

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.

The Nicaraguan government approved the Special Cyber Crimes Law in 2020, 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'.

Context

Daniel Ortega and the Sandinista National Liberation Front 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.¹

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. This designation was renewed in 2022.

Violations of freedom of religion or belief

Despite constitutional guarantees for freedom of religion or belief, religious leaders and institutions have been increasingly targeted by the government which views them as a threat due to their broad social influence. Religious leaders who have been critical of government policies and actions, including severe human rights violations, or who have simply refused to ally with and actively support the government have faced harassment, arbitrary detention, physical violence and threats. Some foreign religious leaders have had their residence visas cancelled arbitrarily, have been expelled from the country, while some Nicaraguan religious leaders have been blocked from re-entering the country after travel abroad. Religious services are closely monitored by security forces and public celebrations, including traditional Roman Catholic religious processions have been severely restricted or in some cases banned altogether. More than 3000 civil society organisations, many

of a religious nature or with close links to religious groups, have had their legal status stripped.

The overt hostility of the government to the Roman Catholic Church has its roots in nationwide protests in 2018 after Ortega asked Roman Catholic leaders to act as mediators between the protestors and the government. When some Roman Catholic leaders expressed sympathy for the cause of the protestors, however, and condemned the government's use of violence, Ortega turned on them. The government engaged in a media campaign against the Roman Catholic Church and its leadership, and activated shock troops that attacked churches, cathedrals and places of worship, including the main cathedral in the country's capital, Managua. Over the past five years, as some Roman Catholic leaders have continued to speak out and as Roman Catholic institutions have engaged in social and educational work, the attitude of the government has hardened. Roman Catholic priests and lay leaders have been imprisoned, entire religious orders have been expelled from the country, access to media including through radio and television channels has been severely restricted, and universities linked to the Roman Catholic church have been confiscated.

While Nicaragua has a significant Protestant Christian population, this includes a large number of independent churches and different denominations, making generalisations impossible. A few Protestant leaders have allied themselves publicly with the government in exchange for privileged treatment. Those who have not have been targeted in similar, though often less conspicuous ways. One pastor was imprisoned and held in inhumane conditions for two years after calling for freedom for political prisoners.² Many other Protestant church leaders report that they are closely monitored by security forces, have been forced to curtail or cancel religious activities, have been threatened with imprisonment, and some have been forced to flee into exile. The only Protestant television channel in the country was forcibly closed in late 2021. Property belonging to at least one university linked to a Protestant denomination has been confiscated and hundreds of Protestant-linked civil society organizations have been among the thousands that have had their legal status arbitrarily removed.

Political prisoners and the government's use of violence

The 2018 protests were brutally repressed by the government, galvanizing further protests, which were met, in turn, with more violence. The Guardian reports that 300 people were killed, 2,000 injured and hundreds of people arbitrarily detained and prosecuted in the crackdown against the nationwide anti-government protests. The Inter-American Commission on Human Rights (IAHCR) documented 777 arrests, with many detainees subjected to torture, electric shocks, asphyxiation and rape in prison. A report by the Interdisciplinary Group of Independent Experts (GIEI), commissioned by the IAHCR to investigate these acts of

¹ Previously, in a special meeting held on 8 December 2021, the Permanent Council of the OAS adopted a second resolution on the human rights situation in Nicaragua, which recalled all previous resolutions made since 2018 that expressed grave concern about the deterioration of democratic conditions in Nicaragua and urged the government 'to urgently and as a first step, release all political prisoners.' It also called for 'the immediate return of international human rights bodies, such as the Inter-American Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights,' which were expelled from the country in 2018.

² He was part of a group that was released and sent into forced exile under an agreement brokered by the US government in February 2023

violence, concluded that the crimes committed by the Nicaraguan state amounted to crimes against humanity, and that there was significant evidence that police and paramilitaries had directly shot at citizens during the protests, using lethal weapons, including weapons of war, as part of 'a well-defined plan devised by the State's highest authorities for the commission of these crimes.'

Since 2018 the government has jailed hundreds of individuals it considers to be political opponents, including members of the political opposition presidential candidates. Six Roman Catholic priests are among the political prisoners. In one of the most high-profile cases, Bishop Rolando José Álvarez Lagos was arbitrarily detained on 19 August 2022. On 10 February 2023, he was sentenced to 26 years and four months in prison, stripped of his Nicaraguan citizenship and his civil rights for life, and was transferred to La Modelo Prison in a summary trial, after he refused to go into forced exile in the United States along with other political prisoners. On 28 June 2023 the Inter-American Court of Human Rights ordered the Nicaraguan government to immediately release the bishop. On 4 July 2023, Bishop Álvarez Lagos was taken out of prison to a meeting at which he was informed of an offer, brokered by the Vatican with the Nicaraguan government, to release him on the condition that he immediately board a flight to Rome. Instead, he called on the government to grant his unconditional release along with that of five other imprisoned priests, to unfreeze the bank accounts of Roman Catholic dioceses throughout the country, and to halt its targeting of religious groups and leaders.

Forced exile

Hundreds of thousands of Nicaraguans have fled the country to seek asylum abroad since 2018. 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 the 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. They were all subsequently stripped of their Nicaraguan citizenship.

In two cases, entire religious orders were targeted. On 28 June 2022, the Missionaries of Charity Association was stripped of its legal status, an act the government justified by claiming that the association was not accredited to act as nursing home or child development centre. Subsequently, the Managua headquarters of the order were taken over by the police. Eighteen Missionaries of Charity nuns who worked in different parts of the country were escorted by the General Directorate of Migration and Foreigners (DGME) to the border with Costa Rica and expelled.

A little less than three months later, nuns affiliated with The Cross of the Sacred Heart of Jesus, attached to the Roman Catholic Diocese of Matagalpa, led by Bishop Álvarez Lagos,

were also forced to leave Nicaragua. On 20 September, the nuns arrived in Mexico, where they were received by nuns from the same religious order. The government did not make any public statement about why the nuns were expelled, but sources told CSW that they were forced to leave after police officers tried to force them to name people who had met with Bishop Álvarez Lagos and subjected them to constant questioning and harassment.

Recommendations

To the government of Nicaragua:

- Release without condition Bishop Rolando Álvarez Lagos and other imprisoned religious leaders, as well as Edgar Francisco Parrales, and all political prisoners;
- Restore Nicaraguan citizenship to all those, in and outside the country, from whom it has been arbitrarily and illegally removed;
- Reinstate 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;
- 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 United Nations Member States:

- Urge Nicaragua to uphold, in law and in practice, guarantees to the right freedom of religion or belief for all in line with its constitution and the International Covenant on Civil and Political Rights (ICCPR) to which the State is party;
- Support the Office of the High Commissioner for Human Rights (OHCHR) and the UN Group of Experts in their monitoring and reporting on the situation of human rights in Nicaragua, ensuring they are properly resourced to carry out their work;
- Maintain pressure on the government to protect human rights including the right to freedom of religion or belief in accordance with the International Covenant on Civil and Political Rights to which the State is party;
- Urge all relevant UN mechanisms, including the Special Procedures and Treaty Bodies, to include the right to freedom of religion or belief in their reporting on Nicaragua, addressing the vulnerabilities and violations faced by religion or belief communities and those seeking to defend them;
- Monitor reports of arbitrary detention and call on Nicaragua to protect all persons from arbitrary detention and guarantee the right to a fair trial.