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Country Report on Human Rights Practices 2018 - Nicaragua

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 (FSLN) party exercises total control over the executive, legislative, judicial, and electoral functions despite the country’s official status as a multiparty constitutional republic. 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 have 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 2017 municipal elections and noted the need for comprehensive electoral reform.

Civilian authorities maintained effective control over police and parapolice security forces. Parapolice are nonuniformed, masked, and armed groups with tactical training and organization, acting in coordination with government security forces, under the direct control of the government, and reporting directly to the Nicaraguan National Police (NNP).

In April 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. The government’s excessive response included the use of live ammunition and snipers. Protesters built makeshift roadblocks and confronted NNP and parapolice with rocks and homemade mortars. As of late November, the ensuing conflict left at least 325 persons dead, more than 2,000 injured, hundreds illegally detained and tortured, and more than 52,000 exiled in neighboring countries. Beginning in August 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.

Human rights deteriorated markedly during the year. Issues included reports of unlawful or arbitrary killings committed by the government or its agents; forced disappearance by parapolice forces; torture; physical abuse, including rape, by

government officials; and arbitrary arrest and detention. There were harsh and life-threatening prison conditions; political prisoners; arbitrary and unlawful interference with privacy; arrests of journalists, censorship, site blocking, and criminal libel; and substantial interference with the rights of peaceful assembly and freedom of association, including attacks on the Roman Catholic Church and Church officials. The government stripped the legal status of several nongovernmental organizations (NGOs) and civil society organizations, seizing their assets and preventing them from operating. There was widespread corruption; trafficking in persons; attacks against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; discrimination against ethnic minorities and indigenous communities; and child labor.

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.

NNP officers and parapolice forces shot high-caliber weapons from concealed, elevated, and distant locations at protesters in Esteli, Masaya, and Managua. Independent forensic investigations by human rights organizations and local media suggested the shooters specifically aimed to kill, as 19 victims suffered high-precision gunshot wounds to the head and thorax.

On May 10, the NNP and parapolice raided the Polytechnic University in Managua and fired live ammunition, killing several students. On July 12-13 in Managua, the NNP and parapolice attacked students from the National Autonomous University of Nicaragua (UNAN) who had found shelter in a nearby church, leaving one student dead.

Parapolice, reportedly well trained and equipped with vehicles and high-caliber weapons, and the NNP attacked roadblocks and barricades throughout the country, resulting in numerous deaths.

There were several reports from individuals claiming that a family member believed to have been detained was later found dead. Such bodies were found in the morgue or discovered strewn about city streets.

Approximately 40 of the protest deaths were police officers or members of the ruling party, according to President Ortega. There were credible reports the government killed some police officers for refusing to follow orders to suppress protests.

There were credible reports the government directed the Ministry of Health to deprive protesters of medical attention and instructed public hospitals and clinics under the control of the Social Security Institute not to provide medical care to wounded protesters. On April 20, a 15-year-old who was shot in the face while bringing water to protesters was denied medical care and became the first minor to die in the protests.

Reports of killings were common in the north-central regions and the North Caribbean Autonomous Region (RACN). These killings were widely believed to be related to the army's pursuit of armed antigovernment groups in the north-central region, although the army admitted only the presence of criminals and delinquents. Government forces continued to carry out arbitrary or unlawful killings during confrontations with armed groups (both criminal organizations and possibly antigovernment groups), in the north-central and Caribbean regions. 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. In some cases, the individuals killed by military or police personnel were members of groups identifying themselves on social media as politically motivated and that had taken up arms against the government.

There was no indication the government investigated claims that three members of a self-proclaimed politically motivated armed group in Siuna, in the RACN, had been tortured and killed extrajudicially in 2017. There were no further developments in the September 2017 killing of three individuals in Siuna by the army's "Ecological Battalion." There was no further investigation of the November 2017 killing of six individuals, including a known opposition figure, his brother, and two minors, by the military in the municipality of La Cruz de Rio Grande in the South Caribbean Autonomous Region (RACS).

b. Disappearance

The Nicaraguan Pro-Human Rights Association (ANPDH) reported more than 500 disappearances between April 19 and July 26. Armed parapolice forces arbitrarily detained protesters and often held them in makeshift facilities without allowing them to inform family members or seek legal counsel. The detentions generally lasted between two weeks and one month. NNP officers and prison authorities often denied detainees were in custody. Other detainees were eventually found dead in the morgue or in city streets. 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.

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 on April 19 were more likely than members of other groups to be subjected to such treatment.

In its August 29 report, the Office of the UN High Commissioner for Human Rights (OHCHR) gave detailed accounts from detainees who had been subjected to physical and psychological torture by the NNP, parapolice, or prison authorities, including burnings with Taser guns and cigarettes, use of barbed wire, beatings with fists and tubes, attempted strangulation, and death threats. Local NGO Permanent Commission for Human Rights reported at least one detainee had one of his nails pulled out and another received electric shocks. Another detainee reported suffering beatings, electrocution, waterboarding, and sodomization with a firearm. Several detainees released from La Modelo prison said the NNP brought police cadets into the prison to show them how to beat prisoners without leaving obvious marks.

The OHCHR reported many detainees were subjected to degrading treatment and sexual violence, including rape of men and women, while in the custody of parapolice forces, prison officials, and the NNP, as well as the Directorate of Judicial Assistance (DAJ), a special police investigations unit, in its jail commonly referred to as “El Chipote,” especially during arrests related to the protests. According to media reports, on August 30, NNP members beat a man in Esteli, raped him using a knife, and subsequently castrated him and left him on the side of a road.

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. In October the government reported holding 20,918 prisoners in facilities with a capacity of 11,781. 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. Inmates also suffered from parasites, inadequate medical attention, frequent food shortages, contaminated water, and inadequate sanitation. Released prisoners and family members of prisoners reported poor ventilation and lighting in the DAJ jail located in Managua. Although conditions for female inmates were generally better than those for men, they were nevertheless unsafe and unhygienic.

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.

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. In certain instances the government restricted 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 denied prison visits by local human rights groups and media. 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.

There was limited independent monitoring of prison conditions by international human rights organizations. Authorities allowed the Inter-American Commission on Human Rights (IACHR) rapporteur on the rights of persons deprived of liberty into the Chipote and Modelo prisons during a May 18-21 visit to the country, but they did not respond to his request for a follow-up visit in September. The government denied the IACHR access to the DAJ offices and jail facilities on June 28 but on July 2 granted access to the IACHR rapporteur for Nicaragua, Antonia Urrejola, who was in the country to confirm the location and conditions of detainees from antigovernment protests.

d. Arbitrary Arrest or Detention

Human rights NGOs noted hundreds of cases of arbitrary arrests by the NNP, parapolice forces, and army, although parapolice and the army have no authority to make arrests. Many members of a group of 170 detainees released on April 24 were unloaded from vans along a road leading to La Modelo prison in Tipitapa rather than being released to family members, human rights organizations, or Catholic Church representatives. On September 19, the vice minister of interior, Luis Canas, acknowledged the penitentiary system had 204 detainees in the context of civil protests; human rights organizations believed the number was closer to 500.

Role of the Police and Security Apparatus

The constitution establishes the NNP as an apolitical, nonpartisan institution protecting all citizens equally under the law. The army is responsible for external security but also has some domestic responsibilities, including countering illicit trafficking in narcotics and human trafficking and providing for the transportation of election-related materials, including ballots.

The NNP responds directly to the president as commander in chief, as established by constitutional changes in 2014 that diminished the Ministry of Interior’s role in oversight of the NNP. Parapolice forces emerged on May 30 in the context of stopping social unrest. On July 30, President Ortega said these parapolice forces were voluntary police, although their actions, including arrests, killings, and forced disappearances, did not fit within the legal structure afforded to voluntary police. Parapolice members were heavily armed, shot live ammunition at protesters, and coordinated actions with regular police. In some cases, police vehicles transported them.

The army is a functionally autonomous force responding directly to the president pursuant to constitutional and military code reforms enacted in 2014 that diminished the role of the (civilian) Defense Ministry in oversight of the army. The army repeatedly stated it would remain neutral during the protests and government repression that began on April 19 and denied reports of its participation in the violence. Security experts, including former Nicaraguan military officials, suggested the military did cooperate with suppressing the protests, noting the high-caliber weapons handled by highly trained persons during the repression of protesters were used exclusively by the military.

Civilian authorities maintained effective control over the NNP and the military, and the government did not employ effective mechanisms to investigate and punish abuse. The NNP Office of Internal Affairs is responsible for investigating complaints and abuses regarding police officers or internal police activities. The Ministry of Interior and the NNP each have law enforcement and internal security responsibilities throughout the country. The Ministry of Interior oversees the General Directorate for Migration and Foreigner Services, which works together with police to oversee migration and border security. The Office of the Inspector General is responsible for investigating abuses and corruption in the army, but public information available on its activities was limited.

Observers noted the politicization of the NNP, exemplified by the use of parapolice forces outside the NNP chain of command and under no legal framework, to respond to orders from President Ortega and his wife, Vice President Murillo. The NNP arrested protesters on grounds of crimes including terrorism, organized crime, and financing terrorism, and the Prosecutor’s Office and judges processed their cases.

The NNP Office of Internal Affairs, and to a lesser extent the Office of the Inspector General, are responsible for investigating police abuse; however, lack of separation of power among the NNP, the ruling party, and the justice system did not allow for an impartial investigation into corruption, inefficiency, and violations of human rights. Due to limited information on the activities of the Office of Internal Affairs, human rights organizations and security experts were unable to assess how the NNP investigated allegations of abuses and human rights violations by its members.

Human rights organizations and civil society activists continued to express strong concern regarding the 2015 Sovereign Security Law, which significantly broadened the definition of state sovereignty and security and established a National Committee of Sovereign Security, an executive-level committee with the enforcement backing of the military. The law includes “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” when it outlines potential risks and threats to the country’s sovereign security. Human rights NGOs and civil society organizations argued the Sovereign Security Law was the basis for repression against protests, although the government did not publicly cite the law in specific cases.

Impunity remained a severe problem, and the government did not provide training to increase respect for human rights by security forces. The NNP, Prosecutor’s Office, and judges under the influence of the ruling party arrested, investigated, and charged antigovernment protesters while ignoring crimes committed by the NNP, progovernment individuals, and parapolice.

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 within 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. The 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. The Truth, Justice, and Peace Commission, created by the National Assembly to investigate violence related to civil unrest, stated in its July report that 204 of the 505 known detainees had been detained for more than the established 48 hours without being brought before a judge. 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.

Arbitrary Arrest: According to NGOs and other human rights groups, arbitrary arrests occurred regularly, including but not limited to the context of the protests that started in April. Numerous reports claimed authorities used DAJ jail cells for arbitrary arrests beyond the prescribed 48 hours of detention legally allowed. Many arrests were allegedly made without warrants and without informing family members or legal counsel. Human rights organizations indicated delays in the release of prisoners after finishing prison terms led to many cases of arbitrary continuation of a state of arrest. The NNP and army also committed irregular arrests and detentions during investigations into armed opposition groups or other violent crimes in the north-central

regions of the country. On November 26, immigration authorities called women’s activist Ana Quiros, a Nicaraguan-Costa Rican dual citizen, to their offices, whereupon authorities handcuffed her, detained her in El Chipote prison for more than five hours, revoked her Nicaraguan citizenship, deported her to Costa Rica in violation of due process.

Pretrial Detention: Lengthy pretrial detention continued to be a problem. Many of those arrested during the social upheaval that started on April 19 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 detained in the unrest 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 (CSJ), 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 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.

According to the constitution, defendants are presumed innocent until proven guilty; observers claimed, however, that persons detained in the context of the antigovernment protests were criminalized even before the start of the trial. In a July 13 session at the Organization of American States (OAS), Foreign Minister Denis Moncada said that Medardo Mairena, coordinator of the anti-Law 840 peasant group and a civil society member of a national dialogue, was a terrorist. Authorities arrested Mairena that same day and later accused him of terrorism. Authorities provided neither a reason for his arrest nor legal representation, nor did they inform his family, all of which were violations of due process. Following a trial that was deeply procedurally and substantively flawed, the prosecutor recommended a 72-year sentence.

Trial Procedures

Changes to the law enacted in 2017 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, although this was not always respected. Proceedings in most cases related to charges of terrorism brought against protesters in the context of antigovernment protests starting on April 19 were made private, except for official media. One judge who made a protest-related proceeding public was dismissed from her position within a few days.

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 antigovernment 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 in detriment of the defendant’s case. In many cases legal counsels of the defendants received death threats, which caused some to resign. 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.

The August 29 OHCHR report found that “trials of people charged in relation to the protests have serious flaws and do not observe due process, including the impartiality of the courts.”

On August 30, a court found Brandon Lovo Taylor and Glen Slate guilty of the April 21 murder of journalist Angel Gahona in the Caribbean coastal town of Bluefields. Gahona died of a single gunshot to the head while streaming live protests from his phone. The trial was conducted in Managua, limiting the defendants’ access to legal counsel and their family members. Proceedings took place behind closed doors except for official government media. The IACHR Interdisciplinary Group of Independent Experts did not have access to the courtroom in this case, despite an agreement with the government to help with legal proceedings stemming from protest-related violence. The prosecutor alleged the two men shot a homemade weapon at the journalist from across the street. When the defense’s independent ballistics expert stated that would be impossible given the distance, angle, and precision of the shot, the judge dismissed the independent expert witness. None of the prosecutor’s witnesses could place the accused at the scene of the crime, and the NNP officers on the scene did not participate in the trial.

Women’s rights organizations believed the court system continued to operate under unofficial orders to forgo jail time or pretrial detention in domestic violence cases. The policy reportedly applied only to domestic violence cases considered mild.

Political Prisoners and Detainees

Human rights NGOs characterized the protesters detained in the context of antigovernment protests starting on April 19 as political prisoners. As of November 19, the Nicaraguan Center for Human Rights (CENIDH) counted more than 600 protesters detained. The NNP arrested more than 100 of the detainees under charges of terrorism, organized crime, and financing terrorism. The FSLN supermajority in the National Assembly enabled some of these arrests when it amended Law 977 to apply to “anyone who damages public or private buildings, wishes to alter the constitutional order, or wishes to force the government to take a certain action or refrain from taking certain action.” The prison sentence for such acts is 15 to 20 years.

After the July 2 IACHR visit, the government did not allow local or international human rights organizations access to these political prisoners, so it was unknown if such persons were given the same protections as other detainees. On September 19, the government issued photographs of three high-profile political prisoners as purported proof of their well-being, but human rights organizations claimed the photographs were taken closer to the time of arrest.

Civil Judicial Procedures and Remedies

Individuals and organizations may file suit in civil courts to seek damages for 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 IACHR, which passed their cases to the Inter-American Court of Human Rights.

Property Restitution

The government regularly failed to enforce court decisions with respect to seizure, restitution, or compensation of private property. Enforcement of court orders was frequently subject to nonjudicial considerations. Members of the judiciary, including those at senior levels, were widely believed to be corrupt or subject to political pressure. The government failed to evict those who illegally took possession of private property. Within the context of social upheaval starting on April 19, members of the FSLN illegally took over privately owned lands, with implicit and explicit support by municipal and national government officials. Some land seizures were politically targeted and directed against specific individuals, such as businessmen traditionally considered independent or against the ruling party. As of August 24, the private sector confirmed approximately 15,000 acres remained seized.

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

The government 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, armed masked men, or party loyalists to target the homes of antigovernment protesters. Without a warrant and under no legal authority, these groups illegally raided homes and detained occupants. These actions were widespread in the large cities, particularly Managua, Matagalpa, Esteli, Masaya, Rivas, Leon, and Jinotega. On June 16, after occupants reportedly refused to allow them to place gunmen on the roof of a Managua home, parapolice set fire to the house, killing a family of six. Parapolice remained outside the house, guns drawn, to ensure the family could not escape the blaze and to prevent access to the house by voluntary firefighters, according to witnesses. Six months later, the NNP issued a press accusing student protestors of the arson and CENIDH of a secret campaign to persuade survivors to blame the NNP in exchange for visas.

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 antigovernment 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 October 3, the government published an amendment to the Financial Analysis Unit (UAF) Law to allow the UAF to access individuals' personal data held by eight public institutions, including salary information, international travel, personal property registration, and credit and banking records. The UAF does not require a judicial decision or warrant to access this information, nor is it required to disclose to the individual that he or she is under investigation. The UAF investigated perceived members of the opposition in order to support charges of terrorist financing.

Inhabitants in northern towns, particularly in the departments of Nueva Segovia, Jinotega, and Madriz, as well as the RACS and the RACN, alleged repeated government interrogations and searches without cause or warrant, related to supposed support for armed groups, while government officials claimed they were confronting common criminals.

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

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 radio and television stations through raids, arson, blocking transmissions, and violence against journalists.

Freedom of Expression: The government used reprisals to restrict the ability of individuals to criticize the government. There were a number of incidents throughout the year in which public officials, including at the ministerial, congressional, and local government levels, were reportedly ousted for expressing their opinions through the independent media or on social media.

Independent media experienced vandalism, seizure of broadcast equipment, and fear of criminal defamation charges. The government repeatedly denied broadcasting licenses and other permits for independent media. Further attempts to intimidate came through continued financial audits performed by the Directorate General of Revenue, 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 limited or no direct access to government information. Official media, however, were not similarly restricted.

The government restricted symbolic speech. On May 5, a group of protesters changed the FSLN red and black colors at the base of a statue of Augusto Cesar Sandino at the entrance of the town of Niquinohomo to white and blue, the national flag colors. FSLN members responded violently and changed the colors back to red and black, which led to clashes between the groups. Starting on September 1, protesters started releasing white and blue balloons on city streets as a form of protest and to celebrate independence days (September 14 and 15). NNP officers arrested two boys for carrying a large bag full of white and blue balloons. On September 12, during a celebration of Central American independence, men in a vehicle with FSLN paraphernalia stopped a high school student who was wearing a white and blue bandana and carrying an Independence and Peace Torch and ordered her to remove the bandana or give the torch to someone else. The girl eventually took the bandana off and continued running with the torch.

Press and Media Freedom: 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. In May the entire news team of Channel 10, which was owned by a foreigner close to the FSLN party, threatened to resign after the station refused to cover the protests. When the station relented, allowing coverage to take place, the head of government station Channel 8's news desk attempted to install himself as the news director of Channel 10. The Financial Analysis Unit launched a money-laundering investigation against Nicaraguan-Honduran general manager Carlos Pastora, reportedly blocking him from leaving the country and forcing

him into refuge on August 22. On December 3, Pastora left the country and went into exile. Many observers alleged the timing of the investigation was in reprisal for the editorial line of the station’s news show.

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. Generally, media stations owned by the presidential family 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. On April 20, two arsonists died while setting a fire that destroyed Radio Dario in Leon. The station’s owner attributed the attack to an FSLN National Assembly representative and a local FSLN leader. International human rights organizations believed the fires were set in retaliation for coverage of protests against social security reforms and subsequent government repression of such protests. A local Jinotepe radio station, Stereo Romance, was vandalized with graffiti calling for its journalists to be killed. FSLN-controlled Radio Ya and government-owned Radio Nicaragua were both victims of fires of unknown origin, with minimal damage. Beginning on November 30, police detained 100% Noticias owner Miguel Mora and his wife and threatened them on six different occasions; government sympathizers also made accusations to prosecutors that Mora committed murders during the political crisis. Television anchor Jaime Arellano went into self-imposed exile on November 25 after police repeatedly stopped his vehicle over the course of several days and personnel remained present outside his house. On December 3, the NNP forced the closure of two radio stations in the department of Leon and intimidated several high-profile journalists. On December 22, the NNP raided the 100% Noticias television studio and took apart their broadcasting equipment, while the Nicaraguan Telecommunications Regulator (TELCOR) ordered all cable stations to remove the television’s signal from their programming. The NNP detained the network’s owner and its editor in chief, Lucia Pineda, who were later charged with provoking, proposing, and conspiring to commit terrorism. Most of the staff of the station went into hiding or self-imposed exile, including talk show host Luis Galeano.

Progovernment sympathizers and Sandinista Youth destroyed cameras and stole television equipment during coverage of antigovernment protests that started on April 19. Sandinista Youth, parapolice forces, and NNP officers actively targeted and pursued independent journalists to intimidate and harass them. Members of the NNP raided and ransacked the offices of newspaper *Confidencial* with no warrant. The crackdown happened during the raid of nine civil society organizations by the police despite the newspaper’s lack of ties to the organizations. One of the largest daily newspapers, independent *La Prensa*, claimed government officials and supporters regularly

intimidated its journalists, actively hindered investigations, and failed to respond to questions of general public interest, particularly those involving the constitution, rule of law, and corruption.

Censorship or Content Restrictions: The government penalized those who published items counter to the ruling party's ideology; however, it did not do this according to specific guidelines.

On April 19, TELCOR cut the signal of five channels that were covering antigovernment protests. The four smaller stations affected reestablished their signal within a day, but independent 24-hour news channel 100% Noticias remained off the air until April 24. Owner Miguel Mora said he refused TELCOR's request to stop covering the antigovernment protests, and its coverage was uninterrupted on Facebook. On October 27, TELCOR ordered that 100% Noticias be relocated from its position at the top of the local television dial--where it was referred to by virtually everyone as “Channel 15”--to a much less prominent slot at channel 63.

To control printing presses, the government continued to enforce the controversial Law 528, or “Ley Arce,” which established high tariffs and bureaucratic delays on the importation of ink, paper, machinery, and other printing necessities, despite constitutional provisions protecting the media's right to freedom from such tariffs. In late December, national print media, *La Prensa* and *El Nuevo Diario*, reported the government was delaying their import of ink and paper, which by late January 2019 would effectively end their already weakened ability to print newspapers.

Restrictions in acquiring broadcast licenses and equipment prevented the 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, however, granted licenses in a discretionary manner and extended the validity of existing licenses indefinitely. Human rights groups and independent media also reported 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. Additionally, 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: Although during the year the government did not use libel laws, independent media reported engaging in self-censorship due to the government's previous use of libel laws. 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.”

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

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.

Several NGOs claimed the government monitored their email and online activity without appropriate legal authority. Domestic NGOs, Catholic Church representatives, journalists, and opposition members alleged the government monitored their email and telephone conversations. Government and banking websites associated with the FSLN faced politically motivated cyberattacks, as did opposition media. Paid government supporters used social media and website commentary spaces to harass prominent members of civil society, human rights defenders, and a well known journalist.

The government disclosed personally identifiable information to penalize the expression of opinions. As part of a continuing social media campaign against antigovernment 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.

The International Telecommunication Union reported approximately 30 percent of citizens used the internet in 2017.

Academic Freedom and Cultural Events

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

UNAN fired more than 50 staff members without cause between August 13 and August 20. Many of those fired claimed the firings were in retaliation for expressing support for or otherwise agreeing with antigovernment protests.

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 issuance of scholarships, and the use of pro-FSLN education materials.

Combined NNP and parapolice forces shot live ammunition and forced their way into various public universities during student protests in violation of university autonomy.

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. Antigovernment marches and protests were allowed at times, but in several instances, the NNP and parapolice shot live ammunition at protesters. 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. On July 12-13, when student protesters sought refuge inside a Catholic church in Managua, NNP and parapolice shot live ammunition at the church.

Through various press releases and arrests, the NNP claimed protesters were responsible for destruction of public and private buildings, setting of fires, homicides, and looting. While the majority of protesters were peaceful, some turned violent as they responded to NNP and parapolice provocations and use of force by throwing stones and employing homemade mortars and weapons to defend their positions. Protesters sometimes tore down “Trees of Life,” giant, illuminated, tree-like sculptures Vice President Murillo had ordered installed along major thoroughfares. The OHCHR August 29 report noted “abuses committed by individuals who took part in the protests, including the killing and injuring of police officers and members of the Sandinista party and the destruction of public infrastructure.”

On September 28, the NNP issued a press release stating: “The NNP reiterates that the people and organizations that call for these illegal movements from which criminal and destructive activity has been promoted will be found responsible and face justice for any alteration and/or threat to the tranquility, work, life, and rights of people, families, and communities.” Civil society took the statement as effectively outlawing peaceful protests.

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. In late November and early December, the FSLN wielded its supermajority in the National Assembly to strip legal status from nine civil society organizations that work on transparency, democracy, environmental issues, and human rights.

c. Freedom of Religion

For more information, see the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/ (<https://www.state.gov/religiousfreedomreport/>).

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. 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. Beginning on April 19, there were periods in which demand for exit visas and other migration services overwhelmed the government's capacity, in effect impeding the ability of families to leave the country.

Protection of Refugees

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 had not met since 2015.

Durable Solutions: The government recognized 61 persons for refugee status in 2015, the most recent year for which information was available.

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, restrictions on freedom of expression, peaceful assembly, and association, and institutional fraud, among other obstacles, precluded opportunities for meaningful choice.

Elections and Political Participation

Recent Elections: The November 2017 municipal elections were marred by widespread institutional fraud. 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.

Several isolated and violent postelection clashes between supporters of competing political parties, and with security forces, left at least six dead in November 2017. A larger, sustained confrontation between supporters of the indigenous party YATAMA and the ruling FSLN left several buildings ransacked or torched, at least one dead, and dozens injured. The NNP arrested approximately 55 opposition party members on charges associated with postelectoral violence but later released them.

Civil society groups expressed concerns over the lack of a transparent and fair electoral process leading up to the November 2017 elections for mayors and municipal council seats. 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: 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 social government 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.

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 Minorities: No laws limit participation of women or members of minorities 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, the CSE, CSJ, customs and tax authorities, and other government organs. The government did not effectively enforce criminal penalties for corruption, allowing officials to engage in corrupt practices with impunity. The CSJ 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: 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 system of checks and balances, and the overbearing political control of government institutions allowed for corruption to remain.

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

The Office of the Comptroller (CGR) is responsible for combating corruption within government agencies and offices. The CGR did not carry out a complete verification of the government’s full financial statements. The comptroller stated in 2015 that holding company Albanisa and associated revenue under the Venezuela oil cooperation agreement were not subject to audit because the National Assembly did not approve the agreement. In its report for 2016, the most recent available, the comptroller stated 100 percent of public officers had turned in their financial disclosure statements, although they were not made public. The comptroller general also reported corruption committed by 44 public officials in 2016 resulted in economic losses to the government of 3.05 million cordobas (\$102,000), an amount observers considered unreasonably low.

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 ALBA-funded contracts were awarded to companies with ties to the president’s family and noted the funds from Venezuela served as a separate budget 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.

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

A variety of domestic and international human rights groups operated in the country until December. On December 12, the FSLN majority in the National Assembly stripped CENIDH of its legal status, effectively hindering its ability to investigate human rights violations and abuses, particularly those committed since April. According to an August 4 press release, ANPDH was forced to close its offices due to increasing threats and harassment; its director and senior staff fled to Costa Rica after receiving death threats. 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 that created a climate of fear intended to suppress criticism.

The FSLN also used its supermajority in the National Assembly to cancel the legal status of eight other civil society organizations. The National Assembly acted at the behest of the Ministry of the Interior, which found legal challenges to the legal status of these organizations. The NNP ransacked the organizations' offices a few days later with no warrant or announcement of an investigation against them.

The government continued to prevent non-FSLN-affiliated NGOs and civil society groups from participating in government social programs, such as Programa Amor and Hambre Cero, and it frequently used FSLN-controlled family cabinets and party-controlled Sandinista Leadership Councils (CLS) to administer these programs. Increased government restrictions on domestic NGOs' ability to receive funding directly from international donors seriously hindered the NGOs' ability to operate. Through an amendment passed on October 3 by the FSLN's legislative supermajority, the government expanded the scope of information its Financial Analysis Unit could require from private businesses and NGOs, a move observers characterized as an overreach of authority for political persecution. In at least one instance, the government used the Financial Analysis Unit to block access of an NGO to its bank account. Additionally, 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.

The United Nations or Other International Bodies: The government allowed the OHCHR and the IACHR to send working groups to monitor the human rights situation in the country within the context of the social uprising that began on April 19. The government did not cooperate with these groups, as noted in their reports.

The government allowed a visit from the OHCHR to observe the situation of human rights in the context of violence but revoked the permission on August 30, a day after the OHCHR released a report stating the government had used excessive force and violence resulting in more than 300 deaths and more than 2,000 injuries. The government claimed the revocation was because the reasons for the OHCHR's visit, which according to the government was to oversee the dismantling of roadblocks, had ceased.

After several requests, the government allowed the IACHR to visit from May 17 to May 21 to observe the human rights situation. The government subsequently did not provide the necessary and required information for the Special Monitoring Mechanism for Nicaragua or the Interdisciplinary Group of Independent Experts, established by the IACHR following the May visit, to perform the duties to which both parties had agreed. On December 19, the government declared a temporary suspension of the Special Monitoring Mechanism and the end of the mandate of the Interdisciplinary Group of Independent Experts, effectively ending their human rights observation in country.

The OAS Permanent Council held a hearing to create a special working group on Nicaragua on August 2. At the hearing, the Nicaraguan Foreign Minister and Ambassador to the OAS said the Nicaraguan government did not recognize the working group, did not accept the actions taken by the Permanent Council, and that Nicaragua would not receive the working group in the country. Nicaragua did not send a representative to any of the 2018 IACHR hearings.

On July 5, the IACHR reported the government did not take action or respond to requests for further information on 64 precautionary measures it issued in favor of student protesters, journalists, academic leaders, and their family members. In several instances, protesters with IACHR precautionary measures were detained or continued to be harassed by progovernment supporters.

Government Human Rights Bodies: The Office of the Ombudsman for Human Rights was perceived as politicized and ineffective.

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 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 but unsuccessful attempts to address the problem.

Observers reported a general increase in sexual crimes and violence against women; however, data were unreliable. NGOs working on women’s issues reported violence against women increased and that police generally understated its severity.

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 less than 18 years old. No data was available on government efforts to prevent or prosecute complaints of sexual harassment.

There were reports that members of the armed forces perpetrated violence against women, including rape and sexual abuse, especially in rural areas in the north, central, and Caribbean regions. Lack of publicly available, independent, and impartial investigations into such claims made it difficult to corroborate the extent and pervasiveness of the problem.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for gender equality. Nevertheless, women often experienced discrimination in employment, credit, and pay equity 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 to 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; however, many persons, especially in rural areas, lacked birth certificates. 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, sentences for rape committed against minors range from 12 to 15 years, and for child abuse range 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 local NGO Information Center for Health Services and Counsel.

Early and Forced Marriage: The minimum legal age for marriage is 18 years 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 enforced 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.html> (<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.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

www.state.gov/j/tip/rls/tiprpt/ (<https://www.state.gov/j/tip/rls/tiprpt/>).

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. Independent media 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; anecdotal evidence, however, 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 in Managua. Organizations of 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.

National/Racial/Ethnic Minorities

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 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 the 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 claimed the government failed to protect the civil and political rights of indigenous communities. Some observers alleged government 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 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.

Representatives of autonomous regions and indigenous communities regularly noted the government's failure to invest in infrastructure. Throughout the year indigenous leaders alleged 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 the RACN.

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

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, although studies showed most discrimination occurred at the family level. 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. Reliable data on the breadth of such discrimination was not available. No specific laws exist to punish hate crimes against LGBTI groups.

There were reports of attacks against transgender women, and the NNP reportedly failed to investigate these cases appropriately.

HIV and AIDS Social Stigma

The law provides specific protections for persons with HIV/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 constitution recognizes the right to strike, although it places some restrictions on this right. The law prohibits antiunion discrimination. Burdensome and lengthy conciliation procedures impeded workers' ability to call strikes. The government created parallel labor unions that it controlled to confuse and diffuse efforts to organize strikes or other labor actions. Additionally, 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 typically enforced applicable laws and often sought to foster resolution of labor conflicts through informal negotiations rather than formal administrative or judicial processes. The law does not establish specific fines, and observers claimed penalties were generally insufficient to deter violations. 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 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 generally respected, but, as in other cases involving independent groups, the government often intervened for political reasons. 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.

Politically motivated firings continued to be a problem, and the government appeared to accelerate such firings during the protests. By August 22, the Nicaraguan Medical Association reported at least 240 doctors had been fired from the public health system without cause. Many of those affected stated they were fired for rejecting government orders not to provide medical attention to protesters. On August 20, authorities similarly fired more than 40 public university staff, who also claimed that firings were in retaliation for expressing support for protests or in favor of university students participating in protests. In other cases observers noted the firings were carried out for reasons such as the refusal of a worker to join the FSLN or participate in FSLN demonstrations. In some cases there were reports of persons being fired for speaking with the independent press. Moreover, 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.

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.

Many employers in the formal sector 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. Penalties for violations were generally insufficient to deter violations. There was no information available regarding government enforcement of these laws. Despite reported political will to combat human trafficking, including labor trafficking, during the year the government prosecuted and convicted fewer traffickers than in the previous year 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, and domestic servitude.

Also see the Department of State's *Trafficking in Persons Report* at

www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

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 14 and 18 to six hours and the workweek to 30 hours. Those between ages 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, which was significantly smaller than the informal sector, in which child labor was more prevalent. Legal penalties for persons employing children in dangerous work were sufficient to deter violations. The government reported finding 27 child workers under the age of 14 during the year. These minors were separated from the workplace.

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 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.

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.

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; street performing; and transport.

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 www.dol.gov/ilab/reports/child-labor/findings/ (<http://www.dol.gov/ilab/reports/child-labor/findings/>).

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.

Discrimination in employment took many forms. Although women generally had equal access to employment, few women had senior positions in business; in the public sector or in elected positions, women’s independence and influence were limited. Additionally, 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 complained sexual orientation and gender identity continue to be a basis for discriminatory behavior.

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.

In general the minimum wage was enforced only in the formal sector, estimated to be approximately 20 percent of the economy, and contracting. The Ministry of Labor is the primary enforcement agency, but 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. Established penalties were generally sufficient to deter violations.

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.

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. OSH standards did not deter violations in the formal sector because they were infrequently enforced. The government reported 19,622 labor accidents in the year, resulting in 32 labor-related deaths.

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. 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. 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 all such cases.

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