



Plenary sitting

B8-0156/2017

14.2.2017

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the situation of human rights and democracy in Nicaragua, the case of Francesca Ramirez
(2017/2563(RSP))

Cristian Dan Preda, Luis de Grandes Pascual, David McAllister, José Ignacio Salafranca Sánchez-Neyra, Tomáš Zdechovský, Ildikó Gáll-Pelcz, Pavel Svoboda, Thomas Mann, Jarosław Wałęsa, Therese Comodini Cachia, Brian Hayes, Sven Schulze, Jaromír Štětina, Patricija Šulin, Marijana Petir, Agnieszka Kozłowska-Rajewicz, Tunne Kelam, Lefteris Christoforou, Claude Rolin, Milan Zver, Romana Tomc, Michaela Šojdrotová, Eva Maydell, Deirdre Clune, László Tóké, Ivana Maletić, Željana Zovko, Csaba Sógor, Adam Szejnfeld, Luděk Niedermayer, Roberta Metsola, Dubravka Šuica, Giovanni La Via, Elisabetta Gardini, Mairead McGuinness, Elżbieta Katarzyna Łukacijewska, Laima Liucija Andrikienė, Ivan Štefanec, Bogdan Brunon Wenta, Inese Vaidere, Seán Kelly, Andrey Kovatchev, Ramón Luis Valcárcel Siso, Jiří Pospíšil
on behalf of the PPE Group

B8-0156/2017

European Parliament resolution on the situation of human rights and democracy in Nicaragua, the case of Francesca Ramirez (2017/2563(RSP))

The European Parliament,

- having regard to its previous resolutions on Nicaragua, in particular that of 18 December 2008 on the attacks on human rights defenders, civil liberties and democracy in Nicaragua, and of 26 November 2009,
- having regard to the statement by the Spokesperson of the VP/HR for Foreign Affairs and Security Policy, Federica Mogherini, on the recent judicial decision in Nicaragua to dismiss members of Parliament of 16 August 2016, and the Statement by VP/HR on the final results of the elections in Nicaragua of 19 November 2016,
- having regard to the report of the EU election observation mission to Nicaragua to observe the legislative and presidential elections of 6 November 2011,
- having regard to the Statement of General Secretariat of Organisation of American States on the electoral process in Nicaragua of 16 October 2016,
- having regard to the Association Agreement between the European Union and the countries of Central America of 2012, which entered into force in August 2013,
- having regard to the EU Guidelines on Human Rights Defenders of June 2004,
- having regard to the UN Declaration on Human Rights Defenders of December 1998,
- having regard to UN Convention against Corruption (UNCAC) of 2006 and the Inter – American Convention Against Corruption of 1999;
- 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 Rule 135 of its Rules of Procedure,
- whereas the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms must be an integral part of the EU's external policies, including the Association Agreement between the European Union and the countries of Central America of 2012;
- whereas between 27 November and 1 December 2016, demonstrators from all over the country gathered in the capital of Nicaragua to reject the construction of the inter-oceanic canal but also to denounce the lack of transparency in the presidential election of 6

November 2016; whereas human rights defenders reported the use of tear gas, rubber and lead bullets by police against protestors;

- whereas Francesca Ramirez, environmental rights defender and coordinator of *the Council for the Defence of our Land, Lake and Sovereignty*, has been intimidated, arbitrarily detained and her family members have been violently attacked in retaliation to her activism;
- whereas in May 2015 Nicaraguan authorities expelled members of nongovernmental *Center for Justice and International Law (CEJIL)* when entering the country to participate in the Nicaraguan Center for Human Rights (CENIDH)'s 25th anniversary;
- whereas women human rights defenders organisation *Las Venencias* was falsely accused of financial mismanagement in 2008, allowing the State to open an invasive investigation and delegitimise their work;
- whereas on 7 October 2016 the independent newspaper *Confidential* denounced acts of intimidation and espionage committed by the Nicaraguan military despite constitutional restraints prohibiting army from such practices; whereas the use of the state power to intimidate journalists marks a serious deterioration of democracy and human rights;
- whereas in August 2016 the visit of the UN Special Rapporteur on the situation of human rights defenders Mr Michel Forst to Nicaragua was due to the obstacles imposed by the Nicaraguan government cancelled;
- whereas during the previous months to the elections on the 6 of November, President of Nicaragua, Daniel Ortega, took measures to exclude the opposition from political life of the country; whereas the political system has changed into a single-party regime taking control over all state power; whereas the electoral process on 6 November 2016 didn't provide conditions for unrestricted participation of all political forces in the country, and was characterized by the absence of both international and accredited independent local observers;
- whereas the presidential family has full control over the judiciary system, the Parliament, the Army, the Police and the media; whereas the President's wife Mrs Rosario Murillo is holding the post of Vice President of Nicaragua;
- whereas the Special Rapporteur on the independence of judges and lawyers under UPR procedure from 2014 drawn attention to the appointments of Supreme Court judges which are heavily influenced by politics; whereas the National Council of the Administration and the Judicial Service did not comply with selection and appointment procedures in competitive examinations; whereas the constitutional changes for the re-election of the President made in 2013 were conducted by bypassing the law in non-

transparent way;

- whereas public sector corruption, including family relatives of the President, remains one of the biggest challenges; whereas bribery of public officials, unlawful seizures and arbitrary assessments by customs and tax authorities are very common;
1. Deplores the increasing attacks and acts of harassment of which human rights organisations and their members and independent journalists have been subjected by individuals, political forces and bodies linked to the State; urges the government to refrain from harassing and using acts of reprisal against Francesca Ramirez and other human rights defenders for carrying out their legitimate work;
 2. Recalls the obligations of the government of Nicaragua vis-à-vis human rights defenders, in particular to ensure their protection by the competent authorities against violence, retaliation or any other arbitrary in connection with their peaceful and legitimate work in defence of human right;
 3. Regrets that during the three terms of the Ortega administration, the separation of powers, respect for human rights, democracy, rule of law and freedom of the press have steadily deteriorated; is highly concerned that Nicaraguan defenders are struggling to preserve vital civil society space where the personalisation of power and clientelism are upheld above values of equality and human dignity;
 4. Deplores the dismissal of the opposition, including the exclusion of 28 Members from the National Assembly of Nicaragua ahead of the upcoming presidential elections in November 2016; is disappointed that on June 8 the Supreme Electoral Council announced a ruling which changed the leadership structure of the opposition party and in practice allegedly barred all existing opposition candidates from running for office;
 5. Calls upon Nicaragua to fully respect democratic values and to immediately and unconditionally restore the position of all political opposition and to allow critical voices within the political system and society in general; recalls that the full participation of the opposition and independent civil society is an essential factor for the success of any democracy;
 6. Reminds about the illegal steps by misleading the judiciary system that resulted to constitutional changes to remove presidential term limits, allowing Daniel Ortega to stay in power for years;
 7. Points out that elections in 2011 and 2016 were highly criticized for its irregularities by the European Union institutions as well as the Organisation of the American States;

8. Highlights the importance of independent news media outlet and urges Nicaragua to restore plurality in the media and create awareness of the importance of freedom of expression as a fundamental human right;
9. Calls on Nicaraguan authorities to reduce the level of impunity and the delays and institutional weakness in the justice system; is highly concerned about the extremely high number of cases of violence against children;
10. Points out that, in the light of the Association Agreement between the European Union and the countries of Central America, Nicaragua must be reminded of the need to respect the principles of the rule of law, democracy and human rights, as upheld and promoted by the European Union;
11. 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, and the Government and Parliament of the Republic of Nicaragua.