FIFTIETH REGULAR SESSION OEA/Ser.P

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RESOLUTION

RESTORING DEMOCRATIC INSTITUTIONS AND RESPECT FOR HUMAN RIGHTS IN NICARAGUA THROUGH FREE AND FAIR ELECTIONS[[1]](#footnote-1)/

(Adopted at the fourth plenary session, held on October 21, 2020)

THE GENERAL ASSEMBLY,

RECALLING OAS General Assembly resolution AG/RES.2943 (XLIX-O/19) on “The Situation in Nicaragua,” in which member states “reiterated the concern of the inter-American community for the deterioration of democratic institutions and human rights in Nicaragua and its support for a peaceful solution to the political crisis that has been affecting this country for more than a year.”

REAFFIRMING Article 1 of the Inter-American Democratic Charter (IDC), according to which “The peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it”;

RECALLING that Article 2 of the IDC states that “The effective exercise of representative democracy is the basis for the rule of law and of the constitutional regimes of the member states of the Organization of American States”;

CONSIDERING Articles 3 to 6 of the IDC, which name essential elements of representative democracy that states commit to promote and defend, including respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, the separation of powers and independence of the branches of government, and which reflect that freedom of expression and of the press is an essential component of the exercise of democracy;

REITERATING WITH CONCERN that the Government of Nicaragua has not implemented a series of agreed-upon measures, such as the duly-monitored and verified release of all political prisoners; it has not allowed the effective work of the Inter-American Commission on Human Rights (IACHR) and its mechanisms in Nicaragua, including the MESENI; and it has not guaranteed freedom of expression, including for the press, or the exercise of the right to peaceful assembly;

EXPRESSING GRAVE CONCERN that arbitrary detention has not ceased; that auxiliary police forces and armed militia of the ruling party, which have continued their abuses and illegal actions, have not been dismantled, as called for by the IACHR; that the independent work of human rights organizations and defenders has not been protected; and that the safe return and permanence of all persons who were forced to leave Nicaragua has not been permitted.

NOTING WITH ALARM the worrisome trend of utilizing legislation to intimidate and/or threaten members of pro-democracy groups and independent media in Nicaragua, such as the introduction of the "foreign agents law", another proposing life sentences for broadly defined "hate crimes", and a third punishing the spread of so-called fake news on social media with up to four years in prison. These bills, according to the IACHR, undermine the exercise of social protest and freedom of expression, as well as the right to participate in public affairs and the right of association.

TAKING INTO ACCOUNT THAT Inter-American Juridical Committee Resolution IJC/RES159 (LXXV-O/09) stated that “democracy does not consist only in electoral processes, but also in the legitimate exercise of power, within the framework of the rule of law, which includes respect for the essential elements, components and attributes of democracy”;

WELCOMING the efforts of the OAS Working Group on Nicaragua and of the High Level Commission on Nicaragua, and expressing concern over the Government of Nicaragua’s refusal to engage with those mechanisms;

TAKING NOTE of the conclusions of the report presented by the OAS Secretary General to the Permanent Council on June 24th, 2020 (CP/INF.8682/20);

RESOLVES:

1. To reiterate the concern of the inter-American community over the deterioration of democratic institutions, and to urge the the Government of Nicaragua to fully respect the constitutional order, human rights and fundamental freedoms, and to hold free and fair national, presidential and legislative elections in Nicaragua, in fulfillment of its fundamental commitments and duties as articulated in the IDC.

2. To urge the Government of Nicaragua to accept the broad and effective deployment of electoral observation missions comprising independent, accredited international observers in the Nicaraguan electoral process.

3. To request the OAS General Secretariat to support inclusive and timely negotiations between the Government of Nicaragua and national actors representing the Nicaraguan opposition on meaningful electoral reform measures consistent with applicable international standards, and provide technical assistance in their implementation, so as to promote free and fair elections. It is essential/critical that these measures include, among others:

a. modernization and restructuring of the Supreme Electoral Council to ensure it operates in a fully independent, transparent and accountable fashion;

b. a pluralistic political process leading to the effective exercise of civil and political rights, including the rights of peaceful assembly and freedom of expression, and open registration of new political parties;

c. independent technical review and updating of voting registries and independent audit of voter rolls;

d. independent, credible, and accredited international electoral observation;

e. transparent and effective voter registration and distribution of ID cards and voting center management;

f transparent counting and consolidation of results, and real-time publishing of results; and

g. adequate procedures for lodging complaints about election conduct and results, and procedures for resolving them.

4. To urge that concrete electoral reform commitments, in particular modernization and restructuring of the Supreme Electoral Council, be in place before the State convokes general elections, or no later than May 2021.

5. To request the OAS General Secretariat to report, on a regular basis, on the state of agreements and timetables for the implementation of electoral reforms, leading to free, fair, competitive, observed, and legitimate elections.

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1. . Nicaragua will present a footnote. [↑](#footnote-ref-1)