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Agenda item 2

**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 treaty bodies.

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\* The present report was submitted after the deadline to reflect the most recent developments.

## I. Introduction and methodology

1. In resolution 52/2, the Human Rights Council requested the High Commissioner to strengthen monitoring and engagement, including by preparing comprehensive and gender-responsive reports on the situation of human rights in Nicaragua, building on previous reports of the High Commissioner<sup>1</sup> and those of Human Rights Council mechanisms and treaty bodies, including in relation to justice and due process for political dissidents and groups in vulnerable situations. The present report provides an overview of the situation from 15 August 2022 to 15 June 2023.

2. In April 2023, the Office of the United Nations High Commissioner for Human Rights (OHCHR) submitted a comprehensive questionnaire to the Government of Nicaragua on the topics to be addressed in the present report. In its response, the Government did not address those questions. OHCHR also requested information from international organizations, victims of human rights violations and civil society, to whom it is grateful for their cooperation. OHCHR also consulted the available official and open sources.

## II. Civic and democratic spaces

3. The Government of Nicaragua has continued to unduly limit the country's civic and democratic spaces, increasing its control over institutions and public spaces, and restricting activities by individuals and groups with dissident voices and, increasingly, also those who do not fall under its sphere of influence.

### A. Right to take part in the conduct of public affairs

4. In 2023, Nicaragua ranked third in the world among the countries with the highest presence of women in parliament (51.7 per cent).<sup>2</sup> In terms of the presence of women in the cabinet, it ranked fourth with 62.5 per cent.<sup>3</sup> Despite Nicaragua being among the countries in the world with the highest presence of women in political institutions, women's political rights are hampered by the persecution of women perceived as opponents of the Government.<sup>4</sup>

5. On 6 November 2022, Nicaragua held municipal elections in its 153 municipalities. The electoral legislation that OHCHR had previously assessed as incompatible with international standards remained in force.<sup>5</sup> In the absence of the parties that had their legal status cancelled in 2021 and with the main opposition leaders imprisoned or in exile, many Nicaraguans were unable to exercise their right to take part in the conduct of public affairs, in a similar way to the general elections in 2021.<sup>6</sup>

6. Between 5 and 8 September 2022, five relatives of members of the Unión Democrática Renovadora were reportedly arbitrarily arrested without a warrant. In addition, 50 political activists were reportedly arbitrarily arrested in connection with the elections between 1 and 12 November, 16 of them on the eve of election day.<sup>7</sup> There were multiple reports in relation to the use of public resources to promote voting for the Sandinista National Liberation Front,

<sup>1</sup> [A/HRC/42/18](#), [A/HRC/46/21](#), [A/HRC/49/23](#) and [A/HRC/51/42](#).

<sup>2</sup> See Inter-Parliamentary Union and United Nations Entity for Gender Equality and the Empowerment of Women, "Women in politics 2023".

<sup>3</sup> Ibid.

<sup>4</sup> For example, Cristiana Chamorro, the most popular opposition pre-candidate in 2021, was under house arrest from June 2021 to February 2023, preventing her from running for president. Berenice Quezada, candidate for the Vice-Presidency, had her home raided by the police on 3 August 2021, the day after registering her candidacy, leading to a terrorism-related investigation and her arbitrary disqualification from the race, based on her statement calling people to vote "against the dictatorship".

<sup>5</sup> [A/HRC/49/23](#), paras. 4–7, and [A/HRC/51/42](#), para. 7.

<sup>6</sup> [A/HRC/49/23](#), para. 64.

<sup>7</sup> See [https://umasabiertas.com/wp-content/uploads/2022/12/UA\\_Nicaragua-Observa\\_6N.pdf](https://umasabiertas.com/wp-content/uploads/2022/12/UA_Nicaragua-Observa_6N.pdf) (in Spanish).

civil servants and others being pressured to vote for the party, electoral propaganda inside polling centres and individuals perceived as opponents being denied access to polling stations,<sup>8</sup> which may constitute violations of articles 25 and 26 of the International Covenant on Civil and Political Rights. The Government did not allow international observers to be present.

7. After the elections, riot police used excessive force against supporters of the Indigenous political party Yapti Tasba Masraka Nanih Asla Takanka (YATAMA) who were demonstrating after having allegedly won the municipality of Waspam on the northern Caribbean coast. At least 19 persons, mostly young Indigenous, were reportedly arbitrarily detained for several days and received ill-treatment for having exercised their right to peaceful assembly.

## **B. Revocation of the legal personality of civil society organizations**

8. Legislation that unduly restricts freedom of association<sup>9</sup> continues in force, including Law No. 1040 on foreign agents and General Law No. 1115 on the regulation and control of non-profit organizations. For example, among other aspects, the two laws subject all activities of non-profit and civil society organizations to prior authorization by the Government. They have been applied in revoking the legal personality of organizations.<sup>10</sup>

9. Between 15 August 2022 and 15 June 2023, the National Assembly and the Ministry of the Interior used Laws No. 10140 and No. 1115 to revoke the legal personality of 1,988 organizations, including 298 foreign organizations registered in the country, mostly non-profit associations and private universities, making a total of 3,338 legal personalities revoked since 2018, an unprecedented number.<sup>11</sup> The Human Rights Committee has expressed concern about these revocations and undue restrictions imposed on the organizations.<sup>12</sup>

10. These revocations have led organizations to stop their various types of assistance, impacting negatively on the enjoyment of a number of human rights of the beneficiaries. Medical organizations providing health-care services unavailable in the public system have had to shut down; business associations have lost their capacity to represent their interests; and women, Indigenous Peoples and people of African descent have lost organizations that worked for their rights. A study that assessed the impact of the closure of a sample of 53 of the 3,338 associations closed, concluded that with the shutdown of these 53 organizations, Nicaragua had lost an investment of \$41 million, 2,000 jobs and services for over 1 million beneficiaries.<sup>13</sup>

## **C. Right to freedom of religion**

11. Although the Catholic Church and its members have been the object of attacks since the 2018 crisis started, the reporting period saw a sharp escalation in their frequency and gravity. Several signs preceded the attacks, starting with the expulsion of the Apostolic Nuncio in March 2022. On 27 April 2022, the Justice and Legal Commission of the National Assembly issued a report in which alleged victims of the 2018 events called for “more severe” penalties for clergymen for their alleged participation in the “coup” and the highest government authorities made statements against members of the Catholic Church. Such statements, together with other measures and actions against them, mentioned in this and

<sup>8</sup> Ibid.

<sup>9</sup> A/HRC/51/42, para. 14.

<sup>10</sup> Ibid.

<sup>11</sup> See <https://www.laprensani.com/2022/09/05/politica/3039512-relator-de-la-onu-es-la-primera-vez-que-veo-tal-numero-de-organizaciones-de-la-sociedad-civil-declaradas-ilegales-de-un-dia-para-otro> (in Spanish).

<sup>12</sup> CCPR/C/NIC/CO/4, paras. 33–34.

<sup>13</sup> Inter-American Dialogue, “Dictatorial radicalization in Nicaragua. From repression to extremism?”, p. 3.

previous reports, taken cumulatively, may lead to a situation of hostility and violence against members of the Church.

12. In August 2022, the Nicaraguan Telecommunications and Post Institute closed 12 media outlets associated with the Catholic Church, despite their having reportedly presented all required legal documentation. On 1 August 2022, the police raided the parish of Jesús de la Divina Misericordia in Sébaco, Matagalpa, reportedly in order to seize the equipment from its radio station. When parishioners responded to the parish priest's call for help through social media, the police used force, including tear gas, against them, seriously injuring one person who lost the sight in one eye. Seven persons inside the parish house were held captive without food and electricity for three days.

13. On 19 August 2022, the police raided the Matagalpa diocese building, where nine members of the Church had been arbitrarily kept under house arrest, and arrested them without a warrant, transferring them to Managua. During trials held in January 2023 that violated fair trial standards, eight of them (five priests, two seminarists and a videographer) were sentenced to 10 years' imprisonment for the crimes of undermining national integrity and propagation of false news. On 9 February 2023, all 8 were part of a group of 222 persons expelled to the United States of America (see section III. C below).

14. On the day of the expulsion, one of the nine persons arrested on 19 August 2022, Bishop Alvarez, refused to board the plane. On 10 February 2023, he was sentenced without trial to 26 years in prison, disqualified from holding public office and lost his citizenship rights for life, including Nicaraguan nationality (the latter two being penalties unforeseen in Nicaraguan legislation), for the crimes of undermining national integrity, dissemination of false news and aggravated obstruction of functions, disobedience and contempt of authority (the latter two presumably for his refusal to be expelled). Bishop Alvarez was also described in the judgment as a traitor to the homeland. As of 15 June 2023, he remained incommunicado and in inhumane prison conditions.

15. In April 2023, police officers informed at least five Catholic parishes across the country that processions commemorating Easter were banned for security reasons.

16. On 3 April 2023, a Panamanian priest was deported from Nicaragua in the absence of due process, reportedly for preaching in favour of Bishop Alvarez during his sermons. Three nuns were also expelled at the end of May. The expulsion of members of the Church who are perceived to be critical of the Government, as well as the refusal to let them re-enter Nicaragua after a few days abroad, have become a common occurrence, with a total of 42 expulsions since August 2022 reported by the Catholic Church.

17. Between 21 and 23 May 2023, four priests and eight church employees were arbitrarily detained. Two of the priests remain under house arrest in the seminary and one is in custody. All eight church employees are still in custody. On 27 May, the National Police issued an official statement stating that the Catholic Church was being investigated for money-laundering, leading to three of its nine dioceses having their bank accounts frozen.<sup>14</sup>

### **III. Rights to liberty, due process, nationality, legal personality and freedom of movement**

#### **A. Right to liberty**

18. The practice of arbitrary detention of persons perceived to oppose the Government, a trend observed since the human rights crisis started in 2018, continued in the reporting period. The total number of persons in arbitrary detention in relation to the human rights crisis, according to civil society reports, peaked at 235 before the release and expulsion of 222 persons to the United States on 9 February 2023. As of 15 June 2023, the number of persons detained remains at 54 (44 men and 10 women). Current detainees include priests, journalists,

<sup>14</sup> See <https://www.el19digital.com/articulos/ver/titulo:140775-policia-informa-sobre-actividad-ilicita-en-el-manejo-de-fondos-en-diferentes-diocesis-del-pais> (in Spanish).

human rights defenders, indigenous leaders, political opponents and their relatives, and students.

19. OHCHR has documented the fact that new arbitrary arrests of persons perceived as opponents of the Government occurred regularly during the reporting period. This practice increased between August and November 2022 in relation to the increased persecution of the Catholic Church and during municipal elections.<sup>15</sup> Since 2019, there has been a marked increase in the number of arbitrary arrests around the date of the anniversary of the April 2018 protests. Between 1 and 23 April 2023, OHCHR received reports of 51 arbitrary arrests and in May it received reports of the arrest of 63 persons (40 men and 23 women) on charges of propagation of false news and undermining national integrity and sovereignty. Most of the persons arrested were soon released on condition that they presented themselves at their local police station on a daily basis. In all the cases documented by OHCHR, the authorities failed to inform the detainees, at the time of arrest, of the reasons for their arrest or promptly inform them of the charges against them.

20. In two separate letters that remain unanswered, the Working Group on Arbitrary Detention and other special procedure mandate holders expressed concern regarding four individuals (one man and three women) arbitrarily detained and deprived of medical care.<sup>16</sup> The four victims were automatically placed in pretrial detention and denied access to lawyers of their choice and to their criminal files. Two of them were apparently subjected to enforced disappearance for several days.

21. The Government continued to use Laws No. 977, No. 1055 and No. 1060 to persecute dissent.<sup>17</sup> In its concluding observations on Nicaragua in November 2022, the Human Rights Committee expressed concern about the improper use of Law No. 977, anti-terrorist legislation that criminalizes the exercise of the rights to freedom of expression and association, and of Law No. 1060, which extends detention without charge from 48 hours to 90 days.<sup>18</sup> It also expressed concern about reports of excessive use of pretrial detention, particularly of human rights defenders, journalists and political opponents.<sup>19</sup> Arbitrary arrests have contributed to the continued shrinking of the civic space and instilled fear among civil society actors.

## **B. Due process guarantees**

22. OHCHR has continued to notice a pattern of systematic violations of due process guarantees and the right to a fair trial of persons perceived to be opponents of the Government. Arrests have continued to take place without warrants or information given as to the reasons for the arrests. Detainees have been prevented from communicating in a timely, free and confidential manner with their lawyers and have only been able to meet with their lawyers immediately before hearings and under the supervision of police officers. Lawyers have also reported having limited access to court documents, including evidence. Hearings have mostly not been public, without any justification being given for their being inaccessible to the public and without prior notice to the accused persons and their lawyers as to the date and time of the hearings. Numerous hearings were held in the Evaristo Vázquez police complex in Managua, accessible only to police and judicial personnel. Some hearings took place at 4 a.m. to avoid public scrutiny. Such practices violate article 14 of the International Covenant on Civil and Political Rights and other international human rights standards.

23. OHCHR has also observed that in at least 10 cases being investigated and prosecuted before the courts in Managua, the alleged acts had occurred outside the capital, in parts of the country under the competence of other local courts, as established by the Nicaraguan

<sup>15</sup> See section II.A above.

<sup>16</sup> See NIC 3/2022 and NIC 6/2022.

<sup>17</sup> Law No. 977 on money-laundering, the financing of terrorism and the financing of the proliferation of weapons of mass destruction (2018); Law No. 1055 on the defence of the rights of the people to independence, sovereignty and self-determination for peace (2020); and Law No. 1060 reforming the Criminal Procedure Code (2021).

<sup>18</sup> [CCPR/C/NIC/CO/4](#), paras. 15–16 and 25–26.

<sup>19</sup> *Ibid.*, paras. 25–26.

Code of Criminal Procedure.<sup>20</sup> Such proceedings raise concerns about their compatibility with article 14 (1) of the International Covenant on Civil and Political Rights.

24. OHCHR has continued to document the automatic imposition of pretrial detention on persons perceived as opponents of the Government,<sup>21</sup> the large majority under Law No. 1060.<sup>22</sup> Under article 9 of the International Covenant on Civil and Political Rights, pretrial detention shall be the exception, based on an individualized determination that it is reasonable and necessary.<sup>23</sup>

25. The violations of the principle of equality of arms previously documented by OHCHR continued.<sup>24</sup> In most of the cases monitored, the tribunal rejected all exculpatory evidence from the defence and accepted all accusatory evidence from public prosecutors.

26. OHCHR has documented at least 49 cases in which enforcement judges unduly amended convictions, increasing sentences after trials had taken place. In addition, in one case the Supreme Court sentenced a person convicted of the crime of undermining national integrity and sovereignty to 13 years' imprisonment and disqualification from public office or employment. Three months later, another judge convicted the same person of treason to the homeland, a new offence based on the same facts, and sentenced him to disqualification from holding public or elected office for life, in violation of the *ne bis in idem* principle.

27. In its concluding observations on Nicaragua in 2022, the Human Rights Committee expressed concern about the violations of judicial guarantees brought to their attention. In particular, about reports of vaguely defined criminal offences, detainees not always being informed promptly of their rights, such as the right to legal counsel from the moment of arrest. It also highlighted the lack of legal assistance for detainees and obstacles faced by lawyers in accessing court hearings and files and communicating privately with their clients.<sup>25</sup>

### C. Expulsion to another country

28. On 9 February 2023, 222 of the 235 persons held in arbitrary detention at the time were expelled to the United States by the Government.<sup>26</sup> In a decision publicized when the 222 persons were already on the aeroplane, the Court of Appeal of Managua ordered their immediate deportation: "In accordance with articles 1, 2, 3, 24, 34 and 9 of the political Constitution of Nicaragua, articles 31, 409, 410, 412, 413 of Law No. 641 – the Penal Code – and Law No. 1055 on the defence of the rights of the people to independence, sovereignty and self-determination for peace."<sup>27</sup>

29. OHCHR notes that these measures are arbitrary and not permissible under international human rights law. Furthermore, such measures and the manner in which these cases were handled by the judicial authorities, including the fact that it appears that such measures did not have any basis in national law, have raised concerns about the independence and impartiality of the judiciary in Nicaragua.<sup>28</sup>

<sup>20</sup> Article 22.

<sup>21</sup> See [A/HRC/51/42](#), para. 32.

<sup>22</sup> The incompatibility of Law No. 1060 with international standards was noted by OHCHR when it was adopted in 2021. See [A/HRC/49/23](#), para. 23.

<sup>23</sup> Human Rights Committee, general comment No. 35 (2014), para. 38.

<sup>24</sup> [A/HRC/51/42](#), para. 46.

<sup>25</sup> [CCPR/C/NIC/CO/4](#), paras. 23, 27 and 29.

<sup>26</sup> See messages of the President and Vice-President providing details about the decision to deport the 222 persons, <https://www.youtube.com/watch?v=rVuOVm6nag> and <https://www.el19digital.com/articulos/ver/titulo:136812-mensaje-del-presidente-comandante-daniel-al-pueblo-nicaraguense-09-02-23> (both in Spanish).

<sup>27</sup> See [https://www.poderjudicial.gob.ni/prensa/notas\\_prensa\\_detalle.asp?id\\_noticia=12261](https://www.poderjudicial.gob.ni/prensa/notas_prensa_detalle.asp?id_noticia=12261) and <https://www.youtube.com/watch?v=fWHLqIJbWQA> (both in Spanish).

<sup>28</sup> [A/HRC/51/42](#), paras. 45–46.

## D. Rights to nationality and to a legal personality

30. On 9 February 2023, the National Assembly amended article 21 of the Constitution<sup>29</sup> and approved Special Law No. 1145 regulating the loss of Nicaraguan nationality, allowing those who are considered traitors to the homeland to be deprived of their nationality. The reform was approved without any previous publicity or debate, in a session lasting less than 30 minutes.<sup>30</sup>

31. On the same date, the Court of Appeal of Managua deprived the 222 persons expelled to the United States of their nationality, without specifying which acts warranted the decision. It also provided for their exclusion from the civil service and elected positions and the “perpetual suspension” of their citizenship rights. On 15 February, the same court issued another decision with the same measures against a further 94 Nicaraguans, some already in exile and others still in Nicaragua, calling them fugitives from justice.<sup>31</sup>

32. No information was released regarding a criminal trial or any legal process in which these decisions were adopted and in which the persons affected could have exercised their defence, as required under international human rights law. According to the Convention on the Reduction of Statelessness, ratified by Nicaragua in 2013, States shall not deprive any person or group of persons of their nationality on political grounds. Nor shall States deprive a person of his or her nationality if such deprivation would render him or her stateless, unless it falls under the exceptions established in the Convention.

33. OHCHR has also documented at least 43 cases of people among the 316 persons deprived of their nationality who were denied copies of civil registry documents and academic university records and were told by officials that they did not exist in the public registries. As a result, these persons have been prevented from exercising their right to seek and receive information, including their personal information. It may amount to the “civil death” of the affected persons and has had a seriously negative impact on the rights of the affected persons and their families. In a particularly serious case, the birth registration of the son of one of the persons affected was also reportedly deleted from the civil registry.

34. Persons who were receiving pensions or had contributed to the Nicaraguan Institute of Social Security are particularly affected, as their personal data have reportedly been erased from the Institute’s records and they have been deprived of their right to a pension.

35. On 9 and 11 May 2023, the Supreme Court issued a decision permanently suspending the licences of 26 lawyers and notaries among the group of 316 persons deprived of their nationality, stating that, as foreigners, they could no longer practise their profession in Nicaragua.

## E. Freedom of movement

36. OHCHR has received information that since September 2022, 27 Nicaraguan nationals have been denied entry to Nicaragua after short trips out of the country. Article 12 of the International Covenant on Civil and Political Rights states that no one shall be arbitrarily deprived of the right to enter his or her own country. In that regard, the Human Rights Committee has noted that there are few, if any, circumstances in which such measures could be considered reasonable.<sup>32</sup>

37. OHCHR has documented that this practice, which affected a number of people who were conducting international advocacy for human rights in Nicaragua, increased in the first semester of 2023. For those who have dependent relatives in Nicaragua, such as older persons

<sup>29</sup> See <https://noticias.asamblea.gob.ni/asamblea-nacional-aprueba-ley-de-reforma-al-articulo-21-de-la-constitucion-politica-de-la-republica-de-nicaragua/> (in Spanish).

<sup>30</sup> According to article 192 of the Constitution, reforms must be debated throughout two sessions of the National Assembly.

<sup>31</sup> See [el19digital.com/articulos/ver/titulo:137001-94-acusados-de-traidores-a-la-patria-pierden-nacionalidad-nicaraguense](https://el19digital.com/articulos/ver/titulo:137001-94-acusados-de-traidores-a-la-patria-pierden-nacionalidad-nicaraguense) (in Spanish).

<sup>32</sup> General comment No. 27 (1999), para. 21.

and children, this practice has often resulted in family separations, contrary to international human rights law.

38. In April 2023, two relatives of one of the 222 persons expelled to the United States were denied boarding on a flight from the United States to Managua by the airline, which informed them that they were not authorized to enter Nicaragua. This resulted in their three young children in Nicaragua being left in the care of another relative.

## **F. Enforced disappearances**

39. OHCHR has received information that the authorities refused to acknowledge arrests and/or concealed the fate of disappeared persons, effectively removing them from the protection of the law and placing their lives at risk. That practice constitutes enforced disappearance, and also violates the right to be recognized as a person before the law, the right to life, the prohibition from torture or cruel, inhuman or degrading treatment or punishment and the right to liberty and security of the person.<sup>33</sup> Relatives had to visit police stations, detention centres and courthouses, unsuccessfully seeking information on their whereabouts of those who had been detained. In some cases, the only acknowledgement of detention was the acceptance of food or other items for the detainee. In many cases, detainees were officially registered and acknowledged only several days after the arrest, placing them outside the protection of the law for periods from a few hours to 3–4 weeks.

40. OHCHR has documented at least 27 cases (22 men and 5 women) of enforced disappearances in relation to the 2018 crisis since September 2022 and a total of 31 cases since 2021.

## **G. Right to property**

41. In two decisions on 9 and 15 February 2023, the Court of Appeal of Managua ordered the confiscation of all real-estate assets and companies belonging to the 316 persons deprived of their nationality, including all assets in their name and those in which they participated as partners.

42. On 1 March 2023, the Office of the Attorney General published a press release warning that those persons who had not been deprived of their nationality but were living in confiscated properties, would have to comply with the judicial decision of 15 February.<sup>34</sup> At least 78 homes and other properties were seized by the authorities. OHCHR was also informed of cases where the properties seized were owned by relatives who were not themselves named in the decisions, including minors. Older persons are also particularly affected as they are left without any resources, pensions or rental revenues from their properties.

43. The judicial proceedings in which these measures were ordered lacked due process and did not observe the principle of legality. Furthermore, the confiscation of properties and homes violated the rights to enjoy an adequate standard of living and to property.

## **IV. Torture, inhuman treatment and conditions of detention**

44. OHCHR has documented instances of physical and psychological torture, ill-treatment (mostly at the moment of arrest) and failure to comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the 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 national penitentiary facility Jorge Navarro, known as La Modelo, in the integral women's penitentiary establishment known as

<sup>33</sup> The Working Group on Enforced or Involuntary Disappearances has acknowledged this connection since its initial report in 1981 (E/CN.4/1435, para. 184).

<sup>34</sup> See <https://www.el19digital.com/articulos/ver/titulo:137461-nota-de-prensa-de-la-procuraduria-general-de> (in Spanish).



La Esperanza, in the Evaristo Vásquez judicial police complex, known as El Chipote<sup>35</sup> and at District 3 police station, Managua. The Human Rights Committee has raised concerns in relation to the three detention centres.

45. OHCHR has received information indicating that at least four men and one woman, who were detained until their removal to the United States on 9 February 2023, were reportedly drugged during their first days of detention. These persons were allegedly interviewed by police in that state. If confirmed, it would amount to a violation of several human rights, including ill-treatment and possibly torture.

46. Former detainees in El Chipote reported techniques, such as arbitrarily providing and withholding access to information regarding their relatives and to reading materials, personal items, clothing, bedding, fresh air, light, food, water or ventilation.<sup>36</sup> The diet provided in custody was limited and unbalanced. Basic hygiene items, such as toilet paper, toothbrushes, toothpaste or soap were not provided by the authorities and their delivery by relatives was sometimes withheld. The prisoners were exposed to constant artificial lighting, producing a disorienting effect, were deprived of any natural light for several months and were interrogated up to eight times a day, sometimes late at night, despite being exhausted. Such conditions would amount to treatment prohibited by article 7 of the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to both of which Nicaragua is a party.

47. Some detainees were reportedly placed in solitary confinement for more than 22 hours a day without meaningful human contact for extended periods, while some were isolated for several months without any contact with other detainees. According to the Committee against Torture, solitary confinement might constitute torture or inhuman treatment and should be regulated as a measure of last resort to be applied in exceptional circumstances, for as short a time as possible and under strict supervision, including being subject to judicial review.<sup>37</sup> Rule 44 of the Mandela Rules defines solitary confinement as the confinement of prisoners for 22 hours or more a day without meaningful human contact, and prolonged solitary confinement as solitary confinement for a time period in excess of 15 consecutive days. OHCHR has also documented cases of *incomunicado* detention. Women detainees were particularly targeted for this practice, which may constitute torture.<sup>38</sup> One of them was detained *incomunicado* for 14 months, without any visits or contact with other detainees, lawyers or doctors. In May 2023, at least 10 persons were still detained *incomunicado*.

48. Both male and female detainees were made to strip every time they left their cells and to do squats naked when they returned. Former detainees reported being subjected to unjustified and degrading visual inspections of their body cavities during routine strip searches. Guards reportedly raped female prisoners by forcing them to squat while naked in the middle of the night and introducing their fingers into their vaginas on the pretext of checking to see if they were hiding cell phones.

49. The Human Rights Committee has expressed concern about food rationing, routine strip searches, unwarranted and degrading visual inspections and the imposition of solitary confinement as a disciplinary measure.<sup>39</sup>

50. OHCHR has also documented cases in which detainees, in particular older ones, were denied medicines despite having chronic conditions (for example, diabetes or hypertension) that risked leading to serious complications if left untreated. That could amount to violations of the rights to health and life for those whose physical condition was severely affected by the lack of medicines.<sup>40</sup> One older person was not provided with adequate medical attention, despite suffering chronic heart disease, hypertension, glaucoma and hernia. In its

<sup>35</sup> See also [CCPR/C/NIC/CO/4](#), paras. 21–24.

<sup>36</sup> [A/HRC/43/49](#), para 49.

<sup>37</sup> [CAT/C/51/4](#), para. 32. See also [A/HRC/43/49](#), para 57; [A/66/268](#), para 26; and rule 43 (1) (b) of the Mandela Rules.

<sup>38</sup> See, for example, [A/HRC/13/42](#), paras. 28 and 32; [CCPR/C/51/D/458/1991](#), annex, para. 9.4; and [CCPR/C/61/D/577/1994](#), para. 8.4.

<sup>39</sup> [CCPR/C/NIC/CO/4](#), para. 23.

<sup>40</sup> Human Rights Committee, general comment No. 36 (2018), para. 25.

resolution 76/2022, the Inter-American Commission on Human Rights considered that the person in question had been placed in a situation of serious risk to his life, personal integrity and health.

51. Detainees reported being wrongly informed that their family had left the country, leaving them behind with no one to visit them, or that their family had not brought them medicines or water. In at least four cases, allegations were made that detainees had been falsely told that their relatives were detained in El Chipote. This practice, together with other circumstances, amounts to a treatment contrary to article 7 of the International Covenant on Civil and Political Rights.<sup>41</sup> In numerous cases, detainees were not allowed family visits for periods up to 16 months and the authorities prohibited any contact with their families, including receiving phone calls or materials brought to them, such as drawings by their children or photographs.

52. On 20 August 2022, some of the detainees began a hunger strike, demanding authorization to see their minor children after spending 14 months without any family visits. The Government finally authorized two 30-minute visits for some of them. These visits were repeated in December 2022, more than three months later. Other prisoners, two of them also on hunger strike, were not allowed to receive visits from their minor children until December 2022. At least one detainee was deprived of their children's visits for more than 16 months. Since August 2022, OHCHR has documented that at least 18 children have been deprived of their right to maintain contact with their father or mother in detention. The Human Rights Committee has expressed concern about reports of the suspension of family visits.<sup>42</sup> Furthermore, in accordance with the Convention on the Rights of the Child, Nicaragua is obliged to respect the right of the child separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis.<sup>43</sup>

53. The pattern of inhuman or degrading treatment meted out to relatives visiting detainees has also continued. Between October and December 2022, family members, and in particular women, seeking to visit their family members in El Chipote were required to do squats while naked and subjected to invasive body searches. Some women reportedly suffered sexual abuse at the hands of prison guards, such as their genitals being touched and being the butt of humiliating sexual comments.

## V. Indigenous Peoples and people of African descent

54. OHCHR has continued to receive information on violence in Indigenous territories and those of people of African descent, including killings, torture, sexual violence, the deliberate burning of homes and communal property, threats, harassment and violent invasions of their lands. All this has resulted in Indigenous Peoples being forcibly displaced from their ancestral lands. Delays in land restoration procedures and the alleged establishment of parallel governments, replacing legitimate Indigenous representatives elected by traditional assemblies, continue to cause uncertainty in the tenure of Indigenous lands,<sup>44</sup> which is used by settlers to violently occupy lands and commit serious human rights abuses. OHCHR has observed many attacks destroying community livelihoods, affecting the collective rights and cultural identity of Indigenous Peoples, especially their relationship with land and territory. In addition, according to Global Forest Watch, Nicaragua lost 11 per cent of its tree cover and 28 per cent of its humid primary forest between 2002 and 2021, the highest rates in Central America.<sup>45</sup>

55. According to a civil society report, and confirmed to OHCHR by other sources, illegal gold mining has also increased and, consequently, so have contamination by mercury of water, soil and air, deforestation and the degradation of ecosystems.<sup>46</sup> Civil society

<sup>41</sup> A/HRC/43/49, para 47.

<sup>42</sup> CCPR/C/NIC/CO/4, para 23.

<sup>43</sup> Committee on the Rights of the Child, "Report and recommendations of the day of general discussion on children of incarcerated parents", paras. 35, 38–40 and 46.

<sup>44</sup> E/C.12/NIC/CO/5, para. 11.

<sup>45</sup> See <https://www.globalforestwatch.org/dashboards/country/NIC>.

<sup>46</sup> Fundación del Río, "Nicaragua y su oro perverso", (July 2022), p. 4 (in Spanish).

organizations have reported that Nicaragua is the country in Central America with the most mining concessions in Indigenous territories and those of people of African descent.<sup>47</sup> The State has granted at least 69 mining concessions to national and international corporations in those territories (with an additional 72 requests pending) in the absence of any process for obtaining the free, prior and informed consent of the Indigenous Peoples affected, as set forth in the United Nations Declaration on the Rights of Indigenous Peoples. There are purportedly mining concessions in 21 Indigenous territories, impacting the Chorotega, Matagalpa, Mayangna and Miskitu peoples.<sup>48</sup>

56. From 15 August 2022 to 15 June 2023, OHCHR documented eight cases of violent attacks on Indigenous Peoples, especially in Mayangna Sauni at the core of the Bosawas Biosphere Reserve. In January 2023, OHCHR was informed of several violent events in the community of Musawas. On 25 January, at the community's request, government representatives arrived at the Musawas community to arrest the alleged perpetrators. On 27 January, the police reported 24 arrests of persons accused of usurpation of private property and environmental crimes.<sup>49</sup> No further information has been released on the progress of the proceedings.

57. On 11 March 2023, settlers attacked the Mayangna Sauni As Indigenous community in Wilú, killed 5 men and displaced 28 families after setting fire to all the buildings in the community, except the school and the church. On 24 April 2023, an Indigenous forest ranger, leader of the Mayangna Sauni As, was murdered in front of his wife and his 12-year-old son, who was also injured. The perpetrators allegedly used weapons of exclusively military use. There is no information available on investigations or arrests relating to this case.

58. OHCHR has received information that settlers have taken approximately 21,000 hectares<sup>50</sup> from the Miskitu people and forcibly displaced around 1,000 Miskitu persons, presumably because of the forestry and mining interests of the settlers. OHCHR was informed that the Indigenous authorities had been forced into exile, due to death threats, and that some of them had been prevented by the Government from returning to the country, being refused entry at the border. As a result, they have been unable to resume their functions as Indigenous authorities, which may be contrary to article 4 of the United Nations Declaration on the Rights of Indigenous Peoples.

59. Indigenous women continue to suffer physical, psychological, economic and sexual violence and intersecting forms of discrimination in both the private and public spheres. On 13 March 2022, OHCHR received information about the femicide of a 21-year-old Miskitu woman, who days earlier had been reported missing in the Indigenous territory of Klisnak in Waspam in the Northern Caribbean Coast region. She was allegedly raped and strangled. There is no information available on investigations or the alleged perpetrators being brought to justice.

60. OHCHR has been informed of abductions and rapes of Indigenous girls, most of which remain unpunished. Since August 2022, OHCHR has documented three cases of abductions and rapes of girls between 7 and 13 years old. The most recent case occurred on 3 June 2023, when a girl was abducted in the municipality of Waspam. At the time of drafting the present report, there was no information about a criminal investigation into these events. Due to the sensitivity of the cases and the fear of reprisals, many such cases are not reported to the authorities. The scarcity of State institutions in Indigenous territories, distrust and fear of the authorities and the lack of knowledge of Indigenous languages among public officials jeopardize access to justice for victims and could cause revictimization of women and girls. For example, the case of an Indigenous girl who was reportedly abducted and raped by a settler approximately 40 years old on 12 April 2022 remains unpunished.

61. Land occupation by settlers has severely affected the human rights of Indigenous Peoples, including economic, social and cultural rights and their right to enjoy their own culture, as protected by article 27 of the International Covenant on Civil and Political Rights.

<sup>47</sup> Ibid., page 7.

<sup>48</sup> Ibid.

<sup>49</sup> See <https://www.policia.gob.ni/?p=98650>.

<sup>50</sup> See <https://www.expedientepublico.org/misquitos-acorralados-en-su-propia-tierra/> (in Spanish).

Many have lost access to their lands and territories, including forests and rivers, preventing them from collecting water and carrying out agricultural, hunting and gathering activities that are essential not only for their right to food but also for the preservation of their culture.

62. OHCHR has received information that despite the legal recognition of Indigenous languages as official in their territories and the right of Indigenous children to receive education in their languages,<sup>51</sup> public education is taught only in Spanish in many schools in Indigenous territories, thus excluding Indigenous languages, some of which are at grave risk of extinction: for example, OHCHR has received information that the Rama language is now only spoken by 15 people.

63. Despite the fact that Law No. 759 (2011) on traditional ancestral medicines recognizes the role of traditional health-care providers, OHCHR has received information about infringements of traditional Indigenous practices in relation to childbirth, particularly in rural and remote areas. Registering newborns requires a certificate issued by a health centre to be presented,<sup>52</sup> thus some Indigenous children have not been registered in the civil registry because they were born at home with the assistance of traditional midwives. Against this background, many Indigenous women have felt compelled to renounce the traditional method of delivery, which involves giving birth at home, kneeling and dressed, in the presence of a traditional midwife, thus preventing them from enjoying their cultural rights. Under the Convention on Economic, Social and Cultural Rights, the obligations in relation to the right to health are that health care should be culturally appropriate, taking into account traditional health practices,<sup>53</sup> for instance by strengthening the capacity of traditional midwives who assist Indigenous women.<sup>54</sup>

64. In March 2022, the independent redress mechanism of the Green Climate Fund issued an initial opinion advising that the concerns expressed by the Bosawas population regarding the Bio-CLIMA project, approved in 2020, might be justified.<sup>55</sup> The mechanism recommended that an on-site investigation be carried out and the project be put on hold. The Board of the Fund was expected to reach a decision at its meeting in March 2023 but has not made any public statement on the case yet.

## VI. Gender equality and sexual and reproductive rights

65. According to the Global Gender Gap Index 2022, Nicaragua ranks seventh in the world and first in Latin America with the lowest gender gap.<sup>56</sup> The country shows high levels of gender parity in educational attainment with a score of 1 and in health and survival with 0.978, and ranks fifth in political empowerment with 0.626. However, women, including rural and Indigenous women, women of African descent and those with diverse sexual orientations or identities, continue to face serious intersecting forms of discrimination, based on gender, on their socioeconomic status and on race. The Government has ordered the closure of more than 315 women's rights organizations since 2021, many of them working on sexual and reproductive rights.

66. Civil society organizations have raised concerns over the "family coexistence legal benefit" programme, whereby persons convicted for offences related to violence against

<sup>51</sup> See Law No. 582, preambular paragraph VIII (in Spanish).

<sup>52</sup> See, for example, the regulation in Managua, also implemented by other municipalities: <https://www.managua.gob.ni/es/acerca-de-alcaldia-de-managua/servicios/registro-civil/inscripcion-de-nacimiento/> (in Spanish).

<sup>53</sup> General comment No. 14 (2000), para. 27.

<sup>54</sup> See <https://lac.unfpa.org/es/news/partera-vital-un-proyecto-pionero-que-articula-la-sabidur%C3%ADa-ancestral-con-los-servicios-de> (in Spanish).

<sup>55</sup> The Bio-CLIMA project focuses on the Bosawas biosphere reserve and aims to curb deforestation and increase carbon dioxide absorption. It was presented by the Central American Bank for Economic Integration, to be implemented jointly with the Government of Nicaragua. In June 2021, the Green Climate Fund received a complaint about the project from the Bosawas population, related to the lack of free, prior and informed consent and the risk of increased violence. See <https://www.greenclimate.fund/document/bio-clima-nicaragua>.

<sup>56</sup> See [https://www3.weforum.org/docs/WEF\\_GGGR\\_2022.pdf](https://www3.weforum.org/docs/WEF_GGGR_2022.pdf).

women have been released without due assessment of their cases and adequate safeguards.<sup>57</sup> For example, in April, a man convicted of attempted femicide and released under the programme allegedly murdered a 19-year-old woman in Managua, whose body was found after she had been missing for four days.

67. The Government publishes limited data on femicides.<sup>58</sup> When official data is published by the National Institute of Development Information, numbers are far lower than those documented by civil society. The Institute released its 2021 data in January 2023, reporting 15 femicides in that year,<sup>59</sup> in contrast to the 71 counted by civil society and to the regional average.<sup>60</sup> Civil society organizations reported 57 femicides in 2022, but official information is still unavailable for 2022 and 2023. Underreporting is partially caused by an excessively restrictive definition of femicide, as the Government limits what it counts as femicide to the murder of women by their intimate partners.<sup>61</sup>

68. OHCHR has received information that 36 femicides occurred in Nicaragua between 1 January and 30 June 2023, including four cases of girls under 16 years old. The highest rates were concentrated in the North and South Caribbean Coast Autonomous Regions, with 11 cases. Factors in those regions that contribute to violence against women and impunity for perpetrators include the absence of the State, violence inflicted on Indigenous communities by settlers and the lack of a human rights-based approach in public policies for victims of violence. The lack of knowledge of Indigenous languages by officials renders it even more difficult for Indigenous women and girl survivors to access justice and essential services, such as access to physical and mental health care.

69. Violations of the human rights of women and people with diverse sexual orientations and identities continue to take place in Nicaragua. Civil society organizations documented 43 attacks on LGBTIQ+ persons in 2022, including one femicide of a transgender woman, and other acts of sexual, physical and psychological violence, hate speech and discrimination.<sup>62</sup> Transgender women and homosexual men represent 70 per cent of the victims of such acts. From 1 January to 30 April 2023, civil society organizations reported 20 acts of aggression, including two femicides of transgender women and the homicide of a 16-year-old boy by his father, who rejected his sexual orientation. No official data on attacks, investigations or prosecutions are published, despite the fact that the Penal Code establishes aggravating circumstances in cases motivated by sexual orientation.<sup>63</sup>

70. The Institute of Legal Medicine reported that cases of sexual violence increased from 4,803 in 2021 (515 boys, 64 men, 3,428 girls and 796 women) to 5,049 in 2022 (537 boys, 70 men, 3,662 girls, and 780 women).<sup>64</sup> These figures show the disproportionate impact of sexual violence on girls and women. The report of the Institute does not include data disaggregated by the ethnicity, gender identity or sexual orientation of the victims. Girls continued to be the majority of the victims in 2022 – 73 per cent of all victims were girls under 18 years old. In 2021, the victims were particularly young, with 50 per cent of rape

<sup>57</sup> See, for example, <https://www.intertextualnic.com/post/femicida-era-guarda-de-seguridad-en-hotel-pese-a-tener-antecedente-penal-por-intento-de-asesinato> and <https://www.el19digital.com/articulos/ver/titulo:138485-beneficio-legal-de-convivencia-familiar-una-segunda-oportunidad-de-cambio-y-compromiso> (both in Spanish). The programme allows the yearly release of thousands of convicts. On 31 March 2023, approximately 2,500 people were released.

<sup>58</sup> Nicaragua is one of the three Latin American countries not included in the reports on femicide of the Economic Commission for Latin America and the Caribbean's. See <https://oig.cepal.org/es/indicadores/feminicidio> (in Spanish).

<sup>59</sup> [https://www.inide.gob.ni/docs/Anuarios/Anuario2021/Anuario\\_Estadistico2021.pdf](https://www.inide.gob.ni/docs/Anuarios/Anuario2021/Anuario_Estadistico2021.pdf), p. 172 (in Spanish).

<sup>60</sup> The aggregated average for Belize, Costa Rica, El Salvador, Guatemala, Honduras and Panama (2.27 femicides per 100,000) is almost 10 times higher than Nicaragua's official figure (0.25).

<sup>61</sup> The definition in Law No. 779 is inconsistent with the Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide).

<sup>62</sup> See <https://lacorrientenicaragua.org/wp-content/uploads/2023/02/InformeAnualObs22N.pdf> (in Spanish).

<sup>63</sup> Articles 36 and 315.

<sup>64</sup> For 2020 and 2021, see <https://www.poderjudicial.gob.ni/pjupload/iml/pdf/ANUARIO2021b.pdf> (in Spanish). For 2022, see <https://www.poderjudicial.gob.ni/iml/boletines.asp> (in Spanish).

victims being under 14 years old.<sup>65</sup> Although the report notes that “police effectiveness” in the investigation of these cases is around 90 per cent, no further information is released on trials or accountability for perpetrators.

71. In 2021, 3,430 women victims of sexual violence were of childbearing age, of whom 53 had become pregnant and 360 were at risk of pregnancy.<sup>66</sup> Due to the total prohibition of abortion and its criminalization, even in cases of rape, incest or danger to the life of the pregnant person, victims of sexual violence cannot legally and safely terminate their pregnancy, prolonging and exacerbating their intense physical and psychological suffering. Such an absolute prohibition of abortion subjects women and girls to physical and mental pain or suffering that violate article 7 of the International Covenant on Civil and Political Rights.<sup>67</sup> Under these circumstances, victims are pushed to resort to illegal and unsafe abortions, risking their health and lives, and some could be led to suicide.<sup>68</sup> In 2022, the Human Rights Committee reminded Nicaragua that this situation might put the lives and health of women and girls in danger.<sup>69</sup>

72. Nicaragua has low rates of access to contraception.<sup>70</sup> According to the National Institute of Development Information, in the period 2020–2021 teenage pregnancies in Nicaragua continued to increase, with 28,408 cases, including pregnancies in girls between 10 and 14 years old, below the age of consent in national law.<sup>71</sup> The majority of teenage pregnancies (57 per cent) occurred in rural areas.<sup>72</sup> No information has yet been published for 2022.

73. In 2022, the World Health Organization reported that Nicaragua had the highest estimated adolescent birth rate in Latin America and the Caribbean, with 85.6 births per 1,000 adolescents.<sup>73</sup> With pregnancy and childbirth complications being the leading cause of death among girls aged 15–19 in low- and middle-income countries, States must adopt legislation and policy measures to prevent unintended pregnancies.<sup>74</sup> They are obliged to ensure that adolescents have full access to family planning and contraceptives, and information on sexual and reproductive health, including the dangers of early pregnancy.<sup>75</sup> Failure to adopt such measures to prevent early pregnancies may amount to violations of a range of girls’ human rights. In Nicaragua, the Ministry of Health recorded 37 maternal deaths in 2022, 19 per cent of which were of women and girls aged less than 20.<sup>76</sup>

74. Child marriage continues to be documented, even though the Family Code prohibits marriage before 18 years of age, or 16 with parental authorization, an exception which

<sup>65</sup> [https://www.inide.gob.ni/docs/Anuarios/Anuario2021/Anuario\\_Estadistico2021.pdf](https://www.inide.gob.ni/docs/Anuarios/Anuario2021/Anuario_Estadistico2021.pdf), p. 172 (in Spanish).

<sup>66</sup> Given the lack of official data on sexual and reproductive rights for 2022 and 2023, the present report focuses on information from previous years that became available during the reporting period. See <https://www.poderjudicial.gob.ni/pjupload/iml/pdf/ANUARIO2021b.pdf>, p. 24 (in Spanish).

<sup>67</sup> See also Human Rights Committee, general comment No. 36 (2018), para. 8.

<sup>68</sup> World Health Organization, “Early marriages, adolescent and young pregnancies” (A65/13, 16 March 2012), para. 13.

<sup>69</sup> [CCPR/C/NIC/CO/4](https://www.unhcr.org/refugees/CCPR/C/NIC/CO/4), para. 19.

<sup>70</sup> UNFPA has established that the contraceptive prevalence rate for women aged 15–49 in Nicaragua for 2022 is only 53 per cent and the coverage rate for essential services, such as family planning and sexual and reproductive health counselling, is 70 per cent.

<sup>71</sup> [https://www.inide.gob.ni/docs/compendio/Compendio20\\_21/Compendio\\_Estadisticas\\_Vitales\\_2020\\_2021.pdf](https://www.inide.gob.ni/docs/compendio/Compendio20_21/Compendio_Estadisticas_Vitales_2020_2021.pdf), p. 52 (in Spanish), and articles. 168 and 170 of the Penal Code.

<sup>72</sup> [https://www.inide.gob.ni/docs/compendio/Compendio20\\_21/Compendio\\_Estadisticas\\_Vitales\\_2020\\_2021.pdf](https://www.inide.gob.ni/docs/compendio/Compendio20_21/Compendio_Estadisticas_Vitales_2020_2021.pdf), page 40 (in Spanish).

<sup>73</sup> See <https://www.who.int/es/news-room/fact-sheets/detail/adolescent-pregnancy> (in Spanish)

<sup>74</sup> See

[https://apps.who.int/iris/bitstream/handle/10665/112320/WHO\\_RHR\\_14.08\\_eng.pdf?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/112320/WHO_RHR_14.08_eng.pdf?sequence=1) and Committee on Economic, Social and Cultural Rights, general comment No. 22 (2016), para. 28.

<sup>75</sup> General comment No. 22 (2016), paras. 44–45

<sup>76</sup> See <https://www.minsa.gob.ni/index.php/publicaciones/otros/mapa-de-mortalidad-materna-en-nicaragua> (in Spanish).

violates international standards.<sup>77</sup> In 2021, the National Institute of Development Information reported that 29 pregnant girls aged between 10 and 14 were married and 1,192 were in unmarried partnerships.<sup>78</sup> Child marriage jeopardizes gender equality, amounts to multiple human rights violations and shows insufficient progress towards Sustainable Development Goal 5. It also severely limits the integral development of girls, including in the educational and professional spheres.

## VII. Conclusions

75. The human rights situation in Nicaragua has continued to seriously deteriorate. Persons perceived as opponents of the Government are persecuted and subjected to a wide range of arbitrary measures in violation of their human rights, including prison sentences handed down without a trial and the deprivation of nationality through judicial decisions that lack any resemblance to legality. Relatives of these persons have also been affected by these measures. It has had a chilling effect on the wider Nicaraguan society, making it clear that any person critical of the Government and their relatives will be punished.

76. With the progressive elimination of all independent associations, the control of all public institutions and the expulsion and exile of the main leaders of the opposition, the Government has shrunk the civic and democratic space to an extent that leaves no room for dissent. However, human rights defenders continue working, both in Nicaragua and in exile, advocating for accountability for human rights violations and for a return to democracy and the rule of law.

77. Nicaragua continues to fail to uphold the human rights of women and girls, who are not sufficiently protected from gender-based violence, including child marriage. OHCHR is concerned by the combined impact of the absolute prohibition of abortion and the high rate of early pregnancy, which leads to unsafe abortions and the deaths of women and girls.

78. Indigenous Peoples continue to suffer killings and attacks by settlers, which have become a regular occurrence in connection with land interests and mining activities. This situation has put Indigenous Peoples under the constant threat of displacement and loss of their livelihoods.

## VIII. Recommendations

79. The High Commissioner urges the Government to uphold its commitment to respect, fulfil and protect the human rights of all those in Nicaragua and fully implement the recommendations made by OHCHR and human rights mechanisms that remain unfulfilled, in particular:

- (a) Immediately release all persons arbitrarily detained in connection with the 2018 human rights crisis;
- (b) Revoke Law No. 1145 (2023) and the reform of article 21 of the Constitution, restore the nationality of all persons deprived of it and allow the safe return of all Nicaraguans who wish to return to the country;
- (c) Urgently facilitate the issuance of official travel documents to allow the departure of all persons who want to leave Nicaragua, especially children and spouses seeking family reunification;

<sup>77</sup> The Committee on the Elimination of Discrimination against Women considers all marriages under 18 to be forced marriages. See joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, paras. 20 and 55 (f).

<sup>78</sup> [https://www.inide.gob.ni/docs/compendio/Compendio20\\_21/Compendio\\_Estadisticas\\_Vitales\\_2020\\_2021.pdf](https://www.inide.gob.ni/docs/compendio/Compendio20_21/Compendio_Estadisticas_Vitales_2020_2021.pdf), p. 40.

(d) Enable an open and pluralistic civic space that guarantees the freedoms of expression and opinion and of assembly and association, enabling all individuals, groups and organizations to exercise their rights to defend human rights and to take part in the conduct of public affairs and other political rights, including through the restoration of the legal status of all organizations arbitrarily deprived of it;

(e) Guarantee the rights to truth, justice, reparations and guarantees of non-repetition to victims of grave human rights violations;

(f) Investigate all acts of violence against Indigenous Peoples and those of African descent, and hold perpetrators accountable, in accordance with international human rights law. Prevent further attacks by publicly condemning the acts of violence and by guaranteeing Indigenous Peoples and those of African descent their territorial rights through, among others, the finalization of the restoration process, in consultation with them. Ensure that the right of Indigenous Peoples to free, prior and informed consent to measures and laws that may affect them is respected, in line with international standards;

(g) Urgently increase efforts to eradicate gender-based violence, including the ill-treatment and torture of women in detention and child marriage, and establish the minimum legal age of marriage at 18 years without exception, promote accountability for perpetrators and access to justice and services for victims, amend legislation on abortion in line with international human rights law, and adopt measures to ensure that adolescents have full access to family planning and contraceptives, and appropriate information on sexual and reproductive health to prevent early pregnancies;

(h) As a pledge in the year of the commemoration of the seventy-fifth anniversary of the Universal Declaration of Human Rights, consider ratifying human rights conventions and optional protocols to which Nicaragua is not yet a party, such as the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(i) Cooperate with United Nations human rights mechanisms to address protection gaps;

(j) Allow OHCHR and other regional and international organizations access to Nicaragua and cooperate effectively with them.

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