



22 May 2023

Dear High Representative Borrell,

THE EU MUST RESPOND TO THE MAGNITUDE OF CUBA'S HUMAN RIGHTS CRISIS AT THE JOINT COUNCIL

Ahead of the forthcoming European Union (EU)-Cuba Joint Council on 26 May, our organizations are writing to urge you to ensure that human rights remain at the very centre of the EU's relations with Cuba, at a crucial moment for the country's human rights defenders.

Our organizations continue to document¹ the Cuban authorities' ongoing crackdown on the rights to freedom of expression, peaceful assembly and association in the country, stifling dissenting voices and targeting human rights defenders. Cuban human rights defenders face harassment and repression by the Cuban authorities and remain excluded from spaces where international actors and the Cuban government take decisions that affect their work and the wider human rights situation in the country.

The Cuban government's approach has long been marked by restrictive laws, censorship and intimidation tactics, with ever increasing machinery to control the rights to freedom of expression and peaceful assembly, while individuals defending human rights face unfair trials and arbitrary detention. This trend has only increased with the targeting of protesters since the demonstrations of 11-12 July 2021, when thousands of people took to the streets across the island to demand a change in living conditions in Cuba in a way that has not been witnessed in decades.

The Cuban authorities have refused to allow EU and member state diplomats, international media or human rights organizations to monitor the trials of those detained during the July 11 protests. Family members and detainees report various due process violations, while artists, intellectuals and others with alternative ideas are subjected to alarming levels of surveillance and restrictions on their freedom of movement. Peaceful protests as recently as in September and October 2022 are reported to have been met with police and military deployment to suppress them. Cuba has expanded internet access but as part of a government policy to continuously silence dissent, the authorities control and interrupt web access at politically sensitive times, regularly blocking messaging apps in contravention of international human rights law.

Three prominent activists, Luis Manuel Otero Alcántara², Maykel "Osorbo" Castillo Pérez and Jose Daniel Ferrer García³, remain in jail in Cuba as of May 2023 solely as a result of their convictions and the peaceful exercise of their human rights. [Justicia 11J](#), a

¹ Amnesty International, Cuba: Open Letter to President Miguel Díaz Canel on Human Rights of Prisoners of Conscience, 18 May 2023; Amnesty International, [Cuba: Escalated repression: Amnesty International: Submission to the 44th session of the UPR working group, 5 November 2023](#), 30 March 2023; Human Rights Watch, [World Report 2023: Cuba](#), 12 January 2023; Human Rights Watch, [Report, Prison or Exile: Cuba's Systematic Repression of July 2021 Demonstrators](#), 11 July 2022; Human Rights Watch, [Report, Cuba: Peaceful Protesters Systematically Detained, Abused](#), 19 October 2021; Race and Equality, [Cuba: How to Understand July 11 and November 15, 2021 in Light of International Human Rights Standards - An Intersectional Focus](#), March 2022.

² See [Cuba: Remarks by the High Representative/Vice-President Josep Borrell at the EP Plenary](#), 8 June 2021.

³ See [Cuba: Statement by the Spokesperson on the case of José Daniel Ferrer](#), 27 February 2020; [European Parliament on Cuba, the case of José Daniel Ferrer](#), 28 November 2019.

group formed in response to the repression of protesters in July 2021, records 1,812 individuals arrested since the start of the protests, with 768 remaining in prison as of 11 May 2023.

Ahead of the Joint Council, Cuban civil society has likewise [raised](#) many of these concerns, including the situation of independent civil society, prisoners of conscience and others detained for political reasons, the respect of the rights to freedom of expression, association, peaceful assembly and movement – as well as both political participation in Cuba and the participation of independent civil society in EU-Cuba relations.

In March 2022, the EU [responded](#) to the “disproportionate sentences” of the July 2021 protesters, calling on the authorities to guarantee and protect the rights to express dissent and protest. The EU [declaration](#) on the first anniversary of the protests also expressed concern about due process and disproportionate sentences in response to the protests, urging the Cuban authorities to release all those detained solely on the grounds of exercising their rights and to dialogue with the Cuban people about their legitimate concerns both about deteriorating living conditions and about their human rights.

At the United Nations (UN) General Assembly in November 2022, the EU [reiterated](#) these calls, urging Cuba to grant its citizens all their rights, ratify the UN Covenants on Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights (ICESCR), extend a standing invitation to all UN Special Procedures and open spaces for a constructive and inclusive dialogue, without preconditions, with the whole spectrum of civil society actors on the island.

According to the 2016 [Political Dialogue and Cooperation Agreement](#) (PDCA) between the EU and Cuba, the Joint Council works to “oversee the fulfilment of the objectives of this Agreement and supervise its implementation”, including “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.” The crackdown on human rights in Cuba, and in particular the targeting of protesters and human rights defenders since July 2021, stand in clear contradiction to these stated commitments.

The magnitude of Cuba’s human rights crisis must be matched by a proportional response from the EU and its member states to address the scope and severity of the situation and to establish concrete human rights benchmarks in their relations with Cuba.

At the Joint Council, we urge you to lead the EU and its member states in robustly engaging the Cuban authorities to:

- Immediately and unconditionally release all those detained solely for exercising their human rights, including the rights to freedom of expression and peaceful assembly. The EU and its member states should raise the cases of José Daniel Ferrer García, Luis Manuel Otero Alcántara, Maykel “Osorbo” Castillo Pérez, Aymara Nieto, Sissi Abascal Zamora, Donaida Pérez Paseiro and [dissident artists](#) Richard Zamora Brito “El Radikal”, Maria Cristina Garrido Rodriguez and Randy Arteaga-Rivera.
- End the ongoing surveillance and arbitrary detentions of human rights defenders, activists and journalists, including the use of house arrest against dissenting voices.
- Cease the excessive use of force and arbitrary detentions during protests and refrain from internet interruptions that hinder the rights to freedom of peaceful assembly, expression and access to information. The authorities must pro-actively facilitate peaceful assemblies, protect peaceful protests, end all use of unlawful force against peaceful protesters and guarantee protesters’ safety.
- Establish a national legislative framework to safeguard the right to protest; in parallel, repeal and amend repressive and/or vaguely worded offences in the new penal code, as well as laws that have been misused against human rights defenders, activists, protesters and members of independent civil society.

- Prevent and combat discrimination of any kind and promote the respect, protection and guarantee of the human rights of all, including women, Afro-descendants and the LGBTIQ+ community.
- Promptly establish a comprehensive law on gender-based violence defining protocols to prevent and address the growing problem of feminicides and violence against women and girls in Cuba, including an efficient, public and transparent institutional protection and security mechanism for survivors.
- Ensure access to independent human rights organizations to monitor and report on the human rights situation, and likewise extend standing invitations to UN Special Rapporteurs, in particular those focusing on freedoms of opinion and expression, peaceful assembly and association, and human rights defenders, facilitating their visits as soon as possible.
- Address the population's need for greater access to food and medicine and act to fulfil the population's economic, social, and cultural rights – human rights concerns that were at the core of the recent and ongoing protests. The EU and its member states should call on the Cuban authorities to increase their efforts to ensure these rights and support genuine efforts to do so.
- Ratify the ICCPR, ICESCR and the Inter-American Convention on Human Rights as soon as possible, using the forthcoming Universal Periodic Review (UPR) of the country's human rights record as an opportunity to re-affirm Cuba's commitments to all rights.
- Use the opportunity of the forthcoming EU-CELAC summit in July to step-up engagement on human rights with Cuba and across Latin America and the Caribbean in line with [calls](#) from civil society in the region and in the EU.
- Make sure that independent Cuban and European human rights and civil society organizations are fully consulted, and their participation proactively facilitated in all decision-making that affects them – including the civil society events connected to the EU-Cuba human rights dialogue, bilateral cooperation and the implementation of the PDCA.
- Fully use the mechanisms defined in the PDCA to ensure that the Cuban government complies with its commitments to respect human rights.

We thank you in advance for your action to ensure the respect and fulfillment of all human rights for all in Cuba at this crucial time.

Amnesty International

Civil Rights Defenders

FIDH (International Federation for Human Rights), within the framework of the Observatory for the Protection of Human Rights Defenders

Front Line Defenders

Human Rights Watch

People in Need

Race and Equality

World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders