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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Situation of human rights in Nicaragua

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report, submitted pursuant to Human Rights Council resolution 46/2, provides an overview of the human rights situation in Nicaragua from 1 January to 31 December 2021. The report includes recommendations that complement those made in previous reports of the United Nations High Commissioner for Human Rights on the situation of human rights in Nicaragua ([A/HRC/42/18](#) and [A/HRC/46/21](#)).

* The present report was submitted after the deadline as a result of consultations with the Government of Nicaragua.

I. Introduction

1. In its resolution 46/2, the Human Rights Council requested the United Nations High Commissioner for Human Rights to continue to report on the situation of human rights in Nicaragua, including by preparing a comprehensive written report that assesses progress and challenges regarding that situation and presenting it to the Council at its forty-ninth session. The present report highlights the main human rights issues observed by the Office of the United Nations High Commissioner for Human Rights (OHCHR) from 1 January to 31 December 2021, with particular attention paid to human rights violations in the electoral context.

2. Since August 2018, the OHCHR Regional Office for Central America has only been able to monitor the human rights situation in Nicaragua remotely, despite repeated requests for access. During the period under review, OHCHR conducted 143 interviews with victims and witnesses of human rights violations, and other sources. OHCHR also held 192 meetings with civil society organizations and international community representatives and analysed documents from governmental and non-governmental sources. It sent six communications to the Ministry of Foreign Affairs requesting information about the human rights situation in Nicaragua, including about the Government's efforts to protect human rights. The Government responded to those communications by rejecting the legitimacy of its human rights monitoring, but without providing the information requested.

3. The findings set out in the present report have been documented and corroborated in compliance with established OHCHR methodology. OHCHR exercised due diligence to assess the credibility and reliability of all sources and cross-checked the information gathered to verify its validity. It sought informed consent from the sources whom it interviewed and took all appropriate measures to protect their identities and ensure confidentiality. OHCHR assessed the information it collected in the light of international human rights norms and standards and relevant domestic legislation.

II. Human rights in the electoral process

4. On 7 November 2021, Nicaragua held general elections to elect the President and Vice-President, the 92 members of the National Assembly and 20 members of the Central American Parliament. The electoral process started in May with the publication of the electoral calendar.¹ On 4 May, the National Assembly adopted an electoral reform (Electoral Law No. 1070),² which marked a critical step in promoting the equal political participation of women, providing for a 50 per cent quota of women in the Supreme Electoral Council and all internal bodies of political parties, as well as on all candidate lists for local, regional and national elections. However, contrary to international standards³ and the recommendations made by the Organization of American States (OAS),⁴ Electoral Law No. 1070 did not establish measures to guarantee the impartiality of the electoral authority: the power to propose new Supreme Electoral Council magistrates remains with the President of the Republic and National Assembly deputies, who then elect magistrates with a 60 per cent majority. On 4 May, the National Assembly elected 10 new Supreme Electoral Council members – 6 women and 4 men – without the consultations with civil society mandated by article 6 of Electoral Law No. 331, in force at the time. According to information in the public domain, most Supreme Electoral Council members were perceived to have links with the

¹ See <http://digesto.asamblea.gob.ni/consultas/util/pdf.php?type=rdd&rdd=tUYJCLM8hL8%3D>.

² Electoral Law No. 1070 amending and adding to Law No. 331. See <http://legislacion.asamblea.gob.ni/Normaweb.nsf/9e314815a08d4a6206257265005d21f9/4fca1b711015f9af062586ce00762351?OpenDocument>.

³ Human Rights Committee, general comment No. 25 (1996).

⁴ Organization of American States General Assembly resolution 2962 (L-O/20). See <http://scm.oas.org/IDMS/Redirectpage.aspx?class=AG/doc.&classNum=5717&lang=e>, p. 183.

incumbent Sandinista National Liberation Front, thus compromising the appearance of independence and impartiality of the Council.⁵

5. The rights to freedom of expression and of association, as set forth in articles 19 (2) and 22 of the International Covenant on Civil and Political Rights, to which Nicaragua is a party, are unduly restricted by Electoral Law No. 1070. For instance, it keeps the ban against the use of the national flag by political parties in public events (art. 65 (3)), although such use should be regarded as a legitimate form of expression that should not be restricted.⁶ It also prohibits political parties from inciting foreign interference in internal affairs or demanding economic sanctions against Nicaragua (art. 63 (14)), thus undermining political speech and debate, which should be afforded particular protection.⁷ Non-compliance with article 63 (14) constitutes grounds for stripping a party of its legal personality, as do the decision not to run for an election (art. 74 (4)) or obtaining less than 4 per cent of the total valid votes in national elections (art. 74 (4)). Those provisions do not appear necessary or proportional, unduly restricting the right to freedom of association. On 18 May, the Supreme Electoral Council dissolved, pursuant to article 74 (4), the Conservative Party, as the party had announced that it was not running in the November elections.⁸ However, the party stated that it still had to consult with its constituencies regarding the decision, and the candidate registration period had not opened.

6. Electoral Law No. 1070 requires that political parties request authorization from the police for all demonstrations or rallies held during an electoral campaign (art. 89 (1)),⁹ who then make a decision within a maximum of 48 hours (art. 89 (2)). This requirement goes beyond the system of prior notification and implicit authorization, raising concerns of its compatibility with article 21 of the International Covenant on Civil and Political Rights.¹⁰ The blanket ban on demonstrations by groups not participating in the elections (art. 95) is not compatible with the right to freedom of assembly under the Covenant.

7. On 18 May, the Supreme Electoral Council annulled the legal personality of the Party of Democratic Restoration. Although Electoral Law No. 1070 does not provide for the annulment of a party's legal personality on grounds of the party having violated its own principles, the Council decided, based on a complaint presented by a group of evangelical pastors unaffiliated with the party, to dissolve the Party of Democratic Restoration on the grounds that its representatives had allegedly "divorced" itself from its Christian foundations without having changed its statutes. The party was not given the opportunity to submit a response. The Council stated that the party had allegedly separated from its principles because it had established an alliance with persons who promoted "provoking death from the mother's womb through abortion, homosexuality, lesbianism and injustice". The Council's decision did not provide any further justification or an assessment of the compatibility of its decision with the international human rights obligations of Nicaragua. The decision is not compatible with the principle of legality and unduly restricts the right to freedom of association.

8. From 2 June to 24 July, the National Police and the Public Prosecutor's Office arbitrarily deprived of liberty seven persons (six men and one woman) who either had already registered as pre-candidates for an internal primary election or had publicly expressed their intention to run for the presidency (for more details, see sect. III below). In most cases, the public prosecutor announced that the arrested pre-candidates were being investigated under Law No. 1055 on the defence of the rights of the people to independence, sovereignty and self-determination for peace. The restrictions under the law are incompatible with

⁵ Inter-American Commission on Human Rights, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law* (2021), para. 164.

⁶ Human Rights Committee, general comment No. 37 (2020), para. 51.

⁷ Human Rights Committee, general comment No. 34 (2011), paras. 34, 37–38 and 42–43.

⁸ See <https://100noticias.com.ni/politica/107222-conservadores-declinan-participacion-elecciones/>.

⁹ Prior to the reform, the electoral law gave this authority to the Supreme Electoral Council (Law No. 331, art. 89), which was also incompatible with article 21 of the International Covenant on Civil and Political Rights, as interpreted by the Human Rights Committee in its general comment No. 37 (2020).

¹⁰ Human Rights Committee, general comment No. 37 (2020), para. 73.

international human rights norms and standards on the rights to political participation and to freedom of expression.¹¹ Furthermore, the police and the Public Prosecutor's Office issued public statements justifying the arrests, although they were not based on concrete facts. In many cases, the statements were copied almost verbatim from previous public statements referring to other detainees. By keeping the pre-candidates in detention and under house arrest, with no means of communication with the outside world, the Public Prosecutor's Office de facto prevented them from participating in the elections.

9. On 3 August, the home of a vice-presidential candidate was raided by the police. Ciudadanos por la Libertad had announced the candidacy on 2 August, during an event where the candidate had called the Government a "dictatorship" and encouraged mass electoral participation. On 4 August, the Public Prosecutor's Office reported that, based on her statement, the candidate was being investigated for incitement of and conspiracy to commit terrorism.¹²

10. On 6 August, the Supreme Electoral Council arbitrarily annulled the legal personality of Ciudadanos por la Libertad, based on alleged irregularities in the birth registration of the president of the organization and on an alleged "flagrant" violation of Law No. 1055,¹³ without providing a reason in support of this finding.¹⁴ The Council's decision to annul the legal personality of Ciudadanos por la Libertad, only hours after a complaint had been presented by another political party, raises serious concerns about its compatibility with the right to freedom of association.

11. The dissolution of three parties and the arrest of seven presidential pre-candidates compromised political pluralism, an essential condition for the right to take part in the conduct of public affairs enshrined in article 25 (a) of the International Covenant on Civil and Political Rights.¹⁵ In response, the political groups that emerged during the protests in 2018 proclaimed that the elections had lacked legitimacy and they called for abstention through a campaign that was conducted online and outside the territory of Nicaragua due to the prohibition, in the electoral law (art. 87), of "propaganda" calling for abstention.

12. The Supreme Electoral Council published the final list of candidates on 10 September. Six parties presented their presidential and vice-presidential candidates, as well as candidates for the National Assembly and the Central American Parliament. One additional regional indigenous party, Yatama, presented candidates for the seats reserved for the North and South Caribbean Coast Autonomous Regions in the National Assembly. In accordance with the quotas established by the electoral law, half of all candidates presented by all parties were women.

13. The Supreme Electoral Council delayed the start of the campaign from 21 August to 25 September¹⁶ and allowed outdoor events only, of no more than 200 people, invoking the coronavirus disease (COVID-19) pandemic.¹⁷ These restrictions contrasted with the continuation of mass sports and cultural events sponsored by the Government.¹⁸ On 6 November, the National Police announced that bars, recreational centres and restaurants would operate normally during the election weekend, suspending a previous "dry law" order.¹⁹

14. Pluralistic electoral processes require that States guarantee the right to access information by, inter alia, promoting the independence and diversity of media.²⁰ Public

¹¹ A/HRC/46/21, para. 29.

¹² See <https://ministeriopublico.gob.ni/comunicado-51-2021/>.

¹³ Law No. 1055 prevents "traitors" from running for public office. See A/HRC/46/21, para. 29.

¹⁴ See <https://www.el19digital.com/app/webroot/tinymce/source/2021/agosto/07%20Agosto/CSE/R ESOLUCION%20ING.pdf>.

¹⁵ CCPR/C/GNQ/CO/1, para. 59; CCPR/C/SWZ/CO/1, para. 53; and CCPR/C/UZB/CO/4, para. 26.

¹⁶ See https://www.cse.gob.ni/sites/default/files/documentos/boletin_edic._14.pdf.

¹⁷ See [cse.gob.ni/sites/default/files/documentos/edicion_no_20_boletin_cse.pdf](https://www.cse.gob.ni/sites/default/files/documentos/edicion_no_20_boletin_cse.pdf).

¹⁸ See <https://www.el19digital.com/articulos/ver/titulo:122304-dantos-campeon-del-pomares-2021>.

¹⁹ See <https://www.el19digital.com/Elecciones2021/articulo/titulo:122428-policia-nacional-reitera-seguridad-y-servicio-durante-las-elecciones-en-nicaragua>.

²⁰ A/HRC/26/30, para. 56.

broadcasters bear an additional responsibility to ensure that all candidates receive fair and equitable coverage.²¹ However, government-owned broadcasters (among them Canal 4 and Canal 6) featured advertisements only of the Sandinista National Liberation Front on their websites and social media accounts, while calling for people to vote for the Sandinista National Liberation Front²² and denigrating other political parties and journalists in their editorials.²³

15. The free communication of information and ideas between citizens, candidates and elected representatives is essential for the full enjoyment of political rights as set forth in article 25 of the International Covenant on Civil and Political Rights.²⁴ However, voters in Nicaragua had little access to the proposals being made by political parties, and the public debate among the parties was extremely limited. OHCHR noted that political parties kept a reduced presence online (two of the seven parties had no activity on social media, and only two of them had websites) and only one party made its political programme accessible.

16. On 1 November, Meta (the parent company of Facebook and Instagram) stated that it had removed a “troll farm” of over 1,000 accounts that had “misled” their readers and systematically posted positive content about the Government and negative commentary about opposition groups.²⁵ The network had allegedly been run on behalf of the Government and the Sandinista National Liberation Front since April 2018, using the staff and resources of public institutions. Twitter and YouTube also closed dozens of accounts allegedly associated with the network. The abuse of public institutions aiming to influence public debate in favour of a political party by disseminating disinformation is contrary to a free and genuine electoral process and may jeopardize the right to political participation, among other rights established in the International Covenant on Civil and Political Rights.²⁶

17. On 5 November, the Government announced the arrival of over 220 international “electoral companions”.²⁷ This category was introduced in article 10 (9) of Electoral Law No. 1070 to replace the previous term of “electoral observers”. The President of the Supreme Electoral Council clarified that the “companions” would not have the role of impartial international observers.²⁸ On 6 and 7 November, many of the “companions” publicly expressed their support for the Sandinista National Liberation Front in media statements. Despite repeated calls by OAS, no impartial international observers were invited.

18. During the election weekend, OHCHR documented the arbitrary detention by the police of seven political activists (five men and two women) and two journalists (one man and one woman) without warrants, five of whom (four men and one woman) remained deprived of their liberty at the time of the writing of the present report. Civil society sources reported 26 additional arbitrary arrests during the election weekend. Authorities did not make any public statements, contrary to the highly publicized arrests that had taken place from May to October. The detainees were denied contact with their families, had restricted access to their lawyers and were held in police custody for several weeks without being brought before a judge, exceeding the maximum limits allowed by the Constitution.

19. On 12 November, the General Assembly of OAS declared, in its resolution 2978, that the elections on 7 November in Nicaragua were not free, fair or transparent and had no democratic legitimacy. In response, the Government announced on 19 November that it was withdrawing the membership of Nicaragua from OAS, a process that takes two years. On 8 December, the OAS Permanent Council urged the Government to release all political

²¹ Ibid., paras. 58–59.

²² See <https://twitter.com/Canal6Nicaragua/status/1453346190611857410> and <https://www.canal4.com.ni/la-revolucion-desde-managua/>.

²³ See <https://twitter.com/Canal6Nicaragua/status/1450809294220316672>.

²⁴ Human Rights Committee, general comment No. 25 (1996), para. 25.

²⁵ See <https://about.fb.com/wp-content/uploads/2021/11/October-2021-CIB-Report.pdf>.

²⁶ *Handbook on International Human Rights Standards on Elections* (United Nations publication, 2021), pp. 52–53.

²⁷ See <https://www.el19digital.com/articulos/ver/titulo:122412-llegan-220-hermanos-que-acompanaran-las-elecciones-en-nicaragua>.

²⁸ See <https://www.el19digital.com/articulos/ver/titulo:120991-reflexionan-sobre-el-papel-que-jugaran-acompanantes-electorales-en-nicaragua>.

prisoners and to accept a high-level good offices mission. On 17 December, the Secretary-General of OAS requested the Permanent Council to extend the deadline for the Government's response until mid-January 2022.

III. Right to personal liberty, freedom from torture and humane conditions of detention

20. From 28 May to 21 October 2021, coinciding with the electoral process, 39 (31 men and 8 women) political and social leaders, journalists, businesspersons, human rights defenders and members of civil society organizations were arbitrarily arrested and detained, pursuant to Law No. 977 against money laundering, financing of terrorism and financing of the proliferation of weapons of mass destruction and/or Law No. 1055. Both laws contain ambiguous definitions of "terrorism" or "treason to the homeland" that are incompatible with international human rights law. For example, in Law No. 977, the vague definition of a terrorist act includes damage to property and/or services, departing from international definitions and resulting in the risk of labeling persons participating in social movements in which damage to property or private services may be caused as "terrorists". Law No. 1055 prohibits anyone who undermines the independence, sovereignty and self-determination of, or demands, praises and applauds the imposition of sanctions against, Nicaragua and its citizens, or damages the supreme interests of the nation from standing as a candidate for elected positions – wording that lacks necessary precision in the description of "prohibited conduct" and that bans legitimate political debate on the issue of international sanctions. Special procedure mandate holders of the Human Rights Council and OHCHR had previously warned that those laws might be used to arbitrarily persecute political opponents and civil society organizations.²⁹

21. The number of persons arrested and their public profile contributed to an environment of fear of deprivation of liberty, incompatible with the enabling environment³⁰ required for the free exercise of civil and political rights in the electoral process.

22. The judicial proceedings against the 39 detainees failed to uphold basic fair trial guarantees. In addition, 35 remain at the judicial cooperation directorate's Evaristo Vásquez Sánchez complex in conditions that violate international standards.³¹ The other four, under home arrest, are allowed to communicate only with their immediate family members and are banned from using telephones, isolating them from the electoral process.

23. In 37 of the 39 cases, the Public Prosecutor's Office announced publicly that the detainees had been brought before a judge within a 48-hour period and that requests for 90-day extensions of their detention had been granted by the court. These extensions were brought under Law No. 1060 amending and adding to the Code of Criminal Procedure of 5 February 2021, which provides that, upon a prosecutor's request, a judge can extend detention for 90 days based, for the purpose of investigation, only on the severity, social relevance and complexity of the allegations, contrary to article 9 of the International Covenant on Civil and Political Rights. Article 9 requires that pretrial detention be based on an individualized determination that it is reasonable and necessary for such purposes as to prevent flight, interference with evidence or the recurrence of crime, as well as on the examination of alternatives to detention.³² Law No. 1060 allows the prosecution to hold detainees for 90 days before completing an investigation, presenting evidence on the responsibility of each detainee, charging them with any crime or justifying the necessity and proportionality of the deprivation of their liberty, therefore eroding their right to judicial oversight over their detention. In the cases documented by OHCHR, the judge's decision extending detentions was not based on individual assessments. In the light of the foregoing,

²⁹ See communication NIC 4/2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25691>; and A/HRC/46/21, par. 29.

³⁰ *Handbook on International Human Rights Standards on Elections*, para. 27.

³¹ See paragraph 27 in the present report.

³² Human Rights Committee, general comment No. 35 (2014), para. 38.

the systematic judicial approval of all the prosecution requests for 90-day extensions of detention raised issues with respect to their compatibility with article 9 (3) of the Covenant. After the 90-day period expired, the courts accepted the prosecutor's request to further prolong the pretrial detention based on a provision in the Criminal Procedure Code concerning "complex proceedings",³³ which allows the extension of pretrial detention for up to one year, even though the charges were not on the list for which it is permitted, thus violating the principle of legality. All habeas corpus requests filed on behalf of the detainees were systematically rejected by the courts, claiming that the hearings described above had confirmed the legality of the detention.

24. OHCHR confirms that the initial hearings in which the 90-day extensions were granted lacked basic fair trial guarantees established in article 14 (1) of the International Covenant on Civil and Political Rights, as they were not public,³⁴ were held in the absence of the defence lawyers chosen by the detainees and the records were not disclosed.

25. All persons detained since 28 May in the Evaristo Vásquez Sánchez complex have been kept under a prolonged and strict incommunicado regime. When family members were first allowed to visit them in September, only one person could visit each detainee, for a maximum of 20 minutes. The prison conditions reported by the detainees fall below the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and, in the case of female detainees, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). The visit regime was extremely restrictive,³⁵ and the detainees were provided limited and unbalanced diets,³⁶ leading to visible loss of weight. They were not allowed to receive food brought by their relatives,³⁷ nor were they allowed to have mattresses and bedding.³⁸ They were also denied access to any correspondence,³⁹ reading materials⁴⁰ or Bibles.⁴¹ The lights were on in their cells during the night.⁴² Detainees had access to regular medical check-ups, but some reported that they were not receiving the specialized care that their chronic illnesses required.⁴³ Such conditions amount to treatment prohibited by article 7 of the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Nicaragua is a party.

26. In addition, women detainees reported specific violations: many were held in prolonged isolation, which can amount to torture, and one woman was repeatedly told by officials that she was a bad mother for having left her 5-year-old daughter alone, and some were insulted in relation to their sexual orientation. In early October and November, the detainees were allowed second and third visits by their families, two persons each for up to two hours. However, the detainees' underage children were not allowed into the facility, to have any correspondence or (in the case of the youngest children) to have their drawings delivered to their parents, which is in violation of the human rights of detainees,⁴⁴ and of

³³ Article 135 of the Criminal Procedure Code.

³⁴ Human Rights Committee, general comment No. 32 (2007), paras. 25–29.

³⁵ Nelson Mandela Rules, rule 58 (1) (b) and Bangkok Rules, rule 26, respectively.

³⁶ Nelson Mandela Rules, rule 22 (1).

³⁷ *Ibid.*, rule 114.

³⁸ *Ibid.*, rule 21.

³⁹ *Ibid.*, rule 58 (1) (a).

⁴⁰ *Ibid.*, rules 63 and 64.

⁴¹ *Ibid.*, rule 66.

⁴² *Ibid.*, rule 13.

⁴³ *Ibid.*, rule 27.

⁴⁴ *Ibid.*, rules 58 and 106; Bangkok Rules, rules 23, 26, 42, 52 and 69; and Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, principle XVIII. The Inter-American Commission on Human Rights stated that "the State is obligated to facilitate and regulate contact between the prisoner and his or her family", to "effectively ensure the right to maintain and cultivate family relationships" and to restrict family visits only if they "fit the usual and reasonable requirements of incarceration" (Inter-American Commission on Human Rights, *Oscar Elías Biscet et al. v. Cuba*, Report 67/06, Case No. 12.476, para. 237).

children’s rights to “maintain personal relations and direct contact with their parents”.⁴⁵ The Bangkok Rules prohibit the suspension of family contact, especially with children, as a disciplinary measure (rule 23); emphasize the need to consider suspending detention if that is in the best interest of the children (rule 2 (2)); and oblige the State to “encourage” and “facilitate” by all reasonable means the contact with families and children (rule 26), to adapt prison regimes to the needs of imprisoned women with children (rule 42 (2)), to allow visits by their children (rule 52 (3)) and to reduce the negative impact of women’s incarceration on their children (rule 69). During the detainees’ detention, other violations of the right to a family life were the refusals to allow detainees to visit their direct relatives in hospital when the latter were at a terminal stage of an illness, or to attend their funerals. As the Human Rights Committee states in paragraph 3 of its general comment No. 21 (1992), the International Covenant on Civil and Political Rights imposes, in its article 10 (1), a positive obligation towards persons deprived of liberty not to be subjected to torture or cruel, inhuman or degrading treatment, or to any hardship or constraint other than that resulting from the deprivation of liberty. The Committee adds that persons deprived of their liberty enjoy all the rights set forth in the Covenant, subject to the restrictions that are unavoidable in a closed environment. Restricting the detainees’ contact with their families for prolonged periods, without apparent justification, would therefore constitute a violation of article 10 of the Covenant. The Committee on the Rights of the Child has also emphasized that, under the Convention of the Rights of the Child, to which Nicaragua is a party, children have the right to regularly visit their incarcerated parent, and has recommended that States facilitate enough visits to allow strong relationships between children and parents.⁴⁶

27. From early September, detainees began to be brought before a court and most of them were formally charged by prosecutors with the offence of “conspiracy to undermine national integrity”, defined in article 410 of the Criminal Code as acts that tend to undermine or break up the territorial integrity of Nicaragua or to subject it to foreign domination. This crime carries 15 to 25 years’ imprisonment and includes a disqualification from holding public office. Five persons were also charged with money laundering for their participation in activities organized by the Violeta Barrios de Chamorro Foundation (see sect. VII below).

28. The actions mentioned in the formal charges fall noticeably outside of the scope of article 410 of the Criminal Code, as they consisted mostly of private communications that expressed criticism of the Government or proposed strategies of international advocacy, raising concerns of the compatibility of the accusations of the Public Prosecutor’s Office with the right to freedom of expression.

29. On 22 November, the Inter-American Court on Human Rights found the State of Nicaragua to be in contempt of court for not having complied with its orders issued on 24 June, 9 September and 4 November to release 21 of the detainees.

30. OHCHR also documented another 21 persons arbitrarily arrested in 2021, mostly for short periods, either without warrants or without respect for fair trial standards, in most cases in retaliation for their work as journalists, political activists or human rights defenders. According to civil society sources, 103 persons arrested between 2018 and 2020 are still in prison in reprisal for their political activities.

IV. Human rights of indigenous peoples and people of African descent

31. In October, the Committee on Economic, Social and Cultural Rights reviewed the fifth periodic report of Nicaragua. While welcoming the measures taken to strengthen the enjoyment of economic, social and cultural rights by indigenous peoples and people of African descent, the Committee highlighted its concerns about the lack of consultation

⁴⁵ Committee on the Rights of the Child, “Report and recommendations of the day of general discussion on children of incarcerated parents”, paras. 35, 38–40 and 46, available at ohchr.org/Documents/HRBodies/CRC/Discussions/2011/DGD2011ReportAndRecommendations.pdf.

⁴⁶ *Ibid.*, paras. 38–39.

relating to large-scale investment projects (which are negatively affecting their right to an adequate standard of living) and by the alleged establishment of “parallel governments” usurping the function of legally constituted autonomous authorities.⁴⁷ The Committee recommended that the Government target indigenous peoples and people of African descent in its anti-poverty efforts,⁴⁸ and found insufficient measures to promote indigenous and Afro-descendent cultures.⁴⁹

32. In 2021, indigenous peoples and people of African descent in Nicaragua continued to suffer discrimination and violence. Even though the right to autonomy over their land and territories is protected by law, violent attacks have continued to prevent the peaceful enjoyment of their rights. The resources in their territories attract non-indigenous settlers, who often resort to violence in clashes with indigenous communities. The fact that restoration procedures, which involve, *inter alia*, the restitution of lands currently occupied by non-indigenous settlers, are still incomplete, is also an important factor behind the land occupation and violence.

33. OHCHR received reports of at least six attacks and violent incidents that affected indigenous peoples in 2021, resulting in at least 11 indigenous men killed, 1 woman and 1 girl raped, and 7 persons injured, including 2 children.

34. On 23 August, at least 9 indigenous persons, including 1 child, according to the police, and 11 indigenous persons, according to civil society sources, were reportedly killed in the Sauni As territory of the North Caribbean Coast Autonomous Region. One woman and one girl were raped in the same attack. The incident was reportedly caused by a dispute over the exploitation of an artisanal gold mining site. Indigenous authorities had reported the situation to the police 12 days earlier and had requested their protection. The police indicated that the incident had been a community dispute and announced the arrest of 3 persons, whom they identified as alleged perpetrators, along with another 11 persons who remained at large at the time of the writing of the present report. All of the persons identified by the police as the perpetrators were indigenous, while the victims said that non-indigenous settlers were also among those responsible for the attack.

35. Due to the persisting violence affecting indigenous peoples in Nicaragua, the Inter-American Commission on Human Rights and the Inter-American Court on Human Rights have issued three precautionary measures and nine provisional measures in favour of indigenous peoples, respectively, the most recent in favour of the Santa Fé community. Additionally, the Inter-American system has issued protection measures in favour of eight indigenous human rights defenders.

V. Gender equality, gender-based violence and sexual and reproductive rights

36. Nicaragua has continued to take measures promoting equal participation in public affairs. Electoral Law No. 1070 established quotas of 50 per cent for both men and women in the Supreme Electoral Council membership and all internal bodies of political parties, and for all lists of candidates for local, regional and national elections. The World Economic Forum placed Nicaragua fifth in its Global Gender Gap Index.⁵⁰ However, the Committee on Economic, Social and Cultural Rights expressed concern that gender stereotypes remained entrenched, making it difficult for women to exercise their rights, particularly in the labour market, and to access decision-making positions in the public and private sectors.⁵¹

37. Civil society sources reported 38 femicides during the first half of 2021, an increase of 81 per cent from the 21 femicides reported during the same period in 2020. According to

⁴⁷ [E/C.12/NIC/CO/5](#), paras. 11 and 36.

⁴⁸ *Ibid.*, para. 35.

⁴⁹ *Ibid.*, para. 50.

⁵⁰ The Index comprises economic, educational and political indicators. See https://www3.weforum.org/docs/WEF_GGGR_2021.pdf.

⁵¹ [E/C.12/NIC/CO/5](#), para. 19.

the same sources, the number of attempted femicides also increased, from 35 during the first half of 2020 to 68 during the same period in 2021. Of the 38 femicides committed during the first half of 2021, 10 criminal proceedings were under way, seven persons had been sentenced and seven remained in impunity, while two suspected perpetrators were at large and two of them had died by suicide. Two of the cases were still under investigation.⁵²

38. A transgender woman was murdered in Chinandega on 3 March by two men, who hung her from a horse until she died. The perpetrators were found guilty of aggravated murder under article 96 of the Criminal Code and sentenced to life imprisonment, in accordance with the amended article 37 of the Constitution, which punishes hate-motivated crimes with life imprisonment, instead of the previous maximum prison sentence of 30 years.⁵³

39. The total ban on abortion since 2006, which does not allow for any exception, even for therapeutic reasons, continues to impede women's sexual and reproductive rights. The human right to health includes the right to control one's health and body, including sexual and reproductive freedom,⁵⁴ and requires the removal of all barriers interfering with access to health services, education and information, including in the area of sexual and reproductive health.⁵⁵ The Committee on Economic, Social and Cultural Rights and the Human Rights Committee have raised concerns about the ban's impact on the rights to life and health of women and girls, and requested Nicaragua to amend it in line with international human rights law.⁵⁶

VI. Undue restrictions on the right to freedom of expression affecting the media

40. Due to an overly restrictive legal framework,⁵⁷ and the harassment and arbitrary arrests and detentions of journalists involved in critical reporting of the Government, the right to freedom of expression affecting the media has been severely violated in Nicaragua. OHCHR registered 40 cases of intimidation, threats, criminalization and smear campaigns against journalists or media workers by State officials and two instances of media outlets having been subjected to raids by the police, as well as five cases of arbitrary detention of journalists, three of whom remained in prison at the time of writing of the present report.

41. Several journalists and media workers had to leave Nicaragua to seek protection, due to threats by the Public Prosecutor's Office to bring criminal charges against them, after summoning them to testify in relation to an investigation against the Violeta Barrios de Chamorro Foundation.⁵⁸ OHCHR documented 15 such cases (against 13 men and 2 women), while actual numbers may be higher, as civil society sources allege there are over 45 cases.⁵⁹

42. On 20 May, the police raided the offices of three media outlets run by Carlos Fernando Chamorro, seized equipment and temporarily detained a camera operator without a warrant. In June, Mr. Chamorro announced that he had left the country in order to avoid being arrested. The Public Prosecutor's Office announced an arrest warrant against him on 2 September for money laundering.

43. On 12 August, *La Prensa*, in circulation since 1926, announced the cessation of its print edition due to the withholding of printing paper by the customs authority. On 13 August, the National Police, accompanied by the Public Prosecutor's Office, raided its facilities,

⁵² See <https://www.facebook.com/CDDNICARAGUA/posts/4144596448958064>.

⁵³ A/HRC/46/21, para. 25.

⁵⁴ Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000), para. 8.

⁵⁵ *Ibid.*; see also CCPR/C/NIC/CO/3, para. 13.

⁵⁶ E/C.12/NIC/CO/5, paras. 43–45 (a); Human Rights Committee, *L.M.R. v. Argentina* (CCPR/C/101/D/1608/2007), para. 9.3; and Human Rights Committee, *Llantoy Huamán v. Peru* (CCPR/C/85/D/1153/2003), para. 6.4.

⁵⁷ A/HRC/46/21, paras. 24 and 29.

⁵⁸ The Public Prosecutor's Office announced on 9 September that it had questioned 158 persons. See <https://ministeriopublico.gob.ni/comunicado-73-2021/>.

⁵⁹ See <https://www.vozdeamerica.com/a/periodistas-nicaraguenses-exiliados-en-costa-rica-lamentan-clima-hostil-prensa/6218543.html>.

seized equipment and arbitrarily arrested its general manager for customs fraud and money laundering.

44. In the weeks preceding election day, most of the requests by international media to deploy journalists from abroad were ignored, and at least seven international journalists were denied entry to Nicaragua. Journalists based in Managua interviewed by OHCHR stated that they had not been provided with the required accreditation. At the same time, OHCHR observed that State-owned Telesur, Prensa Latina and Sputnik were able to deploy “special correspondents” for the electoral period and to access voting centres.

VII. Human rights defenders, right of peaceful assembly and freedom of association

45. OHCHR documented 26 cases of harassment (20 women and 6 men), and at least 4 cases of arbitrary detention (all women) of human rights defenders in 2021. Despite previous recommendations made by the High Commissioner, nine civil society organizations still have not had their legal registration reinstated, and the assets that were seized by the Government still have not been returned.⁶⁰

46. Civil society organizations receiving foreign funds encountered arbitrary obstacles to their work for allegedly interfering in the internal affairs of Nicaragua, as a result of Law No. 1040 on the regulation of foreign agents.⁶¹ On 29 January, the Ministry of the Interior adopted a decree containing the administrative regulations for Law No. 1040, including the obligation to present monthly reports on activities explaining the “good reputation” of foreign donors and to verify the identity of all beneficiaries.⁶²

47. In February, two civil society organizations, PEN International – Nicaragua and the Violeta Barrios de Chamorro Foundation, suspended their operations due to the requirements established by Law No. 1040. *Ética y Transparencia*, a non-governmental organization specializing in electoral observation, reported that it would have to reduce its operations as it was unable to receive funding from abroad. Challenges to the constitutionality of Law No. 1040 filed in 2020 are pending before the Supreme Court.

48. In February and March, facilities confiscated in 2018 from civil society organizations *Fundación Instituto de Liderazgo de las Segovias*, the Nicaraguan Centre for Human Rights and *Fundación Popol Na* were converted by the Government into social and health centres in highly publicized inaugurations, signaling the Government’s unwillingness to return the seized assets to the civil society organizations as recommended by OHCHR.⁶³

49. On 10 June, the Public Prosecutor’s Office announced that it had started an investigation in relation to the Nicaraguan Foundation for Economic and Social Development. At least 13 of its current and former staff members were placed under investigation and had their bank accounts frozen, while two former managers (men) were among the 39 persons arrested between May and October.

50. In 2021, the National Assembly arbitrarily stripped 54 non-profit organizations of their legal personality without giving their representatives the opportunity to be heard, in violation of the right to freedom of association. The decisions were reportedly taken due to the organizations’ failure to present documentation on time,⁶⁴ but the texts of the resolutions did not include any reasoning and only announced the organizations’ loss of legal

⁶⁰ [A/HRC/42/18](#), para. 65 (c).

⁶¹ [A/HRC/46/21](#), para. 19; and [A/HRC/48/28](#), para. 95 and annex II.

⁶² See

[http://legislacion.asamblea.gob.ni/normaweb.nsf/\(\\$All\)/E62401422DAC1CC206258670006135E6?OpenDocument](http://legislacion.asamblea.gob.ni/normaweb.nsf/($All)/E62401422DAC1CC206258670006135E6?OpenDocument).

⁶³ [A/HRC/42/18](#), para. 65 (c).

⁶⁴ See <https://noticias.asamblea.gob.ni/cancelan-personalidades-juridicas-a-15-organizaciones-civiles-sin-fines-de-lucro/>.

personality.⁶⁵ They included 6 international aid organizations, 17 medical associations (several of which had publicly criticized the Government's response to the pandemic) and 3 women's rights organizations. An involuntary dissolution of associations should be authorized by an impartial and independent court only in the case of a clear and imminent danger that results in a flagrant violation of domestic laws.⁶⁶

51. Attempts to hold demonstrations in 2021 with messages critical of the Government were systematically repressed by the police, with the exception of a demonstration held on 22 March in Puerto Cabezas, North Caribbean Coast Autonomous Region.

52. In April, within the context of the third anniversary of the protests in 2018, OHCHR documented several incidents that showed a systematic attempt by the police to prevent any peaceful assembly. In three incidents, people were physically prevented from leaving their homes by armed police. In one demonstration, protesters and journalists were encircled by the police and prevented from leaving for over five hours. A presidential hopeful, currently imprisoned, was stopped by the police on 16 April as he attempted to carry out an individual protest in Managua. Three journalists covering a press conference held by a political organization were assaulted by the police. In another incident, relatives and friends of a student killed in 2018 were prevented from holding a religious ceremony in his memory, which resulted in five persons (four women and one man) being assaulted, threatened with death and arbitrarily arrested by the police, and two women subjected to arbitrary cavity searches.

VIII. Economic, social and cultural rights

53. In June, the Government presented its voluntary national review report at the high-level political forum on sustainable development, which monitors progress towards the achievement of the Sustainable Development Goals. In the document, the Government highlighted its main achievements: free education for over 1.8 million students, free health care, increased gender equality, increased coverage of water and sanitation, increased coverage of electricity, doubling the number of kilometres of paved roads, an increase in agricultural production and low criminality. The document also highlighted that the gross domestic product of Nicaragua had decreased by only 2 per cent in 2020, well below the regional average of 6.7 per cent.⁶⁷

54. In July, the Government presented its national anti-poverty and human development plan for 2022–2026. Macroeconomic stability, peace and security, infrastructure, education, health care, social services for persons with disabilities and older persons, agricultural production, trade agreements and climate change are among its priorities.⁶⁸ The International Monetary Fund praised the goals of the plan, but advised the Government to strengthen accountability and transparency.⁶⁹

55. In 2021, the Government received additional multilateral funding from the International Monetary Fund (\$353.5 million),⁷⁰ the World Bank (\$100 million)⁷¹ and the Central American Bank for Economic Integration (\$50 million)⁷² in order to support its

⁶⁵ See <http://legislacion.asamblea.gob.ni/Normaweb.nsf/xpNorma.xsp?documentId=A78C33D100A85E64062587270072ACAB&action=openDocument>.

⁶⁶ A/HRC/20/27, para. 100.

⁶⁷ See https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?end=2020&locations=NI-ZJ&name_desc=false&start=1961&view=chart.

⁶⁸ See [https://www.pndh.gob.ni/documentos/pnlc-dh/PNCL-DH_2022-2026\(19Jul21\).pdf](https://www.pndh.gob.ni/documentos/pnlc-dh/PNCL-DH_2022-2026(19Jul21).pdf).

⁶⁹ See <https://www.imf.org/en/News/Articles/2015/09/14/01/49/pr10289>.

⁷⁰ See <https://www.bcn.gob.ni/divulgacion-prensa/nicaragua-recibio-del-fmi-una-asignacion-de-us3535-millones-para-fortalecer>.

⁷¹ See <https://www.worldbank.org/en/country/nicaragua/overview#1>.

⁷² See <https://www.bcie.org/novedades/noticias/articulo/25-mil-empleos-en-nicaragua-se-han-conservado-con-el-apoyo-del-bcie>.

development projects and its efforts against the COVID-19 pandemic and the global financial crisis.

56. On 11 November, the Minister of Finance presented at the National Assembly the draft general national budget for 2022,⁷³ with 56.8 per cent of the budget dedicated to social expenditure, including 22.2 per cent to health and 23 per cent to education. These percentages slightly decreased from 2021,⁷⁴ but exceed the average in the region and among developed economies.⁷⁵

57. During the Committee on Economic, Social and Cultural Rights' consideration of the fifth periodic report of Nicaragua, the Government refused to respond to the Committee's questions, stating that it was attending the session in "listening mode".⁷⁶ In its concluding observations, the Committee welcomed the Government's measures to consolidate the promotion and protection of the enjoyment of economic, social and cultural rights, in particular of persons with disabilities, indigenous peoples and persons of African descent. It also welcomed progress in the fight against poverty, in reducing the gender gap in labour, and in education and health, including in expanded access to education.⁷⁷ At the same time, the Committee expressed its concern relating to multiple issues, including a lack of independence of the justice system and of the national human rights institution; high levels of corruption and limited access to public information leading to a lack of transparency and accountability; politically motivated discrimination; unemployment; low social security coverage; poverty rates; malnutrition; a scarcity of resources in the health sector; a lack of information about the impact of the COVID-19 pandemic; high school dropout rates; a lack of quality control in education; and restrictive abortion legislation.

58. In relation to the crisis in 2018, the Committee on Economic, Social and Cultural Rights expressed its concern over the alleged denial of assistance to injured protesters, the alleged lay-offs of medical and academic staff as political retaliation and the expulsion of students for participating in protests. OHCHR met with students who had been expelled for political reasons and were campaigning for their readmission in the public university system.

IX. Coronavirus disease (COVID-19) pandemic

59. The right to health includes the obligation not to deliberately withhold or misrepresent information vital to the protection of health.⁷⁸ In the context of the Government's response to COVID-19, the Pan American Health Organization (PAHO),⁷⁹ the Committee on Economic, Social and Cultural Rights⁸⁰ and Nicaraguan civil society⁸¹ have questioned the accuracy of official data. An academic study calculated the excess deaths caused by the pandemic up to August 2020 at 7,000. At the time, the Government had reported only 140 deaths, which suggests that Nicaragua had the second highest undercount ratio (excess deaths/reported deaths) in the world.⁸²

⁷³ See <https://www.el19digital.com/articulos/ver/titulo:122657-que-prioriza-el-presupuesto-general-de-la-republica-de-nicaragua-para-el-2022>.

⁷⁴ See <https://noticias.asamblea.gob.ni/asamblea-nacional-aprueba-presupuesto-general-de-la-republica-2021/>.

⁷⁵ Health spending averaged 12.7 per cent of total government expenditure for Latin America and 18.1 per cent for Organization for Economic Cooperation and Development (OECD) countries in 2018. In the case of education, the average was 16.1 for Latin America and 12.2 in OECD countries. See <https://data.worldbank.org/>.

⁷⁶ See ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27638&LangID=E.

⁷⁷ E/C.12/NIC/CO/5, para. 4.

⁷⁸ Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000), para. 50.

⁷⁹ See https://www.vozdeamerica.com/a/coronavirus_ops-pide-transparencia-nicaragua-sobre-manejo-de-la-pandemia/6075691.html.

⁸⁰ E/C.12/NIC/CO/5, para. 42.

⁸¹ See <https://observatorioni.org/informe-al-cescr/>.

⁸² See <https://elifesciences.org/articles/69336#fig3>.

60. The Government reported one death per week from COVID-19 between 6 October 2020 and 13 October 2021 without variation,⁸³ except during the week of 29 June 2021, when it reported two. Since the beginning of the pandemic, and as at 27 October 2021, the Ministry of Health had reported 208 deaths, while independent monitoring by civil society estimates 5,911 deaths attributed to COVID-19.⁸⁴

61. On 27 and 31 August 2021, the Vice-President accused those providing independent data of exaggerating the pandemic and committing “communicational terrorism”.⁸⁵ OHCHR documented the arbitrary dismissal of one medical doctor from the public health system, as well as threats against and harassment of two doctors working in the private sector for criticizing the Government’s handling of the pandemic, which led two of them to leave the country.

62. The Committee on Economic, Social and Cultural Rights raised concerns that the State had not taken sufficient measures, based on appropriate analysis of the situation, to prevent the spread of COVID-19.⁸⁶ The Government disregarded social distancing and containment measures recommended by the World Health Organization (WHO) and PAHO. For example, in April 2021, the Government expressed its satisfaction that 90,000 persons had participated in Holy Week processions and 440,000 in tourism activities during that period.⁸⁷

63. On 13 October, PAHO warned that Nicaragua was lagging behind in vaccination efforts and not on track to meet the WHO target.⁸⁸ Public information regarding vaccination progress was also unreliable and contradictory: the stated percentage of the population vaccinated went from 23.7 on 26 October to 52 on 6 November.⁸⁹

X. Conclusions

64. The elections in 2021 could have provided a valuable opportunity for Nicaraguans to advance towards a peaceful and democratic solution to the crisis that started in 2018. However, a pattern of serious violations of civil and political rights resulted in dissenting political opinions being arbitrarily suppressed from the electoral process through different means; prevented many Nicaraguans from participating in the conduct of public affairs; resulted in the principle of political pluralism being disregarded; and created an environment un conducive to the holding of genuine, fair and credible elections. Political leaders, journalists, businesspersons, human rights defenders and members of civil society organizations were arbitrarily deprived of their liberty and subjected to treatment and prison conditions contrary to the prohibition of torture or cruel, inhuman or degrading treatment or punishment.

65. OHCHR acknowledges the Government’s efforts towards the achievement of the Sustainable Development Goals, especially regarding the expenditure in health and education. However, the achievement of the Goals requires building peaceful, just, tolerant, open and inclusive societies that provide equal access to justice and are based on respect for human rights, effective rule of law and good governance at all levels, and on transparent, effective and accountable institutions.

⁸³ Official data from the Ministry of Health of Nicaragua.

⁸⁴ See <https://observatorioni.org/wp-content/uploads/2021/10/21-al-27-de-octubre-2021-OCC-Semanal.pdf>.

⁸⁵ See <https://www.el19digital.com/articulos/ver/titulo:120100-mecanismo-covax-entregara-mas-vacunas-contra-la-covid-19-a-nicaragua> and <https://www.el19digital.com/articulos/ver/titulo:120004-companera-rosario-murillo-en-multinoticias-27-08-21>.

⁸⁶ E/C.12/NIC/CO/5, para. 42.

⁸⁷ See <https://www.el19digital.com/articulos/ver/titulo:114497-companera-rosario-murillo-en-multinoticias-29-03-21>.

⁸⁸ See <https://www.paho.org/en/news/13-10-2021-most-countries-americas-reach-covid-19-vaccination-target-end-year>.

⁸⁹ See <https://www.efe.com/efe/america/sociedad/nicaragua-ha-vacunado-contra-la-covid-al-53-87-de-poblacion-objetivo/20000013-4661442> and www.el19digital.com/Coronavirus/articulo/titulo:122443-52-de-la-poblacion-de-nicaragua-se-ha-vacunado-contra-la-covid-19.

XI. Recommendations

66. The High Commissioner calls on Nicaragua to:

(a) Immediately and unconditionally release all persons arbitrarily arrested and detained and waive all charges against them;

(b) Initiate a meaningful national dialogue, as announced by the President in January 2021, that is inclusive and participatory, based on a road map of clear commitments grounded in international human rights norms and standards, and that could be observed by neutral international guarantors;

(c) Cease, publicly condemn and sanction any attack or harassment against political activists, journalists and human rights defenders and any individual critical of the Government;

(d) Restore the legal personality of all arbitrarily dissolved or sanctioned organizations, political parties and media outlets, and guarantee the return of all their assets, documents and equipment;

(e) Design and implement a comprehensive action plan towards accountability that is inclusive and victim-centred, as set out in a previous report to the Human Rights Council,⁹⁰ and that includes the reform of the judicial and security sectors and a comprehensive package of measures that ensure access to justice and reparations;

(f) Conduct institutional reforms aimed at guaranteeing fair and transparent elections in accordance with international standards, ensuring the impartiality of electoral institutions and electoral observation by national and international bodies;

(g) Restore the rule of law and amend all legislation that unduly restricts civic space to bring it into line with relevant international human rights law;

(h) Extend the current efforts towards achieving the Sustainable Development Goals, currently focused on social spending, to include efforts to achieve Goal 16 on peace, justice and strong institutions;

(i) Complete the restoration procedures of indigenous lands, including the restitution of lands currently occupied by non-indigenous settlers, and proceed with prompt, effective, thorough, independent, impartial and transparent investigation of all armed attacks against indigenous peoples, bring alleged perpetrators to justice within fair proceedings and sanction those found responsible;

(j) Amend the total ban on abortion in the Criminal Code to make it compliant with international norms and standards on women's sexual and reproductive rights, the right to life, and the prohibition of torture or cruel, inhuman or degrading treatment or punishment;

(k) Readmit in public hospitals and education centres all staff and students arbitrarily dismissed for political reasons;

(l) Fully incorporate in the elaboration and execution of its policies the WHO recommendations regarding the COVID-19 pandemic, and compile and publicly release reliable data, including on vaccination efforts;

(m) Re-establish its engagement with all United Nations human rights mechanisms, resume constructive communication with OHCHR and grant access to Nicaragua to OHCHR and other regional and international organizations.

67. The High Commissioner calls on the international community to:

(a) Support Nicaragua in finding a solution to its multidimensional crisis, including through support for efforts towards institutional, legislative and electoral

⁹⁰ A/HRC/42/18, para. 65 (d).

reforms that would allow all Nicaraguans to exercise their civil and political rights freely and fully, irrespective of their political affiliation;

(b) Ensure that all development grants, loans and assistance provided to the Government of Nicaragua, including through international financial institutions, are defined and implemented with adherence to the human rights principles of participation, non-discrimination, accountability and transparency, including human rights reporting and oversight mechanisms.

68. The High Commissioner recommends that the Human Rights Council:

(a) Consider requesting OHCHR to enhance its monitoring and public reporting on the human rights situation in Nicaragua;

(b) Consider further measures to strengthen accountability for serious human rights violations.
