to combat human trafficking—Cuba signed the Convention for the Suppression of Trafficking in Persons and of the Exploitation of the Prostitution of Others in 1952—and despite the approval of the National Action Plan (PAN) 2023-2026 to combat trafficking, the absence of official data and transparency issues prevent a precise evaluation of progress in this area.
25. In the last decade, Cuba has processed at least 128 human trafficking cases, according to government reports. Notwithstanding possible underreporting, official documents confirm that crimes such as child corruption, child sexual exploitation, pimping, and sexual abuse are concerning in Cuban society¹⁰. An alarming pattern is that many women and girls fall victim to trafficking by people close to them, such as family members or acquaintances. Between 2011 and 2022, 124 trafficking cases were presented before the Provincial People's Courts in Cuba. Most of these cases involved pimping and child corruption, with 61 cases each, focusing on the sexual exploitation of Cuban women and girls. Furthermore, 96% of the cases reported in Cuban reports occurred within the national territory. By 2021, only 12 people were prosecuted in Cuba for human trafficking, the lowest figure in recent years, possibly due to the pandemic. Of the 10 cases that reached the courts that year¹¹, eight were related to child corruption and two to pimping and human trafficking, all in the form of sexual exploitation. In comparison, 15 cases were judged in 2019 and 2020, while in 2018 there were 21 cases and in 2017, 20. Although the available information provides an insight into the issue, crucial data is still lacking to plan effective strategies that address the specific needs of women who face differentiated situations and impacts.
26. Awareness campaigns are scarce in rural areas and marginalized communities, where girls and women are more vulnerable to falling into trafficking and sexual exploitation networks, especially since the crisis affects these areas more than urban ones. The lack of community networks and support programs focused on these populations increases their vulnerability to gender violence and sexual exploitation. In the face of insufficient state intervention, civil society organizations have tried to fill this gap with their own initiatives, but their efforts do not reach the scale of the problem, which affects cisgender women, transgender women, and girls in different environments, making them victims of so-called sexual tourism. Gender violence, exacerbated by the lack of educational and economic opportunities in rural areas, exposes girls to a higher risk of sexual exploitation and forced labor. The absence of prevention programs targeting these communities, and the lack of robust legal protection perpetuate a cycle of vulnerability, leaving these populations in a critical situation.

¹⁰Visit: <https://eltoque.com/explotacion-sexual-delito-mas-frecuente-de-la-trata-de-personas-en-cuba>

¹¹Learn more at: https://www.14ymedio.com/cuba/apenas-personas-juzgadas-cuba-trata_1_1001510.html

27. In this regard, the 2023 Trafficking in Persons Report issued by the United States criticizes Cuba for its insufficient effort in combating human trafficking. The document highlights that in 2021, Cuban authorities did not investigate trafficking cases and continued to coerce people into participating in labor export programs, such as "internationalist" medical missions.
28. Based on the information presented in this report, the organizations subscribing to it consider it essential for Cuba to accede to and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women. Additionally, there is a need to include femicide as a specific crime in the Penal Code, so that the murder of a woman for gender-related reasons is recognized as such and not classified as homicide.
29. It is also urged to approve a Comprehensive Law against Gender Violence in Cuba, which should be developed with the active participation of feminist groups. Alongside this, it is proposed to create a network of shelters for women who are victims of machista violence, ensuring both their safety and adequate care. It is crucial to establish gender-sensitive protocols for the disappearance of girls and women, integrating community participation and forming alliances between public and private sectors. Additionally, it is necessary to design and implement mechanisms that allow for the declaration of a [State of Emergency](#) in case of a significant increase in gender violence in the country.
30. It is also essential for the Gender Observatory to publish updated femicide figures from the last decade, following the proper protocols for tracking. If this data is not available, disaggregated statistics by gender should be published to enable independent observatories to determine if the recorded homicides correspond to femicides. Moreover, it is suggested to create a network of comprehensive care centers offering psychosocial support, legal and labor advice, security, maintenance, and accommodation for women, minors, and dependents who have suffered gender violence. It is fundamental to implement a gender education plan that covers all state institutions, with periodic evaluations, especially in those working directly with survivors of machista violence and their families. Accordingly, it is recommended to design and execute a gender education program tailored to schools and other training centers¹².
31. It is imperative to immediately and unconditionally guarantee the right to assembly, association, and demonstration, not only for women fighting against gender violence and Cuban feminist organizations facing criminalization but for all Cuban citizens. Additionally, effective mechanisms should be established to ensure access to employment, health, education, and justice for transgender individuals, Afro-descendant women, those from rural areas, and people with disabilities. Finally, it is proposed to promote the participation of independent feminist activists and other women's civil society organizations in creating laws and public policies that protect women's rights, combat the

¹² <https://alastensas.com/documentos/la-prevencion-y-reparacion-son-la-respuesta-a-los-femicidios-nunca-el-punitivismo/>

feminization of poverty, and address the increase in gender violence. Ensuring access to mass media to disseminate public interest campaigns, complaints, early warnings, and gender-focused educational programs is essential.