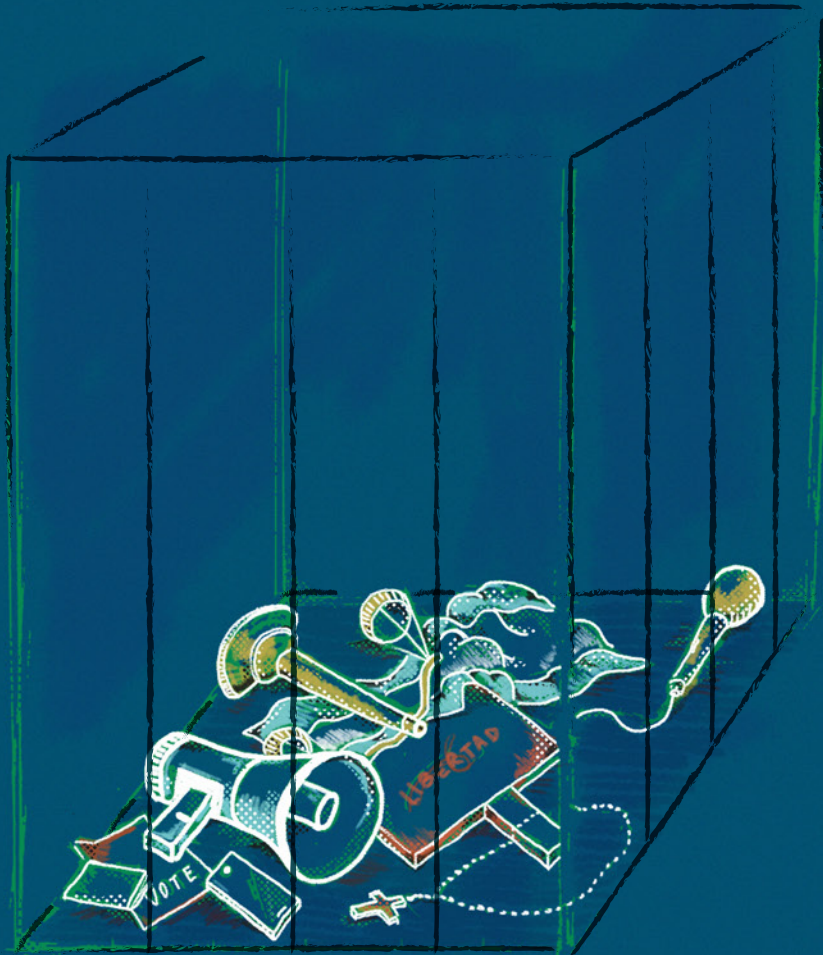


Closure of civic space in Nicaragua



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OAS/Ser.L/V/II.
Doc. 212/23
September 23 of 2023
Original: Spanish

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Closure of civic space in Nicaragua

2023

cidh.org

Adopted by the Inter-American Commission on Human Rights on September 23, 2023

OAS Cataloging-in-Publication Data

Inter-American Commission on Human Rights.

Closure of civic space in Nicaragua approved by the Inter-American
Commission of Human Rights on September 23 of 2023.

p. ; cm. (OAS. Documentos oficiales; OEA/Ser.L)

ISBN 978-0-8270-7727-0

1. Human rights--Nicaragua. 2. Civil rights--Nicaragua. 3. Freedom of
expression--Nicaragua. 4. Civil society--Nicaragua. I. Title. II. Series.
OEA/Ser.L/V/II.doc.212/23

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Executive Summary

I. EXECUTIVE SUMMARY

1. This report of the Inter-American Commission on Human Rights (hereinafter "Commission," "Inter-American Commission," or "IACHR") analyzes the closure of civic space in Nicaragua through the cancellation of legal status and the forced dissolution of thousands of civil society organizations following the human rights crisis that began in April 2018.
2. Civic space and its intrinsic relationship to the full realization of democracy and human rights has acquired greater relevance in international human rights law in recent years. In particular, in the face of trends in the region and the world that seek to restrict individuals and groups from expressing their opinions, associating freely, creating associations, or participating in decision-making in democratic systems in democratic systems. In the Americas, the IACHR has observed the enactment of laws and initiatives that have the effect of restricting the right of association and freedom of expression, participation in public affairs, and peaceful assembly; actions that weaken national human rights institutions and democratic institutions and/or undermine the principle of separation of powers.
3. The Nicaraguan context is one of the most serious cases observed in the region. In this report, the IACHR addresses, for the first time, the concept of civic space in the context of the serious human rights crisis in Nicaragua, as well as the standards of the inter-American system related to the set of conditions and guarantees needed for individuals and civil society organizations to participate actively and freely in the democratic life of society.
4. In the report, the IACHR notes that the determination regarding the opening or closing of civic space depends on the legal conditions and factual circumstances that favor or restrict the exercise of those rights identified so that individuals and groups can play a meaningful role in their societies and contribute to decision-making processes in matters that affect them. In particular, the IACHR considers that freedom of expression, the right of assembly, freedom of association, and the right to participate in the conduct of public affairs constitute fundamental principles of democracy and, simultaneously, essential components of civic space.
5. Regarding the right to freedom of association as part of civic space, the IACHR emphasizes that it enhances the role of individuals and communities historically discriminated against by heeding their voices, values, perspectives, and demands. It also offers an appropriate way for people to participate and act collectively on issues that interest or affect them. Freedom of association typically enables individuals to create or participate in entities or organizations for the purpose of acting collectively in pursuit of the most diverse purposes, provided they are legitimate, thus protecting them against arbitrary or disproportionate interference by States. In conjunction with the right of assembly and freedom of expression, freedom of association can be a democratic vehicle for collectively expressing peaceful dissent and criticism of government and contributing to democratic governance.
6. In light of the above, the Commission delves into the process by which civic space in Nicaragua has been closed as a result of the gradual and sustained implementation of a repressive state strategy. For that, it reports on the patterns of criminalization of persons identified as

opponents of the government and the arbitrary deprivation of nationality, the prohibition of protests and social demonstrations, as well as the measures adopted to weaken civil society through the dismantling of social movements and the media, the selective persecution of anyone who questions the government in any area of civic and social participation, including religious participation, the massive closure of organizations, and banishment or forced expulsion. The purpose of this repressive strategy would appear to be to consolidate a regime of concentration of power in the Executive and the breakdown of the democratic system based on the imposition of a police state, the de facto suspension of the fundamental rights and freedoms that are part of civic space, and, ultimately, the disappearance of organized civil society.

7. For the preparation of this report, the IACHR built a database that identifies each of the civil society organizations affected by the cancellation of their legal status. According to that database, between April 18, 2018 and August 31, 2023, the State canceled the legal status of 3,390 organizations out of a total of 7,227 legally registered in the country in 2018.
8. The IACHR and its Office of the Special Rapporteur for Freedom of Expression (RELE) warn that in Nicaragua there are no guarantees for exercising the right to freedom of expression, nor the conditions needed for effective civic participation in matters of public interest. Since 2018, the authorities have made use of a number of censorship mechanisms that are part of a strategy to persecute and limit all speech that questions or criticizes the government. This report describes the patterns of state censorship that have contributed to the deterioration and closure of civic and democratic space in Nicaragua, both in the physical and online environment, such as: (i) undue control and interference in the media; (ii) the abusive use of punitive power against journalists for the exercise of their profession; (iii) arbitrary detentions; (iv) mechanisms of constant surveillance of the press, including the harassment of press personnel in their homes and workplaces, physical aggression, threats, and raids; v) the approval and implementation of restrictive laws that allow the imprisonment of people for the simple fact of voicing dissent on issues of public interest; vi) the enactment of regulatory powers to block the Internet; and vii) stigmatizing speeches by public authorities against journalists.
9. The closure of civic and democratic space in Nicaragua has included restrictions on freedom of religion through the prohibition of religious celebrations, criminalization of religious services, closure of religious media, confiscation of property and bank accounts, expulsion of religious orders, and other acts of repression and retaliation against members of the Catholic Church due to their role as mediators in the National Dialogue in 2018, and their critical role in denouncing human rights violations.
10. In the context of widespread impunity in the country, the IACHR notes with concern the implementation of state policies and actions to destroy or alter from an official party perspective the significance of the sites that were emblematic of the April 2018 protests. Likewise, the headquarters of confiscated civil society organizations and media outlets have been dismantled and used by the ruling party for other purposes and as a symbol of victory.
11. In this context, the IACHR formulates a set of recommendations to the State; among them, it urges the State to annul all decrees and acts of authority related to the cancellation of the legal personality of civil society organizations that were adopted without guaranteeing due process

and to return to their members the facilities and all confiscated property in the same state they were in at the time of the search of each organization's facilities.

12. The IACHR calls on the State of Nicaragua to adopt the measures needed to overcome the human rights crisis by reestablishing democratic institutions, the full rule of law, and fundamental freedoms, in accordance with the recommendations made by the IACHR in this and other reports.

Introduction

II. INTRODUCTION

A. Purpose of the report

13. This report of the Inter-American Commission on Human Rights (hereinafter "Commission", "Inter-American Commission," or "IACHR") aims to analyze the closure of civic space in Nicaragua through the cancellation of legal status and forced dissolution of thousands of civil society organizations (hereinafter "CSOs") following the human rights crisis that began in April 2018.
14. In the framework of its conventional and statutory mandate,¹ the IACHR has consistently documented how civic and democratic space in Nicaragua has been gradually narrowed as the rule of law has weakened and public powers have been concentrated in the Executive Branch.
15. The reduction of civic space refers to the deterioration of the conditions in which civil society actors² freely participate and contribute within the framework of democracies and the rule of law. It is manifested, therefore, in those administrative and even legislative actions and measures aimed at preventing the full exercise of the rights of free association, assembly, freedom of expression, freedom of religion, among others needed for the consolidation of a just, plural, equitable, and inclusive society in a democracy (see *infra* Chapter 2).
16. As documented by the IACHR, since 1999, the Nicaraguan democratic system has been eroded through a series of legal reforms and other political actions that gradually led the Head of the Executive Branch to establish partisan control of all democratic institutions, silence political opposition, concentrate public power, and reduce the environment for civic participation of civil society.³

1 The IACHR prepared this report and formulated the pertinent observations to the State of Nicaragua by virtue of the competence and functions established in Article 18 of its Statute and Article 41 of the American Convention on Human Rights. On September 25, 1979, the State of Nicaragua ratified the American Convention on Human Rights. Likewise, despite the denunciation of the OAS Charter, on November 18, 2021 the IACHR ratified its competence with respect to Nicaragua. See Press release No. 312/21 - The IACHR Stresses Its Competent Jurisdiction Concerning Nicaragua and laments Nicaragua's Decision to Denounce the Charter of the OAS in a Context of Serious Human Rights Violations, Washington, D.C., November 20, 2021

2 The concept of "civil society" is a term that has been used in various ways in social and political theory, reflecting the dynamic and complex nature of the processes through which people in a given society shape their communities through various forms of association and relationships. In this report, the IACHR construes "civil society" to mean the sphere of social interaction in which a range of actors, individual or collective, organized in diverse formal and non-formal structures - including, in particular, civil society organizations - participate in physical and digital spaces within the public sphere, with a view to contributing to consensus and decisions regarding the development of a community. In that connection, see: International Center for Not-for-Profit Law (ICNL) and UNDP, *Legal Frameworks for Civic Space: A Practical Toolkit*, New York, United States, p. 1; Human Rights Council, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, A/HRC/35/28, June 29, 2017, para. 23. See also: Civicus, *A Guide to Reporting on Civic Space*, p. 6.

3 In its Report Nicaragua: Concentration of Power and the Undermining of the Rule of Law, the Commission analyzed the measures adopted in recent decades that facilitated the control of power from the Executive, such as: decisions of the

17. The social protests initiated on April 18, 2018 by senior citizens and supported by young people and university students in response to the proposed reforms to the Social Security Law spontaneously reflected the social discontent accumulated over several years. They occurred against a backdrop of institutional processes that were restricting citizen expression, co-opting public institutions, and concentrating public powers in the Executive.⁴ The initial state reaction to this expression of social dissent was to use violence. In this regard, in the *Report Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, the IACHR concluded that the magnitude of state repression, as well as the strategies deployed to dissuade the demonstrations that began in 2018, revealed the government's intention to stifle social claims and retake control of public space.⁵
18. Since then, the Commission has documented the continuation of a violent and repressive state response against dissent and political opposition in different stages and levels of intensity, which has resulted in the deaths of at least 355 people; more than 2,000 people injured; more than 2,000 people arbitrarily detained; hundreds of arbitrary dismissals of health professionals; more than 150 unjustified expulsions of university students.⁶ Also, more than 250,000 people have reportedly been forcibly displaced to other countries since 2018.⁷ The prolongation of the repression and the ongoing widespread impunity⁸ for the human rights violations committed triggered a serious political, social, economic, and human rights crisis.⁹
19. In the report *Concentration of Power and Undermining of the Rule of Law*, the IACHR recorded the systematic set of repressive actions to prevent the participation of the opposition in the general elections in 2021, through the closure of political parties, arbitrary arrests of leaders and presidential pre-candidates, among other acts, which resulted in the re-election of Daniel

Supreme Electoral Council aimed at eliminating or annulling opposition to the government; laws contrary to international law, among them, the approval of indefinite presidential reelection; electoral frauds as of the 2008 municipal and 2011 national election periods; a National Assembly controlled by the ruling party and its allies; the cancellation of the legal status of the Sandinista Renovation Movement (MRS) on June 11, 2006 and the expulsion from the National Assembly of 29 opposition deputies belonging to the Independent Liberal Party (PLI), the second largest electoral force at that time, among others. See: IACHR, Nicaragua: Concentration of Power and the Undermining of the Rule of Law, OEA/Ser.LV/II. Doc. 288, October 25, 2021, par. 143.

- 4 IACHR. Press release No. 67/23 - Five Years into Nicaragua's Human Rights Crisis, the IACHR Calls for the Restoration of Democracy and Stresses Its Solidarity with Victims. Washington, D.C., April 18, 2023; see also: GIEI, Report on the violent events that took place between April 18th and May 30th, 2018, December 21, 2018.
- 5 In particular, the Commission revealed that state violence followed a common pattern, characterized by: the excessive and arbitrary use of police force, including lethal force; the use of para-police groups or shock groups with the acquiescence, tolerance, and collaboration of state authorities; intimidation and threats against leaders of social movements; arbitrary detentions of young people and adolescents participating in protests; irregularities in the initiation of investigations into the murders and injuries that occurred in this context; obstacles in access to emergency medical care for the injured, as a form of retaliation for their participation in the demonstrations; the dissemination of propaganda and stigmatization campaigns, direct and indirect censorship measures. IACHR, Gross Human Rights Violations in the Context of Social Protests in Nicaragua., OEA/Ser.LV/II, Doc. 86, June 21, 2018, par. 2.
- 6 IACHR. Press release No. 81/22 - Four Years into Nicaragua's Human Rights Crisis, the IACHR Stresses Its Commitment To the Country Washington, D.C., April 18, 2022.
- 7 According to UNHCR, as of June 2022, more than 260,000 Nicaraguans had been forced to flee their country, including 191,875 to Costa Rica, 30,937 to Mexico, 21,556 to the United States of America, 8,124 to Guatemala, 6,774 to Spain, and 5,170 to Panama. UNHCR, International Protection Considerations with Regard to People Fleeing Nicaragua (January 2023) HCR/PC/NIC/2023/01, p. 32.
- 8 Impunity has been defined in inter-American jurisprudence as: all-round failure to investigate, prosecute, take into custody, try, and convict those responsible for violations of rights protected by the American Convention particularly given that the State has the obligation to use all the legal means at its disposal to combat that situation, since impunity fosters chronic recidivism of human right violations and total defenselessness of victims and their relatives. I/A Court H.R. Case of *Bámaca Velásquez v. Guatemala*. Merits. Judgment of November 25, 2000. Series C No. 70, par. 211.
- 9 IACHR, 2022 Annual Report, Nicaragua, Colombia, paras. 2ff.

Ortega in a context of repression, corruption, electoral fraud, and structural impunity.¹⁰ The consolidation of this authoritarian model also culminated in the complete erosion of opportunities for democracy (“degradation of democratic space”) in the country. According to the annual *CIVICUS Monitor* Report, the status of civil society space in Nicaragua went from being considered “repressive” to “closed”; making Nicaragua the second country in the Hemisphere to be included in this index and the 26th globally.¹¹

20. After Daniel Ortega had taken office for his fourth consecutive term as president in January 2022, the IACHR observed the “radicalization¹²” of a new repressive stage to suppress civic space, through the massive closure of civil society organizations, the dismantling of social movements and the media, as well as the selective persecution of anyone who questioned the government in any area of civic and social participation available, including the religious sphere.¹³ The purpose of this repressive strategy would be to entrench a regime of concentration of power in the Executive and the breakdown of the democratic system based on the imposition of a police state, the de facto suspension of fundamental rights and freedoms that are part of civic space and, ultimately, the disappearance of organized civil society in the country.¹⁴
21. Between April 18, 2018 and August 31, 2023, the Commission documented the arbitrary cancellation of the legal status of 3,390 civil society organizations¹⁵. Among them are organizations with extensive experience and recognized work in different areas considered a priority for the Nicaraguan population, such as: the defense and promotion of human rights, in particular groups in situations of discrimination or historical exclusion such as women or indigenous peoples; the promotion of democracy; social development; humanitarian work; international cooperation; and environmental protection. They also included student and artistic associations and cultural services; medical and other associations; and religious organizations and foundations.¹⁶
22. As analyzed in this report, most of the closures of civil society organizations were justified by the State as allegedly complying with the recommendations made by the Financial Action Task Force (FATF) on preventing and combating money laundering, the financing of terrorism, and the financing of the proliferation of weapons of mass destruction. They were also used to justify

10 IACHR, Nicaragua: Concentration of Power and the Undermining of the Rule of Law, OEA/Ser.L/V/II. Doc. 288, October 14, 2021, par. 122.

11 CIVICUS Monitor is a research tool that provides near real-time data on the state of civil society and civic freedoms in 197 countries. The data are generated through the collaboration of more than twenty civil society research partners and input from a number of independent human rights assessments. CIVICUS Monitor also includes a regularly updated checklist of countries where serious threats to civic space are considered to exist. Countries are classified into one of five available categories - open, narrowed, obstructed, repressed, or closed - following a methodology that combines several sources of data on freedoms of association, peaceful assembly, and expression. Regarding the classification of Nicaragua, see: CIVICUS Monitor, *People Power Under Attack*, 2021, p. 21.

12 In that connection, see: Inter-American Dialogue, *Dictatorial Radicalization in Nicaragua: From Repression to Extremism?*, October 2023.

13 Cf. IACHR, 2022 Annual Report, Chapter IV.B Nicaragua, par. 11.

14 Cf. IACHR, 2022 Annual Report, Chapter IV.B Nicaragua, par. 11.

15 See database of civil society organizations abolished (canceladas) in Nicaragua prepared by the IACHR and annexed to this report.

16 See database of civil society organizations abolished (canceladas) in Nicaragua prepared by the IACHR and annexed to this report.

the implementation of a restrictive legal framework with provisions allegedly contrary to international human rights standards. Among the main laws used are: *Law No. 977 against Money Laundering, Financing of Terrorism, and Financing for the Proliferation of Weapons of Mass Destruction*, adopted on July 16, 2018;¹⁷ *Law No. 1040 on the Regulation of Foreign Agents*, adopted on October 15, 2020¹⁸; *General Law No. 1115 on Regulation and Control of Not-for-Profit Organizations of the Republic of Nicaragua*, approved on March 31, 2022¹⁹; as well as *Law No. 1127* amending the purpose of Law No. 1115, approved on August 11, 2022.²⁰

23. The massive and forced closure of civil society organizations, in addition to the specific effects on freedom of association, freedom of expression, and other human rights of those who worked in the closed entities, has serious effects for the population, in particular, for people and groups in a historical situation of discrimination that benefited directly from the execution and implementation of social, humanitarian, and international development cooperation programs and projects.²¹
24. In this context, the IACHR observed an increasingly intense escalation of attacks and harassment against independent journalists and media outlets, with the aim of intimidating and silencing them. To this end, the authorities have used different censorship mechanisms as part of a strategy to persecute and limit all speech that questions or criticizes the exercise of power.²² Increasing state repression of critical voices and the self-censorship effect permeated deeply into the digital environment.²³ In Nicaragua, the population chooses not to disseminate information or express ideas and opinions on social networks for fear of being criminalized.²⁴
25. In this report, for the first time, the IACHR addresses the concept of civic space from the perspective of international human rights law, as well as the standards related to the set of conditions and guarantees necessary for individuals and civil society organizations to participate actively and freely in the democratic life of society, which includes guaranteeing freedom of expression and freedom of religion, among other rights. It also deepens and updates the Inter-American legal framework for the protection of freedom of association, based

17 National Assembly of the Republic of Nicaragua, *Law No. 977*. Against money laundering, financing of terrorism, and financing of the proliferation of weapons of mass destruction. Published in *La Gaceta*, Official Gazette No. 165 of August 19, 2019 (Text as amended by Law No. 1000).

18 National Assembly of the Republic of Nicaragua, *Law No. 1040*, Law for the Regulation of Foreign Agents, approved on October 15, 2020, published in *La Gaceta*, Official Gazette No. 192 of October 19, 2020.

19 National Assembly of the Republic of Nicaragua, *Law No. 1115*, General Law for the Regulation and Control of Non-Profit Organizations, adopted on March 31, 2022, published in *La Gaceta*, Official Gazette No. 66 of April 6, 2022.

20 National Assembly of the Republic of Nicaragua, *Law No. 1127*, adopted on August 11, 2022, published in *La Gaceta*, *Diario Oficial* No. 152 of August 16, 2022.

21 IACHR. 185th session, *IACHR, Thematic Hearing: Situation of Freedom of Association in Nicaragua* October 27, 2022.

22 IACHR, Office of the Special Rapporteur for Freedom of Expression, December 14, 2018, [Experts on freedom of expression of the UN and the Inter-American System condemn attacks and threats against journalists and the media in Nicaragua](#) press release R267/18; IACHR, Office of the Special Rapporteur for Freedom of Expression, March 2, 2021, [Joint statement by the OHCHR for Central America and the IACHR's SRFOE on Journalist's Day in Nicaragua](#), press release R47/20; IACHR, Office of the Special Rapporteur for Freedom of Expression, March 2, 2021 press Release R47/21; IACHR, Office of the Special Rapporteur for Freedom of Expression, July 15, 2022, [Nicaragua must cease persecution of independent press and be held accountable for its actions](#).

23 Freedom House, *Nicaragua: Freedom on the Net 2022 Country Report*, 2022; Colectivo de Derechos Humanos Nicaragua Nunca +; CEJIL; IM-Defensoras. March 18, 2022 Communication on the Situation of the defense of human rights and freedom of expression in the digital space Nicaragua.

24 Freedom House, *Nicaragua: Freedom on the Net 2022 Country Report*, 2022.

on analysis of the specific violations of this right that have occurred in Nicaragua. These include limitations on the registration of civil society organizations and their means of financing, the arbitrary use of oversight powers, the application of disproportionate sanctions, and, ultimately, the forced disbandment of thousands of organizations.

26. Finally, the report presents a set of recommendations addressed to the State of Nicaragua in the hope that these recommendations, as well as the general standards developed, will be useful and provide tools for civil society and the international community to continue demanding the reestablishment of human rights and the rule of law in Nicaragua.
27. The Commission recognizes the courage and commitment of the human rights defenders²⁵ who remain in Nicaragua, working under conditions of persecution, siege, and even clandestinity. It also highlights the work and solidarity of Nicaraguan civil society organizations that were forced to work in exile, the Nicaraguan diaspora in different countries, and human rights defenders who continue to lend support to victims and document the human rights crisis in Nicaragua.
28. Through its Special Follow-up Mechanism for Nicaragua (MESENI), the Commission, reiterates its commitment to the promotion and protection of human rights in Nicaragua, as well as its support and accompaniment of Nicaraguan civil society in the search for the reestablishment of human rights and democracy, by guaranteeing the right to truth, justice, and comprehensive reparation.

B. Methodology and structure

29. The preparation of this document is based on primary and secondary sources of information. Regarding primary sources, the Commission analyzed information provided partially by the State of Nicaragua during the early stages of the crisis, information provided directly by other human rights organizations and civil society organizations, and testimonies received through MESENI. The IACHR also used public information available in cases, petitions, and precautionary and provisional measures in the Inter-American system, information presented at public hearings, and information provided in Commission press releases and in annual and thematic reports.
30. As part of the preparation of this report, the IACHR built a database that specifies each of the 3,390 civil society organizations that were closed in the context of the human rights crisis that began on April 18, 2018. For this purpose, all the decrees issued by the National Assembly

25 The Inter-American Commission has established that a human rights defender is "any person who, individually or in association with others, acts or seeks to act to promote, protect or strive for the protection and realization of human rights and fundamental freedoms, at the local, national, regional and international levels." This broad definition encompasses professional activities or personal or social struggles, including some that may have only an occasional link to the defense of human rights. It also includes justice operators, whose professional work contributes to the realization of access to justice, whether through the representation of a victim, the investigation, punishment, and/or reparation of a violation, or by imparting justice in an independent and impartial manner. For the purposes of this report, the IACHR will not analyze the particular situation of justice operators. IACHR, Report on the Situation of Human Rights Defenders and Social Leaders in Colombia, OEA/Ser.L/V/II. Doc. 262, December 6, 2019, par. 24. IACHR, Report on the Situation of Human Rights Defenders in the Americas, par. 13. Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, par. 12.

were analyzed, as well as the resolutions and ministerial agreements published in the Official Gazette related to the cancellations of legal status ordered by the Ministry of the Interior in 70 decisions published up to August 31, 2023.

31. The IACHR hopes that the database regarding the canceled organizations, in addition to other documentation efforts and records of MESENI - including the published records on persons deprived of liberty and fatalities in the context of the crisis in Nicaragua - will help preserve the truth and memory of the human rights violations committed in Nicaragua, as well as contribute to the quest for justice and the victims' right to reparation.
32. With regard to secondary sources, the report took into account the following: i) official public information obtained from State sources, including official acts and pronouncements by State authorities; ii) findings of other international human rights bodies, including treaty bodies, Rapporteurs, working groups, the Human Rights Council, and other United Nations bodies and specialized agencies; iii) reports by civil society organizations and information submitted by them and by individuals; iv) relevant legal and academic research; and v) articles and press information.
33. This report is divided into five chapters. In the first, the IACHR presents the purpose, methodology, and structure of the report. In the second chapter, the IACHR addresses the concept of civic space in international human rights law and develops the obligations that arise within the framework of the inter-American system. In the third, the IACHR describes the context surrounding the closure of civic space in Nicaragua and goes into greater detail on the measures adopted to weaken civil society, through the massive closure of organizations, the dismantling of social movements and the media, as well as the selective persecution of anyone who questions the government in any area of civic and social participation available, including the religious sphere. In the fourth chapter, the IACHR addresses the inter-American legal framework on freedom of association, as well as specific violations reported. Finally, the IACHR presents conclusions and recommendations to the State of Nicaragua.

The civic space concept

III. THE CIVIC SPACE CONCEPT

34. The concept of civic space and its intrinsic relationship to the full realization of democracy and human rights has played an increasingly important part in international human rights law in recent years.²⁶ In particular, this has been in response to trends in the region and the world that seek to restrict individuals and groups from expressing their opinions, associating freely, creating associations, or participating in decision-making in democratic systems. Among these observed trends, the following stand out: the illegitimate suspension of human rights justified in the name of citizen security and the fight against organized crime; measures that weaken the independence of justice systems; the absence of conditions for holding free and fair elections; the impact of corruption on human rights; and even the prolonged effects of some restrictive measures adopted to contain the global COVID-19 pandemic²⁷.
35. In the Americas, the IACHR has also observed the enactment of laws and initiatives that have the effect of restricting the right of association and freedom of expression, participation in public affairs, and peaceful assembly; actions that weaken national human rights institutions, democratic institutions, and/or undermine the principle of separation of powers.²⁸ In addition, there are stigmatizing statements from all levels of government against human rights defenders, social leaders, and journalists; contexts of violence, assassinations, harassment, intimidation, and intense prosecution against them, as well as impunity for these acts; the increase in attacks against freedom of the press and limitations on peaceful social protest, including, *inter alia*, through criminalization or the disproportionate use of force by state agents.²⁹
36. The Nicaraguan context is one of the most serious cases observed in the region. In the past five years, the IACHR has documented the significant increase in the restrictions imposed by the State on the exercise of human rights that constitute the civic space, and the persecution and criminalization of human rights defenders, social leaders, students, and any person considered or perceived as an opponent of the government. Likewise, since April 2018, it has observed an increasingly intense escalation of attacks and harassment against independent

26 See: Human Rights Council. Civil society space: creating and maintaining, in law and in practice, a safe and enabling environment. United Nations. A/HRC/RES/24/21; Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, "Ten years protecting civic space worldwide" adopted by the Human Rights Council at its 44th session. A/HRC/44/50, 13 May 2020; Human Rights Council, Report of the United Nations High Commissioner for Human Rights, Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned, A/HRC/32/20, 11 April 2016; Human Rights Council, Civil society space, Resolution A/HRC/RES/27/31 adopted on 3 October 2014.

27 In that connection, see: European Parliament's Subcommittee on Human Rights, Shrinking space for civil society: the EU response, April, 12, 2017; Secondary impacts of COVID-19: UNDP Global Policy Network Brief. Closing civic space in fragile contexts, June 2021; European Partnership for Democracy (EPD), Thinking democratically: a comprehensive approach to countering and preventing "shrinking space", 2020; ICLN, Legal Frameworks for Civic Space: a practical toolkit, 2021; CIVICUS, State of Civil Society Report 2023, March 2023.

28 IACHR. [Strategic Plan 2023-2027](#). Approved by the Inter-American Commission on Human Rights on October 31, 2022. OEA/Ser.L/V/II.185., p. 24.

29 IACHR. [Strategic Plan 2023-2027](#). Approved by the Inter-American Commission on Human Rights on October 31, 2022. OEA/Ser.L/V/II.185., p. 24.

journalists and media outlets that investigate, report, and denounce government irregularities and human rights violations, in order to intimidate and silence them.³⁰

37. Below, the IACHR addresses the concept of civic space in light of international human rights law and within the framework of the inter-American system. It then discusses the general obligation of States to ensure the conditions for a safe and enabling environment for civil society.

A. The concept of civic space in the Universal System

38. In 2020, the United Nations Secretary General presented to the Human Rights Council the *Call to Action for Human Rights*, which recognizes the promotion and protection of public participation and civic space as priority areas for achieving development, peace, security, and full respect for human rights globally, in accordance with the principles of the Universal Declaration of Human Rights³¹. According to the Secretary General, "Society is stronger and more resilient when women and men can play a meaningful role in political, economic and social life, contributing to policy-making that affects their lives, including by accessing information, engaging in dialogue, expressing dissent and joining together to express their views."³²
39. In the same year, as a follow-up to the *Call to Action*, the Secretary General *presented* the *United Nations Guidance Note on the protection and promotion of civic space*, in which he defines civic space as "the environment that enables people and groups – or "civic space actors" – to participate meaningfully in the political, economic, social, and cultural life of their societies.³³". It also recognizes that an "open" civic space is based on "formal and informal channels through which individuals and groups can play a role in policymaking and contribute to decision-making, political and peacebuilding processes."³⁴ This requires mechanisms that allow for effective access to information, the right of assembly, association, and the free expression of dissenting opinions³⁵.
40. According to the *Call to Action and its Guidance Note*, building a dynamic and positive relationship between people and their governments, as well as the support and promotion of

30 IACHR, Office of the Special Rapporteur for Freedom of Expression, December 14, 2018, Nicaragua press release R267/18; IACHR, Office of the Special Rapporteur for Freedom of Expression, March 2, 2021, [Joint statement by the OHCHR for Central America and the IACHR's SRFOE on Journalist's Day in Nicaragua](#), press release R47/20; IACHR, Office of the Special Rapporteur for Freedom of Expression, March 2, 2021, [press Release R47/21](#); IACHR, Office of the Special Rapporteur for Freedom of Expression, July 15, 2022, [Nicaragua must cease persecution of independent press and be held accountable for its actions](#).

31 The Call to Action establishes some general guiding principles and defines seven areas for action: (1) rights at the core of sustainable development; (2) rights in times of crisis; (3) gender equality and equal rights for women; (4) public participation and civic space; (5) rights of future generations, especially climate justice; (6) rights at the heart of collective action; and (7) new frontiers of human rights. In each of these areas, there are specific steps we can take together in the short term to advance human rights. [The Highest Aspiration. A Call to Action for Human Rights](#) António Guterres, Secretary-General of the United Nations on the occasion of the 75th anniversary of the United Nations, 2020.

32 [The Highest Aspiration. A Call to Action for Human Rights](#) António Guterres, United Nations Secretary-General on the occasion of the 75th anniversary of the United Nations, 2020, p.9.

33 United Nations Guidance Note. Protection and Promotion of Civic Space, 2020, p. 3.

34 United Nations Guidance Note. Protection and Promotion of Civic Space, 2020, p. 3.

35 United Nations Guidance Note. Protection and Promotion of Civic Space, 2020, p. 3.

civic engagement by States, significantly reduces the risk of fragility, crisis, and violence.³⁶ For this reason, it is considered that the reduction of civic space due to the deterioration of the conditions that make it possible for the different actors that make up civil society to take part in and contribute to the consolidation of the rule of law, should be understood as an early warning for democracies and the prelude to a general deterioration of human rights³⁷.

41. At the global level, some of the strategies actively aimed at weakening the civic space identified are: (i) the adoption of mechanisms of direct and indirect censorship against the press; (ii) the adoption of regulations imposing arbitrary restrictions on the registration, operation, and funding of civil society organizations, as well as the application of disproportionate administrative or judicial sanctions against the work they do, such as fines, suspension, or forced dissolution; (iii) acts of intimidation or reprisals, as well as stigmatization and harassment against different civil society actors; (iv) criminalization and arbitrary detentions; and even (v) serious human rights violations such as forced disappearance and extrajudicial executions; among many others.³⁸

B. The concept of civic space in the inter-American system

42. In line with the universal system, the Commission recognizes that the concept of civic space refers to the actual circumstances that make citizen participation in a society possible at a given moment and time. It is constituted by those legal, political, administrative, economic, and cultural factors that determine the form and operational, physical and digital, modalities of the setting in which the different actors of civil society effectively participate in the life of their community.³⁹
43. The IACHR observes that the determination regarding the opening or closing of civic space in a State depends on the legal conditions and factual circumstances that favor or restrict the exercise of those rights identified as enabling individuals and groups to play a meaningful role in their societies and contribute to decision-making processes in matters that affect them, in particular: freedom of expression, the right of assembly, freedom of association, and the right to participate in the conduct of public affairs.⁴⁰

36 United Nations Guidance Note. Protection and Promotion of Civic Space, 2020, pp. 3 - 4.

37 See: [The Highest Aspiration. A Call to Action for Human Rights](#) António Guterres, United Nations Secretary-General on the occasion of the 75th anniversary of the United Nations, 2020, p.9.

38 United Nations Guidance Note. Protection and Promotion of Civic Space, September 2020, p. 28; See also International Center for Not-for-Profit Law (ICNL) and UNDP, [Legal Frameworks for Civic Space: A Practical Toolkit](#), New York, United States, p.11.

39 United Nations Guidance Note. Protection and Promotion of Civic Space, September 2020, p. 3; See also [The Highest Aspiration. A Call to Action for Human Rights](#), António Guterres, United Nations Secretary-General on the occasion of the 75th anniversary of the United Nations, 2020; Human Rights Council, Report of the United Nations High Commissioner for Human Rights, Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned, A/HRC/32/20, 11 April 2016; International Center for Not-for-Profit Law (ICNL) and UNDP, [Legal Frameworks for Civic Space: A Practical Toolkit](#), New York, United States, p. 2; Civicus, [A Guide to Reporting on Civic Space](#), p. 4.

40 Cf. United Nations Guidance Note. Protection and Promotion of Civic Space, September 2020, p. 3; See also [The Highest Aspiration. A Call to Action for Human Rights](#), António Guterres, United Nations Secretary-General on the occasion of the 75th anniversary of the United Nations, 2020; Human Rights Council, Report of the United Nations High Commissioner for Human Rights, Practical recommendations for the creation and maintenance of a safe and enabling environment for civil

44. Freedom of association, the right of assembly, and freedom of expression are fundamental principles of democracy⁴¹ and, simultaneously, are essential components of civic space since they provide the means for individuals and groups to effectively participate in the political, economic, social, and cultural life of society.
45. In this regard, both the Inter-American Court and the Commission have recognized that freedom of expression, the right of assembly, and freedom of association, together, make democracy possible. Particularly in situations of institutional breakdown, the relationship between these rights is even more evident, especially when they are exercised jointly to protest against the actions of state powers that contravene the constitutional order or to demand the return of democracy.⁴²
46. Regarding the right to freedom of association as part of civic space, the IACHR considers that this is an essential element in any democratic society because it enhances the role of individuals and communities historically discriminated against by combining their voices, values, perspectives, and demands. It also provides an appropriate way for people to participate and act collectively on issues that interest or affect them.⁴³
47. As discussed later in this report, normatively it enables individuals to create or participate in entities or organizations for the purpose of acting collectively in pursuit of the most diverse purposes, as long as these are legitimate,⁴⁴ thus protecting them against arbitrary or disproportionate interference by States. Thus, this right also includes the right of individuals to establish and join associations, the right to freely conduct their activities, the right to access funding, and resources, and the right to participate in the conduct of public affairs (see *infra* Chapter 4.A, Inter-American legal framework on freedom of association).
48. In conjunction with the right of assembly and freedom of expression, freedom of association can be a democratic vehicle for collectively expressing peaceful dissent and criticism of government and contributing to democratic governance. Regarding freedom of expression, the Inter-American Court has pointed out that the lack of an effective guarantee "weakens the democratic system and undermines pluralism and tolerance; that the mechanisms of citizen

society, based on good practices and lessons learned, A/HRC/32/20, 11 April 2016; International Center for Not-for-Profit Law (ICNL) and UNDP, *Legal Frameworks for Civic Space: A Practical Toolkit*, New York, United States, p. 2; Civicus, *A Guide to Reporting on Civic Space*, p. 4.

41 Cf. IACHR, Office of the Special Rapporteur for Freedom of Expression, *The Inter-American Legal Framework regarding the Right to Freedom of Expression*, OEA Ser.L/V/II CIDH/RELE/INF. 2/09, December 30, 2009, para. 8.

42 Cf. I/A Court H.R. Case of López Lone et al. v. Honduras. Preliminary Objection, Merits, Reparations, and Costs. Judgment of October 5, 2015. Series C No. 302, par.160; IACHR, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, OEA/Ser.L/V/III. Doc. 288, October 25, 2021.

43 Cf. IACHR, *Public Policy with a Human Rights Approach*, OEA/Ser.LV/II. Doc. 191, September 15, 2018, paras. 54 – 62.

44 I/A Court H.R. Case of Former Employees of the Judiciary v. Guatemala. Preliminary Objections, Merits, and Reparations. Judgment of November 17, 2021. Series C No. 445, par. 11; I/A Court H.R., *Case of Huilca Tecse v. Peru*. Merits, Reparations, and Costs. Judgment of March 3, 2005. Series C No. 121, par. 69.

control and denunciation may become inoperative and, ultimately, this creates fertile ground for authoritarian systems to take root.”⁴⁵

49. With respect to the right of assembly, the Court has established that it covers both private and public gatherings, whether static or moving.⁴⁶ Consistent with the right to freedom of expression, it is a fundamental right in a democratic society, as peaceful public demonstrations are one of the most accessible ways of exercising the right to freedom of expression, and a means through which the protection of other rights can be claimed.⁴⁷ The right of assembly protects the peaceful, intentional, and temporary gathering of people in a certain space for the achievement of a common goal, including protest, and is indispensable for the collective expression of people's opinions and points of view.⁴⁸ Therefore, the IACHR believes that its exercise is vital to consolidate the democratic life of societies⁴⁹ and as part of civic space.
50. Finally, other rights relevant to civic space, as well as to the consolidation of an enabling and safe environment in which civil society actors can carry out their activities without fear of violence, include: the right to life, to personal integrity, to personal liberty and security, and even freedom of conscience and religion.⁵⁰
51. In short, the granting of civic space, far from being optional, is rooted in the norms of international human rights law. It is therefore incumbent upon States to ensure the conditions needed for this environment to be safe, conducive, inclusive, and pluralistic so that individuals and groups can express their opinions, meet, and engage in dialogue among themselves and with the authorities on matters that affect their lives, which derives from the obligations to respect and guarantee those essential rights and freedoms.⁵¹

C. Obligation to ensure conditions for participation in a safe and enabling environment for civil society

52. The Commission recognizes that the obligations of States in relation to civic space emanate from the general obligations to respect and guarantee the rights contained in the American Convention, particularly with regard, inter alia, to freedom of expression, the right of assembly, freedom of association, freedom of religion, the right to defend human rights, and the right to

45 I/A Court H.R. Case of San Miguel Sosa and others v. Venezuela. Merits, Reparations, and Costs. Judgment of February 8, 2018. Series C No. 348, par. 154; I/A Court H.R., Case of Moya Chacón et al. v. Costa Rica, Preliminary Objections, Merits, Reparations, and Costs. Judgment of May 23, 2022. Series C No. 451. par. 65

46 I/A Court H.R. Case of López Lone et al. v. Honduras. Preliminary Objection, Merits, Reparations, and Costs. Judgment of October 5, 2015. Series C No. 302, par. 167.

47 IACHR. Annual Report 2005, Volume III, Report of the Rapporteur for Freedom of Expression. February 27, 2006, OEA/Ser.L/V/II.124. Doc. 7, Chapter V.

48 Communication No. 1948/2010. Turchenyak et al. v. Belarus. Ruling adopted on July 24, 2013.

49 IACHR. Second Report on the Situation of Human Rights Defenders in the Americas. December 31, 2011, paras. 128 and 129.

50 See: Human Rights Council, Report of the United Nations High Commissioner for Human Rights, Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned, A/HRC/32/20, 11 April 2016; International Center for Not-for-Profit Law (ICNL) and UNDP, Legal Frameworks for Civic Space: A Practical Toolkit, New York, United States, p. 2; Civicus, A Guide to Reporting on Civic Space, p. 4.

51 Human Rights Council, Report of the United Nations High Commissioner for Human Rights, Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned, A/HRC/32/20, 11 April 2016.

life and personal integrity. While the purpose of this report is not to present an exhaustive list of the specific obligations attached to each of these rights, below the IACHR addresses some of the conditions needed to ensure a safe and enabling environment for civil society.⁵²

53. First, the creation and maintenance of an enabling, pluralistic, and safe environment for civil society entail the negative obligation of States to refrain from actions that arbitrarily interfere with the exercise of human rights related to civic space. Particularly, in light of Article 1(1) of the Convention, the Inter-American Court has emphasized that it is "the particular duty of States to protect those persons working in non-governmental organizations."⁵³ For its part, the IACHR has pointed out that civil society actors must be free from any act of intimidation, harassment, criminalization, and retaliation for their activities, whether online or in physical space.⁵⁴
54. Secondly, and by virtue of the general obligation to provide guarantees recognized in the ACHR, States are obliged to develop positive actions that generate favorable and safe environments for civil society, which, in turn, entails measures for the suppression of hostile or dangerous environments for the protection of human rights.⁵⁵
55. States have an obligation to prevent and protect civil society actors from violence, threats, and attacks in reprisal for their work, as well as to ensure accountability by conducting independent, timely, and effective investigations into all alleged acts of violence that come within their jurisdiction, and to ensure access to justice, truth, and reparations for victims and their families. The IACHR highlights that violence and other human rights violations, as well as impunity for them, have a deterrent effect, which could silence critical voices or generate self-censorship and, ultimately, weaken their participation in the civic space.⁵⁶

52 For example, according to the Office of the United Nations High Commissioner for Human Rights (OHCHR), some of the key elements for creating and maintaining a safe and enabling environment for civil society are: a legal framework for the protection of rights and freedoms related to civic space; promoting an enabling environment for civil society and a culture of recognition of its work; guaranteeing access to information; ensuring mechanisms for civil society participation in policy and decision-making processes; among others. United Nations, Human Rights, Report of the High Commissioner for Human Rights, A/ HRC/32/20, 9 March 1998, para. 4; International Center for Not-for-Profit Law (ICNL) and UNDP, *Legal Frameworks for Civic Space: A Practical Toolkit*, New York, United States, p. 2.

53 I/A Court H.R. Matter regarding the Nicaraguan Members of Center for Human Rights and the Permanent Commission on Human Rights (CENIDH-CPDH) Provisional Measures. Order of the Inter-American Court of Human Rights of October 14, 2019.

54 Cf. IACHR, *Criminalization of the Work of Human Rights Defenders*, OEA/Ser.L/V/II. Doc. 49/15, December 31, 2015, par. 285, Recommendation 7; see: *Joint Declaration on Protecting and Supporting Civil Society at-Risk*. The UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa of the African Commission on Human and Peoples' Rights (ACHPR), and the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR), 2021.

55 Cf. IACHR, *Criminalization of the Work of Human Rights Defenders*, OEA/Ser.L/V/II. Doc. 49/15, December 31, 2015, par. 285, Recommendation 7; see: *Joint Declaration on Protecting and Supporting Civil Society at-Risk*. The UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa of the African Commission on Human and Peoples' Rights (ACHPR), and the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR), 2021.

56 Cf. United Nations Guidance Note. *Protection and Promotion of Civic Space*, 2020, pp. 3 and 8.

56. In addition, ensuring a favorable and safe environment requires a legal framework that recognizes the rights and freedoms related to civic space and establishes adequate guarantees for their exercise.⁵⁷ This obligation implies access to and availability of adequate and effective judicial remedies to protest any restriction on freedoms related to civic space.⁵⁸ To this end, it is important that States ensure that independent courts are able to determine in a timely manner, where appropriate, whether restrictions or sanctions imposed on civil society actors are legitimate, necessary, and proportionate measures in accordance with inter-American human rights standards.⁵⁹
57. Ensuring a favorable environment for civil society participation involves fostering a culture of recognition for its work. This requires that States publicly and unequivocally recognize the value and importance of civil society's contributions to democracy and the rule of law, including political support from the highest level.⁶⁰ In particular, they should condemn all attacks and acts of intimidation, smear campaigns, and other forms of stigmatization committed against civil society actors. Likewise, from the highest levels, States must also refrain from carrying out official actions or pronouncements that affect the legitimacy of civil society, as well as from participating in defamation campaigns or those aimed at stigmatizing the work they do.⁶¹
58. Finally, in determining the scope of these obligations, the IACHR emphasizes that States must take into consideration the intersectionality of different factors of vulnerability or sources of discrimination that civil society actors may face. In this regard, the IACHR has been consistent in highlighting the reinforced obligations of the State to generate the conditions needed to prevent and respond to violations by State agents or private individuals, as well as to develop positive actions that generate favorable environments that translate, in turn, into the suppression of hostile or dangerous environments for the exercise of human rights of, inter alia, human rights defenders,⁶² journalists and media workers, and women.⁶³

57 Cf. United Nations, Human Rights, Report of the High Commissioner for Human Rights, A/HRC/32/20, 11 April 2016, para. 13.

58 *United Nations Guidance Note. Protection and Promotion of Civic Space*, 2020, p. 11.

59 United Nations, Human Rights Council, Report of the United Nations High Commissioner for Human Rights, A/HRC/32/20, 11 April 2016, para. 22.

60 Cf. IACHR, Towards Effective Integral Protection Policies for Human Rights Defenders, OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, paras. 137 – 138.

61 Cf. IACHR, Criminalization of the Work of Human Rights Defenders, OEA/Ser.LV/II. Doc. 49/15, December 31, 2015, par. 285, Recommendation 7; see: Joint Declaration on Protecting and Supporting Civil Society at-Risk. The UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa of the African Commission on Human and Peoples' Rights (ACHPR), and the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR), 2021.

62 For example, among the actions that States must take to guarantee the activities of human rights defenders is the obligation to: i) facilitate the necessary means for human rights defenders to freely carry out their activities; ii) protect them when they are subject to threats (...); iii) create the conditions needed to eradicate violations by State agents or private individuals; iv) refrain from imposing obstacles that hinder the performance of their work, and v) seriously and effectively investigate violations committed against them, combating impunity. I/A Court H.R. Case of Nogueira de Carvalho et al. v. Brazil. Preliminary Objections and Merits. Judgment of November 28, 2006. Series C No. 161, par. 77; I/A Court H.R., Case of Fleury et al. v. Haiti. Merits and Reparations, Judgment of November 23, 2011. Series C No. 236, par. 81.

63 In this regard, for example, Cf. IACHR, Report on the Situation of Human Rights Defenders and Social Leaders in Colombia, OEA/Ser.LV/II. Doc. 262, December 6, 2019; IACHR, SILENCED ZONES: Highly dangerous areas for the exercise of freedom of expression, OEA/Ser.LV/II CIDH/RELE/INF.16/17. March 15, 2017.

The closing of civic and democratic space in Nicaragua

IV. THE CLOSING OF CIVIC AND DEMOCRATIC SPACE IN NICARAGUA

59. In Nicaragua, civic space is currently closed. There are no conditions for civil society to participate freely in social and political life and a policy of repression and systematic persecution by a police state prevails against anyone considered to be an opponent of the government.
60. The IACHR will now proceed to address the current process by which civic space is being closed through the gradual and sustained implementation of a repressive strategy. To this end, it reports on the measures adopted by the State to weaken civil society through the dismantling of social movements and the media, the selective persecution of anyone who questions the government in any sphere of civic and social participation, including the religious sphere, and the massive closure of organizations and banishment from the country.

A. Closure of civic space in Nicaragua

61. Since September 2018, demonstrations and social protests by sectors considered to be opponents of the Government were banned by the National Police through public and *de facto* communications. This marked the beginning of police moves to co-opt public spaces used for demonstrations, including police harassment of the population.⁶⁴ This strategy was extended to criminalize and censor other expressions of dissent and protest, in both the physical and digital spheres, for example, publications on social networks and waving of the Nicaraguan flag.⁶⁵
62. Then came arbitrary arrests and politically motivated deprivation of liberty follow to repress any opposition stance to the regime, as well as the manipulation of criminal law to make criticism illegal, as one of the main strategies employed since the beginning of the April 2018 crisis to weaken civic space.⁶⁶ In the report entitled *Persons deprived of liberty in Nicaragua in connection with the human rights crisis that began on April 18, 2018*, the IACHR warned that arbitrary detentions and deprivation of liberty have been used above all to repress any

64 In September 2018, the IACHR expressed its concern over the Police's decision to declare the illegality of protests or demonstrations carried out by social movements, students, and organizations, as well as the decision to establish the requirement of prior authorization by this institution for all types of protests in public spaces. IACHR, 2018 Annual Report, Chapter IVB, Venezuela, paras. 118 and 128.

65 IACHR, 2018 Annual Report of the IACHR, Ch. IVB, Nicaragua, paras. 118 and 128; In 2019, the IACHR became aware of numerous cases involving the criminalization of acts of protest such as picketing; whistle blowing; sit-ins or brief standstills; throwing paper slips or straws and paint marks on the streets using national colors. In this context, according to information in the public domain, the IACHR received the report on the detention of Tamara Dávila that occurred on April 9, 2019 in the department of Carazo. Public reports indicate that the reason for her arrest was that she allegedly had scattered blue and white straws in the street. Similarly, the IACHR became aware of the arrest by police personnel on April 19, 2019 in Managua of a group of teenagers, who were organizing a picket line. IACHR, Press Release No. 108/19 - Amid Ongoing Restrictions on Public Protest, IACHR Urges Nicaragua to Comply with Implementation of Agreements. Washington D.C., April 30, 2019

66 IACHR, *Persons deprived of liberty in Nicaragua in connection with the human rights crisis that began on April 18, 2018*, OEA/Ser.L/V/II., October 5, 2020, p. 5.

opposition to the current regime and to instill fear among the Nicaraguan population and a sense that it is subject to total control. Likewise, the lack of independence of the justice administration system has facilitated the use and manipulation of criminal law to criminalize and prosecute those who criticize or oppose the government, including for electoral purposes. This has resulted in hundreds of prosecutions on unfounded and disproportionate charges, as well as serious violations of the judicial guarantees of detainees.⁶⁷ According to IACHR records, more than 2,000 people have been arbitrarily detained in Nicaragua since April 18, 2018.⁶⁸ In this regard, the Inter-American Court has recognized that the deprivation of liberty of opponents in Nicaragua carries an implicit message of intimidation aimed at dissuading and silencing other political opponents. Furthermore, it has warned that "the persistence of this situation continues to erode democracy and the rule of law."⁶⁹

63. In addition to criminalization for political reasons, the IACHR noted the persistence of smear and stigmatization campaigns waged by the highest state authorities against civil society and human rights organizations, independent media, religious leaders, human rights defenders, and other actors, aimed at delegitimizing their work and even associating them with criminal activities; all of them reflecting the State's denial of serious human rights violations committed since 2018.⁷⁰
64. Within this context of an installed police state, the Commission also received information on the permanent harassment, siege, intimidation, monitoring, surveillance, and even physical attacks against human rights defenders, relatives of victims of human rights violations, members of the Catholic Church, and, in general, any person considered to be an opponent of the Government. In addition, the authorities have implemented an arbitrary policy regarding the free entry or exit of the population from the country as a tool to exert pressure on civil society, intimidate it, and foster self-censorship.⁷¹
65. In this regard, the IACHR received information and testimony on the arbitrary withdrawal and retention of passports or the refusal to issue them as a mechanism to prevent people from leaving the country. It also documented cases prohibiting the return of Nicaraguans, who as a result face a situation of forced displacement, as they are obliged to try and regularize their migratory situation or access international protection mechanisms in other countries. Some people who have been arbitrarily prevented by the State from returning have reported finding themselves in a situation of "de facto statelessness" due to the impossibility of renewing expired passports or accessing other identity documents because they are outside the country

67 IACHR, Persons deprived of liberty in Nicaragua in connection with the human rights crisis that began on April 18, 2018, OEA/Ser.LV/II., October 5, 2020, p. 5.

68 IACHR. Press release No. 67/23 - Five Years into Nicaragua's Human Rights Crisis, the IACHR Calls for the Restoration of Democracy and Stresses Its Solidarity with Victims. Washington, D.C., April 18, 2023

69 I/A Court H.R. Matter of 45 inmates in eight prisons, regarding Nicaragua Provisional Measures. Order of the Inter-American Court of Human Rights of October 4, 2022, par. 22.

70 IACHR, 183rd regular session, Thematic Hearing: Situation of Human Rights in the context of impunity in Nicaragua, March 14, 2022.

71 IACHR, 2022 Annual Report, Chapter IV.B Nicaragua, paras. 2ff.

and because of the State's refusal to issue such documentation. These actions have also resulted in the forced separation of numerous Nicaraguan families.⁷²

66. Between 2021 and 2022, *IM-Defensoras* registered 96 cases of people who were denied entry to Nicaragua, of whom 60 were women human rights defenders, activists, or family members of women defenders.⁷³ Among other cases, the IACHR documented the denial of entry to the country of María Teresa Blandón, sociologist and director of the Regional Feminist Program "La Corriente"; Juan de Dios García, vicar of the Santo Cristo de Las Colinas parish; and José Alberto Idiáquez Guevara, Jesuit priest and former rector of the UCA.⁷⁴ The IACHR also documented the restriction on entry into Nicaragua of Anexa Alfred Cunningham, indigenous peoples' advocate and member of the UN Expert Group on the Rights of Indigenous Peoples, following her participation in that Group's sessions in Geneva, Switzerland in 2020.⁷⁵
67. In the course of 2023, the IACHR rejected the worsening of repression through the arbitrary deprivation of Nicaraguan nationality as a mechanism of punishment and retaliation against 317 people, including: the country's main social, political and religious leaders; former officials and diplomats; renowned human rights defenders; journalists and workers of the main media outlets. Particularly noteworthy are the cases of human rights defender Vilma Núñez de Escorcía, beneficiary of provisional measures by the Inter-American Court of Human Rights, who is in Nicaraguan territory under serious conditions amounting to a siege by the police;⁷⁶ Monsignor Rolando Álvarez, Bishop of Matagalpa, beneficiary of provisional measures, deprived of his liberty and kept incommunicado; as well as the group of 222 persons released from prison on February 9, 2022, who were deprived of their nationality after being "deported" to the United States.⁷⁷

72 IACHR. 123/23 - IACHR Rejects Ongoing Repression and Human Rights Violations in Nicaragua. Washington D.C., June 16, 2023

73 IM-Defensoras, *Migratory repression and banishment for defending rights in Nicaragua* October 13, 2022.

74 *Confidencial*, *President of UN Human Rights Council denounces banishment of Nicaraguan Anexa Alfred Cunningham* September 28, 2022; DW, *Ortega Regime Denies Nicaraguans Entry into the Country* September 30, 2022; *El País*, *Daniel Ortega prevents voices critical of his regime from returning to Nicaragua*, September 29, 2022.

75 United Nations, *Acting High Commissioner: Addressing the Legacies of Colonialism Can Contribute to Overcoming Inequalities Within and Among States and Sustainable Development Challenges of the Twenty-First Century* September 28, 2022; Article 66, *Anexa Alfred Cunningham suffers banishment "for her work on behalf of the rights of the Miskito people."*, October 04, 2022; 100% NEWS, *Dictatorship banishes Anexa Cunningham, UN indigenous peoples expert in Nicaragua*, September 28, 2022.

76 Twitter, IACHR [@IACHR], *#IACHR repudiates decision of #Nicaragua to arbitrarily deprive defender Doña Vilma Nuñez de Escorcía of her nationality along with 93 others for defending human rights. Urges to protect her life and integrity in accordance with the provisional measures granted by @CortelDH* February 15, 2023, <https://twitter.com/CIDH/status/1626015959851888640?s=20>

77 On February 15, the Court of Appeals of Managua published the judicial resolution by which 94 persons identified as political opponents were deprived of their nationality, their political rights and all their property, and were described as "fugitives from justice" and "traitors to the homeland." In turn, this resolution had as a precedent the release from prison of 222 people, which took place on February 9, who were also deprived of their nationality after being "deported" to the United States. This happened even though such a measure is not provided for under domestic law and contravenes principle of legality and non-retroactive nature of sentences. On the same day, February 9, the National Assembly had announced the expeditious adoption of an amendment to Article 21 of the Constitution regarding nationality, as well as a new law "regulating the loss of Nicaraguan nationality." Both norms have been applied as the basis for depriving Nicaraguans considered to be opponents of the government of their nationality, calling them "traitors to the homeland", thereby perpetuating terror among the population. IACHR, Press Release No. 24/23 - IACHR and OHCHR Condemn Escalation of Human Rights Violations in Nicaragua. Washington, D.C. / Panama City, Panama, February 17, 2023; 21/23 - IACHR Welcomes Release of Political Prisoners in Nicaragua but Rejects Arbitrary Deprivation of Nationality. Washington D.C., February 13, 2023

68. For the IACHR, in addition to the serious consequences for the human dignity of the affected persons and their families, this repressive measure produces a chilling and sobering effect on the civilian population that directly impacts the free exercise of civic and democratic freedoms, including the right of association, as well as the right to defend human rights.
69. The IACHR also noted the intensification of measures adopted to weaken civil society, through the massive closure of organizations, the dismantling of social movements and the media, as well as the selective persecution of the Catholic Church. Below, the Commission will delve into these facts and, in particular, into the specific violations of the rights to freedom of expression, freedom of religion, and freedom of association, highlighting the urgent need to reestablish civic space in Nicaragua.

1. The massive closure of civil society organizations and its impact on civic space

70. The cancellation of the legal status of thousands of Nicaraguan civil society organizations illustrates the most drastic pattern of the State's attacks on pluralism, as well as its intention to completely close civic and democratic space in Nicaragua.
71. For the preparation of this report, the IACHR built a database that identifies each of the civil society organizations affected by the cancellation of their legal status. To this end, the IACHR analyzed all the decrees issued by the National Assembly, as well as the Ministerial Agreements published in the Official Gazette (La Gaceta-Diario Oficial) regarding the cancellations ordered by the Ministry of the Interior. Altogether, the IACHR examined more than 70 decrees and other rulings issued up to August 31, 2023.
72. According to the database prepared by the MESENI, between April 18, 2018 and August 31, 2023, the State canceled the legal status of 3,390 organizations out of a total of 7,227 legally registered in the country in 2018.⁷⁸ Of that total, the IACHR notes that 48 organizations were closed using the pretext of voluntary dissolution.⁷⁹
73. In this regard, the information available to the IACHR indicates that this measure affected the main national and foreign entities in the country dedicated to the defense and promotion of human rights in Nicaragua; the promotion of democracy, development; humanitarian work, international cooperation, protection of groups in situations of discrimination and historical

78 Communication by the State of Nicaragua. Note MPN-OEA/0093. Observations of the State of Nicaragua on the Draft Report of the IACHR on The Forced Migration of Nicaraguans to Costa Rica, July 29, 2019, par. 8; In its observations on this report, the State pointed out that "in Nicaragua there are 7,227 Non-Profit Organizations, known as NGOs, respecting the Constitutional right of Association (Article 49)." State of Nicaragua, Note MPN-OAS-0069-100LAR, Observations of the State of Nicaragua on the preliminary document entitled "Chapter IV. b) Annual Report of the Inter-American Commission on Human Rights," December 19, 2019, p. 53.

79 See database of civil society organizations abolished (canceladas) in Nicaragua prepared by the IACHR and annexed to this report.

exclusion; environmental protection; as well as student and artistic associations, cultural services, medical associations, and religious organizations and foundations.⁸⁰

74. In particular, as shown in the following graph regarding the field or activity of the organizations abolished, the IACHR observes that, of the 3,390 organizations abolished, 32% worked on development issues; 16% pursued trade union purposes; 11% were religious organizations; and 10% were dedicated to the defense and promotion of human rights, including the rights of children and adolescents, women, and indigenous peoples.⁸¹

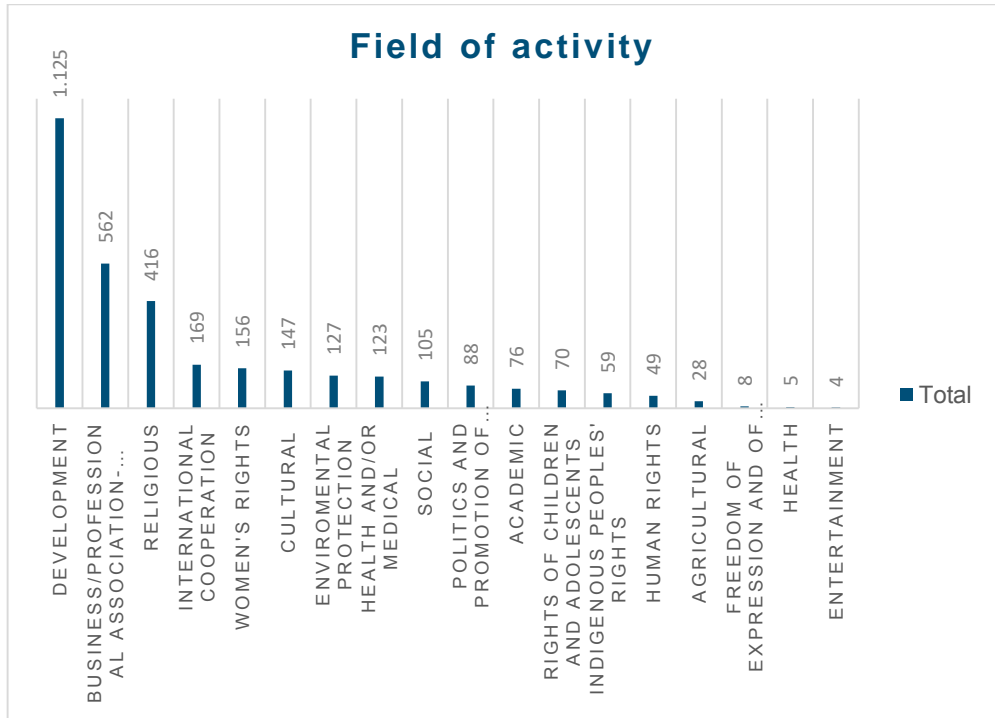


Figure 1. Organizations affected by the cancellation of legal status according to their area of work or activity.⁸²

75. In connection with the public hearing on the "Situation of freedom of association in Nicaragua", held in October 2022, representatives of the affected organizations indicated that one of the purposes of the forced and massive closure of the organizations was to dismantle the territorial and community fabric built for years throughout the country through the implementation of social projects and programs, especially at the rural level. It was reported that more than 50% of the affected organizations operated outside the country's capital. The State seeks to monopolize the management of social and humanitarian assistance, and to control

80 See database of civil society organizations abolished (canceladas) in Nicaragua prepared by the IACHR and annexed to this report.

81 See database of civil society organizations abolished in Nicaragua prepared by the IACHR and annexed to this report.

82 Based on MESENI's database on abolished civil society organizations. On file with the IACHR.

international cooperation so that it is administered solely by institutions aligned with the Government's purposes. With this, "communities would be forced to remain in conditions of poverty, exclusion, and subjected to a government regime that brooks no opposition."⁸³

76. On the other hand, the massive closure of organizations was to have serious impacts on individuals and groups in a historical situation of discrimination that benefited directly from the execution and implementation of social, humanitarian, and international development cooperation programs and projects. Among them: women, children and adolescents, and indigenous or Afro-descendant communities.⁸⁴
77. Regarding the closure of women's organizations, the IACHR was informed of the serious consequences and impact on women's rights, since it places women, girls, and adolescents who benefited from their services in a situation of greater vulnerability and exposure to violence and violation of their fundamental rights, including women and girls in contexts of intersectional discrimination, such as those belonging to indigenous and Afro-descendant communities, or residing in rural areas.⁸⁵
78. According to the information received, 176 feminist and women's rights organizations were reportedly affected⁸⁶. Of them, 55 worked for the right to live free from violence, 34 for economic autonomy and rural development, 21 for the rights of indigenous peoples and/or Afro-descendants, 19 for the rights of children, youth, and adolescents, 11 for sexual and reproductive rights, 10 for education, 6 for labor rights, 6 for human rights in general, 5 for governance and democracy, 5 for the rights of people with disabilities, and 4 for culture.
79. Civil society organizations indicated to the IACHR that 90% of the canceled feminist organizations occurred in 2022. In addition, some denounced the dismantling of their offices and confiscation of assets. They included: the Colectivo 8 de Marzo, whose work for the past 26 years had focused on lending support to women and girls survivors of violence and femicide and on providing sexual and reproductive health services⁸⁷; and the Fundación para la Promoción y Desarrollo de las Mujeres y la Niñez "Blanca Aráuz" (Fundemuni) and the Asociación de Mujeres Trabajadoras y Desempleadas "María Elena Cuadra"(MEC), which

83 IACHR, [Situation of Freedom of Association in Nicaragua](#), Public Hearing, 185th regular session, October 27, 2022; In this regard, see: Fundación del Río, Popol Na, Asociación Red Local and Esfera Ciudadana, [La brutal demolición de la libertad de asociación en Nicaragua: violaciones al derecho de asociación bajo el régimen Ortega-Murillo \(2007-2022\)](#) (The brutal demolition of freedom of association in Nicaragua: violations of the right to association under the Ortega-Murillo regime (2007-2022)), December 1, 2022, p. 9.

84 On this, see: IM-Defensoras, [International feminist solidarity in the face of the illegal cancellation of women's rights supporter organizations or feminist organizations in Nicaragua](#). April 21, 2022.

85 On this, see: IM-Defensoras, [International feminist solidarity in the face of the illegal cancellation of women's rights supporter organizations or feminist organizations in Nicaragua](#). April 21, 2022.

86 IM-Defensoras, [\[WHRD Alert\] NICARAGUA / During the month of August, 42 more feminist and women's rights organizations lost their legal status, with a total of 147 illegally canceled by Daniel Ortega since 2018](#), September 5, 2022; IM-Defensoras, [\[WHRD Alert\] NICARAGUA / Daniel Ortega cancels 29 more feminist and women's rights organizations, with a total of 176 since 2018](#), October 11, 2022.

87 IM-Defensoras, [\[WHRD Alert\] NICARAGUA / Nicaraguan government cancels yet another feminist organization: the March 8th Collective](#). March 21, 2022; [Swissinfo, Ortega Cancels 25 NGOs Defending Environmentalists, Women and Journalists](#), March 17, 2022; [France 24, Nicaragua orders closure of 25 more human rights NGOs](#), March 17, 2022.

were dedicated to defending the labor rights of women workers in the maquiladoras, among other activities.⁸⁸

80. The closure of these organizations is part of a pattern of systematic repression against women human rights defenders and is aimed at the political and social dismantling of this group. In Nicaragua, women's and feminist movements are considered one of the main sources of criticism of the current government due to their historical role in the vindication of human rights. In addition, for several years now, they reportedly have had one of the most extensive organized territorial networks in the country, which facilitated their coordination, social mobilization, and resilience, for example, in the context of the 2018 protests and, consequently, led to the intensification of state repression towards them.⁸⁹
81. The IACHR also received information on the impact on the rights of children and adolescents as a result of the massive closure of organizations and the suppression of civic space. In particular, at least 126 organizations that were abolished provided protection, health care, education, and assistance programs for children, prevention of child labor, shelters for girl mothers, and tutoring, among other services. As a result, some "350,000 families have been left unattended" and more than 50,000 children have been affected by the lack of access to these programs. In April 2022, the IACHR condemned the closure of the Nicaraguan Coordinating Federation of Non-Governmental Organizations that work with Children and Adolescents (CODENI), an organization that for more than thirty years has incorporated more than a dozen other organizations responsible for the promotion and protection of the rights of children and adolescents in Nicaragua.⁹⁰
82. In the case of organizations that defend the rights of indigenous and Afro-descendant communities, the Commission notes the serious impacts on the protection of their rights and traditional territories due to systematic aggression by groups of armed individuals, including assassinations, acts of harassment and intimidation, and the dispossession and invasion of their lands. In particular, in 2022, the IACHR strongly rejected the revocation of the legal status of the Center for Justice and Human Rights of the Atlantic Coast of Nicaragua (CEJUDHCAN), an organization that has historically contributed to the defense of the rights of indigenous and Afro-descendant peoples and communities of the Caribbean Coast, including by representing them in cases before the inter-American system.⁹¹
83. In addition to the above, the IACHR has drawn attention to the implications for the enjoyment of economic, social, cultural, and environmental rights of the Nicaraguan population. For

88 [IM-Defensoras, \[WHRD Alert\] NICARAGUA / Government shuts down two more feminist organizations: FUNDEMUNI and the María Elena Cuadra Women's Movement](#) February 15, 2022; [Infobae, Nicaraguan regime cancels six more human rights NGOs, bringing total to 93](#) February 16, 2022; [DW, Six more NGOs shut down in Nicaragua, including PEN International](#), February 16, 2022.

89 For an analysis of this issue, see: Detailed conclusions of the Group of Experts on Human Rights on Nicaragua, Human Rights Council, 52nd session, A/HRC/52/CRP.5, 7 March 2023, pp. 221 ff.

90 [IACHR, Press Release No. 88/22 - IACHR Rejects the Revocation of the Legal Status of 25 Additional Organizations, Deepening the Shutdown of Democratic Platforms in Nicaragua](#), Washington, D.C., April 26, 2022

91 [IACHR, Press Release No. 67/22 - IACHR and Its Special Rapporteurs for Freedom of Expression and for Economic, Social, Cultural, and Environmental Rights Reject Cristiana Chamorro's Conviction and the Cancellation of the Legal Status of Several Organizations in Nicaragua](#), Washington, D.C., March 30, 2022

instance, the arbitrary closure of development organizations reportedly undermines efforts to reduce poverty in Nicaragua.

84. According to a report by the Inter-American Dialogue, the closure of 53 organizations alone reportedly affected more than one million people benefiting from their social programs, entailed the loss of around 2,000 formal jobs, and meant that more than US\$ 41mn budgeted for development projects were not spent.⁹² Based on this projection, it is estimated that the arbitrary closure of the organizations could amount to a loss of more than US\$ 250mn and more than 3.4 million beneficiaries affected.⁹³ This does not include the impact of the closure of international organizations, which operated with larger budgets and investments in their country of origin. In this context, the destruction of the social fabric and the loss of jobs were reportedly factors that would continue to force thousands of people to move to other countries.⁹⁴
85. Regarding the origin of the abolished organizations, the IACHR ascertained that at least 322 foreign organizations were affected. The aims, objectives, and activities of at least 222 of those organizations included, inter alia, international cooperation for development, humanitarian purposes, and capacity building. Some of the main organizations affected were: Oxfam Intermon Foundation, Oxfam Ibis, Diakonia, Asociación Ayuda en Acción, Asociación Catalana de Profesionales para la Cooperación con Nicaragua, Asociación Arquitectos Sin Fronteras, Greenworld Asociación Medio Ambiental, Proyecto Educativo Agropecuario Nicaragüense Andaluz Rugama, Asociación Francisco Ortíz, Amistad entre ciudades Frankfurt-Granada and Friedrich Naumann Foundation; Asociación Austríaca de la Cooperación para el Desarrollo, Asociación Austroprojek, Asociación Amistad, Ayuda y Desarrollo de Francia, Fons Catala de Cooperacio al Desenvolupament.

92 Inter-American Dialogue, *Dictatorial Radicalization in Nicaragua: From Repression to Extremism?*, October 2022, p. 3; IACHR, *Nicaragua Public Hearing*, 185th regular session, October 27, 2022; Fundación del Río, *Popol Na*, Asociación Red Local and Esfera Ciudadana, *La brutal demolición de la libertad de asociación en Nicaragua: violaciones al derecho de asociación bajo el régimen Ortega-Murillo (2007-2022)*, December 1, 2022, p. 5; Plataforma Nicaragüense de Redes de ONG, *Informe Intermedio EPU*, February to October 2022, p. 12.

93 Fundación del Río, *Boletín de Monitoreo: el cierre de organismos civiles en Nicaragua [The closing of civil organizations in Nicaragua]*, December 2022, p. 4.

94 According to UNHCR, as of June 2022, more than 260,000 Nicaraguans had been forced to flee their country, including 191,875 to Costa Rica, 30,937 to Mexico, 21,556 to the United States of America, 8,124 to Guatemala, 6,774 to Spain, and 5,170 to Panama. UNHCR, *International Protection Considerations with Regard to People Fleeing Nicaragua* (January 2023) HCR/PC/NIC/2023/01, p. 32.



Figure 2. Distribution of the sample of canceled organizations by origin of their statutes of incorporation.⁹⁵

86. Regarding the country of origin of the foreign organizations affected by the revocation of their registration, as can be seen in the following graph, the IACHR observes that most of the affected entities are from the United States (146) and Spain (39), followed by Italy (23), Costa Rica (15), and Germany (13).

95 Based on MESENI's database of abolished civil society organizations. On file with the IACHR.

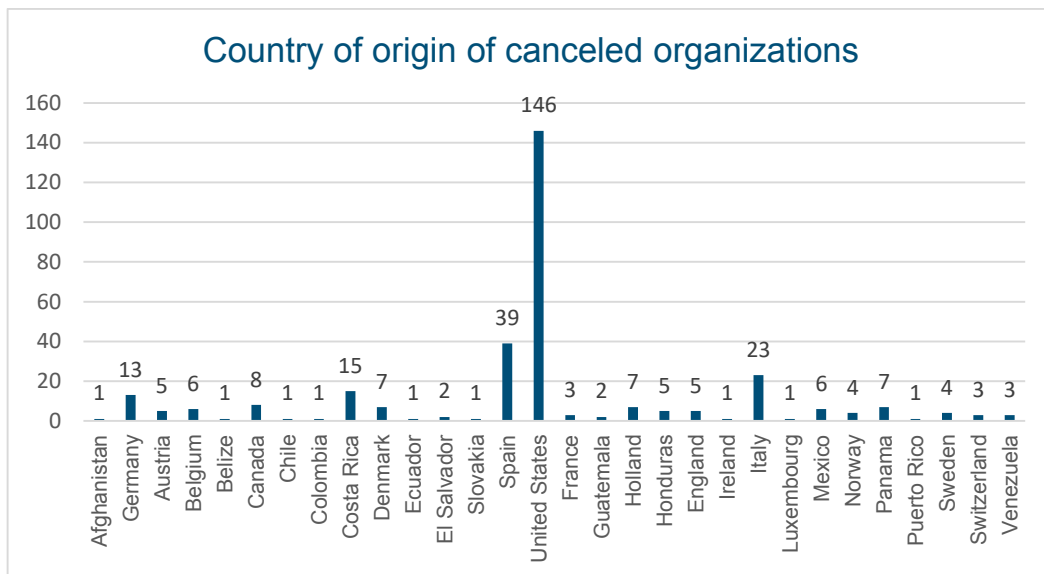


Figure 3. Distribution of the sample of abolished organizations according to country of origin.⁹⁶

87. In addition, the involuntary dissolution of associations working on health issues has resulted in a significant decline in the quality of medical care and access to it. In March 2022, the IACHR was informed of the closure of Operación Sonrisa (Operation Smile).⁹⁷ This organization provided medical care to children living in poverty, particularly facial reconstruction surgeries for children and adolescents with cleft lip and palate. Throughout its 30 years, it reportedly performed at least 11,000 surgical procedures in Nicaragua, benefiting 5,738 patients free of charge. In July 2022 its facilities were confiscated.⁹⁸
88. In relation to the right to education, academic freedom, and university autonomy, the IACHR was informed that more than 37,000 university students have reportedly been directly affected by the closure of universities or technical and higher education centers.⁹⁹ Since 2020, at least 26 universities, both national and foreign, with more than 60 campuses in the country, were affected by the revocation of their legal status, among them: Universidad Hispanoamericana (UHISPAM), Universidad Politécnica de Nicaragua (UPOLI), Universidad Católica Agropecuaria del Trópico (UCATSE), Universidad Nicaragüense de Estudios Humanitarios (UNEH), Asociación Universidad Popular de Nicaragua (UPONIC), Asociación Universidad Paulo Freire (UPF), Fundación Universidad de Mobile Latinoamérica Campus (FUMLAC),

96 Based on MESENI's database of abolished civil society organizations. On file with the IACHR.

97 Artículo 66, *Dictadura cancela 25 ONG entre ellas Operación Sonrisa y Ética y Transparencia* (Dictatorship cancels 25 NGOs among them Operation Smile and Ethics and Transparency) March 17, 2022

98 100% Noticias, *Diputados le roban oportunidad de sonreír a niños con labios leporinos y paladar hendido* (Deputies rob children with cleft lips and cleft palate of chance to smile) March 17, 2022; Artículo 66, *Operación Sonrisa se despide de Nicaragua luego de confiscación de sus oficinas* (Operation Smile says goodbye to Nicaragua after confiscation of offices), July 8, 2022.

99 IACHR, Nicaragua Public Hearing, 185th regular session, October 27, 2022; Confidencial, "Orteguismo monta "negocio redondo" con universidades confiscadas" (Orteguismo running a lucrative business using confiscated universities), August 3, 2023.

Asociación Pro Universidad de Jinotega, Asociación Pro Universidad Agropecuaria de la Quinta Región, Florida International University, Michigan State University, University of Mobile Corporation, Fundación Universidad Particular en Ciencias del Mercado, Asociación Universidad Thomas More (UTM), Asociación Universidad Centroamericana de Ciencias Empresariales (UCEM), Wake Forest University, Universidad de Occidente (UDO), and Universidad Evangélica Nicaragüense Martin Luter King.¹⁰⁰ According to available information, the abolished entities are now under the control of the National Council of Universities and are reportedly being reformed.¹⁰¹

89. In this context, on August 19, 2023, through MESENI, the IACHR received information about the eviction of six members of the Society of Jesus and the arbitrary confiscation of the Villa del Carmen residence, a community where Jesuits working at the Universidad Centroamericana lived.¹⁰² These events occurred the day after the publication of the Ministerial Agreement officially confirming the closure and revocation of the legal status of the institution, in compliance with the ruling issued by the Tenth District Criminal Court of Nicaragua on August 15. That court ordered the seizure of all movable and immovable property and bank accounts of the university, noting that it functioned as a "center of terrorism", "organizing armed and hooded criminal groups using terrorist tactics in the country."¹⁰³ In the same Ministerial Agreement, the State approved the creation of the "Casimiro Sotelo Montenegro" National University and ordered the delivery of all information on students, teachers, courses, curricula, and enrollment databases to the National Council of Universities (CNU), an entity beholden to the interests of the official party and the Executive.¹⁰⁴
90. The closing of this university, in addition to affecting at least 5,000 students, has a serious impact on Nicaraguan society as a whole. In recent years, the Jesuit community of the UCA has been attacked, harassed, and bullied in retaliation for its support and defense of the rights of students who participated in the social protests of 2018. In 2022, the University denounced mechanisms of pressure and interference such as the non-extension of certifications needed for it to operate and its exclusion from the CNU with a view to weakening its budget.¹⁰⁵
91. The closing or abolition of universities or other facilities in which academic activity takes place as a reprisal for dissenting from the government's ideology curtail civic space and academic

100 Cf. Revista ESAL, Más Allá del Cierre de Universidades en Nicaragua (Beyond the Closing of Universities in Nicaragua,) 2022.

101 IACHR, Nicaragua Public Hearing, 185th regular session, October 27, 2022.

102 IACHR, Press Release No. 201/23- Nicaragua: IACHR and Its Special Rapporteurs Condemn Arbitrary Interference with Academic Freedom in Nicaragua Washington D.C., August 29, 2023

103 Ministry of the Interior. MINISTERIAL AGREEMENT No. 104-2023-OSFL, adopted on August 17, 2023. Published in the Official Gazette, La Gaceta, No. 151 of August 18, 2023.

104 Ministry of the Interior. MINISTERIAL AGREEMENT No. 104-2023-OSFL, adopted on August 17, 2023. Published in the Official Gazette, La Gaceta, No. 151 of August 18, 2023.

105 IACHR, Press Release No. 201/23- Nicaragua: IACHR and Its Special Rapporteurs Condemn Arbitrary Interference with Academic Freedom in Nicaragua Washington D.C., August 29, 2023

freedom. This is in addition to propaganda or the alleged indoctrination in academic circles designed to impose Sandinismo as the only current of thought and political position.¹⁰⁶

92. The IACHR recalls that the *Inter-American Principles on Academic Freedom and University Autonomy* state that state regulations on education must be aimed at guaranteeing the process of learning, teaching, research, and dissemination in an accessible, pluralistic, participatory, and democratic manner, as well as guaranteeing the self-government of academic institutions, which includes, inter alia, freedom for teaching staff or student bodies.¹⁰⁷
93. In short, the massive closure of organizations has severely limited the ability of civil society actors to actively participate in political, social, cultural, and religious life, as well as activities for the promotion and defense of human rights and the return of democracy. Because of this stepped-up repression, dozens of human rights defenders have been forced to work from exile, by transferring the structure of their organizations, creating new entities, or acting as individuals. For their part, the organizations that remain in the country, even after the revocation of their legal status are said to be working clandestinely, in a climate of fear, persecution, and self-censorship.
94. The IACHR recognizes that an important part of the defense of human rights is exercised through legal entities and, therefore, it is essential that human rights defenders in these organizations enjoy the protection and independence needed to fully carry out their functions. In particular, the Commission considers that, just as trade union organizations are instruments for the exercise of the right of association of workers, political parties for the exercise of the political rights of citizens, and the media are mechanisms that serve the exercise of the right to freedom of expression of those who use them as a means of disseminating their ideas or information,¹⁰⁸ non-governmental organizations or civil associations for the defense of human rights are a vehicle for the realization of other rights such as the right to free association, freedom of expression, and the right to defend human rights.

2. Restrictions on freedom of expression and their impact on civic space

95. In Nicaragua, the Office of the Special Rapporteur for Freedom of Expression (RELE) has observed an increasingly intense escalation of attacks and harassment against journalists and independent media, with the aim of intimidating and silencing them.¹⁰⁹ Since April 2018, the

106 On this, see: Aula Abierta sobre la Reducción del espacio cívico en Nicaragua: referencias al sistema de educación superior (Open Classroom on the Reduction of civic space in Nicaragua: references to the higher education system), August 2023. On file at the IACHR.

107 IACHR. *Inter-American Principles on Academic Freedom and University Autonomy*. Adopted by the Commission during the 182nd regular session, held from December 6 to 17, 2021.

108 I/A Court H.R. Entitlement of legal entities to hold rights under the Inter-American Human Rights System (Interpretation and scope of Article 1.2, in relation to Articles 1.1, 8, 11.2, 13, 16, 21, 24, 25, 29, 30, 44, 46, and 62.3 of the American Convention on Human Rights, as well as of Article 8.1A and B of the Protocol of San Salvador). Advisory Opinion OC-22/16 of February 26, 2016. Series A No. 22, par. 115.

109 On this, see: Committee to Protect Journalists (CPJ), CPJ condemns 8-year sentence for Nicaraguan journalist Victor Ticay August 17, 2023; Confidential, Dictatorship detains and releases Canal 10 journalist in Bluefields hours later May 5, 2023; NPR, journalists September 10, 2023; Infobae, More than 1,300 press freedom violations reported in Nicaragua in the past five years, September 10, 2023; Confidential, 30 facts that show how Ortega and Murillo impose censorship in

authorities have made use of different censorship mechanisms that, far from working in isolation, are interconnected and are part of a strategy to persecute and limit all speech that questions or criticizes official voices.¹¹⁰ As a consequence, in Nicaragua no guarantee is provided for exercise of the right to freedom of expression. Nor are proper conditions provided to ensure effective civic participation in matters of public interest.

96. The IACHR observed that the patterns of state censorship identified that have contributed to the deterioration and closure of civic and democratic space in Nicaragua, in both the physical and online environment, include the following: (i) undue control and interference in the media; (ii) the abusive use of punitive power against journalists for the exercise of their profession; (iii) arbitrary detentions; (iv) mechanisms involving constant surveillance of the press, including besieging them in their homes and workplaces, physical aggression, threats, and raids; v) the approval and enactment of restrictive laws that allow the imprisonment of people for the simple fact of expressing dissent on issues of public interest; vi) the adoption of regulatory powers to block the Internet; and vii) stigmatizing speeches by public authorities against journalists.¹¹¹
97. First of all, one of the most worrying aspects of the situation of freedom of expression is the massive closure of media outlets and the cancellation of news channels. Since 2018, at least 54 national media outlets were shut down, almost 30 of them in 2022 alone.¹¹² Likewise, the facilities of the media outlets *100% Noticias*, *Confidencial*, *La Prensa*, and *Trinchera de la Noticia*,¹¹³ have been arbitrarily confiscated and are used by the Government to inaugurate state offices or entities related to its political interests.¹¹⁴ In addition, on the evening of September 21, 2022, the Government took *CNN en Español* off the air, for allegedly having found that the content broadcast by the channel "contravenes, violates, and undermines the legal norms (...)" of Nicaragua.¹¹⁵ These measures were taken by the Nicaraguan Institute of

Nicaragua, April 20, 2022; *Confidencial*, [Daniel Ortega's war against journalism: 54 closed media](#) September 8, 2022; *Divergentes*, [La Prensa continues to report on Nicaragua, from within and from exile](#), September 8, 2022; Voice of America, 2022: ["the worst year for the independent media" in Nicaragua](#) December 14, 2022; Committee to Protect Journalists (CPJ), [Authorities Charge Four Workers of Nicaraguan Newspaper La Prensa with Conspiracy, Two of Them Remanded in Pretrial Detention](#), October 17, 2022 October 17, 2022.

110 IACHR, Office of the Special Rapporteur for Freedom of Expression, December 14, 2018, [Experts on freedom of expression of the UN and the Inter-American System condemn attacks and threats against journalists and the media in Nicaragua](#) Press Release R267/18; IACHR, Office of the Special Rapporteur for Freedom of Expression, March 2, 2021, [Joint statement by the OHCHR for Central America and the IACHR's SRFOE on Journalist's Day in Nicaragua](#), press release R47/20; IACHR, Office of the Special Rapporteur for Freedom of Expression, March 2, 2021 Press Release R47/21; IACHR, Office of the Special Rapporteur for Freedom of Expression, July 15, 2022, [Nicaragua must cease persecution of independent press and be held accountable for its actions](#).

111 See Annual Reports of the Special Rapporteurship for Freedom of Expression of the IACHR: [2018](#), [2019](#), [2020](#), [2021](#), [2022](#).

112 *Confidencial*, September 8, 2022, [journalism: media United Nations](#), Office of the High Commissioner for Human Rights, 19 October 2022, [Human Rights Committee examines Nicaragua report in the absence of a delegation, experts inquire about treatment of protesters and fraudulent practices reported in the latest election](#).

113 Swissinfo, March 2, 2022, [Union demands that Ortega return "confiscated" press media in Nicaragua](#) *Divergentes*, February 23, 2022, [Ortega resuscitates confiscations as state policy](#) Infobae, June 20, 2022, [IAPA repudiated the confiscation and closure of a fourth media outlet in Nicaragua](#).

114 Article 66, February 24, 2021, [Régimen "amuebla" casa materna con lo que saquearon a Confidencial y 100% Noticias](#) Nicaragua Investiga, February 25, 2021, [Government opens center against addictions in building confiscated from 100% Noticias](#); CNN, February 26, 2021, [Nicaragua: health centers open in offices of closed media outlets](#); CPJ, August 17, 2021, [Nicaraguan police raid headquarters of La Prensa newspaper and arrest its general manager, Juan Lorenzo Holmann](#).

115 RT, September 22, 2022, [Nicaragua withdraws the signal of CNN en Español for "contravening, violating, and undermining legal norms"](#); Article 66, September 22, 2022, [Telcor says it removed CNN en Español from the cable for "contravening and violating legal norms" in Nicaragua](#).

Telecommunications and Postal Services (TELCOR), whose powers have been used to punish media outlets for their editorial lines.¹¹⁶

98. The IACHR has also called attention to the persistent misuse of criminal law against journalists and independent media workers in retaliation for their work, especially through the application of legal norms contrary to international standards on freedom of expression, such as the Cyber-crimes Law, the Foreign Agents Law, and the Law for the Defense of the People's Rights to Independence, Sovereignty, and Self-Determination for Peace.¹¹⁷
99. In 2022, the Nicaraguan State sentenced journalists Miguel Mora and Miguel Mendoza to thirteen and nine years in prison, respectively, for allegedly committing the crime of "conspiracy to undermine national integrity", as provided for in Law 1055 on the Defense of the Rights of the People;¹¹⁸ and Juan Lorenzo Holmann Chamorro, general manager of the newspaper La Prensa, to nine years in prison for allegedly committing the crime of laundering money, goods, or assets.¹¹⁹ Also, on June 9, 2023, journalist Victor Ticay was found guilty of the crimes of "propagation of false news" and "conspiracy to undermine national integrity."¹²⁰ Ticay is a reporter for *Canal 10* and was arrested on April 6, 2023 by the police in the city of Nandaime, for covering a religious Holy Week celebration.¹²¹
100. In 2023, repressive and intimidating practices were severely exacerbated, and even included arbitrary revocation of the nationality of journalists and former media workers.¹²² According to the organization Periodistas y Comunicadores Independientes (PCIN), during the first half of the year, 23 journalists were deprived of their nationality and declared "traitors of the homeland" for reasons related to the exercise of the right to freedom of expression and freedom of the press.¹²³ In addition to these facts, there are serious reports of an increase in the number of journalists and communicators in forced exile due to fear of reprisals. Since 2018, more than 200 journalists have reportedly left Nicaragua for reasons linked to the lack of guarantees to practice their profession.¹²⁴

116 Voice of America, October 17, 2022, [Telcor: Ortega's weapon used to shut down media outlets](#); La Prensa, September 12, 2022, [Ortega implements old and new methods to censor independent media, says Voces del Sur report](#).

117 IACHR, January 6, 2021, [IACHR Rejects Passing of Law Restricting Political Rights in Nicaragua](#), Press Release 003/21; IACHR, February 26, 2021, [IACHR Rejects Nicaragua's Foreign Agents Act and Calls on the State to Repeal It](#), Press Release 043/21; IACHR, Office of the Special Rapporteur for Freedom of Expression, October 7, 2020, [The IACHR and its Office of the Special Rapporteur for Freedom of Expression express concern about new legal threats to freedom of expression and indirect measures against the media and journalists in Nicaragua](#), Press release R246/20.

118 ABC International, February 9, 2022, [Miguel Mora, journalist and pre-candidate for the presidency of Nicaragua, sentenced to 13 years in prison](#); AP, February 9, 2022, [Nicaragua sentences journalist, ex-minister for "conspiracy"](#); CPJ, Feb. 10, 2022; CPJ, February 10, 2022, [Nicaraguan journalist Miguel Mendoza sentenced for crimes of disseminating false news and conspiring against national integrity](#).

119 France 24, April 1, 2022, [Nicaragua: director of 'La Prensa' sentenced to nine years in prison](#); CPJ, March 28, 2022, [Authorities convict Juan Lorenzo Holmann, general manager of the newspaper La Prensa, of money laundering](#).

120 La Prensa, June 9, 2022, [Dictatorship declares journalist Victor Ticay guilty and transfers him to La Modelo](#).

121 CPJ, April 7, 2023, [Journalist Victor Ticay detained for coverage of Holy Week in Nicaragua](#); iFEX, June 2, 2023, [Nicaragua: Organizations condemn imprisonment and accusations against journalist Víctor Ticay](#).

122 The New York Times, February 17, 2023, ['I'll be Nicaraguan until the day I die': Ortega government strips citizenship from hundreds of people](#) El País, 15 February 2023, [Ortega strips 94 other Nicaraguans of their nationality, among them writers Sergio Ramirez and Gioconda Belli](#).

123 Swissinfo, 1 March 2023, [Journalism is a profession in "crisis" in Nicaragua, union warns](#); Infobae, 2 March 2023, [Nicaragua commemorated Journalist's Day with 200 journalists in exile and 23 declared "traitors to the homeland."](#)

124 Colectivo de Derechos Humanos Nicaragua Nunca Más, Report: Attacks on freedom of expression in Nicaragua, June 2023; Despacho 505, June 9, 2023, ["We are surviving," say Nicaraguan journalists exiled in Costa Rica](#).

101. In relation to the restrictions imposed on the right to freedom of expression in the digital space, the IACHR and RELE have documented cases of police harassment and the criminalization of people who use their social networks to publicly denounce human rights violations,¹²⁵ especially through the application of the Special Law on Cyber-crimes.¹²⁶ In this regard, during the year 2022, numerous criminal convictions of citizens were recorded in application of this law.¹²⁷ In January 2022, the Chinandega Criminal Trial District Court sentenced citizen Donald Alvarenga to 12 years in prison for allegedly committing the crimes of conspiracy to undermine national integrity and propagation of false news through information and communication technologies.¹²⁸ The Rapporteurship also learned of other cases, such as the 11-year prison sentence, on the same charges, handed down against activist Masaya Nidya Barbosa Castillo;¹²⁹ the 8-year prison sentence on the same charges against activist Cinthia Samantha Padilla Jirón;¹³⁰ and the 8-year prison sentence, also on the same charges, against diplomat Edgar Parrales¹³¹. In March 2022, activist Yoel Ibzán Sandino, founder of the Facebook page "Mentes Libres", was sentenced to 11 years in prison for conspiracy to undermine national integrity and propagation of false news, in connection with various posts on his page.¹³² According to information reported by *Confidencial*, as of March 2022 at least 30 people have been convicted of conspiracy and propagation of false news.¹³³
102. The closure of civic space in Nicaragua has not only been the result of the gradual and sustained application of repression and censorship strategies by the Government, but also of the implementation of a media apparatus of government propaganda that seeks to misinform and delegitimize critical opinions and information.¹³⁴
103. Thus, for example, in 2021 the digital platform Meta announced that it had eliminated more than a thousand accounts from its social network that were linked to the Nicaraguan

125 Nicaragua Today, September 22, 2021, [Opposition Tiktokker, Kevin Monzón, denounces new police raid on his home: Artículo 66](#), September 22, 2021, [Police raid home of "tiktokker" Kevin Monzón, beat his relatives, and try to arrest him](#).

126 Annual Report of the Office of the Special Rapporteur for Freedom of Expression: [2021 and 2022](#).

127 Nicaragua Investiga, October 3, 2022, [Dictatorship charges 13 people for spreading false news and "conspiracy"](#); 100% Noticias, October 4, 2022, [Matagalpa priests accused of "conspiracy" and "false news"](#); DW, October 20, 2022 [Nicaraguan prosecutor accuses another priest of conspiracy](#).

128 La Prensa, January 18, 2022, [Donald Alvarenga, first opponent convicted under the Cyber-crime Law](#); La Prensa, January 28, 2022, [Judge "rectifies" conviction against opposition leader Donald Alvarenga, increases sentence to 12 years in prison and a fine of more than 42 thousand córdobas](#); Artículo 66, January 31, 2022, [Donald Alvarenga, the former Sandinista sentenced to 12 years in prison for "inciting violence" through his social networks](#).

129 CENIDH Twitter account (@Cenidh), [February 11, 2022](#); Nicaragua Investiga, August 4, 2022, [Political prisoner Nidia Barbosa sentenced to 11 years in prison](#).

130 100% News, March 8, 2022, [Samantha Padilla Jirón sentenced to eight years in prison for "treason" in Nicaragua](#); La Prensa, November 3, 2022, [Samantha Jirón serves 360 days in La Esperanza. These are the women held in this penitentiary system](#).

131 CNN, April 27, 2022, [Nicaraguan ex-diplomat convicted on charges of conspiracy and spreading false news](#); *Confidencial*, April 27, 2022, [Edgard Parrales before Ortega judge: "I am innocent, I am backed by a history of life and commitment to the defense of Nicaragua."](#)

132 Nicaragua Investiga, March 24, 2022, [Activist Yoel Sandino, creator of Mentes Libres, is sentenced to 11 and a half years in prison](#); Artículo 66, March 23, 2022, [Ortega's justice system sentences opposition activist Yoel Sandino to 11 years in jail](#); on May 5, 2022, the IACHR granted precautionary measures in favor of Yoel Ibzán Sandino, and determined that the State should adopt the necessary measures to protect his rights to life, personal integrity, and health. In analyzing and deciding this case, the IACHR took special account of the threats and acts of harassment to which Yoel Sandino Ibarra had been subjected for criticizing the government on his social networks. IACHR, May 5, 2022, [Resolution 21/22 Precautionary Measures No. 145-22. Yoel Ibzán Sandino Ibarra](#). Nicaragua.

133 *Confidencial*, March 8, 2022, [Regime adds more than 30 political prisoners sentenced for "conspiracy" and "cyber-crimes."](#)

134 Freedom House, [Nicaragua: Freedom on the Net 2022 Country Report](#)2022; 100% Noticias, April 1, 2021, [Rosario Murillo's "Trolls" operate in Nicaragua's Post Office](#); Overture, undated, [Nicaragua's Online Civil War](#); DFRL Lab, November 5, 2021, [Multi-platform troll farm linked to Nicaraguan government](#).

government and the ruling Sandinista National Liberation Front party and that were aimed at altering public opinion by publishing positive content about the government and negative comments about the opposition.¹³⁵ According to the platform's report, this is "one of the most cross-government *troll* operations that they have managed to dismantle to date", which had been operating since April 2018 and reportedly involved multiple state entities, such as the Nicaraguan Institute of Telecommunications and Post (TELCOR), which worked from the postal service headquarters in Managua, in addition to other smaller groupings that were managed from other institutions, such as the Supreme Court of Justice and the Nicaraguan Institute of Social Security. This network constitutes an example of a "troll farm," as stated by the company in its October 2021 report on inauthentic behavior; and, in addition to being intergovernmental, it would be a multiplatform campaign, executed through Facebook, TikTok, Instagram, Twitter, YouTube, Blogspot, and Telegram, among others.¹³⁶

104. The IACHR reiterates that the right to freedom of expression, together with the freedoms of peaceful assembly and association are essential elements in a democracy, which empower citizens and strengthen democratic self-government.¹³⁷ In the same vein, the Inter-American Court has emphasized in its jurisprudence that the importance of freedom of expression as a human right is also derived from its structural and indissoluble relationship to democracy.¹³⁸ So important is the link between freedom of expression and democracy that the very purpose of Article 13 of the American Convention on the Right to Freedom of Expression is to strengthen the functioning of pluralistic and deliberative democratic systems by protecting and promoting the free flow of information, ideas, and expressions of all kinds.¹³⁹
105. The IACHR and its Office of the Special Rapporteur have also explained the close and mutually reinforcing relationship between the right to freedom of expression and democracy, stating that "[f]ull and free discussion keep a society from becoming stagnant and unprepared for the stresses and strains that work to tear all civilizations apart. A society that is to be free both today and, in the future, must engage openly in rigorous public debate about itself."¹⁴⁰
106. The right to freedom of expression manifests itself in various ways, both individual and collective. Case law has established that all persons have the right to think and to express opinions or ideas by any means and without fear of being persecuted, punished, or stigmatized; to participate in public debate on an equal footing and through the media designed to foster and enrich it; to get to know other opinions and worldviews and discuss their own with

135 Reuters, November 1, 2021, [Facebook says it removed troll farm run by Nicaraguan government](#); Deutsche Welle (DW), November 1, 2021, [Facebook removes network of fake profiles operated by Nicaraguan government](#).

136 Target, November 1, 2021, [October 2021 Coordinated Inauthentic Behavior Report](#).

137 IACHR Office of the Special Rapporteur for Freedom of Expression, [Inter-American Legal Framework on the Right to Freedom of Expression](#), OEA Ser.L/V/II CIDH/RELE/INF. 2/09, December 30, 2009, par. 8.

138 IACHR Office of the Special Rapporteur for Freedom of Expression, [Inter-American Legal Framework on the Right to Freedom of Expression](#), OEA Ser.L/V/II CIDH/RELE/INF. 2/09, par. 8; I/A Court H.R., *Case of Claude-Reyes et al. v. Chile*, Judgment of September 19, 2006. Series C No. 151, par. 85; I/A Court IDH, *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism* (Articles 13 and 29 American Convention on Human Rights), Advisory Opinion OC-5/85 of November 13, 1985, Series A No. 5, par. 70.

139 IACHR Office of the Special Rapporteur for Freedom of Expression, [Inter-American Legal Framework on the Right to Freedom of Expression](#), OEA Ser.L/V/II CIDH/RELE/INF. 2/09, par. 8.

140 IACHR, 1994 Annual Report, Chapter V: Report on the Compatibility of "Desacato" Laws with the American Convention on Human Rights, OEA/Ser. L/V/II.88. doc. 9 rev, February 17, 1995.

those who have different or completely contrary positions; to have access in detail to the relevant information needed to exercise the political oversight that makes true deliberative democracy possible; to participate in academic and artistic projects; to profess and disseminate religion and beliefs, both in public and in private; and to demonstrate publicly to demand the fulfillment of civil and political, economic, social, cultural, and environmental rights.¹⁴¹

107. Accordingly, States must comply with obligations to respect and guarantee the right to freedom of expression. That is a prerequisite for a robust public debate and open and participatory civic space. In relation to the obligation to respect freedom of expression, the Office of the Special Rapporteur recalls that this implies that the State must allow people to express themselves by any means, even when the opinions, information, or ideas they disseminate are contrary to its interests and positions; it also implies that the State must not prevent, restrict, or hinder any type of manifestation or expression.¹⁴² It also includes respect for the freedom and independence of journalists and the media.¹⁴³
108. The IACHR and its Office of the Special Rapporteur emphasize that the imposition of arbitrary, unnecessary, and disproportionate restrictions on freedom of expression by the State ends up triggering the silencing, censorship, and inhibition of public debate, which is incompatible with the principles of pluralism and tolerance inherent to democratic societies.¹⁴⁴ As has already been pointed out, "it is not easy to participate without inhibition in an open and vigorous debate on public affairs when the consequence might be criminal prosecution, the loss of all one's property or social stigmatization. It is therefore essential to bring the institutions and the punitive practices of the State in line with the imperatives of the inter-American legal framework."¹⁴⁵
109. With respect to the obligation to guarantee freedom of expression, the IACHR and its Office of the Special Rapporteur emphasize that States must create the conditions for true public, plural, and open deliberation on matters of public interest. It also implies a positive obligation to promote a free, independent, and diverse communications environment, including media diversity, which is a key means of addressing disinformation and propaganda; and to ensure an environment free of violence, threats, and censorship against the media.¹⁴⁶

141 IACHR, Office of the Special Rapporteur for Freedom of Expression, A Hemispheric Agenda for the Defense of Freedom of Expression, OEA/Ser.L/V/II CIDH/RELE/INF 4/09, February 25, 2009, par. 9.

142 I/A Court H.R., Case of Palamara Iribarne v. Chile, Judgment of November 22, 2005, Series C No. 135, par. 73; IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Legal Framework on the Right to Freedom of Expression, OEA Ser.L/V/II CIDH/RELE/INF. 2/09, par. 212.

143 I/A Court H/R. Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Articles 13 and 29, American Convention on Human Rights), Advisory Opinion OC-5/85 of November 13, 1985. Series A No. 5, par. 79.

144 IACHR, Office of the Special Rapporteur for Freedom of Expression, A Hemispheric Agenda for the Defense of Freedom of Expression, OEA/Ser.L/V/II CIDH/RELE/INF 4/09, February 25, 2009, par. 73.

145 IACHR, Office of the Special Rapporteur for Freedom of Expression, A Hemispheric Agenda for the Defense of Freedom of Expression, OEA/Ser.L/V/II CIDH/RELE/INF 4/09, February 25, 2009, par. 73.

146 United Nations, Organization for Security and Co-operation in Europe (OSCE), OAS, the African Commission on Human and Peoples' Rights (ACHPR), March 3, 2017, Joint Declaration on Freedom of Expression and "Fake News," Disinformation, and Propaganda.

110. In this regard, inter-American jurisprudence has held that "the free circulation of ideas and news is possible only through a plurality of sources of information and respect for the communications media. But, viewed in this light, it is not enough to guarantee the right to establish and manage organs of mass media; it is also necessary that journalists and, in general, all those who dedicate themselves professionally to the mass media are able to work with sufficient protection for the freedom and independence that the occupation requires."¹⁴⁷
111. In line with the above, the IACHR and RELE emphasize that State actors must refrain from making, endorsing, promoting, or otherwise disseminating statements that they know or reasonably should know to be false (disinformation) or that show a manifest disregard for verifiable information (propaganda).¹⁴⁸
112. They also reiterate that freedom of expression applies to the Internet in the same way as to all media and that, consequently, States must ensure a free, open, pluralistic, and inclusive digital environment.¹⁴⁹ This implies the duty to refrain from applying measures of discrimination, restriction, blocking, or interference in the transmission of Internet traffic, "unless strictly necessary and proportional in order to preserve the integrity and security of the network; to prevent the transmission of online content at the express request - free and not incentivized - of the user; and to temporarily and exceptionally manage network congestion. In this latter case, the measures employed should not discriminate between types of applications or services."¹⁵⁰ International human rights law has recognized the transformative role of the Internet and other digital technologies in enabling people to access information and ideas and express their views without boundaries, and in fostering informational pluralism.¹⁵¹
113. Finally, the Commission and the Office of the Special Rapporteur emphasize that the vigorous, active, and key participation of civil society, in both physical and digital spaces, is a crucial element for the reestablishment of democracy and the rule of law in Nicaragua.¹⁵² The State must allow civil society to play its role and act independently and autonomously in pursuit of democratic strengthening, transparency and accountability, and respect for human rights. As noted by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, "a State becomes stronger when it nurtures a strong civil society. The

147 I/A Court H/R. Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Articles 13 and 29, American Convention on Human Rights), Advisory Opinion OC-5/85 of November 13, 1985. Series A No. 5, par. 78.

148 UN, OSCE, OAS, ACHPR, March 3, 2017, Joint Declaration on Freedom of Expression and "Fake News" ("Fake News"), Disinformation, and Propaganda.

149 United Nations, Organization for Security and Co-operation in Europe (OSCE), OAS, the African Commission on Human and Peoples' Rights (ACHPR), March 3, 2017, Joint Declaration on Freedom of Expression and "Fake News," Disinformation, and Propaganda.

150 IACHR, Office of the Special Rapporteur for Freedom of Expression, Freedom of Expression and the Internet OEA/Ser.L/V/II. CIDH/RELE/INF. 11/13, December 31, 2013, par. 30.

151 United Nations, OSCE, OAS, ACHPR, June 1, 2022, Joint Declaration on Freedom of Expression and the Internet.

152 IACHR, Office of the Special Rapporteur for Freedom of Expression, A Hemispheric Agenda for the Defense of Freedom of Expression, OEA/Ser.L/V/II CIDH/RELE/INF 4/09, February 25, 2009, par. 8.

relationship between a strong State and a strong civil society is directly, not inversely, proportional."¹⁵³

3. Restrictions on freedom of religion and their impact on civic space

114. As discussed in this section, the closure of civic and democratic space in Nicaragua has included restrictions on freedom of religion through the prohibition of religious celebrations, criminalization of religious leaders, closure of religious media, confiscation of property and bank accounts, expulsion of religious orders, and other acts of repression and retaliation against members of the Catholic Church due to their role as mediators in the National Dialogue in 2018, and their critical role in denouncing human rights violations.
115. Since April 18, 2018, the IACHR has documented a systematic context of persecution against members of the Catholic Church in Nicaragua that¹⁵⁴ even led to the granting of precautionary measures in favor of its members in the first months of the social protests.¹⁵⁵ Since then, these acts have intensified in the context of the radicalization of state repression aimed at silencing the plurality and diversity of opinions and beliefs in the country.¹⁵⁶
116. In the first place, harassment, siege, intimidation, monitoring, surveillance, and even physical aggression against members of the Catholic Church persist, as well as arbitrary detentions and criminalization, perpetrated by the National Police and groups related to the Government.¹⁵⁷ Since 2022, at least twelve priests have been arbitrarily detained; of these, four remained in detention as of the second half of 2023.¹⁵⁸

153 UN, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/72/135, 14 July 2017, para. 23.

154 Plataforma Nicaragüense de Redes de ONG, Informe Intermedio EPU, February to October 2022, p. 6; IACHR, Press Release No. 184/22 - IACHR Condemns Repression and Arrests of Members of Roman Catholic Church in Nicaragua, Washington, D.C., August 19, 2022

155 IACHR. [127/18 - IACHR Grants Precautionary Measure in Favor of Priest Edwin Heriberto Roman Calderón and Human Rights Defender Álvaro Leiva Sánchez in Nicaragua](#), Washington, D.C., June 7, 2018; [122/18 - IACHR Adopts Precautionary Measure to Protect Monsignor Silvio José Báez Ortega in Nicaragua](#), Washington, D.C., May 31, 2018

156 Plataforma Nicaragüense de Redes de ONG, Informe Intermedio EPU, February to October 2022, p. 6; IACHR, Press Release No. 184/22 - IACHR Condemns Repression and Arrests of Members of Roman Catholic Church in Nicaragua, Washington, D.C., August 19, 2022

157 For example, in 2018, the IACHR received information about the aggressions suffered by several members of the Catholic Church in Diriamba on July 9, where religious leaders were attacked by at least 100 people, who hurled insults and threats, and hit them. On September 3, Rolando Alvarez, bishop of the Diocese of Matagalpa, was insulted and harassed by pro-government groups at a National Police checkpoint in the presence of State agents. On September 9, government supporters reportedly broke into the church of La Merced in Granada, insulting and threatening the priest who was saying mass. On the same date, priest Edwin Román Calderón was attacked and harassed by government sympathizers in the vicinity of the San Miguel church in Masaya. IACHR, Press Release 223/2018 - [IACHR warns of new wave of repression in Nicaragua](#), Washington, DC, October 18, 2018; see: CENIDH, [Ataque a la Iglesia Católica 2019-2020 \(Attack on the Catholic Church 2019-2020\)](#) Marta Patricia Molina, [Nicaragua: ¿Una Iglesia perseguida? \(A persecuted Church?\)](#), 2018-2023.

158 Óscar Danilo Benavides Dávila, a priest of Mulukukú, released on February 9, 2023; Ramiro Reynaldo Tijerino Chávez, a priest of Matagalpa, released on February 9, 2023; and Sadiel Antonio Eugarríos Cano, a priest of Matagalpa declared "stateless." Released from prison on February 9, 2023; José Luis Díaz Cruz, a priest from Matagalpa. Released from prison on February 9, 2023; Raúl Antonio Vega González, a priest from Matagalpa. Released from prison on February 9, 2023; Benito Enrique Martínez, a priest of the diocese of León. Released from prison on February 9, 2023; Rolando José Álvarez, bishop of the diocese of Matagalpa and apostolic administrator of the diocese of Estelí, convicted; Manuel Salvador García Rodríguez, parish priest of Nandaimé convicted and under arrest for the alleged crime of threatening with

117. Among other events, on August 19, 2022, the IACHR was informed of the forcible entry of the National Police into the Episcopal Curia of Matagalpa to arbitrarily detain Bishop Rolando Álvarez and seven religious and lay people, who were kept there under police guard for more than 15 days.¹⁵⁹ On September 23, 2022, the Public Prosecutors' Office filed charges against priests Ramiro Tijerino Chávez, general rector of the Juan Pablo II University; José Luis Díaz Cruz, vicar of the Cathedral of Matagalpa, and Sadiel Antonio Eugarríos Cano; deacon Raúl Antonio Vega, seminarians Darvin Leiva Mendoza and Melkin Centeno, and photojournalist Sergio Cadena Flores. On October 13, 2022, priest Enrique Martínez Gamboa was arrested by the National Police and charged with conspiracy and spreading fake news.¹⁶⁰
118. On February 10, 2023, Monsignor Álvarez Lagos was sentenced to 26 years and 4 months in prison for the crimes of undermining national integrity, propagation of false news through information and communication technologies, aggravated obstruction of functions, disobedience, and contempt of authority to the detriment of the State of Nicaragua and Nicaraguan society. Previously, the Bishop had been publicly accused by the authorities of "carrying out acts of hatred" and "destabilizing the State"; likewise, the Vice President accused him of committing "crimes against spirituality" (*crímenes de lesa espiritualidad*), due to his denunciation and opposition to the confiscation and closure of seven radio stations of the Diocese of Matagalpa.¹⁶¹
119. According to available information, until July 2023, Bishop Rolando Álvarez was reportedly being kept in the maximum-security cells of "La Modelo" prison, known as "El Infiernillo", in total isolation. Those cells are allegedly small spaces of 2x3 meters, lacking ventilation, access to sunlight, drinking water, and adequate sanitary facilities. In addition, lack of medication, inadequate nutrition, hygiene, physical and sensory activity, and poor prison conditions could potentially lead to medical complications with serious health repercussions. Taking into

weapons; priest Fernando Zamora Silva of the Diocese of Siuna (in the North Caribbean) was arrested on July 9, 2023; priest Jaime Iván Montecinos Saucedo, 61, pastor of the church Juan Pablo II of the municipality of Sébaco, in Matagalpa, arrested on May 23, 2023; priests Eugenio Rodríguez Benavides and Leonardo Guevara Gutiérrez under investigation since May 23, 2023 confined to a seminary (*en "seminario por cárcel"*). *Confidencial*, "[Aquellos portones horribles \(de El Chipote\) aún suenan en mi mente...](#)" February 15, 2023", February 21, 2023; El País, "Daniel Ortega steps up persecution of priests with arrest of priest Enrique Martínez," October 15, 2022; Marta Patricia Molina, "[Nicaragua: ¿Una Iglesia perseguida? \(A persecuted Church?\)](#)", 2018-2023.

159 In this regard, in a report, the UNHCHR reported the following cases: on August 1, acts of harassment against a Catholic priest escalated into violent acts when the police attempted to seize the equipment of a Church media outlet that was broadcasting from the Jesús de la Divina Misericordia parish in Sébaco (Matagalpa). Dozens of police and riot police violently raided the facilities wreaking havoc. The parish priest, along with six other people, were held in the priest's house, from where the priest asked for help through social networks. Dozens of people responded to the call. According to the videos released, the police used force and fired ammunition and tear gas. One citizen reportedly suffered a serious eye injury and others were reportedly beaten. The seven people were confined in the rectory for three days, without access to food and with the electricity cut off. The bishop, five other priests, and six lay people were held and surrounded by dozens of riot police in the archbishop's residence -one lay woman and two lay men were able to leave on August 7. On August 5, the Police reported that it was initiating a criminal investigation, accusing the Bishop of inciting hatred with a view to destabilizing the State and attacking the authorities. It also announced that the persons under investigation should remain in their homes, and summoned to testify those who had stationed themselves in front of the archbishop's curia to pray and defuse the situation the day before. United Nations [Report of the United Nations High Commissioner for Human Rights A/HRC/51/42](#), September 12, 2022.

160 *Confidencial*, "[Así fue el violento arresto del sacerdote Enrique Martínez Gamboa](#)" (The violent arrest of priest Enrique Martínez Gamboa), October 17, 2022; *Confidencial*, "[Acusan por "conspiración" y "noticias falsas" a sacerdote Enrique Martínez Gamboa](#) (Enrique Martínez Gamboa is charged with "conspiracy" and "false news").", October 19, 2022.

161 Infobae, "[El régimen en Nicaragua prohibió dos procesiones católicas y EEUU denunció una mayor persecución contra la Iglesia](#) (The regime in Nicaragua banned two Catholic processions and the U.S. denounced further persecution against the Church) September 22, 2022; IACHR, [Press release no. 184/22 - IACHR Condemns Repression and Arrests of Members of Roman Catholic Church in Nicaragua](#). Washington, D.C., August 19, 2022.

account the risk to his life, health, and personal integrity, on June 27, 2023, the Inter-American Court adopted provisional measures in his favor and ordered the State of Nicaragua to release him immediately.¹⁶²

120. The intensification of repression against the Church has also consisted of migratory restrictions, arbitrary expulsion from the country, and the forced displacement of religious men and women and lay people belonging to a number of different congregations. According to information in the public domain, since 2018, more than 70 members of the Catholic Church, lay people and priests, have been forced to flee the country;¹⁶³ while, at least "40 nuns and 44 religious sisters" have been arbitrarily expelled, among them, 18 nuns of the order of the Missionaries of Charity of Nicaragua.¹⁶⁴ On March 11, 2022, the State announced the withdrawal of its approval and its request for the departure from Nicaragua of the Apostolic Nuncio, who had participated as a mediator in the Negotiation Roundtable of 2019, which resulted in the release of hundreds of people arbitrarily detained in the framework of the crisis.¹⁶⁵
121. Another pattern of repression aimed at closing civic space is the *de facto* prohibition by the National Police of religious acts in public spaces and impediments to the celebration of masses, through police siege of churches, arbitrary arrests, or the seizure of areas in the vicinity of churches to prevent people entering. For instance, in Managua, the National Police prohibited the celebration of religious processions scheduled for August 13 and 14, 2022, for reasons of "internal security."¹⁶⁶ According to the information received, bans imposed by the National Police on the celebration of Holy Week in 2023 prevented the holding of 3000 religious processions throughout the country.¹⁶⁷ In April 2023, the Mechanism for the Recognition of Political Prisoners recorded 21 arbitrary detentions during the Holy Week commemorations, "most of them of people who were exercising their right to religious freedom."¹⁶⁸
122. The persecution and repression against the Catholic Church because of its criticism has also led to the cancellation and closure of media outlets commonly used to disseminate, inter alia, religious activities, celebrations, and news. On May 20, 2022, TELCOR ordered cable television operators to eliminate the Catholic Channel from the programming grid. The channel, founded in 2011, belongs to the Episcopal Conference of Nicaragua and was interrupted while broadcasting religious activities. In addition, TELCOR's order was given the day after the bishop of the Diocese of Matagalpa denounced in his social networks the increase of harassment by the National Police. That same year, the IACHR also expressed its concern about the arbitrary closure of seven Catholic radio stations in the Diocese of Matagalpa, as

162 I/A Court H.R. Case of Monsignor Rolando José Álvarez Lagos regarding Nicaragua. Adoption of Provisional Measures Order of the Inter-American Court of Human Rights of June 27, 2023.

163 Infobae, "Persecution against the Church in Nicaragua: 77 religious have already left the country because of Ortega's regime", June 7, 2023; Marta Patricia Molina, *Nicaragua: ¿Una Iglesia perseguida? (A persecuted Church?)*, 2018-2023.

164 Aleitea, "A year after the expulsion of the Missionaries of Charity Nicaragua", July 6, 2023; Marta Patricia Molina, *Nicaragua: ¿Una Iglesia perseguida? (A persecuted Church?)*, 2018-2023.

165 Voice of America, "Apostolic Nuncio to Nicaragua returns to the Vatican", March 9, 2023.

166 Infobae, *El régimen en Nicaragua prohibió dos procesiones católicas y EEUU denunció una mayor persecución contra la Iglesia* (The regime in Nicaragua banned two Catholic processions and the U.S. denounced further persecution against the Church) September 22, 2022; IACHR, *Press release no. 184/22 - IACHR Condemns Repression and Arrests of Members of Roman Catholic Church in Nicaragua*. Washington, D.C., August 19, 2022.

167 See Marta Patricia Molina, *Nicaragua: ¿Una Iglesia perseguida? (A persecuted Church?)*, 2018-2023.

168 Mechanism for the Recognition of Political Prisoners. *Press release April-May 2023*, p. 9.

well as the violent entry of the police into the Niño Jesús de Praga chapel in Sébaco on August 1, to confiscate radio and TV equipment.¹⁶⁹

123. On the other hand, in 2022, the Commission learned about the closure and confiscation of the assets of various organizations linked to the Church, including the Universidad Católica del Trópico Seco, several schools of the Diocese of Estelí, and the Foundation of the Missionary Sisters of Charity of St. Teresa of Calcutta, whose members were expelled from the country.¹⁷⁰ Likewise, on May 26, 2023, the State reportedly ordered the freezing of the bank accounts of at least three of the nine dioceses of the Nicaraguan Catholic Church for alleged illicit acts related to money laundering and "Treason."¹⁷¹ This occurred in a context of stigmatization by the Executive. In February 2023, the President of the Republic publicly accused "the bishops, the priests, the popes" of being "a mafia", for the "crimes" they have committed "in the financial field", "for embezzling millions", among other accusations.¹⁷²
124. By virtue of the facts described above, the IACHR considers that the persecution against the Catholic Church, the prohibition of religious celebrations, the closing of religious organizations, the cancellation of Catholic channels, as well as the other facts described above, may constitute arbitrary interference in the exercise of religious freedom and limitation of the expression and practice of the Catholic faith. Moreover, they constitute actions that have progressively weakened civic space in Nicaragua.
125. The IACHR recalls that Article 12 of the American Convention on Human Rights (ACHR) recognizes the right of all persons to freedom of conscience and religion, which includes "freedom to profess or disseminate one's religion or beliefs, either individually or together with others, in public or in private."¹⁷³ In addition, it provides that the "freedom to manifest one's religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the rights or freedoms of others."¹⁷⁴
126. Freedom of religion and freedom of expression are closely interrelated and mutually reinforcing when exercised within the legal framework established by international human rights law. Both freedoms are essential in a democratic society and for personal fulfillment and are the foundation for the enjoyment of human rights.¹⁷⁵ According to the Inter-American Legal Framework on the Right to Freedom of Expression, religious speech enjoys a special level of protection under the American Convention, as it expresses essential elements of personal identity and dignity.¹⁷⁶ This is of particular importance in a country with a majority of its

169 IACHR, Press Release No. 184/22 - IACHR Condemns Repression and Arrests of Members of Roman Catholic Church in Nicaragua. Washington, D.C., August 19, 2022; Press Release No. 119/22 - IACHR and Its Special Rapporteurship for Freedom of Expression Urge the State of Nicaragua to End Persecution of the Church and to Enable a Plurality of Voices. Washington, D.C., May 27, 2022.

170 BBC, Nicaragua expels Mother Teresa's nuns in latest crackdown, July 7, 2022.

171 National Police, Press Release No. 10-2023 on illicit activity in the management of funds and bank accounts in different dioceses of the country, 2023.

172 El País, "Ortega carga contra la Iglesia y el Vaticano: (Ortega attacks the Church and the Vatican:) "Los curas, los obispos y los papas son una mafia" ("The priests, the bishops and the popes are a mafia") February 21, 2023.

173 American Convention on Human Rights (Pact of San José), 1969. Article 12.1.

174 American Convention on Human Rights (Pact of San José), 1969. Article 12.3.

175 Cf. Special Rapporteur on freedom of religion or belief. Report of the Special Rapporteur on freedom of religion or belief. A/HRC/40/58, Human Rights Council, 40th session, 2019.

176 Cf. IACHR The Inter-American Legal Framework regarding the Right to Freedom of Expression. OEA/Ser.L/V/II CIDH/RELE/INF. 2/09. December 30, 2009

population professing the Catholic religion. In Nicaragua, the state policy for the suppression of civic space has resulted in violations of these rights.

127. The Commission emphasizes that the exercise of freedom of religion depends on the existence of an inclusive, free, and pluralistic environment in which different religious expressions coexist and contribute to the cultural and social enrichment of a community. In other words, an open and plural civic space is an essential element to guarantee that people have the freedom to profess, manifest, and practice their religion or beliefs without discrimination.¹⁷⁷ Particularly in the Nicaraguan context, the opening of civic space is vital for religious organizations, particularly those linked to the Catholic Church, to play an active role in society and continue to pursue their work related to humanitarian purposes, social justice, equality, and the protection of human rights.

¹⁷⁷ Cf. Claiming space for Faith. Including freedom of religion or belief in the fight for civic space. 2020

**Restrictions on freedom
of association and their
impact on civic space**

IV. RESTRICTIONS ON FREEDOM OF ASSOCIATION AND THEIR IMPACT ON CIVIC SPACE

128. The States of the region have recognized the important role played by civil society in strengthening democracies in the Americas in an open, secure, and pluralistic civic space. In particular, this is because it contributes to accountability in that it seeks to subject state power to a system of supervision and control for the fulfillment of its obligations, promoting more transparent and open management, and limiting abuses of power. In turn, accountability increases trust and credibility in democratic institutions and thus strengthens the rule of law.¹⁷⁸
129. According to the Inter-American Democratic Charter, the participation of citizens in decisions relating to their own development is a right and a responsibility; it also constitutes a necessary condition for the full and effective exercise of democracy.¹⁷⁹ In the *Inter-American Action Plan on Democratic Governance* adopted at the ninth Summit of the Americas, the American States recognized that the full exercise of civil rights, including freedom of association and the right of assembly, is a fundamental principle of representative and participatory democracies in the region.¹⁸⁰
130. The participation of civil society in all its diversity, both in the physical and digital environment, is a crucial element for strengthening democracy and the rule of law.¹⁸¹ Freedom of association is an appropriate way for people to participate and act collectively in all matters that interest or affect them.¹⁸² In turn, it empowers individuals to create or participate in entities so as to act collectively in pursuit of the most diverse purposes, as long as these are legitimate, protecting them from arbitrary interference. Together with the right of assembly and freedom of expression, freedom of association is part of civic space, and constitutes a democratic vehicle for collectively expressing peaceful dissent and criticism of the government and contributing to democratic governance.
131. The *United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association* has noted that the free exercise of these rights is a valuable indicator of the extent to which States respect the enjoyment of other human rights¹⁸³ and to what extent countries "constitute an open or closed regime."¹⁸⁴ For its part, the European Court of Human

178 See also: OAS General Assembly, Declaration of Santiago on Democracy and Public Trust: A New Commitment to Good Governance for the Americas, AG/DEC. 31 (XXXIII-O/03), Declaration adopted at the fourth plenary session, held on June 10, 2003.

179 Inter-American Democratic Charter, adopted at the twenty-eighth Special Session of the General Assembly of the OAS on September 11, 2001, Article 6.

180 Cf. Inter-American Action Plan on Democratic Governance. OEA/Ser.E CA-IX/doc.5/22, 9 June 2022.

181 IACHR, Office of the Special Rapporteur for Freedom of Expression, A Hemispheric Agenda for the Defense of Freedom of Expression, OEA/Ser.L/V/II CIDH/RELE/INF 4/09, February 25, 2009, par. 8.

182 Cf. IACHR, Public Policy with a Human Rights Approach, OEA/Ser.L/V/II. Doc. 191, September 15, 2018, paras. 54 – 62.

183 United Nations, Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27, 21 May 2012, para. 12.

184 United Nations, Assembly-, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/72/135, 14 July 2017, para. 17.

Rights (ECHR) has considered that "the state of democracy in the country concerned can be gauged by the way in which this freedom is secured under national legislation and in which the authorities apply it in practice."¹⁸⁵

132. In Nicaragua, community life (in associations) has suffered a drastic deterioration as part of the process of concentration of power in the Executive. Indeed, since the 2018 crisis, the entire state apparatus has been used arbitrarily to co-opt and control the spaces occupied by civil society in a clear effort to annul any form of counterweight to the exercise of power.
133. This strategy of repression has included the adoption of a set of measures restricting the right of association that, under the guise of legality, impair the effective functioning of non-governmental organizations,¹⁸⁶ such as: burdensome administrative requirements for the registration and inscription of associations; limitations on their means of financing; the imposition of excessive supervision; and involuntary dissolution without due process guarantees.¹⁸⁷
134. Restrictions on freedom of association have been possible due to the subordination of all public powers to the Executive in a scenario where limits and counterweights to the exercise of power are nonexistent. The National Assembly has facilitated the expeditious approval of a set of norms and legal reforms that impose strict control and surveillance regimes aimed at putting pressure on and intimidating organized civil society. At the same time, the lack of independence of the Judiciary has rendered illusory and ineffective the judicial remedies available to combat acts of authority that, by implementing these laws and administrative measures, could entail violations of the right of association.¹⁸⁸
135. In the following section, the IACHR addresses the Inter-American legal framework for the protection of freedom of association and the restrictions to this right derived from the revocation of the legal status of thousands of organizations, the confiscation of their assets, and other actions. In addition, the IACHR analyzes the judicial system's failure to respond to these circumstances.

185 ECHR, Case of Gorzelik and Others v. Poland (Application No. 44158/98), Judgment, 17 February 2004, para. 88; ECHR, Sidiropoulos and Others v. Greece, (Application no. 26695/95), Judgment, 10 July 1998, para 40.

186 IACHR, Nicaragua: Concentration of Power and the Undermining of the Rule of Law, OEA/Ser.L/V/II. Doc. 288, October 25, 2021, paras. 42 and 155; Fundación del Río, Popol Na, Asociación Red Local and Esfera Ciudadana, *La brutal demolición de la libertad de asociación en Nicaragua: violaciones al derecho de asociación bajo el régimen Ortega-Murillo* (2007-2022), December 1, 2022, p. 4.

187 IACHR, Nicaragua Public Hearing, 185th regular session, October 27, 2022; IACHR, Nicaragua: Concentration of Power and the Undermining of the Rule of Law, OEA/Ser.L/V/II. Doc. 288, October 25, 2021, par. 144.

188 IACHR, Nicaragua: Concentration of Power and the Undermining of the Rule of Law, OEA/Ser.L/V/II. Doc. 288, October 25, 2021, paras. 44 and 47. IACHR, 2019 Annual Report, Chapter IV.B. Nicaragua, paras. 47 and 64.

A. The Inter-American legal framework regarding freedom of association

136. Freedom of association is a right widely recognized in international human rights instruments, both universal¹⁸⁹ and regional.¹⁹⁰ In the inter-American system, it is enshrined in Articles XXII of the American Declaration¹⁹¹ and 16 of the ACHR.¹⁹² Normatively, it enables individuals to create or participate in entities or organizations so that they can collectively pursue a wide variety of purposes, provided that they are legitimate,¹⁹³ thus protecting them against arbitrary or disproportionate interference by States.
137. Both the IACHR and the Inter-American Court have pointed out that the right to freedom of association protects two dimensions. On the one hand, its individual dimension implies that everyone can freely associate without the authorities being able to limit or hinder the exercise of this right.¹⁹⁴ Naturally, and given that this right implies a certain freedom of choice as to its exercise, freedom of association means, in turn, that each person may determine without coercion whether or not to join any association or organization.¹⁹⁵ On the other hand, in its collective dimension, freedom of association is a means that allows the members of a group or collectivity to achieve certain goals together and to benefit from them.¹⁹⁶
138. The protection afforded freedom of association implies both positive and negative state obligations.¹⁹⁷ The obligation to respect requires States to refrain from pressuring or hindering freedom to associate in such a way as to alter or distort the aims pursued by a particular group,¹⁹⁸ as well as the duty to avoid creating hostile atmospheres that limit the freedom of a

189 See: Universal Declaration of Human Rights, Article 20; International Covenant on Civil and Political Rights, Article 22.

190 See: Convention for the Protection of Human Rights and Fundamental Freedoms, Article 11; African Charter on Human and Peoples' Rights, Article 10.

191 Article XXII of the American Declaration of the Rights and Duties of Man provides as follows: "Article XXII. Every person has the right to associate with others to promote, exercise and protect his legitimate interests of a political, economic, religious, social, cultural, professional, labor union or other nature."

192 Article 16 of the American Convention on Human Rights provides as follows: "Article 16. Freedom of Association 1. Everyone has the right to associate freely for ideological, religious, political, economic, labor, social, cultural, sports, or other purposes. 2. The exercise of this right shall be subject only to such restrictions established by law as may be necessary in a democratic society, in the interest of national security, public safety or public order, or to protect public health or morals or the rights and freedoms of others. 3. The provisions of this article do not bar the imposition of legal restrictions, including even deprivation of the exercise of the right of association, on members of the armed forces and the police."

193 I/A Court H.R. Case of Former Employees of the Judiciary v. Guatemala. Preliminary Objections, Merits, and Reparations. Judgment of November 17, 2021. Series C No. 445, par. 11; I/A Court H.R., Case of Huilca Tecse v. Peru. Merits, Reparations, and Costs. Judgment of March 3, 2005. Series C No. 121, par. 69.

194 IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, par. 158; IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 , Doc. 5 rev.1, March 7, 2006, par. 71.

195 I/A Court H.R. Case of Baena Ricardo et al. v. Panama. Merits, Reparations, and Costs. Judgment of February 2, 2001. Series C No. 72, par. 156.

196 I/A Court H.R. Case of Lagos del Campo v. Peru. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 31, 2017. Series C No. 340, par. 162; IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 , Doc. 5 rev.1, March 7, 2006, par. 75.

197 IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, par. 155.

198 I/A Court H.R. Case of Former Employees of the Judiciary v. Guatemala. Preliminary Objections, Merits, and Reparations. Judgment of November 17, 2021. Series C No. 445, par. 111.

particular group to associate without fear or apprehension of violence.¹⁹⁹ On the other hand, the obligation to guarantee entails the duty to create the legal and factual conditions necessary to ensure that all persons can associate freely, which also includes the adoption of positive measures aimed at preventing attacks on free association, protecting those who exercise it, as well as investigating violations of this freedom, including in the sphere of relations between individuals.²⁰⁰

139. Since freedom to associate and the pursuit of collective goals are indivisible, a restriction on the possibilities of association represents directly, and to the same extent, a limit on the right of the group (*colectividad*) to achieve the goals it sets for itself.²⁰¹ On repeated occasions, the organs of the inter-American system have analyzed the implications of freedom of association in connection with other rights protected by the inter-American instruments. For example, they have concluded that violations of the rights to life, integrity, or personal freedom²⁰² and arbitrary interference in the private life²⁰³ of those who are members of an organization or group with the aim of discouraging their membership, preventing their actions, or hindering the legitimate pursuit of their purposes, may in turn entail a separate violation of the right to freedom of association.²⁰⁴
140. Regarding the scope of protection against arbitrary interference by States, the IACHR has identified freedom of association as encompassing, at a minimum, the right to establish and join associations, the right to freely conduct their activities, the right to access funding and resources, and the right to participate in the conduct of public affairs. As analyzed, restrictions on the exercise of these rights through means incompatible with inter-American norms and standards constitute serious obstacles to the ability of individuals to collectively pursue and benefit from certain purposes, as well as to make their petitions known and promote the search for changes or solutions to the problems that affect them.²⁰⁵
141. In keeping with inter-American case law, on March 9, 2023, the Inter-American Juridical Committee (CJI) of the OAS adopted the Declaration of Inter-American principles on the legal

199 I/A Court H.R. Case of Isaza Uribe et al. v. Colombia. Merits, Reparations, and Costs. Judgment of November 20, 2018. Series C No. 363, par. 145; I/A Court H.R., Case of García and Family v. Guatemala. Merits, Reparations, and Costs, Judgment of November 23, 2012, Series C No. 258 par. 117; IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124, Doc. 5 rev.1, March 7, 2006, par. 75; I/A Court H.R. Case of Huilca Tecse v. Peru. Merits, Reparations, and Costs. Judgment of March 3, 2005. Series C No. 121, par. 69.

200 I/A Court H.R. Case of Yarce et al. v. Colombia. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 22, 2016. Series C No. 325. par. 271

201 IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev.1, March 7, 2006, par. 72; I/A Court H.R. Case of Huilca Tecse v. Peru. Merits, Reparations, and Costs. Judgment of March 3, 2005. Series C No. 121, par. 70.

202 I/A Court H.R. Case of García and Family v. Guatemala. Merits, Reparations, and Costs, Judgment of November 23, 2012, Series C No. 258 par. 116; IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, par. 155; I/A Court H.R. Case of Cantoral Huamani and García Santa Cruz v. Peru. Preliminary Objection, Merits, Reparations, and Costs. Judgment of July 10, 2007. Series C No. 167, par. 148.

203 IACHR, Arley José Escher et al. (Tapping of the Telephone Lines of Social Organizations), Federative Republic of Brazil, Case 12.353, December 20, 2007, paras. 122 – 123.

204 IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, par. 160; IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev.1, March 7, 2006, paras. 44 and 76.

205 Cf. IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124. 5 rev.1, March 7, 2006, par. 51.

regime for the creation, operation, financing, and dissolution of nonprofit civil entities (document CJI/doc.629/21), with a view to systematizing and developing inter-American standards and best practices on the legal framework for the creation, operation, financing, and dissolution of nonprofit civil entities. These principles respond to the new legal restrictions and obstacles faced by civil society organizations throughout the region.²⁰⁶ The Declaration of Principles acknowledges that “freedom of association consists of the right to participate in the creation, operation, financing, and dissolution of nonprofit civil entities.²⁰⁷ Nonprofit civil entities are created by the free and autonomous will of their founders, associates or members.”²⁰⁸

B. Restrictions on freedom of association in Nicaragua

142. The IACHR recalls that, although the concept of legal entities (*la figura de las personas jurídicas*) has not been expressly recognized by the American Convention, and they therefore are not holders of rights under the inter-American system,²⁰⁹ this does not restrict the possibility that under certain circumstances the individual may exercise his rights through them to enforce his fundamental rights, even when they are covered by a legal concept or legal fiction created by the same legal system.²¹⁰ In particular, the Inter-American Court has considered, in a general manner, that in many situations, “the rights and obligations attributed to legal persons are decided in rights and obligations of the physical persons that constitute them or who act on their behalf or representing them.”²¹¹ It has also pointed out that the recognition of the rights of legal persons may directly or indirectly imply the protection of the human rights of associated natural persons.²¹²
143. In line with this approach, the following section will analyze state actions directed against civil society organizations as legal entities, but which ultimately resulted in illegitimate restrictions on the freedom of association of the individuals who were members of them. In particular, the forced and massive dissolution of civil society organizations, the search for and seizure of

206 OAS, Declaration of Inter-American Principles on the Legal Framework for the Creation, Operation, Financing, and Dissolution of Non-profit Civil Entities (CJI/RES. 282 (CII-O/23) corr.1, 9 March 2023.

207 OAS, Declaration of Inter-American Principles on the Legal Framework for the Creation, Operation, Financing, and Dissolution of Non-profit Civil Entities (CJI/RES. 282 (CII-O/23) corr.1, 9 March 2023. Principle 1.

208 OAS, Declaration of Inter-American Principles on the Legal Framework for the Creation, Operation, Financing, and Dissolution of Non-profit Civil Entities (CJI/RES. 282 (CII-O/23) corr.1, 9 March 2023. Principle 2.

209 This rule has two exceptions: i) in the case of indigenous communities and ii) workers' unions. I/A Court H.R. Entitlement of legal entities to hold rights under the Inter-American Human Rights System (Interpretation and scope of Article 1(2), in conjunction with Articles 1(2), 8, 11(2), 13, 16, 21, 24, 25, 29, 30, 44, 46 and, 62(3) of the American Convention on Human Rights, as well as of Article 8(1)(A) and (B) of the Protocol of San Salvador). Advisory Opinion OC-22/16 of February 26, 2016. Series A No. 22, par. 106.

210 I/A Court H.R. Cantos Case v. Argentina. Merits, Reparations, and Costs. Judgment of November 28, 2002. Series C No. 97, par. 29; I/A Court H.R., Case of Granier et al. (Radio Caracas de Televisión) v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs. Judgment of June 22, 2015. Series C No. 293, par. 146; I/A Court H.R., Entitlement of legal entities to hold rights under the Inter-American Human Rights System (Interpretation and scope of Article 1(2), in conjunction with Articles 1(2), 8, 11(2), 13, 16, 21, 24, 25, 29, 30, 44, 46 and, 62(3) of the American Convention on Human Rights, as well as of Article 8(1)(A) and (B) of the Protocol of San Salvador). Advisory Opinion OC-22/16 of February 26, 2016. Series A No. 22, par. 107.

211 I/A Court H.R. Cantos Case v. Argentina. Merits, Reparations, and Costs. Judgment of November 28, 2002. Series C No. 97, par. 27; I/A Court H.R., Case of Granier et al. (Radio Caracas de Televisión) v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs. Judgment of June 22, 2015. Series C No. 29, par. 54.

212 I/A Court H.R. Case of Ivcher Bronstein v. Peru. Merits, Reparations, and Costs. Judgment of February 6, 2001. Series C No. 74, paras. 141 to 131; I/A Court H.R., Case of Granier et al. (Radio Caracas de Televisión) v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs. Judgment of June 22, 2015. Series C No. 29, par. 146.

assets, as well as other restrictions on the creation, registration, operation, and financing of these entities.

1. The use of regulations to prevent and combat money laundering and the financing of terrorism to restrict freedom of association

144. The State of Nicaragua has justified the massive closure of civil society organizations and various restrictions on freedom of association in the framework of the monitoring process it underwent to comply with the recommendations made by the Latin American Financial Action Task Force (GAFILAT),²¹³ one of the regional groups of the FATF (Financial Action Task Force) responsible for preventing and combating money laundering, terrorist financing, and the financing of the proliferation of weapons of mass destruction, of which Nicaragua has been a member since 2013.²¹⁴
145. In 2017, the State of Nicaragua was subject to an evaluation process conducted in accordance with FATF standards, which concluded that there were deficiencies and non-compliance with several recommendations. Consequently, it was subjected to intensified follow-up to monitor progress in compliance with the observations made, among them, regarding Recommendation no. 8.²¹⁵ This recommendation establishes the duty of states to "review the adequacy of laws and regulations related to non-profit organizations which the country has identified as vulnerable and at risk for terrorist financing." It also states that they must apply targeted and proportionate measures to protect organizations from terrorist financing: (a) by terrorist organizations posing as legitimate entities; (b) to exploit legitimate entities as channels for terrorist financing, including for the purpose of evading asset freezing measures; and (c) to conceal or disguise the clandestine diversion of funds, intended for legitimate purposes, to terrorist organizations."²¹⁶
146. In this regard, different national and international bodies have noted that, in practice, the FATF and its regional bodies have exerted considerable influence on States Parties to adopt or amend national counter-terrorism legislation through processes that may not be transparent, inclusive or consistent with international human rights law.²¹⁷ At the global and regional level,

213 GAFILAT was created on December 8, 2000 in Cartagena de Indias, Colombia. GAFILAT participates in the development, review, and modification of the 40 Recommendations issued by FATF on the subject, which are recognized worldwide as best practices in preventing and combating money laundering and terrorist financing.

214 The Financial Action Task Force (FATF) is an intergovernmental organization created in 1989 by the G-7 countries, which sets international standards and promotes the implementation of policies and legal, regulatory, and operational measures to prevent and combat Money Laundering, Financing of Terrorism, and Financing of the Proliferation of Weapons of Mass Destruction (ML/FT/FMD), as well as other threats related to the integrity of the international financial system, global security, and peace. See: <https://www.fatf-gafi.org/en/the-fatf/who-we-are.html>

215 In relation to Recommendation 8 regarding non-profit organizations, the Nicaragua Mutual Evaluation Report established as deficiencies: "1) the lack of adequacy of laws and regulations applicable to NPOs, which should include AML/CFT provisions (criterion 8.1c), 2) it is necessary to implement outreach actions and educational programs to raise awareness of the risks of the NPO sector (criterion 8.2b), 3) there is a need to ensure that relevant authorities can take effective and proportionate action on identified risks (criterion 8.3), 4) there is no range of proportionate and dissuasive AML/CFT sanctions (criterion 8.4b), 5) authorities have yet to implement supervisory and monitoring measures with an EBR (8.4a)." GAFILAT, Mutual Evaluation Report of the Fourth Round of the Republic of Nicaragua, October 2017.

216 Recommendation 8 and its Interpretative Note, available at: See: <https://www.fatf-gafi.org/en/the-fatf/who-we-are.html>

217 See: World Bank, Nonprofit Organizations and the Combating of Terrorism Financing, A Proportionate Response; CIVICUS, The International Anti-terrorist Financing System's Negative Effect on Civil Society Resources, State of Civil

different countries have reportedly abused the FATF process to infringe on the rights of civil society and freedom of association through restrictions that severely impact their autonomy, functioning, and ability to receive international support. In particular, the implementation of FATF Recommendation No. 8 has often been used to impose requirements restricting the registration, operation, and foreign funding of human rights organizations.²¹⁸

147. In the case of Nicaragua, the IACHR observes that implementation of the process of compliance with Recommendation No. 8 of the FATF resulted in the adoption of a set of standards for the criminalization of different sectors of civil society and, in particular, the abolition of more than 3,000 organizations.²¹⁹
148. As of 2018, the State of Nicaragua implemented the *National Strategy and Plan against money laundering, financing of terrorism and financing the proliferation of weapons of mass destruction* which, among other actions, resulted in the creation of a list of 1,797 non-profit social organizations considered at risk of such crimes.²²⁰ In addition, it adopted a set of laws for the "reordering" of the non-profit sector, which, in practice, resulted in the implementation of an arbitrary regime for the control, surveillance, and even the dismantling of civil society organizations and the criminalization of their members.²²¹
149. Among the laws passed since 2018, and which have been analyzed by the IACHR, as well as by different mandates of the United Nations, that would be contrary to international human rights law, the following stand out: *Law No. 977 against Money Laundering, Financing of Terrorism, and Financing for the Proliferation of Weapons of Mass Destruction*, adopted on July 16, 2018;²²² *Law No. 1040 on the Regulation of Foreign Agents*, adopted on October 15,

Society Report 2015; OMCT, *FATF's recommendation 8 on non-profit organizations: A new tool to unfairly and dangerously shrink civil society space*, 2019. United Nations General Assembly, Report of the Special Rapporteur on the promotion and the protection of human rights and fundamental freedoms while countering terrorism, A/70/371, Friday, September 18, 2015.

218 In that connection, see: Transitional Institute / Statewatch, *Counter-terrorism, "Policy Laundering" and the FAFT, Legalising surveillance, regulating civil society*, 2012; Statement by Maina Kiai, United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, at the Financial Action Task Force Consultation and Dialogue Meeting with Non-Profit Organizations held on 18 April 2016; United Nations, General Assembly, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, A/70/371, 18 September 2015.

219 International Center for Not-for-Profit Law (ICNL NPO Coalition on ICNL, Mapping of Terrorism Financing Risk in Nonprofit Organizations in Member Countries of the Financial Action Task Force of Latin America: A Nonprofit Organization Sector Regional Report, 2021.

220 National AML/CFT/CFP Council, *Executive Report, National AML/CFT/CFP Strategy and Plan 2021-2025*.

221 See: International Center for Not-for-Profit Law (ICNL) NPO Coalition on ICNL, Mapping of Terrorism Financing Risk in Nonprofit Organizations in Member Countries of the Financial Action Task Force of Latin America: Nonprofit Sector Regional Report, 2021; Fundación del Río, Popol Na, Asociación Red Local and Esfera Ciudadana, *The brutal demolition of freedom of association in Nicaragua: violations of the right to association under the Ortega-Murillo regime (2007-2022)*, 1 December 2022.

222 On July 16, 2018, the Nicaraguan National Assembly approved *Law No. 977* with the purpose of "protecting the national economy and the integrity of the financial system from the risks associated with money laundering, the financing of terrorism, and the financing of the proliferation of weapons of mass destruction." Based on the same law, it reformed articles 394 and 395 of the Penal Code on the crimes of terrorism and financing of terrorism. In this regard, on January 4, 2021, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders sent a communication to the State of Nicaragua expressing their concern about the incompatibility of this norm with international human rights law. Reference *OL NIC 4/2020*; in the report presented in 2023, the Group of Experts on Human Rights in Nicaragua further developed that analysis and its examination of the use of this norm against persons identified as political opponents. Detailed conclusions of the Group of Experts on Human Rights on Nicaragua, Human Rights Council, 52nd session, A/HRC/52/CRP.5, 7 March 2023, paras. 553ff.

2020²²³; Law No. 1115 *General Law on Regulation and Control of Not-for-Profit Organizations of the Republic of Nicaragua*, adopted on March 31, 2022;²²⁴ as well as Law No. 1127 amending the purpose of Law No. 1115, adopted on August 11, 2022.²²⁵

150. Finally, although in October 2022, the FATF highlighted Nicaragua's progress in complying with the technical deficiencies identified in this area and concluded the enhanced follow-up of its recommendations, it also expressed its concern about the incorrect application of the standards as it had resulted in "the suppression of Nicaragua's non-profit sector."²²⁶
151. The Commission recalls that the right to freedom of association is not absolute, but may be subject to restrictions when these are provided for by law, pursue a legitimate aim, and are necessary and proportionate in a democratic society.²²⁷ In particular, necessity requires that the means of restriction used must be absolutely indispensable to achieve the desired end and that there is no less burdensome measure with respect to the right in question among all those that are equally suitable to achieve the proposed objective. In turn, proportionality refers to the fact that the sacrifice inherent in the restriction of the right to freedom should not be exaggerated or disproportionate in relation to the advantages obtained thanks to that restriction and the fulfillment of the purpose pursued.²²⁸
152. In this context, the IACHR considers that, when imposing restrictions on freedom of association, States have the imperative duty to carry out a strict analysis of the interests to be protected, taking into account the high degree of protection that this right should enjoy in any democratic society, especially because it is a suitable vehicle for achieving the realization of many other civil, political, economic, social, and cultural rights. In particular, the IACHR considers that the implementation of FATF Recommendation No. 8 and its interpretative note should abide by this proportionality analysis, so that its implementation is not distorted to unduly restrict the autonomy and capacity of civil society, including human rights organizations.

223 National Assembly of the Republic of Nicaragua, Law No. 1040, Law for the Regulation of Foreign Agents, adopted on October 15, 2020, and published in La Gaceta, Official Gazette No. 192 of October 19, 2020. On November 13, 2020, the IACHR Rapporteur for Freedom of Expression, as well as the United Nations Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, on the rights to freedom of peaceful assembly and of association, on the situation of human rights defenders, and on the promotion and protection of human rights and fundamental freedoms while countering terrorism sent a joint communication to the State of Nicaragua in which they declared that the Law presented serious and fundamental problems of compatibility with Nicaragua's obligations under international law and urged the Government to review it and open a public debate to discuss its content. REFERENCE: OL NIC 3/2020.

224 National Assembly of the Republic of Nicaragua, Law No. 1115, General Law for the Regulation and Control of Non-Profit Organizations, adopted on March 31, 2022, published in La Gaceta, Official Gazette No. 66 of April 6, 2022. In this regard, in a joint communication, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on the right to freedom of peaceful assembly and association; and the Special Rapporteur on the situation of human rights defenders noted that the new law reportedly did not respect international human rights standards because, among other things, it did not respect international human rights standards by, inter alia, prohibiting the political activities of organizations and subjecting all their activity to prior authorization by the Government. NIC 1/2022.

225 National Assembly of the Republic of Nicaragua, Law No. 1127, adopted on August 11, 2022, published in La Gaceta, Official Gazette No. 152 of August 16, 2022.

226 FATF, "Jurisdictions under Increased Monitoring", 21 October 2022.

227 I/A Court H.R. Case of Baena Ricardo et al. v. Panama. Merits, Reparations, and Costs. Judgment of February 2, 2001. Series C No. 72, par. 168.

228 I/A Court H.R. Case of Jenkins v. Argentina. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 26, 2019. Series C No. 397, par. 76.

This is even more relevant in contexts where democratic institutions have been affected and civic space has been closed, as in Nicaragua.

2. Revocation of the legal status of civil society organizations

153. The IACHR warns that one of the most severe forms of restriction on freedom of association employed by the Nicaraguan State has been the revocation of the legal status of civil society organizations. In the period from April 18, 2018 to August 31, 2023, a total of 3,390 organizations had their legal status revoked. As shown in the following chart, most of the revocations occurred in 2022 (3,093 out of a total of 3,390).²²⁹

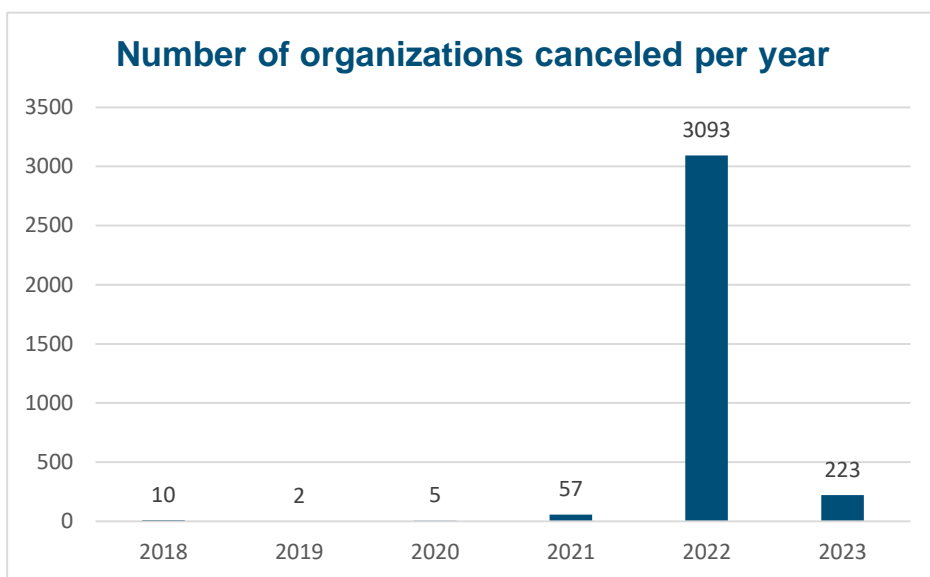


Figure 4. Number of organizations canceled per year.²³⁰

154. Ahora In the early stages of the human rights crisis in 2018, the IACHR observed that the revocation of legal status was a sanction applied selectively by the National Assembly, as a form of retaliation against some of the human rights and social organizations identified as being most critical of the Government in connection with social demonstrations. Thus, between November 29 and December 13, 2018, the Legislative Body decreed the revocation of the legal status of the first nine civil society organizations, all of which were well known and dedicated to the defense and promotion of human rights and democracy and had played an important part in denouncing the human rights violations perpetrated in 2018.²³¹ They included:

229 MESENI's database of abolished civil society organizations. On file with the IACHR.

230 Based on MESENI's database on civil society organizations. On file with the IACHR.

231 IACHR, Press Release 265/2018- IACHR Condemns the Cancellation of the Legal Personality of Human Rights Organizations in Nicaragua, Managua / Washington D.C, November 28, 2018; International Federation for Human Rights (FIDH), NICARAGUA: Arbitrary decision to revoke the legal personality of CENIDH marks the definitive start of a dictatorial regime in the country. (FIDH member organisation threatened by dictatorial regime), December 13, 2018.

the Institute for Strategic Studies and Public Policy (IEEPP), the Hagamos Democracia Association (HADEMO), the Center for Information and Advisory Services in Health (CISAS), the Nicaraguan Center for Human Rights (CENIDH), the Las Segovias Leadership Institute (ILLS), the Institute for the Development of Democracy (IPADE), the Foundation for the Conservation and Development of Southeast Nicaragua (Fundación del Río), the Communication Research Center (CINCO), and the Popol Na Foundation for Municipal Promotion and Development.²³²

155. Through a press release, the Ministry of the Interior stated that the "cancellation was due to the fact that these organizations failed to comply with the legal requirements for their operation, and that they violated the nature of their functions by having actively participated during the failed coup attempt, promoting terrorism, hate crimes, and encouraging and celebrating the destruction of public and private properties, homes, businesses, and the assault on the human dignity of thousands of people and families."²³³ It also stated that the organizations "managed and channeled until their closure funds and resources that were available to commit all these very serious violations and alterations of human rights and public order, thereby violating the Right to Security and Life of Persons and Families in Nicaragua."²³⁴
156. In the same vein, the State of Nicaragua informed the IACHR that the closure of these organizations was in compliance with the then current Law No. 147 on Non-Profit Legal Entities that empowered the National Assembly to revoke the legal status of an organization "when it is used for the commission of illegal acts", "when it is used to violate public order", or "for carrying out activities that do not correspond to the purposes for which they were constituted."²³⁵ It also reiterated that "they had been carrying out activities that seriously violated the laws and their objectives, expressed in their respective charters, promoting the commission of illegal acts and the alteration of public order."²³⁶
157. Regarding these actions, the Commission noted that "the real intention behind the revocation of the legal status of these organizations was to restrict the ability of human rights defenders to carry out their legitimate work of defending human rights in Nicaragua."²³⁷ Thus, it was able to verify that the revocation decrees were adopted in a hurry, without guarantees of due process or the right to defense, and through decrees lacking substantiation and legal grounds.²³⁸

232 Ministry of the Interior, Nicaragua, MIGOB cancels legal status of NGOs that failed to comply with legal requirements for operation, December 14, 2018.

233 Ministry of the Interior, Nicaragua, MIGOB cancels legal status of NGOs that failed to comply with legal requirements for operation, December 14, 2018.

234 Ministry of the Interior, Nicaragua, MIGOB cancels legal status of NGOs that failed to comply with legal requirements for operation, December 14, 2018.

235 State of Nicaragua, Observations of the State of Nicaragua to the document "Chapter IV. B- Annual Report of the IACHR," February 22, 2019, pp. 44-45, 49.

236 State of Nicaragua, Observations of the State of Nicaragua to the document "Chapter IV. B- Annual Report of the IACHR," February 22, 2019, pp. 44-45, 49.

237 IACHR, Press Release 265/2018- IACHR Condemns the Cancellation of the Legal Personality of Human Rights Organizations in Nicaragua, Managua / Washington D.C, November 28, 2018.

238 IACHR, Press Release 265/2018- IACHR Condemns the Cancellation of the Legal Personality of Human Rights Organizations in Nicaragua, Managua / Washington D.C, November 28, 2018.

158. Subsequently, between 2019 and 2020, the IACHR recorded the cancellation of seven organizations, including the Nicaraguan Network for Democracy and Local Development in Managua (Local Network).²³⁹
159. In 2021, 57 organizations were affected by the revocation of their legal status. Specifically, on July 29, 2021, the IACHR rejected the abolition of 24 civil organizations by the National Assembly which had instructed the organs of the Ministry of the Interior to liquidate their assets in accordance with law.²⁴⁰ Among the arguments adduced by the Assembly, it was indicated that the organizations acted "outside the law and expressly contravening it,"²⁴¹ that no one was in charge of them due to the expiration of deadlines to appoint their boards of directors, and that they did not provide information, with detailed breakdowns, regarding their finances, the agreements signed with their donors, their projects, or the activities conducted to verify their social impact. In August of the same year, the IACHR condemned the abolition of 21 other civil organizations.²⁴² According to available information, the affected organizations did not provide the identity and origin documents of their donors, exact address, and telephone number, among others, in what would appear to be an attempt to hinder the control and supervision of the authority by making it impossible to identify the regulating entity and their legal representatives.²⁴³
160. In 2022, the pattern of cancellation of civil organizations intensified. Thus, between February and September 2022, the Assembly canceled 1,447 organizations through 19 decrees. Meanwhile, in November of the same year, another 30 organizations were canceled through the adoption of Law No. 1137 Special Law for the Change of Legal Regime of Non-Profit Organizations.²⁴⁴ In total, the IACHR database indicates that 1,546 were dissolved by the legislature over a five-year period.

239 IACHR, [Press Release No. 51/19, IACHR Calls for Conditions that Enable the Enjoyment of Human Rights during Nicaraguan Dialogue](#), February 28, 2019.

240 #Nicaragua #IACHR condemns the revocation of the legal status of 24 civil society organizations, including medical guilds of different specialties, decreed by @AsambleaNi on #28July. #HumanRights 1. IACHR Twitter account (@IACHR), published on July 29, 2021.

241 National Assembly, Decree A.N. No. 8759, [Decree revoking legal entities](#), July 28, 2021.

242 #Nicaragua #IACHR and its @DESCA_CIDH condemn the cancellation of the legal status of 15 civil society organizations decreed by the Legislative Assembly on #26August. Some of them, dedicated to community development and promotion of #DESCAs across the country. 1. IACHR Twitter account (@IACHR), [publication of August 28, 2021](#) National Assembly, Press Release, "Cancel legal personalities to 15 civil non-profit organizations", August 26, 2021; 100% Noticias, "[Regime in Nicaragua cancels six international NGOs for allegedly failing to comply with Anti-Money Laundering Law](#)", August 16, 2021; CNN Latin America, "[Nicaraguan National Assembly cancels legal personality of 15 NGOs for allegedly transgressing norms](#)", August 26, 2021.

243 National Assembly, Press Release, "[Legal personalities canceled to 15 non-profit civil organizations](#)", August 26, 2021; 100% Noticias, "[Regime in Nicaragua cancels six international NGOs for allegedly failing to comply with Anti-Money Laundering Law](#)", August 16, 2021; CNN Latin America, "[Nicaraguan National Assembly cancels legal personality of 15 NGOs for allegedly transgressing norms](#)", August 26, 2021.

244 National Assembly. Law No. 1137: "Special Law for the Change of Legal Regime of Non-Profit Organizations, published in La Gaceta, Official Gazette, N°. 214 of November 15, 2022.

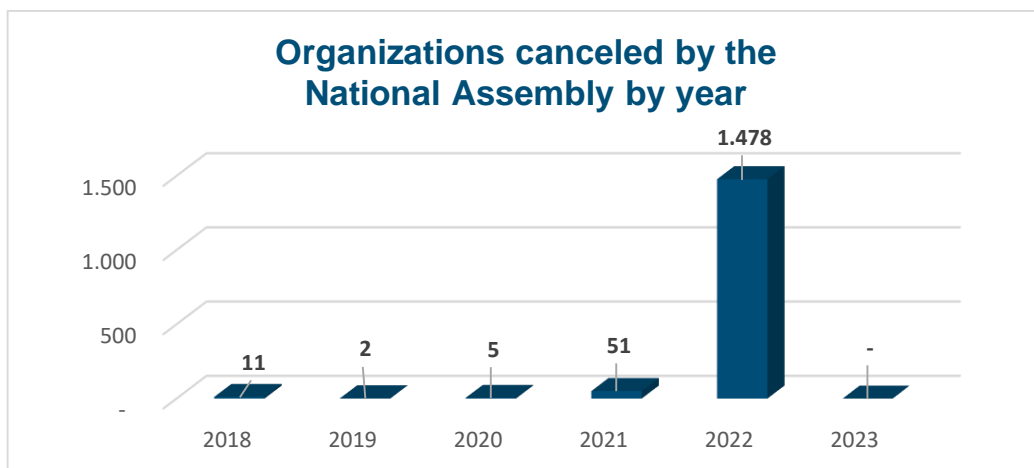


Figure 5. Organizations canceled by the National Assembly by year.

161. According to the analysis carried out, the IACHR observes a generalized lack of grounds and substantiation in the decrees approved by the National Assembly for the cancellation of the legal status of hundreds of organizations. In particular, at least 34 decrees adopted concerning the cancellation of 809 entities, do not contain any reference to rules not complied with or the reasons that justified the imposition of this sanction. In this regard, the IACHR recalls that the decisions adopted by domestic bodies that may affect human rights must be duly grounded and substantiated²⁴⁵, that is to say, the reasoning underlying a ruling and administrative act, particularly those involving a sanction, must disclose the facts, motives, and rules on which the authority based its decision in order to preclude any possibility of arbitrariness.
162. On the other hand, the IACHR notes that at least 710 organizations were reportedly canceled by the National Assembly following the adoption of Law No. 1115 on March 31, 2022, to address current social, economic, and legal realities for NPOs in Nicaragua, including the potential abuse of terrorist financing in accordance with FATF recommendations.²⁴⁶
163. Said law established several grounds for the cancellation of legal status, including: "2. When the organization was used for the commission of illicit acts; 3. When it was used to violate public order; 4. Because it hindered the control and surveillance of the General Directorate of Registration and Control of the NPO; 5. Because it distorts the objectives and purposes for which it was created, according to its Articles of Incorporation and Bylaws; 6. When the organization has been in non-compliance for at least 1 (one) year with the enforcement authority, by not reporting financial statements and changes in the Board of Directors; 7. When

245 I/A Court H.R. Case of Tristán Donoso v. Panama. Preliminary Objection, Merits, Reparations, and Costs. Judgment of January 27, 2009. Series C No. 193, par.153; I/A Court of H.R. Case of Escher et al. v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of July 6, 2009. Series C No. 200, par. 208; I/A Court H.R., Case of J. v. Peru. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 27, 2013. Series C No. 275, par. 224.

246 The purpose of the law would be to "address the social, economic, and legal realities of the current situation of NPOs in Nicaragua, including the potential abuse of terrorist financing in accordance with FATF recommendations. National Assembly of the Republic of Nicaragua, Law No. 1115, General Law for the Regulation and Control of Non-Profit Organizations, adopted on March 31, 2022, published in La Gaceta, Official Gazette No. 66 of April 6, 2022.

its activities contravene its legal status, including the profit motive; 8. For using the organization to foster destabilization campaigns in the country, supporting, facilitating, and inciting the impairment of citizen security and the legitimate exercise of human rights of Nicaraguan families; 9. Due to an administrative sanction for non-compliance with obligations or for performing actions prohibited by the provisions of this Law, its Regulations, and Rules.”²⁴⁷

164. For the IACHR, the grounds established in the law are vague and imprecise, in addition to granting a wide margin of discretion to the authorities for their interpretation and disproportionate and indiscriminate application against civil society, especially in a context of closure of civic space, criminalization of persons considered opponents, and a breach of the principle of separation of powers. In the same vein, the OHCHR noted that the enactment of the law would seriously exacerbate the repression of civic space, as it imposed excessive requirements such as detailing funding sources, financial statements, activities, and beneficiaries.²⁴⁸
165. On August 11, 2022, the Assembly approved Law No. 1127 which amends the contents of Law No. 1115, thereby empowering the MIGOB to cancel the legal status of civil society organizations. Since that date, the cancellation of these entities was carried out on a massive scale, without due legal process, through the adoption of Ministry of the Interior agreements. In all, between September 2022 and August 2023, the Ministry of the Interior ordered the cancellation of 1,844 organizations, or 54.31% of the total number of entities (3,390) canceled in Nicaragua. The National Assembly canceled 1,546.

247 National Assembly of the Republic of Nicaragua, Law No. 1115, General Law for the Regulation and Control of Non-Profit Organizations, adopted on March 31, 2022, published in La Gaceta, Official Gazette No. 66 of April 6, 2022. Article 47.

248 OHCHR, "Nicaragua: the law on money laundering in Nicaragua further restricts the functioning of civil society," May 9, 2022.

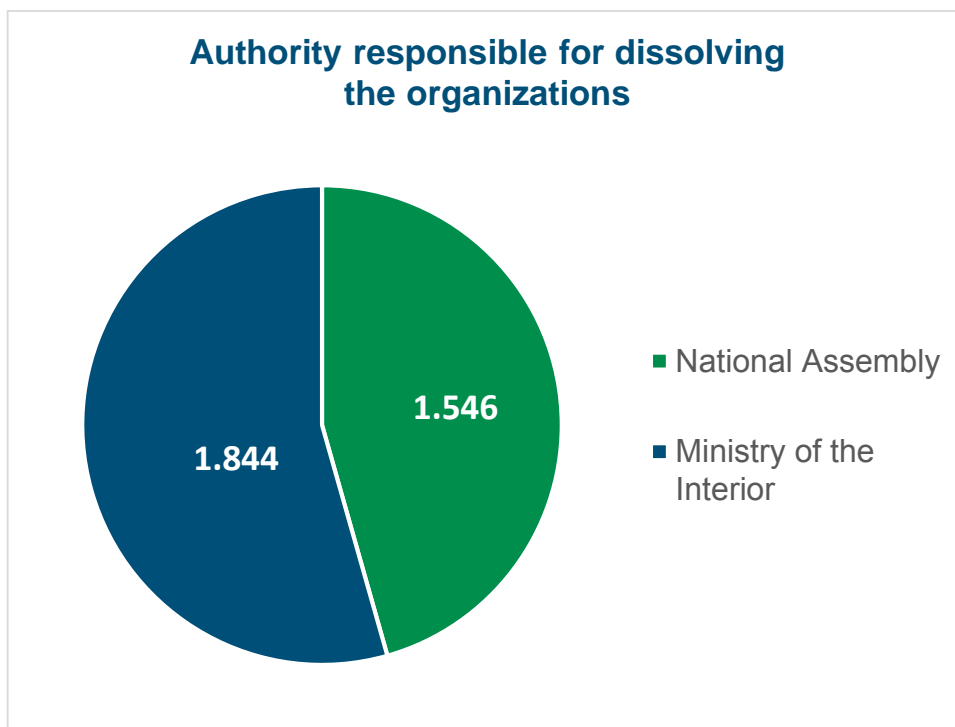


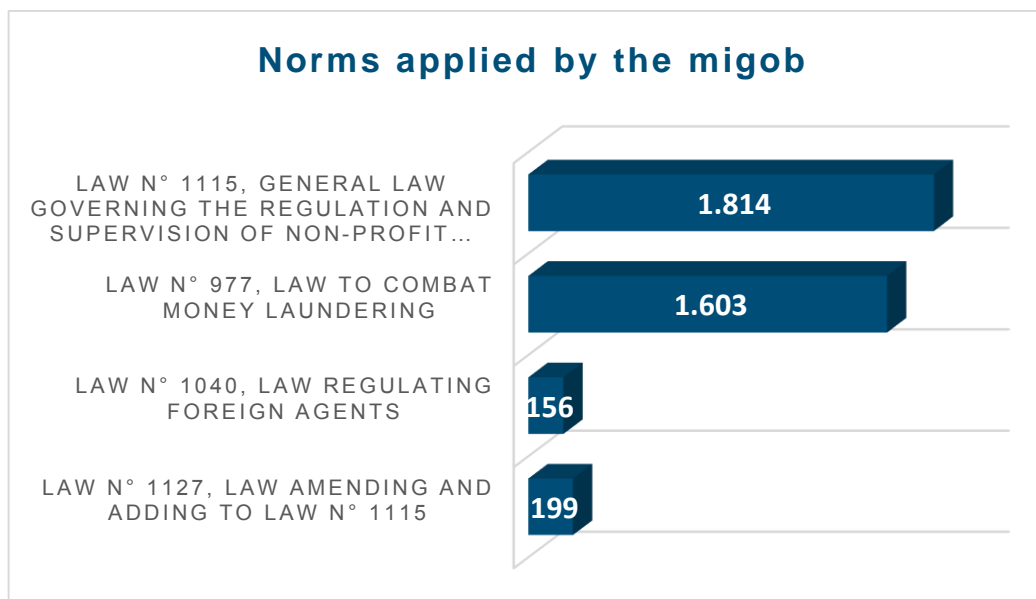
Figure 6. Number of organizations affected by authority²⁴⁹

166. In relation to the reasons or causes invoked by the MIGOB for the cancellation of civil society entities, the IACHR observes that most of the ministerial agreements refer broadly to non-compliance with administrative obligations established in regulations, such as: failure to update information on the members of the boards of directors; lack of information on the identity of fund providers; failure to submit reports on donations received by foreign entities; lack of detailed information on the financial statements, and identity of the recipients of funds/services.²⁵⁰ In particular, the IACHR found that at least 1,814 organizations had reportedly been canceled by the Ministry of the Interior for alleged non-compliance with Law No. 1115; 1,603 entities due to application of Law No. 977, and at least 156 due to application of the Foreign Agents Law.²⁵¹ As shown in the following graph, in hundreds of cases, these standards were applied concurrently.

249 Based on MESENI's database of abolished civil society organizations. On file with the IACHR.

250 Request for a thematic hearing on the serious violations of the right to freedom of association in Nicaragua and their impact on the human rights of the population. Communication of October 6, 2022. On file with the IACHR; Plataforma Nicaragüense de Redes de ONG, Informe Intermedio EPU, February to October 2022, p. 5; IACHR, Annual Report 2021, Chapter IV.B. Nicaragua, par. 123; IACHR, Nicaragua, Public Hearing, 185th regular session, October 27, 2022.

251 MESENI's database of abolished civil society organizations. On file with the IACHR.

Gráfico 7. Principales normas aplicadas por el MIGOB²⁵²

167. In this regard, the IACHR was informed that, despite considering the requirements established in the Nicaraguan legal framework to be disproportionate, onerous, and illegal, some of the affected civil society organizations attempted to comply with the relevant regulations. However, they denounced the existence of a *de facto* closure of the administrative channel for such purposes due to unjustified rejection of the documentation and reports requested by the authority itself.²⁵³ In cases where the documentation was accepted, the authority refused to provide an "acknowledgment of receipt" so that they could not prove that they had delivered the required documents.²⁵⁴ Likewise, the Ministry of Interior reportedly demanded compliance with administrative requirements or the presentation of documentation not provided for in the legislation.²⁵⁵ An example of this is the case of organizations such as Popol Na which, prior to their cancellation, had attempted to present the documentation requested by Ministry of Interior on 10 occasions, and where verbally rejected due to the lack of presentation of requirements.²⁵⁶

252 Elaboración a partir de la base de datos sobre organizaciones de la sociedad civil canceladas del MESENI. En archivo CIDH.

253 Plataforma Nicaragüense de Redes de ONG, Informe Intermedio EPU, February to October 2022, p. 5; IACHR, Annual Report 2021, Chapter IV. Nicaragua, par. 123; IACHR, Nicaragua, Public Hearing, 185th regular session, October 27, 2022.

254 Plataforma Nicaragüense de Redes de ONG, Informe Intermedio EPU, February to October 2022, p. 11.

255 Plataforma Nicaragüense de Redes de ONG, Informe Intermedio EPU, February to October 2022, p. 11; Fundación del Río, Popol Na, Asociación Red Local and Esfera Ciudadana, The brutal demolition of freedom of association in Nicaragua: violations of the right to association under the Ortega-Murillo regime (2007-2022), December 1, 2022, p. 9; IACHR, Press Release No. RD26/22 - REDESCA condemns the cancellation of the legal personality of 26 universities and associations for academic and social purposes by the National Assembly of Nicaragua, Washington, D.C., February 10, 2022; Confidencial, "Seis meses de la ley de "agentes extranjeros": oenegés "mueren suavemente" en Gobernación," May 3, 2021; Confidencial, "FSLN deputies cancel the legal status of 24 NGOs", July 28, 2021

256 IACHR, Nicaragua Public Hearing, 185th regular session, October 27, 2022.

168. The Permanent Commission on Human Rights (CPDH) also indicated that it had attempted to register in accordance with the provisions of the *Foreign Agents Law* on several occasions, but found itself subjected to additional requirements beyond those established by law; in addition, it was prevented from submitting applications and papers to the Ministry of the Interior.²⁵⁷ Finally, in April 2022, the National Assembly revoked its legal status by decree. Until that time, the CPDH was one of the last organizations formally operating in Nicaragua, receiving complaints and providing legal representation to dozens of victims.²⁵⁸ Members of the CPDH have been since 2019 beneficiaries of provisional measures granted by the Inter-American Court of Human Rights, because they have suffered threats and other risks to their lives and personal integrity due to their work in defense of human rights.²⁵⁹
169. The closure of the administrative channel has also resulted in other serious obstacles to the effective performance of the organizations' activities. For example, the management of bank accounts by non-governmental organizations is reportedly subject to the delivery of certificates and certifications of compliance issued by the Ministry of the Interior. Due to the impossibility of presenting this documentation, several associations have been prevented from executing funds to finance their activities and programs.²⁶⁰ These difficulties have rendered the operation of the organizations unsustainable in practice. Moreover, the Commission has learned of barriers to compliance with the definitive closure of the canceled entities. According to information from civil society, the General Directorate of Revenues is refusing to deliver letters certifying solvency, which means that the members of the board of directors continue to be personally liable for violations of the law. This could allow for criminal charges as a form of retaliation.²⁶¹
170. On the other hand, in relation to foreign organizations working in Nicaragua, of the 322 affected by the revocation of their legal status, the IACHR recorded that more than 150 were sanctioned in application of Law 1040 on Foreign Agents for failing to comply with the obligation to register as such with the Ministry of the Interior and for lack of information on the identity of their donors and fund providers, among other reasons.
171. Finally, the information available to the IACHR indicates that the decrees and resolutions revoking legal status, approved by both the National Assembly and the Ministry of the Interior, were generally enacted without observing the minimum guarantees of due process established in Article 8 of the Convention. In addition to lacking adequate justification and substantiation, as well as being based on laws contrary to inter-American standards, the decisions were made in a hurry, en masse, and without guaranteeing the right to defense or opportunity to be heard

257 IACHR, Press Release No. 043/2021, [IACHR Rejects Nicaragua's Foreign Agents Act and Calls on the State to Repeal It](#), February 26, 2021; CPDH, Situation Report. Foreign Agents Law, Law No. 1040 and Non-Profit Civil Associations Law, Law No. 147, February 5, 2021.

258 Members of the CPDH have been since 2019 beneficiaries of provisional measures granted by the Inter-American Court of Human Rights, because they have suffered threats and other risks to their lives and personal integrity due to their work in defense of human rights, [Press release no. 88/22 - IACHR Rejects the Revocation of the Legal Status of 25 Additional Organizations, Deepening the Shutdown of Democratic Platforms in Nicaragua](#), Washington, D.C., April 26, 2022.

259 I/A Court H.R. Matters regarding members of the Nicaraguan Center for Human Rights and of the Permanent Commission on Human Rights (CENIDH-CPDH) Provisional Measures. Order of the Inter-American Court of Human Rights of October 14, 2019.

260 Plataforma Nicaragüense de Redes de ONG, Informe Intermedio EPU, February to October 2022, p. 11.

261 Fundación del Río, Popol Na, Asociación Red Local and Esfera Ciudadana, The brutal demolition of freedom of association in Nicaragua: violations of the right to association under the Ortega-Murillo regime (2007-2022), December 1, 2022, p. 10.

of the members of the organizations. According to the information received by the IACHR, several organizations claim that they were never informed of the reasons for the revocation of their legal status because they were not duly notified. They also complain that they did not have an opportunity to file administrative appeals against these decisions by the authorities.²⁶²

172. The Commission recalls that sanctions, including administrative sanctions, must be formulated in accordance with the principle of legality, i.e., in an express, precise, exhaustive, and prior manner in order to provide legal certainty.²⁶³ Regarding the proportionality of administrative sanctions, in the case of minor infractions such as misreporting, these should be preceded by a warning that allows associations to rectify the error or omission within a reasonable period of time. Currently, Law No. 1115 does not establish the possibility of correcting errors or non-compliance with the requirements established by the legislation itself regarding the operation and functioning of the organizations.
173. In this regard, the IACHR is concerned that the legislation does not provide for the differentiated application of sanctions, for example, in relation to the seriousness of the infraction committed. In this regard, Principle 11 of the *Declaration of Inter-American Principles on the Legal Framework for the Creation, Operation, Financing, and Dissolution of Non-profit Civil Entities* establishes that the sanctions imposed "shall apply only in limited circumstances previously established by law. They must be progressive, necessary, and strictly proportional, for reasonable cause, and motivated and explained based on proven grounds in a judicial process, with all the due process guarantees."²⁶⁴
174. In relation to forced dissolution through the cancellation of legal status and as a sanction mechanism, the IACHR recalls that the protection provided by freedom of association is not limited to the mere establishment of the organization, but extends throughout the life of the association²⁶⁵, from its incorporation to its dissolution. The Commission notes that the involuntary suspension or dissolution of an association, for example, through the cancellation of its legal status, constitutes one of the most severe forms of restriction on freedom of association, and therefore these limitations should be used only when other less restrictive measures are insufficient, and should be governed by the principles of proportionality and necessity.²⁶⁶ In accordance with the principle of proportionality, dissolution should not be the measure used for "minor" administrative sanctions.²⁶⁷
175. In this sense, Principle 12 of the *Inter-American Declaration of Principles on the Creation, Operation, Financing, and Dissolution of Non-Profit Civil Entities* recognizes that forced

262 Plataforma Nicaragüense de Redes de ONG, Informe Intermedio EPU, February to October 2022, pp. 5 - 6.

263 Other organizations that were subject to the revocation of their legal status also reported obstacles to submitting information or receiving certifications from the authorities. I/A Court H.R. Case of Norín Catrimán et al. (Leaders, Members, and Activist of the Mapuche Indigenous People) v. Chile. Merits, Reparations, and Costs. Judgment of May 29, 2014. Series C No. 279, par. 162; I/A Court H.R., Case of Fermín Ramírez v. Guatemala. Merits, Reparations, and Costs, Judgment of June 20, 2005. Series C No. 126, par. 90

264 OAS, Declaration of Inter-American Principles on the Legal Framework for the Creation, Operation, Financing, and Dissolution of Non-profit Civil Entities (CJI/RES. 282 (CII-O/23) corr.1, 9 March 2023. Principle 11.

265 IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.LV/II. Doc. 66, December 31, 2011, par. 155.

266 United Nations, Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27, 21 May 2012, para. 75.

267 Organization for Security and Cooperation in Europe and European Commission for Democracy through Law (Venice Commission), *Guidelines for Freedom of Association*, Warsaw, 2015, ISBN 978-92-9234-906-6, paras. 242–244.

dissolution, as a legal sanction, shall be appropriate only in exceptional circumstances, in the most serious cases involving a threat to a legitimate interest recognized in international human rights instruments, and when less restrictive measures are insufficient to protect such interest.²⁶⁸

176. In the same vein, the United Nations Human Rights Committee has stated that "The State Party must further demonstrate that the prohibition of the association and the criminal prosecution of individuals for membership in such organizations are in fact necessary to avert a real, and not only hypothetical danger to the national security or democratic order and that less intrusive measures would be insufficient to achieve this purpose."²⁶⁹ In particular, the European Court has reiterated that severe measures, such as dissolution and the prohibition of those responsible for the exercise of any other similar activity for a fixed period of time, can only be applied to the most serious cases.²⁷⁰
177. By virtue of the above, the Commission considers that the revocation of the legal status of organizations dedicated to the defense of human rights is arbitrary, especially when it results because of the manifestation of positions dissenting from those of the government in power, but compatible with the democratic system in general and the inter-American system for the protection of human rights in particular. In addition, it is an excessive sanction that can prevent or curtail the necessary critical work of human rights defenders and, therefore, has an impact on the rights to freedom of association and freedom of expression of the people who form part of it in its double dimension.
178. Based on the development of international human rights law, and by virtue of the right to freedom of association and Articles 8 and 25 of the ACHR, the IACHR considers that the involuntary suspension or dissolution of these organizations must be the consequence of a judicial decision issued in compliance with the right to due process and judicial protection.²⁷¹

268 OAS, Inter-American Declaration of Principles on the Creation, Operation, Financing, and Dissolution of Non-profit Civil Entities, CJI/RES. 282 (CII-O/23) corr.1, March 9, 2023, Principle 12.

269 Case No. 1119/2002, Lee v. Republic of Korea, 824 of the 2005 Report of the Human Rights Committee, Vol. II, annex V, sect. U, paras. 7.2 and 7.3.

270 ECtHR. Unified Communist Party of Turkey and others vs. Turkey, Judgment 13392/92, 30 January 1998, para. 46; ECtHR. Socialist Party and others vs. Turkey, Judgment 26482/1995, 25 May 1998, para. 50; ECtHR. Freedom and Democracy Party (özdep) vs Turkey (GC). Judgment 23885/94, 8 December 1999, para. 45.

271 Regarding the right to freedom of association, the Inter-American Court of Human Rights determined the prohibition of the administrative dissolution of trade union organizations, "which may only be dissolved voluntarily or by judicial means." I/A Court H.R. Rights to freedom of association, collective bargaining and strike, and their relationship with other rights, with a gender perspective (interpretation and scope of Articles 13, 15, 16, 24, 25, and 26, in conjunction with Articles 1.1 and 2 of the American Convention on Human Rights, Articles 3, 6, 7, and 8 of the Protocol of San Salvador, Articles 2, 3, 4, 5, and 6 of the Convention of Belem do Para, Articles 34, 44, and 45 of the Charter of the Organization of American States, and Articles II, IV, XIV, XXI, and XXII of the American Declaration of the Rights and Duties of Man). Advisory Opinion OC-27/21 of May 5, 2021. Series A No. 27, par. 87. For her part, the *Special Rapporteur on the rights to freedom of peaceful assembly and of association* has noted that "suspension or involuntarily dissolution of associations should be sanctioned by an impartial and independent court in case of a clear and imminent danger resulting in a flagrant violation of domestic laws, in compliance with international human rights law." United Nations, Human Rights Council, Report of the Special Rapporteur on the rights of freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27, 21 May 2012. Also see: Organization for Security and Cooperation in Europe and European Commission for Democracy through Law (Venice Commission), Guidelines for Freedom of Association, Warsaw, 2015, ISBN 978-92-9234-906-6, paras. 242-244; "Suspension or dissolution of an association by the state may only be applied where there has been a serious violation of national law, in compliance with regional and international human rights law and as a matter of last resort. Suspension may only be taken following court order, and dissolution only following a full judicial procedure and the exhaustion of all available appeal mechanisms. Such judgments shall be made publicly available and shall be determined on the basis of clear legal criteria in accordance with regional and international human rights law." Guidelines on Freedom of Association

179. States must also provide an adequate and effective remedy, conducted in accordance with the rules of due process, allowing organizations to challenge before an independent tribunal any decision that restricts the exercise of the right to freedom of association, including sanctions, suspension of operation, or involuntary dissolution of the organization.²⁷² These remedies must be capable of providing redress for the victims of these violations, including restitution, such as the reestablishment of the legal status of an association.
180. In light of the above, the IACHR concludes that the forced cancellation and dissolution of thousands of organizations constituted a mechanism of sanction and reprisal to silence organized civil society, which was even directed and selective against the main organizations dedicated to the defense of human rights in Nicaragua. In the context of the violation of the principle of separation of powers, these acts were part of the State's strategy to prevent the return to democracy and to consolidate a regime of concentration of power in the Executive.

3. Searches, seizures, and destruction of property and records

181. The IACHR warns that, because of the revocation of their legal status, dozens of civil society organizations have reportedly been affected by the confiscation and illegitimate appropriation of their assets, the police occupation of premises, as well as the freezing of bank accounts and other assets. According to information in the public domain, at least 87 properties of more than 150 organizations have been confiscated in violation of due process.²⁷³
182. In 2018, the IACHR ascertained that the confiscation and search of assets and even bank accounts were arbitrary and selective measures, pursued as a retaliatory mechanism against civil society organizations and even media outlets considered critical of the Government, and aimed at deterring and intimidating civil society. In many cases, they were also formed part of processes involving the criminalization and prosecution of members of the organizations.²⁷⁴
183. As an example of the above, the facilities of the first nine organizations affected by the revocation of their legal status, including CENIDH, CISAS, Fundación del Río, Centro de Investigación de la Comunicación (CINCO), and Fundación Popol Na, were raided and occupied, without a warrant, by the National Police during the early morning hours of December 13, 2018.²⁷⁵ The following day, the Ministry of the Interior announced that the

and Assembly of the African Commission on Human and Peoples' Rights (African Commission) were adopted at the Commission's 60th Ordinary Session held in Niamey, Niger, from 8 to 22 May 2017.

272 IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, par. 168; IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 , Doc. 5 rev.1, March 7, 2006, par. 342, Recommendation 18.

273 Fundación del Río, Popol Na, Asociación Red Local and Esfera Ciudadana, The brutal demolition of freedom of association in Nicaragua: violations of the right of association under the Ortega-Murillo regime (2007-2022), December 1, 2022, pp. 8 - 9; Confidencial, The Confiscated Nicaragua: The new wave of property theft, April 2023.

274 In this regard, on December 7, 2018, the Inter-American Commission voiced its concern over the intensification of actions by the State of Nicaragua to close the last democratic spaces available for the exercise of human rights and, in particular, freedom of expression, public protests or demonstrations, the right of association, and independent journalism. In particular, the IACHR rejected the revocation of the legal status of nine civil society organizations, the closure and raiding of independent media, the prohibition of social protests, and the increased criminalization of social, opposition, student, and campesino leaders. OAS, Remarks by Commissioner Esmeralda Arosemena de Troitiño, Vice-President of the IACHR, Special Session of the Permanent Council of the OAS, Washington, D.C., December 27, 2018.

275 Popol Na and Fundación del Río, Analysis of Freedom of Association in Nicaragua (2007-2020), December 2020, pp. 39 - 42; DW, Nicaraguan police seize assets of outlawed NGOs, December 16, 2018; France 24, Nicaragua: Police raided

seized movable and immovable property and any other seized assets had been transferred to the administration of the State of Nicaragua to create the "Fund for Attention and Integral Reparation for the Victims of Terrorism."²⁷⁶ Archives and case files on human rights violations have reportedly been confiscated or destroyed.²⁷⁷

184. Also in 2018, the raid and confiscation of CINCO's facilities resulted in the closure and confiscation of the equipment and installations of media outlets located in the same premises, including emblematic media outlets critical of the Government, such as *Confidencial*, *Niú*, *Esta Semana*, and *Esta Noche*.²⁷⁸ As documented by the IACHR, when "assaulting and occupying *Esta Semana* and *Confidencia*" the National Police indicated that they were carrying out orders from the Ministry of the Interior to take possession of the property and assets of the NGO Centro de Investigación de la Comunicación (CINCO).²⁷⁹
185. In this same context of criminalization, the media outlet *100% Noticias* was raided by the police on December 21, 2018, and its director, Miguel Mora, and press chief Lucía Pineda, were arrested.²⁸⁰ On February 7, 2019, the Nicaraguan Network for Democracy and Local Development in Managua (Red Local) was raided by state authorities without a warrant.²⁸¹ On that occasion, the administrator and the accountant were reportedly arrested and subsequently subjected to interrogations and threats.²⁸² In 2021, the National Police and the Public Prosecutors' Office raided the facilities of the newspaper *La Prensa*, seized material goods, and arrested its general manager, Juan Lorenzo Holmann Chamorro, the following day as part of an investigation for alleged crimes of customs fraud, money laundering, property, and assets.²⁸³ According to the President of Nicaragua, the facilities of *La Prensa* were reportedly being used "to launder money and hide evidence."²⁸⁴
186. In addition to the above, the IACHR was informed of the disproportionate use of force by state agents in the context of the raids and the seizure of the organizations. In particular, there were reports of extreme police violence involving the destruction of doors, furniture, and documentation, as well as acts of aggression against the staff of the organizations present at

six NGOs and several media outlets, December 15, 2018; IACHR, Annual Report 2018, Chapter IV.B. Nicaragua, paras. 179 – 181.

276 Ministry of the Interior, Nicaragua, [Ministry of the Interior cancels legal status of NGOs that failed to comply with legal requirements for operation](#), December 14, 2018.

277 IACHR, 2019 Annual Report, Chapter IV.B. Nicaragua, par. 153.

278 *Confidencial*. June 13, 2019. [Confidential: six months under assault and confiscation](#); *El Nuevo Diario*. August 8, 2019. [Cosep and Amcham demand return of assets of Confidencial and 100% Noticias](#).

279 *Confidencial*. June 13, 2019. [Confidential: six months under assault and confiscation](#); *El Nuevo Diario*. August 8, 2019. [Cosep and Amcham demand return of assets of Confidencial and 100% Noticias](#).

280 Univisión. December 22, 2018. ["Urgent, there are paramilitaries inside the channel": a TV station in Nicaragua is raided and its director is accused of inciting terrorism](#); *La Prensa*. April 4, 2019. [Miguel Mora and Lucía Pineda among the ten most emblematic cases of imprisoned reporters in the world](#); *Voa Noticias*. January 30, 2019. [Nicaraguan journalists sent to trial as "terrorists"](#).

281 IACHR, [Press Release No. 51/19, IACHR Calls for Conditions that Enable the Enjoyment of Human Rights during Nicaraguan Dialogue](#), February 28, 2019.

282 IACHR, [Press Release No. 51/19, IACHR Calls for Conditions that Enable the Enjoyment of Human Rights during Nicaraguan Dialogue](#), February 28, 2019.

283 IACHR. Office of the Special Rapporteur for Freedom of Expression. August 18, 2021. Press Release N° 216. [The IACHR, RFOE, and OHCHR Condemn the Repeated Attacks on Freedom of Expression in Nicaragua](#); *Voz de America*. August 13, 2021. [In photos: What was the raid on the Nicaraguan newspaper La Prensa like?](#); CPJ. August 17, 2021. [Nicaraguan police raid La Prensa offices, detain publisher Juan Lorenzo Holmann](#).

284 *Confidencial*. August 14, 2021. [Ortega accuses and condemns La Prensa and justifies coup against freedom of the press](#); *100% Noticias*. August 13, 2021. [Daniel Ortega attacks LA PRENSA, passes sentence and condemns them of "money laundering"](#).

the time of the events and against journalists and media workers who were covering the raids.²⁸⁵

187. The involuntary dissolution of private universities has led to the illegitimate transfer of their assets to public universities. An example of the above is the dissolution of six private universities, in February 2022, by the National Assembly due to alleged non-compliance with obligations such as the presentation of financial statements and notification of donations and of the renewal of boards of directors.²⁸⁶ Days later, the Legislature urgently approved the creation of new universities, replacing the defunct ones and transferring all their assets to these new institutions. In addition, the National Council of Universities, an institution aligned with the Government, occupied the facilities and appointed replacement university authorities.²⁸⁷
188. According to the United Nations Group of Experts on Human Rights in Nicaragua (GHREN), by 2022, the confiscation of the assets of non-profit organizations had become standard institutional practice following approval of Law No. 1115, which established that the destination of the assets of organizations affected by the revocation of their legal status would immediately become the property of the State, except in cases of voluntary liquidation and dissolution. As indicated by GHREN itself, this provision therefore constitutes a disproportionate sanction as it is applicable to all the grounds for cancellation of non-profit organizations.²⁸⁸
189. On the other hand, in 2023, the IACHR became aware of more than 40 organizations that requested voluntary dissolution in order to be able to determine the future of their assets and thus prevent them from being confiscated or expropriated by the State. Previously, some of these organizations denounced impediments to submitting the documents required by the authority, refusal to deliver letters of compliance with legal obligations, political pressure, lack of access to economic resources, attacks on their members, and other acts.²⁸⁹

285 IACHR, *Situation of Freedom of Association in Nicaragua*, Public Hearing, 185th regular session, October 27, 2022; Swiss Info, [Nicaraguan police assault journalists and occupy premises of opposition media and NGOs](#), December 15, 2018; IM-Defensoras, [#AlertaUrgente Nicaragua / police raid facilities of Las Segovias Leadership Institute, POPOL NA, Fundación del Río, IPADE, Confidencial, CENIDH and CISAS](#), December 14, 2018;

286 The dissolved universities are Universidad Politécnica de Nicaragua (Upoli), Universidad Popular Nicaragüense (Uponic), Universidad Católica del Trópico Seco (Ucatse), Universidad Nicaragüense de Estudios Humanísticos (Uneh), and Universidad Paulo Freire.

287 Fundación del Río, Popol Na, Asociación Red Local and Esfera Ciudadana, *The brutal demolition of freedom of association in Nicaragua: violations of the right to association under the Ortega-Murillo regime (2007-2022)*, December 1, 2022, p. 7; IACHR, *Press Release No. RD26/22 - REDESCA condemns the cancellation of the status of 26 universities and associations for academic and social purposes by the National Assembly of Nicaragua*, Washington, D.C., February 10, 2022; Swiss Info, [Nicaraguan State Takes Possession of Nationalized Private Universities](#), February 10, 2022; El Confidencial, [Régimen confiscates six private universities and creates new state-owned entities](#), February 7, 2022.

288 For an analysis of this issue, see: Detailed conclusions of the Group of Experts on Human Rights on Nicaragua, Human Rights Council, 52nd session, A/HRC/52/CRP.5, 7 March 2023.

289 La Prensa, ["Voluntary dissolution, the mask with which the regime forces the closing of NGOs"](#) March 9, 2023; Confidencial, ["Onegés opt for "voluntary dissolutions" in the face of the regime's hunt for them"](#), March 30, 2023.

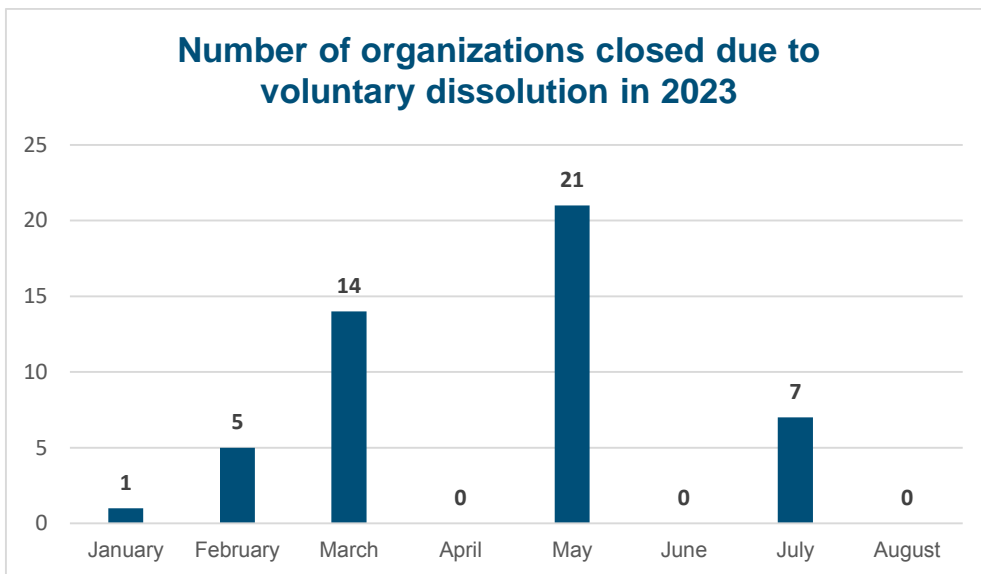


Figure 8. Voluntary dissolution of organizations in 2023.²⁹⁰

190. The Commission warns that dispossession, damage, or any other form of loss of control over the associations' assets may prevent them from achieving their objectives. For these reasons, state actions that affect the assets of an association as a legal person could have a negative impact on the right to freedom of association of the persons that make up the association if they result in arbitrary interference and affect the right to property established in Article 21 of the ACHR. In this regard, the IACHR recalls that, although the right to property is not absolute, any restriction or limitation must be carried out by the appropriate legal means and in accordance with the parameters established in the American Convention.²⁹¹ When examining a possible violation of the right to private property, the Inter-American Court has established that it must not limit itself to examining only whether there was a formal dispossession or expropriation, but must also verify the real, underlying situation, not just the circumstances denounced.²⁹²

191. The IACHR urges the State to refrain from actions that arbitrarily affect the assets of associations in retaliation for the manifestation of positions dissenting from those of the government, such as the confiscation, seizure, or illegitimate appropriation of property and rights.

290 Based on MESENI's database of abolished civil society organizations. On file with the IACHR.

291 I/A Court H.R. Case of Acevedo Buendía et al. ("Discharged and Retired Employees of the Office of the Comptroller") v. Peru. Preliminary Objection, Merits, Reparations, and Costs. Judgment of July 1, 2009. Series C No. 198, par. 84; I/A Court H.R. Case of Mémoli v. Argentina. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 22, 2013. Series C No. 265, par. 170.

292 I/A Court H.R. Case of Ivcher Bronstein v. Peru. Merits, Reparations, and Costs. Judgment of February 6, 2001. Series C No. 74, par. 124, and Case of Mémoli v. Argentina, par. 170.

4. Improper use of supervisory powers and restrictions on operations

192. In the context of the closure of thousands of organizations, the IACHR received information on arbitrary oversight through the selective and disproportionate use of Ministry of Interior inspection powers to harass, monitor, stalk, and intimidate a number of civil society actors, including defenders, journalists, and independent media. In many cases, stalking and intimidation, acts of surveillance, and harassment resulted in the dissolution and self-censorship of organized civil society.²⁹³
193. According to Article 3 of Law No. 1115, the General Directorate of Registration and Control, attached to the Ministry of the Interior, is the authority in charge of the regulation, control, supervision, and penalization of non-profit organizations.²⁹⁴ According to Article 10 of the same law, this Directorate has broad powers to supervise non-profit organizations in order to identify vulnerabilities and risks, and to prevent and mitigate the financing of terrorism and money laundering.²⁹⁵ The law also establishes broad powers to supervise *in situ* or *off-site* the way organizations operate, as well as to request any information on their objectives and purposes, bylaws, activities, beneficiaries, sources of domestic or foreign funding, donors, donations, assets, administrative and financial operations, and the use of public funds received by them.²⁹⁶
194. In this regard, the IACHR is concerned that these powers may not be subject to clear and detailed guidelines on the normative assumptions and procedures to be followed, which would prevent them from being applied to the detriment of the principle of legality. In particular, there are no judicial safeguards for ensuring that these kinds of measures are evaluated by the judicial authorities as to their suitability, necessity, and proportionality so as to avoid abuses.
195. Along similar lines, the *Foreign Agents Law* empowers the authority to request from organizations and individuals operating as "foreign agents" any information it deems necessary in order to ensure compliance, in addition to establishing the duty of public, private or mixed entities to collaborate with the authority when requested to do so.²⁹⁷ In practice, banks are reportedly obliged to report all funds received by "foreign agents" to the Financial Analysis Unit, as they are forced to receive and channel the funds through any financial institution supervised and registered in the country.²⁹⁸

293 IACHR, Situation of Freedom of Association in Nicaragua, Public Hearing, 185th regular session, October 27, 2022; Fundación del Río, Popol Na, Asociación Red Local and Esfera Ciudadana, The brutal demolition of freedom of association in Nicaragua: violations of the right to association under the Ortega-Murillo regime (2007-2022), December 1, 2022; Plataforma Nicaragüense de Redes de ONG, Informe Intermedio EPU, February to October 2022.

294 National Assembly of the Republic of Nicaragua, Law No. 1115, General Law for the Regulation and Control of Non-Profit Organizations, approved on March 31, 2022, published in La Gaceta, Official Gazette No. 66 of April 6, 2022, Article 3.

295 National Assembly of the Republic of Nicaragua, Law No. 1115, General Law for the Regulation and Control of Non-Profit Organizations, approved on March 31, 2022, published in La Gaceta, Official Gazette No. 66 of April 6, 2022, Article 10.

296 National Assembly of the Republic of Nicaragua, Law No. 1115, General Law for the Regulation and Control of Non-Profit Organizations, approved on March 31, 2022, published in La Gaceta, Official Gazette No. 66 of April 6, 2022, Article 10.

297 National Assembly of the Republic of Nicaragua, Law No. 1040, Law on Regulation of Foreign Agents, approved on October 15, 2020, published in La Gaceta, Official Gazette No. 192 of October 19, 2020, Articles 7 and 8.

298 National Assembly of the Republic of Nicaragua, Law No. 1040, Law on Regulation of Foreign Agents, approved on October 15, 2020, published in La Gaceta, Official Gazette No. 192 of October 19, 2020, Article 13.

196. Civil society organizations have denounced that these powers appear not to be subject to a criminal investigation or judicial authorization to justify the interventions.²⁹⁹ In addition, they point to the legalization of a system of espionage to the detriment of those engaged in the defense of human rights, political activism, or independent journalism, or against any person or organization considered a threat by the regime.³⁰⁰
197. The IACHR considers that violations of the right to privacy of members of an association may, in turn, imply a separate violation of the right to freedom of association to the extent that they impede the development of the organization's activities. Although the right to privacy is not an absolute right and, consequently, may be restricted by States³⁰¹, restrictive measures must be provided for by law, pursue a legitimate aim, and meet the requirements of appropriateness, necessity, and proportionality.³⁰²
198. The Commission considers that States must ensure that the legislation defines in detail the grounds for conducting inspections of civil society organizations, the procedures to be followed, as well as the documentation that the authority may require. Thus, legislation should not allow for vague definitions or grant wide margins of discretion to the authorities that facilitate the misuse of the law. In the opinion of the IACHR, audit functions should be activated when there is a well-founded suspicion of the commission of a serious breach of the law in order to confirm or rule it out, or in cases of tax audits.³⁰³ Within the framework of inspections, respect for the right to privacy of clients, beneficiaries, and association employees must be guaranteed.

5. Restrictions on international financing

199. Restrictions on international funding are another practice used to hinder the activities of civil society organizations in Nicaragua. Since the beginning of the human rights crisis, the State has adopted a series of regulations and administrative measures that impose excessive requirements for obtaining and using foreign funds, as well as the application of disproportionate sanctions for non-compliance. It is of concern that these provisions have had

299 Colectivo de Derechos Humanos Nicaragua Nunca Más, Considerations regarding Law No. 1040, Law on Regulation of Foreign Agents, p. 9.

300 Colectivo de Derechos Humanos Nicaragua Nunca Más, Considerations regarding Law No. 1040, Law on Regulation of Foreign Agents, p. 18.

301 I/A Court H.R. Case of Tristán Donoso v. Panama. Preliminary Objection, Merits, Reparations, and Costs. Judgment of January 27, 2009. Series C No. 193, par. 56.

302 I/A Court H.R. Case of Tristán Donoso v. Panama. Preliminary Objection, Merits, Reparations, and Costs. Judgment of January 27, 2009. Series C No. 193, par. 56; I/A Court H.R., Case of Escher et al. v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of July 6, 2009. Series C No. 200, par. 116; IACHR, Standards for a Free, Open, and Inclusive Internet, OEA/Ser.L/V/II IACHR/RELE/INF.17/17, March 15, 2017, par. 193; In cases of wiretapping, the inter-American standards have indicated the importance that the adoption of this type of measures be based on law, which must be precise and indicate clear and detailed rules on the matter, such as the circumstances in which such a measure may be adopted, the persons authorized to request it, to order it and to carry it out, and the procedure to be followed, among other elements. I/A Court H.R. Case of Escher et al. v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of July 6, 2009. Series C No. 200, par. 131.

303 United Nations, General Assembly, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/70/266, 4 August 2015, para. 52; IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, par. 182.

the effect of stigmatizing and criminalizing organizations that receive international funding, and in several cases have stifled associations to the point of making their operation unsustainable.

200. In particular, the Commission rejected the adoption of the *Law on the Regulation of Foreign Agents* and other secondary norms for its implementation such as the *Ministerial Agreement 03-2021* of the Ministry of the Interior.³⁰⁴ In this regard, the IACHR has pointed out that, under the excuse of classifying as a "foreign agent" any natural or legal entity that is a beneficiary or maintains international cooperation links, this law seeks to silence individuals and organizations identified as opponents and prevent any exercise of public freedoms, such as freedom of expression, association, the right to participate in the conduct of public affairs, the right to protest, and the right to defend rights, among others. It also warned about the use of this regulation to inhibit public debate and democratic participation.³⁰⁵
201. Pursuant to *Law No. Article 1040 of the Regulation of Foreign Agents*, any "natural or juridical person, Nicaraguan or of another nationality, who within Nicaragua receives funds, assets, or any object of value coming directly or indirectly from foreign natural persons, governments, agencies, foundations, corporations, or associations of any type or nature, who works, receives funds, or responds to organizations that belong to or are controlled directly or indirectly by foreign natural persons, governments, or entities" is obliged to register as such before the Ministry of the Interior.³⁰⁶
202. In this regard, the legislation establishes that individuals and organizations acting as "foreign agents" are required to submit periodic information on the use and destination of the resources they receive from abroad. These reports include the duty to give prior notice of any transfer of funds or assets, provide identification data on the parties from which they have received financing, and report monthly on expenditures, payments, disbursements, hiring, and other activities that have been carried out with those parties. In addition, the legislation imposes a prohibition on allocating resources to other undeclared activities without prior notice to the competent authority and on receiving donations from anonymous sources.³⁰⁷
203. These restrictions are complemented by those imposed by the NPO Law, which establishes different oversight regimes for international financing vehicles. They include the obligation to inform the General Directorate of Registration and Control of the steps taken prior to receiving donations from abroad and their destination, the duty to request authorization for the execution of projects³⁰⁸, as well as the duty to verify the identity and good reputation of donors,

304 Ministry of Interior, Rules governing the Regulation, Supervision, and Penalization of Foreign Agents, MINISTERIAL AGREEMENT N°. 03- 2021, adopted on January 27, 2021.

305 In its Annual Report, the IACHR warned about the punitive and inhibitory nature of Law No. 1040, "Foreign Agents Regulation Law", which now operates in conjunction with other national legislative provisions. It also pointed out that the implementation of the law has had an inhibiting effect on the actions, defense of rights, and provision of services of those civil organizations that receive foreign support or financing for the pursuit of their social or humanitarian causes. IACHR, 2020 Annual Report, Chapter IV. B Nicaragua, OEA/Ser.L/V/II. Doc. 28, March 30, 2021, paras. 141–143.

306 National Assembly of the Republic of Nicaragua, Law No. 1040, Law on Regulation of Foreign Agents, adopted on October 15, 2020, published in La Gaceta, Official Gazette No. 192 of October 19, 2020, Articles 3 and 4.

307 National Assembly of the Republic of Nicaragua, Law No. 1040, Law on Regulation of Foreign Agents, adopted on October 15, 2020, published in La Gaceta, Official Gazette No. 192 of October 19, 2020, Articles 9 - 12.

308 National Assembly of the Republic of Nicaragua, Law No. 1127, adopted on August 11, 2022, published in La Gaceta, Official Gazette No. 152 of August 16, 2022, Articles 10.8, and 34.25.

beneficiaries, and the final destination of donations, and to ensure that the goods and resources that make up assets do not come from illicit activities.³⁰⁹

204. The Commission has learned that due to the excessive obligations imposed on international funding and other *de facto* obstacles that have prevented compliance with the Foreign Agents Law and the NPO Law, several organizations have been forced to suspend their activities, while others have been sanctioned with the stripping of their legal personality based on these regulations (see *supra* 2. cancellation of the legal personality of civil society organizations).
205. The Commission considers that the prohibition of allocating foreign funds to undeclared activities under penalty of incurring sanctions and the obligation to give prior notice of the activities to be carried out translate into a requirement of State authorization for the development of activities. In addition, the controls imposed by the standards constitute excessive and onerous burdens on organizations that could deplete the resources they allocate to the development of their activities and affect their ability to achieve their objectives.
206. The IACHR recalls that the right to access resources and funding from domestic, foreign, and international sources is an integral part of the right of association, and therefore no special authorization should be required of organizations to raise and use funds to pursue their legitimate causes.³¹⁰ Therefore, the State not only has the duty to promote and facilitate the access of organizations to financial cooperation funds, but also to refrain from restricting their means of financing, including by the issuance of laws contrary to international standards.³¹¹
207. While foreign funding could raise well-founded concerns for States in terms of taxation or crime prevention, the IACHR emphasizes that the controls and regulations that may be imposed should not be excessively intrusive, disproportionate, or impede the development of legitimate activities of civil society organizations, particularly human rights defenders.
208. In this regard, the *UN Special Rapporteur on the rights to freedom of peaceful assembly and of association* has pointed out that the authorities could impose simple procedures for notifying the receipt of funds and reporting on their accounts and activities.³¹² Regarding the burden of verifying the identity of beneficiaries and donors, the FATF itself has pointed out that requiring

309 National Assembly of the Republic of Nicaragua, Law No. 1115, General Law on Regulation and Control of Non-Profit Organizations, adopted on March 31, 2022, published in La Gaceta, Official Gazette No. 66 of April 6, 2022, Article 34, paragraphs 9, 12, 26.1, 26.2, 26.3.

310 Cf. IACHR, Criminalization of the Work of Human Rights Defenders, OEA/Ser.L/V/II. Doc. 49/15, December 31, 2015, paras. 132 and 286, Recommendation 15; UN, Human Rights Council, Report of the Special Rapporteur on the rights of freedom of peaceful assembly and of association, Maina Kiai, A/HRC/23/39, 24 April 2013, paras. 8– 9; I/A Court H.R. Rights to freedom of association, collective bargaining, and strike, and their relationship with other rights, with a gender perspective (interpretation and scope of Articles 13, 15, 16, 24, 25, and 26, in conjunction with Articles 1.1 and 2 of the American Convention on Human Rights, Articles 3, 6, 7, and 8 of the Protocol of San Salvador, Articles 2, 3, 4, 5, and 6 of the Convention of Belem do Para, Articles 34, 44, and 45 of the Charter of the Organization of American States, and Articles II, IV, XIV, XXI, and XXII of the American Declaration of the Rights and Duties of Man). Advisory Opinion OC-27/21 of May 5, 2021. Series A No. 27, par. 86.

311 IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, par. 179.

312 United Nations, Human Rights Council, Report of the Special Rapporteur on the rights of freedom of peaceful assembly and of association, Maina Kiai, A/HRC/23/39, 24 April 2013, para. 37.

organizations to identify each of the beneficiaries would not always be possible and could even prevent them from providing the necessary services.³¹³

209. Moreover, in a context of stigmatization and harassment promoted by the highest authorities, the IACHR notes that the obligation to register and adopt the label of "foreign agents" could exacerbate the risks for organizations and their members to suffer attacks. Similarly, the IACHR is concerned that the Foreign Agents Law restricts natural or legal persons acting as "foreign agents" from participating in political matters and from "being officials, public employees, or candidates for public office", under penalty of incurring legal sanctions or crimes against the security of the State. In addition, it prohibits financing or promoting the financing of any type of organization or association that develops activities related to internal politics in Nicaragua.³¹⁴
210. In this regard, the Commission recalls that individuals have the right to participate in the conduct of public affairs, both individually and in association with others, which includes the right to influence the formulation of state policy.³¹⁵ Therefore, limiting organizations from receiving international funding or requiring that their members be exclusively nationals in order to be able to intervene in public affairs is contrary to the right of association.
211. Finally, the Commission considers that restrictive measures imposed on freedom of association on the grounds of protecting national sovereignty are also incompatible with international law. In this regard, the IACHR and various United Nations special mandates have informed the State of Nicaragua that, under international law, non-State actors are not bound by the principle of non-interference and, therefore, are incapable of violating it. In addition, they noted that funding of non-State actors would not in itself be sufficient evidence to determine whether a non-State actor is acting under the direction or effective control of a third State. For such reasons, there would be no legitimate interest in restricting the right of association to protect national sovereignty.³¹⁶ In addition, protection of State sovereignty is not just an illegitimate excuse, but a pretext which does not meet the requirements of a "democratic society". Associations, whether financed by domestic or foreign sources, must therefore be free to promote their opinions, denounce and document human rights violations of governments, promote democracy and, in general, freely go about their activities.³¹⁷

313 "This does not mean that NPOs are expected to identify each specific individual, as such a requirement would not always be possible and would, in some instances, impede the ability of NPOs to provide much-needed services" GAFILAT, International Standards on Combating Money Laundering, Terrorist Financing, and Proliferation Financing of Weapons of Mass Destruction, July 2022, Interpretive Note to Recommendation 8 (Nonprofit Organizations), para. 6.b.v notes footnote 30.

314 National Assembly of the Republic of Nicaragua, Law No. 1115, General Law for the Regulation and Control of Non-Profit Organizations, adopted on March 31, 2022, published in La Gaceta, Official Gazette No. 66 of April 6, 2022, Article 14.

315 IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.LV/II. Doc. 66, December 31, 2011, paras. 184 – 185.

316 Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights of the Organization of American States; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, OL NIC 3/2020, 13 November 2020, pp. 13 - 16.

317 See: Inter-American Juridical Committee, Final Report: Legal Framework for the Creation, Operation, Financing, and Dissolution of Nonprofit Civil Entities in the Member Countries of the Organization of American States presented by the Dr. Ramiro Gastón Orias Arredondo, October 30, 2022

6. Restrictions on the formation, registration and inscription of organizations

212. Finally, the IACHR notes that Law No. 1115 introduced severe restrictions to ownership of the right of association, as well as broad requirements and demands that condition the forms, modalities, and procedures for the constitution and formalization of organizations.³¹⁸ In the context of the massive closure of civil society organizations, some of the legal requirements could be disproportionate, excessive and, ultimately, used to prevent the creation of entities that are considered critical or opposed to the government in office.
213. Chapter IV of the NPO Law sets forth the registration requirements for NPOs. In particular, Article 20 provides that "the Ministry of the Interior is responsible for granting legal personality to the NPOs" by means of a Ministerial Agreement published in La Gaceta, Official Gazette. For this purpose, interested parties must previously submit to the General Directorate for Registration and Control of Non-Profit Organizations an "application for obtaining legal personality addressed to the Minister of the Interior" and comply with a broad set of requirements, such as: "Proof of No Objection from the Ministry of the Interior indicating that the Articles of Incorporation and Bylaws comply with the requirements established in this Law"; "Police record of the members constituting the NPO; in the case of a legal entity, the police record of the person representing it," Copy of the application submitted to the National Council of Universities (CNU) in the case of Higher Education Institutions.³¹⁹ Once these requirements have been met, the file will be forwarded to the person in charge in the Ministry of the Interior for a decision on the granting of legal personality. If it is granted, the ministerial agreement must be registered within 15 days with the regulatory authority.³²⁰
214. In this regard, the Commission notes that some of the above requirements could be extremely vague and disproportionate, for example, the issuance of a certificate of no objection by the Ministry of the Interior, as well as a police record of the members constituting the NPO, especially in the current context of Nicaragua. In addition, the law establishes ambiguous grounds for denying the registration of new organizations, which could facilitate its abusive and arbitrary use by the authorities, such as "formal defects in the application or in the

318 Request for a thematic hearing on the serious violations of the right to freedom of association in Nicaragua and their impact on the human rights of the population. Communication of October 6, 2022. On file at the IACHR.

319 Pursuant to Article 21, these requirements are: 1. Certificate of Non-Registration issued by the Ministry of the Interior; 2. Proof of No Objection from the Ministry of the Interior indicating that the Articles of Incorporation and Bylaws comply with the requirements established in this Law; 3. Articles of Incorporation and Bylaws; 4. List of executive and associate members; 5. Photocopy of valid citizen's identity cards of the directors and associates; 6. Police record of the members constituting the NPO; in the case of a legal entity, the police record of the person representing it; 7. If there are members of other nationalities, they must present a certificate of criminal record issued by the competent authority of their country of origin or residence, duly stamped or authenticated, in Spanish or translated into Spanish with the formalities established in the national legislation, or failing that, a certificate from INTERPOL - Nicaragua and a copy of a passport with at least six months of validity. 8. The granting of legal personality referred to in the Law of Autonomy of Higher Education Institutions, provided that they are not-for-profit, also requires the presentation of: 8.1. Copy of the application submitted to the National Council of Universities (CNU), requesting authorization for the operation of the University; 8.2. Proof or Certification of the National Council of Universities where the operation of the University was authorized. National Assembly of the Republic of Nicaragua, Law No. 1115, General Law for the Regulation and Control of Non-Profit Organizations, adopted on March 31, 2022, published in La Gaceta, Official Gazette No. 66 of April 6, 2022, Article 21.

320 National Assembly of the Republic of Nicaragua, Law No. 1127, adopted on August 11, 2022, published in La Gaceta, Official Gazette No. 152 of August 16, 2022, Articles 20, 21 and 23.

accompanying documentation" or "the presumption of unlawfulness of the act or document to be registered."³²¹

215. In the case of foreign organizations, Chapter V of the Law establishes additional requirements such as obtaining an agreement from the Ministry of the Interior authorizing their operation, as well as the presentation of information and documentation related to the projects to be developed, the start-up capital, their equity, and their financial statements.³²² Likewise, Article 27 provides that the objectives and purposes of foreign organizations must not be contrary to the Constitution³²³, thus providing a wide margin of appreciation to deny registration to organizations that are considered critical or opposed to the Government, especially in a context of other rules contrary to international law, such as: Special Law on Cybercrimes, Law for the Defense of the Rights of the People, and the Law for the Regulation of Foreign Agents.
216. Inter-American standards have indicated that de facto associations are protected by freedom of association and should be presumed legal regardless of the formalities applicable to their constitution.³²⁴ However, when they so wish, legislation should facilitate the means for their members to obtain recognition of the legal personality of associations through clear, precise, simple procedures that do not leave room for arbitrariness on the part of the authorities.³²⁵
217. The Commission has pointed out that while States are empowered to regulate the inscription of organizations within their jurisdictions, the right to freedom of association without interference requires that States must ensure that legal requirements shall not prevent, delay, or restrict the creation or operation of the organizations.³²⁶ In this regard, Principle 4 of the *Declaration of Inter-American Principles on the Legal Regime for the Creation, Operation, Financing, and Dissolution of Civil Non-Profit Organizations* recognizes that States should establish registry services or independent and autonomous public bodies for the registration or recognition of the legal personality of civil organizations, providing their services with professionalism, impartiality, and transparency. In addition, establishment and registration procedures should be simple, prompt, clear, non-discriminatory, and non-discretionary³²⁷.

321 National Assembly of the Republic of Nicaragua, Law No. 1115, General Law for the Regulation and Control of Non-Profit Organizations, adopted on March 31, 2022, published in La Gaceta, Official Gazette No. 66 of April 6, 2022, Article 25.

322 National Assembly of the Republic of Nicaragua, Law No. 1115, General Law for the Regulation and Control of Non-Profit Organizations, adopted on March 31, 2022, published in La Gaceta, Official Gazette No. 66 of April 6, 2022, Article 28.

323 National Assembly of the Republic of Nicaragua, Law No. 1115, General Law for the Regulation and Control of Non-Profit Organizations, adopted on March 31, 2022, published in La Gaceta, Official Gazette No. 66 of April 6, 2022, Article 27.

324 Cf. IACHR, Protest and Human Rights. IACHR Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights Standards on the rights involved in social protest and the obligations to guide the response of the State, OEA/Ser.L/V/II IACHR/RELE/INF.22/19, September 2019, par. 21; IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, par. 170.

325 IACHR, Practical Guidelines and Recommendations for the Development of Risk Mitigation Plans for Human Rights Defenders, April 26, 2021, p. 9; IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, par. 172.

326 IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, par. 157.

327 OAS, Inter-American Declaration of Principles on the Creation, Operation, Financing, and Dissolution of Non-profit Civil Entities, CJI/RES. 282 (CII-O/23) corr.1, March 9, 2023.

C. Lack of response from the justice system

218. The lack of an impartial and independent justice system and widespread impunity³²⁸ constitutes another factor for the co-optation and control of the civic and democratic space in Nicaragua. In this regard, both the IACHR and various international organizations have noted that the violation of the principle of separation of powers has made possible the instrumentalization of the justice system, on the one hand, for the criminalization of persons identified as opponents and, on the other hand, to perpetrate impunity for human rights violations committed, thus generating a climate conducive to the repetition of these acts.
219. In relation to the above, the IACHR observes that the violations of freedom of association are characterized by impunity. In particular, dozens of organizations have denounced that administrative appeals against resolutions or decrees were rejected *de facto*.³²⁹ In the case of the organizations dissolved in 2018, information has been received indicating that the appeals filed before the Constitutional Chamber of the Supreme Court of Justice reportedly remain unresolved five years after the events occurred.³³⁰
220. In relation to the media *Confidencial*, *Niú*, *Esta Semana* and *Esta Noche*, in its annual reports, the IACHR documented the filing of the available administrative and legal remedies to demand the return of the confiscated assets³³¹ and for compensation for the moral and economic damages caused³³², which were never resolved. Likewise, the complaints filed with the Public Prosecutors' Office regarding the break-in did not give rise to any investigation.³³³
221. In addition, the affected organizations reportedly faced other *de facto* obstacles to accessing justice, including the lack of funds to exercise their right to defense due to the blocking of their bank accounts, the forced displacement of their members, as well as the fear of further reprisals.³³⁴
222. On the other hand, the lack of independence of the Judiciary and its instrumentalization by the Executive has also perpetuated an atmosphere of fear, persecution, self-censorship, and extreme vulnerability among the population due to the impossibility of accessing an

328 The IACHR issues a reminder that the impunity has been defined in inter-American case law as the failure to investigate, prosecute, take into custody, try, and convict those responsible for violations of rights protected by the American Convention, given that the State has the obligation to use all the legal means at its disposal to combat that situation, since impunity fosters chronic recidivism of human right violations, and total defenselessness of victims and their relatives. I/A Court H.R. Case of *Bámaca Velásquez v. Guatemala*. Merits. Judgment of November 25, 2000. Series C No. 70, par. 211.

329 In particular, organizations have questioned the veracity of the notification letters that were allegedly communicated to the canceled organizations on the website of the Ministry of the Interior, Plataforma Nicaraguense de Redes de ONG, Informe Intermedio EPU, February to October 2022, pp. 5 - 6.

330 Fundación del Río, Popol Na, Asociación Red Local and Esfera Ciudadana, The brutal demolition of freedom of association in Nicaragua: violations of the right to association under the Ortega-Murillo regime (2007-2022), December 1, 2022, pp. 9 and 20.

331 IACHR. Office of the Special Rapporteur for Freedom of Expression. December 14, 2018. Press release No. R267/18. Experts on freedom of expression of the UN and the Inter-American System condemn attacks and threats against journalists and the media in Nicaragua.

332 *Confidencial*. June 13, 2019. Confidential: six months under assault and confiscation.

333 CNN en español. August 8, 2019. Businessmen denounce violation of freedom of expression and business rights in Nicaragua; Voa Noticias. August 8, 2019. Owners of confiscated media in Nicaragua ask for their return.

334 IACHR, Situation of freedom of association in Nicaragua, Public Hearing, 185th regular session, October 27, 2022

independent justice system, which, in turn, facilitates the imposition and dissemination of the official narrative that denies the political, social, economic, and human rights crisis.

223. In this regard, the IACHR is concerned that the denial of the human rights violations that occurred has been reinforced through state policies and actions to destroy or alter the significance those sites that were emblematic of the April 2018 protests to reflect the official party perspective. Likewise, the headquarters of confiscated civil society organizations and media outlets have been dismantled and used by the ruling party for other purposes and as a symbol of victory.³³⁵
224. In 2021, the IACHR received information on the destruction of the facilities of several human rights organizations, including the Las Segovias Leadership Institute (ILLS) and the Rio Foundation, which reported that their facilities were demolished or readapted to provide public services or converted into police and military headquarters, despite the existence of constitutional and judicial remedies pending resolution.³³⁶ Meanwhile, the headquarters of CENIDH, one of the most emblematic human rights organizations in Nicaragua, was destroyed and replaced by the Casa Materna del Distrito III in Managua.³³⁷
225. In 2023, the National Assembly declared April 19 - the date commemorating the beginning of the social protests in Nicaragua - as the National Day of Peace.³³⁸ On the same date, the State announced the inauguration of the "José Coronel Urtecho No Volverá el Pasado!" Cultural and Polytechnic Center in the facilities confiscated from the newspaper *La Prensa*. During the inauguration of the Center, the Vice President stressed: "it is the beginning of a new era, the beginning of a new story, the old story is over, it can no longer return, this is already another story. The history of hatred, the history of ambitions, of greed, the history of servility to empires is over, this is already another history."³³⁹
226. In accordance with international human rights law, the State of Nicaragua has the duty to investigate with due diligence the acts of violence and serious human rights violations that have occurred since April 18, 2018, and, where appropriate, to prosecute and punish those intellectually and materially responsible for such acts.³⁴⁰
227. The IACHR also recalls that the right to truth is one of the fundamental pillars in the fight against impunity. Accordingly, in addition to guaranteeing access to justice and reparation, the State must implement measures to promote in society the memory of the victims and the grave violations perpetrated.

335 Voz de América, [Nicaragua: Ortega Orders "Dismantling" of La Prensa Newspaper Building](#) 23 August 2022; Confidencia, [Dictatorship confiscates de facto La Prensa building and property](#), 23 August 2022.

336 IACHR, Press Release No. 030/2021, [IACHR Condemns Destruction of Civilian Organizations' Property in Nicaragua](#), February 8, 2021; ILLS, [Report on the Status of the Usurpation of the Las Segovias Leadership Institute Human Rights Foundation by the Ortega Murillo Dictatorship in Nicaragua](#), February 8, 2021.

337 CENIDH URGENT we are not surprised that the Ortega Murillo regime has put a sign outside the @cenidh facilities, we were waiting for this, it took them a long time to do it, they had already stolen our property since December 13, 2018. December 23, 2020. Available at: <https://twitter.com/cenidh/status/1341839215928221699>.

338 19digital, [Nicaragua: National Assembly decrees April 19 as National Peace Day](#), April 16, 2023.

339 Infobae, [Daniel Ortega inaugurates a "cultural center" in the building that he expropriated from the newspaper La Prensa, the oldest in Nicaragua](#), April 19, 2023; Voz de América, ["Nicaragua creates two pro-government entities in buildings expropriated from the OAS and the newspaper La Prensa"](#), August 24, 2023.

340 IACHR, [Gross Human Rights Violations in the Context of Social Protests in Nicaragua](#), OEA/Ser.L/V/II, Doc. 86 ; June 21, 2018, Recommendations.

Conclusions and recommendations

V. CONCLUSIONS AND RECOMMENDATIONS

228. The human rights crisis that began on April 18, 2018, continues to deepen due to the systematic failure of the State of Nicaragua to comply with its international obligations in this area. In particular, the report notes that the actions aimed at closing civic and democratic space through the massive and forced dissolution of thousands of civil society organizations in Nicaragua, in addition to affecting the human rights of the members of these entities, have had an enormous impact for the Nicaraguan population in general. For the IACHR, the restoration of democracy requires full respect for freedom of association and the guarantee of a safe, inclusive, and pluralistic environment for civil society to participate and play its essential role in building and strengthening the rule of law.
229. In Nicaragua there are no conditions enabling civil society to participate freely and safely in social and political life. Civic and democratic space is closed. As of 2022, the IACHR noted the intensification of measures to weaken civil society in Nicaragua, such as: the dismantling of social movements and the media, the selective persecution of the Catholic Church, and the massive closure of organizations. These events have specifically affected the rights to freedom of expression, freedom of religion, and freedom of association. Currently, a policy of repression and systematic persecution prevails against any person considered to be an opponent of the government.
230. The revocation of the legal status of thousands of Nicaraguan civil society organizations has constituted the clearest and most drastic pattern of attacks on pluralism, as well as an indication of the State to completely close civic and democratic space in Nicaragua. According to the database, between April 18, 2018, and August 31, 2023, the State revoked the legal status of 3,390 organizations out of a total of 7,227 legally registered in the country in 2018.
231. The restrictions against freedom of association and other rights, as well as the closing of civic space, have been possible due to the subordination of all public powers to the Executive and a scenario where limits and counterweights to the exercise of power are non-existent. The National Assembly has facilitated the expeditious approval of a set of norms and legal amendments that impose strict control and surveillance regimes aimed at putting pressure on and intimidating organized civil society. The lack of independence of the Judiciary has rendered illusory and ineffective the judicial remedies available to combat acts of authority that, in the implementation of these laws and administrative measures, violate the human rights of civil society.
232. The massive closure of organizations has severely limited the capacity of numerous civil society actors to actively participate in political, social, cultural, and religious life, as well as in activities for the promotion and defense of human rights. As a consequence of this escalation of repression, dozens of organizations and human rights defenders have been forced into exile, while the organizations that remain in the country, even after the revocation of their legal status, are reportedly working clandestinely, in a climate of fear, persecution, and self-censorship.

233. The IACHR points out that the participation of civil society in all its diversity, both in the physical and digital environment, is a crucial element for strengthening democracy and the rule of law. In addition, it concludes that freedom of association is an appropriate way for people to participate and act collectively in all matters that interest or affect them. Together with the right of assembly and freedom of expression, they constitute a democratic vehicle for collectively expressing peaceful dissent and criticism of the government. In the case of Nicaragua, they are essential to demand the return to democracy and an end of the police system installed in the country.

234. In light of the foregoing observations, and in accordance with its powers under Article 41(b) of the American Convention on Human Rights, the IACHR issues the following recommendations to the State of Nicaragua:

1. Cease all acts of repression and persecution against persons considered to be political opponents and, in particular, immediately release all persons arbitrarily detained in the context of the crisis that began in 2018.
2. To annul all decrees and acts of authority related to the revocation of the legal personality of civil society organizations that have been approved without guaranteeing due process. Where applicable, return to members of the organizations the facilities and all confiscated goods, in the same conditions in which they were found at the time of the search of the organization's facilities.
3. Immediately close all administrative and criminal investigations against the organizations themselves and their members, in accordance with domestic law and international human rights law obligations.
4. Immediately cease judicial persecution, repression, stigmatization, attacks, threats, and intimidation against civil society actors, in both the physical and digital environment, including journalists, human rights defenders, activists, artists, academics, political opponents, and members of religious communities and the Catholic Church.
5. Cease persecution against the Catholic Church, arbitrary arrests, confiscations, and those acts that limit the religious freedom of the population.
6. Remove all obstacles to the legitimate exercise of the right to protest, in particular by: eliminating prior authorization as a legal requirement for holding demonstrations; and expressly establishing the general presumption in favor of the exercise of the right of assembly and freedom of expression.
7. Guarantee respect for the independence of the media and refrain from applying prior censorship by any state body, as well as any prior conditioning that may imply censorship of freedom of expression.
8. Refrain from making public statements that stigmatize members of civil society or using state media for public campaigns that may encourage violence against people considered political opponents.

9. Adapt domestic legislation to international human rights standards and, in particular, align it with the Declaration of Inter-American Principles on the Legal Regime for the Creation, Operation, Financing and Dissolution of Non-Profit Civil Organizations. In particular, the Special Law on Cybercrimes; the Law on Foreign Agents; the Law for the Defense of the People's Rights to Independence, Sovereignty, Self-Determination for Peace; the Law for the Regulation and Control of Non-Profit Organizations and its amendments; the Law against Money Laundering, Financing of Terrorism, and Financing of the Proliferation of Weapons of Mass Destruction.

10. Adopt the necessary measures to overcome the human rights crisis through the reestablishment of democratic institutions, the full rule of law, and fundamental freedoms, in accordance with the recommendations made by the IACHR in other reports.