



JOINT MOTION FOR A RESOLUTION

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

pursuant to Rule 123(2) of the Rules of Procedure

on the situation in Nicaragua

Tabled by Javier Nart, Petras Auštrevičius, Beatriz Becerra Basterrechea , Izaskun Bilbao Barandica, Dita Charanzová, Gérard Deprez, Marian Harkin, Ivan Jakovčić, Ilhan Kyuchyuk, Valentinas Mazuronis, Louis Michel, Urmas Paet, Maite Pagazaurtundúa Ruiz, Carolina Punset, Jozo Radoš, Frédérique Ries, Marietje Schaake, Jasenko Selimovic, Pavel Telička, Ivo Vajgl, Johannes Cornelis Van Baalen, Matthijs Van Miltenburg, Hilde Vautmans

on behalf of the ALDE Group

... on behalf of the EPP Group
... on behalf of S&D Group
... on behalf of the ECR Group
... on behalf of the ALDE Group
... on behalf of Verts/ALE Group
... on behalf of EFDD Group

European Parliament resolution on the situation in Nicaragua,

The European Parliament,

- having regard to its previous resolutions on Nicaragua, particular that of 31 May 2018, 18 December 2008, 26 November 2009 and 16 February 2017,
- having regard to the Association Agreement between 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 International Covenant on Civil and Political Rights of 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 Nicaragua Constitution,
- having regard to the Foreign Affairs Council Conclusions on Nicaragua of 21 January 2019,
- having regard to the Declarations by the High Representative on behalf of the EU on the situation in Nicaragua of 2 October 2018, 15 May 2018 and 22 April 2018, 15 December 2018 and the one on the resumption of national dialogue on 1 March 2019,
- having regard to the Council conclusions on EU priorities in UN human rights fora in 2019 on 18 February 2019,
- having regard to the Report *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, as approved by the Inter-American Commission on Human Rights on June 21, 2018,
- having regard to the report of the United Nations High Commissioner for Human Rights on Human Rights violations and abuses in the context of protest in Nicaragua, 18 April 18 August 2018,
- having regard to the Report of the Interdisciplinary Group of Independent Experts, GIEI on the violent events that took place in Nicaragua between April 18 and May 30, of 21 December 2018,
- having regard to the statement by UNCHR Commissioner Michelle Bachelet about the criminalization of dissent in Nicaragua on 22 February 2019,
- having regard to Rule 123 of its Rules of Procedure,

A. whereas the European Parliament adopted a strong condemning resolution on the crisis in Nicaragua on 31 May 2018; whereas as a follow up to this resolution, its eleven Members delegation visited the country to assess the situation on the ground from 23 to 26 January 2019;

B. whereas the EP delegation could follow its own programme and the government granted access to all facilities requested by Members, such as two prisons; whereas the Nicaraguan government gave guarantees that no retaliation would be launched against those who denounced the current situation; whereas the delegation could witness the harassment campaign, smear and intimidation that human rights defenders and civil society organisations faced after exchanging views with the delegation; whereas many organisations rejected the invitations due to government led intimidation and threats; whereas repression has been intensified after the EP delegation visited the country;

C. whereas the EP delegation rejected publicly the official governmental position that they have been victims of a US led coup d'état and misinformation campaigns; whereas the main reason for fuelling the demonstrations has been the deep democratic, institutional and political crisis that affects the rule of law and restricts basic freedoms, such as association, demonstration and assembly in the country during the last decade;

D. whereas freedom of expression, assembly and demonstration, including the use of the national hymn are seriously being restricted for many people; whereas a significant number of political prisoners are imprisoned just for exercising of their rights; whereas there are several worrying reports regarding the worsening situation of detainees including inhuman treatment;

E. whereas judicial proceedings against them are in breach of international standards, in particular procedural and criminal guarantees of fair trial; whereas prison conditions do not adequately meet international standards neither; whereas there is a clear lack of separation of powers in Nicaragua;

F. whereas the right to information is seriously endangered; whereas there are journalists being detained, exiled and threatened, whereas the audio-visual media are closed or searched without prior judicial authorization; whereas the publication of newspapers is endangered by the lack of paper and ink, seized by the government;

G. whereas the Government of Nicaragua has expelled from the country international organizations such as the GIEI and MESENI that sought a peaceful resolution of conflict and national reconciliation; whereas repression against civil society has intensified by deprivation of their legal status in a country with a poor institutional framework, doubly punishing the victims of repression;

H. whereas academic freedom is also being threatened; whereas nearly 200 university students have been expelled from universities for their participation in demonstrations in favour of democracy and, greater freedom and human rights;

I. 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 European Union and the countries of Central America of 2012; whereas this agreement includes a democratic clause, which is an essential element of the agreement.

J. whereas the national dialogue between Mr Ortega and Nicaraguan opposition and civic groups mediated by the Catholic Church launched on 16 May 2018 failed to find a solution to the crisis; whereas exploratory talks for a national dialogue between the government of Nicaragua and the Alianza Civica have been recently resumed on 27 February; whereas the Alianza Civica has established its three main objectives to be reached during negotiations as follows: the release of political prisoners and respect for individual liberties, the necessary electoral reforms that must culminate in the holding elections and justice; whereas the Nicaraguan government has released 100 political prisoners by accepting to commute their prison sentences by house arrest, while most of them are being harassed and new detentions continue; whereas a high number (more than 600) of prisoners remain in jail; whereas a national dialogue was halted on 10 March 2019 after the Civic Alliance withdrew from the negotiations

1. Underlines that Nicaragua suffers from a serious breach of democracy, respect for human rights and of the rule of law as a result of the events that took place in April and March 2018; reiterates the importance of its resolution approved in May 31, 2018;

2. Condemns all repressive actions of the government; states that the visit made by the delegation of the EP has been able to verify the reality and without doubt that, in recent months, in particular after the visit of the EP delegation that there has been an increase of the repression of the opposition and limitations imposed on fundamental freedoms; in this regard condemns the generalized repression and the restriction of freedom of expression, assembly and demonstration, the illegalization of non-governmental organizations and civil society, the expulsion of international organizations from the country, the closure and assaults against media, the limitations on the right to information, the firing of students from universities as well as the worsening situation in prisons and the use of inhuman treatment;

3. Considers that such actions by the Government, its institutions and its para-political organizations respond to a planned strategy to destroy the political opposition which had led the protests last year and that is applied methodically, systematically and selectively against all leaders, NGOs, media and social movements that seek to express their legitimate demands for freedom and democracy;

4. Expresses its concern about the enormous democratic, political and economic risks that the people and the country are facing and that will increase if urgent action is not taken, taking into account the current internal confrontations, social fracture and the economic decline; calls urgently to advance in a meaningful internal dialogue in order to achieve a sustainable and peaceful solution that would allow all actors in the society to have space to operate and express freely and to restore their civil rights such as peaceful demonstration; reminds that any solution should make all those responsible for the violations, accountable; asks all the political parties, social movements, leaders, students, and civil society organizations to maintain and reiterate their unwavering commitment to peaceful means of resolving the crisis; reiterates its full support for the reform of the judicial system and the electoral law and asks the HR/VP to act accordingly; asks the HR/VP and the EU Delegation to closely monitor the negotiations that is taking place in the country between the government and the Alianza Civica and to continue addressing the human problems arising from the situation created in the country in relation to prisoners, students, protestors, journalists etc;

5. Deplores the suspension of the Special Monitoring Mechanism (MESENI) and the termination of the mandate of the Interdisciplinary Group of Independent Experts (GEIE) of the Inter-American Commission on Human Rights (IACHR); strongly condemns the

persecution, arrest and intimidation against people cooperating with the UN and other international bodies;

6. Calls on the Government to implement three urgent measures as a sign of its willingness in the ongoing dialogue: the immediate and unconditional release of political prisoners, the immediate halt of all forms of repression against Nicaraguan citizens, harassment, intimidation, spying and persecution of opposition leaders and subsequent elimination of all restrictions on previously mentioned freedoms and the restitution of the legal personality and goods of human rights organizations and the return of international organizations to the country;

7. Points out that under these conditions the process must lead to the cancelation of legal procedures against political prisoners, and the guarantee of their physical and moral integrity, as well as due process and the guarantee of their privacy; the return those exiled, including journalists and students; the demilitarization of the streets and disarmament of paramilitary groups and the establishment of a clear roadmap for free, fair and transparent elections to be organized in the near future, with the presence of international observers;

8. Requests the EEAS and the Member States to implement, while not harming the domestic population, a staggered process of targeted and individual sanctions, such as visa bans and assets freeze, against the government of Nicaragua and those individuals responsible for human rights breaches in line with the Council Conclusions of January 21, 2019 until full respect to human rights and fundamental freedoms are fully upheld and restored in the country as requested in the dialogue; therefore, and under those circumstances, urges the triggering of the democratic clause of the Association Agreement between the EU and Central America, of which Nicaragua is a signatory, by suspending Nicaragua from the agreement,

9. 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, Lima Group, and the Government and Parliament of the Republic of Nicaragua.