



## Freedom in the World - Nicaragua (2010)

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Capital:  
Managua

Population:  
5,669,000

Political Rights Score: 4 \*

Civil Liberties Score: 4 \*

Status: Partly Free

Ratings Change

Nicaragua's civil liberties rating declined from 3 to 4 due to President Daniel Ortega's continued use of violent intimidation and politicized courts to overcome obstacles to his plans for reelection.

### Overview

**President Daniel Ortega of the ruling Sandinista National Liberation Front (FSLN) pressed forward with his plans for reelection in 2009, securing a contentious Supreme Court ruling in October that struck down the constitutional ban on consecutive terms. Meanwhile, the international community condemned the results of the November 2008 municipal elections, which were marred by allegations of vote-rigging in favor of the FSLN, and foreign donors announced the suspension of more than \$150 million in aid. Journalists, government critics, and civil society activists continued to face systematic harassment and intimidation during the year.**

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The independent Republic of Nicaragua was established in 1838, 17 years after the end of Spanish rule. Its subsequent history has been marked by internal strife and dictatorship. The Sandinista National Liberation Front (FSLN), a leftist rebel group, overthrew the authoritarian regime of the Somoza family in 1979. The FSLN then moved to establish a Marxist government, leading to a civil war. The United States intervened, in part by supporting irregular rebel forces known as the *contras*.

In 1990, National Opposition Union presidential candidate Violeta Chamorro defeated the FSLN's Daniel Ortega in free and open elections, leading to a peaceful transfer of power. Before leaving office, however, the Sandinistas revised laws and sold off state property to party leaders, ensuring that they would retain political and economic clout.

Former Managua mayor Arnoldo Aleman of the Liberal Constitutionalist Party (PLC) defeated Ortega in the 1996 presidential election, but he was accused of corruption throughout his presidency. In 1999, the PLC and FSLN agreed to a governing pact that guaranteed Aleman a seat in both the Nicaraguan and the Central American parliaments, assuring him immunity from prosecution. It also included reforms that lowered the threshold for winning an election without a runoff from 45 to 40

percent (or 35 percent if the winner had a lead of 5 percentage points). Using their combined bloc in the legislature, the two parties solidified their political control over the Supreme Court, the electoral tribunal, the inspector general's office, and other institutions.

In the 2001 elections, PLC presidential candidate Enrique Bolanos, a respected conservative businessman, defeated Ortega. He vowed to prosecute Aleman and his aides for corruption, causing a break with the PLC; Bolanos later formed his own party, the Alliance for the Republic (APRE). The protracted effort to convict Aleman eventually yielded a 20-year prison sentence for money laundering in 2003. However, the former leader later used his alliance with Ortega to win concessions from the FSLN-controlled courts, and he was released from parole conditions in March 2007, so long as he did not leave the country.

Meanwhile, the PLC- and FSLN-dominated National Assembly blocked virtually all of Bolanos's proposed legislation. In 2005, the National Assembly voted to strip Bolanos of certain presidential powers and replace his appointees to autonomous state bodies. The Central American Court of Justice ordered the National Assembly to reverse the legislation, and after a long standoff, the two sides agreed to postpone implementation of the reforms until after Bolanos left office.

Ortega won the presidency in November 2006 elections, taking 38 percent in the first round. His closest challenger was a former finance minister under Bolanos, Eduardo Montealegre of the Nicaraguan Liberal Alliance (ALN), who took 29 percent. In the concurrent legislative elections, the FSLN obtained 38 out of 92 seats, while the PLC took 25, giving the allied parties a two-thirds majority. The ALN secured 22, and the Sandinista Renewal Movement (MRS) won 5. Bolanos also received a seat as outgoing president, and Montealegre took one as the presidential runner-up. The new National Assembly voted in January 2007 to postpone the 2005 constitutional reforms, which have not taken effect to date.

Later in 2007, Ortega consolidated presidential power through reforms that gave the executive branch more control over the central bank, the police, and the military. His administration also established a system of Citizens' Power Councils (CPCs), from the neighborhood to the federal level, to promote direct democracy and participate in the government's Zero Hunger food-production project. Critics argued that the bodies would blur the lines between state and party institutions. The president asserted his personal influence in June 2008 by appointing his wife to serve as head of the Social Cabinet, which put her in charge of programs like Zero Hunger as well as the National Social Welfare System.

The Supreme Electoral Council (CSE) took a number of steps in 2008 that appeared designed to ensure an FSLN victory in the November municipal elections. It postponed the elections in several municipalities in the Northern Atlantic Autonomous Region, where dissatisfaction with the government response to Hurricane Felix in 2007 had stoked anti-FSLN sentiment. The CSE annulled

Montealegre's leadership of the ALN in April and granted it to an FSLN supporter, and in May it revoked the legal status of two other opposition parties, the Conservative Party and the MRS, preventing them from contesting the elections. The CSE also refused accreditations to local and international electoral observers for the first time since 1990.

After the November balloting, the CSE announced that the FSLN had won 105 of 146 municipalities, including Managua. However, numerous independent observers documented fraud in at least 40 municipalities. In Managua, the CSE failed to report results from 660 polling places, and while observers asserted that Montealegre should have been declared mayor, the office went to Sandinista sympathizer Alexis Arguello. (In July 2009, Arguello was found dead in his home after an apparent suicide.)

Civil society groups led nationwide protests against electoral fraud in February 2009, but demonstrators were violently attacked by progovernment groups in Jinotega, Chinandega, and Leon, causing dozens of injuries. Opposition groups claimed that the police were complicit in the attacks, and in Chinandega two local officials and a progovernment union leader were charged with inciting violence. The international community condemned the municipal election results, leading to the suspension of more than \$150 million in U.S. and European Union (EU) aid in 2009.

In July, Ortega publicly commented that Nicaragua should eliminate presidential term limits, stoking fears that he would resist giving up power at the end of his term in 2011. His proposal met with opposition in the National Assembly, where he lacked the support necessary to pass a constitutional amendment on the issue, but in October he secured a ruling from the FSLN-controlled Supreme Court that struck down the ban on consecutive terms. In December, the National Assembly approved a resolution to oppose the Supreme Court's decision, leaving the electoral commission to decide which body of government to obey. The president of the electoral commission supported the Supreme Court's ruling, but is scheduled to leave his post in 2010. Thus, the future of the commission's decision remained in question at the year's end.

### **Political Rights and Civil Liberties**

Nicaragua is an electoral democracy. 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 last presidential election. Both presidential and legislative elections are held every five years. The governing FSLN party and its ally, the PLC, currently dominate state institutions and together hold a two-thirds majority in the legislature.

The 2006 presidential and legislative elections were regarded as free and fair by the CSE and the international community. However, independent observers reported fraud in at least 40 municipalities during the November 2008 local

elections, which raised concerns about the impartiality of the CSE in the face of FSLN influence.

The political and civic climate is affected by corruption, political pacts, violence, and drug-related crime. Corruption cases against opposition figures often raise questions about political motivation. 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 preserved the government's right to protect information related to state security, and in 2009 government-run enterprises failed to publish financial information in accordance with the law.

The administration of President Daniel Ortega has created a network of private businesses under the auspices of the Bolivarian Alliance for the Americas (ALBA), a regional economic association through which the Venezuelan government provides Nicaragua with 10 million barrels of oil annually. Nicaragua pays half the cost up front and the rest over a 25-year period, with a 2 percent interest rate. The funds generated from the resale of Venezuelan oil are dedicated to social projects but administered directly by President Daniel Ortega's office, outside of the national budget. This has raised concerns that the money could be allocated in a corrupt or politicized manner. In June 2009, the Central Bank was required by the International Monetary Fund to reveal the amount of funding received from Venezuela on its website; Nicaragua reportedly received \$457 million in 2008, up from \$185 million in 2007. However, the Central Bank did not explain how the money was used. In February 2009, the director of the social program Zero Hunger, Gustavo Moreno, resigned amid charges of corrupt contracting and acquisition procedures. Nicaragua was ranked 130 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index.

The constitution calls for a free press but allows some censorship. Radio remains the main source of information. Before leaving office in 1990, the Sandinistas privatized some radio stations and handed them to party loyalists. There are six television networks based in the capital, including a state-owned network, and many favor particular political factions. Three national newspapers cover the news from a variety of political viewpoints. Investigative journalism plays a major role in exposing corruption and official misconduct. The opposition has accused the office of the Communications and Citizenry Council, which oversees the government's press relations and is directed by First Lady Rosario Murillo, of limiting access to information and censoring the opposition. Access to the internet is unrestricted.

The press has faced increased political and judicial harassment since 2007, as the Ortega administration engages in systematic efforts to obstruct and discredit critics in the media. Journalists have received death threats, and some have been killed in recent years, with a number of attacks attributed to FSLN sympathizers. Amnesty International reported that at least 20 journalists and 5 independent radio stations were attacked following the 2008 municipal elections. Judges aligned with the FSLN have ordered restrictions on coverage of particular cases. In

February 2009, citing a lack of evidence, the Interior Ministry dropped an embezzlement and money-laundering investigation it had launched in 2008 against 17 nongovernmental organizations (NGOs), with a focus on two groups headed by journalists. A poll released in April revealed that self-censorship had increased by 23 percentage points between February 2007 and February 2009; the share of respondents reporting that they did not feel safe discussing politics in public rose from 39 percent in 2007 to 68 percent in 2009.

Freedom of religion is respected, and academic freedom is generally honored.

Freedoms of assembly and association are recognized by law, but their observance in practice has come under mounting pressure. While public demonstrations are generally allowed, FSLN supporters used violence against antigovernment protesters in 2008. In February 2009, demonstrators calling for a recount of the November 2008 municipal elections were similarly attacked by FSLN supporters in the cities of Leon, Jinotega, and Chinandega. Opposition members accused the police of partisan behavior and failing to protect demonstrators.

Although NGOs are active and operate freely, they have faced harassment in recent years, and the emergence of the CPCs has weakened their influence. In 2009 the government introduced an "international cooperation manual" that would have regulated NGO activities and funding and placed restrictions on their cooperation with international organizations. Implementation of the manual was suspended in July following widespread criticism by civil society organizations.

The FSLN controls many of the country's labor unions, and the legal rights of non-FSLN unions are not fully guaranteed. There are reports of employees being dismissed for union activities. Although the law recognizes the right to strike, unions must clear a number of hurdles first, and the requisite approval from the Ministry of Labor is almost never granted. Employers sometimes form their own unions to avoid recognizing legitimate organizations. Citizens have no effective recourse when labor laws are violated by those in power. Child labor and other labor abuses in export-processing zones continue to be problems, though child labor occurs most often in the agricultural sector.

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 in the conduct of security forces, abuses of human rights still occur, and law enforcement officials allowed progovernment groups to assault protesters with impunity following the 2008 municipal elections. Forced confessions remain a problem, as do arbitrary arrests, and insufficient funding has affected police performance and staffing levels. Conditions in the

similarly underfunded prisons are poor. Nicaragua is an important transshipment point for South American drugs, but the police have been active in combating trafficking and organized crime.

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 Northern Atlantic Autonomous Region (RAAN) and Southern Atlantic Autonomous Region (RAAS). The government has taken no known steps to comply with a 2005 ruling by the Inter-American Court of Human Rights, which ordered it to pay damages to indigenous groups after the electoral commission prevented the majority-indigenous Yatama party from competing in 2000 municipal elections. Yatama won 16 percent of the vote in 2006 regional elections. In 2008, the CSE postponed municipal elections in seven municipalities of the RAAN; critics said the aim was to suppress anti-FSLN sentiment in the area following Hurricane Felix, which struck in September 2007. In April 2009, the Miskito Council of Elders announced the creation of a separatist movement demanding independence from Nicaragua; separatists have cited government neglect and grievances related to the exploitation of natural resources. Over a thousand separatist supporters held a demonstration in Bilwi, the RAAN capital, in May.

Violence against women and children, including sexual and domestic abuse, remains a widespread and underreported problem. In September 2009, the public defender's office increased free legal services for victims of domestic violence in 12 municipalities. 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. The Autonomous Women's Movement, which has vocally opposed the abortion ban, was among the NGOs that faced criminal investigations in 2008 only to be cleared of wrongdoing in February 2009.

Nicaragua is a source for the trafficking of women and children for prostitution. A penal code reform prohibiting trafficking in persons took effect in July 2008, but the country was placed on the Tier 2 Watch List of the U.S. State Department's 2009 Trafficking in Persons Report due to its lack of progress in raising awareness of the problem, improving treatment of victims, and compiling reliable trafficking statistics.

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*\* Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom. Click [here](#) for a full explanation of Freedom in the World methodology.*