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## **MOTION FOR A RESOLUTION**

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

pursuant to Rule 115 of the Rules of Procedure

by Renate Weber, Josu Ortuondo Larrea, Marios Matsakis, Marco Cappato

on behalf of the ALDE Group

on Nicaragua

**European Parliament resolution on Nicaragua**

*The European Parliament,*

- having regard to the 1948 Universal Declaration of Human Rights,
- having regard to the 1966 International Covenant on Civil and Political,
- having regard to Political Dialogue and Cooperation Agreement between the European Union and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama in 2003,
- having regard to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms adopted by the United Nations on December 9, 1998,
- having regard to the European Union legislation on Human Rights defenders,
- having regard to the final observations by the Human Rights Committee to the State of Nicaragua on 30 October 2008, in particular those related to violence against women, the penalty of the therapeutic abortion and the threats, acts of violence and harassment against defenders of human rights from people, political sectors or organisms linked to the state's powers,
- having regard to Rule 115(5) of its Rules of Procedure,

A. whereas a campaign of intimidation and aggressions against the civil society in general and more targeted on the non governmental organizations and media perceived as opposing the government, prevailed during the campaign period,

B. whereas on 9 November 2008 municipal elections were characterized by a clear lack of political will by the governmental authorities to organize a genuine and credible democratic election process, as a result of which these elections suffered widespread and systematic election fraud and ended with results with no credibility,

C. whereas the United Nations, European Union and United States and several Nicaraguan NGOs have expressed concern about the level of transparency in the voting,

D. whereas none of the domestic observer organizations received the required accreditation to observe the elections and no international observation mission received an invitation by the Supreme Electoral Council (CSE), which did not allow the verification of the electoral process,

E. whereas the resolutions of the Supreme Electoral Council on 11 June 2008, on the one hand, cancelled the legal personality of the Movimiento Renovador Sandinista (MRS) and, on

the other hand alleged that the Conservative Party (PC) did not fulfil the previous requirements to be able to take part in the local elections of November 2008, thereby preventing these two parties from participating,

F. whereas the criminal investigations against the defenders of sexual and reproductive rights, including the support to a violated girl, when she was assisted in an abortion to save her life, at the time that therapeutic abortion was not criminally sanctioned,

G. whereas the Nicaraguan Vice-minister of cooperation that has proposed the creation of a "joint taxing" mechanism for the financial supports received by the NGOs and the investigation of diverse NGOs by an apparent non-fulfilment of legal requirements, such as the accusations of "funds' triangulation" against 17 Human Rights defence organizations,

H. whereas the development and the consolidation of the democracy and the State of Law and also respect for Human Rights and fundamental freedoms must be an integral part of the European Union's foreign affairs policy,

I. whereas the European Union and its partners, when concluding agreements with third countries agreements, must ensure that such agreements contains a clause regarding Human Rights, assuming the responsibility of ensuring that international norms on Human Rights are respected and that these clauses are reciprocal by nature,

J. whereas the European Commission decided on 9 December 2008 to include Nicaragua in the access to the preferential regime SGP Plus of the EU forcing Nicaragua to ratify and to fulfil 27 agreements on Human Rights, democratic governability and environment,

1. Takes the view that the overall environment for the elections did not meet international standards, including restrictions on the right of freedom of expression and a lack of electoral transparency which led to serious doubts of election fraud during and after the election day;
2. Regrets that the environment of suspicion of fraud in some municipalities provoked some demonstrations and clashes between political party supporters resulting in a number of injured people and aggravated the existing deep political crisis;
3. Regrets the numerous attacks and acts of harassment to which organizations for the defence of Human Rights, their members and the representatives of the European Commission Delegation in Nicaragua were subjected in the last few months, from people, political sectors and organisms linked to the state's powers;
4. Calls on the Nicaraguan authorities to act to stop these actions and ensure that those responsible are judged and sanctioned before an impartial and independent Court;
5. Calls on the Government of Nicaragua to publicly recognize the Human Rights defence organizations and their defenders, recognizing the fundamental work that they carry out and that it contributes to the safeguard of the State of Law and the democracy, and to stop harassing them through criminal investigations;

6. Regrets that two political parties were not able to take part in the local elections and expresses its restlessness on the advance of the democratic consolidation and governability of the country, and in particular with respect to the processes of inclusion and active participation.
7. Urges the Nicaraguan Government and the different instances of the State to watch over the freedom of expression and the independence of justice, thereby guaranteeing the preservation of the democratic foundations of the country; also urges Nicaragua to ratify the Statute of Rome, which creates the International Criminal Court, as soon as possible;
8. Welcomes with satisfaction the official press note of the 27 EU Member States on 22 October 2008, in which the attacks against Human Rights defenders and defence organizations were denounced and which attached great importance to the fact that NGOs can carry on their activities freely, within the framework of the legislation in force, recalling that these organizations are actors in the EU strategy of cooperation with Nicaragua;
9. In the context of the Partnership Agreement negotiations between European Union and Central American countries, calls for Nicaragua to be reminded of the fulfilment of the principles of respect of the State of Law, democracy and Human Rights, defended and promoted by the European Union;
10. Calls on the European Commission to watch over closely the fulfilment by Nicaragua of the requisite provisions enabling it to accede to the SGP Plus regime approved on 9 December 2008 for the period 2009-2011;
11. Calls on the EU Member States to ensure that the situation in Nicaragua is included on the agenda of the meetings with the Nicaraguan authorities, both at bilateral and multilateral levels;
12. Instructs its President to forward this resolution to the Council, the Commission, and 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.