
New resolution on Nicaragua should be presented at the 46th session of the Human Rights Council

I. Concluding remarks as the second resolution's cycle is closing

Last year, in light of the persisting serious human rights violations and abuse perpetrated in Nicaragua since April 2018 and the recommendations formulated by the High Commissioner in her report and oral updates to the HRC, the Human Rights Council approved a [second resolution](#) on the protection and promotion of human rights in Nicaragua.

This resolution urged yet again, the State of Nicaragua, as a State party to the international Covenants and other relevant human rights instruments, to:

- Resume its cooperation with OHCHR and other International and regional human rights monitoring bodies and mechanisms,
- To respect its citizens fundamental rights and freedoms enshrined in the International Covenant and Conventions to which it is a party,
- To cease the widespread practice of arbitrary detention as a form of repression of dissident voices, free all political prisoners and to investigate allegations of torture and extra-judicial executions,
- To restore the independence of the judiciary and ombudsman and to guarantee a thorough victim-centred, transparent, inclusive and comprehensive accountability process to ensure access to truth, justice and reparation for the victims of human rights abuses committed since 2018,
- To resume a credible, representative and transparent dialogue with all of society's sectors in order to find a peaceful and democratic resolution to the crisis
- To undertake judicial and electoral reforms to ensure credible, transparent and fair elections in line with International norms and with the presence of independent national and international observers.

It is clear that the Government has not complied with any of these points, it has not acceded to the recommendations formulated in the High Commissioner's 2019 [report](#) and subsequent oral updates, and has yet to allow for the return of the OHCHR and IACHR in the country. Moreover, this past year has been marked by a further deterioration of the human rights situation, an institutionalisation of repression and a pointed disdain for civil society and the international community's repeated calls to comply with its national and international human rights obligations, even in light of the COVID-19 pandemic.

II. Considerations regarding the current context (January 2021)

This coming year will be a particularly challenging one for Nicaragua, April will mark the third anniversary of what has become the worst political and socioeconomic crisis the country has faced in the past 30 years, and in November Nicaraguans are expected to vote in General Elections for the President, the National Assembly as well as the Central American Parliament.

Current state of human rights violations:

Freedom of association:

Since September 2018, there has been a de-facto ban on any public anti-government demonstrations, while flash pickets were still common throughout 2019 (and immediately dismantled by police and pro-government mobs, leading to attacks and arbitrary arrests) increased harassment by authorities and (self-imposed) restrictions due to the COVID-19 pandemic has made such forms of protests very difficult to

undertake. Most opposition activities were held in private spaces (homes, private universities, hotel meeting rooms) however these were systematically met with threats, harassment and physical attacks from both pro-government groups and police.

This year, there has been a noted increase in illegal searches, breaches or occupation of private property of perceived opposition leaders or dissident voices by Police. While such practices have been in place since the beginning of the crisis, there has been a growing pattern of “[de-facto house arrests](#)” where police units would stake out and intimidate dissidents to the point of them being unable to step out of their house, widely used against incarcerated persons, such abuse has been extended to potential opposition political figures many of whom cannot leave their homes or their city.

This practice was also used against independent civil society-led initiatives to undertake information campaigns and provide medical/sanitary supplies to help prevent the spread of COVID-19 throughout the country, or humanitarian relief following the border crisis in July/August 2020, and the devastating hurricanes Eta and Iota that have especially affected the two Caribbean Coast Autonomous Regions, whose population – including large numbers of already marginalised indigenous and afro-Nicaraguan communities – is particularly vulnerable. Authorities and pro-government elements would harass, intimidate and attack those participating in these initiatives, their supplies and donations would be confiscated and in the case of the hurricane response, volunteers heading to the Caribbean were not allowed to leave their cities/departments¹.

At least one more non-governmental organisations’ legal status was arbitrarily revoked this year, in addition to the nine others who were shut down in 2018. Other NGOs, including international civil society organisations have had to close down this year to the financial duress and increasingly suffocating administrative obligations imposed on them by the authorities.

Human rights organisations still able to operate in the country have been facing continuous harassment and surveillance of their offices and staff in a coordinated effort by police and pro-government mobs. In recent months, there has been a growing strategy to intimidate and silence victims from filing a human rights complaint by preventing them from even approaching or, when already there, from leaving the premises. There has also been a rise in direct attacks against human rights and defence lawyers², who have been arrested and searched after visiting victims or even [shot at and then denied their right to register a complaint to the Police](#).³

Freedom of expression and the press:

This year has been marked by a further degradation of press freedom, the Fundación Violeta Barrios reported at least 360 violations of press freedom in 2020, [218 targeting journalists](#) and another [164 concerning media outlets](#). Independent journalists have continued to suffer physical or judicial persecution, two journalists are currently on trial on defamation charges⁴. In October, another prominent journalist was seriously wounded by a pro-government paramilitary mob and was then denied immediate medical attention in a public hospital, she was transferred to ICU in a private institution with severe head injuries.⁵ Authorities have continued to arbitrarily seize independent news outlets’ assets and in December 2020 the Government reappropriated the NGOs and media outlet premises seized since 2018 to allegedly convert them into public services buildings.⁶ In 2021, this trend has no signs of stopping and abuses are more and more generalised, on January 24th a journalist was persecuted, handcuffed and forced to remove his video footage by police agents after covering police brutality during a road accident.⁷

¹ El Periódico, “[Acusan al Gobierno de Nicaragua de impedir la ayuda a los damnificados por Eta](#)”, 5.11.2020

² López, I / Onda Local “[Policía Orteguista asedia iniciativas de ayuda humanitaria para personas afectadas por ETA](#)” 04.11.2020

³ OMCT urgent letter “[Nicaraguan authorities’ repression of activists, human rights defenders, and journalists intensifies](#)” 21.09.2020

⁴ See OHCHR’s [tweet](#) dated 29.09.2020; IACHR’s [tweet](#) dated 29.09.2020

⁵ 100% Noticias, “[Periodistas Kalúa Salazar y David Quintana reciben nueva citatoria judicial por casos de injurias y calumnias](#)”, 23.01.2021

⁶ IM-Defensoras WHRD Alert “[Assailants attack and seriously wound journalist Verónica Chávez of Channel 100% Noticias](#).” 14.10.2020

⁷ Munguía, I / Confidencial “[Ortega oficializa la confiscación de CONFIDENCIAL y 100% Noticias](#)”, 23.12.2020

⁸ Cénidh’s [statement](#) dated 25.01.2021

Overall, freedom of expression, just like freedom of association, has been increasingly restricted and private citizens or organisations documenting and denouncing human rights abuses have faced reprisals from authorities or pro-government mobs, including arbitrary detentions and trials, aggressions and intimidation. In the context of COVID-19, such violations have also included intimidation and arbitrary dismissal of dozens of health professionals critical of the State's management of the pandemic and the obstruction to verified information.⁸

Impunity:

Since April 2018, there has been not one investigation or judicial process against police or paramilitary elements involved in the assassination of at least 328 persons in the protests, nor regarding other gross human rights violations that have been documented by international human rights bodies and civil society organisations including arbitrary arrest and detention, torture, sexual and gender-based violence in detention, extrajudicial executions. While this status quo was essentially set in stone by the so-called Amnesty Law passed in June 2019 which provided a blanket amnesty for all responsible for these crimes between 2018 and (June 2019), it must be highlighted that these violations continue to be perpetrated by State authorities and pro-government individuals to this day.

Three years on, this climate of impunity has led to a rise in both targeted persecution of anyone deemed as a dissident as well as a spike in generalised violence that should be cause for alarm. The complete lack of accountability combined with stigmatising and hate-mongering discourse from the highest spheres of the State⁹ has only reinforced what are now years of constant harassment, attacks and vandalisations of human rights defenders, ex-political prisoners, defence lawyers and other victims and their families to the point of many qualifying their lives as being under siege.

Furthermore, neither the hundreds of cautionary measures granted by the IACHR nor the reparations and justice to victims of arbitrary arrests and/or reprisals whose case was processed by the UN human rights bodies in the past three years have been acknowledged so far.¹⁰

While killings in urban centres have subsided (though not entirely stopped) since the overall ban on demonstrations, Nicaraguan human rights organisations and civil society associations have documented an increasing number of assassinations across the country, some of which may be identified as politically motivated summary executions, especially of recognised *campesino* dissidents in rural areas, as well as indigenous community leaders. Witnesses and human rights defenders have denounced the involvement of the Polices, Armed Forces, as well as paramilitary elements who continue to operate in complete impunity throughout the national territory.

Impunity for human rights violations has largely affected indigenous peoples as well. While State and non-State violence against indigenous peoples in Nicaragua is far from recent, with an increase in land grabbing and severe human rights abuses against communities since 2015, the current human rights crisis and especially 2020 have been marked with unprecedented violence¹¹. Encouraged by the State's historic disinterest in investigating these attacks and the lack of accountability, "colonisers" have intensified land invasions of indigenous territories, heavily armed attacks have killed at least 13 indigenous persons¹², many wounded, some with serious disabilities and waves mass forced displacements with villages being burned down and dozens of families forced to leave their homes, [these have continued in 2021](#). Instead of protection and justice, State response has been by harassing indigenous rights organisations and territorial governments, including through arbitrary arrests and threats against indigenous leaders.¹³

⁸ See [RIDH and Observatorio Ciudadano's report to the CFESCB](#), September 2020

⁹ See OHCHR's [latest bulletin](#) (June/July 2020) and the High Commissioner's Oral Updates to the HRC's 44th and 45th sessions.

¹⁰ Nicaragua ranks third after Venezuela and Mexico in the number of opinions emitted by the UN WGAD to Latin American cases; it also has the highest number in the region for cases of reprisals according to the ASG for Human Rights' reports to the HRC 42 and 44.

¹¹ CEJIL, "[Resistencia Miskitu: una lucha por el territorio y la vida - Actualización a julio de 2020](#)", 30.09.2020

¹² López, L./La Prensa, "[Asesinan a joven mayangna en Bosawas. Ya son 13 las muertes indígenas por colonos en 2020](#)", 11.12.2020

¹³ CEJUDHCAN et al. "Información relevantes y actualizados sobre la situación de violación de derechos humanos de los Pueblos Indígenas de la Costa Caribe de Nicaragua", December 2020.

The climate of impunity and lack of adequate structural responses, including disinvestment for domestic abuse programmes has led to a spike in feminicides and overall violence against women and girls in the past year.¹⁴ Capitalising on a wave of gruesome gender-based murders and aggressions in 2020, the Government pushed for reforms to the Violence against Women Law and the Penal Code to allow for the inclusion of Life Imprisonment for “hate crimes” whose vague and ambiguous definition will likely target dissident voices. In the meantime, attacks from authorities and pro-government mobs against women human rights defenders, women’s rights organisations and feminist collectives have intensified, especially in the last quarter of 2020 and in January 2021¹⁵, with increased harassment of women leaders, arbitrary searches and occupation of their homes and offices, and smear campaigns promoted from the highest political spheres.

Arbitrary detentions:

One of the most visible and concerning human rights violations is the continued persistence of arbitrary arrests and illegal detentions of persons perceived as dissidents as a form of repression. The Government has shown no intention to cease and investigate this practice, on the contrary, since January 2020 there has been an unmistakable rise in arbitrary detentions and worsening conditions of detention for political prisoners.

From 61 political prisoners registered this time last year, we now report [more than 110 political prisoners](#) including four women one of whom is trans and is held in a men’s prison. It must be noted that 21 inmates have been incarcerated since before June 2019 and did not benefit from the so-called Amnesty Law, and another 31 had been released and/or amnestied and have been “recaptured” since June 2019, some facing their third arbitrary detention.¹⁶

While in January 2020 the majority (35) of the 61 political prisoners were still being processed and only 19 were already serving a sentence, by the end of the year more than 78% (86) of the 110 were condemned. The majority of charges are for criminal offences such as aggravated theft, drug trafficking, illegal firearms etc.

This past year, and especially in the last trimester, civil society organisations have reported a growing trend known as the “puerta giratoria” whereby authorities would release a number of political prisoners and immediately detain a similar number of perceived dissidents¹⁷. Shorter arbitrary detentions have also become common practice whereby perceived dissidents, including human rights lawyers are retained for various hours, sometimes days before being released again. These are clear strategies to maintain a constant climate of repression, threat and ultimately control over civil society actors while also avoiding any noticeable spikes in the total number of political prisoners so as to fit its narrative of perceived normality.

As it has been consistently documented through victims’ testimonies, civil society reports, the more recent IACHR [report](#), the OHCHR as well as a number of opinions emitted by the UNWGAD (3 in 2020, 6 in total since April 2018), political prisoners are detained in particularly inhumane conditions, their right to a fair trial and defence is systematically violated, many suffer from torture and severe ill-treatment in detention centres, including sexual torture. They are expressly denied medical attention despite the fact that many of them suffer from chronic and sometimes serious medical conditions, often due to, or worsened by, the ill-treatment received in prison. To this day, 16 political prisoners are arbitrarily secluded in a maximum security wing and have been in punishment cells for several months.

Throughout the year, at least 4 political prisoners were hospitalised in critical conditions, two have remained in hospital since late August 2020. Only one of them has been released: Justo Rodríguez aged 68, arbitrarily detained in April 2020 and whose lawyers had been requesting for alternate custody measures due to his age and deteriorating health, suffered a major stroke in August and remained hospitalised until

¹⁴ López, E/ Despacho 505 “Femicidio en Chontales: Nicaragua acumula 71 mujeres asesinadas en 2020”, 30.12.2020

¹⁵ IM-defensoras, WHRD Alert “Policías y paramilitares hostigan y asedian a integrantes de organizaciones feministas.”, 25.01.2021

¹⁶ Mecanismo para el Reconocimiento de Personas Presas Políticas-Nicaragua, “December 2020 bulletin”, 07.12.2020

¹⁷ Expediente Público, “Sumisión o cárcel: cómo en Nicaragua se implantó un sistema de represión cubano denominado “Puerta Giratoria”, 20.01.2021

mid-december under heavy police surveillance. He was eventually “excarcerated” on December 18 and returned to his family in a critical state, severely dehydrated and undernourished and inadequate medical attention has left him paraplegic¹⁸.

Excarceration:

Unlike in 2019, there were no significant initiative to “excarcerate” political prisoners this year. While the Government conceded domiciliary arrest for several thousands inmates, first for Valentine’s Day, then in May (though never overtly as a measure to avoid the spreading of COVID-19 in prisons) and later in December as a “Christmas gift”¹⁹, only a handful of political prisoners were granted alternative cautionary measures.

Conversely, ex-political prisoners have largely denounced continued and intense police and paramilitary harassment to the point that many consider themselves under house arrest and “socially dead”, their homes are constantly surveilled, many have lost their jobs or cannot return to study leaving a significant number in financial difficulty, others have had to isolate themselves from their families and peers.²⁰ They are also effectively blacklisted from public services such as health and education. Since November 2020, this trend has grown exponentially with many ex-political prisoners reporting 24/7 police presence and more violent threats to them and their family to the point of physically being impossible to leave their house or for people to visit them.

Families of political prisoners have also been particularly targeted this year. There has been persistent reports of abuses on families visiting their incarcerated relative by penitentiary authorities, including sexual abuse against women relatives, threats including death threats, arbitrary confiscation of personal care packages (including medicine, food and hygiene kits). Since November 2020, in reprisal to families’ and inmates’ public denunciation of ill-treatment and calls for political prisoners’ release, it was revealed that penitentiary authorities began [forcing families to sign confidentiality forms prohibiting them from “spreading fake news” about their relative’s condition and to file complaints to human rights organisations](#). Families, especially wives or sisters of political prisoners have also been increasingly persecuted and their houses vandalised, some have had to go into hiding to protect themselves and their families, others have also been arbitrarily arrested and then released.

• *Current political context:*

Similarly to the previous year, the government in 2020 has shown little sign of cooperation or negotiation both nationally, with the National Coalition (formed by the Civic Alliance and the National Unity) or other civil society actors deemed as critical of the current government, or internationally with the OHCHR, IACHR, OAS and the EU.

This unwillingness to engage with international mechanisms was also highlighted this year with the COVID-19 pandemic, the Government has not proportioned transparent, timely and credible information to OPS-PAHO, WHO and regional and international human rights instruments about the sanitary situation in the country and has ignored OPS requests to visit the country to conduct an accurate evaluation.

While continuing to promote a narrative of normality and “reconciliation”, hate mongering and inflammatory speech targeting dissenting voices did not only persist but increased especially in the last quarter of 2020. This discourse has been spurred by the Government’s highest spheres, especially from President Ortega and his wife, Vice-President Murillo who continues to stigmatise those perceived as dissidents in her daily address in official communications channels (her own radio show and pro-governmental media)²¹, repeatedly calling them “traitors”, “vermin”, “[omnipresentes destructores de Almas](#)”, or “[despicable, unrepresentable, poison](#)” seeking to corrupt and destroy the souls of the “good and humble people”. The

¹⁸ Munguía, I/Confidencial [“Hermana de exreco político Justo Rodríguez: “A mí me entregaron un montoncito de huesos”](#)”, 11.01.2021

¹⁹ Castillo, G/Artículo 66, [“Daniel Ortega libera a más de mil convictos comunes, mientras mantiene un centenar de presos políticos”](#), 18.12.2020

²⁰ Comisión Permanente de Derechos Humanos, [“Ex presos políticos, miembros de la UPPN denuncian ante la CPDH asedio y recaptura.”](#) 24.08.2020

²¹ Voz del Sandinismo, [“Discursos e intervenciones de la Compañera Rosario Murillo”](#); El 19 Digital, [“Palabras de Daniel y Rosario”](#)

same dehumanising discourse is echoed by the President of the National Assembly and most majority deputies as well as in official statements of the National Police, the Public Ministry and even the judges in political prisoners' trials.

Far from making any effort to return to the negotiation table with the main opposition blocs to find a democratic and peaceful solution to the crisis and crucially, the implementation of genuine electoral and institutional reforms to guarantee free, fair and credible elections for the upcoming General Elections in November 2021, the State has intensified its repressive practices against emerging opposition leaders and any civil movement through increased police and paramilitary harassment, arbitrary arrests and more recently, the adoption of four laws that are clear attempts to silence dissent and block any possibility of social and political organisation ahead of the upcoming elections. Ironically, the President has called for a National Dialogue *after* the November elections.

Four punitive laws:

In the last few months of 2020, at the behest of the President and Vice-President, the National Assembly adopted four highly problematic laws imposing draconian restrictions on freedom of expression and assembly, the right to participation in public affairs and the right privacy, further shrinking an already narrow civil society space:

- **Special Law on Cybercrime:** approved in October, while being extremely vague and ambiguous on the definition of what constitutes said “cibercrimes”, including “online identity” and the diffusion of “fake news” or social media publications that may “cause alarm to the population”, or affect the nation’s “economic stability, public order, national security and public health”, the law imposes penal sanctions including up to 5 or 8 years imprisonment. It also allows for further control over what may or may not be published in media and, with a judicial authorisation, Police or the Public Prosecutor may retain or copy all the online data of an investigated organisation or person.
- **Law on Regulation of Foreign Agents:** approved in October, this law obliges natural or legal persons that receive foreign donations including from private businesses, international cooperation funds, organisations and other non-state actors to register with the Ministry of the Internal Affairs, with debilitating administrative requirements. Those listed as a “foreign agent” are barred from any interference in the country’s “internal politics”, including the rights to stand for elections. In addition to stigmatising the activities and opinions of the affected organisations or persons, this law will severely impact independent media, human rights organisations and defenders and other civil society actors who rely on external funds to carry out their vital work.
- **Law for the Defense of People’s rights to independence, sovereignty and self-determination for Peace:** adopted on December 21st in an extraordinary session, this law qualifies any Nicaraguan who led or finance a “coup d’Etat”, who has expressed support for such “terrorist acts”, who has “demande, exalted or applauded sanctions against de State of Nicaragua” and all those who “harm the supreme interests of the Nation” as “Traitors to the Motherland” and are therefore prohibited to stand or hold public office.
- **Reforms to the Penal Code and Comprehensive Law on Violence against Women:** In September 2020, the President sent an Urgent Draft Bill to the National Assembly following unprecedented wave of feminicides of women and girls in the country, and proposed an amendment to the Penal Code to include Life Imprisonment for “hate crimes” with no clear definition of what may be qualified as such. Human rights observers, especially women’s rights organisations, have denounced these reforms as an obvious attack to critical voices, the President and Vice-President have themselves repeatedly publicly acknowledged that this law is intended to punish opponents, whom the government has accused of “committing hate crimes” and “disrupting peace” since April 2018.²²

²² It is worth noting that the theme of “hate” and the lema “Con odio nunca más” have become even more omnipresent in the Vice-President’s daily address, especially in the last six months.

- *Socioeconomic climate*

Almost three years of deep political crisis has had an important impact on Nicaraguan society's social tissue, reaching new levels of polarisation, recent studies show that 80% of citizens declare to not trust their neighbour or their communities, and 67% to not trust State's institutions at all. In addition, a CID-Gallup public opinion poll²³ published in October 2020 stated that the current Governing party only counted with 20-25% support, the lowest since Ortega's return to power in 2007, with more than 65% disagreeing with the way the country is heading²⁴, confirming an already downward spiral shown in other polls held in 2019 and [early 2020](#).

Additionally, the same poll highlighted that 83% felt that violence was on a rise, ranking first in citizens' concern and marking the highest rise of all 10 Latin American countries examined for this study. Other studies show that heightened violence is not only a perception, in the first six months of 2020, 139 homicides were reported against only 26 in the first semester of 2019.²⁵ Additionally between January and August 2020, 469 firearms were seized by police, more than twice as much as the annual average of the past 3 years. This trend must be read in light of the 2018 human rights crisis, the formation of paramilitary groups has led to an important influx of weapons, many of which were provided by the very same police forces and have since operated in complete impunity²⁶. The increased availability of weapons, general lack of accountability and mass excarcerations of common convicts throughout the year has also lead to the sense of general insecurity, while the release of convicts may not be directly related, it must noted that there are little to no reinsertion, follow-up or socioeconomic programs to accompany recently liberated inmates leaving many vulnerable to return to illicit economies and activities.

Importantly, the sense of insecurity is reinforced by the National Police's actions as they have been responsible for some of the most brutal human rights violations since April 2018 and continue to be the Government's main instrument of repression causing a general distrust in the institution amongst the population.

The economic crisis, born from the political instability since 2018 has left the country to conclude its third consecutive year of recession. The impact of COVID-19 and two destructive hurricanes in less than two weeks has only contributed to further economic fragility, leaving the country's most vulnerable population at higher risk, namely women and girls, afro-descendent and indigenous peoples as well as those living in rural areas. An estimated 30% of the population lives below the poverty line, from 20.3% before the 2018 crisis.²⁷

- *Forced migration*

Increased border control and closures due to the COVID-19 pandemic has of course heavily impacted the asylum seeking trend of Nicaraguan's fleeing persecution to neighbouring countries, primarily Costa Rica, Panama and Honduras, as well as Mexico, the U.S. and other countries such as Spain. By the end of 2019, the UNHCR reported more than 102.000 Nicaraguan asylum seekers and refugees and a monthly average of 4.000 asylum requests in Costa Rica alone.

However, the [latest UNHCR](#) numbers show only 6.000 new asylum requests in the first six months of 2020. The agency also reports new asylum requests coming from indigenous Miskito populations fleeing land invasions and attacks, and refugees seeking to flee towards Honduras have had to find new routes as the border has become increasingly militarised. It is without a doubt that as border restrictions begin to ease, the numbers of Nicaraguans fleeing the country will surge again.

²³ CID-Gallup S.A: Public Opinion Poll n°97

²⁴ Nicaragua Investiga, "[FSLN pierde a su base histórica pero oposición también sale aplazada](#)"

²⁵ Navarrete, J/La Prensa "[Cosecha de violencia: los datos y razones por las que las calles están más peligrosas](#)" 09.08.2020

²⁶ Monitoreo Azul y Blanco, "[Presentación del Informe: Violencia Letal en Nicaragua enero-junio 2020 por Elvira Cuadra](#)", 12.08.2020

²⁷ FUNIDES (2020), [Informe de Coyuntura](#), December 2020

For asylum seekers and refugees already in another country, while many were already facing economic hardship and precarious living conditions before the pandemic COVID-19 has made them even more vulnerable.²⁸ A [Rapid Needs Assessment](#) led by UNHCR in Costa Rica between June and August 2020 showed that more than 75% of Nicaraguan refugees and asylum seekers were going hungry and eating only once or twice a day do to the socioeconomic impact of COVID, a majority of them were working in the informal sector and had lost their source of income, also leaving them at risk of homelessness. Similar trends were reported in Panama, Guatemala and Mexico.

For many asylum seekers, a return to Nicaragua seemed to be the only viable option despite the dangerous situation and the high likelihood of persecution and reprisals. There have already been cases of Nicaraguan returnees being arrested and detained on trumped up charges.

III. Previsions for 2021

Taking into consideration the current context mentioned above, the coming year will be a challenging one for Nicaragua and a further deterioration of the human rights record in the country is very likely, especially as we are fast approaching the General Elections due on November 7.

As the trends have already begun showing, particularly in the last quarter of 2020, the electoral race will likely be met with further repression and increased harassment from both State authorities and armed pro-government groups. The levels of intimidation and the adoption of the 4 Laws appear to confirm that the President and the ruling party have no intention to run free, transparent and credible elections as they have sought to prohibit any possibility for an opposition candidate to stand while also legalising further criminalisation of dissent, and increase control of all democratic institutions.

There are no signs from the government or the ruling party to reinstate any meaningful dialogue with opposition coalition – the President called for a dialogue only *after* the General Elections, and, if patterns already outlined since 2018 are to be confirmed, dehumanising and vitriolic official discourses against dissenting voices, excessive use of force and police abuse as well as gross irregularities in judiciary processes will intensify.

Lack of accountability for gross violations and abuses committed since April 2018 as well the levels of impunity with which authorities and more importantly armed pro-government groups continue to operate is a very serious threat to any hopes for a peaceful and victim-centred resolution to this ever deepening sociopolitical crisis.

While levels of persecution against targeted dissidents continue, it is alarming to note the rise of general violence across the country, allowed in part by this climate of impunity and violence permissiveness of the past three years. Women and girls and other marginalised socioeconomic sectors are particularly vulnerable, especially indigenous and afro-descendent peoples.

While the border closures have stemmed the steady flow of forced migration, continued political instability and the protracting human rights crisis that has already forced more than 108.000 Nicaraguans to flee the country since 2018, will very likely resume when human mobility will be possible again. In addition, three years of an economic crisis born from the political instability combined with the devastating effects of two hurricanes and the impact of the COVID-19 pandemic on the economy will likely drive new waves of poverty-led forced migration.

Thanks no doubt to the enhanced international scrutiny, including from the HRC, the OHCHR and ahead of its UPR in May 2019, after almost 10 years of absence, Nicaragua presented its State party reports to key UN Human Rights Treaty Bodies (HRCtee, CESCR, CEDAW, CERD and CAT). Unfortunately due to

²⁸ Fundación Arias (2019), [De la represión al exilio: Nicaragüenses en Costa Rica](#), April 2019

COVID-19 these evaluations initially due in 2020 have been postponed to 2021 or later, these examinations will be essential to assess the full human rights record of the country.

IV. A new resolution on Nicaragua at HRC 46 is crucial

The current human rights context is marked by persistent impunity, persecution of dissenting voices including human rights defenders, independent media and political opponents, the lack of cooperation with International human rights bodies and a demonstrated lack of interest in upholding its international obligations, the incarceration of more than 110 political prisoners and the forced displacement of more than 108.000 Nicaraguans in the past three years.

This, combined with the fast approaching elections as well as a deepening social and economic crisis indicate a high probability of further deterioration of the human rights situation that would not only severely impact the country, but the region as a whole. The four laws recently adopted by the National Assembly put human rights defenders, ex-political prisoners, independent journalists and political opponents at an extremely high risk of further persecution, criminalisation and arbitrary detention.

Three years on, it is essential for the Human Rights Council and the International community as a whole to continue to call for the State of Nicaragua to fulfil its human rights obligations, resume an honest cooperation with international human rights bodies and ensure a victim-centred and human-rights based solution to this crisis to avoid any further deterioration and long-lasting repercussions.

The Human Rights Council has a fundamental mandate to respond to urgent crises in the world and furthermore to recent further violations of human rights and as such, it is crucial to call for a new and stronger resolution on Nicaragua in order to maintain the crisis on the HRC's agenda and continue to uphold close International scrutiny. We also call on the Human Rights Council to consider the adoption of a two year resolution cycle which would ensure a better follow-up of the evolution of the human rights situation in the country, especially in the aftermath of the November elections.

This new resolution must include new aspects deriving from this crisis if it wants to maintain its relevance. This should include a call for the High Commissioner to enhance its monitoring by drafting two written reports and an oral update.

The first report should focus on the ongoing civil and political rights' situation, especially regarding accountability for human rights violations since April 2018 and with special attention brought on the electoral process and its outcome. Considering the growing and lasting socioeconomic impact of the crisis and the recent sanitary and natural disasters, the second report should consider the consequences of the crisis on the economic, social and cultural rights of Nicaraguans, with a particular focus on the most vulnerable members of society especially women and girls, indigenous peoples and afro-descendent populations and LGBTI persons.

COVID-19 in Nicaragua²⁹

In Nicaragua, the impact of the COVID-19 pandemic can be seen as another layer of the ongoing crisis and the State's response to the pandemic should be read in light of the pattern of systematic repression it has adopted since 2018, it is important to remember the active role the Health Ministry in this mechanism, arbitrarily dismissing hundreds of health professionals that had participated in the marches or provided medical attention to protesters and denying access to health services to persons deemed as dissidents.

The Government's COVID-19 response can be resumed by its lack of international and national cooperation, a culture of secrecy around the magnitude of the crisis in the country and an absence of any comprehensive and adequate measure to prevent or address the spread of the virus and mitigate its impact. According to the [ECLAC Covid-19 Observatory](#) which repertories the measures taken at national level by Latin American and Caribbean countries in all sectors (movements restrictions, economy, education, employment, gender, social protection and health), Nicaragua is ranked as the country with the fewest implemented actions in the entire region with only [27 measures](#), far behind neighbouring Costa Rica (194), El Salvador (195) or Honduras (90).

As of 22 January 2021, official numbers report a cumulated 6.204 cases of contagions and only 168 deaths since March 2020 in a country of 6.6 million people. However, the Observatorio Ciudadano has registered a cumulated 12.495 cases of contagion and at least 2.929 verified COVID-related suspected deaths, almost 20 times the official death toll.³⁰

Nicaragua's public information about the cases has repeatedly been called out by the High Commissioner for Human Rights, the IACHR and its Special Rapporteurs on Social, Economic, Environmental and Cultural Rights and Freedom of Expression, as well as the Pan-American Health Organisation who have all expressed their concern over the lack of transparency, reliability and timeliness of the data as well as outright official disinformation over the real situation in country. PAHO had requested a country visit by a team of experts to carry out an accurate evaluation of the situation however, similarly to the same requests made by OHCHR, IACHR and UN Special Procedures, the Government has not authorised their entrance to the country.

The Government has ignored the basic prevention recommendations issued by the WHO and PAHO, as well as international technical and scientific advice. It has also ignored the calls and recommendations of Nicaraguan civil society, such as those of the Multidisciplinary Scientific Committee, which has called for basic prevention measures to be taken. Instead, national and municipal authorities continue to organise and promote marches, rallies, and other massive events where social distancing is poorly observed, and the ruling party also launched a series of campaigns that misinform the population about the pandemic.

Civil society actors and health professionals who have criticised the response of the State and/or have provided information that contradict the official discourse by disseminating internationally recommended basic prevention measures, distribution of masks and health kits, were stigmatised, harassed and criminalised by authorities.

The State has taken reprisals against those who have tried to bring to light information which contradicts that provided by the Health Ministry (MINSAs), or who have tried to question the criteria adopted. These reprisals have taken the form of arbitrary dismissals of highly qualified personnel and of other measures of intimidation to silence health professionals.

The Observatorio reports at least 304 cases of threats and/or reprisals since March 2020, at least 30 physicians were arbitrarily dismissed after criticising MINSAs's COVID response including its lack of

²⁹ Most of the information compiled in this annex is taken from RIDH and the Observatorio's report to the CESCR: "[Lack of Information, prevention and medical attention in the context COVID-19 in Nicaragua](#)", 30.09.2020

³⁰ Observatorio Ciudadano Covid-19 Nicaragua, "[Nota de Prensa n°44](#)", 22.01.2021

adequate measures of protection to avoid infections of health professional, some physicians reported that wearing masks were prohibited in hospitals so as to not “frighten” the population, and doctors have reported that MINSA has refused to do the tests for patients whom they have designated as suspected cases of COVID-19, and that on other occasions MINSA has verbally told them that the test result was “negative,” but refused to show either the result or an official report.

What is maybe the most illustrative aspect of this culture of “State secrecy” around the real impact of the virus are the so-called “express burials”: State authorities would order clandestine burials of patients suspected of dying from COVID, with no public protocol, no testing to confirm the cause of death, often by night and usually without the consent of the families are then harassed into silence. The Observatorio has reported more than 165 cases of express burials.

While the impact of COVID19 has affected all sectors of society, vulnerable groups have been disproportionately affected: in addition to health professionals and frontline workers, the plight of other groups such as persons deprived of liberty (especially political prisoners) and indigenous peoples are of particular concern.

The State has refused to acknowledge the spread of COVID in prisons which are known for their high levels of overcrowding, lack of basic hygiene and general absence of decent conditions of detention. Authorities ordered the systematic confiscation of health packages with items such as masks, gloves, alcohol gel as well as medicine for those who were at risk that families would send to their relatives. In May, while never acknowledging that this measure was to empty overcrowded prisons and thus limit the spreading of the virus, the Government released more than 4'000 inmates, however no political prisoners were included in the release despite more than half of them presenting COVID-19 symptoms and/or chronic health conditions that would put them at high risk. By the end of 2020, over half of political prisoners had presented symptoms, in September more than 50 of them went on hunger strike protesting *inter alia* the lack of any COVID19 prevention measures and the constant denial of medical attention despite the critical situation. This protest was met with more repression and reprisals by penitentiary authorities. It must be reminded that in May, one political prisoner was transferred to ICU, without notice to his family, who only located him four days later after having search at several hospitals, after several weeks of hospitalisation, he was then returned to La Modelo, in a maximum security punishment cell “as a health measure”. The judiciary has also begun using the pandemic as a pretext to postpone political prisoner’s appeals or to further restrict their rights to a fair trial and defence.

In addition to political prisoners, dissidents in general and incarcerated persons in particular have also faced issues to get the medical attention they need. It is almost impossible for them to be attended in public hospitals or health facilities, when they are able to leave the house despite police and paramilitary harassment, they are often denied access to public health services, many also refuse to go for fear of reprisals if they were to be recognised. As such, for those who have presented symptoms, most of them have had to rely either on sympathetic doctors who would discretely attend them or go to expensive private hospitals to get treated.

Another population of concern are Indigenous peoples who access to health services and adequate medical attention was already historically almost nonexistent and most communities live hours away from the first hospital. Community leaders have denounced the levels of abandonment from the Health Ministry and other State institutions, no awareness campaigns or health kits have been distributed to the territorial governments despite entire communities already being contaminated as early as May 2020. The devastation of hurricanes Iota and Eta and persistent attacks of colonisers forcing mass displacement and further deterioration of their living conditions has left indigenous and afro-descendent communities at an even higher risk of contagion.