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Plenary sitting

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<TitreType>MOTION FOR A RESOLUTION</TitreType>

<TitreSuite>to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy</TitreSuite>

<TitreRecueil>pursuant to Rule 132(2) of the Rules of Procedure</TitreRecueil>

<Titre>on the situation in Nicaragua</Titre>

<DocRef>(2021/2777(RSP))</DocRef>

<RepeatBlock-By><Depute>Leopoldo López Gil, Michael Gahler, David McAllister, Antonio Tajani, Paulo Rangel, Juan Ignacio Zoido Álvarez, Gabriel Mato, Francisco José Millán Mon, Antonio López‑Istúriz White, Isabel Wiseler‑Lima</Depute>

<Commission>{PPE}on behalf of the PPE Group</Commission>

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B9‑0400/2021

European Parliament resolution on the situation in Nicaragua

(2021/2777(RSP))

*The European Parliament*,

– having regard to its previous resolutions on Nicaragua, in particular those of 19 December 2019 on the situation of human rights and democracy in Nicaragua[[1]](#footnote-1) and 8 October 2020 on the ‘Foreign Agents’ Law in Nicaragua[[2]](#footnote-2),

– having regard to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other[[3]](#footnote-3),

– having regard to the declaration by the High Representative on behalf of the European Union of 10 June 2021 on the deteriorating political situation in Nicaragua, the statement by his spokesperson of 6 May 2021 on the new electoral law, and the joint statement on Nicaragua by 59 countries at the 47th Session of the UN Human Rights Council on 22 June 2021,

– having regard to the statement attributable to the spokesperson for the UN High Commissioner for Human Rights on Nicaragua of 28 May 2021 and the oral update by the UN High Commissioner for Human Rights Michelle Bachelet at the 47th Session of the Human Rights Council of 22 June 2021 on the situation of human rights in Nicaragua,

– having regard to the statement of 6 May 2021 from the Organization of American States (OAS) General Secretariat on the election of the Supreme Electoral Council’s magistrates and electoral reform in Nicaragua, and to the OAS resolution of 15 June 2021 on the situation in Nicaragua,

– having regard to the statements of the Inter-American Commission on Human Rights, the newsletters published by the Special Monitoring Mechanism for Nicaragua (MESENI) and the remarks by Commissioner Antonia Urrejola, President of the Inter-American Commission on Human Rights, at the Special Session of the Permanent Council of the OAS of 23 June 2021 on the situation in Nicaragua,

– having regard to the chapter on Nicaragua in the EU annual report on human rights and democracy in the world 2020 adopted by the Council on 21 June 2021,

– having regard to the Council conclusions on Nicaragua of 21 January 2019 and the consecutive texts adopted as a result thereof, namely Council Regulation 2019/1716 of 14 October 2019[[4]](#footnote-4), amended by Council Implementing Regulation (EU) 2020/606 of 4 May 2020[[5]](#footnote-5), and Council Decision (CFSP) 2019/1720 of 14 October 2019[[6]](#footnote-6), amended by Council Decision (CFSP) 2020/607 of 4 May 2020[[7]](#footnote-7) and Council Decision (CFSP) 2020/1467 of 12 October 2020[[8]](#footnote-8) concerning restrictive measures in view of the situation in Nicaragua,

– having regard to Council Regulation (EU) 2020/1998[[9]](#footnote-9) and to Council Decision (CFSP) 2020/1999 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses[[10]](#footnote-10),

– having regard to the International Covenant on Civil and Political Rights of 1966,

– having regard to the Nicaraguan Constitution,

– having regard to Rule 132(2) of its Rules of Procedure,

A. whereas the human rights and democracy situation in Nicaragua has further gravely deteriorated in the aftermath of the violent repression of civic protests in April 2018; whereas since April 2021, following the third anniversary of the widespread protests that broke out in April 2018, at least 124 people have been deprived of liberty for political reasons, and the government’s opponents and their families face the constant threat of harassment, both in person and online, by police and government supporters; whereas detainees are being ill-treated in prison, denied medical care and access to their lawyers, and are being attacked and sexually assaulted, while people who protest against the government are put in maximum security cells, where they face increased surveillance, searches and isolation; whereas there is particular concern about the situation of women and older adults being deprived of their liberty;

B. whereas as a result of the current situation, more than 108 000 Nicaraguans have been forced to flee and seek asylum in neighbouring countries since 2018, three quarters of whom have sought protection in Costa Rica;

C. whereas on 4 May 2021, the Nicaraguan National Assembly passed a reform of Electoral Law 331, which incorporates recently adopted punitive laws that were condemned by the European Parliament; whereas the aforementioned reform also incorporates rules that restrict electoral competition and the exercise of political rights that further limit the participation of the democratic political opposition, and limits public freedoms contrary to international standards and, in particular, the right to participate in the conduct of public affairs, freedom of association, freedom of expression, the right to social protest, and the right to defend rights, among others; whereas these reforms disregard the demands of the opposition, civil society and the international community;

D. whereas the Nicaraguan Government has adopted increasingly restrictive laws in the last few years, such as the Law for the Regulation of Foreign Agents, the Special Law against Cybercrime, the Law against Hate Crimes, the Law on the Rights of the People to Independence, Sovereignty and Self-Determination for Peace, and the Law amending the Code of Criminal Procedure, which increased the period of investigation to 90 days instead of the constitutional term of 48 hours; whereas these laws institutionalise repression and legalise the acts that have been committed in the country since their adoption;

E. whereas the new Supreme Electoral Council (SEC) is a body that supervises and administers the electoral process in Nicaragua; whereas this is a process that should be managed by an impartial, independent and transparent body that upholds democratic principles and the effective and pluralistic exercise of the civil and political rights of the population; whereas the members of the SEC were appointed by the Nicaraguan National Assembly which is firmly controlled by Ortega; whereas this makes the SEC a biased and non-transparent body and further erodes the political process; whereas these appointments, together with the recent electoral reforms, are not the result of dialogue between the government and opposition groups, which the EU and the international community have repeatedly called for, but were imposed by the ruling majority;

F. whereas the Nicaraguan authorities have dissolved two political parties without due process in recent weeks, using methods that are contrary to international norms; whereas the dissolution of political parties and the initiation of politically motivated criminal investigations that could lead to the disqualification of democratic opposition candidates not only undermine the right of aspiring candidates to stand for election, but also the right of voters to elect the candidates of their choice; whereas these measures, coupled with the political use of the judicial system, run counter to basic democratic principles and constitute a serious violation of the rights of the Nicaraguan people under the Nicaraguan Constitution and international law;

G. whereas since the beginning of June 2021 at least 20 opposition members, including five presidential candidates, two trade union leaders and three political leaders, have been arbitrarily arrested under ambiguous and politically motivated criminal concepts without any evidence, in serious violations of procedural guarantees; whereas dozens of prominent opponents report systematic harassment and living under constant intimidation, with police almost permanently stationed in front of their houses or following them in the street, thus preventing them from moving about freely;

H. whereas the continued harassment of the independent media curtails the right to freedom of expression and undermines the public’s right to be properly informed; whereas freedom of expression, both online and offline, is crucial to any democracy at all times, but is of paramount importance during an electoral period;

I. whereas these worrying developments overseen by the Nicaraguan Government show beyond doubt that the regime is drifting further into authoritarianism by shutting off space for democracy, national understanding and international mediation towards a peaceful solution to the conflict, and clearly impeding the holding of free and fair elections on 7 November 2021;

J. whereas almost none of the recommendations made by the Office of the United Nations High Commissioner for Human Rights to the State of Nicaragua have been implemented;

K. whereas there are allegations that Nicaragua is laundering gold from the Compañía General de Minería de Venezuela, which was included on the list of sanctioned persons by the US Office of Foreign Assets Control (OFAC) for illicit operations; whereas the reforms to the Consumer Law (Law 842) by the Nicaraguan National Assembly oblige banks to open accounts for the relatives of people who have been sanctioned by the US Government and other countries and are accused of corruption, money laundering and human rights violations;

1. Expresses its solidarity with the Nicaraguan population and strongly condemns all the repressive actions of the Nicaraguan authorities against members of opposition parties, journalists and other media workers, students, indigenous people, human rights defenders and civil society, as well as their family members, and in particular the deaths caused; calls for an immediate stop to the imposition of restrictive measures, repression and human rights violations, and calls for accountability for the grave violations committed by the Nicaraguan Government since 2018;

2. Calls for the immediate and unconditional release of all arbitrarily detained political prisoners, among them the potential presidential candidates Cristiana Chamorro, Arturo Cruz, Félix Maradiaga, Juan Sebastián Chamorro and Miguel Mora, political leaders José Pallais, Jose Adan Aguerri, Dora María Téllez, Hugo Torres, Víctor Hugo Tinoco, Violeta Granera, Ana Margarita Vijil, Suyén Barahona and Pedro Joaquín Chamorro and other opposition activists; calls, further, for the respect of fundamental legal safeguards, their human rights and civil and political rights to be ensured; recalls that full assurances must be given to those in exile to allow them to return to their country;

3. Requests that the Government of Nicaragua lift the de facto state of siege, respect the role of the national police as a non-political, non-partisan and non-deliberative force, disarm the paramilitary forces, comply with the agreements signed with the Civic Alliance and restore citizens’ rights; reiterates its call on the government to allow civil society organisations to operate in a safe and enabling environment, without fear of reprisal;

4. Reiterates its call for the restoration of inclusive dialogue and democracy as the only peaceful way out of the political, economic and social crisis in Nicaragua; underlines the need to adopt reforms in an inclusive and transparent manner;

5. Urges the Nicaraguan authorities to make changes to the Electoral Law in accordance with the international parameters demanded by the OAS in its resolution of 21 October 2020, to appoint impartial people to the different electoral structures, to restore the legal status of the parties that were stripped of it, to respect the right of Nicaraguans to elect and be elected, and to guarantee the unrestricted presence of national and international electoral observation bodies while committing to political coexistence after the elections; stresses that in order for the elections and the resultant government to be recognised, the changes requested by the OAS and international organisations must be implemented, in particular the re-establishment of the rights and freedoms that make possible a free, credible and equitable electoral process; concludes that in the absence of such reforms the European Parliament would not recognise the results of the elections;

6. Condemns the adoption and implementation of the restrictive and punitive laws, and calls for their immediate repeal; stresses that these laws go against the rights and freedoms of Nicaraguans as enshrined in the Constitution of the Republic of Nicaragua, the Inter-American Democratic Charter and other international treaties to which Nicaragua is a signatory; rejects the improper use of institutions and laws by Nicaragua’s authoritarian government with the intention of criminalising civil society organisations and political opponents;

7. Reiterates its call on the Nicaraguan authorities to allow unimpeded access to the Office of the UN High Commissioner for Human Rights (OHCHR), the Inter-American Commission on Human Rights (IACHR), the Interdisciplinary Group of Independent Experts (GIEI), the Special Monitoring Mechanism for Nicaragua (MESENI), international civil society organisations and the European institutions in order to ensure respect for human rights in Nicaragua;

8. Calls on the Financial Action Task Force (FATF) to establish the necessary coordination with OFAC to ensure international financial security in the face of illicit operations originating from the Ortega-Murillo regime and its collaborators and their commercial relations and assets in European countries; underlines the fact that Nicaragua has been blacklisted by the FATF since October 2020;

9. Requests that the Council swiftly expand the list of individuals and entities to be sanctioned, including the President and Vice-President of Nicaragua and their inner circle, taking particular care to do no harm to the Nicaraguan people; recalls that, in the light of the Association Agreement between the EU and Central America, Nicaragua must respect and consolidate the principles of the rule of law, democracy and human rights, and reiterates its demand that, in the light of the current circumstances, the democratic clause of the Association Agreement be triggered;

10. Calls on the Central American Integration Secretariat and its member states to play an active role in defending, protecting and promoting human rights and democracy in Nicaragua, as established in the Protocol of Tegucigalpa of 1991 and in the Framework Treaty on Democratic Security in Central America of 1995, which underscores that it is founded on democracy, governments elected by free and secret universal suffrage and unconditional respect for human rights in the countries of the Central American region;

11. Recognises and supports the efforts and the positive work done by the EU Delegation in Nicaragua in a highly complex environment and requests that its Conference of Presidents dispatch a fact-finding mission to Nicaragua in order to assess the human rights and political situation there;

12. Reiterates its call from its resolution of 14 March 2019 for the immediate extradition of Alessio Casimirri, who continues to live in Managua under the protection of the Nicaraguan Government, to Italy, where he must serve six definitive life sentences for his proven involvement in the kidnapping and killing of the former prime minister and leader of the Christian Democracy party Aldo Moro and the murder of his guards in Rome on 16 March 1978;

13. 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.

1. OJ C 255, 29.6.2021, p. 65. [↑](#footnote-ref-1)
2. Texts adopted, P9\_TA(2020)0259. [↑](#footnote-ref-2)
3. OJ L 346, 15.12.2012, p. 3. [↑](#footnote-ref-3)
4. OJ L 262, 15.10.2019, p. 1. [↑](#footnote-ref-4)
5. OJ L 139I, 4.5.2020, p. 1. [↑](#footnote-ref-5)
6. OJ L 262, 15.10.2019, p. 58. [↑](#footnote-ref-6)
7. OJ L 139I, 4.5.2020, p. 4. [↑](#footnote-ref-7)
8. OJ L 335, 13.10.2020, p. 18. [↑](#footnote-ref-8)
9. OJ L 410I, 7.12.2020, p. 1. [↑](#footnote-ref-9)
10. OJ L 410I, 7.12.2020, p. 13. [↑](#footnote-ref-10)