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## TEXTS ADOPTED

*Provisional edition*

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### **P9\_TA-PROV(2019)0111**

#### **Situation of human rights and democracy in Nicaragua**

#### **European Parliament resolution of 19 December 2019 on the situation of human rights and democracy in Nicaragua (2019/2978(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Nicaragua, in particular those of 18 December 2008<sup>1</sup>, 26 November 2009<sup>2</sup>, 16 February 2017<sup>3</sup>, 31 May 2018<sup>4</sup> and 14 March 2019<sup>5</sup>,
- having regard to the Association Agreement between the EU and Central America of 2012,
- having regard to the EU country strategy paper and multiannual indicative programme 2014-2020 on Nicaragua,
- having regard to the Council conclusions on Nicaragua, in particular those of 14 October 2019 establishing a framework for targeted sanctions,
- 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 on the situation in Nicaragua, in particular that of 20 November 2019,
- having regard to the statement by the Spokesperson for the UN High Commissioner for Human Rights (OHCHR, Rupert Colville, of 19 November 2019,
- having regard to the report from the Organization of American States (OAS) High-Level Commission on Nicaragua of 19 November 2019,
- 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

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<sup>1</sup> OJ C 45 E, 23.2.2010, p. 89.

<sup>2</sup> OJ C 285 E, 21.10.2010, p. 74.

<sup>3</sup> OJ C 252, 18.7.2018, p. 189.

<sup>4</sup> Texts adopted, P8\_TA(2018)0238.

<sup>5</sup> Texts adopted, P8\_TA(2019)0219.

1966,

- having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to the EU Guidelines on Human Rights Defenders of June 2004,
  - having regard to the Nicaraguan Constitution,
  - having regard to Rule 132(2) and (4) of its Rules of Procedure,
- A. whereas human rights defenders and other critics of the Nicaraguan Government's human rights record have increasingly become the targets of death threats, intimidation, online defamation campaigns, harassment, surveillance, assault and judicial persecution; whereas international human rights organisations report that more than 80 000 people have been forced to leave Nicaragua as a result of the current crisis, and that repression in the country has intensified;
- B. whereas according to the latest MESENI figures, 328 people have died and hundreds have been injured, more than 150 political prisoners remain arbitrarily detained simply for exercising their rights and 144 students have been expelled from universities for having participated in demonstrations in favour of democracy, greater freedom and respect for human rights; whereas the Office of the UN High Commissioner for Human Rights (OHCHR) has reported that more than 100 journalists and media workers have had to leave the country; whereas the Nicaraguan Government has blocked newsprint imports, forcing several newspapers to close, including the iconic 'Nuevo Diario';
- C. whereas respect for the independence of the judiciary, political pluralism, and freedom of assembly and expression are fundamental rights and essential pillars of democracy and the rule of law;
- D. whereas on 14 November 2019, eight relatives of jailed political opponents, among others, started a hunger strike inside the San Miguel church in Masaya, calling for the release of 130 individuals allegedly detained in the context of the protests; whereas police surrounded the church and cut off the water and electricity supply; whereas the police did not let anyone enter the church and prevented the delivery of humanitarian and medical assistance;
- E. whereas the same night, a group of at least 13 members of the opposition were detained after delivering some water to the people surrounded by the police, including Amaya Eva Coppens, a Nicaraguan and Belgian human rights defender who had been detained in the context of the protests for eight months and was released on 11 June 2019 under the Amnesty Law along with over 100 political prisoners; whereas this law is incompatible with international standards and perpetuates impunity by ruling out investigation into suspected crimes committed against protesters;
- F. whereas the Nicaraguan Public Prosecutor's Office has unfairly accused the group of several charges, including kidnapping, illegal possession of firearms and terrorism, which constitutes a clear violation of the guarantee of due process and their right to a fair trial; whereas prison conditions in Nicaragua also fail to meet international standards; whereas the use of torture and sexual violence in prison has been clearly reported by members of the Nicaraguan opposition;
- G. whereas, according to MESENI, the Nicaraguan Government is stepping up its

persecution of the families of the victims of the democratic, institutional and political crisis through intimidation and surveillance, with the purpose of preventing them from engaging in private and public actions in memory of their loved ones and in their search for justice;

- H. whereas, according to the UN Human Rights Council, the Nicaraguan Government is taking reprisals against those speaking up about the human rights situation in Nicaragua and reaching out to international and UN officials and mechanisms;
- I. whereas the Nicaraguan Government has expelled from the country international organisations, such as the Inter-American Commission on Human Rights (IACHR) and the OHCHR Regional Office for Central America, that called for human rights to be observed in the country and sought the peaceful resolution of the conflict and national reconciliation; whereas the return of such organisations would act as a guarantor for the fulfilment of pending agreements with the opposition; whereas repression against civil society organisations has been intensified by the stripping of their legal status in a country with a poor institutional framework, doubly punishing the victims of repression;
- J. whereas high-ranking officials from some EU Member States have been prevented from entering Nicaragua on a number of occasions; whereas the Nicaraguan Government prevented the entry into the country of the OAS High-Level Commission on Nicaragua, which has sought electoral reform; whereas electoral reform is a key element on the path towards the regular establishment of democratic institutions in Nicaragua;
- K. whereas the Nicaraguan Government has shown no interest in resuming any credible and inclusive dialogue with the Civic Alliance and in fully implementing the March 2019 agreements; whereas negotiations between the Government and the Civic Alliance had resumed in February 2019; whereas an agreement was reached on 27 March 2019 on the release of persons deprived of their liberty in the context of the 2018 protests; whereas another agreement was reached on 29 March 2019 on strengthening citizens' rights and guarantees; whereas, on 20 May 2019, the Civic Alliance left the negotiating table, considering that the implementation of the two agreements had been limited; whereas by 11 June 2019 the Government had released 492 people who had been detained in the context of the 2018 protests; whereas negotiations remain stalled despite attempts to resume them;
- L. whereas the OAS High-Level Commission on Nicaragua is of the view that actions taken by or permitted by the Nicaraguan Government since April 2018 are inconsistent with the rights and guarantees protected in the Nicaraguan Constitution of 1987 and that these are giving rise to an alteration of the constitutional regime that seriously impairs the democratic order in Nicaragua, as outlined in Article 20 of the Inter-American Democratic Charter;
- M. whereas the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms must form an integral part of the EU's external policies, including the Association Agreement between the EU and the countries of Central America of 2012; whereas this agreement includes a democratic clause, which is an essential element of the agreement; whereas given the current circumstances, the democratic clause should be triggered by suspending Nicaragua from the agreement;
- 1. Expresses its solidarity with the Nicaraguan population and condemns all the repressive

actions of the Nicaraguan Government, in particular the deaths caused, the generalised restriction of freedom of expression, assembly and demonstration, the outlawing of non-governmental organisations and civil society, the expulsion of international organisations from the country, the closure of and assaults against the media, the limitations on the right to information and the expulsion of students from universities;

2. Urges the Nicaraguan Government to end the persistent repression of dissent and the ongoing pattern of arbitrary arrests, torture and sexual violence, to refrain from criminalising, persecuting and attacking human rights defenders, political opponents, families of victims and any other dissenting voices, and to immediately dismantle the paramilitary forces operating in the country; calls for prompt, impartial, transparent and thorough investigations into the violence;
3. Calls for the immediate release of all those arbitrarily detained, including Amaya Eva Coppens, for all charges against them to be dropped and for their fundamental legal safeguards to be respected; calls for those responsible for violations of human rights and for undermining democracy and the rule of law to be held accountable; stresses that the Nicaraguan authorities must guarantee the safety and physical and psychological wellbeing of all detainees and provide them with adequate medical care;
4. Calls for an independent review of convictions and sentences with a view to reforming the judiciary, including appointments in line with international standards, such as the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors;
5. Asks for the Amnesty Law and the Law on Comprehensive Care for Victims to be reviewed in order to guarantee victims' right to truth, justice and adequate reparation;
6. Insists on the return of confiscated property and the restoration of suspended licences to news outlets, and insists that these outlets be allowed to carry out their work without any obstacles or retaliation;
7. Welcomes the Council's decision to adopt the framework for targeted restrictive measures for those responsible for human rights violations and abuses and for the repression of civil society and the democratic opposition in Nicaragua; calls on the Member States to quickly agree on the specific list of individuals and entities to be sanctioned, including the President and Vice-President;
8. Condemns the lack of willingness of the Nicaraguan Government to relaunch a meaningful internal dialogue; calls on the authorities to resume the dialogue with the Civic Alliance with a view to achieving a democratic, sustainable and peaceful solution that would allow for the full implementation of the March 2019 agreements; stresses the need to guarantee political and civil freedoms for all Nicaraguans, the return of those in exile, the return of and cooperation with international organisations, the restoration of the legal personality of human rights organisations, and the establishment of a credible electoral process, with a reformed Supreme Electoral Council that would assure immediate, fair and transparent elections with the presence of international observers;
9. Asks the VP/HR and the EU Delegation to Nicaragua to closely monitor developments in the country and to continue to address the human rights problems affecting prisoners, students, protesters, families of victims and journalists, among others, that have arisen from the situation in the country; calls on the Commission to ensure that its cooperation

assistance enhances its support to civil society, notably human rights defenders, and that it does not in any way contribute to the current repressive policies of the Nicaraguan authorities;

10. Recalls that, in 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 demands that, in light of the current circumstances, the democratic clause of the Association Agreement be triggered;
11. Calls on the EU Delegation and the Member States with diplomatic missions on the ground to fully implement the EU Guidelines on Human Rights Defenders and to provide all appropriate support to the human rights defenders that are detained, including prison visits and trial monitoring;
12. 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;
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.