

“Get It Right This Time: A Victims-Centered Trafficking in Persons Report”

Hearing of the Subcommittee on Africa, Global Health,
Global Human Rights, and International Organizations
Committee on Foreign Affairs - U.S. House of Representatives
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<http://foreignaffairs.house.gov/hearing/subcommittee-hearing-get-it-right-time-victims-centered-trafficking-persons-report>

Thank you, Mr. Chairman and honorable members of the Subcommittee, for the opportunity to offer you this testimony.

Please allow me a few words about the grave situation of Baptist Pastor Mario Felix Leonart, husband and father of two children, arrested Sunday at noon a few hours before President Obama. He is quite ill and suspicious of a needle prick he received in the arm from a stranger some days ago, after which puzzling symptoms ensued. I have photos of the arrest and his arm. His wife is under house arrest. The pastor has refused to eat or drink since yesterday morning, as he does not feel safe in Cuba. I fear for him too, as several activists have died in the state-run medical facilities in questionable circumstances. I call on President Obama or Secretary Kerry to request his immediate release and that he be brought to the U.S. with his family for medical treatment, hopefully with our huge official delegation or before it leaves Cuba.

Now, on the topic of this hearing: I will speak about Cuba, based on considerable research over the last six years on human trafficking and exploitation.

Let me briefly address some key issues the Committee is considering:

1. What is Cuba’s track record, particularly in the last year, in fighting human trafficking?

I consider four main sources of human trafficking by Cuba: i.) Export services of temporary workers; and ii.) “State-sponsored or forced migration;” both from which Cuba derives its two largest sources of revenues; and iii.) Forced labor and sex trafficking; and iv.) Export sales of human and body parts.

Our State Department’s Trafficking in Persons Report addresses only two of these aspects for Cuba (i. and iii.) and, in my view, disappointingly.

Contrary to fighting human trafficking, the Cuban government is itself, likely, one of the largest and most profitable traffickers in the world. Its business has been growing enormously and exponentially over the last ten years.

What makes the Cuban case unique, as well as astounding, is that trafficking is a huge operation run through numerous state enterprises with, for the most part, accomplices, participants, sponsors, and promoters all over the world, including from well known corporations, large foundations, key international agencies, and some of the leading world democracies, including ours as of late.

i.) The export labor force is quite diversified and consists of generally highly qualified temporary workers —doctors and other health professionals, sports trainers, teachers, construction workers, entertainers, sailors, scientists, architects, engineers, etc. They can be dispatched overseas at short notice and are oftentimes sent as part of labor brigades. The greater part of their wages go to the Cuban government.

Many different services are sold through large state entities, including two large health conglomerates and 84 smaller state entities.

This is a huge and expanding business. The latest official data, for the year 2011, indicates that Cuba's export services net of tourism grew from US\$1.5 billion in 2003 to US\$7.8 billion in 2011.¹ Last year, reports from Cuban officials put the annual figure at around US\$8.2 billion.

It's impossible to tell, from conflicting official reports, how many Cuban workers are involved. Around 65,000, perhaps more, are said by Cuban officials to be serving in 91 countries; 75%, or close to 50,000, are in the health sector.

Cuba's business of exporting indentured workers, and its unique brand of "health diplomacy," are possible only in a totalitarian state in which a pool of guaranteed captive low-paid workers can be exploited as "exportable commodities."

Violations are too numerous to list here, but amply documented in my published work. In my mind, there is no doubt the practice constitutes a form of slavery and violates many international agreements to which Cuba and most countries where these workers serve are parties, including the Trafficking Protocols.

ii.) State-sponsored or forced migration.

State-sponsored or forced migration is not a usual form of human trafficking; it is taking place at a very large scale and results from direct and indirect practices of the Cuban state that force, push, and/or enable its desperate citizens to migrate in the tens of thousands each year. It alleviates political and economic pressure on the government and generates billions in revenues from assorted fees and assistance derived from the ever-growing diaspora, which just from the U.S. is estimated to be sending back over US\$5 billion a year.

I have anecdotal evidence of elaborate criminal schemes run covertly by operatives or agents of the regime that merit further investigation by the appropriate authorities.

¹ See Annex 2: "Table: Cuba's Export Services 2003-2011," Cuba Archive, 2016.

The mass migration has been greatly fueled in recent years by:

- 1.) A huge outflow starting in 2008 through Ecuador, a close ally of Cuba, whereby thousands have made and are making their way north by land into the U.S., where they are mostly automatically admitted;
- 2.) Changes to Cuba's migration law since 2013 permitting travel without an exit permit;
- 3.) Beginning in 2009, the Obama Administration's comprehensive relaxation of travel and remittance regulations under the embargo.

I estimate that in 2015 alone, at least 92,000 Cubans were admitted into the U.S., 43,159 by all points of entry without prior entry visas.² Since 2008 at least 325,000 Cubans have been come, with the trend rising exponentially. With those numbers, we can only imagine how the revenues will grow for the regime, more to repress.

iii. Forced labor, child labor, and sex trafficking.

The following are also taking place in Cuba:

- a. Prostitution of girls just 16 years old on the streets and in schools, with the participation of teachers and even the complicity of authorities, apparently maintained to increase Cuba's attraction as a tourism destination.
- b. Uncompensated labor of prisoners.
- c. Child labor, particularly in agricultural fields.

Because most Cuban workers, migrants, minors put to work, and prostitutes seemingly consent to the practice constituting trafficking, it's important to clarify that the Trafficking in Persons Protocol states: "*The consent of the victim to the intended exploitation is irrelevant once it is demonstrated that deception, coercion, force or other prohibited means have been used.*" In addition, the definition of "trafficking in persons" includes: "*the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person, for the purpose of exploitation.*"³

Finally:

- iv.) Cuba has been exporting at least since 1995 an average \$30 million a year in blood products in international markets, mostly, to countries that are close allies of Cuba; this is done without consent from volunteer or coerced donors tricked into believing their donations are for altruistic purposes. In the 1960s, Cuba drained the blood from prisoners awaiting

² U.S. Customs & Border Patrol (CBP) (FY to Sept. 30, 2015, figures provided by a journalist, but widely cited in the media).

³ The Trafficking in Persons Protocol, which went into force in 2003: (Art. 3, subpara (a.).

execution—including at least one American, Robert Fuller, in October 1960—and reportedly sold it to countries such as Vietnam.⁴

We have also published reports on the sale by Cuba to Brazil rising to around \$88 million in 2013 of human tissue, glands, and other body parts of unknown origin as well as on reported cases of suspected deaths or the plundering of bodies to harvest body parts, all suggestive of state sponsorship. We strongly encourage our government and that of other countries to investigate this.

The Committee also seeks to examine: 2) Are there glaring gaps in prosecuting traffickers, preventing trafficking, or protecting victims?

Because the main perpetrator of the trafficking is, in fact, the Cuban state—directly and indirectly—rather than “gaps,” I see a black hole into which the exploited fall systematically and hopelessly, with little international awareness or support.

In Cuba, there is no legal protection for victims or individual or collective rights outside of those allowed by the Communist party. What’s worse, that these victims serve a dictatorship all around the world in blatant violation of international law is an open, accepted, and, even encouraged, fact.

Few international mechanisms of protection and redress have been put in place. Some of the temporary workers find safe harbor in the countries where they serve and especially health professionals to the U.S. under the Cuban Medical Professional Parole program that since 2006 has welcomed 7,117 applicants through 2015.⁵ The program, which Cuba fiercely denounces, is under review as part of the “normalization” of our bilateral relations with Cuba. Meanwhile, we have started to support or cooperate with Cuba’s medical brigades in Haiti and, last year, in the West African countries fighting Ebola.

As we have seen above, it is hard to understand how any informed analysis of Cuban reality could lead to the conclusion that Cuba has improved its record of human trafficking.

My written testimony is much more extensive and includes substantive data. I respectfully request that it be taken into consideration and entered into the record.

See hearing and written testimony at: <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-get-it-right-time-victims-centered-trafficking-persons-report>

⁴ See “[Forcible blood extraction from political prisoners](#), section for Reports, www.CubaArchive.org.

⁵ US may end Medical Professional Parole Program, Jan. 8, 2006.

<http://cubajournal.co/us-may-end-cuban-medical-professional-parole-program/>
(Accessed 03/21/2016.)