



Plenary sitting

B8-0532/2018

13.11.2018

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on human rights in Cuba
(2018/2926(RSP))

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on behalf of the ECR Group

**European Parliament resolution on human rights in Cuba
(2018/2926(RSP))**

The European Parliament,

- having regard to its previous resolutions on Cuba, in particular those of 17 November 2004 on Cuba, 2 February 2006 on the EU's policy towards the Cuban Government, 21 June 2007 on Cuba, and 11 March 2010 on prisoners of conscience in Cuba,
- having regard to the Political Dialogue and Cooperation Agreement (PDCA) between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part,
- having regard to its non-legislative resolution of 5 July 2017 on the Conclusion of the EU-Cuba Political Dialogue and Cooperation Agreement,
- having regard to the Universal Declaration of Human Rights of 1948 to which Cuba is a signatory,
- having regard to the International Covenant on Civil and Political Rights and other international human rights treaties and instruments,
- having regard to the EU Annual Report on Human Rights and Democracy in the World 2017,
- having regard to the fourth Human Rights Dialogue between EU and Cuba (9 October 2018),
- having regard to the reports provided by international human right organisations,
- having regard to the reports by Cuban civil society organisations,
- having regard to Rule 135 of its Rules of Procedure,

A. whereas despite recent political shifts, Cuba is still a one-party communist state that outlaws political pluralism and continues to restrict political rights and civil liberties by systematically repress dissent and public criticism;

B. whereas, according to independent international reports, human rights situation in the country remains difficult; whereas Cuban authorities restricts freedoms of the press, speech, association, assembly, religion and artistic freedoms;

C. whereas reports shows that since 2015 the number of politically motivated detentions decreased; whereas The Cuban Commission for Human Rights and National Reconciliation, a Cuban NGO not officially recognized by the state, recorded 5,155 arbitrary detentions in 2017; whereas in 2018, local agencies continued to document a downward trend with 263

detentions on average reported by the end of June;

D. whereas although the number of political prisoners has decreased, this does not translate in a more open government; whereas reports shows that currently the Cuban authorities has changed its strategy from long-term incarceration to a more systematic, short-term detention as a form of intimidation and harassment of dissidents, human rights defenders, independent journalist and others;

E. whereas the recent case of José Daniel Ferrer, the leader of the dissident Cuban Patriotic Union, who was freed from jail 12 days after being accused of attempted murder following a car crash, exemplifies Cuban authorities strategy;

F. whereas conditionally released prisoners are often subject to continuing harassment by the authorities; whereas authorities uses intimidation through government coordinated demonstration, which are usually carried out in front of their homes and often include verbal violence; whereas also other repressive tactics are used, including beatings, public shaming, travel restrictions, and termination of employment;

G. whereas Cuban Government denies access to prisons by independent human rights groups, which believe that additional political prisoners, whose cases they cannot document, remain locked up;

H. whereas Cubans who criticize the government continue to face the threat of criminal prosecution; whereas citizens do not benefit from due process guarantees, such as the right to fair and public hearings by a competent and impartial tribunal;

I. whereas far-reaching restrictions on the freedom of association continue to exist, as Cuban authorities prohibit extra-state apparatus memberships;

J. whereas Cuban Government still refuses to recognize human rights monitoring as a legitimate activity and denies legal status to local human rights groups; whereas authorities harass, assault, and imprison human rights defenders who attempt to document abuses;

K. whereas Cuban authorities continues to harass of members of the 2005 Sakharov Prize laureate dissident movement Ladies in White; whereas, at the end of August 2018, 23 of its members, including the leader of the opposition group, were temporary detained, after attending Sunday Mass in different churches;

L. whereas Cuba has a constitutionally limited freedom of expression; whereas laws on vaguely defined offenses such as “public disorder,” “contempt,” “disrespect for authority,” “pre-criminal dangerousness,” and “aggression” are used to prosecute the regime’s political opponents;

M. whereas Cuban news media are owned and controlled by the state; whereas the Government controls virtually all media outlets in Cuba and restricts access to outside information; whereas despite these obstacles, a small number of independent digital media outlets have emerged in recent years;

N. whereas a small number of journalists and bloggers who are independent of government

media frequently face threats as well as verbal and physical harassment;

O. whereas Decree 349, one of the first laws signed by Cuba's new President Miguel Díaz-Canel, is a serious threat to the right to freedom of artistic expression and creation; whereas it contains restrictions and punitive measures to be imposed on artists, filmmakers, musicians, performers, and writers who operate without authorization from the Cultural Ministry, as well as for proprietors that offer venue space to artists who seek to present their work without this permission;

P. whereas there are signs of more respect for freedom of religion in Cuba; whereas however at the same time the Cuban authorities are still very restrictive on the building or rebuilding of Christian churches; whereas the church has gradually emerged as the largest civil-society actor and the key non-state social provider in Cuba, but its activities remain under tight control of the authorities;

R. whereas Cuba has still not ratified the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights, both of which it signed in February 2008, nor the Rome Statute of the International Criminal Court;

S. whereas the human rights dialogue between the EU and Cuba, led by the EU Special Representative for Human Rights, was established in 2015;

T. whereas the provisional application of the EU-Cuba Agreement on Political Dialogue and Cooperation (PDCA) started on 1 November 2017, officially establishing a legal framework to formalise the political dialogue between the EU and Cuba, and reinforcing cooperation in a wide range of areas, including in the area of human rights;

1. expresses its deep concern over the ongoing human rights violation in Cuba, including the lack of political freedoms, freedom of assembly, media and press freedom, freedom of religion and conscience;

2. strongly condemns harassment, arbitrary arrests and intimidation of members of Ladies in White, other Cuban dissidents, human rights defenders and journalists; calls on Cuban Government to respect their rights to freedom of expression, to guarantee their rights to freely associate, and participate in public life;

3. calls for the immediate and unconditional release of all political prisoners and prisoners of conscience; underlines that imprisoning Cuban dissidents for their ideals and their peaceful political activity is contrary to the Universal Declaration of Human Rights;

4. strongly condemns the adoption of Decree 349, which undermines the right to artistic freedom in Cuba; calls on the Cuban authorities to take appropriate legislative measures to withdraw Decree 349 before its coming into force in December 2018; stresses that freedom of artistic expression is key for a viable and vibrant cultural sector that can create jobs, develop cultural industries and revitalise cultural heritage;

5. calls on the Cuban Government to stop imposing online censorship and blocking internet sites solely to limit political criticism and restrict access to information;

6. underlines the special need for reforming the criminal law and procedures by removing provisions inconsistent with international law and strengthening the independence of the Cuban judiciary system;
7. calls on the Cuban authorities to fulfil state's international commitments in the field of human rights by amending its legislation; urges to align its human rights policy with international standards and ratify the United Nations human rights conventions still pending, in particular the International Covenant for Civil and Political Rights and the International Covenant for Economic, Social, and Cultural Rights; calls on the Cuban Government to extend invitations to UN special rapporteurs to visit Cuba;
8. calls on the Cuban Government to allow churches to carry out their social care activities freely in the Cuban society; urges to fully guarantee freedom of religion and conscience;
9. stresses that with PDCA both parties recognise that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of life;
10. welcomes the last high-level discussion on human rights between EU and Republic of Cuba, held in 9 October 2018, in which the parties addressed the topic of citizens' participation in public affairs, including in the context of recent electoral processes, as well as freedom of association and expression;
11. deplors that the human rights dialogue between the EU and Cuba has not to date put an end to arbitrary politically motivated detentions in Cuba;
12. underlines that PDCA established a human right dialogue as a key pillar of our bilateral relationship; reiterates that the objectives of the EU's policy towards Cuba include the respect for human rights and fundamental freedoms; stresses that the success of this agreement depends on its implementation and compliance with it;
13. recalls that the PDCA includes a provision to suspend the agreement, if the provisions on human rights are violated;
14. calls on the Cuban authorities to make a significant progress in transition from communism regime, which violates fundamental human rights, toward free democratic state; calls the EU authorities to treat "the human rights clause" of PDCA as a *conditio sine qua non* of further relationship with Cuba;
15. instructs its President to forward this resolution to the Council, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States and the government and parliament of Cuba.