



Plenary sitting

B9-0441/2021

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))

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on behalf of the Renew Group

B9-0441/2021

European Parliament resolution on Government crackdown on protests and citizens in Cuba

(2021/2872(RSP))

The European Parliament,

- having regard to its previous resolutions and in particular the one on human rights and political situation in Cuba of 10th June 2021 and the one of 5 July 2017 on the Political Dialogue and Cooperation Agreement (PDCA) between the European Union and Cuba,
- 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 26th February 2021,
- having regard to the Declaration by the High Representative on behalf of the European Union on recent events on Cuba of 29th 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 EU Guidelines on Human Rights Defenders and the ones on Freedom of Expression,
- having regard to the UN's Committee on Enforced Disappearances Report on requests for urgent action dated 12 May 2021, CED/C/20,
- having regard to the EU Charter of Fundamental Rights and in particular Article 12 on Freedom of assembly and of association,
- having regard the Cuban Constitution and its Penal Code;
- having regard to Rule 144 of its Rules of Procedure,

A. whereas on 11 July 2021, Cubans took to the streets peacefully in widespread demonstrations for their freedom, and for political and economic reforms after decades of being deprived of their fundamental rights and months of food shortages, lack of medicines, long power outages, worsening inflation and the handling of the COVID 19 pandemic;

B. whereas the government's response was to forcefully crackdown on protestors and human rights defenders, calling explicitly through mass media for government supporters and

security forces to respond to the protests violently; whereas the authorities used massive Internet blockages and online censorship in violation of international human rights law to control and cover up the grave human rights violations they-were committing;

- C. whereas the Cuban authorities have developed a narrative denying any human rights violations in the wake of the crackdown and placing the blame for the economic situation exclusively on the US economic embargo;
- D. whereas there have been more than 5000 detentions, with reports 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 Cuban authorities confirmed that one man died, who was shot from behind by authorities during demonstrations according to investigations based on official documents analyzed by the Observatorio Cubano de Derechos Humanos and the contrast of video analytics performed by proyectoinventario.org; whereas 1500 Cubans are currently arbitrarily imprisoned and suffering severe limitations of liberties, according to the European human rights group Prisoners Defenders, including 381 verified cases of politically convicted and condemned; 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;
- E. whereas the UN's Committee on Enforced Disappearances has initiated urgent action in Cuba for 187 cases under article 30 of the Convention on Enforced Disappearances on 15 July 2021 (official urgent actions AU No. 1200 to 1386/2021); whereas Cuba holds the sixth (6th) position worldwide in terms of urgent actions on enforced disappearance taken since 2017, while the PDCA was fully operational;
- F. whereas among those arrested were a significant number of activists, artists, journalists, leaders of political opposition movements to the government, as well as teachers and students, such as the artist Luis Manuel Otero Alcántara, Hamlet Lavastida Cordoví or Maikel Castillo Pérez (Maikel Osorbo) and the leading Cuban dissidents Jose Daniel Ferrer and Félix Navarro Rodríguez; whereas many were given summary trials and sentences based on different criminal types, including public disorder, contempt, attempt, resistance, incitement to commit crimes, spread of an epidemic and enemy propaganda, without minimum guarantees of due process; whereas several of the arrested are considered prisoners of conscience;
- G. whereas also more than 8 000 people are being held in prison with no attributable crime, and 2 500 more have been condemned to forced labour by the same cause, both charged on a "*social pre-criminal dangerousness*" entirely sustained by their "*observed behaviour in contradiction to the norms of socialist morality*" (arts. 72-84 of the Cuban Penal Code);
- H. whereas after several days of anti-government demonstrations the Cuban authorities lifted the restrictions for travellers, which were until then severely limited, allowing them to bring unlimited amounts of food and medicines;
- I. whereas Sakharov Prize Laureates continue to suffer from systematic repressive actions, including arbitrary detentions, raids and sieges of their homes, aggressions and arbitrary fines, documented by both the Observatorio Cubano de Derechos Humanos and the Centro

Cubano de Derechos Humanos; whereas the Ladies in White have suffered at least 318 such mentioned repressive actions in the last three months, 60 in June, 142 in July and 116 in August; whereas Sakharov Prize Laureate Guillermo Fariñas Hernández states himself that, in concordance with the mentioned human rights organizations information, he has also suffered systematic repressive actions monthly for years, also that his phone calls are monitored and states that when he leaves his home just a few hundred metres away he is systematically detained, and that this month of September alone he has been arbitrarily detained on 3 occasions, the last one on September 8 2021;

- J. whereas Decree-Law 35 so called “cybersecurity” and its recently approved regulations allow 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 present in the Penal Code whose definition is internationally recognized as illegal; whereas Decree-Law 370, also enacted after the approval of the new 2019 Constitution, persecutes freedom of expression on social networks considered by authorities as “*information contrary to the social interest, morals and decency*” and enables the government impose fines several times the minimum monthly salary in Cuba and, in case of non-payment, allows for criminal prosecution punishable with 6 months of imprisonment for those affected, by means of article 170 of the Cuban Penal Code;
- K. whereas on 5 July 2017, the European Parliament granted its consent to the PDCA , provided that clear improvements were observed in Cuba in relation to human rights and democracy; whereas the European Parliament adopted a very critical resolution accompanying the consent regarding serious concerns about the human rights situation in Cuba; whereas in its 2019 (2019/2929(RSP)) and 2021 (2021/2745(RSP)) resolutions the European Parliament has already stated that Cuban Government’s actions are in breach of the provisions of Articles 1(5), 2(c) 5, 22, and 43 of the PDCA between the European Union and Cuba signed in 2016, in which the Cuban Government undertakes to uphold and improve human rights; whereas the PDCA includes a suspension clause in the event of a violation of human rights provisions;
1. Strongly condemns Cuban government crackdown on protests and citizens, deplores the loss of lives and sends its condolences to the relatives; calls on the Cuban authorities to cease repression, release political prisoners, prisoners of conscience and those arbitrarily detained solely on the grounds of peacefully exercising their freedom of expression and assembly and to guarantee due process; deplores that the Cuban authorities have used the wave of detentions in the wake of the 11th July 2021 protests to criminalize legitimate and peaceful democratic demands of its population, claw-back control, re-establish a culture of fear or its population and to silence some of the country’s most charismatic opponents; calls on the respect for human rights of Sakharov Laureates who suffer from constant repressive acts; condemns the arbitrary arrest for more than 62 days of José Daniel Ferrer, who has been isolated from his family and whose location was unknown;
 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 peaceful expression and the absence of spaces for pluralistic peaceful political participation; calls on the EU to publicly condemn them; urges the Cuban authorities to repeal Decree-Law 35 and any other legislation that restrict fundamental freedoms of its citizens;
4. Is concerned over the deplorable situation on detention and the continuing absence of conditions that provide guarantees for judicial independence; demands that those detained have access to fair trials, be allowed to independent medical evaluation, access to adequate food, water, to telephone communication and regular visits from family, friends, journalists, and diplomats; calls for an effective criminal and administrative investigations to identify, prosecute, and punish those responsible for torture and ill treatment;
5. 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 or with prosecutorial orders with measures limiting liberty; calls on the EU to observe the trials and visit the political prisoners in prison;
6. Regrets that, despite the adopted PDCA, the situation of democracy has not improved and the deterioration of human rights situation in Cuba has only worsened; stresses that Cuba has been systematically violating fundamental elements of this agreement since its entry into force and calls on both sides to fully implement and comply with the binding obligations set out in this agreement while calling for the adoption of clear benchmarks in this respect; in this sense recalls that any dialogue between the European Union and Cuban civil society and funding opportunities must include all civil society organisations without any limitations, neither those arising from the impossibility of registering independent associations in Cuba due to its restrictive current Law of Association which limits registry to State dependent organizations due to article 8 and 13, thus offering them alternative ways of accessing funds directly, indirectly or, else, receive assistance to be registered in the EU with the support and advice of the EU Delegation;
7. Recalls 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 European Union closely monitor and follow up the respect for human rights and fundamental freedoms in Cuba in the implementation of this Agreement and that Parliament be regularly informed thereof; considers that the latest repressive actions of Cuban authorities against its citizens added to the persistent and systematic actions against prisoners of conscience, human rights defenders, dissidents, opposition and civil society activist, artists and journalist, constitute additional breaches of the Agreement and a "case of special urgency" as provided for in Article 85(3)(b) of the PDCA, and calls on the Union, in this regard, to convene an urgent meeting with the Cuban authorities;

8. Calls on the Council to use the EU Magnitsky Act provisions and adopt sanctions against those responsible for human rights violations in Cuba as soon as possible;
9. 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; considers that the Cuban Government's refusal to receive the DCAM delegation is a frontal violation of the minimum standards of democratic behaviour and a violation to the conditions determined when the PDCA was approved by the European Parliament in the point 45 of the resolution of 5 July 2017;
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.