



TEXTS ADOPTED

P9_TA(2021)0513

The situation in Nicaragua

European Parliament resolution of 16 December 2021 on the situation in Nicaragua (2021/3000(RSP))

The European Parliament,

- having regard to its previous resolutions on Nicaragua, and in particular that of 8 July 2021 on the situation in Nicaragua¹,
- 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, and in particular that of 8 November 2021 on Nicaragua,
- 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 other² (the Association Agreement between the EU and Central America),
- having regard to the Council regulations and decisions concerning restrictive measures against serious human rights violations and abuses in Nicaragua and to the Council decision of 11 October 2021 amending Decision (CFSP) 2019/1720 concerning restrictive measures in view of the situation in Nicaragua, which renewed the sanctions until 15 October 2022³,
- having regard to the joint statement by 59 countries on Nicaragua of 22 June 2021 adopted at the 47th session of the UN Human Rights Council,
- having regard to the oral update by UN High Commissioner for Human Rights Michelle Bachelet at the 48th session of the Human Rights Council of 13 September 2021 on the human rights situation in Nicaragua,
- having regard to the resolution of 12 November 2021 by the General Assembly of the Organization of American States (OAS) on the situation in Nicaragua,
- having regard to the presidential action by President Biden of the United States of 16 November 2021 entitled ‘A Proclamation on Suspension of Entry as Immigrants and

¹ Texts adopted, P9_TA(2021)0359.

² OJ L 346, 15.12.2012, p. 3.

³ OJ L 361, 12.10.2021, p. 52.

Non-immigrants of Persons Responsible for Policies or Actions That Threaten Democracy in Nicaragua’,

- having regard to the statements of the Inter-American Commission on Human Rights (IACHR), in particular those of 10 November 2021 condemning the human rights violations reported during the elections in Nicaragua, and of 20 November 2021 stressing its competent jurisdiction concerning Nicaragua and lamenting Nicaragua’s decision to denounce the OAS Charter in a context of serious human rights violations,
 - having regard to the OAS resolution of 8 December 2021 on the outcome of the Permanent Council’s deliberations of 29 November 2021 on the situation in Nicaragua,
 - having regard to the International Covenant on Civil and Political Rights of 1966,
 - having regard to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, signed in Escazú, Costa Rica, on 4 March 2018,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to Rule 132(2) and (4) of its Rules of Procedure,
- A. whereas on 7 November 2021 Ortega’s regime orchestrated a farce to give the appearance of an electoral process in Nicaragua, which was neither free nor fair, totally undemocratic, illegitimate and marred by fraud;
- B. whereas the incumbent president, Daniel Ortega, who has ruled the country since 2007, re-elected himself for a fifth term – his fourth consecutive term – with approximately 75 % of the votes cast and 65 % turnout, according to the Supreme Electoral Council; whereas credible observations conducted by Nicaraguan civil society organisations estimated the turnout to be much lower, putting the abstention rate at around 81,5 %;
- C. whereas Daniel Ortega instructed all other Nicaraguan authorities to mobilise all available resources to rig the outcome of that process; whereas between May and November 2021 the Nicaraguan authorities effectively eliminated all credible electoral competition and crushed the integrity of the electoral process through the systematic arbitrary incarceration, harassment and intimidation of seven presidential pre-candidates and approximately 40 opposition leaders, student and rural leaders, journalists, human rights defenders and business representatives; whereas those arbitrarily arrested face fabricated, politically motivated and ambiguous criminal allegations without any evidence in a process marred by serious violations of procedural guarantees, which demonstrates the lack of independence of the judiciary; whereas the regime-led Supreme Electoral Council has revoked the legal personality of all independent opposition parties, including seven presidential pre-candidates;
- D. whereas according to civil society organisations, 285 acts of political violence and acts of electoral coercion were registered on election day, including acts of intimidation, harassment, threats and blackmail which mainly targeted state workers, public sector employees, students and medical staff to force them to vote; whereas the Nicaraguan regime deprived the people of Nicaragua of their civil and political rights and the freedoms of expression, association and peaceful assembly, outlawed scores of civil society organisations and did not respect its commitments on human rights and

fundamental freedoms under Nicaragua's Constitution, the Inter-American Democratic Charter and international covenants to which the country is a party;

- E. whereas the regime has increasingly targeted and attacked journalism, freedom of the press and the right to information; whereas seven international media outlets were prevented from entering the country to cover the fraudulent elections; whereas independent journalism associations have denounced at least 52 attacks against independent journalists which took place between 25 October and 7 November 2021; whereas only official media outlets were accredited on 7 November 2021, in violation of the right to information and the freedom of expression, which had the effect of further increasing the censorship and media blackout; whereas there are similar patterns of repression against human rights defenders, environmental defenders, women and LGBTIQ activists, social and political leaders, business leaders, lawyers, and medical and NGO personnel, among others;
- F. whereas between 3 and 7 November 2021, some 35 arbitrary detentions were reported in the country; whereas only nine of the prisoners have been released and 26 are still imprisoned; whereas this amounts to at least 170 people in total arbitrarily detained; whereas these violations of human rights, allegedly mostly perpetrated by police officers, municipal officials, para-state agents and civilian groups organised as militia supporters, increased in the days prior to the fraudulent elections;
- G. whereas the report of the IACHR of October 2021 stated that, in Nicaragua, a police state had been established through repression, corruption, electoral fraud and structural impunity designed by the government to achieve its 'indefinite perpetuation in power and maintenance of privileges and immunities';
- H. whereas several international organisations and more than 40 nations have expressed strong disapproval of Nicaragua's elections and refused to recognise them as democratic;
- I. whereas the Nicaraguan regime has adopted increasingly restrictive laws in the last few years, institutionalising repression and legalising the acts that have been committed in the country since their adoption; whereas Nicaragua has turned into a republic of fear, with more than 140 000 citizens obliged to seek refuge in exile and in very difficult socioeconomic living conditions;
- J. whereas the Nicaraguan regime has deforested and destroyed the territories of indigenous and Afro-descendant peoples through concessions to mining companies and support for settlers; whereas 12 environmental leaders were killed in Nicaragua in 2020, up from 5 in 2019, making the country the most dangerous per capita for land and environmental defenders in 2020; whereas homicides and acts of aggression perpetrated since January 2020 in relation to territorial disputes and against indigenous people in Nicaragua continue to go unpunished, especially in the Northern Caribbean Coast Autonomous Region, including the murder of nine indigenous people on 23 August 2020 and the sexual abuse of two women in an attack related to a land dispute over gold mining in the Sauni;
- 1. Condemns the electoral farce orchestrated by the Ortega-Murillo regime on 7 November 2021, which violated all international democratic standards for credible, inclusive, fair and transparent elections; rejects the legitimacy of the results of these fake elections,

and therefore the democratic legitimacy of any institutional authorities emerging from this rigged vote; supports the statements affirming that these elections complete the conversion of Nicaragua into an autocratic regime;

2. Calls on the Nicaraguan authorities to uphold and respect human rights and to allow the Nicaraguan people to exercise their civil and political rights; calls for the holding of elections in accordance with international standards and the Inter-American Democratic Charter to ensure that the democratic aspirations of the people of Nicaragua are realised, and for international organisations and civil society organisations to be allowed access to the country without restrictions;
3. Reaffirms its solidarity with the Nicaraguan population and condemns the violence, the systematic crackdown on political opposition leaders, the suppression of civil society actors, human rights defenders and media, as well as their family members, and in particular the deaths caused, the widespread impunity for crimes committed against them and the persistent corruption practised by officials of the Nicaraguan regime; recalls that these acts represent a clear breach of human rights, democracy and the rule of law and show the continued failure of President Daniel Ortega, Vice-President Rosario Murillo and Nicaraguan regime officials to defend those principles and values;
4. Reiterates its call for the immediate and unconditional release of all arbitrarily detained political prisoners, opposition activists, human rights and environmental defenders, and journalists, and for the annulment of legal proceedings against them; condemns the continued psychological and physical abuse they face at the hands of police and prison authorities, of which women are particular targets, and the situation of incommunicado detention of some of them without access to their lawyers, families or medical care; recalls that Nicaragua must comply with UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which remains an obligation under international law; demands that the regime immediately provide proof that those imprisoned are still alive and evidence of their whereabouts; rejects the Ortega regime's decision to freeze the judicial processes against them, resulting in their indefinite pre-trial detention;
5. Demands justice and accountability for all victims, in line with Nicaragua's laws, international commitments and obligations, through impartial, thorough and independent investigations; urges the Nicaraguan authorities to undertake deep structural reforms to ensure minimum legal guarantees and due process; condemns, furthermore, the increasing violence and intimidation faced by human rights defenders, LGBTIQ people, women and indigenous activists in the country, including femicides; urges the Nicaraguan authorities to put an end to repression and human rights violations and restore full respect for human rights, in particular through the repeal of all restrictive and illegitimate laws and the reinstatement of the legal personality of human rights defenders' organisations; calls for the EU and its Member States to support the creation of an investigation and accountability mechanism within the UN Human Rights Council;
6. Reiterates that the only solution to the deep political crisis in Nicaragua is an inclusive and meaningful national dialogue, and regrets the repeated disengagement and unwillingness to do so on the part of the Nicaraguan regime; notes that the holding of free, fair and transparent elections, the restoration of the rule of law and freedoms, the cessation of repression and fear, the release of arbitrarily detained political prisoners,

the reestablishment of the legal status of the political parties that were arbitrarily cancelled, the return of exiles without exclusions and with full guarantees and the return of international human rights bodies to the country are sine qua non conditions for any dialogue with the Nicaraguan regime; calls for the EU and its Member States to accompany current and future efforts of civil society to create the conditions for a dialogue leading to a democratic transition, in line with what was established in the March 2019 agreements;

7. Supports the declaration by the VP/HR considering all instruments at the EU's disposal to take additional measures, including those that may go beyond individual restrictions, while at the same time aiming to avoid any measures that could potentially add to the hardship of the Nicaraguan people; welcomes the inclusion of Rosario Murillo along with several others on the list of sanctioned individuals that was renewed until October 2022; calls for Daniel Ortega to be added promptly to the list of sanctioned individuals;
8. Stresses that the corruption from which the Ortega-Murillo family directly benefits and the patrimonialism of the Nicaraguan regime, which also includes the devastation of the country's natural resources are endemic and widespread and are leading the country to an economic and humanitarian collapse; points out that the EU and its Member States should maintain their humanitarian assistance to support the most vulnerable, while exploring alternative measures to tackle widespread corruption; calls for the EU and its Member States, in this regard, to monitor that European funds allocated, including through multilateral and financial institutions, do not contribute to strengthening the corruption of the regime;
9. Is appalled at the increasing criminalisation and persecution of environmental defenders in Nicaragua; condemns the continued attacks and acts of aggression against the indigenous people of Nicaragua; calls on the Government of Nicaragua to fulfil its obligations under the Escazú Agreement;
10. Calls for the EU and its Member States to closely monitor the situation on the ground through their representatives and embassies in Nicaragua, including through trial monitoring and by visiting critics and opposition leaders in prison or under house arrest, and to facilitate the issuance of emergency visas and provide temporary refuge for political reasons in the Member States; highlights and commends the key role played by civil society, human rights and environmental defenders and journalists in Nicaragua; requests that the European External Action Service reinforce its regular dialogue with civil society organisations and human rights defenders and strengthen mechanisms to support their indispensable work;
11. Regrets the denunciation of the OAS Charter issued on 19 November 2021 by the Foreign Minister of Nicaragua, and highlights that this decision would also close off the country's access to financing from the Inter-American Development Bank and imply the withdrawal from its regional mechanisms for the protection of human rights; recalls that despite its renunciation of the charter, Nicaragua is still bound by its obligations to other instruments of the OAS, including the American Convention on Human Rights; underlines that this withdrawal can take up to two years to come into effect;
12. Calls on the international community and democratic like-minded partners to increase their political pressure on the Nicaraguan regime in a coordinated fashion in multilateral

forums in order to assist and lead to a swift transition in which the Nicaraguan people can fully recover democratic order and popular sovereignty;

13. Regrets that on 10 December 2021 the Nicaraguan regime broke diplomatic ties with the democratic Taiwan to seek the support of the totalitarian state of the People's Republic of China;
14. 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; reiterates its demand that, in the light of the current circumstances, the democratic clause of the Association Agreement be triggered;
15. Reiterates its call for the immediate extradition of Alessio Casimirri to Italy;
16. 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.