



Plenary sitting

B8-0543/2018

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))

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on behalf of the ALDE Group

B8-0543/2018

**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 the election of Miguel Díaz-Canel as new President by the Cuban National Assembly of People’s Power on 11 March 2018
- having regard to the findings of the UN Committee on Enforced Disappearances in Cuba issue on 17 March 2017,
- having regard the opinion number 59/2018 of the UN working group on arbitrary detentions regarding Ariel Ruiz Urquiola, considered prisoner of conscience by Amnesty International, on 20-24 August 2018
- having regard to the UN Human Rights Council Universal Periodic Review on Cuba in May 2018,
- having regard to the Human Rights Watch 2017 report on Cuba, and the statement by Americas Director at Amnesty International, Erika Guevara-Rosas regarding 100 days of the new Cuban administration, on 27 July 2018
- having regard to the monthly statements of the Cuban Commission for Human Rights and National Reconciliation (CCHRNC);
- 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 human rights feature in the EU’s political dialogues as well as cooperation and trade agreements; whereas the indivisibility of human rights, including civil, political,

economic, social and cultural rights should be one of the main objectives of the European Union in its relations with Cuba;

- B. whereas the human rights dialogue between the EU and Cuba, led by the EU Special Representative for Human Rights, began in 2015; whereas on 9 October 2018 in the fourth EU-Cuba human rights dialogue 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 and the possibility of human rights defenders and other civil society to freely associate, express their views and participate in public life; whereas it is unclear to the European Parliament if this meeting was in any respect conclusive; whereas no tangible results have been achieved as concerns human rights in Cuba, despite the setup of the Human Rights dialogue and Cuba's re-election to the UN Human Rights Council for the period 2017-2019;
- C. whereas the political dialogue between the EU and the Cuban Government, must neither forget nor neglect the direct 'intensive dialogue with civil society and the opposition' without any restriction, and should follow the EU's 'views on democracy, rule of law, universal human rights and fundamental freedoms' such as freedom of expression, assembly and political association, as well as its 'worldwide policy of support to human rights defenders';
- D. whereas the Cuban government still refuses to recognize human rights monitoring as a legitimate activity and denies legal status to local human rights groups;
- E. whereas a constitutional referendum is due to take place on 24 February 2019; whereas the new constitution is said to be formed in a top-down fashion in which the Communist Party will maintain its powerful role in society, without a plural-party system, basic freedoms and political and civil rights will continue to be absent and centralised state ownership will continue to control the economy; whereas there seem to be other highly worrying provisions in the draft;
- F. whereas according to the CCHRNC at least 202 arbitrary short-term arrests took place, for undoubtedly political reasons, of peaceful opponents and activists of the independent civil society in October 2018; whereas according to the same sources fourteen acts of harassment and six physical aggressions took place committed or instigated by the secret political police (State Security) or parapolice agents during October 2018;
- G. whereas independent journalists, peaceful dissidents and human rights defenders who attempt to document abuses, mostly members of the democratic opposition, are still persecuted, arbitrarily detained or being held in jail in Cuba for exercising their basic rights of expression, assembly and political association;
- H. whereas one of them is Dr Eduardo Cardet, a national coordinator of the Christian Liberation Movement (MCL) sentenced to three years in prison for peacefully exercising his right to freedom of expression; whereas in November 2016 he was arrested on his return home from a trip to Miami, where he expressed his opinion regarding Cuba's situation after the death of Fidel Castro; whereas Dr Cardet, considered prisoner of

conscience by Amnesty International, is currently detained in the Cuba Si prison in Holguín, where he is isolated, without family visits or phone calls;

- I. whereas the Cuban authorities have harassed and intimidated members of the MCL and other political opposition parties for decades in an attempt to silence any dissenting ideas including Tomás Núñez Magdariaga, a member of the unofficial political opposition group “Patriotic Union of Cuba” (Unión Patriótica de Cuba, UNPACU); whereas Mr Magdariaga was released from prison on 15 October after 62 days hunger strike and it is still not clear whether he remains under house arrest or is totally released; whereas Mr Magdariaga was allegedly found guilty of threatening a state official yet his family say that they have not received a copy of the ruling; whereas these are just some of the documented state driven harrasements;
 - J. whereas prisoners have no effective complaint mechanism to seek redress for abuses and those who engage in forms of protest including hunger strikes are often subjected to extended solitary confinement, beatings, restrictions on family visits and denied medical care; whereas a humane treatment must be ensured for all prisoners in Cuba;
 - K. whereas the UN arbitrary detention Working group clearly stated that Cuban victims of arbitrary detentions have the right to seek redress from the government that includes restitution, compensation, rehabilitation, satisfaction and guarantees of no repetition;
 - L. whereas closer political and economic relations with Cuba are from the EU side intended to help advancing political reforms in the country in accordance with the aspirations of all its citizens; whereas economic and trade liberalization should enable the country to bring a progressive move towards free social spaces, coexistence, technology and communication, that the Cuban population appreciate and demand; whereas EU economic concessions are conditional as concerns democratization of the country;
 - M. whereas on three occasions the European 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; whereas regularly Sakharov laureates still continue to be prevented from leaving the country and participate in international events;
 - N. whereas Foreign Affairs Committee of the European Parliament decided to send a delegation to Cuba to ascertain the situation without any positive response from the Cuban authorities yet; whereas the Delegation for relations with the countries of Central America (DCAM) and other political groups are facing the same situation despite several attempts to visit Cuba;
1. Strongly condemns the arbitrary detention, persecution, acts of harassment and attacks against peaceful dissidents, independent journalists and human rights defenders in Cuba; calls for the immediate cease of these acts and the release of all those arbitrarily detained solely for exercising their freedom of expression and assembly;
 2. Urges the EU Member States, the EEAS and its delegation in Cuba to firmly respect in relation to Cuba its basic principles and policies and to take the necessary actions in

order to seek the release of the above individuals, to ensure that an immediate stop is put to the harassment of political opponents and human rights defenders as well as to assist and protect them

3. Stresses the utmost importance of fulfilling the binding obligations established in the PDCA between the EU and Cuba and in particular concerning the respect of human rights and fundamental freedoms; recalls that the PDCA includes a provision for the suspension of the agreement that should be applied in the event of a violation of the provisions on human rights; in this sense insists on the EU to closely follow and monitor the respect for human rights and fundamental freedoms in Cuba when implementing the PDCA and to regularly report to the Parliament; invites the HR/VP Federica Mogherini to inform the EP in plenary in detail about concrete steps being taken with the aim to meet the above mentioned;
4. Urges the Cuban government to redefine its policy on Human Rights aligning with international human rights laws and to allow active participation of all civil society and opposition political actors, without restrictions in the political and social life; insists that the persecution and imprisonment of dissidents for their ideals and their peaceful political activity is contrary to the Universal Declaration of Human Rights,
5. Reminds the Cuban authorities that freedom of movement and assembly is guaranteed under international human rights law, which includes activists and members of the democratic opposition;
6. Calls on Cuba to affirm its intent to ‘uphold the highest standards in the promotion and protection of human rights’ by ratifying the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and their optional protocols;
7. Urges the Cuba government to improve prison conditions and treatment for prisoners; notes the government’s decision in recent years, to allow select members of the foreign press to conduct controlled visits to prisons, but deplores the continuous denial of access to its prisons for international human rights groups and independent Cuban organizations;
8. Supports the findings of the UN Committee on enforced disappearances in Cuba of 17 March 2017 urging Cuba to take the necessary measures to guarantee the full independence of its judicial system as well as to set up an independent National Institution of Human Rights in lines with the Paris Principles;
9. Expresses its major concern over the new draft Constitution and the referendum foreseen for February 2019; stresses that the whole process lacks tolerance and respect for basic civil and political rights that could guarantee a democratic constitutional process; in this sense reiterates its determination to encourage a process of transition to a pluralist democracy and respect for human rights and fundamental freedoms with the participation of all actors without any exclusion as stated in the Universal declaration of Human rights, and a lasting economic recovery aimed at improving the living standards of the Cuban population, in accordance with the aspirations of Cuban people; invites the relevant Cuban authorities to stipulate in the new Constitution free and pluralistic elections;

10. Stresses that the political future of Cuba must rest on the sole will of its citizens; Recalls that reconciliation and mutual understanding must include all Cubans who are willing to work peacefully for freedom and democracy
11. Urges the European institutions and the Member States to assist the economic and political transition in Cuba towards a fully democratic regime that respects the basic rights of all its citizen; supports the use of the various EU's foreign policy instruments, and in particular the European Instrument for Democracy and Human Rights (EIDHR) in order to reinforce EU's dialogue with Cuba's civil society and those who support a peaceful transition in Cuba;
12. Calls on the HR/VP Federica Mogherini to recognise the existence of a political opposition to the Cuban Government and support its integration into the political dialogue between the EU and Cuba; reminds the European institutions that civil society and those awarded with Sakharov prize are key actors for the democratization of Cuba and their voice must be heard and taken into account in the framework of bilateral relations;
13. Voices its profound solidarity with the entire Cuban people and its support for them in their progress towards democracy and respect and promotion of fundamental freedoms;
14. Regrets the Cuban authorities' refusal to allow EP committees, delegations and some EP political groups visiting Cuba and calls on the authorities to allow the entry of such delegations
15. 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, the United Nations High Commissioner for Human Rights and the governments of the Member States of the CELAC countries.