Situation of human rights and democracy in Nicaragua, the case of Francisca Ramirez


The European Parliament,

– having regard to its previous resolutions on Nicaragua, in particular those of 18 December 2008 on the attacks on human rights defenders, civil liberties and democracy in Nicaragua¹ and of 26 November 2009²,

– having regard to the statement by the Spokesperson of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, of 16 August 2016, on the recent judicial decision in Nicaragua to dismiss Members of Parliament, and the statement by the VP/HR of 19 November 2016 on the final results of the elections in Nicaragua,

– having regard to the report of the EU election observation mission to Nicaragua on its observation of the legislative and presidential elections of 6 November 2011,

– having regard to the statement of the General Secretariat of the Organisation of American States (OAS) of 16 October 2016 on the electoral process in Nicaragua,

– having regard to the report of the General Secretariat of the Organisation of American States and Nicaragua of 20 January 2017,

– having regard to the 2012 Association Agreement between the European Union and the countries of Central America, which entered into force in August 2013, including its human rights clauses,

– having regard to the EU Guidelines on Human Rights Defenders of June 2004,

– having regard to the EU Land Policy Guidelines of 2004 providing guidance for land policy development and programming in developing countries,

– having regard to the UN Declaration on Human Rights Defenders of December 1998,

¹ OJ C 45 E, 23.2.2010, p. 89.
having regard to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP),

having regard to the 1989 Indigenous and Tribal Peoples Convention (No 169) of the International Labour Organisation (ILO), ratified by Nicaragua,

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

having regard to the Universal Declaration of Human Rights of 1948,

having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms must be an integral part of the EU’s external policies, including the Association Agreement between the European Union and the countries of Central America of 2012;

B. whereas democracy and the rule of law have deteriorated in Nicaragua in the past years;

C. whereas in 2013 Nicaragua passed Law 840 which granted a 100-year concession for an inter-oceanic canal through Nicaragua to a private Chinese company, the HK Nicaragua Canal Development Investment Company Ltd (HKND);

D. whereas this law gave HKND powers to expropriate lands and exempted the company from local tax and commercial regulations; whereas it also guaranteed to HKND that there would be no criminal punishment for breach of contract;

E. whereas between 27 November and 1 December 2016, demonstrators from all over Nicaragua gathered in the capital to reject the construction of the inter-oceanic canal, a megaproject which could displace thousands of small farmers and indigenous people in the areas surrounding the canal project, and also to denounce the lack of transparency in the presidential election of 6 November 2016; whereas human rights defenders reported the use of tear gas and rubber and lead bullets by police against protestors;

F. whereas no environmental impact study was conducted and no prior consultation was launched with indigenous peoples, in breach of ILO Convention 169; whereas the canal’s proposed route will go through indigenous lands and would displace between 30 000 and 120 000 indigenous people;

G. whereas scientific organisations have expressed alarm that the canal would cut across Lake Nicaragua, endangering Central America’s largest source of fresh water; whereas scientific organisations have asked the Nicaraguan Government to suspend the project until independent studies have been completed and publicly debated;

H. whereas Francisca Ramirez, Coordinator of the National Council for the Defence of Land, Lake and Sovereignty, presented a formal complaint in December 2016 regarding acts of repression and aggressions experienced in Nueva Guinea; whereas Francisca Ramirez has been intimidated and arbitrarily detained and her family members have been violently attacked in retaliation to her activism;

I. whereas journalists in Nicaragua face harassment, intimidation and detention, and have received death threats;
J. whereas in August 2016 the visit of the UN Special Rapporteur on the situation of human rights defenders, Michel Forst, to Nicaragua was cancelled, owing to obstacles imposed by the Nicaraguan Government;

K. whereas the severe exclusion of opposition candidates demonstrates that conditions for free and fair elections were clearly lacking and that freedom of association, political competition and pluralism are being seriously undermined;

L. whereas the Special Rapporteur on the independence of judges and lawyers drew attention, under a universal periodic review procedure in 2014, to the appointments of Supreme Court judges, which are heavily influenced by politics; whereas the constitutional changes made in 2013 for the re-election of the President were conducted by bypassing the law in a non-transparent manner; whereas Article 147 of the Nicaraguan Constitution prohibits those related to the President either by blood or affinity from being presidential or vice-presidential candidates;

M. whereas public sector corruption, including by family members of the President, remains one of the biggest challenges; whereas bribery of public officials, unlawful seizures and arbitrary assessments by customs and tax authorities are very common;

1. Expresses its concern at the steadily deteriorating human rights situation in Nicaragua and deplores the attacks and acts of harassment to which human rights organisations and their members and independent journalists have been subjected by individuals, political forces and bodies linked to the State;

2. Urges the government to refrain from harassing and using acts of reprisal against Francisca Ramirez and other human rights defenders for carrying out their legitimate work; calls on the Nicaraguan authorities to end the impunity of perpetrators of crimes against human rights defenders; supports the right of environmental and human rights defenders to express their protest without retaliation; calls on Nicaragua to effectively launch an independent environmental impact assessment before engaging in further steps and to make the whole process public;

3. Calls on the Nicaraguan Government to respect its international human rights obligations, in particular the UN Declaration on the Rights of Indigenous People, signed in 2008, and ILO Convention 169;

4. Calls on the Nicaraguan Government to protect indigenous peoples’ lands from the impact of development megaprojects that affect the life-supporting capacity of their territories, placing indigenous communities in conflict scenarios and exposing them to the practice of violence;

5. Is extremely concerned about the dismissal of the opposition Members from the National Assembly of Nicaragua and the ruling which changed the leadership structure of the opposition party;

6. Calls on Nicaragua to fully respect democratic values, including separation of powers, and to restore the position of all political opposition parties by allowing critical voices within the political system and society in general; recalls that the full participation of the opposition, the depolarisation of the judiciary, the end of impunity, and an independent civil society are essential factors for the success of any democracy;
7. Recalls the illegal steps taken in violation of the judicial system that resulted in constitutional changes to remove presidential term limits, allowing Daniel Ortega to stay in power for years;

8. Points out that the elections in 2011 and 2016 were highly criticised for their irregularities by the EU institutions and the OAS; notes that there is a dialogue process currently underway with the OAS and that the Memorandum of Understanding should be signed by 28 February 2017, which could improve the situation;

9. Reaffirms that freedom of the press and media are vital elements for democracy and an open society; calls on the Nicaraguan authorities to restore the plurality of media;

10. Points out that, in the light of the Association Agreement between the European Union and the countries of Central America, Nicaragua must be reminded of the need to respect the principles of the rule of law, democracy and human rights, as upheld and promoted by the EU; urges the EU to monitor the situation and, if necessary, to assess the potential measures to be taken;

11. 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 Organisation of American States, the Euro-Latin American Parliamentary Assembly, the Central American Parliament, and the Government and Parliament of the Republic of Nicaragua.