

"The Brutal Demolition of Freedom of Association in Nicaragua:  
**VIOLATIONS OF THE RIGHT OF ASSOCIATION  
UNDER THE ORTEGA-MURILLO REGIME**"  
(2007-2022)



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Fundación del Río, Popol Na, Asociación Red Local y Esfera Ciudadana.



Report Closing Date: December 1, 2022.  
Available at: <https://popolna.org/>

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## I. Introduction

The socio-political and human rights crisis in Nicaragua continues to worsen. The systematic attacks on freedom of speech, freedom of association, and other basic human rights in a democratic society show that the regime of Daniel Ortega and Rosario Murillo insists to repress the people to retain their power at any cost.

Michelle Bachelet, United Nations High Commissioner for Human Rights, during an oral update on the human rights situation in Nicaragua at the 50th session of the Human Rights Council, stated that *"the human rights situation in Nicaragua has continued to decline. My Office continues to report arbitrary detentions where detainees face appalling conditions, hundreds of civil society organizations stripped of their legal status, and that fleeing the crisis, Nicaraguans continue to leave the country in unprecedented numbers. According to civil society sources, 173 people are deprived of their liberty in connection with the political and human rights crisis that erupted in 2018. Those who were detained in the context of the 2021 elections are enduring conditions contrary to the United Nations Standard Minimum Rules for the Treatment of Prisoners, and many have been prosecuted and convicted without due process."*<sup>1</sup>.

In Nicaragua, freedom of association was gradually weakening since 1997. Then aggressions against Nicaraguan civil society progressively intensified ever since the Ortega-

Murillo regime took control of the State in 2007, leading to aggressions in retaliation for the massive civil rebellion that began in April 2018.<sup>2</sup>

Following the closing and government co-optation of civic spaces and democratic participation in Nicaragua, the United Nations (UN) Special Rapporteur on the rights of freedom of peaceful assembly and association and the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) urge the State to reestablish and enforce the full enjoyment of civil and political rights, especially freedom of speech, peaceful assembly, and association. They also call on the international community to step up its commitment to provide supportive responses to the victims of the human rights crisis. Experts have expressed their concern about the arbitrary shutdown of hundreds of civil society organizations and have warned that this action represents "a clear pattern of repressing civic space."<sup>3</sup>

On December 16, 2020, POPOL NA and Fundación del Río presented their first report revealing systematic and serious violations of the right to association that have occurred in Nicaragua since the Ortega-Murillo regime took control of the State in 2007. This effort was undertaken as a civil responsibility to continue documenting and systematizing abuses

<sup>1</sup> 50th session of the Human Rights Council <https://www.ohchr.org/es/statements/2022/06/oral-update-situation-human-rights-nicaragua>

<sup>2</sup> We suggest reading the article by Nicaraguan sociologist Yerling Aguilera titled "Otras formas de luchar son posibles: el movimiento azul y blanco en Nicaragua" published in the book "Desbordes: Estallidos, sujetos y porvenires en América Latina" (Rosa Luxemburg Stiftung Foundation, 2021), by the Grupo Permanente de Alternativas al Desarrollo. <https://www.rosalux.org.ec/pdfs/desbordes-estallidos-sujetos-y-porvenires-en-america-latina.pdf>

<sup>3</sup> <https://www.ohchr.org/en/press-releases/2022/07/nicaragua-un-experts-denounce-arbitrary-shutdown-civil-society-organisations>



against freedom of association as a tool for the effective defense of human rights with the vision of contributing to the construction of historical memory from the perspective of human rights organizations. It is also a way to resist and maintain visible the rebellion against the dispossession, confiscation, and arbitrary shutdown of these organizations, ordered by the regime in 2018. This is also a commitment to the demand to release more than 219 political prisoners and the defense of truth, memory, and justice for all victims.

During 2018-2022, there is proof of systematic practices by the State leading to the brutal demolition of freedom of association as part of the authoritarian exercise of power by a regime that we characterize as a dictatorship and that according to the Inter-American Commission on Human Rights (IACHR), is responsible for crimes against humanity<sup>4</sup>.

Our organizations warn that these actions of serious dismantling of freedom of association in Nicaragua will continue to deepen. Therefore we have considered it crucial that our contribution to the civic struggles of the citizenry is expressed in this important report which is updated annually. We will promote a strategy of joining forces with other organizations to continue to document further the damage that this repressive regime strategy causes to Nicaraguan citizens' rights.

## **II. Demolition of Freedom of Association 2018-2022: The**

## **Repressive Response of the Dictatorship to Civil Rebellion**

The socio-political crisis that erupted in April 2018 in Nicaragua and still persists in 2022 developed in a profound process of citizen demands that the State responded to with serious human rights violations. For years, many sectors of Nicaraguan society had been confronting the authoritarian model of power exercised by the Ortega-Murillo regime. The concentration of power, widespread corruption, the absence of the rule of law, the lack of credibility in electoral processes due to repeated fraud, the alliance with major capital, welfare policies that benefited few sectors of the population, the extractivist development model and the aggressive destruction of nature were all factors that contributed to the citizens' rebellion.

The feminist, anti-mining and environmental movements, and especially the anti-canal peasant movement, progressively created the perspective that it was possible to autonomously organize independently from political parties to defend civil, political, economic, social, and cultural rights.

The immediate precedent to the civil insurrection of April 2018 were the mobilizations carried out by students and the general population demanding appropriate government action to fight a forest fire caused in the Indio Maíz Biological Reserve during the first days of April. Due to governmental negligence, lack of will, and political capacity to face this disaster, students and residents

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<sup>4</sup> We suggest reading the Report of the Interdisciplinary Group of Independent Experts (GIEI, by its Spanish acronym) of the IACHR. <https://gieinicaragua.org/en/#section00>



mobilized in various parts of the country<sup>5</sup>. Earlier, young people had protested in support of the demand for a reduced old-age pension but they were violently repressed.

Through social media, traditional media, and cyber media, environmental organizations reported on the progress of the disaster. Because of this work, Fundación del Río was threatened with the cancellation of its legal status by Ministry of the Interior (MIGOB by its Spanish acronym)<sup>6</sup>, and members of Popol Na and Fundación del Río were expelled from the area by military and police officers who tried to prevent the media from documenting the fire in the reserve<sup>7</sup>.

A few weeks after these protests, which were violently repressed, the government published unconsulted amendments to the social security system to the detriment of the majority of the contributing population and retirees. This sparked protests from senior citizens, which were supported by students and different civic groups. The State's response to the latter protests was much more violent and repressive and was generalized throughout the country.

According to the latest Report of the Inter-American Commission on Human

Rights (IACHR), entitled "Nicaragua: Concentration of Power and the Undermining of the Rule of Law" (2021)<sup>8</sup>, the Special Monitoring Mechanism for Nicaragua (MESENI by its Spanish acronym) concluded that "as of October 2021, the death toll resulting from the repression that began in April 2018 was at least 328 deaths, with 1614 persons deprived of liberty; over 136 persons remain deprived of liberty; 150 students expelled; over 405 health professionals dismissed, and over 103,600 Nicaraguans exiled."

The shutdown of civil society organizations not only transgresses freedom of association but also affects beneficiaries and workers of the closed NPOs during 2022. The massive shutdown of NGOs in Nicaragua affects more than one million Nicaraguans who benefited from various social programs, revealed an investigation by the Inter-American Dialogue, which estimates the losses due to the liquidation of the NGOs at 200 million dollars, in addition to 2,000 or more formal jobs.<sup>9</sup>

On the other hand, the Financial Action Group (FAG) removed Nicaragua from the gray list on October 21 because, according to the President of this organization, Raja

<sup>5</sup> Young people marched for Indio Maiz despite police repression. Confidential. April 13, 2018. <https://www.confidencial.com.ni/nacion/jovenes-marcharon-por-indio-maiz-a-pesar-de-represion/>

<sup>6</sup> Government threatens NGO that reported the fire in the Indio Maiz Reserve. La Prensa. April 11, 2018. <https://www.laprensani.com/2018/04/11/nacionales/2402438-gobierno-amenaza-onege-que-ha-informado-sobre-el-incendio-en-la-reserva-indio-maiz>

<sup>7</sup> Military detain journalists on their way to Indio Maiz. VTI. April 10, 2018. <https://vti24.net/2018/04/10/militares-retienen-a-periodistas-que-iban-a-indio-maiz/>

<sup>8</sup> "Nicaragua: Concentration of power and weakening of the rule of law" (2021). [https://www.oas.org/es/cidh/informes/pdfs/2021\\_Nicaragua-ES.pdf](https://www.oas.org/es/cidh/informes/pdfs/2021_Nicaragua-ES.pdf)

<sup>9</sup> More than one million Nicaraguans affected by the massive cancellation of NGOs. Confidential. October 12, 2022. <https://www.confidencial.digital/nacion/mas-de-un-millon-de-nicas-afectados-por-la-cancelacion-masiva-de-oeneges/>



Kumar, Nicaragua "has taken steps" to correct the failures that had been detected and also to comply with the action plan set for February 2020. In other words, they ignored the repressive precedents of the dictatorship, the cancellation of legal status, the persecution of opponents, and the imprisonment of civil society leaders.<sup>10</sup>

The right to freedom of association has been persistently violated. Therefore we have systematized the most emblematic cases to illustrate the serious violations of this right from 2018-2022.

## II.1. Violations to Freedom of Association 2022

**According to our detailed record, which can be consulted in the annexes to this report, the record of dismantling of freedom of association by the Ortega-Murillo regime includes attacks against 3,133 organizations of different types, during 2007-2022, which we summarize below:**

- I **1638** Nicaraguan NGOs, of which 1602 were stripped of their legal status by the National Assembly in complicity with the MIGOB in 2022. Another large portion of these organizations was canceled directly by the Ministry of the Interior through ministerial agreements.

Of these, we were able to document that 20 national NGOs have been subjected to *de facto* confiscations and police occupations of their premises.

It has not been possible to obtain information from the other organizations regarding the status of their assets due to the terror strategy imposed by the regime. We hope to further documenting these removals in future reports.

- I 363 unions of different professional sectors: producers, academics, etc., have been outlawed by the cancellation of their legal status by the National Assembly in complicity with the MIGOB.
- I 328 international NGOs, of which 322 were suspended in 2022 by the National Assembly and the MIGOB, disqualified them from operating within the country.
- I 287 religious associations and 151 neighborhood associations were outlawed and persecuted, one example is the Missionaries of Charity Association, which were directly affected by the expulsion from the country of several of the missions that were part of this order.
- I 160 women's associations, of which 158 were outlawed in 2022. The National Assembly approved the cancellation of some of them, and the MIGOB approved the last arbitrary cancellations.
- I 82 cultural associations, 81 of which were canceled in 2022, including the Granada Poetry Festival Foundation and the Nicaraguan Academy of

<sup>10</sup> FAG removes Nicaragua from the gray list. Confidential. October 21, 2022. <https://www.confidencial.digital/economia/gafi-saca-de-la-lista-gris-a-nicaragua/>



Language, were stripped of their legal status by the National Assembly in complicity withMIGOB.

- I 60 medical associations, of which 47 were suspended in 2022, including Operation Smile, which was illegally occupied.
- I 54 independent media offices and private companies, of which 29 were canceled in 2022, their facilities have been violently occupied by the National Police and confiscated *de facto* by the State without any legal proceeding<sup>11</sup>.
- I 18 recreational associations and 3 corporate social responsibility associations were illegally cancelled by the dictatorship. Three of them were forced to change their corporate name.
- I 8 private Nicaraguan universities, 7 of which were stripped of their legal status in 2022 by the National Assembly in complicity with the Ministry of the Interior, and their assets and facilities were confiscated *de facto* by the State upon being transferred to new public universities created a posteriori to complete the confiscation. They had no right to a legal defense.
- I 7 international universities whose legal registration was withdrawn by MIGOB in 2022, preventing them

from operating in the country without any legal proceeding.

- I 6 political parties were arbitrarily stripped of their legal status by the Supreme Electoral Council (CSE by its Spanish acronym). One of these parties has been stripped of its legal status on two occasions, and some of its leaders are imprisoned and exiled due to political retaliation.
- I 1 cooperative federation attacked and closed by the Ministry of Family, Community and Cooperative Economy (MEFCCA, by its Spanish acronym).
- I Of the total of 3169 organizations attacked by the State, we have recorded the *de facto* confiscation and raids on 42 organizations of different kinds, as documented in this report. This figure does not include the raids in the private homes of many individuals linked to these organizations and who were subsequently prosecuted by the Public Prosecutor's Office.
- I 219 political prisoners and detained individuals in Nicaragua, according to the List of the Mechanism for Recognition of Political Prisoners in Nicaragua, as of September 2022<sup>12</sup>. As we have documented here, many of these citizens are linked to the organizations and associations attacked by the Nicaraguan State to

<sup>11</sup> For more detailed information on the situation of Nicaraguan journalists, we suggest consulting the reports of "Periodistas y Comunicadores Independientes de Nicaragua" (PCIN, by its Spanish acronym).

<sup>12</sup> List of Political Prisoners in Nicaragua, September 2022. Mechanism for the Recognition of Political Prisoners. September 30, 2022. <https://presasypresospoliticosnicaragua.org/lista-mensual-de-personas-presas-politicos/>

prevent them from exercising their freedom of association.

- 1 An undetermined number of people who worked in all these organizations suddenly became unemployed. Thus they are also victims of the State's attacks. We will further systematize and document this situation in future reports.
- 1 Due to the type of work carried out by universities, associations, and organizations closed and illegalized by the State, there is an enormous number of affected people who used to be beneficiaries of the programs and projects of these entities. The impact of the confiscation of 6 private universities on Nicaragua's student population is of particular concern. Recording and quantifying the extent of the damage caused by the regime's retaliation that affects the country as a whole is a challenge.
- 1 There is also an undetermined number of non-governmental organizations that have been arbitrarily denied their certificates of compliance, and certifications of legal representatives or board of directors by the MIGOB, hindering their functioning and operation in the country. In other words, although many of them have not yet had their legal status cancelled, MIGOB's arbitrary practices include a series of endless new requirements, represent an obstacle to their freedom of association, which generates permanent uncertainty about their operations in the country.

- 1 The table attached to this report only includes organizations whose legal status and/or registration numbers were arbitrarily cancelled by the National Assembly and the Ministry of the Interior or those that were subjected to raids and *de facto* confiscations under the political instruction of the Ortega-Murillo dictatorship. It does not include organizations that have had to close due to threats, intimidation, and lack of an enabling environment to carry out their activities.

**This Report systematizes some of the practices used by the regime to demolish the freedom of association rights in Nicaragua.**

1. De facto confiscations. Confiscations are prohibited in Nicaragua, according to Article 44 of the Political Constitution. However, we have documented 41 cases: 6 press media, 1 federation of cooperatives, 6 private universities, 4 women's organizations, 2 unions, 1 religious association, 1 medical association, and 20 national NGOs. They have been subjected to *de facto* confiscations using police occupation of their facilities or using *de facto* transfers associated with the arbitrary cancellation of their legal status, without any compliance with the laws of the country.
2. Absolute closing of the administrative process. The public administration, under the legal responsibility of the Ministry of the Interior (MIGOB), has, in most cases, deliberately prevented the use of administrative procedures by not receiving or





answering the reports and communications submitted by the associations, by denying them their certifications to operate in the country, and by creating a disproportionate burden of new requirements, all to create false arguments for the subsequent cancellation of the legal status by the National Assembly.

3. Lack of access to justice and instrumentalization of the Judicial Branch. The multiple legal appeals filed by the organizations are not answered by the Supreme Court of Justice (CSJ, by its Spanish acronym), which demonstrates the political instrumentalization of the Judicial Branch and the denial of justice in the country.
4. Police violence. As documented in countless reports, the regime uses police violence to attack organizations and citizen protest movements.
5. Arbitrary arrests, criminalization of leaders, members of attacked organizations, and prison torture. Part of the kidnappings carried out by the Ortega-Murillo dictatorship against opponents is intimately correlated with its strategy of demolishing freedom of association and preventing citizens from organizing themselves to defend their rights. These aggressions affect all sectors of Nicaraguan society.
6. Forced displacement and exile. The members of these organizations suffer forced displacement within the country, as they are forced to hide or go into exile to preserve their freedom and integrity.

7. Unemployment and poverty as a repressive strategy. By illegalizing organizations, the regime seeks to send social leaders committed to the country's transformation to unemployment, preventing them from continuing to play their role. Similarly, by preventing the implementation of development projects, it forces the communities previously beneficiaries to remain in conditions of poverty and subjected to the State.
8. Change of corporate names: on May 17, 2022, the Special Law for the Change of Legal Entity Regime was approved, affecting the following organizations: Asociación Española Nicaragüense, Asociación Club Terraza, Asociación Nejapa Country Club, Country Club de Chinandega and Asociación Centro Ecuestre Cocibolca (Asoceco, by its Spanish acronym) This law sets a precedent by requiring this change to other entities registered as NPOs.
9. Obstacles to comply with the definitive closure: the General Directorate of Income (DGI by its Spanish acronym) has not allowed the definitive closure of some of the civil society organizations whose legal status was canceled by the dictatorship, as it has refused in several cases to issue solvency letters, exposing the NGO's directors to political retaliation if they were accused of crimes such as tax fraud, misappropriation of funds, abusive management, and misappropriation of funds<sup>13</sup>.

<sup>13</sup> DGI maintains "guillotine" against NGOs illegalized by the Government. Confidential. September 23, 2022. <https://www.confidencial.digital/nacion/dgi-mantiene-guillotina-contra-oeneges-ilegalizadas-por-gobernacion/>



**On the other hand, the content of this Report emphasizes the importance of coordinated efforts among different civil society organizations, prioritizing some strategic actions:**

I  
We call on organizations that have been victims of aggressions, confiscations, or other intimidating actions by the State to inform us to include them in this effort to systematize violations of freedom of association. We will take all necessary measures to safeguard the security of the sources of information.

Part of the efforts made by the organizations involved in this Report is launching a website where the information gathered in recent years and the reports on violations of freedom of association in Nicaragua will be registered.

We publicly warn that according to information obtained from the "Republic of Nicaragua Fourth Enhanced Follow-Up Report and Technical Compliance Re Rating" by the Latin American Financial

Action Task Force (Gafilat by its Spanish acronym), the Ortega-Murillo dictatorship has created a list of 1,797 NPOs that could be vulnerable to State aggressions. According to Gafilat: 208 organizations are considered of "high risk,"; 581 with "moderate risk", and 1,008 with "low risk".

Given that the dictatorship has been falsely informing Gafilat that the actions it has taken against non-profit organizations are "legitimate" for the control of money laundering, we will be promoting actions from civil society platforms to deny that information and to let the Financial Action Task Force (FATF) know the instrumentalization of its regulations to criminalize Nicaraguan civil society, and how the practices of the Nicaraguan State violate Recommendation 8<sup>14</sup> approved by this body in 2016.

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<sup>14</sup> RECOMMENDATION 8. Non-profit Organizations. <https://www.cfatf-gafic.org/index.php/es/documentos/gafi40-recomendaciones/414-recomendacion-8-organizaciones-sin-fines-de-lucro>



## II.2. Summary Table of Attacks against Freedom of Association in Nicaragua (2007 - 2022)

<b>RESUMEN DE AGRESIONES POR EL ESTADO DE NICARAGUA EN CONTRA DE LA LIBERTAD DE ASOCIACIÓN (2007-2022)</b>		
PARTIDOS POLITICOS	6	2 en 2008, 3 en 2021 y 1 en 2022
COOPERATIVAS	1	2015
MICROFINANCIERAS	3	3 en 2021
MEDIOS DE COMUNICACIÓN	54	8 entre 2007 y 2017, 10 en 2018, 6 en 2019, 1 en 2021 y 29 en 2022
ONGS NACIONALES (de desarrollo, medio ambiente, sociales, productivas etc)	1,638	9 en 2018, 3 en 2019, 2 en 2020, 22 en 2021 y 1,602 en 2022
ONGS INTERNACIONALES	328	6 en 2021, 322 en 2022
UNIVERSIDADES PRIVADAS	8	1 en 2021, 7 en 2022
UNIVERSIDADES INTERNACIONALES	7	7 en 2022
GREMIALES (Gremiales, Gremiales Empresariales, gremiales universitarias)	363	6 en 2021, 357 en 2022
RESPONSABILIDAD SOCIAL EMPRESARIAL	3	3 en 2022
ASOCIACIONES VECINALES	151	1 en 2021, 150 en 2022
ASOCIACIONES MEDICAS	60	13 en 2021, 47 en 2022
ASOCIACIONES RECREATIVAS	18	2 en 2021, 16 en 2022
ORGANIZACIONES RELIGIOSAS	287	2 en 2020, 285 en 2022
ASOCIACIONES CULTURALES	82	1 en 2021, 81 en 2022
ASOCIACIONES DE MUJERES	160	2 en 2021, 158 en 2022
<b>Total de Organizaciones Perseguidas</b>	<b>3,169</b>	



### ***III. Evolution of Violations to Freedom of Association in Nicaragua***

#### ***III.1. Historical Overview***

The recent history of freedom of association in Nicaragua is characterized by the diversity and growing forms of association and their relationship with the governments in power.

After the fall of the Somoza dictatorship (1937-1979) and during the revolutionary government (1979-1989), several associations were created, among them: Association of Nicaraguan Women "Luisa Amanda Espinoza" (AMLAE, by its Spanish acronym), heir of the Association of Women Facing National Problems (Ampronac, by its Spanish acronym), is the first women's organization in Nicaragua<sup>15</sup>; the Association of Rural Workers (ATC, by its Spanish acronym); the National Association of Educators of Nicaragua (ANDEN, by its Spanish acronym); the Sandinista Workers Central (CST, by its Spanish acronym); the National Union of Farmers and Ranchers (UNAG, by its Spanish acronym); the Sandinista Defense Committees (CDS, by its Spanish acronym); the National Union of Employees (UNE, by its Spanish acronym); the Union of Students of Nicaragua (UNEN, by its Spanish acronym); the Sandinista Association of Cultural Workers (ASTC, by its Spanish acronym); among others.

During the Sandinista Revolution, few non-governmental organizations (NGOs)

emerged; perhaps the most important was the Augusto C. Sandino Foundation (FACS, by its Spanish acronym),<sup>16</sup> founded in March 1980.

Organizations such as the General Confederation of Independent Labor (CGT-i, by its Spanish acronym) founded in 1963 and linked to the Socialist Party of Nicaragua (SPN); the Superior Council of Private Business (COSEP, by its Spanish acronym), founded in 1972; the Nicaraguan Workers' Central (CTN, by its Spanish acronym)<sup>17</sup> associated with the Social Christian Party (SCP); the Confederation of Trade Union Unity (CUS, by its Spanish acronym); and the Council of Protestant Churches of Nicaragua (CEPAD, by its Spanish acronym), created in 1972, among others, already existed. During this period, belligerent organizations also emerged in defense of human rights, such as the Permanent Committee for Human Rights (CPDH, by its Spanish acronym), founded in 1977, which reported abuses by the dictatorship and human rights violations during the revolutionary period.

After the 1980's civil war and the electoral defeat of the Sandinista National Liberation Front (FSLN by its Spanish acronym) in 1990, the country entered another stage of its democratic life, with a clear neoliberal tinge, led by the government of Violeta Barrios de Chamorro (1990-1997), who managed a complex transition process. In this period, many associations were legally constituted, considered the "boom" of civil society organizations, which began to claim autonomy from the FSLN party. In particular,

<sup>15</sup> The history of AMLAE. Feminist Program La Corriente. <https://lacorrientenicaragua.org/amnlae-la-historia-desde-sus-protagonistas/>

<sup>16</sup> Crisis in the FACS - A fight for institutionality and against corruption. Envio Magazine. <https://www.envio.org.ni/articulo/1642>

<sup>17</sup> It was founded in 1962 as the Autonomous Trade Union Movement of Nicaragua (MOSAN, by its Spanish acronym), and in 1972 changed its name to CTN.



the women's movement was immediately distinguished and exploded into dozens of new and belligerent feminist organizations that demanded an agenda that had been postponed.

In this new context of political change, the Sandinista organizations significantly lost their actions and the leading role that had been given to them by their close connection to the FSLN party. This occurs in the midst of strong political polarization and protests of this party against the neoliberal measures of the new government, as well as for shares of power.

This increase in the legal registration of associations and social movements was mainly due to the need for Sandinista organizations to create new spaces for political action, the increase in development cooperation and international solidarity, and the independence of the members of the associations began to have from the FSLN.

In the following liberal government of President Arnoldo Alemán (1997-2001), pressure against legally constituted associations increased significantly. First, because the government considered them of Sandinista origin, and second, to control the flow of international cooperation resources coming into the country as development aid. Nevertheless, articulating the associations, with international cooperation and some forces associated with the FSLN party, ensured this did not happen.

In the 1990s, municipal autonomy was also developed, which had been crushed by the national priorities defined by the FSLN, and enthusiasm for municipal associations

emerged. Thus, the liberals created their municipal association, and the Sandinistas organized their own: the Association of Democratic Mayors (ANAD by its Spanish acronym). The Association of Municipalities of Nicaragua (AMUNIC by its Spanish acronym) also emerged, which integrated diverse associations without political distinction at the time.

In this period, the organizations that were joining together in federations, unions, chambers, and other forms of association, increased their memberships and managed to constitute third-level or national platforms, especially for the impact on public policies and the attention of emergencies, such as the natural disaster of Hurricane Mitch. One of the most emblematic coordination structures in the face of the impacts of hurricane Mitch was the Civil Coordinator for Emergency and Reconstruction (CCER by its Spanish acronym), a civil society effort that managed to give humanitarian attention to the destructive impacts of the hurricane.

The CCER also promoted the creation of the National Council for Economic and Social Planning (CONPES by its Spanish acronym)<sup>18</sup> as a forum for consultation between the State and the civil society, including representatives of non-profit organizations, political parties, and government ministries. According to Law No. 7 of the year 2002, this was the governing body for planning and advising the President of the Republic on all aspects related to the economic and social development of the country. It also encouraged the direct participation of citizens in the creation, assessment, and monitoring of Nicaragua's Economic and Social Policy.

<sup>18</sup> The National Council for Social Economic Planning (CONPES) and citizen participation. Gonzalez Garcia, Roynell Allan, Korea Reynoso, Julio Cesar. <https://biblioteca.uam.edu.ni/repositorio/handle/721007/848>





Multiple feminist social movements that were being organized in the previous period also increased their capacity to structure and mobilize in the face of violence and gender inequalities. In 1998, after Daniel Ortega allegedly raped his stepdaughter Zoilamerica Narvaez, the women's movements accompanying the victim became the main targets of pressure and threats by the regime for their role as human rights defenders.

During this period, movements developed made up of organizations of different ideological positions but encompassing common agendas, such as the defense of nature and the environment<sup>19</sup>, rights of children and adolescents, municipalism, democracy, and participation—such as the Network for Democracy and Local Development—, monitoring electoral processes, and human rights—such as the Nicaraguan Center for Human Rights (CENIDH by its Spanish acronym)—.

In the next liberal government of President Enrique Bolaños (2002-2006), the associations had less pressure than in the previous period. The social movements of women, doctors, students, teachers, and consumers generated various waves of protests against the measures of the neoliberal model and the fight against corruption that occurred during the Arnoldo Alemán<sup>20</sup> government. During this period, the National Economic and Social Planning Council (COMPES by its Spanish acronym) was created.

### **III.2. The Ortega-Murillo Regime's Rise to Power and the Intensification of Authoritarianism**

With the return of Daniel Ortega Saavedra and the FSLN to the Executive Branch and their three consecutive presidential terms (2007-2011, 2012-2016, 2017-2021), the freedom of association deteriorated dramatically. After the civil rebellion of April 2018, the regime made a political decision to promote an absolute demolition of freedom of association. In this report, we have divided the destructive actions of the dictatorship against freedom of association into two terms: 2007-2018 and 2018-2022.

From the first year of his presidential term, Ortega maintained and deepened the political discourse that organizations should not intervene in politics and that only political parties could do so. He also developed a conflicting relationship with independent civil society and did not admit any questioning of government policies. On the other hand, Ortega generated mechanisms to manage the funds of international cooperation and to redirect them according to his political control purposes.

The associative dynamics of multiple Nicaraguan organizations (except those subject to the FSLN's political control) had been maturing and strengthening in their processes and actions to face the country's social problems and needs. This work, in turn, was translated into the social support and trust of urban and rural citizens to the work of the

<sup>19</sup> The struggles of the Nicaraguan environmental movement in the 21st century, by Amaru Ruiz and Monica Lopez Baltodano. Yearning for a new horizon: Contributions for a democratic Nicaragua. <https://www.flasco.or.cr/es/publicaciones/libros/43-anhelos-de-un-nuevo-horizonte>

<sup>20</sup> Fighting corruption: A great school. Magazine Envío. <https://www.envio.org.ni/articulo/1144>



different organizations. Through political advocacy, some of these organizations had become a guide, promoters, and facilitators of public policies and laws.

At the same time, crucial issues such as representativeness, domestic democracy, effectiveness and impact measurement for the continuous improvement of their actions, were also discussed in civil society organizations. Nicaraguan civil society was in the middle of this process when the Ortega-Murillo returned to power in 2007.

Taking advantage of political change, Ortega's regime disseminated a disqualification speech against organizations and associations, particularly those linked to development. He accused them of "defending the interests of the empire and the oligarchy" in an attempt to oppress and generate mistrust among citizens. In other cases, he used strategies of cooptation and corruption through financial compensation to try to silence them and make them allies.

Social movements were also victims of threats and systematic violence from groups organized by the government party to control them politically, which increased polarization in the country.

The political campaign commitments that the FSLN had made to some organized social sectors, social movements, and vulnerable groups historically related to the FSLN, were not fulfilled. Among other things, Ortega offered a change in the socio-economic direction of the country, social justice, and the promotion of participatory democracy, which never happened. On the contrary, the regime allied with the powerful private companies and generated a "co-government" officially called a model of

dialog and consensus, from which they jointly deployed a strategy of aggression against autonomous social movements.

The entire process of absolute power centralization developed by the Ortega-Murillo family is widely documented. They have eliminated all forms of autonomy, including municipal and university autonomy, and have accelerated the weakening of citizen participation mechanisms and all historical achievements of the Nicaraguan society.

This led to a progressive accumulation of discontent among citizens that was accompanied by recurrent public complaints from different organized civil society groups. Then, with the peaceful citizen insurrection of April 2018, the Nicaraguan people protested massively demanding deep institutional reforms, justice processes, and the regime's exit from power. However, the Ortega dictatorship, far from meeting citizen demands, responded in a violent manner committing crimes against humanity, which was duly documented by international human rights bodies. And the repression continues.

The State has increased its repression during the so-called "electoral year" in 2021 and refused to carry out electoral reforms that would give credibility to the process. Moreover, opposition pre-candidates, political and social leaders, and a long list of people, mainly young people, have been arrested. Today, this list is made up of 219 political prisoners. Besides the cancellation of the legal status of three political parties showed how the regime continued moving forward in consolidating a dictatorship incompatible with the holding of clean, transparent and democratic elections in Nicaragua.



As for the General Assembly of the Organization of American States (OAS) voted in favor of a resolution supported by 25 countries that determined that the elections of November 7, 2021, “had no democratic legitimacy<sup>21</sup>” and that Nicaragua “is not fulfilling the commitments assumed in the Inter-American Democratic Charter.<sup>22</sup>” In response, the Ortega-Murillo regime began the procedures for its final withdrawal and resignation from the OAS<sup>23</sup>.

In 2022, the dictatorship's criminalization of non-profit organizations increased substantially. The arbitrary shutdown of independent groups of civil society deepened the dictatorial regime and, together with other repressive actions, wiped out every vestige of democracy.

#### **IV.1. New Laws Criminalizing Freedom of Association**

##### **IV1. Law 1115, General Law for the Regulation and Control of Non-Profit Organizations**

Law No. 1115, for the Regulation and Control of Nonprofit Organizations, was approved on March 31, 2022, at a very difficult time for freedom of association when more than 2,543 organizations were canceled

and persecuted this year. Nicaragua's National Assembly passed Law 1115 with 77 votes in favor from the FSLN party and their allies, with 12 abstentions zero against and two who declined their right to vote<sup>24</sup>. Days later, on April 06, it was published in La Gaceta (the Official Government Journal).

The Law for the Regulation and Control of Non-Profit Organizations replaces the previous Law No. 147, General Law on Non-Profit Legal Personality. The new regulations governing NPOs are adapted to measure repression and criminalization of freedom of association in Nicaragua. Its objective is to institutionalize and legalize political persecution against these organizations through coercion, persecution, and surveillance, especially of donors, beneficiaries, and partner agencies.

As part of the political prosecution, the NPOs Directorate General for Registration and Control will coordinate actions to periodically assess their vulnerabilities to financing terrorism, money laundering, or other forms of support of terrorism and organized crime. Also, they will identify characteristics and types of NPOs that are especially at risk of being used for these purposes as stipulated in Article 10,

<sup>21</sup> OAS: Elections in Nicaragua "had no democratic legitimacy". <https://www.dw.com/es/oea-elecciones-en-nicaragua-no-tienen-legitimidad-democr%C3%A1tica/a-59808507>

<sup>22</sup> Resolution: Outcome of the Permanent Council's Deliberations of November 29, 2021, on the Situation in Nicaragua Pursuant to the Resolution Adopted at the Fifty-First Regular Session of the General Assembly [AG/RES. 2978 (LI-O/21). December 08, 2021. [https://www.oas.org/es/centro\\_noticias/comunicado\\_prensa.asp?sCodigo=D-015/21](https://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=D-015/21)

<sup>23</sup> Nicaragua announces its final withdrawal before the OAS. CNN. November 19, 2021. <https://cnnespanol.cnn.com/2021/11/19/nicaragua-retiro-definitivo-oea-orix/>

<sup>24</sup> Nicaragua urgently approves a law regulating and controlling NGOs. swissinfo.ch. March 31, 2022. [https://www.swissinfo.ch/spa/nicaragua-ong\\_nicaragua-aprueba-de-forma-urgente-una-ley-que-regula-y-control-a-las-ong/47482094](https://www.swissinfo.ch/spa/nicaragua-ong_nicaragua-aprueba-de-forma-urgente-una-ley-que-regula-y-control-a-las-ong/47482094)



paragraph 12<sup>25</sup>. This new regulation emphasizes fighting terrorism and money laundering, terms that the dictatorship has used to criminalize and stigmatize independent organizations and opponents of the regime.

Although the National Assembly remains empowered to approve and cancel legal entities, the Ministry of the Interior, through the Department of General Registration and Control of NPOs, plays a much more active role in the constant monitoring of the operations and performance of NPOs. As stipulated in article 34, paragraph 9, organizations must report at least 15 days before receiving donations from abroad and the final destination of such donations. On the other hand, paragraph 25 of this article states that before their execution, the projects to be developed must be reported to the General Directorate of Registration and Control of NPOs, to obtain their authorization.

NPOs in Nicaragua face greater legal barriers to carry out their work within the national territory due to laws designed to suffocate them. However, it is already impossible to operate within the country since it is almost impossible to comply with the requirements and overcome the legal obstacles imposed by law 1115.

#### **IV.2. Amendments and Additions to Law No 1115, General Law for the Regulation and Control of Non-Profit Organizations and Amendment to Law**

#### **No. 522, General Law of Sports, Physical Education and Physical Recreation**

Articles 1 and 4, paragraphs 7 and 8 of article 7, paragraphs 2 and 3 of article 10, articles 11, 17, 20, first and last paragraph of article 21, article 23, paragraph 1 of articles 24, 31 articles, paragraph 1 of article 33, 38 articles, the first paragraph of 47 articles, and 49 articles of Law No 1115, General Law for the Regulation and Control of Non-Profit Organizations<sup>26</sup> were amended.

Under the reform of the NPO law, the Ministry of the Interior is empowered to approve and cancel legal entities directly using ministerial agreements that must be published in La Gaceta.

Two additions were made after chapter III of Law No. 1115, General Law for the Regulation and Control of Non-Profit Organizations, which contemplates regulating NPOs for sports, physical education, and physical recreation, as well as business union entities, which must validate their registration with the General Directorate of Registration and Control of NPO of the Ministry of the Interior.

Article 4 of Law No 1127 establishes that the Ministry of Development, Industry and Trade and the Nicaraguan Sports Institute will send the Ministry of the Interior within sixty working days of the entry into force of this law, the physical and electronic

<sup>25</sup> Law on Regulation and Control of Non-Profit Organizations. April 06, 2022. chrome-extension://efaidnbmnnbpcjpcglclefindmkaj/<http://digesto.asamblea.gob.ni/consultas/utl/pdf.php?type=rdd&rdd=4aHWMzYr4%2FM%3D>

<sup>26</sup> Law on Amending and Adding to Law No 1115, General Law on the Regulation and Control of Non-Profit Organizations and amending Law No 522, General Law on Sport, Physical Education and Physical Recreation. August 11, 2022. <http://legislacion.asamblea.gob.ni/NormaWeb.nsf/9e314815a08d4a6206257265005d21f9/36fa5ff8ee20e9d0062588a00075ea32?OpenDocument>

administrative files, if any, of all the NPOs that to date have under their record and control, for their due processing, archiving, safekeeping and custody, as appropriate<sup>27</sup>.

#### **IV.1 Law No 1132, Amendments and Additions to Law 909, Law Establishing the National Cinematheque, and Amendment to Law No. 723, Law on Cinematography and Visual Arts**

Law No 1132, Law on Amendments and Additions to Law No 909, Law on the creation of the National Cinematheque, and Law No. 723, Law on Cinematography and Visual Arts, is censorship turned into law. The Law provides many more powers to the National Cinematheque since it allows it to regulate, authorize and supervise audiovisual productions made in Nicaraguan territory by nationals or foreigners.

The most significant change is the addition of a new chapter after article 8, which is number IV of the Law establishing the National Cinematheque, which attributes to it the function of recording all audiovisual activity carried out by a natural or legal person. The company must comply with the National Cinematheque's requirements and have its authorization to carry out any production. Other new powers are to prohibit public exhibitions and the marketing of audiovisual or cinematographic products and their confiscation.

The amendments to Law No 723, Law on Cinematography and Visual Arts, also stipulate that film producers who do not wish the collaboration of national personnel in their productions must pay 5% of the budget of said production in favor of the National Cinematheque<sup>28</sup>.

#### **V. Final Considerations**

The previous chapters show the systematic evolution of violations of the right to freedom of association in the country. To characterize and group these violations to analyze the different repressive stages against freedom of association, we can group them into the following stages:

##### **The first stage** (from 2007 to 2010)

This is characterized by the continuity of the discourse of previous governments to seek political control, above all, the development funds that were reaching the non-profit organizations, for the most part. At this stage, the entire model of citizen participation is undermined, and the first restrictions on the various forms of association are initiated, trying to restrict, discredit and reduce their ability to influence in public spaces and the political dynamics of the country, both at the municipal and national levels. The cancellation of the legal personality of two political parties as a political reprisal is highlighted.

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<sup>27</sup> Law on Amending and Adding to Law No 1115, General Law on the Regulation and Control of Non-Profit Organizations and amending Law No 522, General Law on Sport, Physical Education and Physical Recreation. August 11, 2022. <http://legislacion.asamblea.gob.ni/NormaWeb.nsf/9e314815a08d4a6206257265005d21f9/36fa5ff8ee20e9d0062588a00075ea32?OpenDocument>

<sup>28</sup> Law No 1132, Law on Amendments and Additions to Law 909, Law Creating the National Cinematheque and Amendment to Law No 723, Law on Cinematography and Visual Arts. La Gaceta (Official Government Journal) No 195. October 18, 2022. <https://www.lagaceta.gob.ni/la-gaceta-n%C2%BA-195-martes-18-de-octubre-de-2022/>





**The second stage**(from 2011 to 2015) The main characteristics were the multiple violations of freedom of association and other civil freedoms and rights. The repression was directed mainly at the social movements that took to the streets to demand their rights and resisted the patriarchal hegemonic model that favored extractive and megaproject processes that were consolidating between the Ortega-Murillo government and the big capital. At this stage, the arbitrary action of the State institutions was also evidenced by the intervention of a federation of cooperatives, giving the first warning signal about a *de facto* confiscation of property and the instrumentalization of the MIGOB to execute political reprisals.

**The third stage** (from 2016 to 2018) It was characterized by the increased pressure on non-profit organizations that accompanied the social movements that took to the streets to defend their rights. These violations culminated in the cancellation of the legal personality of nine organizations working in defense of human rights, environmental and indigenous rights, political rights, freedom of expression, and the defense of women's rights. This also includes the violations of freedom of association that occurred in 2017 to favor private and State companies, the violence unleashed against the self-organized movements that emerged in April 2018, and the expropriations of commercial companies, especially those related to belligerent media outlets independent of the government.

**The fourth stage** (from 2019 to 2021) known as the stage of open demolition of the freedom of association. It is characterized by the consolidation of a restrictive legal framework for non-profit organizations to seek legal justification for assaults, increased control, monitoring,

intimidation, and restriction of the work of the international organizations present in the country, as well as the refusal to hand over the documents that allow the operation of the national non-profit organizations, to create false accusatory arguments. Massive cancellations of legal status are made, reaching 92 direct aggressions to different associations and the application of the restrictive laws approved.

The dictatorship's actions against freedom of association have direct consequences not only for people who worked in different closed and outlawed associations and organizations that became unemployed but also for the citizens who benefit from programs and projects these organizations promote. The extent of the damage caused to the country by the regime's reprisals is not yet recorded and quantified.

Many closed organizations had an important role in society, considering the absence of the State, as they met multiple social needs such as medical care, training in social topics, accompaniment in cases of violence, and the generation of research through different studies carried out by think tanks. The universities were involved in the most dramatic case, which provided access to higher education for thousands of Nicaraguan students.

One of the constants in all these stages is the lack of access to justice. Most of the cases of violations against freedom of association submitted before the courts have not been decided, with a deliberate and evident delay in justice, despite the fact the organizations have complied with the established legal procedures and exhausted due process. This has motivated the use of regional and international human rights



protection mechanisms to properly document these situations so that, in the future, when democracy is restored, the State of Nicaragua becomes accountable for these abuses.

International human rights agencies that have visited the country and documented human rights violations have agreed that there is a lack of access to justice. This is not only in the context of the events of April 2018 but as a repeated behavior of a repressive State that does not respect fundamental freedoms and can only be considered as a dictatorship.

Despite the repeated calls and resolutions of international human rights organizations and individual and collective sanctions imposed by some countries, the State of Nicaragua continues to violate human rights, including the right to freedom of association. This indicates that the guarantee of right to freedom of association goes inevitably through a democratic political change in the country.

**Fifth Stage:** The fifth repressive phase against freedom of association began in 2022 with the execution and implementation of the total shutdown of Nicaraguan civil society organizations and international cooperation bodies that collaborated with Nicaragua through projects and financing for the NPOs.

A greater controlled apparatus was generated by the National Assembly and the Ministry of the Interior through the General Directorate of Registration and Control of NPOs and the repressive laws approved in 2022: Law No 1115, General Law for the Regulation and Control of Non-Profit Organizations, Law on Amendments and Additions to Law No 1115, General Law for the Regulation and Control of Non-Profit Organizations and Law No. 522, General Law of Sports, Physical Education and Physical Recreation; Law No 1132, Law on Amendments and Additions to Law 909, Law establishing the National Cinematheque and Law No. 723, Law on Cinematography and Visual Arts.

Over 3,133 NPOs have suffered direct reprisals from the dictatorship, the highest peak of repression toward freedom of association in recent years, setting a precedent of non-regression in the attacks directed against Nicaraguan civil society. In addition, the dictatorship has generated a contentious narrative about the NPOs, accusing them of money laundering and other serious crimes to persecute and repress the leaders of social organizations using repressive laws.





**LUCHAMOS  
POR LAS  
DIGNIDADES**



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**VIOLATIONS OF THE RIGHT OF ASSOCIATION**  
**UNDER THE ORTEGA-MURILLO REGIME**"  
(2007-2022)

