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NICARAGUA

Institute on Statelessness and Inclusion

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Submission

to the Human Rights Council

at the 47th Session

of the Universal Periodic Review

NICARAGUA

Introduction

1. The Institute on Statelessness and Inclusion (ISI)¹ makes this submission to the Universal Periodic Review (UPR), on the right to a nationality, arbitrary deprivation of nationality and related human rights challenges pertaining to deprivation of nationality and statelessness in Nicaragua. The organisation has developed the submission in close collaboration with Ivonne Garza. This submission focuses on arbitrary deprivation of nationality within the wider context of gross human rights violations in Nicaragua, looking at the causes, effects, and international law standards on deprivation of nationality.
2. We are greatly concerned that the use of nationality deprivation as a tool to address political opposition is contrary to Nicaragua's obligations under international law to reduce statelessness, prevent arbitrary or discriminatory deprivation of nationality; and respect the rights to fair proceedings and effective remedies. The impact of the use of such power on individuals, families and communities is disproportionate and pervasive, resulting in wide ranging violations of other human rights.

Nicaragua's International Obligations

3. Nicaragua has acceded to both the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The 1961 Convention clearly states under Article 8 that nobody can be deprived of their nationality if such act would render them stateless.
4. Nicaragua has international obligations to protect the right to a nationality and protect the rights of stateless persons on the basis of other UN and regional treaties to which it is a party. These include, among others:
 - International Covenant on Civil and Political Rights (Article 24.3);

¹ For more information, see: <https://www.institutesi.org/>.

- International Covenant on Economic, Social and Cultural Rights (Articles 2.2 and 3);
 - Convention of the Rights of the Child (Articles 2, 3, 7 and 8);
 - Convention on the Elimination of All Forms of Discrimination against Women (Article 9);
 - International Convention on the Elimination of All Forms of Racial Discrimination (Article 5(d)(iii));
 - Convention on the Rights of Persons with Disabilities (Article 18);
 - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Article 29); and
 - American Convention on Human Rights (Article 20).
5. The right to a nationality and prohibition of arbitrary deprivation of nationality is also included in Article 15 of the Universal Declaration on Human Rights and Article XIX of the American Declaration of the Rights and Duties of Man.
6. Further, the Principles on Deprivation of Nationality as a National Security Measure provide important guidance on the question of deprivation of nationality.² They consolidate international law and legal standards under the UN Charter, treaty law, customary international law, general principles of law, judicial decisions and legal scholarship, and regional and national law and practice. They restate and reflect the international law obligations of States when taking or considering taking steps to deprive nationality as a national security measure.³
7. According to the analysis of international law standards presented in the Principles, state discretion in relation to deprivation of nationality is subject to the individual right to nationality,⁴ the prohibition of arbitrary deprivation of nationality,⁵ the prohibition of discrimination⁶ and the obligation to avoid statelessness.⁷ Furthermore, the impact of nationality deprivation on the enjoyment of other human rights, humanitarian and refugee law obligations and standards must be taken into consideration when assessing the legality of citizenship deprivation. These include the right to enter and remain in one's own country, the prohibition of refoulement, the prohibition of torture and cruel, inhuman or degrading treatment or punishment, the liberty and security of the person

² Principles on Deprivation of Nationality as a National Security Measure, March 2020, available at:

<https://files.institutesi.org/PRINCIPLES.pdf>; and in Spanish: https://files.institutesi.org/PRINCIPLES_Spanish.pdf.

³ Although they were developed as a response to the growing trend of nationality deprivation as a national security measure, they provide an important framework in assessing the legality of deprivation by states more broadly. At the time of submission, they have been endorsed by over 110 individual experts and organisations, including leading academics, UN Special Rapporteurs and Treaty Body members, litigators, judges, parliamentarians and diplomats; A detailed Commentary to the Principles provides an in-depth analysis and overview of the international law norms and standards, which underlie the Principles. This Commentary can be found here: https://files.institutesi.org/Principles_COMMENTARY.pdf.

⁴ Human Rights Council Resolution 7/10, Human rights and arbitrary deprivation of nationality, UN Doc A/HRC/RES/7/10, 27 March 2008; Human Rights Council Resolution 10/13, Human rights and arbitrary deprivation of nationality, UN Doc A/HRC/RES/10/13, 26 March 2009; Human Rights Council Resolution 13/2, Human rights and arbitrary deprivation of nationality, UN Doc A/HRC/RES/13/2, 24 April 2010; Human Rights Council Resolution 20/4, The right to a nationality: women and children, UN Doc A/HRC/RES/20/4, 16 July 2012; Human Rights Council Resolution 20/5, Human rights and arbitrary deprivation of nationality, UN Doc A/HRC/RES/20/5, 16 July 2012; Human Rights Council Resolution 26/14, Human rights and arbitrary deprivation of nationality, UN Doc A/HRC/RES/26/14, 11 July 2014; Human Rights Council Resolution 32/5, Human rights and arbitrary deprivation of nationality, UN Doc A/HRC/RES/32/5, 15 July 2016.

⁵ Principles on Deprivation of Nationality as a National Security Measure, March 2020, available at:

<https://files.institutesi.org/PRINCIPLES.pdf>, Principle 7; See also, the Commentary to the Principles, available at: https://files.institutesi.org/Principles_COMMENTARY.pdf.

⁶ Ibid, Principle 6.

⁷ Ibid, Principle 5.66.

the right to private and family life, legal personhood and the rights of the child.⁸ Any measures to deprive nationality must also comply with due process safeguards.⁹

8. On 4 December 2023, the Inter-American Commission on Human Rights (IACHR) published a new Resolution on the right to a nationality, arbitrary deprivation of nationality and statelessness. Among other principles, it protects against arbitrary deprivation of nationality and reiterates the prohibition under international law to deprive individuals of their nationality resulting into statelessness.¹⁰

Current developments on arbitrary deprivation of nationality in Nicaragua

9. There has been a recent huge upsurge in the practice of nationality deprivation by the Nicaraguan Government which marks the latest unprecedented tool in the arsenal of an authoritarian regime. Other crackdowns on supposed dissent have been well documented, and include arbitrary arrests, deprivation of liberty, weakening of civic space, attacks on religious freedom,¹¹ among many other human rights abuses. This specific use of deprivation of nationality as a mechanism of political reprisal is extremely concerning. It constitutes an uncommon cause of statelessness which renders many into exile and violates their human rights.
10. On 9 February 2023, the Government released 222 political prisoners who had been imprisoned for opposing national authorities.¹² They were deported to the U.S., declared ‘traitors to the homeland’, and stripped of their nationality.¹³ The specific reasons for deprivation were withheld. This amounted to exile, which is prohibited under international law.
11. The same day, the Government adopted an emergency constitutional reform to allow nationality deprivations for those declared ‘traitors to the homeland’. The National Assembly approved the amendment in a session that lasted 30 minutes, without prior publicity or debate.¹⁴ The amendment reversed Article 21 of the Constitution, which explicitly prohibits nationality deprivation, but required debate in a second term to be entered into force. This change has formally been codified into law with the second approval of the reform of Article 21 in January 2024 through Law No. 1190.¹⁵ The

⁸ Ibid, Principle 9.

⁹ Ibid, Principle 8.

¹⁰ IACHR, ‘Resolutions on the right to a nationality, prohibition of arbitrary deprivation of nationality and statelessness’, 4 December 2023, available at: <https://www.oas.org/en/iachr/decisions/2023/Res-2-23-EN.pdf>.

¹¹ Artículo 66, ‘Dictadura ha cancelado 381 organizaciones religiosas, encarcelado a 55 religiosos y desterrado a 44’, 7 March 2024, available at: <https://www.articulo66.com/2024/03/07/daniel-ortega-rosario-murillo-organizaciones-religiosas-religiosos-desterrados/>.

¹² Wilfredo Miranda and Iker Seisedos, ‘Nicaragua frees over 200 political prisoners, puts them on plane to US’, El País, 9 February 2023, available at: <https://english.elpais.com/international/2023-02-09/nicaragua-frees-over-200-political-prisoners-puts-them-on-plane-to-us.html>.

¹³ International Federation for Human Rights, ‘Nicaragua: New turn in the human rights crisis’, 2 February 2023, available at: <https://www.fidh.org/en/region/americas/nicaragua/nicaragua-new-turn-in-the-human-rights-crisis>.

¹⁴ OHCHR, Human Rights Situation in Nicaragua, Report of the United Nations High Commissioner for Human Rights, A/HRC/54/60, 10 August 2023, para. 30.

¹⁵ La Prensa, ‘Nicaragua ratifica reforma que quita nacionalidad a “traidores a la patria”’, 19 January 2024, available at: <https://www.laprensa.hn/mundo/nicaragua-ratifican-reforma-quita-nacionalidad-traidores-patria-DF17038759>; Asamblea Nacional de la República de Nicaragua, Ley 1190 de 2024, 18 January 2024, available at: [http://legislacion.asamblea.gob.ni/normaweb.nsf/\(\\$All\)/B7DBCFF55D795103406258AAC004E2D4E?OpenDocument](http://legislacion.asamblea.gob.ni/normaweb.nsf/($All)/B7DBCFF55D795103406258AAC004E2D4E?OpenDocument).

Government also approved Law No. 1145,¹⁶ regulating the loss of nationality stipulated in Article 21 of the Constitution, and determining that individuals convicted of violating Act 1055 on the defense of the people's rights to independence, sovereignty, and self-determination for peace are set to lose their Nicaraguan nationality.¹⁷

12. Some days later, 94 additional individuals were also deprived of their Nicaraguan nationality for being "*traitors to the homeland*" and "*fugitives from justice*", resulting in them being stateless and struggling to access basic human rights. No opportunity for appeal prior to the decision having effect was allowed. Most of these individuals were in exile, while others were forced to leave the country irregularly, taking only their identity documents and the clothes on their backs.¹⁸
13. The change in the Constitution and the introduction of a new law constitute an attempt to give a semblance of legality to the arbitrary deprivations, prosecution and criminalisation, presenting the measures as authorised by the Constitution and other national legislation.

Arbitrary deprivation of nationality

14. These deprivations were arbitrary for a number of reasons. Firstly, the measure did not adhere to the principle of legality, whereby the State should have adopted a sufficiently precise legal basis to allow a person to reasonably foresee the consequences of actions which trigger a withdrawal of nationality. The conduct referred to in Law No. 1055,¹⁹ which would result in one being determined as a "*traitor to the homeland*" is described in vague and imprecise terms, and therefore does not provide a clear guideline of the conduct that would result in loss of nationality.²⁰
15. Further, Law No. 1145, was not only unconstitutional,²¹ but was also applied retroactively, whereby persons were deprived of their nationality for actions that took place before the new law was passed, which also violates the principle of legality.
16. Due process was also not observed, given that none of those deprived were informed of the decision ahead of time, and also were not given the chance to appeal their decision. Moreover, individuals were not given specific reasons and evidence for their deprivation. Notification of the initiation of proceedings, access to legal counsel and a

¹⁶ Law No. 1145, *Ley Especial que Regula la Pérdida de la Nacionalidad Nicaragüense* (Special Law regulating the loss of Nicaraguan nationality).

¹⁷ IACHR, 'IACHR welcomes release of political prisoners in Nicaragua but rejects arbitrary deprivation of nationality', 13 February 2023, available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/021.asp.

¹⁸ International Federation for Human Rights, 'Exile and civil death. Serious impacts of arbitrary deprivation of nationality on individuals defending human rights and opposing the dictatorship in Nicaragua', December 2023, available at: <https://www.fidh.org/IMG/pdf/nicaragua821angweb.pdf>.

¹⁹ Law No. 1055 of 2020 De Defensa de los Derechos del Pueblo a la Independencia (on the defence of the rights of the people to independence) establishes that "the addressees of this law will be considered "*traitors to the homeland*" under such criminal offences as "acts of treason", "crimes that jeopardise peace" and "crimes against the Constitution of the Republic of Nicaragua", disqualifying them from running for elected office (article 1)"; FIDH/CENIDH, Nicaragua: Las nuevas leyes de la represión (The New Laws of Repression), November 2021, available at: https://www.fidh.org/IMG/pdf/obs_nicaragua_04.pdf.

²⁰ Office of the Special Rapporteur on the situation of human rights defenders, Communication to the State of Nicaragua, 13 July 2023, Ref: OL NIC 1/2023, p. 3.

²¹ The constitutional reform that authorises the deprivation of nationality of persons declared to be "*traitors to the homeland*" has not yet been approved in accordance with the established constitutional procedure. Furthermore, both the reform and Law No. 1145 are contrary to Article 20 of the Constitution, which prohibits the deprivation of nationality of a Nicaraguan native.

fair hearing are minimum procedural safeguards that must be respected in order to adhere to due process standards.

17. In addition, the measure does not pursue a legitimate aim. Instead, it seeks to legalise prosecution, criminalisation, denationalisation and exile of those who express their public opposition to Ortega's Government. Political opposition as a cause of statelessness was, until this context, unprecedented. This action by the Nicaraguan Government sets a negative precedent on new forms of political reprisal that are also contrary to the international obligations of eradication and prevention of statelessness.
18. The Office of the Special Rapporteur on the situation of human rights defenders also commented on the discriminatory motivation behind deprivation – as a tool to limit freedom of expression and freedom of association - outlining that it was *“a very severe form of persecution, aimed at limiting their capacity for action, destroying their social fabric, as well as affecting their physical and mental health”*.²²
19. Finally, the deprivation decisions rendered most individuals stateless, in clear violation of Nicaragua's obligations under the 1961 Convention the Reduction of Statelessness, of which Article 8(1) prohibits deprivation of nationality resulting in statelessness. It marks an unprecedented cause of statelessness in the Americas. Nicaragua has also been one of the very few countries at the global level that used such powers against political opponents.²³

Groups affected by nationality and statelessness issues

20. Many individuals have been rendered stateless by the deprivation measures, most of whom are outside Nicaragua. Those 222 deported to the United States have been granted temporary residence permits by the US Government on urgent humanitarian grounds, which allows them to stay in the US for two years and to apply for a work permit.²⁴
21. For those deprived while in exile, some of them have had refugee status recognised by the host countries, while others are waiting asylum decisions to determine their status. Others left the country irregularly shortly after the deprivation decision occurred and have been unable to regularise their status. One group left the country, but upon arrival abroad did not take steps to apply for asylum and thus are not covered by any international protection regime.²⁵
22. While waiting for status determination, these individuals and their family members are in a situation of precarity and extreme vulnerability, unable to access basic rights and receive protection. Moreover, granting of nationality does not take into account the situation of family members – including children, who have been forced into exile as a result of the deprivation of their relatives. As a result, families need to go through

²² Office of the Special Rapporteur on the situation of human rights defenders, Communication to the State of Nicaragua, 18 September 2023, Ref: AL NIC 3/2023, p. 8.

²³ Salam for Democracy and Human Rights and others, 'Joint Submission to the Human Rights Council: Bahrain', 31 March 2022, available at: https://files.institutesi.org/UPR41_Bahrain.pdf.

²⁴ International Federation for Human Rights, 'Exile and civil death. Serious impacts of arbitrary deprivation of nationality on individuals defending human rights and opposing the dictatorship in Nicaragua', December 2023, available at: <https://www.fidh.org/IMG/pdf/nicaragua821angweb.pdf>.

²⁵ Confidential, 'Stateless Nicaraguans assess ways out of migratory uncertainty', 28 February 2023, available at: <https://confidencial.digital/english/stateless-nicaraguans-assess-ways-out-of-migratory-uncertainty/>.

irregular migration procedures which do not account for the vulnerability of their situation, which may be cumbersome and time consuming. Other family members still in Nicaragua have received threats by national authorities and encountered barriers when asking for passports needed to leave the country.²⁶

23. Some countries offered nationality in response, including Spain, Chile, Colombia, Argentina, and Mexico. To date, around 103 people have received nationality from Spain.²⁷ However, the granting of nationality does not resolve the situation of those deprived, and many are struggling to find work and daily subsistence.²⁸ Moreover, this use of denationalisation powers remains arbitrary and there is still a risk of increasing cases of statelessness if Nicaragua continues to expand this practice. One affected individual has commented that “[Granting of nationality] is a process. It is not by decree that they are going to give you citizenship. You have to make a request, a whole presentation. The time periods are unknown, because each country is different. Perhaps some, not all, will have the same procedure.”²⁹
24. Others remain in a situation of “in situ” statelessness in Nicaragua, including human rights defender Vilma Nuñez de Escorcía, under strict police siege, and Bishop Rolando Álvarez Lagos, who is in prison. Not only are they experiencing extreme denial of human rights, but also repression by the regime and access to any effective domestic remedy to protect them from the arbitrary exercise of public power.³⁰
25. Other individuals remain in a situation of ‘de facto’ statelessness, unable to return to their country with the Government refusing to renew their passports and issue identity documents.³¹ These individuals thus face a situation of forced displacement, as they are obliged to try and regularize their migratory situation or access international protection mechanisms in other countries. According to the Colectivo de Derechos Humanos Nicaragua Nunca Más, from 2018 to June 2023, a total of 586,043 people have been forcibly displaced from Nicaragua and seeking international protection. Out of those, 344,182 are in the United States, 209,344 in Costa Rica, 17,047 in Mexico and 15,470 in Spain.³² Between 2021 and 2022, IM-Defensoras registered 96 cases of people who were

²⁶ Swissinfo, ‘Apátridas nicaragüenses piden ayuda a EEUU y España para reunificar familias’, 10 March 2023, available at: <https://www.swissinfo.ch/spa/ap%C3%A1tridas-nicaragüenses-piden-ayuda-a-eeuu-y-espa%C3%B1a-para-reunificar-familias/48348440>.

²⁷ España, Boletín Oficial del Estado, No. 113, 12 de mayo de 2023, p.1849, available at <https://www.boe.es/boe/dias/2023/05/12/pdfs/BOE-S-2023-113.pdf>; España, Boletín Oficial del Estado, No.123, 24 de mayo de 2023, p.2023, available at: <https://www.boe.es/boe/dias/2023/05/24/pdfs/BOE-S-2023-123.pdf>; España, Boletín Oficial del Estado, No.129, 31 de mayo de 2023, p.2129, available at: <https://www.boe.es/boe/dias/2023/05/31/pdfs/BOE-S-2023-129.pdf>; España, Boletín Oficial del Estado, No.141, 14 de junio de 2023, p.2357, available at <https://www.boe.es/boe/dias/2023/06/14/pdfs/BOE-S-2023-141.pdf>; España, Boletín Oficial del Estado, No. 159, 5 de julio de 2023, p.2662 available at: <https://www.boe.es/boe/dias/2023/07/05/pdfs/BOE-S-2023-159.pdf>; España, Boletín Oficial del Estado, No. 165, 12 de julio de 2023, p.2780 available at: <https://www.boe.es/boe/dias/2023/07/12/pdfs/BOE-S-2023-165.pdf>; España, Boletín Oficial del Estado, No. 15, 17 de enero de 2024, p.174 available at: <https://boe.es/boe/dias/2024/01/17/pdfs/BOE-S-2024-15.pdf>.

²⁸ IACHR, 186th Period of Sessions, Hearing 18 – Arbitrary Deprivation of Nationality and Human Rights in Nicaragua, 10 March 2023, https://youtu.be/NspH0EhA5VI?si=V-8MNSY5c-q_9-Vv.

²⁹ Ibid.

³⁰ International Federation for Human Rights, ‘Exile and civil death. Serious impacts of arbitrary deprivation of nationality on individuals defending human rights and opposing the dictatorship in Nicaragua’, December 2023, available at: <https://www.fidh.org/IMG/pdf/nicaragua821angweb.pdf>.

³¹ IACHR, “IACHR Rejects Ongoing Repression and Human Rights Violations in Nicaragua”, 16 June 2023, available at: https://www.oas.org/en/iachr/jsForm/?File=en/iachr/media_center/preleases/2023/123.asp.

³² Colectivo de Derechos Humanos Nicaragua Nunca Más, Situación de las Personas Nicaragüenses Desplazadas Forzadas, June 2023, available at: <https://colectivodhnicaragua.org/wp-content/uploads/2023/06/Desplazamiento-Forzado-junio-2023.pdf>.

denied entry to Nicaragua, of whom 60 were women human rights defenders, activists, or family members of women defenders.³³

The impact of nationality deprivation on other rights

26. Amnesty International has documented testimonies from those affected by the denationalisation measured, which state that *“we have now ceased to exist in our country and we have to begin to exist in another. We are asking for conditions and ad hoc migratory treatment, which allow us to integrate ourselves into a new society and have access to a decent life.”*³⁴
27. Impacts on enjoyment of other rights are both direct and indirect. As a result of nationality deprivation, individuals experienced the closure of bank accounts, police raids, and the confiscation and removal of property records. By August 2023, at least 78 homes and other properties had been seized by the authorities, and property records were erased. In some cases, these properties belonged to relatives, including children.³⁵
28. At least 43 of the 317 people deprived of nationality have been denied access to copies of civil registry documents, including identity cards and birth certificates, as well as university student records. The authorities have extended the effects of the nullification of identity records to all legal acts in which the persons arbitrarily deprived of their nationality are named, thus affecting their rights and those of their families. There are also documented cases in which the Government has erased the birth registration of the children of those deprived from the Civil Registry,³⁶ thereby putting them at risk of statelessness.
29. Individuals deprived were also erased by the Nicaraguan Institute of Social Security, thereby blocking pension payments and social security benefits.³⁷
30. 26 of the 317 individuals were also disqualified for life in their practice as lawyers and notaries.³⁸ International human rights organisations have commented this not only constitute *“undue interference in the legal profession in Nicaragua,”*³⁹ but are also aimed at creating *“an atmosphere of fear and self-censorship among those who defend political opponents or continue to work in Nicaragua.”*⁴⁰
31. Other measures have been adopted to weaken civil society, including the massive closure of organizations, the dismantling of social movements and the media, as well as

³³ IACHR, ‘Cierre espacio civico Nicaragua, 2023, available at:

https://www.oas.org/en/iachr/reports/pdfs/2023/Cierre_espacio_civico_Nicaragua_ENG.pdf.

³⁴ Amnesty International, ‘Nicaragua: A cry for justice: Five years of oppression and resistance’, 18 April 2023, available at: <https://www.amnesty.org/en/documents/amr43/6679/2023/en/>.

³⁵ IACHR, ‘Nicaragua: IACHR and REDESCA express concern about violations of propriety and social security rights’, 14 April 2023, available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/061.asp.

³⁶ OHCHR, Human Rights Situation in Nicaragua, Report of the United Nations High Commissioner for Human Rights, A/HRC/54/60, 10 August 2023, para. 33.

³⁷ IACHR, ‘Nicaragua: IACHR and REDESCA express concern about violations of propriety and social security rights’, 14 April 2023, available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/061.asp.

³⁸ OHCHR, Human Rights Situation in Nicaragua, Report of the United Nations High Commissioner for Human Rights, A/HRC/54/60, 10 August 2023, para. 33.

³⁹ Office of the Special Rapporteur on the situation of human rights defenders, Communication to the State of Nicaragua, 13 July 2023, Ref: OL NIC 1/2023, p. 8.

⁴⁰ IACHR, ‘IACHR Rejects Ongoing Repression and Human Rights Violations in Nicaragua’, 16 June 2023, available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/123.asp

the selective persecution of the Catholic Church, impacting freedom of expression, freedom of religion, and freedom of association.⁴¹

International responses to nationality deprivation in Nicaragua

32. Nicaragua's actions, including in relation to statelessness and citizenship stripping, have been denounced by various actors within the international community. Furthermore, Nicaragua has been non-compliant and even obstructive to the work of various international mechanisms.⁴²
33. The International Court of Justice (ICJ) has called on the Nicaraguan authorities to comply with their international obligations to guarantee human rights, including rights to nationality, to freedom of movement and to be able to return to the country without fear of persecution or risk of human rights violations. The ICJ also commented that *"arbitrary deprivation of citizenship particularly as a politically motivated punishment is a violation of international human rights law."*⁴³
34. To see a full list of international and regional mechanisms denouncing Nicaragua's arbitrary deprivation of nationality, please see **Annex I** of this submission.

Recommendations

35. Based on the above information, the submitting organisation urges the reviewing States to make the following recommendations to Nicaragua:
 - I. Call for the repeal of Law No. 1145 of 2023 and Law No. 1190 of 2024 enabling loss of nationality to be imposed on persons declared *"traitors to the homeland."*
 - II. Urge the Government of Nicaragua to immediately restore the Nicaraguan nationality of all people who have been deprived of it and prevent further deprivations.

⁴¹ IACHR, 'Cierre espacio civico Nicaragua, 2023, available at:

https://www.oas.org/en/iachr/reports/pdfs/2023/Cierre_espacio_civico_Nicaragua_ENG.pdf.

⁴² An example of this is the denunciation of the Charter of the Organization of American States made by Nicaragua on November 18, 2021. As a result, Nicaragua ceased to be a Member of the OAS on November 18, 2023. Other examples are the lack of presence of the State in a hearing before the Inter-American Commission on Human Rights on arbitrary deprivation of nationality and human rights in Nicaragua and its lack of response to the questionnaire sent by the Office of the United Nations High Commissioner on Human Rights for its Annual Report; OAS, Permanent Council, CP/RES. 1252 (2492/24), 3 April 2024; IACHR, 186th Period of Sessions, Hearing 18 – Arbitrary Deprivation of Nationality and Human Rights in Nicaragua, 10 March 2023, https://youtu.be/NspH0EhA5VI?si=V-8MNSY5c-q_9-Vy; OHCHR, Human Rights Situation in Nicaragua, Report of the United Nations High Commissioner for Human Rights, 10 August 2023, A/HRC/54/60, para. 2; Colectivo de Derechos Humanos Nicaragua Nunca Más, Cierre Total del Espacio Cívico en Nicaragua: Criminalización del Ejercicio de Ciudadanía, 2023, p.8.

⁴³ ICJ, 'Nicaragua: Liberation of over 200 arbitrarily detained prisoners must be accompanied by establishment of rule of law and human rights protections', 15 February 2023, available at: <https://www.icj.org/nicaragua-liberation-of-over-200-arbitrarily-detained-prisoners-must-be-accompanied-by-establishment-of-rule-of-law-and-human-rights-protections/>.

- III. Amend Article 21⁴⁴ of the Constitution to bring it in line with Nicaragua's international obligations as set out in the Principles on Deprivation of Nationality in a National Security Context and the Inter-American Commission on Human Rights' Resolution No. 2/23.
- IV. Call for the end of persecution of dissidents and urge the State of Nicaragua to immediately repeal the criminal sanctions imposed to them, including the sentences handed down against the 317 individuals arbitrarily deprived of their nationality.
- V. Take steps to ensure that everyone who has been arbitrarily deprived of their Nicaraguan nationality and their families, can fully enjoy their human rights on a non-discriminatory and equal basis, including the right to nationality, identity, and all economic, social and cultural rights.
- VI. Cooperate fully with the Office of the High Commissioner, the Human Rights Council and its mechanisms, the Inter-American System of Human Rights, and other relevant bodies at the national, regional and international level.

⁴⁴ As of today, Article 21 of the Constitution of Nicaragua reads as follows in Spanish: "*Artículo 21 La adquisición, pérdida y recuperación de la nacionalidad serán reguladas por las leyes. Los Traidores a la Patria pierden la calidad de nacional nicaragüense.*"

Annex I

1. The Inter-American Commission of Human Rights (IACHR) also called on Nicaragua to *“ensure full access to and enjoyment of the right to nationality, and to take measures to prevent and eradicate statelessness.”* Further, the Commission urged Nicaragua to *“repeal recent legislative changes that violate the applicable international and Inter-American standards and to provide comprehensive reparations for the rights violations committed against these individuals since they were first detained.”*⁴⁵
2. The IACHR further called on *“States in the Americas to implement or strengthen regional cooperation and shared responsibility mechanisms to address and acknowledge the issues affecting stateless individuals, and consequently to grant these individuals the special protection they need. This includes granting them access to their territory and procedures to ensure international protection, and taking social inclusion measures in favor of these individuals, without discrimination.”*⁴⁶
3. UNHCR also expressed serious concern, stating that *“recent legislative reforms in Nicaragua allowing for citizenship-stripping on arbitrary grounds run contrary to Nicaragua’s obligations under international and regional human rights law. International law prohibits the arbitrary deprivation of nationality including on racial, ethnic, religious or political grounds. The exercise of fundamental rights, including freedom of expression, freedom of assembly or other rights associated with a person’s political views, can never justify the deprivation of nationality.”*⁴⁷
4. In 2018, the IACHR established the Special Monitoring Mechanism for Nicaragua (MESENI) to follow up on the recommendations made by the IACHR in the country, but after six months the Government expelled them from the country.⁴⁸
5. The Group of Human Rights Experts on Nicaragua (GHREN), created by the UN in March 2022, also recently urged the international community to sue the Nicaraguan state before the International Court of Justice for the crimes of *“statelessness, torture, or extrajudicial executions.”*⁴⁹ The GHREN issued two reports which denounce the Government for committing crimes against humanity against some of the country’s population for political reasons. He also recommended other countries, mainly those that host Nicaraguans for political reasons, to take measures *“to help and make provisions more flexible when there are people from Nicaragua who are in a condition of serious violation of human rights.”*⁵⁰
6. Specifically in relation to nationality deprivation, the GHREN has stated in its February 2024 report:

⁴⁵ IACHR, ‘IACHR welcomes release of political prisoners in Nicaragua but rejects arbitrary deprivation of nationality’, 13 February 2023, available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/021.asp.

⁴⁶ Ibid.

⁴⁷ UNHCR, ‘Statement by UNHCR on the arbitrary deprivation of nationality on Nicaragua’, 17 February 2023, available at: <https://www.unhcr.org/news/press-releases/statement-unhcr-arbitrary-deprivation-nationality-nicaragua>.

⁴⁸ IACHR, ‘Special Monitoring Mechanism for Nicaragua (MESENI)’, available at: <https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/meseni/default.asp>.

⁴⁹ Artículo 66, ‘GHREN insta a países a denunciar a Ortega ante la CIJ por crímenes de “apatridia” y “tortura”’, 6 March 2024, available at: <https://www.articulo66.com/2024/03/06/ghren-insta-paises-denuncien-ortega-ante-cij-crimenes-apatridia-tortura/>.

⁵⁰ Ibid.

“[...]Most of the persons deprived of their nationality have been left stateless. The decisions were adopted on discriminatory grounds, without respecting any due process guarantees. The victims were left without access to any effective remedy and in an extremely vulnerable position.

By depriving Nicaraguans of their nationality, the authorities have also deprived them of a series of human rights connected to nationality. Records from the civil registry have been deleted, including birth records, depriving the victims of their legal identity. This has also affected the victim’s relatives, as marriages and the birth records of children, among other records, have been deleted or modified. Many victims have suffered the confiscation of their properties and bank accounts, and, in some cases, the cancellation of their pensions. Many have also had their university degrees revoked or university records deleted.”⁵¹

7. Further, in October 2023, the Ambassador and Permanent Representative of Nicaragua withdrew from the opening session of the periodic review by the Committee on the Elimination of Discrimination against Women (CEDAW) after making a statement containing *“baseless accusations.”* The Committee was forced to proceed with the review without engaging in dialogue with the state delegation, significantly limiting the Committee’s efforts.⁵²
8. This refusal directly contravened the March 2023 Human Rights Council Resolution, which called on Nicaragua to cooperate fully with the Office of the High Commissioner, the Human Rights Council and its mechanisms, and the relevant treaty bodies, *“including during its upcoming review by the Committee on the Elimination of Discrimination against Women.”*⁵³
9. In February 2024, CEDAW published its recommendations on Nicaragua and stated to *“Repeal Act No. 1145 of 2023, which provides for deprivation of nationality of citizens expressing dissenting opinions, and reinstate nationality in all cases where women have been deprived of it on political grounds; Adopt measures, in accordance with Article 9 of the Convention on the Reduction of Statelessness (1961), to prevent statelessness and adopt a plan to facilitate the safe return of Nicaraguan-born women who wish to return to the State party.”*⁵⁴

⁵¹ Human Rights Council, Report of the Group of Human Rights Experts on Nicaragua, A/HRC/55/27, 15 March 2024.

⁵² Committee on the Elimination of Discrimination against Women, ‘UN women’s rights committee deplors withdrawal of Nicaraguan ambassador from public review’, 25 October 2023, available at: <https://www.ohchr.org/en/press-releases/2023/10/un-womens-rights-committee-deplors-withdrawal-nicaraguan-ambassador-public>.

⁵³ Human Rights Council, Promotion and Protection of Human Rights in Nicaragua, A/HRC/52/L.38, 27 March 2023, para. 20.

⁵⁴ Committee on the Elimination of Discrimination against Women, ‘Concluding observations on the combined seventh to tenth periodic reports of Nicaragua’, CEDAW/C/NIC/CO/7-10, 14 February 2024, para. 34.