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Brussels, Belgium

TO: Mr Eamon Gilmore; Mr. Josep Borrell;

Dear Mr Gilmore and Mr. Borrell,

We write to you regarding the most recent European Union (EU) - Cuba Civil Society Seminar that took place on 25 February 2021, as part of the EU-Cuba Human Rights Dialogue. The Civil Society Seminar was purported to be a step forward in EU-Cuba relations. It was communicated by the European External Action Service (EEAS) to human rights NGOs working on Cuba that a limited number of European and Cuban "civil society" organisations were going to jointly attend a Civil Society Seminar. However, as expected, this has not been the case as it transpired that **Cuban government-approved organisations** under the guise of "civil society" attended this most recent Seminar.

In our debriefing with the EEAS regarding the EU-Cuba Human Rights Dialogue and Civil Society Seminar which took place on 19 March 2021, the EEAS officials present described the Human Rights Dialogue's format and its outcomes, and touted the progress that was achieved in its diplomatic relations with the Republic of Cuba by highlighting how for the first time both European and Cuban civil society were able to meet and the Civil Society Seminar. Being conscious of the Republic of Cuba's traditional reticence to include civil society where necessary in its dialogues with the EU, we were informed that nine European and six Cuban "civil society organisations" attended the Seminar; however, **when the NGOs present requested clarification as to the status of the six Cuban organisations that attended, the EEAS conceded that they were not independent but government-dependent ones.**

This semantic oversight continues to cause alarm as according to the Glossary of Summaries in European Union Legislation (EUR-Lex), "*civil society refers to all forms of social action carried out by individuals or groups who are **neither connected to, nor managed by, the State***".¹

It is therefore of deep concern that what EEAS colleagues saw as a political advancement in the EU's dialogue with the Cuban government, is indeed **a reaffirmation of a permanent backsliding of standards in international and European human rights law.** It is disappointing and worrying to see a discrepancy between the EU's standards, the political obfuscation they incur, and the EEA reluctance to acknowledge this. Such an approach only allows violations of human rights in Cuba to continue unabated and, most unfortunately, it strengthens the repression the Cuban government exercises on individuals and organisations which are part of 'independent civil society'.

One of the main purposes of the Political Dialogue and Cooperation Agreement (PDCA) signed between the EU and Cuba in December 2016 is to establish a "dialogue and cooperation involving stakeholders, including, as appropriate, regional and local governments, civil society and the private sector...".² However, since the signing of the Agreement, and during its implementation, **'independent civil society' continues to be excluded** from dialogue and cooperation between the parties to the Agreement.

The exclusion of 'independent civil society' from the dialogues and relations between Cuba and the EU was recently rejected by the European Parliament in the Resolution of 28 November 2019, in which it stated that it **"regrets that several European and Cuban civil society organisations were denied the possibility to participate in the dialogue with civil society,** in the broader framework of the human rights dialogue of

¹ EUR-Lex, Glossary of summaries, [Glossary of summaries - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/glossary/)

² European Union, Political Dialogue and Cooperation Agreement between the European Union and its Member States, and the Republic of Cuba, Official Diary of the European Union L1 337/3, 13 December 2019.

the aforementioned Agreement between the European Union and Cuba" and also requested that, "a formal, open and public institutionalised dialogue with **truly independent civil society** be established between the European Union and Cuba, similar to those held with other countries with which the Union has cooperation agreements".³

It should also be said, however, that a positive part of the process was the interview the EU ambassador to Cuba, Alberto Navarro, gave to independent Cuban journalist Camila Acosta concerning the Human Rights Dialogue. This was the first time since the negotiations between Cuba and the EU started in 2014, that the EU publicly described its ambitions and ideas regarding the agreement to Cuban independent journalists in the country. Although this is a step forward, it was disturbing that the ambassador did not describe any human rights reforms he considered important for the Cuban government to implement and clearly stated that he does not consider Cuba as a dictatorship, an opinion that differs to the latest communications from the EEAS and EP.⁴

As a result, we urge the EU **to reform the structure of the Dialogue**, urging the Cuban government to accept '**civil society**', **which is independent by nature and by international legal standards**, as part of the Seminar's framework and communicate to the independent media in Cuba what it will bring up in the dialogue prior to the event, as well as describing its analysis of the dialogue afterwards. Another option is of course to **change the name of the "EU-Cuba Civil Society Seminar" so as not to mislead** interested parties on the nature of the dialogue itself and, as a consequence, on the wider relations between the European Union and the Republic of Cuba.

In the same vein, we warn that the communications reported by the EEAS cannot infer that in the political dialogue with Cuba that there have been multilateral meetings with Cuban civil society, since not only has civil society by definition not participated, but it has also been vetoed by the Cuban government. Such a fact must be reflected in such communications if the reality of the political dialogue is to be made transparent to all EU members and its citizens.

Signed,



³ European Parliament, European Parliament Resolution, 28 November 2019, on "Cuba, in particular the case of José Daniel Ferrer" (2019/2929(RSP)), paragraph 10.

⁴ See EPRS's document "Sakharov Prize laureates in difficulty - Facing repression for defending human Rights", table on page 7: [https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI\(2020\)651946](https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2020)651946) / Read "Cuba: Statement by the Spokesperson on the case of José Daniel Ferrer", in particular when addressing political imprisonment: "We expect Cuba to review, as a matter of urgency, all cases of incarceration related to the exercise of fundamental rights, and to release all those concerned": https://eeas.europa.eu/headquarters/headquarters-homepage/75269/cuba-statement-spokesperson-case-jos%C3%A9-daniel-ferrer_en