



**SEX TRAFFICKING IN CUBA:
A FORM OF GENDER-BASED
VIOLENCE AND HUMAN TRAFFICKING**

REPORT

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Executive Summary

For years, the Cuban regime has failed to comply with its international law obligations aimed at protecting victims of human trafficking. While the international community has become increasingly aware of forced labor in Cuba's state-run medical missions,¹ as a form of human trafficking, less is known about another form of human trafficking pervasive in the island – sex trafficking. Cuba is a source country for victims of sex trafficking, particularly women and girls, who are vulnerable to gender-based violence situations that lead to sex trafficking. The country's sex tourism industry and unsafe migration conditions have become fertile ground for sex trafficking. Critically, the authoritarian nature of Cuba's regime creates perverse incentives that make it difficult to address these crimes. The Cuban regime has an incentive to minimize and/or under-report sex trafficking cases because of the negative impact on the government's international image and the island's tourism industry, which represents a major source of government revenue. The systematic suppression of freedom of speech and association in Cuba, evident in the lack of independent organizations capable of corroborating the regime's anti-trafficking efforts, creates added obstacles toward assessing the accuracy of the regime's sex trafficking response.

Our analysis shows that the Cuban government has not made significant efforts to adopt legislative, administrative, and institutional reforms to combat sex trafficking, violating binding international treaties protecting sex trafficking victims, specifically the United Nations' Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Cuba's lack of response to address sex trafficking has also resulted in gender-based violence, further violating its international obligations that prohibit all forms of violence against women and girls.

The following brief, (1) describes the importance of understanding sex trafficking as a form of gender-based violence and human trafficking; (2) presents the legal instruments that call on states to protect the rights of sex trafficking victims and incorporate a human rights approach to human trafficking solutions; (3) provides background information regarding sex trafficking in Cuba; (4) outlines Cuba's anti-sex trafficking laws and the regime's failure to effectively identify sex trafficking cases, prosecute traffickers, and support victims; and (5) presents a conclusion on the prior findings and suggests policy changes.

¹Vaitiari Rodriguez, Human Trafficking in Cuba's Medical Missions (New York, NY: Human Rights Foundation, 2022), https://hrf.org/wp-content/uploads/2022/08/HUMAN-TRAFFICKING-IN-CUBA-MEDICAL-MISSIONS-REPORT_FINAL.pdf.

Sex Trafficking and Gender-Based Violence Against Women

International law generally regards gender-based violence as targeted acts directed against a person because of that person's ascribed gender.² It serves to highlight systematic inequalities between men and women.³ Gender-based violence can take various forms, including physical, psychological, and sexual violence.⁴ Sex trafficking is a common example of gender-based violence⁵ and remains the most predominant form of human trafficking worldwide.⁶



A mother whose daughter was trafficked at the age of sixteen covers her face to protect her identity. Photo credits: UNICEF/Jim Holme

Sex trafficking disproportionately affects women and girls. According to the United Nations Global Report on Trafficking in Persons 2022, women and girls continue to be the most detected group among victims of sexual exploitation.⁷ Almost two-thirds of sex trafficking victims are women (around 64 percent) and another 27 percent are girls.⁸ An analysis of court cases also provides evidence that sex traffickers subject female victims to physical violence at a rate three times

2 United Nations High Commissioner for Refugees. UNHCR policy on the prevention of, risk mitigation and response to gender-based violence, UNHCR/HCP/2020/01 (October 2, 2020), <https://www.unhcr.org/media/unhcr-policy-prevention-risk-mitigation-and-response-gender-based-violence-2020-pdf>.

3 Ibid.

4 Ibid.

5 Article 2 of the United Nations Declaration on the Elimination of Violence Against Women recognizes "trafficking in women and forced prostitution" as prohibited forms of sexual violence against women and girls. See Office of the United Nations High Commissioner for Human Rights. Declaration on the Elimination of Violence against Women, A/RES/48/104, Article 2 (December 20, 1993), <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women>; See also the 1995 Beijing Declaration in UN Entity for Gender Equality and the Empowerment of Women (UN Women), Beijing Declaration and Platform for Action, Beijing +5 Political Declaration and Outcome (New York: UN Women, 2014), https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/PFA_E_Final_WEB.pdf.

6 Please note that the United Nations Global Report on Trafficking in Persons 2022 described a 24 percent reduction in sex trafficking victims compared to 2019. However, you should analyze this reduction as an outlier considering COVID-19 restrictions. During the pandemic, sex trafficking numbers may have decreased due to the closure of public spaces, which likely pushed sex traffickers underground. This development made sex traffickers harder to be detected and increased the dangers for victims. See UN Office on Drugs and Crime (UNODC), Global Report on Trafficking in Persons 2022 (Vienna, AT: UNODC, 2022), https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTIP_2022_web.pdf.

7 United Nations, Office on Drugs and Crime. Global Report on Trafficking in Persons. Vienna, AT: UNODC Headquarters, 2022. https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTIP_2022_web.pdf

8 United Nations, Office on Drugs and Crime. Global Report on Trafficking in Persons. Vienna, AT: UNODC Headquarters, 2022. https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTIP_2022_web.pdf



higher than male victims.⁹ Furthermore, women investigated for human trafficking, including sex trafficking, are significantly more likely to be convicted than men.¹⁰

Many of the factors that make women and girls vulnerable to gender-based violence, namely discrimination, poverty, educational disparities, armed conflict, and cultural norms, are also root causes of sex trafficking.¹¹ Gender-based violence is therefore an important driver of sex trafficking.

The link between gender-based violence and sex trafficking highlights the importance of addressing sex trafficking within the framework

of gender-based violence; it builds a nuanced understanding of sex trafficking that integrates gender-based violence concerns into anti-trafficking responses. It also recognizes violence against women and girls as a result of structural discrimination and human rights violations.

From a legal standpoint, addressing sex trafficking within such a framework provides further redress avenues for victims by adding international law protections against gender-based violence. Article 1 of the United Nations Declaration on the Elimination of Violence Against Women recognizes prohibited violence against women as “any act of gender-based violence” that results in “physical, sexual or psychological harm.”¹² The 1993 Vienna Declaration and Programme of Action also notes that the elimination of gender-based violence against women and girls is a human rights obligation.¹³ Furthermore, the 1995 Beijing Platform for Action recommends governments to adopt measures to address gender-based violence against females and recognizes sex trafficking as a form of gender-based violence.¹⁴ Notably, General Recommendation No. 35¹⁵ of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee), which was adopted in 2017, notes that the prohibition of gender-based violence has evolved,

9 United Nations, Office on Drugs and Crime. Global Report on Trafficking in Persons.

10 Ibid.

11 UNODC, “Tool 9.2” in OSCE Toolkit to Combat Trafficking in Persons (Vienna, AT: UNODC, 2003), https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_9-2.pdf.

12 OHCHR. Declaration on the Elimination of Violence against Women, A/RES/48/104, Article 1 (1993), <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women>.

13 Ibid.

14 UN Women. Beijing Declaration and Platform for Action, Beijing +5 Political Declaration and Outcome.

15 UN Committee on the Elimination of Discrimination against Women (CEDAW). General recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992), CEDAW/C/GC/35 (2017) <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsldCrOIUTvlRFDjh6%2FxpWAeqJn4T68N1uqnZjLbtFua2OBKh3UEqIB%2FCyQlg86A6bUD6S2nt0li%2Bnd-bh67tt1%2BO99yEEGWYpmnzM8vDxmwt>

based on *opinio juris*¹⁶ and state practice, into a principle of customary international law.¹⁷ What is more, General Recommendation No. 35 includes the concept of due diligence, heightening state obligations to take actions to prevent gender-based violence.¹⁸

International Treaties Against Sex Trafficking

The United Nations' Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children



Deposit of Instrument of Ratification by El Salvador. Photo Credits: UN Photo/Gitika Noyes.

The United Nations' Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (also known as the Palermo Protocol)¹⁹ is the first legally binding treaty instrument to provide an international definition of human trafficking.

Article 3(a) of the Palermo Protocol defines human trafficking as the "recruitment, transportation, transfer, harboring, or receipt of persons [...] for the purpose of exploitation" by means of the threat or use of force, other forms of coercion, abduction, deception, fraud, debt bondage, abuse of power, or abuse of a position of vulnerability.²⁰ The Palermo

16 In the context of public international law, 'opinio juris' (translated from Latin as 'opinion of law') refers to an element of establishing rules of customary international law, denoting the belief of states that a specific practice is carried out of a sense of legal obligation. See UN International Law Commission, "Draft conclusion on identification of customary international law, with commentaries" in Report of the International Law Commission, A/73/10 (Seventieth session, 2018), https://legal.un.org/ilc/texts/instruments/english/commentaries/1_13_2018.pdf.

17 CEDAW. General recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992).

18 Ibid.

19 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), November 15, 2000, U.N.T.S. 2237.

20 Ibid, Article 4.

Protocol's definition of exploitation includes "prostitution of others or other forms of sexual exploitation,"²¹ thus alluding to sex trafficking situations.

States that have ratified the Palermo Protocol²² are bound to the treaty and must ensure their domestic legislation meets the requirements of the Protocol. State obligations are specifically delineated in Article 5 of the Palermo Protocol, which requires states to criminalize trafficking, attempted trafficking, and any other intentional participation or organization in a trafficking scheme.²³

In addition to the criminalization of human trafficking, the Palermo Protocol includes human rights obligations. According to Article 2(b), the Protocol is intended to "protect and assist the victims [...] with full respect for their human rights."²⁴ Article 6 also contains requirements rooted in human rights to protect the privacy and identity of trafficking victims, as well as to aid in their "physical, psychological and social recovery," considering their "age, gender and special needs."²⁵ Finally, Article 14 asserts that the Protocol should not affect the existing obligations of states under international law, including international human rights law.²⁶

21 Ibid.

22 United Nations. "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime," United Nations Treaty Collection (Webpage), accessed online January 30, 2024, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=en.

23 Palermo Protocol, Article 5.

24 Joy N. Ezeilo, "Debate - Achievements of the Trafficking Protocol: Perspectives from the Former UN Special Rapporteur on Trafficking in Persons," *Anti-Trafficking Review* 4 (April 2015): 145-149.

25 Ibid.

26 Palermo Protocol, Article 26.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides additional international law protections for female victims of sex trafficking. Article 6 of CEDAW requires states “to take all appropriate measures [...] to suppress all forms of trafficking in women and exploitation of prostitution of women.”²⁷



Secretary-General Attends 30th Anniversary of Women's Convention.
Photo Credits: UN Photo/Eskinder Debebe.

Additionally, CEDAW Committee's General Recommendation No. 19 identifies trafficking as a form of violence against women.²⁸ It notes that sex trafficking is “incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity.”²⁹ What is more, General Recommendation No. 19 urges states to create “preventive and punitive measures” to combat trafficking and sexual exploitation.³⁰

Like the Palermo Protocol, CEDAW's provisions are human rights oriented. In fact, CEDAW notes that its spirit is “rooted” in reaffirming “faith in fundamental human rights.”³¹ In particular, Article 3 of CEDAW defines equality within a human rights framework, requiring states to ensure the “full development and advancement of women” with the goal of guaranteeing their “exercise and enjoyment of human rights.”³²

The incorporation of this human rights-based approach in both the Palermo Protocol and CEDAW demonstrates that all forms of human trafficking, including sex trafficking, are human rights violations, hence triggering state obligations under all binding human rights treaties and potentially transforming the way states undertake anti-trafficking efforts, compelling them to integrate human rights into their responses. Importantly, a human rights-based approach can potentially expand the focus of human trafficking from criminal justice to other structural issues underlying trafficking, especially the role of a country's regime type.

²⁷ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), December 18, 1979, U.N.T.S. 1249.

²⁸ CEDAW Committee. General recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992), <https://www.refworld.org/docid/52d920c54.html>

²⁹ Ibid.

³⁰ Ibid.

³¹ OHCHR. Declaration on the Elimination of Violence against Women.

³² Ibid.

The U.S. Trafficking Victims Protection Act (TVPA)

The U.S. Trafficking Victims Protection Act of 2000 (TVPA)³³ and the Palermo Protocol contain similar definitions of human trafficking, focusing on the trafficker's acts, means, and purpose.³⁴ The TVPA defines sex trafficking as a commercial sex act induced by "force, fraud, or coercion" or in which the person induced to perform such an act is under 18 years of age.³⁵ The TVPA provides an additional legal framework to understand the scope of Cuba's sex trafficking patterns.

The U.S. Department of State evaluates compliance with the TVPA on an annual basis in its Trafficking in Persons Report (TIP Report), which places states into one of four tiers based on a "3P" paradigm of "prosecuting" traffickers, "protecting" victims, and "preventing" crime.³⁶



The TIP Report ranks countries whose governments fully comply with the TVPA's minimum standards for the elimination of trafficking as Tier 1.³⁷ It ranks as Tier 2 countries whose governments are making significant efforts to meet the minimum standards, but do not fulfill them all.³⁸ Countries whose governments meet the Tier 2 criteria, but despite their efforts to bring themselves into compliance the number of victims of trafficking is very significant or is significantly increasing, and there is a failure to provide evidence of increasing efforts to combat trafficking from the previous year are placed on the report's Tier 2 Watch

³³ Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464.

³⁴ U.S. Department of State, "Understanding Human Trafficking Fact Sheet," Office to Monitor and Combat Trafficking in Persons, <https://www.state.gov/what-is-trafficking-in-persons/#:~:text=The%20United%20States%20Trafficking%20Victims.means%3B%20and%203>.

³⁵ Trafficking Victims Protection, 22 USC Ch. 78.

³⁶ U.S. Department of State. 2023 Trafficking in Persons Report, Office to Monitor and Combat Trafficking in Persons (Washington, DC: Department of State, 2023), https://www.state.gov/wp-content/uploads/2023/09/Trafficking-in-Persons-Report-2023_Introduction-V3e.pdf.

³⁷ Ibid.

³⁸ Ibid.

List.³⁹ Finally, the TIP Report ranks countries whose governments do not fully comply with the minimum anti-trafficking standards and are not making significant efforts to comply as Tier 3.⁴⁰

From 2019 through 2022, the TIP Report has consistently ranked Cuba as Tier 3.⁴¹

Sex Trafficking in Cuba

Victims of Sex Trafficking in Cuba

Cuba is a source country for victims of sex trafficking, including minors.⁴² Sex tourism and prostitution are prevalent and are closely intertwined with sex trafficking situations.⁴³

Women and girls are the principal victims of sex trafficking in Cuba.⁴⁴ Many of the factors that make women and girls vulnerable to gender-based violence and sex trafficking worldwide are prevalent in Cuba,

39 Ibid.

40 Ibid.

41 U.S. Department of State, 2019 Trafficking in Persons Report, Office to Monitor and Combat Trafficking in Persons (Washington, DC: Department of State, 2019), <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>;

U.S. Department of State, 2020 Trafficking in Persons Report, Office to Monitor and Combat Trafficking in Persons (Washington, DC: Department of State, 2020), <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>;

U.S. Department of State. 2021 Trafficking in Persons Report, Office to Monitor and Combat Trafficking in Persons (Washington, DC: Department of State, 2019), <https://www.state.gov/wp-content/uploads/2021/09/TIPR-GPA-upload-07222021.pdf>;

U.S. Department of State. 2022 Trafficking in Persons Report, Office to Monitor and Combat Trafficking in Persons (Washington, DC: Department of State, 2019), <https://www.state.gov/wp-content/uploads/2022/10/20221020-2022-TIP-Report.pdf>;

U.S. Department of State, Report to Congress on 2023 Trafficking in Persons Interim Assessment Pursuant to the Trafficking Victims Protection Act, Office to Monitor and Combat Trafficking in Persons (Washington, DC: Department of State, 2019), <https://www.state.gov/reports/2023-trafficking-in-persons-report/cuba>.

42 Global Initiative against Transnational Organized Crime, Global Organized Crime Index, Cuba Report (Geneva, CH: Global Initiative, 2023), <https://ocindex.net/country/cuba>; U.S. Department of State, Report to Congress on 2023 Trafficking in Persons Interim Assessment Pursuant to the Trafficking Victims Protection Act.

43 Ibid; Miriam Wells, "Canadians among Most Common Sex Tourists in Cuba: Investigation," InSight Crime, April 24, 2023, <https://insightcrime.org/news/brief/canadians-among-most-common-sex-tourists-in-cuba-investigation/>;

Juan Tamayo, "Cuba's Most Horrifying Episode of Child Sex Tourism Resulted in a Girl's Death," Toronto Star, March 16, 2013, https://www.thestar.com/news/world/cuba-s-most-horrifying-episode-of-child-sex-tourism-resulted-in-a-girl-s-death/article_a0d2ab24-546f-5848-80d6-36d01ad6592d.html;

Robert Cribb, Jennifer Quinn, Julian Sher, and Juan O. Tamayo, "How Cuba Became the Newest Hotbed for Tourists Craving Sex with Minors," Miami Herald, September 8, 2014, <https://www.miamiherald.com/latest-news/article1948284.html>;

Ivette Leyva Martínez, "Fiscal: Hay Suficientes Pruebas Contra Red de Pederastas Españoles Que Operaba En Cuba," Café Fuerte, June 27, 2011, <https://www.cafefuerte.com/europa/fiscal-hay-suficientes-pruebas-contra-red-de-pederastas-que-operaba-en-cuba/>;

Ivette Leyva Martínez, "Piden Penas de 30 Años Para Acusados En Caso de Niña Muerta En Bayamo," Café Fuerte, August 2, 2011, <https://www.cafefuerte.com/cuba/sociedad-cuba/piden-penas-de-hasta-30-anos-acusados-en-caso-de-menor-muerta-en-bayamo/>;

Mauro Echeverría, "Prostitution in Cuba: A Way of Survival," Impunity Observer, May 3, 2023, <https://impunityobserver.com/2023/05/03/prostitution-in-cuba-a-way-of-survival/>.

44 U.S. Department of State. 2017 Trafficking in Persons Report: Cuba.



specifically gender discrimination, physical abuse, sexual violence, poverty, and machismo culture.⁴⁵ Within this context, they are more likely to experience gender inequality and discrimination than men and boys. Statistics have shown that in 2021,⁴⁶ the Cuban regime 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).⁴⁷

Children, elderly, disabled persons, LGBTQI+ individuals, and migrants are also vulnerable to sex trafficking.⁴⁸ Cubans from ages 13 to 20 are the age group most susceptible to sex trafficking.⁴⁹

The Scope of Sex Trafficking in Cuba

Common sex trafficking situations in Cuba involve the country's tourism industry. Traffickers often operate "casas particulares," which are privately-owned lodgings, and can arrange sex acts with trafficking victims, including minors.⁵⁰ The profile of sex traffickers varies, but often includes relatives of victims and those with whom they have close relationships.⁵¹ Sex workers typically fall victim of sex

45 United Nations Women, Cuba Country Report 2023, (New York, NY: UN Women, 2023), <https://data.unwomen.org/country/cuba>;

Associated Press, "Cuban Women Cite Gender Challenges as They Push to Open Businesses," NBCNews.com, January 6, 2022, <https://www.nbcnews.com/news/latino/cuban-women-cite-gender-challenges-push-open-businesses-rcna11186>;

Emeline Léonard, "Cuban Women and Their Role in Society: Between Progress, Persistent Inequalities, and the Rise of Feminism (1/2)," translated by Charline Vandermuntert, Institut du Genre en Géopolitique, October 30, 2022, <https://igg-geo.org/?p=5226&lang=en>.

46 According to the Department of State, the most recent year for which data is available is 2021. In December 2021, the Cuban regime published official data for the calendar year 2020 on sex trafficking prosecutions and convictions in Cuba, which is the most recent data available.

47 U.S. Department of State. 2023 Trafficking in Persons Report: Cuba.

48 Ibid.

49 U.S. Department of State. 2017 Trafficking in Persons Report: Cuba.

50 Kevin Deutsch, "American Tourist Dollars Boost Cuba's Sex Trade," HuffPost, December 26, 2017, https://www.huffpost.com/entry/american-tourist-dollars-boost-cubas-sex-trade_b_5a418eb0e4b06cd2bd03dc4a; Robert Cribb, Jennifer Quinn, Julian Sher, and Juan O. Tamayo. "How Cuba Became the Newest Hotbed for Tourists Craving Sex with Minors," Miami Herald, September 8, 2014, <https://www.miamiherald.com/latest-news/article1948284.html>.

51 In 2017, the United Nations Special Rapporteur on trafficking in persons, especially in women and children, Maria Grazia Giammarinaro, conducted an official visit to Cuba to assess the situation of human trafficking, especially women and children victims. She corroborated "that victims of trafficking in Cuba are women and girls who are, for the most subjected to trafficking for sexual exploitation by family members or close relations. Sometimes, these crimes are wrongly qualified as proxenetism or exploitation of prostitution/sex work." See OHCHR, "End of visit Statement by Maria Grazia Giammarinaro, Special Rapporteur on trafficking in persons, especially women and children, on her visit to Cuba (10-14 April 2017)," press release, April 20, 2017, <https://www.ohchr.org/en/press-releases/2017/04/end-visit-statement-maria-grazia-giammarinaro-special-rapporteur-trafficking?LangID=E&NewsID=21518>.

trafficking through pimps. They coerce sex workers into prostitution and exploit them in exchange for protection from the police or a place to live.⁵²



Sex trafficking of Cubans not only occurs in the island, but it also takes place within a broad geographic range. Traffickers exploit Cubans in sex trafficking schemes in Africa, Asia, the Caribbean, Europe, Latin America, and the U.S.⁵³ Traffickers recruit Cubans through promises of work in these regions, providing fraudulent contracts⁵⁴ and immigration documents for a fee, to later coerce them into prostitution to pay off smuggling debts.⁵⁵ Cuban illegal migrants en route to the U.S. via the Caribbean and South America also fall prey to sexual violence and sex trafficking during their journey to the U.S.⁵⁶

While Cuba did not report any foreign human trafficking victims in 2020 and 2021,⁵⁷ the United Nations and the Department of State have identified Cuba as a transit country for sex trafficked persons in the past. Foreign nationals from Africa and Asia in search of alternative routes to arrive in the U.S. are often coerced into sex trafficking in Cuba to pay off travel debts.⁵⁸

52 Kevin Deutsch, "American Tourist Dollars Boost Cuba's Sex Trade";

Marcelo Hernandez, "Cuba's 'Sexual Tourist' Is No Longer Prince Charming." *Translating Cuba*, April 3, 2019, <https://translatingcuba.com/cubas-sexual-tourist-is-no-longer-prince-charming/>;

Robert Cribb, Jennifer Quinn, Julian Sher, and Juan O. Tamayo. "How Cuba Became the Newest Hotbed for Tourists Craving Sex with Minors," *Miami Herald*, September 8, 2014, <https://www.miamiherald.com/latest-news/article1948284.html>.

53 U.S. Department of State. 2023 Trafficking in Persons Report: Cuba.

54 United Nations, "Global perspective Human stories. Cuba needs new laws and stronger action targeting human trafficking – UN rights expert," *United Nations News*, April 21, 2017, <https://news.un.org/en/story/2017/04/555762>.

55 U.S. Department of State, 2022 Trafficking in Persons Report: Cuba; Calvin Hughes and Andrea Torres, "Human Traffickers Force 8 Cuban Migrants into Prostitution, Police Say," *WPLG*, October 25, 2022, <https://www.local10.com/news/local/2022/10/25/human-traffickers-force-8-cuban-migrants-into-prostitution-police-say/>.

Furthermore, in 2023, three Cuban nationals were sentenced for sex trafficking in Texas, as reported by the U.S. Department of Justice in "Three Cuban Nationals Sentenced for Sex Trafficking and Related Crimes in Texas Strip Clubs," Office of Public Affairs, July 13, 2023, <https://www.justice.gov/opa/pr/three-cuban-nationals-sentenced-sex-trafficking-and-related-crimes-texas-strip-clubs>. Additionally, an operation by INTERPOL and Europol in 2023 led to 62 arrests related to the smuggling of Cubans into the European Union, highlighting the exploitation and risks faced by these migrants. See INTERPOL, "Disruption of Transnational Migrant Smuggling Network Leads to 62 Arrests," accessed January 23, 2024, <https://www.interpol.int/en/News-and-Events/News/2023/Disruption-of-transnational-migrant-smuggling-network-leads-to-62-arrests>.

The 2022 TIP Report also noted the vulnerability of Cuban women and children to sex trafficking in various countries, including Guyana and Angola, and reported on the recruitment of Cuban migrants through false employment offers in the Bahamas. See U.S. Department of State, 2022 Trafficking in Persons Report: Cuba.

56 OHCHR, "End of visit Statement by Maria Grazia Giammarinaro, Special Rapporteur on trafficking in persons, especially women and children, on her visit to Cuba (10-14 April 2017)". The TIP Report 2022 found that traffickers in Saint Martin have subjected Cuban migrants who transit en route to the U.S. and Canada to forced labor or sex trafficking. It also asserted that sex traffickers have targeted the increasing influx of Cuban migrants into Suriname. Cuban migrant women and girls are especially at risk for sex trafficking in brothels, massage parlors, hair salons, and illegal gold mining camps in rural Suriname. The TIP Report equally established that sex traffickers in Uruguay have exploited migrants, particularly from Cuba, in border cities. See U.S. Department of State. 2022 Trafficking in Persons Report: Cuba.

57 U.S. Department of State. 2022 Trafficking in Persons Report: Cuba; U.S. Department of State, Report to Congress on 2023 Trafficking in Persons Interim Assessment Pursuant to the Trafficking Victims Protection Act, Office to Monitor and Combat Trafficking in Persons (Washington, DC: 2023), <https://www.state.gov/reports/2023-trafficking-in-persons-report/cuba>.

58 OHCHR, "End of visit Statement by Maria Grazia Giammarinaro, Special Rapporteur on trafficking in persons, especially women and children, on her visit to Cuba (10-14 April 2017)"; U.S. Department of State. 2022 Trafficking in Persons Report: Cuba.

Sex Trafficking Laws in Cuba and Government Response

In 2022, the Cuban government approved a new penal code. Article 363.1 of Cuba's new penal code criminalizes sex trafficking.⁵⁹ It includes penalties from seven to 15 years' imprisonment for crimes involving an adult victim and 10 years to life imprisonment for those involving a minor.⁶⁰ Article 363.1 also incorporates



specific language highlighting a victim's "gender condition" as an aggravating factor that adds to a victim's vulnerability.⁶¹ However, Article 363.1 includes a requirement to prove force, fraud, or coercion in child sex trafficking offenses.⁶² This evidentiary requirement increases the burden of proof for prosecutors in sex trafficking cases involving minors, decreasing protections for those most vulnerable.

Notwithstanding changes in its criminal code, the latest TIP Report notes that Cuba did not make significant law enforcement efforts to combat sex trafficking.⁶³ The official data

Cuba published for the calendar year 2021 on human trafficking, prosecutions, and convictions shows that Cuba did not report investigating any trafficking cases in 2021.⁶⁴ It prosecuted 12 suspects for possible trafficking crimes in 2021, compared with 17 prosecutions in 2020 and 15 in 2019.⁶⁵ The number of convictions also decreased in 2021. Cuba reported convicting 10 sex traffickers in 2021, compared to convicting 17 sex trafficking cases and one labor trafficking case in 2020.⁶⁶

It is difficult to ascertain if this seemingly downward trend in sex trafficking prosecutions and convictions represents an actual decrease in sex trafficking or if it shows the inability of Cuban authorities to proactively identify victims and provide open-access data, the lack of interest by the regime, on account

59 Cuba, Ley 151/2022 "Código Penal", Gaceta Oficial No. 93 Ordinaria (1 de septiembre de 2022), Ministerio de Justicia, La Habana, CU, 2022, https://www.parlamentocubano.gob.cu/sites/default/files/documento/2022-09/goc-2022-o93_0.pdf.

60 Ibid.

61 Ibid.

62 Ibid.

63 U.S. Department of State. 2023 Trafficking in Persons Report: Cuba.

64 Ibid.

65 Ibid.

66 Ibid.

of this illegal industry providing an alternative source of foreign currency to the island.⁶⁷ Recurring press reports about sex tourism and sex trafficking cases in Cuba challenge the veracity of this downward trend.⁶⁸ Although the Cuban regime provided training for their police force and judicial personnel on investigating and prosecuting sex trafficking crimes, it has yet to implement formal procedures to identify sex trafficking victims and depends on victims to self-identify.⁶⁹ The lack of formal victim identification procedures is particularly salient among susceptible groups such as women, LGBTQI+ individuals, and sex workers.⁷⁰ In the case of sex workers, police may have detained unidentified sex trafficking victims for prostitution-related offenses and charged them with “social dangerousness,” as they are not actively screening for sex trafficking.⁷¹

Sex Trafficking and Authoritarianism in Cuba

The lack of significant law enforcement efforts to combat sex trafficking in Cuba can be attributed to the fact that the country is under the rule of a fully authoritarian regime. The Cuban regime persecutes independent organizations that engage in controversial topics such as human rights,⁷² and the apparent link between human rights and sex trafficking makes this topic taboo from the perspective of the regime.

Within this context, there are no NGOs or independent organizations in Cuba with the capacity and government authorization to gather, analyze, and report sex trafficking data. In fact, the Cuban regime’s anti-trafficking efforts report is the primary and sole official source about human trafficking data in Cuba.⁷³ Therefore, there is an absence of alternative and transparent, on-the-ground sources to provide sex trafficking statistics. This presents obstacles toward assessing the accuracy of the regime’s data and analyzing the latest trends in sex trafficking prosecutions and convictions in Cuba.

Notably, the Cuban regime has an incentive to minimize and/or under-report sex trafficking cases because an increase in numbers can impact its international image, particularly when it comes to the

67 During Ms. Giammarinaro’s official visit to Cuba in 2017, she noted that “although cases of trafficking in the country may appear to be limited, the number of criminal prosecutions and victims assisted is still too modest, and shows that a proactive approach to detection of the problem is needed,” United Nations News, Global perspective Human stories. Cuba needs new laws and stronger action targeting human trafficking – UN rights expert. New York, NY: UN headquarters, 2017. <https://news.un.org/en/story/2017/04/555762>

68 Miriam Wells, “Canadians among Most Common Sex Tourists in Cuba: Investigation” InsightCrime, April 24, 2023; Juan Tamayo, “Cuba’s Most Horrifying Episode of Child Sex Tourism Resulted in a Girl’s Death”; Robert Cribb, Jennifer Quinn, Julian Sher, and Juan O. Tamayo. “How Cuba Became the Newest Hotbed for Tourists Craving Sex with Minors”; The Gazette, “Quebec Man Sentenced 15 Years for Sexually Abusing Cuban Girl.” Montreal Gazette, May 27, 2022. <https://montrealgazette.com/news/local-news/quebec-man-sentenced-15-years-for-sexually-abusing-cuban-girl>; Ivette Leyva Martínez, “Red De Pedófilos Que Operó En Cuba Abusó de Bebés,” Café Fuerte, June 5, 2011, <https://www.cafefuerte.com/cuba/sociedad-cuba/red-de-pedofilos-que-opero-en-cuba-abuso-de-bebes/>; El Confidencial, “Cuba Condena a 7 Años al Periodista y Empresario Español Martínez Ferraté,” [elconfidencial.com](https://www.elconfidencial.com/sociedad/2011-08-10/cuba-condena-a-7-anos-al-periodista-y-empresario-espanol-martinez-ferrate_483241/), August 10, 2011, https://www.elconfidencial.com/sociedad/2011-08-10/cuba-condena-a-7-anos-al-periodista-y-empresario-espanol-martinez-ferrate_483241/; Ivette Leyva Martínez, “Fiscal: Hay Suficientes Pruebas Contra Red de Pederastas Españoles Que Operaba En Cuba”; Ivette Leyva Martínez, “Piden Penas de 30 Años Para Acusados En Caso de Niña Muerta En Bayamo”; Mauro Echeverría, “Prostitution in Cuba: A Way of Survival”.

69 U.S. Department of State. 2023 Trafficking in Persons Report: Cuba.

70 Ibid.

71 Prostitution is not a crime under Cuba’s penal code. However, there are other laws, including “social dangerousness,” that law enforcement generally uses against sex workers.

72 Global Initiative against Transnational Organized Crime. Global Organized Crime Index, Cuba Report.

73 U.S. Department of State. 2023 Trafficking in Persons Report: Cuba.

island's tourism industry. The projection of Cuba's poor human rights record⁷⁴ would negatively interfere with the country's tourism, which is a major source of revenue for the Cuban regime.⁷⁵ In 2021, Cuba's tourism industry added approximately eight billion dollars to the country's gross domestic product (GDP).⁷⁶ Grupo de Administración Empresarial S.A. (GAESA), a military-run business conglomerate in charge of Cuba's economy,⁷⁷ controls the tourism industry.⁷⁸

74 Cuba Report (New York, NY: Amnesty International USA, 2023), https://www.amnestyusa.org/countries/cuba/?gclid=Cj0KCQjw5mpBhDJARIsAOVjBdqO8gICpoPFy3RVm_2CV_R-45uvT8g_eIQSwPwW_AEQDJBUXoXM8saAtKmEALw_wcB; World Report 2023: Rights

Trends in Cuba (New York, NY: Human Rights Watch, 2023), https://www.hrw.org/world-report/2023/country-chapters/cuba?gclid=Cj0KCQjw5mpBhDJARIsAOVjBdqO8gICpoPFy3RVm_2CV_R-45uvT8g_eIQSwPwW_AEQDJBUXoXM8saAtKmEALw_wcB;

Natalia Saucedo, Cuba: 60 Years of Revolution, 60 Years of Oppression (New York, NY: Human Rights Foundation, 2020), https://hrf.org/cuba-60-years-of-revolution-60-years-of-oppression/?gclid=Cj0KCQjw5mpBhDJARIsAOVjBdrWCtZDCKqnv7NLBCDWaHANQWFW6RkVcPzaEX-WCt6z4l-rZvxnSxAaAqUmEALw_wcB;

Arturo McFields, "Cuba, Holding 1,000 Political Prisoners, Wants to Be on the UN Human Rights Council," The Hill, September 13, 2023, <https://thehill.com/opinion/international/4194132-cubas-holding-1000-political-prisoners-wants-to-be-on-the-un-human-rights-council/>

75 Federico Beltrán, "Datos Sobre El Turismo En Cuba, Preven Un Auge Sin Precedentes," CiberCuba, May 14, 2016, <https://www.cibercuba.com/noticias/2016-05-14-u146802-datos-sobre-el-turismo-en-cuba-preven-un-auge-sin-precedentes>.

76 Prior to the COVID-19 pandemic, in 2019, Cuba's tourism industry contributed over twelve billion dollars to the economy. See Ana M. López, "Total Contribution of Travel and Tourism to Gross Domestic Product in Cuba from 2019 to 2021," Statista, May 30, 2023, <https://www.statista.com/statistics/528443/direct-contribution-travel-tourism-gdp-cuba/#:~:text=In%202021%2C%20the%20Cuban%20travel,after%20the%20COVID%2D19%20impact>.

Furthermore, the regime's efforts to bring back tourism after the Covid-19 pandemic, including rushed efforts to reopen Cuba's borders as early as 2021, further highlights the importance of Cuba's tourism industry for the economic survival of the regime. See Nora Gámez Torres, "Cuba Will Reopen Its Borders in November, Hoping Its Vaccines Will Keep COVID Cases Down," Miami Herald, 2021, <https://www.miamiherald.com/news/nation-world/world/americas/cuba/article254046868.html>; Barbara Gutierrez, "Cuba to Reopen Its Borders to Tourists," University of Miami News and Events, December 13, 2023, <https://news.miami.edu/stories/2021/11/cuba-to-reopen-its-borders-to-tourists.html>; Carrie Kahn, "Cuba Hopes If It Builds New Hotels, Tourists Will Come, after a Long Covid Shutdown," NPR, May 24, 2022, <https://www.npr.org/2022/05/22/1100587966/tourists-are-returning-to-cuba-but-is-it-enough-for-the-islands-economy>; Hank Tester, "Cuba Aims to Improve Tourism Industry after Pandemic Travel Slow Down," CBS News, July 28, 2023, <https://www.cbsnews.com/miami/news/tourists-returning-in-droves-to-visit-cuba-after-pandemic-travel-slow-down/>

77 U.S. Department of the Treasury, "Treasury Identifies Cuban State-Owned Businesses for Sanctions Evasion," press release, December 21, 2020, <https://home.treasury.gov/news/press-releases/sm1217>;

U.S. Department of State, "List of Restricted Entities and Subentities Associated with Cuba Effective January 8, 2021 - United States Department of State," Bureau of Economic and Business Affairs, January 8, 2021,

<https://www.state.gov/cuba-restricted-list/list-of-restricted-entities-and-subentities-associated-with-cuba-effective-january-8-2021/>.

78 One of GAESA's best-known companies is Grupo de Turismo Gaviota S.A. (Gaviota), which operates Cuba's state-owned hotel chains, including 105 hotels and 35,497 rooms, in majority partnership with international hotel corporations such as Meliá Hotels International, S.A., Iberostar Group, Kempinski Hotels S.A., and Axel Hotels. Gaviota also runs tourism companies such as Transgaviota (car rental and transportation services), Gaviota Tours (travel agency services), Marinas Gaviota (watersports and boat rental services), and AT Comercial (supply and logistics services). See Gaviota, "Nostros," accessed January 30, 2024, <https://www.gaviota-grupo.com/about-us?section=nosotros>.

Additionally, GAESA owns Corporación CIMEX S.A. (CIMEX), one of Cuba's largest commercial corporations with over 80 subsidiaries. CIMEX operates Havanatur (a noted travel agency with a monopoly on travel from the U.S.) and Havanauto (Cuba's largest rental car agency and taxi service provider). CIMEX manages other businesses associated with tourism in Cuba, namely retail outlets, gas stations, fast food eateries, and full-service restaurant. See EcuRed, "Corporación Cimex," accessed online January 30, 2024, https://www.ecured.cu/Corporaci%C3%B3n_CIMEX; "Factbox: Cimex, Cuba's Largest Commercial Corporation," Reuters, September 27, 2010, <https://www.reuters.com/article/us-cuba-corporation-factbox/factbox-cimex-cubas-largest-commercial-corporation-idUSTR68Q55320100927>.

Through CIMEX, GAESA also controls Financiera Cimex S.A. (FINCIMEX), a financial investment and remittance company involved in financing trade operations and processing Visa and Mastercard transactions in Cuba. Please note that tourists are the primary users of Visa and Mastercard in Cuba. Ordinary Cubans do not have access to credit cards. Cuba accepts Visa and Mastercard credit cards, if they have not been issued by U.S. banks. Electronic payments have become increasingly common in Cuba, so tourists can use non-U.S. credit cards in state-run hotels, restaurants, airports, travel agencies, banks, and ATMs. In 2020, the U.S. Department of the Treasury's Office of Foreign Assets Control placed FINCIMEX on the List of Specially Designated Nationals and Blocked Persons. See U.S. Department of the Treasury, "Treasury Identifies Cuban State-Owned Businesses for Sanctions Evasion," press release, December 21, 2020, <https://home.treasury.gov/news/press-releases/sm1217>; Banco Central de Cuba, "FINCIMEX, S.A.," accessed 30 January, 2024, <https://www.bc.gob.cu/institucion/nobancaria/18>; Nora Gamez Torres, "High on Cuba Policy Proposal: Restricting U.S. Business Deals with Cuba's Military Run Entities," Miami Herald, June 12, 2017, <https://www.miamiherald.com/news/nation-world/world/americas/cuba/article155772469.html>.

Due to its links with Cuba's military,⁷⁹ the U.S. Department of the Treasury's Office of Foreign Assets Control has placed GAESA on the Specially Designated Nationals And Blocked Persons list.⁸⁰ GAESA is also listed on the U.S. Department of State's List of Restricted Entities and Subentities Associated with Cuba.⁸¹

Given the importance of tourism revenue for the survival of the regime, especially its military elite, Cuba has an incentive to minimize incidents that discredit this sector. The repeated appearance of sex crimes, especially sex trafficking,⁸² harms Cuba's reputation as a tropical paradise, decreasing tourist numbers and disincentivizing foreign investment. It also highlights weaknesses in Cuba's communist social system. The sum of these monetary and reputational incentives likely accounts for the regime's resistance to divulge sex trafficking issues in Cuba.

Support and protection for sex trafficking victims is another indicator where Cuba has made insufficient efforts to combat sex trafficking. The latest TIP Report notes that in 2021 the Cuban regime provided medical care, school reintegration assistance, and financial support to 10 sex trafficking victims.⁸³ Yet, the regime did not operate shelters for sex trafficking victims or provided targeted aid for vulnerable

79 General Luis Alberto Rodríguez López-Calleja, Raul Castro's former son-in-law, directed GAESA until his death in 2022. See "Cuba: Fallece Presidente Del Conglomerado Económico GAESA – DW – 02/07/2022," dw.com, July 2, 2022, <https://www.dw.com/es/cuba-fallece-presidente-del-conglomerado-econ%C3%B3mico-gaesa/a-6233580>; Marc Frank, "Cuban Military's Tentacles Reach Deep into Economy," Reuters, June 15, 2017, <https://www.reuters.com/article/us-usa-cuba-military-idUSKBN1962VK>.

In 2020, the U.S. Department of the Treasury's Office of Foreign Assets Control added General Luis Alberto Rodríguez López-Calleja to the list of Specially Designated Nationals and Blocked Persons. See U.S. Embassy in Cuba, "Addition to the Specially Designated Nationals and Blocked Persons List," press release, September 30, 2020, <https://cu.usembassy.gov/addition-to-the-specially-designated-nationals-and-blocked-persons-list>.

First Colonel Ania Guillermina Lastres Morera, another member of Cuba's military, replaced General Luis Alberto Rodríguez López-Calleja as head of GAESA. See Camila Acosta, "Ania Guillermina Lastres Morera, La Primer Coronel Del Ejército Cubano, Nombrada Presidenta Interina de Gaesa," Diario ABC, July 8, 2022, <https://www.abc.es/internacional/ania-guillermina-lastres-morera-primer-coronel-ejercito-20220707204014-nt.html>. "Gaesa Tiene Ahora Jefa: Ania Lastres Morera, En La Lista Oficial de Candidatos a Diputados Cubanos." Diario De Cuba, February 9, 2023. https://diariodecuba.com/cuba/1675940102_45116.html.

Please note the Cuban military is one of the most influential institutions in Cuba. It comprises the Ministry of the Revolutionary Armed Forces (MINFAR) and the Ministry of the Interior (MININT), which are directly subordinated to Cuba's President and Commander in Chief. Next in line of command is the Minister of the Armed Forces, who holds the second highest position in the Cuban government and the Communist Party. Many members of the Communist Party's Central Committee, the decision-making body of the Party, hold active or honorary military rank. See Partido Comunista de Cuba, "Nuevo Buró Político, Secretariado y Miembros Del Comité Central Del Partido Comunista de Cuba," Presidencia de Cuba, April 19, 2021, <https://www.presidencia.gob.cu/es/noticias/nuevo-buro-politico-secretariado-y-miembros-del-comite-central-del-partido-comunista-de-cuba/>; The Cuban Military Establishment, Central Intelligence Agency, March 23, 1979, <https://www.cia.gov/readingroom/docs/CIA-RDP-80T00942A000900030001-2.pdf>.

Brian Latell, "Cuban Military and Transition Dynamics," Cuba Transition Project, 2003, https://web.archive.org/web/20090326012540/http://ctp.iccas.miami.edu/Research_Studies/BLatell.pdf.

80 "U.S. Department of the Treasury, "Treasury Identifies Cuban State-Owned Businesses for Sanctions Evasion," press release, December 21, 2020. <https://home.treasury.gov/news/press-releases/sm1217>.

The Specially Designated Nationals And Blocked Persons list records individuals and companies controlled by countries that the U.S. Department of the Treasury has targeted with sanctions and has deemed to be involved in activities that threaten or undermine U.S. foreign policy or national security. See "What Is the SDN List?: FAQ," OFAC Lawyer, October 31, 2022, <https://ofaclawyer.net/faqs/sdn-list/>.

81 The List of Restricted Entities and Sub Entities Associated with Cuba includes organizations under the control (direct or indirect) of the Cuban military, intelligence, or security services and personnel "with which direct financial transactions would disproportionately benefit such services or personnel at the expense of the Cuban people or private enterprise in Cuba," U.S. Department of State, "List of Restricted Entities and Subentities Associated with Cuba Effective January 8, 2021 - United States Department of State," Bureau of Economic and Business Affairs, January 8, 2021, <https://www.state.gov/cuba-restricted-list/list-of-restricted-entities-and-subentities-associated-with-cuba-effective-january-8-2021/>.

82 Miriam Wells, "Canadians among Most Common Sex Tourists in Cuba: Investigation,"; Juan Tamayo, "Cuba's Most Horrifying Episode of Child Sex Tourism Resulted in a Girl's Death,"; Robert Cribb, Jennifer Quinn, Julian Sher, and Juan O. Tamayo. "How Cuba Became the Newest Hotbed for Tourists Craving Sex with Minors"; The Gazette, "Quebec Man Sentenced 15 Years for Sexually Abusing Cuban Girl.,"; Ivette Leyva Martínez, "Red De Pedófilos Que Operó En Cuba Abusó de Bebés"; El Confidencial, "Cuba Condena a 7 Años al Periodista y Empresario Español Martínez Ferraté"; Ivette Leyva Martínez, "Fiscal: Hay Suficientes Pruebas Contra Red de Pederastas Españoles Que Operaba En Cuba"; Ivette Leyva Martínez, "Piden Penas de 30 Años Para Acusados En Caso de Niña Muerta En Bayamo"; Mauro Echeverría, "Prostitution in Cuba: A Way of Survival."

83 U.S. Department of State. 2023 Trafficking in Persons Report: Cuba.

groups, including LGBTQI+ victims.⁸⁴ Government-controlled organizations such as the Federation of Cuban Women (FMC) and the Committees for the Defense of the Revolution (CDRs) have the authority to refer sex trafficking victims to law enforcement and provide them with general support services.⁸⁵ However, access to services was largely unavailable for victims the regime found to be “subversive,”⁸⁶ a term that Cuban authorities generally use in reference to those who express their political dissent against the regime. Once more, the lack of independent civil society organizations precludes support and protection for sex trafficking victims who cannot access support services outside government organizations or government-controlled entities.

As in the case of support for sex trafficking victims, Cuba lacks mechanisms for victim protection. Even if law enforcement allowed sex trafficking victims younger than 16 to provide psychologist-led videotaped testimony for prosecution, they did not report using this method during the police reporting period.⁸⁷ Access to anonymous and secure legal counsel for victims of sex trafficking is equally impaired. For the second year in a row, the FMC did not report trafficking investigations or victim identification through its 24-hour legal assistance hotline.⁸⁸

84 Ibid.

85 Ibid.

86 Ibid.

87 Ibid.

88 Ibid.

Conclusion

The findings of this brief demonstrate that the Cuban regime has failed to make significant efforts and adopt structural reforms to fulfill its obligations under binding international law treaties against human trafficking and gender-based violence. Cuban women and girls are the principal victims of sex trafficking, as they are more likely to experience gender inequality and discrimination than men and boys, a pattern that cultural norms and institutional limitations have exacerbated. The Cuban regime has yet to effectively address these issues. Sex tourism, prostitution, and unsafe migration conditions are the most common sex-trafficking scenarios Cubans face. While Cuba's new penal code criminalizes sex trafficking, the government shows significant limitations and insufficient efforts to identify sex trafficking cases, prosecute traffickers, and support victims, especially victims whose opinions are critical of the regime. Ending sex trafficking in Cuba will require a comprehensive response that addresses all contributing factors, from cultural norms to the authoritarian nature of the regime.



Recommendations

HRF's analysis of relevant international law and Cuba's sex trafficking conditions suggests that the Cuban government should adopt the following recommendations to comply with its own human rights obligations prohibiting human trafficking:

- 1. Develop and implement formal policies for the identification and protection of sex trafficking victims, especially women, minors, and LGBTQI+ individuals;**
- 2. Screen individuals charged or detained for offenses related to sex work for possible sex trafficking indicators;**
- 3. Train workers in relevant sectors, including law enforcement personnel, medical professionals, educators, officers of the court, and tourism industry workers, to identify and report sex trafficking situations;**
- 4. Allow independent civil society organizations – and both domestic and international human rights organizations generally – to collect data about sex trafficking in Cuba and to provide support services to victims;**
- 5. Revise Article 363.1 of the penal code to remove the requirement to prove force, fraud, or coercion in child sex trafficking offenses; and**
- 6. Ensure that access to victim's assistance is not conditioned on a victim's political views about the Communist regime**

