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*Plenary sitting*

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**B9-0610/2021**

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 Fajardo, Andy Dunier García and Yunior García Aguilera  
(2021/3019(RSP))

**Pedro Marques, Andrea Cozzolino, Nacho Sánchez Amor, Maria-Manuel Leitão-Marques**  
on behalf of the S&D Group

**B9-0610/2021**

**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 Fajardo, Andy Dunier García and Yunior García Aguilera (2021/3019(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Cuba
  - having regard to PDCA between the European Union and Cuba signed in December 2016 and provisionally applied since 1 November 2017
  - having regard to the Statement by the Spokesperson of the HR/VPC on the decision to revoke the credentials of EFE journalist of 14 November 2021– having regard to the EEAS Statement on the third EU-Cuba Human Rights Dialogue, formally held under the EU-Cuba PDCA on 26 February 2021
  - having regard to the EEAS Statement on the third EU-Cuba Dialogue in Unilateral Coercive Measures on 26 March 2021
  - having regard to the EU Action Plan on Human Rights and Democracy 2020-2024 of 18 December 2020
  - having regard to the International Covenant on Civil and Political Rights and other international human rights treaties and instruments,
  - having regard to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly on 10 December 1984 and to which Cuba is a State Party,
  - having regard to the EU Guidelines on Human Rights Defenders,
  - having regard to the Universal Declaration of Human Rights, to which Cuba is a signatory,
  - having regard to Rule 144 of its Rules of Procedure
- A. whereas José Daniel Ferrer Cantillo was detained together with his 18 years old son as they were heading to a demonstration, whereas a prosecutor charged him with “public disorder” and sent him to pretrial detention; whereas in August 2021, a court ruled that he would serve more than four years in prison in connection with a 2020 conviction that the United Nations Working Group on Arbitrary Detention has deemed arbitrary;
- B. whereas Lady in White Aymara Nieto, recognised as prisoner of conscience by Amnesty International is serving a four-year sentence of deprivation of liberty for the crimes of “attack and damage”; whereas the Cuban authorities have requested another five years in prison for supposedly being a promoter of the 2020 riot in the Guatao

women's prison in Havana;

- C. whereas Maykel Castillo was arrested on May 18, 2021 while at home and subjected to enforced disappearance for 14 days; whereas he has been imprisoned since in the maximum-security prison 5 y medio, in Pinar del Rio; whereas has recently been awarded two Latin Grammy Awards for co-authoring and performing "Patria y Vida" whereas recently, the Cuban authorities have sanctioned Maykel by isolating him his family for three months allegedly for his message of gratitude for the prize;
- D. whereas Luis Robles Elizastigui, went out in December 2020 with a poster to the streets of Havana to demand the release of the rebellious Cuban rapper Denis Solís; whereas since he is serving year in prison and has not been brought to trial; whereas he has denounced he has been tortured in prison;
- E. whereas Felix Navarro Navarro was one of the 75 political prisoners of the Black Spring of 2003 and is the leader of the Council for the Democratic Transition in Cuba; whereas he has been detained since July 12, allegedly accused of the alleged crimes of attack and public disorder;
- F. whereas Luis Manuel Otero Alcantara was detained during a peaceful demonstration on July 11 and imprisoned since; whereas he is currently under investigation for "public disorder," "instigation to commit crimes," and "contempt" in connection with a peaceful demonstration on April 4;
- G. whereas Reverend Lorenzo Rosales Fajardo, leader of the Monte de Sion Independent Church in Palma Soriano was detained together with his son whilst demonstrating on July 11; whereas his son was released on July 17; whereas prosecutors have charged him with disrespect, public disorder, and assault and are asking for a ten years prison sentence for him;
- H. whereas Andy Dunier was arrested for demonstrating on J 11 in Santa Clara and imprisoned since; whereas the Prosecutor's Office has asked for seven years in prison; whereas no evidences have been so far presented as accusatory evidence in the process against him;
- I. whereas Yunior García, from the "Archipelago" movement organized a new round of protests for November 15, 2021 which were banned by the Cuban government; whereas Yunior and his wife arrived in Spain on November 17, 2021;
- J. whereas the EU and Cuba started a new era of relations *in* December 2016 with the signature of the Political Dialogue and Cooperation Agreement, PDCA, the first ever agreement signed between the EU and Cuba, the only country in Latin America with which the EU had not signed any type of agreement; whereas the PDCA defines general principles and objectives for the relationship between the EU and Cuba, including three main chapters on political dialogue, cooperation and sectoral policy dialogue, as well as trade and trade cooperation; whereas the PDCA is being provisionally applied since 1 November 2017.
- K. whereas the human rights dialogue between the EU and Cuba, led by the EU Special Representative for Human Rights, was established in 2015; whereas the PDCA has led

to an unprecedented level of institutionalization of the relations between the EU and Cuba; whereas the EU is the only organisation to have such a High Level Dialogue with Cuba;

- L. whereas on 26 February 2021, the EU and Cuba held their third formal Human Rights Dialogue under the EU-Cuba Agreement on Political Dialogue and Cooperation (PDCA); whereas the two sides discussed the issue of freedom of peaceful assembly and of association; whereas the EU emphasized, in line with international human rights law, the importance of allowing all citizens to take active part in society via civil society organisations and associations; whereas the EU recalled the need to respect international human rights law obligations;
  - M. whereas on 23 June a total of 184 countries supported a United Nations General Assembly Resolution to demand the end of the US economic blockade on Cuba, for the 29th year in a row; whereas the US embargo has obstructed humanitarian responses to help the country's health care system fight the COVID-19 pandemic; whereas Parliament's longstanding position, which has been adopted on numerous occasions and shared by the EU institutions, is to oppose extraterritoriality laws, given that they are directly harmful to the Cuban people and affect the activities of European undertakings.
  - N. whereas the European Investment Bank (EIB) is active in around 160 countries, some of which face considerable challenges in terms of human and fundamental rights: whereas Cuba, however, is not yet eligible for EIB financing;
  - O. whereas in 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;
  - P. whereas on three separate occasions Parliament has awarded the Sakharov Prize for Freedom of Thought to Cuban activists, Oswaldo Payá in 2002, the Ladies in White in 2005 and Guillermo Fariñas in 2010;
1. Calls on the Cuban authorities to immediately and unconditionally release all those detained for the exercise of their freedom of expression and peaceful assembly;
  2. Calls on the Cuban authorities to listen to the voices of its citizens and to engage in an inclusive national dialogue towards a process of modernization and democratization of the country;
  3. Calls on the Cuban authorities to ensure that the economic, social and cultural rights of the population are met, to address their need for greater access to food and medicine, and to provide an effective response to the COVID-19 pandemic; recognises the efforts of the country in dealing with the pandemic, including the development of vaccines;
  4. Calls on the Cuban authorities to grant access to the country to independent human rights organizations, to the Office of the UN High Commissioner for Human Rights; invites the Cuban authorities to engage in constructive dialogue with the EU institutions, including the European Parliament and to allow access to the country to them;

5. Reiterate its support to the Political Dialogue and Cooperation Agreement and the critical engagement approach of the EU towards Cuba to accompany the country in its modernization but also to openly address our disagreements; highlights the importance of deepening relations between the European Union, its Member States and the Republic of Cuba, specifically within the framework of the PDCA, by seeking the development of mutually respectful and beneficial ties between the parties; calls on the EU delegation in Havana to closely monitor the human rights situation in the country and to enhance all cooperation under the PDCA;
6. Recalls its strong support for all human rights defenders in Cuba and their work; calls on the EU delegation and Member States' representations in the country to continue their support for civil society in their engagement with Cuban authorities, and to use all available instruments to enhance the work of human rights defenders, and, where appropriate, to facilitate the issuing of emergency visas, and provide temporary shelter in the EU Member States, if necessary;
7. Deplores the revocation of EFE's press credentials and any arbitrary restrictions on the work of international and Cuban press correspondents.
8. Calls for the immediate lifting of the economic, commercial and financial blockade imposed on Cuba by the United States of America;
9. Reiterates the importance of extending the mandate of the EIB and calls for Cuba to be fully eligible for EIB financing;
10. Supports the constructive engagement of the HR/VP and of the EEAS to keep the channels of dialogue open and to engage on a positive approach towards the country's challenges;
11. Instructs its President to forward this resolution to the Government and National Assembly of People's Power of Cuba, 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 countries of the Community of Latin American and Caribbean States.