



FREEDOM IN THE WORLD 2021

Nicaragua

30
/100

NOT FREE

<u>Political Rights</u>	10 /40
<u>Civil Liberties</u>	20 /60

LAST YEAR'S SCORE & STATUS

31 /100 **Not Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

The election of Sandinista leader Daniel Ortega in 2006 began a period of democratic deterioration marked by the consolidation of all branches of government under his party's control, the limitation of fundamental freedoms, and unchecked corruption in government. In 2018, state forces, with the aid of informally allied armed groups, responded to a mass antigovernment movement with violence and repression. The rule of law collapsed as the government moved to put down the movement, with rights monitors reporting the deaths of at least 325 people, extrajudicial detentions, disappearances, and torture. Arbitrary arrests and detentions have since continued, perceived government opponents report surveillance and monitoring, and talks with the opposition have floundered.

Key Developments in 2020

- The government refused to implement social distancing measures to manage the COVID-19 pandemic, intentionally underreported cases, and fired health workers who criticized authorities' handling of the issue.
- Attacks against Indigenous populations continued with impunity, as settlers continued to invade Indigenous lands.
- In October, the government passed two laws viewed as attempts to suffocate opposition: the Foreign Agents Law, which requires any Nicaraguan receiving funds from abroad to register as a foreign agent with the Interior Ministry, and prohibits such agents from engaging in political activities or holding public office; and the Special Cybercrimes Law, which criminalizes the dissemination of "false or distorted" information using communications technology.
- In December, the government passed a law enabling officials to bar individuals labeled as "terrorists" or "traitors" from running for or holding public office. The country's next presidential election will take place in November 2021.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority	1/4
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elected through free and fair elections?	
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The constitution provides for a directly elected president, and elections are held every five years. Constitutional reforms in 2014 eliminated term limits and required the winner of the presidential ballot to secure a simple plurality of votes.

President Ortega was reelected in 2016 with over 72 percent of the vote in a severely flawed election that was preceded by the Supreme Court's move to strip the main opposition candidate, Eduardo Montealegre, of control of his Independent Liberal Party (PLI), leaving him no political vehicle upon which to run for president. The decision severely disrupted the operations of the PLI, and Ortega's closest competitor, Maximino Rodríguez of the Constitutionalist Liberal Party (PLC), received just 15 percent of the vote, with no other candidate reaching 5 percent. Ortega's wife, Rosario Murillo, ran as his vice presidential candidate.

Ortega's Sandinista National Liberation Front (FSLN) won 135 of 153 mayorships contested in 2017 municipal elections. There were reports ahead of the polls that the FSLN had ignored local primary surveys in order to put its preferred candidates up for election. Seven people were killed in postelection clashes between government and opposition supporters, according to the Nicaraguan Center of Human Rights (CENIDH).

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?	1 / 4
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The constitution provides for a 92-member unicameral National Assembly. Two seats in the legislature are reserved for the previous president and the runner-up in the most recent presidential election. Legislative elections are held every five years.

In the 2016 legislative elections, Ortega's FSLN increased its majority to 70 seats in the National Assembly, followed by the PLC with 13 seats. The PLI won just 2 seats, in contrast to the 26 seats it won in the 2011 election. Ortega refused to allow international election monitoring. Montealegre was expelled from the PLI a few months ahead of the polls, severely damaging the party's competitiveness.

Nicaragua's North Caribbean Coast Autonomous Region (RACCN) and South Caribbean Coast Autonomous Region (RACCS) have regional councils, for which elections were held in March 2019; the FSLN won the largest share of the vote in each. The only independent observer group reported a number of irregularities, including the participation of voters from ineligible areas; low turnout; and a heavy military presence in several municipalities while polling took place.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

1/4

The Supreme Electoral Council (CSE) and judiciary generally serve the interests of the FSLN. In 2016, the CSE pushed 16 opposition members of the National Assembly from their seats in response to their failure to recognize the Supreme Court's move to expel Montealegre from the PLI; later that year it certified Ortega's reelection following a severely flawed electoral process.

Both the acting head of the CSE, Lumberto Campbell, and the previous CSE president, Roberto Rivas, are on the United States' list of sanctioned individuals for the CSE's role in facilitating Nicaragua's highly flawed elections.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

1/4

Political parties face legal and practical obstacles to formation and operations. Party leaders are easily co-opted or disqualified by Ortega-aligned institutions. Membership in the FSLN is often required in order to hold civil service positions, discouraging

people from registering as members of other parties. Under 2014 constitutional reforms, legislators must follow the party vote or risk losing their seats.

The Foreign Agents Law passed in October 2020 requires anyone receiving funds from foreign governments, organizations, or individuals to register as a foreign agent, and prohibits such agents from engaging in political activities or holding public office. In December 2020, congress passed a law that would prohibit individuals designated as “traitors” from running for or holding public office. International watchdogs including Human Rights Watch and domestic government opponents viewed the new laws as indications the government intended to clamp down on opposition and prevent competition in the 2021 elections.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

0 / 4

Years of political repression under Ortega, including through politicized court rulings and other measures that prevented opposition figures from participating in politics, severely limit the ability of the opposition to gain power through elections, and very few opposition figures hold legislative seats or other government positions. In 2018, police and progovernment armed groups employed lethal force against peaceful opposition and antigovernment protesters; thousands of protest participants were arbitrarily detained and arrested, and thousands more fled into exile. While such large-scale violence was not repeated in 2019 and 2020, heavy-handed repression of the opposition has continued, with frequent reports of harassment, arbitrary detention, and violence. The government has refused to discuss electoral reforms or early elections as called for by the Nicaraguan population.

B3 0-4 pts

Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

1 / 4

President Ortega has consolidated all branches of government and most public institutions, as well as the country’s media, under his party’s control, allowing him and

the FSLN great influence over people's political choices.

Public-sector workers experienced pressure to keep away from the antigovernment protest movement in 2018. Hundreds of health professionals were dismissed from public hospitals for providing assistance to protesters or for their alleged role in antigovernment demonstrations.

Police and state-allied armed groups were the primary perpetrators of violence during the 2018 crisis, and in 2020 they continued to attack perceived regime opponents. In a report released in December, the Inter-American Commission on Human Rights (IACHR) identified a “revolving door” system of short-term arbitrary detentions intended to intimidate and disrupt regime opponents.

In November 2020, hurricanes Eta and Iota devastated sections of the country. As damage assessment and aid efforts got underway, accusations emerged that the government was prioritizing Sandinista-led areas, as well as hindering independent journalistic coverage of the crisis.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?

2 / 4

Minority groups, especially the Indigenous inhabitants of Nicaragua's eastern and Caribbean regions, are politically underrepresented across parties, and the government and FSLN largely ignore their grievances. Indigenous and Afro-descendent populations are underrepresented in the National Assembly; in 2020 there was only one Indigenous representative, Brooklyn Rivera of the Yatama party, and two Kriol representatives.

The 2018 crackdown signaled Ortega's intolerance of activism that could be perceived as challenging his government, including by Indigenous activists and other segments of the population seeking greater political rights. During the brief congressional debate on the 2020 Foreign Agents Law, Rivera expressed concern that the law could disproportionately impact underrepresented political groups.

As per a new municipal electoral law approved in 2012, half of each party's candidates for mayoralities and council seats must be women. Women also hold 45 percent of National Assembly seats. In practice, successful political advocacy by women is generally restricted to initiatives that enjoy the support of the FSLN, which has not prioritized women's policy concerns.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

1/4

The FSLN dominates most public institutions. The tripartite alliance between government, private business, and organized labor, which is recognized in Article 98 of the constitution, has become less functional since the private sector began to distance itself from the government upon the violent events of 2018. The manipulation of the 2016 election and the expulsion of 16 opposition politicians from the legislature prevented elected representatives from determining government policies.

Under constitutional reforms in 2014, Ortega has a wide degree of discretionary powers to set policy. Executive dominance of the highly polarized legislature results in a consistent lack of oversight.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

1/4

Because the justice system and other public bodies are generally subservient to Ortega and the FSLN, there is little chance that allegations of corruption against government officials will see a thorough investigation or prosecution. Corruption charges against high-ranking government officials are rare, while corruption cases against opposition figures are often criticized for being politically motivated.

The intermixing of Ortega family, Sandinista party, and government interests have long been criticized as presenting significant conflicts of interest and opportunities for corruption. Ortega's sons and daughters have been appointed to prominent positions such as ambassador and presidential adviser. Several of the president's sons are among the multiple Nicaraguan officials sanctioned by the US Treasury Department for alleged involvement in corrupt activities, including one who was added to the sanctions list in July 2020.

C3 0-4 pts

Does the government operate with openness and transparency?

1 / 4

Government operations and policymaking are generally opaque. The 2007 Law on Access to Public Information requires public entities and private companies doing business with the state to disclose certain information. Government agencies at all levels generally ignore this law.

Ortega rarely holds press conferences. The Communications and Citizenry Council, which oversees the government's press relations, is directed by Vice President Murillo and has been accused of limiting access to information.

Independent observers allege that the government intentionally underreported the number of COVID-19 cases in the country, and the Pan-American Health Organization was denied access to Nicaraguan hospitals. Many people whose deaths were attributed to "atypical pneumonia" were nonetheless given express burials that family members were barred from attending. Health workers were reportedly prevented from using personal protective equipment and implementing safety protocols in public hospitals, and dozens of nurses and doctors were fired for signing a letter criticizing the government's response to the pandemic.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?

1/4

The press has faced increased political and judicial harassment since 2007, when Ortega returned to power, with the administration engaging in systematic efforts to obstruct and discredit media critics. Journalists have been subject to threats, arrest, and physical attacks. The IACHR has granted protectionary measures to several journalists in light of harassment and death threats.

Repression of journalists has become acute since the current political crisis broke out in 2018. The state has ordered television companies and mobile phone service providers to stop transmitting several independent news channels through their systems. Numerous outlets have been raided and closed. Journalists have been arrested and charged with terrorism; as of April 2020, over 90 media workers had gone into exile. Restrictions on ink and paper forced the newspaper *El Nuevo Diario* to close in 2019. In February 2020, the government lifted restrictions on newsprint to *La Prensa*, but the state continued to hold property confiscated in 2018 from critical outlets, apply criminal defamation laws, and seize assets throughout 2020, while government supporters continued to harass and attack journalists with impunity. In late 2020, violently broke up a press conference held by journalist Carlos Fernando Chamorro, at which he called on the government to return the building that had housed the *Confidencial* and *Esta Semana*.

In October, congress passed the Special Cybercrimes Law, which criminalizes the dissemination through communications technology of “false news,” coverage or remarks that harm the reputation of a public officials, and publishing material that “incites hatred and violence, [or] endangers economic stability, public order, public health or national security.” In addition to criticizing the law’s vague language, press freedom advocates noted that it would obstruct investigative journalism and exposure of corruption by prohibiting the publication of information leaked by sources within the government.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

2/4

Religious freedom was generally respected prior to the 2018 crisis, though some Catholic and evangelical church leaders had reported retaliation by the government for criticism of the Ortega administration, including the confiscation or delay of imported goods and donations. Since the political crisis ignited, however, church officials have been denounced and smeared by authorities for accompanying or defending antigovernment protestors, progovernment mobs have attacked churches where antigovernment protestors were sheltering, and members of the clergy have received threats and experienced surveillance. There have been reports that Ortega supporters have infiltrated parishes and harassed or intimidated parishioners at church services. In 2020, Ortega accused local bishops of participating in a plot to overthrow him, and the United States' Commission for International Religious Freedom (USCIRF) released a report expressing concern about the repression of Catholics.

Faith leaders have criticized attempts by the Ortega administration to co-opt religious belief for political ends. The government has required public employees to attend government-sponsored religious festivals, making them miss official Catholic Church events.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

2/4

Prior to the 2018 crisis, academic freedoms were generally respected, although some academics refrained from open criticism of the government. Since then, teachers have reported being required to attend training that promotes government views and reaffirms the government's version of the 2018 political crisis. In the public primary and secondary school system, there have been reports of students being required to attend progovernment rallies, and of pro-FSLN materials displayed in school buildings.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

2/4

In 2020, repression and intimidation by state and progovernment forces contributed to a generalized climate of fear and terror that continues to restrict free expression. The families of victims of regime violence are subjected to routine monitoring and surveillance, and returnees from abroad reported being subjected to surveillance upon return. In 2019, the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights (REDESCA) of the IACHR reported concerns about discrimination and retaliatory threats against state employees who disagreed with or acted against state policy.

The 2020 Cybercrimes Law criminalized the spread of “false news” and targeted whistleblowing by government employees. The law also gives the government broad access to user data. Additionally, in November congress passed the first of two required readings of a constitutional amendment to allow for life sentences for hate crimes. Ortega has often referred to opposition actions as hate crimes, and analysts feared the law would be used to target political opponents.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	0/4
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Freedom of assembly deteriorated severely in 2018, when at least 325 people were killed and at least 2,000 were injured in a ferocious crackdown on an antigovernment protest movement that began that April, after authorities announced social security reforms; it soon turned into a broader antigovernment movement aimed at forcing the regime from power. A majority of the abuses have been attributed to the national police and armed allied groups, which the UN Office of the High Commissioner for Human Rights (OHCHR) said in an August 2018 report operate with “total impunity.” In September of that year, the national police issued a statement declaring unauthorized marches and demonstrations “illegal.” Police have since denied permits for public demonstrations, and have occupied public spaces to prevent protests.

Police continued to block or disperse attempted demonstrations in 2019 and 2020. More than 100 people were arrested in March 2019 for attempting to protest in Managua, but ultimately released. Attempts to gather in 2020 faced violent obstruction, including protesters marching in support of political prisoners in February who were beaten by police, a series of rallies on International Women's Day in March that encountered police blockades and assaults, and a student-led, satire-based protest in October that was attacked by police and civilian armed groups.

An amnesty law passed in 2019 states that protesters who are released must not take part in actions that lead to further "crimes," effectively prohibiting them from again participating in antigovernment demonstrations.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

0 / 4

Groups critical of the government or that focus on issues like corruption have operated within an increasingly restrictive environment under the Ortega administration, which among other measures has used registration laws to choke off their sources of funding. Since April 2018, human rights defenders and leaders of civil society organizations have experienced severe harassment, arbitrary detention, and arbitrary expulsion. Twelve NGOs, most of which focused on democracy, human rights, or press freedom, saw their registration cancelled at the close of 2018.

Human rights organizations reported continued monitoring and surveillance in 2020. In September, a group of domestic and regional human rights NGOs, including Amnesty International and the Washington Office on Latin America, decried a wave of repression of activists, including sexual assaults of women activists. The government also suppressed actions by NGOs and church groups to provide public health assistance in response to the COVID-19 pandemic.

The Foreign Agents Law enacted in 2020 threatened to further impede the operations of independent groups. Recipients of foreign funding who register as foreign agents must also provide monthly reports detailing all income, along with actual and planned expenditures.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

2/4

The FSLN controls many of the country's labor unions, and the legal rights of non-FSLN unions are not fully guaranteed in practice. Although the law recognizes the right to strike, approval from the Ministry of Labor is almost never granted. Employers sometimes form their own unions to avoid recognizing legitimate organizations. Employees have reportedly been dismissed for union activities, and citizens have no effective recourse when those in power violate labor laws.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

1/4

The judiciary remains dominated by FSLN and PLC appointees, and the Supreme Court is a largely politicized body controlled by Sandinista judges.

F2 0-4 pts

Does due process prevail in civil and criminal matters?

0/4

Since protests erupted in April 2018, UN investigators and other human rights organizations have documented rampant violations of due process. These include widespread arbitrary arrests and detentions by police and allied progovernment forces, failure to produce search or arrest warrants, no discussion of detainees' rights, no public registry of detainees or their location, and individuals being held incommunicado during initial detention. Due process has continued to deteriorate in 2020 as a result of repressive new laws and lack of oversight by independent entities.

The government announced in February 2019 that it would release political prisoners detained during the 2018 protests. Between mid-March and mid-June, the

government released nearly 400 people imprisoned for activities related to the 2018 protests, and another 91 were released in late December; most were released under house arrest while charges against them remained active. Released prisoners were subjected to harassment and surveillance. Defense attorneys of political prisoners also reported being harassed. The IACHR reported 94 political prisoners still in custody as of September 2020.

An amnesty law passed in June 2019 covers crimes committed during the 2018 protests. Although the law acknowledges that crimes covered by international treaties, such as crimes against humanity, would be excluded from the amnesty, critics feared that the law would be used to shield the state and its agents from responsibility for past abuses. The pervasive lack of effective due process intensified activist concerns regarding implementation of the Foreign Agents Law, the Cybersecurity Law, and the anti-traitors law, all of which were passed in late 2020, as well as the pending constitutional amendment on hate crimes.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

1/4

The 2018 antigovernment protest movement was met with violent repression by police and informally allied armed forces, resulting in the deaths of at least 325 people. In an August 2018 report on repression of the protest movement, the OHCHR detailed severe abuses including psychological and physical torture of detainees, including sexual violence, forced confessions, disappearances, and extrajudicial killings. In 2019 there were reports of dozens of antigovernment activists being killed in more remote parts of the country, allegedly by police and paramilitaries.

Changes to the military code and national police passed in 2014 give the president power to deploy the army for internal security purposes and appoint the national police chief, and permitted the police to engage in political activity. The 2015 sovereign security law has been criticized for militarizing civilian agencies.

In March 2020, the Office of the UN High Commissioner for Refugees (UNHCR) estimated that more than 100,000 Nicaraguans had fled the country, with more than 77,000 in Costa Rica.

Prisons are often characterized by overcrowding and poor sanitation. To prevent the spread of COVID-19 within prison walls, the government released over 2,800 prisoners to house arrest in May 2020, but political prisoners were not among those freed.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

1 / 4

The constitution and laws nominally recognize the rights of indigenous communities, but those rights have not been respected in practice. Approximately 5 percent of the population is Indigenous and lives mostly in the RACCN and the RACCS. While Indigenous populations have been granted legal rights and protections to land, the government does not enforce these laws.

Attacks against Indigenous populations and land incursions in recent years have been perpetrated with impunity. In March 2020, the IACHR rebuked Nicaragua's failure to protect Indigenous people from violence and expulsion from their traditional lands. As of December, 12 members of the Mayangna and Miskito communities had been murdered in 2020, adding to a toll of nearly 50 since 2015. Indigenous communities sustained large-scale damage from the November 2020 hurricanes, with rights advocates warning of a potential rise in settler incursions into protected lands.

The country's LGBT+ population is subject to intermittent threats and discriminatory treatment.

Score Change: The score declined from 2 to 1 because the government has failed to protect Indigenous peoples from violent land grabs by settlers.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

2 / 4

The 2018 collapse of institutions, that year's bloody crackdown on dissenters, and continuing government repression since have created a climate of fear and mistrust that discourages free movement. Poor infrastructure limits movement in some majority-indigenous areas.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

2 / 4

Property rights are protected on paper but can be tenuous in practice. Titles are often contested, and individuals with connections to the FSLN sometimes enjoy an advantage during property disputes. Conflict over land in the RACCS and RACCN between Indigenous residents and settlers continued in 2020, resulting in numerous deaths. The Center for Justice and International Law (CEJIL) warned in a 2019 report that Miskito communities in the north could be at risk of extinction due to land invasions.

Individuals and communities in the construction zone for a planned interoceanic canal have reported intimidation by surveyors and anonymous actors, though the project appeared to have stalled.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

2 / 4

Individuals enjoy broad freedom in their interpersonal relationships and in their personal appearance.

Domestic violence remains widespread and underreported, and few cases are ever prosecuted. The 2012 Comprehensive Law against Violence toward Women addresses both physical and structural forms of violence, and recognizes violence against women as a matter of public health and safety. A 2013 reform to the law allows mediation between the victim and accuser, despite concerns from rights groups. The family code includes protections for pregnant minors and the elderly, establishes

equal duties of mothers and fathers, and prohibits physical punishment of children. It defines marriage as a union between a man and a woman and, as such, deprives same-sex couples the right to adopt children or the ability to receive fertility treatment.

Abortion is illegal and punishable by imprisonment, even when performed to save the pregnant person's life or in cases of rape or incest. The criminalization of abortion can cause women to seek out risky illegal abortions that can jeopardize their health.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

2/4

Nicaragua is a source country for women and children forced into prostitution; adults and children are also vulnerable to forced labor, notably in the agriculture and mining sectors, and as domestic servants. The 2020 US State Department's *Trafficking in Persons Report* downgraded the country to Tier 3, alleging that while the government initiated a handful of investigations and one prosecution, it decreased its overall prosecution, protection, and prevention efforts in 2019, and did not cooperate with NGOs in the antitrafficking coalition.

Much of the economy is informal, and workers in these sectors lack legal protections associated with formal employment. The legal minimum wage is inadequate to cover the cost of basic goods.



On Nicaragua

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Country Facts

Global Freedom Score

30/100

Not Free

Other Years

2020

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