

# International Protection Considerations with Regard to People Fleeing **Nicaragua**

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## List of Abbreviations

<b>AFP</b>	Agence France-Presse
<b>ANPDH</b>	<i>Asociación Nicaragüense Pro-Derechos Humanos</i> (Nicaraguan Association for Human Rights)
<b>AP</b>	Associated Press
<b>BANPRO</b>	<i>Banco de la Producción</i> (Production Bank)
<b>BBC</b>	British Broadcasting Corporation
<b>CEJIL</b>	<i>Centro por la Justicia y el Derecho Internacional</i> (Center for Justice and International Law)
<b>CENIDH</b>	<i>Centro Nicaragüense de Derechos Humanos</i> (Nicaraguan Centre for Human Rights)
<b>CLS</b>	<i>Consejo de Liderazgo Sandinista</i> (Sandinista Leadership Council)
<b>CN</b>	<i>Coalición Nacional</i> (National Coalition)
<b>CNN</b>	Cable News Network
<b>CODENI</b>	<i>Coordinadora De La Niñez Nicaragua</i> (Nicaraguan Coordination of NGOs Working with Children and Adolescents)
<b>COVID-19</b>	Coronavirus disease (first detected in 2019)
<b>CPC</b>	<i>Consejo del Poder Ciudadano</i> (Citizen Power Council)
<b>CPDH</b>	<i>Comisión Permanente de Derechos Humanos</i> (Permanent Human Rights Commission)
<b>CPJ</b>	Committee to Protect Journalists
<b>CSE</b>	<i>Consejo Supremo Electoral</i> (Supreme Electoral Council)
<b>DW</b>	Deutsche Welle
<b>ECOSOC</b>	United Nations Economic and Social Council
<b>EU</b>	European Union
<b>FDN</b>	<i>Fuerza Democrática Nicaragüense</i> (Nicaraguan Democratic Force)
<b>FIDH</b>	<i>Fédération internationale pour les droits humains</i> (International Federation for Human Rights)
<b>FSLN</b>	<i>Frente Sandinista de Liberación Nacional</i> (Sandinista National Liberation Front)
<b>FUNIDES</b>	<i>Fundación Nicaragüense Para el Desarrollo Económico y Social</i> (Nicaraguan Foundation for Economic and Social Development)
<b>GDP</b>	Gross Domestic Product
<b>GIEI</b>	<i>Grupo Interdisciplinario de Expertos Independientes</i> (Inter-disciplinary Group of Independent Experts)
<b>GRULAC</b>	Group of Latin America and Caribbean Countries
<b>HIV</b>	Human Immunodeficiency Virus
<b>HRW</b>	Human Rights Watch
<b>IACHR</b>	Inter-American Commission on Human Rights
<b>IACtHR</b>	Inter-American Court of Human Rights
<b>IMF</b>	International Monetary Fund
<b>IWGIA</b>	International Work Group for Indigenous Affairs
<b>IFA/IRA/IPA</b>	Internal flight/relocation/protection alternative
<b>LGBT</b>	Lesbian, gay, bisexual, trans-gender
<b>MESENI</b>	<i>Mecanismo Especial de Seguimiento para Nicaragua</i> (Special Monitoring Mechanism for Nicaragua)
<b>NGO</b>	Non-governmental organization
<b>OAS</b>	Organization of American States
<b>OAU</b>	Organization of African Unity (succeeded by the African Union)
<b>OECD</b>	Organisation for Economic Co-operation and Development

<b>OFPPRA</b>	<i>Office français de protection des réfugiés et apatrides</i> (French Office for the Protection of Refugees and Stateless People)
<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>OMCT</b>	<i>Organisation Mondiale Contre la Torture</i> (World Organization Against Torture)
<b>PAHO</b>	Pan American Health Organization
<b>PBS</b>	Public Broadcasting Service
<b>PCN</b>	<i>Pacífico Central y Norte</i> (Central and North Pacific)
<b>PLC</b>	<i>Partido Liberal Constitucionalista</i> (Constitutional Liberal Party)
<b>PNN</b>	<i>Policía Nacional de Nicaragua</i> (National Nicaraguan Police)
<b>PPE</b>	Personal protective equipment
<b>PPP</b>	Purchasing Power Parity
<b>PRD</b>	<i>Partido de Restauración Democrática</i> (Democratic Restoration Party)
<b>RACCN</b>	<i>Región Autónoma de la Costa Caribe Norte</i> (North Caribbean Coast Autonomous Region)
<b>RACCS</b>	<i>Región Autónoma de la Costa Caribe Sur</i> (South Caribbean Coast Autonomous Region)
<b>RIDH</b>	<i>Red Internacional de Derechos Humanos</i> (International Network of Human Rights)
<b>RSF</b>	<i>Reporters sans frontières</i> (Reporters Without Borders)
<b>SOGI</b>	Sexual orientation and/or gender identity
<b>UN</b>	United Nations Organization
<b>UNHCR</b>	UN High Commissioner for Refugees
<b>UNICEF</b>	UN Children's Fund
<b>UNO</b>	<i>Unión Nacional Opositora</i> (National Opposition Union)
<b>US</b>	United States
<b>USCIRF</b>	US Commission on International Religious Freedom
<b>VOA</b>	Voice of America (Voz de América)
<b>WHO</b>	World Health Organization
<b>WFP</b>	World Food Programme



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## I. Executive Summary

This document provides guidance on the international protection needs of people fleeing Nicaragua. It is based on information available up to 2 December 2022 unless otherwise stated. It contains information about recent developments that may impact the assessment of international protection needs for persons from Nicaragua falling within certain risk profiles or who find themselves in certain circumstances. All assessments of international protection needs of people fleeing Nicaragua must be based on reliable, relevant and up-to-date information about the political, security, human rights and humanitarian situation in the country.

## A. Refugee Status under the 1951 Convention

UNHCR considers that individuals falling into one or more of the following risk profiles may be in need of international refugee protection under the 1951 Convention Relating to the Status of Refugees, depending on the individual circumstances of the case:

- (1) Individuals Opposing and those Perceived as Opposing the National Government;
- (2) Members of Indigenous and Afro-descendant Communities, in Particular those Involved in Land Disputes;
- (3) Returnees;
- (4) Leaders and Members of the Campesino Movement;
- (5) Individuals of Diverse Sexual Orientations, Gender Identities and/or Gender Expressions;
- (6) Children and Youth;
- (7) Women;
- (8) Leaders of the Catholic Church.

This list is not necessarily exhaustive and is based on information available to UNHCR at the time of writing. A claim should not automatically be considered as without merit simply because it does not fall within any of the profiles identified here. Depending on the specific circumstances of the case, family members or other members of the households of individuals found to be at risk of persecution may also be in need of international protection on the basis of their association with individuals at risk.

## B. Refugee Status under the 1984 Cartagena Declaration on Refugees, or under other Protection Grounds

The 1951 Convention forms the cornerstone of the international refugee protection regime. Accordingly, a sequential approach is preferred, whereby refugee status is initially assessed under the 1951 Convention definition, while interpreting the criteria for refugee status contained in that Convention in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument.<sup>1</sup> In such a sequential approach, if an asylum-seeker is found not to meet the refugee criteria contained in the 1951 Convention, for example because the feared persecution is not for reason of a Convention ground, or the threshold for applying the 1951 Convention definition is otherwise not met, broader international protection criteria under UNHCR's mandate or contained in regional instruments need to be examined.

However, the broader refugee criteria contained in regional instruments may be applied directly when this is more practical and efficient, including in group situations or specific regional contexts, as long as the 1951 Convention standards of treatment apply.<sup>2</sup>

In view of the fact that the vast majority of Nicaraguan nationals seeking international protection remain in the Americas region, UNHCR offers more detailed guidance on eligibility for refugee status under the 1984 Cartagena Declaration. Similar considerations would apply for assessments of eligibility for refugee status under the 1969 OAU Convention.

According to the broader refugee criteria contained in the 1984 Cartagena Declaration on Refugees (Cartagena Declaration), persons whose lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances

<sup>1</sup> Such a sequential approach underscores the universal character of the definition of a refugee in Article 1A(2) of the 1951 Convention, the primacy of that Convention, and the explicitly complementary character of the regional definitions. See UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, HCR/GIP/16/12, [www.refworld.org/docid/583595ff4.html](http://www.refworld.org/docid/583595ff4.html) (hereafter: UNHCR, *Guidelines on International Protection No. 12*, [www.refworld.org/docid/583595ff4.html](http://www.refworld.org/docid/583595ff4.html)), para. 87.

<sup>2</sup> UNHCR, *Guidelines on International Protection No. 12*, [www.refworld.org/docid/583595ff4.html](http://www.refworld.org/docid/583595ff4.html), para. 88.

that have seriously disturbed public order, are also refugees.<sup>3</sup> The focus of the broader Cartagena refugee definition is on the exposure of people to threats inherent in the circumstances referred therein which have seriously disturbed public order. As the Cartagena refugee definition focuses on indiscriminate threats, decision-makers are advised to adopt a consistent approach to persons fleeing similar circumstances in the same country.<sup>4</sup>

UNHCR considers that the situation prevailing in Nicaragua may be characterized as a massive violation of human rights, or alternatively as circumstances seriously disturbing public order.<sup>5</sup> Relevant indicators include the scale of forced displacement, with over 260,000 people having fled Nicaragua as of June 2022 (see [Section II.F](#)).<sup>6</sup> A further indicator consists in the fact that the Inter-American Commission on Human Rights (IACHR) has granted a significant number of precautionary measures to respond to serious human rights violations, while the Inter-American Court of Human Rights has granted provisional protection measures to a number of opponents of the Government of Nicaragua (see [Section III.B.1](#)).

Since the events of 2018 in Nicaragua, international and regional human rights bodies have issued numerous reports documenting serious human rights violations in the country.

In June 2018, the IACHR noted that the repression and criminalization of demonstrators and the social movement amounted to "gross human rights violations"<sup>7</sup> and it concluded that the Government of Nicaragua had "violated the rights to life, humane treatment, health, personal liberty, assembly, freedom of expression, and access to justice."<sup>8</sup>

In December 2018, the Interdisciplinary Group of Independent Experts on Nicaragua (GIEI) stated that actions carried out by the Nicaraguan state in the context of the repression of the protests "should be considered as crimes against humanity."<sup>9</sup> According to the GIEI, these crimes, which included killings, arbitrary detentions, torture, sexual violence, and indiscriminate targeting, were generalized and systematic against the civilian population, often involving weapons of war and the use of para-police forces and were carried out with State resources and under the direction of high-level government officials.<sup>10</sup>

In 2019 the General Assembly of the Organization of American States (OAS) noted that the events of 2018 coupled with the lack of improvements in electoral reform led to "an alteration of the constitutional regime that seriously impairs the democratic order".<sup>11</sup> In October 2020, it expressed concern that democratic

<sup>3</sup> *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, [www.refworld.org/docid/3ae6b36ec.html](http://www.refworld.org/docid/3ae6b36ec.html), para. III(3).

<sup>4</sup> UNHCR, *Guidelines on International Protection No. 12*, [www.refworld.org/docid/583595ff4.html](http://www.refworld.org/docid/583595ff4.html), para. 67.

<sup>5</sup> *Ibid.*, paras 76 and 78; see also paras 56-59.

<sup>6</sup> UNHCR, *Refugee Data Finder*, accessed 2 December 2022, [www.unhcr.org/refugee-statistics/](http://www.unhcr.org/refugee-statistics/).

<sup>7</sup> IACHR, *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, 21 June 2018, [www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf), para. 57.

<sup>8</sup> *Ibid.*, para. 279. The IACHR stated furthermore, "The Commission finds especially worrisome the assassinations, extrajudicial executions, abusive treatment, possible acts of torture and arbitrary detentions committed against the country's majority young population. Similarly, the IACHR states its concern over the violation of the right to health and medical care, the reprisals against public servants for refusing [sic] out orders contrary to human rights, acts of press censorship and violence against the press, acts harassing human rights defenders, irregularities in beginning investigations with respect to the assassinations and injuries that have occurred in this context, as well as other serious events verified by the Commission". *Ibid.*

<sup>9</sup> "De la información disponible se desprende que el Estado de Nicaragua ha llevado a cabo conductas que de acuerdo con el derecho internacional deben considerarse crímenes de lesa humanidad." GIEI, *Nicaragua: Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018*, December 2018, [www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI\\_INFORME.pdf](http://www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI_INFORME.pdf), p. 228. "In the opinion of the GIEI, and in conformity with the available information, the State of Nicaragua perpetrated actions that amount to crimes against humanity, according to international law, namely murders, arbitrary deprivation of liberty and persecution." GIEI, *Report on the Violent Events that Took Place in Nicaragua Between April 18th and May 30th: Executive Summary*, 21 December 2018, [https://gieinicaragua.org/giei-content/uploads/2019/01/GIEI\\_NICARAGUA\\_EXECUTIVE\\_SUMMARY\\_eng.pdf](https://gieinicaragua.org/giei-content/uploads/2019/01/GIEI_NICARAGUA_EXECUTIVE_SUMMARY_eng.pdf), p. 4.

<sup>10</sup> "En primer lugar, los hechos analizados deben calificarse como un ataque generalizado y sistemático contra la población civil." GIEI, *Nicaragua: Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018*, December 2018, [www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI\\_INFORME.pdf](http://www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI_INFORME.pdf), p. 228.

<sup>11</sup> OAS, *The Situation in Nicaragua*, 28 June 2019, <http://scm.oas.org/IDMS/Redirectpage.aspx?class=AG/doc.&classNum=5682&lang=e>.



institutions had deteriorated, arbitrary detention had not ceased, and that para-police forces and armed militia, which had continued with abuses and illegal actions, had not been dismantled.<sup>12</sup>

In 2019, 2020 and 2021, the UN Human Rights Council expressed grave concern at the continuing reports of serious human rights violations and abuses since April 2018, including the persisting disproportionate use of force by the police to repress social protests, acts of violence by armed groups, as well as reports of ongoing unlawful arrests and arbitrary detentions, harassment, torture and gender-based violence in detention.<sup>13</sup>

On 16 June 2022, OHCHR noted that the human rights situation in Nicaragua has continued to decline, with “arbitrary detentions where detainees face appalling conditions, hundreds of civil society organisations being stripped of their legal status, and that fleeing the crisis, Nicaraguans continue to leave the country in unprecedented numbers”.<sup>14</sup>

The broader Cartagena refugee criteria require a “link between the circumstance occurring in the country of origin and the threat it poses to the lives, security and freedom of persons residing in the country. The ‘threat’ or risk element in the definition connotes the possibility of harm being inflicted on a person, a group of persons at heightened risk or a whole population; it does not imply that the harm has actually materialized. The link between the circumstance and the threat should not be interpreted in such a manner as to curtail or restrict unnecessarily the scope of international protection granted to persons fleeing their country, for example by requiring an individualized assessment of the risk to life, security or freedom. In fact, spatial/geographical proximity of the circumstance to the person would suffice to create a threat forcing the person to flee the country.”<sup>15</sup>

In light of the information presented in [Chapter II](#) and [Section III.A](#), UNHCR considers that Nicaraguan nationals, or stateless individuals who were habitual residents in Nicaragua, who fall into any of the risk profiles listed in [Section III.A](#) are likely to come within the scope of the broader Cartagena refugee criteria on the grounds that their lives, security or freedom have been threatened by massive violation of human rights or alternatively events seriously disturbing public order.

Countries that have incorporated the broader refugee criteria from the Cartagena Declaration into their national legislation may want to adopt simplified refugee status determination (RSD) procedures, applying a presumption of inclusion to applicants who fall within these risk profiles.<sup>16</sup>

### C. Considerations Relating to the Application of an Internal Flight / Relocation / Protection Alternative

In light of the fact that UNHCR considers that Nicaragua is currently affected by massive human rights violations, UNHCR does not consider that an internal flight alternative is available for Nicaraguan nationals, or stateless persons who were habitually resident in Nicaragua, who have been found to have a well-founded fear of persecution under the 1951 Convention, in relation to their home area in Nicaragua.

Similarly, in light of the fact that UNHCR considers that Nicaragua is currently affected by circumstances seriously disturbing public order, UNHCR does not consider that an internal flight alternative is available for

<sup>12</sup> OAS, *Resolution: Restoring Democratic Institutions and Respect for Human Rights in Nicaragua Through Free and Fair Elections*, 22 October 2020, [http://scm.oas.org/doc\\_public/english/hist\\_20/AG08237E03.docx](http://scm.oas.org/doc_public/english/hist_20/AG08237E03.docx).

<sup>13</sup> UN Human Rights Council, *Resolution 46/2 on the Promotion and Protection of Human Rights in Nicaragua*, A/HRC/RES/46/2, 26 March 2021, [https://digitallibrary.un.org/record/3924395/files/A\\_HRC\\_RES\\_46\\_2-EN.pdf](https://digitallibrary.un.org/record/3924395/files/A_HRC_RES_46_2-EN.pdf); UN Human Rights Council, *Resolution 43/2 on the Promotion and Protection of Human Rights in Nicaragua*, A/HRC/RES/43/2, 19 June 2020, <https://undocs.org/A/HRC/RES/43/2>; UN Human Rights Council, *Resolution 40/2 on the Promotion and Protection of Human Rights in Nicaragua*, A/HRC/RES/40/2, 4 April 2019, <https://undocs.org/A/HRC/RES/40/2>.

<sup>14</sup> OHCHR, *Oral Update on the Situation of Human Rights in Nicaragua*, 16 June 2022, [www.ohchr.org/en/statements/2022/06/oral-update-situation-human-rights-nicaragua](http://www.ohchr.org/en/statements/2022/06/oral-update-situation-human-rights-nicaragua). See also: HRW, *Nicaragua: Government Dismantles Civil Society*, 19 July 2022, [www.ecoi.net/en/document/2075720.html](http://www.ecoi.net/en/document/2075720.html).

<sup>15</sup> UNHCR, *Guidelines on International Protection No. 12*, [www.refworld.org/docid/583595ff4.html](http://www.refworld.org/docid/583595ff4.html), para. 81.

<sup>16</sup> UNHCR, *Aide-Memoire & Glossary of Case Processing Modalities, Terms and Concepts Applicable to RSD under UNHCR's Mandate (The Glossary)*, 2020, [www.refworld.org/docid/5a2657e44.html](http://www.refworld.org/docid/5a2657e44.html), Chapter I.iii; UNHCR, *Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status*, 24 June 2015, HCR/GIP/15/11, [www.refworld.org/docid/555c335a4.html](http://www.refworld.org/docid/555c335a4.html), paras 40-41.



Nicaraguan nationals, or stateless persons individuals who were habitually resident in Nicaragua, who have been found to meet UNHCR's broader mandate criteria, or the broader refugee criteria of the Cartagena Declaration or the 1969 OAU Convention in relation to their home area in Nicaragua.

## D. Exclusion Considerations

Among nationals or habitual residents of Nicaragua seeking international protection, there may be individuals who have been associated with acts falling within the scope of the exclusion clauses provided for in Article 1F of the 1951 Convention.<sup>17</sup> Exclusion considerations would be triggered, in particular, in cases involving possible participation in acts of violence, including murder, torture and other forms of ill-treatment, kidnappings, rape and other forms of sexual violence, extortion, robbery, violent assaults and other violent crimes, forced displacement and recruitment and use of children, child labour, including transnational and national trafficking. In all such cases, it will be necessary to examine carefully any issues of individual responsibility for crimes that may give rise to exclusion from international refugee protection.

## E. Protection-Oriented Arrangements under National or Regional Legal Frameworks

Where States face challenges in adapting existing asylum systems to the need to determine potentially large numbers of claims for international refugee protection by Nicaraguan nationals, UNHCR encourages States to consider protection-oriented arrangements to enable legal stay for Nicaraguans with appropriate safeguards, in particular where this would ensure faster access to protection and services for the individuals concerned. This could include other forms of international protection under international human rights law such as complementary protection under the American Convention on Human Rights,<sup>18</sup> or temporary protection. States can also consider adopting legal stay arrangements that offer protection against refoulement and standards of treatment akin to international protection status.<sup>19</sup> Under international law, non-refoulement provisions prohibit returning people to a country where they are at risk of persecution, torture, or other serious or irreparable harm.

In all circumstances, minimum standards would need to be guaranteed, namely:

- a) **Legality:** The requirements and procedures for obtaining such arrangements would need to be defined and articulated under national law. UNHCR calls on States to ensure that persons benefiting from such arrangements are issued with an official document recognized by all government authorities.
- b) **Accessibility:** The relevant arrangements would need to be accessible to all Nicaraguans, irrespective of their date of entry into the host country. This would mean that there should be no or minimal costs associated with applying for such an arrangement, and that applications would be accepted in various locations across the territory to ensure that transportation costs are not

<sup>17</sup> UNHCR, Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees, 4 September 2003, HCR/GIP/03/05, [www.refworld.org/docid/3f5857684.html](http://www.refworld.org/docid/3f5857684.html).

<sup>18</sup> OAS, 1969 *American Convention on Human Rights*, [www.refworld.org/docid/3ae6b36510.html](http://www.refworld.org/docid/3ae6b36510.html), Art. 22(8); see IACtHR, *Caso Familia Pacheco Tineo vs Estado Plurinacional de Bolivia*, 25 November 2013, [www.refworld.org/docid/52c53b154.html](http://www.refworld.org/docid/52c53b154.html); IACtHR, Advisory Opinion OC-21/14, *Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection*, 19 August 2014, [www.refworld.org/docid/54129c854.html](http://www.refworld.org/docid/54129c854.html).

<sup>19</sup> Such standards include: appropriate reception arrangements; recognized and documented permission to stay; protection against arbitrary or prolonged detention; access to housing, education, health care and other basic services; freedom of movement, except as may be warranted by national security, public order or public health considerations; the registration of births, deaths and marriages; physical security, including protection against sexual and gender-based violence and exploitation; special care for separated and unaccompanied children, guided by the best interests of the child; respect for family unity and tracing, and opportunities for reunification with separated family members; particular attention and special arrangements for persons with special needs, including persons with disabilities; self-sufficiency or work opportunities; and access to UNHCR and, as appropriate, other relevant international organizations and non-governmental organizations and civil society. See UNHCR, *Guidelines on Temporary Protection or Stay Arrangements*, February 2014, [www.refworld.org/docid/52fba2404.html](http://www.refworld.org/docid/52fba2404.html), in particular paras 13, 16-18.

prohibitive. Further, neither irregular entry/presence nor lack of identity documents would be viewed as a valid reason for denying access to such an arrangement.

- c) Access to basic rights: Protection-based arrangements would also guarantee access to basic services and fundamental rights, on an equal basis with other foreign nationals who are legally residents on the State's territory, in line with UNHCR's Guidelines on Temporary Protection or Stay Arrangements.<sup>20</sup> These rights include: 1) access to health care; 2) access to education; 3) family unity; 4) freedom of movement; 5) access to shelter, and 6) the right to work. These rights would be guaranteed on an equal and non-discriminatory basis.

Implementation of such arrangements would be without prejudice to the right to seek asylum, notably in expulsion or deportation proceedings or in the case of non-renewal of residence permits. Fair and efficient asylum systems provide the necessary safety net to ensure that individuals with international protection needs are recognized as such and are protected from refoulement. All decisions on asylum claims need to take into account relevant, reliable and up-to-date country of origin information.

## II. Overview of the Situation in Nicaragua

### A. Background and History

Nicaragua has experienced a number of military dictatorships, including the dictatorial reign of the Somoza family from 1936 to 1979, when it was overthrown by the *Frente Sandinista de Liberación Nacional* (Sandinista National Liberation Front – FSLN).<sup>21</sup> During the 1980s, opponents of the FSLN created armed groups known as the "*contras*" and waged a civil war against the Sandanista government.<sup>22</sup> In 1984, the Sandinistas won the parliamentary elections, while their leader, Daniel Ortega, won the presidential election.<sup>23</sup> The FSLN was defeated in the 1990 elections—deemed free and fair by the international community—by a coalition of parties under the umbrella of the *Unión Nacional Opositora* (National Opposition Union – UNO).<sup>24</sup> The elections marked the end of the armed conflict in Nicaragua.<sup>25</sup>

Daniel Ortega returned to the presidency as part of the FSLN in 2006.<sup>26</sup> In 2009 and 2016, constitutional changes were made to allow President Ortega to run for second (2011-2016) and third (2016-2021)

<sup>20</sup> Ibid.

<sup>21</sup> Encyclopædia Britannica, *Nicaragua*, n.d., accessed on 2 December 2022, [www.britannica.com/place/Nicaragua](http://www.britannica.com/place/Nicaragua); Amnesty International, *Amnesty International Report 1980*, 1 October 1980, [www.amnesty.org/download/Documents/POL1000031980ENGLISH.PDF](http://www.amnesty.org/download/Documents/POL1000031980ENGLISH.PDF).

<sup>22</sup> Encyclopædia Britannica, *Contra*, n.d., accessed 2 December 2022, [www.britannica.com/topic/contra-Nicaraguan-counterrevolutionary](http://www.britannica.com/topic/contra-Nicaraguan-counterrevolutionary); Amnesty International, *Amnesty International Report 1993*, 1 January 1993, [www.amnesty.org/download/Documents/POL1000011993ENGLISH.PDF](http://www.amnesty.org/download/Documents/POL1000011993ENGLISH.PDF); Amnesty International, *Amnesty International Report 1990*, 1 January 1990, [www.amnesty.org/download/Documents/POL1000031990ENGLISH.PDF](http://www.amnesty.org/download/Documents/POL1000031990ENGLISH.PDF); Amnesty International, *Amnesty International Report 1985*, 1 May 1985, [www.amnesty.org/download/Documents/200000/pol100021985eng.pdf](http://www.amnesty.org/download/Documents/200000/pol100021985eng.pdf); Amnesty International, *Amnesty International Report 1984*, 1 May 1984, [www.amnesty.org/download/Documents/POL1000041984ENGLISH.PDF](http://www.amnesty.org/download/Documents/POL1000041984ENGLISH.PDF).

<sup>23</sup> BBC, *Sandinistas Claim Election Victory*, 5 November 1984, [http://news.bbc.co.uk/onthisday/hi/dates/stories/november/5/newsid\\_2538000/2538379.stm](http://news.bbc.co.uk/onthisday/hi/dates/stories/november/5/newsid_2538000/2538379.stm); Inter-American Commission on Human Rights (IACHR), *Annual Report 1984-1985: Chapter IV.B Nicaragua*, 1 October 1985, [www.cidh.oas.org/annualrep/84.85eng/chap.4d.htm](http://www.cidh.oas.org/annualrep/84.85eng/chap.4d.htm).

<sup>24</sup> Encyclopædia Britannica, *Nicaragua*, n.d., accessed on 2 December 2022, [www.britannica.com/place/Nicaragua](http://www.britannica.com/place/Nicaragua); US Department of State, *Country Report on Human Rights Practices for 1990: Nicaragua*, February 1991, [www.ecoi.net/en/document/1143710.html](http://www.ecoi.net/en/document/1143710.html); Immigration and Refugee Board of Canada, *Which Were the 14 Parties of the UNO Coalition and Role of the National Conservative Party in the Coalition; Background Information on Julio Lacayo Aróstegui (Deputy for the NCP); Is the Costa Rican Government Repatriating Nicaraguans?* [NIC5848], 6 June 1990, [www.ecoi.net/en/document/1064465.html](http://www.ecoi.net/en/document/1064465.html).

<sup>25</sup> Encyclopædia Britannica, *Nicaragua*, n.d., accessed on 2 December 2022, [www.britannica.com/place/Nicaragua](http://www.britannica.com/place/Nicaragua).

<sup>26</sup> Ibid.

consecutive terms.<sup>27</sup> Despite a wave of protests, leading to a crackdown by state forces, Ortega was elected for a fourth term in November 2021 in elections that were criticized by the international community.<sup>28</sup>

The FSLN and Daniel Ortega had retained significant political power after his election defeat in 1990, including through a power-sharing agreement with the Liberal Constitutional Party (PLC), which allowed the PLC and the FSLN to pass a series of legislative changes that served their mutual interests and which paved the way for Ortega's 2006 election victory.<sup>29</sup> However, after the FSLN's 2006 victory, the previous "two-party logic of control turned into a hegemonic order in [the FSLN's] favor".<sup>30</sup> Ortega began to expand the power of the presidency immediately upon assuming office.<sup>31</sup>

According to Human Rights Watch (HRW), since 2007, Ortega's government has "dismantled nearly all institutional checks on presidential power".<sup>32</sup> Legislative reforms in 2007 and 2014 appointed the President as Commander in Chief of the Nicaraguan National Police (*Policía Nacional de Nicaragua* – PNN) and gave the President the power to manage promotions within the PNN, undermining the PNN's independence.<sup>33</sup> In 2016 the FSLN secured a 76 per cent majority in the National Assembly<sup>34</sup> and has since controlled the state's executive, legislative, and judicial powers, as well as the electoral apparatus.<sup>35</sup> The large FSLN majority in the National Assembly allowed the fast-tracking of institutional changes to give President Ortega direct control over the army and the police.<sup>36</sup>

After a series of protests in 2018, the Nicaraguan government cracked down on political dissidence and protests.<sup>37</sup> In response to the protests, and using the rhetoric of responding to a "failed coup d'état", the government has continued to pass laws that are criticized by human rights groups and civil society

<sup>27</sup> Grupo Interdisciplinario de Expertos Independientes (GIEI), *Nicaragua: Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018*, December 2018, [www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI\\_INFORME.pdf](http://www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI_INFORME.pdf).

<sup>28</sup> BBC, Elecciones en Nicaragua: cómo Daniel Ortega pasó de ser un revolucionario "de bajo perfil" a convertirse en el hombre fuerte del país por 20 años, 8 November 2021, [www.bbc.com/mundo/noticias-america-latina-59137567](http://www.bbc.com/mundo/noticias-america-latina-59137567); El País, América rechaza las elecciones de Nicaragua: "No tienen legitimidad democrática", 12 November 2021, <https://elpais.com/internacional/2021-11-13/america-rechaza-las-elecciones-de-nicaragua-no-tienen-legitimidad-democratica.html>.

<sup>29</sup> Bertelsmann Stiftung, *BTI 2022 Country Report Nicaragua*, 23 February 2022, [www.ecoi.net/en/file/local/2069610/country\\_report\\_2022\\_NIC.pdf](http://www.ecoi.net/en/file/local/2069610/country_report_2022_NIC.pdf), p. 4; Geopolitical Monitor, *Backgrounder: The Rise of Daniel Ortega in Nicaragua*, [www.geopoliticalmonitor.com/backgrounder-politics-in-nicaragua/](http://www.geopoliticalmonitor.com/backgrounder-politics-in-nicaragua/).

<sup>30</sup> Bertelsmann Stiftung, *BTI 2022 Country Report Nicaragua*, 23 February 2022, [www.ecoi.net/en/file/local/2069610/country\\_report\\_2022\\_NIC.pdf](http://www.ecoi.net/en/file/local/2069610/country_report_2022_NIC.pdf), p. 4.

<sup>31</sup> Geopolitical Monitor, *Backgrounder: The Rise of Daniel Ortega in Nicaragua*, [www.geopoliticalmonitor.com/backgrounder-politics-in-nicaragua/](http://www.geopoliticalmonitor.com/backgrounder-politics-in-nicaragua/).

<sup>32</sup> Human Rights Watch (HRW), *World Report 2022: Nicaragua*, 13 January 2022, [www.ecoi.net/en/document/2066501.html](http://www.ecoi.net/en/document/2066501.html).

<sup>33</sup> IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 21 March 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), para. 31; OFPRA, *L'organisation de la police nationale sous la présidence de Daniel Ortega*, 18 December 2018, [www.ofpra.gouv.fr/sites/default/files/atoms/files/1812\\_nic\\_organisation\\_police\\_sous\\_ortega.pdf](http://www.ofpra.gouv.fr/sites/default/files/atoms/files/1812_nic_organisation_police_sous_ortega.pdf), p. 4; Insight Crime, *Reforma policial de Nicaragua podría politizar la seguridad*, 18 July 2014, <https://es.insightcrime.org/noticias/analisis/reforma-policial-nicaragua-podria-politizar-seguridad/>; Nicaragua, National Assembly, *Ley no. 872, Ley de organización, funciones, carrera y régimen especial de seguridad social de la policía nacional*, 26 June 2014, <http://legislacion.asamblea.gob.ni/normaweb.nsf/b92aeea87dac762406257265005d21f7/0f03308df36e772206257d0800829eb4?OpenDocument>; Centro Nicaragüense de Derechos Humanos (CENIDH), *Consideraciones del CENIDH sobre la nueva ley de la policía Nacional*, 26 May 2014, [www.cenidh.org/noticias/631/](http://www.cenidh.org/noticias/631/); Nicaragua, National assembly, *Ley no. 612, Ley de reforma y policía a la ley n°290, ley de organización, competencia y procedimientos del poder ejecutivo*, 24 January 2007, <http://legislacion.asamblea.gob.ni/normaweb.nsf/9e314815a08d4a6206257265005d21f9/f372fc2939a2a71f062572a00070f09a?OpenDocument>.

<sup>34</sup> Inter-Parliamentary Union, *Nicaragua: Asamblea Nacional (National Assembly)*, n.d., accessed on 26 July 2022, [http://archive.ipu.org/parline-e/reports/2235\\_e.htm](http://archive.ipu.org/parline-e/reports/2235_e.htm); International Foundation for Electoral Systems (IFES), *Republic of Nicaragua: 2021 Election for Asamblea Nacional (Nicaragua National Assembly)*, n.d., accessed on 2 December 2022, [www.electionguide.org/elections/id/3644/](http://www.electionguide.org/elections/id/3644/); GIEI, *Nicaragua: Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018*, December 2018, [www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI\\_INFORME.pdf](http://www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI_INFORME.pdf), p. 45.

<sup>35</sup> IFES, *Republic of Nicaragua: 2021 Election for Asamblea Nacional (Nicaragua National Assembly)*, n.d., accessed on 2 December 2022, [www.electionguide.org/elections/id/3644/](http://www.electionguide.org/elections/id/3644/); US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); GIEI, *Nicaragua: Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018*, December 2018, [www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI\\_INFORME.pdf](http://www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI_INFORME.pdf); Nicaragua, *Asamblea Nacional*, n.d., accessed on 2 December 2022, <http://legislacion.asamblea.gob.ni/Tablas%20Generales.nsf/Main.xsp>.

<sup>36</sup> HRW, *World Report 2019: Nicaragua*, 17 January 2019, [www.ecoi.net/en/document/2002232.html](http://www.ecoi.net/en/document/2002232.html).

<sup>37</sup> For more information on the 2018 protests, see [Section II.B](#) and [Section II.C](#).

organizations.<sup>38</sup> According to the IACHR, “the group of laws and reforms issued since 2018 are part of a strategy of intensification of repression against any actor who opposes the official rhetoric”; these laws have been used to “inhibit public debate and democratic participation” and have “had an inhibitory effect on freedom of expression, criminalizing those identified as political dissidents, dismantling civil society organizations and the media, and keeping dissidents in custody in dire conditions of detention”.<sup>39</sup>

In October 2020, the National Assembly adopted the Special Cybercrime Law (*Ley Especial de Cibercrimitos*) that provides criminal penalties of up to four years in prison for the publication or dissemination of “false and/or misrepresented information that causes alarm, fear, or anxiety in the population”.<sup>40</sup> The law’s vaguely worded provisions, including the definition of what constitutes a cybercrime, have facilitated its use to target independent media and journalists.<sup>41</sup> According to the US Department of State, the law is “politically motivated” and allows the government to “use the international extradition system to pursue Nicaraguans abroad who commit so-called cybercrimes.”<sup>42</sup>

The Foreign Agents Law (*Ley de Regulación de Agentes Extranjeros*), adopted in October 2020, “requires anyone receiving funds from foreign governments, organizations, or individuals to register as a foreign agent, and prohibits such agents from engaging in political activities or holding public office”.<sup>43</sup> The IACHR observed that the Foreign Agents Law provides for “disproportionate” punishments such as the cancellation of the legal status of organizations identified as “foreign agents”, fines of up to USD 500,000, and a mechanism to trigger criminal prosecution of targeted organizations on the presumption that crimes against national security have been committed.<sup>44</sup>

In December 2020, the government passed Law 1055, titled Law for the Defence of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace (*Ley de Defensa de los Derechos del Pueblo a la Independencia, la Soberanía, y la Autodeterminación para la Paz*), with Article 1 banning Nicaraguans from running for public office positions if “in the opinion of the authorities, [they] ‘lead or finance a coup d’etat’, ‘promote terrorist acts’, ‘incite foreign interference in internal affairs’, ‘organize themselves with financing from foreign powers to carry out acts of terrorism and destabilization’, [or] ‘praise and applaud

<sup>38</sup> IACHR, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, 2021, [www.oas.org/en/iachr/reports/pdfs/2021\\_nicaragua-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf), para. 114. See also, US Department of State, *Visa Restrictions on Ortega-Murillo Regime Officials for Undermining Democracy*, 13 June 2022, [www.state.gov/visa-restrictions-on-ortega-murillo-regime-officials-for-undermining-democracy/](http://www.state.gov/visa-restrictions-on-ortega-murillo-regime-officials-for-undermining-democracy/); HRW, *Putting a Spotlight on Nicaragua’s Brutal Repression*, 7 March 2022, [www.hrw.org/news/2022/03/07/putting-spotlight-nicaraguas-brutal-repression](http://www.hrw.org/news/2022/03/07/putting-spotlight-nicaraguas-brutal-repression); VOA, *UN: Growing Repression in Nicaragua Spurring Political, Social and Human Rights Crisis*, 7 March 2022, [www.voanews.com/a/un-growing-repression-in-nicaragua-spurring-political-social-and-human-rights-crisis/6473581.html](http://www.voanews.com/a/un-growing-repression-in-nicaragua-spurring-political-social-and-human-rights-crisis/6473581.html).

<sup>39</sup> IACHR, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, 2021, [www.oas.org/en/iachr/reports/pdfs/2021\\_nicaragua-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf), para. 168.

<sup>40</sup> Freedom House, *Freedom in the World 2022: Nicaragua*, 2022, [www.ecoi.net/en/document/2068771.html](http://www.ecoi.net/en/document/2068771.html); Nicaragua, National Assembly, *Ley Especial de Cibercrimitos*, 30 October 2020, <http://legislacion.asamblea.gob.ni/Normaweb.nsf/xpNorma.xsp?documentId=803E7C7FBCF44D7706258611007C6D87&action=openDocument>.

<sup>41</sup> “The government used recently passed legislation, like the 2020 Special Cybercrimes Law, to imprison dissidents for their critical online speech, including in relation to the election; such laws have led users to increasingly self-censor and to opt for anonymity when politically expressing themselves online. [...] The first prison sentences issued under the 2020 Cybercrimes Law were doled out during the coverage period [June 2021 to May 2022], including several 11- and 12-year sentences for users’ political speech on social media. Several individuals were detained on the eve of the election or charged because of their election-related commentary”. Freedom House, *Freedom on the Net 2021: Nicaragua*, 18 October 2022, [www.ecoi.net/en/document/2081817.html](http://www.ecoi.net/en/document/2081817.html). See also, PBS, *Nicaragua Approves ‘Cybercrimes’ Law, Alarming Rights Groups*, 27 October 2020, [www.pbs.org/newshour/world/nicaragua-approves-cybercrimes-law-alarming-rights-groups](http://www.pbs.org/newshour/world/nicaragua-approves-cybercrimes-law-alarming-rights-groups); EU, European Parliament, *European Parliament Resolution of 8 October 2020 on the ‘Foreign Agents’ Law in Nicaragua (2020/2814(RSP))*, 8 October 2020, [www.europarl.europa.eu/doceo/document/TA-9-2020-0259\\_EN.html](http://www.europarl.europa.eu/doceo/document/TA-9-2020-0259_EN.html); IACHR, *The IACHR and its Office of the Special Rapporteur for Freedom of Expression Express Concern About New Legal Threats to Freedom of Expression and Indirect Measures Against the Media and Journalists in Nicaragua*, 7 October 2020, [www.oas.org/en/iachr/expression/showarticle.asp?artID=1187&IID=1](http://www.oas.org/en/iachr/expression/showarticle.asp?artID=1187&IID=1); CPJ, *Nicaraguan Congress Proposes Cybercrime Legislation Criminalizing False News*, 1 October 2020, <https://cpj.org/2020/10/nicaraguan-congress-proposes-cybercrime-legislation-criminalizing-false-news/>.

<sup>42</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html).

<sup>43</sup> Freedom House, *Freedom in the World 2022: Nicaragua*, 2022, [www.ecoi.net/en/document/2068771.html](http://www.ecoi.net/en/document/2068771.html).

<sup>44</sup> IACHR, *Situación de los derechos humanos en Nicaragua*, February 2021, [www.oas.org/es/cidh/MESENI/Boletines/BOLETIN-MESENI-2021\\_02.pdf](http://www.oas.org/es/cidh/MESENI/Boletines/BOLETIN-MESENI-2021_02.pdf), p. 1.



sanctions against the State of Nicaragua and its citizens'.<sup>45</sup> According to the Office of the UN High Commissioner for Human Rights (OHCHR), "[t]he restrictions under the law are incompatible with international human rights norms and standards on the rights to political participation and to freedom of expression".<sup>46</sup>

On 18 January 2021, the National Assembly approved a Constitutional amendment that allows the imposition of life sentences for "hate crimes".<sup>47</sup> The amendment, which does not clearly define what constitutes a "hate crime", was criticized by civil society as another legal tool to target dissent since several activists and members of the opposition had been charged with committing "hate crimes" in the past.<sup>48</sup>

In May 2021, before the November 2021 election cycle, the National Assembly approved Electoral Law 1070, which maintains the power of President Ortega and the National Assembly to elect Supreme Electoral Council (*Consejo Supremo Electoral* – CSE) members, most of whom are reportedly linked to the FSLN.<sup>49</sup> The law additionally proscribes political parties from "inciting foreign interference" or calling for sanctions against Nicaragua; under the law, any party which violates this provision, decides not to run in an election or receives less than 4 per cent of the vote will be stripped of its legal personality.<sup>50</sup>

## B. Human Rights Situation during and after the 2018 Protests

### 1) The 2018 Protests

A weak State response to a fire that occurred in April 2018 in the Indio Maíz Biological Reserve – one of the largest protected lowland forest systems in Central America – led to protests that were subsequently repressed by State authorities.<sup>51</sup> Around the same time, the government published an amendment to the social security system that increased employees' contributions and reduced state pensions.<sup>52</sup> The protests that were triggered by the fire in the Indio Maíz Reserve were joined by protests in response to pension

<sup>45</sup> IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 34. See also, Freedom House, *Freedom in the World 2021: Nicaragua*, 3 March 2021, [www.ecoi.net/en/document/2046532.html](http://www.ecoi.net/en/document/2046532.html); Nicaragua, National Assembly, *Ley de Defensa de los Derechos del Pueblo a la Independencia, la Soberanía, y la Autodeterminación para la Paz*, December 2020, [http://legislacion.asamblea.gob.ni/SILEG/Iniciativas.nsf/C4084E2665A5610F06258642007E9C3F/\\$File/Ley%20N%C2%B0%201055,%20Ley%20Defensa%20de%20los%20Derechos%20del%20Pueblo.pdf](http://legislacion.asamblea.gob.ni/SILEG/Iniciativas.nsf/C4084E2665A5610F06258642007E9C3F/$File/Ley%20N%C2%B0%201055,%20Ley%20Defensa%20de%20los%20Derechos%20del%20Pueblo.pdf).

<sup>46</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 8.

<sup>47</sup> Confidential, *Daniel Ortega's Trio of Punitive Laws Crowned by Life Imprisonment*, 21 January 2021, [www.confidencial.digital/english/daniel-ortegas-trio-of-punitive-laws-crowned-by-life-imprisonment/](http://www.confidencial.digital/english/daniel-ortegas-trio-of-punitive-laws-crowned-by-life-imprisonment/); DW, *Parlamento de Nicaragua ratifica polémica ley de cadena perpetua*, 19 January 2021, [www.dw.com/es/parlamento-de-nicaragua-ratifica-pol%C3%A9mica-ley-de-cadena-perpetua/a-56271059](http://www.dw.com/es/parlamento-de-nicaragua-ratifica-pol%C3%A9mica-ley-de-cadena-perpetua/a-56271059); Swissinfo, *Entra en vigor la cadena perpetua en Nicaragua en medio de críticas*, 19 January 2021, [www.swissinfo.ch/spa/nicaragua-d--humanos\\_entra-en-vigor-la-cadena-perpetua-en-nicaragua-en-medio-de-cr%C3%ADticas/46300614](http://www.swissinfo.ch/spa/nicaragua-d--humanos_entra-en-vigor-la-cadena-perpetua-en-nicaragua-en-medio-de-cr%C3%ADticas/46300614). "Additionally, in January 2021, the National Assembly amended the constitution to allow for life sentences for hate crimes. Ortega has often referred to opposition actions as hate crimes, and analysts fear the law would be used to target political opponents." Freedom House, *Freedom in the World 2022: Nicaragua*, 2022, [www.ecoi.net/en/document/2068771.html](http://www.ecoi.net/en/document/2068771.html).

<sup>48</sup> DW, *Parlamento de Nicaragua ratifica polémica ley de cadena perpetua*, 19 January 2021, [www.dw.com/es/parlamento-de-nicaragua-ratifica-pol%C3%A9mica-ley-de-cadena-perpetua/a-56271059](http://www.dw.com/es/parlamento-de-nicaragua-ratifica-pol%C3%A9mica-ley-de-cadena-perpetua/a-56271059); AP, *Nicaragua: Asamblea Nacional ratifica ley de cadena perpetua*, 18 January 2021, <https://apnews.com/article/noticias-c15033ce7f701bd87e6b9372fe4cb519>.

<sup>49</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 4.

<sup>50</sup> *Ibid.*, para. 5.

<sup>51</sup> IACHR, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, 2021, [www.oas.org/en/iachr/reports/pdfs/2021\\_nicaragua-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf), paras 35-37; France 24, *El año en el que Nicaragua decidió cambiar su rumbo*, 24 December 2018, [www.france24.com/es/20181224-nicaragua-cambiar-rumbo-protestas-ortega](http://www.france24.com/es/20181224-nicaragua-cambiar-rumbo-protestas-ortega); Confidential, *Jóvenes marcharon por Indio Maíz a pesar de represión policial*, 13 April 2018, <https://confidencial.com.ni/jovenes-marcharon-por-indio-maiz-a-pegar-de-represion/>; BBC, *El incendio "fuera de control" que avanza en la reserva Indio Maíz en Nicaragua, uno de los bosques tropicales más importantes de Centroamérica*, 6 April 2018, [www.bbc.com/mundo/noticias-america-latina-43675469](http://www.bbc.com/mundo/noticias-america-latina-43675469).

<sup>52</sup> France24, *Nicaragua: segundo día de protestas por las reformas del Gobierno a la seguridad social*, 20 April 2018, [www.france24.com/es/20180420-nicaragua-protestas-reformas-seguridad-social](http://www.france24.com/es/20180420-nicaragua-protestas-reformas-seguridad-social); New York Times, *Las protestas ciudadanas sacuden a Nicaragua*, 20 April 2018, [www.nytimes.com/es/2018/04/20/espanol/america-latina/nicaragua-protestas-pensiones-seguridad-social.html](http://www.nytimes.com/es/2018/04/20/espanol/america-latina/nicaragua-protestas-pensiones-seguridad-social.html); Reuters, *Crecen protestas en Nicaragua por reforma a la seguridad social*, 20 April 2018, <https://fr.reuters.com/article/politica-nicaragua-protestas-idLTAKBN1HQ34J-OUSLD>.

reforms, which grew and spread across the country.<sup>53</sup> According to the IACHR, the protests were widespread and included new actors in addition to traditional political parties.<sup>54</sup> Sources indicate that the protests were spearheaded by a movement called *autoconvocados* (the self-summoned), consisting of spontaneous groups of students and young people.<sup>55</sup> Human rights defenders, workers, peasants, businesspersons, environmentalists, and ordinary citizens, also participated.<sup>56</sup>

According to OHCHR and the IACHR, the police, in coordination with armed pro-government groups, repressed the protests across the country, including by using excessive and sometimes lethal force.<sup>57</sup> Individuals associated with the ruling party were reportedly mobilized to oppose the demonstrations and organized counter-rallies, and harassed and intimidated protesters, practices which have continued into 2022.<sup>58</sup> During 2018, the National Police and parapolice groups<sup>59</sup> conducted "clean-up operations" to dismantle protesters' roadblocks and barricades.<sup>60</sup> Sources indicate that police and parapolice forces, alongside the Family, Community, and Life Boards (*Gabinetes de la Familia, la Comunidad y la Vida*,

<sup>53</sup> IACHR, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, 2021, [www.oas.org/en/iachr/reports/pdfs/2021\\_nicaragua-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf), para. 36.

<sup>54</sup> IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 21 March 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), para. 33. "This led to peaceful protests initially convened by older persons, which were violently repressed by shock forces on April 18. This led to general peaceful protests throughout the country led by groups of students and young people, as well as workers, farmers, businessmen, environmentalists, and human rights defenders, and the general public." IACHR, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, 2021, [www.oas.org/en/iachr/reports/pdfs/2021\\_nicaragua-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf), para. 36.

<sup>55</sup> The students reacted also to specific situations within the university system: opportunities for political participation were progressively being closed off and participation in pro-government activities was made compulsory. GIEI, *Nicaragua: Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018*, December 2018, [www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI\\_INFORME.pdf](http://www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI_INFORME.pdf); IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 21 March 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), para. 8.

<sup>56</sup> IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 21 March 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), para. 33; Office of the High Commissioner for Human Rights (OHCHR), *Human Rights Violations and Abuses in the Context of Protests in Nicaragua*, 29 August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf).

<sup>57</sup> "As the IACHR has extensively documented, the protests that began in April 2018 were repressed through the use of lethal force by police and parapolice groups under the rule of the President, as their Commander in Chief. A police state was also established to quell the dissidence and close democratic forums through measures taken by the National Police to deem public demonstrations illegal, arbitrarily require prior authorization for protests, and raid and seize the premises of human rights organizations and independent media outlets, among others." IACHR, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, 2021, [www.oas.org/en/iachr/reports/pdfs/2021\\_nicaragua-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf), para. 38. See also, OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua*, 18 April – 18 August 2018, 29 August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf); IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 21 March 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), para. 36; IACHR, *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, 21 June 2018, [www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf).

<sup>58</sup> "As part of a continuing social media campaign against prodemocracy protests, ruling party members and supporters used social media to publish personal information of human rights defenders and civil society members. Progovernment supporters marked the houses of civil society members with derogatory slurs or threats and then published photographs of the marked houses on social media. On several occasions the markings were accompanied by or led to destruction of private property." US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html). See also, HRW, *Critics Under Attack: Harassment and Detention of Opponents, Rights Defenders and Journalists Ahead of Elections in Nicaragua*, 22 June 2021, [www.ecoi.net/en/file/local/2054352/nicaragua0621\\_web\\_0.pdf](http://www.ecoi.net/en/file/local/2054352/nicaragua0621_web_0.pdf); Amnesty International, *Shoot to Kill Nicaragua's Strategy to Repress Protest*, 2018, [www.amnesty.org/en/documents/amr43/8470/2018/en/](http://www.amnesty.org/en/documents/amr43/8470/2018/en/), p. 11; OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua*, 29 August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf), para. 96; Washington Post, *They Took My Humanity: Pro-Government Paramilitaries Terrorize Nicaraguan Protesters*, 2 August 2018, [www.washingtonpost.com/world/the\\_americas/they-took-my-humanity-pro-government-paramilitaries-terrorize-nicaraguan-protesters/2018/08/02/349f8914-900a-11e8-ae59-01880eac5f1d\\_story.html](http://www.washingtonpost.com/world/the_americas/they-took-my-humanity-pro-government-paramilitaries-terrorize-nicaraguan-protesters/2018/08/02/349f8914-900a-11e8-ae59-01880eac5f1d_story.html).

<sup>59</sup> "Parapolice, which are nonuniformed, armed, and masked units with tactical training and organization, act in coordination with government security forces, under the direct control of the government, and report directly to the national police." US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html). Ortega classified these parapolice forces as "voluntary police" and cited security reasons to justify their undercover operations. See Euronews, *Ortega admite la acción de parapolicias enmascarados en la entrevista con Euronews*, 31 July 2018, <https://es.euronews.com/2018/07/31/ortega-admite-la-accion-de-parapolicias-enmascarados-en-la-entrevista-con-euronews>.

<sup>60</sup> IACHR, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, 2021, [www.oas.org/en/iachr/reports/pdfs/2021\\_nicaragua-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf), para. 40.



formerly known as the *Consejos de Poder Ciudadano* – CPC, or Citizen Power Councils),<sup>61</sup> also engaged in raids to target dissidents, with CPCs actively reporting on specific persons.<sup>62</sup> According to OHCHR, police forces committed human rights violations, including extrajudicial killings, arbitrary arrests and detention, torture, and sexual violence,<sup>63</sup> while pro-government group kidnapped persons, held them in secret detention facilities and turned them over to state authorities.<sup>64</sup> The Nicaraguan Association for Human Rights (Asociación Nicaragüense Pro-Derechos Humanos – ANPDH) reported that between April and September 2018, 512 persons were killed and 1,428 persons were kidnapped.<sup>65</sup>

While the army denied reports of its participation in the violence,<sup>66</sup> security experts, including former Nicaraguan military officials, indicated that the military participated in the suppression of protests given the reported presence and professional use of high-calibre weapons exclusively used by the military,<sup>67</sup> as well as the participation of military personnel in arresting people perceived as political opponents.<sup>68</sup>

Sources indicate that armed groups known as "shock forces" (*fuerzas de choque*), as well as "mobs" (*turbas*) or "*motorizados*", and the Juventud Sandinista, the youth branch of the FSLN, also engaged in physical attacks against protesters.<sup>69</sup> The FSLN "played an active role in the mobilization of such groups,

<sup>61</sup> "In 2007, the Ortega government introduced citizen-power councils (CPC) that are charged with implementing "participatory" democratic functions but are in fact parastate organizations. These are organized in a hierarchical way and tightly controlled by Vice President Murillo, with the objective of ensuring loyalty and distributing funds and resources associated with tightly focused social policies." Bertelsmann Stiftung, *BTI 2022 Country Report Nicaragua*, 23 February 2022, [www.ecoi.net/en/file/local/2069610/country\\_report\\_2022\\_NIC.pdf](http://www.ecoi.net/en/file/local/2069610/country_report_2022_NIC.pdf), p. 38. See also, IACHR, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, 2021, [www.oas.org/en/iachr/reports/pdfs/2021\\_nicaragua-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf), para. 84; Bertelsmann Stiftung, *Transformation Index (BTI) 2016: Nicaragua Country Report*, 2016, [www.ecoi.net/en/document/1003092.html](http://www.ecoi.net/en/document/1003092.html), pp. 7-8, 14, 26, 28, 32.

<sup>62</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); IACHR, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, 2021, [www.oas.org/en/iachr/reports/pdfs/2021\\_nicaragua-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf), para. 89; IACHR, *The Special Monitoring Mechanism for Nicaragua (MESENI) Completes Third Week in Action, Observes Tougher Repression and Raids by Police and Parapolice Groups*, 1 July 2019, [www.oas.org/en/iachr/media\\_center/PReleases/2018/156.asp](http://www.oas.org/en/iachr/media_center/PReleases/2018/156.asp); IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 21 March 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), para. 7; InsightCrime, *Nicaragua President Ordered 'Parapolice' to Stalk, Kill Protesters: Fmr Police*, 12 February 2019, [www.insightcrime.org/news/analysis/nicaragua-president-ordered-kill-protesters/](http://www.insightcrime.org/news/analysis/nicaragua-president-ordered-kill-protesters/); Confidencial, *Las órdenes de Ortega y la confesión del jefe policial*, 11 February 2019, <https://confidencial.com.ni/las-ordenes-de-ortega-y-la-confesion-del-jefe-policial/>; Euronews, *¿Qué quieres preguntar sobre la entrevista a Daniel Ortega?* Euronews responde en directo, 20 July 2018, [www.youtube.com/watch?v=saErUvujQA8](http://www.youtube.com/watch?v=saErUvujQA8).

<sup>63</sup> OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua*, 29 August 2018, [www.ohchr.org/sites/default/files/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/sites/default/files/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf), pp. 7, 14-17, 29.

<sup>64</sup> HRW, *Crackdown in Nicaragua: Torture, Ill-Treatment, and Prosecutions of Protesters and Opponents*, 19 June 2019, [www.hrw.org/report/2019/06/19/crackdown-nicaragua/torture-ill-treatment-and-prosecutions-protesters-and-opponents](http://www.hrw.org/report/2019/06/19/crackdown-nicaragua/torture-ill-treatment-and-prosecutions-protesters-and-opponents). "[P]ro-Government armed elements [...] participated in raids and attacks against protesters and carried out illegal detentions." OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua 18 April – 18 August 2018*, 18 August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf), pp. 7-8.

<sup>65</sup> La Prensa, *1,300 ciudadanos han desaparecido desde que inició la represión orteguista en Nicaragua*, según la ANPDH, 24 September 2022, [www.laprensa.com/2018/09/24/nacionales/2476294-anpdh-eleva-512-la-cifra-de-asesinados-por-la-represion-orteguista-en-nicaragua](http://www.laprensa.com/2018/09/24/nacionales/2476294-anpdh-eleva-512-la-cifra-de-asesinados-por-la-represion-orteguista-en-nicaragua). See also, Insight Crime, *Political Kidnappings Persist Unchecked in Nicaragua*, 19 February 2020, <https://insightcrime.org/news/brief/political-kidnappings-persist-unchecked-nicaragua/>.

<sup>66</sup> France24, *El Ejército de Nicaragua calificó de montaje las acusaciones que implican su participación en las protestas*, 11 July 2018, [www.france24.com/es/20180711-ejercito-nicaragua-comunicado-protestas-gobierno](http://www.france24.com/es/20180711-ejercito-nicaragua-comunicado-protestas-gobierno); Reuters, *El Ejército de Nicaragua dice que no reprimirá las manifestaciones de la población*, 13 May 2018, <https://fr.reuters.com/article/nicaragua-protestas-onu-idESKCN11E0FR-OESTP>.

<sup>67</sup> In July 2018, "the state strategy deployed featured the disproportionate use of lethal force; the use of arms exclusively carried by the army such as rocket launchers and hand grenades; and the participation and collaboration of riot squads or parapolice groups with national police officers and masked anti-riot personnel." IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), para. 52. See also, US Department of State, *Country Report on Human Rights Practices 2018: Nicaragua*, 13 March 2019, [www.ecoi.net/en/document/2004173.html](http://www.ecoi.net/en/document/2004173.html).

<sup>68</sup> OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua, 18 April – 18 August 2018*, 18 August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf).

<sup>69</sup> La Prensa, *Juventud Sandinista: represión ayer y hoy*, 7 September 2020, [www.laprensa.com.ni/magazine/reportaje/juventud-sandinista-represion-ayer-y-hoy/](http://www.laprensa.com.ni/magazine/reportaje/juventud-sandinista-represion-ayer-y-hoy/); Confidencial, *La nueva JS: el partido de la "compañera Rosario"*, 29 October 2019,

including through local Government structures and the so-called Family, Community, and Life Boards (previously known as Citizen Power Councils)".<sup>70</sup> Hit lists (*listas de muerte*) were also allegedly circulated by local authorities among the population with the names of potential targets.<sup>71</sup> Shock forces, whose structure is unknown, were reportedly tolerated by, and sometimes acted in coordination with, state security forces, and allegedly engaged in operations with parapolice forces and other groups.<sup>72</sup>

The IACHR reported that in August 2018, government authorities introduced new forms of repression, "consisting mainly of massive selective prosecution and criminalization of protesters, human rights defenders, students, social leaders, and opponents of the government".<sup>73</sup> Nicaraguan NGOs reported that 477 people were prosecuted in connection with the protests, including 136 charged with terrorism-related offences, some under a counter-terrorism law enacted by the National Assembly in July 2018.<sup>74</sup>

The government cancelled the legal status of nine civil society organizations in December 2018.<sup>75</sup> The National Police banned public anti-government demonstrations from September 2018 based on a restrictive

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<https://confidencial.com.ni/la-nueva-juventud-sandinista-el-partido-de-la-companera-rosario/>; OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua*, August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf), para. 96; Amnesty International, *Shoot to Kill: Nicaragua's Strategy to Repress Protests*, 2018, [www.amnesty.org/download/Documents/AMR4384702018ENGLISH.PDF](http://www.amnesty.org/download/Documents/AMR4384702018ENGLISH.PDF); Al Jazeera, *Las turbas: Who Are Nicaragua's Pro-Government Armed Groups?*, 13 August 2018, [www.aljazeera.com/features/2018/8/13/las-turbas-who-are-nicaraguas-pro-government-armed-groups](http://www.aljazeera.com/features/2018/8/13/las-turbas-who-are-nicaraguas-pro-government-armed-groups); BBC, *La "operación limpieza" que hizo que Nicaragua viviera el día más sangriento desde que iniciaron las protestas contra Daniel Ortega*, 10 July 2018, [www.bbc.com/mundo/noticias-america-latina-44775857](http://www.bbc.com/mundo/noticias-america-latina-44775857); La Prensa, *Gobierno responde con turbas a protestas ciudadanas por reformas al INSS*, 19 April 2018, [www.laprensa.com.ni/2018/04/19/politica/2406137-gobierno-sandinista-responde-con-turbas-a-protestas-ciudadanas-por-reformas-al-inss](http://www.laprensa.com.ni/2018/04/19/politica/2406137-gobierno-sandinista-responde-con-turbas-a-protestas-ciudadanas-por-reformas-al-inss).

<sup>70</sup> OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua*, August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf), para. 97. See also, IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), para. 7.

<sup>71</sup> OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua*, August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf), paras 96-102; La Prensa, *Obispo de Matagalpa denuncia la existencia de «listas de muerte» en manos de paramilitares*, 9 July 2018, [www.laprensa.com.ni/2018/07/09/nacionales/2446260-obispo-de-matagalpa-denuncia-la-existencia-de-listas-de-muerte-en-manos-de-paramilitares](http://www.laprensa.com.ni/2018/07/09/nacionales/2446260-obispo-de-matagalpa-denuncia-la-existencia-de-listas-de-muerte-en-manos-de-paramilitares).

<sup>72</sup> "Information obtained by OHCHR strongly indicates that pro-Government armed elements, including those known as "shock forces" (fuerzas de choque) or "mobs" (turbas), acted with the acquiescence of high-level State authorities and of the National Police, and often in a joint and coordinated manner." Additionally: "These armed elements are reportedly well trained and equipped with vehicles, military equipment and weapons, including with high calibre arms such as the AK-47 and Dragunov sniper rifles. There are allegations that these groups have been at least partially integrated and trained by retired police and military personnel." OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua*, August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf), pp. 7-8, para. 100.

<sup>73</sup> IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 21 March 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), para. 8.

<sup>74</sup> HRW, *World Report 2019: Nicaragua*, 17 January 2019, [www.ecoi.net/en/document/2002232.html](http://www.ecoi.net/en/document/2002232.html); Nicaragua National Assembly, *Ley no. 977, Ley contra el lavado de activos, el financiamiento al terrorismo y el financiamiento a la proliferación de armas de destrucción masiva*, 20 July 2018, <http://legislacion.asamblea.gob.ni/normaweb.nsf/3133c0d121ea3897062568a1005e0f89/bb5a26a950e18e13062582d5007698fc?OpenDocument>. CENIDH and Bertelsmann Stiftung reported that 417 people were indicted. See Bertelsmann Stiftung, *BTI 2020 Country Report Nicaragua*, 29 April 2020, [www.ecoi.net/en/document/2029474.html](http://www.ecoi.net/en/document/2029474.html); CENIDH, *Derechos Humanos en Nicaragua 2018*, 10 December 2018, [www.cenidh.org/media/documents/docfile/Informe\\_DH\\_2018.pdf](http://www.cenidh.org/media/documents/docfile/Informe_DH_2018.pdf). "In the context of the human rights crisis of 2018, the IACHR pointed out that the lack of independence of the justice administration system facilitated the use and manipulation of criminal law to criminalize and prosecute voices critical or opposed to the government. This led to hundreds of legal proceedings under unfounded and disproportionate charges, such as money laundering, terrorism, treason, as well as violations to the judicial guarantees of the detained persons." IACHR, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, 2021, [www.oas.org/en/iachr/reports/pdfs/2021\\_nicaragua-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf), para. 105.

<sup>75</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 17 September 2019, A/HRC/42/18, <https://undocs.org/A/HRC/42/18>, para. 10; European Parliament, *European Parliament Resolution on the Situation of Human Rights and Democracy in Nicaragua*, 19 December 2019, [www.europarl.europa.eu/doceo/document/B-9-2019-0252\\_EN.html](http://www.europarl.europa.eu/doceo/document/B-9-2019-0252_EN.html); HRW, *Crackdown in Nicaragua: Torture, Ill-*

application of Law 872 of 2014 that requires police authorization for public events that could “affect the free circulation of people and vehicles or other daily activities”.<sup>76</sup> The police rejected applications for protests, stating that applicants lacked formal requirements (e.g. legal registration) or “that they had been involved in ‘serious breaches of public order’”.<sup>77</sup>

The government also took repressive measures and actions against independent broadcasting media outlets and journalists.<sup>78</sup> Amnesty International reported that public hospitals ran by the Ministry of Health denied or obstructed medical care for wounded protesters.<sup>79</sup>

Some individuals who were detained in connection with the protests were subjected to enforced disappearance, with information about their whereabouts being withheld.<sup>80</sup> In some cases their whereabouts were established, but in other cases the victims were killed.<sup>81</sup> Sources indicate that the police also subjected protesters to ill-treatment and sexual violence, including rape.<sup>82</sup> As of February 2019, 325 people were reported to have been killed (including 24 children) and over 2,000 people injured, with government forces allegedly responsible for the majority of cases.<sup>83</sup> According to sources including the IACHR, some of the

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*Treatment, and Prosecutions of Protesters and Opponents*, 19 June 2019, [www.hrw.org/report/2019/06/19/crackdown-nicaragua/torture-ill-treatment-and-prosecutions-protesters-and](http://www.hrw.org/report/2019/06/19/crackdown-nicaragua/torture-ill-treatment-and-prosecutions-protesters-and); OHCHR, *Comment on a Raid on Key Nicaraguan Civil Society Organization by UN Human Rights Office Spokesperson Rupert Colville*, 8 February 2019, [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24148&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24148&LangID=E); Reuters, *Nicaragua Seizes Assets of NGOs Critical of President Ortega*, 14 December 2018, [www.reuters.com/article/us-nicaragua-ortega-idUSKBN1OD2G9](http://www.reuters.com/article/us-nicaragua-ortega-idUSKBN1OD2G9); Reuters, *Nicaragua Lawmakers Block Operation of NGOs Critical of President Ortega*, 13 December 2018, [www.reuters.com/article/us-nicaragua-protests-idUSKBN1OC310](http://www.reuters.com/article/us-nicaragua-protests-idUSKBN1OC310).

<sup>76</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 17 September 2019, A/HRC/42/18, <https://undocs.org/A/HRC/42/18>, para. 10.

<sup>77</sup> Ibid.

<sup>78</sup> For example, by means of “jamming television transmission signals and attacks on the Internet, [and the] seizure of equipment and information”. IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), para. 6, see also para. 10. See also para. 10. UN General Assembly, *Situation of Human Rights in Nicaragua*, 17 September 2019, A/HRC/42/18, <https://undocs.org/A/HRC/42/18>, paras 17-19; International Press Institute, *Nicaragua: Crackdown on Independent Media Escalates ahead of Elections*, 31 August 2019, <https://ipi.media/nicaragua-crackdown-on-independent-media-escalates-ahead-of-elections/>; Amnesty International, *Shoot to Kill: Nicaragua’s Strategy to Repress Protests*, May 2018, [www.amnesty.org/download/Documents/AMR4384702018ENGLISH.PDF](http://www.amnesty.org/download/Documents/AMR4384702018ENGLISH.PDF).

<sup>79</sup> Amnesty International, *Shoot to Kill: Nicaragua’s Strategy to Repress Protests*, May 2018, [www.amnesty.org/en/documents/amr43/8470/2018/en/](http://www.amnesty.org/en/documents/amr43/8470/2018/en/), pp. 9, 26-27, 32.

<sup>80</sup> OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua*, 18 August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf), paras 69-71.

<sup>81</sup> Ibid.

<sup>82</sup> International Federation for Human Rights (FIDH), *Resolution on the Human Rights Crisis in Nicaragua*, 19 November 2019, [www.fidh.org/en/region/americas/nicaragua/resolution-on-the-human-rights-crisis-in-nicaragua](http://www.fidh.org/en/region/americas/nicaragua/resolution-on-the-human-rights-crisis-in-nicaragua); IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 21 March 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), para. 216; US Department of State, *Country Report on Human Rights Practices 2018: Nicaragua*, 13 March 2019, [www.ecoi.net/en/document/2004173.html](http://www.ecoi.net/en/document/2004173.html); HRW, *World Report 2019: Nicaragua*, 17 January 2019, [www.ecoi.net/en/document/2002232.html](http://www.ecoi.net/en/document/2002232.html); OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua*, 18 August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf); IACHR, *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, 21 June 2018, [www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf).

<sup>83</sup> IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), para. 13. “[A]ccording to the figures released on 7 August by the National Police, 197 individuals (191 men and 6 women) were killed between 19 April and 25 July in the context of protests; the Truth, Justice and Peace Commission reported 270 fatalities (257 men and 13 women) between 18 April and 2 August; the national human rights institution, the Procuraduría para la Defensa de los Derechos Humanos, recorded 192 fatalities between 18 and 21 June; according to the Inter-American Commission on Human Rights, 322 were reportedly killed between 18 April and 20 August, including 23 children; the NGO Nicaraguan Human Rights Centre (CENIDH), reported 302 fatalities between 18 April and 30 July; the NGO Permanent Human Rights Commission (CPDH), provided a preliminary figure of 300 fatalities that occurred between 18 April and 30 July (286 male and 14 female), including 30 children; the NGO Nicaraguan Association for Human Rights (ANPDH), provided a preliminary figure of 448 deaths from 18 April to 25 July (426 male and 22 female), including 21 children; the Nicaraguan Coordination of NGOs Working with Children and Adolescents (CODENI) reported that 28 children (25 boys and three girls) were killed from 18 April to 10 August during the protests”. OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua*, 18 August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf). See also, Centro Nicaragüense de Derechos Humanos, *Report No. 5 on the Human Rights Situation in Nicaragua*, 25 July 2018, [www.cenidh.org/recursos/63/](http://www.cenidh.org/recursos/63/).



killings constituted extrajudicial executions.<sup>84</sup> "Excарcelados" or "exreos" (people who were detained in connection with the protests and who were subsequently released, including members of the security forces who refused to join the repression), were allegedly subsequently subjected to arbitrary arrest and detention, as well as harassment by police and parapolice forces.<sup>85</sup> According to official statistics, 22 police officers were killed from April through July 2018.<sup>86</sup>

No proper investigations into the killings and injuries were conducted, as procedures were marred by "irregularities in access to justice, the right to defence, and due process".<sup>87</sup> Nicaraguan authorities considered that the repression of the nationwide protests was a legitimate response and denied any responsibility for human rights violations.<sup>88</sup>

## 2) The Government's Response to Dissent after the 2018 Protests

In June 2019, the National Assembly passed the Amnesty Law,<sup>89</sup> granting amnesty to all persons who participated in the events that took place between 18 April 2018 and 10 June 2019.<sup>90</sup> However, as of

<sup>84</sup> HRW, *World Report 2019: Nicaragua*, 17 January 2019, [www.ecoi.net/en/document/2002232.html](http://www.ecoi.net/en/document/2002232.html). See also, Bertelsmann Stiftung, *Transformation Index (BTI) 2020: Country Report Nicaragua*, 29 April 2020, [www.ecoi.net/en/document/2029474.html](http://www.ecoi.net/en/document/2029474.html); US Department of State, *Country Report on Human Rights Practices 2019: Nicaragua*, 11 March 2020, [www.ecoi.net/en/document/2027465.html](http://www.ecoi.net/en/document/2027465.html); IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), para. 39; IACHR, *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, 21 June 2018, [www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf), paras 6, 106, 117.

<sup>85</sup> OFPRA, *L'organisation de la police nationale sous la présidence de Daniel Ortega*, 18 December 2018, [www.ofpra.gouv.fr/sites/default/files/atoms/files/1812\\_nic\\_organisation\\_police\\_sous\\_ortega.pdf](http://www.ofpra.gouv.fr/sites/default/files/atoms/files/1812_nic_organisation_police_sous_ortega.pdf); El Nuevo Diario, *Acusan de terrorismo a policía que renunció*, 6 November 2018, [www.elnuevodiario.com.ni/nacionales/478760-acusado-terrorismo-expolicianicaragua/](http://www.elnuevodiario.com.ni/nacionales/478760-acusado-terrorismo-expolicianicaragua/); CENIDH, *Cenidh condena incremento de la represión en Nicaragua*, 18 September 2018, [www.cenidh.org/noticias/1216/](http://www.cenidh.org/noticias/1216/); Al Jazeera, *Dissident Police in Nicaragua: 'Prisoners or Dead Men'*, 4 September 2018; [www.aljazeera.com/features/2018/9/4/dissident-police-in-nicaragua-prisoners-or-dead-men](http://www.aljazeera.com/features/2018/9/4/dissident-police-in-nicaragua-prisoners-or-dead-men); La Prensa, *Jóvenes procesados por negarse a reprimir al pueblo*, 3 September 2018, [www.laprensa.com.ni/2018/09/03/nacionales/2466423-jovenes-procesados-pornegarse-reprimir-al-pueblo/](http://www.laprensa.com.ni/2018/09/03/nacionales/2466423-jovenes-procesados-pornegarse-reprimir-al-pueblo/); OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua*, 18 August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf); La Prensa, *Agentes de la Policía desertan y entregan uniforme en CPDH*, 21 July 2018, [www.laprensa.com.ni/2018/07/21/nacionales/2451128-agentes-dela-policia-nacional-desertan-y-entregan-uniforme-en-cpdh/](http://www.laprensa.com.ni/2018/07/21/nacionales/2451128-agentes-dela-policia-nacional-desertan-y-entregan-uniforme-en-cpdh/); El Nuevo Diario, *Policías desertan y entregan uniformes a la CPDH*, 21 July 2018, [www.elnuevodiario.com.ni/nacionales/470121-policias-desertan-entreganuniformes-cpdh/](http://www.elnuevodiario.com.ni/nacionales/470121-policias-desertan-entreganuniformes-cpdh/); El Nuevo Diario, *Familia de excapitán de policía denuncia acoso*, 5 July 2018, [www.elnuevodiario.com.ni/nacionales/468807-familia-excapitan-policia-denunciaacoso-nicaragua/](http://www.elnuevodiario.com.ni/nacionales/468807-familia-excapitan-policia-denunciaacoso-nicaragua/).

<sup>86</sup> IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), para. 14. See also, Nicaragua, *Observaciones del estado de Nicaragua*, 25 January 2019, [www.oas.org/es/cidh/docs/anual/2018/docs/observ.NI.pdf](http://www.oas.org/es/cidh/docs/anual/2018/docs/observ.NI.pdf), pp. 99-101.

<sup>87</sup> IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), para. 8, see also para. 6. See also, US Department of State, *Country Report on Human Rights Practices 2018: Nicaragua*, 13 March 2019, [www.ecoi.net/en/document/2004173.html](http://www.ecoi.net/en/document/2004173.html); OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua*, 18 August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf), paras 82-90; Amnesty International, *Shoot to Kill: Nicaragua's Strategy to Repress Protests*, May 2018, [www.amnesty.org/download/Documents/AMR4384702018ENGLISH.PDF](http://www.amnesty.org/download/Documents/AMR4384702018ENGLISH.PDF), p. 32.

<sup>88</sup> IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), paras 34, 38; US Department of State, *Country Report on Human Rights Practices 2018: Nicaragua*, 13 March 2019, [www.ecoi.net/en/document/2004173.html](http://www.ecoi.net/en/document/2004173.html); OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua*, 18 August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf), p. 8, para. 118; Amnesty International, *Shoot to Kill: Nicaragua's Strategy to Repress Protests*, May 2018, [www.amnesty.org/download/Documents/AMR4384702018ENGLISH.PDF](http://www.amnesty.org/download/Documents/AMR4384702018ENGLISH.PDF), pp. 9-10, 31.

<sup>89</sup> Nicaragua National Assembly, *Ley No. 996, Ley de Amnistía*, 8 June 2019, [www.refworld.org/docid/626185c54.html](http://www.refworld.org/docid/626185c54.html).

<sup>90</sup> "Article 1 of the Amnesty Law provides, inter alia, that extensive amnesty shall be granted to all persons who participated in the events that occurred throughout the country between 18 April 2018 and the date of entry into force of the Law and that, by virtue of the Law, the competent authorities shall cancel the criminal records of all persons benefiting from the amnesty." UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 30, footnote 40. Human rights defenders expressed concern that the cases could be reopened. "[T]he proceedings against the people benefiting from the Amnesty Law had reportedly been archived without being dismissed. That would leave open the possibility of criminal proceedings being reopened under the "non-repetition" clause in Article 3 of that Law." IACHR, *Persons Deprived of Liberty in Nicaragua in Connection with the Human Rights Crisis that Began on April 18, 2018*, 5 October 2020, [www.oas.org/en/iachr/reports/pdfs/Nicaragua-PPL-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/Nicaragua-PPL-en.pdf), para. 43. For concerns about the scope of the Amnesty Law, see Section II.D.

September 2019, "the repression of dissent by the Government and pro-government elements persisted".<sup>91</sup> During 2020, the government "launch[ed][...] a new phase of state repression in Nicaragua, characterized by increasingly intense surveillance, intimidation, and selective repression of persons opposing the government, as well as acts of violence in rural areas and against indigenous and Afro-descendant communities".<sup>92</sup> According to the IACHR, during 2020 Nicaragua continued to be in an "extended *de facto* state of emergency, which upholds suspending or severely constraining basic rights such as freedom of expression and association, the rights to assembly, to human rights defense, to social protest, and to participate in managing public affairs."<sup>93</sup> By February 2021, OHCHR observed that the "institutions and the rule of law" continued to be "progressively eroded", with multiple forms of repression and violence and human rights violations committed with impunity.<sup>94</sup>

According to a July 2020 report by Landinfo, people who had participated in the 2018 protests, including ordinary citizens without a specific social or political profile, continued to be subjected to arbitrary deprivation of liberty, torture, threats of personal harm, intimidation, and harassment.<sup>95</sup> The IACHR reported that as of October 2020, at least 1,614 people had been arbitrarily detained for participating in protests or as a reprisal for criticizing the government,<sup>96</sup> while noting that "the absence of official records [had made] it impossible to determine the exact number of persons detained and criminalized".<sup>97</sup> By September 2022, OHCHR reported that 180 persons (162 men and 18 women) who had been arrested in the context of the crisis since 2018 continued to be detained.<sup>98</sup> Between January and May 2022, fifty persons were tried on charges of "undermining national integrity, propagation of false news, money laundering and related crimes"; all defendants were convicted and sentenced to up to 13 years in prison and disqualification from holding public office.<sup>99</sup> In most of these cases, detention procedures and due process were not respected.<sup>100</sup>

In its 2020 annual report, the IACHR indicated that the "persistent failure to observe the principle of separation of powers, the growing repression of voices criticizing the government, and the absence of institutional reforms aimed at restoring the rule of law" throughout 2020 had intensified the human rights crisis in the country.<sup>101</sup> The IACHR also noted that the government lacked the "manifested will" to combat

<sup>91</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 17 September 2019, A/HRC/42/18, <https://undocs.org/A/HRC/42/18>, para. 6. See also, UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, paras 5-7, 14-15.

<sup>92</sup> IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 3.

<sup>93</sup> Ibid.

<sup>94</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, paras 5-6. See also, UN General Assembly, *Human Rights Situation in Nicaragua: Report of the United Nations High Commissioner for Human Rights*, 2 September 2022, A/HRC/51/42, [www.ecoi.net/en/document/2078449.html](http://www.ecoi.net/en/document/2078449.html), para. 45.

<sup>95</sup> Landinfo (Norwegian Country of Origin Information Centre), *Nicaragua: Arrestasjoner på bakgrunn av demonstrasjonene i 2018*, 10 July 2020, [www.ecoi.net/en/document/2036026.html](http://www.ecoi.net/en/document/2036026.html).

<sup>96</sup> IACHR, *A tres años del inicio de la crisis de derechos humanos en Nicaragua, la CIDH condena la persistencia de la impunidad*, 19 April 2021, [www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/093.asp](http://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/093.asp); IACHR, *Persons Deprived of Liberty in Nicaragua in Connection with the Human Rights Crisis that Began on April 18, 2018*, 5 October 2020, [www.oas.org/en/iachr/reports/pdfs/Nicaragua-PPL-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/Nicaragua-PPL-en.pdf), paras 2, 25, 106-114.

<sup>97</sup> "The number of people detained and criminalized could be significantly higher, due to numerous factors, such as detentions that have not been reported by the State; lack of reporting by victims for fear of reprisals; detentions made by groups of armed civilians, in which people were not transferred to official facilities; and the fact that many people, such as grassroots leaders, students and peasants, were detained more than once." IACHR, *Persons Deprived of Liberty in Nicaragua in Connection with the Human Rights Crisis that Began on April 18, 2018*, 5 October 2020, [www.oas.org/en/iachr/reports/pdfs/Nicaragua-PPL-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/Nicaragua-PPL-en.pdf), para. 289.

<sup>98</sup> UN General Assembly, *Human Rights Situation in Nicaragua: Report of the United Nations High Commissioner for Human Rights*, 2 September 2022, A/HRC/51/42, [www.ecoi.net/en/document/2078449.html](http://www.ecoi.net/en/document/2078449.html), para. 8.

<sup>99</sup> Ibid. See also, HRW, *Nicaragua's Ultimate Sham Trial*, 14 February 2022, [www.hrw.org/news/2022/02/14/nicaraguas-ultimate-sham-trial](http://www.hrw.org/news/2022/02/14/nicaraguas-ultimate-sham-trial); AFP, *Dos opositores presos son declarados "culpables" de conspiración en Nicaragua*, 2 February 2022, [www.france24.com/es/minuto-a-minuto/20220202-dos-opositores-presos-son-declarados-culpables-de-conspiraci%C3%B3n-en-nicaragua](http://www.france24.com/es/minuto-a-minuto/20220202-dos-opositores-presos-son-declarados-culpables-de-conspiraci%C3%B3n-en-nicaragua).

<sup>100</sup> UN General Assembly, *Human Rights Situation in Nicaragua: Report of the United Nations High Commissioner for Human Rights*, 2 September 2022, A/HRC/51/42, [www.ecoi.net/en/document/2078449.html](http://www.ecoi.net/en/document/2078449.html), para. 9.

<sup>101</sup> IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 2.

impunity and that the denial of human rights violations and the stigmatization of victims continued.<sup>102</sup> Similarly, the UN Human Rights Council expressed in an April 2021 resolution its “grave concern at the continuing reports of human rights violations and abuses and the lack of accountability since April 2018, the persisting bans on public demonstrations, the disproportionate use of force by the police to repress social protests, and acts of violence by armed groups, as well as reports of ongoing unlawful arrests and arbitrary detentions, harassment, torture and other cruel, inhuman or degrading treatment or punishment, and the increase in gender-related killings and sexual and gender-based violence in detention”.<sup>103</sup>

During the last quarter of 2020, attempts to stage protests in public spaces to demand the release of detainees were “systematically prevented” by police forces through the “disproportionate use of force”, brief detentions, or attacks against protestors by armed individuals.<sup>104</sup> OHCHR documented 11 incidents where *turbas*, often wearing the colours of the ruling party, attacked or threatened persons perceived as opponents while the police remained passive.<sup>105</sup> Violence, harassment, and intimidation of actual or perceived critics of the government by State and non-State actors continued throughout 2020.<sup>106</sup> Members of opposition parties and organizations were frequently harassed by security forces and armed groups, and were arbitrarily arrested and detained.<sup>107</sup> Some were arrested on charges of serious common offences or arbitrarily detained for shorter periods (often about 48 hours) and then released without charges.<sup>108</sup> Between 1 September and 31 December 2020, OHCHR registered 15 cases of opposition supporters being arbitrarily detained and released within 24 hours, and 34 instances of harassment and intimidation of people taking part in political rallies by the police and pro-government elements, including three political leaders whose vehicles were stopped by police and prevented from reaching the venue of scheduled political events.<sup>109</sup> Authorities also engaged in acts of intimidation and harassment, including selective searches, the use of checkpoints, surveillance of civil society organizations’ offices or the homes of activists, and barring government critics, including their families, from leaving their homes.<sup>110</sup> In two documented

<sup>102</sup> IACHR, *A tres años del inicio de la crisis de derechos humanos en Nicaragua, la CIDH condena la persistencia de la impunidad*, 19 April 2021, [www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/093.asp](http://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/093.asp).

<sup>103</sup> UN General Assembly, *Resolution Adopted by the Human Rights Council on 23 March 2021: Promotion and Protection of Human Rights in Nicaragua*, 26 March 2021, A/HRC/RES/46/2, <https://undocs.org/A/HRC/RES/46/2>, p. 2.

<sup>104</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, paras 14-15.

<sup>105</sup> OHCHR, *Situation of Human Rights in Nicaragua*, 11 February 2021, <https://undocs.org/A/HRC/46/21>, para. 15.

<sup>106</sup> “In effect, the IACHR observes that, in 2020, Nicaragua is under a police state aimed at preventing social mobilizations from being held with the occupation of public spaces. In that regard, civil society organizations have denounced the rise in harassment and intimidation to prevent any action that might lead to protest or mobilization, including the permanent barricading of the homes of persons identified as dissidents and the office premises themselves of civil society organizations.” IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 47.

<sup>107</sup> US Department of State, *2021 Country Report on Human Rights Practices: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); HRW, *Critics Under Attack: Harassment and Detention of Opponents, Rights Defenders, and Journalists Ahead of Elections in Nicaragua*, June 2021, [www.hrw.org/sites/default/files/media\\_2021/06/nicaragua0621\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/media_2021/06/nicaragua0621_web_0.pdf); IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 20; Confidencial, *Policía agredió y bloqueó el paso a opositores a Masaya*, 26 October 2020, <https://confidencial.com.ni/policia-agredio-y-bloqueo-el-paso-a-opositores-a-masaya/>; La Prensa, *Policías agreden a miembros de la Alianza Cívica*, 25 October 2020, [www.laprensa.com.ni/2020/10/25/politica/2738541-policias-agreden-a-miembros-de-la-alianza-civica](http://www.laprensa.com.ni/2020/10/25/politica/2738541-policias-agreden-a-miembros-de-la-alianza-civica); 100 Noticias, *Coalición Nacional se conforma en Nueva Segovia pese al asedio, persecución policial y paramilitar*, 23 October 2020, <https://100noticias.com.ni/politica/103451-coalicion-nacional-nicaragua-asedio-policia/>; DW, *Paramilitares atacan a opositores y a periodistas en Nicaragua*, 12 October 2020, [www.dw.com/es/paramilitares-atacan-a-opositores-y-a-periodistas-en-nicaragua/a-55238149](http://www.dw.com/es/paramilitares-atacan-a-opositores-y-a-periodistas-en-nicaragua/a-55238149); VOA, *Nicaragua: Líderes de oposición denuncian asedio permanente de Policía Nacional*, 1 October 2020, [www.voanoticias.com/centroamerica/nicaragua-lideres-oposicion-denuncian-asedio-policia-nacional-viviendas](http://www.voanoticias.com/centroamerica/nicaragua-lideres-oposicion-denuncian-asedio-policia-nacional-viviendas).

<sup>108</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 27; Confidencial, *Policía agredió y bloqueó el paso a opositores a Masaya*, 26 October 2020, <https://confidencial.com.ni/policia-agredio-y-bloqueo-el-paso-a-opositores-a-masaya/>; IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 57.

<sup>109</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 27.

<sup>110</sup> *Ibid.*, para. 17; HRW, *Critics Under Attack: Harassment and Detention of Opponents, Rights Defenders, and Journalists Ahead of Elections in Nicaragua*, June 2021, [www.hrw.org/sites/default/files/media\\_2021/06/nicaragua0621\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/media_2021/06/nicaragua0621_web_0.pdf), p. 3.



instances, police or pro-government groups are reported to have beaten and detained persons for leaving their homes.<sup>111</sup>

In addition, during 2020 and into 2021, Nicaragua continued to criminalize dissent and adopt restrictive regulations on NGOs, journalists, and the media.<sup>112</sup> The government reportedly controls the media, with independent journalists and independent media outlets being accused of criminal offences, threatened by pro-government groups, and accused as "traitors to the homeland".<sup>113</sup> In March 2021, the UN Human Rights Council expressed "concern at the growing number of civil society organizations and independent media outlets forced to cease their activities owing to restrictive administrative and financial constraints imposed by the legal reforms passed since 2018, and at the arbitrary cancellation of their legal registrations".<sup>114</sup> More than 950 civil society organizations are reported to have been closed down since 2018, including 487 in July 2022.<sup>115</sup> On 1 December 2022, the government cancelled the permits of an additional 100 organizations, including 14 foreign not-for-profit organizations.<sup>116</sup>

In 2021, OHCHR documented the arbitrary detention of 21 persons associated with journalism, political activism, or the defence of human rights,<sup>117</sup> while attempts to hold demonstrations critical of the Government were "systematically repressed by the police".<sup>118</sup> In April 2021, the IACHR similarly observed

<sup>111</sup> "Victims described police standing outside their homes—sometimes coming and going, in other instances for periods of a few hours, and in some instances for days or months. In some cases, police appear outside their homes at night, waking people up with their patrol car sirens. Many victims said they feel isolated and are unable to visit friends and family, attend meetings, go to work, or participate in protests. In two cases documented in this report, police actions harmed children. In one case, police prevented two children from attending school for three days; in another, police delayed a child's access to health care. To buy food, go to work, or visit family members, some victims resorted to disguises or left their homes only when police were absent. Even then, police followed them in some cases, often on motorcycles. In two cases we documented, police and members of armed progovernment groups beat and arrested people who had left their homes." HRW, *Critics Under Attack: Harassment and Detention of Opponents, Rights Defenders, and Journalists Ahead of Elections in Nicaragua*, June 2021, [www.hrw.org/sites/default/files/media\\_2021/06/nicaragua0621\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/media_2021/06/nicaragua0621_web_0.pdf), p. 3.

<sup>112</sup> Swissinfo, *Nicaragua Quits OAS over Ortega Re-Election Criticism, Says It Is not a 'Colony'*, 25 April 2022, [www.swissinfo.ch/eng/nicaragua-quits-oas-over-ortega-re-election-criticism--says-it-is-not-a--colony-/47541592](http://www.swissinfo.ch/eng/nicaragua-quits-oas-over-ortega-re-election-criticism--says-it-is-not-a--colony-/47541592); HRW, *Nicaragua: Trumped-Up Charges Against Critics*, 20 September 2021, [www.hrw.org/news/2021/09/20/nicaragua-trumped-charges-against-critics](http://www.hrw.org/news/2021/09/20/nicaragua-trumped-charges-against-critics); IACHR, *La CIDH condena el grave escalamiento de la represión en Nicaragua*, 18 June 2021, [www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/152.asp](http://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/152.asp); HRW, *Critics Under Attack: Harassment and Detention of Opponents, Rights Defenders, and Journalists Ahead of Elections in Nicaragua*, June 2021, [www.hrw.org/sites/default/files/media\\_2021/06/nicaragua0621\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/media_2021/06/nicaragua0621_web_0.pdf), p. 2; UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, paras 21-22; IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), paras 41-43, 49.

<sup>113</sup> VOA, *"Pueden irrumpir en tu oficina y secuestrarte": periodistas dejan Nicaragua ante amenazas*, 28 June 2021, [www.vozdeamerica.com/centroamerica/nicaragua-periodistas-dejan-el-pais-en-medio-de-amenazas](http://www.vozdeamerica.com/centroamerica/nicaragua-periodistas-dejan-el-pais-en-medio-de-amenazas). See also, IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 8; RSF, *Gruesome Death Threats Against Nicaraguan Exile Journalist*, 29 July 2020 [www.ecoi.net/en/document/2035144.html](http://www.ecoi.net/en/document/2035144.html); CPJ, *YouTube Censors Independent Nicaraguan News Outlets after Copyright Complaints from Ortega-owned Media*, 6 May 2020, <https://cpj.org/2020/05/youtube-censor-nicaragua-outlets-100-noticias-confidencial-ortega/>.

<sup>114</sup> UN General Assembly, *Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General*, 12 March 2021, <https://undocs.org/A/HRC/46/L.8>, para. 3. See also, FIDH, *Nicaragua: The Ortega-Murillo Regime Tries to Obliterate Space for Independent Civil Society*, 2 June 2022, [www.fidh.org/en/region/americas/nicaragua/nicaragua-ortega-murillo-obliterate-space-civil-society](http://www.fidh.org/en/region/americas/nicaragua/nicaragua-ortega-murillo-obliterate-space-civil-society).

<sup>115</sup> OHCHR, *Nicaragua: Expertos/as de la ONU denuncian el cierre arbitrario de organizaciones de la sociedad civil*, 29 July 2022, [www.ohchr.org/es/press-releases/2022/07/nicaragua-un-experts-denounce-arbitrary-shutdown-civil-society-organisations](http://www.ohchr.org/es/press-releases/2022/07/nicaragua-un-experts-denounce-arbitrary-shutdown-civil-society-organisations); HRW, *Nicaragua: Government Dismantles Civil Society*, 19 July 2022, [www.ecoi.net/en/document/2075720.html](http://www.ecoi.net/en/document/2075720.html).

<sup>116</sup> Nicaragua Investiga, *Régimen continúa embestida contra las ONG*, 1 December 2022, <https://nicaraguainvestiga.com/politica/101555-regimen-continua-embestida-contra-oeneges-cancela-personeria-100/>; Radio Televisión Martí, *De nuevo, régimen de Nicaragua cancela más de 100 ONGs*, 2 December 2022, [www.radiotelevisionmarti.com/a/de-nuevo-r%C3%A9gimen-de-nicaragua-cancela-m%C3%A1s-de-100-ong/343556.html](http://www.radiotelevisionmarti.com/a/de-nuevo-r%C3%A9gimen-de-nicaragua-cancela-m%C3%A1s-de-100-ong/343556.html).

<sup>117</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 30. "In March [2022], the general manager of La Prensa, arrested in the context of the 2021 elections, was sentenced to 9 years in prison for money laundering attributed to the newspaper. In July [2022], staff of La Prensa left the country alleging the constant police siege against them, joining the 120 other journalists who are in exile. In addition, three journalists were sentenced to up to 13 years in prison for the crimes of spreading fake news and undermining national integrity." UN General Assembly, *Human Rights Situation in Nicaragua: Report of the United Nations High Commissioner for Human Rights*, 2 September 2022, A/HRC/51/42, [www.ecoi.net/en/document/2078449.html](http://www.ecoi.net/en/document/2078449.html), para. 15.

<sup>118</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 51.

the use of arbitrary detention as a strategy to silence dissident, with at least 115 persons being detained.<sup>119</sup> Between 28 May and 21 October 2021, 39 political and social leaders, journalists, business persons, and human rights advocates were arbitrarily detained and charged with "terrorism" or "treason to the homeland".<sup>120</sup> Reportedly these arrests led to "an environment of fear of deprivation of liberty, incompatible with the enabling environment required for the free exercise of civil and political rights in the electoral process."<sup>121</sup>

Government surveillance of all forms of opposition is thorough and pervasive at all levels.<sup>122</sup> The government monitors any dissenting activity through the Family, Community and Life Boards (formerly the Citizen Power Councils (Consejos de Poder Ciudadano – CPC)),<sup>123</sup> and the Sandinista Leadership Councils or Committees (*Consejos or Comités de Liderazgo Sandinista – CLS*), which are the *de facto* political party structures present in every institution.<sup>124</sup> Government employees and citizens are coerced into affiliating with the FSLN, and are pressured to participate in pro-government rallies.<sup>125</sup> The FSLN reportedly decides who obtains a national identity card, with persons being required to provide a reference letter from the CLS when trying to obtain or retain public sector employment, an identity card, or voter registration.<sup>126</sup>

Students who participated in the 2018 protests reportedly had their university records erased.<sup>127</sup> Additionally, in February 2022 the National Assembly cancelled the operational permits of five universities,

<sup>119</sup> IACHR, *A tres años del inicio de la crisis de derechos humanos en Nicaragua, la CIDH condena la persistencia de la impunidad*, 19 April 2021, [www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/093.asp](http://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/093.asp).

<sup>120</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 20.

<sup>121</sup> *Ibid.*, para. 21.

<sup>122</sup> "Opposition leaders are under constant surveillance by police, arbitrary detentions are frequent, and many citizens are afraid to speak out due to fear of persecution." International Republican Institute, *In Nicaragua, the Struggle for Free and Fair Elections Continues*, 7 May 2021, [www.iri.org/news/in-nicaragua-the-struggle-for-free-and-fair-elections-continues/](http://www.iri.org/news/in-nicaragua-the-struggle-for-free-and-fair-elections-continues/). See also, Bertelsmann Stiftung, *Transformation Index (BTI) 2022: Nicaragua Country Report*, 2022, [www.ecoi.net/en/document/2069610.html](http://www.ecoi.net/en/document/2069610.html), p. 13; UN General Assembly, *Human Rights Situation in Nicaragua: Report of the United Nations High Commissioner for Human Rights*, 2 September 2022, A/HRC/51/42, [www.ecoi.net/en/document/2078449.html](http://www.ecoi.net/en/document/2078449.html), para. 16.

<sup>123</sup> "By Executive Decree no. 112, of November 29, 2007, President Daniel Ortega created the Citizen Power Councils (CPC) and the Citizen Power Bureaux (GPC) [...] According to the civil society organizations, the CPC were partisan shock forces to obstruct demonstrations or any form of protest or complaint to the government. [...] In 2014, the National Assembly enacted the Family Code, creating the Family, Community, and Life Bureaux, with presence 'at the departmental, municipal, neighborhood, and rural levels.' Through this reform, the Family Bureaux were formally institutionalized, replacing the CPC, which meant that they even had public budgetary allocations. In the context of the crisis that began on April 18, 2018, the IACHR received information on the active participation of the formerly known CPCs in the criminalization of people opposed to the government. In particular, the IACHR warned about illegal raids and arrests that were made from lists drawn up with the intelligence work of the former CPCs, who report directly to the vice presidency." IACHR, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, 25 October 2021, [www.oas.org/en/iachr/reports/pdfs/2021\\_nicaragua-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf), paras 84, 86, 88-89. See also, Nicaragua, Procuraduría para la Defensa de los Derechos Humanos, *Contribución de la Procuraduría para la Defensa de los Derechos Humanos (PDDH) de la República de Nicaragua en atención a "Participación en condiciones de igualdad en la vida pública y política"*, 20 May 2017, [www.ohchr.org/Documents/Issues/EqualParticipation/DraftGuidelines/ProcuradorDHNicaragua.doc](http://www.ohchr.org/Documents/Issues/EqualParticipation/DraftGuidelines/ProcuradorDHNicaragua.doc), p. 4.

<sup>124</sup> "Sandinista Leadership Councils [...] are in charge of ensuring the participation of civil servants in activities such as marches, occupying traffic circles or round points in the city of Managua, counterdemonstrations, fairs, and other political ceremonies. In addition, they are in charge of surveillance of civil servants who are not government supporters." IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf), p. 394, footnote 47. See also, US Department of State, *Country Report on Human Rights Practices 2019: Nicaragua*, 11 March 2020, [www.ecoi.net/en/document/2027465.html](http://www.ecoi.net/en/document/2027465.html).

<sup>125</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); Confidencial, *La "resistencia silenciosa" de los empleados públicos en Nicaragua*, 28 January 2021, [www.confidencial.com.ni/politica/la-resistencia-silenciosa-de-los-empleados-publicos-en-nicaragua/](http://www.confidencial.com.ni/politica/la-resistencia-silenciosa-de-los-empleados-publicos-en-nicaragua/).

<sup>126</sup> "Those without identity cards were unable to vote and had difficulty participating in the legal economy or conducting bank transactions. Such persons also were subject to restrictions in employment, access to courts, and land ownership." US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html).

<sup>127</sup> La Prensa, *Expulsión y desaparición de registros académicos*, 5 October 2020, [www.laprensa.com.ni/2020/10/05/nacionales/2728152-expulsion-y-desaparicion-de-registros-academicos-otra-forma-de-represion](http://www.laprensa.com.ni/2020/10/05/nacionales/2728152-expulsion-y-desaparicion-de-registros-academicos-otra-forma-de-represion); El Nuevo Diario, *Borran historial académico de estudiante que participó en protestas*, 6 June 2019, [www.elnuevodiario.com.ni/nacionales/493882-unan-managua-nicaragua-estudiantes-protestas/](http://www.elnuevodiario.com.ni/nacionales/493882-unan-managua-nicaragua-estudiantes-protestas/).

including Universidad Politécnica de Nicaragua and Universidad Católica del Trópico Seco; a total of 16 universities have had their permits revoked since 2018.<sup>128</sup>

The government restricts persons with pending legal cases from leaving the country and has selectively applied this, even in situations where no legal case is pending, to prevent those involved with the opposition, the media, large business owners, and government employees and their families from leaving the country.<sup>129</sup> Entry into the country of persons involved with humanitarian or faith-based organizations is strictly controlled.<sup>130</sup>

In September 2022, OHCHR noted “a deterioration of the human rights situation, particularly regarding civil and political rights, in a context characterized by the absence of dialogue, the deepening of the political crisis, and the isolation of Nicaragua from the international community”.<sup>131</sup>

### 3) Prison and Detention Centre Conditions

Detention facilities are overcrowded and conditions are poor.<sup>132</sup> As of April 2020 the overcrowding rate in prisons was 30 per cent, even after the government had granted alternative measures to detention to 11,400 persons since August 2019.<sup>133</sup> In February 2021 OHCHR reported that it had received allegations of the lack of timely and adequate medical care, torture and ill-treatment in detention facilities, and that human rights organizations were prevented from accessing detention centres to document their condition; the Government denied the allegations.<sup>134</sup>

Prison facilities are reported to be unsanitary and lack adequate medical care services for persons suffering from severe health problems.<sup>135</sup> During 2021, prisoners “suffered from parasites, inadequate medical attention, frequent food shortages and food contamination, contaminated water, and inadequate

<sup>128</sup> Infobae, *El régimen de Daniel Ortega aumenta la represión: cerró 16 universidades e instituciones educativas en Nicaragua*, 2 February 2022, [www.infobae.com/america/america-latina/2022/02/02/el-regimen-de-daniel-ortega-aumenta-la-represion-cerro-16-universidades-e-instituciones-educativas-en-nicaragua/](http://www.infobae.com/america/america-latina/2022/02/02/el-regimen-de-daniel-ortega-aumenta-la-represion-cerro-16-universidades-e-instituciones-educativas-en-nicaragua/); Europa Press, *El Parlamento de Nicaragua retira los permisos de cinco universidades*, 3 February 2022, [www.europapress.es/internacional/noticia-parlamento-nicaragua-retira-permisos-cinco-universidades-20220203101756.html](http://www.europapress.es/internacional/noticia-parlamento-nicaragua-retira-permisos-cinco-universidades-20220203101756.html).

<sup>129</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); El Universo, *En Nicaragua se aumenta control de salida del país a funcionarios y otros colaboradores*, 5 December 2021, [www.eluniverso.com/noticias/internacional/en-nicaragua-se-aumenta-control-de-salida-del-pais-a-funcionarios-y-otros-colaboradores-nota/](http://www.eluniverso.com/noticias/internacional/en-nicaragua-se-aumenta-control-de-salida-del-pais-a-funcionarios-y-otros-colaboradores-nota/).

<sup>130</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html).

<sup>131</sup> UN General Assembly, *Human Rights Situation in Nicaragua: Report of the United Nations High Commissioner for Human Rights*, 2 September 2022, A/HRC/51/42, [www.ecoi.net/en/document/2078449.html](http://www.ecoi.net/en/document/2078449.html), para. 5. See also, OHCHR, *Nicaragua Must Restore Full Enjoyment of Civil and Political Rights, Particularly Freedom of Expression, Peaceful Assembly and Association, Media and Civic Assembly: UN and IACHR Experts*, 3 October 2022, [www.ohchr.org/en/press-releases/2022/10/nicaragua-must-restore-full-enjoyment-civil-and-political-rights](http://www.ohchr.org/en/press-releases/2022/10/nicaragua-must-restore-full-enjoyment-civil-and-political-rights); European Council, *Nicaragua: Declaration by the High Representative on Behalf of the European Union on the Deteriorating Political Situation*, 10 June 2021, [www.consilium.europa.eu/en/press/press-releases/2021/06/10/nicaragua-declaration-by-the-high-representative-on-behalf-of-the-european-union-on-the-deteriorating-political-situation/](http://www.consilium.europa.eu/en/press/press-releases/2021/06/10/nicaragua-declaration-by-the-high-representative-on-behalf-of-the-european-union-on-the-deteriorating-political-situation/); New York Times, *Nicaragua's Democracy Hangs by Thread as Crackdown Deepens*, 6 June 2021, [www.nytimes.com/2021/06/06/world/americas/nicaragua-daniel-ortega-crackdown.html](http://www.nytimes.com/2021/06/06/world/americas/nicaragua-daniel-ortega-crackdown.html).

<sup>132</sup> UN General Assembly, *Human Rights Situation in Nicaragua: Report of the United Nations High Commissioner for Human Rights*, 2 September 2022, A/HRC/51/42, [www.ecoi.net/en/document/2078449.html](http://www.ecoi.net/en/document/2078449.html), para. 9; UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), paras 25-26; US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 156; Jubilee Campaign, *Submission to the United Nations Human Rights Committee Regarding Nicaragua for the 129th Session, 29 June - 24 July, 2020*, n.d., <https://jubileecampaign.org/wp-content/uploads/2020/06/Nicaragua.pdf>.

<sup>133</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 44.

<sup>134</sup> *Ibid.*, para. 42.

<sup>135</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 156; Jubilee Campaign, *Submission to the United Nations Human Rights Committee Regarding Nicaragua for the 129th Session, 29 June - 24 July, 2020*, n.d., <https://jubileecampaign.org/wp-content/uploads/2020/06/Nicaragua.pdf>; Confidential, *Nicaragua: "Political Prisoners Endure Cruel and Inhumane Conditions"*, 6 April 2019, <https://confidencial.com.ni/nicaragua-political-prisoners-endure-cruel-and-inhumane-conditions/>.

sanitation.”<sup>136</sup> According to Amnesty International, detainees in La Modelo, one of the largest prisons, lack access to drinking water and are provided with “small and precarious rations of food, supplemented where possible by what their families are able to bring” during visits.<sup>137</sup> Cells do not have sufficient ventilation, natural light, or bedding materials; prisoners are rarely allowed to leave their cells and personal belongings are often stolen from inmates.<sup>138</sup>

Persons detained based on their political affiliation are subjected to additional violations, including solitary and maximum-security confinement.<sup>139</sup> Additionally, there are reports of inhuman and degrading treatment, as well as torture and sexual violence against political prisoners.<sup>140</sup> Cases of sexual violence against prisoners in the context of the crisis in Nicaragua included “forcing inmates to undress and perform squats, groping, threats of rape and rape”.<sup>141</sup> During 2019, guards and police used disproportionate and indiscriminate force against political prisoners to quell peaceful prison protests as well as riots.<sup>142</sup> Anti-riot police reportedly raided cells, “at times unexpectedly, to beat up and kick inmates, sometimes using their batons”; during these operations, “police dogs and tear gas or smoke bombs have reportedly been used” against prisoners.<sup>143</sup>

<sup>136</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html).

<sup>137</sup> Amnesty International, *Silence at Any Cost: State Tactics to Deepen the Repression in Nicaragua*, 2021, [www.amnesty.org/download/Documents/AMR4333982021ENGLISH.PDF](http://www.amnesty.org/download/Documents/AMR4333982021ENGLISH.PDF), pp. 7-8.

<sup>138</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 26; Amnesty International, *Silence at Any Cost: State Tactics to Deepen the Repression in Nicaragua*, 2021, [www.amnesty.org/en/documents/amr43/3398/2021/en/](http://www.amnesty.org/en/documents/amr43/3398/2021/en/), pp. 7-8; IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 156; IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 174.

<sup>139</sup> OHCHR, *Nicaragua Must Restore Full Enjoyment of Civil and Political Rights, Particularly Freedom of Expression, Peaceful Assembly and Association, Media and Civic Assembly: UN and IACHR Experts*, 3 October 2022, [www.ohchr.org/en/press-releases/2022/10/nicaragua-must-restore-full-enjoyment-civil-and-political-rights](http://www.ohchr.org/en/press-releases/2022/10/nicaragua-must-restore-full-enjoyment-civil-and-political-rights); US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); Jubilee Campaign, *Submission to the United Nations Human Rights Committee Regarding Nicaragua for the 129th Session*; 29 June - 24 July 2020, n.d., <https://jubileecampaign.org/wp-content/uploads/2020/06/Nicaragua.pdf>; Rosa-Luxemburg-Stiftung, *Zwei Jahre nach dem Aprilaufstand in Nicaragua; Hintergrund und Perspektiven*, June 2020, [www.rosalux.de/fileadmin/rls\\_uploads/pdfs/sonst\\_publicationen/11-20\\_Onl-Publ\\_Nicaragua.pdf](http://www.rosalux.de/fileadmin/rls_uploads/pdfs/sonst_publicationen/11-20_Onl-Publ_Nicaragua.pdf); HRW, *Nicaragua: Cruel Response to Hunger Strikes*, 22 November 2019, [www.ecoi.net/en/document/2020535.html](http://www.ecoi.net/en/document/2020535.html).

<sup>140</sup> For these reasons, on 17 May 2019 the IACHR requested the Inter-American Court of Human Rights (IACtHR) to adopt provisional measures to protect the rights of 17 persons deprived of their liberty, who were facing an extremely grave and urgent situation of suffering irreparable harm. On 21 May 2019, the President of the Court decided to grant the urgent measures requested by the Commission. IACtHR, *Asunto de diecisiete personas privadas de libertad respecto de Nicaragua. Medidas Provisionales. Resolución de la Corte Interamericana de Derechos Humanos de 14 de octubre de 2019*, 14 October 2019, [www.corteidh.or.cr/docs/medidas/diecisiete\\_personas\\_se\\_02.pdf](http://www.corteidh.or.cr/docs/medidas/diecisiete_personas_se_02.pdf); IACHR, *Asunto de diecisiete personas privadas de libertad respecto de Nicaragua. Medidas Provisionales. Adopción de Medidas Urgentes. Resolución del Presidente de la Corte Interamericana de Derechos Humanos de 21 de mayo de 2019*, 21 May 2019, [www.corteidh.or.cr/docs/medidas/diecisiete\\_personas\\_se\\_01.pdf](http://www.corteidh.or.cr/docs/medidas/diecisiete_personas_se_01.pdf). See also, UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), paras 25-26; Confidential, *Ocho organismos exigen “prohibición absoluta” de torturas y malos tratos contra presos políticos*, 29 June 2020, <https://confidencial.com.ni/ocho-organismos-exigen-prohibicion-absoluta-de-torturas-y-tratos-cruels-contra-presos-politicos/>; OMCT *et al.*, *Nicaragua: Exigimos la prohibición absoluta de la práctica de tortura y malos tratos en Nicaragua*, 26 June 2020, [www.omct.org/es/monitoring-protection-mechanisms/statements/2020/06/d25936/](http://www.omct.org/es/monitoring-protection-mechanisms/statements/2020/06/d25936/); CEJIL, *Día Internacional en Apoyo a las Víctimas de Tortura: Exigimos la prohibición absoluta de la práctica de tortura y malos tratos en Nicaragua*, 26 June 2020, [www.cejil.org/es/dia-internacional-apoyo-victimas-tortura-exigimos-prohibicion-absoluta-practica-tortura-y-malos-tratos](http://www.cejil.org/es/dia-internacional-apoyo-victimas-tortura-exigimos-prohibicion-absoluta-practica-tortura-y-malos-tratos); IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 191.

<sup>141</sup> IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 190.

<sup>142</sup> IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 178.

<sup>143</sup> *Ibid.*, para. 177.



Prisoners of diverse sexual orientations and/or gender identities (SOGI) and female prisoners are particularly vulnerable to human rights violations.<sup>144</sup> Detained transgender women are kept in the same cells as male inmates as "penitentiary legislation does not recognize transgender persons in accordance with their gender identity."<sup>145</sup> As a result, transgender women are exposed to inspections of their body cavities in front of male detainees during routine strip searches.<sup>146</sup>

### C. The November 2021 General Elections and their Aftermath

In July 2020, the Supreme Electoral Council established 7 November 2021 as the date for the general elections, and extended the registration period for political parties until five months before the elections.<sup>147</sup> In September 2020, members of the political opposition launched a joint proposal for electoral reforms aimed at guaranteeing free, fair and transparent elections, including the replacement of electoral magistrates, the prohibition of presidential re-election, the introduction of a simple-majority mechanism for presidential elections, and the right to vote for members of the diaspora.<sup>148</sup> The government rejected the demands, alleging interference in domestic matters.<sup>149</sup>

Nicaraguan authorities were reported to target opposition presidential candidates, including by means of arbitrary detention,<sup>150</sup> arbitrary de-listing,<sup>151</sup> and charging them with money laundering and conspiracy.<sup>152</sup> In May and June 2021, 14 government critics were detained, including five prominent candidates, with some of the detainees reportedly being held incommunicado.<sup>153</sup> By July 2021 the number had increased to 27,

<sup>144</sup> Amnesty International, *Abuse and Fear: Trans Women Speak Out about Life in Nicaragua's Prisons during COVID-19*, 9 September 2020, [www.amnesty.org/en/latest/news/2020/09/trans-women-speak-out-about-nicaraguas-prisons-during-covid19/](http://www.amnesty.org/en/latest/news/2020/09/trans-women-speak-out-about-nicaraguas-prisons-during-covid19/); Amnesty International, *She Doesn't Want to Die There: Women Activists Punished with Jail in Nicaragua amid COVID-19*, 14 August 2020, [www.amnesty.org/en/latest/news/2020/08/women-activists-punished-jail-nicaragua-amid-covid19/](http://www.amnesty.org/en/latest/news/2020/08/women-activists-punished-jail-nicaragua-amid-covid19/). "Human rights organizations reported female prisoners were regularly subjected to strip searches, degrading treatment, and rape threats while in custody of parapolice forces, prison officials, and police. Prison officials forced female prisoners to squat naked and beat them on their genitals to dislodge any supposedly hidden items. [...] LGBTQI+ activists said LGBTQI+ political prisoners hid their orientation, fearing increased abuse from prison guards. Transgender women detained for participating in prodemocracy protests were particularly harassed while in custody. They were held with male inmates, forced to strip in front of their peers, and specifically harangued by guards." US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html).

<sup>145</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 42.

<sup>146</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 17 September 2019, A/HRC/42/18, <https://undocs.org/A/HRC/42/18>, para. 34.

<sup>147</sup> Nicaragua, CSE, *Comunicado: Ampliación de plazo de los partidos políticos para obtener su personalidad jurídica*, 14 July 2020, [www.cse.gob.ni/es/prensa/comunicados/comunicado-ampliacion-del-plazo-de-los-partidos-politicos-para-obtener-su](http://www.cse.gob.ni/es/prensa/comunicados/comunicado-ampliacion-del-plazo-de-los-partidos-politicos-para-obtener-su).

<sup>148</sup> Nicaragua Investiga, *Oposición dispuesta a negociar reformas electorales con Ortega*, 22 October 2020, <https://nicaraguainvestiga.com/politica/38671-oposicion-dispuesta-a-negociar-reformas-electorales-con-ortega/>; Confidencial, *Comienza el año electoral en Nicaragua en medio de incertidumbre por crisis sociopolítica*, 8 November 2020, <https://confidencial.com.ni/comienza-el-ano-electoral-en-nicaragua-en-medio-de-incertidumbre-por-crisis-sociopolitica/>.

<sup>149</sup> Nicaragua Investiga, *Ortega pide que nadie intervenga en los procesos electorales de Nicaragua, así como ellos no lo hacen*, 8 November 2020, <https://nicaraguainvestiga.com/politica/39922-daniel-ortega-descarta-muertes-en-nicaragua-por-el-huracan-eta-y-ataca-a-la-oposicion/>.

<sup>150</sup> EU, European Council, *Nicaragua: Declaration by the High Representative on Behalf of the European Union on the Deteriorating Political Situation*, 10 June 2021, [www.consilium.europa.eu/en/press/press-releases/2021/06/10/nicaragua-declaration-by-the-high-representative-on-behalf-of-the-european-union-on-the-deteriorating-political-situation/](http://www.consilium.europa.eu/en/press/press-releases/2021/06/10/nicaragua-declaration-by-the-high-representative-on-behalf-of-the-european-union-on-the-deteriorating-political-situation/); IACHR, *La CIDH y la OACNUDH condenan categóricamente la persecución penal en contra de precandidatos y precandidatas presidenciales e instan al Estado de Nicaragua a su inmediata liberación*, 9 June 2021, [www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/145.asp](http://www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/145.asp); HRW, *Critics Under Attack: Harassment and Detention of Opponents, Rights Defenders, and Journalists Ahead of Elections in Nicaragua*, June 2021, [www.hrw.org/sites/default/files/media\\_2021/06/nicaragua0621\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/media_2021/06/nicaragua0621_web_0.pdf), p. 1.

<sup>151</sup> EU, European Council, *Nicaragua: Declaration by the High Representative on Behalf of the European Union on the Deteriorating Political Situation*, 10 June 2021, [www.consilium.europa.eu/en/press/press-releases/2021/06/10/nicaragua-declaration-by-the-high-representative-on-behalf-of-the-european-union-on-the-deteriorating-political-situation/](http://www.consilium.europa.eu/en/press/press-releases/2021/06/10/nicaragua-declaration-by-the-high-representative-on-behalf-of-the-european-union-on-the-deteriorating-political-situation/).

<sup>152</sup> IACHR, *La CIDH y la OACNUDH condenan categóricamente la persecución penal en contra de precandidatos y precandidatas presidenciales e instan al Estado de Nicaragua a su inmediata liberación*, 9 June 2021, [www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/145.asp](http://www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/145.asp); HRW, *Critics Under Attack: Harassment and Detention of Opponents, Rights Defenders, and Journalists Ahead of Elections in Nicaragua*, June 2021, [www.hrw.org/sites/default/files/media\\_2021/06/nicaragua0621\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/media_2021/06/nicaragua0621_web_0.pdf), pp. 1-2.

<sup>153</sup> HRW, *Critics Under Attack: Harassment and Detention of Opponents, Rights Defenders, and Journalists Ahead of Elections in Nicaragua*, June 2021, [www.hrw.org/sites/default/files/media\\_2021/06/nicaragua0621\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/media_2021/06/nicaragua0621_web_0.pdf), pp. 1-2.

including peasant and university student leaders.<sup>154</sup> In total, from 2 June to 24 July 2021, seven persons who registered as candidates were arrested and investigated, most under Law 1055.<sup>155</sup> In addition, sources report that large business owners and bankers started to be targeted in the country, with the executive president of the Production Bank (*Banco de la Producción – Banpro*) being arrested and other former high executives of the Nicaraguan Foundation for the Economic and Social Development (*Fundación Nicaragüense para el Desarrollo Económico y Social – FUNIDES*) being placed under investigation for "conducting illicit activities" with restrictions on leaving the country and their bank accounts frozen.<sup>156</sup>

On 18 May 2021, the CSE revoked the legal registration of the Democratic Restoration Party (*Partido de Restauración Democrática – PRD*) after Evangelical pastors alleged, in a complaint filed with the CSE the day before, that the PRD "opposed Christian values".<sup>157</sup> The revocation came after the PRD joined the National Coalition (*Coalición Nacional – CN*), the main opposition block that sought to participate in the presidential elections.<sup>158</sup> As the block's participation in the election depended on the PRD's registration, concerns were expressed that Nicaragua was close to becoming a single-party state system.<sup>159</sup> On 6 August 2021, the CSE annulled the legal personality of the Citizens for Freedom (*Ciudadanos por la Libertad*) political party for violating Law 1055.<sup>160</sup> Ortega won the presidential elections in November 2021 with over 76 per cent of the vote; the international community considered that these elections were "unfair" and "undemocratic".<sup>161</sup> On 12 November 2021, 25 OAS member states voted in favour of a resolution which stated that the Nicaraguan elections were "not free, fair or transparent and have no democratic legitimacy".<sup>162</sup>

<sup>154</sup> El Universal, *Nicaragua: Detienen a líder estudiantil y otros 5 opositores*, 6 July 2021, [www.eluniversal.com.co/mundo/nicaragua-detienen-a-lider-estudiantil-y-otros-5-opositores-YG4901908](http://www.eluniversal.com.co/mundo/nicaragua-detienen-a-lider-estudiantil-y-otros-5-opositores-YG4901908).

<sup>155</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 8.

<sup>156</sup> El Espectador, *Banqueros, periodistas y políticos, cada vez más perseguidos por el gobierno de Nicaragua*, 18 June 2021, [www.elespectador.com/mundo/america/banqueros-periodistas-y-politicos-cada-vez-mas-perseguidos-por-el-gobierno-de-nicaragua/](http://www.elespectador.com/mundo/america/banqueros-periodistas-y-politicos-cada-vez-mas-perseguidos-por-el-gobierno-de-nicaragua/); *Estrategia y Negocios, Nicaragua: Cúpula bancaria y altos empresarios bajo acoso del régimen Ortegaista*, 16 June 2021, [www.estrategiaynegocios.net/newsletter/newsletter3/1471437-330/nicaragua-c%C3%BApula-bancaria-y-altos-empresarios-bajo-acoso-del-r%C3%A9gimen-orteguista](http://www.estrategiaynegocios.net/newsletter/newsletter3/1471437-330/nicaragua-c%C3%BApula-bancaria-y-altos-empresarios-bajo-acoso-del-r%C3%A9gimen-orteguista).

<sup>157</sup> DW, *Tribunal electoral de Nicaragua impide participación de opositores*, 19 May 2021, [www.dw.com/es/tribunal-electoral-de-nicaragua-impide-participaci%C3%B3n-de-opositores/a-57575919](http://www.dw.com/es/tribunal-electoral-de-nicaragua-impide-participaci%C3%B3n-de-opositores/a-57575919); Nicaragua, Consejo Supremo Electoral, *Resolución*, 18 May 2021, [www.cse.gob.ni/sites/default/files/documentos/cancelacion\\_prd.pdf](http://www.cse.gob.ni/sites/default/files/documentos/cancelacion_prd.pdf). "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." UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 7.

<sup>158</sup> DW, *Tribunal electoral de Nicaragua impide participación de opositores*, 19 May 2021, [www.dw.com/es/tribunal-electoral-de-nicaragua-impide-participaci%C3%B3n-de-opositores/a-57575919](http://www.dw.com/es/tribunal-electoral-de-nicaragua-impide-participaci%C3%B3n-de-opositores/a-57575919).

<sup>159</sup> ABC, *Daniel Ortega consolida en Nicaragua un régimen de partido único*, 7 November 2021, [www.abc.es/internacional/abci-daniel-ortega-consolida-nicaragua-regimen-partido-unico-202111070147\\_noticia.html](http://www.abc.es/internacional/abci-daniel-ortega-consolida-nicaragua-regimen-partido-unico-202111070147_noticia.html); New York Times, *En Nicaragua se profundiza la represión y la democracia peligrá*, 7 June 2021, [www.nytimes.com/es/2021/06/07/espanol/nicaragua-daniel-ortega-democracia.html](http://www.nytimes.com/es/2021/06/07/espanol/nicaragua-daniel-ortega-democracia.html). "In November President Ortega awarded himself a fourth term in office following a deeply flawed electoral process characterized by historically low voter turnout. Ortega and his FSLN party cancelled the legal registration of all credible opposition political parties, jailed opposition presidential candidates on spurious charges, and committed blatant electoral fraud." US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html).

<sup>160</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 10.

<sup>161</sup> Global News, *Nicaragua's Election Called 'Undemocratic' after Ortega Secures 4th Term in Landslide*, 8 November 2021, <https://globalnews.ca/news/8360031/nicaragua-election-2021-ortega/>; Reuters, *OAS Members Condemn Nicaragua Elections, Urge Action*, 12 November 2021, [www.reuters.com/world/americas/oas-members-condemn-nicaragua-elections-urge-action-2021-11-13/](http://www.reuters.com/world/americas/oas-members-condemn-nicaragua-elections-urge-action-2021-11-13/); UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 19.

<sup>162</sup> Seven states abstained and one was absent. US Mission to the Organization of American States, *OAS General Assembly Condemns the Ortega-Murillo Regime in Nicaragua*, 12 November 2021, <https://usoas.usmission.gov/oas-general-assembly-condemns-the-ortega-murillo-regime-in-nicaragua/>.



## D. Legal Remedies and State Protection

The IACHR has characterized Nicaragua as "a police state".<sup>163</sup> The army and the National Police are under the control of the President, with the army tasked with civilian functions.<sup>164</sup> State security forces and other pro-government bodies and individuals have carried out with impunity serious and widespread human rights violations, including arbitrary arrests and detention, torture and ill-treatment, unlawful killings, kidnappings, threats and harassment, in the context of the protests and their aftermath as well as with regards to the indigenous and Afro-descendant population, the *campesinos* and the insecurity in the rural areas.<sup>165</sup> Selective prosecutions and acts of violence, including killings, have taken place in rural areas, including in northern Nicaragua, with 131 killings reported in the interior of the country between January and June 2020, a 338 per cent increase over the same period in 2019.<sup>166</sup>

Although the judiciary in Nicaragua is in principle independent, in practice it is beset by corruption and subject to extensive political influence.<sup>167</sup> The IACHR 2020 report states that "the judicial branch of government in Nicaragua has a structural problem because of the absence of independence and impartiality, stemming from factors such as nepotism, the peddling of influence, and manipulation by the ruling party, as well as because of the executive branch's interference in its functioning."<sup>168</sup>

Sources indicate that the judiciary is involved in the criminalization of protesters and dissent.<sup>169</sup> Opponents of the government are charged with fabricated crimes and taken to detention centres where they report being abused, and, according to lawyers who represent detainees, people are frequently charged with extortion and drug trafficking to damage their reputation.<sup>170</sup> The IACHR 2020 report refers to the existence

<sup>163</sup> IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 47.

<sup>164</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](https://www.ecoi.net/en/document/2071147.html); Acción Penal et al., *Dictadura y represión en Nicaragua: Lucha contra la impunidad*, 18 November 2021, [https://colectivodhnicaragua.org/wp-content/uploads/2021/11/FINAL-RESUMEN-EJECUTIVO\\_VF\\_18-11-2021.pdf](https://colectivodhnicaragua.org/wp-content/uploads/2021/11/FINAL-RESUMEN-EJECUTIVO_VF_18-11-2021.pdf), p. 5; Bertelsmann Stiftung: *Transformation Index (BTI) 2020: Country Report Nicaragua*, 29 April 2020, [www.ecoi.net/en/document/2029474.html](https://www.ecoi.net/en/document/2029474.html), pp. 11-12; Freedom House, *Freedom in the World 2020: Nicaragua*, 4 March 2020, [www.ecoi.net/en/document/2025939.html](https://www.ecoi.net/en/document/2025939.html).

<sup>165</sup> IACHR, *Four Years into Nicaragua's Human Rights Crisis, the IACHR Stresses Its Commitment To the Country*, 18 April 2022, [www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media\\_center/PReleases/2022/081.asp](https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2022/081.asp); US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](https://www.ecoi.net/en/document/2071147.html); HRW, *World Report 2022: Nicaragua*, 13 January 2022, [www.ecoi.net/en/document/2066501.html](https://www.ecoi.net/en/document/2066501.html); IACHR, *Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho*, 25 October 2021, [www.oas.org/es/cidh/informes/pdfs/2021\\_Nicaragua-ES.pdf](https://www.oas.org/es/cidh/informes/pdfs/2021_Nicaragua-ES.pdf); OHCHR, *Update on the Human Rights Situation in Nicaragua, Pursuant to Resolution 43/2*, 14 September 2020, [www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26228&LangID=E](https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26228&LangID=E); FIDH, *Continued Human Rights Violations Lead to New UN Condemnation against Nicaraguan Government*, 19 June 2020, [www.fidh.org/en/region/americas/nicaragua/continued-human-rights-violations-lead-to-new-un-condemnation-against](https://www.fidh.org/en/region/americas/nicaragua/continued-human-rights-violations-lead-to-new-un-condemnation-against).

<sup>166</sup> IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 50.

<sup>167</sup> UN Human Rights Committee, *Observaciones finales sobre el cuarto informe periódico de Nicaragua*, 3 November 2022, CCPR/C/NIC/CO/4, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=O90n16yyRdZ8GMFUzhgnme93dqOA7eHMrhMhxGD/mzEg6oXzqnu3ohbFe+ebiCaiJtvuqWTTQO73WsokwQM81Q==](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=O90n16yyRdZ8GMFUzhgnme93dqOA7eHMrhMhxGD/mzEg6oXzqnu3ohbFe+ebiCaiJtvuqWTTQO73WsokwQM81Q==), para. 27; US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](https://www.ecoi.net/en/document/2071147.html); Acción Penal et al., *Dictadura y represión en Nicaragua: Lucha contra la impunidad*, 18 November 2021, [https://colectivodhnicaragua.org/wp-content/uploads/2021/11/FINAL-RESUMEN-EJECUTIVO\\_VF\\_18-11-2021.pdf](https://colectivodhnicaragua.org/wp-content/uploads/2021/11/FINAL-RESUMEN-EJECUTIVO_VF_18-11-2021.pdf), p. 5; IACHR, *Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho*, 25 October 2021, [www.oas.org/es/cidh/informes/pdfs/2021\\_Nicaragua-ES.pdf](https://www.oas.org/es/cidh/informes/pdfs/2021_Nicaragua-ES.pdf); IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), paras 27, 37-45.

<sup>168</sup> IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 39.

<sup>169</sup> IACHR, *Annual Report 2021: Chapter IV.B Nicaragua*, 2 June 2022, [www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf](https://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf), para. 47; Freedom House, *Freedom in the World 2022: Nicaragua*, 2022, [www.ecoi.net/en/document/2068771.html](https://www.ecoi.net/en/document/2068771.html); Acción Penal et al., *Dictadura y represión en Nicaragua: Lucha contra la impunidad*, 18 November 2021, [https://colectivodhnicaragua.org/wp-content/uploads/2021/11/FINAL-RESUMEN-EJECUTIVO\\_VF\\_18-11-2021.pdf](https://colectivodhnicaragua.org/wp-content/uploads/2021/11/FINAL-RESUMEN-EJECUTIVO_VF_18-11-2021.pdf), p. 5; IACHR, *Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho*, 25 October 2021, [www.oas.org/es/cidh/informes/pdfs/2021\\_Nicaragua-ES.pdf](https://www.oas.org/es/cidh/informes/pdfs/2021_Nicaragua-ES.pdf), para. 5.

<sup>170</sup> Amnesty International, *Silence at Any Cost: State Tactics to Deepen the Repression in Nicaragua*, 2021, [www.amnesty.org/download/Documents/AMR4333982021ENGLISH.PDF](https://www.amnesty.org/download/Documents/AMR4333982021ENGLISH.PDF), pp. 6-7.

of a practice called "revolving door" (*puerta giratoria*), "which is a trend whereby a similar number of persons over the same period of time are detained and then released, which, in addition to creating uncertainty and distress, is intent on upholding a pattern of arbitrary detentions as a preemptive strategy against dissidents and denying the existence of 'political prisoners.'" <sup>171</sup> The actions of the Prosecutor's Office have led to the resignation of prosecutors who refused to prosecute cases intended to criminalize protesters. <sup>172</sup> A law passed in February 2021 amending the Criminal Procedure Code allows a prosecutor to request the extension of detention to 90 days without charges, and the approval of such requests is reportedly "systematic". <sup>173</sup> In 37 cases of persons arrested between 28 May and 21 October 2021, courts extended the pretrial detention for up to one year based on a specific provision in the Criminal Procedure Code concerning "complex proceedings", even though none of the cases were eligible for such an extension. <sup>174</sup> Additionally, all habeas corpus requests filed in these cases were "systematically" rejected by the courts claiming that the hearings "had confirmed the legality of the detention". <sup>175</sup>

In June 2020, the IACHR's Special Monitoring Mechanism for Nicaragua (MESENI) indicated that the Government denies the existence of a human rights crisis in the country, "which highlights the state's unwillingness to guarantee access to justice, truth, and adequate reparation". <sup>176</sup> The government classified the 2018 events as a "failed coup d'état", and indicated that it was "evident from the turn of events, the violent activities of pro-coup groups involved armed individuals who intentionally used violence with a view, from the outset, to overthrowing the Government and tearing down the constitutional order." <sup>177</sup> Since the 2018 protests began, "State authorities have not acknowledged the occurrence of any of the human rights violations that have been widely documented by regional and international institutions, and by national non-governmental organizations. [...] [T]he official narrative of the attempted 'coup d'état' often labelled those who had taken part in the protests as traitors, terrorists or coup plotters". <sup>178</sup> The government has repeatedly refused to cooperate with the UN Committee Against Torture and the Subcommittee on Prevention of Torture, and has questioned the legitimacy of the UN treaty body system. <sup>179</sup>

Both IACHR and OHCHR have noted that the scope of the 2019 Amnesty Law is inconsistent with Nicaragua's obligations to investigate, identify, and sanction those responsible for grave human rights violations, with IACHR expressing concern that it "could lead to impunity over the serious human rights violations that have been committed in the country", as the law applies to "all political crimes and ordinary crimes associated with these events [the 2018 protests] as defined in the criminal code currently in force in

- <sup>171</sup> IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 5.
- <sup>172</sup> Bertelsmann Stiftung, *BTI 2022 Country Report Nicaragua*, 23 February 2022, [www.ecoi.net/en/file/local/2069610/country\\_report\\_2022\\_NIC.pdf](http://www.ecoi.net/en/file/local/2069610/country_report_2022_NIC.pdf), p. 12. See also, IACHR, *Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho*, 25 October 2021, [www.oas.org/es/cidh/informes/pdfs/2021\\_Nicaragua-ES.pdf](http://www.oas.org/es/cidh/informes/pdfs/2021_Nicaragua-ES.pdf), para. 7.
- <sup>173</sup> "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." UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 23.
- <sup>174</sup> Ibid.
- <sup>175</sup> Ibid. See also, UN Human Rights Committee, *Observaciones finales sobre el cuarto informe periódico de Nicaragua*, 3 November 2022, CCPR/C/NIC/CO/4, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=O90nl6yyRdZ8GMFUzhgnme93dqOA7eHMrhMhxGD/mzEg6oXzqnu3ohbFe+ebiCaiJtvuqWTTQO73WsokwQM81Q==](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=O90nl6yyRdZ8GMFUzhgnme93dqOA7eHMrhMhxGD/mzEg6oXzqnu3ohbFe+ebiCaiJtvuqWTTQO73WsokwQM81Q==), para. 25.
- <sup>176</sup> MESENI, *Situation of Human Rights in Nicaragua*, June 2020, [www.oas.org/es/cidh/actividades/visitas/2018Nicaragua/Newsletter-MESENI-June2020.pdf](http://www.oas.org/es/cidh/actividades/visitas/2018Nicaragua/Newsletter-MESENI-June2020.pdf), p. 1. "To date, the highest State authorities continue to adhere to a narrative that denies human rights violations and stigmatizes victims." OAS, *Three Years After the Start of the Human Rights Crisis in Nicaragua*, IACHR Condemns Ongoing Impunity, 19 April 2021, [www.oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2021/093.asp](http://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/093.asp).
- <sup>177</sup> UN General Assembly, *National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21 Nicaragua*, 29 January 2019, <https://undocs.org/A/HRC/WG.6/33/NIC/1>, paras 10-11. See also, IACHR, *Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho*, 25 October 2021, [www.oas.org/es/cidh/informes/pdfs/2021\\_Nicaragua-ES.pdf](http://www.oas.org/es/cidh/informes/pdfs/2021_Nicaragua-ES.pdf), para. 114.
- <sup>178</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 47. See also, IACHR, *Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho*, 25 October 2021, [www.oas.org/es/cidh/informes/pdfs/2021\\_Nicaragua-ES.pdf](http://www.oas.org/es/cidh/informes/pdfs/2021_Nicaragua-ES.pdf), para. 114.
- <sup>179</sup> OHCHR, *Nicaragua: Two UN Rights Committees Deplore Refusal to Cooperate and Lack of Information*, 29 November 2022, [www.ohchr.org/en/statements/2022/11/nicaragua-two-un-rights-committees-deplore-refusal-cooperate-and-lack](http://www.ohchr.org/en/statements/2022/11/nicaragua-two-un-rights-committees-deplore-refusal-cooperate-and-lack).

Nicaragua".<sup>180</sup> In February 2021, OHCHR noted that the government "did not show a willingness to amend Laws 985, 994 and 996 [the Amnesty Law], adopted in 2019, which prevent victims of gross human rights violations from exercising their rights to remedy and reparation."<sup>181</sup> These laws "run afoul of the right to the truth, access to justice and to full reparation for the victims of the repression that began on April 18 2018".<sup>182</sup> The government has stated repeatedly that the Amnesty Law precludes investigations into the protests and their aftermath.<sup>183</sup>

## E. Humanitarian Situation

In February 2021, OHCHR indicated that, during the previous decade, Nicaragua achieved "significant results in reducing poverty and child mortality, and in fulfilling the right to adequate food, among others."<sup>184</sup> Nevertheless, Nicaragua remains one of the poorest countries in Central America.<sup>185</sup> As of 2021, 12.9 per cent of the population lived under the poverty threshold of 3.2 USD per day (at 2011 purchasing power parity).<sup>186</sup> In February 2022, the World Food Programme (WFP) indicated that 17 per cent of children under five years old suffer from chronic malnutrition, with some areas reaching up to 30 per cent.<sup>187</sup>

The World Bank also notes progress in the area of water supply and sanitation, where Nicaragua was able to achieve the Millennium Development Goals for water supply services in 2016; however, the country continues "to face large disparities in access to WSS [water supply and sanitation] between urban areas (98 percent access to water supply and 63 percent to sanitation) and rural areas (68 percent access to water supply and 37 percent to sanitation)."<sup>188</sup> Although the crisis beginning in 2018 caused economic contraction, the government was able to limit its impacts by maintaining social spending and investing in health care, education, housing and social protection, which represented 57.1 per cent of total expenditures in 2021.<sup>189</sup> In 2020, 88.9 per cent of the population had access to electricity, showing a positive trend since 2006.<sup>190</sup>

Nicaragua's health system includes both public and private sectors; as of 2017, the public sector covered 89 per cent of the population, while private and nongovernmental organizations serve the remaining 11 per

<sup>180</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 45; IACHR, *IACHR Expresses Concern Over the Passing of the Amnesty Law in Nicaragua*, 12 June 2019, [www.oas.org/en/iachr/media\\_center/preleases/2019/145.asp](http://www.oas.org/en/iachr/media_center/preleases/2019/145.asp).

<sup>181</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 45. The laws in question are: Nicaragua, *Ley para una Cultura de Diálogo, Reconciliación, Seguridad, Trabajo y Paz en Nicaragua*, [www.refworld.org/es/docid/5cf5aca14.html](http://www.refworld.org/es/docid/5cf5aca14.html); Nicaragua, *Ley No. 994 de 2019, Ley de Atención Integral a Víctimas*, [www.refworld.org/es/docid/5d277fa74.html](http://www.refworld.org/es/docid/5d277fa74.html); and Nicaragua, *Ley No. 996 de 2019, Ley de Amnistía*, [www.refworld.org/docid/626185c54.html](http://www.refworld.org/docid/626185c54.html).

<sup>182</sup> IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf).

<sup>183</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 45.

<sup>184</sup> *Ibid.*, para. 54.

<sup>185</sup> "Nicaragua remains a poor and very unequal society, one of the poorest countries in Latin America. Before the pandemic crisis, it was the third-poorest." Bertelsmann Stiftung, *BTI 2022 Country Report Nicaragua*, 23 February 2022, [www.ecoi.net/en/file/local/2069610/country\\_report\\_2022\\_NIC.pdf](http://www.ecoi.net/en/file/local/2069610/country_report_2022_NIC.pdf), p. 17. Poverty is here defined as living with an income below \$3.2 per person per day in 2011 Purchasing Power Parity (PPP). World Bank, *Nicaragua: Overview*, 7 April 2022, [www.worldbank.org/en/country/nicaragua/overview](http://www.worldbank.org/en/country/nicaragua/overview).

<sup>186</sup> World Bank, *Macro Poverty Outlook for Nicaragua: April 2022 – Datasheet*, 22 April 2022, <https://documents1.worldbank.org/curated/en/099120004282240383/pdf/IDU0ec23380d04665042560b650072fa45f7f8b5.pdf>; World Bank, *Nicaragua: Overview*, 7 April 2022, [www.worldbank.org/en/country/nicaragua/overview](http://www.worldbank.org/en/country/nicaragua/overview).

<sup>187</sup> WFP, *WFP Nicaragua: Country Brief*, 31 March 2022, <https://reliefweb.int/report/nicaragua/wfp-nicaragua-country-brief-february-2022>, p. 1.

<sup>188</sup> World Bank, *Using the Sustainability Chain to Move Toward Universal Access to Rural Water Supply and Sanitation Services in Nicaragua*, 6 May 2020, [www.worldbank.org/en/results/2020/05/06/access-to-rural-water-supply-and-sanitation-services-in-nicaragua](http://www.worldbank.org/en/results/2020/05/06/access-to-rural-water-supply-and-sanitation-services-in-nicaragua). See also, Bertelsmann Stiftung, *BTI 2022 Country Report Nicaragua*, 23 February 2022, [www.ecoi.net/en/file/local/2069610/country\\_report\\_2022\\_NIC.pdf](http://www.ecoi.net/en/file/local/2069610/country_report_2022_NIC.pdf), p. 8.

<sup>189</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 56.

<sup>190</sup> World Bank, *Access to Electricity (% of Population): Nicaragua*, n.d., accessed on 2 December 2022, <https://data.worldbank.org/indicator/EG.ELC.ACCS.ZS?locations=NI>.

cent.<sup>191</sup> The World Bank indicates that healthcare spending accounted for 8.4 per cent of GDP in 2019.<sup>192</sup> However, sources also report the shortage or non-availability of certain medicines such as antiretrovirals for HIV in public hospitals.<sup>193</sup> Rural hospitals in particular suffer from medicine shortages, poor facilities and lack of staff.<sup>194</sup>

In response to the onset of the COVID-19 pandemic, the Nicaraguan government decided not to impose social distancing measures, nor to suspend face-to-face schooling or public events.<sup>195</sup> Official figures from the Ministry of Health about the number of COVID-19 infections and deaths contradict data from the COVID-19 Citizens' Observatory of Nicaragua, a multidisciplinary team that carries out community epidemiological monitoring in the country.<sup>196</sup> Freedom House indicates that, according to independent observers, "the government intentionally underreported the number of COVID-19 cases in the country, and PAHO [Pan American Health Organization] was denied access to Nicaraguan hospitals. Many people whose deaths were attributed to 'atypical pneumonia' were nonetheless given express burials that family members were barred from attending."<sup>197</sup>

An August 2020 report by the COVID-19 Citizens' Observatory of Nicaragua and the International Network of Human Rights (*Red Internacional de Derechos Humanos* – RIDH) indicates that State policy to deal with the pandemic created additional hazards for at-risk groups, including the elderly, prisoners, health care professionals, and indigenous peoples.<sup>198</sup> Indigenous peoples are particularly affected by the COVID-19 virus as they do not have access to basic health care and there are reports that humanitarian aid is blocked by the government.<sup>199</sup> According to OHCHR, the lack of disaggregated data on infections among indigenous peoples and Afro-descendants, as well as information on the specific measures implemented to protect groups from the COVID-19 pandemic vulnerable is a "serious concern".<sup>200</sup> An August 2020 report

<sup>191</sup> Pan American Health Organization (PAHO) and WHO, *Health in the Americas*, 12 December 2017, <https://iris.paho.org/handle/10665.2/34321>, p. 187.

<sup>192</sup> World Bank, *Current Health Expenditure*, n.d., accessed on 2 December 2022, <https://data.worldbank.org/indicator/SH.XPD.CHEX.GD.ZS?locations=NI>.

<sup>193</sup> 100 Noticias, *Pacientes con VIH en Nicaragua expresan temor por falta de medicamentos*, 11 June 2020, <https://100noticias.com.ni/nacionales/101489-pacientes-vih-temor-falta-medicamentos/>; El Nuevo Diario, *Persiste escasez de medicinas importadas*, 13 September 2019, [www.elnuevodiario.com.ni/nacionales/501084-medicinas-importaciones-escasez-nicaragua/](http://www.elnuevodiario.com.ni/nacionales/501084-medicinas-importaciones-escasez-nicaragua/).

<sup>194</sup> Conectas, *Healthcare: A Sick System in Nicaragua*, 2021, [www.connectas.org/especiales/nicaragua-no-calla/salud-un-sistema-enfermo-en-nicaragua/index\\_en.html](http://www.connectas.org/especiales/nicaragua-no-calla/salud-un-sistema-enfermo-en-nicaragua/index_en.html). See also, The Borgen Project, *Healthcare in Nicaragua: Unsung Heroes*, 27 July 2020, <https://borgenproject.org/healthcare-in-nicaragua-unsung-heroes/>.

<sup>195</sup> The New Humanitarian, *Nicaragua Picks a Bad Time to Sideline Humanitarian Groups*, 2 September 2020, [www.thenewhumanitarian.org/news-feature/2020/09/02/Nicaragua-conflict-political-unrest-poverty-coronavirus](http://www.thenewhumanitarian.org/news-feature/2020/09/02/Nicaragua-conflict-political-unrest-poverty-coronavirus); The Lancet, *Love in the Time of COVID-19: Negligence in the Nicaraguan Response*, 6 April 2020, [www.thelancet.com/pdfs/journals/langlo/PIIS2214-109X\(20\)30131-5.pdf](http://www.thelancet.com/pdfs/journals/langlo/PIIS2214-109X(20)30131-5.pdf).

<sup>196</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 9. For the updated Observatorio Ciudadano figures, see Observatorio Ciudadano, *Estadísticas de Covid-19 en Nicaragua*, n.d., accessed on 2 December 2022, <https://observatorioni.org/estadisticas-covid-19-nicaragua/>. See also, FIDH, *Nicaragua: FIDH and CENIDH Alarmed at Presumed Covid-19 Deaths, 20 Times Higher than Official Figure*, 4 June 2020, [www.fidh.org/en/region/americas/nicaragua/nicaragua-fidh-and-cenidh-alarmed-at-presumed-covid-19-deaths-20](http://www.fidh.org/en/region/americas/nicaragua/nicaragua-fidh-and-cenidh-alarmed-at-presumed-covid-19-deaths-20); New York Times, *Nicaragua se resiste a la cuarentena y empiezan a hacerse entierros a medianoche*, 2 June 2020, [www.nytimes.com/es/2020/06/02/espanol/america-latina/nicaragua-coronavirus-muertes.html](http://www.nytimes.com/es/2020/06/02/espanol/america-latina/nicaragua-coronavirus-muertes.html).

<sup>197</sup> Freedom House, *Freedom in the World 2021: Nicaragua*, 3 March 2021, [www.ecoi.net/en/document/2046532.html](http://www.ecoi.net/en/document/2046532.html).

<sup>198</sup> Observatorio Ciudadano COVID-19 Nicaragua and Red Internacional de Derechos Humanos (RIDH), *The Lack of Information, Prevention and Medical Treatment in the COVID-19 Crisis in Nicaragua*, August 2020, [https://observatorioni.org/wp-content/uploads/2020/09/INT\\_CESCR\\_CSS\\_NIC\\_43063\\_E.docx](https://observatorioni.org/wp-content/uploads/2020/09/INT_CESCR_CSS_NIC_43063_E.docx), para. 4.

<sup>199</sup> Ibid. "OHCHR is concerned about the lack of disaggregated data regarding COVID-19 infections among indigenous peoples and persons of African descent, and about the lack of information regarding specific measures implemented to protect them. As of 2 December 2020, civil society sources had registered 461 suspected cases of COVID-19 and 167 deaths among these communities, most of which lack basic infrastructure and sanitary services, including safe drinking water and access to public health care. UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>.

<sup>200</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 62. See also, OHCHR, *Bulletin N. 17*, June – July 2020, [www.oacnudh.org/wp-content/uploads/2020/08/Bulletin-N-17-June-July-2020-ENG-FINAL.pdf](http://www.oacnudh.org/wp-content/uploads/2020/08/Bulletin-N-17-June-July-2020-ENG-FINAL.pdf); VOA, *Pueblos indígenas de Nicaragua vulnerables y sin información ante la pandemia*, 9 April 2020, [www.voanoticias.com/centroamerica/nicaragua-pueblos-indigenas-vulnerables-ante-coronavirus](http://www.voanoticias.com/centroamerica/nicaragua-pueblos-indigenas-vulnerables-ante-coronavirus)



stated that protective equipment sent to prisoners by their family members tended to be confiscated by authorities.<sup>201</sup>

During 2020, "[h]ealth workers were reportedly prevented from using personal protective equipment and implementing safety protocols in public hospitals, and dozens of nurses and doctors were fired for signing a letter criticizing the government's response to the pandemic".<sup>202</sup> Health workers who voiced concerns over the response to the pandemic were reportedly dismissed,<sup>203</sup> placed under surveillance and, in some cases, harassed or arrested.<sup>204</sup> In 2020, the government terminated the legal status of 11 human rights organizations, including one that promoted initiatives to support families affected by the pandemic.<sup>205</sup> Between 28 July and 26 August 2021, "authorities ordered the closure of 45 non-for-profit organizations", including six international aid organizations, women's organizations, and several medical organizations who had been critical of the government's response to the COVID-19 pandemic.<sup>206</sup>

In November 2020, hurricanes Eta and Iota struck Nicaragua in quick succession, affecting about 60 per cent of the country's territory and causing floods and landslides.<sup>207</sup> The government stated that 5,800 houses had been totally destroyed and 38,000 partially damaged, with the hurricanes causing damage to the transportation, energy and communication infrastructure and health and education sectors.<sup>208</sup> Areas most affected were in the northeast of the country,<sup>209</sup> and many "peasant, indigenous, and Afro-descendant communities, particularly in the North and South Caribbean Coast Autonomous Regions, lost their homes, crops and livelihoods."<sup>210</sup> The government and the National Police impeded the collection and distribution

<sup>201</sup> Observatorio Ciudadano COVID-19 Nicaragua and RIDH, *The Lack of Information, Prevention and Medical Treatment in the COVID-19 Crisis in Nicaragua*, August 2020, [https://observatorioni.org/wp-content/uploads/2020/09/INT\\_CESCR\\_CSS\\_NIC\\_43063\\_E.docx](https://observatorioni.org/wp-content/uploads/2020/09/INT_CESCR_CSS_NIC_43063_E.docx), para. 27.

<sup>202</sup> Freedom House, *Freedom in the World 2021: Nicaragua*, 3 March 2021, [www.ecoi.net/en/document/2046532.html](http://www.ecoi.net/en/document/2046532.html).

<sup>203</sup> IACHR, *A tres años del inicio de la crisis de derechos humanos en Nicaragua, la CIDH condena la persistencia de la impunidad*, 19 April 2021, <http://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/093.asp>; Freedom House, *Freedom in the World 2021: Nicaragua*, 3 March 2021, [www.ecoi.net/en/document/2046532.html](http://www.ecoi.net/en/document/2046532.html); HRW, *Nicaragua: Doctors Fired for Covid-19 Comments*, 23 June 2020, [www.ecoi.net/en/document/2032062.html](http://www.ecoi.net/en/document/2032062.html); Amnesty International, *Open Letter to Daniel Ortega, President of Nicaragua, Sent by International Organizations*, 17 June 2020, [www.amnesty.org/en/documents/amr43/2535/2020/en/](http://www.amnesty.org/en/documents/amr43/2535/2020/en/).

<sup>204</sup> The New Humanitarian, *Nicaragua Picks a Bad Time to Sideline Humanitarian Groups*, 2 September 2020, [www.thenewhumanitarian.org/news-feature/2020/09/02/Nicaragua-conflict-political-unrest-poverty-coronavirus](http://www.thenewhumanitarian.org/news-feature/2020/09/02/Nicaragua-conflict-political-unrest-poverty-coronavirus); HRW, *Nicaragua: Doctors Fired for Covid-19 Comments*, 23 June 2020, [www.ecoi.net/en/document/2032062.html](http://www.ecoi.net/en/document/2032062.html); Amnesty International, *Open Letter to Daniel Ortega, President of Nicaragua, Sent by International Organizations*, 17 June 2020, [www.amnesty.org/en/documents/amr43/2535/2020/en/](http://www.amnesty.org/en/documents/amr43/2535/2020/en/); Expediente Público, *Anonimato por seguridad: el riesgo de buscar la verdad en Nicaragua*, 30 September 2020, <https://expedientepublico.org/anonimato-por-seguridad-el-riesgo-de-buscar-la-verdad-en-nicaragua/>; Confidencial, *Unidad Médica denuncia vigilancia extrema por datos de la covid-19 en Nicaragua*, 10 September 2020, <https://confidencial.com.ni/unidad-medica-denuncia-vigilancia-extrema-por-datos-de-la-covid-19-en-nicaragua/>.

<sup>205</sup> IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 31.

<sup>206</sup> OHCHR, *Oral Update on the Human Rights Situation in Nicaragua*, 13 September 2021, [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27446&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27446&LangID=E).

<sup>207</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 64.

<sup>208</sup> Ibid. See also, UN, *'El dolor se comparte': Nicaragua, Guatemala y Honduras despiertan con el impacto de los huracanes Eta e Iota*, 27 November 2020, <https://news.un.org/es/story/2020/11/1484802>; La Prensa, *¿Cuántas y qué donaciones ha recibido Nicaragua por la emergencia del huracán Eta?*, 13 November 2020, [www.laprensa.com.ni/2020/11/13/nacionales/2746575-que-donaciones-ha-recibido-nicaragua-por-la-emergencia-del-huracan-eta](http://www.laprensa.com.ni/2020/11/13/nacionales/2746575-que-donaciones-ha-recibido-nicaragua-por-la-emergencia-del-huracan-eta).

<sup>209</sup> DW, *Parroquias de Nicaragua acopian ayuda "en secreto" para afectados por huracanes*, 23 November 2020, [www.dw.com/es/parroquias-de-nicaragua-acopian-ayuda-en-secreto-para-afectados-por-huracanes/a-55696312](http://www.dw.com/es/parroquias-de-nicaragua-acopian-ayuda-en-secreto-para-afectados-por-huracanes/a-55696312); DW, *Nicaragua: Hurricanes Give No Respite to Heal Wounds*, 18 November 2020, [www.dw.com/es/nicaragua-hurricanes-no-dan-tregua-para-sanar-heridas/a-55643116](http://www.dw.com/es/nicaragua-hurricanes-no-dan-tregua-para-sanar-heridas/a-55643116).

<sup>210</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para 64.

of aid.<sup>211</sup> The government allegedly prioritized pro-government areas in damage assessments and the distribution of aid<sup>212</sup> and obstructed independent journalists' coverage of the environmental crisis.<sup>213</sup>

## F. Conflict-Induced Displacement

Due to the continuously deteriorating political and security situation coupled with ongoing state repression, thousands of people have been forced to flee their homes, hide in safe houses or leave the country altogether.<sup>214</sup> As of June 2022, more than 260,000 Nicaraguans have been forced to flee their country, including 191,875 to Costa Rica, 30,937 to Mexico, 21,556 to the US, 8,124 to Guatemala, 6,774 to Spain, and 5,170 to Panama.<sup>215</sup> FSLN sympathizers and parapolice have reportedly crossed the border into Costa Rica to harass Nicaraguan exiles to compel them to return to the country and face arrest.<sup>216</sup>

## III. Assessment of International Protection Needs of Persons from Nicaragua

### A. Refugee Status under the 1951 Convention

This Section outlines a number of risk profiles for asylum-seekers from Nicaragua, based on UNHCR's legal assessment of available country of origin information at the time of writing, as referred to in [Chapter II](#) above. UNHCR considers that asylum-seekers from Nicaragua falling within one or more of these risk profiles may be in need of international refugee protection under Article 1A of the 1951 Convention relating to the Status of Refugees (1951 Convention),<sup>217</sup> depending on the circumstances of the individual case. There is a certain degree of overlap between some of the profiles, and the particular circumstances of an individual asylum-seeker may mean that two or more profiles may be applicable to the applicant.

Not all persons falling within the risk profiles outlined in this Section will necessarily be found to be a refugee under the 1951 Convention. Conversely, the profiles listed here are not exhaustive. Hence, a claim should not automatically be considered as without merit simply because it does not fall within any of the profiles identified here.

<sup>211</sup> La Prensa, *Defensores de derechos humanos condenan criminalización de solidaridad ciudadana hecha por el régimen*, 5 November 2020, [www.laprensa.com.ni/2020/11/05/nacionales/2743346-defensores-de-derechos-humanos-condenan-criminalizacion-de-solidaridad-ciudadana-hecha-por-el-regimen](http://www.laprensa.com.ni/2020/11/05/nacionales/2743346-defensores-de-derechos-humanos-condenan-criminalizacion-de-solidaridad-ciudadana-hecha-por-el-regimen); El Periódico, *Acusan al Gobierno de Nicaragua de impedir la ayuda a los damnificados por Eta*, 5 November 2020, [www.elperiodico.com/es/internacional/20201105/gobierno-nicaragua-impedir-ayuda-damnificados-eta-8190211](http://www.elperiodico.com/es/internacional/20201105/gobierno-nicaragua-impedir-ayuda-damnificados-eta-8190211).

<sup>212</sup> Freedom House, *Freedom in the World 2022: Nicaragua*, February 2022, [www.ecoi.net/en/document/2068771.html](http://www.ecoi.net/en/document/2068771.html); La Mesa Redonda, *Ortega recibió US\$ 500 millones por huracanes Eta e Iota, pero esa ayuda "no se tradujo en reparación de casas, caminos y puentes", afirma observatorio*, 12 June 2021, [www.lamesaredonda.net/ortega-recibio-u-500-millones-por-huracanes-eta-e-iota-pero-esa-ayuda-no-se-tradujo-en-reparacion-de-casas-caminos-y-puentes-afirma-observatorio/](http://www.lamesaredonda.net/ortega-recibio-u-500-millones-por-huracanes-eta-e-iota-pero-esa-ayuda-no-se-tradujo-en-reparacion-de-casas-caminos-y-puentes-afirma-observatorio/).

<sup>213</sup> Freedom House, *Freedom in the World 2022: Nicaragua*, February 2022, [www.ecoi.net/en/document/2068771.html](http://www.ecoi.net/en/document/2068771.html).

<sup>214</sup> UNHCR, *Number of Displaced Nicaraguans in Costa Rica Doubles in Less than a Year*, 25 March 2022, [www.unhcr.org/news/briefing/2022/3/623d894c4/number-displaced-nicaraguans-costa-rica-doubles-year.html](http://www.unhcr.org/news/briefing/2022/3/623d894c4/number-displaced-nicaraguans-costa-rica-doubles-year.html); Acción Penal et al., *Dictadura y represión en Nicaragua: Lucha contra la impunidad*, 18 November 2021, [https://colectivodhnicaragua.org/wp-content/uploads/2021/11/FINAL-RESUMEN-EJECUTIVO\\_VF\\_18-11-2021.pdf](https://colectivodhnicaragua.org/wp-content/uploads/2021/11/FINAL-RESUMEN-EJECUTIVO_VF_18-11-2021.pdf), p. 12; Expediente Público, *Los desplazados internos de Nicaragua: Invisibles ante la persecución*, 2 June 2020, [www.expedientepublico.org/los-desplazados-internos-las-victimas-invisibles-de-la-represion-en-nicaragua/](http://www.expedientepublico.org/los-desplazados-internos-las-victimas-invisibles-de-la-represion-en-nicaragua/).

<sup>215</sup> UNHCR, *Refugee Data Finder*, accessed 2 December 2022, [www.unhcr.org/refugee-statistics/](http://www.unhcr.org/refugee-statistics/). See also, UNHCR, *Number of Displaced Nicaraguans in Costa Rica Doubles in Less than a Year*, 25 March 2022, [www.unhcr.org/news/briefing/2022/3/623d894c4/number-displaced-nicaraguans-costa-rica-doubles-year.html](http://www.unhcr.org/news/briefing/2022/3/623d894c4/number-displaced-nicaraguans-costa-rica-doubles-year.html).

<sup>216</sup> Additionally, the Cybercrimes Law allows the government to seek extradition of persons who have allegedly violated the law. US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html).

<sup>217</sup> UN General Assembly, *Convention Relating to the Status of Refugees ("1951 Convention")*, 28 July 1951, UN Treaty Series, Vol. 189, p. 137, [www.refworld.org/docid/3be01b964.html](http://www.refworld.org/docid/3be01b964.html).



While past persecution is not a requirement for recognizing an applicant as a refugee, where relevant particular consideration should be given to any past persecution to which applicants for refugee status may have been subjected.<sup>218</sup>

In light of the context of widespread human rights violations observed in Nicaragua, the applicability of the exclusion clauses may need to be considered in certain cases.<sup>219</sup>

Where applications for international protection by asylum-seekers who have fled Nicaragua are considered on an individual basis, they should be assessed carefully in fair and efficient refugee status determination procedures. The evidence presented by the applicant must be taken into account, as well as reliable and up-to-date information about the situation in Nicaragua.

### 1) *Individuals Opposing and those Perceived as Opposing the National Government*

Within the current context of political polarization and repression, a wide range of activities can lead to **the imputation of a political opinion of opposition to the national government**. The actual or imputed political opinions may pertain to events that occurred in 2018 as well as more recent events. Groups of people subject to an intensifying campaign of politically motivated harassment and violence by the authorities, paramilitary and government supporters, as described above under [Chapter II](#), are reported to include:

- a. Leaders, members and associates of political opposition parties;<sup>220</sup>
- b. People associated with the public protests against the national government beginning in 2018, including but not limited to *autoconvocados*, *exreos* and students;<sup>221</sup>
- c. Human rights activists, including lawyers working on human rights issues;<sup>222</sup>

<sup>218</sup> See relevant considerations on the significance of past persecution in UNHCR, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, December 2011, April 2019, HCR/1P/4/ENG/REV.4, [www.refworld.org/docid/5cb474b27.html](http://www.refworld.org/docid/5cb474b27.html), p. 20, para. 45; and UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, [www.refworld.org/docid/3f2791a44.html](http://www.refworld.org/docid/3f2791a44.html), para. 26.

<sup>219</sup> UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, [www.unhcr.org/refworld/docid/3f5857684.html](http://www.unhcr.org/refworld/docid/3f5857684.html).

<sup>220</sup> IACHR, *Annual Report 2021: Chapter IV.B Nicaragua*, 2 June 2022, [www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf](http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf), paras 7, 10, 47, 56, 65; HRW, *World Report 2022: Nicaragua*, 13 January 2022, [www.ecoi.net/en/document/2066501.html](http://www.ecoi.net/en/document/2066501.html); IACHR, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, 2021, [www.oas.org/en/iachr/reports/pdfs/2021\\_nicaragua-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf), paras 13, 18, 45, 79; IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 20; UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, Sections III, V, VIII.

<sup>221</sup> IACHR, *Annual Report 2021: Chapter IV.B Nicaragua*, 2 June 2022, [www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf](http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf), paras 13, 115; US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); Norway, Landinfo, *Nicaragua: Arrestasjoner på bakgrunn av demonstrasjonene i 2018*, 10 July 2020, [www.ecoi.net/en/document/2036026.html](http://www.ecoi.net/en/document/2036026.html); IACHR, *A tres años del inicio de la crisis de derechos humanos en Nicaragua, la CIDH condena la persistencia de la impunidad*, 19 April 2021, [www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/093.asp](http://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/093.asp); UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, Section III.

<sup>222</sup> IACHR, *Annual Report 2021: Chapter IV.B Nicaragua*, 2 June 2022, [www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf](http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf), paras 7, 56; US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), Section VII; HRW, *World Report 2022: Nicaragua*, 13 January 2022, [www.ecoi.net/en/document/2066501.html](http://www.ecoi.net/en/document/2066501.html); IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 20; IACHR, *Annual Report of the Office of the Special Rapporteur for Freedom of Expression*, 24 February 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019RELE-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019RELE-en.pdf).

- d. Journalists and other media professionals, especially those reporting on issues perceived to be sensitive by the national government;<sup>223</sup>
- e. Public officials and ex-public officials, who are perceived as holding political viewpoints in opposition to, or not supportive of, the national government;<sup>224</sup>
- f. Current or previous members of the Nicaragua National Police and army who refused to be involved in the repression or join paramilitary groups;<sup>225</sup>
- g. Other persons perceived or suspected of opposing the national government, including people who aided and supported the demonstrators, such as health personnel and firemen rendering assistance to people injured by security forces, and people providing shelter, food and transportation to the demonstrators, including leaders of the Catholic Church;<sup>226</sup>
- h. Persons who have criticized the government response on issues that are perceived as sensitive by the government, such as health personnel criticizing government inaction against the COVID-19 pandemic;<sup>227</sup>
- i. People who left Nicaragua after the April 2018 demonstrations and later returned to the country;<sup>228</sup>

<sup>223</sup> Freedom House, *Freedom on the Net 2021: Nicaragua*, 18 October 2022, [www.ecoi.net/en/document/2081817.html](http://www.ecoi.net/en/document/2081817.html); IACHR, *Annual Report 2021: Chapter IV.B Nicaragua*, 2 June 2022, [www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf](http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf), paras 65-83; UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), Section VI; Peace Brigades International, *The Journalism Crisis in Nicaragua*, 2021, [www.peacebrigades.org/en/news/the-journalism-crisis-in-nicaragua](http://www.peacebrigades.org/en/news/the-journalism-crisis-in-nicaragua); IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 10; IACHR, *Annual Report of the Office of the Special Rapporteur for Freedom of Expression*, 24 February 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019RELE-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019RELE-en.pdf).

<sup>224</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); IACHR, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, 2021, [www.oas.org/en/iachr/reports/pdfs/2021\\_nicaragua-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf), para 103; OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua 18 April – 18 August 2018*, August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf). See also, IACHR, *Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho*, 25 October 2021, [www.oas.org/es/cidh/informes/pdfs/2021\\_Nicaragua-ES.pdf](http://www.oas.org/es/cidh/informes/pdfs/2021_Nicaragua-ES.pdf), para. 7.

<sup>225</sup> OFPRA, *L'organisation de la police nationale sous la présidence de Daniel Ortega*, 18 December 2018, [www.ofpra.gouv.fr/sites/default/files/atoms/files/1812\\_nic\\_organisation\\_police\\_sous\\_ortega.pdf](http://www.ofpra.gouv.fr/sites/default/files/atoms/files/1812_nic_organisation_police_sous_ortega.pdf); El Nuevo Diario, *Acusan de terrorismo a policía que renuncio*, 6 November 2018, [www.elnuevodiario.com.ni/nacionales/478760-acusado-terrorismo-policiarianicaragua/](http://www.elnuevodiario.com.ni/nacionales/478760-acusado-terrorismo-policiarianicaragua/); Al Jazeera, *Dissident Police in Nicaragua: 'Prisoners or Dead Men'*, 4 September 2018, [www.aljazeera.com/features/2018/9/4/dissident-police-in-nicaragua-prisoners-or-dead-men](http://www.aljazeera.com/features/2018/9/4/dissident-police-in-nicaragua-prisoners-or-dead-men); La Prensa, *Jovenes procesados por negarse a reprimir al pueblo*, 3 September 2018, [www.laprensa.com.ni/2018/09/03/nacionales/2466423-jovenes-procesados-pornegarse-reprimir-al-pueblo](http://www.laprensa.com.ni/2018/09/03/nacionales/2466423-jovenes-procesados-pornegarse-reprimir-al-pueblo); OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua 18 April – 18 August 2018*, August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf); La Prensa, *Agentes de la Policía Nacional desertan y entregan uniforme en CPDH*, 21 July 2018, [www.laprensa.com.ni/2018/07/21/nacionales/2451128-agentes-dela-policia-nacional-desertan-y-entregan-uniforme-en-cpdh](http://www.laprensa.com.ni/2018/07/21/nacionales/2451128-agentes-dela-policia-nacional-desertan-y-entregan-uniforme-en-cpdh).

<sup>226</sup> CENIDH, *623 días de represión y resistencia: la situación de los derechos humanos en Nicaragua (18 de abril 2018- 31 de diciembre 2019)*, July 2020, [www.cenidh.org/media/documents/docfile/Informe\\_2018-2019\\_v.final.pdf](http://www.cenidh.org/media/documents/docfile/Informe_2018-2019_v.final.pdf); HRW, *Nicaragua: Cruel Response to Hunger Strikes*, 22 November 2019, [www.ecoi.net/en/document/2020535.html](http://www.ecoi.net/en/document/2020535.html); OHCHR, *Press Briefing on Nicaragua*, 19 November 2019, [www.ecoi.net/en/document/2020224.html](http://www.ecoi.net/en/document/2020224.html). On Catholic Church leaders, also see Section III.A.8.

<sup>227</sup> IACHR, *Annual Report 2021: Chapter IV.B Nicaragua*, 2 June 2022, [www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf](http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf), paras 15, 74, 123; UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 61; HRW, *Nicaragua: Doctors Fired for Covid-19 Comments*, 23 June 2020, [www.ecoi.net/en/document/2032062.html](http://www.ecoi.net/en/document/2032062.html); FIDH, *Nicaragua: FIDH and CENIDH Alarmed at Presumed Covid-19 Deaths, 20 Times Higher than Official Figure*, 4 June 2020, [www.fidh.org/en/region/americas/nicaragua/nicaragua-fidh-and-cenidh-alarmed-at-presumed-covid-19-deaths-20](http://www.fidh.org/en/region/americas/nicaragua/nicaragua-fidh-and-cenidh-alarmed-at-presumed-covid-19-deaths-20); OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua 18 April – 18 August 2018*, August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf).

<sup>228</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021,

- j. Ex-contras, especially in the rural areas;<sup>229</sup>
- k. Leaders and members of the *campesino* movement;<sup>230</sup>
- l. Witnesses of violence committed by security forces and paramilitary groups;<sup>231</sup>
- m. Family members, including children, and relatives of all profiles.<sup>232</sup>

A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, Section II; La Prensa, *Opositores que han caído en la trampa de retorno seguro ofrecido por la dictadura*, 11 October 2020, [www.laprensa.com.ni/2020/10/11/politica/2717227-opositores-que-han-caido-en-la-trampa-del-plan-de-retorno-seguro-ofrecido-por-la-dictadura](http://www.laprensa.com.ni/2020/10/11/politica/2717227-opositores-que-han-caido-en-la-trampa-del-plan-de-retorno-seguro-ofrecido-por-la-dictadura); Noticias por el mundo, *Mandan a juicio a los dos capturados por el Ejército en la frontera con Costa Rica – Noticias Nicaragua*, 9 October 2020, <https://noticiasporelmundo.com/centro-america/mandan-a-juicio-a-los-dos-capturados-por-el-ejercito-en-la-frontera-con-costa-rica-noticias-nicaragua/>; La Prensa, *Mandan a juicio a los dos capturados por el Ejército en la frontera con Costa Rica*, 10 September 2020, [www.laprensa.com.ni/2020/09/10/politica/2719582-mandan-a-juicio-a-los-dos-capturados-por-el-ejercito-en-la-frontera-con-costa-rica](http://www.laprensa.com.ni/2020/09/10/politica/2719582-mandan-a-juicio-a-los-dos-capturados-por-el-ejercito-en-la-frontera-con-costa-rica); Radio Corporación, *Los últimos perseguidos políticos que el Ejército capturó en la frontera*, 21 August 2020, <https://radio-corporacion.com/blog/archivos/61340/los-ultimos-perseguidos-politicos-que-el-ejercito-capturo-en-la-frontera/>; 100 Noticias, *Compañera de vida de Hader González rechaza versión del Ejército, "él no es delincuente"*, 21 August 2020, <https://100noticias.com.ni/nacionales/102527-companera-vida-capturado-politico-rechaza-acusacio/>; La Vanguardia, *Organismos piden información sobre opositores detenidos en Nicaragua*, 20 August 2020, [www.lavanguardia.com/internacional/20200820/482913165724/organismos-piden-informacion-sobre-opositores-detenidos-en-nicaragua.html](http://www.lavanguardia.com/internacional/20200820/482913165724/organismos-piden-informacion-sobre-opositores-detenidos-en-nicaragua.html); IP Nicaragua, *Exigen liberación de abogado opositor de Masaya capturado por el Ejército*, 19 August 2020, <https://ipnicaragua.com/exigen-liberacion-de-abogado-opositor-de-masaya-capturado-por-el-ejercito/>; Nicaragua Actual TV, *ANPDH Denuncia torturas y abuso sexual a presos políticos*, 18 August 2020, <https://nicaraguaactual.tv/anpdh-denuncia-torturas-y-abuso-sexual-a-presos-politicos/>; CGRS-Cedoca, *Nicaragua: Le traitement réservé par les autorités nationales à leurs ressortissants de retour dans le pays*, 3 April 2020, [www.ecoi.net/en/file/local/2028115/coi\\_focus\\_nicaragua\\_le\\_traitement\\_reserve\\_par\\_20200403.pdf](http://www.ecoi.net/en/file/local/2028115/coi_focus_nicaragua_le_traitement_reserve_par_20200403.pdf); CNN, *Félix Maradiaga denuncia haber sido acosado por motorizados en Managua, Nicaragua*, 18 September 2019, <https://cnnespanol.cnn.com/2019/09/18/alerta-nicaragua-felix-maradiaga-denuncia-haber-sido-acosado-por-motorizados-en-managua/>; La Prensa, *Autoconvocado creyó en el plan de retorno seguro de la dictadura y ahora esta secuestrado por la policía orteguista*, 6 April 2019, [www.laprensa.com.ni/2019/06/04/nacionales/2556186-autoconvocado-creyo-en-el-plan-de-retorno-seguro-de-la-dictadura-y-ahora-esta-secuestrado-por-la-policia-orteguista](http://www.laprensa.com.ni/2019/06/04/nacionales/2556186-autoconvocado-creyo-en-el-plan-de-retorno-seguro-de-la-dictadura-y-ahora-esta-secuestrado-por-la-policia-orteguista).

<sup>229</sup> Ex-members of the Contra, the counter-revolution armed groups that took arms against the FSLN government, are regularly detained, usually in connection with alleged contact with rearmed groups or anti-government protests as well as other crimes (e.g. homicides) US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); Expediente Publico, *Policía secuestra a otro miembro de la familia Montenegro de Wiwili*, 30 November 2020, <https://expedientepublico.org/policia-secuestra-a-otro-miembro-de-la-familia-montenegro-de-wiwili/>. In rural areas, there is a pattern of executions by both the army and paramilitary targeting ex-members, known as the *contras*, as well as their families. IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 12; La Prensa, *Familia Montenegro sigue siendo hostigada por la justicia orteguista despues que asasinaron a cuatro de sus miembros*, 7 May 2020, [www.laprensa.com.ni/2020/05/07/politica/2671186-familia-montenegro-sigue-siendo-hostigada-por-la-justicia-orteguista-despues-que-asesinaron-a-cuatro-de-sus-miembros](http://www.laprensa.com.ni/2020/05/07/politica/2671186-familia-montenegro-sigue-siendo-hostigada-por-la-justicia-orteguista-despues-que-asesinaron-a-cuatro-de-sus-miembros); Confidencial, *Asesinan a otro miembro de la familia Montenegro*, 29 August 2019, <https://confidencial.com.ni/asesinan-a-otro-miembro-de-la-familia-montenegro/>; Confidencial, *Hay un patrón de ejecuciones en zonas rurales*, 24 July 2019, <https://confidencial.com.ni/hay-un-patron-de-ejecuciones-en-zonas-rurales/>.

<sup>230</sup> See Section III.A.4.

<sup>231</sup> Witnesses to human rights violations who were called to testify in court are at risk of being charged with crimes as well. GIEI, *Nicaragua, Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo 2018*, December 2018, [www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI\\_INFORME.pdf](http://www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI_INFORME.pdf). According to several witness testimonies, there is a pattern of killings, attacks, acts of intimidation, threats (including death threats), and smear campaigns against witnesses, putting them at serious risk. HRW, *Nicaragua: Targeted Sanctions, Justice Key to Curb Abuses*, 19 June 2019, [www.hrw.org/news/2019/06/19/nicaragua-targeted-sanctions-justice-key-curb-abuses](http://www.hrw.org/news/2019/06/19/nicaragua-targeted-sanctions-justice-key-curb-abuses); El Nuevo Diario, *Hija de Eddy Montes "Lo mataron porque era un testigo clave"*, 20 May 2019, [www.elnuevodiario.com.ni/nacionales/492668-eddy-montes-asesinado-nicaragua/](http://www.elnuevodiario.com.ni/nacionales/492668-eddy-montes-asesinado-nicaragua/); IACHR, *Annual Report 2018: Chapter IV.B Nicaragua*, 2019, [www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4B.NI-en.pdf); IACHR, *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, 21 June 2018, [www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf). See also, UNHCR, *Guidance Note on the Outflow of Nicaraguans*, 24 August 2018, [www.refworld.org/docid/5b7fefb44.html](http://www.refworld.org/docid/5b7fefb44.html).

<sup>232</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); OMCT et al., *Nicaragua: Nicaraguan Authorities' Repression of Activists, Human Rights Defenders, and Journalists Intensifies*, 21 September 2020, [www.omct.org/human-rights-defenders/urgent-interventions/nicaragua/2020/09/d26080/](http://www.omct.org/human-rights-defenders/urgent-interventions/nicaragua/2020/09/d26080/); RSF, *Gruesome Death Threats Against Nicaraguan Exile Journalist*, 29 July 2020, [www.ecoi.net/en/document/2035144.html](http://www.ecoi.net/en/document/2035144.html); IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), paras 12, 20; HRW, *Nicaragua: Targeted Sanctions, Justice Key to Curb Abuses*, 19 June 2019, [www.hrw.org/news/2019/06/19/nicaragua-targeted-sanctions-justice-key-curb-abuses](http://www.hrw.org/news/2019/06/19/nicaragua-targeted-sanctions-justice-key-curb-abuses).



## 2) *Members of Indigenous and Afro-descendant Communities, in Particular those Involved in Land Disputes*

Minority groups, especially the Indigenous inhabitants of the eastern and Caribbean regions, are underrepresented across the country's political parties and in the National Assembly, and "the government and FSLN largely ignore their grievances".<sup>233</sup>

In 2003, Nicaragua adopted Law 445, which recognized indigenous communities' right to self-government and established a process to grant them titles over communal land.<sup>234</sup> Despite recent progress in land titling, and provisional measures adopted by the Inter-American Court of Human Rights, members of indigenous and Afro-descendant communities (e.g. the Miskitu) have reportedly been subjected to attacks, forced evictions, killings, rape, kidnappings, enforced disappearances, death threats and intimidation at the hands of settlers, particularly in the North Caribbean Coast Autonomous Region (RACCN) and the South Caribbean Coast Autonomous Region (RACCS) that encompass territories traditionally occupied by several indigenous groups.<sup>235</sup>

Land belonging to indigenous and Afro-descendant communities has been grabbed for development purposes by transnational corporations and *colonos* (settlers), who reportedly act with "the acquiescence and tolerance of the state".<sup>236</sup> Corporations and settlers carry out mining, lumber production and farming, especially cattle ranching, on indigenous lands, which contributes to deforestation.<sup>237</sup> State authorities have imposed "parallel governments" on indigenous communities, which make decisions on land and resource exploitation with little or no consultation with affected communities.<sup>238</sup>

<sup>233</sup> Freedom House, *Freedom in the World 2022: Nicaragua*, 2022, [www.ecoi.net/en/document/2068771.html](http://www.ecoi.net/en/document/2068771.html).

<sup>234</sup> Nicaragua, Ley No. 445, Ley del Régimen de Propiedad Comunal de los Pueblos Indígenas y Comunidades Étnicas de las Regiones Autónomas de la Costa Atlántica de Nicaragua y de los Ríos Bocay, Coco, Indio y Maiz, 23 January 2003, <http://extwprlegs1.fao.org/docs/pdf/nic67197.pdf>.

<sup>235</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), paras 31-35; Center for Legal Assistance to Indigenous Peoples (CALPI), *Gross Human Rights Violations against the Miskitu and Mayangna Indigenous Peoples in the Autonomous Region of the Northern Caribbean Coast (RACCN) of Nicaragua*, 3 July 2021, [www.calpi-nicaragua.com/wp-content/uploads/2021/07/Gross-Human-Rights-Violations-270621.pdf](http://www.calpi-nicaragua.com/wp-content/uploads/2021/07/Gross-Human-Rights-Violations-270621.pdf); IACHR, *CIDH urge al Estado de Nicaragua cesar las violaciones a los derechos de personas y comunidades indígenas*, 23 March 2020, [www.oas.org/es/cidh/prensa/comunicados/2020/061.asp](http://www.oas.org/es/cidh/prensa/comunicados/2020/061.asp); Oakland Institute, *Nicaragua's Failed Revolution the Indigenous Struggle for Saneamiento*, 2020, [www.oaklandinstitute.org/sites/oaklandinstitute.org/files/nicaraguas-failed-revolution.pdf](http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/nicaraguas-failed-revolution.pdf); CEJIL, *Miskitu Resistance: a Fight for Territory and Life*, March 2019, [www.cejil.org/sites/default/files/2019\\_07\\_08\\_cejil-english-compressed\\_compressed\\_0.pdf](http://www.cejil.org/sites/default/files/2019_07_08_cejil-english-compressed_compressed_0.pdf).

<sup>236</sup> IACHR, *Annual Report 2021: Chapter IV.B Nicaragua*, 2 June 2022, [www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf](http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf), para. 135, see also paras 136-146. See also, UN General Assembly, *Human Rights Situation in Nicaragua: Report of the United Nations High Commissioner for Human Rights*, 2 September 2022, A/HRC/51/42, [www.ecoi.net/en/document/2078449.html](http://www.ecoi.net/en/document/2078449.html), para. 11; US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); CALPI, *Gross Human Rights Violations against the Miskitu and Mayangna Indigenous Peoples in the Autonomous Region of the Northern Caribbean Coast (RACCN) of Nicaragua*, 3 July 2021, [www.calpi-nicaragua.com/wp-content/uploads/2021/07/Gross-Human-Rights-Violations-270621.pdf](http://www.calpi-nicaragua.com/wp-content/uploads/2021/07/Gross-Human-Rights-Violations-270621.pdf), pp. 25-26; IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 9; La Prensa, *Ganaderos aclaran que no crían reses en comunidades indígenas*, 23 October 2020, [www.laprensa.com.ni/2020/10/23/economia/2737287-serios-senalamientos-contra-ganaderos-de-nicaragua-en-came-que-se-envia-a-ee-uu-el-sector-lo-niega](http://www.laprensa.com.ni/2020/10/23/economia/2737287-serios-senalamientos-contra-ganaderos-de-nicaragua-en-came-que-se-envia-a-ee-uu-el-sector-lo-niega); Oakland Institute, *Nicaragua's Failed Revolution the Indigenous Struggle for Saneamiento*, 2020, [www.oaklandinstitute.org/sites/oaklandinstitute.org/files/nicaraguas-failed-revolution.pdf](http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/nicaraguas-failed-revolution.pdf).

<sup>237</sup> CALPI, *Gross Human Rights Violations against the Miskitu and Mayangna Indigenous Peoples in the Autonomous Region of the Northern Caribbean Coast (RACCN) of Nicaragua*, 3 July 2021, [www.calpi-nicaragua.com/wp-content/uploads/2021/07/Gross-Human-Rights-Violations-270621.pdf](http://www.calpi-nicaragua.com/wp-content/uploads/2021/07/Gross-Human-Rights-Violations-270621.pdf), p. 9; Oakland Institute, *Nicaragua's Failed Revolution the Indigenous Struggle for Saneamiento*, 2020, [www.oaklandinstitute.org/sites/oaklandinstitute.org/files/nicaraguas-failed-revolution.pdf](http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/nicaraguas-failed-revolution.pdf); IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 9.

<sup>238</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 53. See also, UN General Assembly, *Human Rights Situation in Nicaragua: Report of the United Nations High Commissioner for Human Rights*, 2 September 2022, A/HRC/51/42, [www.ecoi.net/en/document/2078449.html](http://www.ecoi.net/en/document/2078449.html), para. 11; IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 9.



Land grabbing is also carried out through threats or the use of violence, including kidnappings, murders, sexual assaults, threats, arson of residences, robberies, ambushes, and attacks on residents.<sup>239</sup> Perpetrators are mostly *mestizo* settlers, armed groups, and individuals associated with the FSLN, such as *motorizados* (see [Section II.B.1](#)).<sup>240</sup> According to Freedom House, "[a]ttacks against Indigenous populations and land incursions in recent years have been perpetrated with impunity".<sup>241</sup>

A government statement provided to OHCHR documented 20 homicides, two disappearances, and two persons injured in connection with property disputes in RACCN between October 2019 and January 2020.<sup>242</sup> In 2020, 10 indigenous men were killed and six men and one girl were injured during incidents involving land disputes.<sup>243</sup> According to the government, authorities "conducted investigations and identified the alleged perpetrators of some of those incidents" and an ad hoc commission "is also following these cases".<sup>244</sup> It also indicates that the Supreme Court of Justice "created an inter-institutional commission to prosecute all cases involving violation of the rights of indigenous peoples to land and territories".<sup>245</sup> However, as of February 2021, no information about the progress of the investigations had been provided.<sup>246</sup> In 2021, at least 11 indigenous men were killed, 1 woman and girl were raped, and 7 persons were injured, two of whom were children.<sup>247</sup>

<sup>239</sup> CALPI, Gross Human Rights Violations against the Miskitu and Mayangna Indigenous Peoples in the Autonomous Region of the Northern Caribbean Coast (RACCN) of Nicaragua, 3 July 2021, [www.calpi-nicaragua.com/wp-content/uploads/2021/07/Gross-Human-Rights-Violations-270621.pdf](http://www.calpi-nicaragua.com/wp-content/uploads/2021/07/Gross-Human-Rights-Violations-270621.pdf); Confidencial, La deforestación ha incrementado en Nicaragua, ¿quién es el responsable?, 16 October 2020, <https://confidencial.com.ni/la-deforestacion-ha-incrementado-en-nicaragua-quien-es-el-responsable/>; La Prensa, La tragedia de las comunidades indígenas de la costa caribe, 4 October 2020, [www.laprensa.com.ni/2020/10/04/nacionales/2728947-la-tragedia-de-las-comunidades-indigenas-de-la-costa-caribe](http://www.laprensa.com.ni/2020/10/04/nacionales/2728947-la-tragedia-de-las-comunidades-indigenas-de-la-costa-caribe); OHCHR, Press briefing note on Nicaragua, 7 February 2020, [www.ohchr.org/en/press-briefing-notes/2020/02/press-briefing-note-nicaragua](http://www.ohchr.org/en/press-briefing-notes/2020/02/press-briefing-note-nicaragua); La Prensa, Porque son tan frecuentes las matanzas de indígenas, 2 February 2020, [www.laprensa.com.ni/2020/02/02/nacionales/2635944-por-que-son-tan-frecuentes-las-masacres-de-indigenas-en-nicaragua-como-la-ocurrida-en-bosawas-en-la-justicia-esta-la-clave](http://www.laprensa.com.ni/2020/02/02/nacionales/2635944-por-que-son-tan-frecuentes-las-masacres-de-indigenas-en-nicaragua-como-la-ocurrida-en-bosawas-en-la-justicia-esta-la-clave); CEJIL, Miskitu Resistance: a Fight for Territory and Life, March 2019, [www.cejil.org/sites/default/files/2019\\_07\\_08\\_cejil-english-compressed\\_compressed\\_0.pdf](http://www.cejil.org/sites/default/files/2019_07_08_cejil-english-compressed_compressed_0.pdf).

<sup>240</sup> IACHR, *Annual Report 2021: Chapter IV.B Nicaragua*, 2 June 2022, [www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf](http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf), para. 135, see also paras 136-146. See also, Harvard International Review, *Nicaraguan Indigenous Groups Face Violent, Ongoing Settler Raids*, 31 December 2021, <https://hir.harvard.edu/nicaraguan-indigenous-groups-face-violent-ongoing-settler-raids/>; CALPI, *Gross Human Rights Violations against the Miskitu and Mayangna Indigenous Peoples in the Autonomous Region of the Northern Caribbean Coast (RACCN) of Nicaragua*, 3 July 2021, [www.calpi-nicaragua.com/wp-content/uploads/2021/07/Gross-Human-Rights-Violations-270621.pdf](http://www.calpi-nicaragua.com/wp-content/uploads/2021/07/Gross-Human-Rights-Violations-270621.pdf), pp. 9-15; Confidencial, *Régimen Ortega-Murillo sigue asediando a las autoridades Rama-Kriol*, 4 October 2020, <https://confidencial.com.ni/regimen-ortega-murillo-sigue-asediando-a-las-autoridades-rama-kriol/>; Global Voices, *After Documenting Land Grabs in Their Reserve, 18 Indigenous and Black Leaders Detained in Nicaragua*, 28 September 2020, <https://globalvoices.org/2020/09/28/after-documenting-land-grabs-in-their-reserve-18-indigenous-and-black-leaders-detained-in-nicaragua/>; IWGIA, *The Indigenous World 2020*, April 2020, [http://iwgia.org/images/yearbook/2020/IWGIA\\_The\\_Indigenous\\_World\\_2020.pdf](http://iwgia.org/images/yearbook/2020/IWGIA_The_Indigenous_World_2020.pdf); REDD-Monitor, *Six Indigenous People Killed in the Bosawás Biosphere Reserve, Nicaragua when a country doesn't respect the rule of law this is the result*, 7 February 2020, <https://redd-monitor.org/2020/02/07/six-indigenous-people-killed-in-the-bosawas-biosphere-reserve-nicaragua-when-a-country-doesnt-respect-the-rule-of-law-this-is-the-result/>; UN News, *La Oficina de Derechos Humanos denuncia ataques contra los pueblos indígenas en Nicaragua*, February 2020, <https://news.un.org/es/story/2020/02/1469242>; El País, *Una masacre en una aldea indígena de Nicaragua deja cuatro muertos*, 31 January 2020, [https://elpais.com/internacional/2020/01/31/america/1580491598\\_557089.html](https://elpais.com/internacional/2020/01/31/america/1580491598_557089.html); Oakland Institute, *Nicaragua's Failed Revolution the Indigenous Struggle for Saneamiento*, 2020, [www.oaklandinstitute.org/sites/oaklandinstitute.org/files/nicaraguas-failed-revolution.pdf](http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/nicaraguas-failed-revolution.pdf); CEJIL, *Miskitu Resistance: A Fight for Territory and Life*, March 2019, [www.cejil.org/sites/default/files/2019\\_07\\_08\\_cejil-english-compressed\\_compressed\\_0.pdf](http://www.cejil.org/sites/default/files/2019_07_08_cejil-english-compressed_compressed_0.pdf); Alianza de Pueblos Indígenas y Afrodescendientes de Nicaragua (APIAN), *Informe sobre la situación de los derechos territoriales de los pueblos indígenas y afrodescendientes de Nicaragua*, December 2017, [www.calpi-nicaragua.com/wp-content/uploads/2018/03/Informe-APIAN-Nicaragua-2017-2.pdf](http://www.calpi-nicaragua.com/wp-content/uploads/2018/03/Informe-APIAN-Nicaragua-2017-2.pdf).

<sup>241</sup> Freedom House, *Freedom in the World 2022: Nicaragua*, 2022, [www.ecoi.net/en/document/2068771.html](http://www.ecoi.net/en/document/2068771.html).

<sup>242</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 50.

<sup>243</sup> Ibid.

<sup>244</sup> Ibid.

<sup>245</sup> Ibid., para. 51.

<sup>246</sup> Ibid., para. 52. The IACHR notes a "climate of flagrant impunity and absence of due diligence in the investigation into the aggression, killings, and harassment against the indigenous peoples and their defenders." IACHR, *Annual Report 2021: Chapter IV.B Nicaragua*, 2 June 2022, [www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf](http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf), para. 140.

<sup>247</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 33.

Since 2018, the increasing violation of these communities' rights has led to forced displacement, both internally and abroad.<sup>248</sup> The IACHR has granted and extended several precautionary measures to protect the individuals who are the targets of such attacks.<sup>249</sup>

In recent years drug cartels and violence stemming from their operations are present in both the RACCN and RACCS, where the rainforest serves as a cover for drug-trafficking activities.<sup>250</sup> Drug cartels' activities such as cattle ranching for money laundering and the building of roads and runways for small aircrafts, especially in La Mosquitia – an indigenous area at the border between Honduras and Nicaragua – have been linked to deforestation.<sup>251</sup> Deforestation has made indigenous communities more vulnerable to natural disasters and threatened their livelihoods.<sup>252</sup>

### 3) Returnees

From April 2019, the government started promoting the "safe return" of those who fled Nicaragua during or in the immediate aftermath of the 2018 protests.<sup>253</sup> However, sources indicate that safe return has not been

- <sup>248</sup> CALPI, Gross Human Rights Violations against the Miskitu and Mayangna Indigenous Peoples in the Autonomous Region of the Northern Caribbean Coast (RACCN) of Nicaragua, 3 July 2021, [www.calpi-nicaragua.com/wp-content/uploads/2021/07/Gross-Human-Rights-Violations-270621.pdf](http://www.calpi-nicaragua.com/wp-content/uploads/2021/07/Gross-Human-Rights-Violations-270621.pdf), p. 9; IACHR, Annual Report 2020: Chapter IV.B Nicaragua, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 180; La Prensa, Desplazamiento forzado de comunidad indígenas por irrespeto a sus derechos humanos, 28 October 2020, [www.laprensa.com.ni/2020/10/28/derecho-humano-ni/2739988-desplazamiento-forzado-de-comunidades-indigenas-por-irrespeto-a-sus-derechos-humanos](http://www.laprensa.com.ni/2020/10/28/derecho-humano-ni/2739988-desplazamiento-forzado-de-comunidades-indigenas-por-irrespeto-a-sus-derechos-humanos); Confidencial, Colonos desplazan a más de treinta familias indígenas de la comunidad Sangni Laya, 6 September 2020, <https://confidencial.com.ni/colonos-desplazan-a-mas-de-treinta-familias-indigenas-de-la-comunidad-sangni-laya/>; 100 Noticias, Invasión de Colonos provoca desplazamiento forzado de indígenas en Nicaragua, 4 September 2020, <https://100noticias.com.ni/nacionales/102742-invasion-de-colonos-provoca-desplazamiento-forzado/>.
- <sup>249</sup> IACHR, *Annual Report 2021: Chapter IV.B Nicaragua*, 2 June 2022, [www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf](http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf), para. 138; IACHR, *Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast Regarding Nicaragua. Extension of Provisional Measures*, 6 February 2020, [www.corteidh.or.cr/docs/medidas/miskitu\\_se\\_06.pdf](http://www.corteidh.or.cr/docs/medidas/miskitu_se_06.pdf); IACHR, *Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast Regarding Nicaragua. Extension of Provisional Measures*, 23 August 2018, [www.corteidh.or.cr/docs/medidas/integrantes\\_centro\\_ni\\_se\\_02.pdf](http://www.corteidh.or.cr/docs/medidas/integrantes_centro_ni_se_02.pdf); IACHR, *Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast Regarding Nicaragua. Extension of Provisional Measures*, 22 August 2017, [www.corteidh.or.cr/docs/medidas/miskitu\\_se\\_04.pdf](http://www.corteidh.or.cr/docs/medidas/miskitu_se_04.pdf); IACHR, *Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast Regarding Nicaragua. Extension of Provisional Measures*, 30 June 2017, [www.corteidh.or.cr/docs/medidas/miskitu\\_se\\_03.pdf](http://www.corteidh.or.cr/docs/medidas/miskitu_se_03.pdf); IACHR, *Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast Regarding Nicaragua. Provisional Measures*, 23 November 2016, [www.corteidh.or.cr/docs/medidas/miskitu\\_se\\_02.pdf](http://www.corteidh.or.cr/docs/medidas/miskitu_se_02.pdf); IACHR, *Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast Regarding to Nicaragua. Request for Provisional Measures*, 1 September 2016, [www.corteidh.or.cr/docs/medidas/miskitu\\_se\\_01.pdf](http://www.corteidh.or.cr/docs/medidas/miskitu_se_01.pdf).
- <sup>250</sup> Bertelsmann Stiftung, *BTI 2022 Country Report Nicaragua*, 23 February 2022, [www.ecoi.net/en/file/local/2069610/country\\_report\\_2022\\_NIC.pdf](http://www.ecoi.net/en/file/local/2069610/country_report_2022_NIC.pdf), p. 6; CALPI, *Gross Human Rights Violations against the Miskitu and Mayangna Indigenous Peoples in the Autonomous Region of the Northern Caribbean Coast (RACCN) of Nicaragua*, 3 July 2021, [www.calpi-nicaragua.com/wp-content/uploads/2021/07/Gross-Human-Rights-Violations-270621.pdf](http://www.calpi-nicaragua.com/wp-content/uploads/2021/07/Gross-Human-Rights-Violations-270621.pdf), p. 8.
- <sup>251</sup> Insight Crime, *Narco-Cattle Ranching in La Mosquitia, Honduras*, 18 May 2022, <https://insightcrime.org/investigations/narco-cattle-ranching-honduras/>; Reuters, 'Narco-Deforestation' May Boost Disaster Risks in Central America, 20 June 2018, [www.reuters.com/article/us-forests-drugtrafficking-centralameric-idUSKBN1JG07S](http://www.reuters.com/article/us-forests-drugtrafficking-centralameric-idUSKBN1JG07S); American Association for the Advancement of Science, *Cocaine Trafficking is Destroying Central America's Forests*, 16 June 2017, 16 May 2017, [www.sciencemag.org/news/2017/06/cocaine-trafficking-destroying-central-america-s-forests](http://www.sciencemag.org/news/2017/06/cocaine-trafficking-destroying-central-america-s-forests); The Guardian, 'Narco-deforestation': Cocaine Trade Destroying Swaths of Central America, 16 May 2017, [www.theguardian.com/environment/2017/may/16/drug-money-traffickers-destroying-swaths-forest-central-america](http://www.theguardian.com/environment/2017/may/16/drug-money-traffickers-destroying-swaths-forest-central-america); S. E. Sessie et al., *A Spatio-Temporal Analysis of Forest Loss Related to Cocaine Trafficking in Central America*, 12 Environ. Res. Lett. (16 May 2017), <https://iopscience.iop.org/article/10.1088/1748-9326/aa6fff/pdf>.
- <sup>252</sup> Reuters, 'Narco-Deforestation' May Boost Disaster Risks in Central America, 20 June 2018, [www.reuters.com/article/us-forests-drugtrafficking-centralameric-idUSKBN1JG07S](http://www.reuters.com/article/us-forests-drugtrafficking-centralameric-idUSKBN1JG07S); The Guardian, 'Narco-deforestation': Cocaine Trade Destroying Swaths of Central America, 16 May 2017, [www.theguardian.com/environment/2017/may/16/drug-money-traffickers-destroying-swaths-forest-central-america](http://www.theguardian.com/environment/2017/may/16/drug-money-traffickers-destroying-swaths-forest-central-america).
- <sup>253</sup> AP, *Gobierno de Nicaragua anuncia plan para regreso de exiliados*, 16 April 2019, <https://apnews.com/article/99b1ca7eb133473c8215604fbded9e72>; El 19 Digital, *Comunicado del Gobierno de Nicaragua y programa sobre el retorno voluntario asistido de los nicaragüenses en el exterior*, 15 April 2019, [www.el19digital.com/articulos/ver/titulo:89237-comunicado-del-gobierno-de-nicaragua-y-programa-sobre-el-retorno-voluntario-asistido-de-los-nicaraguenses-en-el-exterior](http://www.el19digital.com/articulos/ver/titulo:89237-comunicado-del-gobierno-de-nicaragua-y-programa-sobre-el-retorno-voluntario-asistido-de-los-nicaraguenses-en-el-exterior); ABC, *Nicaragua Gov't Says it Will Guarantee Safe Return of Exiles*, 16 April 2018, <https://abcnews.go.com/International/wireStory/nicaragua-govt-guarantee-safe-return-exiles-62416213>.

guaranteed, particularly for exiled activists.<sup>254</sup> People who fled shortly after the 2018 protests and later returned, including due to the COVID-19 pandemic, were presumed to have been associated with the protests and were therefore treated as political dissidents, subjected to a pattern of arbitrary arrest by both the police and the army, held incommunicado where in some instances they were tortured or mistreated, and charged with common crimes or terrorism-related offences.<sup>255</sup> According to media reports, human rights defenders who advocated for the fair treatment of returnees have also been threatened and accused of being accomplices in the alleged crimes.<sup>256</sup> Some people who had participated in the protests and were deported to Nicaragua live in hiding.<sup>257</sup> There are reports of FSLN sympathizers and parapolice who cross the border into Costa Rica to harass Nicaraguan exiles.<sup>258</sup>

#### 4) Leaders and Members of the Campesino Movement

*Campesinos*, or rural subsistence farmer population, and the associated Campesino Movement, have been systematically targeted and repressed by State actors and progovernment groups.<sup>259</sup> A pattern of human

<sup>254</sup> UN General Assembly, *Human Rights Situation in Nicaragua: Report of the United Nations High Commissioner for Human Rights*, 2 September 2022, A/HRC/51/42, [www.ecoi.net/en/document/2078449.html](http://www.ecoi.net/en/document/2078449.html), para. 19; OAS, *Resolution Restoring Democratic Institutions and Respect for Human Rights in Nicaragua Through Free and Fair Elections*, 22 October 2020, [http://scm.oas.org/doc\\_public/english/hist\\_20/AG08237E03.docx](http://scm.oas.org/doc_public/english/hist_20/AG08237E03.docx).

<sup>255</sup> La Prensa, *Opositores que han caído en la trampa de retorno seguro ofrecido por la dictadura*, 11 October 2020, [www.laprensa.com.ni/2020/10/11/politica/2717227-opositores-que-han-caido-en-la-trampa-del-plan-de-retorno-seguro-ofrecido-por-la-dictadura](http://www.laprensa.com.ni/2020/10/11/politica/2717227-opositores-que-han-caido-en-la-trampa-del-plan-de-retorno-seguro-ofrecido-por-la-dictadura); Noticias por el mundo, *Mandan a juicio a los dos capturados por el Ejército en la frontera con Costa Rica – Noticias Nicaragua*, 9 October 2020, <https://noticiasporelmundo.com/centro-america/mandan-a-juicio-a-los-dos-capturados-por-el-ejercito-en-la-frontera-con-costa-rica-noticias-nicaragua/>; La Prensa, *Mandan a juicio a los dos capturados por el Ejército en la frontera con Costa Rica*, 10 September 2020, [www.laprensa.com.ni/2020/09/10/politica/2719582-mandan-a-juicio-a-los-dos-capturados-por-el-ejercito-en-la-frontera-con-costa-rica](http://www.laprensa.com.ni/2020/09/10/politica/2719582-mandan-a-juicio-a-los-dos-capturados-por-el-ejercito-en-la-frontera-con-costa-rica); Radio Corporación, *Los últimos perseguidos políticos que el Ejército capturó en la frontera*, 21 August 2020, <https://radio-corporacion.com/blog/archivos/61340/los-ultimos-perseguidos-politicos-que-el-ejercito-capturo-en-la-frontera/>; 100 Noticias, *Compañera de vida de Hader González rechaza versión del Ejército, "él no es delincuente"*, 21 August 2020, <https://100noticias.com.ni/nacionales/102527-companera-vida-capturado-politico-rechaza-acusacio/>; La Vanguardia, *Organismos piden información sobre opositores detenidos en Nicaragua*, 20 August 2020, [www.lavanguardia.com/internacional/20200820/482913165724/organismos-piden-informacion-sobre-opositores-detenidos-en-nicaragua.html](http://www.lavanguardia.com/internacional/20200820/482913165724/organismos-piden-informacion-sobre-opositores-detenidos-en-nicaragua.html); IP Nicaragua, *Exigen liberación de abogado opositor de Masaya capturado por el Ejército*, 19 August 2020, <https://ipnicaragua.com/exigen-liberacion-de-abogado-opositor-de-masaya-capturado-por-el-ejercito/>; Nicaragua Actual TV, *ANPDH Denuncia torturas y abuso sexual a presos políticos*, 18 August 2020, <https://nicaraguaactual.tv/anpdh-denuncia-torturas-y-abuso-sexual-a-presos-politicos/>; La Prensa, *Autoconvocado creyó en el plan de retorno seguro de la dictadura y ahora esta secuestrado por la policía orteguista*, 6 April 2019, [www.laprensa.com.ni/2019/06/04/nacionales/2556186-autoconvocado-creyo-en-el-plan-de-retorno-seguro-de-la-dictadura-y-ahora-esta-secuestrado-por-la-policia-orteguista](http://www.laprensa.com.ni/2019/06/04/nacionales/2556186-autoconvocado-creyo-en-el-plan-de-retorno-seguro-de-la-dictadura-y-ahora-esta-secuestrado-por-la-policia-orteguista).

<sup>256</sup> La Prensa, *ANPDH hará diligencias internacionales para denunciar amenazas contra defensores de derechos humanos*, 22 August 2020, [www.laprensa.com.ni/2020/08/22/politica/2711868-anpdh-hara-diligencias-internacionales-para-denunciar-amenazas-contradefensores-de-derechos-humanos](http://www.laprensa.com.ni/2020/08/22/politica/2711868-anpdh-hara-diligencias-internacionales-para-denunciar-amenazas-contradefensores-de-derechos-humanos); La Prensa, *Ejército de Nicaragua a defensores de derechos humanos resulta altamente sospechoso que están intercediendo por esos delincuentes*, 20 August 2020, [www.laprensa.com.ni/2020/08/20/nacionales/2710999-ejercito-de-nicaragua-a-defensores-de-derechos-humanos-resulta-altamente-sospechoso-que-estenen-intercediendo-por-esos-delincuentes](http://www.laprensa.com.ni/2020/08/20/nacionales/2710999-ejercito-de-nicaragua-a-defensores-de-derechos-humanos-resulta-altamente-sospechoso-que-estenen-intercediendo-por-esos-delincuentes).

<sup>257</sup> 100 Noticias, *Congresistas piden a Trump detener deportaciones de opositores nicaragüenses*, 3 September 2020, <https://100noticias.com.ni/nacionales/102724-congresista-estados-unidos-solicitudes-asilo-nicar/>; Washington Post, *She Fleed Detention and Torture in Nicaragua for Asylum in the United States; The Government Put Her on a Plane Back Home*, 27 August 2020, [www.washingtonpost.com/world/the\\_americas/nicaragua-asylum-us-border/2020/08/27/9aaba414-e561-11ea-970a-64c73a1c2392\\_story.html](http://www.washingtonpost.com/world/the_americas/nicaragua-asylum-us-border/2020/08/27/9aaba414-e561-11ea-970a-64c73a1c2392_story.html).

<sup>258</sup> "Groups of exiles in Costa Rica alleged political persecution by parapolice and FSLN sympathizers who crossed the border to target exiles. Family members of opposition exiles were surveilled and harassed in an attempt to force exiles to return to the country and face arrest." US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html).

<sup>259</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); Expediente Publico, *Movimiento campesino entre el exilio la clandestinidad y el silencio en nicaragua*, 25 January 2022, [www.expedientepublico.org/movimiento-campesino-entre-el-exilio-la-clandestinidad-y-el-silencio-en-nicaragua/](http://www.expedientepublico.org/movimiento-campesino-entre-el-exilio-la-clandestinidad-y-el-silencio-en-nicaragua/); CENIDH, *623 Días de represión y resistencia: situación de los derechos humanos en Nicaragua 18 abril 2018 – 31 diciembre 2019*, June 2020, [www.cenidh.org/media/documents/docfile/Informe\\_2018-2019\\_v.final.pdf](http://www.cenidh.org/media/documents/docfile/Informe_2018-2019_v.final.pdf); IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 12; OHCHR, *Situation of Human Rights in Nicaragua*, 17 September 2019, A/HRC/42/18, <https://undocs.org/A/HRC/42/18>.



rights violations, such as extrajudicial executions, assaults, threats, and arbitrary detentions, has been reported in the northern part of the country.<sup>260</sup>

In 2013, the Nicaraguan government authorized the creation of an inter-oceanic channel in Nicaragua.<sup>261</sup> The project was strongly opposed by the *campesino* movement, which was violently suppressed.<sup>262</sup> In rural areas during 2019, members of the *campesino* movement, which joined the opposition and the 2018 protests, continued to face harassment and threats.<sup>263</sup> Former members of the *campesino* movement, including in northern Nicaragua, have been targeted for repression and extrajudicial executions.<sup>264</sup> The killings were reportedly perpetrated by armed civilians and paramilitary groups.<sup>265</sup> Between October 2018 and August 2020, para police forces killed at least 30 *campesinos* "considered to be opponents of the ruling party".<sup>266</sup>

On 3 October 2021, the IACHR issued precautionary measures in relation to two leaders of the *campesino* movement due to "serious" concerns for their lives and physical integrity.<sup>267</sup> The two leaders, for whom the IACHR had already issued two IACHR precautionary measures in 2018 and 2019, were arbitrarily detained and held incommunicado for more than 60 days following the announcement of one of the leaders to run for the presidential elections in November 2021.<sup>268</sup> Other leaders and members of the *campesino* movement were targeted for harassment, arbitrary arrest and killing during 2021 and into 2022.<sup>269</sup>

### 5) Individuals of Diverse Sexual Orientations, Gender Identities and/or Gender Expressions

While consensual same-sex sexual conduct between adults is not criminalized, persons of diverse sexual orientations, gender identities and/or gender expressions (SOGIE) suffer from ingrained patterns of

<sup>260</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); Expediente Publico, *Movimiento campesino entre el exilio la clandestinidad y el silencio en nicaragua*, 25 January 2022, [www.expedientepublico.org/movimiento-campesino-entre-el-exilio-la-clandestinidad-y-el-silencio-en-nicaragua/](http://www.expedientepublico.org/movimiento-campesino-entre-el-exilio-la-clandestinidad-y-el-silencio-en-nicaragua/). "[N]ewspaper investigative reporting revealed that, between October 2018 and December 2019, at least 30 political activists or *campesinos* opposing the government had been killed in Nicaragua's interior and, to date, the incidents have remained unpunished." IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 50.

<sup>261</sup> Nicaragua, Ley No. 800 – Ley del régimen jurídico de El Gran Canal Interoceánico de Nicaragua y crea la Autoridad de El Gran Canal Interoceánico de Nicaragua, 14 June 2013, [www.fao.org/faolex/results/details/en/c/LEX-FAOC138512](http://www.fao.org/faolex/results/details/en/c/LEX-FAOC138512).

<sup>262</sup> BBC, *Los líderes campesinos en campaña contra el canal en Nicaragua condenados a más de 200 años de cárcel*, 19 February 2019, [www.bbc.com/mundo/noticias-america-latina-47292940](http://www.bbc.com/mundo/noticias-america-latina-47292940). See also, Expediente Publico, *Movimiento campesino entre el exilio la clandestinidad y el silencio en nicaragua*, 25 January 2022, [www.expedientepublico.org/movimiento-campesino-entre-el-exilio-la-clandestinidad-y-el-silencio-en-nicaragua/](http://www.expedientepublico.org/movimiento-campesino-entre-el-exilio-la-clandestinidad-y-el-silencio-en-nicaragua/).

<sup>263</sup> IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 12. See also, IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), paras 41, 50; OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua 18 April – 18 August 2018*, August 2018, [www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr\\_Aug2018\\_EN.pdf](http://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf), p. 8, para. 35.

<sup>264</sup> IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 208. See also, US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); 100 Noticias, *Persisten ejecuciones extrajudiciales contra campesinos en Nicaragua*, 2 September 2020, <https://100noticias.com.ni/nacionales/102696-persisten-ejecuciones-extrajudiciales-nicaragua/>.

<sup>265</sup> IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), paras 209-210; 100 Noticias, *Persisten ejecuciones extrajudiciales contra campesinos en Nicaragua*, 2 September 2020, <https://100noticias.com.ni/nacionales/102696-persisten-ejecuciones-extrajudiciales-nicaragua/>.

<sup>266</sup> US Department of State, *Country Report on Human Rights Practices 2020: Nicaragua*, 30 March 2021, [www.state.gov/reports/2020-country-reports-on-human-rights-practices/nicaragua/](http://www.state.gov/reports/2020-country-reports-on-human-rights-practices/nicaragua/).

<sup>267</sup> IACHR, *La CIDH amplía medidas cautelares a favor de Medardo Mairena y Pedro Mena, líderes del Movimiento Campesino, en Nicaragua*, 7 October 2021, [www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/267.asp](http://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/267.asp).

<sup>268</sup> IACHR, *La CIDH amplía medidas cautelares a favor de Medardo Mairena y Pedro Mena, líderes del Movimiento Campesino, en Nicaragua*, 7 October 2021, [www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/267.asp](http://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/267.asp).

<sup>269</sup> HRW, *Nicaragua's Ultimate Sham Trial*, 14 February 2022, [www.hrw.org/news/2022/02/14/nicaraguas-ultimate-sham-trial](http://www.hrw.org/news/2022/02/14/nicaraguas-ultimate-sham-trial); Havana Times, *Freddy Navas Only Wanted to Plant Watermelons in Freedom*, 8 February 2022, <https://havanatimes.org/features/freddy-navas-only-wanted-to-plant-watermelons-in-freedom/>; IACHR, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, 2021, [www.oas.org/en/iachr/reports/pdfs/2021\\_nicaragua-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf), para. 129; IACHR, *La CIDH amplía medidas cautelares a favor de Medardo Mairena y Pedro Mena, líderes del Movimiento Campesino, en Nicaragua*, 7 October 2021, [www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/267.asp](http://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/267.asp).



violence and discrimination.<sup>270</sup> Persons of diverse SOGIE continued to face widespread societal discrimination, as well as threats and abuse, and lack of access to justice.<sup>271</sup> In the first six months of 2021, there were at least 43 attacks against persons of diverse SOGIE.<sup>272</sup> Most Nicaraguans of diverse SOGIE hide their sexual orientation and/or gender identity.<sup>273</sup>

There is a high prevalence of sexual violence against detainees of diverse SOGIE by both inmates and guards; transgender women in detention are particularly vulnerable to harassment and physical and sexual violence at the hands of prison guards and other inmates.<sup>274</sup> Transgender detainees are not provided with adequate access to medication, including hormonal and psychological treatment.<sup>275</sup> Transgender inmates are not detained in prisons consistent with their gender identity.<sup>276</sup>

The LGBT community took an active role in the 2018 protests; the government and its supporters reportedly frequently targeted participants of diverse SOGIE, using online smear campaigns and physical attacks.<sup>277</sup> Opposition members of diverse SOGIE have been “particularly targeted with sexual violence by police, parapolice, and progovernment supporters.”<sup>278</sup> Transgender women who participated in prodemocracy protests were “particularly harassed while in custody”; they were “held with male inmates, forced to strip in front of their peers, and specifically harangued by guards”.<sup>279</sup>

## 6) Children and Youth

Children may fall within a number of the other risk profiles contained in these considerations: in particular, children who are perceived as opposing the national government because of their participation in protests

<sup>270</sup> UN Human Rights Committee, *Observaciones finales sobre el cuarto informe periódico de Nicaragua*, 3 November 2022, CCPR/C/NIC/CO/4,

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=O90nl6yyRdZ8GMFUzhgnme93dqOA7eHMhMhxGD/mzEg6oXzqnu3ohbFe+ebiCaiJtvuqWTTQO73WsokwQM81Q==](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=O90nl6yyRdZ8GMFUzhgnme93dqOA7eHMhMhxGD/mzEg6oXzqnu3ohbFe+ebiCaiJtvuqWTTQO73WsokwQM81Q==), para. 13; US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 165.

<sup>271</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); Freedom House, *Freedom in the World 2022: Nicaragua*, 2022, [www.ecoi.net/en/document/2068771.html](http://www.ecoi.net/en/document/2068771.html).

<sup>272</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html).

<sup>273</sup> ENTEREZAS, *Violencias, acceso a la justicia y (re)existencias de mujeres lesbianas, bisexuales y trans en Honduras, República Dominicana, Nicaragua y Colombia*, September 2020, <https://enterezas.com/wp-content/uploads/2020/09/Enterezas-en-movimiento-dos.pdf>.

<sup>274</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html). See also, North American Congress on Latin America (NACLA), *LGBTQ Resistance and Political Protest in Nicaragua*, 22 September 2021, <https://nacla.org/lgbtq-resistance-and-political-protest-nicaragua>; Amnesty International, *Abuse and Fear: Trans Women Speak Out About Life in Nicaragua's Prisons During COVID-19*, 9 September 2020, [www.amnesty.org/en/latest/news/2020/09/trans-women-speak-out-about-nicaraguas-prisons-during-covid19/](http://www.amnesty.org/en/latest/news/2020/09/trans-women-speak-out-about-nicaraguas-prisons-during-covid19/); IACHR, *Persons Deprived of Liberty in Nicaragua in Connection with the Human Rights Crisis that Began on April 18, 2018*, 5 October 2020, [www.oas.org/en/iachr/reports/pdfs/Nicaragua-PPL-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/Nicaragua-PPL-en.pdf), paras 196-97.

<sup>275</sup> Amnesty International, *Abuse and Fear: Trans Women Speak Out About Life in Nicaragua's Prisons During COVID-19*, September 2020, [www.amnesty.org/en/latest/news/2020/09/trans-women-speak-out-about-nicaraguas-prisons-during-covid19/](http://www.amnesty.org/en/latest/news/2020/09/trans-women-speak-out-about-nicaraguas-prisons-during-covid19/).

<sup>276</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); Amnesty International, *Abuse and Fear: Trans Women Speak Out About Life in Nicaragua's Prisons During COVID-19*, September 2020, [www.amnesty.org/en/latest/news/2020/09/trans-women-speak-out-about-nicaraguas-prisons-during-covid19/](http://www.amnesty.org/en/latest/news/2020/09/trans-women-speak-out-about-nicaraguas-prisons-during-covid19/).

<sup>277</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html).

<sup>278</sup> Ibid.

<sup>279</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html). See also, Amnesty International, *Abuse and Fear: Trans Women Speak Out About Life in Nicaragua's Prisons During COVID-19*, September 2020, [www.amnesty.org/en/latest/news/2020/09/trans-women-speak-out-about-nicaraguas-prisons-during-covid19/](http://www.amnesty.org/en/latest/news/2020/09/trans-women-speak-out-about-nicaraguas-prisons-during-covid19/).

(III.A.1); children of diverse SOGI (III.A.5); and children who belong to an indigenous or Afro-descendant community (III.A.2).<sup>280</sup>

Children are also reported to be at risk of child-specific forms or manifestations of persecution, including SGBV; domestic violence; early marriage; worst forms of child labour, including transnational and national trafficking, forced labour and sexual exploitation, especially in touristic areas; as well as work likely to harm their health, safety or morals such as begging, especially for children with disabilities, and drug production and trafficking.<sup>281</sup> Children in the two autonomous Caribbean regions are reported as particularly vulnerable.<sup>282</sup> Children with disabilities struggle to access education, given poorly equipped schools and a lack of trained staff.<sup>283</sup> Women and girls from indigenous groups do not receive the same access to education as nonindigenous persons.<sup>284</sup>

## 7) Women

Women may fall within a number of the other risk profiles contained in these considerations: in particular, women who participated in protests and are therefore perceived as opposing the national government are reportedly harassed, both physically and online, and are targeted for violence, including sexual violence at the hand of supporters of the government; female detainees also face additional violence.<sup>285</sup>

Women human rights defenders are targeted for harassment and arbitrary detention.<sup>286</sup> In the first quarter of 2021, “about 540 acts of aggression against women [human rights] defenders were recorded.”<sup>287</sup>

<sup>280</sup> For example, see UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 33; IACHR, *Persons Deprived of Liberty in Nicaragua in Connection with the Human Rights Crisis that Began on April 18, 2018*, 5 October 2020, [www.oas.org/en/iachr/reports/pdfs/Nicaragua-PPL-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/Nicaragua-PPL-en.pdf), paras 174-180; IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 5.

<sup>281</sup> US Department of State, *2021 Findings on the Worst Forms of Child Labor: Nicaragua*, 28 September 2022, [www.ecoi.net/en/document/2082788.html](http://www.ecoi.net/en/document/2082788.html); US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); US Department of State, *2021 Trafficking in Persons Report: Nicaragua*, 1 July 2021, [www.ecoi.net/en/document/2055251.html](http://www.ecoi.net/en/document/2055251.html).

<sup>282</sup> Oakland Institute, *Nicaragua's Failed Revolution the Indigenous Struggle for Saneamiento*, 2020, [www.oaklandinstitute.org/sites/oaklandinstitute.org/files/nicaraguas-failed-revolution.pdf](http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/nicaraguas-failed-revolution.pdf); Bertelsmann Stiftung, *Transformation Index (BTI) 2020: Country Report Nicaragua*, 29 April 2020, [www.ecoi.net/en/document/2029474.html](http://www.ecoi.net/en/document/2029474.html); CEJIL, *Miskitu Resistance: A Fight for Territory and Life*, March 2019, [www.cejil.org/sites/default/files/2019\\_07\\_08\\_cejil-english-compressed\\_compressed\\_0.pdf](http://www.cejil.org/sites/default/files/2019_07_08_cejil-english-compressed_compressed_0.pdf).

<sup>283</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html).

<sup>284</sup> Ibid.

<sup>285</sup> “The IACHR notes with concern that women deprived of their liberty in the context of the human rights crisis have faced violations of their human rights, aggravated by reason of their gender, including acts of sexual violence, such as rape, as well as overcrowded conditions, lack of access to health care, inadequate food, punishment, and other reprisals.” IACHR, *Persons Deprived of Liberty in Nicaragua in Connection with the Human Rights Crisis that Began on April 18, 2018*, 5 October 2020, [www.oas.org/en/iachr/reports/pdfs/Nicaragua-PPL-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/Nicaragua-PPL-en.pdf), para. 181, see also, paras 182-199. See also, IACHR, *IACHR Concerned About Health Condition of Women Who Are Deprived of Liberty in Nicaragua*, 27 May 2022, [www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media\\_center/PReleases/2022/117.asp](http://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2022/117.asp); US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); OMCT et al., *Nicaragua: Nicaraguan Authorities' Repression of Activists, Human Rights Defenders, and Journalists Intensifies*, 21 September 2020, [www.omct.org/human-rights-defenders/urgent-interventions/nicaragua/2020/09/d26080/](http://www.omct.org/human-rights-defenders/urgent-interventions/nicaragua/2020/09/d26080/); IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), paras 162, 164.

<sup>286</sup> “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.” UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 45. “The IACHR observes that acts of violence, threats, aggression, harassment, and surveillance witnessed during [2021] have been committed, for the most part, against women defenders of human rights because of the leading role they play in defending human rights in Nicaragua, which, in turn, exposes them to differentiated gender-based risks”. IACHR, *Annual Report 2021: Chapter IV.B Nicaragua*, 2 June 2022, [www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf](http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf), para. 128.

<sup>287</sup> IACHR, *Annual Report 2021: Chapter IV.B Nicaragua*, 2 June 2022, [www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf](http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Nicaragua-en.pdf), para. 129.

Violence against women and girls is reported to be widespread in Nicaragua, including femicide, sexual violence, domestic violence, early marriage and sex trafficking.<sup>288</sup> In the first six months of 2021, 38 femicides were reported in the country an increase of 81 per cent compared to the same period in 2020.<sup>289</sup> Women and girls belonging to disadvantaged communities (e.g., indigenous or Afro-descendant communities and *campesinas*) are indicated to be particularly at risk of violence.<sup>290</sup> Additionally, indigenous and Afro-descendant women lack sufficient access to medical care, causing higher rates of maternal mortality.<sup>291</sup> Authorities reportedly do not provide effective protection, especially in cases of trafficking or domestic violence.<sup>292</sup>

## 8) Leaders of the Catholic Church

The Constitution of Nicaragua prohibits discrimination based on religious grounds and guarantees freedom of belief, religion, and worship.<sup>293</sup> The Constitution states that there is no official religion.<sup>294</sup> However, Law 870 of 2014 gives the Family, Community and Life Boards the responsibility of promoting "Christian values" at the community level.<sup>295</sup> The requirements for registering with the government "religious groups – except for the Catholic Church, which has a concordat with the government – are similar to those for [NGOs]".<sup>296</sup> While the Catholic Church is not required to register, the government "requires organizations dedicated to charity or other social work affiliated with the Catholic Church" to register.<sup>297</sup>

While freedom of religion was respected generally prior to the 2018 crisis, some church leaders had alleged retaliation for criticism of the government.<sup>298</sup> Since the 2018 protests, church officials have been denounced by authorities for accompanying or defending anti-government protestors, and, as of 2020, President Daniel Ortega "ha[d] increased tensions by denouncing the [Catholic] Church as 'coup mongers', 'terrorists', and

<sup>288</sup> US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html); US Department of State, *2021 Trafficking in Persons Report: Nicaragua*, 1 July 2021, [www.ecoi.net/en/document/2055251.html](http://www.ecoi.net/en/document/2055251.html); Instituto de Medicina Legal and UNICEF, *Estudio sobre violencia física, sexual y psicológica en contra de niñas, niños y adolescentes en Nicaragua*, 2019, [www.unicef.org/nicaragua/media/1226/file/Estudio%20sobre%20violencia%20contra%20NNA%202016%20-%202017.pdf](http://www.unicef.org/nicaragua/media/1226/file/Estudio%20sobre%20violencia%20contra%20NNA%202016%20-%202017.pdf); IACHR, *IACHR Calls on Nicaragua to Eradicate Violence Against Women, Girls and Adolescents*, 28 March 2018, [www.oas.org/en/iachr/media\\_center/PReleases/2018/068.asp](http://www.oas.org/en/iachr/media_center/PReleases/2018/068.asp).

<sup>289</sup> UN General Assembly, *Situation of Human Rights in Nicaragua*, 24 February 2022, A/HRC/49/23, [www.ecoi.net/en/file/local/2068757/G2226586.pdf](http://www.ecoi.net/en/file/local/2068757/G2226586.pdf), para. 37.

<sup>290</sup> Expediente Público, *Las pandemias que sufren las campesinas en Nicaragua: violencia, pobreza y COVID-19*, 8 May 2020, <https://expedientepublico.org/las-pandemias-que-sufren-las-campesinas-en-nicaragua-violencia-pobreza-y-covid-19/>.

<sup>291</sup> "Women in some areas, such as the RACN and the RACS, lacked widespread access to medical care or programs, and maternal death affected poor rural women more than their urban counterparts. This also affected indigenous and Afro-descendant women in the RACN and the RACS more than nonindigenous women in other regions." US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html).

<sup>292</sup> "The government failed to enforce rape and domestic violence laws, leading to widespread impunity and reports of increased violence from released offenders emboldened by their release. [...] The government continued to use FSLN-led family cabinets and CLSs in mediation processes in cases of domestic violence. Both processes were politicized and did not operate according to the rule of law." US Department of State, *Country Report on Human Rights Practices 2021: Nicaragua*, 12 April 2022, [www.ecoi.net/en/document/2071147.html](http://www.ecoi.net/en/document/2071147.html). See also, US Department of State, *2021 Trafficking in Persons Report: Nicaragua*, 1 July 2021, [www.ecoi.net/en/document/2055251.html](http://www.ecoi.net/en/document/2055251.html).

<sup>293</sup> Nicaragua, *Constitución política de la República de Nicaragua*, 18 February 2014, [www.refworld.org/docid/5fd006824.html](http://www.refworld.org/docid/5fd006824.html), Articles 29, 49 and 69.

<sup>294</sup> Nicaragua, *Constitución política de la República de Nicaragua*, 18 February 2014, [www.refworld.org/docid/5fd006824.html](http://www.refworld.org/docid/5fd006824.html), Article 14.

<sup>295</sup> Nicaragua, *Ley no. 870, Código de Familia, Capítulo V*, 24 June 2014, [www.refworld.org/docid/5fd00a954.html](http://www.refworld.org/docid/5fd00a954.html).

<sup>296</sup> US Department of State, *2021 Report on International Religious Freedom: Nicaragua*, 2 June 2022, [www.ecoi.net/en/document/2073990.html](http://www.ecoi.net/en/document/2073990.html).

<sup>297</sup> Ibid.

<sup>298</sup> Freedom House, *Freedom in the World 2022: Nicaragua*, 2022, [www.ecoi.net/en/document/2068771.html](http://www.ecoi.net/en/document/2068771.html); UN General Assembly, *Human Rights Situation in Nicaragua: Report of the United Nations High Commissioner for Human Rights*, 2 September 2022, A/HRC/51/42, [www.ecoi.net/en/document/2078449.html](http://www.ecoi.net/en/document/2078449.html), paras 15-17.

'paedophiles' and accusing priests of stockpiling weapons in their churches on behalf of protesters".<sup>299</sup> During several speeches in the lead-up to the election, President Ortega referred to Catholic bishops as "terrorists".<sup>300</sup>

Pro-government groups have attacked churches, including where anti-government protesters were believed to be taking shelter or where victims' relatives gathered.<sup>301</sup> Police have blockaded other places of worship, and attacks on parishioners and members of religious orders have also been reported.<sup>302</sup> Government supporters broke into churches and harassed or intimidated parishioners at church services.<sup>303</sup> Media reports indicated that members of the clergy accused of dissent received death threats that forced them to abandon their activities and, in one case, led to an auxiliary bishop to be recalled to the Vatican; some have been arbitrarily detained, accused of criminal offences and subjected to surveillance, while foreign members of the clergy had their permanent residency revoked.<sup>304</sup> Many of the same violations and abuses committed by the Ortega regime and its supporters against the Catholic Church and its followers in the wake of the 2018 protests continued in 2019, 2020, 2021 and into 2022.<sup>305</sup>

From 2018 to May 2022, there were a reported "190 attacks and desecrations perpetrated against the [Catholic] Church"; while it could not be confirmed that the government and its supporters were behind all of the attacks, the government nevertheless had "initiated an indiscriminate persecution against bishops, priests, seminarians, religious, lay groups, and toward everything that has a direct or indirect relationship

<sup>299</sup> USCIRF, *2020 Annual Report: Nicaragua*, April 2020, [www.ecoi.net/en/file/local/2028969/Nicaragua.pdf](http://www.ecoi.net/en/file/local/2028969/Nicaragua.pdf). "During [2021], there were frequent reports that the NNP – along with progovernment groups (commonly known as parapolice), ruling party (Sandinista National Liberation Front, or FSLN) members, and individuals associated with Ortega and Murillo – conducted widespread, systematic harassment of religious leaders and worshippers. Catholic leaders who provided shelter and medical assistance to peaceful protesters in 2018 continued to experience government retribution, including slander, arbitrary investigations by government agencies, charges they said were unfounded, withholding of tax exemptions, and denial of religious services for political prisoners, according to Catholic clergy." US Department of State, *2021 Report on International Religious Freedom: Nicaragua*, 2 June 2022, [www.ecoi.net/en/document/2073990.html](http://www.ecoi.net/en/document/2073990.html).

<sup>300</sup> US Department of State, *2021 Report on International Religious Freedom: Nicaragua*, 2 June 2022, [www.ecoi.net/en/document/2073990.html](http://www.ecoi.net/en/document/2073990.html).

<sup>301</sup> Ibid; USCIRF, *USCIRF 2022 Annual Report: Nicaragua*, April 2022, [www.ecoi.net/en/document/2072717.html](http://www.ecoi.net/en/document/2072717.html); Freedom House, *Freedom in the World 2022: Nicaragua*, 2022, [www.ecoi.net/en/document/2068771.html](http://www.ecoi.net/en/document/2068771.html); UN General Assembly, *Situation of Human Rights in Nicaragua*, 11 February 2021, A/HRC/46/21, <https://undocs.org/A/HRC/46/21>, para. 15.

<sup>302</sup> IACHR, *Annual Report 2019: Chapter IV.B Nicaragua*, April 2020, [www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4BNI-en.pdf), para. 170. See also, US Department of State, *2021 Report on International Religious Freedom: Nicaragua*, 2 June 2022, [www.ecoi.net/en/document/2073990.html](http://www.ecoi.net/en/document/2073990.html); CENIDH, *623 días de represión y resistencia: la situación de los derechos humanos en Nicaragua (18 de abril 2018 – 31 de diciembre 2019)*, June 2020, [www.cenidh.org/media/documentos/docfile/Informe\\_2018-2019\\_v.final.pdf](http://www.cenidh.org/media/documentos/docfile/Informe_2018-2019_v.final.pdf); HRW, *Nicaragua: Cruel Response to Hunger Strikes*, 22 November 2019, [www.ecoi.net/en/document/2020535.html](http://www.ecoi.net/en/document/2020535.html); OHCHR, *Press Briefing on Nicaragua*, 19 November 2019, [www.ecoi.net/en/document/2020224.html](http://www.ecoi.net/en/document/2020224.html).

<sup>303</sup> US Department of State, *2021 Report on International Religious Freedom: Nicaragua*, 2 June 2022, [www.ecoi.net/en/document/2073990.html](http://www.ecoi.net/en/document/2073990.html).

<sup>304</sup> La Prensa, *¿Quiénes son los sacerdotes extranjeros a los que el régimen ha quitado la residencia nicaragüense?*, 5 October 2020, [www.laprensa.com.ni/2020/10/05/nacionales/2723785-quienes-son-los-sacerdotes-extranjeros-a-los-que-el-regimen-ha-quitado-la-residencia-nicaraguense](http://www.laprensa.com.ni/2020/10/05/nacionales/2723785-quienes-son-los-sacerdotes-extranjeros-a-los-que-el-regimen-ha-quitado-la-residencia-nicaraguense); 100 Noticias, *Sacerdotes extranjeros son perseguidos por dictadura en Nicaragua, denuncia Iglesia católica*, 10 September 2020, <https://100noticias.com.ni/nacionales/102813-sacerdotes-extranjeros-perseguidos-regimen-nicarag/>; USCIRF, *2020 Annual Report: Nicaragua*, April 2020, [www.ecoi.net/en/file/local/2028969/Nicaragua.pdf](http://www.ecoi.net/en/file/local/2028969/Nicaragua.pdf); Freedom House, *Freedom in the World 2020: Nicaragua*, 4 March 2020, [www.ecoi.net/en/document/2025939.html](http://www.ecoi.net/en/document/2025939.html). See also, US Department of State, *2021 Report on International Religious Freedom: Nicaragua*, 2 June 2022, [www.ecoi.net/en/document/2073990.html](http://www.ecoi.net/en/document/2073990.html).

<sup>305</sup> Catholic News Agency, *Missionaries of Charity Expelled from Nicaragua*, 7 July 2022, [www.catholicnewsagency.com/news/251742/missionaries-of-charity-expelled-from-nicaragua-by-order-of-ortega-government](http://www.catholicnewsagency.com/news/251742/missionaries-of-charity-expelled-from-nicaragua-by-order-of-ortega-government); US Department of State, *2021 Report on International Religious Freedom: Nicaragua*, 2 June 2022, [www.ecoi.net/en/document/2073990.html](http://www.ecoi.net/en/document/2073990.html); CENIDH, *Informe atentado terrorista contra la capilla de la Sangre de Cristo en Catedral de Managua*, 11 August 2020, [www.cenidh.org/recursos/95/](http://www.cenidh.org/recursos/95/); France24, *La Iglesia católica en Nicaragua, bajo asedio*, 11 August 2020, [www.france24.com/es/20200810-asedio-iglesia-catolica-nicaragua-protetas-antigobierno-ortega](http://www.france24.com/es/20200810-asedio-iglesia-catolica-nicaragua-protetas-antigobierno-ortega); CENIDH, *Ataque a la iglesia católica en Nicaragua (2019-2020)*, 1 August 2020, [www.cenidh.org/recursos/94/](http://www.cenidh.org/recursos/94/); Jubilee Campaign, *Submission to the United Nations Human Rights Committee Regarding Nicaragua for the 129th Session, 29 June - 24 July, 2020*, n.d., <https://jubileecampaign.org/wp-content/uploads/2020/06/Nicaragua.pdf>; Amnesty International, *Human Rights in the Americas. Review of 2019: Nicaragua*, 27 February 2020, [www.ecoi.net/en/document/2025437.html](http://www.ecoi.net/en/document/2025437.html); BBC, *Crisis en Nicaragua: el dramático asedio a iglesias de Nicaragua que genera condenas contra el gobierno de Daniel Ortega*, 20 November 2019, [www.bbc.com/mundo/noticias-america-latina-50467529](http://www.bbc.com/mundo/noticias-america-latina-50467529); IACHR, *Annual Report 2020: Chapter IV.B Nicaragua*, April 2021, [www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf](http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf), para. 136.



with the Catholic Church".<sup>306</sup> Between May and August 2022, 12 radio and television stations of the Catholic Church were closed down by authorities, who argued that they were operating without permits, and on 5 August 2022 the Bishop of Matagalpa was detained and investigated by the police for "inciting hatred with the purpose of destabilizing the State and attacking the authorities".<sup>307</sup>

## B. Refugee Status under the 1984 Cartagena Declaration on Refugees

The 1951 Convention forms the cornerstone of the international refugee protection regime. Accordingly, a sequential approach is preferred, whereby refugee status is initially assessed under the 1951 Convention definition, while interpreting the criteria for refugee status contained in that Convention in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument.<sup>308</sup> In such a sequential approach, if an asylum-seeker is found not to meet the refugee criteria contained in the 1951 Convention, for example because the feared persecution is not for reason of a Convention ground,<sup>309</sup> or the threshold for applying the 1951 Convention definition is otherwise not met, broader international protection criteria under UNHCR's mandate or contained in regional instruments need to be examined.

However, the broader refugee criteria contained in regional instruments may be applied directly when this is more practical and efficient, including in group situations or specific regional contexts, as long as the 1951 Convention standards of treatment apply.<sup>310</sup>

In view of the fact that the vast majority of Nicaraguan nationals seeking international protection remain in the Americas region, UNHCR offers more detailed guidance on eligibility for refugee status under the 1984 Cartagena Declaration. Similar considerations would apply for assessments of eligibility for refugee status under the 1969 OAU Convention.

According to the broader refugee criteria contained in the 1984 Cartagena Declaration on Refugees (Cartagena Declaration), persons whose lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances that have seriously disturbed public order, are also refugees.<sup>311</sup> The focus of the broader Cartagena refugee definition is on the exposure of people to threats inherent in the circumstances referred therein which have seriously disturbed public order. As the Cartagena refugee definition focuses on indiscriminate threats, decision-makers are advised to adopt a consistent approach to persons fleeing similar circumstances in the same country.<sup>312</sup> Further guidance on the interpretation of the refugee definition in the Cartagena Declaration is provided in UNHCR's *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*.<sup>313</sup>

<sup>306</sup> Catholic News Agency, *Missionaries of Charity Expelled from Nicaragua*, 7 July 2022, [www.catholicnewsagency.com/news/251742/missionaries-of-charity-expelled-from-nicaragua-by-order-of-ortega-government](http://www.catholicnewsagency.com/news/251742/missionaries-of-charity-expelled-from-nicaragua-by-order-of-ortega-government). See also, Confidential, *Study Reveals 190 Attacks Against the Catholic Church in the Last Four Years*, 8 June 2022, [www.confidential.digital/english/study-reveals-190-attacks-against-the-catholic-church-in-the-last-four-years/](http://www.confidential.digital/english/study-reveals-190-attacks-against-the-catholic-church-in-the-last-four-years/).

<sup>307</sup> In one case, dozens of police raided a Catholic media outlet broadcasting from within a parish church and detained the priest, who asked for help via social networks. Protestors who responded to the call were met with "force, fired ammunition and tear gas". UN General Assembly, *Human Rights Situation in Nicaragua: Report of the United Nations High Commissioner for Human Rights*, 2 September 2022, A/HRC/51/42, [www.ecoi.net/en/document/2078449.html](http://www.ecoi.net/en/document/2078449.html), paras 15, 17-18.

<sup>308</sup> Such a sequential approach underscores the universal character of the definition of a refugee in Article 1A(2) of the 1951 Convention, the primacy of that Convention, and the explicitly complementary character of the regional definitions. See UNHCR, *Guidelines on International Protection No. 12*, [www.refworld.org/docid/583595ff4.html](http://www.refworld.org/docid/583595ff4.html), para. 87.

<sup>309</sup> Note in particular that in situations of armed conflicts and violence, what may appear to be indiscriminate conduct (i.e., conduct whereby the persecutor is not seeking to target particular individuals) may in reality be discriminate, in that the conduct is aimed at whole communities or areas whose inhabitants are actual or perceived supporters of one of the sides in the situation of armed conflict and violence. UNHCR, *Guidelines on International Protection No. 12*, [www.refworld.org/docid/583595ff4.html](http://www.refworld.org/docid/583595ff4.html), para. 33.

<sup>310</sup> *Ibid.*, para. 88.

<sup>311</sup> *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, [www.refworld.org/docid/3ae6b36ec.html](http://www.refworld.org/docid/3ae6b36ec.html), para. III(3).

<sup>312</sup> UNHCR, *Guidelines on International Protection No. 12*, [www.refworld.org/docid/583595ff4.html](http://www.refworld.org/docid/583595ff4.html), para. 67.

<sup>313</sup> *Ibid.*, paras 61-85.

The Cartagena refugee definition has attained a particular standing in the Americas region, not least through its incorporation into national laws and its application in practice.<sup>314</sup> The legal value of the Cartagena refugee definition and its application has also been recognized by the Inter-American human rights bodies.<sup>315</sup> Its interpretation is to be informed by international and regional law, especially the standards of the 1948 American Declaration of the Rights and Duties of Man, the 1969 American Convention on Human Rights, and the evolving case law of the Inter-American human rights bodies.<sup>316</sup> The authority of the regional refugee definition has also been reaffirmed by the Group of Latin-American and Caribbean countries (GRULAC)<sup>317</sup> and the General Assembly of the Organization of American States (OAS).<sup>318</sup>

#### a) Circumstances compelling flight

UNHCR considers that the situation prevailing in Nicaragua may be characterized as a massive violation of human rights, or alternatively as circumstances seriously disturbing public order.

#### Massive violation of human rights

In relation to massive violation of human rights as the reason for flight, UNHCR's Guidelines on International Protection No. 12 note:

To determine whether a situation of 'massive violation of human rights' prevails, reference to the jurisprudence of the [Inter-American Court of Human Rights] IACtHR is particularly relevant. The term 'massive' refers to the scale or magnitude of the violation, irrespective of the duration, and as such, the violation may be the result of a single event. Where the effects of human rights violations go beyond the actual/direct victims to affect large segments of the population, or even the society as a whole, the situation may also be classified as 'massive violation of human rights'. The elements of planning and organization on the part of the perpetrator – whether a state or non-state actor – can also indicate a situation of 'massive violation of human rights', although they are not a requirement. In the case of non-state actors committing human rights abuses, a situation of 'massive violation of human rights' may exist when the state is either unable or unwilling to protect their citizens by failing to prevent, investigate, prosecute or sanction these violations.<sup>319</sup>

<sup>314</sup> Fifteen countries have incorporated the regional definition into their national legislation, and it has been applied in practice in situations of large-scale movements even in countries where the definition has not been incorporated into their domestic legislation. Higher courts have also acknowledged the fundamental value of the Cartagena Declaration. States in the Americas have recognized its value through regional instruments such as the San Jose Declaration on Refugees and Displaced Persons (1994), the Mexico Declaration and Plan of Action to Strengthen International Protection of Refugees in Latin America (2004), the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas (2011), the Brazil Declaration and Plan of Action (2014) and the 100 Points of Brasilia (2018). *Ibid.*, para. 63.

<sup>315</sup> IACHR, Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless People, and Victims of Trafficking in Persons, Resolution 04/19, 7 December 2019, [www.oas.org/en/iachr/decisions/pdf/Resolution-4-19-en.pdf](http://www.oas.org/en/iachr/decisions/pdf/Resolution-4-19-en.pdf); IACtHR, *Advisory Opinion OC-21/14, Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection*, 19 August 2014, [www.refworld.org/docid/54206c744.html](http://www.refworld.org/docid/54206c744.html), paras 76, 77, 79 and 249; IACtHR, *Advisory Opinion OC-25/18, The Institution of Asylum, and its Recognition as a Human Right under the Inter-American System of Protection (Interpretation and Scope of Articles 5, 22(7) and 22(8) in Relation to Article 1(1) of the American Convention on Human Rights)*, 30 May 18, [www.refworld.org/cases,IACRTHR,5c87ec454.html](http://www.refworld.org/cases,IACRTHR,5c87ec454.html), para. 132.

<sup>316</sup> UNHCR, *Guidelines on International Protection No. 12*, [www.refworld.org/docid/583595ff4.html](http://www.refworld.org/docid/583595ff4.html), para. 64.

<sup>317</sup> GRULAC, Persons Covered by the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and by the Cartagena Declaration on Refugees (Submitted by the African Group and the Latin American Group), 6 April 1992, [www.unhcr.org/refworld/docid/3ae68cd214.html](http://www.unhcr.org/refworld/docid/3ae68cd214.html).

<sup>318</sup> OAS General Assembly, Resolutions AG/RES. 774 (XV-O/85) (1985); AG/RES. 838 (XVI-O/86) (1986); AG/RES. 891 (XVII-O/87) (1987); AG/RES. 951 (XVIII-O/88) (1988); AG/RES. 1021 (XIX-O/89) (1989); AG/RES/1040 (XX-O/90) (1990); AG/RES. 1170 (XXII-O/92) (1992); AG/RES. 1214 (XXIII-O/93) (1993); AG/RES 1273 (XXIV-O/94) (1994); AG/RES. 1336 (XXV-O/95) (1995); AG/RES. 1416 (XXVI-O/96) (1996); AG/RES. 1504 (XXVII-O/97) (1997); AG/Res. 1602 (XXVIII-O/98) (1998); AG/RES. 1693 (XXIX-O/99) (1999); AG/RES. 1762 (XXX-O/00) (2000); AG/RES. 1.832 (XXXI-O/01) (2001); AG/RES 1892 (XXXII-O/02) (2002); AG/RES. 1971 (XXXIII-O/03) (2003); AG/RES. 2047 (XXXIV-O/04) (2004); AG/RES. 2232 (XXXVI-O/06) (2006); AG/RES. 2296 (XXXVII-O/07) (2007); AG/RES. 2402 (XXXVIII-O/08) (2008); AG/RES. 2511 (XXXIX-O/09) (2009); AG/RES. 2597 (XL-O/10) (2010); AG/RES. 2826 (XLIV-O/14) (2014); AG/RES. 2887 (XLVI-O/16) (2016); AG/RES. 2908 (XLVII-O/17) (2017); AG/RES. 2941 (XLIX-O/19) (2019); AG/CG/doc.2 (L-O/20) rev. 1 (2020); AG/RES. 2976 (LI-O/21) (2021).

<sup>319</sup> *Ibid.*, para. 76 (footnotes omitted).

Forced displacement may be an indicator of massive violation of human rights.<sup>320</sup> As of June 2022, over 260,000 people had fled Nicaragua (see also [Section II.F](#)).<sup>321</sup>

The existence of judgments or provisional measures by the IACtHR or precautionary measures by the IACHR related to a given situation provides strong evidence that a situation of massive violation of human rights exists.<sup>322</sup> Since 2018, the IACHR has granted a significant number of precautionary measures to respond to serious human rights violations.<sup>323</sup> While the IACHR received seven requests for precautionary measures in 2017, in 2018 the number increased to 383.<sup>324</sup> Requests declined to 54 in 2019, 26 in 2020 and increased again to 56 in 2021.<sup>325</sup> From these requests, the IACHR granted or extended one precautionary measure in 2017, 67 in 2018, 14 in 2019, 11 in 2020 and 44 in 2021.<sup>326</sup>

In 2021, the IACHR adopted 32 resolutions to grant precautionary measures,<sup>327</sup> including:

- Former members of the Violeta Barrios de Chamorro Foundation, who have been subjected to targeting, harassment and intimidation after Cristina Maria Chamorro Barrios was considered as a potential candidate for the presidency of Nicaragua;<sup>328</sup>
- A journalist from the Nicaraguan newspaper Confidencial, who has been subjected, alongside his family members, to threats, harassment and targeting by state security agents;<sup>329</sup>
- The family of a 14-month-old child who was presumably killed by the police and paramilitaries during a joint operation against protesters. Authorities gave the cause of death as "suspicion of committing suicide", and when the parents attempted to seek justice, they started to be targeted by unknown individuals;<sup>330</sup>
- A leader of former members of the military who has been subjected, alongside his family, to harassment, intimidation, and threats for expressing dissent on the events of April 2018;<sup>331</sup>
- An environmental leader who has been subjected to threats, aggressions, intimidation, surveillance and targeting since April 2018;<sup>332</sup>
- The family members of 16 human rights advocates who have been subjected to threats, intimidation, harassment, and aggressions by authority forces.<sup>333</sup>

Between January and 1 December 2022, the IACHR has adopted 17 resolutions to grant precautionary measures.<sup>334</sup>

In addition, on 24 June 2021, the Inter-American Court of Human Rights granted provisional protection measures to a number of opponents of the Government of Nicaragua due to acts committed against them, including harassment, intimidation, surveillance, smear campaigns, raids of their homes, and arbitrary detention.<sup>335</sup>

<sup>320</sup> Ibid., para. 76.

<sup>321</sup> UNHCR, *Refugee Data Finder*, accessed 2 December 2022, [www.unhcr.org/refugee-statistics/](http://www.unhcr.org/refugee-statistics/).

<sup>322</sup> UNHCR, *Guidelines on International Protection No. 12*, [www.refworld.org/docid/583595ff4.html](http://www.refworld.org/docid/583595ff4.html), para. 77.

<sup>323</sup> IACHR, *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, 21 June 2018, [www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf).

<sup>324</sup> OAS, *Statistics by Country: Nicaragua*, n.d., accessed 2 December 2022, [www.oas.org/en/iachr/multimedia/statistics/statistics.html](http://www.oas.org/en/iachr/multimedia/statistics/statistics.html).

<sup>325</sup> Ibid.

<sup>326</sup> Ibid.

<sup>327</sup> IACHR, *Precautionary Measures*, n.d., accessed 2 December 2022, [www.oas.org/es/CIDH/decisiones/MC/cautelares.asp?Year=2021&Country=NIC](http://www.oas.org/es/CIDH/decisiones/MC/cautelares.asp?Year=2021&Country=NIC).

<sup>328</sup> IACHR, *Resolución 49/2021*, 24 June 2021, [www.oas.org/es/cidh/decisiones/mc/2021/res\\_49-21\\_mc\\_480-21\\_ni\\_es.pdf](http://www.oas.org/es/cidh/decisiones/mc/2021/res_49-21_mc_480-21_ni_es.pdf).

<sup>329</sup> IACHR, *Resolución 31/2021*, 5 April 2021, [www.oas.org/es/cidh/decisiones/mc/2021/res\\_31-21\\_mc\\_1606-18\\_ni\\_es.pdf](http://www.oas.org/es/cidh/decisiones/mc/2021/res_31-21_mc_1606-18_ni_es.pdf).

<sup>330</sup> IACHR, *Resolución 28/2021*, 19 March 2021, [www.oas.org/es/cidh/decisiones/mc/2021/res\\_28-21\\_mc\\_127-21\\_ni\\_es.pdf](http://www.oas.org/es/cidh/decisiones/mc/2021/res_28-21_mc_127-21_ni_es.pdf).

<sup>331</sup> IACHR, *Resolución 17/2021*, 25 February 2021, [www.oas.org/es/cidh/decisiones/mc/2021/res\\_17-2021\\_mc-1076-18\\_ni-es.pdf](http://www.oas.org/es/cidh/decisiones/mc/2021/res_17-2021_mc-1076-18_ni-es.pdf).

<sup>332</sup> IACHR, *Resolución 16/2021*, 22 February 2021, [www.oas.org/es/cidh/decisiones/mc/2021/res\\_16-2021\\_mc-907-20\\_ni.pdf](http://www.oas.org/es/cidh/decisiones/mc/2021/res_16-2021_mc-907-20_ni.pdf).

<sup>333</sup> IACHR, *Resolución 44/2021*, 17 May 2021, [www.oas.org/es/cidh/decisiones/MC/2021/Res\\_44-21\\_MC\\_1105-19\\_NI\\_ES.PDF](http://www.oas.org/es/cidh/decisiones/MC/2021/Res_44-21_MC_1105-19_NI_ES.PDF).

<sup>334</sup> OAS, *Statistics by Country: Nicaragua*, n.d., accessed 2 December 2022, [www.oas.org/en/iachr/multimedia/statistics/statistics.html](http://www.oas.org/en/iachr/multimedia/statistics/statistics.html).

<sup>335</sup> IACtHR, *Resolución de la Corte Interamericana de Derechos Humanos de 24 de junio de 2021*, 24 June 2021, [www.corteidh.or.cr/docs/medidas/chamorro\\_se\\_01.pdf](http://www.corteidh.or.cr/docs/medidas/chamorro_se_01.pdf).

The reports by the IACHR, resolutions of OAS General Assembly, or statements of human rights bodies, specialized investigation bodies or courts may also provide relevant indicators of the existence of a situation of massive violation of human rights. As noted in [Chapter II](#), since the events of 2018 in Nicaragua, international and regional human rights bodies have issued numerous reports documenting serious human rights violations in the country.

In June 2018, the IACHR noted that the repression and criminalization of demonstrators and the social movement amounted to "gross human rights violations"<sup>336</sup> and it concluded that the Government of Nicaragua had "violated the rights to life, humane treatment, health, personal liberty, assembly, freedom of expression, and access to justice."<sup>337</sup>

In December 2018, the Interdisciplinary Group of Independent Experts on Nicaragua (GIEI) stated that actions carried out by the Nicaraguan state in the context of the repression of the protests "should be considered as crimes against humanity."<sup>338</sup> According to the GIEI, these crimes, which included killings, arbitrary detentions, torture, sexual violence, and indiscriminate targeting, were generalized and systematic against the civilian population, often involving weapons of war and the use of para-police forces and were carried out with State resources and under the direction of high-level government officials.<sup>339</sup>

In 2019 the OAS General Assembly noted that the events of 2018 coupled with the lack of improvements in electoral reform led to "an alteration of the constitutional regime that seriously impairs the democratic order".<sup>340</sup> In October 2020, it expressed concern that democratic institutions had deteriorated, arbitrary detention had not ceased, and that para-police forces and armed militia, which had continued with abuses and illegal actions, had not been dismantled.<sup>341</sup>

On 18 September 2020, 50 national and international non-governmental organizations issued a joint letter denouncing Nicaraguan authorities' repression of activists and those perceived as opponents of the government.<sup>342</sup> The letter indicated that during September 2020, civil society activists, journalists, former political prisoners and their families were targeted with arbitrary detention, raids, harassment, death threats, vandalism, public slander, sexual violence, and online smear campaigns.<sup>343</sup>

In 2019, 2020 and 2021, the UN Human Rights Council expressed grave concern at the continuing reports of serious human rights violations and abuses since April 2018, including the persisting disproportionate use of force by the police to repress social protests, acts of violence by armed groups, as well as reports

<sup>336</sup> IACHR, *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, 21 June 2018, [www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf), para. 57.

<sup>337</sup> *Ibid.*, para. 279. The IACHR stated furthermore, "The Commission finds especially worrisome the assassinations, extrajudicial executions, abusive treatment, possible acts of torture and arbitrary detentions committed against the country's majority young population. Similarly, the IACHR states its concern over the violation of the right to health and medical care, the reprisals against public servants for refusing to carrying [sic] out orders contrary to human rights, acts of press censorship and violence against the press, acts harassing human rights defenders, irregularities in beginning investigations with respect to the assassinations and injuries that have occurred in this context, as well as other serious events verified by the Commission". *Ibid.*

<sup>338</sup> "De la información disponible se desprende que el Estado de Nicaragua ha llevado a cabo conductas que de acuerdo con el derecho internacional deben considerarse crímenes de lesa humanidad." GIEI, *Nicaragua: Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018*, December 2018, [www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI\\_INFORME.pdf](http://www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI_INFORME.pdf), p. 228. "In the opinion of the GIEI, and in conformity with the available information, the State of Nicaragua perpetrated actions that amount to crimes against humanity, according to international law, namely murders, arbitrary deprivation of liberty and persecution." GIEI, *Report on the Violent Events that Took Place in Nicaragua Between April 18th and May 30th: Executive Summary*, 21 December 2018, [https://gieinicaragua.org/giei-content/uploads/2019/01/GIEI\\_NICARAGUA\\_EXECUTIVE\\_SUMMARY\\_eng.pdf](https://gieinicaragua.org/giei-content/uploads/2019/01/GIEI_NICARAGUA_EXECUTIVE_SUMMARY_eng.pdf), p. 4.

<sup>339</sup> "En primer lugar, los hechos analizados deben calificarse como un ataque generalizado y sistemático contra la población civil." GIEI, *Nicaragua: Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018*, December 2018, [www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI\\_INFORME.pdf](http://www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI_INFORME.pdf), p. 228.

<sup>340</sup> OAS, *The Situation in Nicaragua*, 28 June 2019, <http://scm.oas.org/IDMS/Redirectpage.aspx?class=AG/doc.&classNum=5682&lang=e>.

<sup>341</sup> OAS, *Resolution: Restoring Democratic Institutions and Respect for Human Rights in Nicaragua Through Free and Fair Elections*, 22 October 2020, [http://scm.oas.org/doc\\_public/english/hist\\_20/AG08237E03.docx](http://scm.oas.org/doc_public/english/hist_20/AG08237E03.docx).

<sup>342</sup> OMCT et al., *Nicaraguan Authorities' Repression of Activists, Human Rights Defenders, and Journalists Intensifies*, 21 September 2020, [www.fidh.org/en/region/americas/nicaragua/nicaraguan-authorities-repression-of-activists-human-rights-defenders](http://www.fidh.org/en/region/americas/nicaragua/nicaraguan-authorities-repression-of-activists-human-rights-defenders).

<sup>343</sup> *Ibid.*



of ongoing unlawful arrests and arbitrary detentions, harassment, torture and gender-based violence in detention.<sup>344</sup>

Between 28 May and 6 September 2021, OHCHR documented the arbitrary detention of 36 persons, including “political leaders, human rights defenders, business people, journalists, and peasant and student leaders”.<sup>345</sup> On 16 June 2022, OHCHR noted that the human rights situation in Nicaragua has continued to decline, with “arbitrary detentions where detainees face appalling conditions, hundreds of civil society organisations being stripped of their legal status, and that fleeing the crisis, Nicaraguans continue to leave the country in unprecedented numbers”.<sup>346</sup> As of 16 June 2022, 173 persons continued to be detained in substandard conditions “in connection with the political and human rights crisis that erupted in 2018” and the government had cancelled the status of 454 NGOs.<sup>347</sup>

On 31 August 2018, President Daniel Ortega expelled an OHCHR observer mission from the country after it published a report on human rights in the country.<sup>348</sup> Additionally, in December 2018 the government “expelled from Nicaragua the Special Monitoring Mechanism for Nicaragua (MESENI) and the Interdisciplinary Group of Independent Experts (GIEI)”.<sup>349</sup> Amnesty International and others noted in March 2022 that since 2018, no international human rights monitors have been able to visit Nicaragua.<sup>350</sup>

### Circumstances seriously disturbing public order

With reference to circumstances that have seriously disturbed public order as the reason for flight, UNHCR's Guidelines on International Protection No. 12 explain that, “The notion of ‘public order’, while not having a universally accepted definition, can be interpreted in the context of the Cartagena refugee definition as referring to the peace, internal and external security as well as stability of the state and society, plus the normal functioning of the institutions of the state, based on respect for the rule of law and human dignity.”<sup>351</sup>

In light of the information presented in [Section II.B](#), and for reasons related to those presented above with regards to the existence of a situation of massive violation of human rights, UNHCR considers that the situation in Nicaragua could alternatively be characterized as circumstances seriously disturbing public order.

#### b) Threat to life, security or freedom

The broader Cartagena refugee criteria require a “link between the circumstance occurring in the country of origin and the threat it poses to the lives, security and freedom of persons residing in the country. The ‘threat’ or risk element in the definition connotes the possibility of harm being inflicted on a person, a group of persons at heightened risk or a whole population; it does not imply that the harm has actually materialized. The link between the circumstance and the threat should not be interpreted in such a manner as to curtail or restrict unnecessarily the scope of international protection granted to persons fleeing their country, for example by requiring an individualized assessment of the risk to life, security or freedom. In

<sup>344</sup> UN Human Rights Council, *Resolution 46/2 on the Promotion and Protection of Human Rights in Nicaragua*, A/HRC/RES/46/2, 26 March 2021, [https://digitallibrary.un.org/record/3924395/files/A\\_HRC\\_RES\\_46\\_2-EN.pdf](https://digitallibrary.un.org/record/3924395/files/A_HRC_RES_46_2-EN.pdf); UN Human Rights Council, *Resolution 43/2 on the Promotion and Protection of Human Rights in Nicaragua*, A/HRC/RES/43/2, 19 June 2020, <https://undocs.org/A/HRC/RES/43/2>; UN Human Rights Council, *Resolution 40/2 on the Promotion and Protection of Human Rights in Nicaragua*, A/HRC/RES/40/2, 4 April 2019, <https://undocs.org/A/HRC/RES/40/2>.

<sup>345</sup> OHCHR, *Oral Update on the Situation of Human Rights in Nicaragua*, 13 September 2021, [www.ohchr.org/en/2021/09/oral-update-human-rights-situation-nicaragua](http://www.ohchr.org/en/2021/09/oral-update-human-rights-situation-nicaragua).

<sup>346</sup> OHCHR, *Oral Update on the Situation of Human Rights in Nicaragua*, 16 June 2022, [www.ohchr.org/en/statements/2022/06/oral-update-situation-human-rights-nicaragua](http://www.ohchr.org/en/statements/2022/06/oral-update-situation-human-rights-nicaragua). See also: HRW, *Nicaragua: Government Dismantles Civil Society*, 19 July 2022, [www.ecoi.net/en/document/2075720.html](http://www.ecoi.net/en/document/2075720.html).

<sup>347</sup> Ibid.

<sup>348</sup> DW, *Ortega expulsada de Nicaragua a misión de la ONU tras duro informe sobre DD.HH.*, 31 August 2018, [www.dw.com/es/ortega-expulsada-de-nicaragua-a-misi%C3%B3n-de-la-onu-tras-duro-informe-sobre-ddhh/a-45311450](http://www.dw.com/es/ortega-expulsada-de-nicaragua-a-misi%C3%B3n-de-la-onu-tras-duro-informe-sobre-ddhh/a-45311450).

<sup>349</sup> OAS, *OAS General Secretariat Rejects Expulsion of GIEI and MESENI from Nicaragua*, 19 December 2018, [www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=E-082/18](http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-082/18); HRW, *Nicaragua: Zero Tolerance for Scrutiny*, 20 December 2018, [www.hrw.org/news/2018/12/20/nicaragua-zero-tolerance-scrutiny](http://www.hrw.org/news/2018/12/20/nicaragua-zero-tolerance-scrutiny).

<sup>350</sup> Amnesty International et al., *Open letter to Permanent Representatives to the UN Human Rights Council*, 4 March 2022, <https://ishr.ch/wp-content/uploads/2022/03/Joint-Open-Letter-on-Nicaragua-HRC49.pdf>, p. 2.

<sup>351</sup> UNHCR, *Guidelines on International Protection No. 12*, [www.refworld.org/docid/583595ff4.html](http://www.refworld.org/docid/583595ff4.html), para. 78; see also paras 56-59.

fact, spatial/geographical proximity of the circumstance to the person would suffice to create a threat forcing the person to flee the country.”<sup>352</sup>

In light of the information presented in [Chapter II](#) and [Section III.A](#), UNHCR considers that Nicaraguan nationals, or stateless individuals who were habitual residents in Nicaragua, who fall into any of the risk profiles listed in [Section III.A](#) are likely to come within the scope of the broader Cartagena refugee criteria on the grounds that their lives, security or freedom have been threatened by massive violation of human rights or alternatively events seriously disturbing public order.

Countries that have incorporated the broader refugee criteria from the Cartagena Declaration into their national legislation may want to adopt simplified refugee status determination (RSD) procedures, applying a presumption of inclusion to applicants who fall within these risk profiles.<sup>353</sup>

In summary, UNHCR considers that the situation prevailing in Nicaragua may be characterized as a massive violation of human rights, or alternatively as circumstances seriously disturbing public order. Accordingly, individuals or groups of individuals from Nicaragua, or stateless persons who were habitually resident in Nicaragua, may be in need of international protection under the broader refugee criteria contained in the Cartagena Declaration on the basis that they are exposed to serious threats to their life, security or freedom resulting from massive violations of human rights or circumstances seriously disturbing public order.

In particular, applicants who fall into any of the risk profiles listed in [Section III.A](#) are likely to come within the scope of the broader Cartagena refugee criteria on the grounds that their lives, security or freedom have been threatened by massive violation of human rights or alternatively events seriously disturbing public order.

In general, UNHCR recommends a sequential approach, whereby refugee status is initially assessed under the 1951 Convention definition before an assessment is made under the broader refugee criteria contained in the Cartagena Declaration. However, the broader Cartagena refugee definition may be applied directly where this is more practical and efficient, as long as the 1951 Convention standards of treatment apply.<sup>354</sup> Countries that have incorporated the broader refugee criteria from the Cartagena Declaration into their national legislation may apply these criteria directly to applicants falling into any of the risk profiles identified in [Section III.A](#), using simplified refugee status determination procedures based on a presumption of inclusion for these applicants.

### C. Considerations Relating to the Application of an Internal Flight / Relocation / Protection Alternative

Assessment of the possibility of the application of an internal flight / relocation / protection alternative (IFA/IRA/IPA) requires an evaluation of the relevance as well as reasonableness of the proposed alternative.<sup>355</sup>

In light of the fact that UNHCR considers that Nicaragua is currently affected by massive human rights violations, UNHCR does not consider that an internal flight alternative is available for Nicaraguan nationals, or stateless persons who were habitually resident in Nicaragua, who have been found to have a well-founded fear of persecution under the 1951 Convention, in relation to their home area in Nicaragua.

<sup>352</sup> Ibid., para. 81.

<sup>353</sup> UNHCR, *Aide-Memoire & Glossary of Case Processing Modalities, Terms and Concepts Applicable to RSD under UNHCR's Mandate (The Glossary)*, 2020, [www.refworld.org/docid/5a2657e44.html](http://www.refworld.org/docid/5a2657e44.html), Chapter I.iii; UNHCR, *Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status*, 24 June 2015, HCR/GIP/15/11, [www.refworld.org/docid/555c335a4.html](http://www.refworld.org/docid/555c335a4.html), paras 40-41.

<sup>354</sup> UNHCR, *Guidelines on International Protection No. 12*, [www.refworld.org/docid/583595ff4.html](http://www.refworld.org/docid/583595ff4.html), para. 86-88.

<sup>355</sup> The decision-maker bears the burden of proof of establishing that an analysis of relocation is relevant to the particular case. If considered relevant, it is up to the party asserting this to identify the proposed area of relocation and provide evidence establishing that it is a reasonable alternative for the individual concerned. See UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, [www.refworld.org/pdfid/3f2791a44.pdf](http://www.refworld.org/pdfid/3f2791a44.pdf), paras 33-35.

Similarly, in light of the fact that UNHCR considers that Nicaragua is currently affected by circumstances seriously disturbing public order, UNHCR does not consider that an internal flight alternative is available for Nicaraguan nationals, or stateless persons individuals who were habitually resident in Nicaraguan, who have been found to meet UNHCR's broader mandate criteria,<sup>356</sup> or the broader refugee criteria of the Cartagena Declaration<sup>357</sup> or the 1969 OAU Convention<sup>358</sup> in relation to their home area in Nicaragua.

## D. Exclusion from International Refugee Protection

Among nationals or habitual residents of Nicaragua seeking international protection, there may be individuals who have been associated with acts falling within the scope of the exclusion clauses provided for in Article 1F of the 1951 Convention.<sup>359</sup> Exclusion considerations would be triggered, in particular, in cases involving possible participation in acts of violence, including murder, torture and other forms of ill-treatment, kidnappings, rape and other forms of sexual violence, extortion, robbery, violent assaults and other violent crimes, forced displacement and recruitment and use of children, child labour, including transnational and national trafficking. In all such cases, it will be necessary to examine carefully any issues of individual responsibility for crimes that may give rise to exclusion from international refugee protection. Given the potentially serious consequences of exclusion from international refugee protection, the exclusion clauses need to be interpreted restrictively and applied with caution. Mere membership in a criminal group or organization is not a sufficient basis to exclude. A full assessment of the circumstances of the individual case is required in all cases.<sup>360</sup>

In view of the particular circumstances and vulnerabilities of children, the application of the exclusion clauses to children needs to be exercised with great caution.<sup>361</sup> Where children associated with a gang or other organized criminal group are alleged to have committed crimes, it is important to bear in mind that they may be victims of offences against international law and not just perpetrators.<sup>362</sup>

## E. Protection-Oriented Arrangements under National or Regional Legal Frameworks

Where States face challenges in adapting existing asylum systems to the need to determine potentially large numbers of claims for international refugee protection by Nicaraguan nationals, UNHCR encourages States to consider protection-oriented arrangements to enable legal stay for Nicaraguans with appropriate safeguards, in particular where this would ensure faster access to protection and services for the individuals concerned. This could include other forms of international protection under international human rights law

<sup>356</sup> See UNHCR, *Guidelines on International Protection No. 12*, [www.refworld.org/docid/583595ff4.html](http://www.refworld.org/docid/583595ff4.html), paras 40-43.

<sup>357</sup> "The focus of the Cartagena refugee definition is on situations that seriously disrupt state and societal structures. Under such circumstances, people cannot be required to relocate to other parts of the country, even if the situation in these parts may be less disrupted." *Ibid.*, para. 85.

<sup>358</sup> *Ibid.*, para. 60.

<sup>359</sup> UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, [www.refworld.org/docid/3f5857684.html](http://www.refworld.org/docid/3f5857684.html).

<sup>360</sup> In some cases, individual responsibility for excludable acts may be presumed if membership and participation in the activities of a particularly violent group is voluntary. Detailed guidance on the interpretation and application of Article 1F of the 1951 Convention can be found in UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, HCR/GIP/03/05, 4 September 2003, [www.refworld.org/docid/3f5857684.html](http://www.refworld.org/docid/3f5857684.html); and UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, [www.refworld.org/docid/3f5857d24.html](http://www.refworld.org/docid/3f5857d24.html).

<sup>361</sup> For further guidance on the application of the exclusion clauses to children, see UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/09/08, 22 December 2009, [www.refworld.org/docid/4b2f4f6d2.html](http://www.refworld.org/docid/4b2f4f6d2.html), paras 58-64.

<sup>362</sup> The Paris Principles state: "Children who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offences against international law; not only as perpetrators. They must be treated in accordance with international law in a framework of restorative justice and social rehabilitation, consistent with international law which offers children special protection through numerous agreements and principles". See UNICEF, *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, February 2007, [www.refworld.org/docid/465198442.html](http://www.refworld.org/docid/465198442.html), paras 3.6 and 3.7.

such as complementary protection under the American Convention on Human Rights,<sup>363</sup> or temporary protection. States can also consider adopting legal stay arrangements that offer protection against refoulement and standards of treatment akin to international protection status.<sup>364</sup> Under international law, non-refoulement provisions prohibit returning people to a country where they are at risk of persecution, torture, or other serious or irreparable harm.

In all circumstances, minimum standards would need to be guaranteed, namely:

- d) **Legality:** The requirements and procedures for obtaining such arrangements would need to be defined and articulated under national law. UNHCR calls on States to ensure that persons benefiting from such arrangements are issued with an official document recognized by all government authorities.
- e) **Accessibility:** The relevant arrangements would need to be accessible to all Nicaraguans, irrespective of their date of entry into the host country. This would mean that there should be no or minimal costs associated with applying for such an arrangement, and that applications would be accepted in various locations across the territory to ensure that transportation costs are not prohibitive. Further, neither irregular entry/presence nor lack of identity documents would be viewed as a valid reason for denying access to such an arrangement.
- f) **Access to basic rights:** Protection-based arrangements would also guarantee access to basic services and fundamental rights, on an equal basis with other foreign nationals who are legally residents on the State's territory, in line with UNHCR's Guidelines on Temporary Protection or Stay Arrangements.<sup>365</sup> These rights include: 1) access to health care; 2) access to education; 3) family unity; 4) freedom of movement; 5) access to shelter, and 6) the right to work. These rights would be guaranteed on an equal and non-discriminatory basis.

Implementation of such arrangements would be without prejudice to the right to seek asylum, notably in expulsion or deportation proceedings or in the case of non-renewal of residence permits. Fair and efficient asylum systems provide the necessary safety net to ensure that individuals with international protection needs are recognized as such and are protected from refoulement. All decisions on asylum claims need to take into account relevant, reliable and up-to-date country of origin information.

<sup>363</sup> OAS, 1969 *American Convention on Human Rights*, [www.refworld.org/docid/3ae6b36510.html](http://www.refworld.org/docid/3ae6b36510.html), Art. 22(8); see IACtHR, *Caso Familia Pacheco Tineo vs Estado Plurinacional de Bolivia*, 25 November 2013, [www.refworld.org/docid/52c53b154.html](http://www.refworld.org/docid/52c53b154.html); IACtHR, Advisory Opinion OC-21/14, *Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection*, 19 August 2014, [www.refworld.org/docid/54129c854.html](http://www.refworld.org/docid/54129c854.html).

<sup>364</sup> Such standards include: appropriate reception arrangements; recognized and documented permission to stay; protection against arbitrary or prolonged detention; access to housing, education, health care and other basic services; freedom of movement, except as may be warranted by national security, public order or public health considerations; the registration of births, deaths and marriages; physical security, including protection against sexual and gender-based violence and exploitation; special care for separated and unaccompanied children, guided by the best interests of the child; respect for family unity and tracing, and opportunities for reunification with separated family members; particular attention and special arrangements for persons with special needs, including persons with disabilities; self-sufficiency or work opportunities; and access to UNHCR and, as appropriate, other relevant international organizations and non-governmental organizations and civil society. See UNHCR, *Guidelines on Temporary Protection or Stay Arrangements*, February 2014, [www.refworld.org/docid/52fba2404.html](http://www.refworld.org/docid/52fba2404.html), in particular paras 13, 16-18.

<sup>365</sup> Ibid.



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