



Plenary sitting

B9-0589/2021

14.12.2021

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 the situation in Cuba, namely the cases of José Daniel Ferrer, Lady in White Aymara Nieto, Maykel Castillo, Luis Robles, Félix Navarro, Luis Manuel Otero, Reverend Lorenzo Rosales Fajardo, Andy Dunier García and Yunior García Aguilera
(2021/3019(RSP))

Michael Gahler, Leopoldo López Gil, Gabriel Mato, Francisco José Millán Mon, Antonio López-Istúriz White, José Manuel Fernandes, Janina Ochojska, Paulo Rangel, Andrius Kubilius, Rasa Juknevičienė, Isabel Wiseler-Lima, Sara Skytvedal, David McAllister, Sandra Kalniete, Miriam Lexmann, Tomáš Zdechovský, Inese Vaidere, Krzysztof Hetman, Stelios Kypourouopoulos, Christian Sagartz, Elżbieta Katarzyna Łukacijewska, Peter Pollák, Eva Maydell, Adam Jarubas, Tom Vandenkendelaere, David Lega, Arba Kokalari, Stanislav Polčák, Loránt Vincze, Jiří Pospíšil, Benoît Lutgen, Ivan Štefanec, Andrey Kovatchev, Vladimír Bilčík, Seán Kelly, Michaela Šojdrová, Luděk Niedermayer
on behalf of the PPE Group

European Parliament resolution on the situation in Cuba, namely the cases of José Daniel Ferrer, Lady in White Aymara Nieto, Maykel Castillo, Luis Robles, Félix Navarro, Luis Manuel Otero, Reverend Lorenzo Rosales Fajardo, Andy Dunier García and Yunior García Aguilera (2021/3019(RSP))

The European Parliament,

- having regard to its previous resolutions on Cuba, in particular the one of 16 September 2021 on the government crackdown on protests and citizens in 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 EEAS Statement of 14 November 2021 on the decision to revoke the credentials of EFE agency journalists,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR) and other international human rights treaties and instruments,
 - having regard to the statement from the Inter-American Commission on Human Rights (IACHR) and the Office of the Special Rapporteur for Freedom of Expression (RELE) on the repressive actions by the State that prevented the civic march called for November 15 in Cuba, of 29 November 2021,
 - having regard to the statement by several artists—along with PEN International, PEN America’s Artists at Risk Connection (ARC), and Human Rights Watch of 8th December 2021,
 - having regard to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Cuba is a State Party,
 - having regard to the Cuban Constitution and its Criminal Code,
 - having regard to Rules 144 of its Rules of Procedure,
- A. whereas in response to the 11 July 2021 landmark demonstrations that took place in more than 50 cities on the island, the Cuban government has systematically targeted protestors, political dissidents, religious leaders, human rights activist and independent artists, among others, some of them are Sakharov prize winners, for their peaceful pro-democracy and human rights activism;
- B. whereas José Daniel Ferrer, Lady in White Aymara Nieto, Maykel Castillo, Luis Robles, Félix Navarro, Luis Manuel Otero, Reverend Lorenzo Rosales Fajardo, Andy Dunier García and Yunior García Aguilera are few examples of the hundreds of Cubans facing injustice and repression imposed by the Cuban regime;
- C. whereas those arbitrarily imprisoned are subject to continuous isolation including stays

in punishment cells, cruel torture and inhumane treatment without access to their lawyers and proper medical treatments; whereas some of them are detained in prisons far away from their homes preventing their families to visit them;

- D. whereas many others who fled the country or were forced to leave the country have not been allowed to return and will remain in exile for the foreseeable future; whereas the crime of forced expatriation of dissidents in Cuba has been already denounced by 4 UN rapporteurs;
 - E. whereas on 15 November 2021, the Archipiélago platform and other civil society groups publicly and transparently requested authorization from the competent authorities to carry out a peaceful demonstration, in favour of respect for human rights and the release of political prisoners in the country; whereas the Cuban authorities denied the request, considering it unlawful and not recognizing the legitimacy of the given reasons for the demonstration;
 - F. whereas on the eve of the 15 November 2021 peaceful demonstrations, the Cuban authorities' revoked the credentials of journalists working for the Spanish news agency, EFE in the country in a clear step to stem the flow of open and accurate news from the island;
 - G. whereas the European Parliament has repeatedly condemned human rights violations in Cuba underscoring the breach of the provisions of Articles 1.5, 2.c, 5, 22 y 43.2 of the PDCA between the European Union and Cuba signed in 2016, in which the Cuban Government undertakes to respect human rights;
 - H. whereas any political dialogue must include direct intensive participation of independent civil society and all opposition political actors with no restrictions, as stressed in Article 36 of the PDCA;
 - I. whereas on December 8 Sakharov Prize laureates Berta Soler, leader of Ladies in White and Guillermo Fariñas, sent a letter to the High Representative proposing the withdrawal of their award if civil society continues to be abandoned by the EEAS in the near future while crimes against humanity are perpetrated in Cuba; whereas on December 9 Guillermo Fariñas was kidnapped and taken against his will to a Hospital;
- 1. Condemns in the strongest terms the systematic abuses against protestors, political dissidents, religious leaders, human rights activist and independent artists, among others, including arbitrary detention and abusive restrictions on movements and communications, such as house arrests and surveillance, and torture and ill-treatment perpetrated by the Cuban government.
 - 2. Calls for the immediate and unconditional release of José Daniel Ferrer, Lady in White Aymara Nieto, Maykel Castillo, Luis Robles, Félix Navarro, Luis Manuel Otero, Reverend Lorenzo Rosales Fajardo and Andy Dunier García and all those detained for the exercise of their rights to freedom of expression and peaceful assembly; calls on the Cuban authorities to drop abusive criminal charges and allow those in exile to return to their country as it is the case of Yunior García; condemns the use of systematic forced expatriations on grounds of conscience by the Cuban Government; denounces the recent abduction and arbitrary detention of the Sajarov prize laureate Guillermo Fariñas and

calls, as well, for his immediate release.

3. Recalls that the Cuban authorities have a duty of preventing torture and ill-treatment, of ensuring a prompt and impartial investigation and granting detainees' immediate access to the medical care of their choice as well to their family members.
4. Calls for credible guarantees to the right to a fair trial and to the independence of the judiciary and to ensure that persons deprived of their liberty have access to an independent lawyer.
5. Urges the Cuban authorities to immediately put an end to the policy of repression, which maintains a culture of fear and quashes all forms of dialogue, and freedom of expression and assembly; expresses its condemnation over Cuba's continued repressive and intimidating strategies aimed at obstructing any civil society pro-democracy initiative, as the civic march called for 15 November 2021, which did not take place as a result of threats, harassment, sieges, detentions and several other repressive actions over civilians.
6. Calls on the Cuban authorities 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.
7. Reiterates its call for the Member States, the EEAS and its delegation in Cuba to firmly and publicly condemn the arbitrary detention and confinement of Mr Ferrer, Ms Nieto, Mr Castillo, Mr Otero, Mr Robles, Mr Navarro, Reverend Rosales Fajardo, Mr García Lorenzo and hundreds of peaceful demonstrators imprisoned on 11J and 15N demonstrations and to take all necessary action to defend democracy and human rights; sends the firmest support to forced expatriated artists, journalists, human rights defenders and social and political activists suffering forced exile from Cuba, such as Mr García Aguilera.
8. Request Cuban authorities to grant access for an EU delegation and its Member States, as well as to the independent human rights organizations, to monitor the trials and conduct prison visits of hundreds of activists;
9. Urges the Cuban Government to align its human rights policy with the international standards defined in the charters, declarations and international instruments to which Cuba is a signatory and to allow civil society and opposition political actors to actively participate in political and social life, with no restrictions while guaranteeing and implementing fundamental freedoms.
10. Condemns the arbitrary revocation of EFE's press credentials and any arbitrary restrictions on the work of international and Cuban press correspondents.
11. Calls on all Member State representatives to raise human rights concerns and enhance their support for genuine and independent civil society during visits with the Cuban authorities, and to meet with the Sakharov Prize laureates when visiting Cuba in order to ensure the internal and external consistent application of the EU's human rights policy, thereby strengthening the participation of independent civil society and

improving the work of human rights defenders; regrets that Cuban and European independent civil society have been excluded from taking part in the dialogue, which is binding provisions in the PDCA;

12. Deeply regrets the fact that the Cuban authorities refuse to allow Parliament, its 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;
13. Expresses its regret that, despite the adopted PDCA, the situation of democracy and human rights has not improved but has seriously deteriorated; recalls that in the light of the PDCA, Cuba must respect and consolidate the principles of the rule of law, democracy and human rights; deeply regrets that all the cases mentioned above constitute additional and permanent breaches of the Agreement;
14. Reiterates its call on the Council to apply the EU Magnitsky Act^[1] provisions and adopt sanctions against those responsible for the persisting human rights violations in Cuba;
15. 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;
16. Calls on the European Union to trigger Article 85 3(b) to call for an immediate meeting of the joint committee because of breaches of the agreement on the part of the Cuban government which constitutes a "case of special urgency", with a view to suspend the agreement for continuous, serious and material violations of democratic principles and the lack of respect for all basic human rights and fundamental freedoms as laid down in the Universal Declaration of Human Rights which constitute an essential element of this Agreement as enshrined in article 1 (5) and failure to address them despite the numerous calls;
17. 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.

^[1] Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses (OJ L 410 I, 7.12.2020, p. 1).