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*Plenary sitting*

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**B9-0436/2021**

14.9.2021

## **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 144 of the Rules of Procedure

on **government crackdown on protests and citizens in Cuba**  
(2021/2872(RSP))

**Leopoldo López Gil, David McAllister, Luděk Niedermayer**  
on behalf of the PPE Group

**B9-0436/2021**

**European Parliament resolution on government crackdown on protests and citizens in Cuba  
(2021/2872(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Cuba, in particular those of 9 June 2021 on the human rights and political situation in Cuba, of 3 December 2019 on the case of José Daniel Ferrer, and of 5 July 2017 on the draft Council decision on the conclusion, on behalf of the European Union, on the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of one part, and the Republic of Cuba, of the other part,
- having regard to the PDCA between the European Union and Cuba signed in December 2016 and provisionally applied since 1 November 2017,
- having regard to the formal EU-Cuba Human Rights Dialogue, held under the EU-Cuba PDCA and in particular the third dialogue on 26 February 2021
- having regard to the Declaration by the HR/VP on behalf of the European Union on recent events in Cuba of 29 July 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 Universal Declaration of Human Rights, to which Cuba is a signatory,
- having regard to the letter of the United Nations Committee on Enforced Disappearances (CED) initiating urgent action and urging Cuban authorities to respond about the 187 disappeared persons,
- having regard to the statement of 16 July 2021 by UN High Commissioner for Human Rights Michelle Bachelet calling on Cuba to release of detained protesters,
- having regard to the statement from the Inter-American Commission on Human Rights (IACHR) 15 July 2021
- having regard to the EU Guidelines on Human Rights Defenders and the ones on Freedom of Expression,
- having regard to the EU Charter of Fundamental Rights and in particular Article 12 on Freedom of assembly and association,
- having regard to the complaints of 8 September by Cuban Observatory for Human Rights (OCDH) before EU Special Representative for Human Rights Eamon Gilmore on the repression against protesters,

-having regard the Cuban constitution and its Criminal Code,

-having regard to the Decree Law 35 “on telecommunications, information and communication technologies and the use of the radioelectric spectrum” and the Resolution 105 of 2021 “on the regulation towards the National Acting Model to respond to cybersecurity incidents” of the Republic of Cuba

- having regard to Rule 144 of its Rules of Procedure,

- A. whereas on 11 July 2021, thousands of Cuban took to the streets to peacefully protest the chronic shortages of medicine and other essential goods, as well as the general mishandling of the COVID-19 pandemic and the systematic restrictions on human rights in particular freedom of expression and assembly by the Cuban authorities; whereas these protests were the largest since 1994;
- B. whereas the Cuban authorities responded with extreme violence and repression against protestors and human rights defenders; whereas President Diaz-Canel explicitly called all government supporters, including special forces units such as the Black Berets, to combat peaceful protestors, exacerbating the violence and leaving hundreds of civilians injured, police searches, arrests at protestors’ homes and police violence;
- C. whereas Cuban authorities deployed new ways of repression through the suspension, surveillance, censorship and control of the telecommunication services, including the internet and the use of social media networks;
- D. whereas Decree-Law 35 updates the Cuban legal framework towards the procedures and conditions to obtain the required permits for the use of the national radio electric spectrum and imposes obligations to telecommunication operators to suspend, surveil, intercept, control, and give user information to Cuban authorities; whereas Resolution 105 establishes the cybersecurity incidents regulation in a broad manner, providing the legal framework prosecution of individuals under a wide range of accusations allowing sanctions to be imposed, mobile phones and computers to be seized, home searches to be carried out and even to act as a facilitator for the initiation of criminal proceedings for crimes current in the Criminal Code whose definition is internationally recognized as illegal;
- E. whereas the IACHR and the UN High Commissioner on Human Rights have condemned the Cuban State’s repression and the use of force in response to peaceful protests, have also called for the prompt release of all those who have been detained and have urged the Cuban government to address the underlying social issues through dialogue;
- F. whereas the Cuban government delegitimised the rightful demands of protestors by declaring the protests an act of vandalism, and portraying the latter as a direct effect of the US embargo and other kinds of foreign interference;
- G. whereas the OCDH reports that on 5 September 2021, there were 1306 missing and or detained persons, including 27 minors, since the protests of 11 July 2021; whereas other reports by NGOs such as Prisoners Defenders indicate that there were more than 5000 detentions, with allegations of arbitrary detentions, incommunicado detention, forced disappearances, use of criminal figures as a way to criminalize participation in protests,

torture and ill-treatment, surveillance and house arrest, and violence against the protestors; whereas the United Nations Committee on Enforced Disappearances (CED) initiated a so called ‘urgent action’ and urges Cuban authorities to respond to 187 disappeared person;

- H. whereas among the detained were a significant number of activists, journalists, leaders of political opposition movements such as José Daniel Ferrer, leader of UNPACU, whose whereabouts are unknown to date, as well as teachers, students and artists such as Luis Manuel Otero Alcántara of the ‘San Isidro Movement’ and the Sakharov Prize for Freedom of Thought, Guillermo Fariñas; ;
- I. whereas many were given summary trials and sentences based on different criminal types, including terrorism, public disorder, contempt, incitement to commit crimes, and the spread of an epidemic, without minimum guarantees of due process; whereas several of the arrested are considered prisoners of conscience;
- J. whereas the increase of political prisoners since PDCA was signed in 2016, demonstrates that this Agreement with the European Union is failing in its core aim to improve the fundamental freedoms of Cubans, and the situation is in fact deteriorating; Whereas there has been no concrete progress in Cuba vis-à-vis the general principles and objectives pursued by the agreement towards improving the situation of human rights, fundamental freedoms, economic and social conditions for Cuban citizens; whereas on the contrary, the Cuban regime has increased its repression and human rights violations and the situation has continued to deteriorate throughout Cuban society; Whereas the Cuban state keeps systematically violating labour and human rights of its healthcare personnel assigned to work abroad on the medical missions;
- K. whereas the PDCA included a so-called “human rights clause”, which is an standard essential element of EU international agreements that allows the PDCA to be suspended in case of violation of the provisions on human rights;
1. Condemns in the strongest possible terms the extreme violence and repression against protesters, human rights defenders, independent journalists, artists, dissidents and opposition political leaders, by the Cuban government in the aftermath of the 11 July 2021 protests; calls on the Cuban authorities to cease repression, release all political prisoners, prisoners of conscience and those arbitrarily detained solely on the grounds of peacefully expressing their freedom of expression and assembly and to guarantee due process; condemns that the government’s response to these protests included the deployment of an elite unit of the Revolutionary Armed Forces (FAR) known as the “black berets” and civilian groups which responded to President Miguel Diaz-Canel’s call to “defend the Revolution”;
  2. Underlines the utmost necessity for the Cuban authorities to respond to the demands for civil and political rights, and for democracy as well as to take all necessary measures to undertake the so needed internal economic reforms while ensuring the economic, social and cultural rights of the population are met and an effective response to the COVID-19 pandemic is provided.
  3. Denounces Cuban authorities lack of respect to human rights and freedoms enshrined in universal Human Rights Conventions in particular freedom of assembly, press and expression both online and offline as well as the repression against any form of democratic

expression and the absence of spaces for pluralistic political participation; Deplores the recently adopted Decree-law 35 and Resolution 105 that provides broad legal venues to criminalise individuals taking part of legitimate peaceful protests, through exercising control of the means of telecommunication, paving new ways of repression; calls on the Cuban authorities to update the legal framework in accordance to international law;

4. calls on the Cuban authorities to comply with the recommendations of the IACHR and the UN High Commissioner to engage in constructive dialogue with genuine civil society and the release of detained protestors; Calls on Cuba to immediately grant the UN Special Rapporteur for Freedom of Opinion and Expression and the UN Special Rapporteur on the Situation of Human Rights Defenders access to the country to document the human rights situation in the country as well as to independent human rights organizations to monitor and observe the upcoming trials of the hundreds of activists and ordinary Cubans who remain detained; calls on the EU to observe the trials and visit the political prisoners in prison;
5. Deeply regrets the lack of commitment and willingness of the Cuban regime to endeavour to advance towards even minimal progress for change or open channels that could allow ways to reform the regime; regrets that despite the entry into force of the PDCA almost 4 years ago, the situation regarding human rights and democracy has not improved and has not led to any substantial and tangible positive result for the Cuban people; calls for compliance with the binding obligations set out in this agreement;
6. Reiterates that human rights are an essential part of the PDCA as stressed in articles 1.5, 2 (c), 5, 22, 43.2; calls on the Council to apply the conceived provisions on the fulfilment of the obligations underscored in article 85 of the agreement, including its suspension, if the Cuban authorities continue to violate human rights, which would constitute a breach of the PDCA;
7. Deeply regrets the Cuban authorities' refusal to allow European Parliament committees, delegations and some political groups to visit Cuba despite Parliament granting its consent to the PDCA; calls on the authorities to immediately allow entry to the country;
8. 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.