

Context and legal framework

The Constitution of the Republic of Nicaragua stipulates in Article 69 of Chapter III on Social Rights, in Title IV Rights and Guarantees of the Nicaraguan people, that all people, individually or collectively, have the rights to express their religious beliefs in private or in public, through worship, practices and teaching. No one can evade the observance of the laws or prevent others from exercising their rights and fulfilling their duties, invoking religious beliefs or provisions.

In 2020, the Nicaraguan government approved the Special Cyber Crimes Law, introducing penalties of up to ten years imprisonment for using social media platforms for sharing ‘false information’ or ‘information that could raise alarm among the people’.

Daniel Ortega and the Sandinista National Liberation Front (FSLN) have held power in Nicaragua since 2007. Ortega was inaugurated as president, and his wife, Rosario Murillo as vice-president, of Nicaragua on 10 January 2022, following his re-election on 7 November 2021. The process was marred by months of government repression and the arrest of opposition candidates. International condemnation was swift.

On 12 November 2021, a resolution entitled ‘The situation in Nicaragua’ was adopted at the 51st regular session of the General Assembly of the Organization of American States (OAS) and stated that the Nicaraguan presidential elections had ‘no democratic legitimacy.’ On 19 November 2021, the government of Nicaragua announced its decision to withdraw from the OAS.

In 2021, the United States State Department announced the designation of Nicaragua as a country of particular concern (CPC) in regard to freedom of religion or belief (FoRB). This designation has been renewed in subsequent years.

Under the leadership of President Ortega, Vice-President Murillo, and the FSLN FoRB has deteriorated significantly. Religious leaders who defend human rights or speak critically about the government face harassment, threats, and the possibility of physical violence and arbitrary detention. The government monitors religious activities, putting pressure on leaders to practice self-censorship. Preaching about unity or justice or praying for the general situation in the country, for example, can be considered criticism of the government and treated as a crime.

CSW recorded 418 separate FoRB cases from November 2022 through August 2024. Most cases involved multiple FoRB violations; some affected thousands of people.¹

Arbitrary detention

Religious leaders, including Roman Catholic priests and lay leaders, and pastors, as well as members of religion or belief communities were subjected to short- and long-term

arbitrary detention. The total number of religious leaders in prison at any one time fluctuated due to the forced exile of numerous political prisoners. Political prisoners are not allowed to receive or have a Bible or other religious literature in prison in violation of the Nelson Mandela Rules and many are held in isolation, in inhumane conditions.

Members of religion or belief communities and religious leaders, including both Nicaraguan nationals and individuals holding foreign citizenship, have been forcibly exiled, forced to leave, or prevented from re-entering the country.

On 17 April 2023, Father Saúl Antonio Robleto Jiménez was detained by the National Police (PN) while on his way to the Las Coreas community, San Miguelito Municipality, Rio San Juan to celebrate eucharist. The priest was taken to the San Miguelito Municipality police station and held for around three hours. He was interrogated and accused of criticising the government. He was released following complaints from residents of Las Coreas.

On 12 December 2023, Mountain Gateway, a Protestant-Evangelical organisation based in Texas, and which operates in Nicaragua under the name Puerta de la Montana, saw 11 Nicaraguan pastors arrested. The organisation, registered in Nicaragua in 2015, was stripped of its legal status and its assets; 47 vehicles and four properties including a 122-acre farm, were confiscated. In January, the government announced that it was pursuing criminal charges against all those arrested, as well as three US citizens in absentia, for alleged money laundering and organised crime.

On 21 December 2023, Father Óscar José Escoto Salgado was detained in Matagalpa, and released on Christmas Eve. Father Jader Danilo Guido Acosta, the vice-dean of Matagalpa Diocese, who prayed for Bishop Rolando Álvarez Lagos during morning mass on the fourth Sunday of Advent, was held for 12 hours after being detained on 24 December 2023.

Forced closure of civil society organisations

The government continues to forcibly shut down hundreds of independent civil society organisations (iCSOs), including religious institutions, arbitrarily stripping them of their legal status. The legal cancellations have had a devastating effect on the ability of both domestic and international organisations of a religious nature, or with historical links to a religious group, to operate in the country. Forcibly closed iCSOs include religiously affiliated and internationally known and respected organisations such as Caritas and the Society of Jesus (also known as the Jesuit Order). Several domestic organisations were also stripped of their legal status and forced to close. The government froze the bank accounts of some groups and began to collect property tax from religious institutions and iCSOs of a religious nature or linked to a religious group or institution in contravention of domestic law exempting them from such taxes. In some cases, this

¹ CSW's documentation work relies on the willingness of those affected to share the details of their experiences. In the current climate of fear, a significant percentage of violations goes unreported.

led to the closure of the targeted institution, inability to pay staff, or was accompanied by the confiscation of property by the government or the forced exile of members.

In an interview given in October 2023,² Martha Patricia Molina Montenegro, the author of the report 'Nicaragua: A persecuted Church? (2018-2022)',³ updated in 2023, said that she had received evidence that the properties of hundreds of Protestant-Evangelical churches had been confiscated or forced to close by the government.

The arbitrary cancellation of legal status extended to institutions of higher learning. Several universities and technical institutes linked to both Roman Catholic and Protestant religious groups, including the Autonomous Christian University of Nicaragua, the John Paul II Catholic University, Adventist University of Nicaragua (UNADENIC), The Martin Luther King Jr Evangelical University of Nicaragua (UENIC-MLK), the Jesuit-run Central American University (UCA) were stripped of their legal status, had their property confiscated, or were forced to close due to the government freezing their bank accounts. In justifying the closure of these institutions and the government takeover of the associated properties, authorities cited the Law on Non-Profit Legal Entities (Law 147), the Organic Law of the Legislative Power of the Republic of Nicaragua (Law 606), and the Law against Money Laundering, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction (Law 977).

Prohibitions on religious activities and manifestation

In 2023 and 2024 the government became more aggressive in its prohibitions on public manifestations of a religious nature including outdoor worship services and religious processions. The PN issued orders directly to religious leaders across the country that no processions outside their respective physical buildings were permitted. This included a moratorium on traditional public marches by Roman Catholics and Protestants in celebration of the Spanish Bible Translation Day in September. The PN also repeatedly prevented entire groups from holding vigils and religious services. Some religious groups, particularly those aligned with and supportive of the government, were exempt from prohibitions, with permits granted for large scale public events, and the government co-opted some religious festivals and traditions in an attempt to create an illusion of general respect for FoRB. Pro-democracy activists, human rights defenders (HRDs), members of the political opposition, and others considered by the government to be critical of its policies reported harassment and warnings from government security agents to separate themselves from religion or belief communities and to refrain from participation in religious activities.

Forced exile

Since 2018, hundreds of thousands of Nicaraguans have fled the country. The majority have headed to neighbouring Costa Rica, or transited by land north, through Mexico to seek refuge in the United States. While many have fled due to the economic situation and general political repression, some have been sent into forced exile by the government.

In a February 2023 agreement with the United States, 222 political prisoners, including a Protestant pastor, and nine Roman Catholic priests and lay leaders, were released from prison on the condition that they immediately board flights bound for the US. Following negotiations with the Vatican, 12 Roman Catholic priests, arbitrarily detained on various charges and held as political prisoners for varying lengths of time, were released into forced exile in Italy in October.

In January 2024, the government released into exile bishops Rolando Alvarez Lagos and Isidoro del Carmen Mora Ortega as well as 15 Roman Catholic priests and two seminarians. All were subsequently stripped of their Nicaraguan citizenship. In some cases, entire religious orders were targeted. At midnight on Sunday 2 July 2023, the PN broke into the property of the Fellowship of the Poor of Jesus Christ Foundation, based in León, where four Brazilian missionary nuns resided. The nuns had confirmed their plan to leave Nicaragua the following week after the Ministry of the Interior (MIGOB) arbitrarily refused to renew their residence visas. The four missionaries were taken to an unknown destination and expelled the following day. Some religious leaders found themselves forcibly exiled when they were refused entry onto return flights to Nicaragua after traveling abroad.

Between November 2022 and January 2024, the government prevented at least eight Roman Catholic priests from entering Nicaragua. This included both foreigners residing in Nicaragua and Nicaraguan nationals. The denial of entry was typically ordered by the General Directorate of Migration and Immigration (DGME) and the MIGOB.

Recommendations

To the government of Nicaragua:

- Release without condition all imprisoned religious leaders and all political prisoners.
- Restore Nicaraguan citizenship to all those, in and outside the country, from whom it has been arbitrarily and illegally removed.
- Reinstatement of the legal status of all civil society organizations which have been arbitrarily made illegal; and to unfreeze the bank accounts of universities, non-governmental organizations and religious groups throughout the country.

² Confidencial, 'Martha Patricia Molina: 234 ataques contra la Iglesia, continúa la represión contra religiosos', 5 October 2023 https://www.youtube.com/watch?v=FbtS8Bc_yac

³ Molina Montenegro, Martha Patricia, 'Nicaragua: A Persecuted Church (2018-2022)', June 2022 <https://iglesiaperseguidani.com/wp-content/uploads/2023/10/000-PERSECUTION-TO-THE-CHURCH-REPORT-ENGLISH-FINAL-VERSION-8-28-2022-1.pdf>

- Cease the illegal collection of taxes from religious institutions that are exempt under Article 5 of Executive Decree 3-95 on Real Estate Tax.
- Allow international human rights bodies, including the Inter-American Commission on Human Rights and the OHCHR, unhindered access to Nicaragua.

To the government of the United Kingdom:

- Urge the Nicaraguan government to release all detained religious leaders and political prisoners, adhering to international human rights standards.
- Advocate for reinstating the legal status of arbitrarily closed civil society and religious institutions, and restore citizenship from whom it has been arbitrarily and illegally removed.
- Call on Nicaragua to cease the practice of arbitrary detentions and forced exile, and ensure safe return for those exiled due to their beliefs.
- Support civil society and religious institutions by calling on the government of Nicaragua to cease freezing bank accounts and illegal tax collections from religious organizations and support their work.
- Engage with international human rights bodies to urge Nicaragua to allow access to international human rights organisations, like the IACHR, to monitor violations

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T +44 (0)20 8329 0010
t @CSWAdvocacy
f /CSWUK
csw.org.uk

**PO Box 99
New Malden
Surrey, KT3 3YF
United Kingdom**

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