Committee on Economic, Social and Cultural Rights

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***The Lack of Information, Prevention and Medical Treatment in the COVID-19 Crisis in Nicaragua”***

*(Articles 12 and 7 of the Covenant)*

Joint submission presented by: Observatorio Ciudadano COVID-19 Nicaragua Red International de Derechos Humanos (RIDH)



August 2020

***“The Lack of Information, Prevention and Medical Treatment in the COVID-19 Crisis in Nicaragua”***

Report of the Observatorio Ciudadano (“Citizen Observatory”) COVID-19

**Nicaragua and of the**

International Network of Human Rights

**To the Committee on Economic, Social and Cultural Rights 10 August 2020**

1. The Organizations
	1. The Observatorio Ciudadano COVID-19 Nicaragua (“Observatory”) is an informal, non-governmental organization of the civil society of Nicaragua. It is a collaborative effort of an interdisciplinary team using information provided by organizations, networks and the citizenry in general, that aims to contribute to fill the lack of information about the situation of COVID-19 in Nicaragua. The team is composed of volunteers, professionals in medicine (including public health specialists and epidemiologists), communication, research, engineering, information technology, and students who contribute using their professional tools to make the effort a reality.[[1]](#footnote-2)
	2. The International Network of Human Rights (“RIDH”) is an NGO based in Geneva which has consultative status with the UN since 2014. The RIDH specializes in the promotion and protection of human rights in Latin America and facilitates links between organizations of the civil society in Latin America and the UN human rights protection system.[[2]](#footnote-3)
2. Executive Summary
3. The purpose of this report is to inform the Committee, and request that it adopt pertinent conclusions and recommendations, consistent with its recent Declaration on COVID- 19,[[3]](#footnote-4)concerning the failure of the State of Nicaragua to comply with its obligation under the International Covenant on Economic, Social and Cultural Rights (“Covenant”) to respect, protect and fulfil the rights to health and life, among other rights, in the face of the COVID- 19 crisis. The State has failed in its duty to provide necessary, relevant and timely public information, prevention, and medical treatment in the crisis, instead promoting secrecy at all levels of the health system, ranging from prohibiting the diagnosis of COVID-19 to clandestine burials, thus further aggravating the serious public health situation. In addition, the State has not provided adequate equipment essential to protect health professionals who treat patients, even prohibiting its use until a couple of months ago.
4. Doctors and other health professionalswho have sought to reveal the truth about COVID-19 and who have been critical towards the State’s failures have been harassed and arbitrarily dismissed. The State’s policy is deficient, not only for failing to inform, protect and treat the population in general, but also because it creates additional risk for groups most vulnerable to COVID-19, such as the elderly, persons deprived of liberty, political prisoners, and Indigenous Peoples, as well as Nicaraguan citizens stranded in other countries and at border points, by preventing their return to the country if they do not have a negative PCR test.[[4]](#footnote-5)
5. Context
6. The State’s failure to protect the population from the COVID-19 crisis is neither accidental nor merely mistaken. It is important to view it in context, taking into consideration at least two dimensions: the State’s historical failure to invest in the health system, and the serious human rights crisis and the erosion of the Rule of Law in Nicaragua since 2018.
7. In Nicaragua’s last review in 2008, the Committee already expressed its concern that, “despite the State party’s efforts in the area of health, such as free access to public health services for vulnerable and marginalized groups, this is still very limited …” The Committee urged the State to “step up its efforts in the area of health and requests it to adopt a global health policy, including prevention programmes that would allow guaranteed access to universal free primary health care for the poorest populations.”[[5]](#footnote-6)
8. Nonetheless, far from stepping up investments in this sector, the State reduced the percentage of GDP dedicated to health, and in recent years, reduced the absolute amount of the budget of the Ministry of Health, favoring expenditures for security forces.[[6]](#footnote-7)And now, as this Committee recognizes, “COVID-19 has highlighted the critical role of adequate investments in public health systems, …”[[7]](#footnote-8)
9. This trend is linked to the systematic pattern of repression that has been occurring since 2018. As reported by the High Commissioner for Human Rights, in April 2018, protests against the Government erupted in massive demonstrations throughout the country. These protests were brutally repressed, resulting in over 300 dead, more than 2,000 wounded, andmore than 102.000 refugees who have been forced to flee Nicaragua by the end of 2019.[[8]](#footnote-9)The repression continues into the current year. The recent Resolution of the Human Rights Council on Nicaragua expresses its concern for the:

“continuing reports of serious human rights violations and abuses since April 2018, and the persisting disproportionate use of force by the police to repress social protests, and acts of violence by armed groups, as well as reports of ongoing unlawful arrests and arbitrary detentions, harassment, and torture and sexual and gender-based violence in detention;”

And for

“the persisting restrictions on civic space and the repression of dissent in Nicaragua targeting civil society, human rights defenders, including women human rights defenders, community and religious leaders, journalists and other media workers, students, victims and their family members, and individuals expressing critical views of the Government; …”[[9]](#footnote-10)

1. This context goes far to explain the current State repression against health professionals who attempt to inform about the COVID-19 crisis in a clear and transparent manner, and the State’s unwillingness to disclose the magnitude of the crisis and the need to address it in a comprehensive manner.
2. Overall Statistics on the COVID-19 Crisis in Nicaragua
3. According to the Ministry of Health (“MINSA”) of the State, the reported numbers of deaths and infections by COVID-19 are relatively low compared to various other countries in Latin America. As of August 11, in a country with a population of approximately 6.6 million people, MINSA reports a cumulative total of 128 deaths and 4,115 infected persons.[[10]](#footnote-11)
4. Conversely, the Observatory, based on reports drafted with reasonable indicators received from its network of collaborators, reports 2,646 suspected COVID-19 related deaths – over 20 times more than the death toll reported by MINSA – and 9,646 infected – more than double the number reported by MINSA.[[11]](#footnote-12) As shown in section VIII of this report, the magnitude of the differences clearly highlights the lack of reliability of MINSA’s reports. Nicaragua is suffering from a COVID-19 crisis that is both poorly managed and poorly reported by the State, the reality of the situation is being concealed to its citizens, the official figures are opaque at best, and there is little to no access to clear and transparent information necessary to prevent the virus’s propagation.
5. Absence of Measures to combat the pandemic and to prevent contagion
6. States Parties to the Covenant “are under an obligation to prevent, or at least to mitigate,” the impacts of COVID-19.[[12]](#footnote-13)Nicaragua is the Central American country that has done the least to contain the spread. It has not officially closed its borders, although neighboring States have done so, and only recently has it required COVID-19 tests in order to enter the country. It has not suspended classes in schools, although it did extend normal vacation times. There has been no prohibition of mass events or measures to prevent crowding. It was officially declared that there would be no quarantine, and no confinement or social distancing measures have been adopted.[[13]](#footnote-14)
7. In spite of this Committee’s statement that “responses to the pandemic should be based on the best available scientific evidence to protect public health,”[[14]](#footnote-15)the Nicaraguan State has ignored the basic prevention recommendations issued by the World Health Organization (WHO) and the Pan American Health Organization (PAHO), as well as international technical and scientific advice.[[15]](#footnote-16) It has also ignored the calls and recommendations of Nicaraguan civil society, such as those of the Multidisciplinary Scientific Committee,[[16]](#footnote-17)which has called for basic measures of prevention to be taken.
8. Matters of serious concern are the actions undertaken by the State that have contributed to the rapid spread of the virus among the population. In particular, national and municipal authorities have organized marches, rallies, and other massive events during March and April and up to the present, putting the health of the population in considerable danger. For example, in March the State organized a demonstration in Managua under the slogan, “Love in times of COVID.” The broadcast of the march shows hundreds of persons in the streets, without masks and without maintaining minimum social distance.[[17]](#footnote-18) Similarly, the authorities organized a march for the “Great National Literacy Crusade” and dozens of tourism activities throughout the month of April during vacations for Holy Week.[[18]](#footnote-19)
9. The political party of the Government also launched a series of campaigns that misinform the population about the pandemic. One campaign states that COVID-19 is a “Disease of the Rich and the Bourgeois” and is the “Divine Justice of the oppressed and the poor.”[[19]](#footnote-20)The State has continued to deliver such ideological and politicized messages which, instead of raising the awareness of the population, minimize the seriousness of the disease and the extent of the contagion, confuse the general population and encourage them not to adopt the internationally recommended basic prevention measures that are essential to contain the spread of the virus and protect lives.
10. Following months of inaction and negligence in the face of the rapid spread of contagion, on May 26 the State published a “White Book” in which it attempted to justify its handling of the health crisis and its decision to ignore the recommendations and criticisms of international bodies.[[20]](#footnote-21) The State tried to justify its handling as a “strategy of equilibrium” balancing economic and health impacts of the crisis.[[21]](#footnote-22)Aside from the fact that the State never explained this strategy (or any other strategy in response to COVID-19) at the outset of the crisis, it has not disclosed the analysis according to which it decided to pursue this “strategy of equilibrium.” The manipulation and concealment of information about the evolution of the contagion, the convening of mass concentrations of people, and the disincentivizing of the population to wear masks, are acts that have no economic justification, but which violate the public’s right to clear and relevant information and put public health at serious risk.
11. Faced by the State’s inaction, the country’s Medical Associations issued a joint communication on June 1 in which they warned of the collapse of the health system, and called on citizens to carry out a national quarantine on a voluntary basis.[[22]](#footnote-23)The following day, PAHO supported the call of the Medical Associations, stressing that quarantine is the only way to halt the spread of contagion.[[23]](#footnote-24)
12. In her most recent oral update to the UN Human Rights Council on July 2, the High Commissioner for Human Rights stressed that the Nicaraguan State’s failures to tackle COVID-19 are linked to its widespread pattern human rights violations and the restriction of civic space:

“The health crisis caused by COVID-19 has prompted greater restrictions on civic and democratic space. The official discourse stigmatizes people who criticize the response of the State or disseminate information contradicting official sources. The pandemic has in in addition increased violence against women, particularly femicides …”

“There also exists little transparency and a lack of clarity in the public information about the cases. Although the Government asserts that it is working to strengthen public health, community health and visiting house by house to detect cases, some government measures do not conform to the recommendations of the WHO, the PAHO and the Nicaraguan medical community, especially in regard to physical distancing. Up to the present, we have received complaints that at least 16 physicians have been dismissed without respecting the legal procedures, for criticizing the State response to the pandemic.”[[24]](#footnote-25)

1. The High Commissioner’s Office for Central America (“OACNUDH”) has reported in greater detail on these human rights violations.[[25]](#footnote-26) Likewise, the Inter-American Commission on Human Rights (“IACHR”) has repeatedly expressed its concern about the absence of measures taken by the State, which fails to comply with its international obligation to protect the population:

“… Nicaraguan civil society organizations have responded to international recommendations by calling on the state to take measures to prevent the spread of the COVID-19 virus in a way that fully respects human rights and have even taken informal steps in this direction. Specifically, according to publicly available information, the Multidisciplinary Scientific Committee of Nicaragua recommended that authorities suspend classes at educational institutions and implement physical distancing….”

“Given the unprecedented scope of the COVID-19 pandemic, the IACHR and the OSRESCER made it clear that the failure to adopt measures and actions that are in line with the recommendations of international public health organizations around COVID-19 could jeopardize the life, health, and physical integrity of large swathes of the population. The state of Nicaragua has an international obligation to protect these rights, in accordance with its duty to guarantee human rights.”[[26]](#footnote-27)

1. The IACHR has also criticized the measures adopted by the State which are contrary to international recommendations, citing many of the mass activities convened by the authorities in March and April.[[27]](#footnote-28) The Director of PAHO expressed her concern over the“inadequate response” of the Nicaraguan State, pointing out that PAHO had presented the State with a multitude of recommendations and had offered technical assistance.[[28]](#footnote-29)
2. International civil society and the press have also harshly criticized the lack of measures to contain the spread of infections.[[29]](#footnote-30)The Government continues to view COVID-19 as a strategy of the opposition, treating it as a political problem rather than a health issue.
3. Lack of access to adequate health services for the infected
4. “It is imperative that States parties adopt appropriate regulatory measures to ensure that health-care resources in both the public and private sectors are mobilized and shared among the whole population …”[[30]](#footnote-31) However, the State has yet to take measures to obtain necessary hospital supplies and equipment. At the beginning of April, the IACHR took note of the lack of equipment, observing that there were only 6,000 hospital beds and 160 respirators in the entire country.[[31]](#footnote-32)The State has not only failed to take steps to expand these capacities, it has also prohibited efforts by the society to mitigate these shortages by, for example, ordering the closure of a COVID medical attention center opened by the Diocese of Matagalpa.[[32]](#footnote-33) Likewise, while other countries are trying to facilitate the population’s access to basic medical supplies, the Nicaraguan State decided to impose a tax on respirators, oximeters and masks.[[33]](#footnote-34) Existing taxes on other essential products such as thermometers and hydroalcoholic gel have not been reduced or eliminated during the pandemic.
5. One of the most troubling aspects is the criterion used by the State and MINSA to decide who is tested for COVID-19. The protocol of MINSA has been to test only patients who show clear symptoms and who have traveled outside Nicaragua in the last 15 days, thereby dramatically reducing the number of patients tested.[[34]](#footnote-35) On April 13, a document was leaked stating that there would be only 50 tests per day in the entire country.[[35]](#footnote-36) Even if the criterion is not complied with in every case, at times they opt to treat the patient without testing and thus not to count the case as confirmed. In response to this situation, on May 18, more than 700 health professionals signed a letter urging the State to recognize the community transmission of the virus and to change the test criterion.[[36]](#footnote-37)
6. Another obstacle is that it is MINSA who decides on whether to perform tests. When tests are authorized, health professionals have to send the samples of suspected cases of COVID-19 to the National Center for Diagnosis and Referral, the only center in the country authorized to perform the tests. Doctors have reported that MINSA has refused to do the tests for patients whom they have designated as suspected cases of COVID-19, and that on other occasions MINSA has verbally told them that the test result was “negative,” but refused to show either the result or an official report,[[37]](#footnote-38)or that it was “indeterminate,” without doing a new test as required. Despite this Committee’s reminder that “the inherent dignity of all people must be respected and protected,”[[38]](#footnote-39)the State, in cases where patients showing symptoms have died, has ordered “express” burials during nighttime, without a public protocol for burials, and without testing to confirm if the person actually died from COVID-19. This has attracted the attention of OACNUDH,[[39]](#footnote-40) the IACHR,[[40]](#footnote-41)and numerous media of the international press.[[41]](#footnote-42)
7. Lack of protection of health professionals and of the most vulnerable groups
8. Beyond the negligence of the State toward the population in general, it is worth focusing on the vulnerabilities of five groups in particular (without excluding others).
9. With regard to **health professionals**, this Committee advises that, “As the front- line responders to this crisis, all health-care workers must be provided with proper protective clothing and equipment against contagion.”[[42]](#footnote-43) Yet the State has not taken adequate measures of protection to avoid infections of health professionals. On the contrary, there are reports of hospitals in which the use of masks is prohibited in order not to alarm the patients.[[43]](#footnote-44)On August 5, the Observatory reported 768 health professionals with symptomatology associated with or presumptive of COVID-19, and 101 suspected deaths.[[44]](#footnote-45)
10. The State has taken reprisals against those who have tried to bring to light information which contradicts that provided by MINSA, or who have tried to question the criteria adopted. These reprisals have taken the form of arbitrary dismissals of highly qualified personnel and of other measures of intimidation to silence health professionals. This Committee’s LOI to Nicaragua requests information about unjustified dismissals, both now and in 2018.[[45]](#footnote-46)In addition to the statement of the UN High Commissioner on the complaints she has received,[[46]](#footnote-47)the IACHR reported that “the employment stability of health professionals is closely linked to their political leanings and may even be affected by their refusal to take part in networks with ties to the current administration,” and called on the State to reinstate those who have been “arbitrarily dismissed.”[[47]](#footnote-48)
11. **Persons deprived of liberty** are also being affected by the actions of the State, which among other measures has ordered the confiscation of health supplies sent by the families of the prisoners.[[48]](#footnote-49)Both the UN mechanisms against torture,[[49]](#footnote-50)and the IACHR,[[50]](#footnote-51)have sounded alerts against the worrisome situation of persons deprived of liberty because of the particular risk of contagion in prisons.
12. The situation of **political prisoners is of particular concern**. OACNUDH reports that, even though the State did release many prisoners,

“None of the 86 ‘political prisoners’ registered by civil society organizations as of 4 May [2020], were among the 4,515 detainees that were released. …”

“OHCHR is deeply concerned by reports indicating that, as of 31 May [2020], approximately 40 detainees included in the list prepared by organizations of victims' families have presented symptoms compatible with COVID-19 and/or suffer chronic health conditions that enhance the risk of suffering more acute symptoms in case of infection. One detainee was transferred to a hospital in Managua, without notice to his family, who only located him four days later after having search at several hospitals.”[[51]](#footnote-52).

1. Also worrisome is the situation of **Indigenous Peoples**, who have been particularly affected by the virus and who do not have access to basic health care.[[52]](#footnote-53) The Observatory has received complaints of obstruction to humanitarian aid to the affected communities, as well as glaring deficiencies in prevention and medical care. The most dramatic situations are those of the Karawala and the Rama Kay.
2. Another vulnerable group are the **Nicaraguan citizens stranded** in various border points or in other countries of the region due to the refusal of the Nicaraguan State (through its consular networks, immigration authorities, and the Foreign Ministry) to permit them to enter the country, or to organize repatriation operations.[[53]](#footnote-54)This has caused very troubling situations, such as in the case of Peñas Blancas, where the migrant population has had to spend weeks in subhuman conditions, unnecessarily exposed to contagion (as in the cases of El Corinto and El Florido on the border between Guatemala and Honduras).[[54]](#footnote-55) The High Commissioner had already called on the governments of Latin America to permit the entry of their citizens and OACNUDH has expressed its concern about the situation of Nicaraguan migrants.[[55]](#footnote-56)
3. Lack of reliable and transparent information
4. This Committee recognizes that “[a]ccurate and accessible information about the pandemic is essential both to reduce the risk of transmission of the virus and to protect the population against dangerous disinformation.”[[56]](#footnote-57) However, since the beginning of the pandemic, the State has not presented accurate or transparent information about the evolution of the pandemic, including the numbers of infected and deceased, or the geographical distribution of those affected. The first case of COVID-19 in Nicaragua was confirmed on March 18, 2020.[[57]](#footnote-58)From that moment the State maintained an attitude of denial of the situation, without taking any measures to prevent contagion, as explained above in section IV of this report. In addition to the lack of measures, the State has not complied with its obligation to maintain the public informed about the trends of persons infected and deceased, which has had and continues to have a direct impact on the ability of the citizens to protect themselves from contagion.
5. The State informs the population only about cases which test positive, although most recently they report on “positives by test or clinical data.” Due to the lack of information and transparency, a group of professionals in health and other disciplines created the Citizen Observatory, whose purpose is to fill the information gap from the State and to offer data that are more in line with the reality the country is experiencing.[[58]](#footnote-59)The information is provided by organizations, networks and the citizenry in general, with data that is verified locally. The statistics published by the Observatory show that, since April and to the present, MINSA maintains artificially low figures, and its information has been imprecise and confusing, with the effect of greatly underestimating the true extent and impact of the disease in the country.
6. The following chart demonstrates the enormous discrepancy between the statistics reported by MINSA and the statistics of suspected cases reported weekly by the Observatory.[[59]](#footnote-60)

|  |  |  |
| --- | --- | --- |
| **Date** | **Deaths** (cumulative) | **Infected** (cumulative) |
| MINSA | Observatory | MINSA | Observatory |
| 1 – 7 April | 1 | - | 6 | 174 |
| 8 – 14 April | 1 | - | 9 | 236 |
| 15 – 22 April | 2 | - | 10 | 268 |
| 23 – 29 Aril | 4 | - | 14 | 401 |
| 30 April – 6 May | 5 | - | 16 | 749 |
| 7 – 13 May | 8 | 266 | 25 | 1.245 |
| 14 – 20 May | 17 | 465 | 279 | 2.044 |
| 21 – 27 May | 35 | 805 | 759 | 2.966 |
| 28 May – 3 June | 46 | 1.114 | 1.118 | 3.909 |
| 4 – 10 June | 55 | 1.398 | 1.464 | 4.971 |
| 11 – 17 June | 64 | 1.688 | 1.823 | 5.957 |
| 18 – 24 June | 74 | 1.878 | 2.170 | 6.775 |
| 25 June – 1 July | 83 | 2.087 | 2.519 | 7.402 |
| 2 – 8 July | 91 | 2.225 | 2.846 | 7.893 |
| 9 – 15 July | 99 | 2.397 | 3.147 | 8.508 |
| 16 –22 July | 108 | 2.487 | 3.439 | 8.755 |
| 23 – 30 July | 116 | 2.537 | 3.672 | 9.044 |
| 31 July—5 August | 123 | 2.591 | 3.902 | 9.436 |
| 6 —12 August | 128 | 2.646 | 4.115 | 9.646 |

1. As shown in the chart, the difference between the statistics published by MINSA and those tabulated by the Observatory is abysmal. Based on the most recent figures, the number of deaths counted by the Observatory is more than 20 times greater than the official number reported by MINSA, while the Observatory’s total of persons infected is more than double the official total. The lack of reliability of MINSA’s data is shown even by its own figures. For example, in mid-May, the number of people infected according to MINSA increased by 1,100% in one week – rising from 25 infected to 279 the following week.
2. In contrast, as explained above in section IV of this report, the statistics of the Observatory, based on reliable indicators, reveal the magnitude of the suspected cases of deaths and infected by COVID-19 in Nicaragua. Yet even the Observatory’s totals are underestimated, because the Observatory cannot collect information on all cases nationwide.
3. The recent study of Excess of Mortality, carried out by the Multidisciplinary Scientific Committee and reported by *El Confidencial*, based on data published by MINSA, shows an increase of 84% in general mortality in Nicaragua, especially for diagnoses which are clinically attributable to COVID 19: pneumonia, pulmonary embolism, cerebral vascular accident, renal insufficiency; or which are known to complicate the course of COVID 19 (diabetes mellitus or arterial hypertension). In effect, the official statistics disguise deaths from the pandemic as deaths from related diagnoses.[[60]](#footnote-61)
4. The lack of reliable and transparent information was exposed by five former Health Ministers of Nicaragua, who denounced in a letter to the directors of WHO and PAHO that health personnel “are being obligated, under penalty of severe sanctions, to manipulate health information in order to deny or artificially reduce the number of cases and deaths caused by the pandemic.”[[61]](#footnote-62)
5. In addition to the lack of veracity in its published statistics, MINSA has never informed about the geographical distribution of those infected and deceased, only giving global data for the entire country. This further prevents the accuracy of official information from being checked, but, above all, impedes the ability of the population to know if they are located in highly affected areas or if they have greater or lesser risk of contagion in their region. Accordingly, the Observatory has tried to fill this gap, by offering data disaggregated by department and municipality, which shows that more than a third of those infected in the country are concentrated in Managua.[[62]](#footnote-63)
6. The lack of reliable and transparent information has attracted the attention of numerous international organizations which have made statements on the subject. In addition,to the statement of the UN High Commissioner on the “little transparency and a lack of clarity in the public information about the cases” in Nicaragua,[[63]](#footnote-64)the IACHR alleged that:

“… there is a lack of transparency and reliable, detailed information on measures to prevent and contain the spread of the COVID-19 pandemic, as well as on matters that are essential to understand the current status of the pandemic in Nicaragua, such as how many tests are available and how many people have already been tested, and how confirmed cases are being monitored. There has also been contradictory information from authorities regarding how many cases of COVID-19 have been confirmed and how many people are under observation after presenting symptoms. This situation is contributing to increasing the public distrust that is already widespread in the country and to reducing the authorities’ capacity to take appropriate measures and implement policies to protect and safeguard the health of the population. It also prevents citizens from making informed decisions to prevent the spread of the disease or seek specialized care. These circumstances have been aggravated by authorities calling for public activities to continue as normal, including during the holiday period.”[[64]](#footnote-65)

1. At the end of May, the IACHR, and in particular its Rapporteurs on Economic, Social, Cultural and Environmental Rights, and on Freedom of Expression, expressed their “serious concern over the lack of reliable information and the ongoing official disinformation over the spread of the COVID-19 pandemic in Nicaragua. This is a violation of the population’s right to access information and is preventing evaluations of how authorities are handling the health emergency.”[[65]](#footnote-66)The IACHR described the information supplied by the Government as “unclear or unspecific” over the spread of the contagion, and lacking a preestablished schedule for reporting, “which makes it hard to ascertain how many tests are carried out each day, what kinds of testing is being used, how tests come back positive, where the confirmed cases are, and how the virus is spreading.”[[66]](#footnote-67)
2. PAHO also expressed its concern over the lack of information in Nicaragua, indicating that it is the only country in the region in which it has not been possible to determine the modality of transmission,[[67]](#footnote-68)as well as the only country which has not informed PAHO of the numbers of tests taken and evaluated.[[68]](#footnote-69)PAHO emphasized that the “lack of information has not permitted PAHO to evaluate the situation correctly, and given the lack of transparent official information, non-official sources are those which should be taken into account in order to evaluate the situation.”[[69]](#footnote-70)Accordingly it stated that it had requested to send a team of experts into the country to evaluate the situation, because of the lack of truthful and reliable information. As of this date the team has not received authorization from the Government to enter the country.
3. Violations of the Covenant
4. Nicaragua is a State party to the Covenant, without reservations, since 1980. As such, it “undertakes to take steps, individually and through international assistance and co- operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, …”[[70]](#footnote-71) In particular, the State has the duties to respect, protect, and fulfil the rights, including those to health, life, and other human rights.[[71]](#footnote-72)
5. Art. 12.1 of the Covenant recognizes the right to the “highest attainable standard of health,” taking into account “both the individual’s biological and socioeconomic conditions and a State’s available resources.”[[72]](#footnote-73)Among measures the State should take are those necessary for the “prevention, treatment and control of epidemic … diseases.”[[73]](#footnote-74) The right to health includes the following interrelated elements:[[74]](#footnote-75)
6. *Availability*: “Functioning public health and health-care facilities, goods and services, as well as programmes, have to be available in sufficient quantity within the State party.”
7. *Accessibility*: Non-discrimination, physical accessibility, affordability, and “information accessibility,” which “includes the right to seek, receive and impart information and ideas concerning health issues.”
8. *Acceptability*. “All health facilities, goods and services must be respectful of medical ethics and culturally appropriate, …”
9. *Quality*. “[H]ealth facilities, goods and services must also be scientifically and medically appropriate and of good quality. This requires, *inter alia*, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation.”
10. The response of the State of Nicaragua to the COVID-19 crisis, as summarized in the preceding sections, does not meet the State duties to respect, protect, and fulfil any of these elements of the right to health. Only as examples, the State does not take measures of prevention recommended by WHO and PAHO; restricts tests for COVID-19; does not provide sufficient protective equipment; denies access to information and to masks; promotes risky social practices; dismisses dissident physicians; carries out “express” burials; and does not attend to the needs of the most vulnerable groups. Moreover, these failures do not result purely from limited resources, but from a conscious and deliberate policy of the State.
11. Recommendations:
12. We respectfully request that the Committee recommend to the State of Nicaragua:
13. To publicly recognize the gravity of the COVID-19 crisis and the necessity to take urgent and relevant measures to confront it in all its dimensions.
14. To implement the scientific recommendations of WHO and PAHO in regard to information, prevention and medical treatment of COVID-19, to permit the entry of a PAHO mission to make an evaluation of the pandemic in Nicaragua, and to renew its cooperation with international and regional mechanisms for protection of human rights.
15. To ensure that adequate supplies, facilities and medical supplies are procured and available to prevent the further spread of COVID-19 in the population and to provide medical treatment to those who become infected, as well as comprehensive and equitable access to testing for COVID-19, especially for persons who show symptoms.
16. To publish updated information about cases, deaths, and numbers of tests carried out, through periodic or daily reports, disaggregated by department and municipality, sex, age and membership in vulnerable groups.
17. To prohibit the practice of “express” burials or similar practices.
18. To abstain from disseminating stigmatizing messages or engaging in intimidation or reprisals against health professionals, journalists, and members of civil society who criticize the State’s response to the COVID-19 crisis.
19. To take appropriate measures to address COVID-19 among health professionals, persons deprived of liberty, Indigenous Peoples, and other vulnerable groups.
20. To ensure broad participation of all sectors, including civil society, the private sector, churches, NGOs and others in all phases of the national response to the COVID-19 pandemic and in ensuring the highest attainable standard of health for all persons.
21. To facilitate the repatriation of citizens stranded in other countries in accordance with the recommendation of the High Commissioner for Human Rights and guarantee them a safe return with full respect for their rights.
22. To reinstate, through prompt and due process procedures, the professionals dismissed for dissenting from official policies on COVID-19, or from revealing real data.
23. To take urgent socioeconomic measures to protect those who suffer economically as a result of the COVID-19 crisis.
1. See our web page: [https://observatorioni.org/quienes-somos/.](https://observatorioni.org/quienes-somos/) [↑](#footnote-ref-2)
2. See our web page: [https://www.ridh.org/en/what-we-do/incidence/.](https://www.ridh.org/en/what-we-do/incidence/) [↑](#footnote-ref-3)
3. Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights, E/C.12/2020/1, 17 April 2020 [↑](#footnote-ref-4)
4. [https://www.laprensa.com.ni/2020/07/29/nacionales/2702029-nicaraguenses-varados-en-guatemala-avanzan-](https://www.laprensa.com.ni/2020/07/29/nacionales/2702029-nicaraguenses-varados-en-guatemala-avanzan-hacia-honduras-y-esperan-respuesta-del-regimen-orteguista) [hacia-honduras-y-esperan-respuesta-del-regimen-orteguista](https://www.laprensa.com.ni/2020/07/29/nacionales/2702029-nicaraguenses-varados-en-guatemala-avanzan-hacia-honduras-y-esperan-respuesta-del-regimen-orteguista) [https://www.laprensa.com.ni/2020/07/30/nacionales/2702499-fundacion-costarricense-donara-pruebas-de-](https://www.laprensa.com.ni/2020/07/30/nacionales/2702499-fundacion-costarricense-donara-pruebas-de-covid-19-a-nicaraguenses-varados-en-penas-blancas) [covid-19-a-nicaraguenses-varados-en-penas-blancas.](https://www.laprensa.com.ni/2020/07/30/nacionales/2702499-fundacion-costarricense-donara-pruebas-de-covid-19-a-nicaraguenses-varados-en-penas-blancas) [↑](#footnote-ref-5)
5. Doc. E/C.12/NIC/CO/4, 28 November 2008, ¶ 29 [↑](#footnote-ref-6)
6. See generally, *Presupuestos del Ejército y la Policía Orteguista desmienten que prioridad del régimen sea la salud,* LA PRENSA, 27 April 2020. In 2008, the Budget of MINSA was 3.6% of the Gross Domestic Product. It fell to 2.6% in 2011 and recuperated only partially to 3.1% in 2015. See, [http://www.codeni.org.ni/salud/inversion-en-salud/gasto-en-salud-y-presup-minsa-como-del-pib/.](http://www.codeni.org.ni/salud/inversion-en-salud/gasto-en-salud-y-presup-minsa-como-del-pib/) In 2017, it was cut by 16.8 million euros. See *Nicaragua* – *Gasto público Salud*, en [https://datosmacro.expansion.com/estado/gasto/salud/nicaragua#:~:text=El%20gasto%20p%C3%BAblico%20e](https://datosmacro.expansion.com/estado/gasto/salud/nicaragua%23%253A%257E%253Atext%253DEl%252520gasto%252520p%2525C3%2525BAblico%252520en%252520sanidad%252C62%252525%252520del%252520gasto%252520p%2525C3%2525BAblico%252520total) [n%20sanidad,62%25%20del%20gasto%20p%C3%BAblico%20total.](https://datosmacro.expansion.com/estado/gasto/salud/nicaragua%23%253A%257E%253Atext%253DEl%252520gasto%252520p%2525C3%2525BAblico%252520en%252520sanidad%252C62%252525%252520del%252520gasto%252520p%2525C3%2525BAblico%252520total) It rose for 2018, but in August 2018, it was reduced by 25.5 million US dollars. See, *Nicaragua recorta presupuesto en salud y educación por crisis*, dw.com, 11 August 2018. For 2019, it was cut by 7.3%. See, *Ministerio de Salud arranca 2019 con menos presupuesto en Nicaragua*, EL NUEVO DIARIO, 12 January 2019. For 2020, the planned amount recovered by 7.9%. See https://www.el19digital.com/articulos/ver/titulo:97758-nicaragua-aprueban-presupuesto-general-de- la-republica-para-el-ano-2020. However, it is not very credible that this will be realized. [↑](#footnote-ref-7)
7. Statement of the Committee, note 3 above, ¶ 24. [↑](#footnote-ref-8)
8. Report A/HRC/42/19, 3 September 2019, ¶ 5; UNHCR Briefing Note, 10 March 20 2020: [https://www.unhcr.org/en-us/news/briefing/2020/3/5e6759934/years-political-social-crisis-nicaragua-force-](https://www.unhcr.org/en-us/news/briefing/2020/3/5e6759934/years-political-social-crisis-nicaragua-force-100000-flee.html) [100000-flee.html.](https://www.unhcr.org/en-us/news/briefing/2020/3/5e6759934/years-political-social-crisis-nicaragua-force-100000-flee.html) [↑](#footnote-ref-9)
9. Res. A/HRC/43/L.35, 17 April 2020, ¶¶ 1 y 2. [↑](#footnote-ref-10)
10. Observatory, *Informe Semanal del 6 al 12 de agosto de 2020*, in [https://observatorioni.org/6-al-12-de-agosto-](https://observatorioni.org/6-al-12-de-agosto-2020/) [2020/.](https://observatorioni.org/6-al-12-de-agosto-2020/) [↑](#footnote-ref-11)
11. The Observatory’s data is as of August 5. The Observatory does not conduct laboratory tests nor see patients and make clinical diagnoses. The Observatory reports as a suspected case a person who, according to trustworthy information received, meets one or more of these requisites: (1) presents symptoms associated with or presumptive of COVID-19, or (2) in addition to symptoms, the person has a history of traveling in the past 14 days to a country with an epidemic, or (3) in addition to symptoms, the person has been a contact of a case confirmed by MINSA. The deaths reported by the Observatory include deaths from pneumonia and suspected deaths from COVID-19. [↑](#footnote-ref-12)
12. Statement of the Committee, note 3 above, ¶ 2. [↑](#footnote-ref-13)
13. *See* Café con Voz, “OPS dice que en Nicaragua es urgente la cuarentena para frenar avance del Covid-19”, 7 July 2020: [https://cafeconvoz.com/2020/07/07/ops-dice-que-en-nicaragua-es-urgente-la-cuarentena-para-frenar-](https://cafeconvoz.com/2020/07/07/ops-dice-que-en-nicaragua-es-urgente-la-cuarentena-para-frenar-avance-del-covid-19/) [avance-del-covid-19/;](https://cafeconvoz.com/2020/07/07/ops-dice-que-en-nicaragua-es-urgente-la-cuarentena-para-frenar-avance-del-covid-19/) 100 Noticias, 2 June 2020, “OPS respalda llamado a cuarentena en Nicaragua que realizaron los médicos: https://100noticias.com.ni/nacionales/101346-ops-transmision-comunitaria-nicaragua- cuarentena/ [↑](#footnote-ref-14)
14. Statement of the Committee, note 3 above, ¶ 10. [↑](#footnote-ref-15)
15. IACHR, Press Release, 8 April 2020, [https://www.oas.org/en/iachr/media\_center/PReleases/2020/072.asp.](https://www.oas.org/en/iachr/media_center/PReleases/2020/072.asp) [↑](#footnote-ref-16)
16. See web page of the Multidisciplinary Scientific Committee: <https://www.comitecientificomultidisciplinario.org/> [↑](#footnote-ref-17)
17. See video of Canal 4 Nicaragua on the concentration: <https://www.youtube.com/watch?v=7CIqYhnldZY> [↑](#footnote-ref-18)
18. CENIDH, “Compilación: Irresponsabilidad del régimen de Daniel Ortega y Rosario Murillo frente al COVID”, [https://www.cenidh.org/media/documents/docfile/Compilaci%C3%B3n\_irresponsabilidad\_del\_r%C3%A9gime](https://www.cenidh.org/media/documents/docfile/Compilaci%252525C3%252525B3n_irresponsabilidad_del_r%252525C3%252525A9gimen_frente_al_COVID-19.pdf) [n\_frente\_al\_COVID-19.pdf](https://www.cenidh.org/media/documents/docfile/Compilaci%252525C3%252525B3n_irresponsabilidad_del_r%252525C3%252525A9gimen_frente_al_COVID-19.pdf) PDF pp. 2-5, 17. [↑](#footnote-ref-19)
19. CENIDH, “Compilación: Irresponsabilidad del régimen de Daniel Ortega y Rosario Murillo frente al COVID”, [https://www.cenidh.org/media/documents/docfile/Compilaci%C3%B3n\_irresponsabilidad\_del\_r%C3%A9gime](https://www.cenidh.org/media/documents/docfile/Compilaci%252525C3%252525B3n_irresponsabilidad_del_r%252525C3%252525A9gimen_frente_al_COVID-19.pdf) [n\_frente\_al\_COVID-19.pdf,](https://www.cenidh.org/media/documents/docfile/Compilaci%252525C3%252525B3n_irresponsabilidad_del_r%252525C3%252525A9gimen_frente_al_COVID-19.pdf) PDF p. 14. [↑](#footnote-ref-20)
20. *Libro Blanco*, 25 May 2020: [https://www.el19digital.com/app/webroot/tinymce/source/2020/00-](https://www.el19digital.com/app/webroot/tinymce/source/2020/00-Mayo/25%25252520MAYO/AL%25252520PUEBLO%25252520DE%25252520NICARAGUA%25252520Y%25252520AL%25252520MUNDO-%25252520INFORME%25252520SOBRE%25252520EL%25252520COVID-19.pdf) [Mayo/25%20MAYO/AL%20PUEBLO%20DE%20NICARAGUA%20Y%20AL%20MUNDO-](https://www.el19digital.com/app/webroot/tinymce/source/2020/00-Mayo/25%25252520MAYO/AL%25252520PUEBLO%25252520DE%25252520NICARAGUA%25252520Y%25252520AL%25252520MUNDO-%25252520INFORME%25252520SOBRE%25252520EL%25252520COVID-19.pdf)

[%20INFORME%20SOBRE%20EL%20COVID-19.pdf](https://www.el19digital.com/app/webroot/tinymce/source/2020/00-Mayo/25%25252520MAYO/AL%25252520PUEBLO%25252520DE%25252520NICARAGUA%25252520Y%25252520AL%25252520MUNDO-%25252520INFORME%25252520SOBRE%25252520EL%25252520COVID-19.pdf) [↑](#footnote-ref-21)
21. France24, 26 May 2020, “[https://www.france24.com/es/20200526-covid19-coronavirus-pandemia-chile-](https://www.france24.com/es/20200526-covid19-coronavirus-pandemia-chile-latam) [latam](https://www.france24.com/es/20200526-covid19-coronavirus-pandemia-chile-latam)”: <https://www.france24.com/es/20200526-covid19-coronavirus-pandemia-chile-latam> [↑](#footnote-ref-22)
22. France24, 3 June 2020, “Médicos en Nicaragua alertan de "colapso" en el sistema de salud y convocan a cuarentena”: <https://www.france24.com/es/20200602-nicaragua-medicos-alertan-colapso-salud-cuarentena> [↑](#footnote-ref-23)
23. 100 Noticias, 2 June 2020, “OPS respalda llamado a cuarentena en Nicaragua que realizaron los médicos: <https://100noticias.com.ni/nacionales/101346-ops-transmision-comunitaria-nicaragua-cuarentena/> [↑](#footnote-ref-24)
24. Declaración de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos, 2 July 2020: [https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26027&LangID=S.](https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26027&LangID=S) (English translation ours.) See also <https://news.un.org/es/story/2020/07/1476882>. [↑](#footnote-ref-25)
25. OACNUDH, Monitoring Bulletin no. 16, April-May 2020, pp. 3-6. [↑](#footnote-ref-26)
26. IACHR, Press Release, 8 April 2020: <https://www.oas.org/en/iachr/media_center/PReleases/2020/072.asp> [↑](#footnote-ref-27)
27. IACHR, Press Release, 8 April 2020: <https://www.oas.org/en/iachr/media_center/PReleases/2020/072.asp> “Contrary to what experts are recommending, according to public information, national and local authorities have repeatedly called for demonstrations, rallies, events, festivals, and religious celebrations to be held. For example, the Ministry of Education, which reportedly called on teachers and students on March 17 to hold a mass demonstration in Jinotepe then announced school vacations between April 4 and 20 for students and April 4 and 17 for teaching and administrative staff. The Ministry of Labor and the National Committee for Free Trade Zones permitted government officials to take holiday time between April 4 and 15, and similar arrangements may also have been offered to employees of private-sector organizations. However, the Nicaraguan Institute of Tourism is said to have continued to publicize large-scale public events around the Carazo Summer Carnival, beginning on April 3.” [↑](#footnote-ref-28)
28. Intervention of Carissa Etienne, Director of the PAHO, 7 April 2020: [https://www.laprensa.com.ni/2020/04/07/nacionales/2660582-ops-considera-inadecuados-los-metodos-de-](https://www.laprensa.com.ni/2020/04/07/nacionales/2660582-ops-considera-inadecuados-los-metodos-de-prevencion-y-control-de-covid-19-en-nicaragua) [prevencion-y-control-de-covid-19-en-nicaragua](https://www.laprensa.com.ni/2020/04/07/nacionales/2660582-ops-considera-inadecuados-los-metodos-de-prevencion-y-control-de-covid-19-en-nicaragua) [↑](#footnote-ref-29)
29. *See, for example*, BBC, 4 May 2020 (<https://www.bbc.com/mundo/52530594>); New York Times, 31 May 2020 (<https://www.nytimes.com/2020/05/31/world/americas/coronavirus-nicaragua-burials.html>) [↑](#footnote-ref-30)
30. Statement of the Committee, note 3 above, ¶ 13. [↑](#footnote-ref-31)
31. IACHR, Press Release, 8 April 2020: [https://www.oas.org/en/iachr/media\_center/PReleases/2020/072.asp.](https://www.oas.org/en/iachr/media_center/PReleases/2020/072.asp) [↑](#footnote-ref-32)
32. Ibid.; EL CONFIDENCIAL, 6 April 2020, “Minsa prohíbe solidaridad de monseñor Álvarez para prevenir coronavirus”: [https://confidencial.com.ni/diocesis-de-matagalpa-iniciara-proyecto-de-prevencion-medica-ante-](https://confidencial.com.ni/diocesis-de-matagalpa-iniciara-proyecto-de-prevencion-medica-ante-covid-19/) [covid-19/](https://confidencial.com.ni/diocesis-de-matagalpa-iniciara-proyecto-de-prevencion-medica-ante-covid-19/) [↑](#footnote-ref-33)
33. EL CONFIDENCIAL, 5 July 2020, “Ortega levies ‘illegal and immoral’ taxes on ventilators and masks to prevent Covid-19: [https://confidencial.com.ni/ortega-levies-illegal-and-immoral-taxes-on-ventilators-and-](https://confidencial.com.ni/ortega-levies-illegal-and-immoral-taxes-on-ventilators-and-masks-to-prevent-covid-19/) [masks-to-prevent-covid-19/](https://confidencial.com.ni/ortega-levies-illegal-and-immoral-taxes-on-ventilators-and-masks-to-prevent-covid-19/) [↑](#footnote-ref-34)
34. [https://confidencial.com.ni/gobierno-de-nicaragua-limita-pruebas-de-covid-19-a-contactos-de-viajeros-con-](https://confidencial.com.ni/gobierno-de-nicaragua-limita-pruebas-de-covid-19-a-contactos-de-viajeros-con-sintomas)sintomas. [↑](#footnote-ref-35)
35. [https://confidencial.com.ni/nueva-orden-del-minsa-hacer-solo-50-pruebas-diarias-de-covid-19.](https://confidencial.com.ni/nueva-orden-del-minsa-hacer-solo-50-pruebas-diarias-de-covid-19/) [↑](#footnote-ref-36)
36. La Prensa, 18 de mayo: [https://www.laprensa.com.ni/2020/05/18/nacionales/2675087-especialistas-de-la-](https://www.laprensa.com.ni/2020/05/18/nacionales/2675087-especialistas-de-la-salud-exigen-al-gobierno-que-declare-la-fase-de-transmision-comunitaria-y-tome-acciones-contra-la-pandemia) [salud-exigen-al-gobierno-que-declare-la-fase-de-transmision-comunitaria-y-tome-acciones-contra-la-pandemia.](https://www.laprensa.com.ni/2020/05/18/nacionales/2675087-especialistas-de-la-salud-exigen-al-gobierno-que-declare-la-fase-de-transmision-comunitaria-y-tome-acciones-contra-la-pandemia) [↑](#footnote-ref-37)
37. La Prensa, 26 March 2020, “Neumólogos preocupados por manejo que hace MINSA de pruebas del COVID- 19”: [https://www.laprensa.com.ni/2020/03/26/nacionales/2655999-minsa-decide-cuando-realizar-pruebas-del-](https://www.laprensa.com.ni/2020/03/26/nacionales/2655999-minsa-decide-cuando-realizar-pruebas-del-covid-19-pese-a-sintomas-sospechosos) [covid-19-pese-a-sintomas-sospechosos;](https://www.laprensa.com.ni/2020/03/26/nacionales/2655999-minsa-decide-cuando-realizar-pruebas-del-covid-19-pese-a-sintomas-sospechosos) CENIDH, “Compilación: Irresponsabilidad del régimen de Daniel Ortega y Rosario Murillo frente al COVID”: [https://www.cenidh.org/media/documents/docfile/Compilaci%C3%B3n\_irresponsabilidad\_del\_r%C3%A9gime](https://www.cenidh.org/media/documents/docfile/Compilaci%252525C3%252525B3n_irresponsabilidad_del_r%252525C3%252525A9gimen_frente_al_COVID-19.pdf) [n\_frente\_al\_COVID-19.pdf](https://www.cenidh.org/media/documents/docfile/Compilaci%252525C3%252525B3n_irresponsabilidad_del_r%252525C3%252525A9gimen_frente_al_COVID-19.pdf) PDF pp. 18-19. [↑](#footnote-ref-38)
38. Statement of the Committee, note 3 above, ¶ 12. [↑](#footnote-ref-39)
39. OACNUDH, Monitoring Bulletin no. 16, April-May 2020, p. 5. [↑](#footnote-ref-40)
40. IACHR, Press Release, 29 May 2020: [https://www.oas.org/en/iachr/media\_center/PReleases/2020/119.asp.](https://www.oas.org/en/iachr/media_center/PReleases/2020/119.asp) [↑](#footnote-ref-41)
41. LE FIGARO ([https://www.lefigaro.fr/flash-actu/nicaragua-des-enterrements-express-pour-cacher-la-realite-du-](https://www.lefigaro.fr/flash-actu/nicaragua-des-enterrements-express-pour-cacher-la-realite-du-coronavirus-20200519) [coronavirus-20200519](https://www.lefigaro.fr/flash-actu/nicaragua-des-enterrements-express-pour-cacher-la-realite-du-coronavirus-20200519)); RFI ([https://www.rfi.fr/fr/am%C3%A9riques/20200606-nicaragua-les-](https://www.rfi.fr/fr/am%252525C3%252525A9riques/20200606-nicaragua-les-m%252525C3%252525A9decins-d%252525C3%252525A9noncent-le-culte-secret-gouvernement-autour-coronavirus) [m%C3%A9decins-d%C3%A9noncent-le-culte-secret-gouvernement-autour-coronavirus](https://www.rfi.fr/fr/am%252525C3%252525A9riques/20200606-nicaragua-les-m%252525C3%252525A9decins-d%252525C3%252525A9noncent-le-culte-secret-gouvernement-autour-coronavirus)); New York Times (<https://www.nytimes.com/2020/05/31/world/americas/coronavirus-nicaragua-burials.html>). [↑](#footnote-ref-42)
42. Statement of the Committee, note 3 above, ¶ 13. [↑](#footnote-ref-43)
43. CENIDH, “Compilación: Irresponsabilidad del régimen de Daniel Ortega y Rosario Murillo frente al COVID”: [https://www.cenidh.org/media/documents/docfile/Compilaci%C3%B3n\_irresponsabilidad\_del\_r%C3%A9gime](https://www.cenidh.org/media/documents/docfile/Compilaci%252525C3%252525B3n_irresponsabilidad_del_r%252525C3%252525A9gimen_frente_al_COVID-19.pdf) [n\_frente\_al\_COVID-19.pdf](https://www.cenidh.org/media/documents/docfile/Compilaci%252525C3%252525B3n_irresponsabilidad_del_r%252525C3%252525A9gimen_frente_al_COVID-19.pdf) ,PDF p. 9. [↑](#footnote-ref-44)
44. [https://observatorioni.org/wp-content/uploads/2020/08/Nota-19-Observatorio-07.-agosto.pdf.](https://observatorioni.org/wp-content/uploads/2020/08/Nota-19-Observatorio-07.-agosto.pdf) [↑](#footnote-ref-45)
45. List of questions relating to the fifth periodic report of Nicaragua, ¶ 15. [↑](#footnote-ref-46)
46. Note 24 and text above. [↑](#footnote-ref-47)
47. IACHR, Press Release, 8 April 2020: [https://www.oas.org/en/iachr/media\_center/PReleases/2020/072.asp.](https://www.oas.org/en/iachr/media_center/PReleases/2020/072.asp) [↑](#footnote-ref-48)
48. Carta por la libertad de los presos, “El trato digno en las cárceles no es un favor, es un derecho”, 17 April 2020: <https://ondalocal.com.ni/media/uploads/2020/04/17/carta-por-la-libertad-de-los-presos-politicos.pdf> [↑](#footnote-ref-49)
49. *COVID-19 exacerbates the risk of ill-treatment and torture worldwide – UN experts*, Statement of 26 June 20. [↑](#footnote-ref-50)
50. IACHR, Press Release, 8 April 2020: [https://www.oas.org/en/iachr/media\_center/PReleases/2020/072.asp.](https://www.oas.org/en/iachr/media_center/PReleases/2020/072.asp) [↑](#footnote-ref-51)
51. Monitoring Bulletin no. 16, April-May 2020, p. 7. The report continued: “At the time of drafting this bulletin, he was receiving medical attention. On 6 May, OHCHR sent a communication to the Ministry of Foreign Affairs requesting information on 14 of these cases, at the time of drafting it remained unanswered.” [↑](#footnote-ref-52)
52. La Prensa, “De como la pandemia de Covid-19 llegó a la reserva de Bosawas”, 12 July 2020: [https://www.laprensa.com.ni/2020/07/12/suplemento/la-prensa-domingo/2695586-de-como-la-pandemia-de-](https://www.laprensa.com.ni/2020/07/12/suplemento/la-prensa-domingo/2695586-de-como-la-pandemia-de-covid-19-llego-a-la-reserva-de-bosawas) [covid-19-llego-a-la-reserva-de-bosawas](https://www.laprensa.com.ni/2020/07/12/suplemento/la-prensa-domingo/2695586-de-como-la-pandemia-de-covid-19-llego-a-la-reserva-de-bosawas) [↑](#footnote-ref-53)
53. See OACNUDH, Monitoring Bulletin no. 16, April-May 2020, p. 5. [↑](#footnote-ref-54)
54. *¿Qué han hecho los gobiernos de la región con los ciudadanos que se han quedado varados en otros países?,* LA PRENSA, 7 August 2020. [↑](#footnote-ref-55)
55. See OACNUDH, Monitoring Bulletin, April-May 2020, p. 5. [↑](#footnote-ref-56)
56. Statement of the Committee, note 3 above, ¶ 18. [↑](#footnote-ref-57)
57. CENIDH, ”Compilación: Irresponsabilidad del régimen de Daniel Ortega y Rosario Murillo frente al COVID- 19, PDF pág. 8:

[https://www.cenidh.org/media/documents/docfile/Compilaci%C3%B3n\_irresponsabilidad\_del\_r%C3%A9gime](https://www.cenidh.org/media/documents/docfile/Compilaci%252525C3%252525B3n_irresponsabilidad_del_r%252525C3%252525A9gimen_frente_al_COVID-19.pdf) [n\_frente\_al\_COVID-19.pdf](https://www.cenidh.org/media/documents/docfile/Compilaci%252525C3%252525B3n_irresponsabilidad_del_r%252525C3%252525A9gimen_frente_al_COVID-19.pdf) [↑](#footnote-ref-58)
58. See web page of the Observatory: <https://observatorioni.org/>and note 11 above. [↑](#footnote-ref-59)
59. Chart comparing reports of the Observatory with the statistics of MINSA for each period. [↑](#footnote-ref-60)
60. https://confidencial.com.ni/salubrista-hay-4429-muertos-sospechosos-de-covid-19-segun-datos-oficiales. [↑](#footnote-ref-61)
61. 11 May 2020, Letter to the Directors of WHO and PAHO from five ex-Ministers of Health of Nicaragua: [https://www.larevista.cr/nicaragua-ex-ministras-de-salud-envian-carta-a-directores-de-la-oms-y-ops-ante-](https://www.larevista.cr/nicaragua-ex-ministras-de-salud-envian-carta-a-directores-de-la-oms-y-ops-ante-pandemia-del-covid-19/) [pandemia-del-covid-19/](https://www.larevista.cr/nicaragua-ex-ministras-de-salud-envian-carta-a-directores-de-la-oms-y-ops-ante-pandemia-del-covid-19/) (English translation ours.) [↑](#footnote-ref-62)
62. See Interactive Map of Statistics of COVID-19: <https://observatorioni.org/estadisticas-covid-19-nicaragua/> [↑](#footnote-ref-63)
63. Note 24 and text above. [↑](#footnote-ref-64)
64. IACHR, Press Release, 8 April 2020: [https://www.oas.org/en/iachr/media\_center/PReleases/2020/072.asp.](https://www.oas.org/en/iachr/media_center/PReleases/2020/072.asp) [↑](#footnote-ref-65)
65. IACHR, Press Release, 29 May 2020: [https://www.oas.org/en/iachr/media\_center/PReleases/2020/119.asp.](https://www.oas.org/en/iachr/media_center/PReleases/2020/119.asp) [↑](#footnote-ref-66)
66. Ibid. [↑](#footnote-ref-67)
67. Ibid, [↑](#footnote-ref-68)
68. Confidencial, 24 June 2020, “OPS reclama que Nicaragua no informa sobre pruebas de Covid-19”: <https://confidencial.com.ni/ops-reclama-que-nicaragua-no-informa-sobre-pruebas-de-covid-19/> [↑](#footnote-ref-69)
69. See Intervención de la OPS, 21 julio 2020: <https://www.youtube.com/watch?v=HqwNH-W3KzY>(English translation ours.) [↑](#footnote-ref-70)
70. Covenant, Art. 2.1. [↑](#footnote-ref-71)
71. Committee, General Comment 24 (2017) on State obligations under the Covenant “in the context of business activities,” ¶¶ 10 and 23; General Comment 25 (2020) “on science and economic, social and cultural rights,” ¶¶ 41 and 45; General Comment 14 (2000), “The right to the highest attainable standard of health …” ¶¶ 36 and 37 (“Fulfil” includes facilitate, provide and promote). [↑](#footnote-ref-72)
72. Committee, General Comment 14 (2000), “The right to the highest attainable standard of health …” ¶ 9. [↑](#footnote-ref-73)
73. Covenant, Art. 12.2 (c). [↑](#footnote-ref-74)
74. Committee, General Comment 14 (2000), “The right to the highest attainable standard of health …” ¶ 12 (footnote omitted). [↑](#footnote-ref-75)