

NICARAGUA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Nicaragua has a highly centralized, authoritarian political system dominated by President Daniel Ortega Saavedra and his wife, Vice President Rosario Murillo Zambrana. Ortega's Sandinista National Liberation Front party exercises total control over the country's executive, legislative, judicial, and electoral functions. President Ortega awarded himself a fourth consecutive term in November elections after arbitrarily jailing nearly 40 opposition figures, barring all credible opposition political parties from participating, blocking legitimate international observation efforts, and committing widespread electoral fraud. Independent observer groups and international organizations characterized the electoral process as seriously flawed, lacking credibility, and defined by historically low voter turnout. The 2021 elections expanded the ruling party's supermajority in the National Assembly, which previously allowed for changes in the constitution that extended the reach of executive branch power and eliminated restrictions on re-election of executive branch officials and mayors. Observers noted serious flaws in municipal, regional, and national elections since 2008. Civil society groups, international electoral experts, business leaders, and religious leaders identified persistent flaws in the 2019 Caribbean regional and 2017 municipal elections and noted the need for comprehensive electoral reform.

The Nicaraguan National Police is responsible for internal security. The army is responsible for external security but also has some domestic security responsibilities. Both report directly to the president, pursuant to changes in the police and army code in 2014. Parapolice, which are nonuniformed, armed, and masked units with tactical training and organization, act in coordination with government security forces, under the direct control of the government, and report directly to the national police. Civilian authorities maintained effective control over police and parapolice security forces. There were credible reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; forced disappearances; torture and cruel,

inhuman, or degrading treatment or punishment by prison guards and parapolice; harsh and life-threatening prison conditions; arbitrary arrest and detentions; political prisoners; politically motivated reprisal against individuals located in another country; serious problems with the independence of the judiciary; arbitrary and unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; serious restrictions on free expression and media, including threats of violence, unjustified arrests, censorship, criminal libel suits against journalists; substantial interference with the rights of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, and operation of nongovernmental organizations and civil society organizations; severe restrictions on religious freedom; restrictions on freedom of movement within the country and the right to leave the country; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious corruption; serious government restrictions on and harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence; trafficking in persons; crimes involving violence or threats of violence targeting ethnic minorities and indigenous communities; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer and intersex persons; and the worst forms of child labor.

The government did not take steps to identify, investigate, prosecute, or punish officials who committed human rights abuses, including those responsible for at least 355 killings and hundreds of disappearances during the prodemocracy uprising of April 2018. The government did not address instances of widespread corruption. President Ortega actively strengthened impunity for human rights abusers who were loyal to him.

Police, parapolice, and individuals linked to the Ortega regime carried out a campaign of harassment, intimidation, and violence toward perceived enemies of the regime, such as former political prisoners and their families, farmworker activists, prodemocracy opposition groups, human rights defenders, private-sector leaders, and Catholic clergy.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that the government or its agents committed arbitrary or unlawful killings. Human rights organizations and independent media alleged some killings were politically motivated, an allegation difficult to confirm because the government refused to conduct official inquiries.

Reports of killings were common in the north-central regions and the North Caribbean Autonomous Region (RACN). Human rights groups said these killings illustrated a continuation of a campaign of terror in the north-central and RACN regions, perpetrated by parapolice groups to stamp out political opposition to the ruling Sandinista National Liberation Front (FSLN) party. On March 29, unknown assailants shot Ernesto Jarquin five times in the chest in the north-central town of Mulukuku. Imprisoned in 2018 for participating in prodemocracy protests in Mulukuku, Jarquin was released with other political prisoners under a 2019 amnesty law. The Nicaraguan National Police (NNP) and official media reported Jarquin's killing by focusing on the government's previous allegations of Jarquin's involvement in homicide, illegal weapons possession, collusion to commit crimes, and kidnapping in association with his participation in 2018 prodemocracy protests. As of October no arrests had been made in the case.

On August 23, land invaders linked to the ruling FSLN party killed at least 13 indigenous persons. The attack happened near Musawas, in the Sauni As territory, in a protected area of the Bosawas biosphere reserve. The attack included rape and dismemberment. On September 8, police stated the attack stemmed from a quarrel over an artisanal gold mining site and that police had identified 14 assailants and captured three. Witnesses and indigenous rights defenders disputed the findings and said police had arrested individuals other than those identified as perpetrators by the community and had failed to address the root causes that lead to such attacks.

There was no indication the government investigated crimes committed by police and parapolice groups related to the 2018 prodemocracy uprising. In April 2018

President Ortega and Vice President Murillo ordered police and parapolice forces to suppress violence peaceful protests that began over discontent with a government decision to reduce social security benefits. By late November 2018, the ensuing conflict had left at least 355 persons dead; more than 2,000 injured; thousands forced into hiding; hundreds illegally detained and tortured; and as of September, more than 130,000 in exile in neighboring countries. Beginning in August 2018, the Ortega government instituted a policy of “exile, jail, or death” for anyone perceived as opposition, amended terrorism laws to include prodemocracy activities, and used the justice system to prosecute civil society actors as terrorists, assassins, and coup mongers. Police and the Public Prosecutor’s Office detained, brought to trial, and imprisoned many members of the prodemocracy opposition. Human rights organizations documented that the investigations and prosecutions did not conform to the rule of law. The government continued to make no effort to investigate several 2017 incidents of extrajudicial killings and torture in both the North and South Caribbean Autonomous Regions. The army continued to deny its involvement in cases perceived by human rights organizations as politically motivated extrajudicial killings.

b. Disappearance

Starting on May 28, police detained at least 40 members of the opposition and civil society leaders using a February change in the criminal procedural code that allows for a detention period of up to 90 days during the public prosecutor’s initial investigation, before presenting charges. While technically under custody of police or prison authorities, the 40 detained leaders did not have access to legal counsel or family visitations. Authorities did not reveal the location of these detainees, and judicial authorities rejected habeas corpus writs in their favor. National and international human rights organizations deemed the detention of these political prisoners effectively a form of forced disappearance. After authorities held them incommunicado for months, at least 25 of these political prisoners were formally charged in August, at which time they were allowed limited access to legal counsel and three 30-minute family visits.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or

Punishment

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

On July 6, authorities detained prodemocracy student leader Lesther Aleman Alfaro without a warrant. The Public Prosecutor's Office later announced it had accused Aleman of treason under the Law for the Defense of the Rights of the People to Independent Sovereignty and Self-Determination for Peace, or Law 1055, passed in December 2020. Prison authorities held Aleman incommunicado in solitary confinement at the El Chipote detention center, with no access to legal counsel or family visits, no access to sunlight, and with lights on 24 hours a day in his cell. He endured multiple interrogations a day. After 58 days in detention, he was briefly allowed to see a family member and a lawyer. Following Aleman's arraignment, his lawyer said he appeared severely underweight and under deep psychological duress. Human rights groups characterized Aleman's treatment by prison authorities as psychological torture. Other political prisoners suffered similar conditions while in detention, including several who had protective measures in place from the Inter-American Commission of Human Rights.

Human rights organizations reported female prisoners were regularly subjected to strip searches, degrading treatment, and rape threats while in custody of parapolice forces, prison officials, and police. Prison officials forced female prisoners to squat naked and beat them on their genitals to dislodge any supposedly hidden items.

Impunity persisted among police and parapolice forces in reported cases of torture, mistreatment, or other abuses. The NNP's Office of Internal Affairs is charged with investigating police suspected of committing a crime. The Office of the Military Prosecutor investigates crimes committed by the army, under the jurisdiction of the Office of the Military Auditor General. With complete control

over the police, prison system, and judiciary branch, however, the FSLN governing apparatus made no effort to investigate allegations that regime opponents were tortured or otherwise abused.

Prison and Detention Center Conditions

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

Physical Conditions: Prison conditions continued to deteriorate due to antiquated infrastructure and increasing inmate populations. Despite new temporary holding cells in the Directorate of Judicial Assistance, the rest of the prison system was in poor condition. The government reported overcrowding in five of the seven prisons for men, holding 15,333 prisoners with capacity for 12,600, or 22 percent over capacity in 2020. The government did not provide updated figures for the year. More than 1,000 of these inmates were held in the prison known as La Modelo. Human rights organizations continued to be concerned about prison overcrowding. Due to overcrowding, pretrial detainees often shared cells with convicted prisoners, and juveniles shared cells with adults.

Many prisoners suffered mistreatment from prison officials and other inmates. Human rights organizations confirmed that at least 16 men detained in the context of the 2018 protests were subjected to solitary confinement in maximum-security cells of La Modelo Prison, in some cases for months at a time. Political prisoners held since the government's crackdown that began in May were detained in Directorate of Judicial Assistance temporary holding cells, known as El Chipote. Relatives of the prisoners reported that at least four women were held in solitary confinement in El Chipote since June.

Inmates also suffered from parasites, inadequate medical attention, frequent food shortages and food contamination, contaminated water, and inadequate sanitation. The COVID-19 pandemic compounded these conditions. The government failed to take adequate measures to protect inmates from illness. Prison authorities prohibited the delivery of health and hygiene kits provided by family members for inmates to protect themselves from COVID-19, particularly in the case of political

prisoners. Human rights groups reported that prison authorities randomly fumigated prisons with inmates still inside their cells. Although sanitary conditions for female inmates were generally better than those for men, they were nevertheless unsafe and unhygienic. According to the most recently available government report, the Human Rights Ombudsman's Office received five complaints related to prison conditions between January 2019 and September 2020, of which it resolved four and dismissed one as unsubstantiated. The Human Rights Office did not make updated numbers publicly available for the year.

Conditions in jails and temporary holding cells were also harsh. Most facilities were physically decrepit and infested with vermin; had inadequate ventilation, electricity, or sewage systems; and lacked potable water.

The government continued to release common criminals outside of lawfully prescribed procedures, telling them their release was "thanks to the president." Between January and October, the government released up to 2,700 prisoners. Independent media and human rights organizations reported that following their release, some of these individuals were responsible for at least two femicides and one killing.

Administration: Although prisoners and detainees could submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions, authorities often ignored or did not process complaints. The extent to which the government investigated allegations of poor prison conditions was unknown. The government ombudsman could serve on behalf of prisoners and detainees to consider such matters as informal alternatives to incarceration for nonviolent offenders, although this generally did not occur.

The government restricted political prisoners' access to visitors, attorneys, and physicians. Staff members of human rights organizations, family members, and other interested parties were not allowed access to the prison system or to prisoners in custody.

Independent Monitoring: The government permitted the International Committee of the Red Cross (ICRC) access to some prisoners but denied prison visits by local human rights groups and media outlets. The government reportedly

denied the ICRC access to 40 political prisoners detained since May 28, despite ICRC requests to see those detainees. Nongovernmental organizations (NGOs) generally received complaints through family members of inmates and often were unable to follow up on cases until after the release of the prisoner due to lack of access. The government denied all requests from local human rights organizations for access to prison facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Human rights NGOs, however, noted hundreds of cases of arbitrary arrests by police and parapolice forces, although parapolice have no authority to make arrests. Human rights organizations reported police and parapolice agents routinely detained and released government opponents within a 48-hour window, beyond which the Public Prosecutor's Office would have to request to extend detention for up to 90 days to continue its investigation. Detentions of political opponents mostly occurred without a warrant or formal accusation and for causes outside the legal framework.

Arrest Procedures and Treatment of Detainees

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

Police may hold a suspect legally for 48 hours before arraignment or release; however, a February amendment to the criminal procedural code allows for the Public Prosecutor's Office to request an extension for 15 to 90 days if a judge deems the case complex. A judge then must order the suspect released or transferred to jail for pretrial detention. The suspect is permitted family member visits after the initial 48 hours. A detainee has the right to bail unless a judge deems there is a flight risk. The criminal code lists a number of crimes that may be tried by a judge without a jury and that would not qualify for bail or house arrest during the duration of the trial. Detainees have the right to an attorney

immediately following their arrest, and the state provides indigent detainees with a public defender. In several instances authorities denied having detainees under custody in a specific jail, even to their family members or legal counsel. Police routinely rejected complaints filed by prodemocracy opposition activists.

The government used money laundering laws, a foreign agents law, and a law for the defense of sovereignty against political opponents. Human rights organizations and civil society activists asserted that these laws constituted part of a larger scheme by the ruling FSLN party to exert its own concept of sovereign security, laid out in the 2015 Sovereign Security Law, which significantly broadened the definition of state sovereignty and security, as a pretext to arrest protesters and citizens it deemed in opposition to its goals.

Arbitrary Arrest: According to NGOs and other human rights groups, arbitrary arrests occurred regularly, particularly of those the government deemed active opposition members or participants in previous prodemocracy protests. The government detained several members of the opposition for extended periods using Law 1055 (Law for the Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace). The statute does not specify sentencing guidelines, and the individuals were eventually charged under other statutes.

For example, the 40 political prisoners detained between May and November were not allowed to choose their own legal counsel and were arbitrarily assigned a public defender for their initial pretrial hearings. After holding the political prisoners incommunicado for months, the government permitted most to choose their own legal counsel and allowed family visits on three occasions. The law allows for family visits ranging from every eight days to every 21 days. Family visits were restricted to once a month only to highly dangerous prisoners. Prison authorities held the political prisoners incommunicado for 50 to 80 days before allowing them to see an attorney of their choice and receive limited family visits. Their hearings were not public, and most lawyers did not receive a copy of the court records prior to the trial. In an effort to impede access to legal counsel, hearings for political prisoners were held inside the jail instead of a court of law, outside of normal working hours. Judicial officials did not record the hearings or give the defendant's legal counsel a transcript of the hearings. Other prisoners also

reported a lack of immediate access to an attorney or legal counsel and were not afforded one during their detention.

In many cases police and parapolice detained persons who had participated in prodemocracy protests in 2018 and 2019 but who were not currently participating in any activity deemed illegal or in opposition to the ruling party. Police often arrested these individuals without a warrant and occasionally entered private homes or businesses without a court order. In several cases police raided and ransacked the houses of those detained, also without court warrants. Many arrests were allegedly made without informing family members or legal counsel. Reports were common of armed, hooded men in plain clothes acting alone or together with police to arrest and detain prodemocracy protesters. In several cases groups of hooded men looted the homes of political opponents immediately after police left the scene. Human rights organizations indicated that delays in the release of prisoners after finishing prison terms led to many cases of arbitrary continuation of a state of arrest. Police also committed irregular arrests and detentions under the guise of investigations into armed opposition groups or other violent crimes in the north-central regions of the country.

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

Detainee’s Ability to Challenge Lawfulness of Detention before a Court:

While the law provides detainees the ability to challenge the legality of their detention before a court, the government generally did not allow those arrested during protests to challenge in court the lawfulness of their arrests or detentions. In cases of political opponents, judges regularly denied or ignored constitutional protections for detainees, including habeas corpus.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the government did not respect judicial independence and impartiality. The law requires vetting of new judicial appointments by the Supreme Court of Justice, a process dominated by the government. Once appointed, most judges submitted to political pressure and economic inducements for themselves or family members that compromised their independence. The 40 political prisoners arrested between May 28 and November 10 were subjected to closed pretrial hearings without access to their own lawyers or notification of family members. The court arbitrarily assigned public defenders for these detainees. Although the Public Prosecutor's Office announced these hearings afterwards, details were scarce. These detainees were held incommunicado for up to 80 days without access to independent private legal counsel or to family members. The justice system did not confirm the location of these detainees. The cases of these detainees did not appear in an online system for public access to legal cases. Five FSLN-aligned judges – Henry Morales, Nalia Ubeda, Abelardo Alvir, Karen Chavarria, and Gloria Saavedra – oversaw the pretrial hearings against these detainees. These judges routinely denied writs in favor of the defendants and in some cases denied defendants and their lawyers access to the accusations and other court documents before the hearings. After holding them incommunicado for months, the government permitted most political prisoners to choose their own legal counsel starting in August.

NGOs complained of delayed justice caused by judicial inaction and widespread impunity, especially regarding family and domestic violence and sexual abuse. In cases against political activists, judges at the bidding of the government handed down biased judgments, including adding charges for crimes not presented by the prosecutor's office. Lawyers for political prisoners reported that judges routinely dismissed defendants' evidence and accepted prosecutors' anonymous sources as valid. In many cases trial start times were changed with no information provided to one or both sides of the trial, according to human rights organizations. Authorities occasionally failed to respect court orders.

Trial Procedures

The law provides the right to a fair and public trial. Changes to the law enacted in

2017, however, allow judges to deny jury trials in a wider range of cases, deny bail or house arrest based on unclear rules, and arbitrarily move a case from other judicial districts to Managua, to the disadvantage of defendants, their families, or their counsel. Defendants have the right to be fully and promptly informed of the charges against them and the right to a fair trial, although this was not respected. While the law establishes specific time periods for cases to come to trial, most cases encountered long delays. Trials are public, except in some cases involving minors or at the victim's request. The law requires defendants must be present at their trial, although this was not always respected.

The hearings for many political prisoners detained between May and September did not conform to legal procedures. The defendants were detained without warrants and were not afforded legal counsel of their choice or access to their family members within 48 hours after their detention or during at least two initial hearings. Their location was not publicly disclosed, judges dismissed or ignored habeas corpus writs in their favor, hearings and trials were closed to the public and held within the detention center, and, when they finally had access to their legal counsel of choice, judicial and prison officials denied lawyers access to their clients and refused to provide lawyers with the court documents before trial, including the charges against their clients.

According to the constitution, defendants are presumed innocent until proven guilty. Observers claimed, however, that the extension of time from 48 hours to up to 90 days that a detainee can be held during a pretrial investigation posed an undue presumption of guilt on defendants. In the case of the political prisoners detained between May and November, Chief of Police Francisco Diaz told official media that police had "enough proof to ensure that these terrorists, these vandals, these coup-mongers face the consequences." Diaz gave the interview when the defendants were still awaiting trial and before any charges were confirmed. The Public Prosecutor's Office presented police officers as witnesses in hearings on these charges. In her daily press briefings, Vice President Murillo frequently referred to political prisoners as "terrorists" and "coup-mongers," although the prisoners were still awaiting trial.

Migration authorities confiscated the passports of at least 30 Nicaraguans at either the international airport or at land border crossings, although the individuals had no

formal charges pending against them. Officials provided no explanation other than saying authorities higher up the chain of command had ordered migratory restrictions against the individuals. Some human rights defenders saw this as a de facto presumption of guilt without a formal accusation. The government also prevented a civil society leader from returning to the country, without reason or formal charge against the individual. Under the law defendants have the right to legal counsel, and the state provides public defenders for indigent persons. Defendants have the right to adequate time and facilities to prepare a defense, but judges commonly failed to grant counsel's access to the defendant. In several instances related to prodemocracy protests, defendants were not allowed to name their legal counsel, and the court appointed a public defender, which family members and human rights organizations claimed was detrimental to the defendant's case. In many cases involving the government's political opponents, private defense lawyers were barred from meeting with defendants and trial times were set outside of working hours in an effort to force the accused to accept a public defender appointed by a biased judiciary. Additionally, several pretrial hearings took place in detention centers rather than a courtroom, without notifying defendants' legal counsel. In at least one instance, lawyers who entered the detention center to participate in the trial were threatened by a guard, who wondered aloud whether the lawyers would be allowed to leave the prison after the hearing. At least seven lawyers defending political prisoners were forced to flee the country due to harassment and death threats against them. Although the constitution recognizes indigenous languages, indigenous defendants were not always granted court interpreters or translators. Under the law defendants may confront and question witnesses and have the right to appeal a conviction. Defendants may present their own witnesses and evidence in their defense; however, some judges refused to admit evidence on behalf of the defense. Defendants may not be compelled to testify or confess guilt. Nevertheless, many defendants continued to be interrogated by police and prison guards while their trials were in process.

Women's rights organizations believed the court system continued to operate under unofficial orders not to impose jail time or pretrial detention in domestic violence cases. The policy reportedly applied only to domestic violence cases that authorities considered mild.

Political Prisoners and Detainees

Human rights NGOs characterized as political prisoners those detained in the context of prodemocracy protests and those detained as part of the government's crackdown on the political opposition starting in May. The government does not recognize political prisoners as an inmate category and considers all prisoners to be common criminals. According to human rights organizations, the government continued to hold more than 150 political prisoners as of September, with at least 20 of them in solitary confinement.

Political prisoners did not receive appropriate health care, including while suffering COVID-19 symptoms. Several political prisoners were severely undernourished, with no access to sunlight or appropriate health-care services. Some political prisoners were denied access to medicine and medical treatment for chronic illnesses.

Political prisoners were kept together with common criminals. Advocacy groups reported that prison authorities instigated quarrels between the general prison population and political prisoners by blaming political prisoners for any withheld privileges, often resulting in violence. Human rights organizations received several reports of political prisoners being beaten, threatened, held in solitary confinement for weeks, and suffering from poor ventilation and poisoned or contaminated food and water.

The government did not permit access to political prisoners by local human rights groups.

Politically Motivated Reprisal against Individuals Located Outside the Country

Groups of exiles in Costa Rica alleged political persecution by parapolice and FSLN sympathizers who crossed the border to target exiles. Family members of opposition exiles were surveilled and harassed in an attempt to force exiles to return to the country and face arrest. In at least one instance, migration authorities withheld documentation for a minor to exit the country in an effort to force the exiled father to return to Nicaragua and face arrest. The Public Prosecutor's Office accused three exiled Nicaraguans of conspiring to undermine national integrity.

In October 2020 the National Assembly approved the politically motivated Cybercrimes Law, which establishes the government may use the international extradition system to pursue Nicaraguans abroad who commit so-called cybercrimes.

Civil Judicial Procedures and Remedies

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

The lack of an effective civil law system resulted in some civil matters being pursued as criminal cases, which were often resolved more quickly. In several instances, individuals and groups appealed to the Inter-American Commission on Human Rights (IACHR), which passed their cases to the Inter-American Court of Human Rights. The government regularly dismissed or ignored orders from the Inter-American Court of Human Rights, including orders to protect or release certain political prisoners.

Property Seizure and Restitution

The government regularly failed to take effective action with respect to seizure, restitution, or compensation of private property. These failures were exacerbated by the social upheaval in 2018, in which groups of persons, including members of the FSLN, illegally took over privately owned lands, with implicit and explicit support by municipal and national officials. Some land seizures were politically targeted and directed against specific individuals, such as business owners traditionally considered independent or against the ruling party. In August the government seized the house of independent journalist Patricia Orozco while she was in exile, and police evicted her parents from the house. On September 7, the government revoked a 2008 donation of property to the National Public Accountant's College. The revocation happened several days after the Public Prosecutor's Office summoned the coordinator of the college for questioning regarding the government's politically motivated money laundering case against a foundation run by a presidential precandidate.

The Office of the Attorney General routinely either rejected requests to evict

illegal occupants of real property or failed to respond to the requests altogether. National and local police also routinely refused to evict illegal occupants of real property. Police often took no action against violence perpetrated by illegal occupants, while acting swiftly against any use of force by legitimate property owners. The judicial system delayed final decisions on cases against illegal occupants. Members of the judiciary, including those at senior levels, were widely believed to be corrupt or subject to political pressure. When judges issued orders in favor of landowners, enforcement of court orders was frequently subject to nonjudicial considerations. In the face of government inaction, some landowners were forced to pay squatters to leave their real property. As of September nine NGOs still did not have a legal resolution or any type of compensation after the National Assembly annulled their legal status and the government seized their properties in 2018.

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

The law prohibits arbitrary or unlawful interference with privacy, family, home, and correspondence. The government, however, failed to respect these prohibitions. In several trials against political opposition members, the Public Prosecutor's Office presented messages, emails, and documents exchanged through private phones and computers, obtained by police through raids without judicial warrants. FSLN grassroots organizations such as the Citizen Power Councils colluded with parapolice or party loyalists to target the homes of prodemocracy protesters. Without a warrant and under no legal authority, these groups illegally raided homes and detained occupants. Police routinely stationed police vehicles and officers outside the homes of opposition members, harassing visitors and often prohibiting opposition members from leaving their houses. These actions were widespread in large cities, particularly Managua, Matagalpa, Esteli, Masaya, Rivas, Leon, and Jinotega.

The Ministry of Health continued to hold several buildings seized by the Interior Ministry in 2018 from independent television station 100% Noticias and news magazine *Confidencial* and nine NGOs when it annulled the legal status of the media groups and NGOs. The ministry ordered the seized assets transferred to

government ownership to create a Comprehensive Attention and Reparation Fund for the Victims of Terrorism. The government carried out this de facto confiscation without following due process or providing appropriate compensation to the lawful owners. Police again raided the offices and television studio of *Confidencial* on May 20, acting without a judicial warrant and seizing television equipment, computers, and documents from the news outlet.

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

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

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

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for members of the press and other media, but the government did not respect this right. Restrictions on press freedom, the absence of an independent judiciary, and a nondemocratic political system combined to inhibit freedom of expression, including for members of media. Although the law provides that the right to information may not be subjected to censorship, the government and actors under its control retaliated against the press and radio and television stations by blocking transmissions, impeding the import of ink and paper, and committing violence against journalists. The government sought to control information on the COVID pandemic by restricting news coverage and blocking independent media access to public health briefings, as well as using government-aligned media to publish misinformation.

Freedom of Expression: The government used reprisals and Law 1055 to restrict the ability of individuals to criticize the government. Persons who criticized the government, the ruling party, or its policies were subjected to police and parapolice surveillance, harassment, imprisonment, and abuse. Beginning in May, the government used the law as a pretext to arrest and imprison presidential candidates, independent journalists, civil society members, opposition leaders, NGO workers, student leaders, human rights defenders, farmworker advocates, and private-sector leaders who criticized the government. Progovernment supporters considered the use of the national flag and the national colors of white and blue as acts of defiance and attacked opposition activists flying the flag or national colors.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Independent media were active and expressed a wide variety of views, albeit mainly through online venues due to the government's restrictions and intimidation. In June and July, the government arrested five independent journalists, including three presidential precandidates, and the general manager of the country's largest print daily newspaper on charges of "undermining national integrity." As of October the general manager and three of the journalists were

awaiting trials while in prison, and two journalists remained under house arrest. The Public Prosecutor's Office summoned at least 32 journalists as part of an investigation into alleged money laundering against the Violeta Barrios de Chamorro Foundation, an NGO that supported independent media by offering journalism training programs. In some cases the journalists had received seed funding to pursue new digital startups or other forms of independent journalism. At least 30 journalists fled into exile due to threats or summons from the Public Prosecutor's Office, which in the case of other independent journalists and political opponents resulted in imprisonment.

Independent media outlets experienced vandalism, seizure of broadcast equipment, cyberattacks, and criminal defamation charges. On August 13, after a public complaint by the newspaper *La Prensa* that the Customs Office had withheld its paper and printing material for months, police raided the newspaper's headquarters and detained the general manager, preventing him from accessing legal counsel and detaining him for several weeks without bringing him before a judge. Police held *La Prensa* journalists and staff for hours inside the newspaper's offices and allowed progovernment media to enter and film the police raid. Police later announced the raid was part of an investigation into the newspaper for money laundering and tax evasion. *La Prensa*, the last remaining daily print newspaper with national distribution, moved to online-only content and dismissed half its employees in September because of government persecution.

The government repeatedly denied broadcasting licenses and other permits for independent media. Independent news outlets faced restrictions on speech, such as not being permitted to attend official government events, being denied interviews by government officials, and receiving limited or no direct access to government information. Official media, however, were not similarly restricted. The government published false COVID-19 data that minimized the spread of the illness in the country. International reports and unpublished official documents showed the government intentionally misled the public about the severity of the pandemic to avoid an economic downturn.

Independent media faced official and unofficial restrictions, reprisals, and harassment, but they were nonetheless successful in expressing a variety of views. Journalists from many stations were threatened and harassed with the purpose of

limiting their editorial independence. According to a September report by the Violeta Barrios de Chamorro foundation titled *Assault on Independent Press in Nicaragua between December 2020 and June 2021*, there were 1,176 assaults on journalists while they performed their duties. Of those, 426 assaults were perpetrated against female journalists and included sexual violence and threats of rape.

Significant state influence, ownership, and control over the majority of media outlets continued. National television was largely controlled either by business associates of the president or directly owned and administered by his family members. Eight of the 10 basic channels available were under direct FSLN influence or owned and controlled by persons with close ties to the government. Media stations owned by the presidential family generally limited news programming and served as outlets for progovernment or FSLN propaganda and campaign advertisements. On June 30, the governing authority for telecommunications published a decree obliging all private cable stations to lock in their broadcasts to official television and radio for emergency or special interest messaging. This decree compounded the already established obligation for open-air television and radio stations to do the same. This obligation was enforced every time the president participated in a public event, even when it was a political party event. Press and human rights organizations claimed the use of state funds for official media, as well as biased distribution of government advertising dollars, placed independent outlets at an extreme disadvantage.

Violence and Harassment: Journalists were subject to government violence, harassment, and death threats. Four journalists remained in prison: three after they indicated they would run as presidential candidates and one for expressing his views on social media. Two others remained under house arrest. Since May more than 30 journalists fled into exile with pending accusations against them from the Public Prosecutor's Office. At least 90 journalists had already fled following the government's crackdown on protesters in 2018. The Ministry of Health took possession of offices belonging to television station 100% Noticias and news magazine *Confidencial*, which had been closed and under police custody since a 2018 raid of those facilities.

Censorship or Content Restrictions: The government continued to arbitrarily

penalize those who published items counter to the ruling party's ideology. The government restricted access to public events, obligated independent press to use official media to cover presidential activities, and actively used troll farms to amplify its own messaging or attack independent media websites. In November, Meta (Facebook's parent company) announced the removal of troll farms operated by the government, implicating the telecommunications regulator TELCOR, the Supreme Court of Justice, and the Social Security Institute.

Restrictions in acquiring broadcast licenses and equipment prevented media from operating freely. Beginning in 2008, media outlets were unable to apply for new broadcasting licenses while the General Law (Law 200) on Telecommunications was under review in the National Assembly. The government extended the validity of existing licenses indefinitely. Human rights groups and independent media also reported that the failure to approve or deny Law 200 resulted in uncertainty surrounding the purchase and import of goods related to broadcasting. As a result, independent radio owners continued to defer long-term investments.

Some independent-media owners also alleged the government exerted pressure on private firms to limit advertising in independent media, although other observers believed the lack of advertising was the result of self-censorship by private companies or a business decision based on circulation numbers. Many journalists practiced self-censorship, fearing economic and physical repercussions for investigative reporting on crime or official corruption. In addition media outlet owners exercised self-censorship by choosing not to publish news that affected public perceptions of the government or the FSLN.

Libel/Slander Laws: In February FSLN-aligned judge Jose Ernesto Martinez found journalist David Quintana guilty on trumped-up slander charges after Quintana was accused by a staff member of an official television station in 2020. Another FSLN-aligned judge, Fatima Rosales, denied Quintana's request for appeal in April. In June a judge denied an appeal on behalf of independent radio station director Kalua Salazar in a slander case brought against Salazar by FSLN municipal workers. Slander and libel are both punishable by fines ranging from 120 to 300 times the minimum daily wage.

National Security: Human rights NGOs and civil society organizations argued

the Sovereign Security Law exemplified the government's failure to respect civil liberties. Although not cited in specific cases, the law applies to "any other factor that creates danger to the security of the people, life, family, and community, as well as the supreme interests of the Nicaraguan nation." The government used and threatened further use of the Cybercrimes Law, which includes as online crimes social media posts deemed dangerous by the regime and grants law enforcement access to information systems and other data. On September 7, the Public Prosecutor's Office accused indigenous rights activist Amaru Ruiz of cybercrimes after he reported extensively on social media about the killing of 13 indigenous persons by individuals suspected by human rights groups to have ties to the government. Penalties for online crimes include prison time and hefty fines, disproportionate to the crimes as broadly defined by the law.

A police regulation restricts criticism of government policies and officials under the guise of protecting national security.

Internet Freedom

There were credible reports that the government monitored private online communications without appropriate legal authority and in some cases restricted or disrupted access to the internet or censored online content. Independent media reported the government provided logistical support for "troll farms" that routinely carried out cyberattacks against opposition media websites and social media accounts. Trolls and bots reportedly tracked opposition and progovernment social media accounts to retaliate against users deemed opponents to the ruling party and to amplify progovernment messaging.

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

As part of a continuing social media campaign against prodemocracy protests, ruling party members and supporters used social media to publish personal information of human rights defenders and civil society members. Civil society members alleged government offices provided the information to penalize the free

expression of opinions. Government supporters also used the personally identifiable information to mark the houses of civil society members with either derogatory slurs or threats, then published photographs of the marked houses on social media.

Academic Freedom and Cultural Events

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

Public universities continued to withhold the records of many university students who participated in prodemocracy protests. In many cases students who went into exile could not continue their studies abroad without their records. Entrances to public universities remained under surveillance by progovernment guards or police who regularly checked visitors and searched their belongings – a practice begun after the prodemocracy protests of 2018.

Human rights NGOs and civil society groups reported authorities required students in elementary and secondary public schools to participate in progovernment rallies while schools were in session. Political propaganda for the ruling party was posted inside public schools. Teacher organizations and NGOs alleged continuing FSLN interference in the school system through the use of school facilities as FSLN campaign headquarters, favoritism shown to members of FSLN youth groups or to children of FSLN members, politicized awarding of scholarships, and the use of pro-FSLN education materials. On September 8, the Public Prosecutor's Office issued an accusation against writer and former vice president Sergio Ramirez for "committing acts that incite hatred and violence," conspiring to "undermine national integrity," and money laundering. The Customs Office withheld Ramirez's latest novel, effectively banning it from entering the country in apparent retaliation and intimidation against Ramirez for his public commentary in international fora against the FSLN party, the president, and the vice president.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The government did not respect the legal right to public assembly, demonstration, and mobilization. Prodemocracy marches and protests continued to be banned during the year. Police and parapolice actively persecuted, harassed, and occasionally impeded private meetings of NGOs, civil society groups, and opposition political organizations. Police failed to protect peaceful protesters from attacks; they also committed attacks and provided logistical support to other attackers. Human rights organizations reported police stopped traffic for and otherwise protected progovernment demonstrations.

Police routinely surrounded, surveilled, and threatened meetings of political parties and civil society organizations. Police entered private meeting spaces to disrupt gatherings of opposition parties and civil society organizations.

Freedom of Association

The law provides for freedom of association, including the right to organize or affiliate with political parties; nevertheless, the Supreme Electoral Council and National Assembly used their accreditation powers for political purposes. National Assembly accreditation is mandatory for NGOs to receive funding, have bank accounts, or legally employ workers. The Ministry of the Interior has oversight of regulatory compliance by NGOs and provides certificates. Many NGOs that worked on topics of democracy, human rights, and women's issues complained the ministry purposefully withheld certification to hinder their work and access to funding.

Beginning in February, the government began enforcing the 2020 Foreign Agents Law with far-reaching implications for entities and employees of entities receiving funding from outside the country. The law requires anyone receiving funding from foreign sources to register with the Ministry of the Interior and provide monthly, detailed accounts of how funds are intended to be used. Additionally, NGOs need to present their legal accreditation, subject to annual renewal by the ministry. Many NGOs complained that the ministry purposefully withheld or delayed this accreditation, which led to the loss of their legal status. Individuals who register as foreign agents cannot participate in internal politics or run for elected positions for

up to one year after being removed from the registry. Failure to register can lead to fines, judicial freezing of assets, and the loss of legal status for associations or NGOs. The Violeta Barrios de Chamorro Foundation decided to close before the deadline to register to avoid being labeled a foreign agent. The government, through the Public Prosecutor's Office, accused the NGO, its staff, and the beneficiaries of its grants of money laundering. Up to 142 individuals, including vendors, consultants, staff, and 32 journalists, were summoned for the investigation. Some NGO staff remained imprisoned during the government's 90-day investigation period. In June the government placed Cristiana Chamorro, the foundation's former executive director and a leading opposition presidential precandidate, under house arrest on related accusations of money laundering.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government did not always respect these rights. On July 16, the government denied Lester Javier Aleman entry to the country despite being a Nicaraguan citizen and showing a valid Nicaraguan passport. Aleman was ordered to fly out of the country the same day. Aleman was the father of student leader Lester Aleman Alfaro, who was arrested on July 6 in a crackdown on the opposition. The government strictly controlled the entry of persons affiliated with some groups, specifically humanitarian and faith-based organizations. The government may prevent the departure of travelers with pending legal cases; the government used this authority against individuals involved in the political opposition and media who had not been charged with any crimes. The law requires exit visas for minors.

In-country Movement: Police consistently restricted the travel of opposition members to cities other than their hometown. In many cases police restricted the movement of political opponents outside their homes, although these individuals did not have pending charges against them or judicially imposed restrictions on

their movement.

Foreign Travel: Migration authorities confiscated the passports of at least 15 Nicaraguans who were trying to leave the country. Authorities told the individuals that migration restrictions had been levied on them, although the individuals had no formal accusations or charges against them.

Citizenship: On August 6, the ruling FSLN party used its control over government agencies to revoke the Nicaraguan nationality of opposition leader Carmella Rogers Amburn (also known as Kitty Monterrey) without due process. The ruling party, however, issued citizenship to ideologically aligned foreigners fleeing corruption charges in their countries, such as former Salvadoran president Salvador Sanchez Ceren and several of his close family members, bypassing the law and procedures.

e. Status and Treatment of Internally Displaced Persons

According to contacts and local media, hundreds of participants in the 2018 prodemocracy protests and others who ran afoul of the Ortega regime remained in hiding to evade government persecution, including arbitrary arrest, detention, and torture. These individuals reported being unable to find work or study due to fear of government reprisals. As the root cause of this forced displacement, the government did not promote the safe, voluntary, dignified return, resettlement, or local integration of internally displaced persons. The government does not have policies and protections for internally displaced persons in line with the UN Guiding Principles on Internal Displacement.

f. Protection of Refugees

The government does not cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The government has not provided updated information on refugees or asylum seekers since 2015.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Only the executive branch or the country's embassies abroad may grant asylum for political persecution. The Nicaraguan National Commission for Refugees has not met since 2015.

Durable Solutions: The government recognized 61 persons as refugees in 2015, the most recent year for which information was available. By year's end partner agencies estimated there were more than 1,300 refugees or persons in refugee-like situations in the country.

g. Stateless Persons

Registration of births in rural areas was difficult due to structural constraints, and the government took no measures to address this, resulting in a number of de facto stateless persons in the country (see section 6, Children).

Section 3. Freedom to Participate in the Political Process

While the law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage and conducted by secret ballot, the government restricted freedom of expression, peaceful assembly, and association. Institutional fraud, among other obstacles, precluded opportunities for meaningful choice.

Elections and Political Participation

Recent Elections: In November President Ortega awarded himself a fourth term in office following a deeply flawed electoral process characterized by historically low voter turnout. Ortega and his FSLN party cancelled the legal registration of all credible opposition political parties, jailed opposition presidential candidates on spurious charges, and committed blatant electoral fraud. Independent observer groups and international organizations characterized the electoral process as not credible. The government did not allow credible, independent electoral observers into the country. The 2021 elections expanded the ruling party's supermajority in the National Assembly, which previously allowed for changes in the constitution that extended the reach of executive branch power and the elimination of restrictions on re-election for executive branch officials and mayors. On November 12, a total of 25 member states of the Organization of American States

(OAS) voted in favor of a resolution declaring the elections were “not free, fair or transparent, and lack democratic legitimacy.”

The 2019 Caribbean regional and 2017 municipal elections were marred by widespread institutional fraud and heavy security force presence.

Civil society groups expressed concerns over the lack of a transparent and fair electoral process leading up to the 2021 national elections, the 2019 Caribbean regional elections, and the 2017 municipal elections. Electoral experts, business leaders, representatives of the Catholic Church, and civil society organizations reported that a lack of accredited domestic or international observation, in addition to the ruling party’s control over all aspects of the official electoral structure and all branches of government, combined to impede holding free and fair elections.

Political Parties and Political Participation: The Supreme Electoral Council (CSE) announced on May 18 that it had cancelled the legal status of the opposition Democratic Restoration Party. On May 19, the CSE announced it cancelled the legal status the Conservative Party. On August 6, the CSE revoked the legal status of a third opposition party, Citizens for Liberty. The remaining political parties were controlled by the Ortega regime, paving the way for Ortega to run unopposed in the November elections. In 2020 the National Assembly passed a law that bars anyone from running for office whom the government designated as a “traitor,” defining the term so broadly that it could be applied to anyone who expressed opposition to the ruling party. In June the ruling party used this law to jail at least six individuals who had signaled they would run as opposition presidential candidates.

The government used state resources for political activities to enhance the FSLN’s electoral advantage in recent elections. Independent media, human rights groups, and opposition parties reported the government used public funds to provide subsidized food, housing, vaccinations, access to clinics, and other benefits directly through either FSLN-led “family cabinets” (community-based bodies that administer government social programs) or party-controlled Sandinista leadership committee (CLS) systems, which reportedly coerced citizens into FSLN membership while denying services to opposition members. The regime also made party membership mandatory for an increasing number of public-sector employees.

Observers noted government employees continued to be pressured into affiliating with the FSLN and participating in party activities. During the year the government pressured public servants to participate in mass public gatherings including sports events, political rallies, and marches despite the dangers of spreading COVID-19 via mass gatherings.

The FSLN also used its authority to decide who could obtain national identity cards. Persons seeking to obtain or retain public-sector employment, national identity documents, or voter registration were obliged to obtain recommendation letters from CLS block captains. Those without identity cards were unable to vote and had difficulty participating in the legal economy or conducting bank transactions. Such persons also were subject to restrictions in employment, access to courts, and land ownership. Civil society organizations continued to express concern about the politicized distribution of identity cards, alleging this was one way the FSLN manipulated past elections and that the CSE failed to provide identity cards to opposition members while widely distributing them to party loyalists.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups, including persons with disabilities; lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons; and indigenous persons, in the political process, and they did participate, although observers noted most women in elected positions at the municipal and national levels held limited power or influence in their respective bodies.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, although the government did not implement the law effectively. There were numerous reports of government corruption during the year, including in the police force, the CSE, the Supreme Court, customs and tax authorities, and other government organs. The Supreme Court and lower-level courts remained particularly susceptible to bribes, manipulation, and political influence, especially by the FSLN. Companies reported that bribery of public officials, unlawful seizures, and arbitrary

assessments by customs and tax authorities were common. Municipal governments and regional governments of the Caribbean Coast were also plagued by corruption. The Managua municipal government reportedly engaged in corrupt practices related to infrastructure projects.

A general state of permissiveness hindered the possibility of addressing the problem effectively. A lack of strong institutions, a weak system of checks and balances, and the regime's absolute control of government institutions allowed for corruption to continue with impunity.

Corruption: The Office of the Comptroller, responsible for combating corruption within government agencies and offices, did not carry out a complete verification of the government's full financial statements. For example, the comptroller maintained that Albanisa, a private company controlled by regime insiders that imported and sold Venezuelan petroleum products, as well as associated revenue under the Venezuela oil cooperation agreement, was not subject to audit because the National Assembly did not approve the agreement. The Financial Analysis Unit did not fully implement its mandate in prosecuting money laundering of government officials and focused on investigating President Ortega's political opposition.

Executive branch officials continued to be involved in businesses financed by economic and developmental assistance funds lent by the Venezuelan-led Bolivarian Alliance for the Peoples of Our America (ALBA), all of it outside the normal budgetary process controlled by the legislature. This included the Nicaraguan Electric Transmission Enterprise, which funneled ALBA funding and other oil-based assistance into privately owned businesses. Media reported that companies linked to previous ALBA-funded contracts and with links to the president's family were tightly controlled by members of Ortega's inner circle, with little public oversight. Cases of mismanagement of these funds by public officials were reportedly handled personally by FSLN members and President Ortega's immediate family, rather than by the government entities in charge of public funds.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human

Rights

The government imposed significant and increasing burdens on the limited number of human rights organizations it allowed to operate in the country. The Nicaraguan Center for Human Rights remained deprived of its legal status, hindering its ability to investigate human rights abuses. The Nicaraguan Pro-Human Rights Association continued to operate from exile in Costa Rica and focused more on the Nicaraguan exile community. Other human rights organizations faced significant harassment and police surveillance. Humanitarian organizations faced obstacles to operating or denial of entry, and government officials harassed and intimidated domestic and international NGOs critical of the government or the FSLN. Some NGOs reported government intimidation created a climate of fear intended to suppress criticism.

The government continued to prevent non-FSLN-affiliated NGOs and civil society groups from participating in government social programs, such as Programa Amor, which provides social protections to children and adolescents, and Hambre Cero, a program that distributes livestock for smallholder production. The government frequently used FSLN-controlled family cabinets and party-controlled CLSs to administer these programs. Government programs purportedly created to provide support for victims of the violence since 2018 benefited only FSLN party members. Increased government restrictions on domestic NGOs' ability to receive funding directly from international donors seriously hindered the NGOs' ability to operate. In addition, increased control over the entry of foreign visitors or volunteer groups into the country hindered the work of humanitarian groups and human rights NGOs. The Swedish NGO We Effect discontinued its activities in the country in December after 30 years of humanitarian aid work, citing difficulties in complying with the foreign agents law. Some groups reported difficulties in moving donated goods through customs and said government officials were rarely cooperative or responsive to their complaints.

Several domestic NGOs reported that the Ministry of the Interior purposefully denied receipt of their compliance documentation and withheld or unduly delayed providing certifications in order to revoke the legal status of NGOs. NGOs under government investigation reported problems accessing the justice system and

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

The government enforced the law that requires any citizen working for "governments, companies, foundations, or foreign organizations" to register with the Interior Ministry, report monthly their income and spending, and provide prior notice of how the foreign funds are intended to be spent. The law establishes sanctions for those who do not register.

The United Nations or Other International Bodies: The government did not allow the Office of the UN High Commissioner for Human Rights (OHCHR) or IACHR to send working groups to monitor the human rights situation in the country. The government did not cooperate with these groups, as noted in OHCHR and IACHR reports.

The government continued to block the entrance of the OAS high-level commission to help resolve the country's sociopolitical crisis. The government did not send a representative to any of the 2021 IACHR sessions. The attorney general participated in a May IACHR hearing on protective measures awarded to the human rights NGO CENIDH. The attorney general rejected any claims of wrongdoing and stated the government was acting according to its laws. In several instances progovernment supporters detained or harassed protesters protected by IACHR precautionary measures.

Government Human Rights Bodies: The Office of the Ombudsman for Human Rights, led since 2019 by Darling Rios, a sociologist with no previous human rights experience, and Adolfo Jarquin, also with no previous human rights experience, was perceived as politicized and ineffective. In 2019 the UN Human Rights Council demoted the Office of the Ombudsman for Human Rights from category A to B for its lack of independence.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes all forms of rape of men or women, regardless of the relationship between the victim and the accused. Sentences for those convicted of rape range from eight to 12 years' imprisonment. The law criminalizes domestic violence and provides prison sentences ranging from one to 12 years.

The government failed to enforce rape and domestic violence laws, leading to widespread impunity and reports of increased violence from released offenders emboldened by their release. The NGO Catholics for the Rights to Decide reported that there were 46 femicides as of July, most of them committed after the victims suffered sexual violence. The government continued to use FSLN-led family cabinets and CLSs in mediation processes in cases of domestic violence. Both processes were politicized and did not operate according to the rule of law. The government employed limited public education, shelters, hotlines, psychosocial services, and police training in nominal and unsuccessful attempts to address the problem.

Observers reported a general increase in sexual crimes and violence against women during the year; however, data were unreliable. NGOs working on women's issues reported that violence against women remained high and that police generally understated its severity. The government did not coordinate with women's rights NGOs and actively blocked their operations and access to funding.

Sexual Harassment: The law prohibits sexual harassment, and those convicted face one- to three-year sentences in prison, or three to five years if the victim is

younger than 18. No information was available on government efforts to prevent or prosecute complaints of sexual harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

While there were no cultural barriers that adversely affected women's access to health-care services, rural women's access to health care during pregnancy and childbirth was hindered by long distances to appropriate health-care facilities in scarcely populated areas with poor transportation infrastructure. Women in some areas, such as the RACN and the RACS, lacked widespread access to medical care or programs, and maternal death affected poor rural women more than their urban counterparts. This also affected indigenous and Afro-descendant women in the RACN and the RACS more than nonindigenous women in other regions. In addition, adolescents often faced social stigma when seeking contraception methods.

The government provided limited access to sexual and reproductive health services for survivors of sexual violence. The Ministry of Health had a standing protocol for the provision of health services to survivors of sexual violence, which included the provision of emergency contraception within five days of the assault as well as treatment of HIV or sexually transmitted diseases. Women's rights organizations, however, claimed the Ministry of Health did not always provide this treatment due to fear of subverting the government's strict prolife policy, directed by the president and vice president. While no legal barriers impede adolescent girls' access to education due to pregnancy or motherhood, economic hardships and a lack of social safety nets to protect young mothers often impeded continued education for pregnant girls or young mothers.

Discrimination: The law provides for gender equality in access to education, labor rights, and civil rights. Nevertheless, women often experienced discrimination in employment, obtaining credit, and receiving equal pay for similar work, as well as in owning and managing businesses. While the government enforced the law effectively in the public sector, women in positions of power faced limitations, and their authority was limited compared with that of men. For example, despite a law that requires equal participation of men and women in

elected positions, male political party leaders often made decisions on public policy without internal debate or input from female political leaders. Enforcement was not effective in the private sector or the larger informal sector.

Systemic Racial or Ethnic Violence and Discrimination

Exclusionary treatment based on race, skin color, and ethnicity was common, especially in higher-income urban areas. Darker-skinned persons of African descent from the RACN and the RACS, along with others assumed to be from those areas, experienced discrimination, such as being subjected to extra security measures and illegal searches by police. Indigenous and other ethnic groups from the RACN and the RACS alleged that discriminatory attitudes toward ethnic and racial minorities were responsible for the lack of government resources devoted to those regions. The government focused attention and resources on maintaining political control over decision-making bodies in the regions where most indigenous groups lived.

Indigenous Peoples

Indigenous persons constituted approximately 5 percent of the population and lived primarily in the RACN and the RACS. Despite having autonomous governing bodies, decisions affecting their lands, cultures, traditions, or the exploitation of energy, minerals, timber, and other natural resources on their lands were largely made or approved by national government authorities or by FSLN representatives. Individuals from five major indigenous groups – the Miskito, Sumo/Mayangna, Garifuna (of Afro-Amerindian origin), Creole, and Rama – the alleged government discrimination through underrepresentation in the legislative branch.

NGOs and indigenous rights groups denounced the increasing number of killings of indigenous persons at the hands of nonindigenous populations encroaching on their lands in the RACN and the RACS, and they claimed the government failed to protect the civil and political rights of indigenous communities. In August armed gold miners attacked an artisanal gold mining site and killed up to 13 indigenous persons in an effort to drive indigenous populations away from the site. The attack occurred in the Sauni As territory in the Bosawas protected biosphere. During the raid the attackers also raped two women and dismembered some of the bodies of

their victims. Police announced the arrests of three of 14 individuals accused of the crime, but many observers doubted the government's narrative, particularly because those arrested were indigenous persons, including a sibling of one of the rape victims. Some observers alleged government and FSLN involvement in the violence against Miskito populations in the RACN along the Coco River, either by failing to defend indigenous populations or as accomplices to nonindigenous groups invading indigenous lands. Indigenous groups continued to complain of rights violations in connection with government plans to build an interoceanic canal through their territory.

Indigenous persons from rural areas often lacked birth certificates, identity cards, and land titles. While the government did not deny these rights if requested, it favored FSLN party members over other constituents. Additionally, indigenous groups alleged the government provided identity cards to outsiders who encroached on indigenous lands in the RACS and the RACN, leading to overrepresentation of FSLN-aligned, nonindigenous persons in regional governing bodies. Most indigenous individuals in rural areas lacked access to public services, and deteriorating roads hindered access to health care for many.

Indigenous women faced multiple levels of discrimination based on their ethnicity, gender, and lower economic status. For example, indigenous women do not receive medical attention, education, police protection, or representation in government at the same level as nonindigenous women.

Throughout the year indigenous leaders alleged that regional and national governments granted logging and mining concessions to private firms and to government-affiliated businesses, such as ALBA-Forestal, without adequate consultation of the indigenous community, and that logging and mining continued in violation of national autonomy laws in the RACS and the RACN.

Children

Birth Registration: Citizenship is derived by birth within the country's territory and from one's parents. Local civil registries register births within 12 months, although many persons, especially in rural areas, lacked birth certificates. Registration in rural areas was difficult due to structural constraints, and the

government took no measures to address this, resulting in a growing number of de facto stateless persons in the country. Persons without citizenship documents were unable to obtain national identity cards and consequently could not vote and had difficulty participating in the legal economy and conducting bank transactions. Such persons also were subject to restrictions in employment, access to courts, and land ownership.

Child Abuse: According to the criminal code, prison sentences for rape committed against minors range from 12 to 15 years and for child abuse from seven to 12 years. Government efforts were insufficient to combat child abuse and sexual violence against minors. High rates of sexual violence against teenage girls contributed to high rates of teenage pregnancy, according to UNICEF.

Child, Early, and Forced Marriage: The minimum legal age for marriage is 18 for men and women, or 16 with parental authorization. There were credible reports of forced early marriages in some rural indigenous communities. UNICEF's *2019 State of the World's Children*, the most recent data available, reported 35 percent of women 20 to 24 years of age were married or in a union by age 18, and 10 percent were married by age 15. No information was available on government efforts to address or prevent forced and early marriage.

Sexual Exploitation of Children: The law prohibits sexual exploitation in general and designates enticing children or adolescents to engage in sexual activity as an aggravating condition. The government generally did not enforce the law pertaining to child sex trafficking. Penalties include 10 to 15 years in prison for a person who entices or forces any individual to engage in sexual activity and 19 to 20 years in prison for the same acts involving children or adolescents. The law defines statutory rape as sexual relations with children ages 14 or younger.

The law also prohibits child pornography, and the government generally enforced it. The penalty for inducing, facilitating, promoting, or using a minor for sexual or erotic purposes is 10 to 15 years in prison.

The country was a destination for child sex tourism. The law imposes a penalty of five to seven years in prison for those convicted of child-sex tourism.

International Child Abductions: The country is a party to the 1980 Hague

Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law requires persons with disabilities to have access to education, health services, public buildings, and transportation, although this did not occur in practice. Persons with disabilities faced severe problems accessing schools, public health facilities, and other institutions. Children with disabilities attended schools with nondisabled peers; specialized school materials were not readily available and on occasion were blocked by the Ministry of Education. Anecdotal evidence suggested that children with disabilities completed secondary education at a significantly lower rate than other children. Public schools were rarely well equipped, and teachers were poorly trained in providing appropriate attention to children with disabilities. Police stations and public health-care facilities did not have staff trained in sign language, making persons with hearing disabilities dependent on caretakers. Many voting facilities were not accessible. Advocates for persons with disabilities complained of a lack of accessible public transportation. Some persons with disabilities reported taxi drivers often refused them service due to the perceived extra burden on the driver to aid customers with disabilities. Advocates for persons with disabilities claimed interpreters for the deaf were not accessible at schools and universities, making it difficult for these persons to obtain education. Government clinics and hospitals provided care for veterans and other persons with disabilities, but the quality of care was generally

poor.

Discrimination against persons with physical, sensory, intellectual, and mental disabilities was widespread, despite being prohibited by law. Laws related to persons with disabilities do not stipulate penalties for noncompliance, although penalties may be issued under the general labor inspection code. The Ministry of the Family, Ministry of Labor, and Human Rights Office are among government agencies responsible for the protection and advancement of rights of persons with disabilities. The government did not enforce the law effectively; did not mandate accessibility to buildings, information, and communications; and did not make information available on efforts to improve respect for the rights of persons with disabilities. Advocacy organizations for persons with disabilities reported persons with disabilities accounted for less than 1 percent of public-sector employees, despite the legally mandated minimum representation of 2 percent. Further reports indicated public institutions did not sufficiently coordinate with the Labor Ministry to accommodate persons with disabilities in the workplace. While there were no official reports of violence, harassment or intimidation against persons with disabilities by government officials, there were several anecdotal reports of violence and harassment. These incidents generally went unreported mainly because victims did not want to face the burdensome process of filing a complaint.

HIV and AIDS Social Stigma

The law provides specific protections for persons with HIV or AIDS against discrimination in employment and health services, but such persons continued to suffer societal discrimination. An administrative resolution issued by the Ministry of Health continued in effect, declaring that HIV/AIDS patients should not suffer discrimination and making available a complaints office.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

LGBTQI+ groups reported discrimination, a lack of access to justice, and a lack of response from police. The government and FSLN supporters frequently targeted LGBTQI+ participants in civil protests in particular, using online smear campaigns and physical attacks in some cases. LGBTQI+ opposition members were

particularly targeted with sexual violence by police, parapolice, and progovernment supporters. The Observatory for Human Rights Violations Against LGBTQI+ Persons stated there were 43 attacks against LGBTQI+ in the first six months of the year, one-half against transgender women. LGBTQI+ activists said LGBTQI+ political prisoners hid their orientation, fearing increased abuse from prison guards. Reliable data on the breadth of such discrimination were not available. No specific laws exist to punish hate crimes against LGBTQI+ persons.

Transgender women detained for participating in prodemocracy protests were particularly harassed while in custody. They were held with male inmates, forced to strip in front of their peers, and specifically harangued by guards. The law does not recognize the right to gender identity self-determination, and as such the penitentiary system is not required to separate inmates based on gender identity. Celia Cruz, a political prisoner and transgender woman, was given amnesty and released in April, although her trial continued and an appeals court ratified her guilty sentence in June.

Although it does not mention sexual orientation and gender identity specifically, the law states all persons are equal before the law and provides for the right to equal protection. No laws specifically criminalize consensual same-sex sexual conduct between adults. LGBTQI+ persons, however, continued to face widespread societal discrimination and abuse, particularly in housing, education, and employment. LGBTQI+ organizations continued to complain the law curtailed the rights of LGBTQI+ households by defining families as necessarily headed by a man and a woman; this definition particularly affected LGBTQI+ households' access to social security, survivor benefits, and adoption rights.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of all workers in the public and private sectors, except for those in the military and police, to form and join independent unions of their choice without prior authorization and to bargain collectively. The government's control of all major unions effectively nullified those rights. The ruling party used its control over major unions to harass and intimidate workers in

several sectors, including education, health care, the public sector, and free trade zones. The constitution recognizes the right to strike, although it places some restrictions. The law prohibits antiunion discrimination but does not provide for measures to protect against rights violation. Burdensome and lengthy conciliation procedures and government control of all major unions impeded workers' ability to call strikes. In smaller businesses where major unions were not present, the government created parallel labor unions to confuse and diffuse efforts to organize strikes or other labor actions. In addition, if a strike continues for 30 days without resolution, the Ministry of Labor may suspend the strike and submit the matter to arbitration.

Collective bargaining agreements last up to two years and are automatically renewed if neither party requests its revision. Collective bargaining agreements in the free trade zone regions, however, are for five-year periods. Companies in disputes with their employees must negotiate with the employees' union if one exists. By law several unions may coexist at any one enterprise, and the law permits management to sign separate collective bargaining agreements with each union.

The government sought to foster resolution of labor conflicts through informal negotiations rather than formal administrative or judicial processes. The law does not establish specific fines for labor law violations, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Although the law establishes a labor court arbitration process, it was subject to long wait times and lengthy and complicated procedures, and many labor disputes were resolved out of court.

Freedom of association and the right to collective bargaining were not respected, and the government often intervened for political reasons. The government did not effectively enforce the laws. Most labor unions were historically allied with political parties, but in recent years the government reportedly dissolved unions and fired workers not associated with the ruling FSLN. Independent labor experts reported the Ministry of Labor denied or unduly delayed providing legal recognition to unions that were not aligned with the FSLN.

Politically motivated firings continued to be a problem. Most of the doctors and

university staff from the public sector fired for political reasons since 2018 had not received severance pay as of September. Labor experts highlighted similar instances of public-sector employees being fired without receiving severance pay. FSLN party affiliation or letters of recommendation from party secretaries, family cabinet coordinators, or other party officials were allegedly required from applicants seeking public-sector jobs.

The government restricted the organizing of trade unions and teachers perceived to be in opposition to the government.

There were no known documented instances of strikes being declared illegal. Under the law, during a strike employers may not hire replacement workers, but unions alleged this practice was common. Wildcat strikes – those without union authorization – were historically common.

Employers interfered in the functioning of workers' organizations and committed other violations related to freedom of association and collective bargaining. Labor leaders noted employers routinely violated collective bargaining agreements and labor laws with impunity.

Official union federations were accused of protecting employer interests by identifying and isolating workers who attempted to organize as well as frustrating such attempts through arbitrary procedural barriers that delay approval processes. Federations also permitted illegal firings of workers who tried to organize themselves; the workers faced retaliation and permanent exclusion from jobs in the free trade zones.

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. There was no information available regarding government enforcement of these laws. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping. Despite reported political will to combat human trafficking, including labor trafficking, during the year the government did not take sufficient action to address the scope of the problem and provided only limited information about its law enforcement efforts.

Observers noted reports of forced labor, including of men, women, and children in agriculture, construction, mining, street begging, and domestic servitude. Victim identification, prosecution, and conviction remained inadequate, and victims' family members were often complicit in their exploitation. Traffickers lured residents of rural or border regions with the promise of high-paying jobs in urban and tourist areas but then subjected them to sexual exploitation and forced labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The law establishes the minimum age for employment at 14 and limits the workday for any individual between ages of 14 and 18 to six hours and the workweek to 30 hours. Those between 14 and 16 must have parental approval to work or enter into a formal labor contract. The law prohibits teenage domestic workers from sleeping in the houses of their employers. It is illegal for minors to work in places the Ministry of Labor considers harmful to their health or safety, such as mines, garbage dumps, and night entertainment venues, and to undertake certain agricultural work. The government mostly enforced the law in the formal sector, but enforcement was insufficient in the much larger informal sector, where child labor was more prevalent. Legal penalties for persons employing children in dangerous work were commensurate with those for other analogous serious crimes, such as kidnapping.

The government used limited resources to concentrate on child labor violations in

select sectors in narrow geographic areas, such as coffee-growing regions, and gave only limited attention to the large informal sector. The government reported having separated nine children from work between January 2019 and the first semester of 2020.

The government signed thousands of cooperative agreements with employers to prevent the hiring of minors and continued Programa Amor, which aimed to eradicate child labor by reintegrating abandoned children into society. Information on the program's activities, funding, and effectiveness was unavailable, but independent observers deemed it insufficient.

Laws to eliminate child labor were not fully implemented and lacked a consistent mechanism to coordinate efforts to address child labor. The government also divested resources from child labor prevention. Attendance in secondary schools remained much lower than in primary schools, increasing the risk of older children engaging in exploitative labor. The country made minimal advancement in efforts to eliminate the worst forms of child labor.

Fifteen percent of children lacked birth certificates, which increased their risk for human trafficking, including for the purposes of commercial sexual exploitation.

Child labor remained widespread. According to organizations that worked on children's rights, this likely increased to almost 320,000 children working in some form of child labor. A common feature of child labor was the prevalence of unpaid family work, and the National Institute of Development Information stated 80 percent of children and adolescents were unpaid workers.

Children engaged in the worst forms of child labor, including in commercial sexual exploitation (see section 6). Most child labor occurred in forestry, fishing, and the informal sector, including on coffee plantations and subsistence farms. Child labor also occurred in the production of dairy products, oranges, bananas, tobacco, palm products, coffee, rice, and sugarcane; cattle raising; street sales; garbage-dump scavenging; stone crushing; gold mining and quarrying of pumice and limestone; construction; marijuana and other drug production and trafficking; street performing; domestic work; and transport. Persons with disabilities and children were subjected to forced begging, particularly in Managua and near tourist centers.

Children working in agriculture suffered from sun exposure, extreme temperatures, and dangerous pesticides and other chemicals. Children working in the fishing industry were at risk from polluted water and dangerous ocean conditions.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation or gender identity, HIV or other communicable disease status, or social status. The government did not deter such discrimination because it did not effectively enforce the law and regulations. Penalties for violations were commensurate with laws related to civil rights, such as election interference.

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

Workers who disagreed with government recommendations were fired, and only those with a membership card of the ruling party were hired.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law establishes a statutory minimum wage for 10 economic sectors. According to the Ministry of Labor, the average legal minimum

wage covered only 35 percent of the cost of basic goods. The ministry, together with workers' unions aligned with the ruling party, agreed to a 3 percent wage increase for the year. Public-sector employees received a 5 percent salary increase in August. Free trade zone regions had a wage increase of 8 percent, prenegotiated in a five-year agreement expected to expire in 2022. The salary increase remained unchanged despite free trade zone representatives reporting unsteady industry performance.

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

The standard legal workweek is a maximum of 48 hours, with one day of rest. The law dictates an obligatory year-end bonus equivalent to one month's pay, proportional to the number of months worked. The law mandates premium pay for overtime, prohibits compulsory overtime, and sets a maximum of three hours of overtime per day not to exceed nine hours per week. Penalties for violations of minimum wage and overtime laws were not commensurate with those for similar crimes, such as fraud.

According to International Labor Organization guidelines, the number of labor inspectors was insufficient for the size of the workforce, which included approximately three million workers. The law allows inspectors to conduct unannounced inspections and initiate sanctions for egregious violations.

Occupational Safety and Health: The National Council of Labor Hygiene and Safety, including its departmental committees, is responsible for implementing worker safety legislation and collaborating with other government agencies and civil society organizations in developing assistance programs and promoting training and prevention activities. According to labor contacts, the council was inactive throughout the year. The government did not allocate adequate staff or other measures to enable the Office of Hygiene and Occupational Safety to enforce occupational safety and health (OSH) provisions. Penalties for violations of OSH laws were commensurate with those for crimes such as negligence, but they were infrequently enforced and only in the formal sector.

OSH standards also were not widely enforced in an expanding large informal sector, which represented 77 percent of employment and 88 percent of businesses, according to 2016 reports from the Consultants for Business Development and the Nicaraguan Foundation for Economic and Social Development. Although more recent statistics on informality were not available, experts viewed this indicator as necessarily rising because of sociopolitical unrest and the aftermath of the COVID-19 pandemic. By law workers may remove themselves from situations that endanger their health or safety without jeopardy to their employment. It was unclear whether authorities effectively protected employees in such cases.

Informal Sector: The informal sector included the bulk of workers in street sales, agriculture and ranching, transportation, domestic labor, fishing, and minor construction. Legal limitations on hours worked often were ignored by employers, who claimed workers readily volunteered for extra hours for additional pay. Violations of wage and hour regulations in the informal sector were common and generally not investigated, particularly in street sales, domestic work, and agriculture, where children continued to work in tobacco, banana, and coffee plantations. Compulsory overtime was reported in the private-security sector, where guards often were required to work excessive shifts without relief.