

Thursday 15 November 2018

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## The human rights situation in Cuba

European Parliament resolution of 15 November 2018 on the human rights situation in Cuba (2018/2926(RSP))

(2020/C 363/10)

*The European Parliament,*

- having regard to its previous resolutions on Cuba, in particular those of 17 November 2004 on Cuba <sup>(1)</sup>, of 2 February 2006 on the EU's policy towards the Cuban Government <sup>(2)</sup>, of 21 June 2007 on Cuba <sup>(3)</sup>, of 11 March 2010 on prisoners of conscience in Cuba <sup>(4)</sup>, and of 5 July 2017 on the draft Council decision on the conclusion, on behalf of the European 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 <sup>(5)</sup>, and Parliament's consent thereto,
  - having regard to the election of Miguel Díaz-Canel as new President by the Cuban National Assembly of People's Power on 19 April 2018,
  - having regard to the findings of the UN Committee on Enforced Disappearances on Cuba issued on 17 March 2017,
  - having regard to Opinion 59/2018 of the UN Working Group on Arbitrary Detention regarding Ariel Ruiz Urquiola, who is considered a prisoner of conscience by Amnesty International, adopted at its 82nd session from 20 to 24 August 2018,
  - having regard to the UN Human Rights Council's Universal Periodic Reviews (UPRs) of Cuba carried out in May 2013 and May 2018,
  - having regard to the Human Rights Watch 2017 report on Cuba, and the statement made on 27 July 2018 by Erika Guevara-Rosas, Americas Director at Amnesty International, regarding 100 days of the new Cuban administration,
  - having regard to the monthly statements of the Cuban Commission for Human Rights and National Reconciliation (CCHRNC),
  - having regard to the International Covenant on Civil and Political Rights and other international human rights treaties and instruments,
  - having regard to the Constitution of Cuba,
  - having regard to the EU Guidelines on Human Rights Defenders,
  - having regard to the Universal Declaration of Human Rights, to which Cuba is a signatory,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas human rights feature in the EU's political dialogues as well as cooperation and trade agreements; whereas the indivisibility of human rights, including civil, political, economic, social and cultural rights, should be one of the main objectives of the European Union in its relations with Cuba;

<sup>(1)</sup> OJ C 201 E, 18.8.2005, p. 83.

<sup>(2)</sup> OJ C 288 E, 24.11.2006, p. 81.

<sup>(3)</sup> OJ C 146 E, 12.6.2008, p. 377.

<sup>(4)</sup> OJ C 349 E, 22.12.2010, p. 82.

<sup>(5)</sup> OJ C 334, 19.9.2018, p. 99.

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- B. whereas on 5 July 2017 Parliament granted its consent to the EU-Cuba Political Dialogue and Cooperation Agreement (PDCA); whereas the PDCA clearly articulates its great concerns about the human rights situation in Cuba, and includes a suspension clause in the event of a violation of human rights provisions;
- C. whereas the human rights dialogue between the EU and Cuba, led by the EU Special Representative for Human Rights, began in 2015; whereas on 9 October 2018 the parties in the fourth EU-Cuba human rights dialogue addressed, among other matters, the topic of citizens' participation in public affairs, including in the context of recent electoral processes, as well as freedom of association and expression and the possibility for human rights defenders and other sectors of civil society to freely associate, express their views and participate in public life; whereas it is unclear to Parliament if this meeting was in any respect conclusive; whereas no tangible results have been achieved as concerns human rights in Cuba, despite the setting up of the Human Rights Dialogue and Cuba's re-election to the UN Human Rights Council for the period 2017-2019; whereas the political dialogue must include direct and intensive dialogue with civil society and the opposition without any restrictions;
- D. whereas the Cuban Government still refuses to recognise human rights monitoring as a legitimate activity and denies legal status to local human rights groups;
- E. whereas a constitutional referendum is due to take place on 24 February 2019; whereas the process of establishing the new constitution lacks proper nationwide consultation, ensuring that the Communist Party maintains its powerful role in society without a multi-party system, basic freedoms and political and civil rights, thus reinforcing centralised state ownership and the controlled economy; whereas the single-party political system is declared as 'irrevocable' in Article 3 and Article 224 states that it is prohibited for the current and future generations to change the irreversibility of socialism, as well as the current political and social system; whereas there seem to be other highly worrying provisions in the draft;
- F. whereas independent journalists, peaceful dissidents and human rights defenders documenting human rights abuses, who are mostly members of the democratic opposition, are being persecuted, arbitrarily detained or held in jail in Cuba; whereas, according to the CCHRNC, in October 2018 at least 202 arbitrary short-term arrests were carried out, for undoubtedly political reasons, of peaceful opponents and independent civil society activists exercising their basic rights of expression, assembly and political association;
- G. whereas one of these persons is Dr Eduardo Cardet, a national coordinator of the Christian Liberation Movement (MCL) who was sentenced to three years in prison for peacefully exercising his right to freedom of expression; whereas in November 2016 he was arrested on his return home from a trip to Miami; whereas Dr Cardet, who is considered a prisoner of conscience, is currently being detained in the Cuba Si prison in Holguín, where he is held in isolation, without access to family visits or phone calls;
- H. whereas Tomás Núñez Magdariaga, a member of the 'Patriotic Union of Cuba' (Unión Patriótica de Cuba, UNPACU) unofficial political opposition group went on a 62-day protest hunger strike and was released on 15 October 2018 thanks to international pressure; whereas Mr Magdariaga was found guilty of allegedly threatening a state official who ultimately confessed to fabricating the charges against him; whereas his case is another clear example of attempts to silence any dissenting ideas;
- I. whereas in October 2018 the Ladies in White were once again the main victims of political repression, and a number of members of the United Anti-totalitarian Forum (FANTU) were subject to repression in several provinces of the country;
- J. whereas all prisoners in Cuba must be guaranteed humane treatment; whereas the Cuban Government denies independent human rights groups access to prisons; whereas Cuban citizens do not benefit from due process guarantees, such as the right to fair and public hearings by a competent and impartial tribunal; whereas prisoners on conditional release are often subject to continued harassment by the authorities;

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- K. whereas the UN Working Group on Arbitrary Detention has clearly stated that Cuban victims of arbitrary detention have the right to seek redress from the government that includes restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;
- L. whereas there are signs of greater respect for freedom of religion in Cuba; whereas the Cuban authorities are, at the same time, still very restrictive with regard to the construction or reconstruction of Christian churches; whereas the church has gradually emerged as the largest civil-society actor and the key non-state social provider in Cuba, but its activities remain under tight control of the authorities;
- M. whereas closer political and economic relations with Cuba are, from the EU side, intended to help advance political reforms in the country in accordance with the aspirations of all its citizens; whereas economic and trade liberalisation should enable the country to move progressively towards the free social spaces, coexistence, technology and communications appreciated and demanded by the Cuban population;
- N. 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 it is still a regular occurrence that Sakharov laureates are prevented from leaving the country and participating in international events;
- O. whereas Parliament has on many occasions asked if it could send official delegations to Cuba; whereas the Cuban authorities have denied access to the country each time, even after the conclusion of the PDCA;
1. Strongly condemns the arbitrary detention, persecution and harassment of, and attacks against, peaceful dissidents, independent journalists, human rights defenders and political opposition in Cuba; calls for an immediate end to these actions and the immediate release of all political prisoners, including Eduardo Cardet, and those arbitrarily detained solely for exercising their freedom of expression and assembly;
  2. Urges the EU Member States, the EEAS and its delegation in Cuba to firmly respect their basic principles and policies in relation to Cuba and to take all necessary action to seek the release of the aforementioned individuals, to ensure that the harassment of political opponents and human rights defenders ends immediately, and to assist and protect the latter;
  3. Calls on the Cuban authorities to improve prison conditions and the treatment of prisoners, and to allow international human rights groups and independent Cuban organisations access to the country's prisons; underlines that imprisoning Cuban dissidents for their ideals and their peaceful political activity is contrary to the Universal Declaration of Human Rights;
  4. Regrets that, despite the adopted PDCA, the situation regarding human rights and democracy has not improved; calls for fulfilment of the binding obligations established in the PDCA between the EU and Cuba, in particular concerning respect for human rights and fundamental freedoms; stresses that the success of this agreement depends on its implementation and compliance with it;
  5. Recalls that the PDCA includes a provision for the suspension of the agreement that should be applied in the event of a violation of the provisions on human rights; insists therefore that the European Union closely follow and monitor respect for human rights and fundamental freedoms in Cuba when implementing the PDCA and that there are regular reports back to Parliament; invites VP/HR Federica Mogherini to inform Parliament in detail in plenary about the concrete steps being taken with the aim of meeting the above-mentioned requirement;

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6. Urges the Cuban Government to redefine its policy on human rights by aligning it with international human rights law and to allow active participation in political and social life by all civil society and opposition political actors, without imposing any restrictions; calls on Cuba to affirm its intent to 'uphold the highest standards in the promotion and protection of human rights' by ratifying the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as their optional protocols;
7. Reminds the Cuban authorities that freedom of movement and assembly is guaranteed under international human rights law, and that this freedom extends to activists and members of the democratic opposition;
8. Strongly condemns the adoption of Decree 349, which undermines the right to artistic freedom in Cuba; calls on the Cuban authorities to take appropriate legislative measures to withdraw Decree 349 before it comes into force in December 2018; stresses that freedom of artistic expression is key to a viable and vibrant cultural sector that can create jobs, develop cultural industries and revitalise cultural heritage;
9. Calls on the Cuban Government to stop imposing online censorship and stop blocking internet sites for the sole purpose of limiting political criticism and restricting access to information;
10. Fully supports the findings of 17 March 2017 of the UN Committee on Enforced Disappearances on Cuba which urge Cuba to take the necessary measures to guarantee the full independence of its judicial system and to set up an independent National Institution of Human Rights in line with the Paris Principles;
11. Expresses major concern regarding the new draft Constitution and the referendum planned for February 2019; stresses that the whole process lacks the inclusion, tolerance and respect for basic civil and political rights that could guarantee a democratic constitutional process; reiterates, in this sense, its determination to encourage a process of transition to a pluralist democracy and respect for human rights and fundamental freedoms involving all actors without exclusion, as stated in the Universal Declaration of Human Rights, and a lasting economic recovery aimed at improving the living standards of the Cuban population, in accordance with the aspirations of Cuban people; invites the relevant Cuban authorities to stipulate free and pluralistic elections in the new Constitution;
12. Urges the European institutions and the Member States to assist the economic and political transition in Cuba towards a fully democratic regime that respects the basic rights of all its citizens; supports use of the various EU foreign policy instruments, and in particular the European Instrument for Democracy and Human Rights (EIDHR), in order to reinforce the EU's dialogue with Cuban civil society and those who support a peaceful transition in Cuba;
13. Calls on the Cuban authorities to abolish the death penalty for all crimes; calls for a moratorium on capital punishment until this legal change is formally adopted; calls for a review of all death sentences to ensure that the associated trials adhered to international standards and that not a single execution occurs in the future;
14. Calls on the Cuban Government to allow churches to conduct their social care activities freely in Cuban society; calls for freedom of religion and conscience to be fully guaranteed;
15. Calls on VP/HR Federica Mogherini to recognise the existence of a political opposition to the Cuban Government and to support its inclusion in the political dialogue between the EU and Cuba; reminds the European institutions that civil society and those awarded the Sakharov Prize are key actors for the democratisation of Cuba and that their voice must be heard and taken into account within the framework of bilateral relations; in this sense, calls on all EU Member State representatives to raise human rights concerns during visits with the Cuban authorities and to meet with the Sakharov Prize laureates when visiting Cuba in order to ensure the internal and external coherence of EU human rights policy;

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16. Deeply regrets the Cuban authorities' refusal to allow European Parliament committees, delegations and some political groups to visit Cuba despite Parliament granting its consent to the PDCA; calls on the authorities to immediately allow entry to the country, including the possibility of visiting the island when the constitutional referendum is due to be held on 24 February 2019;

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 United Nations High Commissioner for Human Rights and the governments of the Member States of the CELAC countries.

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