



Plenary sitting

B9-0343/2021

7.6.2021

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 132(2) of the Rules of Procedure

on the human rights and political situation in Cuba
(2021/2745(RSP))

Javier Nart, Petras Auštrevičius, Dita Charanzová, Olivier Chastel, Klemen Grošelj, Vlad Gheorghe, Bernard Guetta, Karin Karlsbro, Ilhan Kyuchyuk, Karen Melchior, Frédérique Ries, María Soraya Rodríguez Ramos, Nicolae Ștefănuță, Hilde Vautmans
on behalf of the Renew Group

B9-0343/2021

European Parliament resolution on the human rights and political situation in Cuba (2021/2745(RSP))

The European Parliament,

- having regard to its previous resolutions on Cuba, and in particular those of 28 November 2019 on Cuba, the case of José Daniel Ferrer¹, and of 5 July 2017 on the draft Council decision on the conclusion, on behalf of the European Union, of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part²,
- 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, signed in December 2016 and provisionally applied since 1 November 2017³,
- having regard to the formal EU-Cuba Human Rights Dialogue, held under the EU-Cuba PDCA and in particular the third dialogue of 26 February 2021,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) and other international human rights treaties and instruments,
- having regard to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the general recommendations of the UN Committee on the Elimination of Discrimination against Women,
- having regard to the Universal Declaration of Human Rights, to which Cuba is a signatory,
- having regard to the EU Guidelines on Human Rights Defenders,
- having regard to the UN Human Rights Council Universal Periodic Review on Cuba of May 2018,
- having regard to the Cuban Constitution and its Penal Code,
- having regard to Resolution 168 of the Ministry of Foreign Trade and Investment of the Republic of Cuba of 29 March 2010, to Law 1312 of 12 September 1976 (the so-called ‘Migration Law’) and its regulatory decrees No. 26 of 18 December 2015 and No. 306 of 12 October 2012, to the American Convention on Human Rights and to the 2020 annual report of the Inter-American Commission on Human Rights of May 2021,
- having regard to the Country Report of the Inter-American Commission on Human

¹ Texts adopted, P9_TA(2019)0073.

² OJ C 334, 19.9.2018, p. 99.

³ OJ L 259, 7.10.2017, p. 1.

Rights (IACHR) of 3 February 2020 on the Situation of Human Rights in Cuba, and the statement by the IACHR and its Special Rapporteurs of 13 May 2021 condemning the harassment of artists, journalists and activists in Cuba and calling on the state to cease acts of persecution against those exercising the right to freedom of expression and artistic creation,

- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly on 10 December 1984, to which Cuba is a State Party,
 - having regard to reports by human rights organisations such as Human Rights Watch, Human Rights Foundation and Prisoners Defenders, to chapter IV.B on Cuba of the 2020 Annual Report of the IACHR, to the Communication of 6 November 2019 to the United Nations High Commissioner for Human Rights of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, and the Special Rapporteur on trafficking in persons, especially women and children, on the Cuban medical brigades, and to the conclusions of the latest Universal Periodic Review of Cuba 2018, on the Cuban medical brigades,
 - having regard the International Labour Organization (ILO) conventions ratified by Cuba,
 - having regard to the definition of ‘civil society organisation’ in the Official Journal of the European Union,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas on 5 July 2017, Parliament granted its consent to the PDCA on the condition that clear improvements were to be made in Cuba in relation to human rights and democracy; whereas Parliament adopted a very critical resolution accompanying the consent regarding serious concerns about the human rights situation in Cuba; whereas in its 2019 resolution, Parliament had already stated that Cuban Government’s actions are in breach of the provisions of Articles 1(5) and 22 of the PDCA between the EU and Cuba, under which the Cuban Government undertook to uphold and improve human rights; whereas the PDCA includes a suspension clause in the event of a violation of human rights provisions;
- B. whereas democracy means the possibility of alternation in power; whereas this excludes Article 5 of the Cuban Constitution, which establishes the Communist Party of Cuba as the supreme political force of society and the state; whereas Articles 4 and 229 of the Cuban Constitution establish this as an irreversible system;
- C. whereas the new Constitution of 2019 has served not only to shield the system and freeze any process of reforming freedoms and rights, but also to extend their limitation;
- D. whereas the single-party political regime seriously restricts people with different political convictions from participating in public political life and holding political office; whereas there is a continuing absence of conditions that provide guarantees for judicial independence, especially around cases involving activists and dissidents; whereas contrary to requests by Parliament, there have been no visits to political

prisoners in prison or any observation of trials of opponents, dissidents, human rights activists or independent civil society by the EU;

- E. whereas Decree 349 restricts artists' freedom of expression by requiring prior authorisation for public and private performances and exhibitions; whereas Decree 370 on online content establishes an ambiguous framework that allows for the persecution of activists and independent journalists, especially in the context of the COVID-19 pandemic;
- F. whereas Amnesty International has stated that prisoner of conscience Luis Manuel Otero Alcantará, a member of the San Isidro Movement, has been detained at least 10 times, often without charge, for performances of art pieces; whereas he was forcibly taken to hospital by Cuban state security on 2 May 2021 as he entered the eighth day of his hunger strike, and he was held essentially incommunicado at the Calixto García Hospital of Havana until he was 'medically discharged' on 31 May 2021; whereas Denis Solís González, a member of the Movimiento San Isidro, is arbitrarily being held in prison charged with contempt, and Luis Robles Elizástegui is in prison just for carrying a poster peacefully calling for the release of Denis Solís González;
- G. whereas José Daniel Ferrer, leader of the Unión Patriótica de Cuba (UNPACU), and the Sakharov Prize winners and their families (Damas de Blanco, Oswaldo Payá and Guillermo Fariñas), among others, continue to be harassed and persecuted by the Cuban authorities, including by preventing them from participating in events organised by the European Parliament, for the peaceful expression of their views; whereas there are concerns over their defence and support by the EU delegation in Havana;
- H. whereas those who criticise the government, attempt to document abuses or engage in hunger strikes and other forms of protest often endure international travel restrictions, prevention from leaving their homes, arbitrary and short-term detentions, extended solitary confinement, torture and ill treatment, restriction of family visits, denial of medical care and psychiatric abuse as well as intense state security pressure on their family members;
- I. whereas Prisoners Defenders currently has a list of 150 convicted and condemned political prisoners; whereas there is an average of 5.4 new cases of political imprisonment per month and in recent months there has been an increase in allegations of torture and ill-treatment of political prisoners in prison; whereas this represents an increase of 80 political prisoners since the PDCA was signed in 2016, demonstrating that this agreement with the EU is failing in its core aim of improving the fundamental freedoms of Cubans, and that the situation is in fact deteriorating;
- J. whereas Articles 72 to 84 of the Cuban Penal Code contain the definition of 'dangerous state' and 'pre-criminal security measures', for which thousands of people are sentenced to between one and four years' imprisonment every year, without there being any attributable crime, and for which more than 8 000 people are in prison and more than 2 500 are sentenced to forced labour without internment;
- K. whereas international human rights organisations such as Human Rights Watch, Amnesty International and Prisoners Defenders among many other independent observers of the human rights situation, including UN Special Rapporteurs, are not

allowed to enter Cuba despite years of insisting on the need to visit the island;

- L. whereas the Cuban medical missions has been classified as ‘contemporary form of slavery’ by the IACHR, Human Rights Watch and the UN Human Rights Council among others; whereas Article 135 of the Cuban Penal Code punishes all civilian employees who do not complete their work on a medical mission or who, having completed their work, decide not to return to Cuba, with up to eight years’ imprisonment, clearly limiting their freedoms and retaining a major part of their salaries;
- M. whereas on 11 December 2020 a hearing on Cuba was held by the Delegation for Relations with Central American Countries (DCAM) at which civil society participants Berta Soler (Damas de Blanco), José Daniel Ferrer (UNPACU), Luis Manuel Otero Alcántara (Movimiento San Isidro), Dagoberto Valdés (Convivencia) and Reinaldo Escobar (Diario 14yMedio) were cut off from all internet access; whereas Berta Soler was detained for several hours the day before the hearing, Reinaldo Escobar was detained for five hours and interrogated minutes after the meeting, and José Daniel Ferrer had a large number of state security forces surrounding his house and no internet in the early hours of 11 December 2020, before the meeting; whereas DCAM President Tilly Metz, together with the Chair of the Committee on Foreign Affairs, David McAllister and the Vice-President of the European Parliament, Heidi Hautala signed a joint declaration rejecting this harassment;
- N. whereas the UN General Assembly has passed 26 consecutive resolutions calling for an end to the US embargo on Cuba;
- O. whereas the Cuban Government refused the participation of independent civil society organisations in the ‘EU-Cuba Civil Society Seminars’ that took place ahead of the third formal EU-Cuba Human Rights Dialogue; whereas these dialogues continue to take place without bringing any tangible results despite Cuba’s membership, together with Venezuela, of the UN Human Rights Council (UNHRC) for the period 2021-2023;
 - 1. Regrets that, despite the adopted PDCA, the situation of democracy has not improved and the deterioration of the human rights situation in Cuba has continued; calls for compliance with the binding obligations set out in this agreement and calls for clear benchmarks be adopted in this respect;
 - 2. Strongly condemns the increasing repression of the Cuban authorities against any form of democratic expression, the absence of spaces for pluralistic political participation, and the lack of judicial independence and free speech protections and calls on the EU to publicly condemn them;
 - 3. Deplores the criminalisation and arbitrary and short-term detention of human rights defenders, dissidents, opposition and civil society activist, artists and journalist; reiterates its call for an immediate end to these actions and for the release of all political prisoners and those arbitrarily detained solely on the grounds of exercising their freedom of expression and assembly and calls for the immediate and permanent abolition of the death penalty; regrets the 1941 acts of repression that occurred in April (1018) and May 2021 (923);

4. Demands that those detained be allowed independent medical evaluation, access to telephone communication and regular visits from family, friends, journalists, and diplomats; calls for an effective criminal and administrative investigation to identify, prosecute, and punish those responsible for ill-treatment;
5. Condemns the systematic violation of the human and labour rights of the members of the Cuban medical brigades by the Cuban Government, in violation of the fundamental ILO conventions ratified by Cuba, and recognises the right of workers to be paid in full for their work, to eliminate their conditions in terms of restrictions on their freedom and to be duly documented in passports and professional qualifications, while eliminating all restrictions and legal provisions that prevent their free entry into the Republic of Cuba when they interrupt their mission or do not return at the end of their mission, in accordance with various parts of Cuban law;
6. Regrets that the European External Action Service (EEAS) and the EU Delegation in Havana excluded the Cuban democratic opposition and both European and Cuban independent civil society organisations from the political dialogues due to the lack of endorsement by the Cuban authorities; underlines that this decision is contrary to the PDCA and stresses that both parties have an obligation to fully comply with the agreement; calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) and the EEAS to refuse to participate in future political and human rights dialogues with Cuba unless civil society is adequately represented;
7. Urges the establishment of an institutionalised, formal, open and public dialogue between the EU and Cuban civil society without any limitations, on a similar basis to those with other countries with which the EU has cooperation agreements;
8. Calls on the VP/HR to recognise the existence of a political opposition to the Cuban Government and to include these in the political dialogue between the Union and Cuba; calls on all Member States' representatives to raise human rights concerns during their visits to the Cuban authorities and to meet with Sakharov Prize winners when they travel to Cuba, in order to ensure the consistent internal and external implementation of the Union's human rights policy;
9. Reminds the EEAS that the support for civil society is an essential part of the cooperation projects under the Agreement and that excluding civil society from cooperation funds and/or participation in the Agreement while, on the contrary, allowing participation and access to cooperation funds exclusively for companies in which the state participates or which it controls, as has been the case since the signing of the Agreement, should be remedied immediately; calls on the Commission to develop specific technical workshops for independent civil society organisations, with the aim of facilitating access to development cooperation-related grants under the new Global Europe instrument;
10. Reiterates the point raised in its resolutions of July 2017 and November 2019 that the PDCA contains a 'human rights clause', as a standard essential element of EU international agreements, which allows the suspension of the agreement in the event of violations of human rights provisions; insists, therefore, that the EU closely monitor and

follow up on the respect for human rights and fundamental freedoms in Cuba in the implementation of the PDCA and that Parliament be regularly informed thereof; considers that the repressive actions against prisoners of conscience, human rights defenders, dissidents, opposition and civil society activist, artists and journalist recorded per month in April and June 2021, including those of the members of the San Isidro Movement and all the authors of the video ‘Patria y Vida’, constitute a breach of the Agreement and a ‘case of special urgency’ as provided for in Article 85(3)(b) of the PDCA, and calls for the Union, in this regard, to convene an urgent meeting with the Cuban authorities;

11. Recalls that paragraph 45 of its resolution of 5 July 2017 commits the Cuban authorities to allow the European Parliament’s delegations entry and access to its interlocutors;
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 governments and parliaments of the Member States, the United Nations High Commissioner for Human Rights and the governments of the Member States of the Community of Latin American and Caribbean States.