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# II

# EVALUATION BENCHMARK

# RESOLUTION 46/2

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of the United Nations Human Rights Council  
on the situation in Nicaragua

*August – September 2021*

# 1 INTRODUCTION

Motivated by the serious human rights situation in Nicaragua, **13 human rights organizations have joined forces to develop the second Evaluation Framework for Resolution 46/2**, an update to previous efforts to monitor compliance with the resolution approved by the UN Human Rights Council (UNHRC) on March 23, 2021.

The resolution extended High Commissioner for Human Rights Michelle Bachelet's mandate to monitor and report on the situation in Nicaragua, calling for her to deliver oral updates before the Council in June and September 2021, an oral update with recommendations specific to the general elections scheduled for November 2021, and a comprehensive report delivered to the UNHRC session of March 2022.

The resolution also makes **several recommendations to the government of Nicaragua** regarding the freedoms of expression and association; the rights of indigenous peoples; the rights to education, work, and health; the fight against impunity; the independence and impartiality of the justice system, including the office of the Advocate for Human Rights; and Nicaragua's cooperation with international human rights mechanisms.

In her most recent oral update, delivered on September 13, **Bachelet lamented the deterioration of civil and political rights as the November elections approach**, highlighting the arbitrary detentions of people considered to be members of the political opposition. These detentions, which began in May of this year, include multiple elements indicating potential torture or other forms of cruel punishment.

Bachelet also stated that overcoming **Nicaragua's crisis will require the participation of all sectors of society and must be based on principles of respect for human rights**. She called on the government to ensure the full enjoyment of human rights for all; end the repression of political opponents, the press, and civil society; and immediately release the more than 130 people deprived of liberty for political reasons since the beginning of the crisis in April 2018.

After the adoption of this resolution **a coalition of organizations measured the level of implementation of the UNHRC's recommendations**, using objective indicators and publicly available information from the UN, Inter-American human rights bodies, and civil society or press reports.

**The objective of this benchmark is to inform the Human Rights Council, and the international community in general, about the level of implementation of the resolution by the Government**, and with it to assess the willingness of the Government to take significant steps to remedy the human rights crisis and to cooperate with the international community. **We also hope that this benchmark can highlight the need for Nicaragua to implement these recommendations and to find a solution to this human rights crisis** with justice, reparation for victims, and guarantees of non-repetition.

Finally, **we invite you to join our efforts by sharing this evaluation benchmark using the hashtags #SOSNicaragua and #NicaraguaAtTheUN on social media.**

# EVALUATION BENCHMARK – RESOLUTION 46/2

of the United Nations Human Rights Council on the situation in Nicaragua

**2** (OP2) Urges the Government to publicly condemn and ensure accountability for any attacks or acts of intimidation [against human rights defenders] and to take measures to ensure a safe and enabling environment for the abovementioned persons to carry out their work freely.

## INDICATORS

- ...▶ Number of public condemnations by the government.
- ...▶ Number of trials by independent and impartial tribunals.
- ...▶ Measures taken (including legislative, judicial, administrative, or other measures).

## STATE ACTIONS

### LACK OF ACTION

- No public condemnations by the government.
- No fair trial.
- No measures taken.

### ACTIONS CONTRARY TO THE RECOMMENDATION

- Between 22 June and 6 September, the OHCHR documented the arbitrary detention of 16 people, including political leaders, human rights defenders, business people, journalists, and peasant and student leaders, in addition to 20 others detained since 28 May.
- Application of legislation that runs contrary to human rights. For example, the human rights defender María Oviedo, a member of the Permanent Commission on Human Rights and a beneficiary of provisional measures granted by the Inter-American Court of Human Rights, was detained on July 29 under Law 1055, “Law for the defense of the people’s rights to Independence, sovereignty, and self-determination.” (IACHR, July 30).
- The detention of Amaru Ruiz, human rights defender and President of the Del Rio Foundation, for supposedly spreading ‘false news’ under the Special Law on Cybercrimes (charges presented on September 8) after she used social media to denounce attacks on indigenous communities. (IACHR, Sept 13)
- Allegations of arbitrary detention and physical violence against Francys Valdivia Machado and other members of the Mothers of April Association in the city of Estelí. Detentions, harassment, and harmful declarations by government officials against members of the Nicaraguan Center for Human Rights (CENIDH). (Joint Statement by UN Special Rapporteurs, June 25).

## LEVEL OF IMPLEMENTATION

**✗ NOT IMPLEMENTED**

**3** (OP3) Urges the Government of Nicaragua to **restore the legal registration of civil society organizations and independent media outlets** that have been cancelled since 2018, and to return seized assets, including confiscated property.

## INDICATORS

- Legal re-registration of civil society organisations and independent media
- Return of seized assets (including confiscated property).

## STATE ACTIONS

### LACK OF ACTIONS

- No legal re-registration of organisations or media outlets whose registrations were cancelled since 2018.
- Seized assets and property have not been returned.

### ACTIONS CONTRARY TO THE RECOMMENDATION

- Between 28 July and 26 August, authorities ordered the closure of 45 non-profit organizations. These included six international aid organizations, several medical associations critical of the government's response to the pandemic, and women's organizations, among others. ([OHCHR, Sept 13](#))
- The National Assembly revoked the legal registration of 24 organizations, including medical workers' organizations, on July 28. ([IACHR, July 30](#)).
- 6 civil society organizations dedicated to human rights, humanitarian aid, poverty relief, and other efforts had their registrations cancelled on August 16. ([IACHR, August 18](#)).
- The National Assembly cancelled the registration of 15 more organizations on August 26, including groups dedicated to community development and the promotion of economic, social, and cultural rights. ([IACHR, August 18](#)).

## LEVEL OF IMPLEMENTATION

**✗ NOT IMPLEMENTED**

**4** (OP4) Urges the Government of Nicaragua to authorize **peaceful and public demonstrations**, and to repeal or amend legislation that may unduly restrict the **rights to the freedoms of expression and association, to privacy and to take part in the conduct of public affairs**, and that may prevent victims of human rights violations from exercising their right to seek a remedy or extend the period of detention without formal charge or criminalize dissenting voices.

## INDICATORS

- Number of demonstrations authorised or carried out without being repressed.
- Repeal or amendment of laws restricting the freedoms of expression, association, privacy, and participation in public affairs; limiting the right to appeal; and contributing to arbitrary detention.

## STATE ACTIONS

### LACK OF ACTION

- The set of laws passed in 2019 that are incompatible with the right to truth, access to justice, and comprehensive reparation for victims of repression, including the Amnesty Law, remain in force. This fact, coupled with the lack of independence of the administration of justice, consolidates impunity for human rights violations ([IACHR-MESEN, April 30](#)).

### ACTIONS CONTRARY TO THE RECOMMENDATION

- Attacks on freedom of expression have intensified. On 12 August, the newspaper La Prensa denounced the cessation of its print edition due to the withholding of paper by the customs authority. A day later, the National Police and the Public Prosecutor's Office raided its facilities, seized material goods and subsequently arrested its general manager. Threats by the Public Prosecutor's Office against several journalists and media workers prompted many of them to leave Nicaragua to seek protection. The Office has documented 12 cases, while civil society sources have registered more than 30. ([OHCHR, Sept 13](#))
- A pattern of repression against civil society and those who protest peacefully persists. This repression intensified during the commemoration of the third anniversary of the April 2018 protests. ([Joint Statement by UN Special Rapporteurs, June 25](#))
- Allegations of abuse at the hands of authorities against former members of the Violeta Barrios de Chamorro Foundation, including the detention of Marco Antonio Fletes and Walter Antonio Gomez Silva and the house arrest of Cristiana Chamorro, along with a legal order preventing her from running for public office. The media outlet Confidencial has also suffered repression. Juan Sebastián Chamorro García and Félix Maradiaga have been held arbitrarily in retaliation for their criticisms of the government, with elements of their detention indicating forced disappearance. ([Joint Statement by UN Special Rapporteurs, July 19](#))
- Nicaraguan authorities have carried out repeated acts of persecution against the media, journalists, and communications workers in the context of the November presidential elections. In the last two months, at least 12 journalists have been forced to go into exile for fear of reprisals against them. On June 20 and 21, respectively, two journalists, Miguel Mora and Miguel Mendoza, were detained. Miguel Mora was also a presidential candidate. Sports writer Miguel Mendoza was presumably detained due to comments critical of the government made on social networks. Both remain being held incommunicado under vague charges under Law 1055 and without due process. ([IACHR and OHCHR, August 18](#))

- On August 13, the National Police and the Public Ministry raided the facilities of the newspaper La Prensa, seized assets, and detained its general manager, Juan Lorenzo Holmann Chamorro the following day as part of an investigation of alleged customs fraud and money laundering. Workers detained during the raid were held in solitary confinement. La Prensa's internal server was also knocked out, which prevented publication on its website. On the 12th, La Prensa denounced that the national customs authority's confiscation of its paper supplies forced it to stop publishing its printed edition and continue only its digital edition. ([IACHR and OHCHR, August 18](#)).
- People identified as members of the political opposition continue to suffer criminalization. Former Vice President Sergio Ramírez was detained. Those deprived of liberty in this context suffer from unhygienic and inhumane prison conditions. ([IACHR and OHCHR Regional Office, Sept 10](#)).
- The IACHR granted precautionary measures to Georgina Roxana Vargas Clarens, correspondent for Channel 10 in the Northern Autonomous Caribbean Coast Region, after finding that she was in a situation of serious risk due to threats and harassment by State authorities in retaliation for her work as a journalist. ([IACHR, Sept 1](#)).

## LEVEL OF IMPLEMENTATION

✗ NOT IMPLEMENTED

**5** (OP5) Calls upon the Government of Nicaragua to cease immediately using **arbitrary arrests and arbitrary detentions**, as well as threats and other forms of intimidation or alternative measures of detention, as a means to repress dissent, to release all those arbitrarily or illegally detained without condition, to guarantee due process rights, to ensure that conditions of detention have due regard for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela rules) and comply with applicable human rights obligations.

## INDICATORS

- ▶ Number of arbitrary arrests.
- ▶ Number of threats and other forms of intimidation or alternative forms of deprivation of liberty.
- ▶ Number of arbitrary detainees released unconditionally.
- ▶ Number of trials respecting international standards of due process; compliance of conditions of detention with the Nelson Mandela Rules.



## STATE ACTIONS

### ACTIONS CONTRARY TO THE RECOMMENDATION

- IACHR. IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua's Upcoming Election. 11 August 2021.

#### Arbitrary detentions and deprivations of liberty in inhumane conditions persist:

- 136 people remain deprived of liberty (IACHR-MESENI, July 31).
- On July 5, the National Police detained Medardo Mairena Sequeira, Pedro Joaquín Mena Amador, Freddy Alberto Navas López, Lesther Lenin Alemán Alfaro, and Max Isaac Jerez Meza. The first three are members of the Campesino Movement, while the last two are members of the Nicaraguan University Alliance. Lesther Alemán and Freddy Navas are beneficiaries of precautionary measures from the IACHR and provisional measures from the Inter-American Court. These arrests were added to another 21 reported in July, including the arrest of five presidential candidates, leaders of the opposition, recognized human rights defenders, businessmen, and independent journalists. (IACHR-MESENI, July 31).
- Between June 22 and September 6, the OHCHR documented the arbitrary detention of 16 people, including political leaders, human rights defenders, business leaders, journalists, and campesino and student leaders. (OHCHR, Sept 13).

#### Precautionary measures issued by the IACHR between July and September

Between July and September, the IACHR granted precautionary measures to 12 people arbitrarily deprived of their liberty: 10 who were detained between May and June 2021, and 2 more detained between 2018 and 2020.

- IACHR. Communication No. 214/21–ACHR Extends Precautionary Measures in favour of Miguel de los Ángeles Mora Barberena in Nicaragua 16 August 2021.
- The IACHR issued precautionary measures to Wilmer Alfredo Mendoza Espinoza and his family, based on attacks he has suffered in detention, the conditions in which he is being held, and the lack of medical attention in detention. (IACHR, August 31)
- The IACHR granted precautionary measures to Ana Margarita Vijil Gurdián, Dora María Téllez Arguello, Suyen Barahona Cuán, Jorge Hugo Torres Jiménez, Víctor Hugo Tinoco Fonseca (members of the opposition party Unión Democrática Renovadora-Unamos); Arturo José Cruz Sequeira (presidential hopeful of the opposition party Alianza Ciudadana); y Luis Alberto Rivas Anduray (ex-vice president of FUNIDES). The Commission found that all these people faced serious risk, having already been deprived of liberty without a court order and held in inhumane conditions, despite health problems in some cases. Others are being held in undisclosed locations. (IACHR, Sept 1)
- The IACHR adopted precautionary measures in favor of José Bernard Pallais Arana, who was detained on June 9 and held in an undisclosed location for more than 90 days.
- The IACHR expanded precautionary measures in favor of Cristiana María Chamorro Barrios' employee, Pedro Salvador Vásquez. 5 August 2021.

- Two beneficiaries people were deprived of liberty prior to 2021, as well: IACHR, Communication No. 210/21 – IACHR Extends Precautionary Measures in Favor of Francis Valdivia Machado and Her Family 11 August 2021. IACHR, communication No. 201/21 – IACHR adopts precautionary measures in favor of Flor de María Ramírez 5 August 2021.

\* **Provisional measures granted by the Inter-American Court of Human Rights (IACtHR):**

- The IACtHR held a hearing on the provisional measures granted to Juan Sebastian Chamorro and others on August 27. The Court affirmed the urgent measures granted to Tamara Dávila and extended the measures granted to Lesther Aleman and Freddy Navas on September 9. The September 9 ruling re-affirmed the Court's call to release the detainees immediately and reiterated its request to conduct an in-country visit. It also confirmed the existed of high levels of risk for those identified as political opponents of the current government.

LEVEL OF IMPLEMENTATION

✗ NOT IMPLEMENTED

**6** (OP6) Urges the Government of Nicaragua to **combat impunity** and to ensure accountability and justice for victims of human rights violations in the context of the 2018 protests, including by conducting independent and impartial investigations into the multiple forms of repression and violence that killed more than 300 people and injured 2,000, including alleged extrajudicial executions, enforced disappearances, torture and other grave human rights violations and abuses reported since April 2018 by the Office of the High Commissioner, and by amending the Amnesty Law.

## INDICATORS

- ▶ Number of independent and impartial investigations of violations in the context of the 2018 protests, including extrajudicial killings, enforced disappearances, and torture, among others.
- ▶ Remedies for victims of violations in the context of the 2018 protests.
- ▶ Amendments to the Amnesty Law.



## STATE ACTIONS

### LACK OF ACTION

- The set of laws passed in 2019 that are incompatible with the right to truth, access to justice, and comprehensive reparation for victims of repression, including the Amnesty Law, remain in force. ([IACHR-MESENÍ, 30 April 2021](#))
- Homicides and attacks related to territorial disputes in the Northern Autonomous Caribbean Coast Region remain in impunity. ([OHCHR, Sept 13](#)).
- Arbitrary detention and physical violence against members of the Mothers of April Association and of CENIDH in reprisal for their work with families of victims seeking truth, justice, and reparation.

## LEVEL OF IMPLEMENTATION

✗ NOT IMPLEMENTED

**7** (OP7) Also urges the Government of Nicaragua to take effective measures to prevent and address the increase in **sexual and gender based violence**, including gender-related killings, by strengthening the capacity of the Attorney General's Office and the Judiciary, in line with international standards, as well as by implementing preventive educational policies and programmes.

## INDICATORS

- ....▶ Number of measures to prevent and combat sexual and gender-based violence (including legislative, judicial, administrative, or other measures).
- ....▶ Actions undertaken to strengthen the capacity of the prosecution and judiciary in accordance with international standards.
- ....▶ Number of prevention policies and educational programmes on sexual and gender-based violence.

## STATE ACTIONS

### LACK OF ACTION

- No measures have been adopted to prevent or combat sexual and gender-based violence, including educational initiatives or strengthening of the Prosecutor's Office.

## ACTIONS CONTRARY TO THE RECOMMENDATION

- Allegations of mistreatment, including gender-based violence, against women human rights defenders, including a degrading search of Francys Valdivia, president of the Association of Mothers of April. (Statement by UN Special Rapporteurs, 25 June).
- At least 51 women were victims of femicide between January and August 2020. (Catholics for the Right to Decide, Sept 3).
- Three women's organizations (Asociación Colectivo de Mujeres de Matagalpa, la Asociación de Mujeres de Jalapa contra la Violencia Oyanka y Fundación entre Volcanes) have had their legal registration canceled.
- Patricia Orozco, a journalist, feminist, and human rights defender who is currently in exile, suffered the illegal expropriation of her family house.
- Family members of women deprived of liberty have denounced gender-based violence.
- Several of these arbitrary detentions, especially in the case of women, present elements that could be considered torture or ill-treatment.

### LEVEL OF IMPLEMENTATION

✗ NOT IMPLEMENTED

8

(OP8) Urges the Government of Nicaragua to seek free, prior and informed consent as contemplated in the United Nations Declaration on the Rights of **Indigenous Peoples**, and to take effective measures, in consultation with indigenous peoples, to prevent and address the increasing violence committed against them, including by conducting prompt and independent investigations into alleged killings and land seizures by armed groups.

### INDICATORS

- ...▶ Number of cases in which free, prior, and informed consent was obtained.
- ...▶ Number of cases of killings and land confiscations by armed groups.
- ...▶ Number of prompt and independent investigations into allegations of killings and land seizures by armed groups.

### STATE ACTIONS

## ACTIONS CONTRARY TO THE RESOLUTION

- The OHCHR received reports that on 23 August, according to official sources, at least nine indigenous persons were reportedly killed, and two women sexually abused, in an attack related to a land dispute over gold mining in the Sauni As territory of the Northern Caribbean Coast Autonomous Region. Indigenous authorities had reported the threatening situation to the police ten days earlier, requesting their intervention. The police have arrested three people and identified them, along with 11 others, as the alleged perpetrators. According to the OHCHR, homicides and aggressions related to territorial disputes registered in the same area since January 2020 remain unpunished. (OHCHR, Sept 13).

- Indigenous communities in the area of Kiwakumbaih (Musawas territory, within the Bosawas biological reserve), were attacked violently, reported by armed settlers. At least 11 people were killed. [\(IACHR, Aug 27\)](#).
- IACHR asks Inter-American Court to extend provisional measures in favor of communities of Miskitu indigenous people in Nicaragua [\(IACHR, Sept 17\)](#).

## LEVEL OF IMPLEMENTATION

✗ NOT IMPLEMENTED

**9** (OP9) Calls upon the Government of Nicaragua to continue to take steps to progressively realize the **rights to education and work, and to ensure the right to the enjoyment of the highest attainable standard of health for all**.

## INDICATORS

- Progressive realization of the right to health, in compliance with the criteria of availability; accessibility; acceptability; and quality.
- Progressive realization of the right to education, in compliance with the criteria of availability; accessibility; acceptability; and adaptability.
- Progressive realization of the right to work, in compliance with the criteria of availability, accessibility, acceptability, and quality.

## STATE ACTIONS

### ACTIONS CONTRARY TO THE RECOMMENDATION

- A lack of specific official information about COVID-19 cases and deaths, preventing accurate measurement of the pandemic as signaled by the Pan-American Health Organization. [\(OHCHR, Sept 13\)](#).
- Healthcare workers, scientists, and activists are suffering the effects of the increased repression in recent weeks. This trend includes persecution and harassment by State agents against the Nicaraguan Medical Unit, the Citizen COVID-19 Observatory, and the Interdisciplinary Scientific Committee, along with harmful statements against healthcare workers from high-level authorities. [\(IACHR, July 28\)](#)
- More than 405 healthcare workers have been fired for criticizing the government or the national pandemic response. Many of them also had to flee the country for fear of reprisals. A high number of medical professionals have died of COVID-19. Vaccine access remains limited. [\(IACHR, July 28; IACHR-MESEN, July 31\)](#).
- The offices of the Center for Social Studies and Promotion (CEPS), a nonprofit organization working to promote the right to health, were raided by the police on July 30. [\(IACHR, July 30\)](#).

- 6 civil society organizations working to reduce gaps in economic, social, and cultural rights, including the rights to health and education, had their legal registration cancelled. ([IACHR, August 18](#)).
- Political prisoner Bryan Kessler continues to suffer a lack of proper medical attention ([CENIDH, Sept 3](#)).

## LEVEL OF IMPLEMENTATION

✗ NOT IMPLEMENTED

# 10

(OP10) Urges the Government of Nicaragua to take effective measures to provide a **safe environment for victims of human rights violations**, including former political prisoners and opposition members, and those with long term injuries and disabilities.

## INDICATORS

- Number of Precautionary Measures and Provisional Measures agreed upon with beneficiaries and effectively implemented.
- Number of investigations carried out into threats, aggressions, and other attacks against victims of human rights violations.

## STATE ACTIONS

### LACK OF ACTION

- No investigations have been carried out nor have the protection measures granted by the IACHR been implemented. On the contrary, sieges, threats, and harassment have continued.

### ACTIONS CONTRARY TO THE RECOMMENDATIONS

- The IACHR and OHCHR categorically condemned the criminal prosecution of potential presidential candidates and called on the State to release those detained immediately.
- Between May 28 and September 6, the government executed a wave of arbitrary detentions in order to ensure the re-election of President Daniel Ortega in November's general elections. Seven potential presidential candidates and 29 noted critics of the current government were detained, among them political leaders, journalists, human rights defenders, students, business leaders, and other activists.

## LEVEL OF IMPLEMENTATION

✗ NOT IMPLEMENTED

(OP11) Calls upon the Government of Nicaragua to take effective measures to guarantee the **independence and impartiality of the justice system** and the Office of the Human Rights Advocate.

## INDICATORS

- Measures taken to comply with the UN Basic Principles on the Independence of the Judiciary.
- Measures taken to comply with the Paris Principles on guarantees of independence and pluralism of the National Human Rights Institution (Section B).

## STATE ACTIONS

### LACK OF ACTION

- The Government has not taken any measures to guarantee the independence and impartiality of the justice system, nor has the Human Rights Ombudsman's Office taken any measures to guarantee the independence and impartiality of the justice system

### ACTIONS CONTRARY TO THE RECOMMENDATIONS

- The investigations against the members of the Violeta Barrios de Chamorro Foundation and FUNIDES, especially the judicial proceedings against Marcos Fletes, Walter Gómez, Cristiana Chamorro, Juan Sebastián Chamorro, and Félix Maradiaga, represent an improper use of the system criminal justice system to persecute potential opposition candidates for the general elections. These proceedings are being held without measures to guarantee due process and a public, independent and impartial trial. (Joint Statement by UN Special Rapporteurs, July 19).
- The majority of the 22 arbitrarily detained persons documented by the OHCHR remained deprived of liberty. They have been held for up to 90 days, held *incommunicado*, and in some cases kept in isolation. Authorities have not officially confirmed their whereabouts to the families. The Public Ministry did not begin to authorize family visits until August 31. Several of these arbitrary detentions, especially in the case of women, present elements to be considered as torture or ill-treatment. (OHCHR, Sept 13)
- The prosecution's accusations against those arbitrarily detained do not identify any wrongdoing by the accused that rises to the charges being presented. The accusations signal acts protected by international human rights standards on freedom of expression that should not be criminalized. (Human Rights Watch, 20 de septiembre).
- Reported acts of psychological torture during interrogations, especially in the cases of women as retaliation for their work as social leaders, political figures, and human rights defenders. (Joint statement of IACHR and OHCHR, Sept 10).
- Amnesty International has denounced a pattern of forced disappearances in the recent detentions, marked by the withholding of the detainee's whereabouts, a lack of official information about his or her situation, the refusal to permit visits, and the refusal to cooperate with legal processes to which the detainee is entitled. (Amnesty International, 24 August)

## LEVEL OF IMPLEMENTATION

**✗ NOT IMPLEMENTED**

# 12

(OP12) Urges the Government of Nicaragua to adopt a time-bound action **plan to implement the recommendations made by international and regional human rights mechanisms**, including those made in the reports of the High Commissioner, in consultation with civil society and victims.

## INDICATORS



Adoption of a time-bound Plan of Action, in consultation with victims and civil society, to implement the recommendations of international and regional mechanisms.

## STATE ACTIONS



### LACK OF ACTION

- No action plan has been adopted to implement the recommendations of international and regional mechanisms.
- The State has not given any information on actions taken to address the situation of people benefitting from provisional measures or with Inter-American Court orders in their favor. (IACtHR, Sept 9)

## LEVEL OF IMPLEMENTATION



**NOT IMPLEMENTED**

# 13

(OP13) Calls upon the Government of Nicaragua to **cooperate fully with the Office of the High Commissioner**, including its Regional Office for Central America, the Human Rights Council and its mechanisms, and the **Organization of American States** and the **InterAmerican Commission on Human Rights**, including by granting unfettered access throughout the country and facilitating visits, and to positively consider the recommendations made in their reports and offers of technical assistance, the requests for country visits made by the special procedures in accordance with the standing invitation it extended in 2006, and to strengthen its cooperation with relevant treaty bodies.

## INDICATORS



An agreement to allow OHCHR, IACHR (including MESENI) and Special Procedures to enter the country unhindered and to carry out their work without hindrance.



- ...▶ Positive responses to proposals for technical assistance.
- ...▶ Positive responses to requests for country visits by at least two Special Procedures mandates.
- Enhanced cooperation with Treaty Bodies.

## STATE ACTIONS

### LACK OF ACTION

- No positive response has been given to requests for country visits by Special Procedures, even requests without a specific date for a visit.
- No agreement has been reached to allow international or regional human rights mechanisms to enter the country unhindered.

### ACTIONS CONTRARY TO THE RECOMMENDATION:

- The government rejected the information presented to the Human Rights Council about the human right situation in the country, describing these reports as “a strategy of defamation and slander meant to humiliate” Nicaragua. (Permanent Mission of Nicaragua to the United Nations, Sept 14)

## LEVEL OF IMPLEMENTATION

✗ NOT IMPLEMENTED

**14** (OP14) Also calls upon the Government of Nicaragua to prevent, refrain from and publicly condemn, investigate and punish any acts of **intimidation or reprisal**, including against those who cooperate or seek to cooperate with international and regional bodies, including the United Nations, its representatives and mechanisms in the field of human rights, and with the Organization of American States and the Inter-American Commission on Human Rights.

## INDICATORS

- ...▶ Number of public condemnations, investigations, and sanctions for acts of intimidation or reprisal by the Government.
- ...▶ Number of cases of reprisals documented in the Secretary-General's annual report on reprisals.

## STATE ACTIONS

### ACTIONS CONTRARY TO THE RECOMMENDATION

- The most recent UN Secretary General's report on reprisals for cooperation with the UN (September 2021) includes four Nicaraguans who were targeted: Vilma Nuñez, Anibal Toruño, Marcos Carmona, and Jonathan Lopez. The report also discusses the impact of the Law on Foreign Agents on Nicaraguans' ability and willingness to cooperate with UN bodies. ([A/HRC/48/28, Sept 17](#))
- Multiple UN Special Rapporteurs' offices expressed concern after State authorities made harmful remarks against members of CENIDH after CENIDH participated in a hearing of the IACtHR. ([Joint Statement by UN Special Rapporteurs, June 25](#))
- No public condemnation of the reprisals reported by the UN has been registered.
- In August, the Supreme Electoral Council arbitrarily cancelled the legal personality of the Citizens for Liberty party, invalidating its candidacies without it being able to present its defence. This fact, added to the cancellation of two other political parties last May, eliminated all possible options for the candidacies of the main opposition groups.

### LEVEL OF IMPLEMENTATION

✗ NOT IMPLEMENTED

**15** (OP15) Urges the Government of Nicaragua to engage in meaningful and inclusive negotiations with civil society and opposition parties and groups, and to work with international organizations to adopt, by May 2021, as outlined by the Organization of American States in its resolution AG/doc.5710/20, electoral and institutional reforms to ensure **free, fair, transparent, representative and credible elections**, in accordance with international standards, that include the presence of independent national and international electoral observers.

### INDICATORS

- ...▶ Number of meaningful and inclusive negotiations with civil society, political parties, and opposition groups initiated by the government.
- ...▶ Adoption of electoral and institutional reforms by May 2021 in accordance with OAS resolution AG/doc.5710/20.
- ...▶ Authorisation of the presence of independent national and international election observers.

## STATE ACTIONS

### LACK OF ACTION

- No meaningful and inclusive negotiation with civil society, political parties, or opposition groups, despite Article 138-8 of the Constitution stating that the National Assembly must elect the magistrates of the Supreme Electoral Council in consultation with civil society.

### ACTIONS CONTRARY TO THE RECOMMENDATIONS

- The revoking of the legal status of the political party Citizens for Liberty, preventing the effective political participation of its members and supporters. This cancellation and the cancellation of 2 other parties are incompatible with human rights standards relating to free and fair elections. ([OHCHR, August 7](#))
- A systematic pattern of State actions in recent months aims to impede the participation of the political opposition in the November elections. Specifically: the detention and criminalization of leaders including 7 potential presidential candidates, the approval and application of ambiguous laws to restrict eligibility for public office, and the expansion of a police state that suspends rights and liberties. ([IACHR, August 11](#)).
- The arbitrary cancellation of the legal registration of two political parties, including the Party for Democratic Restoration, which collaborated with the National Coalition grouping to support an opposition presidential candidate. The Citizens for Liberty party also had its registration revoked by the Superior Electoral Council (CSE), blocking the only opposition candidate who had successfully registered as a candidate from participating in the election. The CSE also requested that the party's president, Kitty Monterrey, have her national identity card revoked. This resolution is contrary to the Nicaraguan Constitution. ([IACHR, August 11](#); [OHCHR, Sept 13](#)).
- The Law on Foreign Agents and the Law to Defend the People's Rights to Independence, Sovereignty, and Self-determination arbitrarily restrict Nicaraguans' electoral participation, exercise of civil and political rights, and other rights such as freedom of expression and association. ([IACHR, August 11](#)).

## LEVEL OF IMPLEMENTATION



NOT IMPLEMENTED

# CONCLUSION

Based on an evaluation of the implementation of the UNHRC's recommendations found in Resolution 46/2, we conclude that **the government of Nicaragua has taken no actions towards implementing the Resolution's recommendations.** On the contrary, the state has taken numerous steps in direct contradiction to the recommendations, causing the patterns of human rights violations documented by the UNHRC over the last three years to worsen.

**Repressive acts have worsened** in the form of arbitrary detentions and criminalization of human rights defenders, government critics who face arbitrary trials without minimum guarantees of due process and suffer abuses which indicate the use of forced disappearance and other cruel, inhuman or degrading treatment.

**The State of Nicaragua also continues to carry out a legislative framework approved in the last three years,** which includes The Special Law on Cybercrimes; the Law on Foreign Agents and the so-called Law to Defend the People's Right to Independence, Sovereignty, and Self-determination. **All of these laws violate human rights standards and have perverse impacts on the administration of justice.**

**The legislative framework has helped to revoke the legal registration of 45 NGOs,** including women's groups, medical associations and six international cooperation organizations in retaliation for criticizing the government. Independent press is also under attack, with media outlets being shut down and journalists sent into exile.

Once again, **we contend that Nicaragua has no minimum standards to protect freedom of expression, association, and political participation.** The State has effectively eliminated all potential opposition in the upcoming elections by detaining seven possible presidential candidates, and by revoking the legal status of political parties such as Citizens for Liberty (CxL) and the Democratic Restoration Party (PRD).

**The Nicaraguan State has failed to carry out efforts to address impunity for the more than 300 deaths,** in the framework of the protests and the subsequent laws approved by the government, among which include the Amnesty law, which continue to be active. Similarly, the State continues to deny adequate protection to lands and territories of indigenous and afro-Nicaraguan populations in the Caribbean Coast, resulting in high levels of continued and unaddressed violence towards these communities.

The current situation is a result of the **massive levels of human rights violations committed since April 2018,** with the clear goal of silencing any critical or opposing voice.

After three years of UNHRC scrutiny and the State's continuous refusal to implement vital recommendations, **now is the moment for the UNHRC to utilize all means at its disposal to protect and promote human rights, and to ensure proper investigation and international accountability for human rights violations to take place.**



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