



ifex-ALC



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3rd CYCLE UNIVERSAL PERIODIC REVIEW

Recommendations for addressing the deteriorating climate for freedom of expression in Nicaragua

Joint-Submission by IFEX-ALC, AMARC-ALC and IAPA

Nicaragua's previous Universal Periodic Review (UPR), in 2014, included 22 recommendations related to freedom of expression, 19 of which were accepted by the State. Unfortunately, as our submission has exposed, the climate for freedom of expression in the country is in a critical condition and has significantly deteriorated during the recent socio-political crisis. The government has demonstrated a troubling lack of political will to live up to its prior commitments, and is failing to protect and guarantee these essential rights.

1 Attacks against journalists and a climate of impunity

Since April 2018, when the protest erupted, there have been more than 250 cases of attacks or aggressive actions against media outlets, one journalist has been killed, and almost 60 others have fled the country.

Directors of media outlets, editors and journalists have received death threats and have been subjected to various forms of cyber-attacks, including “doxing” (in which their private information has been disseminated), unauthorised access to their email, social media and other accounts, and denial-of-service (DoS) attacks. Journalists lack effective complaint mechanisms, as the police and judicial bodies are not fully autonomous and independent from those who hold political power. The Nicaraguan state itself continues to use administrative, judicial and financial means to unduly restrict the free press.

Specific recommendations:

- Take immediate action to halt all acts of physical aggression, intimidation and threats originating from violent groups, para-police forces and paramilitary forces aligned with the government. Additionally, stop all government affiliates from using technical means to block access to media outlets or defaming, insulting or revealing the private information of independent journalists and opposition activists on social media networks.

- Carry out thorough investigations into all acts of violence against journalists and media outlets, including the assassination on 21 April 2018 of Ángel Eduardo Gahona, and apply the full force of the law to those responsible, in order to avoid a state of impunity that will encourage further violence.
- Immediately adopt the most appropriate measures to guarantee the physical and psychological safety of media professionals via the implementation of protection protocols.
- Respect and comply with the precautionary measures granted by the Inter-American Commission on Human Rights in favour of the victims, activists, journalists and their relatives who have been attacked and threatened.

2 Indirect censorship

There has been political control and undue interference in the work of the media.

Issues that are contributing to this restrictive environment include discriminatory practices in the allocation of government advertising; a lack of clear procedures for assigning frequency licences to radio and television stations; stigmatisation and internal pressures that undermine community-level communications; the implementation of indirect censorship mechanisms by the government; and restrictions on the importation of journalistic supplies and equipment.

Specific recommendations:

- Ensure that the allocation of government advertising be subject to regulations that guarantee the application of fair, transparent and objective criteria.
- Fully guarantee the right to community-level media through access to adequate operating conditions and financing options from diverse sources.

3 Criminalization of expression and assembly

More than 400 people have died and 2500 have been injured since the beginning of country-wide demonstrations in April 2018.

Journalists and media outlets have reported high levels of repression, including the use of lethal force by police forces against protesting participants as well as against journalists covering the events. The government has responded to the protests as though acts of expression and assembly are criminal acts rather than constitutional rights; this represents a serious threat to the rule of law in the country.

Specific recommendations:

- Refrain from criminalising demonstrations and those who participate in them. Guarantee protection for journalists covering demonstrations and ensure that security force responses are not repressive, but rather fulfil a role of safeguarding protestors.
- Work with national and international institutions to search for an appropriate and definitive framework that promotes respectful and tolerant dialogue and leads to a democratic solution to the serious and on going socio-political crisis in the country.