

CUBA (Tier 3)

Cuba is a source country for adults and children subjected to sex trafficking and forced labor. Child prostitution and child sex tourism reportedly occur within Cuba. Cuban citizens have been forced into prostitution outside of Cuba. There have been allegations of coerced labor, particularly with Cuban work missions abroad. Some Cubans working abroad have stated that postings are voluntary and well paid; however, others have claimed that Cuban authorities have withheld their passports and restricted their movements. The scope of trafficking involving Cuban citizens is particularly difficult to gauge because of the closed nature of the government and sparse non-governmental or independent reporting.

The Government of Cuba does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government did not respond to requests for data on prosecutions of sex trafficking and forced labor or on trafficking-specific victim protection and prevention efforts that occurred during the reporting period. Governments that do not provide such data, consistent with the capacity of governments to obtain such data, are presumed by the Trafficking Victims Protection Act not to have made significant efforts to address human trafficking. The Government of Cuba has taken steps to share information about its general approach to protection for children and youth, and showed willingness to cooperate with another government on a child sex tourism investigation during the reporting period.

Recommendations for Cuba: Prohibit sex trafficking of all persons under the age of 18; in partnership with trafficking victim specialists, ensure adults and children have access to specialized trafficking victim protection and assistance; take measures to ensure identified sex and labor trafficking victims are not punished for unlawful acts committed as a direct result of being subjected to sex trafficking or forced labor; recognize that human trafficking occurs in Cuba and publicize measures to address human trafficking, specifically forced labor and sex trafficking prosecution data, trafficking victim protection efforts, and trafficking prevention measures; ensure that coercion and other indicators of forced labor are not present in Cuban work-abroad missions; and accede to the 2000 UN TIP Protocol.

Prosecution

The Government of Cuba did not report on its efforts to prosecute trafficking offenses that occurred during the reporting period. The government maintained that unlike other countries, sex trafficking of children or other forms of child exploitation does not exist in Cuba. Cuba appears to prohibit most forms of human trafficking through various provisions of its penal code; however, the use of these provisions could not be verified, and prostitution of children age 16 and older is not prohibited, leaving those children particularly vulnerable to sex trafficking. The government did not share official data for the reporting period relating to Cuban investigations, prosecutions, and convictions of trafficking offenders, including any officials complicit in human trafficking. The government provided information on general legal protections for children and adolescents in Cuba but did not report any information about current efforts to address human

trafficking within Cuba. The government did not report any specific anti-trafficking training provided to officials in 2012.

Protection

The government did not publicize official data on protection of trafficking victims during the reporting period. The government did not report any trafficking victim identifications or procedures in place to guide officials in proactively identifying trafficking victims among vulnerable groups—such as persons in prostitution—and referring them to available services. Reportedly, the government operated three well-regarded facilities for the treatment of children who have been sexually and physically abused. In addition, the government operated a nationwide network of shelters for victims of domestic violence or child abuse, but the government did not verify if trafficking victims received treatment in these centers. The government provided no evidence that it encouraged trafficking victims to assist in the investigation and prosecution of trafficking offenders. The government did not report on the existence of any policies to ensure that identified trafficking victims were not punished for crimes committed as a direct result of being subjected to human trafficking.

Prevention

The government did not report any specific anti-trafficking prevention efforts that occurred during the reporting period. The government was not known to have implemented any public awareness campaigns to prevent forced labor or forced prostitution, though the government reported that the prevention of human trafficking should be a priority for all countries. The government did not report the existence of an anti-trafficking taskforce, anti-trafficking action plan, or monitoring mechanism. Transparency was lacking in the government's trafficking-related policies and activities; it did not report publicly on its efforts. The government reported that sex tourism in Cuba is forbidden and the Ministry of Tourism's security and protection division has taken measures to combat child sex tourism, but did not report on the specifics of these measures. The government showed willingness to cooperate with another government on a child sex tourism investigation during the reporting period. Cuba is not a party to the 2000 UN TIP Protocol.

CURACAO (Tier 2)*

Curacao is a source, transit, and destination for women, children, and men who are subjected to sex trafficking and forced labor. There are indications that some of the hundreds of migrant women in Curacao's sex trade are victims of forced prostitution. It is unclear how the recruitment process works for Curacao's walled, legal brothel that offers "24/7 access to more than 120" foreign women in prostitution. Local authorities believe that migrant workers have also been subjected to forced domestic service and forced labor in construction, landscaping, and retail. Some migrants in restaurants and local businesses may be vulnerable to debt bondage. During the year, authorities reported Indian and Chinese nationals were vulnerable to forced

labor in the country. Foreign trafficking victims originate predominantly from Colombia, the Dominican Republic, Haiti, and Asia. Organizations in Venezuela have also reported assisting trafficking victims who were exploited in Curacao. During the year, the government identified Haitian children transiting Curacao without their parents *en route* to Suriname who were potential trafficking victims.

The Government of Curacao does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government significantly improved its anti-trafficking law enforcement response in 2012 by initiating the prosecution of a sex trafficking case and identifying and referring trafficking victims for care. Nevertheless, the lack of standard operating procedures on victim identification for all front-line responders, including immigration officers and health workers, hindered the government's ability to identify additional trafficking victims and increased the risk of victims' inadvertent arrest and deportation.

Recommendations for Curacao: Make a robust and transparent effort to identify and assist potential victims of sex trafficking and forced labor by implementing formal proactive victim protection measures to guide officials, including health workers, on how to identify victims and how to assist victims of forced labor and sex trafficking in the legal and illegal sex trade; empower local officials to conduct outreach in local migrant communities throughout the island to uncover potential trafficking victims; integrate outreach via a Spanish-speaking victim advocate trained in human trafficking indicators into routine health inspections at the legal brothel to ensure the rights of women in the brothel are protected, and coordinate with law enforcement if signs of trafficking arise; continue to consult with the Dutch government on how it proactively identifies victims of labor trafficking and sex trafficking; vigorously prosecute, convict, and sentence trafficking offenders, including any government officials complicit in human trafficking; and implement a multilingual public awareness campaign directed at potential victims, the general public, and potential clients of the sex trade.

Prosecution

The government improved its anti-trafficking law enforcement response during the reporting period by investigating and initiating prosecution of one sex trafficking case. Curacao prohibits all forms of trafficking in persons through the November 2011 Article 2:239 of its criminal code, which prescribe penalties ranging from nine to 24 years' imprisonment. These penalties are sufficiently stringent and are commensurate with those prescribed for other serious crimes, such as rape. In January 2013, the government reported it arrested four alleged trafficking offenders for subjecting foreign women to sex trafficking in a club; the government reported one of the alleged trafficking offenders was a police officer and confirmed that two of the four alleged offenders, including the police officer, were in jail pending trial. The government reported it also investigated a potential labor trafficking case involving Haitian children during the reporting period, but could not confirm whether trafficking elements were present. The government did not offer law enforcement training to identify trafficking victims and offenses.

Protection

The Government of Curacao improved its efforts to identify and protect trafficking victims during the reporting period. The government reported it identified seven sex trafficking victims during the last year, compared with zero victims identified in 2011. Authorities reported the referral of all seven victims for care and facilitated their safe repatriation. Media reports indicated that authorities identified the majority of the victims after an operation involving a raid of a nightclub and various sites of illegal prostitution. The government demonstrated notable improvement by treating the discovery of vulnerable foreign women in prostitution in bars as potential trafficking victims and referring them for care rather than detaining and deporting them. However, such gains in victim identification did not extend to Curacao's walled, legal brothel, where health officials charged with regulating this brothel did not employ measures to identify human trafficking victims or refer suspected victims for assistance. During the year, the media reported the death of a foreign woman in prostitution within the brothel compound; unconfirmed media reports indicated she was strangled. In addition, in August 2012, brothel management filed a report of a foreign woman missing from the compound; the ad placed in the local newspaper indicated the women would be deported upon discovery. The government did not report the initiation of trafficking investigations in response to either of these cases. The government did not grant temporary or longer-term residency status to any foreign victims of trafficking during the year. Furthermore, it did not report having a policy to protect identified victims from being punished for crimes committed as a direct result of being in a trafficking situation. The lack of standard operating procedures on victim identification for all front-line responders, including immigration officers, hindered the government's ability to identify trafficking victims and increased the risk of their inadvertent arrest and deportation.

Prevention

The government did not initiate any new trafficking awareness campaigns to educate the public or officials about trafficking in 2012. During the year, however, the government launched an official inquiry into the working conditions of Indian nationals on the island; as a result of their investigation, authorities identified this group as vulnerable to forced labor. The government did not have any awareness campaigns specifically targeting the demand for forced labor or potential clients of the sex trade in Curacao in an effort to reduce the demand for commercial sex acts. Curacao did not monitor and evaluate its anti-trafficking efforts. The government has not identified a problem of foreign child sex tourists in Curacao.