



Plenary sitting

B9-0321/2023

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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B9-0321/2023

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 (PDCA) between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part¹, signed in December 2016 and provisionally applied since 1 November 2017,
 - having regard to the EU-Cuba Joint Council in Havana on 26 May 2023 and the joint press statement by the EU High Representative for Foreign Affairs and Security Policy and the Cuban Deputy Minister of Foreign Affairs following the EU-Cuba Joint Council on 26 May 2023,
 - having regard to the declaration by the High Representative for Foreign Affairs and Security Policy on behalf of the EU on the first anniversary of the protests of 11 and 12 July 2021,
 - having regard to the International Covenant on Civil and Political Rights of 16 December 1966 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 of 10 December 1984, to which Cuba is a State Party,
 - having regard to the Cuban Constitution and its Penal Code,
 - having regard to document ARES (2021) 2474104 by the European External Action Service Deputy Managing Director for the Americas,
 - having regard to the definition of ‘civil society organisation’ in the Official Journal of the European Union,
 - having regard to Rule 132 of its Rules of Procedure,
- A. whereas on 5 July 2017, Parliament granted its consent to the PDCA on the condition that clear improvements were made in Cuba in relation to human rights and democracy as outlined in recitals H, I, J, L and T, and paragraphs 7, 8, 9, 10 and 12 of its resolution²; whereas Parliament has repeatedly condemned human rights violations in Cuba underscoring the breach of Articles 1(5), 2(c), 5, 22, 36 and 43 of the PDCA;

¹ OJ L 337 I, 13.12.2016, p. 3.

² OJ C 334, 19.9.2018, p. 99.

whereas certain Member States have yet to ratify the agreement;

- B. whereas human rights organisations are continuing to document the Cuban authorities' ongoing crackdown on the right to freedom of expression, peaceful assembly and association in the country, stifling dissenting voices and targeting human rights defenders; whereas on 31 May 2023, Prisoners Defenders reported a total of 1 037 political prisoners and prisoners of conscience in Cuba, including 35 minors;
- C. whereas the harassment and repression by the Cuban regime have long been marked by restrictive laws, constant surveillance, censorship and intimidation tactics, with ever-increasing machinery to control the right to freedom of expression and peaceful assembly, while individuals defending human rights are facing unfair trials, arbitrary detention and bogus and abuse-ridden criminal charges; whereas, according to the 2021 report of the UN Committee on Enforced Disappearances, Cuba has the highest number of requests for urgent action for enforced disappearances in the world;
- D. whereas the targeting of protesters and their families has only increased since the protests of 11 July 2021, when thousands of people took to the streets across the island in an unprecedented way; whereas the Cuban authorities have refused to allow EU officials and Member State diplomats, international media or human rights organisations to monitor the trials of those detained during the protests of 11 July 2021; whereas over 100 Cuban civilians who took part in the protests of 11 July 2021, unrelated to military service or function, were tried by military tribunals, in violation of international law, and received sentences ranging from 2 to 22 years in prison;
- E. whereas those arbitrarily imprisoned are subjected to continuous isolation, including stays in punishment cells, cruel torture and inhumane treatment without access to their lawyers or proper medical treatments, thus putting their lives in danger; whereas some of them are being detained in prisons far away from their homes, which prevents their families from visiting them; whereas reportedly over 1 000 political prisoners in Cuba are being tortured, including minors, young people and women;
- F. whereas José Daniel Ferrer remains imprisoned as of May 2023, solely as a result of his convictions and the peaceful exercise of his human rights; whereas together with Luis Manuel Otero Alcántara and Maykel 'Osorbo' Castillo Pérez, they are just several examples of the hundreds of Cubans facing injustice and repression imposed by their own government; whereas in the 87th, 88th and 89th sessions of the UN Working Group on Arbitrary Detention, the Committee ruled on nine cases against Cuba, with that of José Daniel Ferrer being among them (Group of 75, arrested for the protests of 11 July 2021) and that of Aymara Nieto Muñoz (Dama de Blanco, imprisoned for over five years without cause);
- G. whereas the letters from the Special Rapporteur on contemporary forms of slavery, including its causes and consequences and from the Special Rapporteur on trafficking in persons, especially women and children, of the UN, Human Rights Watch, Human Rights Foundation and other organisations have denounced the fact that Cuban civilians working abroad are subjected to human trafficking by inherently coercive laws and regulations of very explicit basic freedoms, such as Article 76 of the Penal Code on Migration Law, Mincex Resolution 368 of 2020, and others; whereas the Cuban

Government prohibits workers labelled as defectors and undesirables from returning to Cuba for eight years under the Migration Law and categorises them as ‘emigrants’, whereby they lose all their citizenship protections, rights and any property, and are not allowed to visit their children or family in Cuba;

- H. whereas any political dialogue must include the direct intensive participation of independent civil society and all opposition political actors with no restrictions, as stressed in Article 36 of the PDCA and recital H and paragraphs 7 and 13 of Parliament’s resolution of 5 July 2017 approving the PDCA³; whereas the agenda of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) in Cuba did not include meetings with independent civil society;
- I. whereas Parliament has repeatedly reminded the European External Action Service that the participation of civil society in the 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 which it controls, as has been the case since the signing of the agreement, should be remedied immediately;
- J. 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 prevented from leaving the country and participating in international events;
- K. whereas on 12 June 2023, the Inter-American Commission on Human Rights published its report No 83/23 on Admissibility and Merits, regarding Case 14.196 concerning the deaths of Oswaldo Payá and Harold Cepero, in which it identified sufficient serious evidence to conclude that Cuban State agents were involved in the deaths of Payá and Cepero;
- L. whereas the 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 violations of the provisions on human rights as established in paragraph 11 of Parliament’s resolution of 5 July 2017 approving the PDCA;
- M. whereas there has not been concrete progress in Cuba vis-à-vis the general principles and objectives pursued by the agreement towards improving the situation of human rights and, on the contrary, the Cuban regime has intensified its repression and labour and human rights violations, including an increasing number of political prisoners; whereas the PDCA has failed in its core aim to improve fundamental freedoms in Cuba;
- N. whereas Cuba has not supported any UN resolution regarding the Russian aggression against Ukraine and has praised the annexations of the Donbas region; whereas Cuban President Miguel Díaz-Canel, in his visit to Russia in November 2022, stated that his visit ‘has a great significance’ ‘at a time when both Russia and Cuba are subject to

³ OJ C 334, 19.9.2018, p. 99.

sanctions that come from and originate from the same enemy'; whereas Belarusian and Cuban authorities announced that the island's military personnel will receive training in Belarus, the most involved ally in Russia's invasion of Ukraine, and with whom Havana is strengthening its political and economic ties;

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';
2. Stresses the obligation for all parties to fulfil the binding provisions of the PDCA and to uphold the principle of universality of human rights; regrets that, despite the adoption of the PDCA, the democracy and human rights situation in Cuba has deteriorated; 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 protestors, political dissidents, religious leaders, human rights activists and independent artists, among others, perpetrated by the Cuban Government; 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 the medical care of their choice for detainees, as well as access to their families;
6. Reiterates its demand for 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;
7. Requests that the Cuban authorities grant access to an EU and Member State delegation, especially the Delegation for relations with the countries of Central America, and to independent human rights organisations, in order to monitor the trials and to conduct prison visits of 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. Regrets the fact that the VP/HR lost the opportunity to meet independent civil society during his visit to Cuba; regrets the fact that the VP/HR lost the opportunity to support Cuban civil society and to send a clear message about the EU's concerns regarding the human rights situations in Cuba; recalls that any dialogue between the EU and Cuban civil society and funding opportunities must only include independent civil society organisations;
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 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 the failure to address them despite the numerous calls;
11. Reiterates its call on the Council to apply the EU Magnitsky Act provisions and to adopt sanctions against those responsible for the persistent human rights violations in Cuba;
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; calls on those participating in the summit to issue a statement demanding due respect for human rights in both regions, in particular in Cuba;
14. Condemns the Cuban regime's support for the Russian war of aggression against Ukraine;
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 Member States of the Community of Latin American and Caribbean States.