

# NICARAGUA 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Nicaragua has a highly centralized, authoritarian political system dominated by President Daniel Ortega Saavedra and his wife, Vice President Rosario Murillo Zambrana. Ortega's Sandinista National Liberation Front (FSLN) party exercises total control over the executive, legislative, judicial, and electoral functions. President Ortega was inaugurated to a third term in office in January 2017 following a deeply flawed electoral process. The 2016 elections expanded the ruling party's supermajority in the National Assembly, which previously allowed for changes in the constitution that extended the reach of executive branch power and the elimination of restrictions on re-election for executive branch officials and mayors. Observers noted serious flaws in municipal, regional, and national elections since 2008. Civil society groups, international electoral experts, business leaders, and religious leaders identified persistent flaws in the March 3 Caribbean regional and 2017 municipal elections and noted the need for comprehensive electoral reform.

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

From February to June, the government released 494 purported political prisoners in the context of the national dialogue. Some of those released appeared to have been common criminals; human rights groups claimed only 344 of those released were actually political prisoners. Since April the government detained 161 new political prisoners, including reimprisoning some individuals who were previously released. On December 30, the government released 91 political prisoners, leaving 70 imprisoned.

Significant human rights issues included: reports of unlawful or arbitrary killings, including extrajudicial killings, committed by the government or its agents; forced disappearance by parapolice forces; torture by prison guards and parapolice; physical abuse, including rape, by government officials; and arbitrary detentions

by police and parapolice. There were harsh and life-threatening prison conditions; political prisoners; arbitrary and unlawful interference with privacy; serious problems with the independence of the judiciary; restrictions on free expression and the press, including threats of violence, censorship, and criminal libel; and substantial interference with the rights of peaceful assembly and freedom of association, including attacks on the Roman Catholic Church and church officials. The government continued to block nine nongovernmental organizations (NGOs) and civil society organizations from recovering their legal status and illegally withheld their assets, preventing them from operating. Government restrictions on freedoms of expression, association, and assembly precluded any meaningful choice in elections. 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.

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

Parapolice and individuals linked to the Ortega regime carried out a campaign of harassment, intimidation, and violence toward perceived enemies of the regime, such as former political prisoners, *campesino* or farmers activists, prodemocracy opposition groups, and Roman Catholic clergy. Human rights groups alleged that between October 2018 and August, parapolice killed between 20 and 30 *campesinos* considered to be opponents of the ruling FSLN party. Crimes committed by parapolice against these individuals were not investigated or prosecuted.

## **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.

On May 16, guards shot and killed dual Nicaragua-U.S. citizen Eddy Montes in custody at La Modelo prison. Montes was imprisoned under highly irregular

circumstances for participating in prodemocracy protests but was set to be released as part of a negotiation process. A police report issued the day of the killing and subsequent government information claimed that Montes was shot due to a scuffle with a guard during an attempted prison mutiny. Forensic reports and eyewitness accounts, however, contradicted this version and blamed Montes's killing on La Modelo prison guards.

Reports of killings were common in the north-central regions and the North Caribbean Autonomous Region (RACN). Human rights groups and campesino advocates documented 20 to 30 killings of campesinos between October 2018 and August in and around the departments of Jinotega and Nueva Segovia. Human rights groups said these killings marked an escalation of a campaign of terror in the north-central and RACN regions, perpetrated by parapolice groups to stamp out political opposition to the ruling FSLN party. Edgard Montenegro and Yalmar Montenegro were killed on June 27 in the Honduran border municipality of Trojes after fleeing their hometown of Wiwili, Jinotega, due to harassment by FSLN members. Police and FSLN members had informally accused Edgard Montenegro of organizing antigovernment protests in Jinotega. 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.

There was no indication the government investigated crimes committed by police and parapolice groups related to the 2018 prodemocracy uprising. In April 2018 President Ortega and Vice President Murillo ordered police and parapolice forces to put down with violence peaceful protests that began over discontent with a government decision to reduce social security benefits. By late November 2018, the ensuing conflict had left at least 325 persons dead; more than 2,000 injured; hundreds illegally detained, tortured, and disappeared; and more than 80,000 exiled in neighboring countries. Beginning in August 2018, the Ortega government instituted a policy of "exile, jail, or death" for anyone perceived as opposition, amended terrorism laws to include prodemocracy activities and used the justice system to characterize civil society actors as terrorists, assassins, and coup-mongers. Although the NNP and Prosecutor's Office detained, brought to trial, and imprisoned many members of the prodemocracy opposition, human rights organizations widely documented that the investigations and charges did not conform to the rule of law.

The government continued to make no effort to investigate several 2017 incidents of extrajudicial killings and torture in both the North and South Caribbean Autonomous Regions. In March the army issued a point-by-point rebuttal in these

cases and other unrelated cases. The army claimed that killings involved land or narcotics disputes, or that in some cases army units were defending themselves after receiving hostile fire from armed campesinos.

### **b. Disappearance**

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

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

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

In its September 3 report, the Office of the UN High Commissioner for Human Rights (OHCHR) included various accounts of torture, particularly of protesters in police custody, particularly in the La Modelo and La Esperanza prisons located in Tipitapa. The OHCHR reported beatings with batons, pepper spray applied to the genitals of detainees, and unjustified and degrading visual inspection of political prisoners' body cavities during strip searches occurring almost every time they left their cells. Local human rights organizations reported that several detainees had been beaten, stripped, and fed poisoned or otherwise contaminated food.

Local human rights organizations said men and women political prisoners were subjected to sexual violence, including rape, while in the custody of security forces. The OHCHR reported many detainees were subjected to degrading

treatment and sexual violence, including inappropriate touching and rape threats against 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.

### **Prison and Detention Center Conditions**

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

Physical Conditions: Prison conditions continued to deteriorate due to antiquated infrastructure and increasing inmate populations. Despite new temporary holding cells in the DAJ, the rest of the prison system remained in poor condition. The government acknowledged in 2018 that the number of prisoners held in the system exceeded prison capacity by approximately 9,000 inmates. Human rights organizations continued to be concerned about prison overcrowding. Due to overcrowding, pretrial detainees often shared cells with convicted prisoners and juveniles shared cells with adults.

Many prisoners suffered mistreatment from prison officials and other inmates. Inmates also suffered from parasites, inadequate medical attention, frequent food shortages and food contamination, contaminated water, and inadequate sanitation. Although conditions for female inmates were generally better than those for men, they were nevertheless unsafe and unhygienic. The OHCHR reported some men and women detained in the context of the 2018 protests were subjected to solitary confinement in maximum-security cells of La Modelo and La Esperanza prisons, in some cases for months at a time.

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 outlets. NGOs generally received complaints through family members of inmates and often were unable to follow up on cases until after the release of the prisoner due to lack of access. The government denied all requests from local human rights organizations for access to prison facilities.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Human rights NGOs, however, noted hundreds of cases of arbitrary arrests by the NNP and parapolice forces, although parapolice have no authority to make arrests.

#### **Arrest Procedures and Treatment of Detainees**

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

Police may hold a suspect legally for 48 hours before arraignment, when they must bring the person before a judge. A judge then must order the suspect released or transferred to jail for pretrial detention. The suspect is permitted family member visits after the initial 48 hours. A detainee has the right to bail unless a judge deems there is a flight risk. The criminal code lists a number of crimes that may be tried by a judge without a jury and that would not qualify for bail or house arrest during the duration of the trial. Detainees have the right to an attorney immediately following their arrest, and the state provides indigent detainees with a public defender. There were numerous reports detainees did not have immediate access to an attorney or legal counsel and were not afforded one during their 48-hour detention. In several instances authorities denied having detainees under custody in a specific jail, even to their family members or legal counsel.

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

Arbitrary Arrest: According to NGOs and other human rights groups, arbitrary arrests occurred regularly, including but not limited to the context of prodemocracy protests. In many cases the NNP detained prodemocracy protesters during marches and transported them to another part of town so as not to process the arrest. 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. Reports were common of armed, hooded men in plain clothes acting alone or together with police to arrest and detain prodemocracy protesters. Human rights organizations indicated that delays in the release of prisoners after finishing prison terms led to many cases of arbitrary continuation of a state of arrest. The NNP also committed irregular arrests and detentions during investigations into armed opposition groups or other violent crimes in the north-central regions of the country.

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

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

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but the government did not respect judicial independence and impartiality. The law requires vetting of new judicial appointments by the Supreme Court of Justice, a process wholly influenced by nepotism, personal influence, and political affiliation. Once appointed, many judges submitted to political pressure and economic inducements for themselves or family members that compromised their independence. NGOs complained of delayed justice caused by judicial inaction and widespread impunity, especially regarding family and domestic violence and sexual abuse. In 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.

### **Trial Procedures**

The law provides the right to a fair and public trial. Changes to the law enacted in 2017, however, allowed judges to deny jury trials in a wider range of cases, deny bail or house arrest based on unclear rules, and arbitrarily move a case from other judicial districts to Managua, to the disadvantage of defendants, their families, or their counsel. Defendants have the right to be fully and promptly informed of the charges against them and the right to a fair trial. While the law establishes specific time periods for cases to come to trial, most cases encountered undue delay. Trials are public, but in some cases involving minors or at the victim's request, they may be private. The law requires defendants must be present at their trial, although this was not always respected. Proceedings in most cases related to charges of terrorism brought against protesters in the context of prodemocracy protests were made private, except for the presence of state media.

According to the constitution, defendants are presumed innocent until proven guilty. Observers claimed, however, that trials against prodemocracy protesters were unduly delayed and did not conform to due process, and that defendants' release was in many cases based on political decisions rather than on rule of law. On June 8, the National Assembly approved an amnesty law and freed some prodemocracy protesters imprisoned as a consequence of protests starting in April 2018. The law was criticized by lawyers, human rights organizations, and the Political Prisoners Committee because it included a provision that released prisoners under amnesty could be imprisoned again and their original accusations reinstated, if they participated once again in the activities that led to their initial arrest. Furthermore, observers noted that in a large majority of the cases against protesters, a fair trial would have freed the accused without the need for an amnesty.

The September OHCHR report found “violations of the right to a fair trial in cases of persons prosecuted for their involvement in demonstrations, sometimes based on a distorted application of the criminal legislation, which is not in line with international human rights norms and standards.”

Defendants have the right to legal counsel, and the state provides public defenders for indigent persons. Defendants have the right to adequate time and facilities to prepare a defense, but judges commonly failed to grant counsel’s access to the defendant. In several instances related to prodemocracy protests, defendants were not allowed to name their legal counsel, and the court appointed a public defender, which family members of the accused and human rights organizations claimed was detrimental to the defendant’s case. In many cases 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.

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 those detained in the context of prodemocracy protests as political prisoners. The government does not recognize political prisoners as an inmate category and considers all remaining prisoners to be common criminals. On May 21, authorities stated they had released 336 persons “imprisoned in relation to incidents that occurred after April 18, 2018.” The government subsequently released 158 additional prisoners held for participating in prodemocracy protests, including 106 political prisoners released under the June 8 amnesty law. Despite the broad amnesty, as of November 28, the Political Prisoners Committee counted 161 political prisoners who remained in detention. On December 30, the government released 91 political prisoners, leaving 70 imprisoned.

Released political prisoners recounted being beaten, kept in solitary confinement for weeks, and suffering from poor ventilation and poisoned or contaminated food and water. Human rights organizations believed that a portion of the remaining 70 political prisoners were kept with common criminals. The government did not permit access to political prisoners by human rights groups or humanitarian organizations.

### **Politically Motivated Reprisal Against Individuals Located Outside the Country**

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

### **Civil Judicial Procedures and Remedies**

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

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

### **Property Restitution**

The government regularly failed to take effective action with respect to seizure, restitution, or compensation of private property. These failures were exacerbated by the social upheaval in 2018, in which groups of persons, including members of the FSLN, illegally took over privately owned lands, with implicit and explicit support by municipal and national officials. Some land seizures were politically targeted and directed against specific individuals, such as businessmen traditionally considered independent or against the ruling party. The Office of the Attorney General routinely either rejected requests to evict illegal occupants of real property or failed to respond to the requests altogether. National and local police

also routinely refused to evict illegal occupants of real property. The judicial system delayed final decisions on cases against illegal occupants. Members of the judiciary, including those at senior levels, were widely believed to be corrupt or subject to political pressure. When judges issued orders in favor of landowners, enforcement of court orders was frequently subject to nonjudicial considerations. In the face of government inaction, some landowners were forced to pay squatters to leave their real property. As of July 4, the private sector confirmed approximately 12,500 acres remained seized.

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

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

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

On September 4, the National Assembly approved an amendment to the law establishing the Financial Analysis Unit to obligate lawyers and accountants to inform the state of suspicious financial behavior of their clients and employers. Independent lawyers said the new regulation encroached on attorney-client privilege and could compel lawyers and notaries to accuse their clients or risk losing their license. Members of the opposition worried the government could use this law for political persecution.

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

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

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, but the government did not respect this right. Restrictions on press freedom, the absence of an independent judiciary, and a nondemocratic political system combined to inhibit freedom of expression, including for the press. Although the law provides that the right to information may not be subjected to censorship, the government and actors under its control retaliated against the press and radio and television stations by blocking transmissions, impeding the import of ink and paper, and violence against journalists. Some independent media outlets also reported they were victims of cyberattacks.

Freedom of Expression: The government used reprisals to restrict the ability of individuals to criticize the government.

Independent media were active and expressed a wide variety of views despite government attempts to restrict and intimidate them. Independent media outlets experienced vandalism, seizure of broadcast equipment, arrest, 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 receiving limited or no direct access to government information. Official media, however, were not similarly restricted.

The government restricted symbolic speech. Prodemocracy protesters were arrested on many occasions for displaying the national flag as a protest banner.

Press and Media, Including Online Media: 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.

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

Violence and Harassment: Journalists were subject to government violence, harassment, and death threats. Renowned journalist Carlos Fernando Chamorro went into exile in January after receiving harassment and death threats. On November 25, he returned, along with five other journalists. The television station 100% Noticias and the offices of news magazine *Confidencial* remained closed and under police custody after the December 2018 raid of those facilities.

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

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. By September the government had not allowed national, independent print media *La Prensa* and *El Nuevo Diario* to import ink, paper, or machine parts to continue

printing for more than one year. This led to significant increase in printing costs and restrictions of printing capacity of both daily newspapers. On September 27, after nearly 40 years in business, *El Nuevo Diario* announced its permanent closure, citing “economic, technical, and logistical difficulties, which made [its] operation unsustainable.”

In September Radio Corporacion, an independent radio broadcaster, found its AM radio antenna sabotaged and its transmission cables dug up and cut into pieces. Radio station staff stated that unknown perpetrators carried out the attack with knowledge of where the sabotage could do the most damage. As a result, the radio station lost its ability to broadcast on the AM frequency for more than a week and moved all of its programming to an FM frequency. This resulted in lower listenership, particularly among rural listeners who rely principally on AM frequency for radio transmissions.

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 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. In addition, media outlet owners exercised self-censorship by choosing not to publish news that affected public perceptions of the government or the FSLN.

Libel/Slander Laws: 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 restricts criticism of government policies and officials under the guise of protecting national security.

### **Internet Freedom**

There were credible reports that the government monitored private online communications without appropriate legal authority and in some cases restricted or disrupted access to the internet or censored online content.

Several NGOs claimed the government monitored their email and online activity without appropriate legal authority. Domestic NGOs, Roman Catholic Church representatives, journalists, and opposition members alleged the government monitored their email and telephone conversations. Paid government supporters used social media and website commentary spaces to harass prominent members of civil society, human rights defenders, and well known journalists.

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

### **Academic Freedom and Cultural Events**

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

Public universities expelled from school and erased the records of many university students who participated in prodemocracy protests. In many cases students who went into exile could not continue their studies abroad without their records. Entrances to public universities remained under surveillance by progovernment

guards who regularly checked every visitor and also often by police. Some university rectors reported university enrollment following the prodemocracy uprising dipped to 50 percent of precrisis levels.

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

Combined NNP and parapolice surrounded and harassed students inside university campuses 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. Prodemocracy marches and protests were not allowed during the year. Police failed to protect peaceful protesters from attacks; they also committed attacks and provided logistical support to other attackers. Human rights organizations reported police stopped traffic for and otherwise protected progovernment demonstrations.

The NNP consistently refused to accept applications or denied permits to use public spaces for prodemocracy marches, using unclear parameters. A denial of permission from the NNP resulted in significant repression and violence against protesters when they carried on with the protest. On September 21, the NNP used tear gas and shot marbles and pellets at prodemocracy protesters, whose application to march was denied by the NNP. Parapolice attacked Roman Catholic churches throughout the year during masses in commemoration of protesters killed during the April 2018 prodemocracy uprising.

On November 14, police surrounded a church in Masaya where Father Edwin Roman hosted a group of mothers of political prisoners on a hunger strike to

demand of the release of their children. Police impeded access and prevented anyone inside the church from exiting, and later that day the government cut off water and electricity to the church. On November 15, the NNP arrested 16 individuals who arrived at the church to show solidarity with the striking mothers by providing them with water and charged those 16 individuals with trafficking weapons, munitions, and explosives. Local media and lawyers for the accused said police planted military-grade weapons inside the individuals' vehicles after they were detained. An attorney for some of the detained individuals reported they had been beaten in prison. On December 2, Judge Adalberto Zeledon announced the trial of the 16 would begin on January 30, 2020.

On November 18, NNP officers and riot police, who had surrounded and blocked access to the Cathedral of Managua as families of political prisoners began a hunger strike inside, allowed inside the cathedral a group of at least 30 regime-aligned individuals, who assaulted Father Rodolfo Lopez and desecrated sacred items and spaces. The regime-aligned individuals spent the night camped out on the altar of the cathedral, menacing the hunger strikers who had locked themselves inside the sacristy. The siege ended on November 19 when the Red Cross evacuated the hunger strikers.

Through various press releases and arrests, the NNP claimed protesters were responsible for destruction of public and private buildings, setting 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.

### **Freedom of Association**

The law provides for freedom of association, including the right to organize or affiliate with political parties; nevertheless, the Supreme Electoral Council and National Assembly used their accreditation powers for political purposes. National Assembly accreditation is mandatory for NGOs to receive funding, have bank accounts, or employ workers licitly. The Ministry of the Interior has oversight of regulatory compliance by NGOs and provides certificates. Many NGOs that worked on topics of democracy, human rights, and women's issues complained that the ministry purposefully withheld certification to hinder their work and access to funding. The Roman Catholic Church NGO Caritas publicly stated that the government retained humanitarian goods in customs with unclear requirements on how to get the products into the country.

### **c. Freedom of Religion**

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

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, 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.

### **e. Internally Displaced Persons**

Not applicable.

### **f. 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 as refugees in 2015, the most recent year for which information was available. By mid-2018 the Office of the UN High Commissioner for Refugees counted 326 refugees or persons in refugee-like situations in the country.

### **g. Stateless Persons**

Not applicable.

## **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 March 3 Caribbean regional and 2017 municipal elections were marred by widespread institutional fraud. The Caribbean regional elections were characterized by heavy security force presence, including antiriot police at polling units, which local press said intimidated voters and led to low turnout. In both elections, authorities did not provide domestic civil society organizations accreditation for electoral observation. Opposition party members reported government officials transported FSLN supporters to voting centers. Opposition party members and observers claimed the FSLN used its control over the Supreme Electoral Council (CSE) to commit fraud. There were reports of public-sector employees being pressured to vote and show proof the next day at work they had voted. Opposition representatives claimed opposition poll watchers were denied accreditation, FSLN-affiliated poll watchers posed as opposition poll workers, and votes were not counted in accordance with the law.

Several isolated and violent postelection clashes between supporters of competing political parties and with security forces left at least six persons dead after the 2017 municipal elections. A larger, sustained confrontation between supporters of the indigenous party YATAMA and the ruling FSLN left several buildings ransacked or torched, at least one person 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 both the 2017 municipal elections and the March Caribbean regional elections. Electoral experts, business leaders, representatives of the Roman 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 government social programs) or party-controlled Sandinista leadership committee (CLS) systems, which reportedly coerced citizens into FSLN membership while denying services to opposition members. The FSLN also made party membership mandatory for an increasing number of public-sector employees. Observers noted government employees continued to be pressured into affiliating with the FSLN and to participate in party activities.

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, the Supreme Court, 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 Supreme Court and lower-level courts remained particularly susceptible to bribes, manipulation, and political influence, especially by the FSLN. Companies reported that bribery of public officials, unlawful seizures, and arbitrary assessments by customs and tax authorities were common.

Corruption: Corruption and impunity remained rampant among government officials, and a general state of permissiveness hindered the possibility of addressing the problem effectively. A lack of strong institutions, a weak system of

checks and balances, and the overbearing political control of government institutions allowed for corruption to remain.

The Office of the Comptroller is responsible for combating corruption within government agencies and offices. The comptroller did not carry out a complete verification of the government's full financial statements. The comptroller stated in 2015 that Albanisa, a private company controlled by regime insiders that imports and sells Venezuelan petroleum products, and associated revenue under the Venezuela oil cooperation agreement were not subject to audit because the National Assembly did not approve the agreement. Between January and June, the comptroller reported that corruption committed by 26 public officials resulted in economic losses to the government of 2.8 million cordobas (\$116,000), 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.

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

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

The government imposed significant burdens on the limited number of human rights organizations it allowed to operate in the country. The Nicaraguan Center for Human Rights remained stripped of its legal status, effectively hindering its ability to investigate human rights violations and abuses. The Nicaraguan Pro-Human Rights Association continued to operate from forced exile in Costa Rica and focused more on the Nicaraguan exile community. Other human rights organizations faced significant harassment and police surveillance. Humanitarian organizations faced obstacles to operating or denial of entry, and government

officials harassed and intimidated domestic and international NGOs critical of the government or the FSLN. Some NGOs reported government intimidation that created a climate of fear intended to suppress criticism.

The government continued to prevent non-FSLN-affiliated NGOs and civil society groups from participating in government social programs, such as *Programa Amor*, which provides social protections to children and adolescents, and *Hambre Cero*, a program that distributes livestock for smallholder production. The government frequently used FSLN-controlled family cabinets and party-controlled CLSs to administer these programs. Government programs purportedly created to provide support for victims of the violence since April 2018 benefited only FSLN party members. Increased government restrictions on domestic NGOs' ability to receive funding directly from international donors seriously hindered the NGOs' ability to operate. The government continued to expand the reach of its Financial Analysis Unit through an amendment to its authorizing law passed on August 19 that obligates lawyers, notaries, and accountants to inform the unit of suspicious activities performed by their clients or employers, a move observers characterized as an overreach of authority for political persecution. In several instances the government used the unit to block access of an NGO to its bank account. In addition, increased control over the entry of foreign visitors or volunteer groups into the country hindered the work of humanitarian groups and human rights NGOs. Some groups reported difficulties in moving donated goods through customs and said government officials were rarely cooperative or responsive to their complaints.

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

The United Nations or Other International Bodies: The government did not allow the OHCHR or IACHR to send working groups to monitor the human rights situation in the country. The government did not cooperate with these groups, as noted in OHCHR and IACHR reports. During a July meeting between the government and the OHCHR regional office, the government stated it had no answer to the OHCHR's request to be allowed back into the country to continue its documentation of human rights abuses.

The OAS Permanent Council held its General Assembly on June 26-27, during which the Permanent Council adopted a resolution to create a high-level commission to help resolve the country's crisis. The government rejected the creation of the commission and stated that it would not allow the commission to enter the country. The government issued a travel warning on September 14 to its immigration offices proscribing the entrance into the country of commission members, including ambassadors and senior officials from five OAS member states and the chief of staff of the OAS secretary general.

Nicaragua did not send a representative to any of the 2019 IACHR hearings. In several instances protesters protected by IACHR precautionary measures were detained or continued to be harassed by progovernment supporters. On September 20, the government rejected 124 of the 259 recommendations made during the UN Human Rights Council (UNHRC) Universal Periodic Review.

Government Human Rights Bodies: In November the National Assembly elected as human rights ombudsman Darling Rios, a sociologist with no previous human rights experience. Rios was a prominent leader of the Sandinista Youth wing of the FSLN. The National Assembly also elected a new vice ombudsman, Adolfo Jarquin, son of the previous vice ombudsman, also with no previous human rights experience. The Office of the Ombudsman for Human Rights was perceived as politicized and ineffective. In March the UNHRC demoted the Office of the Ombudsman for Human Rights from category A to B for its lack of independence.

## **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 that violence against women increased and 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 younger than 18. No data was available on government efforts to prevent or prosecute complaints of sexual harassment.

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

Discrimination: The law provides for gender equality. Nevertheless, women often experienced discrimination in employment, obtaining credit, and receiving equal pay for similar work, as well as in owning and managing businesses. While the government enforced the law effectively in the public sector, women in positions of power faced limitations, and their authority was limited compared 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, although 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, prison 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 UNICEF.

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

Sexual Exploitation of Children: The law prohibits sexual exploitation in general and designates enticing children or adolescents to engage in sexual activity as an aggravating condition. The government generally 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/reported-cases.html>.

## **Anti-Semitism**

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

### **Trafficking in Persons**

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

### **Persons with Disabilities**

Discrimination against persons with physical, sensory, intellectual, and mental disabilities was widespread despite being prohibited by law. Laws related to persons with disabilities do not stipulate penalties for noncompliance, although penalties may be issued under the general labor inspection code. The Ministry of the Family, the Ministry of Labor, and the 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 being subjected to extra security measures and illegal searches by police. Indigenous and other ethnic groups from the RACN and the RACS alleged that discriminatory attitudes toward ethnic and racial minorities were responsible for the lack of government resources devoted to the regions. The ruling party devoted attention and resources to keeping political control over decision-making bodies in the regions where most indigenous groups lived.

### **Indigenous People**

Indigenous persons constituted approximately 5 percent of the population and lived primarily in the RACN and 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.

Throughout the year indigenous leaders alleged that regional and national governments granted logging concessions to private firms and to government-

affiliated businesses, such as ALBA-Forestal, and that logging continued in violation of national autonomy laws in the RACS and 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. 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 the cases appropriately. Transgender women who participated in prodemocracy protests were particularly harassed while in custody. They were kept with male inmates, forced to strip in front of their peers, and specifically harangued by guards. The law does not recognize gender-based identity, and as such the penitentiary system is not required to separate inmates based on gender identity.

### **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. In practice the government violated the right by controlling established unions. The constitution recognizes the right to strike, although it places some restrictions on this right. The law prohibits antiunion discrimination but does not provide for measures to protect against rights violation. Burdensome and lengthy conciliation procedures impeded workers' ability to call strikes. The government created parallel labor unions to confuse and diffuse efforts to organize strikes or other labor actions. In addition, if a strike continues for 30 days without resolution, the Ministry of Labor may suspend the strike and submit the matter to arbitration.

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

The government sought to foster resolution of labor conflicts through informal negotiations rather than formal administrative or judicial processes. The law does not establish specific fines for labor law violations, and penalties were 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 not respected, and 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 prodemocracy protests. After the prodemocracy uprising in 2018, the Nicaraguan Medical Association reported at least 405 doctors, including medical school professors, had been fired from the public health system without cause as of August. Many of those affected stated they were fired for rejecting government orders not to provide medical attention to protesters. In 2018 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. A majority of the doctors and university staff from the public sector fired for political reasons had not received severance pay as of November. Party affiliation or letters of recommendation from party secretaries, family cabinet coordinators, or other party officials were allegedly required from applicants seeking public-sector jobs. Several sources highlighted similar instances of public-sector employees being fired without receiving severance pay.

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

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. Penalties 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 did not take sufficient action to address the scope of the problem and provided only limited information about its law enforcement efforts.

Observers noted reports of forced labor, including of men, women, and children in agriculture, construction, mining, street begging, and domestic servitude.

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

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor. The law establishes the minimum age for employment at 14 and limits the workday for any individual between the ages of 14 and 18 to six hours and the workweek to 30 hours. Those between the ages of 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 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; gold mining and quarrying of pumice and limestone; construction; drug production and trafficking; street performing; domestic work; 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 <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation or gender identity, HIV or other communicable disease status, or social status. The government did not deter such discrimination because it did not effectively enforce the law and regulations.

Discrimination in employment took many forms. Although women generally had equal access to employment, few women had senior positions in business and worked in the informal sector at higher levels than men; in the public sector or in elected positions, women's independence and influence were limited. In addition, women's wages were generally lower when compared with those of male counterparts, even for the same position and work performed. Workplace challenges for persons with disabilities included inadequate infrastructure, lack of educational opportunities, and a generally low rate of public-services positions, despite a legal requirement that a certain percentage be available to them. LGBTI organizations complained that sexual orientation and gender identity continued to be a basis for discriminatory behavior.

The Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights of the Inter-American Commission on Human Rights expressed its deep concern over discrimination on political grounds in the exercise of the rights to work. Workers who disagreed with government recommendations were fired, and only those with a membership card of the ruling party were hired.

#### **e. Acceptable Conditions of Work**

The law establishes a statutory minimum wage for 10 economic sectors. According to the Ministry of Labor, the average legal minimum wage covered only 35 percent of the cost of basic goods. The ministry, together with workers' unions aligned with the ruling party, agreed to freeze minimum wage raises for the year.

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

According to International Labor Organization guidelines, the number of labor inspectors was insufficient for the size of the workforce, which included approximately three million workers.

The 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.

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, where children continued to work in tobacco, banana, and coffee plantations. Compulsory overtime was reported in the private security sector, where guards often were required to work excessive shifts without relief.

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