



Plenary sitting

B9-0311/2023

5.7.2023

MOTION FOR A RESOLUTION

to wind up the debate on the statements by the Council and the Commission

pursuant to Rule 132(2) of the Rules of Procedure

on the state of the EU-Cuba PDCA in the light of the recent visit of the High Representative to the island
(2023/2744(RSP))

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European Parliament resolution on the state of the EU-Cuba PDCA in the light of the recent visit of the High Representative to the island (2023/2744(RSP))

The European Parliament,

- having regard to its previous resolutions on Cuba,
- having regard to the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part¹ (PDCA), signed in December 2016 and provisionally applied since 1 November 2017,
- having regard to the outcomes of the EU-Cuba Joint Council meeting in Havana of 26 May 2023 and to the joint press statement by the High Representative of the Union for Foreign Affairs and Security Policy and the Deputy Minister of Foreign Affairs of Cuba following that meeting,
- having regard to the declaration by the High Representative on behalf of the EU on the first anniversary of the demonstrations of 11 and 12 July 2021,
- having regard to the International Covenant on Civil and Political Rights and other international human rights treaties and instruments,
- having regard to the UN 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 Criminal Code,
- having regard to Parliamentary Assembly of the Council of Europe Resolution 2506 (2023) of 22 June 2023 entitled ‘Political consequences of the Russian Federation’s war of aggression against Ukraine’,
- having regard to Inter-American Commission on Human Rights (IACHR) Report No 83/23 of 9 June 2023 on Case 14.196, entitled ‘Admissibility and merits report (publication) – Oswaldo José Payá Sardiñas et al. – Cuba’,
- having regard to the UN Working Group on Arbitrary Detention report of 6 August 2021,
- having regard to the definition of ‘civil society organisation’ in the *Official Journal of the European Union*,
- having regard to Rule 132(2) of its Rules of Procedure,

A. whereas Parliament gave its consent to the PDCA on 5 July 2017, with clear conditions

¹ OJ L 337 I, 13.12.2016, p. 3.

linked to the improvement of human rights and democracy in Cuba, including a suspension clause in the event of a violation of human rights provisions; whereas the EU recalled, during the third formal Human Rights Dialogue with Cuba on 26 February 2021, the need to respect international human rights law obligations;

- B. whereas any political dialogue must include the direct and intensive participation of independent civil society and all opposition political actors, with no restrictions, as stressed in Article 36 of the PDCA; whereas Parliament has repeatedly condemned human rights violations in Cuba, underscoring the breaches of the provisions of Articles 1(5), 2(c), 5, 22 and 43(2) of the PDCA, in which the Cuban Government undertook to respect human rights;
- C. 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, intimidated and prevented from leaving the country and participating in international events;
- D. whereas IACHR Report No 83/23 on Case 14.196 concludes that the Cuban state is directly responsible for the deaths of Oswaldo Payá and Harold Cepero; whereas the report also recalls that the IACHR ‘has identified that violations of the rights to freedom of expression and association have been institutionalized “as a policy of the Cuban State to prevent any critical position contrary to the regime or to the political, labor, educational, etc. situation”’;
- E. whereas no concrete progress has been made vis-à-vis the general principles and objectives pursued by the PDCA with regard to improving the situation of human rights in Cuba; whereas, on the contrary, the Cuban regime has intensified its repression and its labour and human rights violations, as exemplified by the increasing number of political prisoners; whereas the PDCA has failed in its core aim of improving fundamental freedoms in Cuba;
- F. whereas the Cuban regime has deepened its relationship with the Putin regime since the start of Russia’s illegal, unjustified and unprovoked war of aggression against Ukraine; whereas Cuba has not supported any UN resolutions regarding the Russian aggression against Ukraine and has praised the annexation of the Donbas; whereas, as part of its alliance with Russia, Cuba has reportedly already sent soldiers to Ukraine and has acknowledged having signed an agreement to send troops to Belarus;
- G. whereas, in its resolution of 22 June 2023, the Parliamentary Assembly of the Council of Europe recognises Cuba as an ally of Putin’s regime and ‘calls on the parliaments of Council of Europe member States to withdraw from the pending ratification of [the] free trade agreement between the European Union and the Republic of Cuba (PDCA)’;
- H. whereas human rights organisations continue to document the ongoing crackdown on the rights to freedom of expression, peaceful assembly and association in the country and the Cuban authorities’ stifling of dissenting voices and targeting of human rights defenders; whereas on 31 May 2023, there were a total of 1 037 political prisoners and prisoners of conscience in Cuba, including 35 minors; whereas human rights organisations have also documented 1 111 cases of forced labour, in particular

involving Cuban workers abroad, where they are subject to forms of modern slavery that amount to human rights violations;

- I. whereas the Cuban regime has long employed restrictive laws, constant surveillance, censorship and intimidation tactics in its campaign of harassment and repression, with ever-increasing machinery to restrict the rights to freedom of expression and peaceful assembly, while individuals defending human rights face unfair trials and arbitrary detention on bogus and abuse-ridden criminal charges; whereas, according to the 2021 report of the UN Committee on Enforced Disappearances, Cuba had more urgent action requests relating to enforced disappearances than any other country in the world in 2021 and ranks third for the overall number of such requests since 2012;
- J. whereas the targeting of protesters and their families has only increased since the unprecedented demonstrations of 11 July 2021, when thousands of people took to the streets across the island; whereas the Cuban authorities have refused to allow EU or Member State diplomats, international media outlets or human rights organisations to monitor the trials of those detained during the 11 July 2021 protests; whereas more than 100 Cuban civilians who took part in the protests, despite not being involved in any military service or holding any military function, have been tried by military tribunals, in violation of international law, and given sentences ranging from two to 22 years in prison;
- K. whereas those arbitrarily imprisoned are subject to continuous isolation, including stays in punishment cells, cruel torture and inhumane treatment, being denied access to their lawyers or proper medical treatments, putting their lives in danger; whereas some of them are detained in prisons far away from their homes, preventing their families from visiting them; whereas more than 1 000 political prisoners in Cuba are reportedly being tortured, including minors, young people and women; whereas the organisation Prisoners Defenders has documented, in a report dated 30 May 2023, 181 cases of systematic torture among political prisoners in Cuba;
- L. whereas José Daniel Ferrer remains in jail solely as a result of his beliefs and the peaceful exercise of his human rights; whereas his whereabouts and health are unknown; whereas Ferrer, Luis Manuel Otero Alcántara and Maykel ‘Osorbo’ Castillo Pérez are just a few examples of the hundreds of Cubans facing injustice and repression at the hands of their own government; whereas, at its 87th, 88th and 89th sessions, the UN Working Group on Arbitrary Detention ruled on nine cases against Cuba, among them those of Ferrer (part of the Group of 75, arrested for his involvement in the 11 July 2021 protests) and Aymara Nieto (a member of the Ladies in White, imprisoned for more than five years without cause);
- M. whereas Sakharov Prize laureate Guillermo Fariñas began a new hunger strike on 26 June 2023 to campaign for the unconditional release of all political prisoners on the island;
- N. whereas the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Josep Borrell Fontelles, travelled to Cuba on 25 May 2023 to represent the EU at the third Joint Council meeting; whereas he deliberately neglected to meet with credible and independent civil society organisations,

as well as with political prisoners and/or their relatives;

- O. whereas, during his visit, VP/HR Borrell Fontelles publicly declared that the EU has ‘neither the capacity nor the will’ to impose political changes on the island;
- P. whereas Cuba constitutes a non-democratic anomaly in the Latin American region;
1. Recalls that the PDCA stresses that ‘respect for and the promotion of democratic principles, respect for all human rights and fundamental freedoms as laid down in the Universal Declaration of Human Rights and in the core international human-rights instruments and their optional protocols which are applicable to the Parties, and respect for the rule of law constitute an essential element of this Agreement’, yet the Cuban regime has continually ignored and breached these principles and rights for decades and these violations have escalated in recent times;
 2. Stresses the obligation for all parties to fulfil the binding provisions of the PDCA and to uphold the principle of the universality of human rights; regrets the fact that, despite the adoption of the PDCA, the situation of democracy and human rights in Cuba has worsened; recalls that the PDCA contains a ‘human rights clause’, as a standard essential element of EU international agreements, that allows the suspension of the agreement in the event of violations of human rights provisions;
 3. Condemns in the strongest terms the systematic human rights violations and abuses against protesters, political dissidents, religious leaders, human rights activists and independent artists, among others, perpetrated by the Cuban regime; urges the Cuban authorities to immediately put an end to the policy of repression; condemns the lack of religious freedom in Cuba;
 4. Calls for the immediate and unconditional release of all those detained solely as a result of exercising their human rights, including the right to freedom of expression and peaceful assembly; also calls for abusive criminal charges to be dropped and for those in exile to be allowed to return to their country;
 5. Condemns the use of torture and ill treatment by the 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;
 6. Reiterates its demands for the right to a fair trial and for the independence of the judiciary, and for persons deprived of their liberty to be guaranteed access to an independent lawyer;
 7. Requests that the Cuban authorities grant access to an EU and Member State delegation and independent human rights organisations in order to monitor the trials of and conduct prison visits to the hundreds of activists and ordinary Cubans who remain detained for exercising their right to freedom of expression and assembly;
 8. Underlines that Cuba’s human rights crisis must be matched by a proportional response by the EU and the Member States in order to address the scope and severity of the situation; reiterates its call for the Member States, the European External Action Service and its delegation to Cuba to firmly and publicly condemn the repressive policy of the

Cuban regime and to increase their support for genuine and independent civil society, including the Sakharov Prize laureates;

9. Deplores the VP/HR's failure to use his presence in the country to meet with independent civil society representatives, political prisoners or their relatives, which represents a missed opportunity; deeply regrets the fact that the VP/HR squandered the chance to support democracy through Cuban civil society and the political prisoners and to send a clear message about the EU's concerns regarding human rights violations in Cuba; strongly rejects the counterproductive effect of whitewashing the Cuban regime, to which his visit contributed; recalls that any dialogue between the EU and Cuban civil society and funding opportunities must only include independent civil society organisations, not NGOs financed and tolerated by the regime, as supporting the latter ultimately equates to financing the very same regime that is curtailing the collective fundamental freedoms of the Cuban people; deeply deplores the remark by VP/HR Borrell Fontelles, during his visit to Cuba, that the EU has 'neither the capacity nor the will to impose changes in Cuba', even though one of the core aims of the PDCA is to improve fundamental freedoms and living standards for Cuban citizens;
10. Calls for the EU to trigger Article 85(3)(b) of the PDCA to request an immediate meeting of the joint committee owing to the Cuban Government's breaches of the agreement, which constitute a 'case of special urgency' that may lead to the suspension of the agreement, namely the 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 are an essential element of the agreement as enshrined in Article 1(5), and the failure to address these violations despite the numerous calls;
11. Reiterates its call on the Council to apply the provisions of the EU Magnitsky Act and adopt sanctions against those responsible for the persistent human rights violations in Cuba, starting by sanctioning Miguel Díaz-Canel, as the most senior figure in the chain of command of the Cuban security forces, along with other high-ranking officials within the Cuban Government;
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 Cuban authorities to immediately grant entry to a Parliament delegation and to independent human rights organisations and the UN standing rapporteurs;
13. Stresses that the upcoming summit between the EU and the Community of Latin American and Caribbean States represents an opportunity to uphold the principles of the rule of law, democracy and human rights, and calls on all participants to abide by these principles; points out that this will not be possible without the truly transparent, comprehensive and meaningful inclusion of independent civil society; considers that autocratic regimes should not participate in such summits among countries that share democratic values and respect human rights; calls on those participating in the summit to issue a statement demanding due respect for human rights in both regions, with a particular focus on the lack of respect for democracy and fundamental freedoms in Cuba;

14. Condemns the Cuban regime's unconditional support for the Russian war of aggression on Ukraine and its defence of Russia, as well as the agreement signed for Cuba to send troops to train in Belarus; recalls the VP/HR's declarations indicating that not supporting Ukraine against the Russian aggression would have consequences, and deplores the fact that these declarations have been shown to be mere rhetoric and have not been matched with practical implications;
15. 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 members of the Community of Latin American and Caribbean States.