



TEXTS ADOPTED

Provisional edition

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Situation in Nicaragua

European Parliament resolution of 31 May 2018 on the situation in Nicaragua (2018/2711(RSP))

The European Parliament,

- having regard to its previous resolutions on Nicaragua, in particular those of 18 December 2008¹, 26 November 2009² and 16 February 2017³,
- having regard to the Association Agreement between the EU and Central America of 2012,
- having regard to the EU Country Strategy Paper and Multiannual Indicative Programme 2014-2020 on Nicaragua,
- 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 EU Guidelines on Human Rights Defenders of June 2004,
- having regard to the Constitution of Nicaragua,
- having regard to the statement by the Spokesperson of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 19 November 2016 on the final results of the elections in Nicaragua,
- having regard to the statements by the Spokesperson of the VP/HR of 22 April 2018 and 15 May 2018 on Nicaragua,
- having regard to the press release of the Office of the United Nations High Commissioner for Human Rights (OHCHR) of 27 April 2018 on the human rights situation in Nicaragua,

¹ OJ C 45 E, 23.2.2010, p. 89.

² OJ C 285 E, 21.10.2010, p. 74.

³ Texts adopted, P8_TA(2017)0043.

- having regard to the visit of the Inter-American Commission on Human Rights (IACHR) from 17 to 21 May 2018 to investigate the situation in Nicaragua and its preliminary statement of 21 May 2018,
 - having regard to the statement by UN Human Rights Office Spokesperson Liz Throssell of 20 April 2018 on the Nicaragua protest violence,
 - having regard to the press release of the Organisation of American States (OAS) of 14 May 2018 on the visit to investigate the situation in Nicaragua,
 - having regard to the report of the General Secretariat of the OAS of 20 January 2017 on Nicaragua and its statement of 22 April 2018 condemning the violence in Nicaragua,
 - having regard to the communiqués issued by the Episcopal Conference of Nicaragua, and in particular the latest, of 23 May 2018,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas reportedly at least 84 people have been killed, more than 860 injured and over 400 arrested as a result of the peaceful student-led protests that started on 18 April 2018 as opposition to the social security reforms announced by President Daniel Ortega; whereas the majority of victims showed bullet wounds to the head, neck, chest or abdomen, which points strongly to extrajudicial executions; whereas the Nicaraguan authorities have openly stigmatised protestors by calling them ‘vandals’ and accusing them of ‘political manipulation’;
 - B. whereas on 23 April 2018, Mr Ortega announced the cancellation of the social security reform, but the demonstrations turned into a broader continuing unrest and calls for an interim government and restoration of democratic order; whereas another source of discontent and open conflict is the sharp increase in export-oriented ‘extractivist’ activities;
 - C. whereas on 20 April 2018, 600 students were attacked in the metropolitan Cathedral of Managua by anti-mutiny forces and a group of members of the Sandinista National Liberation Front acting with total impunity and the complicity and consent of the police; whereas the IACHR has documented attacks on four university sites (UCA, UPOLI, UNA and UNAN);
 - D. whereas the high number of casualties demonstrates the brutal repression used by the state authorities, violating the principles of necessity and proportionality as required under international law and standards setting out limitations to the use of force; whereas the chief of the National Police of Nicaragua, Aminta Granera, has resigned as a result of the excessive use of violence;
 - E. whereas media outlets covering the protests were arbitrarily shut down by the government and journalists who expressed any form of opposition were intimidated and detained; whereas the Nicaraguan authorities’ crackdown on free speech and harassment of opposition leaders has been condemned as an attack on civil liberties; whereas the journalist Angel Gahona was shot dead while presenting a live broadcast;
 - F. whereas human rights organisations have recorded many claims regarding the lack of assistance and treatment provided to injured demonstrators in public hospitals;

- G. whereas on 27 April 2018, the President of the National Assembly, Gustavo Porras, announced the creation of a Truth Commission to investigate what happened during the protests; whereas on 6 May 2018, a board of seven lawmakers – five of whom belong to President Ortega’s party – picked the Commission’s five members and the National Assembly ratified their appointment;
- H. whereas the IACHR visited Nicaragua from 17 to 21 of May 2018; whereas it documented illegal and arbitrary arrests, practices of torture, cruel, inhuman and degrading treatment, censorship and attacks against the press and other forms of intimidation such as threats, harassment and persecution aimed at dissolving the protests and inhibiting citizen participation;
- I. whereas the national dialogue between Mr Ortega and the Nicaraguan opposition and civic groups mediated by the Catholic Church and launched on 16 May 2018 failed to find a solution to the crisis and was suspended, as the government negotiators refused to discuss a 40-point agenda presented by the mediators, which included a road map towards democratic elections, including reforms to the electoral law, bringing forward elections and prohibiting presidential re-election; whereas the creation of a joint committee comprising six people – three from the government and three from the platform ‘Alianza Cívica por la Justicia y la Democracia’ – was proposed;
- J. whereas since 2007, Mr Ortega has been elected to the office of President on three consecutive occasions, despite the fact that the Constitution of Nicaragua prohibited consecutive re-election, demonstrating the corruption and authoritarianism into which the state has descended; whereas the elections in 2011 and 2016 were highly criticised for their irregularities by the EU institutions and the OAS, having been conducted without the presence of observers from either organisation or any other credible international observers;
- K. whereas public sector corruption, including corruption involving relatives of Mr Ortega, remains one of the biggest challenges; whereas bribery of public officials, unlawful seizures and arbitrary assessments by customs and tax authorities are very common; whereas legitimate concerns about nepotism within the Nicaraguan Government have been expressed; whereas human rights groups have condemned the gradual concentration of power entailed by one-party rule and the weakening of institutions;
- L. whereas the state of Nicaragua has seen a decline in democracy and the rule of law in the past decade; whereas the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms must form 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. Condemns the brutal repression and intimidation of peaceful protestors in Nicaragua who are opposing the social security reform, resulting in many deaths, disappearances and arbitrary arrests perpetrated by the Nicaraguan authorities, armed forces, police and violent groups supporting the government; reminds all Nicaraguan security forces of their duty to, above all, defend citizens from harm;
 2. Expresses its condolences and sympathy to the families of all the victims killed and injured during the demonstrations;

3. Calls on the Nicaraguan authorities to cease all acts of violence against people exercising the right to freedom of expression and the right of assembly; calls also on the demonstrators and civil society organisations leading the protests to refrain from the use of violence while exercising their rights; urges the Nicaraguan authorities to release all arbitrarily detained people, to compensate all affected family members and to provide guarantees that no criminal action will be taken against them; urges the state authorities to refrain from making public statements that stigmatise demonstrators, human rights defenders and journalists and from using state media to conduct public campaigns that may encourage violence;
4. Calls on the Nicaraguan authorities to immediately allow an international, independent and transparent investigation in order to prosecute those responsible for the repression and deaths during the protests; welcomes, in this regard, the IACHR visit to Nicaragua and expresses its concern over the conclusions of the preliminary report; urges the international community to play an active role in holding those responsible to account;
5. Asks the Nicaraguan Government to recognise and reinforce the authority of the committee for monitoring the implementation of the recommendations presented by the IACHR, and to set up a calendar of its new visits; requests the creation of a public registry of attendance in hospitals, as requested by the IACHR;
6. Urges the Nicaraguan authorities to provide all actors in society, including opposition forces, journalists and human rights defenders, including environmental activists and civil society, with sufficient space to operate freely, under international law, in order to set the stage for all opposing sides to discuss the situation in Nicaragua and uphold the human rights situation in the country; recalls that full participation of the opposition, the depolarisation of the judiciary, the end of impunity and the plurality of the media are essential factors in restoring democratic order to the country;
7. Deplores the violation of media freedom in Nicaragua, both before and during the protests; considers the seizure of media outlets by the authorities during the protests to be unacceptable; calls on the government to restore full media freedom and freedom of speech in the country and to put a stop to its harassment of journalists;
8. Takes note of the recent launch of a national dialogue and establishment of a Truth Commission, which must include the participation of independent national actors in all sectors, as well as international actors; regrets the failure of the first round of national dialogue as a result of the restrictions imposed by the Nicaraguan Government and expresses the hope that the recent resumption of the dialogue provides an opportunity to solve the crisis and end the violence; stresses that any dialogue should take place in the absence of violence and repression, with respect for the law and the constitution and the principle that any changes in the law should be made in accordance with the procedures established thereunder;
9. Denounces the illegal steps taken in violation of the judicial system which have led to constitutional changes removing presidential term limits and so allowed the continuous presidency of Mr Ortega, in clear breach of the right to democratic elections; stresses the need for strong democratic institutions, freedom of assembly and political plurality; calls, in this regard, for electoral reform resulting in fair, transparent and credible elections that respect international standards, as the way to resolve the political crisis;

10. Calls on the authorities to fight the rampant corruption within Nicaragua's political circles, which impairs the functioning of all state institutions and limits foreign investment; calls for the implementation of Nicaragua's anti-corruption legislation, including that on bribery, abuse of office and facilitation payments; is concerned about the links between President Ortega and other conflicts in the region; calls on the Nicaraguan authorities to sign and ratify the Rome Statute of the International Criminal Court;
11. 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 set out in the agreement's human rights clause; urges the EU to monitor the situation and, if necessary, assess the potential measures to be taken; warns against the serious political, economic and investment consequences which might follow the breaches of human rights;
12. 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 Lima Group, and the Government and Parliament of the Republic of Nicaragua.