

Report on the human rights situation in Nicaragua

14 key issues

On 13 September 2022, OHCHR presented its report on the human rights situation in Nicaragua¹ to the Human Rights Council. The report contains an update on the most worrying developments in 2022 and an assessment of the State's implementation of the recommendations made by the Office in its previous reports,² the mechanisms of the Human Rights Council (Universal Periodic Review³ and Working Group on Arbitrary Detention⁴ and the Treaty Bodies (Committee on Economic, Social and Cultural Rights)⁵ since 2018.

OHCHR 47 recommendations	Universal Periodic Review 259 recommendations	Working Group on Arbitrary Detention 38 recommendations	Committee on Economic, Social and Cultural Rights 43 recommendations
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In order to carry out the evaluation, which was requested by the Human Rights Council in its Resolution 49/3⁶, OHCHR asked for information from the Government on two occasions, but did not receive a response. The Government did not submit any observations on the report, which it had the opportunity to receive in advance. Agencies and funds of the United Nations system, civil society organizations, victims and family members provided information to the Office, which was examined together with a series of documents, reports, video recordings, photographs and OHCHR records.

The human rights situation in Nicaragua has progressively deteriorated since 2018 without the Government showing political will to address the crisis through dialogue and implementation of recommendations made by human rights bodies and mechanisms.
(Report conclusions)

The following 14 tables summarize Nicaragua's non-compliance⁷ with the recommendations received in the last four years:

National dialogue



Not resumed since 2019.

In February 2021, President Ortega announced a dialogue that would take place after the general elections,⁸ but it never materialized. On the contrary, since May 2021 the Government started a new wave of persecution that still lasts to this day. Currently, leaders and prominent actors from various sectors of society (political, business, academic, peasant movements, ecclesiastical), who could be relevant interlocutors to contribute to a dialogue process, are persecuted, imprisoned or in exile. Only the option for inclusive dialogue offers a way out of the crisis Nicaragua is facing.

Institutional reforms



None were implemented in the electoral, justice and security institutions, nor in the National Human Rights Institution.

The consequences of the non-implementation of the recommendations contribute to the profound erosion of the rule of law in Nicaragua, where a separation of powers no longer exists.

Four months before the municipal elections scheduled for November 6, the Government party de facto took over five opposition municipal governments, thus extending its hegemony at the municipal level and discouraging electoral competition. Without the participation of the opposition in the municipal elections, the entire structure of public power, national and local, could be taken over by the Government and the ruling party.

Legislative reforms



None of the norms incompatible with international human rights standards have been repealed or modified, despite the State's obligation to ensure that its legislation complies with such standards.

Laws 994,⁹ 996,¹⁰ 1040,¹¹ 1042,¹² 1055,¹³ 872,¹⁴ 1070,¹⁵ and several provisions of the Criminal Code¹⁶ and the Code of Criminal Procedure¹⁷ remain in force. These norms violate presumption of innocence, access to justice for victims, freedoms of association, expression and movement, the right to peaceful assembly, the right to privacy, the right not to be arbitrarily detained, the rights to political participation, and others. Contrary to what was recommended, in 2022 the State has continued to adopt new norms that further restrict civic space, such as Laws 1115¹⁸ and 1127,¹⁹ or that affect the right to education, such as Law 1114²⁰ which undermines academic freedom and university autonomy.

Accountability



Complete impunity.

The Government has not acknowledged its responsibility for the serious human rights violations committed since April 2018, which it attributes to an alleged coup d'état against it. The Amnesty Law, which remains in force, has prevented any state actor or pro-government element from serving a single sentence or being investigated or prosecuted. At the same time, the State has not implemented a comprehensive action plan aimed at accountability, so the victims and their families have not yet achieved truth, justice or reparation. Impunity supported by the authorities has led to the reiteration of human rights violations to this day.

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Persecution and police harassment



Attacks, persecution, “asedio” (continuous intimidating presence by police or armed civilians in the vicinity of the victim’s domicile or working place, sometimes blocking freedom of movement) **and other acts of harassment** by authorities, police and pro-government elements against human rights defenders, journalists, social and business leaders, peasants and members of the clergy have not ceased. The criminalization of political dissidence in Nicaragua has led hundreds of people to prison and thousands to exile, 200,000 as refugees or asylum seekers as of 2022.

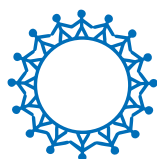
Freedom of speech



Guarantees to exercise freedom of opinion and expression have not been restored.

The murder of a journalist in 2018 remains unpunished, as do all attacks, threats and acts of harassment against other journalists, press workers and media outlets. In 2022, the closures of radio and television stations continued, with at least 20, as did the exile of more journalists for fear of reprisals, already totalling more than 120 since 2018. Censorship has also affected musicians, who were prevented from entering Nicaragua, or detained in the country and then banished despite their Nicaraguan citizenship.

Civic space



The civic and democratic spaces have continued to be severely curtailed through the persecution of dissent, the spread of fear and systematic violations of fundamental freedoms.

Freedom of peaceful assembly



Peaceful demonstrations against the Government continue to be prohibited. Protests do not take place in public spaces any longer due to fear of reprisals. In 2022, information was received that the police also control meetings in private spaces, appearing in private homes where they check the identity cards of those present.

Freedom of movement



The State has continued to impede the exercise of this right. It does not allow free movement by, for example, fencing off access to churches using police and barriers. It also prevents some citizens from leaving Nicaragua by arbitrarily withholding their passports, or from returning to their own country.

Freedom of association



The legal personality of civil society organizations cancelled between 2018 and 2021 (at least 66 entities lost their legal personality in those four years), was not restored. On the contrary, in 2022, cancellations continued in massive numbers: at least 1,512 organizations lost their legal status in the first nine months of the year. Under the argument of violating provisions on the financing of terrorism, among others, the State has eliminated hundreds of human rights, development and social assistance organizations, universities, medical associations and different professional, cultural, scientific and social research associations. The Government has not returned their assets, which, in some cases, were confiscated and used by State institutions.

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Deprivation of liberty and conditions of detention



Arbitrary detentions against dissidents persist in Nicaragua

At least 195 people continue to be detained, 27 of them in the police center "El Chipote",²¹ despite having been sentenced.

Detention conditions, particularly at "El Chipote", remain inhumane. Some detainees continue to be held in solitary confinement, others continue to be interrogated regularly, even though they have been sentenced. They are deprived of sleep, of adequate food, of regular communication with their families and lawyers, and even of reading. Only after 14 months, some detainees were able to receive a visit from their underage children.

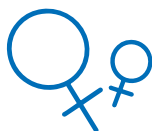
Judicial protection



Judicial independence and impartiality have not been restored.

Fifty people who were detained in the electoral context of 2021 were tried in 2022 in procedures that violated their fair trial standards. As in the trials prior to the 2019 Amnesty Law, those rights included the presumption of innocence, the right to a defense, procedural equality and other due process guarantees. The sentences, of up to 13 years' imprisonment and disqualification from public office, have been upheld by the higher courts, except in one case in which the sentence was reversed.

Women and girls



Women's rights in Nicaragua, in general, continue to be neglected.²²

Violence against women continues to be a matter of concern. Since 2021 the State has not published official data on femicides, which had previously widely differed with those of civil society. It is estimated that the fecundity rate among girls and women aged 10-19 years in Nicaragua would be the highest in Central America, with girls aged 10-14 years doubling the regional average. Emergency oral contraceptives continue to be unavailable in public health centers. The absolute prohibition of abortion remains in place.

Indigenous peoples



Indigenous peoples continue to be excluded.

Conflicts over land continue to generate episodes of violence against indigenous peoples in the territories of the Atlantic Coast. Their territories continue to be invaded and occupied by settlers and third parties. There are no known results of the investigations into attacks and deaths of indigenous people in previous years in that region. There is also no compliance with free, prior and informed consultation on matters that concern and affect them.

Nicaragua, as a State party to various international human rights instruments, has voluntarily assumed duties and commitments with respect to those rights. One of the primary duties is to collaborate with the international supervisory bodies and mechanisms created to guide States in the fulfilment of their obligations to respect and protect the rights of their population. In contexts such as the one Nicaragua is experiencing, marked by complete impunity and systematic violations, some even unprecedented²³ (such as the virtual closure of the civic space), the State cannot continue to decline the cooperation and support of the international human rights system and deepen its isolation from the international community.

The recommendations made by the High Commissioner in all her reports constitute a roadmap that offers concrete actions for Nicaragua to design solutions in order to overcome the current crisis, with the support of the international community. (Report conclusions)

NOTES

¹ [A/HRC/51/42](#)

² [Report: Human Rights Violations and Abuses in the Context of the Protests in Nicaragua \(18 April - 18 August 2018\)](#), [A/HRC/42/18](#), [A/HRC/46/21](#) and [A/HRC/49/23](#).

³ [A/HRC/42/16](#) and [A/HRC/42/16/Add.1](#)

⁴ [A/HRC/WGAD/2019/16](#), [A/HRC/WGAD/2019/19](#), [A/HRC/WGAD/2019/43](#), [A/HRC/WGAD/2020/17](#), [A/HRC/WGAD/2020/21](#), [A/HRC/WGAD/2020/39](#), [A/HRC/WGAD/2021/12](#), [A/HRC/WGAD/2021/58](#), [A/HRC/WGAD/2022/10](#).

⁵ [E/C.12/NIC/CO/5](#)

⁶ [A/HRC/RES/49/3](#)

⁷ As the report notes, Nicaragua has only complied with a minimal number of the recommendations, especially in the areas of gender equality and economic, social and cultural rights. In the latter case, the evaluation was more complex due to the scarcity of public and updated official information, which did not allow for the analysis of certain topics.

⁸ <https://cnnespanol.cnn.com/2021/01/14/presidente-ortega-afirma-que-habra-dialogo-en-nicaragua-hasta-despues-de-comicios-y-evita-hablar-de-reforma-electoral/>

⁹ Law of Integral Attention to Victims. This law provides that the State will respond for the damages caused to the "victims of the failed coup d'état", excluding the population that was victimized by the security forces and by pro-government elements.

¹⁰ Amnesty Law. This law has guaranteed impunity for human rights violators.

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¹¹ Law for the Regulation of Foreign Agents. This law provides for the cancellation of the legal personality of organizations that obtain foreign funds to carry out activities that, in the opinion of the Government, interfere in the internal affairs of Nicaragua.

¹² Special Law on Cybercrime. This law punishes with imprisonment those who spread "false" or "misrepresented" information.

¹³ Law for the Defense of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace. This law, in combination with Article 410 of the Penal Code, punishes with imprisonment of up to 15 years those who are considered "traitors of the homeland" for demanding or "applauding" the imposition of sanctions against the State and its citizens.

¹⁴ Law of Organization, Functions, Career and Special Social Security Regime of the National Police. According to the Police interpretation of Art. 7 of the law, all demonstrations must be authorized by the Police.

¹⁵ Law of Amendment and Addition to Law 331, Electoral Law. This law unduly restricts political rights and civil liberties in the electoral field.

¹⁶ Art. 565 of the Penal Code imposes automatic preventive detention for certain crimes, which is contrary to international standards.

¹⁷ This Code allows searches, seizures and detentions to be authorized post factum by the judicial authority.

¹⁸ General Law for the Regulation and Control of Non-Profit Organizations.

¹⁹ Reform of the General Law for the Regulation and Control of Non-Profit Organizations.

²⁰ Law Reforming Law 582, General Education Law, and Reforming and Adding to Law 89, Law on the Autonomy of Higher Education Institutions.

²¹ Directorate of Judicial Assistance Evaristo Vásquez.

²² The exception would be with respect to the participation of women (and girls) in the educational, economic and political spheres, according to the Global Gender Gap Index.

²³ In a recent interview, the Special Rapporteur on the rights to freedom of peaceful assembly and of association noted that this was the first time that, as Special Rapporteur, he had seen such a big number of civil society organizations eliminated by a government. <https://www.confidencial.digital/politica/relator-onu-daniel-ortega-permitannos-ir-nicaragua-si-todo-es-perfecto/>