



Plenary sitting

B9-0320/2020

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 PPE Group

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 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,
 - 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 132(2) and (4) of its Rules of Procedure,
- A. Whereas on 22 September 2020, National Assembly members of the Alianza Frente Sandinista de Liberación Nacional introduced a “Law for Regulation of Foreign Agents” which, if adopted, will oblige each person, organization, or institution receiving funds from abroad to be registered with the Ministry of the Interior (Migob) and to submit to financial government 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 Article 12, thereby restricting their civil and political rights, and allowing them to be persecuted, harassed, and criminally prosecuted; whereas this law will effectively disqualify the main opposition figures from running in next year’s elections, further distorting the political system in Nicaragua;

- C. Whereas the “Foreign Agents Law”, if approved, would impose unacceptable restrictions on the rights to freedom of association, of expression, and religious freedom - as churches are also targeted-, and would be used as an instrument of repression against citizens and human rights organizations that receive financial support from international cooperation, and could result in confiscation or taking of property, and prison terms of up to 15 years if they fail to comply with registration requirements;
- D. Whereas this law, if adopted, would violate a series of rights and fundamental freedoms and result in the totalitarian control of all layers of society, infringing upon rights protected by the Nicaraguan Constitution, among others, political rights (Article 47); the right to presumption of innocence (Article 34); the right to equal protection under law (Article 27); the right to freedom of association (Article 49); right to access to international cooperation (Article 5); and the right to freedom of expression (Article 66); all of which, moreover, are recognised in the international agreements, covenants, and treaties to which Nicaragua is a party;
- E. Whereas this law also targets individuals receiving payment from abroad which contribute positively to the Nicaraguan economy, and their suppression would deal a blow to an already fragile economy;
- F. Whereas several members of the ruling party of the National Assembly have also presented a Special Law on Cybercrime that seeks to censor digital media, as well as a new legislation on hate crimes that would reform the criminal code as to permit the imposition of life imprisonment for political dissent, without any clear definition of the conduct subject to such harsh sentences, and which could be used to punish those who raise their voices against the government’s repressive policies;
- G. Whereas civil society figures, journalists, members of the political opposition, former political prisoners, and their respective families, all continue to be targeted with arrests, criminal prosecution, excessive force, warrantless raids of their homes, police harassment, sexual assault, 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”;
- 1. Condemns the attempts to adopt the unconstitutional “Law for Regulation of Foreign Agents” and calls on Nicaragua’s National Assembly to reject it, as well as any other law that would limit fundamental freedoms of the Nicaraguan people; stresses that, if approved, the law will provide the Ortega government with a new repressive tool for silencing not only its critics, but any individual organisation which is recipient of

foreign funding, leading to an enlargement of victims of such repression, and which will further aggravate the already unsustainable level human rights violations in Nicaragua.

2. Urges Nicaragua's government to stop criminalizing independent voices and to halt any attempt to control and restrict the work of the political opposition, news media, journalists and civil society, including human rights organizations; calls for full cooperation with, and the return of, international and multilateral human rights bodies to Nicaragua, including the Office of the High Commissioner for Human Rights (OHCHR), the Inter-American Commission on Human Rights (IACHR), the Special Monitoring Mechanism on Nicaragua (MESENI), and the OAS International Group of Independent Experts (GIEI).
3. Stresses that any limitation on the enjoyment of the rights to freedom of opinion and expression, both online and offline, as well as freedom of peaceful assembly and association, and the right to defend human rights, are all incompatible with Nicaragua's Constitution and with its obligations under international 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 other illicit purposes; in this respect it calls on the government of Nicaragua to abide in their entirety by the commitments made in the March 2019 agreements with the opposition group Civic Alliance, and to open up to dialogue aimed at reaching a democratic, peaceful, and negotiated solution to the political crisis in Nicaragua.
5. Condemns the repression of activists, political opposition, journalists, and human rights defenders; calls for the immediate release of all political prisoners and those arbitrarily detained, and for all charges against them to be dropped, while respecting fully their fundamental legal safeguards.
6. Expresses its dire concern over recent reports by Nicaraguan organizations that authorities have ordered the National Police to carry out human rights violations and are being assisted in their repression by pro-government civilian groups and the ruling party's territorial organizations, some of them armed and organised as a paramilitary groups; calls for the disarmament by the government of these paramilitary groups and calls for those responsible for violations of human rights and for undermining democracy and the rule of law to be held accountable, and for the review of the controversial amnesty law which could preclude the prosecution of those responsible for grave violations of human rights.
7. Calls on the government of Nicaragua to come to an agreement with the opposition groups, including the National Coalition, on electoral and institutional reforms necessary to guarantee credible, inclusive, transparent elections, currently scheduled for November 2021, all in accordance to international standards, by also implementing the recommendations of the 2011 EU Electoral Observation Mission, and of the Organization of American States. To that end, such elections must be observed by duly accredited national and international observers.
8. In view of continued grave abuses and violations of human rights, if the proposed "Foreign Agents Law", the "Special Law of Cyber Crime", and the "Law Against Hate

Crimes” are adopted; and the repression of civil society and the democratic opposition in Nicaragua continues, requests that the Council, including the President and Vice-President, immediately issue stern and far-reaching individual sanctions against the Ortega regime, taking special care not to harm the Nicaraguan people.

9. 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 demands that, in light of current circumstances, the democratic clause of the Association Agreement be activated;
10. 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, including its Special Working Group on Nicaragua and the Lima Group, the Euro-Latin American Parliamentary Assembly, the Central American Parliament, and the government and National Assembly of the Republic of Nicaragua.