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*Plenary sitting*

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**B9-0346/2021/REV**

8.6.2021

## 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))

**Anna Fotyga, Hermann Tertsch, Charlie Weimers, Carlo Fidanza, Joanna Kopcińska, Bogdan Rzońca, Veronika Vrecionová, Raffaele Fitto, Jadwiga Wiśniewska, Elżbieta Rafalska, Ryszard Czarnecki, Valdemar Tomaševski, Assita Kanko, Witold Jan Waszczykowski, Elżbieta Kruk, Ruža Tomašić, Angel Dzhambazki**  
on behalf of the ECR Group

**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, in particular those of 17 November 2004 on Cuba<sup>1</sup>, of 2 February 2006 on the EU's policy towards the Cuban Government<sup>2</sup>, of 21 June 2007 on Cuba<sup>3</sup>, of 11 March 2010 on prisoners of conscience in Cuba<sup>4</sup>, of 5 July 2017, on the draft Council Decision on the conclusion, on behalf of the 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 part<sup>5</sup>, of 15 November 2018 on the human rights situation in Cuba<sup>6</sup> and of 28 November 2019 on the case of José Daniel Ferrer<sup>7</sup>,
- having regard to the Political Dialogue and Cooperation Agreement (PDCA) between the European Union and Cuba (PDCA) signed in December 2016 and provisionally applied since 1 November 2017,
- having regard to the third official dialogue on human rights between the European Union and Cuba, held under the Political Dialogue and Cooperation Agreement on 26 February 2021,
- having regard to the International Covenant on Civil and Political Rights and other international human rights treaties and instruments,
- having regard to the Universal Declaration of Human Rights, to which Cuba is a signatory,
- having regard to the Rome Statute of the International Criminal Court,
- having regard to the universal periodic review of the United Nations Human Rights Council (HRC) on Cuba of 16 May 2018,
- having regard to the Constitution of the Republic of Cuba and the Cuban Penal Code,
- having regard to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly on 10 December 1984, to which Cuba is a State Party,
- having regard the Report of the United Nations Human Rights Council (HRC) Working

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<sup>1</sup> OJ C 201E, 18.8.2005, p. 83.

<sup>2</sup> OJ C 287E, 24.11.2006, p. 81.

<sup>3</sup> OJ C 146E, 12.6.2008, p. 377.

<sup>4</sup> OJ C 349E, 22.12.2010, p. 82.

<sup>5</sup> OJ C 334, 19.9.2018, p. 99.

<sup>6</sup> OJ C 363, 28.10.2020, p. 70.

<sup>7</sup> Texts adopted, P9\_TA(2019)0073.

Group on Arbitrary Detention adopted on 6 October 2020,

- having regard to the reports of human rights defenders such as Human Rights Watch, Human Rights Foundation and Prisoners Defenders, and Communication AL CUB6 / 2019 of the Mandates of 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 human trafficking,
  - having regard to the final communications of the United Nations Committee on Enforced Disappearances (CED) on the request for urgent measures of 27 January 2020 on the 37 days of enforced disappearance of José Daniel Ferrer, of the urgent petition dated 23 January 2020 on the enforced disappearance for 63 days of Fernando González Vaillant, and the report of the CED of 5 October 2020 on requests for urgent measures filed under Article 30 of the International Convention for the Protection of All Persons from Enforced Disappearances,
  - having regard to the report of the HRC Working Group on Arbitrary Detention, presented on 30 September 2020 and adopted on 6 October after the 88th session of the Working Group on the more than 100 arbitrary detentions,
  - having regard to the reports of the Cuban Observatory for Human Rights from the 12 months to May 2021 on repressive actions and arbitrary detentions,
  - having regard the International Labour Organization (ILO) conventions ratified by Cuba,
  - having regard the statement of the Organization of American States (OAS) General Secretariat of 16 October 2019,
  - 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 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;
- B. whereas Parliament gave its approval to the Political Dialogue and Cooperation Agreement on 5 July 2017; whereas the approval clearly included references to its political disapproval regarding the human rights situation and furthermore included a suspension clause in case of violations of human rights provisions;
- C. whereas the Working Group on Arbitrary Detentions report on 6 October 2020, warns that the systemic violation of human rights is common practice by the Cuban authorities;
- D. whereas according to a report by the Cuban Observatory for Human Rights, it is confirmed that the Cuban regime in 2020 carried out 1 798 arbitrary violent arrests, of

which 1 647 were enforced detentions at home; whereas the repressive character of the regime is characterised by continuous and severe brutality and the intention of perpetually terrorising the population;

- E. whereas Cuba is listed as the country in the world with the third highest number of Requests for Urgent Measures under Article 30 of the International Convention for the Protection of All Persons from Enforced Disappearance, between 2012 and 31 August 2020;
- F. whereas the Cuban Government's actions are in breach of the provisions of Articles 1(5) and 22 of the PDCA between the European Union and Cuba signed in 2016, in which the Cuban Government undertakes to uphold and improve human rights;
- G. whereas international human rights organisations and other independent observers of the human rights situation, including UN special rapporteurs, are not allowed to enter Cuba despite insisting for many years on the need to visit the island;
- H. whereas the Group of Experts of the United States Congress, in May 2021, stated that Venezuela and Cuba are governed by authoritarian regimes that repress the political opposition and human rights defenders, characterised by their institutional and undemocratic weakness, as well as politically controlled judicial systems, corruption and high levels of crime and violence;
- I. whereas the interference of Cuba in the Government of Venezuela and the administration of Venezuelan ports and naval bases has been reported for at least 30 years; whereas the Cuban regime possesses a complete database of all registered Venezuelans, has access to the identification and migration office, is aware of every civil and commercial transaction and official registry Venezuelans make, manages the software of the public administration and its fibre optic networks, and has detailed information on the national electricity grid and oil industry and a thorough knowledge of the country's mineral reserves;
- J. whereas the United States has imposed broad economic sanctions on Cuba in recent years, and the Cuban state has been designated a sponsor of terrorism;
- K. whereas in January 2021, the Secretary of State of the United States denounced the Cuban regime's support for international terrorism and the subversion of American justice, whereas he pointed out Cuba's refusal to extradite members of the '*Ejército de Liberación Nacional*' (ELN) after the bomb attack in 2019 at a Bogotá police academy, killing 22 people; whereas according to the Secretary of State in 2021, Cuba's support for Nicolás Maduro allows a permissive environment for international terrorists to live in Venezuela;
- L. whereas in October 2019 the OAS denounced that the current destabilisation of the Ibero-American political systems have their origin in the strategy of the Bolivarian and Cuban dictatorships which finance, support and promote the political and social conflict in the Ibero-American region;
- M. whereas Article 135 of the Cuban Penal Code punishes all civil employees who do not finish their work on a medical mission abroad or who decide not to return to Cuba after

its completion, with a penalty of up to eight years in prison;

- N. whereas Cuba has ratified the eight fundamental Conventions of the ILO;
- O. whereas Parliament has awarded its Sakharov Prize for Freedom of Thought on three occasions to Cuban activists, such as Oswaldo Payá in 2002, *Las Damas de Blanco* in 2005 and Guillermo Fariñas in 2010; whereas Sakharov Prize winners and their families continue to be systematically persecuted and intimidated and those living on the island are systematically prevented from leaving the country and participating in international events and events organised by the European Parliament;
- P. whereas the Working Group on Arbitrary Detention of the HRC ruled that José Daniel Ferrer has suffered more than 100 detentions, many of them arbitrary, with violence and beatings, threats and illegal break-ins, even at dawn, at his home, improper and illegal theft of his property, torture, imprisonment, enforced disappearance, movement restrictions, and detentions of underage family members; whereas even though the report does not expressly mention ('crimes against humanity'), it should be remembered that Article 7 of the Rome Statute of the International Criminal Court includes these crimes;
- Q. whereas the Working Group on Arbitrary Detention of the HRC is convinced that arbitrary detentions have been used in Cuba as a tool to limit the peaceful exercise of the rights to freedom of opinion, expression, assembly and association and participation by the victim, as well as to restrict their activities in defence of human rights;
- R. whereas the Working Group on Arbitrary Detention of the HRC considers that the Cuban Ministry of Justice has violated the right to the presumption of innocence of victims of arbitrary detentions, among them José Daniel Ferrer; whereas at the time of José Daniel Ferrer's arrest and afterwards, he was unable to access or contact a lawyer of his choice, but he was also coerced by threats and torture to sign a confession;
- S. whereas last December and April, Amnesty International made calls about the San Isidro Movement and its supporters, who 'have been subjected to terrifying levels of surveillance', 'harassed, detained and constantly watched'; whereas the artists and intellectuals of the San Isidro Movement have suffered persecution, arrests, beatings and sieges of their houses that have not stopped throughout the year 2020 and 2021;
- T. whereas there are currently 140 political prisoners and convicts on the Prisoners Defenders list of political prisoners;
- U. 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;
- V. whereas, in spite of the fact that Parliament's resolution of 28 November 2019 on the José Daniel Ferrer case urged 'the EEAS and the Commission to actively support civil society groups and people who defend human rights in Cuba, by organising visits to prisons, observing trials and public statements', in no case has there been a visit to any

political prisoner in prison or the observation of any trial of opponents, dissidents, or human rights or independent civil society activists;

- W. whereas the EU Delegation in Cuba published a document in October 2019, indicating and describing the EU's cooperation with Cuba, in which it stated that 8 % of current Cuba-EU cooperation funding is for 'civil society'; whereas, the EUR 19 million provided for the 2019 period did not go to civil society; whereas all the projects analysed are financed by state companies of the Government of Cuba;
1. Condemns the arbitrary detention of Aymara Nieto Muñoz, Mitzael Díaz Paseiro, Iván Amaro Hidalgo, Edilberto Ronal Arzuaga Alcalá, Yandier García Labrada, Denis Solís González, Luis Robles Elizástegui and the 64 prisoners of conscience, and urgently requests that the Cuban authorities release them immediately;
  2. Reiterates its deep concern over the persecution, harassment, arbitrary detentions, and continued attacks against artists, such as the San Isidro Movement, independent journalists, human rights defenders and members of the peaceful opposition in Cuba; demands that these actions cease immediately and that all political prisoners and those arbitrarily detained be released;
  3. Is deeply concerned that according to the Working Group on Arbitrary Detention of the HRC, the arbitrary deprivations of liberty in Cuba analysed in recent years are not isolated cases; takes note of conclusions reached in the opinions of the Working Group regarding Cuba, which show a systematic problem of arbitrary detentions, as ratified in their reports numbered 12/2017, 55/2017, 64/2017, 59/2018, 66/2018, 63/2019 and 4/2020;
  4. Denounces the support for and financing and promotion of the political and social conflicts in the Ibero-American region by Cuba; notes that in 2019, the OAS denounced the dictatorships of Cuba and Venezuela as being responsible for the current destabilisation of the political systems of the region in 2019; notes furthermore that it also denounced the links, financing and collaboration of the Cuban regime with the forces involved in the destabilisation of the governments and democracies of the Ibero-American countries and the violence suffered in Chile, Colombia, Ecuador and Peru;
  5. Is concerned that the PDCA has not improved the situation of democracy and human rights;
  6. Stresses that contrary to the PDCA, Cuban and European civil society organisations have been systematically impeded in their participation in the human rights dialogues between Cuba and the European Union, within the broader framework of the human rights dialogue of the PDCA, such as the one that took place on 26 February 2021, as a consequence of the Cuban Government's refusal to grant them authorisation;
  7. Reminds the EEAS that the signatory Member States and the cooperation projects of the PDCA establish the participation of civil society as essential to the development of dialogue within the framework of the agreement, but that so far this has not happened, which in itself invalidates the purpose of the Agreement and must be remedied immediately;

8. Requests the immediate cessation of all financial aid from the EU to Cuba, which has been paid consistently and with disregard for serious past and present violations of human rights and notes that it has been shown that at no time are they in fact utilised directly to the benefit of the population; is concerned that neither this direct aid nor the aid dependent on the EU diplomatic mission in Havana have been intended to improve the standard of living of Cubans, but have rather been utilised to the benefit of the regime and its own ideological and repressive organisations and associations;
9. Demands that the terms agreed in the PDCA be applied and the Cuban Government be notified of the implementation of the mechanism by which the EU is compelled to denounce the Agreement for repeated and systematic violation of the agreed obligations and commitments; insists that the EU closely supervise and monitor respect for human rights and fundamental freedoms in Cuba;
10. 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 CELAC countries.