



Plenary sitting

B9-0319/2020

6.10.2020

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 144 of the Rules of Procedure

on the "Foreign Agents" Law in Nicaragua
(2020/2814(RSP))

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on behalf of the Renew Group

B9-0319/2020

European Parliament resolution on the "Foreign Agents" Law in Nicaragua (2020/2814(RSP))

The European Parliament,

- having regard to its previous resolutions on Nicaragua, in particular those of 31 May 2018, 14 March 2019 and 14 December 2019,
 - 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 Council conclusions on Nicaragua, in particular those of 14 October 2019 establishing a framework for targeted sanctions,
 - having regard to the declarations by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on behalf of the EU on the situation in Nicaragua, in particular those of 20 November 2019 and 4 May 2020,
 - having regard to the statement by the UN High Commissioner for Human Rights Michelle Bachelet at the Human Rights Council of 14 September 2020, and the UN Human rights Council report on Nicaragua of 19 June 2020,
 - having regard to the newsletters published by the Special Monitoring Mechanism for Nicaragua (MESENI) established by the Inter-American Commission on Human Rights,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the EU Guidelines on Human Rights Defenders and the ones on Freedom of Expression Online and Offline,
 - having regard to the Nicaraguan Constitution,
 - having regard to Rule 144 of its Rules of Procedure,
- A. Whereas on 22 September 2020 National Assembly's member of the Alianza Frente Sandinista de Liberación Nacional introduced a "Law for Regulation of Foreign Agents" that if adopted will oblige each person, organization or institution that receive funds from abroad, to be registered with the Ministry of the Interior (Migob) and submit to financial monitoring under the Financial Analysis Unit (UAF);

- B. whereas any person or entity registered with the interior ministry as a “foreign agent” would be subject to close surveillance and would have to “refrain from intervening in domestic political affairs or matters” as stated in art 12, thereby restricting their civil and political rights, and allowing them to be pursued, criminalised and processed; whereas this Law will effectively disqualify the main figures of the opposition from running in next year’s election;
- C. whereas this law clearly intends to limit fundamental freedoms and to exercise absolute and totalitarian control over citizens, media, civil society and human rights organisations, through the monitoring of all their activities with an emphasis on the political, labour and economic spheres;
- D. whereas the “Foreign Agents” Law, if approved, would impose unacceptable restrictions on the right to freedom of association and expression, and would be used as an instrument of repression against people and human rights organizations that receive resources from international cooperation in the country;
- E. whereas this law if adopted, would violate a series of rights included in the Nicaraguan Constitution among others the political rights (Article 47) the right to presumption of innocence (Article 34), the right to equality before the law (Article 27), the right to association (Article 49), right to international cooperation (Article 5) and the right to freedom of expression (Article 66), all of them recognised in the international agreements and treaties to which Nicaragua is a party;
- F. whereas several members of the ruling party of the National Assembly have also presented a Special Law on Cyber-crime that seeks to censor digital media, as well as a new “hate crimes” legislation days after the president expressed interest in initiating a reform to establish life imprisonment, without any clear definition of the conduct and which could be used to punish those who raise their voices against repressive policies;
- G. whereas civil society figures, journalists, political opposition, students, former political prisoners, and their families continue all being targeted with arrests, criminalization, excessive force, raids of their homes, police harassment, sexual assaults, death threats, vandalism, public slander, and online smear campaigns;
- H. whereas as stated by the UN High Commissioner for Human rights Michelle Bachelet “there has been no progress in the human rights situation and no sign that the Government is constructively addressing the tensions and structural problems that triggered the socio-political crisis in April 2018”;
- I. Whereas on 14 October 2019, the Council established a framework for targeted sanctions in view of the situation of human rights violations and abuses in Nicaragua; whereas on 4 May 2020, the Council added six Nicaraguan officials on the list of targeted sanctions, including asset freezes and travel bans;
- 1. Condemns the attempts to adopt the unconstitutional “Law for Regulation of Foreign Agents” and calls on the National Assembly to reject it as well as any other law that would limit fundamental freedoms; underlines that if approved, these laws will provide Daniel Ortega’s government with a new repressive tool for silencing its critics which will further aggravate the already unacceptable human rights breaches in Nicaragua.

2. Urges Nicaragua's government to stop criminalizing independent voices and to halt any aim to control and restrict the work of the political opposition, media, journalists and civil society and human rights organizations; urges the government of Nicaragua to return confiscated property to news outlets, restoring their licenses to operate, as well as the legal personality to NGOs.
3. Stresses that any limitation to the enjoyment of the rights to freedom of opinion and expression both online and offline, freedom of peaceful assembly and association, and the right to defend human rights are incompatible with Nicaragua's Constitution and its international obligations under human rights agreements.
4. Rejects the improper use of institutions and laws by the Nicaraguan regime with the intention of criminalizing political opponents and civil society organisations based on political and non-legal purposes; in this respect, calls on the Government of Nicaragua to abide in their entirety by the commitments made in the March 2019 agreements with the opposition, in particular the electoral reform, in view to reach a democratic peaceful and negotiated solution to the political crisis in Nicaragua.
5. Condemns the repression of activists, political opposition, students, journalists, and human rights defenders; calls for the immediate release of all those arbitrarily detained, for all charges against them to be dropped and for their fundamental legal safeguards to be respected.
6. Is extremely concerned by Nicaraguan organizations' reports that authorities have ordered the National Police to carry out human rights violations and are assisted in their repression by pro-government civilian groups and the ruling party's territorial organizations, some of them armed; calls for those responsible for violations of human rights and for undermining democracy and the rule of law to be held accountable.
7. In view of the continued grave human rights violations and abuses, and the repression of civil society and the democratic opposition in Nicaragua, calls on the Council to quickly enlarge the list of individuals and entities to be sanctioned, including the President and Vice-President.
8. Recalls that, in light of the Association Agreement between the EU and the countries of Central America, Nicaragua must respect and consolidate the principles of the rule of law, democracy and human rights, and reiterates its demand that, in light of the current circumstances, the democratic clause of the Association Agreement be triggered;
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 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.