

NICARAGUA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Nicaragua has a highly centralized, authoritarian political system dominated by President Daniel Ortega Saavedra and his wife, Vice President Rosario Murillo Zambrana. Ortega's Sandinista National Liberation Front party exercises total control over the executive, legislative, judicial, and electoral functions. President Ortega was inaugurated to a third term in office in January 2017 following a deeply flawed electoral process. The 2016 elections expanded the ruling party's supermajority in the National Assembly, which previously allowed for changes in the constitution that extended the reach of executive branch power and the elimination of restrictions on re-election for executive branch officials and mayors. Observers noted serious flaws in municipal, regional, and national elections since 2008. Civil society groups, international electoral experts, business leaders, and religious leaders identified persistent flaws in the 2019 Caribbean regional and 2017 municipal elections and noted the need for comprehensive electoral reform.

The Nicaraguan National Police maintains internal security. The army is responsible for external security but also has some domestic security responsibilities. Both report directly to the president, pursuant to changes in the police and army code in 2014. Parapolice, which are nonuniformed, masked, and armed groups with tactical training and organization, act in coordination with government security forces, under the direct control of the government, and report directly to the national police. Civilian authorities maintained effective control over police and parapolice security forces. Members of the security forces committed numerous abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings, committed by the government or its agents; forced disappearances by parapolice forces; torture and cases of cruel, inhuman, or degrading treatment or punishment by prison guards and parapolice; harsh and life-threatening prison conditions; arbitrary detentions by police and parapolice; political prisoners and detainees; politically motivated reprisal against individuals located outside the country; a serious lack of independence of the judiciary; and arbitrary and unlawful interference with privacy. There were serious restrictions on free expression and the press, including threats of violence, censorship, and criminal libel; and substantial interference with the rights of peaceful assembly and freedom of association, as well as severe restrictions on religious freedom, including attacks on the Roman Catholic Church and church officials. The

government continued to block nine nongovernmental organizations and civil society organizations from recovering their legal status and illegally withheld their assets, preventing them from operating; during the year the government stripped one more nongovernmental organization of its legal status. Government restrictions on freedoms of expression, association, and assembly precluded any meaningful choice in elections. Elections for municipal authorities as well as for president and vice president and National Assembly representatives have been considered marred by fraud and irregularities since 2008. There was widespread corruption; lack of investigation of and accountability for violence against women; trafficking in persons; discrimination and violence against ethnic minorities and indigenous communities; threats and attacks against lesbian, gay, bisexual, transgender, and intersex persons; and child labor, including commercial sexual exploitation.

Parapolice and individuals linked to the Ortega regime carried out a campaign of harassment, intimidation, and violence toward perceived enemies of the regime, such as former political prisoners, campesino activists, prodemocracy opposition groups, human rights defenders, and Catholic clergy. Human rights groups alleged that between October 2018 and August, parapolice killed at least 30 campesinos considered to be opponents of the ruling party.

The government did not take steps to identify, investigate, prosecute, or punish officials who committed human rights abuses, including those responsible for at least 325 killings and hundreds of disappearances during the prodemocracy uprising of April 2018. President Ortega actively strengthened impunity for human rights abusers who were loyal to him.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. Human rights organizations and independent media alleged some killings were politically motivated, an allegation difficult to confirm because the government refused to conduct official inquiries.

Reports of killings were common in the north-central regions and the North Caribbean Autonomous Region (RACN). Human rights groups and campesino advocates documented at least 30 killings of campesinos between October 2018

and August in and around the departments of Jinotega and Nueva Segovia. Human rights groups said these killings marked an escalation of a campaign of terror in the north-central and RACN regions, perpetrated by parapolice groups to stamp out political opposition to the ruling Sandinista National Liberation Front (FSLN) party. On July 19, Abner Pineda, a member of the FSLN party and staff member of the La Trinidad municipality, shot and killed Jorge Luis Rugama Rizo after Rugama yelled, “Long live a free Nicaragua” at a pro-FSLN caravan celebrating the anniversary of the Nicaraguan revolution. Pineda turned himself in and claimed self-defense. His case did not start until three months after the incident, during which time he remained free instead of being in pretrial detention as the law prescribes. In November a judge convicted Pineda of manslaughter. Two weeks later Pineda was sentenced to the minimum one year in prison. A judge immediately commuted his sentence, and Pineda was released.

There was no indication the government investigated crimes committed by police and parapolice groups related to the 2018 prodemocracy uprising. In April 2018 President Ortega and Vice President Murillo ordered police and parapolice forces to put down with violence peaceful protests that began over discontent with a government decision to reduce social security benefits. By late November 2018 the ensuing conflict had left at least 325 persons dead; more than 2,000 injured; hundreds illegally detained, tortured, and disappeared; and as of November, more than 100,000 exiled in neighboring countries. Beginning in August 2018 the Ortega government instituted a policy of “exile, jail, or death” for anyone perceived as opposition, amended terrorism laws to include prodemocracy activities, and used the justice system to characterize civil society actors as terrorists, assassins, and coup mongers. Although the Nicaraguan National Police (NNP) and Prosecutor’s Office detained, brought to trial, and imprisoned many members of the prodemocracy opposition, human rights organizations widely documented that the investigations and charges did not conform to the rule of law. The government continued to make no effort to investigate several 2017 incidents of extrajudicial killings and torture in both the North and South Caribbean Autonomous Regions. The army continued to deny its involvement in cases perceived by human rights organizations as politically motivated extrajudicial killings.

b. Disappearance

Armed parapolice forces arbitrarily detained opposition activists and often held them in makeshift facilities without allowing them to inform family members or seek legal counsel. The detentions generally lasted between two days and one

week. NNP officers and prison authorities often denied detainees were in custody. Human rights organizations claimed the NNP and prison system's inability to locate prisoners was not due to poor recordkeeping but was instead a deliberate part of a misinformation campaign. The government made no efforts to prevent, investigate, or punish such acts. Most, if not all, of the hundreds of disappearances perpetrated by NNP and parapolice during the height of the 2018 prodemocracy uprising remained unresolved.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibits such practices, cases of torture were well documented, and public officials intentionally carried out acts that resulted in severe physical or mental suffering for the purposes of securing information, inflicting punishment, and psychologically deterring other citizens from reporting on the government's actions or participating in civic actions against the government. Members of civil society and student leaders involved in the protests that began in April 2018 were more likely than members of other groups to be subjected to such treatment.

On February 6, authorities arrested Kevin Solis after he had participated in a protest at Central American University. Prison officials routinely beat him while in custody in La Modelo Prison and doused him with buckets of water throughout the night to deprive him of sleep. As of November, Solis had remained in solitary confinement for at least five months with no access to sunlight. Prison guards threatened him with execution and pointed weapons at his head. In April a court convicted and sentenced Solis to four years' imprisonment for aggravated robbery and assaulting a police officer, even after the officer confirmed he had retrieved the stolen goods elsewhere.

On March 8, police captured Melvin Urbina in Posoltega. When the police released him on March 10, Urbina was unable to walk and badly bruised in his eyes, ears, legs, back, and abdomen. He was taken to a hospital and died on March 12. Urbina's family reported police surveilled Urbina's wake and burial and at one point attempted to take the body to perform a forensics analysis. Human rights groups documented several cases of government supporters who tortured opposition activists by using sharp objects to carve the letters "FSLN" into the arms and legs of opposition activists.

Local human rights organizations said men and women political prisoners were subjected to sexual violence while in the custody of security forces. Human rights

organizations reported female prisoners were regularly subjected to strip searches, degrading treatment, and rape threats while in custody of parapolice forces, prison officials, and police. Prison officials forced female prisoners to squat naked and beat them on their genitals to dislodge any supposed hidden items.

Impunity persisted among police and parapolice forces in reported cases of torture, mistreatment, or other abuses. The NNP's Office of Internal Affairs is charged with investigating police suspected of committing a crime. The Office of the Military Prosecutor investigates crimes committed by the army, under the jurisdiction of the Office of the Military Auditor General. With complete control over the police, prison system, and judiciary branch, however, the FSLN governing apparatus made no effort to investigate allegations that regime opponents were tortured or otherwise abused.

Prison and Detention Center Conditions

Prison conditions were harsh and potentially life threatening. Overcrowding, poor sanitation, difficulties obtaining medical care, and violence among prisoners remained serious problems in prison facilities.

Physical Conditions: Prison conditions continued to deteriorate due to antiquated infrastructure and increasing inmate populations. Despite new temporary holding cells in the Directorate of Judicial Assistance, the rest of the prison system was in poor condition. The government reported overcrowding in five of the seven prisons for men, holding 15,333 prisoners with capacity for 12,600, or 22 percent over capacity. More than 1,000 of these inmates were held in the prison known as La Modelo. Human rights organizations continued to be concerned about prison overcrowding. Due to overcrowding, pretrial detainees often shared cells with convicted prisoners, and juveniles shared cells with adults.

Many prisoners suffered mistreatment from prison officials and other inmates. Human rights organizations confirmed that at least nine men detained in the context of the 2018 protests were subjected to solitary confinement in maximum-security cells of La Modelo Prison, in some cases for months at a time.

Inmates also suffered from parasites, inadequate medical attention, frequent food shortages and food contamination, contaminated water, and inadequate sanitation. The COVID-19 pandemic compounded these conditions. The government failed to take adequate measures to protect inmates from illness. Prison authorities prohibited the delivery of health and hygiene kits provided by family members for

inmates to protect themselves from COVID-19, particularly in the case of political prisoners. Human rights groups reported that prison authorities randomly fumigated prisons with inmates still inside their cells. Although sanitary conditions for female inmates were generally better than those for men, they were nevertheless unsafe and unhygienic. The government reported their Human Rights Ombudsman Office received five complaints related to prison conditions between January 2019 and September, of which it resolved four and dismissed one as unsubstantiated.

Conditions in jails and temporary holding cells were also harsh. Most facilities were physically decrepit and infested with vermin; had inadequate ventilation, electricity, or sewage systems; and lacked potable water.

The government released 8,114 prisoners between January and September. Many of these prisoners were released outside of lawfully prescribed procedures and were told their release was “thanks to the president.”

Administration: Although prisoners and detainees could submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions, authorities often ignored or did not process complaints. The extent to which the government investigated allegations of poor prison conditions was unknown. The government ombudsman could serve on behalf of prisoners and detainees to consider such matters as informal alternatives to incarceration for nonviolent offenders, although this generally did not occur.

The government restricted political prisoners’ access to visitors, attorneys, and physicians. Staff members of human rights organizations, family members, and other interested parties were not allowed access to the prison system or to prisoners in custody.

Independent Monitoring: The government permitted monitoring by the International Committee of the Red Cross but denied prison visits by local human rights groups and media outlets. Nongovernmental organizations (NGOs) generally received complaints through family members of inmates and often were unable to follow up on cases until after the release of the prisoner due to lack of access. The government denied all requests from local human rights organizations for access to prison facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Human rights NGOs, however, noted hundreds of cases of arbitrary arrests by police and parapolice forces, although parapolice have no authority to make arrests. Human rights organizations reported police and parapolice agents routinely detained and released government opponents within a 48-hour window, beyond which police would have to present formal charges against detainees. Detentions of political opponents usually occurred without a warrant or formal accusation and for causes outside the legal framework.

Arrest Procedures and Treatment of Detainees

The law requires police to obtain a warrant from a judicial authority prior to detaining a suspect and to notify family members of the detainee's whereabouts within 24 hours, but this rarely happened in the context of arrests related to civil unrest.

Police may hold a suspect legally for 48 hours before arraignment, when they must bring the person before a judge. A judge then must order the suspect released or transferred to jail for pretrial detention. The suspect is permitted family member visits after the initial 48 hours. A detainee has the right to bail unless a judge deems there is a flight risk. The criminal code lists a number of crimes that may be tried by a judge without a jury and that would not qualify for bail or house arrest during the duration of the trial. Detainees have the right to an attorney immediately following their arrest, and the state provides indigent detainees with a public defender. There were numerous reports detainees did not have immediate access to an attorney or legal counsel and were not afforded one during their 48-hour detention. In several instances authorities denied having detainees under custody in a specific jail, even to their family members or legal counsel. The government reported that the NNP's Office of Internal Affairs received 1,807 complaints between January and August, finding merit in 766 of those cases. A total of 166 police officers were dismissed or received a penalty for misconduct. Human rights organizations said police underreported police abuse. The NNP routinely rejected complaints filed by prodemocracy opposition activists.

Human rights organizations and civil society activists asserted that the government misused the 2015 Sovereign Security Law, which significantly broadened the definition of state sovereignty and security, as a pretext to arrest protesters and citizens it deemed in opposition to its goals. The government did not cite the law publicly in specific cases.

Arbitrary Arrest: According to NGOs and other human rights groups, arbitrary arrests occurred regularly, including in, but not limited to the context of, prodemocracy protests. In many cases the NNP and parapolice detained persons who had participated in prodemocracy protests in 2018 and 2019, but who were not currently participating in any activity deemed illegal or in opposition to the ruling party. Police often arrested these individuals without a warrant and occasionally entered private homes or businesses without a court order. Numerous reports claimed authorities used Directorate of Judicial Assistance jail cells for arbitrary arrests beyond the prescribed 48 hours of detention legally allowed. Many arrests were allegedly made without informing family members or legal counsel. Reports were common of armed, hooded men in plain clothes acting alone or together with police to arrest and detain prodemocracy protesters. Human rights organizations indicated that delays in the release of prisoners after finishing prison terms led to many cases of arbitrary continuation of a state of arrest. The NNP also committed irregular arrests and detentions under the guise of investigations into armed opposition groups or other violent crimes in the north-central regions of the country.

Pretrial Detention: Lengthy pretrial detention continued to be a problem. Many prodemocracy protesters were detained and held with no charges and without following due process. Observers noted that in several instances lengthy pretrial detention was intentional against specific protest leaders. Observers attributed other delays to limited facilities, an overburdened judicial system, judicial inaction, and high crime rates. No information was available on the percentage of the prison population in pretrial detention or the national average length of pretrial detention.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: While the law provides detainees the ability to challenge the legality of their detention before a court, the government generally did not allow those arrested during protests to challenge in court the lawfulness of their arrests or detentions. There were reports legal counsels faced obstacles when they attempted to invoke constitutional protections for detainees, including habeas corpus, and courts frequently ignored their requests.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the government did not respect judicial independence and impartiality. The law requires vetting of new judicial appointments by the Supreme Court of Justice, a process wholly influenced by

nepotism, personal influence, and political affiliation. Once appointed, many judges submitted to political pressure and economic inducements for themselves or family members that compromised their independence. NGOs complained of delayed justice caused by judicial inaction and widespread impunity, especially regarding family and domestic violence and sexual abuse. In cases against political activists, judges under the inducement of the ruling party handed down biased judgments, including adding jail time for crimes not presented by the prosecutor's office. Lawyers for political prisoners reported that judges routinely dismissed defendants' evidence and accepted the prosecutor's anonymous sources as valid. In many cases trial start times were changed with no information provided to one or both sides of the trial, according to human rights organizations. Authorities occasionally failed to respect court orders. The government reported its Human Rights Ombudsman Office received 874 reports of lack of due process and 227 reports of lack of access to justice between January 2019 and September.

Trial Procedures

The law provides the right to a fair and public trial. Changes to the law enacted in 2017, however, allowed judges to deny jury trials in a wider range of cases, deny bail or house arrest based on unclear rules, and arbitrarily move a case from other judicial districts to Managua, to the disadvantage of defendants, their families, or their counsel. Defendants have the right to be fully and promptly informed of the charges against them and the right to a fair trial. While the law establishes specific time periods for cases to come to trial, most cases encountered undue delay. Trials are public, but in some cases involving minors or at the victim's request, they may be private. The law requires defendants must be present at their trial. Many arrested in the context of prodemocracy protests were presented publicly to official media in prison uniforms before the start of trial procedures, jeopardizing their claim to innocence.

On August 15, army personnel captured Hader Gonzalez and Cristian Meneses at the southern border. Gonzalez and Meneses did not receive legal counsel, and their families were not informed of their whereabouts until August 20, when the army presented them publicly, linking their capture to a killing earlier in the year. The army referred to Gonzalez and Meneses publicly as delinquents, although police did not formally confirm their arrest until August 21.

According to the constitution, defendants are presumed innocent until proven guilty. Observers claimed, however, that trials against prodemocracy protesters

were unduly delayed and did not conform to due process and that defendants' release was in many cases based on political decisions rather than on rule of law.

Defendants have the right to legal counsel, and the state provides public defenders for indigent persons. Defendants have the right to adequate time and facilities to prepare a defense, but judges commonly failed to grant counsel's access to the defendant. In several instances related to prodemocracy protests, defendants were not allowed to name their legal counsel, and the court appointed a public defender, which family members of the accused and human rights organizations claimed was detrimental to the defendant's case. In many cases involving the government's political opponents, private defense lawyers were barred from meeting with defendants in an effort to force the accused to accept a public defender appointed by a biased judiciary. Although the constitution recognizes indigenous languages, defendants were not always granted court interpreters or translators. Defendants may confront and question witnesses and have the right to appeal a conviction. Defendants may present their own witnesses and evidence in their defense; however, some judges refused to admit evidence on behalf of the defense. Defendants may not be compelled to testify or confess guilt.

Women's rights organizations believed the court system continued to operate under unofficial orders not to impose jail time or pretrial detention in domestic violence cases. The policy reportedly applied only to domestic violence cases that authorities considered mild.

Political Prisoners and Detainees

Human rights NGOs characterized those detained in the context of prodemocracy protests as political prisoners. The government does not recognize political prisoners as an inmate category and considers all prisoners to be common criminals. According to human rights organizations, the government continued to hold 106 political prisoners as of December, nine of them in solitary confinement.

On December 18, authorities released Justo Rodriguez to house arrest. Photographs showed his emaciated body and a deep indentation in his skull; he suffered a stroke while in prison and could not speak or move his legs.

Political prisoners were kept together with common criminals. Advocacy groups reported that prison authorities instigated quarrels between the general prison population and political prisoners by blaming political prisoners for any withheld privileges, often resulting in violence. Human rights organizations received

several reports of political prisoners being beaten, threatened, held in solitary confinement for weeks, and suffering from poor ventilation and poisoned or contaminated food and water.

Political prisoners did not receive appropriate health care, including while suffering COVID-19 symptoms. One political prisoner was denied access to his blood pressure medicine and did not receive medical attention until he fainted in his cell. After the prisoner received medical attention, it was revealed he had suffered a brain hemorrhage, had three blood clots in his brain, and was declared brain dead.

The government did not permit access to political prisoners by local human rights groups.

Politically Motivated Reprisal Against Individuals Located Outside the Country

There were credible reports that the government attempted to misuse international law enforcement tools for politically motivated reprisal against individuals. In one example from September, government authorities used the Interpol system to call for the arrest in the United States of the son of a prominent opposition leader. Local press reported the Interpol warrant was based on spurious charges of weapons smuggling to opposition groups.

In April unidentified attackers assaulted the father of exiled journalist Winston Potosme in the father's home (see section 2.a.).

On July 25, exiled journalist Gerall Chavez reported that his parents living in the Carazo Department had received a letter threatening Chavez with torture and death. Groups of exiles in Costa Rica lodged complaints with Costa Rican authorities, alleging political persecution by parapolice and FSLN sympathizers who crossed the border to target exiles. In October the National Assembly approved the politically motivated Cybercrimes Law, which establishes the government may use the international extradition system to pursue Nicaraguans abroad who commit so-called cybercrimes.

Civil Judicial Procedures and Remedies

Individuals and organizations may file suit in civil courts to seek damages for alleged human rights violations, but authorities did not always respect court decisions.

The lack of an effective civil law system resulted in some civil matters being pursued as criminal cases, which were often resolved more quickly. In a number of instances, individuals and groups appealed to the Inter-American Commission on Human Rights (IACHR), which passed their cases to the Inter-American Court of Human Rights.

Property Restitution

The government regularly failed to take effective action with respect to seizure, restitution, or compensation of private property. These failures were exacerbated by the social upheaval in 2018, in which groups of persons, including members of the FSLN, illegally took over privately owned lands, with implicit and explicit support by municipal and national officials. Some land seizures were politically targeted and directed against specific individuals, such as businessmen traditionally considered independent or against the ruling party. In October the FSLN mayor's office in the city of San Ramon in Matagalpa assessed exorbitant back taxes on the property of an NGO. The mayor's office refused to accept the remedy offered by the NGO's attorney, and the property remained in legal jeopardy.

The Office of the Attorney General routinely either rejected requests to evict illegal occupants of real property or failed to respond to the requests altogether. National and local police also routinely refused to evict illegal occupants of real property. Police often took no action against violence perpetrated by illegal occupants, while acting swiftly against any use of force by legitimate property owners. The judicial system delayed final decisions on cases against illegal occupants. Members of the judiciary, including those at senior levels, were widely believed to be corrupt or subject to political pressure. When judges issued orders in favor of landowners, enforcement of court orders was frequently subject to nonjudicial considerations. In the face of government inaction, some landowners were forced to pay squatters to leave their real property. As of August the private sector confirmed approximately 8,500 acres remained seized.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions. The government, however, failed to respect prohibitions against unlawful interference with privacy, family, home, and correspondence. FSLN party-based grassroots organizations such as the Citizen Power Councils colluded with parapolice or party loyalists to target the homes of prodemocracy protesters. Without a warrant and under no legal authority, these groups illegally raided homes and detained occupants. Police routinely stationed police vehicles and officers outside the homes of opposition members, harassing visitors and occasionally prohibiting opposition members from leaving their houses. These actions were widespread in large cities, particularly Managua, Matagalpa, Esteli, Masaya, Rivas, Leon, and Jinotega.

On December 24, the Ministry of Health claimed ownership of several buildings seized by the Interior Ministry in 2018 from independent media organizations 100% Noticias and *Confidencial* and nine NGOs when it stripped the media groups and NGOs of their legal status. The ministry ordered the seized assets transferred to government ownership to create a Comprehensive Attention and Reparation Fund for the Victims of Terrorism. The government carried out this de facto confiscation without following due process or providing appropriate compensation to the lawful owners.

Domestic NGOs, Catholic Church representatives, journalists, and opposition members alleged the government monitored their email and telephone conversations. Church representatives also stated their sermons were monitored. As part of a continuing social media campaign against prodemocracy protests, ruling party members and supporters used social media to publish personal information of human rights defenders and civil society members. Progovernment supporters marked the houses of civil society members with derogatory slurs or threats and then published photographs of the marked houses on social media. On several occasions the markings were accompanied by or led to destruction of private property. Although the law prohibits the use of drones, some members of the opposition claimed FSLN supporters used drones to spy on their houses.

Inhabitants in northern towns, particularly in the departments of Nueva Segovia, Jinotega, and Madriz, as well as the RACN and South Caribbean Autonomous Region (RACS), alleged repeated government interrogations and searches without cause or warrant, related to supposed support for armed groups or prodemocracy protests, while government officials claimed they were confronting common criminals. Several opposition members who were former Contras claimed they were regularly surveilled by police, stopped by police, and detained for questioning for several hours, usually in connection with alleged contact with rearmed groups

or antigovernment protests. The individuals also said progovernment sympathizers verbally threatened them outside their homes and surveilled and defaced their houses.

The ruling party reportedly required citizens to demonstrate party membership in order to obtain or retain employment in the public sector and have access to public social programs.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, but the government did not respect this right. Restrictions on press freedom, the absence of an independent judiciary, and a nondemocratic political system combined to inhibit freedom of expression, including for the press. Although the law provides that the right to information may not be subjected to censorship, the government and actors under its control retaliated against the press and radio and television stations by blocking transmissions, impeding the import of ink and paper, and committing violence against journalists. Some independent media outlets also reported they were victims of cyberattacks. The government sought to control information on the COVID pandemic by restricting news coverage and blocking independent media access to public health briefings, as well as using government-aligned media to publish misinformation.

Freedom of Speech: The government used reprisals to restrict the ability of individuals to criticize the government. Persons who criticized the government, the ruling party, or its policies were subjected to police and parapolice surveillance, harassment, imprisonment, and abuse. Progovernment supporters considered the use of the national flag and the national colors of white and blue as acts of defiance and attacked opposition activists flying the flag or national colors. In August police arrested a woman after she refused to surrender a package of white and blue national flags she was selling in anticipation of the country's independence day. She was released within a few hours without her merchandise.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views despite government attempts to restrict and intimidate them. Independent media outlets experienced vandalism, seizure of broadcast equipment, cyberattacks, and criminal defamation charges. The government repeatedly denied broadcasting licenses and other permits for

independent media. Further attempts to intimidate came through continued financial audits and attempts by the Directorate General of Revenue to confiscate media channels based on spurious overdue tax debts, which resulted in referral of cases to the Customs and Administrative Tax Court. Independent news outlets faced restrictions on speech, such as not being permitted to attend official government events, being denied interviews by government officials, and receiving limited or no direct access to government information. Official media, however, were not similarly restricted. The government published false COVID-19 data that minimized the spread of the illness in the country. International reports and unpublished official documents showed the government intentionally misled the public about the severity of the pandemic to avoid an economic downturn.

Independent media faced official and unofficial restrictions, reprisals, and harassment, but they were nonetheless successful in expressing a variety of views. Journalists from many stations were threatened and harassed with the purpose of limiting their editorial independence. Journalist association Nicaraguan Independent Journalists and Communicators reported that between March and July, there were 351 incidents against independent journalists, including threats, attacks, harassment, criminal libel charges, and other impediments to carrying out their activities.

Significant state influence, ownership, and control over media continued. National television was largely controlled either by business associates of the president or directly owned and administered by his family members. Eight of the 10 basic channels available were under direct FSLN influence or owned and controlled by persons with close ties to the government. Media stations owned by the presidential family generally limited news programming and served as outlets for progovernment or FSLN propaganda and campaign advertisements. Press and human rights organizations claimed the use of state funds for official media, as well as biased distribution of government advertising dollars, placed independent outlets at a disadvantage.

Violence and Harassment: Journalists were subject to government violence, harassment, and death threats. In January a police officer punched Channel 10 journalist Wilih Narvaez during a police crackdown on prodemocracy protesters inside a hotel. Despite hundreds of witnesses and widely viewed video evidence of these attacks, the government made no effort to investigate or prosecute those involved in the attacks. In March progovernment sympathizers beat and destroyed or stole the equipment of two journalists at the Managua cathedral while they were covering an FSLN disruption of a Catholic mass during the wake of a former poet

laureate. In April unidentified attackers assaulted the father of exiled journalist Winston Potosme in the father's home. After the assault the assailants sent the journalist threats from the father's cell phone. The television station 100% Noticias and the offices of news magazine *Confidencial* remained closed and under police custody after the 2018 raid of those facilities.

Censorship or Content Restrictions: The government penalized those who published items counter to the ruling party's ideology; however, it did this arbitrarily. The government restricted access to public events, obligated independent press to use official media to cover presidential activities, and on several occasions used YouTube copyright infringement regulations against independent media for using official media content. This legal tactic led to the temporary closure of at least two independent media YouTube channels.

To control printing presses, the government continued to enforce the controversial Law 528, or "Ley Arce," which establishes high tariffs and bureaucratic delays on the importation of ink, paper, machinery, and other printing necessities, despite constitutional provisions protecting media's right to freedom from such tariffs. After the closure of *El Nuevo Diario* in 2019 due to the government's repressive posture and restrictions on press freedom, *La Prensa* remained the only independent newspaper with nationwide coverage.

In July, Radio Corporacion, an independent radio broadcaster, found its AM radio antenna sabotaged and its transmission cables dug up and cut into pieces. Radio station staff stated that unknown perpetrators carried out the attack with knowledge of where the sabotage could do the most damage. As a result, the radio station lost its ability to broadcast on the AM frequency for more than a week and moved all of its programming to an FM frequency. This resulted in lower listenership, particularly among rural listeners who rely principally on AM frequency for radio transmissions. In September, Radio Camoapa found the air-cooling device of their transmission room damaged. Radio Notimat in Matagalpa remained besieged by police and parapolice, who also surveilled and threatened its journalists.

Restrictions in acquiring broadcast licenses and equipment prevented media from operating freely. Beginning in 2008, media outlets were unable to apply for new broadcasting licenses while the General Law (Law 200) on Telecommunications was under review in the National Assembly. The government extended the validity of existing licenses indefinitely. Human rights groups and independent media also reported that the failure to approve or deny Law 200 resulted in

uncertainty surrounding the purchase and import of goods related to broadcasting. As a result independent radio owners continued to defer long-term investments.

Some independent-media owners also alleged the government exerted pressure on private firms to limit advertising in independent media, although other observers believed the lack of advertising was the result of self-censorship by private companies or a business decision based on circulation numbers. Many journalists practiced self-censorship, fearing economic and physical repercussions for investigative reporting on crime or official corruption. In addition media outlet owners exercised self-censorship by choosing not to publish news that affected public perceptions of the government or the FSLN.

Libel/Slander Laws: Government supporters accused independent journalists of slander. Three FSLN party members working in the municipal government of El Rama accused the director of Radio La Costenisima of slander after it broadcast a story documenting corruption in that municipality. When the previous director of the radio station died of COVID-19, authorities transferred the accusation to incoming director Kalua Salazar. Likewise, David Quintana from digital news outlet *Boletín Ecológico* was accused of slander by a staff member at an official television station. Two other journalists also faced similar charges. Slander and libel are both punishable by fines ranging from 120 to 300 times the minimum daily wage.

National Security: Human rights NGOs and civil society organizations argued the Sovereign Security Law was a basis for the government's failure to respect civil liberties. Although not cited in specific cases, the law applies to "any other factor that creates danger to the security of the people, life, family, and community, as well as the supreme interests of the Nicaraguan nation." In October the National Assembly passed the Cybercrimes Law, which includes as online crimes social media posts deemed dangerous by the regime and grants law enforcement access to information systems and other data. Penalties for online crimes include prison time and hefty fines, disproportionate to the crimes as broadly defined by the law.

An NNP regulation restricts criticism of government policies and officials under the guise of protecting national security.

Internet Freedom

There were credible reports that the government monitored private online communications without appropriate legal authority and in some cases restricted or

disrupted access to the internet or censored online content. Independent media reported the government provided logistical support for “troll farms” that routinely carried out cyberattacks against opposition media websites and social media accounts. Trolls and bots reportedly tracked opposition and progovernment social media accounts to retaliate against users deemed opponents to the ruling party and amplify progovernment messaging.

Several NGOs claimed the government monitored their email and online activity without appropriate legal authority. Paid government supporters used social media and website commentary spaces to harass prominent members of civil society, human rights defenders, and well-known journalists.

The government disclosed personally identifiable information to penalize the expression of opinions. As part of a continuing social media campaign against prodemocracy protests, ruling party members and supporters used social media to publish personal information of human rights defenders and civil society members. Civil society members alleged government offices provided the information. Government supporters also used the personally identifiable information to mark the houses of civil society members with either derogatory slurs or threats, then published photographs of the marked houses on social media.

Academic Freedom and Cultural Events

There were government restrictions on academic freedom, and many students, academics, and researchers reported pressure to censor themselves.

Public universities expelled from school and erased the records of many university students who participated in prodemocracy protests. In many cases, students who went into exile could not continue their studies abroad without their records. Entrances to public universities remained under surveillance by progovernment guards who regularly checked every visitor and often by police. Some university rectors reported university enrollment following the prodemocracy uprising fell to 50 percent of precrisis levels. The public Poly-Technical University (UPOLI) expelled opposition student leader Dolly Mora, claiming security issues. FSLN-controlled student groups at UPOLI harassed Mora and others who in 2018 had protested against the government’s violent crackdown on prodemocracy demonstrators. According to reports, leaders of these FSLN-controlled student groups threatened the dean of UPOLI with violence on campus to force Mora’s expulsion.

Human rights NGOs and civil society groups reported authorities required students in elementary and secondary public schools to participate in progovernment rallies while schools were in session. Political propaganda for the ruling party was posted inside public schools. Teacher organizations and NGOs alleged continuing FSLN interference in the school system through the use of school facilities as FSLN campaign headquarters, favoritism shown to members of FSLN youth groups or to children of FSLN members, politicized awarding of scholarships, and the use of pro-FSLN education materials.

Public schools were ordered to continue in-person classes even as COVID-19 spread across the country. Teachers were ordered to punish absences and identify those students who were not attending classes. By August at least 46 public school teachers had died from COVID-19.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The government did not respect the legal right to public assembly, demonstration, and mobilization. Prodemocracy marches and protests were not allowed during the year. Police and parapolice actively persecuted, harassed, and occasionally impeded private meetings of NGOs, civil society groups, and opposition political organizations. Police failed to protect peaceful protesters from attacks; they also committed attacks and provided logistical support to other attackers. Human rights organizations reported police stopped traffic for and otherwise protected progovernment demonstrations.

The NNP consistently refused to accept applications or denied permits to use public spaces for prodemocracy marches, using unclear parameters. A denial of permission from the NNP resulted in significant repression and violence against protesters when they carried on with the protest. The NNP routinely surrounded, surveilled, and threatened meetings of political parties and civil society organizations. The NNP entered private meeting spaces to disrupt gatherings of opposition parties and civil society organizations.

Freedom of Association

The law provides for freedom of association, including the right to organize or affiliate with political parties; nevertheless, the Supreme Electoral Council and National Assembly used their accreditation powers for political purposes. National Assembly accreditation is mandatory for NGOs to receive funding, have bank accounts, or employ workers licitly. The Ministry of the Interior has oversight of regulatory compliance by NGOs and provides certificates. Many NGOs that worked on topics of democracy, human rights, and women's issues complained the ministry purposefully withheld certification to hinder their work and access to funding. On October 15, the National Assembly passed a Foreign Agents Law with far-reaching implications for entities and employees of entities receiving funding from outside the country. The new law requires anyone receiving funding from foreign sources to register with the Ministry of the Interior and provide monthly, detailed accounts of how funds are intended to be used. Individuals who register as foreign agents cannot participate in internal politics or run for elected positions for up to one year after being removed from the registry. Failure to register can lead to fines, judicial freezing of assets, and the loss of legal status for associations or NGOs.

An internal guidance memorandum within the Ministry of the Interior approved in April 2019, but not made public until 2020, prohibits NGOs seeking certification from including political activities among their intended programming or engaging in partisan activities. NGOs working on political party leadership training, grassroots activism, and youth political capacity training considered the measure a threat against them. The government stripped social-work NGO ASODHERMU (Association of Sister Cities) of its legal status during the year. Members of the ruling party in the National Assembly accused the NGO of financing terrorism, a common accusation by the FSLN-controlled judiciary against political opponents. Leaders of the NGO considered the decision political. At least another nine NGOs remained without their legal accreditation after it was stripped in 2018.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government denied entry to citizens seeking to enter the country during the COVID-19 pandemic. From March to July, the government

prevented citizens from returning from neighboring countries and cruise ships and did not establish legal provisions or any clear procedures to allow their return. In July the government began requiring a negative COVID-19 test for both foreigners and nationals seeking entry into the country. In August the government prevented approximately 500 citizens from entering the country via the border with Costa Rica until they could present a negative COVID-19 test taken within 72 hours of arrival to the border. The government did not procure these COVID-19 tests, which were ultimately obtained through private means by individual travelers or through Costa Rican NGOs. The government allowed this group to return to the country after they presented negative COVID-19 tests. The government strictly controlled the entry of persons affiliated with some groups, specifically humanitarian and faith-based organizations. The government may prevent the departure of travelers with pending cases; authorities used this authority against individuals involved in the protest movement. The law requires exit visas for minors.

e. Status and Treatment of Internally Displaced Persons

According to contacts and local media, hundreds of participants in the 2018 prodemocracy protests and others who ran afoul of the Ortega regime remained in hiding to evade government persecution, including arbitrary arrest, detention, and torture. These individuals reported being unable to find work or study due to fear of government reprisals. As the root cause of this forced displacement, the government did not promote the safe, voluntary, dignified return, resettlement, or local integration of internally displaced persons. In November, two major hurricanes displaced hundreds of thousands of persons from their homes. Observers reported that after the storms, the government initially withheld humanitarian assistance from victims who did not support the ruling party. The government does not have policies and protections for internally displaced persons in line with the UN Guiding Principles on Internal Displacement.

f. Protection of Refugees

The government does not cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The government has not provided updated information on refugees or asylum seekers since 2015.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Only the executive branch or the country's embassies abroad may grant asylum for political persecution. The Nicaraguan National Commission for Refugees has not met since 2015.

Durable Solutions: The government recognized 61 persons as refugees in 2015, the most recent year for which information was available. By mid-2018 UNHCR counted 326 refugees or persons in refugee-like situations in the country.

g. Stateless Persons

Registration of births in rural areas was difficult due to structural constraints, and the government took no measures to address this, resulting in a number of de facto stateless persons in the country (see section 6, Children).

Section 3. Freedom to Participate in the Political Process

While the law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage and conducted by secret ballot, the ruling party restricted freedom of expression, peaceful assembly, and association. Institutional fraud, among other obstacles, precluded opportunities for meaningful choice.

Elections and Political Participation

Recent Elections: In 2016 President Ortega was elected to a third term in office following a deeply flawed electoral process. The 2016 elections expanded the ruling party's supermajority in the National Assembly, which previously allowed for changes in the constitution that extended the reach of executive branch power and the elimination of restrictions on re-election for executive branch officials and mayors. The 2019 Caribbean regional and 2017 municipal elections were likewise marred by widespread institutional fraud. The Caribbean regional elections were characterized by heavy security force presence, including antiriot police at polling units, which local press said intimidated voters and led to low turnout. In both elections authorities did not provide domestic civil society organizations accreditation for electoral observation. Opposition party members reported government officials transported FSLN supporters to voting centers. Opposition party members and observers claimed the FSLN used its control over the Supreme Electoral Council (CSE) to commit fraud. There were reports of public-sector

employees being pressured to vote and show proof the next day at work they had voted. Opposition representatives claimed opposition poll watchers were denied accreditation, FSLN-affiliated poll watchers posed as opposition poll workers, and votes were not counted in accordance with the law.

Civil society groups expressed concerns over the lack of a transparent and fair electoral process leading up to both the 2017 municipal elections and the 2019 Caribbean regional elections. Electoral experts, business leaders, representatives of the Catholic Church, and civil society organizations reported that a lack of accredited domestic observation, in addition to the ruling party's control over official electoral structures and all branches of government, combined to impede holding a free and fair election.

Political Parties and Political Participation: On December 21, the National Assembly passed a law that would bar from running for office anyone whom the government designated as a “traitor,” defining the term so broadly that it could be applied to anyone who expressed opposition to the ruling party. The Organization of American States (OAS), European Union, and international human rights groups immediately called for the law to be rescinded, saying its purpose was to limit participation in the 2021 presidential election and deprive voters of their right to choose their leader freely. The law entered into force the next day, four days after President Ortega proposed it.

The FSLN used state resources for political activities to enhance its electoral advantage in recent elections. Independent media, human rights groups, and opposition parties reported the government used public funds to provide subsidized food, housing, vaccinations, access to clinics, and other benefits directly through either FSLN-led “family cabinets” (community-based bodies that administer government social programs) or party-controlled Sandinista leadership committee (CLS) systems, which reportedly coerced citizens into FSLN membership while denying services to opposition members. The FSLN also made party membership mandatory for an increasing number of public-sector employees. Observers noted government employees continued to be pressured into affiliating with the FSLN and to participate in party activities. During the year the government pressured public servants to participate in mass public gatherings including sports events, political rallies, and marches despite independent medical association warnings over the dangers of spreading COVID-19 via mass gatherings.

The FSLN also used its authority to decide who could obtain national identity cards. Persons seeking to obtain or retain public-sector employment, national

identity documents, or voter registration were obliged to obtain recommendation letters from CLS block captains. Persons without identity cards had difficulty participating in the legal economy, conducting bank transactions, or voting. Such persons also were subject to restrictions in employment, access to courts, and land ownership. Civil society organizations continued to express concern about the politicized distribution of identity cards, alleging this was how the FSLN manipulated past elections and that the CSE failed to provide identity cards to opposition members while widely distributing them to party loyalists.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate, although observers noted most women in elected positions at the municipal and national levels held limited power or influence in their respective bodies.

Section 4. Corruption and Lack of Transparency in Government

There was widespread corruption, including in the police force, the CSE, the Supreme Court, customs and tax authorities, and other government organs. Municipal governments and regional governments of the Caribbean Coast were also plagued by corruption. The Managua municipal government reportedly engaged in corrupt practices related to infrastructure projects. The government did not enforce criminal penalties for corruption, allowing officials to engage in corrupt practices with impunity. The Supreme Court and lower-level courts remained particularly susceptible to bribes, manipulation, and political influence, especially by the FSLN. Companies reported that bribery of public officials, unlawful seizures, and arbitrary assessments by customs and tax authorities were common.

Corruption and impunity remained rampant among government officials, and a general state of permissiveness hindered the possibility of addressing the problem effectively. A lack of strong institutions, a weak system of checks and balances, and the absolute political control of government institutions allowed for corruption to continue with impunity.

Corruption: The Office of the Comptroller, responsible for combating corruption within government agencies and offices, did not carry out a complete verification of the government's full financial statements. For example, the comptroller maintained that Albanisa, a private company controlled by regime insiders that imported and sold Venezuelan petroleum products, as well as associated revenue

under the Venezuela oil cooperation agreement, were not subject to audit because the National Assembly did not approve the agreement.

Executive branch officials continued to be involved in businesses financed by economic and developmental assistance funds lent by the Venezuelan-led Bolivarian Alliance for the Peoples of Our America (ALBA), all of it outside the normal budgetary process controlled by the legislature. Media reported that companies linked to previous ALBA-funded contracts and with links to the president's family were tightly controlled by the FSLN, with little public oversight. Cases of mismanagement of these funds by public officials were reportedly handled personally by FSLN members and President Ortega's immediate family, rather than by the government entities in charge of public funds.

Financial Disclosure: Public officials rarely made their financial information public as required by law, and there was no public record of sanctions for noncompliance.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The government imposed significant and increasing burdens on the limited number of human rights organizations it allowed to operate in the country. The Nicaraguan Center for Human Rights remained stripped of its legal status, effectively hindering its ability to investigate human rights abuses. The Nicaraguan Pro-Human Rights Association continued to operate from forced exile in Costa Rica and focused more on the Nicaraguan exile community. Other human rights organizations faced significant harassment and police surveillance. Humanitarian organizations faced obstacles to operating or denial of entry, and government officials harassed and intimidated domestic and international NGOs critical of the government or the FSLN. Some NGOs reported government intimidation created a climate of fear intended to suppress criticism.

The government continued to prevent non-FSLN-affiliated NGOs and civil society groups from participating in government social programs, such as *Programa Amor*, which provides social protections to children and adolescents, and *Hambre Cero*, a program that distributes livestock for smallholder production. The government frequently used FSLN-controlled family cabinets and party-controlled CLSs to administer these programs. Government programs purportedly created to provide support for victims of the violence since 2018 benefited only FSLN party members. Increased government restrictions on domestic NGOs' ability to receive

funding directly from international donors seriously hindered the NGOs' ability to operate. In addition, increased control over the entry of foreign visitors or volunteer groups into the country hindered the work of humanitarian groups and human rights NGOs. Some groups reported difficulties in moving donated goods through customs and said government officials were rarely cooperative or responsive to their complaints.

Domestic NGOs under government investigation reported problems accessing the justice system and delays in filing petitions, as well as pressure from state authorities. Many NGOs believed comptroller and tax authorities audited their accounts as a means of intimidation. While legally permitted, spot audits were a common form of harassment and often used selectively, according to NGOs. NGOs reported difficulties in scheduling meetings with authorities and in receiving official information due to a growing culture of secrecy. Local NGOs reported having to channel requests for meetings with ministry officials and for public information through the Ministry of Foreign Affairs. These requests were generally not processed. NGOs also reported government hostility or aggression when questioning or speaking with officials on subjects such as corruption and the rule of law. Groups opposing the construction of a proposed interoceanic canal also reported being harassed and placed under surveillance.

In October the government enacted the Law to Regulate Foreign Agents that requires any citizen working for "governments, companies, foundations, or foreign organizations" to register with the Interior Ministry, report monthly their income and spending, and provide prior notice of how the foreign funds are intended to be spent. The law establishes sanctions for those who do not register.

The United Nations or Other International Bodies: The government did not allow the Office of the UN High Commissioner for Human Rights (OHCHR) or IACHR to send working groups to monitor the human rights situation in the country. The government did not cooperate with these groups, as noted in OHCHR and IACHR reports. During the February UN Human Rights Council hearings, Vice Foreign Minister Valdrack Jaentschke, as head of the government's delegation, used his cell phone to film the testimony of the Nicaraguan Center for Human Rights in an intimidating fashion.

The government continued to block the entrance of the OAS high-level commission to help resolve the country's sociopolitical crisis. The government did not send a representative to any of the 2020 IACHR hearings. In several instances

progovernment supporters detained or harassed protesters protected by IACHR precautionary measures.

Government Human Rights Bodies: In 2019 the National Assembly elected as human rights ombudsman Darling Rios, a sociologist with no previous human rights experience. Rios was a prominent leader of the Sandinista Youth wing of the FSLN. The National Assembly also elected a new vice ombudsman, Adolfo Jarquin, son of the previous vice ombudsman, also with no previous human rights experience. The Office of the Ombudsman for Human Rights was perceived as politicized and ineffective. In 2019 the UN Human Rights Council demoted the Office of the Ombudsman for Human Rights from category A to B for its lack of independence. The government claimed to operate a Truth Commission purportedly to investigate violence from the 2018 prodemocratic uprising. The commission did not report any significant findings, and independent observers deemed it incompetent.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes all forms of rape of men or women, regardless of the relationship between the victim and the accused. Sentences for those convicted of rape range from eight to 12 years' imprisonment. The law criminalizes domestic violence and provides prison sentences ranging from one to 12 years.

The government failed to enforce rape and domestic violence laws, leading to widespread impunity and reports of increased violence from released offenders emboldened by their release. The NGO Catholics for the Rights to Decide (CDD) reported that there were 69 femicides as of November, most of them committed after the victims suffered sexual violence. The government recognized 15 femicides in the same period, although it reported 36 women killed as of August. Two girls ages 10 and 12 were raped and killed in the north-central region of the country by their mother's former partner. The mother of the girls alleged the eldest had been raped twice before and that despite reporting it to police, no action had been taken. The government continued to use FSLN-led family cabinets and CLSs in mediation processes in cases of domestic violence. Both processes were politicized and did not operate according to rule of law. The government employed limited public education, shelters, hotlines, psychosocial services, and police training in nominal and unsuccessful attempts to address the problem.

Observers reported a general increase in sexual crimes and violence against women during the year; however, data were unreliable. NGOs working on women's issues reported that violence against women increased and that police generally understated its severity. The government reported receiving 301 reports of rape, 175 reports of aggravated rape, and 690 reports of sexual abuse between January and August 30, compared with 332 cases of rape, 248 cases of aggravated rape, and 897 cases of sexual abuse in all of 2019. The government reported solving more than 80 percent of sexual violence cases during the year, although a CDD report claimed police generally failed to investigate allegations of sexual violence and abuse. The ruling party did not coordinate with women's rights NGOs and actively blocked their operations and access to funding.

Sexual Harassment: The law prohibits sexual harassment, and those convicted face one- to three-year sentences in prison, or three to five years if the victim is younger than 18. No information was available on government efforts to prevent or prosecute complaints of sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law provides for gender equality. Nevertheless, women often experienced discrimination in employment, obtaining credit, and receiving equal pay for similar work, as well as in owning and managing businesses. While the government enforced the law effectively in the public sector, women in positions of power faced limitations, and their authority was limited compared with that of men. Enforcement was not effective in the private sector or the larger informal sector.

Children

Birth Registration: Citizenship is derived by birth within the country's territory and from one's parents. Local civil registries register births within 12 months, although many persons, especially in rural areas, lacked birth certificates. Registration in rural areas was difficult due to structural constraints, and the government took no measures to address this, resulting in a number of de facto stateless persons in the country. Persons without citizenship documents were unable to obtain national identity cards and consequently had difficulty participating in the legal economy, conducting bank transactions, or voting. Such

persons also were subject to restrictions in employment, access to courts, and land ownership.

Child Abuse: According to the criminal code, prison sentences for rape committed against minors range from 12 to 15 years, and for child abuse, from seven to 12 years. Government efforts were insufficient to combat child abuse and sexual violence against minors. High rates of sexual violence against teenage girls contributed to high rates of teenage pregnancy, according to UNICEF.

Child, Early, and Forced Marriage: The minimum legal age for marriage is 18 for men and women, or 16 with parental authorization. There were credible reports of forced early marriages in some rural indigenous communities. UNICEF's 2017 *State of the World's Children*, the most recent data available, reported 41 percent of women 20 to 24 years of age were married or in a union by age 18, and 10 percent were married by age 15. No information was available on government efforts to address or prevent forced and early marriage.

Sexual Exploitation of Children: The law prohibits sexual exploitation in general and designates enticing children or adolescents to engage in sexual activity as an aggravating condition. The government generally did not enforce the law when pertaining to child sex trafficking. Penalties include 10 to 15 years in prison for a person who entices or forces any individual to engage in sexual activity and 19 to 20 years in prison for the same acts involving children or adolescents. The law defines statutory rape as sexual relations with children age 14 or younger.

The law also prohibits child pornography, and the government generally enforced it. The penalty for an individual convicted of inducing, facilitating, promoting, or using a minor for sexual or erotic purposes is 10 to 15 years in prison.

The country was a destination for child sex tourism. The law imposes a penalty of five to seven years in prison for convicted child-sex tourists.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The country has a very small Jewish population. There were no known reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Discrimination against persons with physical, sensory, intellectual, and mental disabilities was widespread despite being prohibited by law. Laws related to persons with disabilities do not stipulate penalties for noncompliance, although penalties may be issued under the general labor inspection code. The Ministry of the Family, Ministry of Labor, and Human Rights Office are among government agencies responsible for the protection and advancement of rights of persons with disabilities. The government did not enforce the law effectively; did not mandate accessibility to buildings, information, and communications; and did not make information available on efforts to improve respect for the rights of persons with disabilities. Advocacy organizations for persons with disabilities reported persons with disabilities accounted for less than 1 percent of public-sector employees, despite the legally mandated minimum representation of 2 percent. Further reports indicated public institutions did not sufficiently coordinate with the Labor Ministry to accommodate persons with disabilities in the workplace.

Persons with disabilities faced severe problems accessing schools, public health facilities, and other public institutions. Children with disabilities attended schools with nondisabled peers; specialized school materials were not readily available and on occasion were blocked by the Ministry of Education. Anecdotal evidence suggested that children with disabilities completed secondary education at a significantly lower rate than other children. Public schools were rarely well equipped, and teachers were poorly trained in providing appropriate attention to children with disabilities. Many voting facilities were not accessible. Complaints continued regarding the lack of accessible public transportation. Some persons with disabilities reported taxi drivers often refused them service due to the perceived extra burden on the driver to aid customers with disabilities. Advocates for persons with disabilities claimed interpreters for the deaf were not accessible at schools and universities, making it difficult for these persons to obtain education. Government clinics and hospitals provided care for veterans and other persons with disabilities, but the quality of care generally was poor.

Members of National/Racial/Ethnic Minority Groups

Exclusionary treatment based on race, skin color, and ethnicity was common, especially in higher-income urban areas. Darker-skinned persons of African descent from the RACN and the RACS, along with others assumed to be from those areas, experienced discrimination, such as being subjected to extra security measures and illegal searches by police. Indigenous and other ethnic groups from the RACN and the RACS alleged that discriminatory attitudes toward ethnic and racial minorities were responsible for the lack of government resources devoted to the regions. The ruling party devoted attention and resources to keeping political control over decision-making bodies in the regions where most indigenous groups lived.

Indigenous People

Indigenous persons constituted approximately 5 percent of the population and lived primarily in the RACN and RACS. Despite having autonomous governing bodies, decisions affecting their lands, cultures, traditions, or the exploitation of energy, minerals, timber, and other natural resources on their lands were largely made or approved by national government authorities or by FSLN representatives. Individuals from five major indigenous groups--the Miskito, Sumo/Mayangna, Garifuna (of Afro-Amerindian origin), Creole, and Rama--alleged government discrimination through underrepresentation in the legislative branch.

NGOs and indigenous rights groups denounced the increasing number of killings of indigenous persons at the hands of nonindigenous populations encroaching on their lands in the RACN and RACS, and they claimed the government failed to protect the civil and political rights of indigenous communities. In January unidentified armed cattle ranchers attacked a settlement and killed eight indigenous persons in an effort to drive indigenous populations from their lands. Unidentified gunmen killed five more indigenous persons from the Mayagna community in March. Human rights defenders described the March killings of six indigenous persons in Tuahka territories in the Rosita municipality in the north of the country as being the result of land conflicts. The Oakland Institute, an NGO that investigates land thefts globally, said the government actively encouraged the illegal land seizures. Some observers alleged government and FSLN involvement in the violence against Miskito populations in the RACN along the Coco River, either by failing to defend indigenous populations or as accomplices to nonindigenous groups invading indigenous lands.

Indigenous groups continued to complain of rights violations in connection with government plans to build an interoceanic canal. Indigenous persons from rural areas often lacked birth certificates, identity cards, and land titles. Most indigenous individuals in rural areas lacked access to public services, and deteriorating roads made medicine and health care almost unobtainable for many.

Indigenous women faced multiple levels of discrimination based on their ethnicity, gender, and lower economic status.

Throughout the year indigenous leaders alleged that regional and national governments granted logging concessions to private firms and to government-affiliated businesses, such as ALBA-Forestal, and that logging continued in violation of national autonomy laws in the RACS and RACN.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) groups reported lack of access to justice and discrimination and lack of response from the NNP. The government and FSLN supporters frequently targeted LGBTI participants in civil protests in particular, using online smear campaigns and physical attacks in some cases. LGBTI opposition members were particularly targeted with sexual violence by the NNP, parapolice, and progovernment supporters. In September a lesbian opposition leader was raped and beaten, reportedly due to her political activism. The NNP had not investigated the case as of September. LGBTI activists said political prisoners self-censored their orientation, fearing increased abuse from prison guards. Reliable data on the breadth of such discrimination were not available. No specific laws exist to punish hate crimes against LGBTI persons.

Transgender women detained for participating in prodemocracy protests were particularly harassed while in custody. They were kept with male inmates, forced to strip in front of their peers, and specifically harangued by guards. The law does not recognize the right to gender identity self-determination, and as such the penitentiary system is not required to separate inmates based on gender identity. There were reports of attacks against Celia Cruz, a political prisoner and transgender woman, and the NNP reportedly failed to investigate the cases appropriately.

Although it does not mention sexual orientation and gender identity specifically, the law states all persons are equal before the law and provides for the right to

equal protection. No laws specifically criminalize consensual same-sex sexual conduct between adults. LGBTI persons, however, continued to face widespread societal discrimination and abuse, particularly in housing, education, and employment. LGBTI organizations continued to complain the law curtailed the rights of LGBTI households by defining families as necessarily headed by a man and a woman; this definition particularly affected LGBTI households' access to social security, survivor benefits, and adoption rights.

HIV and AIDS Social Stigma

The law provides specific protections for persons with HIV or AIDS against discrimination in employment and health services, but such persons continued to suffer societal discrimination. An administrative resolution issued by the Ministry of Health continued in effect, declaring that HIV/AIDS patients should not suffer discrimination and making available a complaints office.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of all workers in the public and private sectors, with the exception of those in the military and police, to form and join independent unions of their choice without prior authorization and to bargain collectively. The government violated the right by controlling established unions. The ruling party used its control over major unions to harass and intimidate workers in several sectors, including education, health care, the public sector, and free trade zones. The constitution recognizes the right to strike, although it places some restrictions. The law prohibits antiunion discrimination but does not provide for measures to protect against rights violation. Burdensome and lengthy conciliation procedures impeded workers' ability to call strikes. The government created parallel labor unions to confuse and diffuse efforts to organize strikes or other labor actions. In addition, if a strike continues for 30 days without resolution, the Ministry of Labor may suspend the strike and submit the matter to arbitration.

A collective bargaining agreement may not exceed two years and is renewed automatically if neither party requests its revision. Collective bargaining agreements in the free trade zone regions, however, are for five-year periods. Companies in disputes with their employees must negotiate with the employees' union if one exists. By law several unions may coexist at any one enterprise, and

the law permits management to sign separate collective bargaining agreements with each union.

The government sought to foster resolution of labor conflicts through informal negotiations rather than formal administrative or judicial processes. The law does not establish specific fines for labor law violations, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Although the law establishes a labor court arbitration process, it was subject to long wait times and lengthy and complicated procedures, and many labor disputes were resolved out of court. The government claimed the vast majority of labor disputes (89 percent) were resolved favorably to workers, but labor and human rights organizations continued to allege rulings were often unfavorable to workers.

Freedom of association and the right to collective bargaining were not respected, and the government often intervened for political reasons. The government did not effectively enforce the laws. Most labor unions were allied with political parties, and in recent years the government reportedly dissolved unions and fired workers not associated with the ruling FSLN. Independent labor experts reported the Ministry of Labor denied or unduly delayed providing legal recognition to unions who were not in favor of the ruling party.

Politically motivated firings continued to be a problem. The Ministry of Health fired at least 20 medical staff in June after they signed a letter criticizing the lack of personal protective equipment as they battled COVID-19 in health-care facilities across the country. These firings followed the removal of at least 405 doctors, including medical school professors, in 2018 and 2019 for rejecting government orders not to provide medical attention to protesters, according to the Nicaraguan Medical Association. A majority of the doctors and university staff from the public sector fired for political reasons since 2018 had not received severance pay as of November. Party affiliation or letters of recommendation from party secretaries, family cabinet coordinators, or other party officials were allegedly required from applicants seeking public-sector jobs. Several sources highlighted similar instances of public-sector employees being fired without receiving severance pay.

Following the 2018 prodemocracy uprising, the government restricted the organizing of trade unions and teachers perceived to be in opposition to the government.

There were no known high-profile documented instances of strikes being declared illegal. During a strike employers may not hire replacement workers, but unions alleged this practice was common. Wildcat strikes--those without union authorization--have historically been common.

Employers interfered in the functioning of workers' organizations and committed other violations related to freedom of association and collective bargaining. Labor leaders noted employers routinely violated collective bargaining agreements and labor laws with impunity.

Official union federations were accused of protecting employer interests by identifying and isolating workers who attempted to organize as well as frustrating such attempts through arbitrary procedural barriers that delay approval processes. Federations also permitted illegal firings of workers who tried to organize themselves; the workers faced retaliation and permanent exclusion from jobs in the free trade zones.

Many employers in the formal sector, which declined during the year, continued to blacklist or fire union members and did not reinstate them. Many of these cases did not reach the court system or a mediation process led by the Ministry of Labor. Employers often delayed severance payments to fired workers or omitted the payments altogether. Employers also avoided legal penalties by organizing employer-led unions lacking independence and by frequently using contract workers to replace striking employees. There were reports FSLN party dues were automatically deducted from paychecks.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. There was no information available regarding government enforcement of these laws. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping. Despite reported political will to combat human trafficking, including labor trafficking, during the year the government did not take sufficient action to address the scope of the problem and provided only limited information about its law enforcement efforts.

Observers noted reports of forced labor, including of men, women, and children in agriculture, construction, mining, street begging, and domestic servitude. Victim identification, prosecution, and conviction remained inadequate, and victims' family members were often complicit in their exploitation. Traffickers lured

residents of rural or border regions with the promise of high-paying jobs in urban and tourist areas but then subjected them to sexual exploitation and forced labor.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The law establishes the minimum age for employment at 14 and limits the workday for any individual between ages of 14 and 18 to six hours and the workweek to 30 hours. Those between 14 and 16 must have parental approval to work or enter into a formal labor contract. The law prohibits teenage domestic workers from sleeping in the houses of their employers. It is illegal for minors to work in places the Ministry of Labor considers harmful to their health or safety, such as mines, garbage dumps, and night entertainment venues, and to undertake certain agricultural work. The government mostly enforced the law in the formal sector, but enforcement was insufficient in the much larger informal sector, where child labor was more prevalent. Legal penalties for persons employing children in dangerous work were commensurate with those for other analogous serious crimes, such as kidnapping.

The government used its limited resources to concentrate on child labor violations in select sectors in narrow geographic areas, such as coffee-growing regions, and gave only limited attention to the large informal sector. The government reported having separated nine children from work between January 2019 and the first semester of 2020.

The government signed thousands of cooperative agreements with employers to prevent the hiring of minors and continued Programa Amor, which aimed to eradicate child labor by reintegrating abandoned children into society. Information on the program's activities, funding, and effectiveness was unavailable, but independent observers deemed it insufficient.

Laws to eliminate child labor were not fully implemented and lacked a consistent mechanism to coordinate efforts to address child labor. The government also divested resources from child labor prevention. Attendance in secondary schools remained much lower than that in primary schools, increasing the risk of older children engaging in exploitative labor.

Of children 15 percent lacked birth certificates, which increased their risk for human trafficking, including for the purposes of commercial sexual exploitation.

Child labor remained widespread. According to organizations that worked on children's rights, this likely increased to almost 320,000 children working in some form of child labor. A common feature of child labor was the prevalence of unpaid family work, and the National Institute of Development Information stated 80 percent of children and adolescents were unpaid workers.

Children engaged in the worst forms of child labor, including in commercial sexual exploitation (see section 6). Most child labor occurred in forestry, fishing, and the informal sector, including on coffee plantations and subsistence farms. Child labor also occurred in the production of dairy products, oranges, bananas, tobacco, palm products, coffee, rice, and sugarcane; cattle raising; street sales; garbage-dump scavenging; stone crushing; gold mining and quarrying of pumice and limestone; construction; drug production and trafficking; street performing; domestic work; and transport. Persons with disabilities and children were subjected to forced begging, particularly in Managua and near tourist centers.

Children working in agriculture suffered from sun exposure, extreme temperatures, and dangerous pesticides and other chemicals. Children working in the fishing industry were at risk from polluted water and dangerous ocean conditions.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation or gender identity, HIV or other communicable disease status, or social status. The government did not deter such discrimination because it did not effectively enforce the law and regulations. Penalties for violations were commensurate with laws related to civil rights, such as election interference.

Discrimination in employment took many forms. Although women generally had equal access to employment, few women had senior positions in business and worked in the informal sector at higher levels than men; in the public sector or in

elected positions, women's independence and influence were limited. In addition women's wages were generally lower when compared with those of male counterparts, even for the same position and work performed. Workplace challenges for persons with disabilities included inadequate infrastructure, lack of educational opportunities, and a generally low rate of public-services positions, despite a legal requirement that a certain percentage be available to them. LGBTI organizations reported that sexual orientation and gender identity continued to be a basis for discriminatory behavior.

Workers who disagreed with government recommendations were fired, and only those with a membership card of the ruling party were hired.

e. Acceptable Conditions of Work

The law establishes a statutory minimum wage for 10 economic sectors. According to the Ministry of Labor, the average legal minimum wage covered only 35 percent of the cost of basic goods. The ministry, together with workers' unions aligned with the ruling party, agreed to a 2.63 percent wage increase for the year. Free trade zone regions had a wage increase of 8 percent, prenegotiated in a five-year agreement expected to expire in 2022. The salary increase remained unchanged despite free trade zone representatives reporting unsteady industry performance.

The minimum wage was generally enforced only in the formal sector, estimated to be approximately 20 percent of the economy, and in contracting. The Ministry of Labor is the primary enforcement agency.

The standard legal workweek is a maximum of 48 hours, with one day of rest. The law dictates an obligatory year-end bonus equivalent to one month's pay, proportional to the number of months worked. The law mandates premium pay for overtime, prohibits compulsory overtime, and sets a maximum of three hours of overtime per day not to exceed nine hours per week. Penalties for violations of minimum wage and overtime laws were not commensurate with those for similar crimes, such as fraud.

According to International Labor Organization guidelines, the number of labor inspectors was insufficient for the size of the workforce, which included approximately three million workers. The law allows inspectors to conduct unannounced inspections and initiate sanctions for egregious violations.

The National Council of Labor Hygiene and Safety, including its departmental committees, is responsible for implementing worker safety legislation and collaborating with other government agencies and civil society organizations in developing assistance programs and promoting training and prevention activities. According to labor contacts, the council was inactive throughout the year. The government did not allocate adequate staff or other measures to enable the Office of Hygiene and Occupational Safety to enforce occupational safety and health (OSH) provisions. Penalties for violations of occupational safety and health laws were commensurate with those for crimes such as negligence, but they were infrequently enforced and only in the formal sector.

OSH standards also were not widely enforced in an expanding large informal sector, which represented 77 percent of employment and 88 percent of businesses, according to 2016 reports from the Consultants for Business Development and the Nicaraguan Foundation for Economic and Social Development. Although more recent statistics on informality were not available, experts viewed this indicator as necessarily rising as a result of sociopolitical unrest and the aftermath of the COVID-19 pandemic. The informal sector included the bulk of workers in street sales, agriculture and ranching, transportation, domestic labor, fishing, and minor construction. Legal limitations on hours worked often were ignored by employers, who claimed workers readily volunteered for extra hours for additional pay. Violations of wage and hour regulations in the informal sector were common and generally not investigated, particularly in street sales, domestic work, and agriculture, where children continued to work in tobacco, banana, and coffee plantations. Compulsory overtime was reported in the private-security sector, where guards often were required to work excessive shifts without relief.

By law workers may remove themselves from situations that endanger their health or safety without jeopardy to their employment. It was unclear if authorities effectively protected employees in such cases.

During the COVID-19 pandemic, government officials ordered medical staff not to wear personal protective equipment. In response to this and the lack of government response to the pandemic, 25 doctors signed a letter in July requesting that doctors be issued protective equipment and not be prosecuted for using it. The doctors were fired in retaliation. In November the Citizen's Observatory reported that approximately 100 health workers had died of the virus.