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**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

## Human rights situation in Nicaragua

### Report of the United Nations High Commissioner for Human Rights\*

#### *Summary*

The present report, submitted pursuant to Human Rights Council resolution 52/2, contains an update on the human rights situation in Nicaragua. The report includes recommendations that complement those made in previous reports of the United Nations High Commissioner for Human Rights and those made by Human Rights Council mechanisms and the human rights treaty bodies.

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\* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.



## I. Introduction and methodology

1. In its resolution 52/2, the Human Rights Council requested the High Commissioner to prepare comprehensive and gender-responsive reports on the situation of human rights in Nicaragua, building on previous reports of the High Commissioner and the reports and recommendations of Human Rights Council mechanisms and those of the treaty bodies. The present report provides an overview of the situation from 15 June 2023 to 15 June 2024.

2. During the period under review, the Office of the High Commissioner for Human Rights (OHCHR) conducted 120 interviews with victims, witnesses and other sources. OHCHR held 106 meetings with representatives of civil society organizations and the international community and analysed documents from governmental and non-governmental sources. The findings contained in the report were documented and corroborated in compliance with the methodology of OHCHR, including the exercise of due diligence to assess the credibility and reliability of all sources and the cross-checking of information to verify its validity. The Office received informed consent from the sources it interviewed and took appropriate measures to protect their identities and ensure confidentiality, as appropriate. The Office assessed the information it had collected, including on domestic legislation, in the light of international human rights law. In May 2024, OHCHR submitted a questionnaire to the Government of Nicaragua on the topics to be addressed in the present report but did not receive a response.

## II. Civic and democratic spaces

3. OHCHR continued to document human rights violations that further the shrinking of civic and democratic space and expand the control of the Government over all public institutions, including administrative, judicial, political, academic and cultural institutions.

4. The authorities continue to persecute not only those who express dissenting opinions but also any individual or organization that operates independently or does not fall directly under their control. These include human rights defenders, independent media outlets, non-governmental organizations and any other entity that advocates for social or political change without government oversight.

5. Following the deprivation of liberty of two deputies to the National Assembly of Yapti Tasba Masraka Nanih Aslatakanka (YATAMA), the main Indigenous and Afrodescendent party, (see para. 7 below), their seats were re-assigned to the ruling party without due process.

### A. Human rights in the regional elections

6. On 3 March 2024, regional elections were held in the North and South Caribbean Coast Autonomous Regions, where most of the Indigenous and Afrodescendent population of Nicaragua resides. The right to take part in the conduct of public affairs was severely restricted throughout the electoral process, in a context in which the three national political parties that had participated in the 2019 regional elections were not in a position to participate, since they had been deprived arbitrarily of their legal status in 2021.<sup>1</sup>

7. On 3 October 2023, the Supreme Electoral Council stripped YATAMA arbitrarily of its legal status on the basis of an alleged violation of Act No. 1055,<sup>2</sup> without identifying the facts that would constitute the violation. As indicated by the High Commissioner in a previous report,<sup>3</sup> Act 1055 sets restrictions incompatible with international human rights standards that may affect the exercise of the rights to political participation and to freedom

<sup>1</sup> [A/HRC/49/23](#), paras. 5–11.

<sup>2</sup> Act No. 1055, on the defence of the rights of the people to independence, sovereignty and self-determination for peace, available at [http://legislacion.asamblea.gob.ni/SILEG/Iniciativas.nsf/C4084E2665A5610F06258642007E9C3F/\\$File/Ley%20N%C2%B0%201055,%20Ley%20Defensa%20de%20los%20Derechos%20del%20Pueblo.pdf?Open](http://legislacion.asamblea.gob.ni/SILEG/Iniciativas.nsf/C4084E2665A5610F06258642007E9C3F/$File/Ley%20N%C2%B0%201055,%20Ley%20Defensa%20de%20los%20Derechos%20del%20Pueblo.pdf?Open) (in Spanish).

<sup>3</sup> [A/HRC/46/21](#), para. 29.

of expression. The forced dissolution of associations, including political parties, is a severe restriction on the freedom of association. Furthermore, in September and October 2023, two YATAMA deputies to the National Assembly (Brooklyn Rivera, the main deputy, and Nancy Henríquez, the substitute deputy) were arrested, effectively depriving them of their Assembly seat. The arrest of the two deputies, conducted without warrant and without informing them of the charges against them, in violation of the law, constituted an arbitrary detention. OHCHR has repeatedly called for their release<sup>4</sup> and the Inter-American Commission on Human Rights has found their rights to be at “extreme risk”.<sup>5</sup> They both remain in detention. On 13 December 2023, Ms. Henríquez was sentenced to eight years’ imprisonment for treason and spreading “fake news”. Mr. Rivera has not been charged, nor has his detention been acknowledged officially.

8. According to article 22 (2) of the International Covenant on Civil and Political Rights, such restrictions may be imposed in a democratic society only in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. They should be strictly proportional to the legitimate aim pursued and used only as measure of last resort. Freedom of association is an essential condition for the effective exercise of the right to vote and must be fully protected.<sup>6</sup> Any restrictions to that right in the context of electoral processes must be scrutinized strictly.

9. The Government reported a participation rate of 48.49 per cent and declared victory for the ruling party, the Sandinista National Liberation Front, with 88.71 per cent of the votes.<sup>7</sup> There was no electoral monitoring by international bodies, nor on-site coverage by independent international media. Civil society monitors questioned the official results and estimated the participation rate at 13.28 per cent.<sup>8</sup>

10. As a result of the questions raised regarding the integrity of the regional electoral process, the Government strengthened its undue control even further over public institutions, including in the autonomous regions of the Caribbean Coast, which had been the last areas where independent political activity had not yet been entirely suppressed in the public space.

## **B. Freedoms of expression, association and peaceful assembly**

11. The legitimate exercise of the rights to the freedoms of expression, association and peaceful assembly in Nicaragua has been severely curtailed, in particular against persons perceived to have dissenting views from those of the Government. As a form of reprisal, many individuals have experienced enforced disappearance and arbitrary detention, as well as convictions in proceedings that did not follow fair-trial standards or due process and that did not comply with the principles of legality and legal certainty. The legal status of organizations continued to be cancelled by the Government. There has been a systematic effort to dismantle civil society organizations, particularly those advocating for women’s rights, exacerbating the repression of dissenting voices and the restriction of civic space.

12. On 10 October 2023, a 70-year-old shop owner was arrested for criticizing the Government in casual conversations in his shop in Terrabona municipality in Matagalpa Department. In November, after his whereabouts had been concealed from his family for over a month, amounting to enforced disappearance, he was convicted arbitrarily to seven years’ imprisonment for arms trafficking, in a proceeding that did not guarantee his right to

<sup>4</sup> See <https://x.com/OACNUDH/status/1707904270538825869> (in Spanish); <https://x.com/OACNUDH/status/1751989606881370195> (in Spanish); <https://x.com/OACNUDH/status/1795855992908841215> (in Spanish); <https://www.ohchr.org/en/statements-and-speeches/2023/12/nicaragua-report-points-continuing-violations>; <https://www.ohchr.org/en/statements-and-speeches/2024/03/high-commissioner-presents-updates-human-rights-colombia-guatemala>; and <https://www.ohchr.org/en/statements-and-speeches/2024/06/oral-update-promotion-and-protection-human-rights-nicaragua>.

<sup>5</sup> See [https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2023/300.asp](https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/300.asp).

<sup>6</sup> Human Rights Committee, general comment No. 25 (1996), para. 12.

<sup>7</sup> See [https://cse.gob.ni/sites/default/files/documentos/boletin\\_cse\\_10.pdf](https://cse.gob.ni/sites/default/files/documentos/boletin_cse_10.pdf) (in Spanish), pp. 6 and 7.

<sup>8</sup> See [https://urnasabiertas.com/wp-content/uploads/2024/04/UA\\_Informe-EleccionesRegionales.pdf](https://urnasabiertas.com/wp-content/uploads/2024/04/UA_Informe-EleccionesRegionales.pdf), p. 11.

a fair trial; he remains in custody. On 20 November 2023, a 65-year-old academic was reportedly forcibly disappeared by the authorities in retaliation for a social media post that was critical of the Government; his whereabouts remain unknown. On 21 November 2023, two artists were arrested for attempting to paint an artistic mural in the city of Estelí; they remain in detention. Both were reportedly sentenced to five years' imprisonment for rebellion and conspiracy to undermine the territorial integrity of the State.

13. A woman was arbitrarily arrested and has remained in detention without trial for over 13 months as of June 2024 for printing and distributing stickers depicting the face of Bishop Rolando Álvarez. Her whereabouts were concealed from her family for 48 hours, even though, according to the Criminal Procedure Code, detainees have the right to report their detention to their lawyer or family within three hours. The government scholarships of her children, who were university students, were cancelled, forcing them to cease their studies.

14. In another case of reprisal for expression critical of the Government, officers of the National Police surrounded the home of a retired general, Humberto Ortega, on 20 May 2024, a day after he affirmed in an interview that the Government had established a "dictatorial power".<sup>9</sup> On 21 May, the police claimed that doctors had visited his home and established a specialized medical care unit to attend to Mr. Ortega, but did not specify whether he was under arrest.<sup>10</sup> He remained in his home until he was reportedly transferred to a military hospital on 13 June following a stroke.

15. The Government has continued to cancel arbitrarily the legal status of organizations. Between June 2023 and 15 June 2024, the legal status of 303 organizations was cancelled, for a total of 3,641 organizations since 2018. Women's organizations were particularly affected, with at least 245 losing their legal status. Of those, 25 per cent were working on gender-based violence, 25 per cent on women's economic empowerment, 11 per cent on assisting Indigenous women and women of African descent and 8 per cent on sexual and reproductive health and rights.<sup>11</sup>

16. The de facto ban on demonstrations not organized by the ruling party remained in effect, contrary to the provisions of article 21 of the International Covenant on Civil and Political Rights, including the principles of legality, necessity and proportionality.<sup>12</sup> In that context, only one anti-Government protest was held – against the cancellation of the legal status of Universidad Centroamericana in August 2023. Three students were arrested arbitrarily, received prison sentences and remained detained as of June 2024.<sup>13</sup>

17. Civil servants are forced to participate in pro-Government marches, violating their right to peaceful assembly.<sup>14</sup> Structures associated with the ruling party closely monitor their participation during events to ensure their continuous presence.

18. The Committee on the Elimination of Discrimination against Women has expressed deep concern over legislative reforms in Nicaragua that discriminate against women on the basis of their political opinion, hampering their political participation owing to intimidation and fear of arrest and gender-based violence. The Committee has highlighted reports of aggression against women human rights defenders, including harassment, rape and death threats, as well as a lack of implementation of protection measures. It has also noted with concern the arbitrary detention and ill-treatment of women detainees, the forced exile of women human rights defenders and the stigmatization and closure of civil society organizations working on women's rights.<sup>15</sup>

<sup>9</sup> See <https://www.infobae.com/america/america-latina/2024/05/19/humberto-hermano-de-daniel-ortega-su-poder-dictatorial-no-tiene-sucesores-tras-su-muerte-debera-haber-elecciones/> (in Spanish).

<sup>10</sup> See <https://www.el19digital.com/articulos/ver/titulo:152205-equipo-medico-visito-y-valor-la-condicion-de-salud-del-general-en-retiro-humberto-ortega-saavedra> (in Spanish).

<sup>11</sup> See <https://www.swissinfo.ch/spa/coalici%C3%B3n-denuncia-impunidad-en-los-casos-de-violencia-machista-en-nicaragua/78337799> (in Spanish).

<sup>12</sup> Human Rights Committee, general comment No. 37 (2020), para. 36.

<sup>13</sup> A/HRC/55/27, para. 54.

<sup>14</sup> The Human Rights Committee has highlighted that freedom of assembly implies that participation in assemblies should not be compulsory (general comment No. 37 (2020), para. 66).

<sup>15</sup> CEDAW/C/NIC/CO/7-10, para. 11.

## C. Freedom of religion and the right to education

19. OHCHR continued<sup>16</sup> to document undue restrictions on religious freedom. In a press article, a deputy of the National Assembly accused the Catholic Church of being a criminal organization that had supported an attempted coup d'état during the 2018 protests.<sup>17</sup>

20. In August 2023, the Government cancelled arbitrarily the legal status of Universidad Centroamericana, a Jesuit university, where many Nicaraguan human rights defenders have pursued their education, and confiscated its assets, facilities and bank accounts, stating that it was a terrorist training centre. The Special Rapporteurs on freedom of religion or belief and on the promotion and protection of the right to freedom of opinion and expression have stated that the closure was part of a systematic pattern of harassment against members of the Catholic Church and other religious denominations.<sup>18</sup> The closure affected negatively the enjoyment of the rights to education and academic freedom in a forum where the free exchange of ideas had been allowed and encouraged. The Government inaugurated a public university in its facilities, named Universidad Nacional Casimiro Sotelo Montenegro after a former youth recruiter for the Sandinista revolution in the 1960s. Reportedly, the authorities attempted to force students of the Universidad Centroamericana to remain in the new institution by preventing their transfer to other universities in Nicaragua. According to media reports, 710 of employees of Universidad Centroamericana were dismissed.<sup>19</sup>

21. The legal status of religious organizations has been cancelled arbitrarily, limiting the right of religious communities to exercise their freedom of association. According to civil society organizations, as of May 2024, 392 religious organizations had lost their legal status since 2018.<sup>20</sup> The cancellations, published in the Official Gazette on 21 May 2024, included six Catholic and evangelical religious organizations.<sup>21</sup>

22. At least 27 Catholic priests and seminarians were arrested arbitrarily between October 2023 and January 2024. On 18 October 2023<sup>22</sup> and 13 January 2024,<sup>23</sup> 31 Catholic priests and seminarians were released from detention and expelled to the Holy See. Among them was Bishop Rolando Álvarez, who had been detained arbitrarily since August 2022, kept in inhumane conditions that included prolonged periods of solitary confinement and deprived arbitrarily of his Nicaraguan nationality.<sup>24</sup>

23. The de facto ban on Catholic processions,<sup>25</sup> public surveillance, including the monitoring of sermons by priests during services and the intimidating presence of law enforcement in front of churches has continued. Some priests have been arrested arbitrarily for mentioning Bishop Álvarez during their sermons, even though it is common practice in the Catholic liturgy for the local bishop to be named.<sup>26</sup>

24. On 17 and 18 December 2023, police arrested a woman and 10 men leaders of the Puerta de la Montaña ministry and announced that it was investigating the organization for money laundering; in summary proceedings, the leaders were sentenced to 12 to 15 years'

<sup>16</sup> A/HRC/51/42, para. 18; and A/HRC/54/60, paras. 11–17.

<sup>17</sup> See <https://www.el19digital.com/articulos/ver/titulo:146158-detalles-del-momento-la-politica-y-la-religion-y-aceite> (in Spanish).

<sup>18</sup> See <https://www.ohchr.org/en/press-releases/2023/11/nicaragua-un-experts-urge-freedom-bishop-alvarez-after-12-catholic-priests>.

<sup>19</sup> See <https://confidencial.digital/nacion/cierre-de-tres-universidades-dejo-sin-empleo-a-mas-de-1200-docentes-y-administrativos/> (in Spanish).

<sup>20</sup> See <https://colectivodhnicaragua.org/libertad-religiosa/> (in Spanish).

<sup>21</sup> See <https://www.lagaceta.gob.ni/la-gaceta-n%C2%BA-90-martes-21-de-mayo-de-2024/> (in Spanish), pp. 4476–4479.

<sup>22</sup> See <https://www.el19digital.com/articulos/ver/titulo:145739-12-sacerdotes-hacia-el-vaticano-por-acuerdos-gobierno-santa-sede> (in Spanish).

<sup>23</sup> See <https://www.el19digital.com/articulos/ver/titulo:148277-gobierno-de-nicaragua-y-santa-sede-acuerdan-envio-de-obispos-sacerdotes-y-seminaristas> (in Spanish).

<sup>24</sup> A/HRC/54/60, para. 14.

<sup>25</sup> A/HRC/55/27, para. 70.

<sup>26</sup> See <https://ewtn.com/catholicism/library/mentioning-bishops-in-the-eucharistic-prayers-4503>.

imprisonment.<sup>27</sup> The Government also cancelled the ministry's legal status on 20 December 2023<sup>28</sup> and confiscated its assets, estimated to be as much as \$5 million.

25. The detainees underwent criminal trials that did not follow fair trial or due process standards. They were prevented from physically attending the hearings, as were their lawyers, and could follow them only via videoconference, without the possibility of addressing the court. Their lawyers lacked access to the case files and the judgments.

26. The 11 individuals have since been held incommunicado, without any contact with their families or their lawyers. The woman pastor was deprived of visits by her children, respectively 2 months and 1 year of age at the time of her arrest. As a result of the arrests, the religious communities led by the 11 detainees lost their pastors.

### III. Rights to liberty and personal integrity

#### A. Right to liberty

27. The arbitrary detention of persons perceived to oppose the Government continued during the reporting period,<sup>29</sup> increasing from 54<sup>30</sup> in June 2023 to 141 in May 2024 (108 men, 23 women), according to reports by civil society organizations.

28. The arbitrary nature of the cases documented by OHCHR and referred to in the present report includes arrest without warrants or information on the charges, as well as the deprivation of liberty on the basis of opposition, or perceived opposition, to the Government. OHCHR observed a recurring pattern of short detentions of individuals, often for a few hours, before they were released on the condition of visiting the local police station daily, sometimes twice a day. According to figures from civil society organizations, 41 women and 59 men were subjected arbitrarily to that form of police control between May 2023 and May 2024.<sup>31</sup>

29. The authorities continued<sup>32</sup> to use legislation adopted between 2018 and 2021<sup>33</sup> to criminalize members of the political opposition, civil society organizations and others. The charges included treason, cybercrimes and other politically motivated charges, curtailing not only their right to liberty, but also their rights to privacy, freedom of movement, association and assembly.

30. In September 2023, the Special Rapporteur on the situation of human rights defenders manifested her concern about the chilling effect of the misuse of acts No. 1055 and No. 1145 to strip human rights defenders of their nationality and the continued reduction of civic space in Nicaragua.<sup>34</sup>

31. In line with the findings of OHCHR, the Committee on the Elimination of Discrimination against Women expressed concern over the arbitrary detention, arrest and prosecution of women human rights defenders, women religious leaders, women journalists,

<sup>27</sup> See <https://diariobarricada.com/2023/12/18/detencion-de-walner-blandon-ochoa-marisela-mejia-ruiz-y-12-personas-mas-por-el-delito-de-lavado-de-dinero> (in Spanish).

<sup>28</sup> See <https://www.lagaceta.gob.ni/la-gaceta-no-231-miercoles-20-de-diciembre-de-2023> (in Spanish), p. 15,034.

<sup>29</sup> A/HRC/51/42, paras. 8–11; and A/HRC/54/60, paras. 18–21.

<sup>30</sup> A/HRC/54/60, para. 18.

<sup>31</sup> See <https://www.facebook.com/MonitoreoAzulyBlanco/posts/pfbid033A6QR4AL8HpYCDtuB7JfkaA137YHkGRePMdJ1DUUdrrqyCrC2tYKtr3EKgbmmVV5l>.

<sup>32</sup> A/HRC/54/60, paras. 8–10 and 21.

<sup>33</sup> Act No. 977, on money laundering, the financing of terrorism and the financing of the proliferation of weapons of mass destruction (2018); Act No. 1040, on the regulation of foreign agents; Act No. 1042, on cybercrimes; Act No. 1055, on the defence of the rights of the people to independence, sovereignty and self-determination for peace (2020); Act No. 1060, reforming the Criminal Procedure Code (2021); and Electoral Act No. 1070 amending and extending Electoral Act No. 331.

<sup>34</sup> See communication NIC 3/2023. All communications mentioned in the present report are available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

women university students and young women activists for expressing dissenting opinions and participating in demonstrations.<sup>35</sup>

## B. Due process and fair trial

32. OHCHR continued to document systematic violations of due process and the right to a fair trial of persons perceived as opponents of the Government.<sup>36</sup> Arbitrary arrests without judicial warrants persisted, with no information provided about the reasons for the arrests. Individuals were not informed of where they would be taken, nor were they given the opportunity to contact relatives to inform them of their detention or their whereabouts, thus removing them from the protection of the law for short periods to months, amounting to enforced disappearance.

33. OHCHR documented the arrest of a person for participating in a Catholic procession in Managua on 1 August 2023. The person's relatives searched for the detainee, including in the District 3 police station, where the person had been detained initially. The authorities denied having the person in custody and it was only six days later that the family managed to locate the person in prison. Prison officials also denied holding the individual, who was barred from communicating with the outside world.

34. OHCHR received reports of two other possible enforced disappearances. Freddy Quezada, an older person who requires medical care and daily medication, was arrested on 29 November 2023 and, since then, his family has not received any information about his fate or whereabouts. Carlos Bojorge was arrested on 1 January 2024, after shouting "Viva la Iglesia Católica" at the end of Sunday mass. His family was able to identify his place of detention only in June 2024, after searching for him throughout the detention centres in Managua.

35. The rights of detainees to legal counsel and defence were systematically denied. When allowed to have a lawyer, many of the accused were not given the opportunity to hire one of their own choice and a public defender was often imposed upon them. The accused were frequently denied the opportunity for timely, free and confidential dialogue with their lawyers. In many cases documented by OHCHR, when a conversation with the lawyer took place, it was allowed only for a few minutes before the hearing, and in the presence of the police. Given the seriousness of the offences charged and the lengthy prison terms imposed,<sup>37</sup> it is particularly concerning that the detainees and their lawyers were not given time to prepare their defence.

36. OHCHR documented 26 cases in which criminal trials were held in the physical absence of the accused, who participated via video and without legal assistance. Article 14 (3) (d) of the International Covenant on Civil and Political Rights established the right to be tried in the accused's presence.<sup>38</sup> That right is critical for hearings relating to judicial control of detention upon arrest, when the detainee must be brought promptly and without exception to appear "physically" before a judge, and also when the lawfulness of detention is assessed (habeas corpus).<sup>39</sup>

37. OHCHR documented that a detainee held in a high-security facility, without access to medication or family visits and isolated from other detainees, remained in detention for over a year, despite having completed the sentence; it also documented the detainee's deteriorating physical and mental health. That situation constituted serious violations, not only of articles

<sup>35</sup> CEDAW/C/NIC/CO/7-10, para. 11.

<sup>36</sup> A/HRC/51/42, para. 8; and A/HRC/54/60, paras. 22–27.

<sup>37</sup> Human Rights Committee, *Chan v. Guyana*, communication No. 913/2000, para. 6.2.

<sup>38</sup> That right was studied in detail by the International Commission of Jurists in its November 2020 report entitled "Videoconferencing, courts and COVID-19: recommendations based on international standards", available at [https://www.unodc.org/res/ji/import/guide/icj\\_videoconferencing/icj\\_videoconferencing.pdf](https://www.unodc.org/res/ji/import/guide/icj_videoconferencing/icj_videoconferencing.pdf), pp. 8 and 9.

<sup>39</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/ruleoflaw/Briefer-Online-hearings-justice-systems.pdf>, p. 2.

9 (1) and 14 of the International Covenant on Civil and Political Rights, but also of the prohibition against torture and other forms of cruel, inhuman or degrading treatment or punishment contained in article 7.<sup>40</sup>

38. The Committee on the Elimination of Discrimination against Women has expressed its concern about the violations of due process guarantees for women detainees, such as the interrogation of women political detainees in custody hearings, including in the absence of a lawyer, and their subjection to ill-treatment and restrictions placed on family visits during detention.<sup>41</sup>

39. The persecution of actual and perceived political opponents in Nicaragua has been enabled by the control of the executive branch of the Government over the justice system. Testimonies of justice system officials to OHCHR have portrayed a climate of fear, intimidation and harassment. In November 2023, hundreds of justice system officials were dismissed,<sup>42</sup> reportedly due to their conflicting personal and political loyalties to different government factions. OHCHR documented one case of arbitrary home arrest of a high-ranking official and the case of a judge having to leave the country to avoid politically motivated detention.

40. In addition, the lack of independence of the judiciary has a particular impact on women, as it hinders their access to justice in cases of gender-based violence. More than half of the proceedings in such cases were discontinued or resulted in acquittals.<sup>43</sup>

### C. Torture, inhuman treatment and conditions of detention

41. OHCHR documented the cases of five detainees who were subjected to torture or ill-treatment, including brutal beatings, solitary confinement for prolonged periods and positional and stress torture.

42. In the second half of 2023, OHCHR documented seven new cases of torture, including electric shocks, sexual abuse and rape. Three men detainees reported being raped and two reported ablation and three strangulation of the testicles. Survivors interviewed by OHCHR showed visible signs of post-traumatic stress disorder.

43. OHCHR received information that detainees and their families were warned against speaking out about torture or conditions of detention and threatened with losing visiting rights. Those threats were made mainly by penitentiary authorities following family visits.

44. OHCHR continued to document reports of prison conditions incompatible with international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) in the Jorge Navarro prison, known as “La Modelo”, the “La Esperanza” and “El Chipote” prisons and the District 3 police station in Managua. According to information received, detainees were denied access to basic hygiene items, including sanitary pads for women, toilet paper and toothbrushes, and to natural light, with some subjected to non-stop artificial lighting. In addition, they were refused access to reading materials.

45. According to information gathered by OHCHR, there is differential and particularly severe treatment against persons detained in relation to the human rights crisis that started in

<sup>40</sup> The Human Rights Committee and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment found violations of article 7 when indefinite arbitrary detention, the lack of information and an effective remedy and the difficult conditions of detention accumulated and inflicted serious mental and emotional suffering in the absence of measures to ameliorate the detainees' mental deterioration (A/HRC/37/50, para. 26; and Human Rights Committee, *C. v. Australia*, communication No. 900/1999, para. 8.4).

<sup>41</sup> CEDAW/C/NIC/CO/7-10, para. 11 (d).

<sup>42</sup> See <https://confidencial.digital/politica/barrida-en-el-poder-judicial-lleva-mas-de-900-despedidos-en-toda-nicaragua/> (in Spanish).

<sup>43</sup> CEDAW/C/NIC/CO/7-10, para. 17 (a).

2018 compared with other detainees. An alarming manifestation of such politically motivated discrimination is the denial of family and conjugal visits, as well as incommunicado detention.

46. On 18 December 2023, the International Committee of the Red Cross (ICRC) announced that, at the request of the Government, it had closed its office in Nicaragua.<sup>44</sup> OHCHR regrets the Government's request, which prevented ICRC from carrying out its essential humanitarian work on site, in particular in relation to those deprived of liberty. The national human rights institution's lack of independence<sup>45</sup> makes it incompatible with its role as the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

47. In February 2024, in its concluding observations on the combined seventh to tenth periodic reports of Nicaragua, the Committee on the Elimination of Discrimination against Women expressed concern about gender-based violence, solitary confinement and the poor conditions of detention for women, including overcrowding, inappropriate prison infrastructure for women and their children and limited access to clean drinking water and adequate health care and hygiene products. The Committee noted with concern reports of the degrading treatment of lesbian, bisexual and transgender women in detention and that transgender women were often held in detention facilities for men.<sup>46</sup>

48. In April 2024, in its concluding observations on the combined initial and second and third periodic reports of Nicaragua, the Committee on the Rights of Persons with Disabilities expressed its concern about the reports of assault and sexual violence in detention facilities, with a particularly high incidence in the case of detained women and their continued occurrence throughout their captivity. It noted that women's detention conditions were characterized by the use of sexual violence and gender-based violence, including death threats or threats to take away their children, depriving them of medicine and necessary hygiene products, forced labour, forced nudity, threats of rape, sexual abuse and rape. It also raised concern about the lack of official disaggregated statistical data on the prison population, resulting in a lack of information on how many men and women with disabilities had been detained for political reasons.<sup>47</sup>

49. OHCHR documented a lack of adequate medical care in detention, in particular for older persons or those who suffer from chronic diseases. According to reports by civil society organizations,<sup>48</sup> 18 detainees held in connection with the human rights crisis were adults over 60 years of age, many suffering from such chronic diseases as diabetes, chronic gastritis, hypertension, asthma and intestinal problems. In addition to not receiving adequate medical treatment, detainees often do not receive the diet required by their diseases, which leads to a further deterioration of their health.

50. Women detainees were particularly affected by the lack of adequate medical attention. OHCHR could not document any cases in which the authorities offered preventive health-care services to women arbitrarily detained in connection with the 2018 crisis, such as Pap smears and screening for breast and gynaecological cancer, even though such tests are offered regularly in massive community outreach programmes across the country.<sup>49</sup>

51. Five mandate holders under the special procedures of the Human Rights Council expressed their concern that one detainee had reportedly been subjected to an enforced

<sup>44</sup> See <https://www.icrc.org/es/document/el-cicr-confirma-el-cierre-de-su-oficina-en-nicaragua> (in Spanish).

<sup>45</sup> See [https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/SCA\\_Report\\_March\\_2019\\_-\\_EN\\_.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/SCA_Report_March_2019_-_EN_.pdf).

<sup>46</sup> CEDAW/C/NIC/CO/7-10, para. 47.

<sup>47</sup> CRPD/C/NIC/CO/1-3, paras. 28, 30 and 64.

<sup>48</sup> See at [https://mega.nz/file/Yg0FyRIB#7rskWqSR3BfQILen4swew8b\\_bNf2gTqbGj8MgiO9zMs](https://mega.nz/file/Yg0FyRIB#7rskWqSR3BfQILen4swew8b_bNf2gTqbGj8MgiO9zMs) (in Spanish), p. 12.

<sup>49</sup> See <https://www.minsa.gob.ni/centro-de-medios/noticias/programa-nacional-deteccion-temprana-y-tratamiento-oportuno-del-cancer-de> (in Spanish); <https://www.el19digital.com/articulos/ver/titulo:152142-mega-feria-de-salud-para-mujeres-brinda-mas-de-7-mil-500-atenciones-en-jinotega> (in Spanish); and <https://www.el19digital.com/articulos/ver/titulo:152274--ministerio-de-salud-brindara-atencion-a-mas-de-45-mil-familias-con-las-clinicas-moviles> (in Spanish).

disappearance for a period of 49 days and deprived of access to medicines.<sup>50</sup> OHCHR documented that the detainee's relative was barred from re-entering the country following a trip abroad, preventing her from conducting further visits to the detainee and uprooting her from her life in Nicaragua.

52. At least three detainees reported suffering from severe depression, including suicidal thoughts. Despite their requests, none of them received adequate psychological treatment.<sup>51</sup>

53. On 16 February 2024, Douglas Pérez Centeno was extradited from Costa Rica to Nicaragua. He has since been held incommunicado, and there are substantiated reasons to believe he may be suffering severe ill-treatment or torture because of his well-known profile as an anti-Government activist.<sup>52</sup> Regarding a similar case, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment urged a full, individualized assessment of the risk that the detainee could suffer torture in Nicaragua if he were to be extradited.<sup>53</sup>

#### IV. Rights to nationality and to enter one's own country

54. In 2023, 317 individuals (60 women and 257 men) were arbitrarily stripped of their nationality by the authorities in Nicaragua in contravention of international human rights law,<sup>54</sup> rendering stateless those who did not possess other nationalities and leading to severe long-term human rights consequences, as documented by OHCHR.

55. During the reporting period, in addition to those officially stripped of their nationality, OHCHR documented 62 cases of Nicaraguan nationals (33 women and 29 men) who were denied entry into their own country. OHCHR estimates that the total number of persons facing that situation could be higher due to significant underreporting. Victims received last-minute notifications from bus and airline companies informing them of the Nicaraguan authorities' refusal to allow their entry. The persons found themselves in a situation with devastating personal consequences, suddenly uprooted from their lives in Nicaragua. In addition, they were unable to obtain the protection of their own country abroad and benefit from the rights attached to their nationality, including their right to obtain travel documents.

56. Such expulsions and denationalizations have forced the victims to rebuild their lives far from their families, with little or no support from the host countries, including persons with chronic diseases and torture survivors. OHCHR documented that they often were unable to fulfil their basic needs, lacked access to social, medical and psychological assistance and faced uncertain legal status, fearing deportation. Other individuals were forced to interrupt their studies. OHCHR documented the case of a student who was denied entry into Nicaragua six months before finalizing his studies, interrupting their completion and forfeiting his enrolment in a master's degree programme abroad in which he was already registered. In another case, a father, denied entry into the country in 2021, was unable to reunite with his child because of the refusal of the Nicaraguan authorities to grant authorization for the child to leave the country.

57. The Committee on the Elimination of Discrimination against Women has noted with concern the impact of deprivation of nationality and the ensuing statelessness on women human rights defenders. The Committee has recommended the reinstatement of Nicaraguan nationality to women who have been deprived of it on political grounds and the facilitation of their safe return to Nicaragua.<sup>55</sup>

<sup>50</sup> See communication NIC 4/2023.

<sup>51</sup> The Nelson Mandela Rules, rules 25, 30 and 31; and the Bangkok Rules, rules 6, 12, 16 and 25 (2).

<sup>52</sup> The widespread persecution of political opponents through arbitrary detention and torture and ill-treatment has been widely documented by OHCHR and has also been a subject of concern for the Committee against Torture (CAT/C/NIC/CO/2, para. 23 (a)) and special procedure mandate holders (see communications NIC 6/2021, NIC 5/2021, NIC 4/2021, NIC 3/2021, NIC 1/2020 and NIC 4/2018).

<sup>53</sup> See communication CRI 1/2024.

<sup>54</sup> A/HRC/54/60, paras. 30–35.

<sup>55</sup> CEDAW/C/NIC/CO/7-10, paras. 33 and 34.

## V. Children's rights

58. OHCHR documented two cases in which babies aged 2 and 3 months were separated from their mothers after the mothers were arbitrarily arrested and placed in pretrial detention, resulting in the abrupt cessation of breastfeeding.<sup>56</sup> During the reporting period, OHCHR continued to receive information indicating that the widely documented practice of denying family visits, even from children, to persons detained in relation to the human rights crisis that started in 2018 remained, with severe consequences for the two children.

59. The Committee on the Elimination of Discrimination against Women has encouraged Nicaragua to reduce the excessive use of pretrial detention, to design and implement alternatives to detention and to train judges on the need to take into account women's specific situations and the impact of their detention on their children and other family members.<sup>57</sup>

60. OHCHR has documented an event in which a 17-year-old boy was arrested arbitrarily along with his father in the North Caribbean Coast Autonomous Region and taken to Managua. The child was released a few hours later, while his father is still detained. During the arrest, two children age 3 and 6 years, were subjected to the unwarranted use of force, with the police violently pushing them to the ground, injuring one child.

61. During the reporting period, children continued to be separated from parents who were prohibited arbitrarily from entering the country after traveling abroad.

62. In March 2024, the Committee on the Rights of Persons with Disabilities expressed concern about allegations of sexual violence against girls and adolescents in Nicaragua, as well as physical intimidation, child pornography and the exploitation of adolescents for prostitution, child abuse, procuring, pimping and trafficking in persons for the purpose of slavery and sexual exploitation. It also noted with concern that it remained unknown how much of the abuse was committed against women and girls with disabilities.<sup>58</sup>

## VI. Rights of Indigenous Peoples and people of African descent

63. OHCHR continued<sup>59</sup> to receive reports of violence in territories inhabited by Indigenous Peoples and people of African descent. Killings and other violent attacks, including gender-based violence, the deliberate burning of homes and the illegal appropriation of Indigenous land and property were carried out in a context of widespread impunity.

64. In July 2023, two Indigenous forest guards in the Mayangna Sauni As territory were shot to death by settlers.<sup>60</sup> At the time of drafting of the present report, the authorities had neither investigated nor identified those responsible, nor had they implemented measures to prevent a recurrence of the violations and to guarantee reparation. In addition, another Indigenous man from the same region died from his wounds during his transfer to a hospital after being shot during an attack by settlers in September 2023. In another incident, three Indigenous men from the region were arrested arbitrarily in their home in July 2023, with unnecessary and disproportionate use of force against members of the community, one of them 17 years old. They were sent to Managua, far from the competent jurisdiction. In March 2024, settlers shot at and burned down an Indigenous woman's house in the Mayangna Sauni As territory.

65. The aggressions not only underscored the prevalence of direct violence against Indigenous Peoples but also the lack of exercise of due diligence by the authorities to protect their rights. Ongoing delays in land restitution and repossession processes and the existence of "parallel governments", which are reportedly aligned with the ruling party but are not elected by traditional assemblies, weaken Indigenous self-governance and perpetuate

<sup>56</sup> Human Rights Committee, general comment No. 35 (2014), para. 38.

<sup>57</sup> CEDAW/C/NIC/CO/7-10, para. 48.

<sup>58</sup> CRPD/C/NIC/CO/1-3, para. 30 (c).

<sup>59</sup> A/HRC/54/60, para. 54.

<sup>60</sup> See <https://x.com/OACNUDH/status/1677322428295393280> (in Spanish).

uncertainty regarding Indigenous land tenure. The insufficient protection of Indigenous Peoples' land rights is exploited by settlers to forcibly occupy their lands and perpetrate other human rights abuses.

66. Despite Nicaragua having ratified the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization in 2010 and having recognized the collective Indigenous and Afrodescendent ownership of over 37,842 km<sup>2</sup> of land, decisions affecting Indigenous Peoples are made by the Government without consultations to obtain their free, prior and informed consent or with consultations that fall short of international standards. Nicaragua has not adopted a national consultation mechanism to uphold the rights to consultation and free, prior and informed consent as recommended by the Committee on the Elimination of Racial Discrimination.<sup>61</sup>

67. On 31 October 2023, six mining concessions granted to a company in Columbus, Kuikunita, Mulukukú, Puerto Cabezas, Siuna and Waslala entered into force for an area of over 174,055 ha<sup>62</sup> in Indigenous-populated areas of the North Caribbean Coast Autonomous Region, in the absence of any consultation.

68. On 22 April 2024, a mining concession for over 36,000 ha of land was granted to a company in the Siuna and Mulukukú municipalities in the North Caribbean Coast Autonomous Region.<sup>63</sup> No consultation process was held, despite the concession's impact on the Indigenous Peoples in the municipalities.

69. From 18 August to 7 September 2023, 58 consultations coordinated by the Government were held with 2,493 men and 1,969 women, representing 23 Indigenous territories, over a six-week period to obtain their consent for the Bio-CLIMA project, financed by the Green Climate Fund.<sup>64</sup> The Special Rapporteur on the rights of Indigenous Peoples expressed concerns regarding the allegations that Indigenous Peoples affected by the project had not been given sufficient information about the project and its impact, had been subjected to undue pressure and had lacked sufficient time for deliberation. The Special Rapporteur also noted that written materials had been available in Spanish only and that the consultations had been carried out in the presence of armed police.<sup>65</sup> On 7 March 2024, the Green Climate Fund announced it had terminated the project due to non-compliance with its policies and procedures on environmental and social safeguards.<sup>66</sup>

70. The particular vulnerability of Indigenous women to gender-based violence is perpetuated by impunity, as previously reported.<sup>67</sup> While the scarcity of State institutions in Indigenous territories poses a challenge, distrust and fear of the authorities, combined with a lack of knowledge of Indigenous languages on the part of public officials, further exacerbate the issue. The Committee on the Elimination of Discrimination against Women has noted with concern the high risk of gender-based violence, killings, sexual violence and forced evictions of Indigenous women, in particular Wilu Indigenous women in the Bosawas reserve and the Mayangna Sauni As Indigenous territory.<sup>68</sup>

71. While the levels of gender equality in political representation in Nicaragua are high, that achievement does not extend to Indigenous women and women of African descent, who regularly face discrimination affecting their participation in the conduct of public affairs.<sup>69</sup>

<sup>61</sup> CERD/C/NIC/CO/15-21, para. 23 (a).

<sup>62</sup> See <https://www.mem.gob.ni/wp-content/uploads/2024/05/LISTA-CONCESIONES-MINERAS-Mayo-24.pdf> (in Spanish).

<sup>63</sup> See <http://digesto.asamblea.gob.ni/consultas/util/pdf.php?type=rdd&rdd=uA2%2BoGVZim0%3D> (in Spanish).

<sup>64</sup> See <https://www.bcie.org/operaciones-y-proyectos/proyecto-bio-clima/participacion-y-consulta-informada> (in Spanish).

<sup>65</sup> See communication NIC 1/2024.

<sup>66</sup> See <https://www.greenclimate.fund/statement/update-fp146-bio-clima-integrated-climate-action-reduce-deforestation-and-strengthen>.

<sup>67</sup> A/HRC/54/60, para. 60. See also CEDAW/C/NIC/CO/7-10, para. 27 (c).

<sup>68</sup> CEDAW/C/NIC/CO/7-10, para. 45 (b).

<sup>69</sup> Ibid., para. 31 (b).

## VII. Gender equality and sexual and reproductive health and rights

72. In 2023, Nicaragua retained its seventh-place ranking in the world and its first-place ranking in Latin America in the Global Gender Gap Index among countries with the highest levels of gender equality.<sup>70</sup> The country's educational attainment and political empowerment were highlighted as its strongest assets. In its concluding observations on the combined seventh to tenth periodic reports of Nicaragua, the Committee on the Elimination of Discrimination against Women highlighted the country's progress in the adoption of certain international instruments and national legislation, including on trafficking in persons and violence against women, and the creation of the Ministry of Women's Affairs.<sup>71</sup>

73. The Committee nevertheless deplored the Government's refusal to engage in dialogue with the Committee and its unfounded accusations against the Committee's members.<sup>72</sup> OHCHR regrets the Government's failure to cooperate with the Committee in accordance with its obligations under the Convention on the Elimination of All Forms of Discrimination against Women.

74. The Committee noted concerns on legislative reforms that allowed discrimination against women on the basis of their political opinions, hampering their political participation and imposing restrictions on the work of women human rights defenders, including Indigenous women and women of African descent.<sup>73</sup> It also noted at least 7,000 cases of aggression against women human rights defenders, including intimidation, harassment, reprisals, rape, personal injury to family members, damage to property and death threats.<sup>74</sup>

75. In 2024, civil society organizations reported a spike in cases of femicide in Nicaragua, with 36 between January and May 2024,<sup>75</sup> 8 of them in the first week of May.<sup>76</sup> They reported 54 femicides in 2023.<sup>77</sup> The Government has not yet published its 2023 data but, in a bulletin issued in February 2024, it reported 19 femicides in 2022,<sup>78</sup> in contrast with 57 reported by civil society organizations in the same period.<sup>79</sup> The Government reported that the police had "solved" <sup>80</sup> the 19 femicides committed in 2022, asserting a 100 per cent police effectiveness.<sup>81</sup>

76. The restrictive definition of femicide set out in Act No. 779 of 2012<sup>82</sup> limits it to the murder of women by their intimate partners. The Committee on the Elimination of Discrimination against Women recommended that Nicaragua amend its definition of femicide to ensure that it included all cases of gender-based or gender-related killings.<sup>83</sup>

<sup>70</sup> See [https://www3.weforum.org/docs/WEF\\_GGGR\\_2023.pdf](https://www3.weforum.org/docs/WEF_GGGR_2023.pdf).

<sup>71</sup> CEDAW/C/NIC/CO/7-10, paras. 4–6.

<sup>72</sup> See <https://www.ohchr.org/en/press-releases/2023/10/un-womens-rights-committee-deplores-withdrawal-nicaraguan-ambassador-public>.

<sup>73</sup> CEDAW/C/NIC/CO/7-10, para. 11 (a).

<sup>74</sup> Ibid., para. 11 (b).

<sup>75</sup> See <https://www.swissinfo.ch/spa/un-hombre-asesina-a-su-pareja-en-nicaragua-y-se-elevan-a-36-los-feminicidios-en-2024/77122347> (in Spanish).

<sup>76</sup> See <https://www.facebook.com/CDDNICARAGUA/posts/pfbid02CyB21uxT4uKN9QhgK1tYnhBgtHHrtFafX83Dgh3o7PWKqbgDix2DVSS6CFYd1MR3l> (in Spanish).

<sup>77</sup> See <https://mundosur.org/wp-content/uploads/2024/03/1o-INFORME-MLF-2024.pdf> (in Spanish).

<sup>78</sup> See [https://www.inide.gob.ni/docs/Anuarios/Anuario2022/ANUARIO\\_ESTADISTICO2022.pdf](https://www.inide.gob.ni/docs/Anuarios/Anuario2022/ANUARIO_ESTADISTICO2022.pdf), p. 182 (in Spanish).

<sup>79</sup> A/HRC/54/60, para. 67.

<sup>80</sup> This is the term used by the Government, but OHCHR could not ascertain if solving the case included the identification and punishment of perpetrators, reparations to victims' families or any other measure.

<sup>81</sup> See [https://www.inide.gob.ni/docs/Anuarios/Anuario2022/ANUARIO\\_ESTADISTICO2022.pdf](https://www.inide.gob.ni/docs/Anuarios/Anuario2022/ANUARIO_ESTADISTICO2022.pdf), p. 182.

<sup>82</sup> See <http://legislacion.asamblea.gob.ni/Normaweb.nsf/xpNorma.xsp?documentId=D86DE4680225619F06258AE0004C2992&action=openDocument> (in Spanish).

<sup>83</sup> CEDAW/C/NIC/CO/7-10, para. 28 (c).

77. Recently, United Nations human rights treaty bodies noted that the excessive reliance on mediation by social services instead of the filing of criminal complaints for gender-based violence, the mandatory mediation between victims and perpetrators under Act No. 779, the lack of independence of the judiciary and the Office of the Attorney General and judicial gender bias undermine women's access to justice for the purpose of filing complaints of gender-based violence. They also indicated that more than 50 per cent of proceedings in cases of gender-based violence, including sexual violence, are discontinued or result in acquittals.<sup>84</sup>

78. The absolute prohibition and criminalization of abortion remain in place in Nicaragua, leaving women and girls to resort to illegal and unsafe abortions, at great risk to their health and life, including in cases of pregnancy resulting from rape or incest or of risk to their life or health. Due to stigma and the general fear of reprisals, cases remain unreported.

79. In December 2023, the Institute of Legal Medicine of Nicaragua reported a small reduction in sexual violence cases, with 332 cases in 2023 compared with 344 in 2022. As highlighted in the High Commissioner's previous report,<sup>85</sup> the impact of sexual violence on girls continued to be disproportionate. According to the Institute, out of the 332 cases, girls were victims in 231, including 105 girls under the age of 12 years. Forty-three of the victims were male, including 40 boys.<sup>86</sup>

## VIII. Conclusions

80. **The human rights situation in Nicaragua has continued to seriously deteriorate. The persecution of opponents of the Government or those perceived as dissenting voices in the country has progressively been extended and intensified by the Government. Civic space continues to be severely eroded and, in a context of systematic allegations of repression, the exercise of civil and political rights is increasingly difficult.**

81. **The arbitrariness of deprivation of liberty, the length of prison sentences and the cruelty of ill-treatment, including torture, inflicted on persons prosecuted for their perceived opposition to the Government, remain of serious concerns. Some individuals are held incommunicado for months without charges or given lengthy prison sentences in judicial proceedings that lack fair trial standards and due process. During the reporting period, OHCHR documented practices contrary to human dignity and the most basic principles of human rights, such as the ablation and strangulation of testicles and the complete separation of women from their breastfeeding children, without even the possibility of periodic visits. The extreme suffering inflicted on the victims and their families and communities will take decades to heal.**

82. **As stated in previous reports, the advances made by Nicaragua regarding gender equality, recognized in several international rankings, are not leading to the enjoyment of women's sexual and reproductive health and rights, which are hampered by the absolute prohibition of abortion and insufficient measures to prevent gender-based violence, adolescent and unintended pregnancies, child marriage and human rights violations.**

83. **Despite the legal and constitutional recognition of ownership by Indigenous Peoples and people of African descent of their traditional lands, decisive measures still need to be taken to protect those communities and prevent further acts of violence against them and violations of their rights to free, prior and informed consultations and consent, as well as their right to take part in the conduct of public affairs.**

84. **The multifaceted crisis that has affected Nicaragua since 2018 requires an urgent change of path by the Government. There is a critical need to overturn the legal, administrative and political framework, which is designed to suppress dissent and independent civic and political activity. Restoring civic and democratic spaces and reinforcing rule-of-law institutions will facilitate the recovery of Nicaragua from the**

<sup>84</sup> CRPD/C/NIC/CO/1-3, para. 24 (d); and CEDAW/C/NIC/CO/7-10, para. 17 (a) and (b).

<sup>85</sup> A/HRC/54/60, para. 70.

<sup>86</sup> See [https://www.poderjudicial.gob.ni/pjupload/impl/pdf/boletin\\_diciembre\\_2023.pdf](https://www.poderjudicial.gob.ni/pjupload/impl/pdf/boletin_diciembre_2023.pdf) (in Spanish).

profound erosion of civil and political rights that it has suffered since 2018. Any political process aimed at resolving the crisis in Nicaragua must be based on the principles of transitional justice: only by ensuring victims' rights to truth, justice, reparation and measures of non-recurrence can the process have a solid foundation and foster genuine reconciliation and sustainable peace for the future.

85. General elections in 2026 have the potential to offer a new opportunity for Nicaragua. If they are held in a safe and enabling human rights environment, where the right to political participation can be meaningfully exercised and Nicaraguans are free to decide the future of their country, the elections will constitute a significant milestone on the path towards a solution to the crisis. Such recovery will require the Government to take measures, without delay, to ensure the safe, voluntary and dignified return of those in exile and guarantee the exercise of fundamental freedoms in Nicaragua without fear of reprisals.

## IX. Recommendations

86. The High Commissioner urges the Government to uphold its commitment to respect, fulfil and protect the human rights of all Nicaraguans, inside or outside the country, in accordance with international law, and to fully implement the recommendations made by OHCHR and international human rights mechanisms that remain unfulfilled, in particular:

- (a) Immediately release all persons arbitrarily deprived of their liberty in the context of the political crisis or for exercising their right to freedom of expression;
- (b) Take immediate steps to effectively end and prevent acts of torture and ill-treatment during deprivation of liberty, including sexual violence and prolonged solitary confinement. Ensure that the treatment of all detainees is in line with international human rights standards, including the Mandela and Bangkok rules. Conduct prompt, impartial and effective investigations into all allegations of torture and ill-treatment, with a particular focus on cases of sexual violence in detention centres. Bring the perpetrators to justice and ensure reparations to the victims;
- (c) Amend criminal legislation in order to ensure its full compatibility with international human rights law, in particular to ensure that any person deprived of their liberty is brought promptly before a judicial authority and has the possibility of challenging the legality and necessity of the detention, that pretrial detention is imposed on the basis of an individualized assessment and only if it is deemed reasonable and necessary, taking into account all the circumstances, and that arrest, seizure and search warrants are issued by a judicial authority prior to their execution;
- (d) Ensure that accused persons enjoy a fair trial and due process, including the rights to be tried in their presence, to legal assistance and to communicate with a lawyer of their own choice without delay, interception or censorship and in full confidentiality;
- (e) Take all measures necessary to re-establish civic and democratic spaces, namely:
  - (i) Urgently cease all acts of persecution against persons and organizations, including women's rights organizations, perceived to oppose the Government, including stigmatization, police harassment, the unlawful or arbitrary deprivation of liberty, the misuse of criminal law, deportation, the arbitrary refusal of entry into Nicaragua and the withholding of travel documents necessary to leave the country;
  - (ii) Guarantee the exercise of the freedoms of peaceful assembly, expression and association and sanction any attack on or intimidation of human rights defenders, including women human rights defenders, religious and community leaders, journalists, media workers and government critics, among others;

- (iii) Urgently reinstate legal status to associations, such as civil society organizations, religious associations, universities and media outlets, that had it revoked and return immediately all seized property, documents and equipment;
- (iv) Revoke or amend all legislation passed since 2018 that is incompatible with the international human rights obligations of Nicaragua, including Act No. 977, on money laundering, the financing of terrorism and the financing of the proliferation of weapons of mass destruction, Act No. 1040, on the regulation of foreign agents, Act No. 1042, on cybercrimes, Act No. 1055, on the defence of the rights of the people to independence, sovereignty and self-determination for peace, Act No. 1060, reforming the Criminal Procedure Code, Electoral Act No. 1070, amending and extending Electoral Act No. 331, General Act No. 1115, on the regulation and control of non-profit organizations, Special Act No. 1145, regulating the loss of Nicaraguan nationality, and the reform of Constitutional article 21 of 9 February 2023;
- (f) As recommended by OHCHR,<sup>87</sup> international human rights mechanisms<sup>88</sup> and regional organizations,<sup>89</sup> conduct institutional reforms aimed at guaranteeing free, transparent and genuine general elections in 2026 in accordance with international standards, ensuring the impartiality of electoral institutions and the participation of electoral observers from national and international bodies;
- (g) Urgently amend legislation on abortion in line with international human rights law, adopt measures to prevent adolescent and unintended pregnancies and amend the definition of femicide set out in article 9 of Act No. 779 to include all cases of gender-related killings;
- (h) Take all measures necessary to protect children from violence, including during the arrest of their family members, and prevent family separation, in accordance with international human rights law, including the Convention on the Rights of the Child;
- (i) Train judges on international human rights law and standards relevant to deprivation of liberty and detention conditions and their impact on women and children, including on family unity;
- (j) Adopt, in consultation with Indigenous Peoples and people of African descent, an appropriate national mechanism to ensure their right to be consulted regarding any legislative and administrative measures that may affect their rights, with a view to obtaining their free, prior and informed consent and consultation, in line with international human rights law and standards, including the Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples, and investigate all cases of violence, including gender-based violence, against Indigenous Peoples, holding perpetrators accountable;
- (k) Ensure that the national human rights institution operates independently and effectively by implementing measures aligned with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);
- (l) Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute of the International Criminal Court and recognize the competence of the United Nations human rights treaties bodies to receive and consider individual communications, including by ratifying the relevant treaties;
- (m) Fully cooperate with the United Nations human rights mechanisms and OHCHR and grant them prompt access to Nicaragua.

<sup>87</sup> A/HRC/42/18, para. 65 (h).

<sup>88</sup> A/HRC/14/3, para. 90.35; A/HRC/27/16, paras. 115.4 and 115.5; and A/HRC/42/16, paras. 125.39, 125.112 and 125.114.

<sup>89</sup> Organization of American States, General Assembly resolution AG/doc.5710.20 rev.1, on restoring democratic institutions and respect for human rights in Nicaragua through free and fair elections.

87. **The High Commissioner urges the international community:**

- (a) To provide support to Nicaraguan human rights defenders, including women human rights defenders, both in Nicaragua and abroad;**
  - (b) To provide support to Nicaraguans stripped of their nationality and those prohibited from entering the country;**
  - (c) To strengthen accountability for alleged international crimes committed since 2018, as well as to promote the appropriate application of universal and extraterritorial jurisdictions;**
  - (d) To ensure international protection to all Nicaraguans fleeing persecution and strictly uphold the principle of non-refoulement;**
  - (e) To ensure a human rights-based approach for all international assistance and investments provided to Nicaragua, including through international financial institutions and businesses, in line with the Guiding Principles on Business and Human Rights and the Sustainable Development Goals, including the responsibility to conduct human rights due diligence processes to identify, prevent, mitigate and account for the impact on human rights of all assistance and investments.**
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