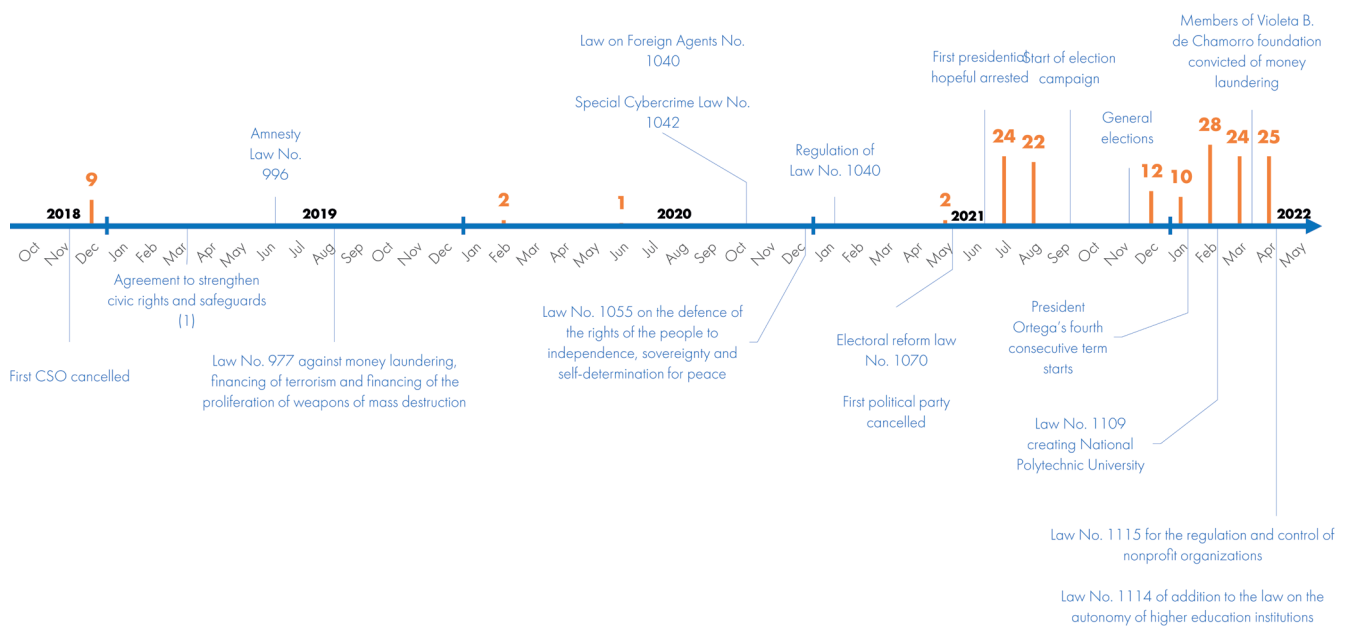


# Flash report N.3

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

**159** civil society organizations (CSOs) deprived of legal registration since the beginning of the socio-political and human rights crisis in Nicaragua.<sup>1</sup> The shrinking of civic space has intensified in recent months.

### Freedom of association in Nicaragua and number of CSOs deprived of legal registration 2018-2022



[1] No. 8: "Guarantee the establishment of organizations of any kind, with no restrictions other than those established by the Political Constitution and the laws on the matter".  
Source: Emergency Response Team ROCA/OHCHR based on the findings of the Monitoring Team dedicated to Nicaragua of the same Office

Since 2018, CSOs in Nicaragua began to be targeted, with nine of them, including several human rights organizations, having their legal registration cancelled. Between 2019 and 2020, the number of cancellations decreased, but the State adopted a series of restrictive laws on freedom of association that would later become the basis for further cancellations. In 2021, coinciding with the first arbitrary detentions in the pre-election period (46 detainees, including 7 presidential hopefuls), Nicaragua cancelled the legal registration of 60 organizations. So far in 2022, there has not been a month in which the National Assembly has not cancelled a massive amount of organizations (87). The current period has been the most critical.

**0**  
CSOs that challenged their closure in 2018 **obtained a response from the Nicaraguan justice system**

- Far from being used to give legal basis to NGOs and guarantee their rights, domestic legislation has been enforced to keep them under strict control and arbitrarily used to legitimize taking legal action against them.<sup>2</sup>

### **8** categories of organizations have been cancelled since 2018.

Among the 159 organizations whose legal registration was cancelled, there are three political parties, which could not participate in the general elections of 7 November 2021.

Among the universities affected is UPOLI, a symbol of the student protests of April 2018, which was nationalized on 7 February. It became the National Polytechnic University, a "center of higher education of the State".

In addition, 19 organizations related to medical activity have been closed down in the midst of the pandemic by COVID 19. Doctors were among those who questioned the Government's health policy.<sup>3</sup>

**TENS OF THOUSANDS**  
of people affected by the CSOs revocation of legal registration, including employees and beneficiaries of their services

# Flash report N.3

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

12 organizations, which promoted and protected women's rights, were closed down. In 2021, the Committee on Economic, Social and Cultural Rights expressed concern and recommended Nicaragua to take measures regarding gender stereotypes that remain entrenched in society, the high number of women working in the informal sector, the abuse and exploitation of women in some labor sectors, the high rate of teenage pregnancies, and the increase in unsafe abortions.<sup>4</sup>

- States have the obligation to respect and fully protect the right of all individuals to associate freely, including in the context of elections, and including persons espousing dissenting views. Respect for the right to freedom of association, in relation to civil society, contributes to addressing and resolving challenges and issues that are important to society, such as the environment, sustainable development, crime prevention, human trafficking, empowering women, social justice, consumer protection and the realization of all human rights.<sup>5</sup>



### **4** members of a foundation were criminally convicted for allegations of money laundering.

In addition to administrative measures against CSOs, their members were criminally prosecuted, in a new repressive dimension of the closure of civic and democratic space. On 5 February 2021, the Violeta B. de Chamorro Foundation decided to suspend operations rather than register as a foreign agent under Law 1040.<sup>6</sup> In May 2021, the director of the foundation (and pre-candidate for the presidency of the Republic), three employees of the organization and the director's brother were detained on charges of money laundering and related crimes. In March, the National Assembly cancelled the foundation's legal personality and the five individuals were sentenced to prison terms of up to 13 years, fines of millions and disqualification from holding public office in trials in which due process was not respected. In no case has it been established that the funds received by the foundation came from illicit activities, a prerequisite for the crime of money laundering.

At least  
**16 ORGANIZATIONS**  
have cooperated with UN  
human rights mechanisms  
during the period between  
2018 and 2022

### **2** new laws of 2022 violate the rights to freedom of association and education.

Law 1115<sup>7</sup> contains vague or ambiguous provisions that would open the way for excessive discretion or arbitrariness on the part of the authorities; other provisions allow for extensive State interference in private activities. For example, the law provides that the suspension and cancellation of the legal registration of organizations will depend on administrative and legislative decisions, not judicial ones, and does not establish procedures for challenging them before an independent authority (Arts. 41 and 47); it obliges organizations to obtain State authorization to develop projects prior to their implementation (Art. 34.25); it prohibits associations from promoting "destabilization campaigns" in the country, which, in a repressive environment such as Nicaragua's, can affect legitimate activities that the Government interprets as criticism of its policies (Art. 35.10).

**6 LAWS**  
(977, 1040, 1042, 1055, 1114, 1115) **limiting civil liberties in Nicaragua**, including freedom of association, were questioned by international and regional human rights mechanisms

Law 1114<sup>8</sup> leaves the approval of the "study plans for undergraduate, graduate and postgraduate degrees or academic programmes" under the authority of the National Council of Universities. The governing bodies of the universities can no longer decide for themselves the content of the courses offered.

- Notwithstanding the right of independent bodies to examine the associations' records as a mechanism to ensure transparency and accountability, such a procedure should not be arbitrary and must respect the principle of non-discrimination and the right to privacy as it would otherwise put the independence of associations and the safety of their members at risk. Authorities should not be entitled to condition any decisions and activities of the association.<sup>9</sup> Associations should be free to determine their statutes, structure and activities.<sup>10</sup>

# Flash report N.3

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

- The suspension and the involuntarily dissolution of an association are the severest types of restrictions on freedom of association. As a result, it should only be possible when there is a clear and imminent danger resulting in a flagrant violation of national law, in compliance with international human rights law;<sup>11</sup> furthermore, suspension or involuntarily dissolution should be sanctioned by an impartial and independent court.<sup>12</sup>
- The enjoyment of academic freedom requires the autonomy of institutions of higher education in relation to their academic work, standards, management and related activities.<sup>13</sup>

### NOTES

<sup>1</sup>At the time of writing this flash report, OHCHR was aware of two new bills, dated 29 April and 3 May, aimed at the closure of another 50 CSOs.

<sup>2</sup> Report submitted by the Special Representative of the Secretary-General on human rights defenders. E/CN.4/2006/95, para. 51, at: <https://undocs.org/Home/Mobile?FinalSymbol=E%2FCN.4%2F2006%2F95&Language=E&DeviceType=Desktop&LangRequested=False>

<sup>3</sup> Art. 11 of Law 1109 states: “The National Polytechnic University (UNP) shall be created as a higher education centre of the State [...], member of the National Council of Universities (CNU), and shall be the legal successor without interruption of the extinct ‘Polytechnic University of Nicaragua’ (UPOLI)”.

<sup>4</sup> Committee on Economic, Social and Cultural Rights. Concluding observations on the fifth periodic report of Nicaragua.

E/C.12/NIC/CO/5, 11 November 2021, at: <https://undocs.org/Home/Mobile?FinalSymbol=E%2FC.12%2F1999%2F10&Language=E&DeviceType=Desktop&LangRequested=False>

<sup>5</sup> Human Rights Council. A/HRC/RES/24/5, 8 October 2013, at: [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/res/24/5](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/res/24/5)

<sup>6</sup> Article 6. The Register of Foreign Agents is hereby created, which shall be under the responsibility of the Ministry of the Interior through the body designated for this purpose. All regulated entities must register in this Register and provide the information required in accordance with the provisions of this Law and the respective regulations. Article 14. Individuals or legal entities, Nicaraguan or of other nationalities, who act as foreign agents must abstain, under penalty of legal sanctions, from intervening in internal and external political issues, activities or topics. Nor may they finance or promote the financing of any type of organization, movement, political party, coalitions or political alliances or associations that carry out internal political activities in Nicaragua.

<sup>7</sup> General Law on Regulation and Control of Non-Profit Organizations.

<sup>8</sup> Law on Amendments to Law No. 582, General Education Law, and on Amendments and Additions to Law No. 89, Law on the Autonomy of Higher Education Institutions.

<sup>9</sup> Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association. A/HRC/20/27, 21 May 2012, para. 65, at: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F20%2F27&Language=E&DeviceType=Desktop&LangRequested=False>

<sup>10</sup> Ibidem, para. 64.

<sup>11</sup> Ibidem, para. 75.

<sup>12</sup> Ibidem, para. 100.

<sup>13</sup> Committee on Economic, Social and Cultural Rights. General Comment 13. E/C.12/1999/10, para. 40, at: <https://undocs.org/Home/Mobile?FinalSymbol=E%2FC.12%2F1999%2F10&Language=E&DeviceType=Desktop&LangRequested=False>