



Plenary sitting

B8-0163/2017

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))

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on behalf of the ALDE Group

B8-0163/2017

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 on Nicaragua,
- 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 the HR/VP 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 EU Multi-annual Indicative Programme 2014-2020 Nicaragua, which was approved in August 2014,
- 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 International Covenant on Civil and Political Rights of 1966 to which Nicaragua is party,
- 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 Rule 135 of its Rules of Procedure,

A. 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 were harassed and intimidated and it was reported the use of tear gas, rubber and lead bullets by police against protestors;

B. whereas Francisca Ramírez coordinator of the Council for the Defence of the Land, the Lake and Sovereignty, a civil society movement that opposes the construction of an inter-oceanic canal financed by the Hong Kong based HKND Group has been intimidated, arbitrarily detained and her family members have been violently attacked in retaliation to her

activism;

- C. whereas during the previous months to the elections on the 6 of November, the 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;
- D. whereas this severe exclusion of opposition candidates demonstrates that conditions for free and fair elections were clearly lacking and freedom of association, political competition and pluralism are seriously undermined; whereas international observers were not allowed during the general election;
- E. whereas following President Ortega's proposal his wife, Rosario Murillo has become vice-president, although the legal basis of this decision has been questioned as article 147 of the Nicaraguan Constitution prohibits those related to the president either by blood or affinity from being presidential or vice-presidential candidates;
- F. whereas there is growing concern over how democracy and the rule of law have deteriorated in Nicaragua, bearing important consequences for human rights defenders and society at large; whereas while the presidential family has solidified its control on Parliament, the Army, the Police and the media, civil society space has steadily narrowed;
- G. whereas media has faced increased political and judicial harassment and the Ortega administration engages in systematic efforts to obstruct and discredit media critics; whereas journalists face harassment, intimidation, detention and have received death threats;
- H. whereas various international bodies criticized the decision of the Nicaraguan Supreme Court of Justice of 8 June 2016 to remove the party president of Independent Liberal Party (PLI) Eduardo Montealegre and replace him by Pedro Reyes Vallejos, who has strong ties to President Daniel Ortega;
- I. whereas in recent years President Daniel Ortega has politicized the Nicaraguan Supreme Court in order to maximize its power, which seriously endangered the separation of powers and the pluralistic character of the Nicaraguan democracy; whereas the Special Rapporteur on the independence of judges and lawyers under UPR procedure from 2014 drawn attention to these measures;
- J. whereas in August 2016 the visit of the UN Special Rapporteur on the situation of human rights defenders Mr Michel Forst to Nicaragua was cancelled due to the obstacles imposed by the Nicaraguan government;
- K. whereas Nicaraguan civil society organizations ask for an enforcement of democratic institutions; whereas public sector corruption remains one of the biggest challenges; whereas bribery of public officials, unlawful seizures and arbitrary assessments by customs and tax authorities are very common;
- L. 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;

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; calls on Nicaraguan authorities to reduce lift the impunity of perpetrators against human rights defenders.
3. Is extremely concerned about the manoeuvring on the part of President Daniel Ortega and the Supreme Court to disqualify and repress opposition forces, in particular the decision of the Supreme Court on 8 June 2016 to replace the Independent Liberal Party (PLI) president Eduardo Montealegre in an attempt to weaken opposition and potential presidential candidates; deplors the decision by the Supreme Electoral Council on 29 July 2016 to remove 28 PLI national assembly members from their democratically elected positions; stresses the need for strong democratic institutions, freedom of assembly and political plurality.
4. 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; calls to live up to the country's constitution; recalls that the full participation of the opposition and independent civil society is an essential factor for the success of any democracy.
5. Condemns constitutional changes to remove presidential term limits, allowing Daniel Ortega stay in power indefinitely.
6. Calls on the president of Nicaragua, Daniel Ortega, to respect the democratic system of rule of law, including the separation of executive and judicial powers; Urges the President to depoliticise judicial institutions in order to guarantee a pluralistic and democratic society that respects fundamental values.
7. Reaffirms that freedom of the press and media are vital elements for democracy and an open society; calls on Nicaraguan authorities to restore the plurality of media.
8. 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.
9. 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 Organisation of American States, the Euro-Latin American Parliamentary Assembly, the

Central American Parliament, the Government and Parliament of the Republic of Nicaragua and the Supreme Court of Justice of Nicaragua.