



**JUBILEE CAMPAIGN
ECOSOC Special Consultative Status (2003)**

**Submission to the United Nations Human Rights Committee regarding
Nicaragua
For the 136th Session
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STATES PARTIES REPORTS**

Submission by
Jubilee Campaign

Jubilee Campaign is a non-governmental organization in consultative status with the Economic and Social Council since 2003. Our work focuses on promoting the rights of religious and ethnic minorities and raising the status of vulnerable women and children – to protect them from bodily harm and sexual exploitation

I. Introduction

Jubilee Campaign, in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in Nicaragua as a contribution to the Consideration of State Reports in advance of the Human Rights Committee's 136th Session in October and November 2022.

II. International Covenant on Civil and Political Rights - Articles Relevant to Present Submission

Article 1 (1)

All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 6 (1)

Every human being has the inherent right to life. The right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 8 (3a)

No one shall be required to perform forced or compulsory labour;

Article 9 (1; 3)

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to a trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

Article 17 (1; 2)

No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

Everyone has the right to the protection of the law against such interference or attacks.

Article 19 (1; 2)

Everyone shall have the right to hold opinions without interference.

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Article 18 (1; 2; 3)

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Article 20 (2)

Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22 (1)

Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

Article 24 (1)

Every child shall have without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

III. Freedom of Thought, Conscience, and Religion; Freedoms of Expression, Association, and Assembly

There are numerous articles in the Nicaraguan Constitution of 1987 that appear to protect freedom of religion or belief. Article 14 states that the nation has no official religion, and Article 29 expounds further, stating that "everyone has the right to freedom of conscience and thought

and to profess or not profess a religion”. Article 29 also explains that “no one shall be the object of coercive measures which diminish” an individual’s right to freedom of religion, and Article 69 reiterates that “all persons, either individually or in a group, have the right to manifest their religious beliefs in public or private, through worship, practices and teachings”.¹ Despite such proactive constitutional provisions, in reality religious communities, especially the Catholic Church, have been routinely targeted by the government and President Daniel Ortega for persecution.

Religious intolerance and persecution in Nicaragua can be traced back to early 2018, when peaceful anti-government protests broke out and the Catholic Church began to offer support to individuals engaged in such initiatives; more specifically, the Church would offer lifesaving aid to demonstrators injured by state actors’ use of excessive force to quell protests, and even noteworthy leaders of the Church became openly critical of the government’s expanding human rights violations and attempts to limit the democratic rights and influence of the public.² In the years since the outbreak of the protests, pro-Ortega state and non-state forces have expanded their persecution not only to specific Church leaders, but to the Catholic community in general, including associated services, organizations, educational facilities, and more.

A. Harassment, Persecution, and Expulsion of Church Leaders

Harassment and persecution of Catholic leaders has disconcertingly increased throughout 2022. In late August 2022, Nicaraguan authorities raided the residence of and arrested Rolando Álvarez, Roman Catholic Bishop of Matagalpa on charges of “organizing violent groups” and inciting “acts of hate against the population”. (*ICCPR Articles 9; 17*) Previously, Bishop Álvarez was a vocal critic of the government and the president, especially state efforts to shut down Catholic news outlets, as will be discussed later in this submission; he also was a leading voice of the pro-democracy movement. Authorities transferred Álvarez and he is currently being held under house arrest in Managua and has fortunately been permitted to visit briefly with family members and Cardinal Leopoldo Brenes. Álvarez’s niece reported that the bishop’s parents’ home has been similarly raided.³ (*ICCPR Article 17*)

In August 2022, the Diocese of Siuna reported that Nicaraguan authorities arbitrarily detained Father Óscar Benavides, pastor of Holy Spirit Parish in Mulukuku after leading an evening Mass. The Diocese initially reported that “we do not know the reasons or motive for his detention, we hope that the authorities will keep us informed”, but followed up to state that they had received information that Father Benavides was transported to El Chipote detention facility which is notorious for torture.⁴ (*ICCPR Article 9*)

On 14 August 2022, Father Fernando Isaías Calero Rodríguez, pastor of Nuestra Señora de Fátima Church in Matagalpa reported that authorities restricted him from leaving his municipality of Rancho Grande to travel to visit the pilgrim statue of Our Lady of Fatima in the municipality of El Tuma, La Dalia. Father Rodríguez also revealed that the police seized his vehicle title, registration, and other documents and even confiscated his driver’s license.⁵ (*ICCPR Article 17*)

¹ Oxford University Press, Inc., *Nicaragua’s Constitution of 1987 with Amendments through 2014*, Constitute Project.

² United States Commission on International Religious Freedom (USCIRF), *Country Update: Nicaragua*, August 2022.

³ Ismael Lopez, “Nicaraguan anti-Ortega bishop under house arrest after pre-dawn raid”, *Reuters*, 19 August 2022. ; Gabriela Selser & Christopher Sherman, “Nicaraguan police detain Catholic bishop, other priests in raid”, *PBS*, 19 August 2022.

⁴ Lisa Zengarini, “Nicaragua: Police arrest another priest amid growing tensions”, *Vatican News*, 16 August 2022. ; Ellis Heasley, “Nicaragua: Government continues to target Catholic leaders”, *Independent Catholic News*, 16 August 2022.

⁵ Artículo 66, “Policía orteguista quita licencia de conducir al padre Fernando Calero, párroco de Rancho Grande”, 14 August 2022.

On 1 August 2022 during one of its operations to shut down Catholic radio stations and news outlets, Nicaraguan authorities surrounded the Divina Misericordia Church and the Infant Jesus of Prague Chapel in Sébaco, forcing Father Uriel Vallejos to take shelter in a nearby parish house. The following day, when the Associated Press reached him via telephone, Father Vallejos explained “Sorry but I have the police and the riot police and I can’t speak louder. We’re surrounded but I’m fine, we’re fine”. Father Vallejos was accompanied by six other people, all of whom subsisted on some meager bread and water. On the morning of 4 August, it was reported that the police had eventually withdrawn, allowing Father Vallejos to leave the parish house.⁶ ([ICCPR Articles 9; 17](#))

In May 2022, Nicaraguan authorities surrounded the San Juan Bautista Church in Masaya for a period of ten days during which they threatened to arrest its pastor, Father Harvin Padilla. During this monitoring period, authorities questioned local residents regarding the church’s activities, dates and times of worship, and when Father Padilla usually leaves the church. Following the week-and-a-half-long cordon, Father Padilla reported still being followed and watched by security agents while he was visiting his personal, paternal, and maternal homes. ([ICCPR Article 17](#)) In late May, in light of the harassment, Father Padilla explained that he would not be going into exile but would instead be relocating to another parish, La Purisima Seminary in Managua.⁷

In March 2022, President Ortega expelled Archbishop Waldemar Stanislaw Sommertag, the ecclesiastical representative to Nicaragua, deeming him a “persona non grata”, or an unwelcome or unwanted guest. The Vatican has clarified that it had not summoned Archbishop Sommertag but that he was prematurely expelled by the Nicaraguan government. Previously, Archbishop Sommertag had angered the government by referring to those detained for their government opposition as “political prisoners” and increasing mediation work between the government and prisoners’ families for their release.⁸ ([ICCPR Article 22](#))

In November 2021, the Inter-American Commission on Human Rights (IACHR) officially extended protective measures to Bishop Abelardo Mata who had been on the receiving end of consistent harassment and death threats by state actors and pro-Ortega non-state actors ([ICCPR Article 17](#)); Bishop Mata has been historically critical of President Ortega’s governments since the outset of the protests in 2018. ([ICCPR Article 19](#)) The IACHR has similarly been providing protective measures for Father Edwing Roman since 2018; however, unfortunately Father Roman was harassed to the point that he fled Nicaragua to Miami, United States, in August 2021 and has since not returned to his home nation. He had initially expressed that his trip to Miami was to be brief and temporary, but he was dissuaded from returning when Nicaraguan Vice President Rosario Murillo referred to him as a “criminal”.⁹ ([ICCPR Article 17](#))

⁶ Christian Solidarity Worldwide, [“Government targets Roman Catholic leaders”](#), 5 August 2022. ; World Nation News, [“Nicaragua: Police surround the parish after shutting down radio stations”](#), 2 August 2022. ; The Latin American News, [“Priest Uriel Vallejos manages to leave the parish house where he was locked up for three days due to the police siege”](#), 5 August 2022.

⁷ The Latin American News, [“Police surround the church of the parish priest Harvin Padilla in Masaya”](#), 15 May 2022. ; David Ramos, [“Nicaraguan bishop charges police, government persecution”](#), *Catholic News Agency*, 20 May 2022. ; Noel Pérez Miranda, [“Padre Harving Padilla descarta exilio, será reubicado en otra parroquia”](#), *Artículo 66*, 25 May 2022.

⁸ Inés San Martín, [“Ortega \[redacted\] expels Vatican representative from Nicaragua”](#), *Crux Now*, 10 March 2022.

⁹ United States Department of State, [2021 Report on International Religious Freedom: Nicaragua](#), 2 June 2022.

Throughout September and October 2021, Nicaraguan authorities intermittently monitored the activities of Cardinal Leopoldo Brenes, surrounding his home and taking photographs of all of Cardinal Brenes' visitors, including priests and other church officials.¹⁰ ([ICCPR Article 17](#))

In February 2021, Nicaraguan immigration authorities denied the entry of two El Salvadorian Franciscan friars who have worked in Nicaragua for many years without incident, Priest Jose Lemus Aguilar of the Immaculate Heart of Mary Church Matagalpa and Priest Santos Fabian Mejia of the Saint Francis of Assisi Parish in Juigalpa. When Mejia was denied entry on the grounds that he had “gotten involved in politics”, ([ICCPR Article 22](#)) Aguilar – who had not left El Salvador yet for travel – was recommended to reapply for entry to Nicaragua, though he believed it was unnecessary as he had been traveling to and from Nicaragua for years with no complications. However, when he attempted to enter the country, Nicaraguan authorities informed him that his name was placed on a list of individuals whose re-entry statuses had been revoked. In response to the government's accusations that Franciscan friars had become overly involved in political affairs, Aguilar explained that the church's provision of support and shelter to protesters in 2018 was “not necessarily doing politics, but rather, we had the moral strength that was needed at the time”, and that as a result, they were “close to the people”. ([ICCPR Article 22](#)) Aguilar reported that earlier, in August 2020, migration officials reduced the length of foreign priests ‘and missionaries’ residence permits from a certain number of years to a few months. For example, the government in late 2020 cancelled the residence permit of Columbian priest Luis Carrillo who oversaw the operations of Judge Thaddeus Parish in Nicaragua's Condega municipality.¹¹

In April 2019, Monsignor Bishop Silvio Báez of Managua fled Nicaragua for his safety at the request of Pope Francis. Bishop Báez, a vocal critic of President Ortega and his government, had been receiving consistent death threats from state actors and pro-Ortega non-state actors. ([ICCPR Article 17](#)) Bishop Báez's precarious situation came to a head when he received a late night phone call one evening from the United States Embassy in Nicaragua alerting him that they had credible reason to believe that he was soon to be targeted in an assassination plot. ([ICCPR Article 6](#)) Previously, Bishop Báez had been physically assaulted and stabbed in the arm in July 2018 while sheltering in a church surrounded by pro-government forces.¹²

More generally, the Presidency and Vice Presidency have deplorably castigated the Catholic Church and its leaders over the past few years. In early October 2021, President Ortega referred to Nicaragua's council of bishops who submitted a pro-democracy plan as “terrorists”.¹³ Ortega has also called Catholic bishops “coup mongers” and falsely accused them of using their churches and houses of worship to store weapons and to meet and plan attacks against the government.¹⁴ In August 2021, Vice President Murillo referred to bishops and priests as “sons of the devil” and “fake shepherds”; specifically in regards to the Catholic Church's involvement in pro-democracy rhetoric, she claimed that bishops were engaging in “satanic rites” and performing “witchcraft” to oust the government.¹⁵ ([ICCPR Article 20](#))

[B. Persecution of Catholic Organizations and Related Services](#)

¹⁰ *Ibid.*

¹¹ Cinthya Torrez, “[Two Franciscans Denied Entry to Nicaragua ‘for Denouncing Injustices’](#)”, *Confidencial*, 19 February 2021.

¹² Ismael Lopez, “[Nicaraguan bishop, a vocal Ortega critic, says he was target of assassination plot](#)”, *Reuters*, 10 April 2019.

¹³ Associated Press, “[Nicaragua's President Ortega calls bishops ‘terrorists’](#)”, 4 October 2021.

¹⁴ Deutsche Welle, “[Ortega slams bishops as allies of ‘coup plotters’](#)”.

¹⁵ Inés San Martín, “[Nicaragua's vice president calls priests and bishops ‘devils’](#)”, *Crux Now*, 17 August 2021.

The Ortega-Murillo government has expanded its persecution of the Catholic Church to include the non-governmental organizations it operates – many of which provide essential services to the nation’s citizens – and Catholic educational institutions. In early August 2022, it was reported that Nicaraguan authorities ordered the closure of six radio stations operated by the Catholic Church; in some of these closures, authorities would confiscate technological equipment and fire tear gas and gunshots into the air to disperse any Catholic congregants or leaders who attempted to interfere with the closures. The forcibly shuttered radio stations of early August include Our Lady of Lourdes Radio (La Dalia), Our Lady of Fatima Radio (Rancho Grande), Radio Alliens (San Dionisio), Mount Carmel Radio (Río Blanco), Radio Hermanos (Sébaco), and Radio Dario (León). The Nicaraguan government ordered the Nicaraguan Institute of Telecommunications and Postal Services (TELCOR) to issue notices of closure to the above radio stations, all of which were known for their affiliations to the Catholic Church and for their open critiques of the government.¹⁶ ([ICCPR Article 19](#)) Most recently, on 25 August, it was reported that Radio Stereo Fe (Estelí), which had a remarkable “almost 28 years of radio evangelization” and unimpeded service, had been notified by TELCOR to cease its production immediately.¹⁷

In February 2022, the national assembly revoked the legal status of Universidad Católica del Trópico Seco as well as numerous other Catholic charitable services in the Diocese of Estelí. Targeted projects included an organization of parochial schools, a Church-run agricultural learning facility, a local Catholic cultural association, “the diocesan justice and peace commission”, and the diocesan chapter of Caritas Internationalis, a global federation of Catholic organizations providing aid, relief, and social services. Though Nicaragua’s Interior Ministry claimed its targeting of such organizations and schools for closure was due to their alleged failure to transparently disclose financial details to the government and identify head administrators, it is widely accepted that the Diocese of Estelí was singled out due to its reputation as “one of the most critical [dioceses] of the Ortega government” ([ICCPR Articles 19; 22](#)), especially aforementioned Estelí Bishop Juan Abelardo Mata who was forced to flee the country due to harassment.¹⁸

In August 2022, the Nicaraguan Congress excluded that Catholic and Jesuit-operated Central American University from the National Council of Universities, likely in retaliation for the school’s allowance of 2018 anti-government protestors to seek refuge on its campus. ([ICCPR Article 22](#)) As a result of the university’s expulsion from the National Council, its government funding decreased from \$8.1 million dollars in 2018 to a meager \$38,000 in 2022.¹⁹

In July 2022, President Ortega stripped the Missionaries of Charity of its legal status and ordered police to expel 18 of the organization’s nuns by escorting them across the border by foot into neighboring Costa Rica. Missionaries of Charity, founded by Mother Teresa of Kolhata, has successfully managed a handful of projects since 1988, including operating a home for abused and abandoned children, a care facility for the elderly, a school for troubled students, and a nursery for children of impoverished families. President Ortega alleged that Missionaries of Charity was engaging in “political subversion”, “supporting terrorism” and “failing to comply with their obligations” to report on their financial assets.²⁰

¹⁶ Catholic News Agency, “[Ortega \[redacted\] in Nicaragua violently shuts down Catholic radio stations](#)”, 2 August 2022. ; Reuters, “[Nicaragua’s government shuts one of last opposition radio stations](#)”, 12 August 2022.

¹⁷ National Catholic Register, “[Ortega \[redacted\] Shuts Down Another Catholic Radio Station in Nicaragua](#)”, 25 August 2022.

¹⁸ David Agren, “[Nicaragua revokes legal status of Catholic charities, educational projects](#)”, *National Catholic Reporter*, 4 February 2022.

¹⁹ David Agren, “[Nicaragua strips funds from Catholic university, ups government control](#)”, *Crux Now*, 4 April 2022.

²⁰ Mike Gonzalez, “[Christianity Under Siege in Nicaragua](#)”, *The Heritage Foundation*, 8 August 2022. ; Vanessa Buschschlüter, “[Nicaragua expels Mother Teresa’s nuns in latest crackdown](#)”, *BBC News*, 7 July 2022. ; Inés San Martín, “[Ortega \[redacted\] expels Missionaries of Charity from Nicaragua](#)”, *Crux Now*, 30 June 2022.

C. Restrictions on Religious Activities

In mid-August 2022, Nicaraguan police in Managua restricted a Catholic procession and pilgrimage which would be a ceremony to close the Marian Congress and send off the statue of Our Lady of Fatima which was to be returned to Portugal (*ICCPR Articles 18; 21*); in response, the archdiocese urged its congregants to spend the day in prayer and fasting instead. Meanwhile, when Father Erick Diaz and Father Fernando Calero attempted to travel to the Managua Cathedral to receive replica statues of Our Lady of Fatima – which were to be bestowed upon each of the nation’s dioceses – they were turned away by authorities.²¹

Nicaraguan authorities have even expanded their harassment to family members of slain pro-democracy protestors and, by extension, the Catholic Churches and diocesan communities who attempt to remember such martyrs. In April 2021, when the Church of Saint Michael in Masaya attempted to hold a Mass in memory of 23-year-old university student and anti-government protestor Alvaro Gomez – who had been shot and killed by an unidentified assailant during the 2018 demonstrations – “dozens” of authorities surrounded the church and attempted to restrict local residents from attending the memorial service. Also in April 2021 during commemorative Mass about Franco Valdiva who was shot and killed during the protests, authorities “burst violently” into the service, at which point they physically assaulted Franco’s female relatives, arrested them, and transported them to a local police station where they were stripped, groped, and interrogated. In April 2020, while mother Eva Ruth Campos was attending a memorial service at San Antonio Church in Jinotepe for her deceased son Jose Manuel who was killed by government forces during the 2018 protests, police surrounded the church during the service. They then “harassed us, they threatened us, they stole the commemorative books from some of the mothers”, all before following them to the bus stop after the memorial Mass.²² (*ICCPR Articles 18; 21*)

D. Non-State Actors’ Attacks on Catholic Infrastructure

Though there have been no direct attacks on Catholic houses of worship or infrastructure over the past two years, it is important to note a few major incidents of targeted persecution during the outset of the political unrest in Nicaragua in 2018 and into 2020. In late July 2018, pro-government protestors ambushed two churches in the Diocese of Jinotega – the Sacred Heart Chapel of St. Mark the Evangelist and the Chapel of Our Lady of Mount Carmel – where they stole the tabernacle containing the Sacrament and subsequently abandoned it in a local field, threw sacred objects about the church, and stole technical equipment and a donation collection box.²³ In November 2019, a mob of pro-government assailants ambushed the most important Catholic church in Managua, the Catedral Metropolitana de la Inmaculada Concepción de María, where they then physically assaulted vicar Father Rodolfo López and Sister Arelys Guzmán and also invaded the cathedral’s sacristy. It was reported that they targeted the church as it was the location where several mothers of political prisoners were participating in a hunger strike protesting their children’s detentions.²⁴

²¹ Ismael Lopez, “[Nicaragua police ban Catholic procession in Church crackdown](#)”, *Reuters*, 12 August 2022. ; Catholic News Agency, “[Ortega \[redacted\] continues attacks on the Church in Nicaragua](#)”, 15 August 2022.

²² Yader Luna, “[Relatives of the Murdered in 2018: ‘They Won’t Let Us Grieve’](#)”, *Confidencial*, 24 April 2021.

²³ Catholic News Agency, “[Two churches desecrated in Nicaraguan diocese](#)”, 26 July 2018.

²⁴ Martina Moyski, “[Ortega’s Nicaragua: Cathedral Desecrated, Priest and Nuns Attacked](#)”, *Church Militant*, 20 November 2019.

In late July 2020, an unidentified individual launched a firebomb at the very same cathedral in Managua, setting a fire that destroyed a 380-year-old sculpture of Jesus.²⁵ While the local archdiocese and Catholic leaders have repeatedly called for an investigation into the attack, the government has disregarded such demands and has instead deemed the incident an accident resulting from disinfectant alcohol being lit by a church candle.²⁶

In August 2020, a spate of attacks on Catholic churches drew international attention. In León, an unidentified assailant stormed the parish of Santa Rosa del Peñón during Sunday mass and began to throw stones at an urn storing a sculpture of Jesus and threw a metallic object at the priest. In Managua, congregants of the Corpus Christi parish reported “being the victim of a siege by motorized vehicles and trucks”. And in Nindirí, a group of unidentified individuals desecrated the Nuestra Señora del Perpetuo Socorro Chapel, where they “not only stole the monstrance and the ciborium, but also broke images, outraged the tabernacle, trampled on the hosts, broke benches, caused damage to furniture, doors and pipes,” and more.²⁷

E. Recommendations

Jubilee Campaign urges the Human Rights Committee to make the following recommendations to Nicaragua:

1. Cease the practice of monitoring, sequestering, and detaining leaders and notable figures of the Catholic Church who are involved in providing essential humanitarian services to anti-government protesters and who are exercising their right to freedom of expression by vocally criticizing the government and its actions towards peaceful protesters;
2. Allow the reentry into and temporary residence within Nicaragua of foreign missionaries and priests who have previously freely traveled into and out of the country and who have historically engaged in work and service in Nicaragua;
3. Cease publicly denigrating and castigating the nation’s Catholic leaders and followers, as such remarks can be incendiary and indirectly encourage persecution;
4. Provide universities and other educational institutions with funding in a non-discriminatory manner. Along that same vein, cease the practice of withdrawing funding from Catholic universities and other schools which have either directly or indirectly participated in pro-democracy initiatives or otherwise offered material and nonmaterial support to individuals engaged in pro-democracy and anti-government activities;
5. Acknowledge the Catholic Church’s tremendous contributions to the welfare of Nicaraguan society by providing social services – schools, aid distribution, nurseries, shelters, and community centers – and therefore ensure their equitable funding and state support;
6. Return the operation licenses of Catholic-run organizations, associations, and radio services;

²⁵ Latin America News Dispatch, [“Fire At Nicaragua Cathedral Prompts Accusations Of Terrorism”](#), 4 August 2020.

²⁶ Associated Press, [“Nicaragua police discount arson in fire at cathedral”](#), 3 August 2020.

²⁷ Yader Luna, [“Atacan a sacerdote en misa en Santa Rosa del Peñón”](#), *Confidencial*, 3 August 2020.

7. Permit safe and uninterrupted religious worship services, observations of holy days, pilgrimages, and memorial Masses;
8. Investigate and prosecute perpetrators of physical attacks on Catholic houses of worship and other infrastructure.

The most recent concluding observations on Nicaragua by the Human Rights Committee were released in 2008²⁸, following the 15-year-late periodic report submitted by the state. In these concluding observations, the Human Rights Committee made the following recommendations which Jubilee Campaign would request that the Committee reiterate in its next report:

“The Committee notes with concern that detainees continue to suffer ill-treatment at the hands of the forces of law and order, especially in prisons, but also at the time of their arrest by the police, and that in most cases such conduct goes unpunished (arts. 7 and 10).”

(a) **“The State party should take immediate, effective steps to end such abuse, remain vigilant, investigate and, where appropriate, bring to trial and punish members of the forces of law and order responsible for ill-treatment, and indemnify the victims.”**

(b) **“The State party should step up training in human rights for the forces of law and order so that they do not engage in such conduct.”**

“The Committee is concerned about alleged instances of wrongful arrest occurring, in particular, in connection with public protests (arts. 6, 7 and 9).”

“The State party should protect the lives and safety of all individuals against excessive use of force by the police. The Committee also recommends that it consider reforming the Code of Criminal Procedure, which allows the police to detain people without a warrant, contrary to the provisions of the Constitution.”

IV. Violence Against Women (VAW), Gender-Based Violence (GBV), Intimate Partner Violence (IPV), and Femicide

A. Noteworthy Progress

In early January 2021, it was reported that Nicaragua had approved a new Penal Code provision which would stipulate the life imprisonment for certain cases of femicide; previously, all acts of femicide were punishable by a maximum of 30 years' imprisonment. While we welcome the new law, we regret that it only applies to a very specific set of circumstances, such as cases in which (1) the victim was pregnant, (2) the victim was a woman older than 60 years, and/or (3) the victim was killed in front of her children.²⁹

Since the most recent concluding observations of the Human Rights Committee regarding Nicaragua were published in 2008, the Nicaraguan government has passed the Comprehensive

²⁸ Human Rights Committee, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Concluding observations of the Human Rights Committee - Nicaragua*, [CCPR/C/NIC/CO/3](#), 12 December 2008.

²⁹ Telesur, [“Nicaragua Approves Life Imprisonment for Femicides”](#), 26 January 2021.

Violence Against Women Law (Law 779) in 2012 which expanded the range of actions considered VAW to include femicide, misogyny, and physical and economic violence; regrettably, some of Law 779's successes were watered down over the following years as municipal 'Family Councils' were established to attempt to resolve 'family conflict' such as domestic violence but acted as obstacles to women's reporting of incidents to authorities. Regardless of these deficiencies, a 2016 survey conducted on female residents of León revealed a 63% reduction in lifetime physical intimate partner violence (IPV) and a 71% decrease in IPV within the past 12 months. Furthermore, the survey revealed that women's acceptance of IPV as normal decreased drastically. Over 80% of respondents reported that they had watched 'edutainment' television programs such as *Sexto Sentido* (*Sixth Sense*) and *Loma Verde* (*Green Hill*), whose segments addressed gender-based violence (GBV) and taught about sources of redress for GBV; they reported that these programs informed them of their rights under Law 779. Reporting of incidents of domestic violence to relevant authorities increased in the 2016 survey as opposed to its previous 1995 counterpart.³⁰

B. Existing Problems

Despite numerous progresses with regards to criminalizing GBV and domestic violence as well as public campaigns to raise awareness about legal remedies for such crimes, there remain some issues. A 2014 survey of women and girls in Ocotal reported that domestic violence remains common between fathers and daughters, especially when fathers are led to believe that their daughters have engaged in pre-marital sexual relations. ([ICCPR Article 24](#)) Respondents reported that machismo is a contributing factor to IPV and domestic violence, as husbands will restrain their wives to the home, prevent the use of contraceptives, and prohibit their wives from attending school or maintaining careers; ([ICCPR Article 1](#)) meanwhile, many women reported that toxic masculinity directly contributed to rape, domestic violence, and femicide. While many women in Ocotal perceived the introduction of Law 779 as a positive step towards reducing and eradicating GBV, a significant portion of respondents expressed their belief that the law has actually led to more femicides, as "the opinion of men now is that they prefer to kill the woman instead of hitting her because although they will go to jail for hitting her, they will also go to jail for killing her, so they say 'It is better if I kill her.'" Finally, many women expressed their general distrust of local authorities due to their inability and disinclination to enforce the law and protect victims and survivors.³¹

Women's rights and human rights activists alike have observed an increase in digital and physical violence towards women demonstrators during and after the 2018 anti-government and pro-democracy movement. The most common forms of aggression towards Nicaraguan women during this period include online threats, offensive and sexist online comments, and the doxing of women (disclosing personal or identifying information). 32.5% of women surveyed about this issue revealed that the online threats they received later manifested as physical violence. ([ICCPR Article 17](#)) While male activists have also been on the receiving end of threats for their political views and advocacy, those against women are visibly gendered, often in the form of rape threats and threats of other forms of sexual violence. Moreover, threats against women are often more explicit and target their personal lives, such as threatening to stalk or kill women, go after their children or family members, or get them fired from their jobs. Reprehensibly, online aggression is often

³⁰ Mary Ellsberg, Margarita Quintanilla, & William J. Ugarte, "[Pathways to change: Three decades of feminist research and activism to end violence against women in Nicaragua](#)", *Global Public Health*, 2022.

³¹ Samantha Luffy, Roger W. Roach, & Dabney Page Evans, "[It Is Better If I Kill Her': Perceptions and Opinions of Violence Against Women and Femicide in Ocotal, Nicaragua, After Law 779](#)", *Violence and Gender*, June 2015.

overlooked by authorities and the general public despite the increasing propensity to escalate into physical confrontations.³²

Over the past few years, and as has been the case in many nations across all geopolitical regions, the COVID-19 pandemic and its resulting lockdowns have caused an increase in domestic violence as some women find themselves isolated in the home with their violent spouses. A Women's Anti-Violence Network analyst reported that "Women are at home, which has become the most insecure place, including many girls and teenagers who were left under the control of potential aggressors". Women were unable to find reprieve by going to their jobs on a daily basis; likewise, young girls could not seek protection by going to school each day. Compounding factors exacerbating the potential for domestic violence in the home during the pandemic include financial difficulties and pandemic anxiety. Nicaraguan women have reported feeling extra unsafe in light of the government's 2020 pardoning and release of 500 inmates convicted of sexual violence against women and femicide.³³

With regards to femicide specifically, Havana Times reported 69 incidents of femicide in 2020, of which 70% of victims lived in rural areas, 45% were between the ages of 19 and 35 years old, and 10% were under 18 years old. 2020 was "the most violent year since 2014 for crimes against women", and the number of femicides in the first nine months of 2020 alone exceeded the yearly toll from the previous year.³⁴ In April 2021, Havana Times reported 19 femicides and 41 "frustrated homicides" in the first three months of the year; 8 victims were between the ages of 18 and 35, 13 incidents occurred "in the public sphere" and six in the private sphere, and the majority of perpetrators were known to the victim - current intimate partners (6), acquaintances/friends (4), family members (2), former intimate partners (1), and co-workers (1). Regrettably, these 19 femicides and aggravated homicides resulted in 25 children and adolescents becoming orphaned.³⁵ At the close of 2021, the Matagalpa Women's Collective recorded 71 femicides nationwide throughout the entire year.³⁶ [\(ICCPR Article 6\)](#)

Unjustifiably, the Matagalpa Women's Collective, along with 23 other women's organizations offering assistance to survivors of IPV and GBV, have been shut down by the government or have had their assets confiscated and legal status revoked; these include: The March 8th Collective (served 10,800 women and 934 girl victims of violence since 2016), The House for Bocana de Paiwas' Women, Association Training Center for Working Women, Civil Foundation for the Support of Women Victims of Violence, Foundation for the Comprehensive Development of Indigenous Women of Sutiaba, Chinandega Women's Movement Association,, Foundation for the Promotion and Development of Women and Children Blanca Aráuz, Association of Working and Unemployed Women, La Corriente Feminist Regional Program Association, Waslala Women's Production Association, Association of Women of Jalapa Against Violence, Association for the Integral Development of Women, Solar Project Foundation for Nicaraguan Women, Central American Fund for Women Foundation, Coordinating Association of Rural Women, and the Alternative Center Association for Women Survivors of Violence.³⁷

C. Recommendations

³² Keyling T. Romero, "[The Nicaragua Crisis Means Increased Violence against Women](#)", *Confidential*, 7 January 2020.

³³ Lalupa, "[Nicaragua: Women 'survive more than one pandemic'](#)", 22 July 2020.

³⁴ Cindy Regidor, "[Femicides Rise in Nicaragua during 2020](#)", *Havana Times*, 20 November 2020.

³⁵ Havana Times, "[Femicides on the Rise in Nicaragua during 2021](#)", 10 April 2021.

³⁶ Havana Times, "[Ortega and Murillo's Viciousness against Women's Organizations](#)", 26 May 2022.

³⁷ *Ibid.*

Jubilee Campaign urges the Human Rights Committee to make the following recommendations to Nicaragua:

1. Expand the new penal code provision on femicides to be less restrictive and to extend the life imprisonment punishment for all incidents of femicide, regardless of the victim's age and parental status;
2. Improve the implementation of the Comprehensive Violence Against Women Law (Law 779) by encouraging victims to seek legal remedy for incidents of GBV, IPV, and domestic violence, in light of the perception among Nicaraguan women that 'Family Councils' for mediation offer little assistance and delay necessary prosecution and victim protection;
3. Take measures to investigate incidents of online harassment and threats towards women;
4. Conduct comprehensive and gender-informative training to the predominantly-male police force, including lessons on incident reporting, victim and witness protection, suspect investigation and prosecution, evidence gathering, conflict de-escalation, and more;
5. Tackle impunity and complicity among law enforcement officials;
6. Reissue in a timely and non-discriminatory manner the legal status and operation licenses of organizations offering assistance to women and girl victims of violence;
7. "Future endeavors to reduce tension between genders should incorporate gender-training programs for men" in which they are "encouraged to develop equitable gender relations through increased awareness of gender inequality, which contribute to changes in values and behavior".³⁸

The most recent concluding observations on Nicaragua by the Human Rights Committee were released in 2008.³⁹ In these concluding observations, the Human Rights Committee made the following recommendations which Jubilee Campaign would request that the Committee reiterate in its next report:

"While the Committee notes the approval of a standard operating procedure for handling cases of domestic abuse and sexual aggression, it is concerned at the increase in recent years in killings of women arising from gender violence and domestic and sexual violence in particular. It is also concerned that attackers appear to go unpunished (arts. 3 and 7).

"The Committee urges the State party to take immediate steps to put a halt to killings of women and, in particular:

- (a) Conduct investigations and punish their attackers;**
- (b) Allow the victims of gender violence effective access to justice;**

³⁸ *Supra* note 31.

³⁹ Human Rights Committee, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Concluding observations of the Human Rights Committee - Nicaragua*, [CCPR/C/NIC/CO/3](#), 12 December 2008.

- (c) Provide police protection for victims, and set up shelters where victims may live in dignity;
- (d) Maintain and promote opportunities for direct participation by women, both nationally and locally, in decision-taking on matter related in particular to violence against women, and ensure that women participate and are represented in civil society;
- (e) Take steps to prevent and warn against gender violence, such as giving police officers, particularly those in the police units for women, training on women's rights and gender violence.

V. *Trafficking in Persons*

A. *Human Trafficking*

Human trafficking remains a human rights problem in Nicaragua, owing in part to the nation's being a coastal state and its location directly below Honduras to the north and Costa Rica to the south; as a result, migrants – the group most vulnerable to human trafficking – from South America find themselves in Nicaragua which acts as a transit country on their way to North America.⁴⁰ Additionally, it is important to note that since 2018, over 100,000 Nicaraguan civilians have fled the nation due to government oppression and persecution; this migration trend has only been exacerbated by the pandemic which has caused those in poverty to leave Nicaragua due to economic hardship and hunger.⁴¹ Regrettably, it is a well-known fact that impoverished migrants are more vulnerable to trafficking, as they can become entrapped in exploitative and/or dangerous work, debt bondage, unfair labor contracts, and more.

In 2022, the United States Department of State placed Nicaragua in Tier 3 in its global Trafficking in Persons Report, stating the following:

“The Government of Nicaragua does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Nicaragua remained on Tier 3. [...] The government continued to downplay the severity of the trafficking problem in Nicaragua, contradicting civil society reports of increased cases during the pandemic; it did not have shelters or allocate funding for specialized victim services [...] The government denied that traffickers exploited Nicaraguans in foreign countries, despite media reports that foreign officials identified several Nicaraguan victims. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses, despite endemic corruption and widespread official complicity.”⁴²

B. *Child Labor*

⁴⁰ The Borgen Project, [“10 Facts about Human Trafficking in Nicaragua”](#), 9 July 2021.

⁴¹ United Nations High Commissioner for Refugees, [“UNHCR calls for more support for Nicaraguans forced to flee”](#), 16 April 2021.

⁴² United States Department of State, [2022 Trafficking in Persons Report: Nicaragua](#).

Previously in 2014, Nicaragua signed onto the International Labour Organization’s “roadmap” to eradicate the most egregious forms of child labor by 2016 and all forms of child labor by 2020; regrettably, however, there remain an estimated 250,000 to 320,000 child laborers in Nicaragua, a substantial portion of whom are under the age of 14 years. ([ICCPR Articles 8; 24](#)) In Nicaragua where national legislation only mandates school attendance until the age of 12 years, many children of poor families enter the workforce at extremely young ages.⁴³ Unfortunately, these child laborers often find themselves in dangerous work sectors such as sugar cane fields, coal mines, and agriculture.⁴⁴ Some of the most strenuous and hazardous jobs undertaken by children – especially between the ages of 10 and 14 years – include harvesting coffee, bananas, and tobacco; livestock raising; diving for and collecting shellfish; construction; quarrying pumice and limestone; drug production and trafficking; and more. This is despite that Nicaragua has ratified all key international covenants relevant to child labor, including those regarding minimum working age, the rights of the child, the prohibition of trafficking, the prohibition of forced labor, the prohibition of child sexual exploitation, and the provision of free public education. Additionally, the United States Bureau of International Labor Affairs observed that “in 2020, labor law enforcement agencies in Nicaragua took actions to combat child labor” [...] “however, gaps exist within the operations of enforcement agencies that may hinder adequate enforcement of their child labor laws”.⁴⁵

C. Recommendations

Jubilee Campaign urges the Human Rights Committee to make the following recommendations to Nicaragua:

1. Take visible and verifiable steps to identify victims of human trafficking and child labor, prosecute perpetrators, hold complicit government officials accountable, and dismantle transnational trafficking and child labor schemes;
2. Increase funding and training for national law enforcement’s programs to mitigate and eradicate trafficking in persons and child labor;
3. “Increase funding for victim protection, finance the trafficking fund, and provide specialized services for trafficking victims.”;⁴⁶
4. “Ensure that the government has a specific and consistent mechanism to coordinate efforts to address child labor, including with NGOs, and to publicly report on these efforts.”⁴⁷

The most recent concluding observations on Nicaragua by the Human Rights Committee were released in 2008.⁴⁸ In these concluding observations, the Human Rights Committee made the following recommendations which Jubilee Campaign would request that the Committee reiterate in its next report:

⁴³ IZA World of Labor, “[Poverty as a driver for child labor in Nicaragua](#)”, 20 May 2015.

⁴⁴ The Borgen Project, “[Eliminating Child Poverty in Nicaragua](#)”, 29 November 2020.

⁴⁵ United States Department of Labor Bureau of International Labor Affairs, [Child Labor and Forced Labor Reports: Nicaragua](#), 2020.

⁴⁶ *Supra* note 42.

⁴⁷ *Ibid.*

⁴⁸ Human Rights Committee, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Concluding observations of the Human Rights Committee – Nicaragua*, [CCPR/C/NIC/CO/3](#), 12 December 2008.

“The Committee is concerned at the absence of specific penalties for trafficking in and the sexual exploitation of women and children, and the fact that women and children are trafficked for sexual exploitation purposes in the State party (arts. 3, 8 and 24).

“The State party should step up efforts to combat the trafficking of women and children and, in particular:

- (a) Explicitly make trafficking in and the sexual exploitation of women and children criminal offences;**
- (b) Ensure that punishment commensurate with the gravity of the offences is inflicted upon anyone who exploits women and children for such purposes;**
- (c) Maintain its efforts to make the general public aware of the criminal nature of the sexual exploitation of women and children;**
- (d) Arrange training courses for the competent authorities;**
- (e) Protect and assist the victims of sexual exploitation.”**