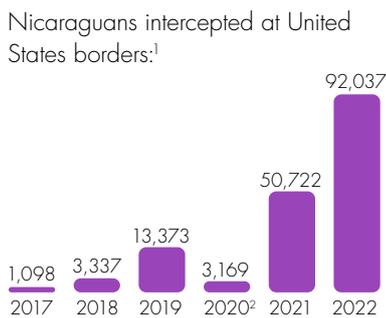


Flash report N.4

Crisis in Nicaragua: **figures** **facts** **rights**

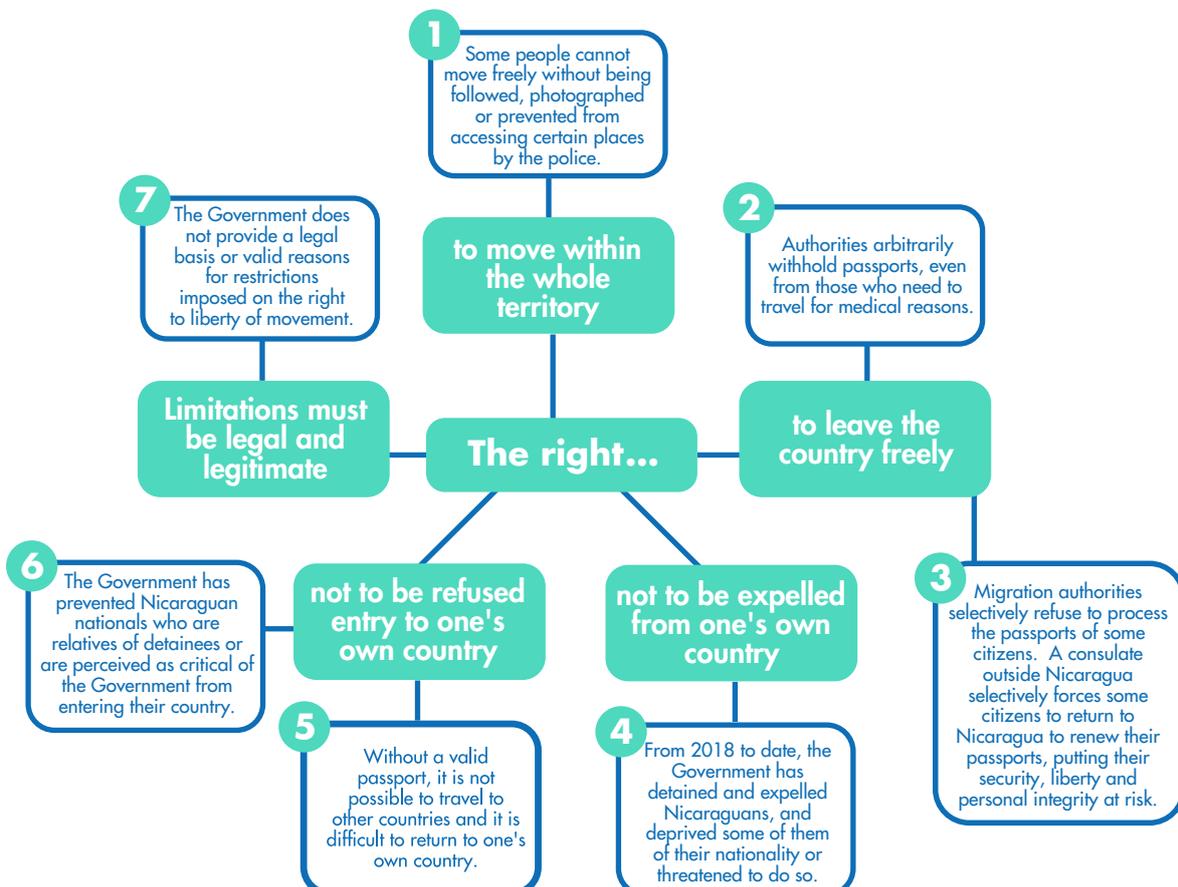
Since the beginning of the socio-political and human rights crisis in April 2018, tens of thousands of Nicaraguans have been forced to leave the country, both to seek international protection from persecution and fear of reprisals, and to improve their living standards and find security in the face of the worsening economic situation. Migrants, exiles, expelled, refugees, asylum seekers, are now common terms associated with a large number of Nicaraguans. The figures on human mobility are alarming.



Nicaraguan asylum seekers and refugees:³



The International Covenant on Civil and Political Rights (article 12) and the American Convention on Human Rights (article 22) recognize the right to liberty of movement and to choose a place of residence as a multifaceted human right that includes, *inter alia*, the right to move and reside within the territory of a State, to leave it freely, not to be expelled from or rejected entry into one's own State, to seek and receive asylum in case of political persecution. In Nicaragua, those perceived as opponents or critics of the Government have been denied this right.



Flash report N.4

Crisis in Nicaragua: **figures** **facts** **rights**

- 1** In May, the police conducted targeted surveillance of priests of the Catholic Church, repeatedly stopping them for documents and photographing them. It also prevented citizens from reaching some parishes and other buildings by fencing off access roads. Apart from violating the right to liberty of movement, the rights to peaceful assembly and freedom of religion were violated as well.
- 2** The restriction to leave the country is a precautionary measure of criminal law nature, which should only be used in the framework of criminal proceedings and by order of a judge.⁴ In addition, if a person in need of medical care abroad is prevented from leaving the country, their rights to health and personal integrity may be violated.
- 3** Nicaraguan law allows its citizens to renew their passports at consular services abroad.⁵ Failure to provide this service contravenes national and international law. Depriving people of their passports, because of their political or other opinion, is a violation of the International Covenant on Civil and Political Rights.⁶
- 4** Article 9 of the Universal Declaration of Human Rights states that “no one shall be subjected to arbitrary arrest, detention or exile”. Article 22 of the American Convention on Human Rights provides that “no one may be expelled from the territory of the State of which he is a national”. Article 13 of the International Covenant on Civil and Political Rights, which prohibits arbitrary expulsions, also protects aliens. A number of music artists suffered violations of these rights in April.
- 5** The Human Rights Committee has stated that “since international travel usually requires appropriate documents, in particular a passport, the right to leave a country must include the right to obtain the necessary travel documents (...) The refusal by a State to issue a passport or prolong its validity for a national residing abroad may deprive this person of the right to leave the country of residence and to travel elsewhere. It is no justification for the State to claim that its national would be able to return to its territory without a passport”.⁷
- 6** Based on article 12 (4) of the International Covenant on Civil and Political Rights, the Human Rights Committee has also pointed out that “in no case may a person be arbitrarily deprived of the right to enter his or her own country”.⁸
- 7** The right to liberty of movement may be restricted by law only in a proportionate manner and only for the following reasons: to protect national security, public order, public health or morals or the rights and freedoms of others.⁹ These conditions are not met in Nicaragua, where the Government’s discretion prevails, not the protection of the right.

NOTES

- ¹ Data are for fiscal years, i.e. from October of one year to September of the following year.
<https://www.cbp.gov/newsroom/stats/nationwide-encounters> and [US Border Patrol Nationwide Apps by Citizenship & Sector \(FY07-19\) \(cbp.gov\)](https://www.cbp.gov/newsroom/stats/nationwide-apps-by-citizenship-and-sector)
- ² In this year, restrictions due to the COVID-19 pandemic prevented a greater flow of migration.
- ³ <https://www.acnur.org/desplazamiento-en-centroamerica.html>
- ⁴ Nicaraguan Code of Criminal Procedure, article 167.
- ⁵ The Regulations of the Foreign Service Law of Nicaragua (Executive Decree 128-2000), when referring to Consular Offices and Diplomatic Missions, provide that, “in accordance with the provisions on migration, they shall admit and process applications for ordinary passports made by Nicaraguan nationals” (article 120). The Law on Migration and Aliens states that “the issuance of ordinary passports, provisional passports and safe-conducts abroad, shall be the responsibility of the Ministry of Foreign Affairs, through the diplomatic and consular representatives, in accordance with the regulations issued by the General Directorate of Migration and Aliens” (article 64).
- ⁶ Human Rights Committee. General Comment 27, para. 18.
- ⁷ *Ibidem*, para. 9.
- ⁸ *Ibidem*, para. 21.
- ⁹ International Covenant on Civil and Political Rights, article 12.3; Human Rights Committee. General Comment 27, para. 2 and 11.