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*Plenary sitting*

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**B9-0401/2021**

5.7.2021

## **MOTION FOR A RESOLUTION**

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

pursuant to Rule 132(2) of the Rules of Procedure

on the situation in Nicaragua  
(2021/2777(RSP))

**Pedro Marques, Javi López**  
on behalf of the S&D Group

**B9-0000/2021**

**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 31 May 2018<sup>1</sup>, 14 March 2019<sup>2</sup> and 14 December 2019<sup>3</sup>, and to its resolution of 7 October 2020 on the ‘Foreign Agents’ Law in Nicaragua<sup>4</sup>,
- having regard to the Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses<sup>5</sup>,
- 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 and the statement by his Spokesperson on the new electoral law of 6 May 2021,
- having regard to the resolution adopted by the UN Human Rights Council on 23 March 2021 on the promotion and protection of human rights in Nicaragua,
- having regard to the resolution on the situation in Nicaragua adopted at the Permanent Council of the Organization of American States on 15 June 2021,
- having regard to the joint statements by 59 countries on Nicaragua of 22 June 2021 adopted at the 47th Session of the UN Human Rights Council,
- having regard to the statement on the ongoing detention of opposition leaders in Nicaragua by the Chair of the Committee on Foreign Affairs and the Chair of Delegation for Relations with the countries of Central America, ,
- having regard to the statement on Nicaragua attributable to the Spokesperson for the UN High Commissioner for Human Rights of 28 May 2021 and the oral update of 22 June 2021 on the situation of human rights in Nicaragua by the UN High Commissioner for Human Rights Michelle Bachelet at the 47th Session of the Human Rights Council,
- having regard to the statements of the Inter-American Commission on Human Rights, and to the newsletters published by the Special Monitoring Mechanism for Nicaragua (MESENI),
- having regard to the chapter on Nicaragua in the EU annual report on human rights and

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<sup>1</sup> OJ C 76, 9.3.2020, p. 164.

<sup>2</sup> OJ C 23, 21.1.2021, p. 126.

<sup>3</sup> OJ C 255, 29.6.2021, p. 65.

<sup>4</sup> Texts adopted, P9\_TA(2020)0259.

<sup>5</sup> OJ L 410I, 7.12.2020, p. 1.

- democracy in the world 2020 adopted by the Council on 21 June 2021,
- having regard to the Universal Declaration of Human Rights of 1948,
  - 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) and (4) of its Rules of Procedure,
- A. whereas Nicaragua's is suffering its worst human rights crisis for decades; whereas the human rights and democracy situation is extremely worrying and has further deteriorated in the aftermath of the violent repression of civic protests in April 2018; whereas police and judicial harassment of political opponents, peaceful protesters, journalists, civil society organisations, LGBTI persons, rural workers, human rights defenders and members of the Catholic Church has intensified; whereas since 18 April 2018, at least 328 people have been killed, 24 of them children; 1 614 people have been deprived of liberty during the human rights crisis, and there are currently 125 people deprived of liberty or under house arrest for political reasons despite precautionary measures by the Inter-American Court of Human Rights; 405 health professionals have been dismissed; 150 students expelled from university as reprisals; 90 information and media professionals exiled and more than 103 000 Nicaraguans have fled their country; whereas the government's opponents and their families face the constant threat of harassment, both in person and online, by the police and government supporters;
- B. whereas there has been a worsening trend in violence against indigenous peoples and in the state's failure to respect, protect and uphold their rights, in particular to comply with its legal obligation to honour the title of the lands belonging to indigenous communities; whereas gender-based violence and femicides rose again in 2020 to 71 from an already very high level in 2019 (63);
- C. whereas the political crisis ongoing since 2018 has also led to a deep and lasting recession and a significant increase in poverty and unemployment; whereas the pandemic has further worsened the recession; whereas poverty stands at 44 % and extreme poverty at almost 9 %, chronic, with malnutrition among children under five standing at almost 12 %;
- D. whereas, despite the strong condemnation in its last resolution on Nicaragua (on the 'Foreign Agents' Law in Nicaragua), Nicaragua's 'Special Law on Cyber Crime' and 'Law against Hate Crimes' were nevertheless adopted in the last quarter of 2020; whereas the Nicaraguan National Assembly, controlled by the Frente Sandinista de Liberación Nacional (FSLN), approved a reform of the Constitution that allows imprisonment for life; whereas in December 2020, the Nicaraguan National Assembly adopted the Law for the Defence of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace, which mandates life sentences for perpetrators of vaguely defined 'hate crimes' and extends the length of provisional detention from 48 hours to 90 days;
- E. whereas the election of the new Supreme Electoral Council and the reform approved by

the legislative power erodes, instead of strengthening, a pluralistic political process that allows the population to effectively exercise their civil and political rights; whereas these decisions 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 on 4 May 2021 the Nicaraguan National Assembly passed a regressive electoral reform that disregards the demands of the opposition, civil society and the international community; whereas this reform, far from expanding democratic participation, incorporates rules that restrict electoral competition and the exercise of political rights, and limits public freedoms contrary to international standards and, particularly, the right to participate in public life, freedom of association, freedom of expression, the right to social protest, and the right to defend rights, among others; whereas the government's reforms are regressive, as illustrated by the fact that two political parties, Partido de Restauración Democrática and Partido Conservador, were banned in May, and five potential presidential candidates were imprisoned or arbitrarily detained in June; whereas this legislation tasks the police, instead of the electoral authorities, with authorising campaign rallies; whereas the EU and other international actors and human rights organisations have warned that there is well-founded fear that these laws would be used to target people who speak out against repressive policies and call for human rights to be respected;
- G. whereas the lack of independence of the justice administration system in Nicaragua has allowed criminal law to be used and manipulated to criminalise and prosecute voices critical of or opposing the government, leading to hundreds of court cases for unfounded and disproportionate charges, as well as to serious impacts on the legal rights of detainees;
- H. whereas since the beginning of June 2021, at least 21 opposition members, including five potential presidential candidates, two union leaders and three political leaders, have been arbitrarily arrested on vague criminal charges, without sufficient evidence, with their arrests marked by serious violations of procedural guarantees; whereas dozens of prominent opponents report that they live under constant intimidation, with police almost permanently stationed in front of their homes or following them in the street, thus preventing them from moving about freely; whereas these cases of arrest and imprisonment lack all basic international guarantees, such as access to a lawyer and contact with their families;
- I. whereas the Inter-American Commission on Human Rights' Interdisciplinary Group of Independent Experts has already indicated that the methods used to repress street protests may be considered crimes against humanity; whereas President Ortega and his family are accused of allegedly building a business empire in telecommunications, energy and other sectors by diverting part of around USD 5 billion in Venezuelan funds received by Nicaragua between 2007 and 2017, mostly through the Albanisa holding company;
- J. whereas in May 2020 the EU imposed restrictive measures (travel bans to the EU and assets freezes) on six individuals for their role in the repression, and reiterated its demands for a return to democratic governance: whereas the EU legal framework for

the adoption of sanctions was extended in October 2020 for one more year; whereas the USA's 'maximum pressure' strategy and sanctions have proven ineffective and occasionally counterproductive in Nicaragua, given the increasing repression and the state of siege; whereas they seem to have increased both Ortega's sense of victimhood and his reluctance to contemplate any dialogue-based process to address the countries' dire three-year-long crisis;

1. Expresses its solidarity with the Nicaraguan population and condemns all the repressive actions of the Nicaraguan authorities against 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 the immediate stop to the imposition of restrictive measures, repression and human rights violations, and calls for accountability for the grave violations by the Nicaraguan government committed 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, José 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, and for their human rights and civil and political rights to be guaranteed; demands that the government immediately provides proof that those imprisoned are still alive and evidence of their whereabouts; recalls that those in exile must be guaranteed full assurances for their return to the country;
3. Calls on the government of Nicaragua to lift the de facto state of siege, to respect the role of the national police as a non-political and non-partisan force, disarm the paramilitary forces, comply with the agreements signed with the Civic Alliance and to 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 line with the international parameters demanded by the Organization of American States (OAS) in its resolution of 21 October 2020, to appoint impartial people to the different electoral structures, to reinstate the legal status of the political 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 for the elections and the government that emerges 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 fair electoral process;
6. Condemns the adoption and implementation of restrictive 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, the Inter-American Commission on Human Rights (IACHR), the Interdisciplinary Group of International Experts (GIEI), the Nicaragua Follow-up Mechanism (MESENI) and international civil society organisations in order to ensure respect for human rights in Nicaragua; reiterates its call to immediately restore the legal personality of human rights defenders organisations, such as the Centro Nicaragüense de Derechos Humanos (CENIDH);
8. Calls on the Council and the Member States to appoint an EU Special Representative to Nicaragua to lead these processes and to periodically verify the implementation of political and security agreements that would pave the way for a return to democratic governance;
9. Calls on the Council and the Member States to quickly enlarge the list of individuals and entities to be sanctioned, including the President and Vice-President, taking special care not to harm the Nicaraguan people and ensuring that EU assistance to civil society organisations can be maintained and boosted so as to alleviate the impact of COVID-19 and the current governmental repression; recalls that, in the 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 the light of the current circumstances, the democratic clause of the Association Agreement be triggered;
10. Calls on the government to create an independent investigative unit involving international experts to oversee credible, impartial, and exhaustive investigations by the Attorney General's Office into the alleged responsibility of top police officials for grave human rights violations committed during the 2018 crackdown and thereafter;
11. Calls on the Central American Integration System (SICA) Secretariat and its Member States to play an active role in the defence, protection and promotion of democracy, and in the defence of human rights in Nicaragua as established in the 1991 Tegucigalpa Protocol and endorsed in the 1995 Democratic Security Framework Treaty, which in Article 1 states that it is based on democracy and on governments elected by universal, free and secret suffrage, and on the unconditional respect of all human rights in the states that make up the Central American Region
12. Commends the efforts and the positive work of the EU Delegation in Nicaragua in a very complicated environment; calls on the EU Member States to closely monitor the situation on the ground through their representatives and embassies in Nicaragua, including through trial monitoring if possible and by visiting critics and opposition leaders in prison or under house arrest if allowed, to openly condemn abuses against independent media and human rights defenders, and to support their work;
13. Reiterates its call in 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 former Prime Minister and leader of the Christian Democracy party Aldo Moro and the murder of his guards on 16 March 1978 in Rome;

14. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EEAS, 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 and the Government and Parliament of the Republic of Nicaragua.