



Plenary sitting

B9-0612/2021

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 Yunion García Aguilera
(2021/3019(RSP))

Javier Nart, Petras Auštrevičius, Malik Azmani, José Ramón Bauzá Díaz, Dita Charanzová, Olivier Chastel, Klemen Grošelj, Bernard Guetta, Svenja Hahn, Ilhan Kyuchyuk, Karen Melchior, Frédérique Ries, María Soraya Rodríguez Ramos, Michal Šimečka, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Tudorache, Hilde Vautmans
on behalf of the Renew 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 Yuniors 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 Political Dialogue and Cooperation Agreement (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 the letter ARES (2021) 2474104 of the EEAS Americas Deputy Managing Director,
- having regard to the definition of "Organized Civil Society" of the Official Bulletin of the European Union (EUR-Lex),
- 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, for their pro-democracy and human rights activism; whereas several dozen have reportedly been arbitrarily arrested, detained or placed under house arrest subject to constant surveillance, and face bogus and abuse-ridden criminal charges;

- B. whereas many others who fled 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;
- 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, putting their life in danger; whereas some of them are detained in prisons far away from their homes preventing their families to visit them;
- D. 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 Yúnior García Aguilera are few examples of the hundreds of Cubans facing injustice and repression imposed by their own government;
- E. whereas on 15th 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 against violence, 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 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;
- G. whereas on 5 July 2017, Parliament granted its consent to the PDCA, with clear conditions linked to the improvement of human rights and democracy in the country, which includes a suspension clause in the event of a violation of human rights provisions; 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 Parliament has awarded its Sakharov Prize for Freedom of Thought to Cuban activists on three occasions: Oswaldo Payá in 2002, the Ladies in White in 2005 and Guillermo Fariñas in 2010; whereas Sakharov laureates and their relatives are still regularly harassed and intimidated, and impeded from leaving the country and participating in international events;
- I. 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;
- 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, drop of abusive criminal charges and allow those in exile to return to their country as it is the case of Yúnior García; condemns the use of systematic forced expatriations on grounds of conscience by the Cuban Government; condemns the arbitrary detention of Sakharov Prize winner Guillermo Fariñas by State Security agents, who put him into an ambulance against his will.
3. Condemns torture and ill-treatment by Cuban authorities; calls for prompt and impartial investigations and immediate access to medical care of their choice for detainees, as well as access to their families;
4. Demands 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. Request Cuban authorities to grant access for an EU and member state delegation, as well as to the independent human rights organizations, to monitor the trials and conduct prison visits of hundreds of activist and ordinary Cubans who remain detained for exercising their right to freedom of expression and assembly, including those charged with provisions of the criminal code such as “contempt”, “resistance”, “incitement to commit a crime”, among other charges;
6. 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;
7. 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;
8. 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;

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; demands that the Delegation of the European Union to Cuba supports, receives and finances the genuine and independent Cuban civil society in accordance with the resolution of 5 July 2017 (13);
12. Deeply regrets the fact that the Cuban authorities refuse to allow the European 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. Stresses the obligation for all parties to fulfil the binding provisions of the PDCA and the resolution of 5 July 2017 (13), in this sense, recalls that any dialogue between the European Union and Cuban civil society and funding opportunities must only include the independent civil society organisations;
14. Expresses its regret that, despite the adopted PDCA, the situation of democracy and human rights has worsened; reiterates its call on the Council to apply the EU Magnitsky Act 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; calls on the European Union to trigger Article 85 3(B) to call for an immediate meeting of the joint committee because of the breaches of the agreement on the part of the Cuban government which constitutes a "case of special urgency" which may lead to the suspension of 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;
16. 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.