

Nicaragua

Country:

[Nicaragua](#)

Year:

2016

Freedom Status:

Partly Free

Political Rights:

4

Civil Liberties:

3

Aggregate Score:

54

Freedom Rating:

3.5

Overview:

In 2015, the dominance of the ruling Sandinista National Liberation Front (FSLN) continued to be a point of contention with the opposition, which has found itself increasingly marginalized in recent years. Tensions have increased ahead of the 2016 national elections, as opposition protesters demanded electoral reforms. Meanwhile, President Daniel Ortega still enjoyed high approval ratings, largely as a result of his handling of the economy and popular social programs.

The controversial 2014 family code, which explicitly defines a family as a union between a man and a woman, went into effect in 2015. While proponents pointed to enhanced protections for children and other groups, critics argued that the law discriminates against same-sex couples.

Protests against plans to dig a transoceanic canal continued in 2015, though the ultimate fate of the recently inaugurated project remained uncertain. Land conflicts erupted in the North Atlantic Autonomous Region (RAAN) as outside settlers began encroaching on indigenous lands, sometimes with links to black-market trading of timber. As a result of the violence, hundreds of members of the Miskito indigenous community have fled, some into neighboring Honduras.

Political Rights and Civil Liberties:

Political Rights: 19 / 40 [Key]

A. Electoral Process: 6 / 12

The constitution provides for a directly elected president and a 92-member unicameral National Assembly. Two seats in the legislature are reserved for the previous president and the runner-up in the most recent presidential election. Presidential and legislative elections are both held every five

years. Constitutional reforms that went into effect in 2014 eliminated the minimum vote percentage required for a first-round presidential victory. Presidents will now be elected with a simple plurality of the vote. The reforms also eliminated term limits and mandated that half of all candidates for elected office be women.

President Ortega was reelected in 2011 with almost 63 percent of the vote. Fabio Gadea Mantilla of the Nicaraguan Unity for Hope (UNE) coalition won 31 percent and former president Arnoldo Alemán of the Conservative Party–Liberal Constitutionalist Party (PLC) alliance won almost 6 percent. In the legislative elections, the FSLN won 63 seats in the National Assembly, followed by the Independent Liberal Party (PLI) with 27 and the PLC with 2. Although international observation teams noted irregularities and a lack of transparency, there was no conclusive evidence of fraud.

In 2012, the National Assembly approved numerous changes to the municipal electoral law, including a provision allowing mayors to run for reelection and instating a requirement that half of each party's candidates for mayoralities and council seats be women.

Nicaragua's RAAN and South Atlantic Autonomous Region (RAAS) have regional councils, for which elections were held in 2014. The FSLN won 52 percent of the votes in the RAAN, followed by the majority-indigenous YATAMA party with 21 percent; the PLI and the PLC won the remainder. In the RAAS, the FSLN garnered 48 percent of the vote; the PLC, the PLI, YATAMA, and the Multi-Ethnic Indigenous Party each won small portions. YATAMA supporters organized minor protests following the vote.

The selection of Judith Silva, who had been nominated by President Ortega, to fill the vacant position for Supreme Electoral Council (CSE) magistrate in 2015 renewed concerns about the institution's independence. Over the following months, members of the opposition held regular protest rallies in front of CSE locations throughout the country demanding electoral reforms in advance of the 2016 national elections.

B. Political Pluralism and Participation: 7 / 16

The formerly dominant PLC has experienced a sharp decline in its voter base since 1999, while the FSLN's backing has increased. Public opinion polls consistently reveal high levels of popularity for Ortega and the FSLN. A September 2015 poll found that combined support for all opposition parties was less than 10 percent.

The FSLN's majority in the National Assembly enables it to pass laws without requiring support from opposition parties. As a result of the 2014 constitutional reforms, legislators who do not vote with their party may lose their seats in the legislature. In 2014, the PLI and PLC signed a pact in hopes of launching a unified opposition for the 2016 elections.

Minority groups, especially the indigenous inhabitants of Nicaragua's eastern and Caribbean regions, frequently complain that they are politically underrepresented and that the government and the FSLN largely ignore their grievances.

C. Functioning of Government: 6 / 12

The FSLN dominates most public institutions, working closely with labor and private business in a tripartite alliance (COSEP) that is recognized in Article 98 of the constitution. Constitutional reforms passed in 2014 include the ability of the president to issue binding decrees, to appoint active

military personnel to executive-level positions previously designated for civilians, and to direct changes in tax policy without legislative approval.

Nicaragua was ranked 130 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index. Corruption charges against high-ranking government officials are rare except in the most egregious cases, and corruption cases against opposition figures are often criticized for being politically motivated. Ortega's sons and daughters have been appointed to prominent positions such as ambassador and presidential adviser, and First Lady Rosario Murillo serves as communications minister and government spokesperson.

The 2007 Law on Access to Public Information requires public entities and private companies doing business with the state to disclose certain information. However, it preserves the government's right to protect information related to state security. Concerns about the transparency of aid from the Venezuela-led Bolivarian Alliance for the Peoples of Our America, of which Nicaragua is a member, persisted in 2015.

Significant concerns have also been raised over the lack of transparency and consultation in the project to dig the interoceanic canal across Nicaragua, which was approved quickly and with little public debate. Results of environmental studies detailing the human and environmental toll have been kept from the public.

Civil Liberties: 35 / 60

D. Freedom of Expression and Belief: 12 / 16

The constitution calls for a free press but allows some censorship. Radio remains the main source of information in Nicaragua. Six television networks, including a state-owned network, are based in the capital, many of which favor particular political factions. Three national newspapers cover a variety of political viewpoints, though coverage is polarized. Access to the internet is unrestricted.

The press has faced increased political and judicial harassment since 2007, and the Ortega administration engages in systematic efforts to obstruct and discredit media critics. Journalists, including several reporters with the newspaper *El Nuevo Diario*, have received death threats. In 2015, reporters faced harassment from police and some were detained while they were covering protests related to the opposition's push for electoral reforms, as well as demonstrations against the canal project. Members of the ruling elite have acquired stakes in media outlets and have used their influence as owners to sideline independent journalists. The Communications and Citizenry Council, which oversees the government's press relations and which is directed by First Lady Murillo, has been accused of limiting access to information and censoring the opposition.

Religious and academic freedoms are generally respected, although some university-level academics refrain from open criticism of the government.

Private discussion is generally free, though there are increasing reports of self-censorship. Both private citizens and government employees have complained of retaliation for opposing the interoceanic canal project.

E. Associational and Organizational Rights: 6 / 12

Nicaraguan law recognizes freedoms of assembly and association, but in practice respect for these rights has been problematic. While public demonstrations are generally permitted, members of the

opposition have accused the police of failing to protect demonstrators and of engaging in partisan behavior. Gangs with tacit government support have reportedly attacked antigovernment protesters. In December 2014, numerous demonstrators in the proposed canal zone were injured and arrested during altercations with police officers, some of whom were also harmed in the protests. Human rights groups have claimed that some of those arrested were beaten or otherwise mistreated while in police custody. In November 2015, police clashed with protesters in a labor dispute at El Limón mine, resulting in injuries to both sides and the death of one police officer.

Although nongovernmental organizations are active, they have faced harassment and occasional violence in recent years. They have also been weakened by the system of Citizens' Power Councils (CPCs), which operate from the neighborhood to the federal level. Critics say they blur the line between state and party institutions, and that they are highly politicized.

The FSLN controls many of the country's labor unions, and the legal rights of non-FSLN unions are not fully guaranteed. Although the law recognizes the right to strike, unions must clear a number of hurdles, and approval from the Ministry of Labor is almost never granted. Employers sometimes form their own unions to avoid recognizing legitimate organizations. Employees have reportedly been dismissed for union activities, and citizens have no effective recourse when those in power violate labor laws.

F. Rule of Law: 7 / 16

The judiciary remains dominated by FSLN and PLC appointees, and the Supreme Court is a largely politicized body controlled by Sandinista judges. The court system also suffers from corruption, long delays, a large backlog of cases, and a severe shortage of public defenders. Access to justice is especially deficient in rural areas and on the Caribbean coast.

Despite long-term improvements, the security forces remain understaffed and poorly funded, and human rights abuses still occur. Forced confessions and arbitrary arrests continue. Although Nicaragua has generally been spared the high rates of crime and gang violence that plague its neighbors to the north, the country—specifically the Caribbean coast—is an important transshipment point for South American drugs. The police have been active in combating trafficking and organized crime. Though generally considered to be the most professionalized in the region, the police have come under increasing criticism for skirmishes with civilians. In July 2015, Nicaraguan police killed three members of one family, including two children, during a botched antidrug operation. Nine police officers were sentenced to 11 years in prison after being convicted on various charges related to the incident. In November, police and military allegedly used tear gas and rubber bullets to turn back a group of Cuban migrants seeking to reach the United States by traveling through Nicaragua from Costa Rica.

Prison conditions are poor and overcrowding is a problem. In 2014, the Nicaraguan government used more than \$6 million of seized drug money to open three new prison facilities.

Changes to the military code in 2014 gave the army a role in internal security at the discretion of the president, further concentrating power under the executive. Critics suggested that it opened the military to manipulation by the president. A 2014 law that restructured the National Police allows the president to appoint and extend the terms of the body's director, increases service eligibility, and permits members of the National Police to engage in political campaigning and political party activity. In December 2015, the National Assembly passed the Sovereign Security Law as a replacement for the current Democratic Security Law. Critics argued that the new law blurred the line between public safety and national security by potentially militarizing civilian agencies, and that the threats it combats are defined too broadly.

The constitution and laws nominally recognize the rights of indigenous communities, but those rights have not been respected in practice. Approximately 5 percent of the population is indigenous and lives mostly in the RAAN and the RAAS. In 2012, the Nicaraguan constitution was translated into Miskito and Mayangna, the languages most commonly spoken in these areas.

Same-sex marriage and civil unions remain barred in Nicaragua, and the country's LGBT (lesbian, gay, bisexual, and transgender) population is subject to intermittent threats and discriminatory treatment. In April 2015, the family code passed in 2014 went into effect. LGBT activists blasted the new law for defining marriage as a union between a man and a woman and, as such, depriving same-sex couples the right to adopt children or the ability to receive fertility treatment. A resolution approved in 2014 prohibits discrimination in health service provision based on sexual identity, though few steps have been taken toward implementation.

G. Personal Autonomy and Individual Rights: 10 / 16

Governmental and nonstate actors generally respect travel, residence, and employment choices. Property rights are protected on paper but can be tenuous in practice. Titles are often contested, and individuals with connections to the FSLN sometimes enjoy an advantage during property disputes. In August 2015, the U.S. government ended its 20-year-old waiver requirement for Nicaragua to access international credit, citing progress in resolving the remaining property claims that led to the original restrictions.

Property owners in the construction zone for the new canal have complained that they have felt intimidated, sometimes with violence, by surveyors with the backing of the army and police. Indigenous groups and farmers have raised concerns that they will be negatively impacted by the digging of the canal. Protests against the project continued into 2015.

In 2015, land conflicts in the RAAN resulted in forced displacements and clashes between indigenous groups, settlers, and police, as disputes over indigenous lands turned violent. Dozens were injured and at least nine were killed in September alone, with YATAMA leader Mario Lemans among the deceased. Hundreds of members of the Miskito community sought refuge in Honduras from the violence. Residents and human rights groups claimed that the Nicaraguan government, regional government, and the police had done little to stop the violence or to protect the property rights of indigenous communities. In September, the National Assembly stripped deputy YATAMA leader Brooklyn Rivera of his immunity in response to allegations that he and those close to him were illegally selling indigenous land.

In 2015, Nicaragua was ranked 12 out of 145 countries surveyed in the World Economic Forum's *Global Gender Gap Report*, indicating that its gender-based disparities are among the smallest in the world. However, violence against women and children, including sexual and domestic abuse, remains widespread and underreported; few cases are ever prosecuted. The 2012 Comprehensive Law Against Violence toward Women addresses both physical and structural forms of violence, and recognizes violence against women as a matter of public health and safety. The legislation—which codified femicide as a crime in which there is a relationship between the perpetrator and the victim—also establishes sentencing guidelines for physical and psychological abuses against women. A 2013 reform to the law allows mediation between the victim and accuser, despite concerns from rights groups. The new family code includes protections for pregnant minors, the elderly, and ethnic minorities; establishes equal duties of mothers and fathers; and prohibits physical punishment of children.

Abortion is illegal and punishable by imprisonment, even when performed to save the mother's life or in cases of rape or incest. Scores of deaths stemming from the ban have been reported in recent years.

Human trafficking is a significant issue in Nicaragua, which serves as a source country for women and children forced into prostitution. A 2010 law classifies human trafficking as a form of organized crime. Adults and children are also vulnerable to forced labor in some sectors. In 2015, the U.S. State Department's *Trafficking in Persons Report* noted inadequate protections for victims and the vulnerability of women on the Atlantic Coast, where institutions are weaker and crime is more prevalent. The National Assembly's passage of a law in January 2015 meant to address human trafficking is a sign of some progress. The law establishes prison terms of up to 20 years, creates a databank to track cases, and enables the confiscation of property gained through human trafficking.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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