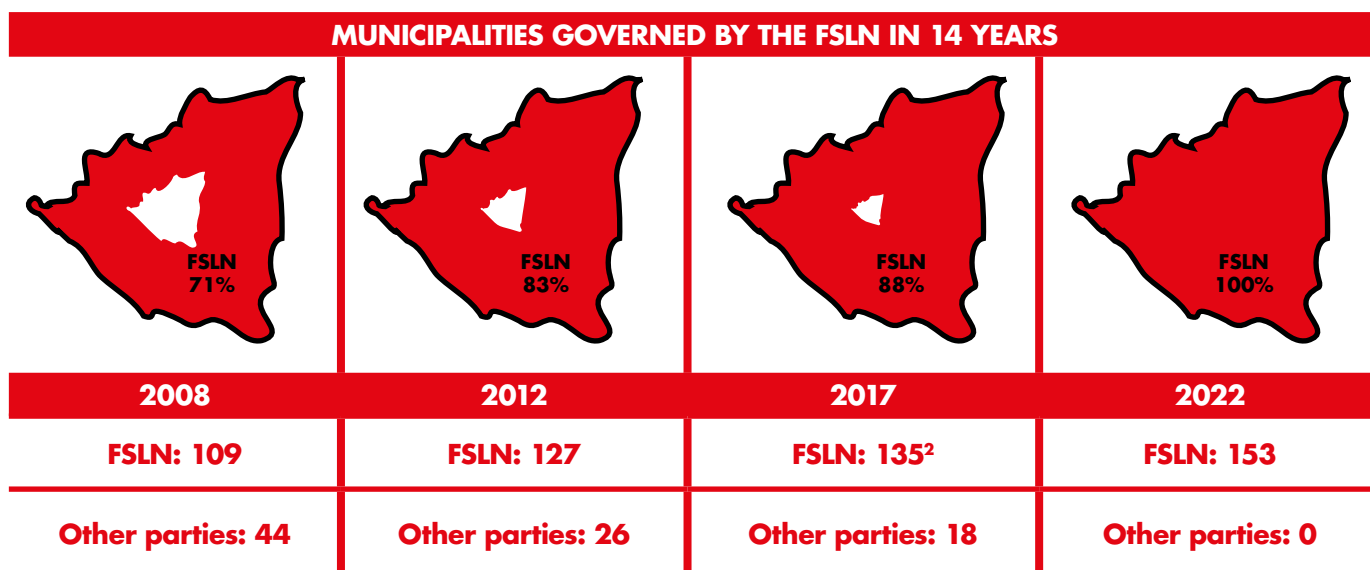


Flash Report N.8

Crisis in Nicaragua: municipal elections and violations of civil and political rights

Municipal elections were held in Nicaragua on 6 November. Like in the 2021 general elections, described as “not free, fair or transparent and lacking democratic legitimacy,”¹ these elections failed to meet international human rights standards.



The electoral result confirms the trend seen since the 2012 elections, when a progressive control of local power began, which has been consolidated in these elections with the total control of the **153** municipalities.

A. CONDUCT OF THE ELECTIONS

Arrests

OHCHR was informed that from 1 to 8 November there were **31 alleged arbitrary arrests** linked to the electoral process, adding to the 209 already reported.

- > 16 on 5 November, the day before the elections.
- > 4 arrests were made on 6 November.
- > 12 of the 31 persons detained are reportedly still in detention.
- > The highest number of arrests took place in the department of Carazo, with 10 arrests in 6 different municipalities, followed by Río San Juan.

Several of the arrests were reportedly characterised by the use of violence by security forces, and targeted activists of political parties, student unions, civil society organisations and relatives of other persons detained in the context of the socio-political crisis in Nicaragua.

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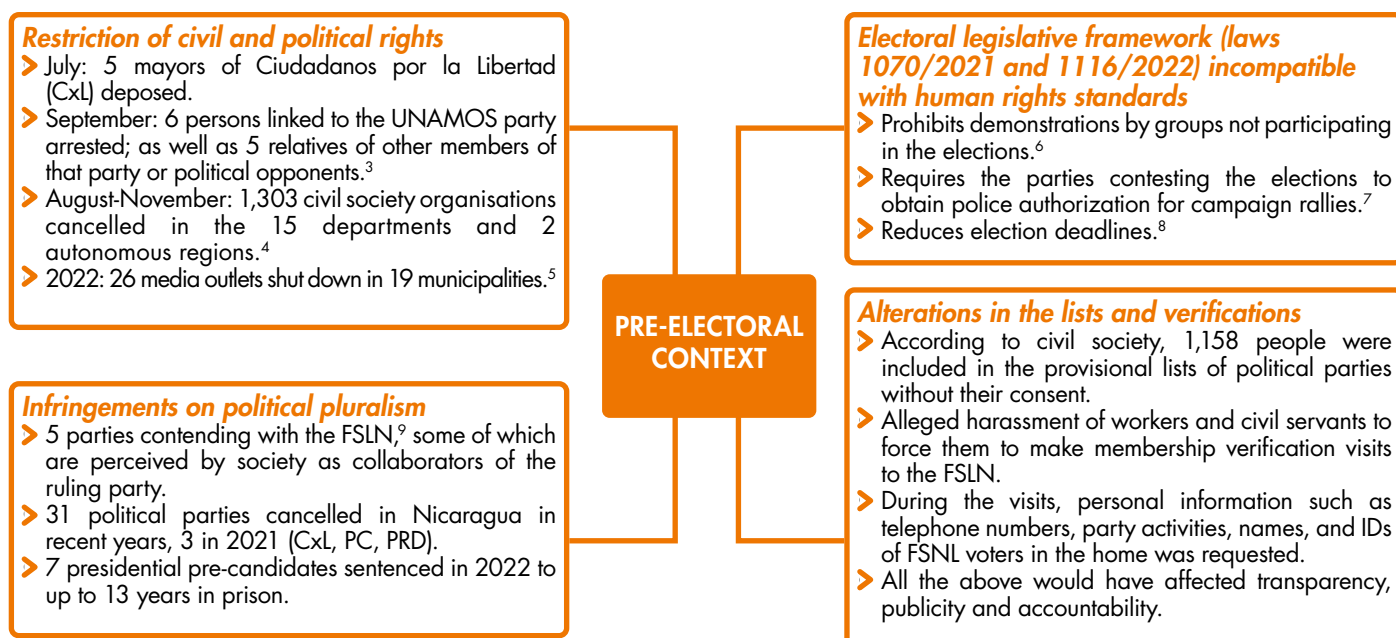
Alleged breaches of rights

No incidents of physical violence were publicly reported on election day, apart from a few arrests. Voting was marked by abstention, and other incidents reported by civil society:

- The presence of independent election observers was not allowed, only of "electoral observers" (Law 1070) who lacked independence: the National Council of Universities (CNU), the Office of the Attorney General of the Republic (PGR) and the Office of the Human Rights Ombudsman (PDDH).
- State vehicles were used to transport voters to polling stations, particularly in rural areas and in municipalities where the opposition had previously won.
- Pressure was increased in traditionally oppositionist territories, with intimidating police presence near the homes of opposition supporters to prevent them from going to polling stations in at least 13 municipalities.
- Some persons were reportedly prevented from voting or accused of being "coup plotters" for not being registered on the electoral roll.
- There was increased pressure on civil servants and their relatives to go to vote and inform the FSLN of their vote, taking pictures of themselves voting or with their fingers stained with ink. In some cases, they were reportedly picked up at their own homes.
- Health personnel and shopkeepers reported that they were threatened with dismissal or not being allowed to work if they failed to prove that they had voted.
- The FSLN set up checkpoints in the vicinity of at least 63% of polling centres, where voters' ID cards were registered.
- The YATAMA party's base claimed to have won in the Waspam municipality on the Northern Caribbean Coast. Following the complaint, incidents were reported in the municipality and in Bilwi, with police harassment and repression, searches and checkpoints.

B. IN WHAT CONTEXT DID THE MUNICIPAL ELECTIONS TAKE PLACE?

The climate of repression and persecution in Nicaragua has intensified throughout 2022 and especially since the calling of municipal elections on 16 August.



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C. IMPLICATIONS OF THE MUNICIPAL ELECTION VIS-À-VIS INTERNATIONAL HUMAN RIGHTS NORMS AND STANDARDS

The three main dimensions of political rights (participating in the conduct of public affairs, voting, and being elected) protected by international norms and standards, such as Art. 25 of the International Covenant on Civil and Political Rights (ICCPR), have been compromised by the above facts:

Prior to the elections, the legal framework in Nicaragua did not comply with international standards since the institutional and legislative framework in electoral matters does not guarantee equality, independence, transparency or freedom:

- Free communication of information and ideas regarding political issues between citizens and political candidates is essential to ensure access to electoral rights. This requires the existence of an independent press that can provide uncensored and unrestricted information to the public opinion.¹⁰
- An adequate electoral calendar, allowing the necessary time to develop an effective electoral campaign, public information efforts, voter registration, etc., is essential to guarantee the rights recognised in the ICCPR and a free and genuine electoral process.¹¹

During the pre-electoral and electoral phase, the Nicaraguan authorities failed to ensure a safe and enabling environment in which human rights were respected and enjoyed, in particular the rights to peaceful assembly, equality and non-discrimination, freedom of expression and association.

- Free participation in public affairs requires that the electoral system guarantee the free and effective expression of the will of voters without discrimination and undue restrictions based on their political opinions or any other type of opinion.¹²
- Interference with registration and voting, and the intimidation and coercion of voters, as well as documented arrests, coercion and threats nullified the free and secret nature of the vote.
- The United Nations General Assembly has recognised the importance of domestic and international election observation in promoting free elections and contributing to the integrity of the electoral process.¹³

NOTES

¹ OAS General Assembly, available at: <http://scm.oas.org/ag/documentos/>

² In July 2022, the FSLN had illegally obtained the municipalities of San Sebastián de Yalí, El Cuá, Santa María de Pantasma, Murra and El Almendro, which were handed over to it when the five CxL mayors were dismissed on the grounds that they belonged to a political party that had been cancelled.

³ These 11 persons, who were arrested in the municipalities of Jinotepe, Juigalpa, Managua, Matagalpa, Nagarote and Nueva Guinea, remain in detention and are being prosecuted for spreading false news and conspiracy to undermine national integrity.

⁴ This figure represents 52% of the total number of organisations cancelled in 2022.

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⁵ <https://www.oacnudh.org/nicaragua-y-las-elecciones-municipales/>

⁶ Art. 95 Law 1070 of 2021.

⁷ Art. 89.1 Law 1070 of 2021.

⁸ The period for calling elections went from 1 year in the 2008 elections, and 7 and 6 months in the 2012 and 2017 elections, respectively, to 2 months and 3 weeks for these elections. The period for the electoral campaign went from 42 to 20 days. In the Nicaraguan context, this places the contending parties at a disadvantage against the ruling party, which was controlling almost all the municipalities and was running 118 mayors for re-election.

⁹ The following parties participated in the municipal elections: Frente Sandinista de Liberación Nacional (FSLN), Partido Liberal Constitucionalista (PLC), Partido Yapti Tasba Masraka Nanih Asla Takanka (YATAMA), Alianza Liberal Nicaragüense (ALN), Alianza por la República (APRE), and Partido Liberal Independiente (PLI).

¹⁰ Human Rights Committee, General Comment 25, para. 25.

¹¹ Ibidem, para. 4.

¹² Ibidem, para. 1.

¹³ General Assembly Resolution 74/158, preamble. See also, Human Rights Committee, General Comment 25, para. 20.