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*Plenary sitting*

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**B9-0613/2021**

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

**Anna Fotyga, Karol Karski, Hermann Tertsch, Adam Bielan, Alexandr Vondra, Angel Dzhambazki, Ryszard Antoni Legutko, Assita Kanko, Carlo Fidanza, Charlie Weimers, Elżbieta Kruk, Elżbieta Rafalska, Emmanouil Fragkos, Eugen Jurzyca, Jacek Saryusz-Wolski, Jadwiga Wiśniewska, Jan Zahradil, Ladislav Ilčić, Raffaele Fitto, Ryszard Czarnecki, Valdemar Tomaševski, Veronika Vrecionová, Witold Jan Waszczykowski, Bogdan Rzońca**  
on behalf of the ECR 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, Lorenzo Rosales Fajardo, Andy Dunier García and Yúnior García Aguilera (2021/3019(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Cuba, in particular those of 16 September 2021 on the government crackdown on protests and citizens in Cuba, of 10 June 2021 on the human rights and political situation in Cuba, of 28 November 2019 on the case of José Daniel Ferrer and of 15 November 2018 on the human rights situation in Cuba,
- having regard to the statement by the Chair of the Foreign Affairs Committee of the European Parliament on the crackdown on protesters in Cuba of 14 July 2021,
- having regard to the EEAS statement on the decision to revoke the credentials of journalists of 24 November 2021,
- having regard to the statement by the Inter-American Commission on Human Rights (IACHR) and its Special Rapporteurship on Freedom of Expression on the repressive actions by the State that prevented the civic march called for on 15 November in Cuba, of 29 November 2021,
- having regard to the statement by the IACHR and its Special Rapporteurships on Economic, Social, Cultural and Environmental Rights (SRESCER) and Freedom of Expression on the condemnation of the State Repression and the Use of Force during Peaceful Social Protests in Cuba of 15 July 2021,
- having regard to the EU Guidelines on Human Rights Defenders,
- having regard to the Guidelines on EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – 2019 Revision of the Guidelines, of 16 September 2019,
- having regard to the EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief of 24 June 2013,
- 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 United Nations General Assembly Resolution A/RES/75/189 on Extrajudicial, summary or arbitrary executions, of 16 December 2020,
- 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 United Nations Convention for the Protection of All Persons from Enforced Disappearance, to which Cuba is a State Party,
  - having regard to the Rome Statute of the International Criminal Court,
  - having regard to the International Covenant on Civil and Political Rights of 16 December 1966,
  - having regard to the Universal Declaration of Human Rights of 1948, to which Cuba is a signatory,
  - having regard to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, of 9 December 1948,
  - having regard to Rule 144 of its Rules of Procedure,
- A. whereas on 11 July and on 15 November 2021, thousands of Cubans took to the streets across the country, to peacefully protest the dire social-economic crisis, chronic shortages of medicines and other essential goods and the systematic restrictions on human rights, in particular the freedom of expression and assembly by the Communist government; whereas these were the largest demonstrations in Cuba since the 1994 ‘Maleconazo’ protest; whereas chants of “freedom” and “down with the dictatorship” were reportedly chanted during the protests, signalling the level of discontent and frustration with the six decades of inhuman communist rule; whereas as many as 700 demonstrators and activists are currently illegally imprisoned or missing for demonstrating against the regime;
- B. whereas President Díaz-Canel explicitly called on all government supporters, including the ‘Black Berets’ – an elite unit of the revolutionary armed forces – to respond with extreme violence and repression against protestors and human rights defenders; whereas as a result, the already high number of protestors who disappeared, were detained, or faced house arrest, including minors, political dissidents, human rights activists, independent artists and several religious leaders and members of religious communities, increased even more; whereas several of those detained face health concerns, making their release particularly urgent; whereas the Cuban regime also cut off the internet for several days so that citizens were unable to publicly report acts of repression and human rights violations they faced;
- C. whereas José Daniel Ferrer, Lady in White Aymara Nieto, Maykel Castillo, Luis Robles, Félix Navarro, Luis Manuel Otero, Lorenzo Rosales Fajardo, Andy Dunier García, Yunior García Aguilera and Guillermo Fariñas serve as examples of the hundreds of Cubans who face injustice, repression and persecution by the Cuban communist regime;
- D. whereas many protestors have been given summary trials and sentences for different types of crimes, including terrorism, public disorder, contempt, incitement to commit crimes and responsible for the spread of an epidemic, without minimum guarantees of due process; whereas several of those arrested are considered prisoners of conscience;
- E. whereas Cuba’s churches have defended those who participated in the unprecedented

protests and even set up a hotline to advise the families of detainees; whereas religious freedom conditions in Cuba continue to trend negatively with the Cuban government employing persistent harassment and intimidation campaigns against religious leaders;

- F. whereas Cuba's one-party communist state outlaws political pluralism, bans independent media, suppresses dissent, and severely restricts basic civil liberties; whereas dissidents have disappeared, were assassinated and continue to systematically face harassment, detention, imprisonment, torture, inhuman and degrading treatment while in detention, often for minor infractions; whereas detainees often lack access to legal counsel or proper medical care;
- G. whereas Parliament has awarded its Sakharov Prize for Freedom of Thought to Cuban activists on three occasions: Oswaldo Payá in 2002 and who passed away under suspicious circumstances in 2012, the Ladies in White in 2005 and who continue to be harassed by the Cuban authorities and Guillermo Fariñas in 2010, who has been arbitrarily detained on several occasions, last time being on 8 December 2021; whereas on 8 December 2021, the leader of the Ladies in White, Berta Soler, and the leader of the United Anti-Totalitarian Front (Fantu) Guillermo Fariñas, informed the European Parliament President Sassoli that they will consider renouncing, with immense pain, their Sakharov Prize if divergences in policies between the European Parliament and the EEAS continue towards Cuba;
- H. whereas the Cuban Observatory of Human Rights, reported around 1,800 arbitrary detentions of peaceful dissidents in 2020; whereas in 2020, the Cuban government continued to expand its list of so-called 'regulados', which includes more than 200 Cuban citizens who are not allowed to travel abroad due to their dissident political activities, human rights advocacy, or practice of independent journalism; whereas the government has also stepped up interrogations, threats, detentions, raids and exorbitant fines targeting independent journalists and activists who publish critical stories on foreign websites or social media;
- I. whereas the EU-Cuba PDCA includes a so-called human rights clause, which is a standard essential element of EU international agreements that allows the PDCA to be suspended in the event of a violation of the provisions on human rights;
  - 1. Stands in solidarity with all Cuban citizens peacefully protesting against the brutal dictatorship of Díaz Canel and supports their aspirations to establish a free and democratic country, which respects the Universal Declaration on Human Rights and fundamental freedoms;
  - 2. Demands the immediate and unconditional release of all political prisoners, including José Daniel Ferrer, Lady in White Aymara Nieto, Maykel Castillo, Luis Robles, Félix Navarro, Luis Manuel Otero, Lorenzo Rosales Fajardo, Andy Dunier García, Yúnior García Aguilera and Guillermo Fariñas, and all those detained for exercising their right to freedom of expression and freedom of assembly and for all false criminal charges to be dropped of which they are accused of by the regime;
  - 3. Strongly condemns the government's response to the protests, including the deployment of the 'Black Berets' and civilians groups that responded to President Miguel Díaz-Canel's call to 'defend the Revolution';

4. Reminds the Cuban government that all those detained must be afforded every right to due process and face a fair, impartial and public trial, as well as have access to legal counsel of their choosing and medical care, in accordance with Cuba's obligations under international human rights law; recalls that the Cuban authorities have the responsibility to protect their citizens and the duty to uphold the human rights of all detainees and that torture and ill-treatment are illegal under international law; calls on the Cuban authorities to allow for independent investigations into all cases of torture and ill-treatment and for perpetrators to be held accountable;
5. Deplores the systematic abuses, including arbitrary detention, abusive restrictions on movement and communication, such as house arrests and surveillance, and torture and ill-treatment perpetrated by the Cuban government against protestors, political dissidents, religious leaders and members of the religious communities, human rights activists and independent artists, amongst others; demands that the Cuban authorities immediately end their policies of repression, harassment and intimidation against its citizens that aim to obstruct any pro-democracy initiatives or dissenting voices; acknowledges that extrajudicial, summary, or arbitrary executions may under certain circumstances amount to genocide and crimes against humanity, as defined in international law;
6. Strongly condemns the Cuban authorities' suppression of dissent and severe restriction of basic civil liberties; stresses that fundamental rights such as freedom of expression, association and assembly must always be upheld and respected; calls on the Cuban authorities to ensure and guarantee the right to freedom of expression, association and peaceful assembly at all times by allowing peaceful demonstrations in the country;
7. Stresses the importance to guarantee freedom of religion and condemns the violations on freedom of thought, conscience and religion by the Cuban authorities; urgently calls on the Cuban authorities to halt their system of laws and policies, surveillance and harassment to control and suppress religious groups and others advocating for or supporting religious freedom;
8. Deplores the divergence in positions and policies concerning Cuba between the EEAS and the European Parliament and strongly calls on the EEAS to not abandon the civil society of Cuba; demands that the EEAS and the European Commission denounce the unsustainable situation of Cuban society in all international fora, in particular that of Cuban human right defenders, who are victims of a totalitarian regime of terror and systematic violations of human rights;
9. Welcomes the adoption of the EU Global Human Rights Sanctions Regime by the Council as an important EU instrument to sanction violations of human rights and calls on the Council to urgently adopt sanctions against those responsible for the on-going serious human rights violations in Cuba;
10. Recalls that the PDCA contains a human rights clause – a standard essential element of EU international agreements – which allows the agreement to be suspended in the event of violations of human rights provisions; calls on the EU to trigger Article 85(3b) and, once again, calls for an immediate meeting of the joint committee in light of the breaches of the agreement on the part of the Cuban government, which constitutes a 'case of special urgency'; believes the agreement needs to be suspended given the Cuban

government's 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, that constitute an essential element of the agreement, as enshrined in article 1(5); underlines that the Cuban government has failed to address the dire human rights situation in the country, despite numerous calls;

11. Insists on the immediate cessation of all financial aid from the EU to Cuba, which have been allocated despite the serious violations of human rights by the Cuban authorities and which have been used to benefit the communist regime rather than for their intended use to improve the standard of living of Cuban civilians; calls, instead, for the provision of financial support to the Cuban civil society, including human rights defenders, social and religious leaders and institutions that work for a free and democratic Cuba, both within and outside the country;
12. 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.