

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SR 546

INTRODUCER: Senator Rodriguez

SUBJECT: Oppression of the Nicaraguan People/President Daniel Ortega

DATE: January 13, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stallard</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Stallard</u>	<u>Phelps</u>	<u>RC</u>	Pre-meeting

I. Summary:

SR 546 is a resolution condemning the oppression of the Nicaraguan people under President Daniel Ortega. The resolution specifies that this oppression includes a violent crackdown on 2018 protests that were sparked by reforms to the social security system. As part of this crackdown, captured protestors were abused and tortured in various ways, including being raped and electrically shocked and having their fingernails removed. Moreover, the Ortega regime has since raided offices of the news media, prosecuted journalists, and expelled human rights monitors and foreign journalists.

The resolution also identifies abuses that are broader than, and in some cases preceded, the crackdown on the 2018 protests. Since taking office in 2006, President Ortega has increasingly consolidated state power in himself, suppressed opposition leaders and critics, and manipulated election laws.

II. Present Situation:

Overview

Since the Nicaraguan government's violent response to widespread protests in 2018, it has continued to violate the rights of its citizens, and has come under the condemnation of the United States, the United Nations, Human Rights Watch, Amnesty International, and others.

The government has subjected its citizens to torture, extrajudicial killings, and unlawful detention, and has denied their rights to public assembly, free speech, and a fair trial.

The Ortega Regime

Governmental power in Nicaragua is consolidated in the hands of President Daniel Ortega, who has been in power intermittently since the Marxist revolution he led in 1979.¹ President Ortega returned to power with his election in 2006, followed by re-election in 2011 and 2016, with the latter two elections marred by “widespread irregularities.”² In addition to holding onto the presidency through questionable elections, President Ortega has gradually taken control of the judicial and legislative branches of government.³

2018-Present: Crackdown and Crisis

President Ortega’s governance had increasingly run afoul of Western democratic ideals by the time widespread protests broke out in 2018. However, it was and is his government’s continued response to those protests that has drawn outrage and condemnation from a diverse group of nations and organizations, including the United States, the United Nations, Human Rights Watch, and Amnesty International.

The 2018 protests were sparked by the Ortega regime’s announcement that it was slashing social security benefits.⁴ The regime responded violently to the protests, leaving “hundreds dead and thousands wounded,” and engaging in a “campaign to exile, jail, or kill anyone considered to be in opposition” to the regime.⁵

Many persons arrested during or since the demonstrations have been physically or psychologically abused, even tortured. For instance, some detainees have been beaten, raped, waterboarded, subjected to mock execution, and forced to confess.⁶

Moreover, prosecutions of the detainees have violated the Nicaraguan Constitution.⁷ For example, detainees have been held without being brought before a judge for longer than the 48 hours allowed under the Constitution.⁸ Also, many have been deprived of their right to confer freely and privately with counsel.⁹

¹ The Central Intelligence Agency, *The World Factbook, Nicaragua*, <https://www.cia.gov/library/publications/the-world-factbook/geos/nu.html> (last visited Nov. 7, 2019).

² *Id.*

³ The United States Dept. of State, Bureau of Western Hemisphere Affairs, *U.S. Relations with Nicaragua* (Jan. 22, 2019), available at <https://www.state.gov/u-s-relations-with-nicaragua/>.

⁴ Rocio Cara Labrador, Council on Foreign Relations, *Nicaragua in Crisis: What to Know* (Nov. 26, 2018), <https://www.cfr.org/in-brief/nicaragua-crisis-what-know>.

⁵ The United States Dept. of State, Bureau of Western Hemisphere Affairs, *U.S. Relations with Nicaragua* (Jan. 22, 2019), <https://www.state.gov/u-s-relations-with-nicaragua/>.

⁶ Human Rights Watch, *Crackdown in Nicaragua: Torture, Ill-Treatment, and Prosecutions of Protestors and Opponents*, (June 19, 2019), <https://www.hrw.org/report/2019/06/19/crackdown-nicaragua/torture-ill-treatment-and-prosecutions-protesters-and>.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

However, the oppression has not been reserved for detainees. As nondetained Nicaraguans have attempted to continue to speak out against the Ortega regime, the regime has continued to trample their rights to free speech, a free press, and free assembly.¹⁰

In response to the Nicaraguan crisis, the United Nations and others have attempted to monitor the situation and broker a resolution.¹¹ However, the crisis continues, and the regime has expelled the United Nations Office of the High Commissioner for Human Rights from the country.¹²

III. Effect of Proposed Changes:

SR 546 is a resolution condemning the oppression of the Nicaraguan people under President Daniel Ortega. The resolution specifies that this oppression includes a violent crackdown on 2018 protests that were sparked by reforms to the social security system. As part of this crackdown, captured protestors were abused and tortured in various ways, including being raped and electrically shocked and having their fingernails removed. Moreover, the regime has since raided offices of the news media, prosecuted journalists, and expelled human rights monitors and foreign journalists.

The resolution also identifies abuses that are broader than, and in some cases preceded, the crackdown on the 2018 protests. Since taking office in 2006, President Ortega has increasingly consolidated state power in himself, suppressed opposition leaders and critics, and manipulated election laws.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This resolution does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

¹⁰ *Id.*

¹¹ Amnesty International, *Nicaragua: UN Human Rights Council takes important step to address human rights crisis* (Mar. 21, 2019), <https://www.amnesty.org/en/latest/news/2019/03/nicaragua-importante-medida-del-consejo-de-derechos-humanos/>.

¹² *Id.*

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.