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P9_TA(2021)0359

## Situation in Nicaragua

### European Parliament resolution of 8 July 2021 on the situation in Nicaragua (2021/2777(RSP))

(2022/C 99/22)

*The European Parliament,*

— having regard to its previous resolutions on Nicaragua, in particular those of 19 December 2019 on the situation of human rights and democracy in Nicaragua ([1]) and 8 October 2020 on the 'Foreign Agents' Law in Nicaragua ([2]),

— having regard to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other ([3]),

— having regard to Council Regulation (EU) 2020/1998 ([4]) and Council Decision (CFSP) 2020/1999 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses ([5]), to Council Decision (CFSP) 2020/607 of 4 May 2020 amending Decision (CFSP) 2019/1720 concerning restrictive measures in view of the situation in Nicaragua ([6]), to Council Implementing Regulation (EU) 2020/606 of 4 May 2020 implementing Regulation (EU) 2019/1716 concerning restrictive measures in view of the situation in Nicaragua ([7]), and to the decision renewing such sanctions until 15 October 2021,

— having regard to the declaration by the High Representative on behalf of the European Union of 10 June 2021 on the deteriorating political situation in Nicaragua, the statement by his spokesperson of 6 May 2021 on the new electoral law, and the joint statement on Nicaragua by 59 countries at the 47th Session of the UN Human Rights Council on 22 June 2021,

— having regard to the statement on the ongoing detention of opposition leaders in Nicaragua by the Chair of the Committee on Foreign Affairs and the Chair of the Delegation for relations with the countries of Central America of 15 June 2021,

— having regard to the statement attributable to the spokesperson for the UN High Commissioner for Human Rights on Nicaragua of 28 May 2021 and the oral update by the UN High Commissioner for Human Rights Michelle Bachelet at the 47th Session of the Human Rights Council of 22 June 2021 on the situation of human rights in Nicaragua,

— having regard to the statement of 6 May 2021 from the Organization of American States (OAS) General Secretariat on the election of the Supreme Electoral Council's magistrates and electoral reform in Nicaragua, and to the OAS resolution of 15 June 2021 on the situation in Nicaragua,

— having regard to the statements of the Inter-American Commission on Human Rights, the newsletters published by the Special Monitoring Mechanism for Nicaragua (MESENI) and the remarks by Commissioner Antonia Urrejola, President of the Inter-American Commission on Human Rights, at the Special Session of the Permanent Council of the OAS of 23 June 2021 on the situation in Nicaragua,

— having regard to the chapter on Nicaragua in the EU annual report on human rights and democracy in the world 2020 adopted by the Council on 21 June 2021,

— having regard to the International Covenant on Civil and Political Rights of 1966,

— having regard to the Universal Declaration of Human Rights of 1948,

— having regard to the Nicaraguan Constitution,

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([1]) OJ C 255, 29.6.2021, p. 65.
([2]) Texts adopted, P9_TA(2020)0259.
([3]) OJ L 346, 15.12.2012, p. 3.
([4]) OJ L 410 I, 7.12.2020, p. 1.
([5]) OJ L 410 I, 7.12.2020, p. 13.
([6]) OJ L 139 I, 4.5.2020, p. 4.
([7]) OJ L 139 I, 4.5.2020, p. 1.

— having regard to Rule 132(2) and (4) of its Rules of Procedure,

A. whereas the human rights and democracy situation in Nicaragua has further gravely deteriorated in the aftermath of the violent repression of civic protests in April 2018; whereas at least 130 people have been deprived of liberty for political reasons since then, while the government's opponents and their families face the constant threat of harassment, both in person and online, by police and government supporters; whereas arbitrary detention has been increasingly used as a tool to punish activists and dissidents since the 2018 protests; whereas activists are at particular risk of violence, including sexual and gender-based violence; whereas detainees are being ill-treated in prison, denied medical care and access to their lawyers, and are being attacked and sexually assaulted, while people who protest against the government are put in maximum security cells, where they face increased surveillance, searches and isolation; whereas there is particular concern about the situation of women and older adults being deprived of their liberty;

B. whereas as a result of the current situation, more than 108 000 Nicaraguans have been forced to flee and seek asylum in neighbouring countries since 2018, three quarters of whom have sought protection in Costa Rica;

C. whereas on 4 May 2021, the Nicaraguan National Assembly passed reforms on Electoral Law 331, which incorporates recently adopted punitive laws; whereas the aforementioned reform also incorporates rules that restrict electoral competition and the exercise of political rights that further limit the participation of the political opposition, and limits public freedoms contrary to international standards and, in particular, the right to participate in the conduct of public affairs, freedom of association, freedom of expression, the right to social protest, and the right to defend rights, among others; whereas these reforms disregard the demands of the opposition, civil society and the international community;

D. whereas the new Supreme Electoral Council (SEC) is a body that supervises and administers the electoral process in Nicaragua; whereas this is a process that should be managed by an impartial, independent and transparent body that upholds democratic principles and the effective and pluralistic exercise of the civil and political rights of the population; whereas the members of the SEC were appointed by the Nicaraguan National Assembly, which is firmly controlled by Ortega; whereas this makes the SEC a biased and non-transparent body and further erodes the political process; whereas these appointments, together with the recent electoral reforms, are not the result of dialogue between the government and opposition groups, which the EU and the international community have repeatedly called for, but were imposed by the ruling majority;

E. whereas the Nicaraguan authorities have dissolved two political parties without due process in recent weeks, using methods that are contrary to international norms; whereas the dissolution of political parties — Partido de Restauración Democrática and Partido Conservador — and the initiation of politically fabricated criminal investigations that could lead to the disqualification of democratic opposition candidates, without due process, not only undermine the right of aspiring candidates to stand for election, but also the right of voters to elect the candidates of their choice; whereas these measures, coupled with the political use of the judicial system, run counter to basic democratic principles and constitute a serious violation of the rights of the Nicaraguan people under the Nicaraguan Constitution and international law;

F. whereas since the beginning of June 2021 at least 21 democratic opposition members, including six pre-presidential candidates and union and political leaders, have been arbitrarily arrested under politically fabricated and ambiguous criminal allegations without any evidence in a process marred by serious violations of procedural guarantees, which demonstrates the lack of independence of the judiciary; whereas dozens of prominent opponents report systematic harassment and living under constant intimidation, with police almost permanently stationed in front of their houses or following them in the street, thus preventing them from moving about freely;

G. whereas the Nicaraguan Government has adopted increasingly restrictive laws in the last few years, such as the Law for the Regulation of Foreign Agents, the Special Law against Cybercrime, the Law against Hate Crimes, the Law on the Rights of the People to Independence, Sovereignty and Self-Determination for Peace, and the Law amending the Code of Criminal Procedure, which increased the period of investigation to 90 days instead of the constitutional term of 48 hours; whereas these laws institutionalise repression and legalise the acts that have been committed in the country since their adoption;

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H. whereas the continued harassment and criminalisation of independent media curtails the right to freedom of expression and undermines the public's right to be truly informed; whereas freedom of expression, both online and offline, is crucial to any democracy at all times, but is of paramount importance during an electoral period; whereas public statements by the government authorities and pro-government media have aimed to stigmatise those perceived as dissidents;

I. whereas these worrying developments overseen by the Nicaraguan Government show that the regime is drifting further into authoritarianism by shutting off space for democracy, national understanding and international mediation towards a peaceful solution to the conflict, and clearly impeding the holding of free and fair elections on 7 November 2021; whereas the EU, other international actors and human rights organisations have warned that there was a well-founded fear that these laws would be used to target people who speak out against repressive policies;

J. whereas the Inter-American Commission on Human Rights' Interdisciplinary Group of Independent Experts has already indicated that the methods used to repress street protests may be considered crimes against humanity;

K. whereas almost none of the recommendations made to Nicaragua by the Office of the UN High Commissioner for Human Rights have been implemented, which has resulted in continued impunity and further violations;

L. whereas the reforms to the Consumer Law (Law 842) by the Nicaraguan National Assembly oblige banks to open accounts for the relatives of people who have been sanctioned by the US Government and other countries and are accused of corruption, money laundering and human rights violations; whereas the Ortega-Murillo family are accused of building a business empire in telecommunications, energy and other sectors;

M. whereas the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms is an integral part of the EU's external policies, included in the Association Agreement between the EU and the countries of Central America of 2012;

1. Expresses its solidarity with the Nicaraguan population and strongly condemns all the repressive actions of the Nicaraguan authorities against democratic opposition parties and their members, journalists and other media workers, students, indigenous people, human rights defenders and civil society, as well as their family members, and in particular the deaths caused; calls for an immediate stop to the imposition of restrictive measures, repression and human rights violations, and calls for accountability for the grave violations committed by the Nicaraguan Government since 2018;

2. Calls for the immediate and unconditional release of all arbitrarily detained political prisoners, including the pre-presidential candidates Cristiana Chamorro, Arturo Cruz, Félix Maradiaga, Juan Sebastián Chamorro, Miguel Mora and Medardo Mairena,, the political leaders José Pallais, José Adán Aguerri, Dora María Téllez, Hugo Torres, Víctor Hugo Tinoco, Violeta Granera, Ana Margarita Vijil, Suyen Barahona and Pedro Joaquín Chamorro and other opposition activists, human rights defenders and journalists; calls, furthermore, for respect for their fundamental legal safeguards, human rights, and civil and political rights to be ensured; demands that the government immediately provides proof that those imprisoned are still alive and evidence of their whereabouts; recalls that full assurances must be given to those in exile to allow them to return to their country;

3. Requests that the Government of Nicaragua lift the de facto state of siege, respect the role of the national police as a non-political, non-partisan and non-deliberative force, disarm the paramilitary forces, comply with the agreements signed with the Civic Alliance and restore citizens' rights; reiterates its call on the government to allow civil society organisations to operate in a safe and enabling environment, without fear of reprisal;

4. Reiterates its call for the restoration of inclusive dialogue and democracy as the only peaceful way out of the political, economic and social crisis in Nicaragua; underlines the need to adopt reforms in an inclusive and transparent manner; calls on the EU Delegation to Nicaragua to continue and intensify its diplomatic engagement towards the electoral process and to continue to approach authorities to seek a political solution to the crisis in Nicaragua;

5. Urges the Nicaraguan authorities to make immediate changes to the electoral law in accordance with the international parameters demanded by the OAS in its resolution of 21 October 2020, to appoint impartial people to the different electoral structures, to restore the legal status of the parties that were stripped of it, to respect the right of Nicaraguans to elect and be elected, and to guarantee the unrestricted presence of national and international electoral observation bodies while committing to political coexistence after the elections; stresses that in order for the elections and the resultant government to be recognised by the European Parliament, the changes requested by the OAS and international organisations must be implemented, in particular the re-establishment of the rights and freedoms that make possible a free, credible and equitable electoral process;

6. Condemns the adoption and implementation of the restrictive and punitive laws, and calls for their immediate repeal; stresses that these laws go against the rights and freedoms of Nicaraguans as enshrined in the Constitution of the Republic of Nicaragua, the Inter-American Democratic Charter and other international treaties to which Nicaragua is a signatory; rejects the improper use of institutions and laws by Nicaragua's authoritarian government with the intention of criminalising civil society organisations and political opponents;

7. Reiterates its call on the Nicaraguan authorities to allow unimpeded access to the Office of the UN High Commissioner for Human Rights (OHCHR), the Inter-American Commission on Human Rights (IACHR) and its Interdisciplinary Group of Independent Experts (GIEI), the Special Monitoring Mechanism for Nicaragua (MESENI), international civil society organisations and the European institutions in order to ensure respect for human rights in Nicaragua; reiterates its call to immediately restore the legal personality of human rights defenders organisations, such as the Centro Nicaragüense de Derechos Humanos (CENIDH);

8. Calls on the Government of Nicaragua to create an independent investigative unit involving international experts to oversee credible, impartial and exhaustive investigations by the Attorney General's Office into the alleged responsibility of top police officials for grave human rights violations committed in the context of the 2018 crackdown and thereafter;

9. Calls on the Central American Integration System (SICA) and its member states to play an active role in the defence, protection and promotion of democracy and the defence of human rights in Nicaragua, as established in the 1991 Tegucigalpa Protocol and the 1995 Framework Treaty on Democratic Security in Central America, Article 1 of which states that democracy is based on the existence of governments elected by universal and free suffrage by secret ballot and on the unconditional respect for all human rights in the states that make up the Central American region;

10. Calls on the Financial Action Task Force (FATF) to establish the necessary coordination with the US Office of Foreign Assets Control to ensure international financial security in the face of illicit operations originating from the Ortega-Murillo regime and its collaborators and their commercial relations and assets in European countries; underlines the fact that Nicaragua has been blacklisted by the FATF since October 2020;

11. Calls on the Council and the Member States to swiftly expand the list of individuals and entities to be sanctioned, including the President and Vice-President of Nicaragua and their inner circle, taking particular care to do no harm to the Nicaraguan people; stresses the need to maintain and ensure that EU assistance for civil society organisations, human rights defenders and the people of Nicaragua through the EU's development and humanitarian programmes, among others, reaches its true beneficiaries and not the government and authorities, in order to alleviate the impact of COVID-19 and the current governmental repression and prevent this crisis from turning into a humanitarian crisis; recalls that, in the light of the Association Agreement between the EU and Central America, Nicaragua must respect and consolidate the principles of the rule of law, democracy and human rights, and reiterates its demand that, in the light of the current circumstances, the democratic clause of the Association Agreement be triggered;

12. Commends and supports the efforts and positive work undertaken in a very complicated environment by the EU Delegation to Nicaragua; calls on the EU and its Member States to closely monitor the situation on the ground through their representatives and embassies in Nicaragua, including through trial monitoring and by visiting critics and opposition leaders in prison or under house arrest;

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13. Calls on the EU Delegation to Nicaragua and the Member States, where appropriate, to facilitate the issuance of emergency visas and provide temporary refuge for political reasons in the Member States;

14. Requests that its Conference of Presidents dispatch a fact-finding mission to Nicaragua involving its Delegation for relations with the countries of Central America in order to assess the human rights and political situation;

15. Reiterates its call from its resolution of 14 March 2019 for the immediate extradition of Alessio Casimirri, who continues to live in Managua under the protection of the Nicaraguan Government, to Italy, where he must serve six definitive life sentences for his proven involvement in the kidnapping and killing of the former prime minister and leader of the Christian Democracy party Aldo Moro and the murder of his guards in Rome on 16 March 1978;

16. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Secretary-General of the Organization of American States, the Euro-Latin American Parliamentary Assembly, the Central American Parliament, the Lima Group, and the Government and Parliament of the Republic of Nicaragua.