



Republic of Nicaragua

Joint Submission to the UN Universal Periodic Review  
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and

Federación Red Nicaragüense por la Democracia y el Desarrollo Local

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## **1. Introduction**

- 1.1** CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 170 countries.
- 1.2** The Nicaraguan Network for Democracy and Local Development Federation (Red Local) is a coalition of 22 CSOs. Founded in 1993, it seeks to strengthen CSOs that work for inclusive and equitable local development.
- 1.3** In this submission, CIVICUS and Red Local examine the Government of Nicaragua's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse the actions and policies of the Government of Nicaragua concerning the rights to the freedoms of association, peaceful assembly and expression, and unwarranted restrictions on human rights defenders (HRDs), since its previous UPR examination in April 2014. To this end, we assess the implementation of the recommendations received by Nicaragua during the 2<sup>nd</sup> UPR cycle relating to these issues and provide follow-up recommendations.
- 1.4** During the 2<sup>nd</sup> UPR cycle, the Government of Nicaragua received 26 recommendations relating to the space for civil society (civic space). The government accepted 22 and noted four of those recommendations. However, an evaluation of a range of legal sources and documentation presented in subsequent sections of this submission demonstrates that the government has not implemented any of the recommendations relating to civic space. As a result, an increasing deterioration has been observed in the enjoyment of the freedoms of association, peaceful assembly and expression, and in the situation of HRDs and journalists.
- 1.5** CIVICUS and Red Local are deeply concerned about the violent repression of protests and the criminalisation of protest leaders and demonstrators, particularly of the student and peasant movements, as well as about the intensification of the persecution and intimidation experienced by CSOs supporting social movements in Nicaragua.
- 1.6** CIVICUS and Red Local are further alarmed by growing restrictions on the freedom of expression resulting from media concentration in government hands and pressures and threats against journalists and independent media covering politically sensitive issues.
- 1.7** As a result of these restrictions in civil society rights, civic space in Nicaragua is currently rated as 'repressed' by the CIVICUS Monitor, indicating the existence of heavy constraints on civil society's fundamental rights, and high levels of danger for civil society activists. Nicaragua is currently on the CIVICUS Monitor's Watch List,

which includes countries experiencing serious declines in the quality of their civic space.<sup>1</sup>

- Section 2 of this submission examines Nicaragua’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 3 examines Nicaragua’s implementation of UPR recommendations and compliance with international human rights standards relating to the protection of civil society activists, HRDs and journalists.
- Section 4 examines Nicaragua’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and access to information.
- Section 5 examines Nicaragua’s implementation of UPR recommendations and compliance with international human rights standards relating to the freedom of peaceful assembly.
- Section 6 provides recommendations to address the concerns listed.
- An annex lists the implementation of recommendations received by Nicaragua in the 2<sup>nd</sup> UPR cycle that are referenced in this submission.

## **2. Freedom of association**

**2.1** During Nicaragua’s examination under the 2<sup>nd</sup> UPR cycle, the government received three recommendations on the right to the freedom of association and creating an enabling environment for CSOs. The government accepted all the recommendations, committing, among other things, to “guarantee the right to freedom of [...] association in accordance with international obligations” (114.91) and “avoid any obstacle to the work exercised by individuals and institutions protecting human rights in Nicaragua” (114.89). However, as evidenced below, the government has failed to take adequate measures to realise any of these recommendations.

**2.2** Article 49 of the Constitution of Nicaragua guarantees the right to the freedom of association.<sup>2</sup> This right is also enshrined in article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Nicaragua is a state party. However, the effective enjoyment of this right has been hampered by both legal and extra-legal factors.

**2.3** Since 2014, the Constitution of Nicaragua (Articles 4 and 5) has made explicit its foundation on ‘Christian values’ and ‘socialist ideals’. This has been perceived by some

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<sup>1</sup> CIVICUS Monitor: Nicaragua, <https://monitor.civicus.org/country/nicaragua>.

<sup>2</sup> Political Constitution of Nicaragua, 2014, <http://goo.gl/5WvB21>.

parts of civil society, such as women's rights organisations, as a tool that could be used against them. Similarly, both Law No. 919 on Sovereign Security<sup>3</sup> and Law No. 977 Against Money Laundering and the Financing of Terrorism, also known as the Anti-Terrorism Law,<sup>4</sup> have been perceived as weapons that the government could discretionally use against CSOs. Among the first targets of Law No. 977, approved in July 2018, were the Institute of Strategic Studies and Public Policy (IEEPP) and its director, Félix Maradiaga, currently accused of terrorism for providing training on human rights and democracy.<sup>5</sup>

- 2.4** The establishment, operations and dissolution of CSOs are regulated by Law No. 147.<sup>6</sup> According to article 138, paragraph 5 of the Constitution, legal recognition is granted to CSOs by the National Assembly. Once they have legal status, compliance with Law No. 147 is in the hands of the Ministry of the Interior's Department of Registration and Control of Associations, which maintains a registry where all CSOs must register. Law No. 822 establishes tax exemptions for artistic, cultural, educational, philanthropic, political, religious and trade union organisations (Article 32), with exceptions regarding for-profit economic activities (Article 33).<sup>7</sup> CSOs are also exempt from paying taxes on income and real estate at the municipal level. Beyond these specific regulations, CSOs must comply with the rest of the current legislation on labour, taxes and social security.
- 2.5** Bylaws for the implementation of Law No. 147 have never been issued, and the law, and tax and social security regulations, are applied with great discretion. Surprise audits, allowed by law, are used to hinder the operations and intimidate the staff of CSOs known to be critical of the government. Red Local has repeatedly denounced the Ministry of the Interior's administrative harassment of several of its member organisations, including the unjustified retention of documentation certifying their compliance with the requirements of Law No. 147 and threats to withdraw their legal status. Fundación del Río, one of the affected CSOs, has also reported being targeted with intelligence investigations, smear campaigns and the surveillance and harassment of team members.<sup>8</sup> The organisation filed two amparo writs before the

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<sup>3</sup> Law on Sovereign Security of the Republic of Nicaragua, No. 919, 2015, <http://goo.gl/zvKM9y>.

<sup>4</sup> Law Against Money Laundering and the Financing of Terrorism and of the Proliferation of Weapons of Mass Destruction, No. 977, 2018, <http://goo.gl/J75Mwq>.

<sup>5</sup> 'Juez ordena capturar al director del IEEPP', El Nuevo Diario, 25 September 2018, <https://bit.ly/2MXIclv>; 'IEEPP rechaza acusaciones contra Félix Maradiaga', El Nuevo Diario, 25 September 2018, <https://bit.ly/2zCsZTC>.

<sup>6</sup> General Law on Non-profit Legal Entities, No. 147, 1992, <http://goo.gl/HrcTLR>. Laws No. 849 and No. 876 apply to business organisations, while Law No. 858 regulates sports associations. See General Law of Chambers, Federations, Confederations and Business Associations, No. 849, 2013, <http://goo.gl/aEK6cm>; Law No. 876 reforming Law No. 849, 2014, <http://goo.gl/xZEjPg>; Law No. 858 reforming Law No. 522, 2014, <http://goo.gl/3VA9W8>.

<sup>7</sup> Tax Concertation Law, No. 822, 2012, <http://goo.gl/A9EZsA>.

<sup>8</sup> 'Fundación del Río denuncia "presiones" de Gobernación', Confidencial, 31 October 2017, <http://goo.gl/LynEnG>; 'Fundación del Río denuncia descalificaciones y presiones por parte de Gobernación', La Prensa, 12 April 2018, <http://goo.gl/fmrkBs>.

Supreme Court of Justice, which have not yet been resolved despite legal deadlines having long passed.<sup>9</sup>

- 2.6** Independent civil society has been affected by the introduction of restrictions on receiving external funding. In September 2015, the government informed the diplomatic corps and representatives of international organisations based in Nicaragua that international cooperation resources could no longer be remitted directly to CSOs but should be channelled through government agencies. This decision further intensified the financial asphyxiation already being experienced by several CSOs working on advocacy and the advancement of rights due to alleged government pressures on donors.<sup>10</sup>
- 2.7** Regional and international CSOs have found increasing obstacles to operate and maintain relationships with their Nicaraguan partners, as evidenced by the denial of entry and deportation of two members of the Center for Justice and International Law (CEJIL) in May 2015, and of Freedom House's representative for Latin America in February 2016.<sup>11</sup> International organisations based in Nicaragua have also been pressured when defining their cooperation agenda with domestic CSOs, and some have been forced to leave the country.<sup>12</sup> Barriers to international contact intensified in 2018: in late August, the Government of Nicaragua expelled the mission of the Office of the UN High Commissioner for Human Rights, following the agency's publication of a critical report on the repression of protests.<sup>13</sup> The Inter-American Commission on Human Rights (IACHR) has also documented reprisals against Nicaraguan individuals and organisations for participating in hearings and other activities of the IACHR.<sup>14</sup>
- 2.8** The freedom of association of Nicaraguan workers is strongly restricted. The ruling party controls most unions, and the rights of independent unions are not guaranteed in practice. While the right to strike is recognised in the Labour Code,<sup>15</sup> unions often encounter many obstacles in exercising it.<sup>16</sup> It is quite common for employers to

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<sup>9</sup> 'Fundación del Río se ampara ante la Corte Suprema de Justicia de Nicaragua', La Prensa, 27 January 2018, <https://bit.ly/2xjqMVd>.

<sup>10</sup> See 'Nicaragua: La guerra de Ortega contra las ONG', Proceso, 30 October 2015, <http://goo.gl/Lzzjjs>.

<sup>11</sup> 'Deportan arbitrariamente de Nicaragua a representantes de CEJIL', CEJIL, 15 May 2015, <http://goo.gl/4YPnmq>; 'Freedom House Latin America Director Denied Entry to Nicaragua', Freedom House, 3 February 2016, <http://goo.gl/PcPu5h>.

<sup>12</sup> 'Solo quedará el "esqueleto" de la oficina del PNUD en Nicaragua', La Prensa, 9 February 2016, <https://bit.ly/2DDgg74>.

<sup>13</sup> 'Mensaje de Liz Throssell, vocera de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos, sobre la expulsión de Nicaragua de representantes de OACNUDH', Office of the High Commissioner for Human Rights (OHCHR), 4 September 2018, <http://goo.gl/hn4DLt>.

<sup>14</sup> 'Report on the 161<sup>st</sup> Session of the IACHR', Organization of American States (OAS), 22 March 2017, <http://goo.gl/Tib77D>.

<sup>15</sup> Labour Code, Law No. 185, 1996, <http://goo.gl/ER2uJw>.

<sup>16</sup> According to the International Trade Union Confederation, the law establishes excessive majority requirements in a vote allowing for a strike to be called, and enables the Ministry of Labour to end a lawful strike if the parties have not reached an agreement 30 days after it was first declared. For examples of anti-union dismissals, the government's refusal to recognise unions, the government's co-optation of public sector unions, criminalisation of workers involved in labour protests, and other

establish parallel unions rather than recognise legitimate workers' organisations, and to dismiss workers for their union activity.

### **3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists**

- 3.1** Under Nicaragua's previous UPR examination, the government received nine recommendations on the protection of HRDs, civil society representatives and journalists, eight of which it accepted. For example, the government committed to "take all necessary measures for the protection of journalists and HRDs, in particular through the prosecution of the authors of intimidation or violence against them, and by ensuring the independence of their actions" (114.85) and "comply with the recommendation accepted in 2010, but not yet implemented, to establish an Observatory on Human Rights Defenders in collaboration with organizations that defend human rights in the country" (114.90). However, as examined in this section, the government has failed to implement any of these recommendations effectively.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees the freedoms of association, peaceful assembly and expression. In spite of these protections, Nicaraguan HRDs and women HRDs are routinely stigmatised, harassed and criminalised, a situation that has further intensified during the protest cycle that began in April 2018.
- 3.3** The main tool used to criminalise HRDs is the Criminal Code,<sup>17</sup> along with the Anti-Terrorism Law.<sup>18</sup> Although cases against defendants are often eventually dismissed, this tends to occur after lengthy judicial proceedings during which people stay detained and, on occasion, are subjected to ill-treatment. Among the most frequent accusations, the use of which intensified in 2018, are those of terrorism (article 394 et seq.), participation in a criminal group (article 362), obstruction of public services (article 327), obstruction of functions (article 460), interference with authority (article 532), possession or illegal possession of firearms or ammunition (article 401), threat with weapons (article 186), aggravated robbery (article 225), simple kidnapping (article 163), attempted homicide (articles 73 and 74) and murder (article 140). The latter charge has been particularly used in an attempt to hold social leaders and protesters responsible for deaths occurring during protests.
- 3.4** Additionally, numerous HRDs have been smeared and targeted with stigmatisation campaigns, surveillance, phone tapping, interference with communications, threats and physical attacks against them or their family members, intimidation and physical

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violations of workers' freedom of association, see 'Survey of Violations of Trade Union Rights - Nicaragua', International Trade Union Confederation, <http://goo.gl/MgrMRQ>.

<sup>17</sup> Criminal Code, Law No. 641, 2007, <http://goo.gl/kBBXAM>.

<sup>18</sup> Law Against Money Laundering and the Financing of Terrorism and of the Proliferation of Weapons of Mass Destruction, op. cit.

surveillance by police vehicles, obstacles to their freedom of movement, the seizure of their property, interrogations and illegal detention accompanied with beatings, torture and the denial of legal assistance, and acts of aggression perpetrated by non-state actors linked to the government. According to the Nicaraguan Initiative for Women Defenders (IN-D), sexual attacks, sexual torture and threats or acts of violence against family members, particularly their children, are particularly relevant in the case of women HRDs.<sup>19</sup> When these happen, allegations usually go unheard and protection requests ignored, meaning that impunity prevails.

- 3.5** Between 2014 and 2018, intimidation, attacks and arbitrary arrests of land rights defenders increased, particularly in the contexts of conflict around the Interoceanic Canal, state inaction regarding its duty to follow up on the titling of indigenous territories in the Caribbean Coast, and the struggles of indigenous communities due to the lack of implementation of free, prior and informed consent requirements in the face of large infrastructure projects and extractive industries concessions such as gold mining.
- 3.6** Between 2015 and 2017, IN-D documented 389 attacks against 202 women activists, mostly land rights defenders and women's and LGBTI rights activists. A paradigmatic case is that of Francisca Ramírez, leader of the National Council in Defense of Land, Lake and Sovereignty.<sup>20</sup> In addition to being the target of a smear and slander campaign from government-aligned media and harassment on social media, she has been subjected to systematic espionage, surveillance and police harassment, including the unjustified seizure of two vehicles. In June 2016, she was arbitrarily detained along with a group of peasants and seven young people from the Mesoamerican Caravan for Good Living, who were expelled from Nicaragua.<sup>21</sup> She has

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<sup>19</sup> See 'Situación de las Defensoras de Derechos Humanos - Nicaragua', IN-Defensoras, November 2017, <http://goo.gl/5knv52>.

<sup>20</sup> See 'Interview with Francisca Ramírez', La Prensa, 3 July 2016, <http://goo.gl/va519G>; 'Francisca Ramírez denuncia espionaje y persecución', La Prensa, 3 October 2016, <http://goo.gl/bJq4Zz>; 'Policía entrega con daños los vehículos de Francisca Ramírez', Hoy, 11 December 2016, <http://goo.gl/b7LoQm>; 'Alerta Nicaragua: Atentan contra la vida de hijo de Francisca Ramírez', IM-Defensoras (Iniciativa Mesoamericana de Defensoras), 26 April 2017, <http://goo.gl/ym9wD6>; 'Alerta Nicaragua: campaña de desprestigio y difamación contra Francisca Ramírez y Mónica López Baltodano', IM-Defensoras, 12 December 2017, <http://goo.gl/SgZdCU>; 'Alerta Nicaragua: Graves amenazas contra la defensoras Francisca Ramírez', IM-Defensoras, 14 July 2018, <http://goo.gl/KWRZZH>.

<sup>21</sup> See 'Ambientalistas expulsados relatan crudos interrogatorios en Nicaragua', La Prensa, 28 June 2016, <http://goo.gl/RqHLVf>. The expulsion of foreign colleagues and support organisations as a mechanism of intimidation has been well documented by human rights organisations. Other cases included those of Mexican journalist and researcher Viridiana Ríos, who had to leave Nicaragua in the face of police harassment that foreshadowed arbitrary detention; US academic Christopher Sabatini, expelled along with two US diplomats; Honduran environmentalist José María Reyes; and several foreign journalists and photographers covering the Interoceanic Canal project. See 'Salí de Nicaragua por temor a ser detenida: periodista mexicana', Excelsior, 24 June 2016, <http://goo.gl/FnjbYA>; 'Detenciones y expulsiones por el Gran Canal de Nicaragua', La Prensa, 25 June 2016, <http://goo.gl/sF8UBi>; 'Gobierno de Nicaragua expulsa a activista ambiental hondureño', La Prensa, 30 June 2016, <http://goo.gl/Ejmoc5>; 'Expulsiones de Nicaragua: un patrón recurrente y en aumento, dice académico', La Prensa, 7 July 2016, <http://goo.gl/C6s8oX>.

received threats directed against family members and her son experienced assaults and an attempted kidnapping. Since August 2017, Ramírez and her family have been the beneficiaries of a precautionary measure issued by the IACHR.<sup>22</sup>

- 3.7** Among other criminalised, threatened and harassed women HRDs are Mónica López Baltodano, of the Popol Na Foundation; Juana Bilbano and Lottie Cunningham, of the Centre for Justice and Human Rights in the Atlantic Coast of Nicaragua; Arelys Cano Meza, defender of the rights of people living with HIV; Haydée Castillo, an anti-mining activist in Nueva Segovia; Ana Patricia Martínez, of the Foundation for the Promotion and Development of Women and Children; Vilma Núñez, of the Nicaraguan Centre of Human Rights (CENIDH); Thelma Suárez Oliva, community defender and women's rights activist; and Aydil del Carmen Urbina, a lawyer with the Foundation for Community Development.<sup>23</sup>
- 3.8** Although around half of the attacks reported by IN-D are attributed to the security forces, a large number are also perpetrated by pro-government groups or individuals. This was the case of Félix Maradiaga, who was repeatedly harassed, threatened with death and eventually intercepted and physically attacked by a group from the Sandinista Youth.<sup>24</sup>
- 3.9** Numerous cases have been documented of journalists who have been threatened, intimidated and assaulted, particularly for their coverage of controversial infrastructure projects, especially the Interoceanic Canal and its links with allegations of corruption and environmental damage; of social protest in general, and mobilisation against extractive industries in particular; and of governmental processes and allegations of fraudulent electoral manoeuvres. In June 2014, journalist Edgardo Trejos and camera operator Javier Castro were attacked by individuals associated with the government while covering protests.<sup>25</sup> In June 2016, a US photographer investigating the Interoceanic Canal for Amnesty International was

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<sup>22</sup> Resolution 33/2017, Precautionary Measure No. 331-17, IACHR, 22 August 2017, <http://goo.gl/sp3CqL>.

<sup>23</sup> See 'Alerta Nicaragua: Detención arbitraria; trato degradante, cruel e inhumano; y criminalización contra Arelys Cano Meza', IM-Defensoras, 26 May 2016, <http://goo.gl/k6kYHS>; 'Nicaragua: Amenazas contra las Sras. Vilma Núñez, Lottie Cunningham, Juana Bilbano y Francisca Ramírez', International Federation for Human Rights, 29 March 2017, <http://goo.gl/xgdP4r>; 'CENIDH verifica en unidad policial de La Dalia la detención de la defensora de derechos humanos Thelma Suárez Oliva', CENIDH, 26 April 2017, <http://goo.gl/u7xSLE>; 'Alerta Nicaragua: Detención arbitraria, uso excesivo de la fuerza, tratos crueles, inhumanos y degradantes contra Aydil del Carmen Urbina Noguera', IM-Defensoras, 10 May 2017, <http://goo.gl/RihVts>; 'Mónica López Baltodano: "Gobierno me quiere detener, criminalizar y judicializar"', 100% Noticias, 27 August 2018, <http://goo.gl/jZ79FC>; 'Orteguistas responsabilizan a manifestantes por el asesinato de tres hombres en Mozonte, Nueva Segovia', La Prensa, 27 August 2018, <http://goo.gl/atQ7wi>; 'Alerta Nicaragua; Atentan con piedras contra el vehículo de la defensora Haydée Castillo', IM-Defensoras, 11 September 2018, <http://goo.gl/hcF8WC>.

<sup>24</sup> 'Comunicado y denuncia pública por las agresiones a nuestro director, Félix Maradiaga', IEEPP, 11 July 2018, <http://goo.gl/PNdM1Z>; 'CIDH anuncia nuevas medidas cautelares adoptadas a partir del MESENI y condena ataque contra Félix Maradiaga', IACHR, 12 July 2018, <http://goo.gl/DKyqrZ>.

<sup>25</sup> 'Nicaraguan journalists demand government action to stop attacks against the press', Knight Center, 22 July 2014, <http://goo.gl/awGfUi>.

briefly detained and questioned for not having “permit” to carry out such journalistic work.<sup>26</sup> In October 2016, CENIDH filed a complaint against the army and the Sandinista National Liberation Front (FSLN), the ruling party, for intimidation and espionage against the newspaper Confidencial and its journalists, allegedly in connection with their coverage of the electoral campaign.<sup>27</sup> More recently, numerous journalists were physically assaulted, some quite seriously, by police forces and Sandinista mobs during the 2018 protests. On 21 April 2018, journalist Ángel Gahona, of the news programme El Meridiano, was shot dead while covering protests.<sup>28</sup>

#### **4. Freedom of expression, independence of the media and access to information**

- 4.1** Under the 2<sup>nd</sup> UPR cycle, the Government of Nicaragua received 17 recommendations relating to the freedom of expression and access to information, 14 of which it accepted. For example, it pledged to “create and ensure an enabling environment for free and independent media” (114.81) and “implement fully the bill on access to information and take effective measures to protect freedom of the press” (114.93). The government also noted two recommendations that urged the decriminalisation of defamation (116.22; 117.18), arguing that Nicaraguan laws do not criminalise defamation. As discussed below, the government did not take any effective measures to implement these recommendations.
- 4.2** Article 19 of the ICCPR guarantees the right to the freedoms of expression and opinion. Articles 30, 66 and 68 of the Constitution of Nicaragua also guarantee the freedoms of expression and the press, as well as access to information and media.<sup>29</sup> The right to the protection of personal data and habeas data remedies are also constitutionally recognised (arts. 26, 45 and 190). However, these rights are strongly restricted in practice.
- 4.3** The Nicaraguan Criminal Code includes the crimes of slander, insult and the unauthorised dissemination of images of deceased persons and offence to their memory, all of which are punished with substantial fines (Article 202 et seq.).<sup>30</sup> Although there have been some defamation lawsuits against journalists, these are relatively infrequent.
- 4.4** The freedoms of the press and of information are more often limited by strategies such as the manipulated allocation of official advertising, which is reduced to a minimum with critical media; the denial of access to cover government activities; the

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<sup>26</sup> ‘Detienen y liberan a periodista de Amnistía’, Confidencial, 19 June 2016, <http://goo.gl/Y2z6fk>.

<sup>27</sup> ‘Confidencial denuncia actos de intimidación y espionaje’, Confidencial, 7 October 2016, <http://goo.gl/wvyKbK>.

<sup>28</sup> ‘Journalist killed while covering protests in Eastern Nicaragua’, Committee to Protect Journalists (CPJ), 24 April 2018, <http://goo.gl/YEkiE7>; ‘Ortega criminaliza el periodismo’, Confidencial, 31 July 2018, <http://goo.gl/TxiL9q>.

<sup>29</sup> Political Constitution of Nicaragua, 2014, op. cit.

<sup>30</sup> Criminal Code, op. cit.

tight control of the flow of information from the top of the state apparatus; and media concentration in the hands of the presidential family, businesspeople supportive of the government and members of the ruling party. Acts of explicit censorship, in the form of the closure of media outlets and programmes and interruptions of broadcasting, have been less frequent, although there have been examples of these, such as the closure of feminist radio station Voz de Mujer in 2015;<sup>31</sup> the cancellation of popular radio programme Onda Local in 2017;<sup>32</sup> and the interruption of broadcasting, on government orders, of four cable channels that were covering the demonstrations and the repression in April 2018.<sup>33</sup>

- 4.5** Eight out of nine free-to-air television channels are controlled by the ruling Ortega-Murillo family, while the second-biggest media conglomerate is in the hands of a Mexican businessman with close ties to the government.<sup>34</sup> Numerous newspapers, digital media and radio stations - the main source of information - are also controlled by the presidential family and the same businessman, as well as by FSLN figures. It is however impossible to know precisely how many media sources they control because this information is not in the public domain.
- 4.6** Through the application of Law No. 200 on Telecommunications (1995), which international experts consider outdated,<sup>35</sup> the Nicaraguan Institute of Telecommunications and Postal Services limits the access of community radio stations to permanent licences to operate, granting them instead temporary permits that last for only one year. Despite having been repeatedly urged to do so by the Nicaraguan chapter of the World Association of Community Radio Broadcasters, the government has not strengthened legal security for the sector and has instead persisted in the practice of closing local stations and confiscating their equipment.<sup>36</sup>
- 4.7** Access to public information is highly limited. Passed in 2007, Nicaragua's Access to Public Information Law is aligned to international standards but has been routinely ignored.<sup>37</sup> Government agencies' webpages are outdated and propaganda predominates among the available information. Most institutions have not established the offices and mechanisms required by the law. Two out of every three requests for information channelled through the Derecho a Preguntar civil society

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<sup>31</sup> 'Alerta Nicaragua: Radio Voz de Mujer', IM-Defensoras, 1 June 2015, <http://goo.gl/1gtbD8>.

<sup>32</sup> 'Ordenan el cierre del programa Onda Local', La Prensa, 4 April 2017, <http://goo.gl/Ycc2tL>.

<sup>33</sup> 'Nicaragua saca del aire canales de TV por transmitir protestas', Milenio, 19 April 2018, <http://goo.gl/RvJKMN>.

<sup>34</sup> 'Los medios de la familia presidencial nicaragüense', Onda Local, 10 October 2017, <http://goo.gl/ekfWYw>.

<sup>35</sup> General Law of Telecommunications and Postal Services, No. 200, 1995, <http://goo.gl/YuGSpq>; 'BID: ley de telecomunicaciones en Nicaragua está desactualizada', El Nuevo Diario, 16 April 2018, <http://goo.gl/pspDIg>.

<sup>36</sup> 'Hablan sobre la radio y la propuesta de ley de radios comunitarias en Nicaragua', Radio Camoapa Estéreo, 14 February 2014, <https://bit.ly/2OgBQzY>; 'Protestan cierre de radioemisora comunitaria en Jalapa, Nicaragua', Observacom, 2 June 2015, <https://bit.ly/2OkFknF>.

<sup>37</sup> Law on Access to Public Information, No. 621, 2007, <http://goo.gl/1A7Ktg>; Global Right to Information Rating: Nicaragua, Centre for Law and Democracy, <http://goo.gl/Zmi6p2>.

initiative have remained unanswered.<sup>38</sup> In practice, the flow of government information is controlled by First Lady and Vice President Rosario Murillo, who as the head of the Communications and Citizenship Council coordinates government relations with the media. The president has not given a single open press conference since 2007.

- 4.8** Through systematic discrediting campaigns against independent media and journalists, which are depicted as agents of US imperialism, the government enables its supporters to direct their attacks against them. Alongside the routine intimidation and threats on social media, during the 2018 protests there was a spike in acts of aggression, beatings and destruction or theft of equipment of journalists covering the demonstrations. Radio Darío, in the city of León, was burned to the ground by a pro-government mob.<sup>39</sup>

## **5. Freedom of peaceful assembly**

- 5.1** During Nicaragua's examination under the 2<sup>nd</sup> UPR cycle, the government received six recommendations on the right to the freedom of peaceful assembly, five of which it accepted. Among other recommendations, the government committed to "ensure that members of the political opposition, civil society organizations as well as journalists are free to express their views and opinions, including guarantees for their rights to freedom of assembly" and to "protect the rights to freedom of expression and assembly and ensure all abuses allegedly committed by police are transparently investigated" (115.8). However, as evidenced below, the government has failed to realise any of these recommendations adequately.
- 5.2** Article 21 of the ICCPR guarantees the freedom of peaceful assembly. Articles 52, 53 and 54 of the Constitution of Nicaragua also guarantee this right.<sup>40</sup> Nevertheless, its exercise has encountered increasing obstacles both in policy and practice.
- 5.3** Current legislation requires that organisers of demonstrations must request authorisation to hold an event, rather than simply notify the authorities of its holding. Although these are often not banned in advance, most protests against the government are hampered or dispersed by police or pro-government groups with government acquiescence.
- 5.4** Since the Police Law (No. 872) of 2014 entered into force, the police force has been directly controlled by the president, with powers to appoint and dismiss the highest-

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<sup>38</sup> Derecho a Preguntar, [www.derechoapreguntar.org](http://www.derechoapreguntar.org).

<sup>39</sup> 'Turbas orteguistas quemaron Radio Darío en León', La Prensa, 22 April 2018, <http://goo.gl/vcSwtB>; 'Nicaragua's press defiant in the face of arson attacks and mob violence', CPJ, 9 July 2018, <https://bit.ly/2xHaBXn>.

<sup>40</sup> Political Constitution of Nicaragua, op. cit.

ranking officers.<sup>41</sup> Predictably, this has resulted in a police hierarchy based on loyalty to the president, the intensification of partisan recruitment and the institution's political and partisan instrumentalisation.<sup>42</sup>

- 5.5** Strongly questioned by civil society,<sup>43</sup> the Sovereign Security Law (No. 919) enacted in 2015 defines security threats very widely (including some, such as sabotage or foreign interference, which overlap with the legal types already used to criminalise demonstrators) and blurs the dividing line between citizen security and national security, enabling internal espionage and the militarisation of civilian security agencies.<sup>44</sup> Additionally, the Anti-Terrorist Law, passed in the midst of a deep political crisis characterised by mass protests, contains broad definitions that allow citizens exercising their right to assemble peacefully to be labelled as terrorists.<sup>45</sup>
- 5.6** These laws have been applied selectively against indigenous and peasant groups mobilised against extractive and infrastructure projects and in defence of their territory; advocacy groups for women's and LGBTI rights; and students, CSOs and other groups mobilised against government policies or around issues concerning democratic institutions, including corruption, elections and human rights.
- 5.7** The Anti-Canal Peasant Movement, which has led hundreds of marches over the past five years, has faced denials of permission to march and, during authorised marches, systematic violations of their freedom of movement as a result of roadblocks and checkpoints by anti-riot brigades, harassment and intimidation from civilian groups linked to the government, and police repression, including beatings and shootings, and arbitrary arrests and ill-treatment while in custody, occasionally causing fatalities.<sup>46</sup> The movement's national leaders have been systematically harassed and criminalised. Medardo Mairena's experiences are a case in point: he has been detained and deprived of his freedom twice, and on the second occasion, in the context of the 2018 protests, he is currently being held in pre-trial detention on charges of

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<sup>41</sup> Law on the Organisation, Functions, Career and Special Social Security Regime for the National Police, No. 872, 2014, <http://goo.gl/JRmbjc>.

<sup>42</sup> 'Consideraciones del CENIDH sobre la nueva ley de la Policía Nacional', CENIDH, 26 May 2014, <http://goo.gl/YUq7pA>; 'Roberto Cajina: "Policía ha bajado la guardia"', La Prensa, 5 February 2017, <http://goo.gl/B7Djt1>.

<sup>43</sup> See 'Pronunciamiento de IEEPP sobre la iniciativa de Ley de Seguridad Soberana', IEEPP, 27 October 2015, <http://goo.gl/Z9xiCr>; 'CENIDH recurre por inconstitucionalidad Ley de Seguridad de Ortega', Confidencial, 11 February 2016, <http://goo.gl/cmAoqz>; 'Vigente ley de Seguridad Soberana que "militariza el Estado"', La Prensa, 26 December 2015, <http://goo.gl/nrRsqM>.

<sup>44</sup> Law on Sovereign Security of the Republic of Nicaragua, op. cit.

<sup>45</sup> Law Against Money Laundering and the Financing of Terrorism and of the Proliferation of Weapons of Mass Destruction, op. cit.; 'La nueva ley antiterrorista en Nicaragua podría usarse para criminalizar protestas pacíficas', UN, 17 July 2018, <https://bit.ly/2xIXXqX>.

<sup>46</sup> 'Nicaragua; policía desaloja protesta contra Canal Interoceánico', BBC, 24 December 2014, <https://bbc.in/2DknmgN>; 'Policía cerca movilización para impedir marcha anti-canal', Onda Local, 26 October 2015, <https://bit.ly/2O9sKaV>; 'Nicaragua reprime las protestas contra el Canal', El País, 1 December 2016, <https://bit.ly/2DIHP4T>; 'Represión gubernamental ha dejado discapacitados a campesinos anticanal', La Prensa, 14 August 2017, <https://bit.ly/2px94PX>.

terrorism, organised crime, simple kidnapping, murder, damage to public property, obstruction of public services (transportation) and injuries.<sup>47</sup>

- 5.8** Feminist organisations and those advocating for sexual and reproductive rights have faced frequent denials of authorisation to march and blockades of their mobilisations.<sup>48</sup> They have also experienced numerous instances of arbitrary detention, often accompanied by excessive force, threats and intimidation.<sup>49</sup>
- 5.9** In April 2018 and over the months that followed, mobilisations led by students and others in civil society were violently repressed in the main cities of Nicaragua. The 30 May march, held on Mother's Day to show support for the women whose children were killed in earlier protests, resulted in at least 15 deaths and 199 injuries.<sup>50</sup> According to a report by the IACHR, between 18 April and 19 June 2018, repression resulted in at least 212 deaths, with 1,337 people injured and 507 deprived of their freedom. By late August 2018, according to the IACHR, over 300 protesters had been killed, although according to civil society sources, the number of victims might have been closer to 500. The systematic use of arbitrary detention and the excessive and disproportionate use of police force were accompanied by the intimidating and violent actions of pro-government armed civilian groups, encouraged by a persistent propaganda campaign aimed at stigmatising and criminalising protesters. In retaliation for their participation in the protests, the government even denied urgent medical attention to seriously wounded demonstrators. Scores of medical professionals who defied the government's order were fired.<sup>51</sup> Numerous detainees, accused of crimes such as terrorism, carrying illegal arms and vandalism, were detained in the fearsome prison of El Chipote, where many were denied medical attention and subjected to torture and other forms of ill-treatment. Several officials responsible for the repression, including the director of El Chipote, were promoted following the protests.<sup>52</sup>

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<sup>47</sup> 'Medardo Mairena: "Me detuvieron y aislaron"', Confidencial, 3 September 2017, <https://bit.ly/2tcsHzb>; 'Medardo Mairena es acusado de siete delitos y queda en prisión preventiva', El Nuevo Diario, 17 July 2018, <https://bit.ly/2OKuzbh>.

<sup>48</sup> See 'Policía de Chinandega bloquea el paso a mujeres que se dirigían a una protesta en Managua', La Prensa, 25 November 2017, <https://bit.ly/2MVitKB>.

<sup>49</sup> See 'Liberan a feministas detenidas por protesta pro aborto', Confidencial, 28 September 2016, <https://bit.ly/2ptWsct>.

<sup>50</sup> 'Confirman 16 fallecidos en ataque a marcha de Madres de Abril en Nicaragua', El Nuevo Diario, 31 May 2018, <http://goo.gl/SSsSo9>.

<sup>51</sup> 'Medical staff in Nicaragua sacked for treating protesters', Al Jazeera, 28 July 2018, <http://goo.gl/nYm3U4>.

<sup>52</sup> 'Graves violaciones a los derechos humanos en el marco de las protestas sociales en Nicaragua', IACHR, 18 June 2018, <https://bit.ly/2I8mTx5>; 'Fiscalía acusa a 9 estudiantes por terrorismo', El Nuevo Diario, 24 July 2018, <https://bit.ly/2O99iYx>; 'CPDH: "hay un formato de acusación" para criminalizar a manifestantes', Confidencial, 13 August 2018, <https://bit.ly/2MlOxv2>; 'Violaciones de derechos humanos y abusos en el contexto de protestas en Nicaragua', OHCHR, 18 August 2018, <https://bit.ly/2wuJ8aP>; 'Nicaragua's Chief of Torture Center Promoted', <https://bit.ly/2O99iYx>, Human Rights Watch, 11 September 2018, <https://bit.ly/2O99iYx>.

## 6. Recommendations to the Government of Nicaragua

CIVICUS and Red Local call on the Government of Nicaragua to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.<sup>53</sup>

At a minimum, the freedoms of association, peaceful assembly and expression, the rights to operate free from unwarranted state interference, communicate and cooperate and seek and secure funding, and the state's duty to protect should be guaranteed. In light of this we make the following recommendations.

### 6.1 Regarding the freedom of association

- Take measures to foster a safe environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.
- Remove all undue restrictions on the ability of CSOs to receive domestic and international funding in line with best practices articulated by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.
- Refrain from acts leading to the closure of CSOs or the suspension of their legitimate activities, and instead promote a meaningful political dialogue that includes diverging views, including those of CSOs, HRDs, journalists and political activists.
- Regulate Law No. 147 on non-profit legal entities with the active and effective participation of CSOs and civil society networks.
- Modify Law No. 919 on Sovereign Security and Law No. 977 against money laundering and terrorism financing and remove unjustified restrictions on the freedom of association, in accordance with articles 21 and 22 of the ICCPR.
- Suspend all judicial procedures that hamper CSOs' legal and legitimate work.
- Guarantee the formation and functioning of independent unions and eliminate any unjustified limitations on the right to strike.

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<sup>53</sup> Resolution on the protection of human rights defenders, A/HRC/RES/22/6, 12 April 2013, <http://goo.gl/4jQ41W>; Resolution on the safety of journalists, A/HRC/RES/27/5, 2 October 2014, <http://goo.gl/37nUyy>; Resolution on civil society space, A/HRC/RES/27/31, 3 October 2014, <http://goo.gl/3stBG2>.

## **6.2 Regarding the protection of human rights defenders**

- Provide civil society members, HRDs and journalists with a safe environment in which to carry out their legitimate activities without fear, undue obstruction or legal or administrative harassment.
- Establish a national mechanism for the protection of HRDs, in line with best international practice.<sup>54</sup>
- Conduct impartial, thorough and effective investigations into all cases of attacks against and harassment and intimidation of HRDs and bring the perpetrators of such offences to justice.
- Repeal the laws and decrees that unjustifiably restrict the legitimate work of HRDs in line with the UN Declaration on Human Rights Defenders, and specifically repeal Law No. 977 against money laundering and terrorism financing.
- Immediately and unconditionally release all HRDs and journalists detained for exercising their right to the freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.
- Publicly condemn all instances of harassment and intimidation of civil society activists and CSOs.
- Offer effective guarantees to people who have given testimony to or collaborated with UN or Inter-American human rights institutions, and refrain from taking or allowing retaliation against them.

## **6.3 Regarding the freedom of expression, independence of the media and access to information**

- Ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards.
- Reform defamation legislation in conformity with article 19 of the ICCPR.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may find sensitive, and adopt a framework for their protection against persecution, intimidation and harassment.
- Update Law No. 200 on Telecommunications and Postal Services and ensure that the provisions of articles 29, 30, 31, 33 and title VII are not used to shut down media outlets or censor journalistic work.

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<sup>54</sup> 'Protection of human rights defenders: Best practices and lessons learnt', Protection International, 2012, <http://goo.gl/9zpzbp>.

- Draft a law concerning community media to ensure a secure legal environment for community radio stations.
- Enable the resumption of activities of all media outlets that have been unjustifiably and arbitrarily closed.
- Adopt mechanisms for access to information to allow citizens to exercise the rights enshrined in the Access to Public Information Law.
- Guarantee unfettered access to information via national and international media, both traditional and online, to all people.
- Organise inclusive consultations with journalists and the media to resolve pending disputes concerning media laws and regulations, and abstain from adopting new legislation providing for censorship or undue control over media content.
- Refrain from any kind of censorship and ensure that the freedom of expression is safeguarded in all forms, including in the arts.

#### **6.4 Regarding the freedom of peaceful assembly**

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 annual report, which calls for procedures in which there is simple notification of assemblies being held, rather than explicit permission being needed to assemble.
- Amend Law No. 919 on Sovereign Security to guarantee fully the right to the freedom of peaceful assembly.
- Immediately cease the repression of demonstrations and the arbitrary detention of protest participants, and officially condemn the use of lethal and excessive force to disperse protests.
- Immediately and unconditionally release all protesters, HRDs and journalists detained for exercising their right to the freedom of peaceful assembly, and review their cases to prevent further harassment.
- Establish an international mechanism to investigate immediately and impartially all instances of extrajudicial execution and excessive force committed by the security forces in the context of protest control, and ensure the identification of those responsible and the victims' right to truth and reparations.
- Review and, if necessary, update in collaboration with independent CSOs the existing human rights training for police and security forces, to foster the more

consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.

### **6.5 Regarding access to UN Special Procedures mandate holders**

- The government, which has held a standing invitation to all UN Special Procedure mandate holders since 2006, should prioritise official visits by: 1) the Special Rapporteur on the rights to freedom of peaceful assembly and of association; 2) the Special Rapporteur on the Situation of Human Rights Defenders; 3) the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; 4) the Special Rapporteur on the Independence of Judges and Lawyers; and 5) the Working Group on Arbitrary Detention.

### **6.6 Regarding state engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of this UPR, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

## **Annex: Assessment of Nicaragua's implementation of civic space recommendations under the 2<sup>nd</sup> cycle**

<b>Recommendation</b>	<b>Position</b>	<b>Assessment/Comments on level of implementation</b>
<p><b>114.78.</b> Continue developing efforts to guarantee the full exercise of the right to freedom of information and expression, promoting the independence and pluralism of the media, and develop awareness programmes about the importance of this human right (Uruguay)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4 - para. 4.5.</p>
<p><b>114.79.</b> Guarantee freedom of expression and information through the independence and pluralism of the media and guarantee freedom of association (France)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 2; Section 4 - para. 4.5</p>
<p><b>114.80.</b> Promote the independence and pluralism of the media, mindful that freedom of expression is a fundamental human right (Israel)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4</p>
<p><b>114.81.</b> Create and ensure an enabling environment for free and independent media (Lithuania)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4</p>
<p><b>114.82.</b> Promote efforts to ensure that the right to freedom of expression can be fully exercised and that all violations against human rights defenders and journalists are effectively investigated and prosecuted (Norway)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 3; Section 4</p>
<p><b>114.83.</b> Further promote freedom of expression and the independence of the media (Sierra Leone)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4</p>
<p><b>114.84.</b> Guarantee a safe and enabling environment for journalists and human rights defenders and ensure that all cases of attacks against them are investigated by independent and impartial bodies (Austria)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 3</p>
<p><b>114.85.</b> Take all necessary measures for the protection of journalists and human rights defenders, in particular through the prosecution of the authors of intimidation or violence against them, and by ensuring the independence of their actions (France)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 3; Section 2; Section 4</p>

<p><b>114.86.</b> Ensure that members of the political opposition, civil society organizations as well as journalists are free to express their views and opinions, including guarantees for their rights to freedom of assembly (Germany)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4; Section 5</p>
<p><b>114.87.</b> Investigate all allegations of threats and harassment against journalists and bring the perpetrators to justice (Ireland)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 3; Section 4</p>
<p><b>114.88.</b> Ensure that the rights of human rights defenders are respected and ensure that the judicial authorities carry out thorough and impartial investigations with respect to threats, intimidation and violence against human rights defenders (Belgium)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 3</p>
<p><b>114.89.</b> Avoid any obstacle to the work exercised by individuals and institutions protecting human rights in Nicaragua (Spain)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 2; Section 3</p>
<p><b>114.90.</b> Comply with the recommendation accepted in 2010, but not yet implemented, to establish an “Observatory on Human Rights Defenders” in collaboration with organizations that defend human rights in the country (Spain)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 3</p>
<p><b>114.91.</b> Guarantee the right to freedom of assembly and of association in accordance with international obligations (Lithuania)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 5; Section 2</p>
<p><b>114.92.</b> Continue ensuring that cases where police officers are accused of failing to protect peaceful protestors are promptly and fully investigated, and those responsible are brought to justice (Lithuania)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 5</p>
<p><b>114.93.</b> Implement fully the bill on access to information and take effective measures to protect freedom of the press by investigating all reported incidents of intimidation or harassment of journalists (Canada)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4; para. 4.7</p>
<p><b>114.94.</b> Redouble efforts to promote the full exercise of the right to information and freedom of expression and promote, likewise, the independence and pluralism of the media (Costa Rica)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4</p>

<p><b>114.95.</b> Continue its efforts to promote the full exercise of the right to freedom of information and expression (India)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 114</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4</p>
<p><b>115.7.</b> Ensure that constitutional protections for freedom of expression, including press freedom, are upheld; and refrain from using administrative, judicial and financial means to unduly restrict the exercise of this right (United States of America)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 115</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4</p>
<p><b>115.8.</b> Protect the rights to freedom of expression and assembly and ensure all abuses allegedly committed by police are transparently investigated (Australia)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 115</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4; Section 5</p>
<p><b>116.20.</b> Ensure the full protection of the freedom of expression of its citizens, including the right to peaceful protest, and refrain from and condemn actions intended to intimidate or repress citizens exercising their rights (Canada)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 116, Add.1 – Para. 19</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4; Section 5</p>
<p><b>116.21.</b> Fully guarantee respect for freedom of expression and opinion and fully comply with its commitments under the International Covenant on Civil and Political Rights, in particular articles 19 and 22 (Slovenia)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 116, Add.1 – Para. 19</p>	Accepted	<p>Status: Not implemented</p> <p>Source: Section 4</p>
<p><b>116.22.</b> Decriminalize defamation (Ghana)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 116, Add.1 – Para. 26</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 4 - para. 4.3</p>
<p><b>116.23.</b> Establish an institutional structure that guarantees the right of access to public information (Israel)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 116, Add.1 – Para. 20</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 4 - para. 4.7</p>
<p><b>117.12.</b> Investigate credible allegations of human rights violations by security forces and prosecute, as appropriate, parties responsible in accordance with its international obligations and commitments (United States of America)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 117, Add.1 – Para. 34</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 5</p>

<p><b>117.18.</b> Promote actively plurality of the media, hold perpetrators of attacks against journalists accountable, and decriminalize defamation (Czech Republic)</p> <p><b>Source of position:</b> A/HRC/27/16 - Para. 117, Add.1 - Para. 26</p>	<p>Noted</p>	<p>Status: Not implemented</p> <p>Source: Section 4 – para. 4.3; para. 4.5; Section 3</p>
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