

NICARAGUA

# FIVE REASONS

WHY THE ELECTIONS DO NOT  
GUARANTEE HUMAN RIGHTS





On 7 November 2021, general elections will be held in Nicaragua in the context of a deterioration of the human rights crisis that began with the repression of protests in April 2018. The undersigned organizations are deeply concerned about the continuing grave human rights violations and their recent escalation. The following sets out five reasons which explain why the coming general election will take place in a context of severe restrictions on civil and political liberties.

As President Daniel Ortega seeks a fourth consecutive term, [government repression of critics and the political opposition](#) has intensified. This increasingly alarming deterioration includes violations of personal freedom and safety, freedom of expression and association, freedom of the press, as well as other restrictions on the exercise of civil and political rights. These human rights violations have affected various groups in situations of vulnerability, including women, [who, as reports have stated, experience differentiated impacts](#).

Since the end of May, the Nicaraguan government has detained 39 people it views as government opponents, including seven presidential candidates. Some of these detainees were victims of [enforced disappearance](#) for weeks or months. These abuses mark the beginning of a new stage in the campaign of repression and criminalization of dissident voices, journalists and human rights defenders, facilitated by a lack of judicial independence and the executive's control of the National Assembly, which has enacted laws that violate fundamental rights of freedom of expression, assembly and association, and the right to vote and run for public office in free and fair elections.

It is clear that, at this time, the conditions do not exist in Nicaragua for holding elections that guarantee the exercise of rights and, therefore, we call on the international community, multilateral organizations and international human rights organizations to strengthen their efforts to put an end to the human rights crisis.



## 1. ARBITRARY DETENTION AND ENFORCED DISAPPEARANCE

Since 28 May 2021, the government of Daniel Ortega has detained 39 people perceived as government opponents, including presidential candidates, public political figures, student leaders, activists, campesino representatives, defence lawyers and journalists. Some were subjected to enforced disappearance for weeks or months before the authorities provided information on their whereabouts. Many have been subjected to continuous interrogation in abusive conditions of detention, including prolonged isolation and insufficient food, which may constitute torture and/or cruel, inhuman or degrading treatment under international law. The recent arrests are in addition to the more than 100 people perceived as critics who have remained arbitrarily detained for a prolonged period in the context of the human rights crisis in the country.

*The Nicaraguan state must end the practice of arbitrary detention and enforced disappearance and immediately and unconditionally release all those unjustly detained for exercising their rights. This is essential in order to restore the full enjoyment of all their rights, including the rights to vote and to run for and hold public office in general conditions of equality.*

## 2. LACK OF JUDICIAL INDEPENDENCE AND VIOLATIONS OF THE RIGHT OF ACCESS TO JUSTICE

The authorities continue to use the criminal justice system, taking advantage of the lack of judicial independence, to subject people perceived as opponents to arbitrary proceedings and imprisonment. Frequently, violations of due process and fair trial guarantees include violations of the presumption of innocence, the requirement to present a court order at the time of arrest, the right to be tried before an independent and impartial judge, the right to access detailed information about the charges against them, the right to legal defence and to free and confidential communication with a lawyer of their choice. The Nicaraguan judiciary's lack of independence also means that those who are the targets of threats do not have access to any impartial authority to which they can turn to make a complaint or request protection.

The authorities have also failed to comply with the recommendations of international human rights mechanisms, thereby obstructing the exercise of fundamental rights.

*The Nicaraguan state must ensure that people have access to justice, truth and reparation for crimes under international law and other serious human rights violations (such as enforced disappearance, torture and arbitrary detention) committed before and during the election context.*

### **3.VIOLATIONS OF FREEDOM OF EXPRESSION AND OF THE PRESS**

The authorities persecute human rights defenders, independent journalists and dissidents or perceived opponents solely for exercising their right to freedom of expression. As part of this repressive strategy, in October 2020 the National Assembly adopted the [Law to Regulate Foreign Agents](#) and the [Special Law on Cybercrime](#), which severely restrict freedom of expression and association.

Between July and August 2021, the authorities ordered the closure of 45 non-governmental organizations, including women's associations, international humanitarian organizations and several medical associations. Another 10 organizations have been closed down since 2018.

In addition, the government continues to support a series of attacks and undue restrictions on the independent media and communications workers, as well as organizations that defend press freedom; these include administrative and criminal investigations, the detention of journalists and raids on media offices and the seizure of their assets. In this worrying context, not only are the rights of the professionals and the media under attack violated, but the public's access to information, key for the proper exercise of political rights, is restricted.





Photo: EFE

*The Nicaraguan state must protect and respect the right to freedom of expression, including freedom of the press, which is essential for access to information and pluralistic debate in the context of an election. In addition, it must stop the harassment, stigmatization and criminalization of human rights defenders, journalists and dissidents or perceived opponents, solely for expressing their criticism of state policies.*

## 4. VIOLATIONS OF POLITICAL RIGHTS

The government has tried to eliminate and discourage electoral competition through the arbitrary detention and prosecution of opponents and presidential candidates, resulting in the withdrawal of their political rights. In turn, it has revoked the legal status of the main opposition parties, preventing them from participating in the elections.

In December 2020, the National Assembly approved the [Law for the Defence of the Rights of the People to Independence, Sovereignty and Self-determination for Peace](#), which has been used to open criminal investigations against many of those detained since late May. This law includes broad and vaguely worded provisions that restrict the right to run for public office.

Local organizations have already indicated that, in these conditions, the electoral process does not guarantee the full exercise of political rights.

The Nicaraguan people have a right to exercise their right to vote freely, without intimidation, and the right to run for and hold public office in general conditions of equality. For the [full and effective exercise of these rights](#), it is essential that freedom of expression, assembly and association be guaranteed.

*The Nicaraguan state must guarantee the conditions necessary for the population to satisfactorily exercise its right to participate in the conduct of public affairs.*

## 5. LACK OF GUARANTEES FOR THE EXERCISE OF THE RIGHT TO PEACEFUL ASSEMBLY

In response to the 2018 protests, state officials used excessive, disproportionate and often unnecessary force against demonstrators demanding their rights. According to a group of independent experts appointed by the Inter-American Commission on Human

Human Rights (IACHR), the police and pro-government armed groups, with the support of the Nicaraguan government, committed widespread abuses, including extrajudicial executions, against protesters who, in the vast majority of cases, were unarmed. Impunity has been the norm for serious abuses during the 2018 protests.

Despite international scrutiny, the response to those demonstrating and promoting respect for human rights has continued to be one of repression.

The recent upsurge in the repression and harassment of dissident voices allows the conclusion that the state will not guarantee the right to peaceful assembly if new demonstrations are held in the context of the elections.

***The Nicaraguan state must guarantee freedom of peaceful assembly before, during and after the election process.***

### SIGNING ORGANIZATIONS:



women's **LINK** worldwide

