

# **CUBAN HUMAN RIGHTS DEFENDERS: “NO IMPROVEMENTS SINCE AGREEMENT WITH THE EU”**

Results from a survey with 110 Cuban Human Rights Defenders on how the human rights situation has evolved since the Political Dialogue and Cooperation agreement between Cuba and the European Union was signed in 2016, and what the European Union should do now.

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## THE SURVEY

In September 2020, Civil Rights Defenders sent a survey to a group of Cuban human rights defenders to find out how they see the human rights situation in the country evolving since the EU and Cuba signed the Political Dialogue and Cooperation Agreement in late 2016.

## RESULTS

This report includes the answers and analyses of in total 108 Cuban individuals, of which 48 men and 22 women live in Cuba, and 31 men and 9 women outside of the country. (Table 1)

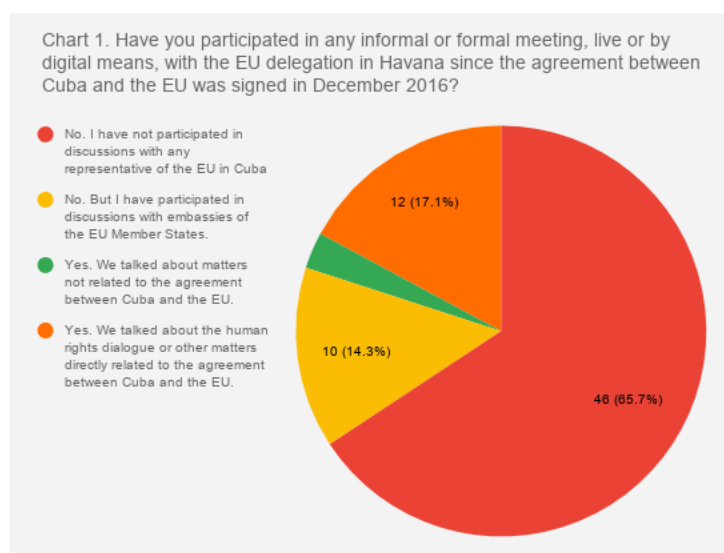
Several important and clear patterns emerge from the survey and are analysed below.

### 1. ALMOST EVERYONE WOULD LIKE TO BE PART OF THE DIALOGUE, BUT ONLY A FEW HAVE BEEN ABLE TO ENGAGE

The first result is that just about all the respondents, 68 out of the 70 living in Cuba, would be willing to participate in an open and formal dialogue with the EU delegation in Havana on the human rights situation in the country.

The willingness among the respondents outside Cuba to participate in dialogue is also strong, as 33 out of 40 respondents are interested. (Table 2)

Out of the respondents based in Cuba, 12 have thus far participated in discussions with the EU on the agreement, another 12 have met with the EU representatives or member states embassies in Havana discussing other issues. 46 respondents have, however, never had relations with representatives of the EU in Cuba. (Chart 1, Table 3)



## **2. THE HUMAN RIGHTS SITUATION IS DETERIORATING**

When asked about how the general human rights situation in the country has evolved since the signing of the EU agreement in 2016, just about everybody responded that the situation has deteriorated. (Table 4)

The reasons for the deterioration of the human rights situation, according to the respondents vary. They point out the government's ambition to curb protests and limit economic independence, the new legal provisions for restricting freedom of speech, and the impunity nationally as well as internationally of those responsible for human rights violations. These examples of responses represent reasonably well the general picture:

*The human rights situation on the island has worsened, with an increasing number of arbitrary detentions carried out by the regime to prevent peaceful demonstrations or the exercise of journalism.*

**Vladimir Turró Páez**

*The government continues to adopt laws and practices that restrict fundamental rights; there are no mechanisms for the protection and defence of these rights.*

**Laritza Diversent**

*There have been many general seizures throughout the country, backed by the crime of "Illicit Economic Activity", which is one more way to prevent the development of the self-employed sector to which I belong.*

**Walkis González Valdés**

*They limit our freedom of expression, demonstration, religion, among many other freedoms that we need to create a better Cuba. They repress people and hold them responsible for the current situation. While the people suffer hunger and need, the government hides behind a blockade by the United States to justify its ineffectiveness to lift and oxygenate the country's economy. The blockade is their own, against a people that are crying.*

**Dayixys Ávila Herrera**

*LGTBI, feminist, anti-racist and animal rights activism, has been included among the objects of persecution with much more intensity [...] In times of the epidemic, we have seen a worsening of the situation of poor people who are persecuted for the activities they carry out to get money. The persecution of the so-called "culeros" – people that stand in line for money – is the greatest expression of this.*

**Boris González Arenas**

*The continuous repression by the Cuban authorities of civil society activists, the peaceful opposition, human rights defenders, and anyone who thinks, speaks or manifests himself differently from the doctrines of the Cuban Revolution.*

**Maydolis González Blanco**

*The arrival of the pandemic and the associated shortages of food, medicine and other necessities generate great dissatisfaction that can be seen on social networks. In fear of losing control, the regime instils fear by hefty fines, beatings, expropriation of property, imprisonment, and many other actions for the sole purpose of paralysing citizen action.*

**Alejandro Tur Valladares**

*The COVID-19 pandemic has increased the impunity of the authorities against economic, civil, cultural and political dissenters. The Cuban government is committed to the militarization of society and repression, by not providing food, medicines, cleaning and hygiene products and transportation, as a way to combat the pandemic.*

**Marlene Azor Hernández**

*It has implemented international harassment strategies, video clips created by the security services with sexist, racist and homophobic language to discredit opponents and activists, and has resorted to hacking accounts to make public the intimate content of human rights defenders.*

**José Raúl Gallego Ramos**

*In Cuba, no person acts entirely according to the law in their daily routines. It is impossible as the system itself is a legal aberration. Not even the state itself and its officials can stay within the laws. So it is very easy for the system to make life difficult, if not impossible, for any critical actor.*

**Alexey González Bello**

*The promulgation of several Decree Laws such as 340 and 370 have seriously curtailed the rights to free expression and access to information of Cuban citizens.*

**Yoani Sanchez**

*I believe it has worsened because the EU relaxed its foreign policy regarding human rights in Cuba. This has allowed the government to act with greater impunity since they do not experience any other external pressure than the one from the United States.*

**Eduardo Clavel Rizo**

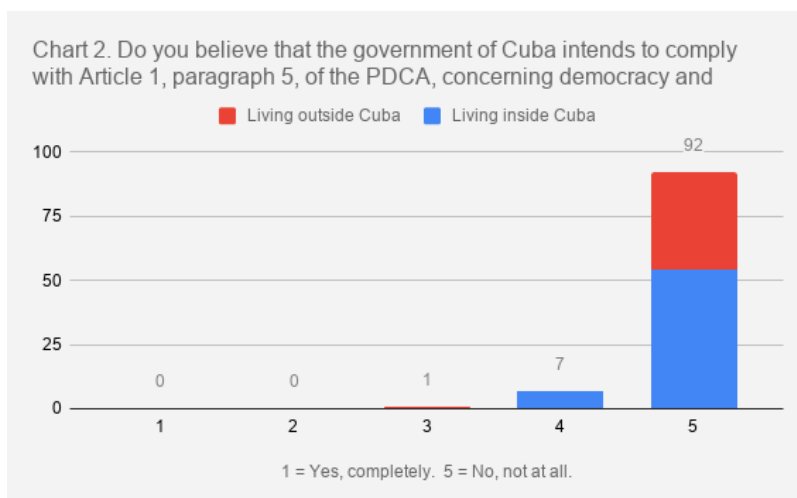
### **3. CUBA IS NOT COMPLYING WITH THE POLITICAL DIALOGUE AND COOPERATION AGREEMENT**

The Political Dialogue and Cooperation Agreement includes several articles addressing human rights. Article 1:5 can be considered the most important one as it defines respect for human rights as an “essential element” of the agreement:

“Respect for and the promotion of democratic principles, respect for all human rights and fundamental freedoms as laid down in the Universal Declaration of Human Rights and in the core international human rights instruments and their optional protocols which are applicable to the Parties, and respect for the rule of law constitute an essential element of this Agreement.”

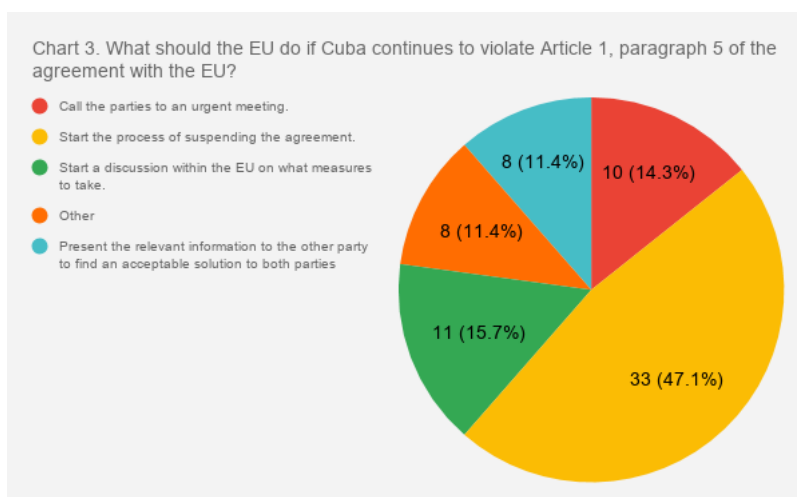
When the respondents were given the possibility to read the article in the survey, their conclusions were very clear. One hundred per cent of the respondents living in Cuba considered that *Cuba is not complying* with the article. (Table 5)

When asked if the Cuban government had *the intention to comply* with the article on a scale from 1 to 5 – 1 representing “yes completely” and 5 “Not at all” – 92 per cent responded 5. (Chart 2. Table 6)



#### 4. THE EU NEEDS TO ACT

The respondents were then asked to choose between different options on what a party could do if the other party breached an “essential element” of the agreement (Article 85:1-4). The answers were evenly distributed between *call the parties to an urgent meeting*, *start a discussion within the EU on what measures to take* and *present the relevant information to the other party to find an acceptable solution to both parties*. The only answer that stood out was that 33 respondents out of 70 inside Cuba said that the EU should *start the process to suspend the agreement*. (Chart 3, Table 7)



Those who responded *Otro – Other* – got the opportunity to describe what other measures the EU should take. The answers ranged from clarifying the conditions to the Cuban government before initiating a suspension process, to adopting sanctions right away. Nobody answered that the EU should continue implementing the agreement as if nothing had happened. These are some of the responses:

*The EU must close all financing channels and sanction all those people or entities that do business with or have other types of relations in Cuba that only benefit or strengthen the leadership or the kleptocracy that governs the country.*

**Alejandro Clavel Duran**

*Suspend the agreement and pressure the Cuban dictatorship both economically and politically to respect human rights and begin the transition to democracy*

**Camila Acosta Rodriguez**

*Sue and sanction the government of Cuba for violating all the rights of the people.*

**Kety Mendez Molina**

*[The EU] should also sit down with members of the internal opposition and get to know their opinions first-hand. Generally, the Cuban government labels us as counterrevolutionaries paid by foreign powers and does not recognise us as an opposition. It is necessary that the EU listens to and recognises us.*

**Abdel Legra Pacheco**

*Denounce internationally by presenting real evidence [of the human rights violations] so as not to delegitimise the process. Talk with people in Cuba to get first-hand information about the problems, and bear in mind that the PCC [Communist Party of Cuba] and the UJC [Union of Young Communists] barely reach 3 million members. There are almost 9 million Cubans who are not represented, thus becoming inhabitants instead of citizens. Another thing that the EU could do is to support proposals from the island that entail or promote change and improvement of the political, social and economic situation, as long as these proposals seek real progress for the people. By supporting this, the EU allows unofficial proposals to reach the Cuban dinner table and can be discussed among Cubans.*

**Raul Prado**

- *In Europe, by not allowing oneself to play the game of concealment and secrecy of the Cuban government. No democratic society should let itself to do that. The conversations, the agreements and the expectations should be transparent.*
- *From the diplomatic delegations in Havana, promote contacts with and support to the civil society and the opposition. Since the change in the policy of the Obama administration known as “the thawing” these contacts have been minimised, as well as financial assistance to any kind project, cultural, social, political, communal, etc. Recognising and supporting Cuban civil society can earn the EU prestige in defence of human rights as well as many friends in a future democratic Cuba. The EU could promote programs for members of civil society to visit Europe for academic training, scholarships, cultural exchanges, etc.*
- *Europe, as a bloc, could seek a consensus with Washington on the policy towards Cuba, as the US position is very hard, but Europe’s very soft. Potential coordination (if possible including other Western nations) could create a front with real weight.*
- *Work more closely with Human Rights organisations outside the European sphere, the Inter-American Commission on Human Rights, and the Human Rights observatories that serve Cuba (of a more independent type). Make this type of exchange visible to confirm the denunciations of the different human rights violations, and organise visits of diplomatic delegations to the organisations or individuals who suffer harassment. This would turn them into a kind of “ombudsman” focusing on totalitarian regimes.*

**Michel Matos Alonso**

*The most important thing is that the EU renounces considering Cuba “a one-party democracy”, and opens a public dialogue with the Cuban civil society and opposition. If the*

*government does not accept this kind of dialogue, then the option of “start the process of suspending the agreement” would apply.*

**Reinaldo Marcial Escobar Casas**

*I would use all options to try to save the agreement. I would present Cuba with detailed information on all the violations that are committed against members of the independent civil society within the island systematically, warning that if it insists on such conduct, the process of suspending the agreement will start.*

**Alberto Fumero Batista**

*Initiate an economic blockade against Cuba as the one of the United States in order to end the Castro dictatorship once and for all. The Cuban dictators must leave power and free the people from the slavery they have lived under for almost 62 years.*

**Joel Padrón**

## **CONCLUSIONS**

This survey’s results lead to several possible conclusions.

A first conclusion is that although the respondents were not chosen by random selection, they represent a significant number of the organisations in the Cuban independent civil society. As there is a strong consensus among the respondents that the human rights situation in Cuba has deteriorated since the Political Dialogue and Cooperation Agreement with the EU was signed, it would be difficult to find any considerable number of civil society actors that believe the EU has had any positive effect on the situation.

For the same reason, it will be difficult to find actors believing that the Cuban government is complying with the agreement’s most critical human rights clause, or has any intention to do so.

Therefore, it does not make sense for the EU to try to convince actors in the independent civil society that the EU’s strategy and efforts this far – based around the human rights dialogue with the Cuban government – are working or will work in the future. If the EU is to get any backing of its efforts from human rights defenders, democracy activists and actors within the independent civil society, a condition for having a real impact on human rights and democracy in the country, it will need to have a continuous and open discussion with civil society on how to work together for change.

A second conclusion is that the EU has all the possibilities to create an extensive network of Cuban human rights defenders inside and outside of the island that is willing to participate in an open and formal dialogue. Only among the respondents of the survey, there are 68 activists in Cuba and 32 outside that are willing to engage with the EU. More than two-thirds of them have never had any relationship or interaction with EU officials before.

It is also clear that the respondents have different opinions on what the EU should do. Some favour a more engaging approach with the Cuban government saying that the EU should start by presenting to the authorities all the available information on the human rights situation, others prefer a more hard-line approach initiating the suspension of the agreement right away. This difference in strategy is not a weakness or evidence of polarisation but simply derives from the fact that civil society is broad and that actors come to different conclusions just



because they think differently. There are good arguments on all sides, and the EU's strategy would benefit if it permitted itself to have a constructive discussion with actors with different positions.

A third conclusion is that if the EU does not change strategy and starts including the civil society formally in its relations and demands that the Cuban government respects the Agreement, it will lose credibility as a relevant partner for the independent civil society and as a force for good in Cuba. That would decrease the EU's influence on the Cuban government, as backing from civil society is necessary if it is to achieve results when it comes to human rights.

## **OBJECTIVE AND BACKGROUND**

Our objective with this survey is to contribute to the understanding within the EU on how Cuban human rights defenders perceive the human rights situation, and what their positions are concerning the EU's policy on human rights in Cuba.

The survey is part of a long-term project within Civil Rights Defenders that aims at increasing the presence of Cuban and European civil society organisations in the formal relations between the EU and Cuba. Civil Rights Defenders started pursuing these objectives in 2014 demanding that both European and Cuban human rights organisations be part of the negotiation process between Cuba and the EU and since the agreement was signed in 2016, of the implementation process, for example by participating in the human rights dialogue.

Since 2014 we have organised many visits of Cuban human rights defenders to Brussels and published several reports, articles and statements together with Cuban organisations. Earlier this year we published a report called *Letters from Cuba to the EU*, which consisted of 30 letters from Cuban organisations and individuals on what the EU could do to foster human rights and democracy in the country. The report was presented at the European Parliament together with a delegation of Cuban Human rights defenders. In May 2020 we presented a survey compiling the views of 24 Cuban activists on how the Covid-19 pandemic had affected the human rights situation on the island to representatives of the European External Action Service, several Members of the European Parliament and the EU member states embassies in Havana.

## **METHODOLOGY**

The survey was initially sent to approximately 150 Cuban civil society activists that Civil Rights Defenders have been in contact with lately, inside Cuba and outside. They were also encouraged to distribute the link to the survey to other contacts of theirs in the independent civil society.

Between September 4 and 13, Civil Rights Defenders received 166 responses in total. However, as many of them did not respond with their full names and as we did not want participants that were not open with their positions, we sent two emails to the respondents asking them to confirm their participation in the survey by sending their full name.

The respondents were also informed on several occasions that their responses and names could be made public and that their contact information would be given to the EU delegation in



Havana to make a future discussion possible. In total, 110 of the initial respondents confirmed their participation in the survey with their names and email addresses.

## ANNEX 1: TABLES WITH RESULTS

**TABLE 1**

<i>Participantes confirmados</i>	Dentro de Cuba	Fuera de Cuba	Grand Total
Hombre	48	31	79
Mujer	22	9	31
<b>Grand Total</b>	<b>70</b>	<b>40</b>	<b>110</b>

**TABLE 2**

<i>¿Usted estaría dispuesto a participar en un diálogo abierto y formal sobre la situación de los derechos humanos en Cuba con la delegación de la Unión Europea en La Habana?</i>	Dentro de Cuba Total	Fuera de Cuba Total	Grand Total
No	2	7	9
Sí	68	33	101
<b>Grand Total</b>	<b>70</b>	<b>40</b>	<b>110</b>

**TABLE 3**

<i>¿Usted ha participado en algún encuentro informal o formal, en directo o por alguna vía digital, con la delegación de la UE en La Habana desde que se firmó el acuerdo entre Cuba y la UE en diciembre del 2016?</i>	Dentro de Cuba Total	Fuera de Cuba Total	Grand Total
No. No he participado en discusiones con ningún representante de la UE en Cuba	46	8	54
No. Pero sí he participado en discusiones con embajadas de Estados miembros de la UE.	10	1	11
No. Resido fuera de Cuba.		29	29
Sí. Hablamos sobre asuntos no relacionados al acuerdo entre Cuba y la UE.	2		2
Sí. Hablamos sobre el diálogo de DDHH u otro asunto relacionado directamente al acuerdo entre Cuba y la UE.	12	2	14
<b>Grand Total</b>	<b>70</b>	<b>40</b>	<b>110</b>

**TABLE 4**

<i>¿Usted considera que la situación de los derechos humanos en Cuba ha mejorado o empeorado desde que Cuba y la UE firmaron el acuerdo en diciembre 2016?</i>	Dentro de Cuba	Fuera de Cuba	Grand Total
La situación en general ha empeorado.	70	39	109
La situación en general ha mejorado.		1	1
<b>Grand Total</b>	<b>70</b>	<b>40</b>	<b>110</b>

**TABLE 5**

<i>¿Usted considera que Cuba está cumpliendo con el artículo 1, apartado 5 del ADPC?</i>	Dentro de Cuba Total	Fuera de Cuba Total	Grand Total
No.	70	38	108
Sí.		2	2
<b>Grand Total</b>	<b>70</b>	<b>40</b>	<b>110</b>

**TABLE 6**

<i>¿Usted considera que el gobierno de Cuba tiene la intención de cumplir con el artículo 1, apartado 5, del ADPC, sobre democracia y derechos humanos? 1 = Sí, totalmente. 5 = No, para nada.</i>	Dentro de Cuba Total	Fuera de Cuba Total	Grand Total
1	0	0	0
2	0	0	0
3	0	1	1
4	7	0	7
5	54	38	92

**TABLE 7**

<i>¿Qué debería hacer la UE si Cuba sigue incumpliendo el artículo 1, apartado 5?</i>	Dentro de Cuba Total	Fuera de Cuba Total	Grand Total
Convocar a las Partes a una reunión urgente.	10	1	11
Iniciar el proceso de suspensión del acuerdo.	33	23	56
Iniciar una discusión dentro de la UE sobre qué medidas adoptar.	11	5	16
Otro	8	10	18

Presentar toda la información pertinente necesaria para un examen detallado de la situación con el fin de hallar una solución aceptable para las Partes	8	1	9
<b>Grand Total</b>	<b>70</b>	<b>40</b>	<b>110</b>