



LETTERS FROM CUBA TO THE EUROPEAN UNION

**For the Inclusion of Independent Civil Society in
the Political Dialogue and Cooperation Agreement
Between Cuba and the EU**

TABLE OF CONTENTS

Introduction: It is Time for the EU to Include Civil Society in its Relations with Cuba	3
Letters from Cuba to the European Union	5
CUBAN INDEPENDENT CIVIL SOCIETY ORGANISATIONS	
Association for Press Freedom Proposals of the Association for Press Freedom to the European Union Regarding the Agreement and Relations with Cuba	6
Centre for Leadership and Development Studies Recommendations to the Cuban Government with the EU as a Witness	9
Legal and Civic Education Council of Cuba Report by the Legal and Civic Education Council of Cuba on the European Union's Policy Regarding Cuba	12
Cuba Decide EU-Cuba Agreement: The Road to Democracy is Now	14
Cubalex Cubalex's Recommendations to the Parliament of the European Union	17
Patmos Institute Patmos Institute's Criteria on the European Union's Policy towards Cuba: Analysis and Proposals on the Political Dialogue and Cooperation Agreement (PDCA)	20
San Isidro Movement Recommendations to the European Parliament, the European Commission, the High Representative for Foreign Affairs, and the Member States	22
Ministry Woman to Woman Mujer a Mujer's Message for the European Union	25
Cuban Female Network The European Union and Cuba: Stop the Agreement	27
MEMBERS AND REPRESENTATIVES OF THE INDEPENDENT CIVIL SOCIETY	
Alberto Fumero Batista The EU-Cuba Agreement, and its Implications	29
Alejandro Rodriguez Gonzalez How Can the EU Help Cuba?	32
Alejandro Tur Valladares Cuba Signs, But Does Not Comply with Agreements	34
Amado Calixto Gammalame EU-Cuba Agreement: Against Permanent Repression	37
Amador Blanco Hernandez Notes to the European External Action Service	40
Ariadna Mena Rubio European Union: Show Interest in Us	42
Dimas Cecilio Castellanos Martí Response to the Call for texts of Civil Rights Defenders Regarding the Agreement Between the European Union and Cuba	43
Eduardo Clavel Rizo Civil Society is the Key to the EU-Cuba Agreement	46
Emilio Almaguer de la Cruz Cuban Civil Society's Political Proposal to the EU	49
Henry Couto Guzmán A Warning to the EU: Cuba Will Not Comply with Anything	52
Juan Adolfo Fernández Saíenz A Dialogue with Cuba is Essential	54
Librado R. Linares Garcia Recommendations to the European Union on Decision-Making Regarding Cuba	56
Manuel Cuesta Morúa Cuba-EU: Vitalise the Values	59
María Matienzo Puerto Questions Without Answers, and a Suggestion for the EU	62
Maydolis González Blanco The EU-Cuba Agreement: Foreign Investment	64
Osmel Ramirez Alvarez The EU-Cuba Agreement, its Impact on Cuban Society and Possible Future Projection	66
René Gómez Manzano New EU Executive Should Redo the Agreement with Cuba	69
Roberto Jesús Quiñones Haces The European Union and the True Cuban Civil Society	71
EU: The Five That Remain and Cuba	74
Walkis González Valdés Cuban Civil Society Needs Assistance	76
Yanelis Ramírez Cruz The Freedom to Practice Law in Cuba	78
Open Letter to the European Union	80
Timeline: The EU-Cuba Relations	82
The Role of Cuban Civil Society and the PDCA	84
Proposals and Recommendations of Cuban Civil Society	85
Contact Details	87
Annex: Civil Rights Defenders Call for Texts on the Policy of the European Union Towards Cuba	89

INTRODUCTION: IT IS TIME FOR THE EU TO INCLUDE CIVIL SOCIETY IN ITS RELATIONS WITH CUBA

No country has become a democracy thanks to an agreement between two governments. And democratisation has never happened without a strong civil society openly and peacefully mobilising citizens for democratic change. This is true in all countries with authoritarian leaders governing without a mandate from its citizens – including Cuba.

Therefore, if the European Union (EU) wants to contribute to democratisation in Cuba, the EU will need to recognise and include the independent Cuban civil society in its efforts. The aim of this report is to show that there are several organisations and individuals within the civil society in Cuba who want to establish an open political dialogue with the EU on the implementation of the Political Dialogue and Cooperation Agreement (PDCA) between the EU and Cuba. The letters reflect their desire to be recognised as legitimate promoters of democracy within Cuba.

During the negotiation process of the PDCA between Cuba and the EU (2014 – 2016), Cuban civil society was never invited to take part in the discussions on the Agreement. When the text of the Agreement was finalised, the European Commission kept it secret until it was presented to the European Council six months later, and by then it was too late for any political discussion regarding its content. Since then, Cuban civil society has not been invited to a discussion on how the PDCA should be implemented.

The relationship between the EU and Cuba constitutes an exceptional case, compared to the way the EU traditionally handles its relations with non-member states. Usually, the EU maintains open and general contacts with civil society during both the negotiation and implementation processes of agreements. However, when the EU backed the Cuban government's exclusion of civil society from the process, the EU also accepted the government's oppression of Cuban's rights to freedom of expression and association, as well as their right to take part in the conduct of public affairs of their own country.

In order for the PDCA to contribute to the realisation of human rights in Cuba, the EU must invite independent civil society to an open and formal dialogue on EU-Cuba cooperation, and provide support to the human rights defenders of the country. A first step in such a dialogue could be that the EU delegation in Havana invites the authors in this report to a meeting on the progress of

the implementation of the PDCA. This would also be in line with the recent European Parliament Resolution of November 28, 2019, where the European Parliament:

Calls for an institutionalized, formal, open and public dialogue with truly independent civil society to be established with the EU and Cuba, similar to those in place with other countries with which the EU has cooperation agreements; [and]

Calls on the EEAS and the Commission to actively support civil society groups and individuals defending human rights in Cuba.¹

Accordingly, in order for Cuban civil society to participate in a dialogue with the EU, and to have the possibility to mobilise society for democratic change, the Cuban state's human rights violations and criminalisation of human rights defenders and activists, among others, must be put to an end. Consequently, the European Parliament determined, that in accordance with the provisions of the PDCA, the EU should "closely follow and monitor respect for human rights and fundamental freedoms in Cuba when implementing the PDCA, and submit regular reports relating thereto to Parliament".²

The letters from Cuban civil society representatives included in this report, not only reflect the authors desire to be recognised as legitimate actors within Cuba, but also their frustration with the lack of relations with the EU and its Member States. The same frustration exists in Europe. When Civil Rights Defenders and several other European organisations asked to participate in the civil society session of the EU human rights dialogue with Cuba established in the PDCA, we were told that the Cuban government would not accept it. When the Cuban government even restricts the participation of European civil society organisations in EU affairs, it is time for the EU to take a clear stand on the right of all Cuban and European citizens to participate in shaping the relations between Cuba and the EU.

1. European Parliament, *European Parliament Resolution of 28 November 2019 on Cuba, the case of José Daniel Ferrer* (2019/2929(RSP)) para. 10 and 12

2. *Ibid.*, para.6

LETTERS FROM CUBA TO THE EUROPEAN UNION

In July 2019, Civil Rights Defenders invited Cuban human rights defenders and civil society in general to contribute with texts on how the European Union should work in relation to Cuba. The texts we received contain a number of constructive proposals on how the EU could promote democratisation and respect for human rights in Cuba; and what role independent Cuban civil society could play in the political dialogue and cooperation between the EU and Cuba.

These are the texts we received:

CUBAN INDEPENDENT CIVIL SOCIETY ORGANISATIONS



ASSOCIATION FOR PRESS FREEDOM

The Association for Press Freedom (APLP in its Spanish initials) is a non-profit organisation founded in 2006. Its work focuses on freedom of press and freedom of expression, and the protection of journalists and their professional interests.

PROPOSALS OF THE ASSOCIATION FOR PRESS FREEDOM TO THE EUROPEAN UNION REGARDING THE AGREEMENT AND RELATIONS WITH CUBA

What should be the objectives of the European Union towards Cuba during the implementation of the agreement and how to get there? Concrete proposals:

The EU objectives, must be based on the points indicated in the Common Position: respect for human rights and democracy. Although the Position was withdrawn, this one must be retaken and applied in its political relations with Cuba. With the approval by the European Parliament of the EU-Cuba Agreement, the Common Position came to an end, but the Cuban government continued with the same policy of disrespect for human and fundamental rights; which at this point has worsened. This is evidenced by the systematic attacks on civil society individuals and, specifically, against the independent press.

How should the European Union and the member states relate to Cuban government entities, agencies, institutions, universities, and companies, for example? Could they achieve something in terms of cooperation with them, and what are the risks of that cooperation? The relations of the EU and its member states with the state entities in Cuba, and presumed non-governmental entities (keep in mind that there is no separation of powers on the island), must be based on the state's commitment to set aside political segregation and on the respect for the provisions of the Universal Declaration of Human Rights.

Financial and economic cooperation could be carried out in relation to the capital exposed to risks.

Currently Cuba has a Foreign Investment Law¹, which has the purpose of attracting new foreign capital. However, the policy on employment is conducted by the Cuban employment agency, that select its personnel in accordance to the prerequisites determined by the Cuban Communist Party. Hence, the investor does not have a reliable and trained staff that can ensure the amount invested. Also, the advisors are not legally liable with the foreign company.

The implementation of Chapter III of the Helms-Burton Act by the US government is a reality to be considered by foreign capital², by both current partners, and by those who intend to invest in the island. The Helms-Burton Act, imposes a series of sanctions on companies around the world, that carry out businesses with confiscated goods and without due payment for the seized, with the Cuban government after Fidel Castro took on power in 1959, and a foreign ideology contrary to the traditions and history of Cubans was implemented.

In regard to universities, and their possible cooperation at the national and international level, a selective process must carry out, without stigmatisation, and with equal opportunities for those who are pro-government and for those who want changes towards democracy, this would bring positive results.

For example, the presence of official and independent journalism; where each of them can participate with their themes in national and international events, without independent journalists being repressed or excluded.

The adjustments or amendments to the Migration Law in Cuba opened up the possibility for Cubans to be able to enter and leave the country; but today the application of its articles “regulates”, so that many Cubans cannot leave the national territory³, preventing the cultural, social, technological and political globalisation that is necessary, so that in essence the Cuban youth does not escape from the country in search of better living solutions.

What could be achieved by cooperation between the European Union and the organisations of Cuban society linked to the government and loyal to the Communist Party of Cuba? What are the risks?

Such cooperation would acknowledge these organizations as the only organisations (which are already registered and legalised by the government) with rights to exercise the functions that the Cuban State legally grants them.⁴ Consequently, the government would continue to project itself against the true civil society, which, by not being recognised, is considered illegal and can at any time be repressed by law. The acknowledgement that it has internationally achieved would be broken by the position of civil society merged with the government.

How could the institutions of the European Union and the States cooperate with a Cuban civil society that openly promotes democratisation and respect for human rights? And how could they promote cooperation between that Cuban civil society and the European civil society?

“The European Union should always keep in mind that in Cuba there is a tyranny of the left with a terrible history of human rights violations.”

Establishing cooperation relations and making it visible. By helping in the dissemination of human rights violations, which in our organisation (APLP) makes through reports and communications regarding the serious and emergency situations faced by journalists. By inviting civil society, and especially human rights defenders, to their embassies in order to know the reality of Cuba today. By holding workshops, where civil society is invited to participate.

What should the European Union focus on in the political dialogue, in the cooperation dialogue and in the commerce sector with the Cuban government? How could Cuban civil society contribute to the process of implementing these parts of the agreement?

The EU should focus on the issue of respect for human rights, requesting to harmonise international and national legislation, and the ratification of human rights pacts. By requesting the government to create a permanent human rights Commission that monitors constitutionally recognised human rights in accordance with the Paris Principles; and with the fulfilment of its commitments in relation to the Universal Periodic Review.

Within the trade sector, the situation of insecurity for foreign capital must be considered. The State keeps up, and thus projects itself, as the owner of the properties.⁵ With the new government policy, property registries in Cuba are prohibited from certifying registered properties before the 1970s. We have a legislation attached to the government and the ruling party with a socialist ideology that defends at all costs, above any other interest.

European governments that have not ratified the agreement should not do so, as a sign that they are not in favour of the island’s government policy.

It is not possible to think that any of the 28 members of the EU believe that the NGOs that the government accepts and imposes are independent in any way.

After the election by General Raul Castro of Miguel Diaz-Canel as ruler, repression and persecution have increased; managing to neutralise part of the civil society that, frightened, has been silenced and imprisoned.

The European Union should always keep in mind that in Cuba there is a tyranny of the left with a terrible history of human rights violations.

Havana, August 26, 2019

Signatories: Julio César Álvarez López, Amarilis Cortina, Rey Odalina Guerrero Lara, José Antonio Fornaris Ramos, Miriam Herrera Calvo, y Miguel Saludes García

References:

1. Law no.118. Foreign Investment Law.
2. Chapter III of the Helms-Burton Act.
3. Migration Law. DECREE-LAW No. 302 AMENDING ACT No. 1312, "MIGRATION LAW" OF SEPTEMBER 20, 1976 Article 25: Any person who is in the national territory, may not leave the country while in any of the following assumptions: h) When for other reasons of public interest, determined by the authorized authorities. i) Failure to comply with the requirements of the Migration Law, its Regulations and the complementary provisions to leave the country".
4. Act 54 of 1985. Law of Associations. Resolution 78 of 1987, amending law 54.
5. Decree Law 227 of January 8, 2002. State Heritage Law.



CENTRE FOR LEADERSHIP AND DEVELOPMENT STUDIES

The Centre for Leadership and Development Studies (Centro de Estudio Liderazgo y Desarrollo– CELIDE) is a civil society organisation established in 2014, with the objective to answer the needs of restoring the

rights and freedoms of citizens, and of eradicate racial and social stereotypes.

RECOMMENDATIONS TO THE CUBAN GOVERNMENT WITH THE EU AS A WITNESS

CELIDE presents this analysis on the human rights situation of Cuba. In this respect, it offers a set of conclusions and recommendations that are relevant for Cuban society in order to move towards the elimination of human rights violations in the country.

The situation of human rights violations against many sectors of the population that is increasingly worsening, is distressing; and, the attitude of denial that the Cuban government maintains regarding the human rights violations of its citizens, hinders the adoption of adequate institutional responses.

We hope that this analysis will help the government to redirect its human rights policy, and to comply with the recommendations made by international human rights organisations, and to allow in loco visits from the rapporteurs of the United Nations and the Inter-American Commission on Human Rights.

Context:

In Cuba, human rights activists are not allowed free movement, preventing them from carrying out training workshops, pedagogical activities and social inclusion. Different ways are used to restrict their mobility: stopping them from crossing borders, deporting them, sometimes leaving them in inhospitable places.

The Cuban government is a signatory of international instruments that bind it to guarantee the right to freedom of movement. For example: Article VIII of the American Declaration of Human Rights, which states that every person has the right to establish their residence in the territory of the state of which they are a national, and to transit freely; and Article 13 of the Universal Declaration of Human Rights.

CELIDE and other organisations' activists are prevented, under threats, from arriving or leaving their territory or domicile when they have had to participate in training meetings organised to deal with human rights issues. The most common ways are to intimidate family members; if they have a work, they are threatened to be expelled from their work; or they are prevented from moving within their own territory of residence.

As of 2013, the White Card (“La Carta Blanca”) was eliminated in Cuba, a document that allowed the government to ban Cuban citizens from traveling abroad, violating the right to freedom of movement. At that moment, the government applied a new form of repression and control, taking advantage of the law, under the justification of national security, to restrict citizens from leaving the country.

“And, the attitude of denial that the Cuban government maintains regarding the human rights violations of its citizens, hinders the adoption of adequate institutional responses.”

Regulatory framework:

International Commitments. The Cuban government is signatory to the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man, so it should guarantee the rights to freedom and equality that these two instruments enshrine.

The Cuban government has subscribed and/or ratified several international treaties that guarantee respect for human rights. In the cases that it has only signed, that signature implies assuming the commitment to abstain from the violation of the right consigned in the treaty, during the time that elapses between the signature and the ratification. As the main guarantor of the human rights of citizens, the government has the obligation to respect, promote and protect the rights.

International human rights treaties against which the government has assumed obligations:

Treaties signed and/or ratified by the government:

1. International Convention on the Elimination of all Forms of Racial Discrimination (CERD). June 7, 1966/February 15, 1972.
2. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). March 6, 1980/July 17, 1980.
3. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). January 27, 1986/May 17, 1995.
4. Convention on the Rights of the Child (CRC). January 26, 1990/August 21, 1991.
5. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (CRC-OP-AC) October 13, 2000.
6. Report on the Human Rights Situation of the Afro-Cuban Population. February 9, 2007.
7. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child prostitution and Child Pornography (CRC-OP-SC). October 13, 2000/September 25, 2001.
8. International Convention for the Protection of All Persons from Enforced Disappearances (ICED). February 6, 2007/February 2, 2009.
9. Convention on the Rights of Persons with Disabilities (CRPD). April 26, 2007/September 6, 2007.
10. International Covenant on Civil and Political Rights (ICCPR). International Covenant on Economic, Social and Cultural Rights (ICESCR). February 28, 2008.

Government resistance to fully accept international commitments

In the previous review of the Cuban government in 2011, the Committee recommended the ratification of the International Covenants on Human Rights, signed by the State on February 28, 2008. The ratification the covenants would be very useful to civil society in the fight for human rights, since they recognise the importance of creating conditions that allow each person to enjoy their economic, social, cultural, civil, and political rights, so that human beings can be self-realised with full freedom.

The International Covenant on Civil and Political Rights contains the rights to freedom of expression and opinion, which also includes the right to seek, receive and disseminate information and ideas of all kinds; and to freedom of association and assembly for peaceful purposes.

The government argues that the decision to ratify the covenants will be taken sovereignly, when it considers that the conditions are given so that the country's actions on these issues are not subject to manipulation, but does not clarify what conditions are needed for the ratification of the covenants.

Institutional response:

The government states that “the guarantees provided by Cuban laws to protect these freedoms include severe punitive measures for all those individuals and public officials who intend to unlawfully violate the freedoms of free thought, association, peaceful assembly, demonstration, complaint and petition, as provided in the Criminal Code in its articles 291 and 292”. However, public officials of the National Revolutionary Police Force (Policía Nacional Revolucionaria - PNR), in combination with State Security officers, openly threaten, repress, intimidate and beat members of civil society who express thoughts other than that in the government policies, without receiving any penalty.

In Cuba, organisations that respond to the interests and policies of the government are guaranteed proactive, consultative, opinion-giving, and decision-making capacity, as well as powers to exercise their functions and elect their representatives. However, the organisations that promote the work for reporting and eliminating human rights violations in order to protect the rights of Cubans, are not recognised by the government and are constantly under police surveillance and harassment; not having the same possibilities as the others to have the capacity of consultation, opinion and decision, nor to participate in the political, economic, social and cultural spheres.

Conclusions:

- Patterns of violation of human rights are high, police and State Security bodies restrict fundamental rights to groups of civil society activists who deal with human rights, preventing them from participating in activities organised by them, violating the right of association
- Citizens do not have the possibility of creating a political agenda that helps to adopt public policies so that they take their place in society and their rights are respected, nor create mechanisms to strengthen this social practice.
- The Government has no will to join efforts with civil society organisations to fight human rights violations. Its attitude on the issue makes clear its violent action against people or organisations that work to create public spaces and strategies that allow progress in the area of Human Rights, denying them the ability to watch over, protect, and fight for the respect of citizens' rights.

We recommend the Cuban government:

To lift the illegitimate prohibitions on peaceful political activities and guarantee the freedom of assembly and association, allowing, among other things, the legalisation of civil society groups that specifically work on the issue of human rights violations, and to not restrict their capacity of movement inside and outside the country.

To immediately and without reservation ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

To cease harassment, persecution and arbitrary detentions of human rights activists, independent journalists, and government critics who peacefully exercise their rights to freedom of expression, assembly and association.

To guarantee that no person will be arrested or imprisoned for peacefully exercising their right to freedom of association and assembly. Any person detained in these circumstances must be released immediately and unconditionally

Fernando E. Palacio Mogar, National Coordinador of CELIDE

LEGAL AND CIVIC EDUCATION COUNCIL OF CUBA

The Legal and Civic Education Council of Cuba (Consejería Jurídica e Instrucción Cívica de Cuba –CJIC) is an independent non-profit and non-governmental Cuban organisation, which defends and promotes human rights as a social alternative to achieve the reestablishment of democracy and rule of law in Cuba. It is comprised of independent attorneys and its mission includes providing free legal assistance to Cuban citizens who have not received help from the Cuban state. It also seeks to contribute to the legal and civic education of society in general, based on study programs offered through classes and workshops.

CIVIL SOCIETY’S PROPOSALS

The Cuban state has tried to strengthen its relationship with the European Union (EU) while concealing the reality endured by a significant portion of the people of Cuba, given that the periodic reports provided to the EU do not reflect the significant problems affecting Cuban civil society.

The Cuban state always issues reminders that it is a democratic country; however, it has only one political party and whoever is against it can be arrested and sent to prison.

It is true that the Cuban state provides free education, but subject to the condition of indoctrination by the communist system.

“The Cuban state always issues reminders that it is a democratic country; however, it has only one political party and whoever is against it can be arrested and sent to prison.”

It is true that the Cuban state provides free health care, but not with the service and quality all human beings deserve.

In its reports, the state reflects that it supports people with disabilities; however, people with disabilities do not receive enough assistance for their support.

In Cuba, the right to assemble and to freely associate are prohibited; a person can only belong to mass organisations that have been founded and monitored by the state’s system.

Reports authored by human rights organisations, such as EYE ON CUBA, the Cuban Human Rights Observatory, and the Institute on Race and Equality, have documented the impunity with which the Cuban state has committed human rights violations against its citizens who seek to move forward, outside its system.

Beyond its cooperation with Cuba, the EU must consider the values expressed in Article 2 of the Treaty on European Union, which are respect for human dignity, freedom, democracy, equality, and Rule of Law, with respect for human rights being one of the EU’s fundamental obligations in the application of policies and programmes.

Given that the EU is a firm and committed human rights advocate beyond the borders of the Union (and on several occasions has called for countries to apply the Universal Declaration of Human Rights and other international treaties in matters related to human rights), and it seeks to ensure that all its international relations, including trade and assistance, adhere to its principles in matters pertaining to human rights; it must acknowledge that every cooperative effort with Cuban organisations related to the government and to Cuba’s Communist Party are solely for the benefit of the Communist Party and not for the benefit of civil society.

Recommendations:

- The EU must demand and ensure that the Cuban state cooperates with Cuban civil society, openly promoting democratisation and respect for human rights by creating cooperative agreements that are authorised by both parties.
- The EU must focus the political and cooperative dialogue primarily on respect for human rights by requiring that the state is truthful in its reports and the ratification of agreements and treaties.
- The EU must demand that the Cuban state legalise independent civil society organisations, granting legal status to allow non-governmental organisations that support a majority of civil society to exercise their right to associate.
- Given the foregoing, the EU must analyse relations with the Cuban state in depth, demanding that it respect international commitments in connection with human rights.
- It is recommended that the EU requires the Cuban state to reform its national legislation, and not to censure or harass independent organisations based on their pacific approaches to action.
- Cuba's infrastructure deteriorated during its revolutionary process and a significant portion of the population, primarily young people, emigrated due to shortages and the lack of opportunities.
- The EU must demand forms of empowerment for civil society, not for state companies, the majority of which belong to the Armed Revolutionary Forces.
- The EU must demand that the Cuban state does not harass or persecute independent civil society any further for its forms of thinking and acting pacifically, respecting the right to freedom of expression and opinion.

José Ernesto Morales Estrada, Representative of CJIC



CUBA DECIDE

Cuba Decide is a citizen platform created to shift the Cuban system towards a democracy. Cuba Decide aims to mobilise the Cuban people and the international community to challenge the regime's succession plan and to give back the sovereignty of the State to the Cuban citizens. Cuba Decide promotes the celebration of an independent and internationally monitored binding referendum to invalidate the illegitimate Constitution and start the transition to a democracy.

EU-CUBA AGREEMENT: THE ROAD TO DEMOCRACY IS NOW

The EU signed the Political Dialogue and Cooperation Agreement (PDCA) with the Cuban government in December 2016. The European Parliament approved this agreement in July 2017, and now many of the Member States have ratified the agreement without criticising the Cuban totalitarian political system or the government's repressive practices.

Notwithstanding, in November 2018, the European Parliament approved a resolution condemning the human rights violations perpetrated by the Cuban government and asking,

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

Before and after approving this resolution, VP/HR Federica Mogherini and the negotiators designated by her failed to acknowledge and to include the opposition and members of Cuban civil society who are outside the Cuban government's control within the framework of the political dialogue. On an even more serious note, Ms. Mogherini's visits and her statements about Cuba have been used by the dictatorship to gloss over the absence of civil, political, economic, and cultural rights in the country.

This concession to the Cuban government is patently revealed in the EEAS's 2016 Annual Human Rights and Democracy in the World report, which describes the island's government regime with the following absurdity: "Cuba is a one-party democracy, with elections that are held at the municipal, provincial, and national level." That statement was repeated publicly by Ms. Mogherini during one of her visits to the island.

The EEAS's position, in conjunction with the fact that the European governments abandoned their earlier position of condemning human rights violations, of requiring democratic reforms in Cuba, and of keeping their embassies on the island open to the opposition and independent civil society, as the EU's Common Position on Cuba did in 1996, is being used by the Cuban government to attempt to legitimise its actions.

These serious actions include:

- The illegitimate transition of Mr. Díaz-Canel as head of State in April 2018, through the execution of a process where conditions impeding the people's political participation persisted. The selection and election of the delegates to the National Assembly and the Provincial Assemblies did not meet the minimal requirements needed for a free, just, and transparent elections; and it was established that General Raúl Castro would lead "decisions of the greatest transcendence for the present and future of the nation."
- A fraudulent constitutional referendum in February 2019, which did not meet the international guarantees and standards needed for a free, just, and transparent process, and which was marked by government violence against those citizens who campaigned against the approval of the new constitution.
- The imposition of a constitution suffering from a lack of sufficient national consultation, ensuring that the Communist Party will preserve its power in perpetuity, reinforcing the concept of centralised state property and a controlled economy, where the one-party political system is declared to be "irrevocable" in Article 4, and in which Article 229 states that current and future generations are prohibited from altering the irreversibility of socialism, as well as the current political and social system.
- The imposition of a new Electoral Law designed to prevent the sovereign will of Cuban people, and to impede their right to participate in elections. The Cuban governmental authorities, including the electoral ones, continue to act in a coercive and arbitrary manner, systematically violating the civil and political rights of the Cuban people, especially in terms of the pro-democracy pacific efforts by the members of an independent civil society and the country's political prisoners.
- Police violence and political persecution against civil society and citizens, exemplified in the dozens of raids undertaken by members of the military bearing long weapons against the homes of members of UNPACU and of Cuba Decide promoters; and the police violence against the Damas de Blanco demonstrations, members of the opposition, and LGBTI activists.
- The forced exile of several activists who were arbitrarily obligated by agents of the state to leave the country under death threats, such as the case involving the violent expulsion to Guyana of Eliecer Góngora, a member of UNPACU and a Cuba Decide promoter.
- Thousands of arbitrary arrests and thousands of convictions due to the person's "pre-delinquent social dangerousness"; together with the imprisonment of civil activists, people of faith, journalists, and human rights advocates, which has increased the number of political and conscience prisoners to 130, as documented through July 2019.
- The Cuban regime's interference in the internal matters of several Latin American countries, as evidenced by the presence of Cuban intelligence personnel in Venezuelan military units and the Cuban spy discovered while conducting illegal monitoring at the military air base of Paloquemao, Colombia.

From December 2016 to now, none of the aforementioned events were even addressed in discussions between the EU and Cuba, while living conditions and the human rights situation in Cuba have worsened in various aspects.

It is time that the Commission and its foreign policy branch, the EEAS, state what reforms must be implemented in Cuba so that the Cuban government respects the principles of human rights and democracy as established in the PDCA. The main problem with the agreement is that it does not specify that democracy and respect for human rights are objectives to be achieved through cooperation and political dialogue and, instead, only describes these as principles on which the agreement is based. This is a major step backwards in Europe's foreign policy toward the island, which hinders any assessment of the results

"The main problem with the agreement is that it does not specify that democracy and respect for human rights are objectives to be achieved through cooperation and political dialogue and, instead, only describes these as principles on which the agreement is based."

of the agreement, and, up until now, the parties involved have avoided explaining what will change during the coming years. This makes it impossible to determine whether the Cuban government is complying with the agreement or not. Consequently, it is urgent that the conditions for the immediate implementation of this agreement to be established or, otherwise, its implementation should be suspended.

The member states can highlight this problem through the ratification process and request that the EU to clarify what changes are expected to be achieved. This is now an imperative, given that repression at the hands of the Cuban government, a government that was not elected by its citizens, has increased; and that the Cuban intelligence machine's participation in the collapse of Venezuela's democracy is well-documented and has been decried by the Secretary General of the Organisation of American States (OAS).

In view of all the foregoing, it is crucial that the newly elected European Parliament, the new Commission of the European Union, the new High Representative for Foreign Affairs, and the member states of the European Union do not proceed with the implementation of the agreement unless:

1. The concrete reforms requested by the EU within the dialogue with the Cuban government regarding human rights are clarified and that the progress of the same is assessed. At a minimum, the reforms should include the following:
 - The release of all political prisoners, and the end of the harassments and persecution by the State's Security Forces against Cuban human rights advocates, and against independent civil society.
 - The acknowledgement of the Cuban people's right to change their country's political system by exercising their right to vote, as well as the right to "determine their own political, economic, social, and cultural system," as established in the Vienna Convention, adopted by the Cuban government and the Member States of the European Union in 1993.
 - The celebration of a binding referendum on the island with regard to changing the political system, in order to allow the Cuban people's participation in free, just, and multi-party elections.
 - The necessary legal reforms to guarantee freedom of the press, freedom to associate, and freedom to demonstrate.
 - Ratification of the ICCPR and the ICESCR.
2. It is publicly acknowledged that the current National Assembly and all elected offices within Cuba's executive branch are being exercised illegitimately because the electoral processes did not comply with the minimal requirements, and, therefore, the Cuban government should submit to the will of the people and initiate political reforms to guarantee free, just, and plural elections.
3. It is clarified that the EU's contribution to the political dialogue and cooperation with the Cuban government must be specific in the establishment and implementation of laws and reforms. If the Cuban government does not initiate the reforms in six months, the EU must terminate the PDCA since the Cuban government would not be in compliance with the basic principles of democracy and human rights as established in the agreement.
4. Steps are taken to achieve the following: cooperate with the press and independent Cuban civil society like in any other country, meaning that members of civil society are invited to formal discussions about implementing the agreement; contribute to the funding of civil society organisations; invite independent journalists to press conferences; and publicly denounce politically motivated human rights violations. The EEAS must also clarify that no financial contributions will be made to official Cuban organisations or state agencies without the Cuban government's public support for the aforementioned reforms, which are necessary in order to achieve democratisation.

Rosa María Payá and promoters of Cuba Decide

CUBALEX

Cubalex is a non-profit association founded in 2010 in Havana. It was registered in the United States as a charitable organisation in June 2017, when most of the team members were forced into exile. Its mission is to defend and promote human rights as a mechanism of social transformation, and to achieve the reestablishment of democracy and the Rule of Law in Cuba. Its work focuses on documenting human rights violations, mainly within the Cuban context. Its members are experts on the Cuban legal system, as well as national and international reporting mechanisms. The organisation has experience in identifying and examining the legal regulations that govern human rights in Cuba and in analysing their compatibility with international standards.

CUBALEX'S RECOMMENDATIONS TO THE PARLIAMENT OF THE EUROPEAN UNION

Pursuant to the framework of the PDCA between the European Union and the Cuban government, Cubalex recommends that the political dialogue between the European parliament and the Republic of Cuba include the opportunity to develop training activities for judges, prosecutors, law enforcement, and prison officials.

Such activities would be possible under item c) in section 4 of Article 22 of the PDCA, which facilitates cooperation for the purpose of implementing the human rights instruments and educational protocols that apply to each of the parties as well as any recommendations made by the United Nations human rights agencies that the parties may have accepted.

Cuba is one of the State parties to the 1995 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In 1997, the Committee Against Torture expressed concern about the lack of specific educational training for judges, prosecutors, law enforcement, and prison officials and recommended that the State to create an updated and ongoing global education and training program. In 2012, it recommended the State to prepare and implement education programs to ensure that judges, prosecutors, law enforcement, and prison officials are fully aware of the Convention's provisions, and likewise that the state develop and apply a methodology to evaluate the efficacy and effects of the education programs on reducing the number of cases of torture and abuse, and ensure that all relevant personnel receive specific training on the Istanbul Protocol.

Article 10 of the Convention mandates that the State ensures the inclusion of comprehensive education and awareness with regard to the prohibition of torture in any professional training for law enforcement, whether civil or military, medical personnel, public officials, and other persons who may be involved in the custody, interrogation, or treatment of any individual who is the subject of any form of arrest, detention, or imprisonment, and that this prohibition is included in any rules or instructions that are issued with regard to the duties and functions of these individuals.

The proposed training also seeks to provide awareness and education in matters involving human rights, democracy, and a culture of peace and to strengthen democratic and human rights institutions as well as the legal and institutional frameworks in place for the promotion and protection of human rights, as provided in items e) and f) in section 4 of Article 22 of the Political Agreement.

With regard to the foregoing, the European Parliament could propose that the criminal law review process include judicial cooperation as one of the activities to be undertaken pursuant to the Agreement, for the purpose of reconciling these with the six international human rights agreements to which Cuba is party to, thereby facilitating their appropriate application within the national

territory and compliance with the state's human rights obligations, particularly those involving due process.

Cubalex recommends that the European Union's dialogues with the Cuban state include the possibility of organising electoral observation missions for the 2023 elections to elect the National Delegates and the second-degree election of the members of the State Council and the president of the Republic of Cuba.

Observing the Cuban elections would be possible under the first section of Article 23 of the PDCA on "good governance," which establishes that cooperation within the scope of good governance should be based on strict compliance with the principles of the United Nations Charter and of international law and, under the second section, which provides that such cooperative activities could include, among others, activities that are mutually agreed upon by the parties for the purpose of promoting transparent, accountable, efficient, stable, and democratic institutions.

The Cuban state recently enacted a constitutional reform which also contained a reform of the electoral system: The new electoral law will be applied in the 2023 elections, when the duties of the National Assembly of People's Power will be renewed. Under the previous system of public voting (by a show of hands), community-led control over the electoral process by mass and social organisations inhibited the citizens from stating their political preferences and obtaining information from diverse sources, and therefore impeded plural and open deliberation on matters of public interest.

It would be appropriate and recommendable for the European Union to avail itself of the electoral observation mechanism to verify that the reform implemented by the Cuban state removes any restrictions on its citizens' political rights. This activity would comprise part of the joint work between the European Union and the Cuban government for the purpose of achieving more inclusive political processes in which all citizens can truly participate, as provided in item f) in Section 2 of Article 23 of the PDCA.

Electoral observation could enable the European Union to determine whether the current prohibition against conducting electoral campaigns prevents citizens with political aspirations from carrying out activities to compete for office, such as seeking out resources and votes. Currently, citizens cannot directly run for office at the national level nor do they have access to any legal mechanisms to openly create and organise political parties. In this regard, the European Union could recommend that the state reconcile its legislation with international standards in terms of freedom of opinion, expression, and association in the exercise of political rights.

The European Union could also exchange experiences and training in the legal and judicial level, as well as information related to the legal and legislative systems, as provided in items c) and d) in the second section of Article 23 of the PDCA.

The new constitution confers constitutional and permanent status to the new electoral body but does not ensure its functional independence due to the fact that its members can be designated by a political body that concentrates all the state's powers, a fact that impinges on this body's independence and impartiality. The officials who comprise the main body, who can be active or service members of the military, are not prevented from occupying directive positions within political party organisations. This situation affects the new Electoral Council's independence and impartiality, and therefore, detracts from the transparency of the Cuban elections. These officials do not have any professional experience in the electoral realm either.

An audit of the electoral registry would allow the European Parliament to promote the exchange of best practices within the issue of good governance, accountability, and management transparency at all levels, a form of cooperation that is addressed in item e) in the second section of Article 23 of the PDCA. The Electoral Registry was affiliated with the electoral body, but the law does not specify which state institution is responsible for this registry nor does it establish the requirements for these electoral officials. It is currently under the Ministry of the Interior, a military institution. Under the new regulations, none of the electoral bodies is responsible for verifying the electoral registry, rather the law confers this function to mass organisations.

The proposed activities would also play a part in strengthening institutions and the Rule of Law, as well as in modernising public administration. These cooperation objectives are stipulated in Articles 24 and 25 of the PDCA between the countries belonging to the European Union and Cuba.

The European Union could facilitate a rapprochement between Cuba and the Organisation of American States (OAS) as part of the cooperation activities described in item g) of the Political Agreement, which allows the parties to develop mutual joint interest initiatives related to relevant multilateral forums.

Cuba continues to be a member state because its exclusion in 1962 did not mean losing its status, nor did it ever exercise the right to denounce the Constitutional Charter and therefore must accept the regulations and obligations assumed, particularly in terms of the human rights that are applied to all the parties belonging to the OAS by virtue of the principle of legal equality among the states.

“The proposed activities would also play a part in strengthening institutions and the Rule of Law.”

During the last four years, the Cuban state demonstrated its interest in participating in the OAS, a regional organisation in which the European Union acts as an observer. It participated in the VII and VIII Summits of the Americas held in Panama and Peru in April 2015 and 2018, respectively.

It would be advisable for the European Union to include human rights officials and experts within the inter-American system in the cooperative activities proposed by Cubalex so that their recommendations may play a part in Cuba’s gradual integration and full participation in the OAS on a basis equal to that of the rest of the countries in the region.



PATMOS INSTITUTE

The Patmos Institute is a Cuban civil society organisation founded in 2013 whose objectives are the exercise of interreligious dialogue; political incidence; the specific monitoring and defence of religious freedoms; and human rights education in general. Their work focuses on carrying out activities and initiatives, such as forums, workshops, and conferences, among others; with the aim of creating spaces for citizen participation throughout the island.

PATMOS INSTITUTE'S CRITERIA ON THE EUROPEAN UNION'S POLICY TOWARDS CUBA: ANALYSIS AND PROPOSALS ON THE POLITICAL DIALOGUE AND COOPERATION AGREEMENT (PDCA)

On September 3, 2019, as part of the implementation of the PDCA, the first meeting of the Joint Cuba and European Union Committee took place in Havana. On September 9, this Joint Committee reviewed the implementation of the PDCA, during the fourth visit to Cuba of Federica Mogherini, EU High Representative for Foreign Affairs and Security Policy. She presided over the meeting with Bruno Rodríguez, Cuban minister of Foreign Affairs. At this critical juncture of the PDCA implementation, it is valid to ask if it was worthwhile to cease the Common Position and initiate this new process.

The EU expected that at this phase of the implementation of the PDCA, alleged reforms would be taking place to accompany this process as a framework, but this has not occurred. In fact, the opposite has happened, even though Cuba says the contrary by alleging "continuity". It is evident that if Cuba promised those reforms, it was to gain time while in power, to simultaneously obtain sources of financing. Due to this evident fraud, it would be logical for the EU modify or even suspend the implementation of the PDCA. The EU should not hesitate nor impose bureaucratic delays on this matter. In the same manner that the EU signed the PDCA with Cuba, and put an end to the Common Position (which guided relations with Cuba from 1996 to 2016), after the United States and Cuba announced and implemented its change in policy or thaw in relations, the EU should stop or put an end of the PDCA now, in harmony with the new US policy to Cuba and the EU's own policies towards Cuba's strategic partners, particularly Venezuela.

The relations that the EU has with Cuban government entities such as agencies, institutions, universities and companies are not balanced. It is not a relationship among equal partners because those entities only respond to the interests of the Cuban Communist Party (CCP); while the CCP elites behave as owners of everything and there continues to be no independence among the branches of government. Nothing can be expected in terms of cooperation from "them." The cooperation is only for "it," the omnipotent power. The risk that the EU faces with its cooperation is to continue to be extorted by that elite and become, to the eyes of the world and history, an accomplice of an authoritarian and failed system by providing help to the Cuban government, right when it needs it the most to continue trampling the rights of the people.

The time the EU has invested in its attempt to implement the agreement has been sufficient to confirm that the civil society organisations in Cuba linked to the government and loyal to the Communist Party are, in reality, appendages of the system, and the risks of cooperating with them are the same ones the EU faces by cooperating directly with the system; because these have been used in the past as a façade used to praise a government that tricks the world with its propaganda. This describes all communist governments; Cuba is not an exception, but a successful and active example.

Ideally, the EU and its Member States would cooperate with Cuban civil society, which openly promotes democracy and human rights, but this is blocked and prevented by the power that signed the PDCA with the EU. Regardless, the EU should seek cooperation, even if that means changing or suspending the PDCA, which would be expected under these circumstances. During the period of implementation of the PDCA, cooperation among these organisations has diminished when compared with the EU and Member States cooperation with Cuban civil society during the existence of the Common Position, when in reality the contrary was expected. With or without PDCA implementation, the EU should use all disposable means to cooperate with civil society organisations and to forge relations between Cuban and European civil society.

In practice, Cuban civil society has been excluded from the PDCA implementation process. This, solely, is enough reason to annul the PDCA and its parts. Also, in accordance to the U.S policy, the relations with civil society should be a top priority, and should be strengthened. It is notable that, in an inversely proportional manner, the U.S. strengthens its relations with civil society while stopping relations with the island's political authorities. Recent examples show this:

“In practice, Cuban civil society has been excluded from the PDCA implementation process. This, solely, is enough reason to annul the PDCA and its parts.”

- The case of the evangelical pastors Ramón Rigal y Adya Expósito, sentenced to prison on April 22, 2019, by the Guantanamo Municipal Court (Tribunal Municipal de Guantanamo, TMG), for having challenged Cuba's monopoly on education, which is completely political and ideological. They were charged with “illicit association”; their religious organisation not recognised. This set a dangerous precedent for many leaders of organisations that have been banned. An effect of this is the threat to also charge pastor Alayn Toledano Valiente;
- The case of the Catholic attorney and independent journalist Roberto Quiñones, sentenced to prison on August 7 by the TMG for having expressed solidarity with the evangelical pastors' case referred above;
- The case of Guillermo del Sol, who started a hunger strike on August 12 because the Cuban government would not allow his son Adrian del Sol Alfonso to travel. His strike was in solidarity with the Cubans who are not allowed to travel to other countries. The ban is implemented under the euphemism of “regulated” (“regulado”). The IP has been monitoring this matter since July 2018. On July 13, 2018, IP published a list of 52 names of regulados. The names and numbers have varied since then, and currently there are 149. The list is attached as an appendix.

As examples of the attention given by the United States to these cases, there have been many statements by secretary of State Mike Pompeo, or direct visits by Mara Tekach, Chargé d'Affaires of the US Embassy in Cuba, on August 10, 2019, to Roberto de Jesus Quiñones at his house in Guantanamo; or the visit by Tim O. Hall, in charge of Political and Economic Affairs at the US Embassy in Cuba, to Guillermo del Sol at his house in Santa Clara. In none of these cases has there been similar or alternative actions by the EU or its member states.

The EU should completely stop the political dialogue, the cooperation dialogue and the commercial dialogue with the Cuban government, because Cuba has given more than enough reasons to do so; because of its systematic and increasing human rights violations of Cubans in and outside of the country; because of the evidence of its links to destabilisation efforts in Venezuela and Nicaragua, and its destabilisation attempts in many other parts of the hemisphere. In the Venezuelan case, Cuba's interference and responsibility is so evident that it would be enough of a reason to cancel any agreement. The Cuban government does not only behave as a dangerous international criminal that establishes relations with other governments that threaten international peace. It also tries, with failed attempts of discretion, to establish relations, stimulate and finance terrorist groups such as Hezbollah, or ETA, or narcoterrorists such as FARC or ELN. This has been occurring for decades.

Due to all of this, and because at this phase of the PDCA implementation the EU was expecting different circumstances than the ones at hand, the Member States that have not ratified the PDCA should not do so, and the Member States that did ratify it should withdraw from the Agreement.

SAN ISIDRO MOVEMENT

The San Isidro Movement (Movimiento San Isidro) is an organisation founded in 2018, following the campaign against Decree 349, a government decree that seeks to convert non-authorized artists into criminals. Its mission is the protection of cultural rights and the safeguard of the right to freedom of expression. Its founding members are Luis Manuel Otero Alcantara, Amaury Pacheco del Monte and Michel Matos Alonso.

RECOMMENDATIONS TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COMMISSION, THE HIGH REPRESENTATIVE FOR FOREIGN AFFAIRS, AND THE MEMBER STATES

Background

A totalitarian dictatorship has prevailed in Cuba for 60 years. There is a very poor economy, a society in constant migratory flight and an internal crisis that goes from economics and politics to ethics and morals.

In recent years, the people on the island, also the United States, Latin America and Europe, thought that the Cuban system within the timid transformations that it has been making, would initiate an opening process, slow in its performance but concrete in the results. This has been a huge disappointment.

In 2019, repression for political and economic reasons has increased alarmingly, putting in doubt that external appeasement policies have produced concrete results in civil, cultural and political freedoms and respect for Human Rights.

These policies were the result of the change of strategy under the Obama administration in the US, a mark that would test the true intention of change of the Cuban government, as well as the variation of the Common Position adopted by the European Union.

In both cases it could be observed how the communist government used it to obtain benefits in terms of integration to international mechanisms, obtaining credits and benefits of cooperation, greater reception of tourists, clearing the image of a country that represses civil rights and freedoms, etc. However, these changes did not bring objective results for the Cuban citizens, neither in the matter of civil rights, nor with respect to economic freedoms that were announced by the Cuban government.

Currently, Cuban society lives in material and moral impoverishment, with very high rates of corruption, almost absolute control of information by the Communist Party, rationing of basic goods and food, lack of other goods, urban infrastructure with a high degree of deterioration, sharp levels of citizen repression in areas such as independent journalism, pro-democracy and cultural activism and against any common citizen who expresses criticism openly to the prevailing system.

By exercising repression to its citizens, the government uses the legal system as a political weapon, creating sets of laws, some preventive (that is, they are undertaken before any crime is committed) and others in clear violation of international norms and human rights according to United Nations.

Culture, which is the focus of our work and our competence, in its different manifestations, is controlled by the administrative apparatus of the Communist Party, censoring any manifestation contrary to the Fidel's declaration, "with the revolution, everything; outside the revolution, nothing" (1961, "Words to the Intellectuals"). Artists have been censored, harassed, expelled from their work and often imprisoned for carrying out a critical work or performance, particularly in public spaces. These spaces are controlled under the slogan "the streets belong to the revolutionaries."

There are not only human rights defenders or political activists under intense harassment. Private businesses have also suffered a considerable increase in persecutions; these are manifested by the direct closure of business, seizure of premises and vehicles, confiscation of work materials, very high taxes and fines, and a highly corrupt network of inspectors.

This is the reality (unfair and unsustainable) in Cuba today.

For all the above, and much more that it is impossible to express in brief lines, we make a set of recommendations to the European Parliament and its new elected representatives.

Recommendations:

- The first and most important would be for the European bloc to persist, and even demand, for a complete democratisation of Cuba.

The civil, political and economic freedoms issue should be the core of the request for dialogue and cooperation. We understand as a basic concept of democratisation due respect and compliance with the Covenants on Civil and Political Rights; and the one on Economic, Social and Cultural Rights that the Cuban government signed in 2008. We understand as democratisation the full and indivisible respect for the Universal Declaration of Human Rights of which Cuba is also signatory since 1948. An explicit means would be a call on the Cuban authorities to the ratification of the agreements signed in 2008.

- Europe and its representatives must understand that Cuba is not synonymous with “Cuban government,” as the Party-State claims. Cuba is made up of its people and, therefore, a multiplicity of ideas and social proposals. Europe should work and dialogue with all parties. A clear way to do it (already used previously) is to invite independent civil society to national events or celebrations at European embassies on the island.

Accordingly, it must undertake development programs that involve funds for cooperation in different areas such as civil society, culture, ecology, politics, etc. This would represent invaluable support for the development of these areas within the framework of independent civil society projects. We consider that it could perfectly maintain a dialogue with both sides of the Cuban equation, government and its loyal groups and independent groups with different proposals. Europe could also promote exchange programs between independent Cuban civil society and the different groups of European civil society.

The EU may put together experiences of the former communist countries of Western Europe with current experiences suffered by Cubans working for democracy.

- Commercial and economic activity is one of the thorniest issues for Cuban society. It is government policy to maintain low levels of income in Cuban society in order to preserve paternalistic dependence of the people towards the State-Party.

Europe and the members of the Union have negotiated a number of agreements with the government, but none of them benefits the common people. On what ethical basis can Europeans or other foreigners earn money on Cuban soil, when this same macro-scale activity is banned for the men and women of the island? That is economic discrimination. Europe and its businessmen should understand that in the future, a new democratic government could retaliate against European companies based in Cuba for contributing to exploit the Cuban labour force and for denying them basic rights. For a long time, Cubans, as second-class citizens, were banned from entering hotels. The Spanish Melia chain would be a good example.

This questioning is not intended to be a threat but a reflection on the basis of the current popular feeling. This point, rather than a recommendation, becomes a reflection on the unsustainability of the current economic system.

- The use of language is a pending subject. Recently, Federica Mogherini, the High Representative for Foreign Affairs, called the Cuban system “a one-party democracy.” This is not only nonsense in contemporary politics, but also is an insult to all those who crave and work to obtain civil rights and freedoms within Cuba. We understand that, as part of diplomacy, hostile language is not

productive, however, the diplomatic euphemism that tucks in a dictatorship before the dialogue of nations, is misguided and ends up distancing the opposition from policies and its representatives in the European Union. We would strongly recommend greater firmness and clarity in political lecture.

- Europe should take on the challenge of conditioning the Cuban regime and exercise pressure for concrete steps regarding the respect for human rights.

In recent months, the Cuban government has increased its repression against opponents, critical artists, and independent journalists. In addition, it arbitrarily and without legal basis prevents the exit from the country to any of these sectors as punishment for their activity. If the Union does not put this under the spotlight, it is only playing a game with a very unfair system.

Europe may condition the signing of agreements, as well as financial cooperation, to Havana's proof of concrete and visible steps taken towards respect for human rights and fundamental freedoms. This type of gesture would not only make the European bloc an ideal ally for Cuban democrats, but also an international champion in the fight for freedom and democracy.

- The European Union can create academic and study programs, similar to scholarships or short-term workshops, to enhance alternative thinking and empower leaders of Cuban civil society. It could also enhance artistic and cultural exchanges, focusing on the participation of artists and intellectuals from the island in events, exhibitions, exchanges, etc., on European territories. This would help raise the profile of works and creators, and allow an interrelation of the ideas about art and activism that have been used in other historical contexts permeated by totalitarianism.

Europe has suffered oppressive regimes at different times of their contemporary history. Cubans are waiting, vehemently, for their solidarity and support in the process of the democratisation of Cuba.

“Cuba is made up of its people and, therefore, a multiplicity of ideas and social proposals. Europe should work and dialogue with all parties.”

MINISTRY WOMAN TO WOMAN

The Ministry Woman to Woman (Ministerio Mujer a Mujer) is a non-profit and non-governmental Cuban organisation, whose purpose is to help women overcome pain, lack of identity, and thus help women to be free. The initiative was born due to the increased cases of violence against women in Cuba. Its main objectives are the promotion of women's rights, and their physical and psychological integrity. Their work focuses on human rights education, with the aim of positioning people on a justice platform and a new way of seeing life. The ministry is established in Cuba and in other Latin American countries.

MUJER A MUJER'S MESSAGE FOR THE EUROPEAN UNION

Knowing that EUs desire for the wellbeing of the Cuban people, and understanding the circumstances that prevent our system from effectively providing spiritual and material solutions to the people, we, Mujer a Mujer, as an organisation and civil society member, view this space as an opportunity to bring solutions to the country's pressing issues and problematics.

We thank this opportunity to express ourselves in a context of recognition and liberty, which promotes an expectation of hope for the collective work and cooperation between civil society in the European Union, its Member States, and Cuba. This can forge the common aspiration of a better, more democratic, inclusive and pluralist Cuba, and we appreciate it as a starting point, where listening and implementation will mark a before and after in our nation. Being heard at international organisations would be a process of social catharsis and a divine opportunity for civil society. To express oneself and be heard would be a healing process, and would improve relations among the powers.

Civil society has a community base, so it has access, prominence, and up-to-date information. Participation of civil society would allow the government to focus on the macro side, while solutions could emerge from civil society and become quickly viable.

In regard to the political dialogue, we understand it as:

- More democratisation
- Consensus of dialogue among actors
- Access to different ways of thinking

Dialogue is an effective mechanism that would let us implement agreements and incorporate all civil society with more representation.

Calling for a dialogue among actors would mean respect for diverse points of view, listening to different sectors, and active participation. All off this, outside a politized framework, in an atmosphere of harmony and support of change.

Concrete steps:

1. We acknowledge the need to cooperate in order to achieve this scenario.
2. Promote, recognise and highlight different sectors of civil society.
3. Forge Cuban civil society empowerment links.

In regard to political dialogue, it is necessary that agreements be reached in the framework of acknowledging civil society and its opinion as the expression of the people.

“Dialogue is an effective mechanism that would let us implement agreements and incorporate all civil society with more representation.”

In regard to the question of how European Union institutions can cooperate with Cuban civil society, which openly promotes democracy and human rights, we specifically propose:

Create a state of protection for civil society members that promote democracy, emphasising in the respect of their rights. All of this in an atmosphere of protection against structural violence.

1. Promote open spaces to show the European Union and its Member States how those spaces are developed while avoiding risk.
2. Establishment of alliances between Cuban and European civil society via cooperation agreements on training, project development, and social strategy.
3. Establish funds to help implement cooperation projects.
4. Monitor assigned resources and evaluate its social impact.
5. Extend the spectrum of Cuban civil society protagonism and the dissemination of its actions.
6. Implement specific projects that impact the environmental, economic and social sectors, with ample civil society participation.
7. Sign agreements with universities and provide accreditation for the training we receive. This increases its profile, but also offers accreditation to invalidate the concept of professional interference. Create scholarships for activists, for long-distance learning, with meetings overseas; the instruction would focus on the social sector. This goes beyond accreditation, it instructs, positions and legalises the activity of the activists in the national territory.

In regard to the question on what the European Union should focus on during the political and cooperation dialogues, and in the commercial sector with Cuba:

1. The incidence of the European Union and Member States in the formation of civil society in Cuba, in the acquisition of a social culture that seeks democracy (School of Social Culture).
2. Training of Cuban civil society via strategic alliances with civil society from the European Union.
3. The insertion of Cuban civil society in European Union and member state forums to promote an understanding of Cuban reality from a non-politicised point of view.
4. Establish cooperation to increase the participation of Cuban civil society in European community institutions, with the aspiration of implementing social and economic projects and actions that protect human rights.

In regard to cooperation and commerce, it is necessary to evaluate new forms of property and promote investment plans in the Cuban private sector. Implementation requires participation of Cuban civil society, as an expression of its potential in the forging of internal solutions.

In regard to the cooperation between the European Union and organisations linked to the Cuban government and Communist Party, we consider that those organisations are not able to resolve problems; that is why we propose using civil society to enrich and resolve social problems outside of politics.

The dynamic of societies imposes changes, and nations require their governments to make those changes dynamic.

To avoid the participation of civil society when seeking solutions to problems in a country, and to have a one-dimensional and politicised view, limits the possibility of finding solutions and does not optimise social resources from a perspective of participation. Civil society could be vital in the management of solutions. For this reason, we have the will to cooperate, to have a dialogue, and to participate as part of a whole that represents the nation.

Cristina María Rodríguez Pentón, Apostle Woman to Woman



CUBAN FEMALE NETWORK

The Cuban Female Network (Red Femenina de Cuba) is a platform for the dissemination of training, talent and capacity for thought and action. It is an initiative arising from the will of several women committed to political change and social improvements in Cuba. Its objectives focus on training women and empowering women to neutralize gender-based violence, and in coordinating actions for the defence of women, their rights and their role in society, among others; through training workshops.

The network is composed by organisations such as the Citizens Committee for Racial Integration, the Independent National Workers Confederation, Dignity Movement, Peasant Women, Independent and Democratic Cuba, Club of Cuban Artists and Writers, Autonomous PInero Party, among others; and by leaders, activists and human rights defenders. The Women's Network, together with the Cuban Alliance for Inclusion, has promoted the #UnidasPorNuestrosRights campaign in defense and support of Cuban women who suffer harassment and violence, both public and private.

THE EUROPEAN UNION AND CUBA: STOP THE AGREEMENT

On December 2016, the EU and Cuba sign the so-called Political Dialogue and Cooperation Agreement. Until that date, the so-called Common Position approved by the Council of Ministers in 1996 and updated every six months following periodic assessments had been operational in Europe.

The European Union's goal in its relationship with Cuba is to promote a process of transition toward a pluralist democracy and respect for human rights and fundamental liberties. Cuba always rejected this Common Position as interference in its internal affairs, a rhetoric that was accepted by the EU without understanding that signing the bilateral agreement did not mean that the Cuban government was not going to change this rhetoric, for a very simple reason: its lack of political will.

We understand that for the agreement's advocates, one of its strengths would be that a thaw among the parties would close the distance between their stances, and that close human relationships would reach a point of mutual rapprochement and compromise. Nothing could be farther from reality. The parameters of behaviour and thought are very different, not to say antagonistic. What some consider diplomacy is interpreted by others as weakness.

Since the agreement was signed (2016), the Cuban authorities have violated, among others, Title II of the later, which addresses matters related to democracy, human rights, and good governance, as well as Title IV, which refers to social development.

Díaz Canel's government has intensified the repression against the independent press and civil society activists and objectors. This not only contradicts international human rights standards but also the regulations established in the new constitution, approved in a sectarian manner by the regime.

In 2018, the Cuban government presents a constitutional reform in which we were all invited to participate. We, the Damas de Blanco Association, the Cuban Observatory for Human Rights, the Cuban Christian Democratic Party (PDC), and the Cuban Convivencia Studies Center, presented a proposal for "a constitutional reform and transition, and legal framework in Cuba: from the Law to the Law." This proposal for reform was positive and perfectly affordable by the Cuban government. Presented before the National Assembly of People's Power and shared with the international community, it was totally overlooked by the Cuban authorities.

The result was a Stalinist reform. The source of the problem is rooted in the fact that the regulation and exercise of fundamental rights are conditioned by the legal narrative that governs the entire constitution. Its essence lies in the subordination of “all” to what Cuba’s Communist Party determines, given that the justice tribunals and their entities are controlled by this sole party. The same State that says that rights can be asserted judicially, suffocates the exercise and assertion of the same through repression and exclusion.

The Cuban government has ratified the ILO’s agreements, and is a signatory to the ICCPR and ICESCR. Under international law, the States’ failure to comply with these instruments constitutes a human rights violation.

There are 20 ILO’s agreements that continue to be violated (salary protection and seizure of the same, forced labour, the right to association and collective negotiation, among others). The exportation of medical services is a clear example that is clearly known today, and which has been christened by aid workers as “white dress slavery.” Decree 349 regulates state-controlled cultural production, which has resulted in a wave of arbitrary arrests.

The recommendations that we have made to the Cuban government are:

1. The enhancement of economic, social, and cultural rights in Cuba through changes in laws, public policies, and government institutions for the liberation of private and corporate work to remedy the endemic lack of state resources.
2. The necessary creation and/or real execution of constitutional, procedural, and legal guarantees so that citizens can regain and protect all human rights within the country.

The Cuban government has failed to comply, and still fails to comply, with all its commitments, both internally and externally, reason for which we consider that the time to suspend the PDCA has come, and to pressure the Cuban authorities to attain the true goal of fulfilling the indicated objectives.

The European Union cannot continue ignoring the deterioration of the situation in Cuba. It has more than enough reasons, by and for the Cuban people’s good, to suspend the Agreement due to non-compliance, a decision that would be endorsed not only by reason but by law.

“The European Union cannot continue ignoring the deterioration of the situation in Cuba.”

A last note to keep in mind is that Lithuania has not ratified this agreement, even when considering what this means for the development of it.

Cuba Female Network

MEMBERS AND REPRESENTATIVES OF THE INDEPENDENT CIVIL SOCIETY

ALBERTO FUMERO BATISTA

Alberto Fumero Batista is a lawyer specialised in criminal law from Universidad de Oriente in Santiago de Cuba. He worked for 20 years in the Bufetes Colectivos and participated in cases such as Operación Mazeta, Coraza Popular and the Black Spring of 2003. In the latter, he represented José Daniel Ferrer, leader of UNPACU. At the end of 2008, he was removed from the Bufetes Colectivos and five years later he joined the Asociación Jurídica Cubana (Cuban Law Association), where he provides advice to people and civil society groups.

THE EU-CUBA AGREEMENT, AND ITS IMPLICATIONS

To analyse or evaluate the Political Dialogue and Cooperation Agreement between the European Union and Cuba, the first question is how committed are the parties to the promises being made, because it would not be the first nor the last time that the letter of the agreement, its considerations or contents are abysmally far from its practical implementation. From there comes the old saying about “paper can support anything”.

I say this because the text of the agreement, although ambiguous in some aspects, is generally precise when defining its objectives and the motives that led to its creation, particularly the need to move the Cuba-EU relationship forward, within the framework of a new international context, after putting an end to the Common Position that directed those policies for a decade.

As a matter of fact, that is positive, because our country has been persecuted for years by a policy of economic degradation by the US government, and today it needs economic development more than ever. And for that to occur, the garnering of foreign capital and industrial modernisation are necessary. All of this would be achieved, without a doubt, with this accord, which would also benefit the EU, which is occupying more and more future-leaning geostrategic positions and increasing its spheres of influence in the Caribbean.

But there are other issues in the agreement, like the human rights situation and their protection by both parties, that tend to be more difficult to manage, more so for Cuba. Since the Cuban government it's a dictatorial one, and it is used to violating human rights on a permanent basis, it is unable to implement a coherent proposal to eradicate the systematic violations in its territory, aware that it lacks the political will to solve the problem.

If the parties are truly interested in making this issue a priority, they should be more responsible with the systematic monitoring of those violations in Cuba. During the period of negotiations of the agreement with the European Parliament, there were many violations, but apparently this was not sufficient to withdraw the agreement from the negotiation table; or simply put, other interests were more important. The truth is that the permanent persecution of independent civil society organisations, dedicated to the ideals of true democracy, continues to be the norm and not the exception of how the government's repressive forces operate.

“The truth is that the permanent persecution of independent civil society organisations, dedicated to the ideals of true democracy, continues to be the norm and not the exception of how the government's repressive forces operate.”

At least a dozen of rights stipulated by the Universal Declaration of Human Rights are systematically violated in our country. Also, there are no judicial guarantees to seek protection or restitution when they are violated. Among the many violations that occur daily in Cuba for ideological reasons, what stands out is the lack of freedom of thought and conscience; of expression or opinion; of the right to fair trial with independent and impartial judges; of freedom of movement and residing anywhere in the world, including Cuba; of manifestation and association; and of other guarantees, like not being the object of cruel and degrading treatment or arbitrary detention.

Currently, more than one hundred of Cuban nationals, members of human rights and independent civil society organisations, have created in social media a group called “Regulados”, after having been prevented from resorting to a fair and impartial court and from having access to a judicial recourse. “Regulados” are those people who are banned from leaving the country, due to political motives; or in other words, for having criticised the government. The ban is put in place without a proper and legal court order. This is the context that exists while the permanent approval of the agreement is at hand.

The promoters of the agreement want other nations to join the initiative and ratify it. In that case, the question is whether the European Union feels good about reaching agreements with flagrant violators of human and civil rights. Based on its background, it seems it would have no problem whatsoever, but would it accept similar policies from a Member State of the EU? Evidently, the answer would be no, because otherwise it would imply forgetting sadly renown figures like Hitler, Franco, Salazar and other dictators that ravaged Europe last century.

Then how are we to interpret the exciting and celebratory atmosphere, in front of television cameras, of EU Foreign Relations Commissioner, Federica Mogherini, and our minister of Foreign Affairs, Bruno Rodríguez Parrilla?

They were euphoric about the progress of the EU-Cuba agreement. Evidently, they did not care that during every moment of the negotiations, a Cuban was detained arbitrarily, or his or her house was raided, and their equipment and assets were seized. Or, Cubans were being threatened and intimidated by the PNR about their irreverent behaviour or accused of a petty crime to hide the fact that the government is suppressing the opposition and freedom of expression.

Do these people care about human rights in Cuba when dozens of Cubans are offended, called mercenaries and traitors, accused of not being properly born, of being poorly paid, and other improprieties for simply having ideological differences?

And why didn't the High Commissioner denounce this in Cuba, if human rights and basic liberties were always part of the agreement?

Luckily, about two million Cubans, by abstaining, voting against, leaving their votes blank or annulled, expressed opposition to a Constitution that became an instrument of domination and concentration of power, and a monument to intolerance and exclusion for ideological reasons, instead of being the essence of the Law of Laws.

We also have, luckily, people like Jose Daniel Ferrer Garcia, the leader of UNPACU and a fervent defender of human rights. He was a prisoner of conscience and now stands firm in defence of his ideals, betting on a better future for Cuba, even though that means he will be separated from his family.

We also have Alejandro González Raga, former prisoner of conscience, and like Ferrer, part of the Group of 75. From his exile in Spain, he is one of the main leaders and creators of the Observatorio Cubano de Derechos Humanos (Cuban Human Rights Observatory). Despite suffering exile, and the prohibition of visiting his family in Camaguey, he is standing for his ideals and is one of the main observers of the human rights situation in Cuba.

Fortunately, the list of good people who want a better future for our nation is endless.

And since we speak of lists, the EU should take note of the open letter sent to Michele Bachelet, UN High Commissioner for Human Rights. It was signed by thousands of Cubans inviting her to investigate the human rights situation in the country.

In conclusion, and returning to the topic at hand: If I am asked to make a suggestion about the political and cooperation agreement, I would ask the countries that have not ratified it, to not ratify it. More important than commerce and profits are basic principles and values that are the pillars of modern society, such as human rights.

In my humble opinion, whomever violates them in a systematic and arrogant manner does not deserve to be part of an agreement.

Alberto Fumero Batista, Cuban Law Association



ALEJANDRO RODRIGUEZ GONZALEZ

Alejandro Rodriguez Gonzalez was born in Havana in 1960. He is a graduate of industrial engineering at the José Antonio Echeverría Higher Polytechnic Institute. He worked as a system analyst, programmer and administrator in state-managed agencies. He was a member of the Union of Young Communists of Cuba and the Communist Party of Cuba (PCC) for more than twenty years. The economic and political situation of the island forced him to change his place of residence to Spain. Currently, he does not belong to any political group or party, and hopes to return to his native country.

HOW CAN THE EU HELP CUBA?

I hereunder submit for your consideration, what I understand would be appropriate in order to assess the EU relations with Cuba, in accordance with the invitation made by Civil Rights Defenders to the entire Cuban civil society:

1. We understand that the right of the Cuban citizen to information will give them the ability to decide, which has been non-existent until very recently, and currently very restricted. The unrestricted access to information will open a path never explored by the population, giving it the ability to assess the Cuban situation with the soundness of having the most informational elements. It is known that before having the right to decide, it is necessary to have had the right to information.

The EU must facilitate the expansion of connectivity throughout the national territory (not with terminals for end-users, but multiplication of local Wi-Fi networks) and assess whether the content that a citizen on the island can access with that growing connectivity is biased, manipulated or banned.

2. The existence of prisoners of conscience in Cuba is unacceptable. Harassment, intimidation and restrictions of freedom of expression must end. The existence of European observers on this issue has been a cause of estrangement between the parties and used as propaganda by the regime. Enabling the statements in point 1, the EU could contrast the information provided by the government without observers on the island.

Any EU action must be contingent upon the immediate release of all prisoners of conscience on the island, although their numbers are not precise and their existence is denied by the authorities, who etymologically use qualifiers such as “prisoners for counter-revolutionary activities,” covering up a flagrant violation of citizen rights.

3. The current territorial division multiplies the bureaucracy, which in turn is used to hide inefficiency by presupposing a manifest loss of productive capacity. The political administrative division of 1975 should be reviewed in order to reduce it to the minimum. The connectivity that is suggested in point 1 will give the possibility of significantly reducing the procedures and time needed to carry them out, releasing an immense productive capacity in a country that has lower sugar harvests now than those achieved when it was a Spanish colony.

The EU must cooperate with its experience in reducing the time and immediacy of the necessary bureaucratic services via connectivity between agencies and ministries, reducing the use of printed paper and digitalisation of existing ones.

4. Following the experience of Panama and Costa Rica and taking into account the characteristics of modern warfare, the Revolutionary Armed Forces (FAR) must be retired and the current arsenal (completely unusable for “modern warfare”) must be deactivated and destroyed in a controlled manner. An immense productive capacity needed to create goods for use, consumption and services would be triggered. Internal security forces must have limited war capacity and, if possible, disarmed.

The EU must, with the experience of small European countries without armies and Iceland, propose a possible transition to a country of peace with a huge need for working-age labour, and facilitate the strategies of an immense population that could become future entrepreneurs. We understand that the intellectual capacity of the Cuban people is high, which is unquestionably the work of the revolutionary process. This would facilitate the task of stimulating economic development in a country of surprisingly and inexplicable levels of poverty.

5. The economic conditions of the island have prevented the acquisition of phytosanitary products in the world market and this is actually a great advantage for sustainable agricultural development. The seas of the insular platform can be considered as some of the most protected in the world and these great advantages must be preserved and reinforced with environmental laws. As a country with exceptional agricultural possibilities, all ecological capacity must be implemented with the least possible environmental impact. Citizens’ right to food should move as far as possible from agricultural malpractice towards the environment. Monoculture should be eliminated, and the proliferation of family farming economy should be encouraged as soon as possible with urgent measures.

The EU’s experience in this field is significant and must transfer ecological technology to avoid mistakes that harm the environment and take advantage of the great quality that Cuban lands, not subjected to high consumption of herbicides and phytosanitary products, have. This has also led to water tables of good quality. The right to proper food and organic farming techniques would be facilitated by the provisions of point 1.

“The existence of prisoners of conscience in Cuba is unacceptable. Harassment, intimidation and restrictions of freedom of expression must end.”

6. The right to decent housing for citizens is at its lowest mark in history, reinforced by a socialist architecture of poor execution and design. The beautiful colonial constructions must be restored to their original state throughout the national territory. Thanks also to a long period of no investments, Cuban cities and their beautiful constructions are ideal to be restored, preserving the architectural heritage that has been lost in countries that chose to replace these treasures with massive structures of steel, glass and cement.

Architecture, as one of the fine arts, has formidable examples throughout Europe that can encourage the island with its experience. Intact cities such as Prague, Vienna or reconstructed cities such as Berlin have sufficient examples to inspire the island with a prominent future in this sector, as important as citizen rights.

7. We understand that Cuban embassies and consulates abroad are organs of control and repression for citizens who are not on the island, due to the obligation to carry a Cuban passport that is expensive and has quick expiration dates. Also, Cuba does not sign labour-time agreements with other nations. That affects its citizens and its own economy, since the island has family remittances from abroad as one of its major sources of currency, at no cost to the government. It is contradictory that these agreements are not provided in favour of Cuban citizens who do not live in Cuba.

Dual nationality is a widespread concept in the world. The EU can raise awareness about this with international treaty regulations.

With no other particular and thanking your attention in advance,

Alejandro Rodriguez Gonzalez

ALEJANDRO TUR VALLADARES

Alejandro Tur Valladares was born in 1968 in Cienfuegos. In 2014, he joined the Christian Liberation Movement and the Varela Project signature campaign and began working as a freelance journalist at the Cubanacan Press Agency in Villa Clara. Then, he joined the Liberal Party of Cuba, led by the then political prisoner Hector Maceda Gutierrez, husband of the late Laura Pollan, founder and leader of the Ladies in White. He organised the party in the central region of the island. He participated as a director in the Central Opposition Coalition, directed by the former political prisoner Jorge Luis Perez (Antunez), and in Agenda Cuba, directed, among others, by Marta Beatriz Roque Cabello and Vladimiro Roca Antunez. He has directed the press agency Jagua Press and Cuba Hoy Noticias, which cover the central region.

CUBA SIGNS, BUT DOES NOT COMPLY WITH AGREEMENTS

Introduction:

The present work aims to provide a Cuban civil society's view on the provisional application of the agreement between the European Union (EU) and Cuba subscribed in 2016; and on how the observance behaviour of the Cuban authorities and institutions has been; and how, in our opinion, the treatment that the EU should provide to the Republic of Cuba (rather than to the power in Cuba) should be defined in the future.

Context:

As is well known, the provisional agreement negotiated between the EU and the island in 2014 and subscribed during 2016 ended the Common Position adopted by the community of nations of the old continent, which prevented a fluid relationship with the authorities of the island as a result of the antidemocratic and repressive behaviour shown by the latter towards society.

The turn takes place in the middle of a changing scenario where expectations of change are lifted from the negotiations initiated by the administration of Barack Obama and Raul Castro. Apparently, everything pointed to a thaw between the old contenders, which motivated in the EU a rethinking of the strategy to follow to stimulate the transit of Cuban totalitarianism towards the composition of an open political system.

The agreement led to a new rapprochement from the European community with the Raul Castro regime without even verifying the will to change in the communist nomenclature. The authorities of the Communist Party of Cuba, with decades of experience in the hustle and bustle of politics, made calculations and saw the desirability of subscribing the PDCA with the EU; in the same way that they discovered the inlay in assuming the gifts that the American government had been offering them, all in order to oxygenate their battered coffers, without this implying a risky political investment.

Over time, it was demonstrated that the criteria defended by the majority of opposition political activists in Cuba, which indicated distrust of the good intentions of 'Raulismo', was correct. Given the historical experience and the deeply autocratic character of communist systems, undertaking genuinely democratic reforms means ending that political model. The ruling class made up of octogenarian leaders is not willing to do this, because among other aspects, it would mean sharing the power that for decades it has monopolised and being accountable.

Since then, what was anticipated has happened. The Cuban government has signed as many treaties as have been put on its table, only that in practice it has enforced those points that are convenient for it, wilfully omitting those it considers contrary to its interests.

For example, the provisional agreement with the EU is emphatic in asking the Caribbean side to respect the freedoms and human rights of Cuban citizens; however, although there have been variations in intensity, the repression against the rights and freedoms of individuals or groups not related to the Communist Party of Cuba has been a constant, having a peak these days.

How was the behaviour of the Cuban government after subscribing the provisional agreement with the EU?

Given a different scenario, the Cuban government opted for its repressive experience by adopting new cover-up forms. The repression took its course, only now it is less visible.

While incarcerations for political reasons declined; short-term arrests of opponents, beatings, and the obstruction of meetings and freedom of expression of prodemocracy and press groups were increasing.

Although during the negotiation stage with the EU, and the United States, some practices became more flexible (for example, the possibility that pro-democracy activists and independent journalists could travel abroad to participate in forums or receive training), during the last two years it has been observed a significant increase in government efforts to limit those freedoms. Under the “legal” excuse that they have called “Regulado for reasons of public interest”, individuals deemed uncomfortable for the government are denied the possibility of leaving the country. More than 150 people are affected by this, according to human rights organisations on the island. During the week I wrote this report, I learned of at least six cases of this practice, among which are journalists Manuel Alejandro Leon Vazquez, Luz Escobar, Adrian del Sol and Leandro Rodriguez.

The beatings of the Ladies in White are still happening week after week. Groups that the government does not control are prevented from religious activities, leading to the expulsion of religious leaders from places of worship. Recently, Cuban evangelical pastors (Ayda Exposito and Ramon Rigal, a married couple) were imprisoned for wanting to home-school their children.

The independent press is persecuted. Journalists are frequently summoned to police stations to be threatened. Work equipment is confiscated and even stolen. There are also defamation campaigns promoted by the political police, blackmail and even imprisonment, as it happened in September this year with the prominent journalist Roberto de Jesus Quiñones.

Now that Cuba begins to allow citizen participation in the Internet, the authorities have made this universe a new battlefield. It is common to clone profiles so that from the credibility of the owner his or her peers can be attacked. Identity theft is used to confuse, divide, and morally kill third parties, this without the victim having where to go to report.

At the beginning of the year, the constitutional reform was approved. Far from granting new freedoms, what it did was patch up some crevices, to shield its undemocratic nature and reinforce the omnipresent power of the Communist Party.

In the international sphere we must remember the seizure of weapons and spare parts made in the Panama Canal on a ship from Cuba bound to North Korea, a country that has an embargo and suffers EU sanctions. This fact violates some of the chapters contemplated within the provisional agreement.

Another highlight is the decisive and criminal support that the Cuban government is offering to the dictatorship of Nicolas Maduro in Venezuela. Cuban military instructors teach their South American peers’ novel techniques of social control through torture and forced disappearance of opponents, extending their oppression to this neighbouring country.

Although there are dozens of practices of the same oppressive nature, for reasons of space we will not show them. I just wanted to set on record that what is stated here is just the tip of the iceberg.

“The Cuban government has signed as many treaties as have been put on its table, only that in practice it has enforced those points that are convenient for it, wilfully omitting those it considers contrary to its interests.”

Recommendations:

History shows that communist-style dictatorships assume dialogues as a strategy to oxygenate their rusty structure. The only times they have been seen to give way have been under severe external pressures. Hence, we dare to recommend the following points.

1. That the EU establishes a Commission to write a report where it is reflected whether there has been progress or not in achieving the proposed objectives.
2. Condition all benefits to the Cuban government, regardless of their nature, to the observance of progress towards democratisation of Cuban society and its institutions.
3. Increase contacts with actors that are role models within Cuban civil society, with special emphasis on those who seek a real openness.
4. Show, through concrete gestures, solidarity with prodemocracy organisations, trade unions and independent journalists, among others.
5. Report the repression committed by the regime in its attempt to delay the change, letting it know that the EU observes and that any attempt against universally recognised freedoms will carry a political cost.
6. Ensure that financial aid that is directed towards the island benefits economic operators who have some autonomy, in the search to strengthen private activity.
7. Provide decisive support with material and economic means to those who, in Cuba, in an extremely unequal struggle and at an incredible personal and family cost, struggle peacefully to transform a police state into a true republic.
8. Do not sign a final agreement with the Cuban government until it is verified that the communist regime is opening spaces of freedom that allow the participation of all social actors regardless of the ideological flags or political agendas they defend.

Cienfuegos, Cuba, August 22, 2019

Alejandro Tur Valladares



AMADO CALIXTO GAMMALAME

Amado Calixto Gammalame is a lawyer from the University of Havana (1981), with a Master's degree in criminology. He was an Incumbent Professional Judge of the Supreme Court of the Republic of Cuba, Havana Court and the Court of the Special Municipality of the Isla de la Juventud. As of 2012, he started to defend Cubans and their human rights at the Cuban Law Association. He currently chairs the Cuban Law Association, coordinates the Pro Bono Legal Cuba project, and is a member of the Inclusive Culture Network of Cuba.

EU-CUBA AGREEMENT: AGAINST PERMANENT REPRESSION

Any analysis of the relations between Cuba and the European Union entails an explanation of the history of the island and its relations with other countries. This would make it easier to understand what and how future relations between the EU and Cuba should be.

Since its inception, the island maintained commercial and direct subordination relations with Europe. It was the last colony in America to gain independence from Spain. Its relations culminated in 1899.

From 1901 to 1959 with the foundation of the Republic, relations developed with the United States. The statistics and reports of the time describe the economic flourishing and the social development achieved, which is truncated and gradually ends after the triumph of the 1959 Revolution.

A socialist and Stalinistic political system is imposed, with a nationalisation and, sometimes, cooperativisation of the means of production. This caused the economy to collapse.

For sixty years the Communist Party, led first by Fidel and until today by his brother Raul Castro, has directed the country's relations at their convenience; first with the USSR and the socialist camp, which ended with their collapse in 1989, and then with others.

The next lifeline was the arrival of Hugo Chavez to power in Venezuela, with which a "strategic alliance" is established between the two countries in the economic and political sectors.

In our time there is an economic disaster in Venezuela, led by the government of Nicolas Maduro. This has caused the Cuban government to desperately seek new economic scenarios, rather than political ones.

Cuba maintains close political relations with Venezuela, China, Russia, Bolivia, Nicaragua, Spain, and Mexico, among other countries.

The European Union, through the Charter of Fundamental Rights of the European Union, brings together all civil, political, economic and social rights of European citizens and of all people living in the territory of the European Union.

The fundamental rights are dignity, freedom, equality, solidarity, citizenship and justice; which are already included in the European Convention for the Protection of Human Rights, in the European Social Charter of the Council of Europe, in the Community Charter of Fundamental Social Rights of Workers and, likewise, in the constitutions of the Member States of the Union and in other international agreements signed by the States of the European Union.

The lack of freedoms in Cuba and the extremism of its government have reached the point of imprisoning peaceful activists and human rights defenders.

One of the most critical moments is what is known as the Black Spring of Cuba, which had to do with a series of arrests of government opponents that occurred during the spring of 2003.

Many dissidents were arrested, including doctors and journalists, who were subjected to summary trials.

The sentences applied in these judicial processes were based on Law 88 for the Protection of Cuba's National Independence and Economy, better known as the "Gag Law"; a legal spawn used by the government to deter and intimidate people who dissent from communist ideology.

"The lack of freedoms in Cuba and the extremism of its government have reached the point of imprisoning peaceful activists and human rights defenders."

Those charged in these proceedings were accused of carrying out acts against the protection of Cuba's national independence and economy and acts against the independence or territorial integrity or stability of the State.

The governments of the European Union; Pope John Paul II; human rights organisations such as Human Rights Watch, Reporters Without Borders and Amnesty International; and intellectuals and artists condemned these arrests.

Given the growing rise of the Cuban opposition movement, the government opted for repression and, under the umbrella of the Iraq war (thinking it would serve as media coverage for its excesses), launched the Black Spring, the largest recent act of repression against the opposition.

These actions, by contrast, led to the birth of other political actors such as the opposition movement known as Ladies in White, created in response to the imprisonment of their husbands and relatives.

Certain opposition groups on the island also began to rise and gain strength, such as the political reform project known as The Varela Project (its creator, the leader of the Christian Liberation Movement, died under obscure circumstances); the Manuel Marquez Sterling Independent Journalists Society, from which the magazine De Cuba emerged; The Patriotic Union of Cuba (UNPACU); The United Anti Totalitarian Forum and others.

The summary executions of three people prosecuted for terrorism and illegal possession of weapons and explosives, associated with the hijacking of a ferry in Havana, were also severely criticised internationally. After a detention of nine days, the death penalty was applied on April 11, 2003.

The maximum penalty defined by law in cases without serious injuries or death of a victim is 20 years of deprivation of liberty.

The talks between Cuba and the EU to modify the Common Position, as usual, were marked by secrecy and lack of transparency. That is the perception of the majority of Cuban civil society that promotes democracy in Cuba.

Notwithstanding the foregoing, we believe that there is a favourable framework for Cuba and the EU to establish relations, but with a minimum of adherence to the principles of international law, that may directly favour Cuban civil society.

The EU's objectives towards Cuba during the implementation of the agreement should be based on respect for the rights of Cuban citizens, just as it is exercised towards its European citizens. The relations with the agencies, institutions, universities and companies in Cuba are not real because in Cuba none of these institutions is independent, it is the State that exercises total control of their activities with political and economic control.

The risks are obvious. Any cooperation would go through the government that is a ruling command and would not be focused on the Cuban people. It would swell the coffers of the Communist Party, which controls everything without being scrutinised or accountable to the citizens.

It would be discriminatory for the EU to link with institutions related to the government and loyal to the Communist Party and not with the rest of civil society.

Among the EU's top priorities is to create a space for justice, freedom and security. The Treaty of Lisbon guarantees the freedoms and principles set forth in the Charter of Fundamental Rights of the European Union, whose provisions become legally binding.

The institutions of the European Union and the member states should enter into direct negotiations with Cuban civil society that promotes and defends democratisation and respect for human rights, through their commercial, diplomatic and other representations, even if they are not established physically in Cuba.

In the political and cooperation dialogue, certain aspects shall be discussed, such as:

- Citizens' civic and decision-making participation, and a multi-party system.
- the total liberation of the Cuban productive forces; nowadays there is a limited group of activities in which Cubans can practice private work.
- With regard to national investment, Cuban citizens living on the island cannot invest in their own country; the Foreign Investment Law is discriminatory.
- The issue of the ratification of the ICCPR and ICESCR that Cuba subscribed them in 2008 but has not yet ratified them.

European governments that have not yet ratified the agreement should not do so until the Cuban government does not meet a minimum of requirements that would correspond to the fundamentals and principles of operation of the EU member countries; namely independent powers, constitutional guarantees, ombudsmen, free practice of law.

The Constitution of Cuba, amended in 2019 in its article 5, says that the only the Communist Party of Cuba is the leading political force of society and the State.

The Constitution of the Republic of Cuba and other laws of lower hierarchy that establish a regulatory framework that essentially keeps the rights of citizens conditioned, are aimed at maintaining state control over citizens. The Law of Associations, Electoral Law, among others: in their articles certain rights are described, but then they are tied with restrictions that in practice are a dead letter of questionable application.

Amado Calixto Gammalame, Cuban Law Association

AMADOR BLANCO HERNANDEZ

Cuban professor, historian and humanist. He is the founder of the National Human Rights Commission José Martí of Cuba (1988). He was sentenced to 3 years of 'correctional work with internment' by the Cuban government. After his release, he was arrested again in December 1992 for the crime of 'making enemy propaganda' and transferred to the State Security Operations and Investigations Unit in Santa Clara. After his arrest, Amador Blanco went on a hunger strike, a situation that, even after his release, has left sequels and permanent damage to his health. He was declared a prisoner of conscience by Amnesty International, and in 2014 he was awarded the Patmos Prize from the Patmos Institute for considering him a believer who offered "testimony of genuine faith and visions of hope, like Juan in Patmos, on the island of Cuba."

NOTES TO THE EUROPEAN EXTERNAL ACTION SERVICE

Considerations on the EU-Cuba Political Agreement of 2016 that was provisionally applied on November 1, 2017

1. The Agreements exist to BE ENFORCED. The long negotiation process presupposes seriousness in which the interests of Human Rights, Rule of Law and democracy proclaimed in international relations have credibility. For its enforcement in good faith it would be a contradiction to slow down and hinder the effectiveness of the Agreement.
2. The European Parliament must show alignment with the objectives it applies in its nations.
3. The common diplomacy of the EU must show coherence with the principles and purposes of the United Nations and an independent policy that helps to promote the sustainable development of freedom in Cuba.
4. The European Parliament's criticism of human rights violations in Cuba have been rejected with arrogance and impunity by the rulers, being a demonstration of bad faith. Civil society sees as mockery and lack of harmony, the contempt for human rights by the government. The government shows no willingness to comply with the Agreement by excluding civil society from any dialogue. What is significant is that the view of the people is a lag between the letter and the results of the Agreement, manipulated for the benefit of the status quo. In the prevailing conditions it is zero-sum.
5. Advantages: The EU is the first investor, the first issuer of tourists as a whole and the third as a business partner. It has an undeniable material importance, but this is not translated into political influence on the practice of human rights.
6. The accession of Cuba to the International Covenants on Human Rights has not been achieved since 2006. The Assembly demonstrates a sense of disturbance in the discussion of the pacts, with Cuba being a member of the UN Human Rights Council.
7. Pre-crisis difficulties of low economic productivity marked by contradictions on Adam Smith's or Milton Freedman's theories. Low living standards, social inequality and inflated prices, characteristics of wild capitalism.

8. The influence of Russia, Venezuela, and China is superior to Europe. EU diplomacy makes little effort to have visibility and influence in independent civil society. The diplomatic corps has limited connections with independent factors. The Cotonou Agreement establishes and assesses human rights and democracy and consultation between the parties. The EU lacks perspective on the influence on Cuba.
9. Limitations: Political absence, strengthening civil society and educated social leaders in the will of progress with the Rule of State. The maintenance of the status quo is for internal security and the criterion of peace to avoid an exodus or humanitarian crisis, which is far from the objectives of the EU and the UN, and the interests of the people of Cuba.
10. The Agreement coincides with the arrest of activists, repression, pogroms, expulsions from the workplace due to criticism, preventing the “regulados” from leaving the country, hate attacks and the use of the press to defame critics.
11. Themes: Beneficial to the Rule of Law that the Agreement strengthens. The people do not know the model of disintegration due to violence, balkanisation, isolation blockades (such as the US) are impolitic, methods of exodus and contempt for sovereignty.
12. EU advantages. The CFSP (external service of Europe) and the cultural identification of Portugal and Spain with common security. Strength of humanitarian assistance and cooperation plans of the UN and the EU in the economy, disasters and culture. Ease of enhancing security spaces for human rights, cooperation, peace and development.
13. Proposals for freedom: The Agreement must be subscribed, while civil society is included in the benefits and in being part of the solutions. The developments of the Rule of Law are the problem of confrontation for what the government considers applying exclusion. The Constitution lacks the scope and expectations that were considered. Cuba cannot be a one-party democracy, considering this is impolitic.
14. The EU must institutionalise that its diplomats have a fluid dialogue with civil society and human rights leaders. Provide workshops on human rights and governance, sovereignty and independence of powers. The regime responds as dictatorship and despises the values of the EU.

Amador Blanco Hernandez, Jose Marti National Human Rights Commission

“EU diplomacy makes little effort to have visibility and influence in independent civil society.”

ARIADNA MENA RUBIO

Cuban dissident, who in 2015 attended the Summit of the Americas in Panama, and since 2017 has attended several workshops abroad. In 2018, she attended the Summit of the Americas in Lima (Peru) and the Universal Periodic Review in Geneva. She has been arrested and threatened on many occasions for her political activism.

EUROPEAN UNION: SHOW INTEREST IN US

During all these years, Cuban civil society has been silenced. We have denounced on multiple occasions the violations of human rights, pacts or treaties that are committed daily in Cuba. Everyday repression and imprisonment (either brief or long-term) are increasing. The psychological and physical torture are part of the daily life of the Cuban citizen; the authorities go unpunished for the murders they commit.

Cuba sells an image that does not come close to reality. The control that it has in the diplomatic headquarters of the European Union in Cuba is very evident, since they have Cuban officials that only respond to the interests of the Cuban State. So, it is, that last year I was requesting appointments for the promotion of the Cuba Decide campaign, of which I am a promoter and activist, and I had no results until we made public the silence of the embassies and that was when they called me to visit diplomatic headquarters. Foreign officials told me that they did not know and that was how some embassies opened their doors.

As Cuban civil society, I can tell you that not all of Cuba can reach you. We are silenced and we are here, show interest in us.

I want to invite you to take the time to look at us as equals and not as the ideal place where tourists come back in time without thinking of the thousands of people who do not have the same opportunities and advantages that you will have, because 60 years ago they took an island; the military built their own castle, enslaving the Cuban people who cry out for the help of the international community that has forgotten them.

Adriana Mena Rubio

“The European Union’s policy towards Cuba is based solely on helping a totalitarian and ominous government that for 60 years has had a whole people submerged in misery, scarcity and need.”



DIMAS CECILIO CASTELLANOS MARTÍ

Independent journalist, with a degree in political science, and biblical and theological studies. He held several positions in the Asociación de Jóvenes Rebeldes and the Union of Young Communists of Cuba until 1963. He was a philosophy professor at Instituto Superior de Ciencias Agropecuarias, from which he was expelled in 1992. He is the author of El nuevo blog de Dimas (Dimas's new blog) and has published more than 400 articles and received awards in different contests. He has facilitated conferences at universities in Europe and the United States. He is the author and co-editor of the book 'Cuba' published by ABC CLIO, and is the author of the book *La revolución fracasada* (The Failed Revolution). He is a member of the Academic Council of the Convivencia Studies Centre.

RESPONSE TO THE CALL FOR TEXTS OF CIVIL RIGHTS DEFENDERS REGARDING THE AGREEMENT BETWEEN THE EUROPEAN UNION AND CUBA

The Cuban political-economic model, based on free services in exchange for fundamental liberties, is the cause of the deterioration experienced by everything, from the economy, to the culture. The responsibility and interests entered into by the Government-State party over the course of six decades has impede progress toward democratisation. For this reason, the efforts made by the EU, by other governments, and by various personalities, have not had the desired effects:

- In 1996, the EU established the Common Position to foster a process of transition to a pluralist democracy and respect for human rights and fundamental liberties, as well as sustainable recovery and improvement in living condition for the Cuban people. Cuba responded with accusatory and aggressive speeches against the EU.
- In 2002, pressured by the crisis, the Cuban government requested to entry the Cotonou Agreement. Since that agreement, which is of a binding nature and mandates respect for human rights and fundamental liberties, the imprisonment of 75 fighters for democracy and the execution of three youths who attempted to flee Cuba in a motor boat in 2003 were sufficient to derail it.
- In 2008, given the effect of the hurricanes that lashed the country, the government agreed to reinstate the dialogue and the cooperative relations that had been interrupted since 2003. Previously, the Minister of Foreign Affairs had said, in reference to the Human Rights Commission: "If the EU were to turn away from the sterile voting that generates conflict, Cuba would be prepared to sit down with the EU to agree upon a program... Cuba would feel morally obligated to go along with the European decision. It would sign the economic, social, and cultural agreement the next day," meaning that the signature would not be in sync with international standards but instead would be akin to political blackmail.
- In 2010, when Spain held the chairmanship of the EU, Cuba prohibited Spanish European Parliament member Luis Yáñez from entering the country, the following month, political prisoner Orlando Zapata Tamayo died while on a hunger strike, which elicited a critical response from the EU.

- In 2014, the EU's Council of Ministers of Foreign Affairs authorised the European Commission and the High Representative for Foreign Affairs and Safety Policy to initiate negotiations with Cuba to enter into a Political Dialogue and Cooperation Agreement. Cuba responded that it would consider the proffered invitation in a "manner that is respectful, constructive, and in accordance with its sovereignty and national interests," its language for: "I am not going to change anything", and nothing changed.
- The Agreement was signed in 2016 and its provisional application began in 2017. Nothing essential has changed between that date and now. The constitution approved in 2019 preserves the Communist Party as the only one, and as a superior leading force for society and the state. Any allowed freedoms are subordinate to being exercised to defend the totalitarian model while the Cuban people continue to be prevented from being investors in their own country or from contracting freely within the work force.
- Any agreement must therefore require that fundamental freedoms and rights, as recognised by the United Nations, be incorporated into the Cuban legislation. Absent such a requirement, cooperation for cooperation will serve only to prolong the internal crisis and increase the misery of the Cuban people.

From that perspective, I respond to the questions posed by Civil Rights Defenders:

1. What should the European Union's objectives toward Cuba be during the implementation of the Agreement and how could these be reached?

To assist Cuba in transitioning from a totalitarian state to a rule of law, the effectiveness of which undergoes structural transformations, and with the implementation of international human rights agreements. If this is accepted, the government would demonstrate its intention of placing the interests of the nation over its own power, given that, according to the preamble of the ICCPR: "the high ideals of liberty, justice, and peace are based on the acknowledgement of the dignity and equal and inalienable rights of all human beings and, therefore, the enjoyment of the same depends on the creation of the conditions that allow them to be enjoyed."

2. How should the European Union and the member states relate to the Cuban government's entities, its agencies, institutions, universities, and companies, for example?

Respect for fundamental liberties, focusing on generating structural transformations, from property rights to observance and respect for human rights, should be the guiding principle of relationships with the government and with the maze of institutions that are subordinate to the same.

3. Could they achieve something by cooperating with them and what are the risks of that cooperation?

Yes, they could, but they cannot rely on promises and speeches that are capable of being violated. The agreements have to be binding. For example, when Cuba held the chairmanship of the Non-Aligned Movement and was selected to join the Human Rights Council, on December 10, 2007, for reasons of circumstantial opportunism but with no real political intent, the Cuban chancellor publicised his willingness to sign the international agreements. He did this because it was impossible not to, given the responsibility that had been incurred, but Cuba did not go beyond that statement and the agreements are still pending ratification today.

4. What could be achieved through cooperation between the European Union and the Cuban organisations that are connected to the government and are loyal to Cuba's Communist Party? What are the risks?

These organisations were created by Fidel Castro to control society and do not enjoy the least degree of independence. Any collaboration provided through these channels will be controlled by the Communist Party and used for its own purposes, which has been the case up until now. The leaders of those organisations – the CDR, FMC, ANAP, CTC, UJC, FEU, FEEM, and UPC – are members of the Central Committee of the Communist Party and therefore respond to it

constitutionally. This is also the case with other so-called “non-governmental” organisations, such as those made up of writers, journalists, jurists, teachers, etc. Therefore, the risks are high, and involve agreements and mechanisms for their control.

5. How can the institutions within the European Union cooperate with Cuban civil society? And how could they promote cooperation between Cuban civil society and European civil society?

By establishing direct relationships between both parties’ civil society associations, without any state control or travel limitations, which is the case at this time. For this reason, it is necessary that the Cuban government accepts the establishment of these relations. Despite repression and limitations, projects such as Convivencia have managed to establish links with academic associations, including the Francisco de Vitoria University in Madrid. Being able to draw on that experience and defending the right to extend it to the rest of Cuban society must be part of that cooperation.

6. What should the European Union focus on in the political dialogue, in the dialogue on cooperation, and in the trade sector with the Cuban government? How can Cuban civil society contribute to the process for the implementation of these parts of the Agreement?

Within the political dialogue, and based on Cuban society’s diversity, movements involving alternative politics, the defence of human rights, sectorial associations, and others, need to be granted freedom of association, which in turn requires the relevant legislation. On the matter of trade, so-called self-employment, which is actually a primary and limited form of private property, must be transformed into small and medium private or cooperative companies, with the right to conduct business involving services or products directly and freely, within as well as outside Cuba, without going through the monopolistic state-controlled trade model that is intended to suffocate development. Cuban civil society has much to contribute based on its initiative, its professional education, and its enterprising capacity, which would lead to an increase in production, productivity, and improvement for the people. Also, there should be the right to freely unionise and the right to freely hire members of the work force, and the Investment Law should include the Cuban people under conditions of equality. In addition, and no less importantly, assistance with civilian civic education must be provided so that the Cuban people can recover their status as citizens.

“Cuba responded that it would consider the proffered invitation in a “manner that is respectful, constructive, and in accordance with its sovereignty and national interests,” its language for: ‘I am not going to change anything’, and nothing changed.”

7. Should those European governments that have not yet ratified the Agreement do so or not?

They should if the Cuban government shows true political willingness and out of respect for the people it supposedly represents. This means that the political dialogue agenda must include the incorporation of Cuba in international agreements, the incorporation of the same in the current legislation, as well as the observance of the same. If things were to proceed in that direction, the EU would have a concrete means to conduct an evaluation. There can be no positive results without that commitment.

Dimas Castellanos Martí



EDUARDO CLAVEL RIZO

Eduardo Clavel Rizo is 27 years old and a student of sociology at the Universidad de Oriente. He resides in Santiago de Cuba. He has no affiliation with any ruling government or independent political organisation.

CIVIL SOCIETY IS THE KEY TO THE EU-CUBA AGREEMENT

The impossibility of access to information and the limited transparency of government journalism constitute the primary causes that have kept the objectives of the political dialogue between the European Union and Cuba in the shadow of public opinion on the island.

In Cuba, only the alternative media and the internet have managed to spare from anonymity an event that could be transcendental for the country's gradual democratisation and the insertion of sectors that have historically been stifled during the course of any development projects; without falling into the ideological submission required by any totalitarian government system, where individual rights are sacrificed –apparently– to the detriment of the common welfare by obliterating the values and rights that belong to every human being.

Based on that premise, and in view of the fact that Cuba continues to be a country where ideological segregation acts as an instrument of subjugation that deters citizen empowerment and the development of humankind as rational beings capable of thinking and acting on their own; I consider that the European Union is under the obligation to exert greater diplomatic pressure to oblige the Cuban government to comply in full with the Agreement –something that to date it does not do– and to ensure that the agreed-upon statutes are within the citizenry's control. This will allow greater access to knowledge and more autonomy in the defence of guarantees and rights.

“If the Cuban government is not willing to comply with what has been agreed upon, the European Union has not only the duty but also the obligation to not ratify the agreement.”

It is no secret that with regard to matters of this nature, there are patterns of forced criteria in Cuba because its citizens are unable to exercise the right to freedom of expression. They do not enjoy the free will guaranteed by democracy because their society is subject to a rigorous system of control and political extortion, which conditions their language and ideas through the use of economic muzzles and educational indoctrination.

Moreover, because they live in a chaotic world plagued by illegality, where corruption is the supreme law, all citizens are propelled towards a life on the margins of lawfulness and legal order, no matter how honourable they may be. This way, their rights can be violated without the least possibility that they could assert a claim before any court, in a country where the mere fact of breathing is in and of itself a crime.

If the European Union's purpose is to create a climate of tolerance that allows for the reconstruction of the democratic fabric, without putting economic interests above the principles of the agreement, then it is necessary, above all, to carry out assiduous inquiries that guarantee compliance and, if irregularities are brought to light, not to hesitate to revoke the agreement and return to the common position.

What should the European Union do in order to achieve civil society's greater inclusion and independence with regard to the institutions controlled by the Cuban Communist Party? It should

unambiguously require compliance with the agreements, something that has not occurred to date, at least in an efficient manner.

The European Union must create university programs and scholarships, as well as scholarships for institutions, to which access must be gained through competition, without leaving the decision in the hands of these centres' administrative bureaucracies. Otherwise, the only students chosen to be sent will be those who are committed to the Marxist doctrine, ignoring any qualitative aspects and meritocracy.

On the other hand, those organisations that are tied to the government have their own codes of allegiance, and their very design makes them unable to make autonomous decisions because they are the fruits of the mediocrity, subordination, and incompetence of a group of officials who know that the only way that they can occupy such positions and enjoy the income that these provide is by maintaining their loyalty to the system, so therefore any linkage with them would be futile.

A greater rapprochement by the diplomats and European society with Cuban civil population would be an immense benefit. This would provide greater assurances and legitimacy for popular initiatives or for initiatives from minority sectors that are disconnected from the state and which seek independent alternatives to allow them to obtain the resources and means to promote cultural, educational, and education projects, such as leadership courses and citizen empowerment and self-help workshops, to foster the creation of a civic culture and assist with the onerous labour of restoring the values that have been lost in our society.

The European Union should take a chance on financing NGO initiatives that can deliver humanitarian aid and donations to the most vulnerable in a much more honourable and transparent way. These NGOs must work to create economic opportunities through community projects in those sectors that currently suffer from marginalisation and alienation, whether through the system's own policies or in the embers of racism and class differences that intensify every day. A product of that marginalisation is an inequality that pushes the most disadvantaged sectors to prostitution, crime, and drugs as their only means of subsistence, excluding thousands of youth and denying them the opportunity for inclusion in society.

The European Union should force the government to foster much greater plethoric receptiveness in connection with economic and social matters. On the one hand, this receptiveness should ensure progressive development within the private sector, granting greater autonomy to transact business without the intervention of any administrative and bureaucratic state apparatus, which deter entrepreneurship and impose legal barriers that hinder this sector's economic independence and progress. On the other hand, it should ensure greater respect and tolerance regarding organisations of an independent nature that are dedicated to monitoring and denouncing cases of human right violations, and which suffer daily from disrepute, stigmatisation, coercive measures, and military sector violence, facts that can be classified as state terrorism.

It would be ideal to force the Cuban government to create one or more free trade zones which would function as wholesalers and serve as an excellent strategy to fight the black market which feeds almost all private businesses. This measure would help eliminate the sword of Damocles that prevents the private sector from creating independent unions and being able to demonstrate, through a strike or shutdown, their discontent with a tax increase or for reasons of any other nature that are damaging to their businesses or livelihoods.

I do not believe that alienation is the best solution. Social isolation is a strategy that has worked for the Marxist regimes and is, in fact, one of the most efficient ones, particularly if the goal is to keep people disconnected from reality, as well-exemplified by Plato in the myth of the cave. But, undoubtedly, it is not favourable for an agreement to lack the necessary validity and have as its sole goal –which is the case today– the oxygenation of an archaic and decadent regime that keeps society at the margins of everything that goes on.

If the Cuban government is not willing to comply with what has been agreed upon, the European Union has not only the duty but also the obligation to not ratify the agreement. This remains at the discretion of the commissioner in charge of monitoring compliance with the agreement.

Cuban society, particularly its youth, is eager for hope, and in need of both the faith that a rapprochement process can provide as well as support from the nations that have achieved the most elemental rights for their people on the basis of respect for international law, thereby constituting paradigms to be followed by those nations that are still suffering from having to live under authoritarian and despotic regimes, where corruption or tyranny have created thick layers between the powers, rendering them indivisible.

The communist doctrine's ideological fundamentalism is profoundly known to many of the countries that today belong to the European Union and that, in a not so distant past, were victims of this monolithic system. It would be sufficient to mention the genocides, such as Katyn's murder, or the famines that cost millions of people their lives; the concentration camps (gulags) where dissidents or innocents were confined; the Stalinist purges; the Berlin wall, where any human being trying to escape the spiritual and human holocaust was assassinated like an animal. This is the scaffolding upon which all totalitarian systems are built for the purpose of dehumanising individuals in the name of humanity, imbuing them with a culture of hate and an irrational ideal.

It appears that humanity has decided to close this chapter and has left Cuba to be an historic benchmark, to remind the world of the consequences of communism. That is what we have been confined to, to be a living museum of totalitarianism. The only other thing we need is to be declared the intangible heritage of humanity. Sixty years of suffering is too long. I think it is time that all countries, not just Europe but the whole world, take a firm position and help the Cuban people recover their dignity..

Eduardo Clavel Rizo

EMILIO ALMAGUER DE LA CRUZ

Emilio Almaguer de la Cruz is a freelance journalist, developing an audio-visual project: "Alternative vision", which gives the community the possibility to participate with a view to curbing injustices, mistreatment, abuse and human rights violations, by state officials who abuse their positions. These works are shown on social networks, press agencies and on news channels.

CUBAN CIVIL SOCIETY'S POLITICAL PROPOSAL TO THE EU

How could the institutions of the European Union and the member states cooperate with Cuban civil society, which openly promotes democratisation and respect for human rights? And how could they promote cooperation between Cuban civil society and European civil society?

There is much talk about the disrespect for international agreements and violations of human rights on the island of Cuba. The desire for cooperation by independent civil society is testimony of their hard work, but this cooperation is denied by the island's regime that catalogues them as blunders, slags or mercenaries.

There is a number of actions that could help believe the good intentions of compliance with international treaties by the island's government. Below we list some of the proposed actions:

- Visit the State entities that should comply with the agreements in order to verify their work.

Unfortunately, there are many cases that demonstrate the lack of willingness and the economic benefit that support aid projects for the development, directed to Cuba after climate disasters. For example, in 2016, the NGO OXFAM donated materials for the easternmost area, Baracoa, Mata constituency, Guandao, to encourage self-employment, more aid in supplies, roofs, household equipment, in order to improve the quality of life of the inhabitants affected by Hurricane Matthew. Nowadays, these people do not yet enjoy habitable housing due to incompetence and mishandling of these donations by government officials in charge of fulfilling these tasks. Many roofs pertaining to said donation can be found in State entities, such as shopping centres or the homes of some individuals who bought these materials from government officials.

- Ensure that independent civil society can contribute with its work, in the cooperation dialogues; whether as independent press, human rights activists, opposition groups, art or cooperative associates for the development of self-employment.
- Guarantee the fulfilment of the programs. That equipment, materials or cash are not destined to other tasks; in many cases it ends up in the hands of unscrupulous officials of the government of the island that, in addition to profit, hinder and stop the success of aid projects, aimed at improving the life quality of the community.

It is a shame not being able to disprove projects proposed by official bodies, which, with little analysis proves unfeasible and of scarce effectiveness in society; a society that currently suffers and that is prevented from achieving the desired development. Let's consider, for example, how it could be possible that political interest is revealed as a maximum goal, when for 60 years we have been experiencing failures, to which they continue to cling on, and not realising that the cure that is supposed to heal us is the one that is actually killing us.

It is time to think on the benefits for those in the most vulnerable conditions, the one who reaches the end of the month alive but without the strength to continue. The basic basket of goods, a project that the island government executes to supposedly help the community, is nothing more than a subjugation strategy that is not enough for many, but to others is their only guarantee of life. Cuban society is a faithful example of Stockholm syndrome.

We must achieve an inclusive society where we can all have an equal opportunities, as Raul Castro said: "It is time to develop the art of living with our differences." Words that do not fit the living reality at all. That is the method used by government officials, they express ideas and show difficulties, but never solve the crises generated by wrong practices that are geared to preserve policies implemented for 60 years.

We want to be participants, an a force, in the future of our children and in social development, not to continue losing lives at border crossings seeking the American dream. We must stop thinking that others must solve our problems just because we feel unable to achieve something that would contribute to the collective good. The State controls everything through the Communist Party of Cuba, who responds to the interests of the leaders in power while the people sink into misery and necessity.

The worker, before the triumph of the revolution, had rights to strike in pursuit of work improvements, salary or to rest and leisure. These rights were lost. We trusted this revolutionary process so much that they have killed our right to think as they think for us, they speak for us; to the point that the Cuban citizen does not know who they are anymore. Young people that risk their lives crossing borders, claim and strike in the countries that host them, but they are afraid to face those who oppress us in the land where they were born.

Without support or safeguard to a free press, opponents and dissidents will be extinct. We will not be those who advocate for the fundamental rights of men. Cuba will be completely silenced. The rights to receive and disseminate information, and to association and meeting, are the most infringed on the island.

The true Cuban civil society, without support, safeguard and protection from the European Union, will be soon the reflection of something that never existed.

Projects could be developed in support of all those that contribute to change. It is sad that the main reason of losing members in our ranks is for not having international support; and then because of the pressure Cuban regime exercises against them.

"The true Cuban civil society, without support, safeguard and protection from the European Union, will be soon the reflection of something that never existed."

The true independent civil society must be included in the implementation of projects that contribute to the common well-being. Therefore, we ask for your support and cooperation, with a focus on motivating young people that are willing to fight for achieving an excellent quality of life, where multi-party, democracy and independent press can exist.

There should be reports at municipal and provincial level, so that everyone who contributes to the change can feel protected and safeguarded by international organisations, when their rights are violated. This would prevent increasing the number of political prisoners in Cuba, an issue that the dictatorial regime always denies.

It would be helpful to try to ensure that observers can visit the east of Cuban, where there is no international press or embassies and the disrespect for human rights is larger. That countries supporting our cause maintain an open-door policy in their embassies, since in many cases, we aim to visit an embassy and it is not possible due to the requirement of booking visits in advance.

Of course, in order to achieve this exchange with EU member countries, a project must be developed by which municipalities and provinces, throughout the island, are included as the true representatives of independent civil society, in the process of seeking protection and security against the human rights violations carried out by the regime.

The free press must have support and protection to reach government officials, who instead of improving society put obstacles and profit from their positions, forgetting their true functions of providing protection and security to the less favoured, thus guaranteeing compliance with agreements and agreed projects.

Being able to intertwine the independent civil society of the island with that of the EU will give us the possibility of expanding knowledge in the realisation of projects aimed at raising our quality of

life. In case of being able to receive preparatory courses aimed at motivating our independent civil society, the community could participate via the internet or by exchanging information through USB sticks or other alternative means.

Support programs in education and work could be implemented together with member countries willing to give employment contracts to professionals of the true Cuban civil society, which the government denies the right to work and persecutes in order to drown us economically, to push us to exile or silence.

It is time to create projects together where we can have the possibility to participate, demonstrating to the community that we are people eager to achieve well-being and prosperity, thus motivating ordinary people.

If the true Cuban civil society is capable of being economically independent from the State, by means of international labour and cooperation agreements, either inside or outside the national territory, the government will lose the economic control that it could exercise over us.

In the face of cooperation agreements between member countries and Cuba, Cuban independent civil society can be appointed to participate, with the intention of ensuring that treaties, agreements and projects to be executed are developed in a transparent manner and meet their programmed objectives.

For us to be able to shine, we shall bring light to those who walk in gloom.

Emilio Almaguer de la Cruz

HENRY COUTO GUZMÁN

Henry Couto Guzmán was born in Guantánamo, Cuba. He started working for human rights in 2012, with the Movimiento Cubano de Jóvenes por la Democracia (The Cuban Movement of Young People for Democracy). He then joined the Patriotic Union of Cuba, (Unión Patriótica de Cuba), UNPACU. Currently, he works at the human rights organisation Eye on Cuba, an organisation that monitors human rights violations. He is also an independent journalist for the digital platform, Aulas Abiertas (Open Classes), among others.

WARNING THE EU: CUBA WILL NOT COMPLY WITH ANYTHING

Since its origins, the European Union has defended, protected and promoted the preservation of peace and international security. The promotion of international cooperation and the development and consolidation of democracy, the rule of law and human rights, explicitly include the sustainable development of other topics of great importance for Europe and the world in general. It works, from my point of view, as a genuine State of Law which acknowledges human beings as its top priority.

Those are the basic objectives of the European Union, but how could these objectives work with Cuba, a country that was aligned with the old socialist bloc, and from which it inherited a dictatorship and all aspects of totalitarianism?

I think the government of Cuba is not interested in any of the real objectives of the European Union, because the Cuban government is only interested in the economic side. The European Union has sent millions of euros to Cuba for development programs, but so far, those programs have not had an effect in society.

The Cuban government continues to ignore the basic rights of people, and there are victims that fear to denounce what has happened to them. The government invests more and more in military and tourism infrastructure. Tourism is controlled by the military, so we know where the profits go.

If there were to be a Cuba-EU accord, it would be a farce for Cuba to continue receiving funds for its political development and not for the social development of the nation. I suggest, that to implement the agreement, the EU act to verify its clauses in a direct and effective manner, in particular those related to political matters and the rights of the people.

The European Union, in its potential relationship with Cuban entities, would face a big challenge in forging a community based on rights and the defence of all liberties. Cuba has institutions that exist because of the Communist Party; 60% of people who work for Cuban institutions are affiliated to the Communist Party, the Union of Young Communists (UJC) or the Federation of Cuban Women (FMC)

and the Committees for the Defence of the Revolution (CDR). All of these organisations work for the government. It would be a great challenge and there would be the risk of the government inserting intelligence officers in potential contracts or courses, to destabilise a geographic area. There are examples in Venezuela, Bolivia and Nicaragua.

The European Union has been involved with Cuban civil society and has defended its development. Member states have had an important role in the training and education of many young people that take courses on subjects such as law, journalism, freedom, and leadership development,

all within the framework of human rights and democracy. Also important is the fact that they acknowledged the work of many people and institutions, based in the European Union, that are focused on the defence of political prisoners and society in general.

“I think the government of Cuba is not interested in any of the real objectives of the European Union, because the Cuban government is only interested in the economic side.”

It would be of great impact and importance, if the European Union and its member states directly supported Cuban civil society. More integration and cooperation are necessary, via courses on the diverse aspects of society. More direct contact with civil society organisations is necessary, in order to have more knowledge, and to replicate in Cuba everything learned for the benefit of empowering people, working for a more just society, based on values and rights, where the human being is of most importance, growing in a society with true sustainable development.

The European Union, in the discussions about the three thematic chapters, should be focused on what is basic, which according to my point of view, is human rights, because without rights there should be no agreement. We must remember that Cuba still does not acknowledge human rights work as legitimate and denies legal status to local human rights groups and organisations.

The Union should reconsider the agreement and suggest better dividends to the Cuban government. The topics of drugs, prostitution, corruption and emigration are of great importance in Cuba. Also, the salaries and work opportunities in the private sector. To persuade the Cuban government to accept civil society would be very important, because we would then have space to improve in the area of democratic governance. The Cuban government does not acknowledge Cuban civil society. They actually jail, beat, steal and systematically repress members of civil society for simply having opinions that differ with those of the regime. But in reality, civil society in Cuba is a key factor to achieve a peaceful democratic change. It is important to face the challenge of working with civil society to attain this.

The European governments that have not yet ratified the agreement have the right to not do so. That is democracy. I am sure they have their reasons well defined, and I suggest that the other members of the EU reconsider the agreement, because the current situation demonstrates that Cuba will not comply with anything in the area of human rights. Repression continues, and rights are being threatened with more force. The inability to meet basic needs and the lack of freedom are daily problems.

President Miguel Díaz-Canel often says, particularly in international scenarios: "We are the continuation of the revolution of Fidel and Raul Castro." For more than 58 years, nor Fidel nor Raul Castro have respected the rights of Cubans. In other words, the government in Cuba is the continuation of a dictatorship that ravages human dignity.

History has shown that people are vulnerable to natural situations and to other situations caused by people or governments unattached to human rights. The Universal Declaration of Human Rights was born after World War II. 50 to 70 million people died, and economic damage was vast for the times. In the current conflicts around the world, there is a common denominator: violation of human rights and lack of freedom.

The European Union is an example of freedom, democracy and sustainable development. Many people of the Union have witnessed the totalitarianism of communist regimes after World War II, and they now see Cuba as they once were, in a certain moment of their history. The person, the human being, is paramount. Liberty, human rights, human dignity; those are more important than an agreement that does not provide guarantees to a nation that sees how its dreams of development vanish in the air, or has to flee due to lack of freedom or opportunity.

I am writing because this is a topic of extremely importance. I am not writing as a politician, legislator, mayor or some government figure from a country. I write to you as a simple human being, with virtues and defects, but with the confidence that we can construct a free nation. I also support freedom of human beings to think, because that is correct, because I am Cuban, because I faithfully believe in human rights, because I live day to day the history of my country, that at one time in this life, was the history of many of you.

Thank you,

Henry Cuoto Guzmán, Periodista Independiente, miembro de Eye en Cuba

JUAN ADOLFO FERNÁNDEZ SAÍNZ

Juan Adolfo Fernández Saíinz is a translator, and a former political prisoner and member of the Group of 75 individuals imprisoned during the Black Spring of 2003. He was sentenced to 15 years in prison; he served seven years and was exiled to Spain in 2010. He works at the Cuban American National Foundation, which is based in Miami.

A DIALOGUE WITH CUBA IS ESSENTIAL

But we can expect very little from it. The key to the problem is the criminal nature of the Cuban regime. The Communist Party's dictatorship has associated itself unlawfully with the national sovereignty. Any criticism of its failed system, even from Cuban nationals within and outside the national territory, is seen (conveniently) as an attack against the nation and the country and this justifies any abuse under the name premise: "in defence of the homeland." Nothing that threatens the regime is tolerable in their point of view. They are willing to resort to the use of force to avoid any radical change, and have granted themselves the legal instruments to do so.

It is sufficient to read their own constitution to understand their position, which is totally contrary to human rights.

The regime always shows itself to be open to dialogue, but it is intransigent at all costs in terms of results. Talking according to their terms has been a waste of time, so any dialogue has to be maintained but moving in a direction toward concrete results:

Europe can start by asking for the release of all political prisoners. The regime is going to allege that they do not exist, so Europe should therefore publicly acknowledge all Cuban political prisoners.

The next step would be to publicly acknowledge all opposition organisations within Cuba whose work towards the defence and protection of human rights. This is very basic, since us Cuban opponets have never even been able to have an office. Our meetings have always been held in our own homes. We always try to enter our organisations in the registry of associations, but we never get a response. If the international community wanted to help an opposition organisation in Cuba, it would not be able to do so lawfully because, since it is not officially recognised, it is as if it did not exist.

"The key to the problem is the criminal nature of the Cuban regime."

By way of example, if any European government wanted to help an association of farmers in Thailand, it would not have to wait for the Thai government to give its permission because their associations have their own corporate identity. The members of the opposition in Cuba are condemned to live as ghosts because of the lack of recognition.

The EU could assist the Cuban private sector with resources, visits, and encouragement, while maintaining the dialogue. The regime will refuse and will present this initiative as an attack against its national sovereignty. Europe would have to publicise its intentions to help the Cuban private sector by using concrete examples and publicising the regime's refusal to allow such help to be provided.

Public recognition of the independent press and union associations. Plan to support those who have maintained an earnest and committed trajectory on human rights. Given the regime's refusal, a public explanation of Europe's intentions and the Cuban regime's refusal. Each one of those steps should be accompanied by information corresponding to European and international public opinion.

The Castro regime has always been very aware about its public image and has proposed living as just another state and to be readily accepted as such. If they refuse, as they have up until now, to put the changes requested by Europe into practice in Cuba, as well as in a good portion of the world,

in matters concerning human rights and economic support for the newly emerging private sector, then they should at least feel the deterioration of their image; and within Cuba, those Cubans who have access to information should understand that the Cuban regime's conduct is not accepted by a substantial portion of the international community.

At that point, we can start talking about free and just elections, starting with freedom of the press, freedom of expression, freedom to associate, and party plurality, each step being accompanied by transparency in the relationships between Europe and Cuba.

This plan is not a guarantee of success, but at least it does not reward despotic and tyrannical behaviour.

Juan Adolfo Fernández Sainz, Cuban American National Foundation

LIBRADO R. LINARES GARCIA

Librado R. Linares Garcia is an engineer, founder and General Secretary of the Cuban Reflection Movement (1994). He is a promoter of the philosophy of active non-violence. Former political prisoner, member of the Black Spring 2003 group. He was sentenced to 20 years in prison, of which he served eight.

RECOMMENDATIONS TO THE EUROPEAN UNION ON DECISION-WAKING REGARDING CUBA

I am pleased about the European Union inviting different civil society organisations to express their views, on how the relations between this bloc of free and democratic countries and their Cuban counterpart should be conducted.

On the Cuban side, as it is known, there is on the one side a regime with a strong totalitarian aim, and on the other, an autonomous civil society in a state of development that is currently unable to drive by itself and carry out democratic changes. In circumstances like ours, freedom must be conquered with a wise strategy. In principle, I advise the EU create a bridge to offer them the possibility to transition.

My proposal has risks, among which are the total boycott that the regime can implement, as well as the possibility of unforeseen events. Depending on how the events unfold, corrections can be implemented in one way or another.

The objectives of the EU must be aimed at encouraging Cubans to transition to democracy, like the velvet revolutions-type that occurred in central and Eastern Europe in the 80s and 90s in the last century. To that end, I propose that the EU articulate two mutually reinforcing lanes: promoting an EU-Cuba meeting aimed at tempering the outbreaks of intolerance in Havana, and, on the other hand, promoting the technological, financial and knowledge empowerment of the different actors of our civil society.

The implementation of both paths should be oriented to: trying to maintain a dialogue with the Cuban government where EU proposals are received as verifiable and truthful, which would include, to be presented as guarantors of any process that is launched, while on the other hand, performing a function of facilitators of pro-democracy living forces. This would enable to develop an engagement strategy with the most pragmatic and realistic representatives of organisations, where young people play a leading role. At the same time it would contribute to promote cultural and behavioural attitudes on both sides, based on the Universal Declaration of Human Rights and the New York Pacts, as well as provide them with possibilities for personal fulfilment such as: training courses, invitations to cultural events and knowledge exchanges in different diplomatic venues, promoting contests with distribution of invitations, using the internet or directly, enabling a venue in our country, with one or several guiding teachers, where those interested can access online tutorial pages and thereby access higher education in different areas of knowledge.(see coursera.org).

Furthermore, to promote the registration of NGOs from both sides of the Atlantic and the consequent transfer of knowledge and skills, as well as to facilitate the participation of people in the events on the island. That is, focus attention on intramural Cuba; lectures by prominent politicians or academics in foreign-owned hotels, churches, lodges or diplomatic headquarters; manage with the Castro government the acceptance in our country, of representatives of the UN, the EU, the International Red Cross, in working duties, and also, if there are official refusals, facilitate meetings outside hotels, diplomatic headquarters, etc. Also, identify fraternal lodges and churches with a related leadership, groups with environmentalist purposes, promoters of some of the

manifestations of art or entertainment, LGBTI groups, as well as other manifestations, to summon them directly or through third parties and facilitate their empowerment, which goes through the production of constructive activities: cultural, social and educational.

Other aspects to consider are: to create a group of specialists that identify the most prominent leaders of the Cuban democratic opposition and civil society in general and promote them by all means, which would significantly diminish the denaturing presence within our ranks of G2 agents. The channelling of aid to strengthen a leadership and institutional framework of civil society within Cuba, that aims overcome the insufficiency in the matter of the National Foundation for Democracy (NED), which consists in the fact, that a good part of it is left out of the country. By promoting an international alliance and the consequent institutionalisation of it, in support of the democratisation of Cuba, where Latin America has priority (the Lima Group is a reference); engage the largest number of EU members so that their diplomats conduct visits and exchanges inside the country, aimed at conquering interrelated and previously agreed objectives, arguing that their Cuban counterparts do the same in Europe (they have hundreds of support groups for the Cuban Revolution); implement a strategy designed to neutralise, as much as possible, the support that the informal authoritarian matrix bloc, consisting of: China, Russia, Venezuela, Iran ... offers to those here; present, the bulky file of violations of human rights exercised by Cuba, before specialised international organisations.

Within the government ranks there is a diverse composition: recalcitrant, reformist, pragmatic, realistic and even opportunistic. So, the EU should, as far as possible, apply a tailor-made policy, without renouncing to target it frontally when the case requires to do so. As long as there is a State police in our country and a totalitarian atmosphere that surrounds everything, it will not be possible to establish a formal liberating cooperation with the different institutions (corporations) on the official side. As they conquered power by weapons, they consider it as their war booty.

I believe that the EU should establish or maintain collaboration programs, as well as commercial, economic and financial relations with the Cuban government, aimed at inducing it to take liberating steps. That is, offering credits, market niches, cooperation in various fields, direct capital investments, etc. I also advise, if possible, to promote savings and credit cooperatives or community banks that serve as financial intermediaries, for the emerging private sector, as well as marketing courses for the operators thereof, if it begins to make democratising changes; but if it reacts stubbornly as always, the EU must tighten the pins. In the circumstances of this last variant, influencing third parties to adopt a militant position against Havana and if possible, with international coordination.

Groups of independent economists and others from autonomous civil society, could make periodic reports on the behaviour of European investors in our country, as well as the destination and use of goods and services from the old continent, and how they contribute or not to clear the path in the direction of light. Eventually, they can be called to consult directly and/or to participate in any negotiation as witnesses or observers.

“In other words, the nation, painful as it may be, has to give birth to a new country project: that of freedom and democracy.”

Lithuania has reliable arguments, as well as the legitimate right not to ratify the Agreement.

We, the Cuban democrats, have acknowledged all your concerns, but to carry out my proposals, a negotiation instance is needed. Therefore, I propose to you, to agree on another way on how to approach the Cuban problem, to conquer the imagination of the 28 full members considering my opinions that, moreover, force to offer and try harder. If after a prudential time the Castroists continue the same practices, then you would launch the proposal of the five referred countries and much more.

What offers possibilities in these circumstances, is that you support us in the consolidation of a pro-democracy movement, vigorous and of national scope, an accurate guarantee of a successful transition towards democracy. The strengthening of the different organisations of civil society and emerging politics is to achieve unity in the actions, as well as the capitalisation of the discontent of our captive people.

The implementation of different campaigns, framed in a great strategy to guide to where we are going and how we will achieve it, is essential.

The movement for the civil rights of Afro-descendants in the United States in the 50s and 60s last century, carried out ten of those campaigns and, contrary to what many presaged, achieved its objectives. We are obliged to carry out the non-violent civic struggle with its many methods or related weapons, and for this, we need civic courage, to be willing to pay the price of daring, creative imagination and your contest, because Castroism structured the national scenario asymmetrically: they possess all economic, political power, as well as the institutional monopoly of brute force and the rest of society is in total defencelessness. In other words, the nation, painful as it may be, has to give birth to a new country project: that of freedom and democracy.

Librado R. Linares Garcia, Movimiento Cubano Reflexión



MANUEL CUESTA MORÚA

Graduated in history from the University of Havana (1986) with a specialisation in contemporary history. He holds postgraduate degrees in political science, economics, international relations and anthropology. In 1991 he joined the Cuban Social Democratic movement, of which he was elected general secretary in 1996. Between 1993 and 1996, he worked in the Commission on Human Rights and National Reconciliation. In 2002, he founded the organisation Arco Progresista, an organisation that brings together different organisations and groups of a social democratic nature. Subsequently, he coordinated, along with other organisations and members of the independent civil society, the platform Nuevo País, a plural alternative based on the citizen, whose objective is to reform the nation project and the Cuban political model. He is a member of the Citizens Committee for Racial Integration and a founding member of the Latin American Democratic Solidarity regional platform.

For his work as a human rights defender and political activism he has suffered numerous arrests and acts of repudiation throughout his professional career. He has written numerous essays and published in several Cuban and foreign magazines; and has participated in different national and international events. A selection of his texts were gathered in the book *Ensayos progresistas desde Cuba* (CADAL, 2015).

CUBA-EU: VITALISE THE VALUES

The European Union and Cuba signed a Political Dialogue and Cooperation Agreement that attempts to give a new framework to the relations between a nation and a community bloc. The agreement follows the line of others that the European Union has with Central America and Africa, and is based on at least two concepts: cooperating with developing countries and regions, and promoting a view in which any vision of progress is associated to certain values: democracy, human rights and the rule of law.

This means that, in terms of cooperation, the European Union differs from China in a crucial point: considering democracy as an index of well-being.

With this agreement, Europe tries to recover its tradition in the field of international relations. It places dialogue instead of confrontation, and cooperation instead of punishment. The philosophical basis of this tradition is based on the idea that the construction of democratic institutions requires conversation and consensus. What, in itself, is a solid argument that has as a negative experience the violent conflicts that Europe itself experienced throughout the twentieth century.

The return to the comfort of the European spirit happens to years of fruitless tension with the Common Position of 1996. It is true that in 2014, when the negotiation process between Cuba and the EU began, there had not been enough progress neither in European relations, nor in matters of human rights with and in Cuba. And it is clear that from an ineffective Common Position a strategy could not be deduced. At most, some principles were affirmed at the cost of defining a policy understood as a set of proactive actions towards an objective.

Here I am interested in remembering a fact, that in my point of view, is essential in European policy towards Cuba. With the Common Position still in force, progress was made in the project, between 2002 and early 2003, to include Cuba in the Cotonu Agreement in a binding way, and with clear democratic clauses. In January 2003, the government of Cuba presented two letters of intent with

the purpose of initiating the process of adhering to that Agreement. Then, in March of the same year, the so-called, with a certain sorting despair, Black Spring came, which backed all attempts to reconcile mutual interests through a negotiation process.

If the Common Position amounted to all the possible pressure that the European Union placed then to promote democratic changes in Cuba, the Cotonu Agreement constituted (constitutes) the space where democratic aspirations joined possible cooperation efforts in a concrete and specific way; necessary in terms of development and investments.

Between one and the other, and from one to the other, circulated what I call the spirit of vital democracies, which lead foreign policy along the path of homonymous values amidst the arduous negotiations imposed by political realism.

From the Common Position to the PDCA, this spirit of vital democracies is not dead, but diminishing. The difference at the moment can be established conceptually like this: If in 2002 – 2003 Cuba was a non-democratic country that Europe aspired to gradually transition to a democracy, by 2014 Cuba was considered a “one-party democracy”, a very special type of non-liberal democracy, which from Europe is also considered a key hemispheric actor that can only evolve, with laughter and drinks, towards democracy and respect for human rights. An evolutionary vision contrary to the experience that Europe itself is going through. As demonstrated there, the evolution towards democracy is not guaranteed without permanent (political) action by democracy. As Robert Schuman and Jean Monnet knew very well.

This last concept, which is based on the spirit of what I call devitalized democracies, is what underlies the PDCA.

As a defender of the dialogue that I am, in the strategic, conceptual and cultural sense, I believe that this is not a good Agreement. It lacks the solid pillars of the dialogue, which establish that the parties must undertake to respect the ideas established within the negotiations. It lacks strategy, which allows the autonomy of action by one of the parties according to its own vision and its long-term objectives; and it lacks absorption of the context in two important points: the generational change in government, which would give Europe greater capacity for negotiation, and constitutional changes, which would allow it greater and better institutional space to advance the speculative commitments established in the Agreement in relation to human rights.

Article 13 of the Universal Declaration of Human Rights establishes, on two points, the right of everyone to move freely, to enter and leave the country in question without any restrictions other than those established by the courts always in accordance with the law. Well, the new Cuban Constitution says the same thing, and in a whole single paragraph. And it is necessary to delve deep into the doctrine of international law to defend that the Universal Declaration of Human Rights is binding on the States that are part, but what there is no doubt is that the Constitution of each country constitutes a mandatory commitment to the its State.

That the PDCA does not contemplate these political dynamics was, and is, really worrying, which causes a great restlessness, when a country imposes itself above, both, the signed commitments, and above its own constitution. Meaning, nothing obliges him. This situation leads to empty dialogues and testimonial cooperation. The two points that interest the Cuban government to guarantee two related purposes: the modernizing illusion, together with the neutralization of pressure, which enables and masks a weak and ‘progressive’ agreement.

The European Union can remedy the process. I understand that for this it should take two main changes. First, to not treat human rights from a perspective of political realism. This as the latter expresses a correlation of forces, while the former expresses values. Second, Cuba is not a democracy. Important conclusion to treat political rights as human rights and not as institutional capacity.

From these changes there are five steps that the European Union should and could take within the PDCA:

1. Treat as binding the commitment to human rights recognized in the recently approved Cuban constitution. Neither the Cuban government nor the European Union can allow gaps for institutions, if they truly want to project themselves as serious actors;
2. Grant more visibility to the actors of the Cuban civil society, both independent civil society, and state-supported civil society, and recognize them both as the legitimate actors they are;
3. Create spaces for dialogue with civil society at the highest level, regardless of the rounds of dialogue at the institutional level. It is important to de-bureaucratize the vital issue of human rights;
4. Hold semi-annual joint meetings between representatives of the European Union and representatives of Cuban civil society;
5. Facilitate public meetings between officials of the European Union or its member countries visiting Cuba, and representatives of civil society and the Cuban pro-democratic community.

The European Union could already assume, that Cuba should be its own autonomous space within its analysis and considerations of international relations. Defining policies towards Cuba from the American perspective is not defining a policy for Cuba, nor it is by defining policies from the position and interests of the Cuban government. Cuba is more, and better than its government, and equal and different from its neighbours. Democracy in Cuba should not be thanks to the United States, and yes despite the Cuban government.

If Europe has any interest in Cuba's future, beyond the interests that are played in the markets, it should look strategically at its vibrant society. Where they stir up, for good, better ideas than in the State.

Manuel Cuesta Morúa and promoters of Propuesta 2020

“If Europe has any interest in Cuba’s future, beyond the interests that are played in the markets, it should look strategically at its vibrant society.”

MARÍA MATIENZO PUERTO

María Matienzo was born in Havana in 1979, she is a writer and independent journalist. As a reporter she has worked for the websites Cubaliteraria, Havana Times, and Diario de Cuba. In the latter, she published an anthology of reports titled *Apocalipsis La Habana* (Havana Apocalypse). Additionally, she is the author of several books and literary essays in magazines.

QUESTIONS WITHOUT ANSWERS, AND A SUGGESTION FOR THE EU

How can an average Cuban, with no political influence or million-dollar inheritance, become a small businessperson? Why does a person who disagrees with the state in Cuba have to live in fear of going to jail? Why don't the citizens on the island protest openly on the streets like the rest of the citizens of the world? Why do the Cuban people prefer to flee to any part of the world? Why are the levels of unhealthiness so high? Why do the Cuban people have so little access to information? And there is more: issues related to femicide, epidemic numbers that are kept quiet, lack of public policies for minorities, prostitution, etc.

These are basic questions, that the EU Member States who sign the PDCA appear to not have asked themselves.

Why do some Cuban people say that there is no rule of law in Cuba? That is another question that the European Parliament, the new European Union Commission, the new representative on foreign matters, and the member states can also ask themselves.

The answer is in Article 5 of the Cuban constitution, which states the supremacy of one political party over any other and of the law itself. Article 5 states that the Communist Party of Cuba "is the highest leading political force in society and the state," implying that any citizen who does not belong to the party does not have any rights.

On the other hand, the statistics on repression and the Cuban reality, translated into press news by the opposition and the international press, are there in response to each one of these questions. Therefore, signing the PDCA regardless of the nature of the cooperation legitimises power structures that have perpetuated tyranny for over 60 years, where the signatures benefit only the leaders and its allies.

Cuban civil society entities (independent press, opponent, political parties, human rights activists, among others) that are concerned about political issues need assistance. From promoting visibility regarding their status, to public pronouncements in opposition to a state that does not respect the most elementary human rights, contrary to its promise to do so in the 'Considering' and 'Reaffirming' provision of the PDCA signed in 2016.

Cuban civil society entities that are more concerned about economic growth, and that try to start businesses based on an economy that has been depressed and strangled by 60 years of corruption and poor governance, need economic support. We are talking about support, not about European charity, but about the possibility that banks and institutions could open their doors to the Cuban microeconomy, without any interference from the Cuban government and its sole accounts, to which the Cuban people have no access. This assistance should place particular emphasis on disadvantaged groups, such as women and people of African descent.

In both examples of Cuban independent civil society, the UE could acknowledge the Cuban independent civil society legal status since the state does not recognise this, nor has enacted laws to legitimise any political parties, political and mass associations, or commercial ties, companies, and national brands.

How can independent civil society be distinguished from civil society that is known and supported by the government?

Complacent political discourse that is in sync with that of the government is the most evident symptom, but there are others. One part of that civil society does not do anything, either to democratise society in general or to foster its growth; it does not provide any services that generate employment or any benefits for other citizens; and the ones belonging to the economic sector will require government mediation, even if this goes against their own interests. They are the first ones to commit crimes, such as striking, defaming, confronting, or vilifying anyone whose thinking differs from theirs.

In the meantime, independent civil society tends to require democratisation within its political and social spaces, denounces atrocities, shortages, and corruption, and even when its interests are not political, tends to cast doubt on the government's perks because it knows that these are but other forms of slavery. The state will never acknowledge its existence and, even if it does, it will only be to discredit it.

One of the ways in which the Cuban people make the government hear its demands, even when this is not publicly acknowledged, is for the states with which the government connects to be consistent in terms of the human rights situation in Cuba.

This could be the EU's opportunity to reaffirm its solidarity with the Cuban citizens, focusing the political dialogue on the Cuban reality and not on the rhetoric of the state's representatives, i.e., on the economic plane, toward microeconomies, fostering dialogue with the true actors of the new, small, and nearly emergent Cuban entrepreneurialism.

Citizens who wish to enter the twenty-first century must adapt to the laws and regulations established by the EU's member states who wish to open their doors to us.

María Matienzo Puerto, independent journalist

“This could be the EU's opportunity to reaffirm its solidarity with the Cuban citizens, focusing the political dialogue on the Cuban reality and not on the rhetoric of the state's representatives.”



MAYDOLIS GONZÁLEZ BLANCO

Maydolis González is the chief director of the Cuban Democratic Institute for Development (DEMOCUBA), an independent civil society organisation whose mission is to improve quality of life through the development of participative projects for social transformation in Cuba. Its purpose is to empower leaders and civil society organisations to promote democracy, defend human rights, and sustainable development.

THE EU-CUBA AGREEMENT: FOREIGN INVESTMENT

Within the main chapters of the PDCA, I wish to emphasise the dialogue on Human Rights and foreign investment. Considering that the EU's objectives should be geared toward reviewing those agreements, there should be an opportunity to establish a free trade zone, covering the protection of investments, as well as the requirements, control, and regulation of negotiations by the Union's Member States. There must also be an emphasis on defending and safeguarding human rights and acknowledging independent civil society.

We are advocating for the socioeconomic development of a country in which the non-state sector is an essential one but yet does not enjoy privileges or benefits and lacks the appropriate infrastructure to maintain and sustain business, all of which promotes corruption. Cuban entrepreneurs have shown that they have the necessary skills to foster the country's socioeconomic development, and that they are important agents for social transformation.

The political dialogue should be geared towards being able to lay the foundations with the Cuban government for the acknowledgement of independent civil society and respect for the rights of freedom of association, freedom of expression, non-state workers', and the possibility of electing and being elected, freely without impositions.

The institutions belonging to the European Union and its Member States could cooperate with Cuban civil society, which openly promotes democratisation and respect for human rights, demanding from the Cuban government that these organisations be represented in the dialogues, particularly the dialogues on human rights.

The Cuban government must answer for all the human rights violations and answer why there are cases in Cuba involving professionals who are subjected to defamation campaigns within society, and barred from receiving any social benefits whatsoever, just for belonging to civil society organisations or simply for advocating for human rights.

“The Cuban government must answer to why human rights activists are threatened, pressured, and repressed, using their family members and closest friends as targets.”

The Cuban government must answer why human rights defenders in Cuba are treated like people who threaten the life and safety of the people.

The Cuban government must answer to why human rights activists are threatened, pressured, and repressed, using their family members and closest friends as targets.

The Cuban government must answer for so many things that it is not answering for, and it lies when it says that human rights are respected in Cuba.

The Cuban government must acknowledge the existence of civil society organisations that do not respond to the interests of the Communist Party, and which seek the development and wellbeing

of Cuban society; organisations that worry that Cuban youth, today, think only of emigrating, and of seeking initiatives for their social inclusion, showing them the path to engagement so that they can improve not only their own economic status but also that of their neighbour, and how together we can develop their community and help others engage. Even so, these organisations are viewed as threats to the Cuban people.

Independent civil society organisations do not have the opportunity to compete for international funding because they have no legal status in Cuba. We need support from the European Union and its Member States so that we can have a space for networking with international society, where we can showcase competent work for socioeconomic development, investment opportunities, and so we can find those alternatives that we need now.

We ask the European governments that have not yet ratified the agreement to refrain from doing so until the Cuban government has responded to the concerns posed by independent civil society in Cuba and until human rights issues are addressed with the utmost transparency.

Maydolis González Blanco, DEMOCUBA



OSMEL RAMÍREZ ALVAREZ

Osmel Ramírez was born in Mayari, Cuba, in 1975. He is a cytogenetic Biologist, former professor of history and philosophy at the University of Moa. Currently, he is an independent journalist, collaborator of *Diario de Cuba* and *Havana Times*. His political views are of centre-left, and is a declared socialist democrat. He advocates for a fairer social pact, without social violence, through means of strengthening democracy. He belongs to the Participatory and Democratic Socialism opinion group (Socialismo Participativo y Democrático -SPD), on whose website and newsletters many of his works are published. For his journalistic work and opposition to the regime of the Communist Party of Cuba, he has been subjected to threats, persecution and arbitrary detentions by the political police.

THE EU-CUBA AGREEMENT, ITS IMPACT ON CUBAN SOCIETY AND POSSIBLE FUTURE PROJECTION

The history of relations between the EU and Cuba has been tortuous. Since the EU emerged as a supranational entity, Cuba was already the same as it is today: a country ruled by a communist dictatorship, with a single party that stands as the sovereign of our people, which does not allow a single space, even the smallest, for freedom to change and choose a better future.

But we understand that it is a government recognised by the international community and, therefore, the only possible interlocutor of the Cuban people. Although it seems illegitimate and unfair to us.

We also understand why the international community falls into the trap of believing that the small and insignificant “changes”, promoted as gifts by the government, are signs of an exponential process of “other changes”. Pure illusion!

The premise for change is to acknowledge that change needs to be made, be it people or governments, but the Communist Party that has hold the power in Cuba for six decades believes itself to be the owner of the truth and blames others for its failures, especially the United States. Every sign of change is pure mockery and a strategy maintain the dictatorship, or simply to take advantage of the good faith of those who, like Europe, have believed in their mermaid songs.

The Cuban government has been able to maintain its dictatorship indeed. First, in the middle of the Cold War taking advantage of the easing between two antagonistic ideological fields; and then, with renewed tactics, such as investing in a foreign policy and in “solidarity” that is supposedly selfless, using the semi-slave work of our doctors.

It is all about foreign policy, as arrogant and chauvinistic, as sneaky when it comes to taking advantage of favourable circumstances. And in the search of support or commitment, they play with the interests of different regions, Europe being its second business partner.

The ephemeral thaw of political and economic relations with the United States, at the end of the Obama administration, was undoubtedly an incentive for Europe to advance a faster agreement with Cuba (the PDCA). A substantial change seemed imminent and the old continent also wanted to be the architect of the new situation. Something understandable.

It is important to note that in these predictions, both the Obama administration and Europe started from a huge mistake: implying that Cuba, under the government of Raul Castro, and even more, under that of Miguel Diaz-Canel, was changing towards a more democratic and liberal society. That couldn't be further from reality.

Raul Castro made it clear that his task was not to destroy socialism but to help save it; and, for them, “socialism” means the dictatorship of their party, all economic power controlled by the State and the State dominated by the sole party. Diaz-Canel, who doesn’t have the last name Castro, repeats what they indoctrinated on him. Simply read or listen to their slogan: “we are continuity”.

Nothing has changed, except for some small and cosmetic readjustments that, more than changes, represent temporary accommodations of the same system within a more adverse environment, which requires changes and that, reluctantly, must be simulated or partially made without affecting the essence of their despotic power.

To believe that the government of Cuba is willing to change or submit itself, at some point, to the scrutiny of the popular vote; that it will allow Cuban political plurality that exists in illegality and exile, the right to organise legally and compete for public office; or that it will stop violating the human rights of Cubans. Believing this, means not knowing Cuba or the totalitarian government of the Communist Party.

Of the three chapters of the PDCA, the first two, Political Dialogue, and Dialogue on Cooperation and Policy Sector, include the topic of Human Rights. And the third is purely on economics. However, what is perceived is that the only thing that matters is the economic-commercial issue, because that is where the only results are.

Meanwhile, the human rights issue is relegated to nominal conversations, without outcome or anything that indicates progress. In this respect, there is only an exchange of “points of view”, but the adverse reality of human rights in Cuba is not evaluated, nor does the Cuban government feel any pressure from Europe to improve.

What has happened to Human Rights since the PDCA was signed?

- Cuban Human Rights organisations continue to reside abroad because the government does not allow their work inside the island
- Civil society and freedom of expression continue to be criminalised and repressed.
- Repression has increased drastically.
- Independent press is criminalised, persecuted and repressed.
- Digital media uncomfortable to the government is blocked on the internet.
- Independent journalists are usually arbitrarily detained and imprisoned for up to three days, without charge, but some have been brought to trial and convicted of fabricated crimes.
- We suffer raids and seizure of work tools, intimidation, threats of jail and much more.
- The Cuban political police, called “State Security”, have the prerogative of “regulating” any person without a court order. This means prohibition of traveling abroad. At the moment, we are around 150 “regulados” in the country. (The undersigned journalist has been banned from traveling, at the time of writing this article, 658 days).
- The Gay Pride Parade of this year, as the government did not summon it, was repressed.
- Cuban artists who oppose a spurious decree-law (349), which regulates the exercise of art in a state-controlled manner, were and are constantly repressed.

And much more!

The worst is that the above has increased, with impunity, since the PDCA was signed. It should be noted, that this agreement was materialised when relations with the United States were already deteriorated, under the new administration of Donald Trump. And the increments in repression is, without a doubt, a response of the dictatorship towards neutralising the democratic forces within our society.

Therefore, it is evident, that the agreement with Europe did not mean any pressure in terms of human rights. In the three meetings that have been held, the Cuban government, with the arrogance

and chauvinism that characterises it, manifests and defends the shameless thesis that “they have a different way of understanding democracy and human rights.” As if there was an undemocratic way of understanding democracy and a transgressive way of understanding human rights.

The Cuban government will only allow the necessary changes in our society in the event it is forced by external circumstances, and we will also do it as civil society, free press and peaceful opposition. Undoubtedly, Europe can be of great support in this just cause and the PDCA has the tools to do so.

“Europe must change its position, from ‘hopeful’ to ‘active’, and to not hesitantly wait for a miracle while human rights are violated atrociously in Cuba.”

I firmly believe that the agreement is good, what is not positive is the tepid way in which the issue of human rights has been handled until today.

Europe must change its position, from “hopeful” to “active”, and to not hesitantly wait for a miracle while human rights are violated atrociously in Cuba. It must demand progress as a premise for the preservation and fulfilment of the agreement. This would give us a vital workspace for the civil society, the independent press and the peaceful opposition to act for the change that Cuba needs.

About the PDCA onwards:

- What would suit the Cuban people the most is not that the EU Member States stop from signing or ratifying the PDCA, but that the European Parliament conditions it to the effective observance of human rights in Cuba.
- We understand that Europe, within the framework of the agreement, assembles with the false civil society imposed on them by the government. It would not be a problem if Europe considers that the reports the government submits do not reflect the reality in the country. And meanwhile, it should impose as a requirement, for the sake of truth, of assembling with the true civil society, which as the rest of the world, challenges the government and works without its guardianship.
- Europe should issue an annual report on the situation of human rights in Cuba as part of this agreement and be prepared to establish sanctions on all aid and economic cooperation with Cuba, in the event that these reports show a decline or lack of progress in terms of human rights.

Only then, the PDCA would be truly useful to the Cuban people. Not only economically but also politically and socially, helping to build a better Cuba.

Osmel Ramirez Alvarez, independent journalist

RENÉ GÓMEZ MANZANO

René Gómez Manzano was born in Havana in 1943. He is a law graduate from the Universities of Moscow (1966) and Havana (1970). He worked as a legal advisor for a foreign trade corporation and the Permanent Secretary for CAME Affairs. For ten years, he served as counsel for the Supreme Court. He was a member of the Group of 4, and co-authored the document titled *“La patria es de todos”* (“The homeland belongs to all of us”). He is the founder and president of the Corriente Agrarista (a group of independent Cuban jurists), and was a prisoner of conscience on two occasions (1997 – 2000 and 2005 – 2007). He has been at the forefront of various efforts by the Cuban opposition (Grupo Gestor Provisional de Concilio Cubano; Asamblea para Promover la Sociedad Civil; Agenda para la Transición). He is currently a member of the board of the Encuentro Nacional Cubano and is a CubaNet columnist. He lives in Havana.

NEW EU EXECUTIVE SHOULD REDO THE AGREEMENT WITH CUBA

The European Union and Cuba: What to do? The political renewal of the bloc’s high offices makes the establishment of new terms for its relations with Havana viable. The democratic process to renew the community bloc’s primary offices has begun within the core of the European Union (EU). The Parliament has just elected German citizen Ursula von der Leyen, until now the Minister of Defence in her country, to chair the European Commission.

Her margin of victory was narrow: Barely nine votes over the minimum, an objective fact that the high official played down with a comment that Perogrullo himself would have rejected: “In politics, a majority is a majority,” she stated.

Ms. Von der Leyen will be the first woman in history to occupy the high office to which she was elected. Her start has been auspicious. The first speech she gave before Parliament following her election merited the adjective of “eloquent” and her primary propositions have been qualified as innovative and constructive.

There are still some months to go before the installation of the new EU office, which will be joined by Belgian Charles Michel (who will chair the European Council) and French citizen Christine Lagarde (who will head the European Central Bank), among others.

This period of transition will represent the appropriate interval to craft the policies that the community bloc must implement during this coming five-year term. It can be assumed that, regarding some topics, the same path followed up until now will continue; with regard to others (particularly when founded criticisms have been made), new courses of action can be expected.

In the field of relations with other countries, a subject that merits attention is the one involving Cuba. I will not make the mistake that many of my compatriots are inclined to commit, that of considering that this is a subject of particular importance. As clear as it may be to us, the children of this great island. I suppose that Europeans place it in third or fourth place, if that.

It is clear that Ms. Federica Mogherini’s successor, faced with the community bloc’s foreign relations, must address this matter and, within that, the brand-new Political Dialogue and Cooperation Agreement (PDCA).

This is about an agreement that has been in progress for more than five years. The corresponding negotiations were extended from April 2014 until March 2016. Once the document was approved by the European Union Council, its official signature took place on December 12, 2016. It was presented to the legislative branches of the EU’s member countries for approval and while it has been ratified by most of them, but Lithuania is still pending.

Different parts of the agreement began to be “provisionally applied” on November 1, 2017. (We already know the French saying: “It is the only the temporary that lasts.”) What is certain, however, is that the document has not yet received the approval of all the European parliaments.

I believe that this reality, together with the assumption of office by the EU’s new authorities, lends itself to undertake the negotiation of a new agreement. Another novel factor suggesting that it would be advisable to adopt this focus is the precarious situation that the Castro regime is now confronting, given that its Venezuelan godparent, more than lending assistance, is in need of receiving it, thanks to the Chavista “non-government.”

Embarrassing situations from the past should not be repeated during the course of this negotiation. I am referring, for example, to the despicable statement that Ms. Mogherini did to the Havana bigshots by declaring (Have you ever heard a greater absurdity?) that the Cuban regime is a “one-party democracy”!

I consider that the spokesperson for a group of countries with as much democratic prestige as the European one doesn’t need to make such infamous statements, nor should she. Fortunately, the Stalinist ideal, so-called “real socialism” is surviving, in a more or less pure state, only in North Korea, Laos, and Cuba. What specific weight should be ascribed to these Jurassic specimens of politics? None!

That reality should be reflected when the new agreement, I am proposing, is negotiated and its text is written. We already know that the European authorities will have to take into account the defence of small investments that their member countries’ nationals, attracted by the helplessness of the Cuban worker, have undertaken in Cuba. This is about the sad realities existing in this naughty world.

But the European democrats should assert that, by virtue of the new document, the government in Havana is taking on a clear and specific commitment with regard to human rights. Up until now (and despite the years that have passed), the Castro leaders have not seen fit to ratify the UN agreements that they signed to great fanfare some time ago. In view of this, it appears to be advisable to emphasise not those texts, but a document approved by Cuba from the time of its issuance in 1948: The Universal Declaration.

An agreement that really considers the interests of the Cuban people should include the principles contained in that historic document, but must also be subject to the internationally accepted interpretation, not the one capriciously and arbitrarily issued by the government in Havana. (Let’s

not forget that Castro’s followers, being overly satisfied with themselves, say that in our country “we have our own type of democracy”; with ruses like that, they have managed to operate entirely according to their own will.)

“An official EU website asserts that ‘the Agreement provides a framework to accompany the reform process in Cuba’. We must ask: Which ‘reforms’?”

Regarding the PDCA, an official EU website asserts that “the Agreement provides a framework to accompany the reform process in Cuba.” We must ask: Which “reforms”? The one pertaining to the Constitution, which now defines the Communist Party as the “only one”? (Something

that the previous one did not state.) Or the “new” Electoral Law, which maintains the “candidature commissions” as well as the voting authorities that are named by the power and are completely subservient to it? (And which, for the purpose of electing representatives, states that there is only one candidate for each office to be filled!)

I don’t believe that it is fitting to object to the fact that the European Union wishes to collaborate in a “reform process in Cuba.” Opposing this purpose would appear to be in poor taste. Only one observation remains to be made: That these “reforms” have to be real, not the little lies that the Cuban government has been implementing until now.

René Gómez Manzano



ROBERTO JESÚS QUIÑONES HACES

Roberto Jesús Quiñones Haces was born in Cienfuegos, Cuba, in 1957. He is a lawyer and a freelance journalist.

In 1999 he was punished, unfairly and illegally, to eight years of deprivation of liberty, and since then he has been prohibited from practicing as a lawyer. In September 2019, he was detained and taken to prison after being convicted by the Guantanamo Court for the crimes of “resistance and disobedience” for attempting to cover a trial of public interest

Quiñones Haces has published the poems “*La Fuga del Ciervo*”, “*Los apriscos del alba*” and “*El agua de la vida*”, among others. He won the Stained-Glass Poetry Prize in 2001 with his book “Written from prison”. During his professional career Quiñones Haces has suffered multiple human rights violations, as well as acts of intimidation, harassment and arbitrary detentions.

THE EUROPEAN UNION AND THE TRUE CUBAN CIVIL SOCIETY

How could the EU cooperate with the independent Cuban civil society that promotes democratisation and respect for all human rights?

The European Union (EU) is in a renovation process. Under this context, the expectation is rising in respect to the path that its relations with the Cuban regime could take. In this regard, the question is whether the European bloc will continue to apply the policy adopted by outgoing Federica Mogherini or if it will adopt more dignified channels; it has become particularly relevant to those Cubans interested in introducing much-needed changes to our country.

The Cuban regime usually presents as institutionalized civil society organisations, those s belonging to unionise and mass organisations that are actually serving as conveyor belts to accomplish its mandates. The Committees for the Defence of the Revolution (CDR), the Federation of Cuban Women (FMC), Federation of High School Students (FEEM), the University Student Federation (FEU), the Workers’ Union of Cuba (CTC) and many others are called Cuban civil society organisations because they are led by the Ideological Department of the Central Committee of the Communist Party of Cuba, and they are used in acts of repudiation when they receive orders from State’s Security. These are satellite organisations of the Cuban Communist Party and from this party they receive the buildings to house their headquarters, the salary paid to those who lead them and the stipends for their travels abroad. Its directors are designated by such department.

In Cuba, there are numerous independent organisations that the regime has not recognised because they do not accept its control and they keep fighting for those ideas rejected by the Castro regime. Besides, their project for the country is different from the government-imposed one. For that reason, they are denied a space within Cuban society and are prevented from legalising their status in the Ministry of Justice’s Registry of Associations. In that diversity that represents the true Cuba civil society, we find the human rights movement and the peaceful political opponents that fight so all Cubans can have civil and political rights; so that Cuba be democratised, and so that opinion of all its citizens can heard and considered within a space of tolerance. There are also organisations that represent very specific interests.

How could the institutions of the EU and the member states cooperate with the independent Cuban civil society that promotes democratisation and respect for all human rights? How could they promote cooperation between that discriminated and repressed civil society and European civil society?

I think that the true Cuban civil society is very much in need of international support and solidarity. Without intending to exhaust the issue, nor believing that I include all possible actors, several come to mind such as the Independent Libraries project, writers discriminated against by their political position; the alternative media published in Cuba and independent journalists; as well as trade associations, artistic projects, etc. Of course, I include in that diversity the peaceful opponents whose actions have demonstrated systematicity and relevance in favour of the democratisation of the country.

The Independent Libraries project plays a very important role in the promotion of authors and books that have been prohibited and restricted in Cuba, the free circulation of ideas and the creation of spaces for debating topics that are of public interest. The repercussions of these activists' work are invaluable and extremely beneficial for a society that is marked by the state-imposed intolerance and despotism. The EU could establish links with the representatives of that project and send books and films that are not published in Cuba.

It would be recommendable that, among those materials, there were books by Cuban authors censored by the regime. I speak not only of writers but also of historians, sociologists and jurists. It would be positive if the films were about the history of Cuba and the Castro regime, unknown by most Cuban youth. That project should also receive texts about the methods of nonviolent struggle and how to achieve its effective structuring, according to our circumstances.

The mass communication media created in an alternative way from those that are controlled by the regime, should receive grants so its members would be able to participate in training courses on the use of new technologies. They should also receive support in materials and finance, such as new and relevant books. A contest could be created to reward the best works published in these media.

Cuban writers who live in the country in the greatest ostracism and are discriminated against by the regime and its satellite organisations, such as the Union of Writers and Artists of Cuba (UNEAC) and the Brothers Saíz Association (AHS), should receive scholarships to facilitate their creativity and to support the publication of their works in Europe.

“It will be up to the EU to decide if it will adopt a supplicatory position before the Castro regime, or if it will choose to defend the rights of the independent Cuban civil society.”

Projects, such as People in Need and others, dedicated to helping families in vulnerable situations also have a presence in Cuba. The Patriotic Union of Cuba (UNPACU) also performs laudable work in that regard. That is why its growth and social impact has been met by the regime's fierce repression.

Supporting with concrete actions to organizations such as these ones would not only provide tangible benefits in the lives of Cubans, but also, will contribute to enhance and strengthen the presence and leadership of independent civil society, and of those who represent it. Obviously, the

regime will protest against this kind of exchange and support from the EU. It will be up to the EU to decide if it will adopt a supplicatory position before the Castro regime, or if it will choose to defend the rights of the independent Cuban civil society.

The EU could also assume a policy of solidarity and permanent support for Cuban independent civil society organisations by creating scholarships and courses for its members, with the aim that this noble struggle could be spread throughout the country in defence of all human rights, and of democratisation.

In this sense, the European civil society's correlated organisations play an important role because they can share their experiences with their Cuban counterparts. It would be very productive if the involved European civil society organisations were created in the former European socialist countries.

In general, I think that the EU could also support the Cuban independent civil society inside the United Nations, in the organisations that defend human rights and at any international event where the EU is participating; and by condemning the daily doses of repression that the members of this social sector receive and conditioning its economic aid according to the regime's response.

If there is no change from the Castro regime in regard to the respect of human rights for all Cubans, and for the democratic transition that our country needs; it would not be honest that the EU continues to give money to the regime because that would strengthen it, as it has been happening up to now.

The EU policy regarding Cuba will not bear fruit in terms of the country's democratisation and respect for human rights if it continues to own unacceptable concepts such as that of Mrs. Mogherini, who said Cuba is a one-party democracy.

Before uttering such unfortunate phrase, Mrs. Mogherini must carefully read Rosa Luxemburg, a worthy German communist leader assassinated by the Nazis. She dreamed of a better society for all citizens; she considered that a society ruled by only one party did not create freedom or democracy; not even for the members of such party. She was correct. And so, it happened in the former Soviet Union, in the People's Republic of China, North Korea, Vietnam and Cuba.

Since 2008 to 2014, the EU gave the Cuban regime 9 million euros as part of its cooperation for development. For the period 2014 – 2020, it has assigned 55 million euros, and since 1993 to today, it has given more than 94 million euros for humanitarian aid. The total sum of those gifts is well beyond 158 million euros, this money has gone straight into the Castro regime vaults and has shown very little results. Taking into consideration that when the annual budget is approved by the National Assembly of the Popular Power, the people is never informed of the amount of money allocated for the Revolutionary Armed Forces and to the Minister of Interior Affairs. It is possible that part of that money has gone to those organisations that used as tools for repressing the independent civil society.

It is about time for the EU to think a little bit more about the agents of change and to forget those who held back the progress.

EU: THE FIVE THAT REMAIN AND CUBA

Ursula Von Leyen, a German politician who up to now was her country's Defense Minister, has just been elected President of the European Commission; she is also the first woman to occupy such high position.

Juventud Rebelde, a Cuban newspaper tied to the regime, tried to dirty up her image by questioning the fact that she was elected by a small difference in the number of votes. It also added that she is considered one of the less able ministers within the German government. However, the aftermath of her first speech before the European chamber, delivered just hours after her election, indicates that her projections have been well received.

Back in December 2016, the European Union's common foreign policy towards Cuba was repealed and the Political Dialogue and Cooperation Agreement (PDCA) was signed. After this, many believed that the relations between the European bloc and the Castro regime would result in benefits for the Cuban people; but once the new agreement was signed, the regime began receiving economic aid and it kept a policy that tended to consolidate the dictatorship.

The European Union (EU) still is Cuba's main exporting partner and second commercial partner, according to verifiable data found in the internet. It is also the island's main foreign investor in areas such as tourism, construction, light industry and agrarian industries. Europeans make up a third of the total of tourists that visit Cuba.

In 2016, the EU exported 2,400 million euros to Cuba and since 2008 to 2014, it gave 9 million euros to support development. During the period of 2014-2020, it assigned another 50 million euros and 5 million more to support social projects for human groups in a vulnerable position. Since 1993, it has given more than 94 million euros in humanitarian aid.

To keep the PDCA in such conditions would constitute an authentic boost from the EU to Cuba, in detriment of the human rights that the regime violates daily.

Europe, the basis of a solid cultural and legal tradition that has set a standard in the world, should not continue to exercise a policy that perpetuates the suffering of the Cuban people and affirms that it is committed to democracy and the defence of human rights. Such a position is extremely hypocritical if it is about Cuba.

One of the most common mistakes made by organisations and relevant international political personalities is to believe that they get a correct political view of what happens in Cuba by visiting the country only once and having conversations with the regime's leaders. Their evaluation would never be objective without listening to the testimonies and evaluating the proofs from members of the true Cuban society; that same one that does not depend on the regime and does not receive

brand new housing, salaries and financing to travel throughout the world doing propaganda for the dictatorship. We, the Cubans, are the ones who truly know the country's situation.

“We, the Cubans, are the ones who truly know the country's situation.”

If those institutions and personalities do not directly contact the people, nor visit the prisons and freely interview political prisoners; or visit the ghettos, or learn about the independent journalists' testimonies, or have access to the complaints of citizens that have petitioned for an effective judicial protection, or if they are not interested in learning from multiple sides about the traumatic events of recent Cuban history; then, that reflects a great impunity sanctioned by the state, and could, therefore, never have an objective vision of the fulfilment of human rights here.

Whoever has the responsibility of succeeding Mrs. Federica Mogherini at the forefront of the bloc's foreign policy will inherit a very complacent way of acting with respect to the Cuban regime, to the point of accepting that it imposes its peculiar interpretation of human rights on its relations with the EU, contrary to what is accepted by that bloc and by most countries with the aggravating fact that the regime defends that position without ever allowing the people whom it claims to represent give their opinion on this issue. Since 1959 until today it has lacked mechanisms to express its will unequivocally and under the supervision of international observers.

The PDCA defined a framework to support the reform process in Cuba. What transcendent political reforms have been in Cuba since December 2016 to date? None. What has happened since then that has benefited Cubans politically and favoured their empowerment? Nothing. If any Euro-deputy has any doubt about the answers to these questions, he or she just has to read the text of the new Carta Magna (Constitution) to verify that, far from supporting political aperture, the Castro regime consolidates its vocation for continuity.

There are still five countries that have not ratified the PDCA. Those are Ireland, Italy, Lithuania, The Netherlands and Sweden. It would be a huge political incongruence to do so while the actual conditions are maintained.

It is true that the path to confrontation does not bear good results, but a dialogue where the Cuban people's elemental rights are excluded in perpetuity constitutes an execrable position and even more so coming from Europe.

In that dialogue the European Union must clearly express that human rights cannot be applied or interpreted according to the regime's political convenience, as it is established in the 30th article of the Universal Declaration of Human Rights: "Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein."

I have no doubt that someday there will be a democracy in Cuba, and then, the people would act against those that instead of supporting their claim to obey their human rights, turned a deaf ear upon the Castro regime's impunity.

The EU has the opportunity to demonstrate, once and for all, if its policies are inclined to obeying economic interests or to the noble ideals that it has committed to in multiple international judicial instruments.

Roberto Jesús Quiñones Haces, independent journalist



WALKIS GONZÁLEZ VALDÉS

Walkis González Valdés has a degree in sociocultural studies, with an emphasis in cultural anthropology and Cuban religion. He is a professor of scientific research methodology and Cuban music history. He has a postgraduate degree in linguistic anthropology, religious anthropology, and suburban anthropology. He is a public relations specialist for events and cultural promotion, with a business in the field of gastronomic services. Currently, he is the Director of PROPIO organisation and the Assistant Executive Director of DemoCuba.

CUBAN CIVIL SOCIETY NEEDS ASSISTANCE

Currently, the social and economic problems in Cuba are escalating; the Cuban population continues to be destined to suffer the profound impacts of rigid politics based on an historic conflict between the island and the United States, which harms the island population the most.

Cuba is limited to not being able to comply with the payment terms agreed upon on the international stage; there is an acute fuel crisis which is directly reflected in transportation and in food supplies, in production, distribution, and even manufacture for family consumption. To name just one example of the aforementioned, the sale of liquefied gas, a product used for home cooking and which could be freely acquired until this past July, has been regulated within 60 days, which has resulted in a very negative impact on the population. It is important to emphasise that the numerous

reorganisations that are carried out within the country without timely feasibility studies do not permit any economic processes that are beneficial for the population to be stabilised.

“We need direct support for civil society organisations that contribute to the Cuban people’s socioeconomic development using positive approaches and novel ideas.”

Along these lines, and with regard to everything related to the contribution made toward the development of social projects for the purpose of supporting vulnerable groups in Cuban society, as well as towards cultural projects on the part of the European Union, it is good for it to know, that we need support beyond that provided by state institutions or local authorities, we need direct support for civil society

organisations that contribute to the Cuban people’s socioeconomic development using positive approaches and novel ideas without increasing food prices, which is something that has been happening in the wake of falling investments in state infrastructures.

We need to promote spaces for the exchange of knowledge, to promote evolution in Cuba’s social thinking and transformations from the inside out, which requires cognitive, financial, and communications support, the harnessing and proper use of technology, and the generation of safety protocols, all of which can be achieved through greater receptiveness in exchanges with the UE’s Member States. Knowing and sharing successful experiences with relevant organisations and labour and union rights promoters from various regions in the UE with a good work trajectory in the fields of human rights and democracy is all very important to us, as well as participating in training courses on democratic processes to identify, educate, and provide follow-up on social leaders, emphasising the non-state sector in Cuba, as well as the union leaders censured by the administrative and directive apparatus of Cuban state companies.

It is very important to support the request that the Cuban government acknowledge those organisations that promote social responsibility so that truth and transparency can become vehicles to carry the desires of what Cuban society really wants, which is a far cry from lies, promises, and stagnation in the socioeconomic order and in matters of politics. It involves working

in greater depth with people, providing truthful information, ensuring and establishing efficient channels of communication to elevate the release and sharing of information, according to our purposes and, for that reason, we need technological support, to increase citizen participation and promote democratic change. We also wish to examine new and renewed relationships with organisations of an international nature to work on volunteer education, with a greater level of exchange with worldwide volunteers, particularly in Europe, and through joint encounters and assessments.

On the other hand, it is very appropriate to state what we can do from the Cuban non-state sector, from self-employment and from civil society through capacity development, offering tools and undertaking research studies that allow us to promote labour rights in this important sector, which is already representative in society and is increasingly influential in the Cuban economy. It should be noted that self-employment does not have enough support to provide services when the use of raw materials or supplies to provide these services with a higher level of quality is not ensured, and that even so it has greater requirements and quality compared to those required by state mechanisms.

It is essential that we develop based on each person's thinking, from the contribution of creativity, that provides the truth about who we are, what we really want, and where we want to go, based on principles of participative democracy, generating knowledge to progress toward a model of competitive and developmental employment, based on technical-professional qualifications that seek to elevate quality of life at work, social justice, and respect for human dignity, in a setting of sustainable growth. The European Union has numerous experiences that it can share and promote on the island, such as the events that are promoted and carried out at embassies in the country, but with concrete action and follow-up plans with Cuban civil society organisations and without mediating authorities.

We contribute to the efficiency of the work done in the non-state sector and the use of available resources, as well as the utilisation of natural setting spaces, on the basis of respect, when a private business is established, but especially taking into account the care and maintenance of natural preservation areas, of cultural patrimony in cities, towns, and rural communities, and promoting care for the environment in order to ensure development sustainability and not affect future generations' capacity to fulfil their own needs. These are things that we do and we could continue to examine these matters in greater depth if we were recognised as organisations driving social change.

We develop social liability projects, primarily in work involving youth and working women, emphasising the importance of youth to be involved as agents of change and transformation in their society.

We contribute to the study of changes and trends in self-employment, as well as the development of capacities and skills, the strengthening of union organisations, labour and organisational renewal, and the strengthening of general workers, as a consequence of the Cuban economy's change and transformation process and that of the productive forces, allowing for the construction of democratic labour relations, and providing management and planning tools for greater possibilities of success when organising and defending the labour rights of the country's worker movements. This process allows for representational capacity to be improved, for services to be improved, for the number of volunteers to be increased, and for the presence of women in the labour structures to be improved.

Walkis González Valdés



YANELIS RAMÍREZ CRUZ

Yanelis Ramírez Cruz was born in Holguin, Cuba, in 1980. She is an independent lawyer who could not practice her profession. Since 2010, she works for the Cuban Law Association providing advice and training to Cuban civil society regarding human rights violations.

THE FREEDOM TO PRACTICE LAW IN CUBA

Law is one of the oldest professions in the world, because regulation of conduct has been critical for the harmonisation and proper channels of human relationships. Conflicts and questionable conduct have required the presence of professionals that defend and advise people in need of judicial services. This is the key to the importance of law, as a profession, because the rights in play throughout history have been mainly three: life, liberty and property.

“It is difficult to write this, but it is true. In Cuba there is no freedom to practice law or to be an attorney.”

It is difficult to write this, but it is true. In Cuba there is no freedom to practice law or to be an attorney. To explain this, I must describe how the Cuban system works in regard to legal representation.

The procedural law for penal, civil, administrative, labour or economic matters has the prerequisite of having a licensed attorney to represent any person, either natural or judicial. Secondly, and more importantly, is that the attorney has to be a member of the National Association of Collective Law Offices. This membership is accredited in court with a contract of representation.

However, it is important to highlight, that not all attorneys can belong to the National Association. And an attorney that does not belong to it cannot represent anyone in court. Cuban citizens facing legal problems have to request a lawyer at this association, and the attorney there defends the interest of the State more than those of the client's.

With this explanation, we can understand that it is very difficult to defend the rights of civil society in Cuba, if the people who can defend them in court are defending the interests of the State.

An attorney that cannot or does not want to be part of this organisation will be limited in the exercise of its profession, and in the defence of civil society. An attorney cannot, and under any reason, work independently or with a group or organisation outside the one prescribed by the law, to defend and represent before any instances a person of independent Cuban civil society.

We must also underline that civil society members do not have the right to an attorney, when they are detained by the National Police or State Security Forces.

Based on this, it can be established that Cuban civil society is in a vulnerable situation in respect to their rights, if at the moment that a human rights violation takes place, they must seek for an attorney at an organisation that represents the interests of the State and theirs.

A lawyer that cannot or does not want to belong to the National Association, will be limited in its exercise of the law, and in the defence of people's rights.

It is an established legal principle that people have the right to an attorney at the moment of arrest or to resolve any legal matter.

To exercise law constitutes a social service, hence the State must guarantee that lawyers can choose the best way to represent the citizens and achieve justice.

The attorney-client relation ought to be of mutual trust. An attorney can only take a case if hired by the client, or at the request of an attorney that represents the client, or by a court order. The attorney must check the identity and capacity of the person requesting legal services. The attorney must identify him or herself to the client, even if a third party is involved when providing the service. The attorney must also identify him or herself if the consultation is by phone or through a computer network. They must also inform the client what firm they work for.

We cannot do this in Cuba.

An attorney is free to accept or reject the matter or request of service, without justifying the decision. The attorney can abstain or cease services when there are discrepancies with the client. That must always be done when circumstances can affect the freedom and independence of the defence, or the obligation of attorney-client privilege. We cannot do this in Cuba.

An attorney that ceases services on a matter ought to take necessary action to avoid the client's lack of defence. When it is a defence appointed by a court, the acceptance, rejection, abstention or cessation must take place according to norms of pro bono justice and these types of designations. We cannot do this in Cuba.

An attorney ought not to accept to represent or take part on a legal matter, when that would amount to a conflict of interests. But the attorney can intervene in the interest of all parties in the role of mediator, or in the preparation of documents of a contractual nature, while maintaining strict and precise objectivity. We cannot do this in Cuba.

An attorney should not accept professional tasks that imply acting against a prior client, when there is a risk of confidential information from the prior attorney-client privilege could be inappropriately used or is being used to benefit the new client. We cannot do this in Cuba.

An attorney must also refrain from a matter that affects a set of clients, when there is a conflict of interest among them, when there is a risk of violating attorney-client confidentiality, or when his or her freedom and independence can be hindered. We cannot do this in Cuba.

When a group of attorneys form or collaborate in the same office, regardless of the legal association used, norms shall be applied to the group as a whole, and to all and every member. We cannot do this in Cuba.

An attorney will not accept any matter if it is above his or her competency level, unless another is able attorney in providing assistance. We cannot do this in Cuba.

An attorney has the obligation to tell the client, even in writing, when requested to do so, his or her opinion on the potential results of the case. We cannot do this in Cuba.

It is important for the European Union to make efforts to foment in Cuba the freedom to practice law, and that Cuban civil society have the right to choose its attorney in cases that need representation, as well as for lawyers to have the right to do the things that I described in this document and that are currently prohibited in Cuba.

Yanelis Ramírez Cruz, Cuban Law Association

OPEN LETTER TO THE EUROPEAN UNION

The European democracies thought that the PDCA was a step forward for EU-Cuba relations. And, in fact, it was in the sense that of the 28 countries, those represented in Havana, until that time had had no contact with the Cuban authorities. But, on the other hand, it meant a small injection of oxygen for the depressed economy of the island and the international recognition of the dictatorial government.

However, the approval at the beginning of the year of the new Cuban Constitution must have eliminated the hope that this cooperation would push towards a change in the country. With this, it would remain only for Europeans the possibility of accepting Federica Mogherini's idea that Cuba is a one-party democracy.

More important is the fact that in the information emanating from the first meeting of the Joint Committee, there was no mention of human rights; although at the moment, with the use of the Internet, there was more than enough evidence of the way in which the rights of the people of Cuba are constantly violated, and how the police mistreats people.

The fact that no European official who visits Cuba meets with dissidents, and that civil society members were not invited to participate in the preparation of the Agreement, and neither the EU nor much less the dictatorship allowed independent journalists to attend press conferences at the end

“The Member States of the European Union need to wake up, and stop the support to one of the dictatorships that has damaged the most, and continues to do so.”

of bilateral meetings, implies that, in order to please the regime, those who have been working on the Agreement have ignored the presence of people who have suffered imprisonment for political reasons – a category that the regime does not acknowledge – and of others who are still in prison.

The Member States of the European Union need to wake up, and stop the support to one of the dictatorships that has damaged the most, and continues to do so – in several countries – with its expansionist policy of making people surrender.

There are currently four EU members who have not ratified the Agreement, so there would be an opportunity for the European Parliament to review it.

While it is true that the geographical proximity, the shared history and the family ties due to the number of Cubans living in the United States of America, make Cuba's relationship with this country more important than the links it has with the European Union, withdrawing the support that this bloc gives to the dictatorship, in these difficult moments of transition of command, would help the restoration of democracy much more.

Havana, September 4, 2019

Signatories: Guillermo Fariñas Hernandez, Ivan Hernandez Carrillo, Jorge Bello Dominguez, Jorge Olivera Castillo, Kirenia Yalit Nuñez, Lazara Ayllon Reyes, Martha Beatriz Roque Cabello, Nancy Alfaya Hernandez, Santiago Emilio Marquez Frias, Tania de la Torre Montecino and Yuleidy Lopez Gonzalez

THE EU-CUBA RELATIONS

TIMELINE

1988

- Cuba and the EU establish diplomatic relations.

2002

- The European Parliament awards the Sakharov Prize for Freedom of Thought to Cuban human rights defender and founder of the Varela Project, Oswaldo Payá.

2003

- The EU opens representation office in Havana.
- The EU takes diplomatic measures against Cuba (the so-called 'Cocktail wars') after the Cuban government's decision to imprison 75 dissidents, journalists and human rights defenders, and to executed three people.
- Fidel Castro rejects any political dialogue with and humanitarian aid from the EU.

2010

- The European Parliament awards the Sakharov Prize for Freedom of Thought to Cuban political dissident, journalist and human rights activist, Guillermo Fariñas.

2012

- The EU Ministers of Foreign Affairs authorise Catherine Ashton to pursue a possible Agreement with Cuba.

2016

- The EU Council formally repeals the Common Position on Cuba.
- The EU and Cuba sign the Political Dialogue and Cooperation Agreement (PDCA).
- In its annual Report on Human Rights and Democracy in the World (2016), The EU states that: "Cuba is a one-party democracy, in which elections take place at municipal, provincial and national level".

2017

- The European Parliament approves the PDCA with Cuba.
- The PDCA starts to be applied on a provisional basis.
- The European Parliament adopts a Resolution stressing the importance of the EU-Cuba human rights dialogue, and encourages both parties to guarantee the active participation of all civil society and opposition political actors, without restrictions, in the political dialogue.

1996

- The EU sets an anti-boycott Regulation to prevent European companies from being affected by the Helms-Burton Act.
- The EU Common Position on Cuba is adopted. Its main objective is “to encourage transition to pluralist democracy and respect for human rights and fundamental freedoms, as well as a sustainable recovery and improvement in the living standards of the Cuban people.”

1997

- The EU and the US reach an agreement to suspend the application of the Helms-Burton Act on European companies.

2005

- Cuba normalises its diplomatic relations with the EU, and the measures against the Cuban government are suspended, putting an end to the Cocktail wars.
- The European Parliament awards the Sakharov Prize for Freedom of Thought to the Cuban human rights defenders the Damas de Blanco (Ladies in White).

2008

- The EU and Cuba resume their development cooperation, and agree to pursue a ‘comprehensive and open political dialogue’.

2013

- The European Parliament calls on the EEAS and the HR/VP to promote an international and independent committee of inquiry to investigate the deaths of human rights defenders and dissidents Oswaldo Payá and Harold Cepero that took place in July 2012.

2014

- The EU and Cuba agree to start negotiations on a political dialogue and cooperation agreement.
- The first round of the negotiations takes place in Havana, establishing the ‘roadmap’ for the negotiations.

2019

- Civil Rights Defenders invites Cuban independent civil society actors to contribute with policy papers on how the EU should work towards Cuba, with the purpose of requesting that the EU includes Cuban independent civil society in the implementation of the PDCA.
- 391 Cuban human rights defenders write an open letter to the Swedish government providing a series of recommendations regarding the implementation of the PDCA, and requesting the inclusion and participation of independent civil society within the PDCA human rights dialogue.
- The European Parliament adopts a Resolution on Cuba regarding the case of José Daniel Ferrer, reiterating that the PDCA includes a provision for the suspension of the Agreement which should be applied in the event of a violation of the provisions on human rights; and urging the EU to follow up and monitor the human rights situation in the country, as well as to establish a formal, open and public dialogue with the truly independent civil society.
- 27 out of 28 Member States have ratified the PDCA. Only Lithuania refuses to do it.

THE ROLE OF CUBAN CIVIL SOCIETY AND THE PDCA

One of the main purposes of the PDCA is to promote and establish a “dialogue and cooperation involving all relevant stakeholders, including, where appropriate, regional and local government, civil society and the private sector ...”¹ However, since the signing of the Agreement in 2016, and during its implementation, independent civil society has been excluded from the dialogues and the cooperation between the parties to the Agreement.

This exclusion has been particularly obvious during the human rights dialogues within the framework of the PDCA. The human rights dialogues constitute a space for the exchange of ideas and best practices regarding human rights, and also provide training or technical cooperation addressing specific issues. However, the Cuban government has prevented members and organisations of both the Cuban and European civil societies, who are not in line with the interests of the government, from participating in these dialogues. This has also allowed for the continuation of the human rights violations by the Cuban government against civil society, without the EU denouncing it.

The exclusion of civil society from the dialogues and the relations between the EU and Cuba, was recently rejected by the European Parliament in a Resolution on November 28th, 2019, which states that it,

Regrets the fact that several European and Cuban civil society organisations were denied the possibility of participating in civil society dialogue, within the broader Human Rights Dialogue of the EU-Cuba PDCA that took place on 2 October 2019 as a result of the Cuban Government’s refusal to grant them approval (...)²

Accordingly, the European Parliament called for

an institutionalised, formal, open and public dialogue with truly independent civil society to be established with the EU and Cuba, similar to those in place with other countries with which the EU has cooperation agreements.³

Therefore, in accordance with the provisions of the PDCA, and those established in the Resolution, neither the EU Member States nor the European Parliament should keep allowing the exclusion of Cuban independent civil society from the relations between the EU and Cuba.

1. Council of the European Union, ‘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’ Brussels, 25 November 2016.

2. European Parliament (n.1) 10

3. *Ibid.*

PROPOSALS AND RECOMMENDATIONS OF CUBAN CIVIL SOCIETY

Listed below are some of the proposals and recommendations to the European Union from the letters in this report. The letters were sent by organisations, activists, opposition groups, journalists, human rights defenders, artists, among others, as replies to the call for papers made by Civil Rights Defenders in July 2019 (see Annex).

However, it is important to clarify that not all proposals and recommendations from the texts are included below; only those mentioned in several of the texts. Some of the proposals or recommendations might also contradict each other, and some of the authors might not necessarily agree with all of them. The variety and creativity of the proposals demonstrate the diversity and plurality of the Cuban civil society. The core idea they all have in common though, is that independent civil society in Cuba should be recognised as a key actor within the relationship between Cuba and the European Union.

Accordingly, the European Union and its member states should:

1. Condition the PDCA to ensure effective respect, protection and safeguarding of human rights in Cuba, and
 - 1.1. recognise and include individuals, independent organisations and associations that work on the protection and defence of human rights in Cuba, within the dialogues;
 - 1.2. demand that Cuba puts an end to the harassments, threats, arbitrary detentions, and criminalisation of human rights defenders and individuals of independent civil society;
 - 1.3. request that Cuba ratifies the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights;
 - 1.4. request Cuba to release all political prisoners;
 - 1.5. support and encourage the harmonisation of the national law with norms and principles of international law;
 - 1.6. support and facilitate the establishment of a permanent human rights Commission to follow and monitor human rights violations in Cuba;
 - 1.7. contribute to the production of annual reports regarding human rights, and the steps taken by the Cuban government to improve the human rights situation in the country;
 - 1.8. investigate and denounce the systematic human rights violations, and impose the corresponding sanctions in accordance with the provisions of the PDCA;
 - 1.9. promote and contribute to the adoption of legal reforms for the protection of human rights in Cuba, mainly guaranteeing the safeguard of the rights to freedom of press, opinion, expression, association, and the right to political participation;
2. Support and contribute to a process of transition to a participatory and multiparty democracy, guaranteeing the rights of all Cuban citizens to vote and to participate in elections, in accordance with the international treaties to which Cuba is party, and to the provisions contained in articles 1.5, 1.6 and Title II of the PDCA, by:
 - 2.1. promoting laws and agreements that would provide the establishment of political parties and associations;
 - 2.2. supporting the holding of a binding referendum in Cuba for the transition to democracy;
 - 2.3. requiring that all electoral processes fulfil the legal conditions for holding fair and free democratic elections;

- 2.4. carrying out election observation missions in Cuba;
- 2.5. taking all necessary measures to demand that the Cuban government adopts concrete steps towards democratisation;
3. Enable and increase opportunities for cooperation with independent civil society for social and economic development, through the:
 - 3.1. establishment of cooperation agreements and financial support for Cuban civil society;
 - 3.2. promotion and development of community-based projects to benefit the most vulnerable segments of the population;
 - 3.3. development of training and exchange programmes in areas such as law, communications, peace and democracy, technology and education, among others, emphasising participation of the civil society;
 - 3.4. establishment of relations with the Biliotecas Independientes project, in order to import books and audio-visual materials that currently is prohibited or censored in Cuba;
 - 3.5. protection and safeguarding of the right to access to information;
 - 3.6. support and promotion of the economic and social opening of the country, and a reform of the current law on Foreign Investments, in order for Cuban citizens to be able to invest in their own country, and to contribute to the progressive development of the private sector;
4. Monitor the state entities responsible for complying with the Agreement, as well as those responsible for the economic and financial support by carrying out evaluations on their social impact; and
5. Suspend the PDCA until the Cuban government has taken effective measures to respect and guarantee human rights and democracy in Cuba.

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ANNEX: CIVIL RIGHTS DEFENDERS CALL FOR TEXTS ON THE POLICY OF THE EUROPEAN UNION TOWARDS CUBA

Stockholm, 2019-07-12

During the last couple of years Civil Rights Defenders has worked actively together with several groups of Cuban human rights defenders to promote their agenda for human rights and democracy in Cuba within the European Union institutions. We have published reports and articles, and organised meetings and seminars. Many of the people we have met and talked to within the EU institutions will however not continue working in the same positions the coming years, as the EU is in the middle of electing a new Commission, with a new High Representative for Foreign Affairs, and the European Parliament is electing new Committees and Delegations.

We are therefore inviting all Cuban civil society organisations to contribute with policy papers on how the EU should work towards Cuba the coming years. The papers should be in Spanish, and must contain a maximum of 1,500 words. The texts should be sent to Civil Rights Defenders at latin@crd.org before August 31st.

For more information about the project, please visit www.crd.org

“In that diversity that represents the true Cuban civil society, we find the human rights movement and the peaceful political opponents that fight so all Cubans can have civil and political rights; so that Cuba be democratised, and so that the opinions of all its citizens can be heard and considered within a space of tolerance (...)

Supporting with concrete actions to organisations such as these ones would not only provide tangible benefits in the lives of Cubans, but also, will contribute to enhance and strengthen the presence and leadership of independent civil society, and of those who represent it.”

*Roberto Jesús Quiñones Haces,
Lawyer and independent journalist sentenced to one year in prison.*

We ask the EU to:

1. Establish a formal and open dialogue with Cuban independent civil society within the framework of the EU relations with Cuba;
2. Create cooperation mechanisms between the EU and the Cuban independent civil society; and to
3. Investigate and denounce the systematic human rights violations in Cuba.