Government crackdown on protests and citizens in Cuba
European Parliament resolution of 16 September 2021 on the government crackdown on protests and citizens in Cuba (2021/2872(RSP))

The European Parliament,

   – having regard to its previous resolutions on Cuba, in particular those of 10 June 2021 on the human rights and political situation in Cuba, of 28 November 2019 on Cuba, the case of José Daniel Ferrer, and of 5 July 2017 on the draft Council decision on the conclusion, on behalf of the Union, of the Political Dialogue and Cooperation Agreement (PDCA) between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part,

   – having regard to the PDCA between the European Union and Cuba signed on 12 December 2016 and provisionally applied since 1 November 2017,

   – having regard to the formal EU-Cuba human rights dialogue held under the EU-Cuba PDCA, and in particular the third dialogue of 26 February 2021,

   – having regard to the declaration by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on behalf of the European Union of 29 July 2021 on recent events in Cuba,

   – having regard to the International Covenant on Civil and Political Rights and other international human rights treaties and instruments,

   – having regard to the Universal Declaration of Human Rights, of which Cuba is a signatory,

   – having regard to the letter of the UN Committee on Enforced Disappearances requesting urgent action and urging the Cuban authorities to respond about the 187 missing persons,

1 Texts adopted, P9_TA(2021)0292.
– having regard to the statement of 16 July 2021 by UN High Commissioner for Human Rights Michelle Bachelet calling on Cuba to release detained protesters,

– having regard to the statement of the Inter-American Commission on Human Rights (IACHR) and its special rapporteurships of 15 July 2021,

– having regard to the EU guidelines on human rights defenders and those on freedom of expression online and offline,

– having regard to the Charter of Fundamental Rights of the European Union\(^1\) and in particular Article 12 on freedom of assembly and of association,

– having regard to the complaint of 8 September 2021 by the Cuban Observatory for Human Rights (OCDH) to the EU Special Representative for Human Rights Eamon Gilmore on the repression against protesters,

– having regard to the Cuban Constitution and its Criminal Code,

– having regard to the Decree Law 35 on telecommunications, information and communication technologies and the use of the radio-electric spectrum and Resolution 105 of 2021 on the regulation on the National Intervention Model to respond to cybersecurity incidents of the Republic of Cuba,

– having regard to Rules 144(5) and 132(4) of its Rules of Procedure,

A. whereas on 11 July 2021, thousands of Cubans took to the streets in over 40 towns to peacefully protest against the chronic shortages of medicines and other essential goods, the general mishandling of the COVID-19 pandemic and the systematic restrictions on human rights, in particular freedom of expression and assembly by the Cuban authorities; whereas these were the largest protests in Cuba since the 1994 ‘Maleconazo’ protest;

B. whereas the Cuban authorities responded with extreme violence and repression against protestors and human rights defenders; whereas President Diaz-Canel explicitly called on all government supporters, including special forces units such as the ‘Black Berets’ – an elite unit of the revolutionary armed forces – to fight peaceful protestors, exacerbating the violence, leaving hundreds of civilians injured, and resulting in police searches, arrests at protesters’ homes and police violence;

C. whereas the Cuban authorities adopted new methods of repression such as the suspension, surveillance, censorship and control of telecommunications services in violation of international human rights law in order to control and cover up the grave human rights violations they were committing; whereas the Cuban authorities must protect and ensure human rights, such as peaceful assembly and freedom of expression, without discrimination based on political views, and comply with international human rights standards with respect for the principles of legality, exceptionality, responsibility and necessity;

D. whereas Decree Law 35 updates the Cuban legal framework on the procedures for and conditions to obtain the required permits for the use of the national radio-electric

\(^1\) OJ C 326, 26.10.2012, p. 391.
spectrum and imposes obligations on telecommunications operators to suspend, monitor, intercept and control users and pass on their information to the Cuban authorities; whereas the decree is internationally recognised as illegal; whereas Resolution 105 establishes the Cybersecurity Incidents Regulation in a broad manner, providing a legal framework for the prosecution of individuals for a wide range of accusations and allowing sanctions to be imposed, mobile phones and computers to be seized, home searches to be carried out and even allowing the government to act as a facilitator for the initiation of criminal proceedings for crimes currently mentioned in the Criminal Code whose definitions are internationally recognised as illegal; whereas Decree Law 370, which was also enacted after the approval of the new 2019 Constitution, restricts freedom of expression on social networks;

E. whereas the regime cut off the internet for several days so that citizens were unable to publicly report the acts of repression and human rights violations they were suffering; whereas the Cuban Minister of Foreign Affairs Bruno Rodríguez described the US attempt to reinstate the internet signal on the island as an ‘aggression’;

F. whereas the IACHR and the UN High Commissioner for Human Rights have condemned the Cuban State’s repression and the use of force in response to peaceful protests, have also called for the prompt release of all those who have been detained and have urged the Cuban Government to address the underlying social issues through dialogue;

G. whereas the OCDH has reported that as at 5 September 2021, 1,306 persons, including 27 minors, had been missing or detained since the protests of 11 July 2021; whereas other reports by non-governmental organisations such as Prisoners Defenders indicate that more than 5,000 people were detained during that period, with allegations of arbitrary detentions, incommunicado detention, forced disappearances, use of criminal figures as a way to criminalise participation in protests, torture and ill-treatment, surveillance and house arrests, and violence against the protestors; whereas the UN Committee on Enforced Disappearances initiated urgent action in Cuba for 187 cases under Article 30 of the Convention on Enforced Disappearances on 15 July 2021 (official urgent actions AU Nos 1200 to 1386/2021); whereas Cuba has the sixth highest number of urgent actions on enforced disappearances that needed to be taken since 2017 in the world, despite the PDCA now being fully in force;

H. whereas among the detained were a significant number of activists, journalists and leaders of political opposition movements such as José Daniel Ferrer, leader of the Unión Patriótica de Cuba (Patriotic Union of Cuba), whose whereabouts are unknown to date, as well as teachers, students and artists such as Luis Manuel Otero Alcántara of the Movimiento San Isidro; whereas Diubis Laurencio Tejeda was confirmed dead by the police after being shot from behind in Havana while protesting;

I. whereas Sakharov Prize laureates continue to suffer from systematic repressive actions, including arbitrary detentions, raids and sieges of their homes, aggressions and arbitrary fines, which have been documented by both the Observatorio Cubano de Derechos Humanos and the Centro Cubano de Derechos Humanos; whereas the Ladies in White have suffered at least 318 such repressive actions in the last three months, 60 in June, 142 in July and 116 in August; whereas Sakharov Prize Laureate Guillermo Fariñas Hernández has stated that, in line with the above-mentioned information from human rights organisations, he has also suffered systematic repression monthly for years, and
that his phone calls are monitored and that when he leaves his home he is systematically
detained just a few hundred metres away, and that in September alone he has been
arbitrarily detained on three occasions, the last time on 8 September 2021;

J. whereas many were given summary trials and sentences for different types of crimes,
including terrorism, public disorder, contempt, incitement to commit crimes and the
spread of an epidemic, without minimum guarantees of due process; whereas several of
those arrested are considered prisoners of conscience;

K. whereas more than 8,000 people are also being held in prison for no attributable crime
and 2,500 more have been condemned to forced labour for the same cause, all charged
with ‘social pre-criminal dangerousness’, a charge entirely sustained by their ‘observed
behaviour in contradiction to the norms of socialist morality’ (Articles 72-84 of the
Cuban Penal Code);

L. whereas on 5 July 2017, Parliament granted its consent to the PDCA on the condition
that clear improvements are made in Cuba in relation to human rights and democracy;
whereas Parliament has repeatedly condemned human rights violations in Cuba
underscoring the breach of Articles 1(5), 2(c), 5, 22 and 43 of the PDCA; whereas there
has not been concrete progress in Cuba vis-à-vis the agreement’s general principles and
objectives on improving the situation of human rights and whereas on the contrary, the
Cuban regime has intensified its repression and labour and human rights violations,
including the increase in political prisoners; whereas the PDCA has failed in its core
aim to improve fundamental freedoms in Cuba;

M. whereas the Cuban State keeps systematically violating the labour and human rights of
its healthcare personnel assigned to work abroad on medical missions, which makes it
equivalent to modern slavery according to the UN;

N. whereas in its resolution of 10 June 2021, Parliament reminds the European External
Action Service that the participation of civil society in political dialogues and the
agreement’s cooperation projects is an essential part of the PDCA and that excluding
civil society from cooperation funds and/or participation in the agreement while, on the
contrary, allowing participation and access to cooperation funds exclusively for
companies in which the state participates or controls, as has been the case since the
signing of the agreement, should be remedied immediately;

O. whereas the PDCA included 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;

P. whereas the OCDH has formally requested ‘the application of the new European Union
sanctions regime for those natural persons or state institutions involved’ in the serious
human rights violations in Cuba;

1. Condemns in the strongest possible terms the extreme violence and repression against
protesters, human rights defenders, independent journalists, artists, dissidents and
opposition political leaders by the Cuban government in the aftermath of the 11 July
2021 protests; deplores the loss of life and sends its condolences to the relatives;
2. Calls on the Cuban authorities to cease repression, release all political prisoners, prisoners of conscience and those arbitrarily detained solely on the grounds of peacefully expressing their freedom of expression and assembly, and guarantee due process; condemns the fact that the government’s response to these protests included the deployment of the Black Berets and civilian groups that responded to President Miguel Díaz-Canel’s call to ‘defend the Revolution’;

3. Deplores the fact that the Cuban authorities have used the wave of detentions in the wake of the 11 July 2021 protests to criminalise the legitimate and peaceful democratic demands of its population, claw back control, re-establish a culture of fear among its population and silence some of the country’s most charismatic opponents;

4. Calls for respect for the human rights of the Sakharov Prize laureates, who suffer from constant repressive acts, and condemns the arbitrary arrest for more than two months of José Daniel Ferrer, who has been isolated from his family and whose location is unknown;

5. Underlines the utmost necessity for the Cuban authorities to listen and respond to the demands for civil and political rights, and for freedom and democracy, and to engage in an inclusive national dialogue on a process of modernising and democratising the country, with a view to taking all necessary measures to undertake much-needed internal economic reforms while ensuring the political, civil, economic, social and cultural rights of the population are met and an effective response to the COVID-19 pandemic is provided;

6. Is deeply concerned about the findings of the UN Working Group on Arbitrary Detention regarding the arbitrary deprivation of liberty in Cuba, which show there is a systematic problem of arbitrary detentions, as confirmed in the working group’s reports 12/2017, 55/2017, 64/2017, 59/2018, 66/2018, 63/2019 and 4/2020;

7. Denounces the Cuban authorities’ lack of respect for the human rights and freedoms enshrined in universal human rights conventions, in particular the freedoms of assembly, press and expression both online and offline, as well as their repression against any form of democratic expression and the absence of spaces for pluralistic political participation; calls on the EU to publicly condemn them; deplores the recently adopted Decree Law 35 and Resolution 105, which provide broad legal avenues to criminalise individuals taking part in legitimate peaceful protests, by exercising control over means of telecommunication, paving the way for new methods of repression; calls on the Cuban authorities to update the legal framework in accordance with international law and repeal Decree Law 35 and any other legislation that restricts the fundamental freedoms of its citizens;

8. Is concerned about the deplorable detention situation and the continuing absence of conditions that provide guarantees for judicial independence; demands that those detained have access to fair trials, be allowed to have independent medical evaluations, be given adequate food and water, be allowed to make telephone calls and be allowed regular visits from family, friends, journalists and diplomats; calls for effective criminal and administrative investigations aiming to identify, prosecute and punish those responsible for torture and ill treatment;
9. Calls on the Cuban authorities to comply with the recommendations of the IACHR and the UN High Commissioner for Human Rights to engage in constructive dialogue with genuine civil society; calls on Cuba to immediately grant the UN Special Rapporteur for Freedom of Opinion and Expression, the UN Special Rapporteur on the Situation of Human Rights Defenders and independent human rights organisations access to the country to document the human rights situation and to monitor and observe the upcoming trials of the hundreds of activists and ordinary Cubans who remain detained; calls on the EU to observe the trials and visit the political prisoners in prison;

10. Regrets that, despite the PDCA, the situation of democracy has not improved and the deterioration of the human rights situation in Cuba has only worsened; stresses that Cuba has been systematically violating the fundamental provisions of this agreement since its entry into force; deeply regrets the lack of commitment and willingness of the Cuban regime to endeavour to advance towards even minimal progress for change or open channels that could allow for the regime to be reformed;

11. Stresses that contrary to the PDCA, Cuban and independent European civil society organisations have been systematically prevented from participating in the human rights dialogues between Cuba and the European Union, within the broader framework of the human rights dialogue of the PDCA, such as the one that took place on 26 February 2021; recalls, in this sense, that any dialogue between the European Union and Cuban civil society and funding opportunities must include all civil society organisations without any limitations;

12. Recalls its strong support for all human rights defenders in Cuba and their work; calls on the EU delegation and Member State representations in the country to seriously enhance their support for genuine and independent civil society in their engagement with the Cuban authorities, and to use all available instruments to enhance the work of human rights defenders;

13. Considers that the latest repressive actions of the Cuban authorities against citizens add to the persistent and systematic actions against prisoners of conscience, human rights defenders, dissidents, opposition and civil society activists, artists and journalists, all of which constitute additional breaches of the PDCA;

14. 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 European Union to trigger Article 85(3b) to call an immediate meeting of the joint committee in the light of the breaches of the agreement on the part of the Cuban Government, which constitutes a ‘case of special urgency’;

15. Calls on the Council to use the EU Magnitsky Act provisions and adopt sanctions against those responsible for human rights violations in Cuba as soon as possible;

---

16. Deeply regrets the Cuban authorities’ refusal to allow Parliament delegations to visit Cuba despite Parliament having granted its consent for the PDCA; calls on the authorities to immediately allow the delegations entry to the country;

17. 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 UN High Commissioner for Human Rights and the governments of the member states of the Community of Latin American and Caribbean States.