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## **Around the World: U.S. Efforts to Combat Sex Trafficking of Minors in Cuba**

*By Laura Smith*

In 2013, with the release of the annual Trafficking in Persons (“TIP”) Report, U.S. Secretary of State John Kerry spoke out against sex trafficking, stating that, “[w]hen we bring victims out of exploitation, we are helping to create more stable and productive communities.” The TIP Report was created alongside the enactment of the Trafficking Victims Protection Act (“TVPA”).

In 2000, the U.S. Congress passed the TVPA to fight human trafficking both at home and abroad. The TVPA promotes a policy of Prosecution, Protection and Prevention. To aid the government in doing so, the U.S. Department of State (“State Department”) created an annual TIP Report, which studies the government response to human trafficking in approximately 150 countries.

In compiling data, the State Department evaluates the efforts of the specific country to combat human trafficking, and the annual reports classify each country into one of three categories. Tier 1 is designated for countries that meet the minimum standards of the TVPA. Tier 2 is designated for those countries with substantial trafficking problems. Finally, Tier 3 is designated for those countries that do not meet the minimum standards of the TVPA and are not making efforts to combat human trafficking. Tier 3 countries could be subject to non-humanitarian and non-trade sanctions. As of 2008, any country that has been ranked as Tier 2 for two consecutive years and that would be ranked as Tier 2 for the next year is instead downgraded to Tier 3. The downgrade can only be waived if the government demonstrates a written plan that makes a significant effort to comply with the TVPA’s minimum standards for the next year. For 2013, President Obama granted partial waivers from the aid prohibitions for all Tier 3 countries.

### **Where Cuba Stands on the U.S. Watch List**

Cuba has a severe human trafficking problem that it fails to address. It is currently a Tier 3 country and has held that designation every year since 2007. As a result, Cuba has been sanctioned by the United States for its failure to make significant efforts to stop human trafficking.

According to the 2013 TIP Report, though Cuba has shelters for victims of domestic violence and child abuse, the government has not verified whether the centers also serve trafficking victims. The Cuban government has not produced data regarding prosecutions on sex trafficking, victim protection, or prevention. Due to their refusal to do so, it is presumed that the government has not made significant efforts to address sex trafficking. Many sources suggest that the Cuban government turns a blind to the sex tourism and human trafficking that takes place.

Despite being unresponsive with regard to trafficking data, the Cuban government has maintained that child trafficking and exploitation does not exist in its country. This is partially because it does not believe human trafficking is as severe of a crime as the United States perceives, and it sees the TIP Report as an attempt by the United States to control its domestic policy due to long-standing historical conflicts between the two countries (particularly with regard to a decades-old embargo). In addition, the Cuban

government condemns the United States as having one of the worst human trafficking problems in the world, implying that the United States is hypocritical for reproving other countries. However, the United States has not hidden from its own problems with trafficking. Instead, governmental efforts are made to protect victims, to prevent the illegal acts, and to punish those found guilty of participating. Cuba, on the other hand, is a known hotspot for human trafficking.

According to the 2014 TIP Report, youths from ages thirteen to twenty are most vulnerable to human trafficking in Cuba. Some reports indicate that some Cubans participate in work missions in which they are trafficked abroad to engage in sex trafficking and that the Cuban authorities coerce individuals by withholding their passports and restricting their movements. The Cuban government denies any allegations of forced work missions abroad. The Cuban government has stated its intention to amend the criminal code to conform with the 2000 United Nations TIP Protocol, which it only acceded to July 2013. The Minister of Justice recently brought public attention to the issue of trafficking. Additionally, the government reported that the Ministries of Tourism and Education received training on trafficking. However, there are no reports of an anti-trafficking taskforce in place.

In an effort to provide guidance, the State Department has strongly recommended that Cuba prohibit sex trafficking for all individuals under eighteen years old. The State Department has also recommended that the Cuban government provide access to victim protection and assistance, take measures to protect those individuals forced into sex trafficking, and publicize measures to address human trafficking.

Despite Cuba's resistance to the TIP Report and U.S. involvement in combating human trafficking, the threat of sanctions has actually improved the state of trafficking in certain countries. Some countries have reported increased training programs, conferences, and workshops to combat trafficking, though the U.S. government prefers "concrete actions," which include enacting new TIP laws, expanding victim assistance programs, and cracking down on penalties and punishments for those caught participating in child sex trafficking.

### **Sex Trafficking of Minors in Cuba**

Children in Cuba are trafficked as young as twelve. Some children are forced into sex trafficking by their families in exchange for money and food. Many families that force their children into prostitution think it will help them get ahead, such as marrying off their young children to wealthy foreigners.

Cuba is a popular spot for sex tourism, with foreigners buying a night with boys or girls for as little as thirty U.S. dollars. Some individuals are under the impression that if they have intercourse with a virgin, they will increase their chances for success in business, and others believe that engaging with children will present less of a chance of contracting a venereal disease or even cure them of one. Children are trafficked from different provinces, regions, and countries and are sold in the sex trade. Russians tend to travel to Cuba (Havana in particular) on ships, and Cuban sex workers wait outside restaurants and establishments, offering their services.

Many of the establishments that traffic children between twelve and eighteen years old for exchange are located on Obispo in Havana. Reports from Cubans are that

they do not often see police in the areas where the sex workers are despite popular knowledge that it is where the most activity takes place.

### **Cuban Trafficking of Minors Laws**

While the 2000 United Nations TIP Protocol defines a minor as an individual under the age of eighteen, Cuban law defines a minor as under the age of sixteen. The sex trafficking of children over the age of sixteen is legal in Cuba, which means that those over sixteen are defenseless against sexual exploitation. Cuba's current laws include prohibiting some forms of sex and labor trafficking. Article 302 prohibits the inducement or prohibition of prostitution, with a penalty of up to twenty years in prison. If the crime is committed across international borders, the penalty could be up to thirty years. Article 316 bans trafficking in minors and carries penalties of up to fifteen years in prison.

### **Cuban Government View on Sex Trafficking of Minors**

The Cuban government does not acknowledge human trafficking as a threat to the country, and it did not ratify the 2000 United Nations treaty, "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Conventions Against Transnational Organized Crime" until recently.

In 1992, Fidel Castro made comments that illustrated his non-concern regarding the presence of prostitution in Cuba, stating.

[that Cuban women are not] forced to sell themselves to a man, to a foreigner, to a tourist. Those who do so do . . . without any need for it. We can say that they are highly educated hookers and quite healthy, because we are the country with the lowest numbers of AIDS cases . . . therefore, there is no truly no prostitution healthier than Cuba's.

These statements only advance the interpretation that the Cuban government does not view sex trafficking as a threat to the well being of its people. It even demonstrates a distorted pride in the "quality" of sex work in Cuba.

Police raids have occurred in Old Havana, one of Cuba's hot spots for trafficking, as a small way to combat sex trafficking. As a result, teenage sex workers were forced to leave Old Havana, where foreign sex tourism was taking place. Prosecutions in sex trafficking did increase in 2012 within Latin America, though it is unclear how much of that was from Cuba.

### **Defense of Cuba**

The international organization UNICEF has actually commended Cuba on its efforts to protect children, mentioning their promotion of children's rights. Other critics suggest that the United States is targeting Cuba for its failings while refusing to recognize its efforts to protect children and women. Still others claim that Cuba is included on the Tier 3 List for purely political motivations and only to justify the embargoes against Cuba.

### What's Next?

While the United States recognizes downfalls in its annual report, it does shed some light on an important matter. The hope is that by highlighting the countries that lack the legislation and protocol to fight sex trafficking, they will tighten their policies.

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