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# Nicaragua in Brief: Political Developments and U.S. Policy

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# Overview

President Daniel Ortega declared he won a fifth—and fourth consecutive—term, in November 7, 2021, elections that the international community widely condemned as having no democratic legitimacy. In 2021, increasing government crackdowns in Nicaragua against the opposition, journalists, and government critics elevated international concerns, including among Members of Congress, about political developments, human rights violations, the erosion of democracy, and the turn toward greater authoritarianism in the country. The U.S. Department of State, the Organization of American States (OAS), and other international actors have declared that Nicaragua's elections were not free or fair and lacked democratic legitimacy.

Ortega is a polarizing figure both at home and abroad for what many characterize as his increasingly authoritarian rule and oppressive actions. Ortega did not carry out electoral and human rights reforms recommended by the international community, leading the domestic opposition and international community to contest their legitimacy. The elections have assured Ortega and his party's continuance in power for the time being.

**Figure 1. Nicaragua**

**Source:** Congressional Research Service.

# Political Developments[1]

Having first served as president of Nicaragua from 1985 to 1990, and again since 2007, Daniel Ortega and his party, the Sandinista National Liberation Front (FSLN), have gradually consolidated control over the country's institutions and society, including eliminating presidential term limits. According to the Inter-American Commission on Human Rights (IACHR), this consolidation of power in the executive "has facilitated Nicaragua's transformation into a police state in which the executive branch has instituted a regime of terror and of suppression of all freedoms ... supported by the other branches of government."[2]

Ortega further solidified his control over Nicaraguan institutions and society in November 2021 elections that eliminated all viable candidates and parties from participation. The regime arrested candidates, journalists, and critics. Presidential terms are normally five years, but Ortega orchestrated the elimination of term limits in 2014. He has been suppressing unrest in Nicaragua in a manner reminiscent of Anastasio Somoza, the dictator Ortega helped overthrow in 1979 as a leader of the leftist FSLN.

During Ortega's first presidency, the United States backed right-wing insurgents (contras) in an attempt to overthrow the Sandinista government. In the early 1990s, Nicaragua began to establish democratic governance. Nonetheless, the FSLN and Ortega gradually consolidated control over the country's institutions. Ortega reclaimed the presidency in 2007 and has served as president for the past 14 years, creating what the State Department calls "a highly centralized, authoritarian system."[3] According to the IACHR, this consolidation of power in the executive "has facilitated Nicaragua's transformation into a police state in which the executive branch has instituted a regime of terror and of suppression of all freedoms ... supported by the other branches of government."[4]

Ortega's rule is also dynastic: Ortega's wife, Rosario Murillo, has served as chief spokesperson and, since 2017, vice president. Observers have long said the two share power, and days before the most recent election, Ortega said, "Here we have two presidents ... here we have the co-president in Comrade Rosario."[5] Rumors have circulated for years that Ortega is in poor health, and he has disappeared from public view for months at a time. Murillo is the face of the government, making daily radio and television appearances. Several of Ortega and Murillo's eight adult children manage various state functions and other entities, including gasoline distribution and radio and television stations.

Until 2018, for many Nicaraguans, Ortega's populist social welfare programs, which had improved their standards of living, outweighed his authoritarian tendencies and self-enrichment. Similarly, for many in the international community, the relative stability in Nicaragua outweighed Ortega's antidemocratic actions.

Ortega's long-term strategy to retain control of the government began to unravel in 2018, when his proposal to reduce social security benefits triggered protests led by a wide range of

[1] For background and earlier developments, see CRS Report R44560, *Nicaragua: In Brief*, by Maureen Taft-Morales.

[2] Inter-American Commission On Human Rights, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, OEA/Ser.L/V/II, Doc. 288, October 25, 2021, p. 65.

[3] U.S. Department of State, *Nicaragua 2020 Human Rights Report*, March 20, 2021.

[4] Inter-American Commission On Human Rights, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, OEA/Ser.L/V/II, Doc. 288, October 25, 2021, p. 65.

[5] "Ortega and Murillo: Nicaragua's Power Couple," France 24, November 5, 2021.

Nicaraguans. The government's repressive response included an estimated 325-600 extrajudicial killings, as well as torture, political imprisonment, and suppression of the press, and led to thousands of citizens going into exile.[6] Between 2018 and 2020, more than 108,000 Nicaraguans fled their country, according to the United Nations High Commissioner for Refugees.[7] The government says it was defending itself from coup attempts.

Dialogue between the government and the opposition collapsed in 2019. Elements of the opposition tried unsuccessfully to unite behind a single presidential candidate for the November 2021 general elections. In addition, as Ortega's popularity declined, the Sandinista-controlled legislature passed a series of repressive laws used to eliminate electoral competition and close civic space. The laws require individuals or groups that receive funding from foreign entities to register as "foreign agents" and grant Ortega the power to declare citizens who support sanctions against Nicaragua or take certain other actions to be "traitors." The laws ban such individuals from running for public office and make them subject to imprisonment. According to the State Department's *Nicaragua 2020 Human Rights Report*, published in March 2021, "government restrictions on freedoms of expression, association, and assembly precluded any meaningful choice in elections."[8]

The Ortega government launched a new period of increased oppression beginning in May 2021, arresting dozens of government critics, including several revolutionary leaders who once fought alongside Ortega. Many others, including journalists, have fled the country, citing safety concerns. Ortega defended his actions, saying opposition figures were being used by the United States, which he referred to as "the empire," to boycott elections and "re-sow terrorism in our country."[9] According to Amnesty International, "the enforced disappearance of people is the latest tactic that authorities in Nicaragua have adopted to silence any criticism or dissenting voices."[10]

By July 2021, the government had arrested seven of the most likely presidential candidates.[11] The whereabouts of most of these individuals were unknown for months. The candidate who was leading in election polls, Cristiana Chamorro, was placed under house arrest. When her brother Pedro Chamorro was about to take her place as a candidate, he was arrested. (Their mother, Violeta Chamorro, defeated Ortega in 1990 democratic elections and served as president until 1997.) The Chamorros are a prominent family, long known as advocates for freedom of the press and democracy. The likely candidates were not released in time to meet the candidate registration deadline of August 2. On August 6, Nicaragua banned one of the only remaining viable opposition parties from participating in the elections.

Ortega registered his candidacy for a fourth consecutive term, with his wife, Rosario Murillo, again running as his vice president. Six other presidential candidates registered, generally small parties allied with the Sandinistas. The government expelled vice presidential candidate Berenice Quezada, a former Miss Nicaragua, from the race within two days of her registering and detained

[6] Organization of American States (OAS), *Report of the High-Level Commission on Nicaragua of the Organization of American States*, November 19, 2019.

[7] As reported in *Noticias Financieras*, "Diaspora and Exiles Call for March Against 'Electoral Fraud' in Nicaragua," October 19, 2021.

[8] U.S. Department of State, *Nicaragua 2020 Human Rights Report*, March 20, 2021, p. 2.

[9] Reuters, "Nicaragua's Ortega Arrests Another Rival, Says U.S. Aims to Undermine Vote," July 26, 2021.

[10] Amnesty International, "Nicaragua: Enforced Disappearance Is the New Tactic for Repression," August 25, 2021.

[11] Reuters, "Nicaragua's Ortega Arrests Another Rival, Says U.S. Aims to Undermine Vote," July 26, 2021.

her.[12] The general elections determined the president and vice president, as well as 90 of 92 deputies to the National Assembly and representatives to the Central American Parliament.

In October, one of Nicaragua's two main political opposition alliances, the National Coalition of political and social groups, called for an election boycott "in repudiation of the electoral fraud" it said the ruling party was carrying out.[13] The IACHR reported the Nicaraguan government was holding elections "in a context of repression, corruption, electoral fraud, and structural impunity," in which "the intent is indefinite perpetuation in power and maintenance of privileges and immunities."[14]

A Cid Gallup survey published a week prior to the elections found that 76% of Nicaraguans believed Ortega's reelection would be illegitimate. The survey also found that, in a fair election, 65% of voters would vote for any opposition candidate and 17% would support Ortega and Murillo.[15] Nonetheless, Nicaragua's Supreme Electoral Council reportedly said that, with almost all ballots counted, Ortega and Murillo had won over 75% of the vote and voter turnout was 65%.[16] In contrast, a Nicaraguan opposition group, Open Ballot Boxes, which had 1,450 monitors trying to observe the elections, estimated turnout was approximately 18%.[17]

Following the November elections, the OAS (of which the United States is a member) passed resolutions declaring Nicaragua's elections had "no democratic legitimacy" and that Nicaragua is not complying with its commitments under the Inter-American Democratic Charter.[18] (See "International Response to Nicaragua's Increasing Authoritarianism," below.) Nicaragua then announced it was leaving the OAS. In March 2022, Arturo McFields, Nicaragua's ambassador to the OAS, shocked many when he denounced his country's "dictatorship," saying, "to defend what is indefensible is impossible."[19] His government fired him the same day. In April, Nicaragua announced it had completely withdrawn from the OAS.[20] The OAS objects, however, because withdrawal from the organization is normally a two-year process, during which Nicaragua's obligations to the OAS and its charters would remain in force, as would its international human rights obligations.[21]

The Nicaraguan government continues to employ authoritarian measures. Despite international calls for electoral law reforms allowing for democratic elections, the Nicaraguan legislature

[12] *LatinNews*, "Nicaragua: Ortega and Murillo Confirm Reelection Bid," Weekly Report, August 5, 2021.

[13] *Noticias Financieras*, "Diaspora and Exiles Call for March Against 'Electoral Fraud' in Nicaragua," October 19 2021; and AFP, "Nicaragua Detains Business Union Leaders as Crackdown Widens," October 21, 2021.

[14] Inter-American Commission On Human Rights, *Nicaragua: Concentration of Power and the Undermining of the Rule of Law*, OEA/Ser.L/V/II, Doc. 288, October 25, 2021, p. 11.

[15] Federico Rivas Molina and Carlos Salinas Maldonado, "Latin America Prepares for Frantic Month of Elections in November," *El País*, Buenos Aires and Mexico, November 4, 2021.

[16] Associated Press, "Nicaragua's Daniel Ortega Decries Those Who Question his Reelection," November 8, 2021.

[17] Ibid.

[18] U.S. Mission to the OAS, "OAS General Assembly Condemns the Ortega-Murillo Regime in Nicaragua," November 12, 2021 (includes resolution text); OAS, "Resolution: Outcome of the Permanent Council's Deliberations of November 29, 2021, on the Situation in Nicaragua Pursuant to the Resolution Adopted at the Fifty-First Regular Session of the General Assembly," CP/RES. 1188 (2355/21), December 8, 2021.

[19] Claudia Torrens, 'Nicaragua's OAS Ambassador: 'Free' After Blasting Government," Associated Press, March 24, 2022.

[20] France 24, "Nicaragua Announces Withdrawal from Organization of American States Despite Bloc's Objections," April 25, 2022.

[21] Ibid.

approved changes further restricting parties' participation and citizen oversight.[22] By May 2022 the government reportedly had used its repressive laws to close at least 320 nongovernmental organizations, most of which focused on human rights, education, and medical care, and had publicly criticized the Ortega government.[23]

In the meantime, the Ortega government further strained U.S.-Nicaragua relations when it reestablished diplomatic ties with China in December 2021. From 1990 to December 2021, Nicaragua had diplomatic relations with Taiwan instead of China. The State Department, which has been tracking China's growing influence in the region, responded that cutting ties with Taiwan "deprives Nicaragua's people of a steadfast partner in its democratic and economic growth."[24] The Nicaraguan government seized Taiwan's embassy and diplomatic offices, saying they were the property of the Chinese government. China maintains that Taiwan is part of Chinese territory; Taiwan says it is a democratic, sovereign nation. Taiwanese diplomats were trying to donate the properties to the Catholic Church in Managua and condemned the seizures as "gravely illegal."[25] In January 2022, Nicaragua and China signed a cooperation agreement for China's Belt and Road Initiative.

**COVID-19 Pandemic.** For more than a year after the outbreak of the COVID-19 pandemic, the Sandinista government did not establish extensive mitigation measures against the disease. In May 2020, the Costa Rican legislature told the Pan American Health Organization that the Ortega government's "reckless" pandemic response was a threat to its neighbors.[26] In the meantime, civil and regional health organizations had called for voluntary quarantines and stricter health measures.[27]

Experts have expressed concern that the Nicaraguan government is concealing the disease's spread. An independent, citizen-run registry reported almost 13,000 cases and nearly 3,000 deaths as of February 4, 2021.[28] A few days later, the government reported half as many cases (6,367) and a fraction as many deaths (171).[29] Throughout the COVID-19 pandemic, according to the OAS, the Nicaraguan government has harassed and dismissed medical professionals for reporting on or criticizing the government's slow response to the pandemic.[30]

The Ortega administration moved toward developing a pandemic mitigation strategy in July 2021, when it began to limit large-scale activities it previously had promoted—although that same month, it held rallies and other public gatherings to celebrate the anniversary of the 1979 revolution. The government also established commercial biosafety protocols, increased virus

[22] *LatinNews Daily*, "Nicaragua: New Electoral Rules Stoke Concern," May 6, 2022.

[23] *LatinNews Daily*, "Nicaragua: New Electoral Rules Stoke Concern," May 6, 2022; Hemispheric Daily Briefings, "Nicaragua to Shut Down a Further 50 NGOs," May 6, 2022; and Associated Press, "Nicaraguan Government Abolishes 83 More NGOs, Civic Groups," May 31, 2022.

[24] U.S. Department of State, Ned Price, Department Spokesperson, "Nicaragua's Breaking of Diplomatic Relations with Taiwan," press statement, December 9, 2021.

[25] Associated Press, "Nicaragua Seizes Former Taiwan Embassy to Give It to China," December 27, 2021.

[26] *Tico Times*, "Costa Rican Lawmakers Request Intervention in Nicaragua Due to Pandemic," May 15, 2020.

[27] Elizabeth Gonzalez et al., "The Coronavirus in Latin America," Americas Society/Council of the Americas (AS/COA), February 10, 2021.

[28] Elizabeth Gonzalez et al., "The Coronavirus in Latin America."

[29] Elizabeth Gonzalez et al., "The Coronavirus in Latin America."

[30] Organization of American States, "IACHR and the OSRESCER Urge Nicaragua to Immediately Cease Harassment of the Medical Sector," July 28, 2021.

surveillance, and dedicated greater resources for health equipment and infrastructure.[31] Nicaragua was then able to secure over $400 million in pandemic-related assistance from the Inter-American Development Bank, the International Monetary Fund, and the World Bank. The United States has provided Nicaragua with 305,370 COVID-19 vaccine doses since October 2021.[32] As of June 1, 2022, the government reported a total of 18,491 cases and 38 deaths and said 72.4% of Nicaragua's population was fully vaccinated.[33]

**Economic Conditions.** The 2018 crisis undermined economic growth in Nicaragua, the hemisphere's second-poorest country. Government repression has continued, and the COVID-19 pandemic and hurricane damage have worsened conditions in the country. Unemployment nearly doubled, from 6% in 2019 to an estimated 11% in 2021. Nicaragua's economy contracted by 3.7% in 2019 and 2.0% in 2020 but grew an estimated 10% in 2021, according to the International Monetary Fund (IMF). The IMF expects growth to slow to just under 4% in 2022 and to 2% through 2024.[34] Nicaragua's economy is largely dependent on the United States, its top trading partner.

## International Response to Nicaragua's Increasing Authoritarianism

**Prior to November 7, 2021, Elections.** For the past several years, much of the international community has sought to hold the Ortega government accountable for human rights abuses and to facilitate the reestablishment of democracy in Nicaragua. An Inter-American Commission on Human Rights team concluded in 2018 that the Nicaraguan security forces' actions could be considered crimes against humanity. The OAS has stated multiple times that the Ortega government has violated the rule of law, altered constitutional order, and violated human rights. It also has passed resolutions expressing alarm at Nicaragua's deteriorating human rights situation, "unequivocally condemn[ing]" the arrest and arbitrary restrictions on candidates and the press, and repeatedly calling for the immediate release of all political prisoners and the implementation of measures for transparent and fair elections.[35] In July 2021, the IACHR condemned the Nicaraguan state's harassment and intimidation of medical workers and urged the state to cease these actions immediately.

On October 20, 2021, the OAS declared "that the measures instituted by the Government of Nicaragua do not meet the minimum criteria for free and fair elections as established by the Inter American Democratic Charter and, therefore, undermine the credibility of the Presidential and Parliamentary elections to be held on November 7, 2021." The regional organization also reiterated its call "for the immediate release of presidential candidates and political prisoners."[36]

The IACHR issued a report in late October 2021 examining the stages and forms of repression in Nicaragua that have led to "the complete breakdown of the separation of powers and to the adoption of what is effectively a state of emergency."[37] It concluded that the Nicaraguan

[31] Economist Intelligence Unit, *Country Report: Nicaragua*, July 2021, p. 5.

[32] U.S. Department of State, "Nicaragua: COVID-19 Vaccine Distribution," no date; accessed June 1, 2022.

[33] Johns Hopkins Coronavirus Resource Center, "World Countries: Nicaragua," June 1, 2022.

[34] International Monetary Fund, *World Economic Outlook Database*, April 2022.

[35] See, for example, OAS, "Statement from the General Secretariat on the Situation in Nicaragua," press release E-102/20, October 15, 2020; and OAS, "Resolution Restoring Democratic Institutions and Respect for Human Rights in Nicaragua Through Free and Fair Elections," press release S-019/20, October 22, 2020. OAS, "The Situation in Nicaragua," CP/RES. 1175/21, June 15, 2021.

[36] OAS, "Resolution: The Situation in Nicaragua," CP/RES. 1182 (2346/21), October 20, 2021.

[37] OAS, "IACHR Publishes Report on the Concentration of Power and the Weakening of the Rule of Law in Nicaragua," Press Release 284, October 28, 2021.

government could not have carried out such widespread repression without the acquiescence of multiple state institutions and the active participation of the National Police, Army, and para-police groups aligned with the executive branch. According to the IACHR, the Ortega government's tools of oppression include citizen control and surveillance mechanisms, harassment and repression against individuals believed to be government critics, arbitrary arrests, criminalization through legal proceedings with unwarranted charges, shutdowns of democratic platforms, suspended liberties, and the arbitrary use of lethal and nonlethal force.

At a U.N. Human Rights Council meeting in June 2021, 59 countries, including the United States, called on the Nicaraguan government to release multiple presidential contenders and dissidents immediately. They also called on the Nicaraguan government "to engage with the international community, to avail itself of technical assistance, to allow international election observers, and to re-establish dialogue and renew trust in democracy."[38] On August 18, the U.N. High Commissioner for Human Rights for Central America, the IACHR, and the Dominican Republic joined together to "strongly" condemn the Nicaraguan authorities' repeated persecution against journalists, media, and the press in the context of the November presidential elections.[39]

In 2019, the European Union (EU) adopted a new sanctions regime against Nicaragua, which it has renewed. As of August 2, 2021, the EU had imposed sanctions on 14 Nicaraguan officials accused of serious human rights violations or undermining democracy, including Vice President and First Lady Murillo, freezing their assets and banning European travel. In 2020, after its exit from the EU, the United Kingdom put into place the same sanctions against Nicaraguan officials. In August 2021, Switzerland imposed sanctions in line with the EU sanctions.

**Following Elections on November 7, 2021.** The OAS passed a resolution on November 12, 2021, declaring that "the elections on November 7 in Nicaragua were not free, fair or transparent and have no democratic legitimacy." The resolution also called for the release of all political prisoners and instructed the Permanent Council to assess the situation in accordance with the OAS and Inter-American Democratic Charters and to take appropriate action.[40]

In December, the OAS passed another resolution, concluding Nicaragua is not in compliance with its commitments under the Inter-American Democratic Charter.[41] The resolution also noted that the two years following Nicaragua's denunciation of the charter allow member states to engage in efforts to foster the restoration of democracy with Nicaraguan officials and that Nicaragua's obligations to the OAS and its charters remain in force, as do its international human rights obligations. As mentioned above, the Ortega government declared it has fully withdrawn from the regional cooperation organization. The government reportedly held 182 political prisoners as of

[38] U.S. Mission to International Organizations in Geneva, "Joint Statement on the Human Rights Situation in Nicaragua: Joint Statement on Nicaragua at the Human Rights Council, Presented by the Nicaragua Core Group on Behalf of 59 Countries Including the United States," June 22, 2021.

[39] Organization of American States, "La CIDH, su RELE y OACNUDH condenan los reiterados ataques a la libertad de expresión en Nicaragua," August 18, 2021.

[40] U.S. Mission to the Organization of American States, "OAS General Assembly Condemns the Ortega-Murillo Regime in Nicaragua," November 12, 2021 (includes resolution text).

[41] OAS, "Resolution: Outcome of the Permanent Council's Deliberations of November 29, 2021, on the Situation in Nicaragua Pursuant to the Resolution Adopted at the Fifty-First Regular Session of the General Assembly," CP/RES. 1188 (2355/21), December 8, 2021.

April 2022.[42] In May, the IACHR demanded political prisoners be allowed regular, dignified contact with their families.[43]

Michelle Bachelet, the United Nations High Commissioner for Human Rights, reported in March 2022 that Nicaraguan courts handed down harsh prison sentences to at least 34 of 43 opposition leaders arrested in the context of the 2021 elections in trials that disregarded due process.[44] The UNHRC subsequently established a Group of Experts to investigate alleged human rights violations committed in Nicaragua since April 2018.

The European Union condemned what it called "the electoral farce orchestrated by the Ortega-Murillo regime on 7 November 2021," adding that the elections "complete the conversion of Nicaragua into an autocratic regime."[45] A December 16 EU resolution called for adding Daniel Ortega to the list of sanctioned individuals and encouraged member states to consider taking additional measures, "including those that may go beyond individual restrictions," among other provisions.

Cuba and Venezuela congratulated Nicaragua on its elections. Russian officials reportedly said the elections were held "in an orderly manner, in full compliance with the Nicaraguan legislation."[46]

Ortega lashed out at election critics at a rally on November 8, saying, "the European Union has a parliament whose majority are fascists, Nazis." He also said the political opposition who were jailed "are the sons of the female dog of Yankee imperialism."[47]

# U.S. Policy

U.S. policy toward Nicaragua focuses on strengthening civil society and promoting respect for human rights and free and fair elections. For FY2022, the Biden Administration requested a total of $15 million in assistance for Nicaragua, all for democracy, rights, and governance programs; Congress appropriated not less than the amount requested in the Consolidated Appropriations Act, 2022 (P.L. 117-103, Division K). For FY2023, the Administration again requested $15 million to support civic participation, democratic alliances, independent media, and protection of human rights.

Following the suppression of protests in 2018, Congress passed the Nicaragua Human Rights and Anticorruption Act of 2018 (P.L. 115-335), which instructed U.S. representatives at the World Bank and the Inter-American Development Bank to oppose new multilateral lending to Nicaragua, except for basic human needs and democracy promotion. Both the Trump and the Biden Administrations imposed numerous financial sanctions and/or visa restrictions against members of the Nicaraguan government, legislature, judiciary, and Ortega's family, including his wife and vice president, Rosario Murillo, and several of their children.[48] The sanctions were

[42] *LatinNews Weekly Report*, "NICARAGUA: UN to probe alleged human rights abuses," April 7, 2022 (WR-22-14)

[43] OAS, "CIDH urge a Nicaragua a garantizar que las personas presas políticas tengan contacto directo regular y digno con sus familias," press release no. 103/22, May 13, 2022.

[44] *LatinNews Weekly Report*, "Nicaragua: Convictions of Opposition Figures Continue," March 10, 2022 (WR-22-10).

[45] European Parliament, "European Parliament Resolution of 16 December 2021 on the Situation in Nicaragua (2021/3000(RSP))," December 17, 2021.

[46] Caitlin Hu, Natalie Gallón and Mia Alberti, "Ortega Wins Again in Nicaraguan Elections Panned as 'Parody' by International Observers," CNN, November 8, 2021.

[47] BBC News, "Nicaragua Vote: Ortega Tightens Grip on Power in 'Pantomime Election,'" November 9, 2021.

[48] See U.S. Department of State, "Nicaragua Sanctions," at https://www.state.gov/nicaragua-sanctions/; U.S.

intended "to counter the worst abuses of the Ortega regime ... , including its dismantling of democratic institutions and serious human rights violations and abuses."[49] Secretary of State Antony Blinken asserted in early August 2021 that Nicaragua's "electoral process, including its eventual results, has lost all credibility."[50]

Following the November 2021 elections, which the Biden Administration called "sham elections," the Administration imposed sanctions against the Nicaraguan Public Ministry and nine Nicaraguan government officials. It then imposed sanctions against members of the government of Nicaragua, their staff, and their families.[51] On November 7, 2021, President Biden declared, "What Nicaraguan President Daniel Ortega and his wife, Vice President Rosario Murillo, orchestrated today was a pantomime election that was neither free nor fair, and most certainly not democratic."[52] U.S. Agency for International Development Administrator Samantha Power said the Nicaraguan government's "repressive measures and flagrantly undemocratic vote [on November 7] do not represent the actions of a government that embraces democracy and the rule of law, but rather those of an authoritarian regime that fears the genuine will of the people."[53]

The Biden Administration has worked multilaterally to increase international pressure against the Nicaraguan government. For example, the Administration has worked with international partners to pass resolutions at the OAS and a joint statement at the U.N. Human Rights council denouncing Nicaragua's human rights violations and antidemocratic actions. Other partners have joined the United States in imposing sanctions against the Ortega regime.

These cumulative pressures appear to be having an impact; a member of the Ortega family reportedly reached out to the Biden Administration recently to restart a dialogue.[54] Ortega and Murillo's son Laureano Ortega, who has negotiated diplomatic and energy agreements with Russia and China, reportedly is seeking the easing of sanctions on his family and close associates, in exchange for the release of Nicaraguan political prisoners. Economic sanctions are limiting funds the inner circle needs to pay police and paramilitaries to quell growing dissent, according to McFields, the former Nicaraguan ambassador to the OAS.[55] Sanctions against Russia and Venezuela also are hurting Nicaragua, as its allies' economic struggles limit the economic relief they can provide to Nicaragua.

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Department of the Treasury, "Treasury Sanctions Nicaraguan Officials for Supporting Ortega's Efforts to Undermine Democracy, Human Rights, and the Economy," press release, June 9, 2021; U.S. Department of State, Antony J. Blinken, "The United States Restricts Visas of 100 Nicaraguans Affiliated with Ortega-Murillo Regime," press statement, July 12, 2021; and U.S. Department of State, Ned Price, Department Spokesperson, "The United States Restricts Visas of 50 Additional Nicaraguan Individuals Affiliated With Ortega-Murillo Regime," August 6, 2021.

[49] U.S. Department of the Treasury, "Blocking Property of Certain Persons Contributing to the Situation in Nicaragua," Executive Order 13851 of November 27, 2018.

[50] U.S. Department of State, Antony J. Blinken, Secretary of State, "The Lack of Prospects for Free and Fair Election in Nicaragua," press statement, August 7, 2021.

[51] U.S. Department of State, "New Sanctions Following Sham Elections in Nicaragua," press statement, Antony J. Blinken, Secretary Of State, November 15, 2021; and White House, "A Proclamation on Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Policies or Actions That Threaten Democracy in Nicaragua," November 16, 2021.

[52] The White House, "Statement by President Joseph R. Biden, Jr. on Nicaragua's Sham Elections," November 7, 2021.

[53] U.S. Agency for International Aid, "Administrator Samantha Power on Undemocratic Elections in Nicaragua," statement, November 8, 2021.

[54] Maria Abi-Habib, "Nicaragua's Secretive Ruling Family Reaches Out Quietly to the U.S.," *New York Times*, May 5, 2022.

[55] Ibid.

The Nicaragua Human Rights and Anticorruption Act of 2018 (P.L. 115-335) instructed U.S. representatives at the World Bank and the Inter-American Development Bank to oppose new multilateral lending to Nicaragua, except for basic human needs and democracy promotion.

The 117th Congress has continued to express concern about human rights abuses and the erosion of democracy in Nicaragua, especially leading up to the November 7 elections. The Tom Lantos Human Rights Commission held a hearing on human rights violations in Nicaragua in July 2021, with an emphasis on the plight of political prisoners.[56] The House Subcommittee on Western Hemisphere, Civilian Security, Migration, and International Economic Policy held a hearing, *An International Response to Ortega's Destruction of Democracy in Nicaragua*, on September 21, 2021.[57] Congress passed the Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform (RENACER) Act of 2021 in November (see P.L. 117-54 in "Legislation in the 117th Congress," below).

## Legislation in the 117th Congress

P.L. 117-103, Division K (H.R. 2471, Jeffries), the Consolidated Appropriations Act, 2022, provides that none of the funds appropriated will be made available for aid to Nicaragua except as provided through the regular notification procedures of the Committees on Appropriations. The Joint Explanatory Statement—Division K incorporated the House Appropriations Committee's report (H.Rept. 117-84) for the House-passed bill (H.R. 4373, Lee). Together, they provide not less than $15 million in Development Assistance for democracy and rule-of-law programs in Nicaragua that support civil society, journalists, and other activists promoting the transparency and accountability of government institutions. The act makes available assistance to Nicaragua under regional programs for Central America that prioritize addressing violence, poverty, corruption, and other factors that contribute to irregular migration to the United States. The statement prohibits providing funds for the central government of Nicaragua or for security assistance. The House committee said it would expect the United States Agency for Global Media to continue to focus on Nicaragua (and Venezuela), "where authoritarian governments censor news coverage and access to independent media is restricted."

P.L. 117-54 (S. 1041/H.R. 2946, Menendez/Sires), the Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform (RENACER) Act of 2021, requires the Administration to align U.S. diplomacy and the use of targeted sanctions to advance free, fair, and transparent elections in Nicaragua, among other provisions. The House Committee on Foreign Affairs ordered its measure reported in July 2021; the Senate passed its version in August 2021. On November 1, 2021, the Senate passed S. 1064, the Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform (RENACER) Act of 2021, a related version of the earlier bill in the nature of a substitute. In addition to the provision mentioned above, it required the State Department to monitor, report on, and address corruption and human rights abuses in Nicaragua. On November 3, the House passed the bill. On November 10, the bill became law (P.L. 117-54).

H.R. 3964 (Salazar), the Nicaragua Free Trade Review Act of 2021, would require the U.S. Trade Representative to report to Congress on the manner and extent to which Nicaragua is complying

[56] Tom Lantos Human Rights Commission, U.S. Congress, *The Ortega Government and the Human Cost of Repression in Nicaragua: Political Prisoners*, hearing, July 21, 2021, at https://humanrightscommission.house.gov/events/hearings/ortega-government-and-human-cost-repression-nicaragua-political-prisoners-0.

[57] House Foreign Affairs Subcommittee on Western Hemisphere, Civilian Security, Migration and International Economic Policy, U.S. Congress, *An International Response to Ortega's Destruction of Democracy in Nicaragua*, hearing, September 21, 2021, at https://foreignaffairs.house.gov/2021/9/an-international-response-to-ortega-s-destruction-of-democracy-in-nicaragua.

with the Dominican Republic-Central America-United States Free Trade Agreement (DR-CAFTA). The bill was introduced and referred to the House Committee on Ways and Means on June 17, 2021.

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