



Plenary sitting

B9-0321/2020

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 ECR Group

B9-0321/2020

**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 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 144 of its Rules of Procedure,
- A. Whereas on 22 September 2020 the ruling party Alianza Frente Sandinista de Liberación Nacional proposed the "Law for Regulation of Foreign Agents" modelled on Russia's 2012 law on foreign agents and nicknamed by the opposition as the "Putin law", obliging each person, organization or institution that receive foreign funds, to register 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 as a “foreign agent” would be subject to close surveillance and would have to “refrain from intervening in domestic political affairs or matters” according to art 12;
- C. whereas this Law will effectively disqualify the main figures of the opposition from running in next year’s election; whereas it is clearly intended to limit fundamental freedoms by allowing the exercise of absolute and totalitarian control over citizens, media, internet, civil society and human rights organisations without any checks and balances;
- D. 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 legislation mere days after the president expressed an interest in initiating a reform to establish life imprisonment, without clear definitions of the type of conduct, which could be instrumentalised to punish opponents to the repressive regime;
- E. whereas the government approved a national cyber security law by decree to further censure information on the Internet;
- F. whereas Internet remains the only space for free communication that the regime cannot dominate;
- G. whereas civil society figures, journalists, political opposition, former political prisoners, and their families are continuously subjected by Ortega’s regime to systematic violations of human rights that must be investigated and classified in accordance with international instruments as Crimes Against Humanity,
- H. whereas the latest measures are intended to finally destroy the independent media producing an even greater reduction of the civic space, after raids by security forces on several news outlets in 2018, blockade on imports of newsprint for the country’s leading daily, La Prensa, and mass exodus of journalists from the country as they suffer harassment, arbitrary arrests and detentions, death threats, police attacks and unjust imprisonment;
- I. whereas government officials have resorted to rhetoric discrediting and attacking human rights defenders, journalists and persons critical of the Government. This situation has led to a continued.
- J. whereas “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”, as stated by the UN High Commissioner for Human rights;
- K. whereas as stated in September 2019 Report, the United Nations High Commissioner for Human Rights OHCHR, the Inter-American Commission on Human Rights and GIEI have documented gross human rights violations committed in Nicaragua as well of the lack of independence of the judiciary from the Executive; Yet, Government authorities have so far denied any responsibility, reflecting a lack of will to ensure accountability and training impunity for human rights violations, denying victims’ rights to justice, truth, reparation and guarantees of non-recurrence and eroding even

further public trust in State institutions;

- L. whereas Nicaragua faces worsening economic and social crisis which results in a further drop of support for the 74 year-old dictator and will hold general elections in November 2021;
- M. whereas both “Foreign Agents” and “Cyber Law” and other laws in the approval process are designed as part of a strategy of authoritarian regimes that seek to give a supposed legal content to the mechanisms of state repression;
 - 1. Warns against adoption of the unconstitutional “Law for Regulation of Foreign Agents” and calls on the National Assembly to reject it as well as any other similar laws in the future; stresses that if approved, the law will be instrumentalised by Daniel Ortega’s government for silencing critics, which will further aggravate the already unsustainable human rights situation in Nicaragua.
 - 2. Urges Nicaragua’s government to stop criminalizing independent voices and to stop any attempts to control and restrict the work of the political opposition, media, journalists and civil society; 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.
 - 3. Condemns the improper use of institutions and laws by the Nicaraguan regime with the intention of criminalizing political opponents; calls on the Government of Nicaragua to abide with the commitments made in the March 2019 agreements with the opposition in their entirety in view of reaching a democratic peaceful and negotiated solution to the political crisis in Nicaragua.
 - 4. 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 states that, in light of the current circumstances, the democratic clause of the Association Agreement has to be triggered without delay;
 - 5. In case the proposed law is adopted, calls on the Council to enlarge the list of individuals and entities to be sanctioned, including the President and Vice-President, and coordinate response with like-minded countries
 - 6. Calls the EU to monitor closely the developments ahead of the next year’s elections and continue support to independent media and civil society.
 - 7. Instructs its President to forward this resolution to the Council, the European 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, the Government and Parliament of the Republic of Nicaragua and the International Criminal Court (ICC).