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<Commission>{PETI}Committee on Petitions</Commission>

<Date>{02/12/2021}2.12.2021</Date>

<TitreType>NOTICE TO MEMBERS</TitreType>

Subject: <TITRE>Petition No 0164/2021 by C.C. (Cuban), on behalf of the Cuban Constitutional Government for Transition, on the situation in Cuba</TITRE>

1. Summary of petition

<TEXTE>The petitioner sets out his association's political project for Cuba. Its basic principle is to restore the constitution as voted for by the people of Cuba in 1940, which, in his view, meets democratic standards similar to those of the EU Member States. He asks that a future goal be set that Cuba should return to the constitutional system, republic and constitution of 1940. He calls on the EU to apply EU law and impose restrictive measures on companies belonging to the Cuban Government and its cover entities present in EU territory. He calls for a change to the EU's foreign policy in relation to Cuba since, in his view, European cooperation funds are supporting the tyranny in Cuba and helping to bring about political and social destabilisation. He calls for his association to be seen as part of Cuban civil society in exile and to be invited to negotiations on future cooperation treaties with the Cuban regime. </TEXTE>

2. Admissibility

Declared admissible on 15 July 2021. Information requested from Commission under Rule 227 (6).

3. Commission reply, received on 2 December 2021

The Commission’s observations

The EU considers that the human rights situation in Cuba remains worrisome, and requires continuous attention from the side of the EU. As the EU has declared many times, it expects Cuba to respect the fundamental freedoms and rights of every person[[1]](#footnote-1). The EU however believes that positive change in Cuba is best brought about by closer engagement at all levels. The EU will continue to raise its concerns with Cuba in a coordinated and proactive manner.

The Political Dialogue and Cooperation Agreement (PDCA)[[2]](#footnote-2) provides the space for critical and constructive engagement with Cuba. The implementation of the PDCA is essential for the EU as it provides the opportunity to strengthen cooperation with Cuba as well as to address openly the EU’s serious concerns, such as the ones related to human rights and freedoms. It allows the EU to pursue its objectives, which the advent of the PDCA has not changed, namely to:

1. accompany Cuba as it reforms its political and economic models;

2. promote democracy and human rights; and

3. improve the lives of the Cuban people.

The EU is strongly committed to the protection and promotion of human rights. In that perspective, human rights are an essential part of the PDCA. On 26 February 2021, the EU held its third formal Human Rights Dialogue under the PDCA[[3]](#footnote-3). The dialogue achieved its objectives of critical and constructive engagement and honest discussions, including on areas where the EU and Cuba do not agree. The openness of Cuba towards concrete cooperation is another positive step.

The EU has chosen to engage with Cuba because critical engagement gives it the opportunity to strengthen results-oriented cooperation with Cuba, its government and its people, including in the area of human rights, in order to address disagreements openly and to strive to find solutions.

EU cooperation programmes implemented in Cuba are an important tool for this engagement. They aim to foster the country’s socioeconomic development and its attainment of the Sustainable Development Goals. To this end, they support sustainable agriculture and food security, transition to renewable energies, climate change mitigation and adaptation, and socioeconomic modernisation, to the benefit of the Cuban people. Programmes are implemented through United Nations agencies, civil society organisations, or through official bodies such as Cuban universities, based on agreed programme estimates and financing agreements, giving the EU close control over the implementation processes. EU programmes seek the engagement of government institutions at all levels, but also through various channels of civil society and local communities.

Human rights are mainstreamed throughout the EU. As all human rights are indivisible, interdependent and interrelated, account is taken not only of civil and political rights, but also of economic, social and cultural rights. EU cooperation thus contributes to the advancement of human rights and freedoms as well as the 2030 Agenda for Sustainable Development, namely in the above-mentioned areas. The EU is also seeking to couple the Human Rights Dialogue with Cuba with concrete initiatives in the areas discussed in the dialogue such as the fight against gender violence.

The EU is not currently considering adopting restrictive measures in view of the situation in Cuba. On 7 December 2020, the EU adopted a restrictive measures regime against serious human rights violations and abuse[[4]](#footnote-4).

The petitioner’s request to be invited to negotiations on future cooperation treaties has to be declined since only the EU and the third country with which negotiations are taking place can be considered as parties in the negotiations.

Conclusion

Through critical and constructive engagement with Cuba, the EU expects to be in a position to accompany the reform processes underway in Cuba and to promote EU values and interests, including the respect for human rights and freedoms. EU cooperation programmes implemented in Cuba play an essential part in this respect. The EU will continue to vigorously promote democracy and respect for human rights and freedoms in all circumstances by using all diplomatic and non-diplomatic tools at its disposal.

1. See, for example,

<https://www.europarl.europa.eu/doceo/document/E-9-2021-001059-ASW_EN.html>; <https://www.europarl.europa.eu/doceo/document/E-9-2020-006251-ASW_EN.html>; <https://eeas.europa.eu/headquarters/headquarters-homepage/71181/speech-hrvp-federica-mogherini-ep-plenary-debate-cases-breaches-human-rights-democracy-and_en>. [↑](#footnote-ref-1)
2. <https://data.consilium.europa.eu/doc/document/ST-12504-2016-INIT/en/pdf> [↑](#footnote-ref-2)
3. <https://eeas.europa.eu/headquarters/headquarters-homepage/94032/eu-cuba-formal-meeting-human-rights-dialogue_en> [↑](#footnote-ref-3)
4. Council Decision (CFSP) 2020/1999 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses (OJ L 410I 7.12.2020, p. 13), and Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses, OJ L 410I 7.12.2020, p. 1. [↑](#footnote-ref-4)