

STATEMENT BY THE EUROPE-CUBA NGO NETWORK

Human Rights Must be a Cornerstone of any EU Negotiation with Cuba

February 2014

The European Union must take a united, clear and principled stand in support of human rights and democratisation in Cuba.

The Europe-Cuba NGO Network calls upon the member states of the European Union to formally adopt clear human rights benchmarks and red lines in regard to its relationship with Cuba, including the following:

1. The EU must actively support human rights principles and push for the guarantee of respect for human rights and political openness on the island. The EU has stated that it will remain committed to its Common Position on Cuba until a new cooperation agreement takes its place. However, as the EU decides to go ahead with negotiations regarding a bilateral agreement, the mandate must ensure that clear benchmarks are set for all the 'red lines', as described by Ambassador Portocarero in the text below and that an active and constructive human rights dialogue with input from Cuban independent civil society and with firm dates is a non-negotiable cornerstone of any such agreement.
2. The EU should insist that at least one round of a Cuba – EU human rights dialogue take place before the restoration of bilateral relations. Members of Cuban human rights organisations should be included in some role, without fear of political persecution. The plan to restore political ties between Cuba and the EU should be assessed based on the outcomes of that round of dialogue.
3. The EU delegation and all member state embassies should insist on and regularly exercise the right to meet with member of independent civil society and members of the peaceful political opposition in Cuba across the island without travel restrictions; when the occasion arises, diplomats from EU countries and the EU delegation should attend and observe trials of human rights and democracy activists.
4. The EU should reconsider its policy for grants, which usually require the receiving NGOs to be registered in Cuba. In reality this means working with or for the government (for example: "*Agentes No Estatales y Autoridades Locales en el Desarrollo*"). The EU must remove the requirement for Cuban organisations to present an official letter of support from local Cuban government officials in order to submit a project proposal and should insist on maintaining its right to work through and with non-state actors, members of independent civil society, as a key condition to any restoration of bilateral ties. In addition, the EU delegation should facilitate contact between members of independent civil society and political parties in opposition and the European Endowment for Democracy.

5. The EU must insist that the Cuban government ratify the *International Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights*, before any restoration of bilateral ties. Cuba should also be pushed to respond positively to requests from the various UN human rights rapporteurs and monitoring bodies which have requested permission to visit the island.
6. The EU should insist that Cuba open its prisons to international monitors, including the Red Cross and Amnesty International.

Members of the Europe-Cuba NGO Network call upon the European Union to make the active promotion of democracy and respect for human rights in Cuba a cornerstone of any adjustment to its policy and relationship with the Cuban regime. The Network notes with concern that the EU has agreed to launch negotiations with Cuba aimed at re-establishing full bi-lateral ties in the face of a continued and serious increase in human rights violations across the island and an ongoing crackdown on independent civil society organisations.

The EU's declaration of its intentions to restore ties with Cuba, comes on the heels of the failure of UN Secretary General Ban Ki-moon and the heads of state of CELAC member countries visiting Cuba in January, to meet with or engage members of Cuba's peaceful opposition, including human rights and democracy activists. The Network is concerned that these developments, taken together, are perceived by the Cuban regime as the international community pursuing economic and political relationships while knowingly turning a blind eye to its continued and brutal repression of its people.

The Network welcomes statements by EU Ambassador Herman Portocarero that issues such as 'human rights' and the 'legal status of civil society organisations' remain a 'red line' for the EU, however, the Network continues to call for clear benchmarks as to how improvement in these areas will be measured and defined. The Network points out that opening negotiations to restore full relations with Cuba even as a massive crackdown on human rights activists and civil society organisations is taking place, contradicts and severely weakens these 'red lines' to the point of making them meaningless.

The Network also notes that attempts in recent years by the EU to open a human rights dialogue with the Cuba never came to fruition because of a failure on the part of the Cuban regime to participate. If relations are to be restored (and even if they are not), a human rights dialogue must be a central component of any relationship between Cuba and the EU; explicit and public guarantees of participation by the Cuban regime must be made.

For decades the Cuban regime has repressed all forms of political dissent and in this respect nothing has changed under the leadership of Raul Castro. Harsh tactics to repress Cubans who attempt to exercise basic, fundamental freedoms are used on a daily basis. Real economic reforms that benefit ordinary Cubans, not the political and military elite, have yet to materialise.

As a Network we raise the following specific cases and issues which illustrate the serious human rights problems in Cuba. They and others should be addressed as a matter of priority and should be used as benchmarks to measure progress in the area of human rights, before any restoration of relations take place.

1. From January to December of 2013 there were 6,424 documented detentions. This includes arrests without charge, arbitrary detention and the frequent use of short-term imprisonment, often in inhumane conditions, over the past year.
2. The widespread crackdown on human rights and democracy activists, including the use of arbitrary and short term detention without charge, across the island which coincided with the January 2014 CELAC summit and visit of Ban Ki-moon to Cuba.
3. Sonia Garro, a member of the Sakharov Prize winning organisation, the Ladies in White, who remains in prison on trumped up charges, following her arbitrary detention before the 2012 visit of Pope Benedict XVI.
4. The crackdown on the Democratic Forum, a peaceful initiative organised by the Centre for the Opening and Development of Latin America (CADAL) and the dissident group, Arco Progresista, in parallel to the CELAC summit on 28 January. Cuban activist, Manuel Cuesta Morúa, a member of Arco Progresista, was detained and charged with “diffusion of false information against the international peace”. The charge carries a one to four years prison sentence under the Article 115 of the Cuban Penal Code.
5. The political persecution and prosecution of Gorki Aguila, lead singer of the punk rock band Porno Para Ricardo. Aguila’s lawyer, Amelia Rodriguez Cala (who also represents a number of other activists, including Sonia Garro) was recently barred from practicing law for six months, leaving him without any legal defence or support to fight the trumped up charges against him. Aguila has been charged with possession of illicit drugs, based on his possession of medication for his epilepsy, prescribed by a Mexican doctor.
6. Jorge Luis García Pérez, also known as “Antúnez”, former prisoner of conscience and leader of the Orlando Zapata Tamayo National Civic Resistance Front, who held a hunger strike from 10-20 February. He is calling for the return of computers and other materials illegally confiscated by the Cuban government and for respect for his human dignity. Since 5 February, the home of Antunez and his pregnant wife Yris Tamara Pérez Aguilera has been raided four times. In addition, the couple was detained by the authorities for several hours, beaten and Perez Aguilera was sexually assaulted.
7. The dramatic increase in documented religious freedom violations in Cuba up from 40 in 2011 to 120 in 2012 to 185 in 2013 and the inclusion of Cuba as a Country of Particular Concern in the European Parliament Working Group on Freedom of Religion or Belief’s Annual Report.
8. The new Labour Code or *Código de Trabajo*, approved by the National Assembly in December 2013. The code does not allow for the right to form independent labour unions or the right to strike without authorisation for workers in the private and state-sector.

This statement has been endorsed by the following organisations:

- Asociación Damas de Blanco – Spain/Cuba
- Asociación de Iberoamericanos por la Libertad (AIL) - Spain
- Asociación Raíces de Esperanza en España/Roots of Hope - Spain
- Christian Solidarity Worldwide (CSW) – United Kingdom
- Cuba Futuro – The Netherlands
- Federación Española de Asociaciones Cubanas (FECU) – Spain
- Freedom and Democracy Foundation - Poland
- Fundación Hispano Cubana - Spain
- Glasnost in Cuba – The Netherlands
- International Society for Human Rights - Germany
- Italian Helsinki Committee for Human Rights - Italy
- Kristdemokratiskt Internationellt Center (KIC) - Sweden
- Lech Walesa Institute - Poland
- Movimiento Cristiano Liberación – Cuba/Spain
- Observatorio Cubano de Derechos Humanos – Cuba/Spain
- People in Need – Czech Republic
- People in Peril – Slovakia
- Solidaridad con Cuba - Spain
- Swedish International Liberal Center (SILC) - Sweden



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