



Plenary sitting

B8-0541/2018

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 the human rights situation in Cuba
(2018/2926(RSP))

Ernest Urtasun

on behalf of the Verts/ALE Group

B8-0541/2018

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

The European Parliament,

- having regard to its previous resolutions on Cuba, in particular the ones of 17 November 2004 on Cuba, of 2 February 2006 on the EU’s policy towards the Cuban Government, of 21 June 2007 on Cuba, of 11 March 2010 on prisoners of conscience in Cuba, and of 5 July 2017 on the consent and accompanying resolution to the Political Dialogue and Cooperation Agreement (PDCA) between the EU and Cuba,
 - having regard to PDCA between the European Union and Cuba signed in December 2016 and provisionally applied since 1 November 2017,
 - having regard to the fourth EU-Cuba Human Rights Dialogue, which for the first time formally held under the EU-Cuba PDCA on 9 October 2018 in Havana,
 - having regard to the UN Human Rights Council Universal Periodic Review on Cuba in May 2018,
 - having regard to the Un Human Rights Council’s “Report of the Special Rapporteur on trafficking in persons, especially women and children on her mission to Cuba”, of 30 April 2018,
 - having regard to the Statement by the VPC/HR - EU’s perspectives for the first EU-Cuba Joint Council meeting made on 7 February 2018,
 - having regard to the press release of the European External Action Service on the EU and Cuban Human Rights Dialogue, 10 October 2018,
 - having regard to the EU Guidelines on Human Rights Defenders,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas the EU and Cuba started a new era of relations in December 2016 with the signature of the Political Dialogue and Cooperation Agreement, PDCA, the first ever agreement signed between the EU and Cuba, the only country in Latin America with which the EU had not signed any type of agreement; whereas the PDCA is being provisionally applied since 1 November 2017.
- B. whereas the PDCA defines general principles and objectives for the relationship between the EU and Cuba, including three main chapters on political dialogue, cooperation and sectoral policy dialogue, as well as trade and trade cooperation;

- C. whereas human rights feature in both the political dialogue and cooperation chapters; whereas with the PDCA both parties reaffirm their respect for universal human rights as set out in the Universal Declaration of Human Rights and other relevant international instruments on human rights; whereas with the PDCA both parties reaffirm their commitment to strengthen the role of the United Nations as well as to all the principles and purposes enshrined in the Charter of the United Nations; whereas pursuant to Article 21 of the Treaty on European Union, the external action of the Union should be guided by the principles of democracy, the rule of law, the universality and indivisibility of human rights – including civil, political, economic, social and cultural rights – and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and the respect for the principles of the UN Charter and international law; whereas in this sense compliance with human rights and the defense of democracy and the rule of law should be an essential aspiration of the PDCA;
- D. whereas the human rights dialogue between the EU and Cuba led by the EU Special Representative for Human Rights, was established in 2015 before the signature of the PDCA; whereas on 9 October 2018, the EU and Cuba held their fourth Human Rights Dialogue in Havana, the first formally held under the EU-Cuba Agreement on Political Dialogue and Cooperation (PDCA); whereas it was also the first among a total of five political dialogues, whose launch was agreed at the 15 May 2018 in the EU-Cuba Joint Council meeting;
- E. whereas the dialogue was preceded by a civil society seminar on 8 October, the first of its kind, where representatives of Cuban and European NGOs exchanged views in particular on the topics of gender equality and LGBTI issues;
- F. whereas the following issues were discussed at the Fourth Human Rights Dialogue: the importance of safeguarding the rights of the defense and the principles of due process, as laid down in the International Covenant on Civil and Political Rights; economic and social rights and the promotion and protection of cultural rights and the right to health; citizens participation in public affairs, as well as freedom of association and expression and closer EU Cuba cooperation in multilateral human rights fora;
- G. whereas the PDCA has led to an unprecedented level of institutionalization of the relations between the EU and Cuba on its first year of provisional application;
- H. whereas on three separate occasions Parliament has awarded the Sakharov Prize for Freedom of Thought to Cuban activists, Oswaldo Payá in 2002, the Ladies in White in 2005 and Guillermo Fariñas in 2010;
- I. whereas Cuba is a signatory to 11 of the 18 United Nations human rights conventions and has ratified eight of them; whereas Cuba has not ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic,

Social and Cultural rights; whereas Cuba has ratified all eight core conventions of the International Labor Organization (ILO);

J. whereas Cuba held its Universal Period Review at the Human Rights Council of United Nations in May 2018; whereas its previous UPR in May 2013, Cuba accepted 230 of the 292 recommendations made to it by other states; whereas the majority of the recommendations accepted by Cuba were related to economic, social and cultural rights, including the rights to health and education, and to the promotion of gender equality and the rights of LGBTI people;

1. Urges the Cuban Government to align its human rights policy with the international standards defined in the charters, declarations and international instruments to which Cuba is a signatory;

2. Calls to the Cuban government to allow independent civil society groups, human rights defenders and alternative trade unions to carry out their legitimate activities without hindrance; points out the need to establish a regime of simple notification for the registration of associations;

3. Calls on the government to allow international independent human rights monitors access to Cuba without hindrance and to extend invitations to the UN Special Rapporteurs on the promotion and protection of the right to freedom of peaceful assembly, of expression and on the situation of human rights defenders.

4. Notes the efforts made by Cuba to incorporate the United Nations' fundamental principles on human and labor rights into its national legislation, and urges Cuba to ratify the United Nations' human rights conventions which are still pending, more specifically the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

5. Urges the government of Cuba to abide by its obligations and commitments under international human rights law, including the UN Convention against Torture;

6. Urges the Cuban authorities to amend provisions of the Penal Code, such as those on "dangerousness", as they are overly broad and vague and hence allow for deprivation of liberty when no criminal offence has been committed or where they are applied to unduly restrict the peaceful exercise of human rights; underlines that the existence of detentions and harassment of political opponents is incompatible with the rule of law and freedom of expression;

7. Expresses its concern about law 349, as it means censorship for independent artists and critical voices and represents an attack on freedom of expression;

8. Recalls to the Cuban government the need to establish a national human rights institution

in accordance with the Paris Principles, to strengthen the right to a fair trial and guarantee the independence of the judiciary and to ensure that persons deprived of their liberty have access to an independent lawyer;

9. Calls on the Cuban authorities to abolish the death penalty for all crimes; calls on a moratorium until this legal change is formally adopted; calls for a review of all death sentences to ensure that these trials adhered to international standards and that not a single execution happens any more in the future;

10. Points out the need to end censorship of the internet and other limitations on the right to access to information, and guarantee the freedom of expression;

11. Calls on the EEAS and the Commission to support in an active manner civil society groups and individuals defending human rights in Cuba, including through arranging prison visits, trial monitoring and public statements; urges the EU Delegation in La Havana to provide all appropriate support to Cubans including prison visits, trial monitoring and the provision of legal or any other form of assistance that he might require; calls on VP/HR to report to the European Parliament on the actions undertaken so far by the EU Delegation;

12. Instructs its President to forward this resolution to the Government and National Assembly of People's Power of Cuba, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the EU Special Representative for Human Rights, the parliaments and governments of the Member States and the EUROLAT Parliamentary Assembly.