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Critical situation in Cuba

European Parliament resolution of 29 February 2024 on the critical situation in Cuba (2024/2584(RSP))

(C/2024/6748)

The European Parliament,

— having regard to its previous resolutions on Cuba, in particular its resolution of 12 July 2023 on the state of the EU-Cuba PDCA in the light of the recent visit of the High Representative to the island ([1]),

— having regard to the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part ([2]) (PDCA), signed in December 2016 and provisionally applied since 1 November 2017,

— having regard to Articles 4, 5 and 229 of the Cuban Constitution and to the Cuban Penal Code,

— having regard to the definition of 'civil society organisation' in the Official Journal of the European Union,

— having regard to document ARES (2021) 2474104 by the European External Action Service (EEAS) Deputy Managing Director for the Americas,

— 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, adopted by the UN General Assembly on 10 December 1984, to which Cuba is a State Party,

— having regard to reports by human rights organisations, such as Human Rights Watch, the Human Rights Foundation and Prisoners Defenders, to Chapter IV.B on Cuba of the 2020, 2021 and 2022 annual reports of the Inter-American Commission on Human Rights (IACHR), to the communication of 6 November 2019 to the UN High Commissioner for Human Rights from the UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences, and the UN Special Rapporteur on trafficking in persons, especially women and children, on Cuban medical brigades, to the communication of 2 November 2023 to the UN High Commissioner for Human Rights from the UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on Cuban medical brigades, and to the conclusions of the UN Human Rights Council's 2018 Universal Periodic Review of Cuba with regard to Cuban medical brigades,

— having regard to the communication of 16 November 2023 issued to Cuba by the UN Special Rapporteur on freedom of religion or belief, the UN Working Group on Arbitrary Detention, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and the UN Special Rapporteur on minority issues,

— having regard to Rules 132(2) and (4) of its Rules of Procedure,

([1]) Texts adopted, P9_TA(2023)0280.
([2]) OJ L 337 I, 13.12.2016, p. 3.

A. whereas Parliament gave its consent to the PDCA on 5 July 2017, with clear conditions linked to the improvement of human rights and democracy in Cuba, including a suspension clause in the event of a violation of the human rights provisions; whereas the accompanying resolution asked the Cuban authorities to allow European Parliament delegations to enter the country and have access to their interlocutors;

B. whereas several articles of the EU-Cuba PDCA, namely Articles 1, 2 and 3, establish clear principles on equality, reciprocity, mutual respect, strengthening of contacts, dialogue and cooperation between both societies; whereas Parliament has requested that the EEAS do everything possible to closely monitor the situation of human rights and fundamental freedoms in Cuba when applying the PDCA; whereas respect for human, civil, political, economic, social and cultural rights is essential for the EU;

C. whereas the number of political prisoners and prisoners of conscience in Cuba has risen dramatically, reaching 1 066 on 31 January 2024, including 33 who were minors at the time of detention, an eightfold increase since 2018, rising by 170 in the last 12 months, equivalent to a monthly average of more than 14 politically motivated detentions; whereas human rights organisations have also documented more than 11 000 cases of 'pre criminal' convictions with average sentences of 2 years and 10 months without any crime having been committed or attempted , a number reported by the Speaker of the UN Committee Against Torture (CAT) in April 2022 in the Concluding verbal observations at the 73rd Session of the CAT Periodic Review on Cuba; whereas in the past decades, Article 72 of the Cuban Civil Code has permitted an average of 3 850 new 'pre-criminal' detentions every year; whereas Articles 434.1 and 189.3 of Cuba's new Penal Code build on the 'pre-criminal' measures contained in the Civil Code;

D. whereas the UN previously expressed its concern to Cuba about the detention and imprisonment of religious leaders in the country; whereas on 16 November 2023, five mandate-holders and rapporteurs of the UN Special Procedures sent Cuba a communication in which they described and condemned Cuba's systematic pattern of persecution, imprisonment and torture of evangelical pastors and Catholic priests, Muslim imams and Yoruba/Santería religious leaders;

E. whereas the Institute for Crime and Justice Policy Research updated in January 2024 the World Prison Brief reporting an increase in the number of prisoners on the island, placing Cuba second in the world in terms of its incarceration rate; whereas the Cuban Government continues to use arbitrary detention to harass and intimidate critics, independent activists, political opponents and others;

F. whereas human rights organisations continue to document the ongoing crackdown on the rights to freedom of expression, peaceful assembly and association in the country and the Cuban authorities' stifling of dissenting voices and targeting of human rights defenders; whereas in 2023 more than 200 incidents of internet restrictions were documented, including hacking into the accounts of journalists in order to silence them and curb free speech;

G. whereas the human rights situation in Cuba is deeply concerning, particularly with regard to vulnerable populations, such as women, ethnic minorities and the LGBTIQ+ community; whereas non-governmental organisations and independent observatories report an increase in femicides in Cuba, with the number of femicides rising to 89 in 2023 and eight new cases being reported so far in 2024; whereas despite this, the regime has not implemented a system for registering femicides in Cuba using up-to-date public data, and a comprehensive law against gender-based violence, guaranteeing the involvement of civil society representatives, has not yet been adopted;

H. whereas Parliament has repeatedly reminded the EEAS that the participation of representatives of independent civil society in political dialogues and the agreement's cooperation projects is an essential part of the PDCA, as stressed in its Article 36, and that excluding representatives of independent 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;

I. whereas on 2 January 2024, the UN publicly disclosed the letter of indictment sent to the Cuban regime accusing it of forced labour, one of the forms of modern slavery denounced by the Special Rapporteurs on Human Trafficking and Slavery; whereas several international organisations have denounced the fact that Cuban civilian workers serving abroad, including doctors, teachers, sailors, engineers, artists or athletes, are subjected to human trafficking by inherently coercive laws and regulations affecting very explicit basic freedoms, including Article 176 of the Penal Code, Mincex Resolution 368 of 2020, the Migration Law and Decree 306 of 2012;

J. whereas the regime gradually imposed on Cuba rules out any prospect of democratic change, as Article 5 of the Cuban Constitution states that the 'unique, Martí, Fidelista and Marxist-Leninist Communist Party of Cuba' is the highest political force and ruler of society and the state, and as Articles 4 and 229 establish the current political system as irrevocable;

K. whereas despite years of insisting on the need to visit the island, the Cuban authorities systematically refuse to allow official committees, delegations and some political groups from the European Parliament, international human rights organisations and other independent observers of the human rights situation, including UN special rapporteurs, to enter Cuba or to visit prisons;

L. whereas on 23 November 2023, the Conference of Presidents of the European Parliament authorised the sending of an ad hoc delegation to Cuba following a letter of invitation from the Ambassador of Cuba to Belgium and the European Union dated 20 September 2023; whereas on 19 December 2023, the Vice President of the Cuban Parliament informed the EU ambassador in Cuba of its refusal to receive Parliament's delegation with the justification that it did 'not wish to receive the visit of Members of the European Parliament who work against Cuba's interests and are completely aligned with the United States'; whereas the Ambassador of the Republic of Cuba, in a letter dated 25 January 2024, addressed to the President of the European Parliament, referred to the President of the ad hoc delegation of the European Parliament to Cuba and two other members, as 'maintaining links and supporting citizens and organisations included in the National List of persons and entities ... based on acts of terrorism'; whereas in November 2023, a delegation of the Cuban Parliament was received at the European Parliament's premises;

M. 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, intimidated and prevented from leaving the country and participating in international events; whereas on June 2023, the IACHR concluded that state agents were directly involved in the deaths of democracy activists Oswaldo Payá and Harold Cepero in a 2012 car accident; whereas there should be a fully transparent investigation to bring to justice those responsible for the killing of Oswaldo Payá and Harold Cepero;

N. whereas the PDCA has failed in its core aim of improving fundamental freedoms in Cuba;

1. Regrets that despite the time that has elapsed since the entry into force of the PDCA, the situation of a lack of democracy and freedoms in Cuba has not improved, and that on the contrary, there has been a further deterioration and aggravation of the human rights situation on the island, in clear and systematic violation of the basic provisions of the PDCA;

2. Stresses the obligation for all parties to fulfil the binding provisions of the PDCA and to uphold the principle of the universality of human rights;

3. Condemns in the strongest terms the systematic human rights violations and abuses perpetrated by the Cuban regime against protesters, political dissidents, religious leaders, human rights activists and independent artists, among others; urges the Cuban authorities to immediately put an end to the policy of repression; condemns the lack of religious freedom in Cuba;

4. Is concerned at the alarming increase in the number of political prisoners, which has risen more than eightfold since 2018, making Cuba the biggest prison for political activists and dissidents in Latin America; calls for the immediate and unconditional release of individuals detained solely for exercising their human rights, including the rights to freedom of expression and peaceful assembly; further calls for the dismissal of unjust criminal charges and supports the facilitation of the return of those in exile;

5. Declares it unacceptable that the EEAS and the EU Delegation in Havana agreed to exclude the Cuban democratic opposition and independent and legitimate civil society organisations, both European and Cuban, from political dialogues because of the lack of endorsement by the Cuban authorities; recalls its resolution of July 2023 in which it deeply regretted the fact that the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) squandered the chance to support democracy through Cuban civil society and the political prisoners and to send a clear message about the EU's concerns regarding human rights violations in Cuba;

6. Reiterates its firm and unconditional support for the Cuban people, for all human rights defenders in Cuba and for their commendable dedication to freedoms and all rights which the Cuban regime has denied for decades;

7. Expresses its deep concern over the existence of forced labour in Cuba and condemns Cuban state-driven forced labour, in particular in medical brigades, but also involving teachers, sailors, engineers, artists, athletes and others, whose salary is mostly appropriated by the Cuban Government; denounces the fact that most of the 'volunteers' in international missions stated that they were deployed against their will or had to participate under coercive structural conditions;

8. Notes that in November 2023, members of the Cuban Parliament, including the Secretary of the Cuban National Parliament, Homero Acosta, were accorded respectful treatment and warmly received at the European Parliament; declares the continued exclusion of the European Parliament, which is the sole European institution denied access to Cuban territory, to be unacceptable and in violation of the PDCA; rejects Cuba's decision to refuse a visit by an ad hoc delegation from Parliament and urges the Cuban authorities to adhere to the principles of the PDCA and grant Parliament access to the country; requests that, in accordance with the PDCA's principles of equality, reciprocity and mutual respect, similar measures be adopted, denying access to Parliament's premises to any representative of the National Assembly of People's Power or of the Cuban regime;

9. Demands that, in accordance with the PDCA, the Cuban authorities grant access to a European Parliament, EU and Member State delegation, as well as to independent human rights organisations, in order to monitor trials and visit the hundreds of activists and ordinary Cubans who remain imprisoned for exercising their right to freedom of expression and assembly; calls on the HR/VP, in any contact with the Cuban authorities, to raise the fact that Parliament has yet again been denied access and to urge them to reverse this decision immediately;

10. Reiterates its call on the Council to apply the EU Global Human Rights Sanctions Regime (the EU Magnitsky Act) and adopt sanctions against those responsible for the persistent human rights violations in Cuba, starting by sanctioning Miguel Díaz-Canel, as the most senior figure in the chain of command of the Cuban security forces, along with other high-ranking officials within the Cuban Government and all those responsible for the imprisonment of political prisoners;

11. Reiterates its call 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 constitute a 'case of special urgency', underlines that these breaches involve persistent and substantial violations of democratic principles, as well as a disregard for the basic human rights and fundamental freedoms outlined in the Universal Declaration of Human Rights and emphasised in Article 1(5) of the PDCA, and stresses that the Cuban regime's failure to address such transgressions despite repeated calls from Parliament to do so should lead to the suspension of the agreement;

12. 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 members of the Community of Latin American and Caribbean States.