

Nicaragua 2021: Abstention, Paramilitary Control and Harassment of State Workers on November 7, Election Day

Introduction

Background. During the last 31 years, Nicaraguans have participated in periodic elections. However, since the 2008 municipal elections, there has been a steadily increasing number of irregularities in the management of electoral processes. Some of the main problems identified include: the politicization of electoral institutions, which since 2008 have been completely controlled by the FSLN; legal restrictions on the creation of political parties and electoral alliances; manipulation of the voter registry to favor the ruling party; restrictions on the abilities of opposition parties to monitor the voting process; prohibition on impartial election observation; and the cancellation of votes in favor of opposition parties, among other irregularities. All of these facts demonstrate that the electoral processes have not respected the will of the people since 2008 to the present.

The dismantling of electoral institutions has led citizens to feel that they are not able to freely exercise their right to vote, which is reflected in election abstention. National election observation organizations estimate that rates of abstention in the 2011 and 2016 national elections reached 45 percent and 72 percent, respectively.

Electoral Context in 2021. The presidential and legislative elections held today to choose authorities for the 2022-2027 period have been considered to be an electoral sham by members of the opposition as well as the international community. This is because the elements that legitimize a full process have been systematically violated. These elections have been so strongly questioned due to the serious violations of human rights and the lack of guarantees for citizen participation that make freely exercising the right to vote in a universal, secret and equal manner impossible, in blatant disregard for Article 21 of the Universal Declaration of Human Rights of which Nicaragua is a signatory.

The authorities of the Supreme Electoral Council (CSE) chosen in 2021 are all electoral magistrates controlled by the ruling party, which in turn has led to the politicization of the administration of this election. In addition to the partisanship of the electoral authorities, there are also a series of laws and decisions that have made it impossible to hold free, fair, competitive and transparent elections, including: the approval of electoral reforms that eliminated electoral observation; the approval of repressive laws that violate the constitutional rights to political participation, to vote

and to be elected; the illegal cancellation of the registration of opposition political parties; and the increasing harassment, repression, persecution and imprisonment of presidential hopefuls and leaders of the opposition.

The government of Nicaragua has ignored the October 21, 2020 resolution of the Organization of American States (OAS) General Assembly, which established the conditions for an electoral process endorsed by the international community to meet electoral standards.

As a corollary to these violations, today Ortega made a public appearance in violation of the electoral silence rule, since he dedicated almost the entirety of his speech to extolling his administration at the head of the executive, purposely ignoring the fact that he is a candidate.

Political Violence in the Electoral Context. Electoral violence can be distinguished from other types of political violence by its objective to restrict civil and political rights, particularly the right to elect and be elected, of individuals and organizations, through individual, collective or institutional aggressions. Using tactics such as, influencing the electoral behavior of voters, contestants, officials or other actors and/or to affect the electoral outcome. It can take place during any part of the electoral cycle. Electoral violence implies any use of force with the intent to cause harm or the threat to use force to harm persons or property involved in the electoral process.

Violence during the inter-election period, 2016 - 2021, was extreme, which is reflected in the more than 300 murdered, more than 159 political prisoners, and more than one hundred thousand exiled; creating a generalized climate of intimidation against the citizenry.

Voting Day 2021: Second Information Update

Sunday November 7, 2021

7:30 PM

As of 4:30 PM on voting day 2021, of an electoral process that, as previously stated, must be considered flawed in origin and, therefore, illegitimate, reports were received **from all departments and autonomous regions of the country and from at least 119 of the 153 municipalities of the country (78%).**

Anomalies and Irregularities in Voting Centers

- Type and quantity
- Reports of irregularities were received from Voting Centers (VCs) in all departments and

- autonomous regions of the country.
- In at least 203 VCs, observers noted the use of state-owned vehicles for partisan activities, such as transporting voters or ruling party activists.
- In at least 129 VCs, health and safety measures to contain the spread of COVID-19 were not implemented.
- There were at least 71 reports of political propaganda inside VCs.
- Description of irregularities
 - Municipal governments engaged the most in the use of state vehicles to transport voters and conduct partisan activities.
 - The institutions that used vehicles to transport voters include: municipal governments, MEFCCA, MINED, INSS, INATEC, *Ministerio de Familia*, MINSA, MAGFOR, MTI, firefighters, the National Police and the military.
 - Propaganda observed included posters, flags, and the use of party-branded clothing by voters and party poll watchers.

Political Violence in the Exercise of the Vote

On election day, the citizen observation with more than 1,450 observers, reports that in terms of acts of intimidation, which consist mainly of: **police, parapolice and activists of the government party in their neighborhoods patrolling, as well as the presence and control of the Sandinista party in the VCs.**

- Type and number of incidents
 - Reports have been received from 13 locations: Boaco, Chinandega, Chontales, Estelí, Granada, Jinotega, León, Managua, Madriz, Masaya, Matagalpa, Nueva Segovia and the Autonomous Region of Costa Caribe Norte.
- Description of the incidents of intimidation or political violence
 - The manifestation of political violence that has been reported with most frequency has been the **paramilitary presence around the VCs**, these para-state groups took on the role of controlling people that arrived and also sustained an intimidating attitude against the citizens, at least an 81% of the on-site observers felt threatened by the paramilitary presence. In some cases, the paramilitaries conducted rounds inside the VCs to surveil the people that were inside.
 - In Estelí there were reports of people wearing hoods asking people for their identification cards before entering the VC.
 - The surveillance houses around the VCs had as their main objective controlling that the state employees, public university students and FSLN sympathizers were able to cast their vote, in some cases they requested that, upon exiting the VC, the person show a picture of their ballot.
 - In other cases, the surveillance houses had a printed copy of the electoral registry and

were marking who arrived to vote and were taking pictures of people that were not affiliated to the FSLN that were entering the VCs to cast their vote.

Voter Turnout on Voting Day

- Number of VCs reported: 563, representing 18% of the 3,106 VCs.
- Three separate samples were conducted covering the 563 VCs in samples of: 165, 255, and 143.
- Departments / Municipalities observed: 17 departments and Autonomous Regions; 153 municipalities and 7 districts of Managua.
- Projected participation based on behavior from 7 hrs to 18 hrs.
- The estimated range of voter turnout is between 16%, as a minimum, and 21% as a maximum; with a **national average of 18.5% participation**.
- Which implies an abstention rate between 79%, as a minimum, and 84% as a maximum; with a **national average of 81.5% of abstention**.

Methodology and Technical Notes of the Report. The citizen observation process developed by a multidisciplinary team and with the support of five organizations with presence in Nicaragua began with the analysis of the electoral context. On November 7, 2021, the on-site observation was developed with the participation of more than 1,450 individuals to record the behavior of voter turnout in the exercise of their right to vote, and the political-electoral violence that was experienced during voting day, as well as other indicators that will be presented in subsequent days.

The observation was carried out with the support of the complaint hotline and more than 1,450 citizens distributed throughout the national territory, covering more than 890 VCs to report irregularities and 563 for statistical analysis of the percentage of voter turnout.