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**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF NICARAGUA
FOR THE 47TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Nicaragua (Nicaragua) for the 47th session of the Universal Periodic Review (UPR).

Background

2. Nicaragua is a country located in Central America and has a population of approximately 6.3 million people.¹ The country is predominately Christian, with approximately 50% of the country identifying as Roman Catholic, 33.2% as Evangelical Christian, 13.2% are unspecified, 2.9% belong to other religions, and 0.7% have no religious identification.² However, despite the country being predominately Christian, Nicaragua is ranked as the 30th worst country for Christians.³ This ranking stems from the fact that President Ortega is trying to silence the church for speaking out against his government and has intimidated, harassed, monitored, arrested, and attacked Christians.⁴

3. Nicaragua's last review was held on May 15, 2019.⁵ As a result of the review, Nicaragua received 259 recommendations, 135 of which Nicaragua supported.⁶ It was recommended by the United States of America, but only noted by Nicaragua, that the government "[e]nd immediately all undue interference with rights to freedoms of expression, association and peaceful assembly, allow all independent media, religious institutions, and civil society organizations to operate without undue coercion, restrictions, legal threat or threat to personal safety."⁷

¹ *Nicaragua*, THE WORLD FACTBOOK (Sep. 26, 2023), <https://www.cia.gov/the-world-factbook/countries/nicaragua/>.

² *Id.*

³ *World Watch List 2024*, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/> (last visited Mar. 1, 2024).

⁴ *Nicaragua*, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/nicaragua/> (last visited Mar. 1, 2024).

⁵ *Universal Periodic Review – Nicaragua*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/ni-index> (last visited Mar. 1, 2024).

⁶ *Nicaragua Infographic*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/NI/Infographic_Nicaragua.pdf (last visited Mar. 1, 2024).

⁷ OHCHR, UPR of Nicaragua (3rd Cycle – 33rd Session): Thematic List of Recommendations, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/NI/Infographic_Nicaragua.pdf (last visited Mar. 1, 2024) [hereinafter *Nicaragua List of Recommendations*].

Legal Framework

4. Article 29 of Nicaragua’s Constitution enshrines the right for individuals to practice their religion:

Everyone has the right to freedom of conscience and thought and to profess or not profess a religion. No one shall be the object of coercive measures which diminish these rights or be compelled to declare his/her creed, ideology or beliefs.⁸

5. Additionally, under Article 69 of Nicaragua’s Constitution, “[a]ll persons, either individually or in a group, have the right to manifest their religious beliefs in public or private, through worship, practices and teachings.”⁹

6. Nicaragua is also a party to the International Covenant on Civil and Political Rights (ICCPR).¹⁰ Under Article 18 of the ICCPR:

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

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

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.¹¹

Religious Persecution

7. Since 2018, relations between the government and the Catholic Church have been deteriorating as President Ortega and his regime began repressing political opponents and civil society groups.¹² The Catholic Church in particular has been targeted by the government because of the important role it plays in everyday social and political life.¹³ Tensions between the government and the Catholic Church erupted when the Church provided shelter and medical

⁸ CONSTITUTION OF NICARAGUA art. 29, https://www.constituteproject.org/constitution/Nicaragua_2014.

⁹ *Id.* art. 69.

¹⁰ *Ratification Status for Nicaragua*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=125&Lang=en (last visited Mar. 1, 2024).

¹¹ International Covenant on Civil and Political Rights art. 18, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹² Ryan C. Berg, *Crackdown on Religious Freedom in Nicaragua*, CSIS (Nov. 15, 2022),

<https://www.csis.org/analysis/crackdown-religious-freedom-nicaragua>.

¹³ *Id.*

assistance to those protesting the government’s social security reform in 2018.¹⁴ In response to the protests, the government killed at least 355 people, injured 2,000 more, and jailed 1,600 individuals.¹⁵

8. As a result, the government has cracked down on the Catholic Church, which it views as a “destabilizing agent”¹⁶ and President Ortega has even referred to bishops and priests as “killers” and “coup plotters.”¹⁷ Aid to the Church in Need, an organization that works to provide humanitarian assistance around the world,¹⁸ described the persecution Christians in Nicaragua are facing: “We are witnessing a clear attempt to silence the Church in Nicaragua. . . . In a situation of strong political and social degradation, the Church’s role as peace broker and promoter of reconciliation has resulted in repression, false accusations, arrests and unjustified prison sentences.”¹⁹

9. The government crackdown has resulted in more than 500 attacks being carried out against the Church over the last five years, with ninety attacks being carried out in the first four months of 2023.²⁰ Among other concerns, these attacks have included unjustly imprisoning and expelling religious clergy and confiscating church property.²¹ In some cases, police have surrounded churches in order to prevent priests from holding religious services and have even blockaded the houses of religious leaders.²² The government also has a practice of surveilling churches, particularly during the run-up to elections.²³

10. In December 2023, authorities arrested a Catholic priest, Father Silvio Fonseca, for publicly criticizing the government’s persecution of the Catholic Church.²⁴

11. In August 2023, the government revoked the legal status of Jesuits, a Catholic religious order, and ordered that all their property be confiscated.²⁵ The declaration came one week after the government shut down the Jesuit-run University of Central America in Nicaragua and confiscated its property.²⁶ In response, the Society of Jesus of Central America issued a

¹⁴ *Nicaragua*, OPEN DOORS UK, <https://www.opendoorsuk.org/persecution/world-watch-list/nicaragua/> (last visited Mar. 1, 2024).

¹⁵ Gabriela Selser and María Teresa Hernández, *EXPLAINER: Tensions Between Nicaragua and the Catholic Church*, AP (Aug. 14, 2022), <https://apnews.com/article/religion-caribbean-nicaragua-daniel-ortega-a445a59fd605f8089c5e661cb66c2773>.

¹⁶ Berg, *supra* note 12.

¹⁷ *Nicaragua Leader Calls Catholic Church a “Dictatorship”*, AL JAZEERA (Sept. 29, 2022), <https://www.aljazeera.com/news/2022/9/29/after-pope-outreach-nicaraguas-ortega-calls-church-a-dictators>.

¹⁸ *About Us*, AID TO THE CHURCH IN NEED.

¹⁹ *Nicaragua Arrests Priest for Treason, Freezes Church Accounts*, LA CROIX INTERNATIONAL (May 31, 2023), <https://international.la-croix.com/news/world/nicaragua-arrests-priest-for-treason-freezes-church-accounts/17896>.

²⁰ Walter Sanchez Silva, *In 5 Years the Church in Nicaragua has Suffered More Than 500 Attacks, 90 in 2023 Alone*, CATHOLIC NEWS AGENCY (May 4, 2023), <https://www.catholicnewsagency.com/news/254242/in-5-years-the-church-in-nicaragua-has-suffered-more-than-500-attacks-90-in-2023-alone>.

²¹ *Id.*

²² OPEN DOORS, NICARAGUA: FULL COUNTRY DOSSIER 14 (Dec. 2022), <https://www.opendoors.org/persecution/reports/Full-Country-Dossier-Nicaragua-2023.pdf> [hereinafter NICARAGUA DOSSIER 2022].

²³ *Id.*

²⁴ Dr. Ewelina U. Ochab, *Nicaraguan Government Expels Arbitrarily Detained Priests*, FORBES (Jan. 6, 2024), <https://www.forbes.com/sites/ewelinaochab/2024/01/06/nicaraguan-government-expels-arbitrarily-detained-priests/?sh=4a9abf737ef0>.

²⁵ *Nicaragua Declares Jesuit Religious Order Illegal, Will Confiscate its Property*, NBC NEWS (Aug. 24, 2023), <https://www.nbcnews.com/news/latino/nicaragua-declares-jesuit-order-illegal-will-confiscate-property-rcna101576>.

²⁶ *Id.*

statement saying that “[t]his is a government policy that systematically violates human rights and appears to be aimed at consolidating a totalitarian state.”²⁷

12. In July 2023, Fernando Zamara, a Catholic priest was arrested following mass.²⁸ His arrest came amid the government’s crackdown on Christianity in the country.²⁹ It remains unclear what he was charged with.³⁰

13. On May 23, 2023, Father Jaime Iván Montesinos Saucedo was arrested for “committing acts to undermine the nation’s independence and integrity.”³¹ He was arrested when police pulled him over and alleged that he was acting suspiciously drunk.³² However, the Church leaders in Nicaragua notes that it is a common tactic by authorities to utilize these types of false allegations to arrest clergy.³³ Later, an official statement said that he was accused of treason and “committing acts to undermine the nation’s independence and integrity.”³⁴ This was the third priest to be arrested by authorities that week.³⁵

14. In May 2023, the government blocked access to the bank accounts of various dioceses belonging to the Catholic Church alleging “illegal activity in the management of funds and resources in bank accounts that had belonged to people convicted of treason.”³⁶

15. In April 2023, the government banned public processions that are part of Holy Week celebrations.³⁷ In one case, police chased down individuals who were taking part in a Holy Week procession in the small town of Nindirí.³⁸ In a separate case, a Panamanian priest was arrested and deported for organizing a Holy Week procession.³⁹

16. In 2022, the government expelled Archbishop Waldemar Stanislaw Sommertag, who served as the papal Nuncio, and shut down a Catholic aid organization.⁴⁰ In addition, authorities exiled or imprisoned twenty-one priests whom the government has declared as “traitors to the homeland.”⁴¹

²⁷ *Id.*

²⁸ *Police in Nicaragua Arrest, Jail Another Catholic Priest*, REUTERS (July 10, 2023), <https://www.reuters.com/world/americas/police-nicaragua-arrest-jail-another-catholic-priest-2023-07-10/>.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Nicaragua Arrests Priest for Treason, Freezes Church Accounts*, *supra* note 19.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Nicaraguan Police Arrest Another Priest on Charges of Treason*, VATICAN NEWS (MAY 27, 2023), <https://www.vaticannews.va/en/church/news/2023-05/nicaragua-police-arrests-another-priest-on-charges-of-treason.html>.

³⁶ OPEN DOORS, NICARAGUA: FULL COUNTRY DOSSIER 7 (2024), https://www.opendoors.org/persecution/reports/Nicaragua-Full_Country_Dossier-ODI-2024.pdf [hereinafter NICARAGUA DOSSIER 2024].

³⁷ Ismael Lopez, *Ahead of Easter, Nicaraguan Catholics Press on Despite Procession Ban*, REUTERS (Apr. 3, 2023), <https://www.reuters.com/world/americas/ahead-easter-nicaraguan-catholics-press-despite-procession-ban-2023-04-04/>.

³⁸ *Nicaraguan Police Chase Down Holy Week Procession*, EL PAIS (Apr. 5, 2023), <https://english.elpais.com/international/2023-04-05/nicaraguan-police-chase-down-holy-week-procession.html>.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

17. In September 2022, the government banned Catholic processions in Managua and Boaco celebrating the 453rd anniversary of the Bible being translated into Spanish.⁴²

18. That same month the General Director of Canal y Radio Católica de Sébaco, Father Uriel Vallejos, was forced to flee the country.⁴³ This came after he was “accused of conspiracy to undermine national sovereignty and security and spreading fake news to the detriment of the State.”⁴⁴ He was targeted for working to document government’s human rights violations.⁴⁵ These violations involved imprisoning, killing, or exiling individuals.⁴⁶

19. On August 19, 2022, police forcibly entered the Episcopal Curia of Matagalpa and detained Bishop Álvarez and seven other church leaders.⁴⁷ Authorities also closed eight Catholic radio stations that were controlled by the Diocese of Matagalpa, which was overseen by Bishop Álvarez.⁴⁸ Bishop Álvarez was sentenced to twenty-six years in prison.⁴⁹ Bishop Alvarez was also involved in documenting human rights violations alongside Father Uriel Vallejos.⁵⁰

20. On June 28, 2022, the government revoked the legal status of Missionaries of Charity, a Catholic charitable organization.⁵¹ Since 1988, this organization has run a home for abused and abandoned girls as well as operated a nursing home.⁵² After its legal status was revoked, eighteen nuns who were running the organization were taken by police to the border and forced to cross into neighboring Costa Rica on foot.⁵³

21. In early 2022, the Nicaragua National Assembly revoked the legal status of a Catholic university along with a few Catholic educational and charitable organizations.⁵⁴

22. In 2019, Bishop Silvio José Báez received numerous death threats, and, as a result, was forced to leave the Diocese of Managua.⁵⁵

23. Clearly, Nicaragua is failing to uphold its obligations under both its Constitution and fundamental human rights documents such as the ICCPR and the UDHR. Nicaragua’s Constitution states that “[n]o one shall be the object of coercive measures which diminish these

⁴² NICARAGUA DOSSIER 2022, *supra* note 22 at 15.

⁴³ *Id.*

⁴⁴ *Exiled Priest Says Bishop on Trial in Nicaragua Created Secret Human Rights Office*, CATHOLIC NEWS AGENCY (Jan. 30, 2023), <https://www.catholicnewsagency.com/news/253486/exiled-priest-says-bishop-on-trial-in-nicaragua-created-secret-human-rights-office>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Nicaraguan Police Arrest Another Priest on Charges of Treason*, *supra* note 35.

⁵⁰ *Exiled Priest Says Bishop on Trial in Nicaragua Created Secret Human Rights Office*, *supra* note 44.

⁵¹ Vanessa Buschschlüter, *Nicaragua Expels Mother Teresa’s Nuns in Latest Crackdown*, BBC (July 7, 2022), <https://www.bbc.com/news/world-latin-america-62076784>.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ David Agren, *Nicaragua Revokes Legal Status of Catholic Charities, Educational Projects*, NATIONAL CATHOLIC REPORTER (Feb. 4, 2022), <https://www.ncronline.org/news/people/nicaragua-revokes-legal-status-catholic-charities-educational-projects>.

⁵⁵ David Agren, *Nicaragua Bishop to Leave for Rome as Threats Against Him Increase*, NATIONAL CATHOLIC REPORTER (Apr. 10, 2019), <https://www.ncronline.org/news/nicaraguan-bishop-leave-rome-threats-against-him-increase>.

rights or be compelled to declare his/her creed, ideology or beliefs.”⁵⁶ Similarly, Article 18 of the ICCPR states that “[n]o one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”⁵⁷

24. As demonstrated above, the government’s actions are coercive and designed to intimidate the Church because President Ortega views the Church as a threat to his power. The government’s continued action of arresting and expelling religious clergy, confiscating Church property, and declaring religious groups illegal, has the sole purpose of intimidating the Church and preventing Church leaders from speaking out against injustices. The government’s policy of monitoring churches, prohibiting religious celebrations, and arresting religious clergy all because they speak out against the government’s human rights violations, which are directly tied to the moral values and faith of the Church and its leaders is in violation of the fundamental human rights of religion, speech, and peaceful assembly. The government’s targeting of the Catholic Church is purposeful in order to undermine and weaken its influence in society, as well as stifle its religious message, which stands in opposition to the government. As a result, priests limit their activities and modify their sermons out of fear that they may be accused of civil disobedience.⁵⁸ It is not hard to imagine how government actions intimidate Christians and may prevent them from attending church and practicing their faith out of fear that they may be monitored and targeted by the police.

25. We are concerned that the government of Nicaragua has no intention of reversing its actions and will only continue to target and intimidate the Church and Church leaders. This can be seen by the very fact that during its last UPR, Nicaragua failed to support a recommendation that called for the government to immediately end “all undue interference with rights to freedoms of expression, association and peaceful assembly” and allow for religious institutions “to operate without undue coercion, restrictions, legal threat or threat to personal safety.”⁵⁹

Recommendations

26. Nicaragua must uphold its obligations under both its own Constitution and the ICCPR to ensure that everyone has the right to practice his religion without fear of harassment and persecution. The government must immediately stop targeting Christians and Christian organizations just because the government does not like that the message of the Church informed by its faith is a message that is in opposition to the government. Additionally, we ask that the government release all Christians from prison who have been arbitrarily detained.

⁵⁶ CONSTITUTION OF NICARAGUA, *supra* note 8 art. 29.

⁵⁷ ICCPR art. 18, *supra* note 11.

⁵⁸ Maria Lozano, *Nicaragua’s “Way of the Cross”*, AID TO THE CHURCH IN NEED (March 8, 2023), <https://www.churchinneed.org/nicaraguas-way-of-the-cross/>.

⁵⁹ Nicaragua List of Recommendations, *supra* note 7.