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## TEXTS ADOPTED

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### **P9\_TA(2020)0259**

#### **The ‘Foreign Agents’ Law in Nicaragua**

#### **European Parliament resolution of 8 October 2020 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 31 May 2018<sup>1</sup>, 14 March 2019<sup>2</sup> and 19 December 2019<sup>3</sup>,
- having regard to the Agreement of 29 June 2012 establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other<sup>4</sup>,
- having regard to the EU country strategy paper and multiannual indicative programme 2014-2020 on Nicaragua,
- having regard to the Council conclusions on Nicaragua,
- having regard to Council Regulation (EU) 2019/1716 of 14 October 2019 establishing a framework for targeted sanctions in Nicaragua<sup>5</sup>, and Council Implementing Regulation (EU) 2020/606 of 4 May 2020 adding six Nicaraguan officials on the list of targeted sanctions, including asset freezes and travel bans<sup>6</sup>,
- 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 European Union on 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 45th Session of the Human Rights Council of 14 September 2020, and the UN Human Rights Council report of 19 June 2020 on Nicaragua,

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

<sup>2</sup> Texts adopted, P8\_TA(2019)0219.

<sup>3</sup> Texts adopted, P9\_TA(2019)0111.

<sup>4</sup> OJ L 346, 15.12.2012, p. 3.

<sup>5</sup> OJ L 262, 15.10.2019, p. 1.

<sup>6</sup> OJ L 139 I, 4.5.2020, p. 1.

- 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 those on Freedom of Expression Online and Offline,
  - having regard to the Nicaraguan Constitution,
  - having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas on 22 September 2020, the Nicaraguan National Assembly members of the Alianza Frente Sandinista de Liberación Nacional (Sandinista National Liberal Front), the ruling party, presented a proposal for a Law for Regulation of Foreign Agents, modelled on Russia’s 2012 law on foreign agents, which, if adopted, will oblige every person, organisation or institution, including media outlets and non-governmental organisations that receive funds from abroad, to be registered with the Ministry of the Interior (Migob) and to submit to financial monitoring by the Financial Analysis Unit (UAF);
  - B. whereas any person or entity registered with the Ministry of the Interior 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, if adopted, this law would negatively affect the right to equal political and public participation, including of the opposition, thus further distorting the political system in Nicaragua; whereas this can lead to grave situations of unlawful criminalisation of civil society organisations, activists and human rights defenders;
  - C. whereas the Law for Regulation of Foreign Agents, if approved, would be used as an instrument of repression against people and human rights organisations that receive resources from international cooperation in Nicaragua; whereas the adoption of this law could directly impact EU cooperation in the country and individuals linked to European interests;
  - D. whereas several members of the ruling party of the National Assembly have also proposed a special law on cybercrime that seeks to censor digital media, as well as a new law on hate crimes that would reform the criminal code so as to permit the imposition of life imprisonment for political dissent, without any clear definition of what conduct would lead to such a harsh sentence, and which could be used to punish those who speak out against the government’s repressive policies;
  - E. whereas these proposed laws clearly intend to limit fundamental freedoms such as the freedom of expression both online and offline, the freedom of association, and religious freedom, to further restrict the civil space for Nicaraguan citizens and to exercise totalitarian control over Nicaragua’s citizens, media outlets and civil society and human

rights organisations, without any checks and balances and with large margins of discretion in their implementation through the monitoring of all their activities, with an emphasis on the political, labour and economic spheres; whereas these laws, if adopted, would violate a series of rights and fundamental freedoms enshrined in the Nicaraguan Constitution, which are all recognised in the international agreements, covenants and treaties to which Nicaragua is a party;

- F. whereas these initiatives are the latest examples of such violations and corroborate a wider pattern of repression and violations of human rights and fundamental freedoms; whereas civil society figures, environmental activists, journalists, political opposition figures, members of religious communities, notably the Catholic Church, students, former political prisoners, and their families all continue to be targeted by the security forces and pro-government armed groups through arrests, criminalisation, excessive force, raids on their homes, police harassment, sexual assaults and increasing violence and intimidation faced by women activists, death threats, vandalism, public slander, and online smear campaigns;
- G. 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’; whereas civil society organisations report that 94 persons perceived as opponents of the government are still being arbitrarily detained, mostly on trumped-up charges for unrelated offences;
1. Condemns the attempts to adopt the unconstitutional ‘Law for Regulation of Foreign Agents’, the ‘Special Law of Cyber Crime’ and the ‘Law Against Hate Crimes’, and calls on the national assembly to reject these laws, as well as any other law that would limit the fundamental freedoms of the Nicaraguan people; stresses that, if approved, these laws will provide Daniel Ortega’s government with a new repressive tool for silencing not only its critics, but any individual or organisation that receives foreign funding, which will lead to an increase in the number of victims of such repression and which will further aggravate the broader climate of intimidation and threat, leading to unacceptable human rights breaches in Nicaragua;
  2. Expresses its solidarity with the Nicaraguan people and condemns all the repressive actions of the Nicaraguan Government, in particular the deaths caused; condemns the repression of civil society activists, political opposition figures, students, journalists, indigenous groups, members of religious communities, notably the Catholic Church, and human rights defenders; calls for the immediate release of all political prisoners who have been arbitrarily detained, for all charges against them to be dropped and for fundamental legal safeguards to be respected;
  3. Urges the Nicaraguan Government to stop criminalising independent voices and to halt any aim to control and restrict the work of civil society and human rights organisations, political opposition figures, media outlets and journalists; urges the Nicaraguan Government to return confiscated property to news outlets, restore their licences to operate and restore the legal personality of non-governmental organisations; calls for full cooperation with international organisations and for them to be able to return to the country, including the Inter-American Commission on Human Rights, the Office of the UN High Commissioner for Human Rights, MESENI and the Organization of American States’ (OAS’s) International Group of Independent Experts; welcomes the UN Human

Rights Council resolution of June 2020 mandating enhanced monitoring by the Office of the UN High Commissioner for Human Rights on the situation in Nicaragua, and the EU's support for its adoption;

4. Stresses that any limitations on the enjoyment of the rights to freedom of opinion and expression, both online and offline, the freedom of peaceful assembly and association, and the right to defend human rights are incompatible with Nicaragua's Constitution and its international obligations under human rights agreements;
5. Rejects the improper use of institutions and laws by Nicaragua's authoritarian government with the intention of criminalising civil society organisations and political opponents for political and illegal purposes; in this respect, calls on the Government of Nicaragua to abide in their entirety by the commitments made in the March 2019 agreements with the opposition groups and the Civic Alliance, now encompassed in the National Coalition, with a view to reaching a democratic, peaceful and negotiated solution to the political crisis in Nicaragua;
6. Reminds the Nicaraguan Government that free, credible, inclusive and transparent elections can only happen if there is no repression, and restoration of the rule of law and the respect of the constitutional rights of all Nicaraguan people materialise, including the right to freedom of expression, assembly, belief and peaceful protest; calls on the Nicaraguan Government to come to an agreement through democratic peaceful and negotiated means 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 with international standards, by also implementing the recommendations of the 2011 EU Electoral Observation Mission, and of the OAS; believes, to that end, that the elections must be observed by duly accredited national and international observers;
7. Expresses its dire concern over recent reports by Nicaraguan organisations that the authorities have ordered the national police to commit human rights violations and that they are being assisted in this repression by pro-government civilian groups and the ruling party's territorial organisations, some of which are armed and organised as 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 also calls for a review of the controversial amnesty law, which could preclude the prosecution of those responsible for grave violations of human rights;
8. In view of continued grave abuses and violations of human rights, if the proposed 'Law for Regulation of Foreign Agents', the 'Special Law of Cyber Crime', and the 'Law Against Hate Crimes' are adopted, if the government of Nicaragua continues lacking willingness to launch a national dialogue for a proper electoral reform, and the repression of civil society and the democratic opposition in Nicaragua continues, requests that the Council 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; reiterates its urgent request for a global EU human rights mechanism; calls on the Council to adopt this mechanism through a decision relating to the Union's strategic interests and objectives under Article 22(1) of the Treaty on European Union;

9. Calls for a Parliament delegation to be sent to Nicaragua as soon as possible in order to resume monitoring of the situation in the country, and urges the Nicaraguan authorities to allow it unhindered entry into the country and access to all interlocutors and facilities;
10. Recalls 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;
11. Calls on the European External Action Service, together with the EU Special Representative for Human Rights, to continue and step up its material and technical support to human rights defenders and independent media outlets in Nicaragua; calls on the Delegation of the European Union to Nicaragua and the Member States with diplomatic missions on the ground to fully implement the EU Guidelines on Human Rights Defenders;
12. 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;
13. Stresses that EU assistance to civil society organisations should be maintained and strengthened to alleviate the impact of COVID-19;
14. 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.