Cuba

National Child Protection Legislation

National Legislation

- **Age of Child:** Under 16 years of age
  
  **Cuban Penal Code**
  
  **Art. 16**
  
  Criminal responsibility is required of the natural person from the age of 16 at the time of committing the punishable act.

- **Age of Consent:** 16 years of age
  
  **Cuban Penal Code**
  
  **Art. 305 - Statutory Rape**
  
  Whosoever has sexual intercourse with a single woman over 12 years of age and under 16, using abuse of authority or deception, shall be subject to a punishment of deprivation of freedom of from three months to one year.

- **Age of Marriage:** 18 years of age (with parental consent, boys -16 years and girls – 14 years)
  
  **Cuban Family Code**
  
  **Art. 3**
  
  The female and male over 18 years of age are authorized to formalize marriage. Consequently, minors under 18 years of age are not authorized to formalize the marriage.

  Notwithstanding the provisions of the preceding paragraph, exceptionally, and for justified reasons, minors under the age of 18 may be granted authorization to formalize the marriage, provided that the female is at least 14 years old and the Male 16 years old, also compliments.

  This exceptional authorization may be granted:
  1) The father and mother jointly, or one of them if the other has died or is deprived of parental authority;
  2) the adopter(s) when the child has been adopted;
  3) the guardian, if the minor is subject to guardianship;
  4) the maternal or paternal grandparents, indistinctly, in the absence of the previous ones, preferring those who live in the same domicile with the minor;
  5) only one of the authorized, when the other who must give it together with him is prevented from doing so;
6) the court, if for reasons contrary to the principles and rules of the socialist society, refuse to grant authorization to the persons empowered to do so. In case of denying the authorization of those who must grant it jointly with another, those interested in getting married or one of them or a brother or sister of legal age of any of them may urge the competent people's court to grant the required authorization. The court, in a verbal hearing, will hear the opinion of all the interested parties and the public prosecutor and, taking into account the social interest and that of the contracting parties, will decide what is appropriate without further recourse.

- **Age of Criminal Responsibility:** **16 years of age**
  
  **Cuban Penal Code**
  
  **Art. 16**
  
  Criminal responsibility is required of the natural person from the age of 16 at the time of committing the punishable act.

  **Art. 17**
  
  In the case of people over 16 years of age and under 18, the minimum and maximum limits of sanctions can be reduced by up to half, and with respect to those between 18 and 20, up to one third. In both cases, the purpose of re-educating the sanctioned person, training him in a profession or trade, and instilling respect for the legal order will predominate.

- **Extraterritoriality**
  
  **Cuban Penal Code**
  
  **Art. 4**
  
  1) Cuban criminal law is applicable to all crimes committed in the national territory or on-board Cuban ships or aircraft, wherever they are, except for the exceptions established by the treaties signed by the Republic.

   a) It is also applicable to crimes committed against the natural and living resources of the seabed and subsoil, in the waters immediately above the coasts outside the territorial sea to the extent established by law.

  2) Cuban criminal law is also applicable to crimes committed on board a foreign ship or aircraft that is in the Cuban territorial sea or air, whether committed by Cubans or foreigners, except for those committed by foreign members of the crew against each other, to not being, in the latter case, that the victim, the captain of the ship or the consul of the nation corresponding to the victim request assistance from the authorities of the Republic.

  3) Notwithstanding the provisions of the previous section, the foreign nation may claim knowledge of the process initiated by the competent Cuban bodies and the delivery of the accused, in accordance with what has been established in the treaties for this purpose.
4) A crime is considered committed in Cuban territory if the offender performs preparatory or execution acts there, even if the result has occurred abroad, or vice versa.

5) Issues arising from crimes committed in Cuban territory by diplomats or foreign citizens excluded from the jurisdiction of the courts of the Republic by international treaties, are resolved through diplomatic channels.

Art. 5
1) Cuban criminal law is applicable to Cubans and people without citizenship residing in Cuba who commit a crime abroad, if they are in Cuba or are extradited.
2) Cuban criminal law is applicable to Cubans who commit a crime abroad and are handed over to Cuba, to be tried by its courts, in compliance with treaties signed by the Republic.
3) Cuban criminal law is applicable to non-resident foreigners and people without citizenship in Cuba who commit a crime abroad, if they are in Cuba and are not extradited, whether they reside in the territory of the State in which the acts are perpetrated or in any other State and provided that the act is also punishable in the place of your commission. This last requirement is not enforceable if the act constitutes a crime against the fundamental, political or economic interests of the Republic, or against humanity, human dignity or collective health, or is prosecutable under international treaties.
4) The penalty or the part of it that the offender has completed abroad for the same crime, is credited to the one imposed by the Cuban court; but if, given the diversity of classes of both sanctions, this is not possible, the calculation is done in the way that the court considers most fair.
5) In the cases provided for in section 3 of this article, only proceed at the request of the Minister of Justice.

Art. 6
1) The Cuban citizen cannot be extradited to another State.
2) The extradition of foreigners is carried out in accordance with international treaties, or, in the absence of these, in accordance with Cuban law.
3) The extradition of foreigners persecuted for having fought imperialism, colonialism, neocolonialism, fascism or racism, or for having defended democratic principles or the rights of working people, is not appropriate.

- **Dual Criminality**
  - **Cuban Penal Code**

Art. 7 – Execution of Foreign Judgment
1) foreigners sanctioned to deprivation of liberty by Cuban courts may be handed over, in order to comply with the sanction, to the States of which they are citizens, in the cases and in the manner established in the treaties.
2) Correspondingly, Cuban citizens sanctioned to deprivation of liberty by foreign courts may be received to carry out the sanction in the national territory, in the
cases and in the manner established in the treaties. The court that, in Cuba, would have been competent to hear the event in the first instance, will be competent to issue the resolution determining the sanction to be met, which will be equated for all purposes to the first instance sentence.

**Mandatory reporting requirements**

*Cuban Penal Code*

**Art. 161**

1) Incurs a penalty of deprivation of liberty from three months to one year or a fine of one hundred to three hundred installments or both the one that:
   a) with knowledge that a crime has been or is being committed, stops reporting it to the authorities as soon as possible;
   b) with knowledge of the participation of a person in a criminal act, does not report it to the authorities in a timely manner.

2) The provisions of the previous section do not apply to persons who, according to the law, are not obliged to report.

**Art. 162**

1) The doctor who, when assisting a person or recognizing a corpse, notices or observes signs of external injuries due to violence or signs of intoxication, poisoning or if any crime has been committed and does not immediately report to the authorities, recording the corresponding data, incurs a penalty of deprivation of liberty from six months to two years or a fine of two hundred to five hundred quotas, provided that the act does not constitute a crime of greater entity.

**Statute of Limitations**

*Cuban Penal Code*

**Art. 64**

1) The criminal action prescribes for the course of the following terms, counted from the commission of the punishable act:
   a) Twenty-five years, when the law establishes a penalty of more than ten years of deprivation of liberty for the crime;
   b) fifteen years, when the law establishes a penalty of deprivation of liberty of six years and one day up to ten years;
   c) ten years, when the law establishes the crime a penalty of deprivation of liberty of two years and one day up to six years:
   d) five years, when the law establishes any other sanction of deprivation of liberty;
      a. three years, when the law specifies any other sanction.

2) In the case of crimes for which the law indicates more than one sanction, for the purposes of the calculation of the previous terms, the qualitatively more severe one will be applied, and within this the maximum limit that the crime has foreseen. the law.

3) The prescription is interrupted:

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a) as soon as the procedure begins against the guilty party;
b) by any act of the competent body of the State, aimed at prosecuting the author;
c) if the author, in the course of the prescription, commits a new crime.

4) After each interruption, the prescription begins to run again. In these cases, the criminal action also prescribes after twice the period indicated for its prescription.

5) The provisions on the prescription of criminal action are not applicable in cases where the law provides for the sanction of death and in crimes against humanity.

Art. 6
1. The sanctions imposed by final judgment prescribe and cannot be executed during the course of the following periods:
   a. thirty years, when the penalty imposed is death;
   b. twenty-five years, when the sanction imposed is greater than ten years of deprivation of liberty;
   c. twenty years, when the penalty imposed is six years and one day to ten years of deprivation of liberty;
   d. ten years, when the penalty imposed is six years or less of deprivation of liberty;
   e. five years, with respect to all the others.
2. If more than one sanction has been imposed, it will be the most severe for the purposes of computing the above terms.
3. The prescription is interrupted:
   a. during the time in which, by provision of the law, the execution of the sanction cannot be carried out;
   b. by any provision of the court, aimed at ensuring that the sanction is executed.
4. After each interruption, the prescription begins to run again. In these cases, the execution of the sanction also prescribes after double the term indicated for its prescription.
5. The provisions on the prescription of the sanction are not applicable with respect to crimes against humanity.

- **Obligations of Educational Institutions**
  
  **Cuban Constitution (1992)**
  
  **Art. 40**
  
  The state and society give special protection to children and young people.

  It is the duty of the family, the schools, the state agencies and the social and mass organizations to pay special attention to the integral development of children and young people.

- **Prohibition to hold certain positions**
  
  **Cuban Penal Code**
  
  **Art. 39 – Prohibition to Exercise a Profession, Position or Occupation**

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1. The punishment of prohibition to exercise a profession, position or occupation may be optionally applied by the court, whenever the agent commits the crime with abuse of his office, or by negligence when complying with his duties.

2. The term of this punishment is from one to five years, except otherwise stated in the Special Part, or whenever the imposed sanction is the deprivation of freedom superior to five years. In this latter case, the term of the incidental sanction of prohibition to exercise a certain profession, position or occupation may be extended until double as much as the term of the main sanction.

Art. 41 – Prohibition to Frequent Certain Sites or Places
1. The punishment of prohibition to frequent certain sites or places is imposed for the term of up to three years.

2. The court may apply this punishment whenever there are grounded reasons to assume the presence of the sanctioned individual in a certain place may influence him to commit new offenses.

3. The sentence is communicated to the Revolutionary National Police so that the behavior of the punished individual may be monitored and oriented during its performance, and any non-fulfillment of the sanctioned individual is reported to the court.

1. The teachers or individuals responsible for the education or youth management in any manner whatsoever, who are declared to be guilty of any of the offenses provided for under articles 298, 299, 300, 303, 304, 310, 311, 312, 313, 314, and 316 shall be subject to a punishment of an incidental sanction of permanent prohibition for the exercise of their profession or for the exercise of any other function of youth management.

2. The ascendants, tutors or guardians who commit the offenses provided for in articles 298, 299, 300, 302, 303 under sub paragraphs a) and b) 304, 310, 312 and 313 in part 2 against the individual of their respective descendants, boarder or minors upon their custody, shall be subject to a punishment of deprivation of parental child or guardian relationship, apart from the punishment mentioned in each case.

3. The culprit in the cases of rape, statutory rape or bigamy shall be furthermore subject to a punishment of recognizing the resulting offspring, should the offended require it.

4. Those found responsible for the offenses provided for in this Title may apply the accessory sanction prohibiting the exercise of a profession, position or office, even if the act does not involve abuse of office or negligence in the performance of duties and any that is the profession, position or office of the guilty party, provided that in some way has been related to the commission of the act.

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Employment Law

Cuban Labor Code

Art. 44
The suspension of the employment relationship occurs when due to legal provision, disciplinary measure imposed by a competent authority, or force majeure, the worker cannot perform the work for which he has been hired.

During the suspension of the employment relationship, some of the effects of the employment contract are temporarily interrupted, without the employment relationship between the parties disappearing.

The employment relationship resumes when the worker joins his work, by ceasing the cause that gave rise to his suspension, maintaining the working conditions prior to it.

The situations of suspension of the employment relationship are established in the Regulations of this Code.

Art. 49
The employment contract for an indefinite period ends at the initiative of the employer for the following reasons:

a) loss of proven suitability;

b) definitive relocation outside the entity of the available worker, or when the job proposal made is not accepted by the latter, unjustifiably, or upon expiration of the salary guarantee period without having been employed;

c) definitive relocation outside the entity of the worker whose partial disability is declared; non-acceptance of the partially disabled person of a job offer according to his/her capacity inside or outside the entity or does not approve the requalification, in both cases for unjustified reasons;

d) application of the measures of definitive separation of the entity or of the sector or activity, when appropriate, due to non-observance of the disciplinary norms established in the legislation and in the disciplinary regulations;

e) compliance with the term of the maternity leave or, where appropriate, of the social benefit or unpaid leave for maternity, in the terms and conditions established in the legislation, without the worker who enjoys it having been reinstated to the job;

f) penalty of deprivation of liberty by final sentence or security measure, in both cases when it exceeds six months, if so decided by the employer;

g) non-reincorporation at the expiration of the unpaid leave granted by the employer;

h) other causes provided for in the legislation.

Art. 147
The following are considered violations of work discipline:

a) infraction of the work schedule or abandonment of the job without the authorization of the immediate superior or waste of the day;
b) unjustified absence;
c) disobedience to the directives of superiors
d) lack of respect for superiors, co-workers or other people in the entity or when performing work;
e) abuse of work or word to superiors, co-workers or other people in the entity or on the occasion of the performance of work;
f) negligence in the performance of their work duties;
g) Violations of the provisions in force in the entity regarding the security and protection of official information, technical or commercial secrets, computer security and physical security and protection;
h) unjustified breach by the worker of the duties established by the legislation on safety and health at work;
i) damage and loss of the property of the entity or of third parties, during the performance of the work;
j) theft, diversion or appropriation of goods or values owned by the workplace or third parties;
k) commit in the entity or on the occasion of the performance of work, acts that may constitute crimes;
l) Modify the labor file or provide documents that lack authenticity to obtain labor or social security benefits through deception.

- **Criminal Law - Defamation**

  **Cuban Penal Code**

  **Art. 318**
  
  1. Whosoever, before third parties, attributes another individual a behavior, an act or a characteristic contrary to honor, which could damage his social reputation, harm his public opinion or expose him to lose the trust required for the performance of his office, profession or social role, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.
  
  2. The defendant shall not be subject to any punishment should he prove the imputations he performed or spread were genuine or that he had serious reasons to believe them, and that he acted, or believed with grounds that he acted in defense of a socially justifiable interest.
  
  3. Should the defendant have no other purpose than denigrating the victim, the evidence referred to in the preceding paragraph shall not be admitted.
  
  4. Should the defendant not prove the truthfulness of his imputations or withdraw them, or should the imputations be contrary to the truth, the court consigns it in this manner and the defendant is to give the victim the due proof of that act.
Art. 319. – Slander
1. Anyone who knowingly discloses false facts that discredit a person, incurs a penalty of deprivation of liberty from six months to two years or a fine of two hundred to five hundred installments.
2. If before the court the culprit recognizes the falsehood of his statements and retracts them, the sanction is deprivation of liberty from three months to one year or a fine of one hundred to three hundred quotas. The court must give the victim proof of the retraction.

Art. 320. – Slander
1. Whoever, on purpose, in writing or by word, by means of drawings, gestures or acts, offends another in his honor, incurs a penalty of deprivation of liberty from three months to one year or a fine of one hundred to three hundred quotas.
2. The court may not impose the penalty if the injury is due to provocative behavior of the victim, or if the victim reacted immediately with another injury or an attack on bodily integrity.

Art. 321. – Supplementary Provisions
1. The crimes of slander and insult are only prosecutable by virtue of the complaint of the offended party.
2. Defamation requires the complaint of the offended party. If the defamation or slander refers to a deceased or declared absent person, the right to denounce or establish the complaint corresponds to their closest relatives.

- **Private Fostering**

  **Cuban Family Code**

  **Art. 99 (Modified)**

  The adoption will be established in the interest of the best development and education of the minor and will create between the adopter and the adoptee a kinship bond equal to that between parents and children, from which the same rights and duties are derived as for the parent-child relationship. The subsidiary establishes this Code, extinguishing the legal parent-child and kinship ties that have existed between the adoptee and his parents and the blood relatives of the latter.

  **Art. 104 (Modified)**

  In any case, the adoption will be judicially authorized so that it has validity and legal effects, provided that the following extremes are justified:

  1. That the adopters meet the requirements set forth in articles 100, 101 and 102;
  2. that the adoptee is under 16 years of age and falls under any of the cases of Article 103; and
  3. that there are grounds to reasonably presume that all the requirements set forth in Article 99 are met.

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Art. 105 (Modified)
The judicial authorization to adopt will be obtained through the voluntary jurisdiction file, which must be promoted by the adopters, who will justify the extremes referred to in the previous Article.
In the case of minors fostered in homes for minors or in mixed day care centers, the directors of these centers will instruct the adoption file, where all the procedures will be carried out and the required requirements will be accredited, and once completed, it will be delivered to the promoter for its presentation to the corresponding court.

Once the file is completed, or received, within a term not exceeding five business days, the corresponding court will transfer it to the Prosecutor, who, within the following 10 business days, will return it to the court with his opinion.

The court may hear natural persons; to the official institutions and to the social and mass organizations that it deems pertinent, and will dictate, within the term of fifteen business days counted from the date of having received the file with its opinion from the Prosecutor, the judicial resolution that authorizes or not the adoption, stating the conditions under which it took place.

Sexual Offenses Against Children

Cuban Penal Code
Art. 298. – Violation (Amended)
1) Anyone who has carnal access with a woman, whether by normal means or against nature, is punished with deprivation of liberty from four to ten years, provided that any of the following circumstances concur:
2) use the culprit of force or intimidation sufficient to achieve his purpose;
3) The victim is in a state of mental derangement or transitory mental disorder, or deprived of reason or meaning for any reason, or unable to resist, or lacking the power to understand the scope of his action or to direct his conduct.
4) The sanction is deprivation of liberty from seven to fifteen years:
   a) if the act is carried out with the assistance of two or more people;
   b) if the culprit, to facilitate the execution of the act, appears wearing a military uniform or pretending to be a public official;
   c) if the victim is over twelve and under fourteen years of age.
5) The sanction is deprivation of liberty from fifteen to thirty years or death:
6) if the act is executed by a person who has previously been enforceable for the same crime;
7) if as a consequence of the fact, serious injuries or illness result;
8) if the culprit knows that he is a carrier of a sexually transmitted disease.
9) The same sanction as that provided for in the previous section is incurred by anyone who has carnal access with a minor under twelve years of age, even if the circumstances set forth in the preceding sections do not concur.
Art. 299 - Pederasty with Violence (Amended)
1. Anyone who commits acts of active pedophilia using violence or intimidation or taking advantage of the fact that the victim is deprived of reason or sense or incapable of resisting, is punished with deprivation of liberty from seven to fifteen years.
2. The sanction is deprivation of liberty from fifteen to thirty years or death:
   a) if the victim is a minor under 14 years of age even though the circumstances provided for in section 1 do not occur;
   b) if serious injuries or illness result as a consequence of the event;
   c) if the act is executed by a person who has previously been enforceable for the same crime.

Art. 300. - Lascivious Abuses (Amended)
1. Whoever, without the intention of carnal access, lasciviously abuses a person of either sex, concurring with any of the circumstances provided for in section 1 of article 298, incurs a penalty of deprivation of liberty of six months to two years or a fine of two hundred to five hundred installments.
2. If any of the circumstances referred to in section 2 of article 298 concur in the lascivious abuse, the sanction is deprivation of liberty for one to three years or a fine of three hundred to one thousand quotas.
3. If any of the circumstances referred to in paragraphs 3 and 4 of Article 298 concur in the lascivious abuse, the penalty is deprivation of liberty for two to five years.
4. If none of the circumstances referred to in paragraphs 1, 2, 3 and 4 of Article 298 concur in the lascivious abuse, the penalty is deprivation of liberty from three months to one year or a fine of one hundred to three hundred quotas.

Art. 301. (Amended)
1. The authority, official or public employee who proposes sexual relations to whoever is at his disposal as detained, detained or punished, or under his custody, or to the spouse, child, mother, father or brother of the person in that situation, or the spouse of the child or brother, incurs a penalty of deprivation of liberty for two to five years.
2. If the proposal of sexual relations is made to whoever has a civil lawsuit, cause or process, file or matter of any kind pending resolution, procedure, opinion or official report, in which the authority, official or employee must intervene by reason of his position, the penalty is deprivation of liberty from six months to two years or a fine of two hundred to five hundred installments.

Art. 302. - Pimping and Trafficking in Persons (Amended)
1. The person who:
   a) induces another, or in any way cooperates or encourages another to engage in prostitution or carnal commerce;
   b) directly or through third parties, owns, directs, manages, operates or finances, in whole or in part, a premises, establishment or dwelling, or part of them, in which prostitution or any other form of carnal commerce is practiced;
c) obtain, in any way, benefits from the exercise of prostitution by another person, provided that the act does not constitute a more serious crime.

2. The sanction is deprivation of liberty from ten to twenty years when in the facts referred to in the previous section, any of the following circumstances concur:
   a) If the accused, due to the functions he performs, participates in activities related, in any way, to the protection of public health, the maintenance of public order, education, tourism, youth management or the fight against prostitution or other forms of carnal commerce;
   b) if threat, blackmail, coercion or abuse of authority is used in the execution of the act, provided that the occurrence of any of these circumstances does not constitute a crime of greater gravity;
   c) if the victim of the crime is a disabled person who is for any reason in the care of the offender.

3. The sanction is from twenty to thirty years of deprivation of liberty in the following cases:
   a) when the act consists of promoting, organizing or inciting the entry or exit of the country of persons in order for them to engage in prostitution or any other form of carnal commerce;
   b) if the act is carried out by a person who has previously been enforceable for the crime provided for in this article;
   c) when the perpetrator of the events set forth in the preceding sections usually performs them.

4. In the cases of commission of the crimes provided for in this article, the confiscation of property may also be imposed as an accessory sanction.

5. Carnal commerce is considered, for the purposes of this article, any act of encouragement or exploitation of sexual relations as a lucrative activity.

Art. 303.- Sexual Abuse (Amended)
It is sanctioned with deprivation of liberty from three months to one year or a fine of one hundred to three hundred quotas for those who:
   a) harasses another with sexual requests;
   b) offends modesty or good manners with obscene displays or acts;
   c) produces or circulates publications, engravings, cinematographic or magnetic tapes, recordings, photographs or other objects that are obscene, tending to pervert or degrade customs.

Art. 304. - Incest
1. The ascendant who has sexual relations with the descendant, incurs a penalty of deprivation of liberty for two to five years. The sanction applicable to the descendant is from six months to two years of deprivation of liberty.
2. Siblings who have sexual relations with each other incur a penalty of deprivation of liberty from three months to one year, each.
3. The sanctions provided for in this article are imposed provided that the facts do not constitute a major crime.
Art. 305. - Rape
Anyone who has a sexual relationship with a single woman over 12 and under 16, using abuse of authority or deception, incurs a punishment of deprivation of liberty from three months to one year.

Art. 310. – Corruption of Minors (Amended)
1. Anyone who uses a person under 16 years of age, of either sex, in the exercise of prostitution or in the practice of corruption, pornographic, heterosexual or homosexual acts, or other acts of the dishonest conducts of those foreseen in this Code, incurs a sanction of deprivation of liberty of seven to fifteen years.

2. The sanction is deprivation of liberty from twenty to thirty years or death in the following cases:
   a) if the perpetrator uses violence or intimidation to achieve his / her purposes;
   b) if as a consequence of the acts referred to in the previous section, injury or illness is caused to the minor;
   c) if more than one minor is used to carry out the acts provided for in the previous section;
   d) if the act is carried out by whoever has the power, guard or care of the minor;
   e) If the victim is under twelve years of age or is in a state of mental derangement or transitory mental disorder, or deprived of reason or sense for any reason or incapable of resisting;
   f) when the act is executed by two or more people.

3. Anyone who induces a person under 16 years of age to attend a place where acts of corruption are practiced shall incur a penalty of deprivation of liberty for a period of three to eight years.

4. The mere proposition of the acts provided for in sections 1 and 3 is punishable by deprivation of liberty for two to five years.

5. In the cases of commission of the crimes provided for in this article, the confiscation of property may also be imposed as an accessory sanction.

Art. 311.- (Modified)
The person who:

a) with news that a minor subject to their authority, custody or care is engaged in the use or consumption of narcotic drugs, psychotropic substances or others with similar effects, or is engaged in prostitution, carnal trade or any of the acts provided in the previous article, he consents or does not prevent it or does not bring the fact to the attention of the authorities;

b) perform sexual acts in the presence of persons under 16 years of age;

c) offers, sells, supplies or provides to a person under 16 years of age, books, publications, stamps, photographs, films, videos or other objects of an obscene or pornographic nature.
Art. 312.
1. Whoever uses a person under 16 years of age in begging practices, incurs a penalty of deprivation of liberty of two to five years or a fine of five hundred to one thousand installments or both.
2. If the act provided for in the previous section is carried out by the person who has the power, guardianship or care of the minor, the sanction is deprivation of liberty for a period of three to eight years.

Art. 313. (Amended)
1. Anyone who induces a person under 16 years of age to participate in games of interest or habitually ingest alcoholic beverages, incurs a sanction of deprivation of liberty of two to five years or a fine of five hundred to one thousand installments or both.
2. If the induction is directed to the use or consumption of narcotic drugs, psychotropic substances or others with similar effects, the penalty is deprivation of liberty for five to twelve years.

Art. 314. (Amended)
Whoever, due to their negligence or carelessness, gives rise to a minor under their authority, guard or care, use or consume narcotic drugs or psychotropic substances or others with similar effects, or exercise prostitution, trade carnal, heterosexual or homosexual, or perform pornographic or corrupting acts, incurs a penalty of deprivation of liberty of two to five years or a fine of five hundred to one thousand quotas or both.

Art. 316. - Sale and Trafficking of Minors. (Amended)
1. Whoever sells or transfers a minor under sixteen years of age for adoption to another person, in exchange for a reward, financial compensation or of another type, incurs a penalty of deprivation of liberty of two to five years or a fine of three hundred to one thousand installments or both.
2. The sanction is from three to eight years of deprivation of liberty when any of the following circumstances occur in the events referred to in the previous section:
   a) if fraudulent acts are committed with the purpose of deceiving the authorities;
   b) if it is committed by the person or person in charge of the institution who has the minor under his / her custody and care;
   c) if the purpose is to transfer the minor outside the national territory.
3. The sanction is from seven to fifteen years of deprivation of liberty when the purpose is to use the minor in any of the forms of international trafficking, related to the practice of acts of corruption, pornography, the exercise of prostitution, the trade of organs, forced labor, activities related to drug trafficking or illicit drug use.
4. The sanctions provided for in this article are imposed provided that the facts do not constitute a major crime.

- Female Genital Mutilation (FGM)/ Female Genital Circumcision
  There is no known practice of FGM in Cuba and no legislation related to FGM was found.

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**Child/Early/Forced Marriage**

*Cuban Family Code*

**Art. 3**

Notwithstanding the provisions of the preceding paragraph, exceptionally, and for justified reasons, minors under the age of 18 may be granted authorization to formalize the marriage, provided that the female is at least 14 years old and the male 16 years old, also compliments. This exceptional authorization may be granted:

1) The father and mother jointly, or one of them if the other has died or is deprived of parental authority;
2) the adopter(s) when the child has been adopted;
3) the guardian, if the minor is subject to guardianship;
4) the maternal or paternal grandparents, indistinctly, in the absence of the previous ones, preferring those who live in the same domicile with the minor;
5) only one of the authorized, when the other who must give it together with him is prevented from doing so;
6) the court, if for reasons contrary to the principles and rules of the socialist society, refuse to grant authorization to the persons empowered to do so. In case of denying the authorization of those who must grant it jointly with another, those interested in getting married or one of them or a brother or sister of legal age of any of them may urge the competent people's court to grant the required authorization. The court, in a verbal hearing, will hear the opinion of all the interested parties and the public prosecutor and, taking into account the social interest and that of the contracting parties, will decide what is appropriate without further recourse.

*Cuban Penal Code*

**Art. 307.- Illegal Marriage**

Anyone who, despite the existence of a legal prohibition, formalizes a marriage, incurs a penalty of deprivation of liberty from three months to one year or a fine of one hundred to three hundred installments or both.