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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, Reverend Lorenzo Rosales Fajardo, Andy Dunier García and Yunior García Aguilera

European Parliament resolution of 16 December 2021 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, Reverend Lorenzo Rosales Fajardo, Andy Dunier García and Yunior García Aguilera (2021/3019(RSP))

(2022/C 251/12)

The European Parliament,

- having regard to its previous resolutions on Cuba, in particular that of 16 September 2021 on the government crackdown on protests and citizens in Cuba ⁽¹⁾,
 - 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 ⁽²⁾,
 - having regard to the statement of 14 November 2021 of the Spokesperson of the European External Action Service (EEAS) on the decision to revoke the credentials of EFE journalists,
 - having regard to the International Covenant on Civil and Political Rights and other international human rights treaties and instruments,
 - having regard to the statement of 29 November 2021 from the Inter-American Commission on Human Rights and the Office of the Special Rapporteur for Freedom of Expression on the repressive actions by the State that prevented the civic march called for on 15 November 2021 in Cuba,
 - having regard to the statement of 8 December 2021 by several artists together with PEN International, PEN America's Artists at Risk Connection and Human Rights Watch on ending the repression against artists in Cuba,
 - 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 letter of 10 May 2021 from the EEAS Deputy Managing Director for the Americas to representatives of civil society on their involvement in the implementation of the PDCA (ARES(2021)247104),
 - having regard to the definition of 'Civil Society Organisation' published on the website of the Official Journal of the European Union (EUR-Lex),
 - having regard to the Cuban Constitution and its Criminal Code,
 - having regard to Rules 144(5) and 132(4) of its Rules of Procedure,
- A. whereas on 11 July 2021, landmark demonstrations took place in more than 50 cities on the island, to peacefully protest against the dire socio-economic crisis, the chronic shortages of medicines and other essential goods, and the systematic restrictions on human rights; whereas these grievances, in parallel with COVID-19, have created an increase in the demands for civil and political rights, and for democracy; whereas in response to the demonstrations, the Cuban Government has systematically targeted protestors, political dissidents, religious leaders, human rights activists and independent artists, among others, some of whom are Sakharov Prize winners, for their peaceful pro-democracy and human rights activism; whereas several dozen have reportedly been arbitrarily arrested, detained or placed under house arrest subject to constant surveillance, and face bogus and abuse-riddled criminal charges;

⁽¹⁾ Texts adopted, P9_TA(2021)0389.

⁽²⁾ OJ L 337 I, 13.12.2016, p. 1.

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- B. whereas José Daniel Ferrer, Lady in White Aymara Nieto, Maykel Castillo, Luis Robles, Félix Navarro, Luis Manuel Otero, Reverend Lorenzo Rosales Fajardo, Andy Dunier García and Yunior García Aguilera are but a few examples of the hundreds of Cubans facing the injustice and repression imposed by the Cuban regime;
- C. whereas those who have been arbitrarily imprisoned are subject to continuous isolation, including stays in punishment cells, cruel torture, and inhuman and degrading treatment without access to their lawyers and proper medical treatment; whereas some of them are detained in prisons far away from their homes, preventing their families from visiting them; whereas several of those detained are suffering from health concerns, making their release particularly urgent;
- D. whereas many others who have fled the country or have been forced to leave the country have not been allowed to return and will remain in exile for the foreseeable future; whereas the crime of forced expatriation of dissidents in Cuba has already been denounced by four UN rapporteurs;
- E. whereas on 21 September 2021, the Archipiélago platform and other civil society groups publicly and transparently requested authorisation from the competent authorities to carry out a peaceful demonstration on 15 November 2021 in favour of respect for human rights and the release of political prisoners in the country; whereas the Cuban authorities banned the planned protests, considering them unlawful and not recognising the legitimacy of the reasons given for the demonstration;
- F. whereas on the eve of the peaceful demonstrations scheduled for 15 November 2021, the Cuban authorities revoked the credentials of the journalists working for the Spanish news agency, EFE, in the country in a clear move to stem the flow of open and accurate news from the island;
- G. whereas the State of Cuba is under an obligation to acknowledge, protect and ensure the rights to peaceful assembly and freedom of expression, without discrimination based on political views; whereas it is essential for the State's law enforcement officers to act in strict compliance with international human rights standards with respect to the principles of legality, exceptionality, proportionality and necessity;
- H. whereas on 5 July 2017, Parliament gave its consent to the PDCA, with clear conditions linked to the improvement of human rights and democracy in Cuba, which include a suspension clause in the event of a violation of human rights provisions; whereas on 26 February 2021, the EU and Cuba held their third formal Human Rights Dialogue under the EU-Cuba PDCA; whereas the two sides discussed the issue of freedom of peaceful assembly and of association; whereas the EU emphasised, in line with international human rights law, the importance of allowing all citizens to play an active part in society via civil society organisations and associations; whereas the EU recalled the need to respect international human rights law obligations;
- I. whereas any political dialogue must include direct and intensive participation of independent civil society and all opposition political actors with no restrictions, as stressed in Article 36 of the PDCA;
- J. whereas the European 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 between the European Union and Cuba, signed in 2016, in which the Cuban Government undertakes to respect human rights;
- K. 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 being regularly harassed and intimidated, and impeded from leaving the country and participating in international events; whereas on 8 December 2021 Sakharov Prize laureates Berta Soler, leader of Ladies in White, and Guillermo Fariñas sent a letter to the High Representative of the Union for Foreign Affairs and Security Policy proposing the withdrawal of their award if civil society continues to be abandoned by the EEAS in the near future, while crimes against humanity are being perpetrated in Cuba; whereas on 9 December 2021, Guillermo Fariñas was kidnapped and taken to a hospital against his will;

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1. Condemns in the strongest terms the systematic abuses against protestors, political dissidents, religious leaders, human rights activists and independent artists, among others, including their arbitrary detention and abusive restrictions on their movements and communications, such as house arrests and surveillance, and torture and ill-treatment perpetrated by the Cuban Government;
2. Calls for the immediate and unconditional release of José Daniel Ferrer, Lady in White Aymara Nieto, Maykel Castillo, Luis Robles, Félix Navarro, Luis Manuel Otero, Reverend Lorenzo Rosales Fajardo and Andy Dunier García, and of all those detained for the exercise of their rights to freedom of expression and peaceful assembly; calls on the Cuban authorities to drop abusive criminal charges and allow those in exile to return to their country, including, for example, Yúnior García; condemns the use of systematic forced expatriations on grounds of conscience by the Cuban Government; denounces the recent abduction and arbitrary detention of the Sakharov Prize laureate Guillermo Fariñas and, in spite of his recent release, calls for the regular and persistent arbitrary arrests and harassment he faces to be put to an end;
3. Condemns the torture, inhuman, degrading and ill-treatment being carried out by the Cuban authorities; calls for prompt and impartial investigation of such cases and for the families of victims to be granted immediate access and for the victims to be given medical care of their choice;
4. Calls for credible guarantees of the right to a fair trial and of the independence of the judiciary, and calls for assurances that persons deprived of their liberty have access to an independent lawyer;
5. Urges the Cuban authorities to immediately put an end to the policy of repression, which maintains a culture of fear and quashes all forms of dialogue, as well as freedom of expression and assembly; expresses its condemnation of Cuba's continued repressive and intimidating strategies aimed at obstructing any civil society pro-democracy initiatives, such as the civic march called for 15 November 2021, which did not take place as a result of threats, harassment, sieges, detentions and several other repressive actions against civilians; 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;
6. Insists that the Cuban authorities ensure that the economic, social and cultural rights of the population are met, in order to address their need for greater access to food and medicines, and to provide an effective response to the COVID-19 pandemic;
7. Calls on the Cuban authorities to immediately grant the UN Special Rapporteur for Freedom of Opinion and Expression, and the UN Special Rapporteur on the Situation of Human Rights Defenders access to the country in order to document the human rights situation in Cuba;
8. Reiterates its call for the Member States, the EEAS and its delegation in Cuba to firmly and publicly condemn the arbitrary detention and confinement of Mr Ferrer, Ms Nieto, Mr Castillo, Mr Otero, Mr Robles, Mr Navarro, Reverend Rosales Fajardo, Mr García Lorenzo and the hundreds of peaceful demonstrators imprisoned as a consequence of the 11 July and 15 November 2021 demonstrations and to take all necessary action to defend democracy and human rights; sends the firmest support to the artists forced into expatriation, and to the journalists, human rights defenders and social and political activists suffering forced exile from Cuba, such as Mr García Aguilera;
9. Requests the Cuban authorities to grant access to an EU delegation and to representatives of the Member States, as well as to independent human rights organisations, to monitor the trials and conduct prison visits of the hundreds of activists and ordinary Cubans who continue to be detained for exercising their right to freedom of expression and assembly, including those charged with provisions of the criminal code such as 'contempt', 'resistance' and incitement to commit a crime', among other charges;
10. Urges the Cuban Government to align its human rights policy with the international standards defined in the charters, declarations and international instruments to which Cuba is a signatory and to allow civil society and opposition political actors to actively participate in political and social life, without restrictions, while guaranteeing and implementing fundamental freedoms; calls on the Cuban authorities to listen to the voices of its citizens and to engage in a democratic national process;

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11. Condemns the arbitrary revocation of EFE's press credentials and all arbitrary restrictions on the work of international and Cuban press correspondents;
 12. Recalls its strong support for human rights defenders in Cuba and their work; calls on all Member State representatives to raise human rights concerns and enhance their support for genuine and independent civil society during visits to the Cuban authorities, and to meet the Sakharov Prize laureates when visiting Cuba in order to ensure the consistent internal and external application of the EU's human rights policy, thereby strengthening the participation of independent civil society representatives and improving the work of human rights defenders; regrets the fact that Cuban and European independent civil society representatives have been excluded from taking part in the dialogue, which is binding according to the provisions of the PDCA; regrets the divergence in positions and policies on Cuba between the EEAS and the European Parliament and strongly calls on the EEAS to not abandon the civil society of Cuba;
 13. Deeply regrets the fact that the Cuban authorities are refusing to allow the European Parliament, its delegations and some political groups to visit Cuba in spite of Parliament having given its consent to the PDCA; calls on the authorities to immediately allow entry to the country;
 14. Stresses the obligation for all parties to fulfil the binding provisions of the PDCA and the resolution of 5 July 2017; in this context, recalls that all dialogue between the European Union and Cuban civil society on funding opportunities must be held only with independent civil society organisations, making sure that any funding does not contribute to financing the Cuban regime and that it intends to improve the standard of living of Cuban people;
 15. Expresses its regret that, in spite of the PDCA's adoption, the situation of democracy and human rights has not improved but has, on the contrary, seriously deteriorated; recalls that in the light of the PDCA, Cuba must respect and consolidate the principles of the rule of law, democracy and human rights; deeply regrets the fact that all of the cases mentioned above constitute additional and permanent breaches of the Agreement;
 16. Reiterates its call on the Council to adopt sanctions against those responsible for the persistent human rights violations in Cuba;
 17. Recalls that the PDCA contains a 'human rights clause' as a standard essential component of EU international agreements, which allows the suspension of the Agreement in the event of violations of human rights provisions;
 18. Reiterates its call for the European Union to trigger Article 85(3)(b) in order to call for an immediate meeting of the joint committee on the grounds of breaches of the agreement on the part of the Cuban Government, which constitute a 'case of special urgency', which may lead to the suspension of the agreement for continuous, serious and material violations of democratic principles and 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 failure to address them in spite of the numerous calls to do so;
 19. 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 countries of the Community of Latin America and Caribbean States.
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