Jurnal HAM
Volume 16, Number 2, Agustus 2025
DOI: http://dx.doi.org/10.30641/ham.2024.16.111-134
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The Legitimacy of Nationality Deprivation under International Human Rights Law: A Case Study on Nicaragua

Legitimasi Pencabutan Kewarganegaraan dalam Hukum Hak Asasi Manusia Internasional: Studi Kasus di Nikaragua

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ABSTRACT: The right to nationality is a fundamental prerequisite for accessing other human rights, yet its arbitrary deprivation remains a critical concern under international law. This study examines Nicaragua's Laws No. 1055 and 1145, which authorize the revocation of citizenship based on an expanded and ambiguous definition of "treason," encompassing peaceful political acts such as supporting international sanctions. This case demonstrates how nationality, often described as the "right to have rights," is weaponized for political purposes, revealing how the misuse of citizenship laws threatens the integrity of international human rights protections against statelessness. Specifically, the study investigates whether this definition justifies nationality deprivation under the standards of the 1961 Statelessness Convention and whether such measures violate the right to freedom of expression, as protected by Article 19 of the ICCPR. Utilizing a normative juridical approach, the research analyzes international legal instruments alongside Nicaraguan domestic law and incorporates secondary data from organizations such as UNHCR. The findings reveal that Nicaragua's practices fail to satisfy the criteria of legality, necessity, and proportionality under international human rights law and instead constitute a form of political repression. Such measures not only undermine the purpose of the 1961 Statelessness Convention but also exemplify how nationality laws can be distorted to silence dissent. Therefore, this study underscores the urgent need for stronger international safeguards against arbitrary deprivation of nationality.

ABSTRAK: *Hak atas kewarganegaraan merupakan prasyarat fundamental untuk dapat mengakses hak asasi manusia lainnya, namun pencabutannya secara sewenang-wenang tetap menjadi isu krusial dalam hukum internasional. Penelitian ini mengkaji Undang-Undang Nikaragua No. 1055 dan 1145, yang memberikan kewenangan untuk mencabut kewarganegaraan berdasarkan definisi "pengkhianatan" yang diperluas dan ambigu, mencakup tindakan politik damai seperti mendukung sanksi internasional. Kasus ini menunjukkan bagaimana kewarganegaraan, yang kerap digambarkan sebagai "hak untuk memiliki hak," dipolitisasi sebagai senjata, serta memperlihatkan bagaimana penyalahgunaan hukum kewarganegaraan mengancam integritas perlindungan hak asasi manusia internasional terhadap keadaan tanpa kewarganegaraan. Secara khusus, penelitian ini menelaah apakah definisi tersebut dapat membenarkan pencabutan kewarganegaraan berdasarkan standar Konvensi 1961 tentang Pengurangan Keadaan Tanpa Kewarganegaraan, serta apakah tindakan tersebut melanggar hak atas kebebasan berekspresi sebagaimana dilindungi oleh Pasal 19 Kovenan Internasional tentang Hak-Hak Sipil dan Politik (ICCPR). Dengan menggunakan pendekatan yuridis normatif, penelitian ini menganalisis instrumen hukum internasional bersama dengan hukum domestik Nikaragua serta memanfaatkan data sekunder dari organisasi seperti UNHCR. Temuan penelitian menunjukkan bahwa praktik Nikaragua tidak memenuhi kriteria legalitas, kebutuhan, dan proporsionalitas dalam hukum hak asasi manusia internasional, melainkan merupakan bentuk represi politik. Tindakan ini tidak hanya merusak tujuan Konvensi 1961, tetapi juga menjadi contoh bagaimana hukum kewarganegaraan dapat disalahgunakan untuk membungkam perbedaan pendapat. Oleh karena itu, penelitian ini menegaskan perlunya penguatan perlindungan internasional terhadap pencabutan kewarganegaraan secara sewenang-wenang.*

Keywords:
the right to nationality; freedom of expression; international human rights law; nationality deprivation; statelessness

Kata Kunci:
hak atas kewarganegaraan; kebebasan berekspresi; hukum hak asasi manusia internasional; pencabutan kewarganegaraan; tanpa kewarganegaraan

Submitted/Diserahkan:
24-04-2025
Accepted/Diterima:
21-08-2025

How to cite/Cara mengutip:
Simanjuntak, Calvin Paulus Marcelito and Diajeng Wulan Christianti. "The Legitimacy of Nationality Deprivation under International Human Rights Law: A Case Study on Nicaragua". *Jurnal HAM.* Vol. 16 No. 2, Agustus 2025, 111-134, http://dx.doi.org/10.30641/ham.2024.16.111-134

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1. Introduction

The right to nationality is a cornerstone of the modern international legal order, linking individuals to a state and enabling the enjoyment of fundamental rights.[1] Yet this right is vulnerable to political manipulation, and in recent years, Nicaragua has emerged as a striking case where nationality is weaponized for political repression.[2] Since President Daniel Ortega consolidated power in the late 2000s, the regime has systematically revoked citizenship to marginalize critics, exile opponents, and weaken democratic institutions. These practices have produced new waves of statelessness and exile, prompting widespread condemnation from international human rights bodies and international media.

Statelessness illustrates the fragility of nationality: without legal recognition by any state, individuals are left without protection or access to essential rights.[3] International law recognizes both the necessity of nationality and the dangers of its arbitrary deprivation. Instruments such as the Universal Declaration of Human Rights,[4] the 1961 Convention on the Reduction of Statelessness (1961 Statelessness Convention), and the International Covenant on Civil and Political Rights (ICCPR)[5] establish obligations on states to safeguard against statelessness and to limit restrictions on fundamental freedoms.

Despite these safeguards, Nicaragua has enacted legislation that extends well beyond international standards. Laws No. 1055 and 1145, justified under the banner of "defending sovereignty," expand the definition of treason beyond the traditional provisions of the Penal Code, criminalizing peaceful political activity such as supporting international sanctions or voicing dissent.[6] This legal framework enables the state to revoke nationality from opponents in a manner that not only risks statelessness but also directly restricts freedom of expression.

This article examines whether Nicaragua's nationality deprivation practices comply with international law. It focuses on two questions: (1) whether the definition of "treason" in Law No. 1055 justifies nationality deprivation under the 1961 Statelessness Convention, and (2) whether the revocation of nationality for political dissent violates the right to freedom of expression under Article 19 of the ICCPR. By analyzing these issues, the study highlights how Nicaragua's laws are used not to protect national security but to suppress opposition.

Beyond legal doctrine, the deprivation of nationality in Nicaragua has severe humanitarian consequences: families are separated, political participation is eliminated, and affected individuals experience what has been called "civil death." By situating Nicaragua's practices within a broader international framework, this article underscores the urgent need for stronger protection against arbitrary nationality deprivation.

This article is structured into four main sections. The first introduces the background, significance, and objectives of the study. The second outlines the methodology, explaining the normative juridical approach and the data sources employed. The third presents the findings and discussion, organized into five main parts: (1) an overview of the right to nationality and protection against statelessness under international law; (2) an analysis of the legal grounds for nationality deprivation under the 1961 Statelessness Convention; (3) a discussion of freedom of expression under the ICCPR and its permissible limitations; (4) an examination of the legal and political context of nationality deprivation in Nicaragua; and (5) an evaluation of the compatibility of Nicaragua's practices with international human rights norms. Together, these subsections provide a comprehensive legal and normative assessment of Nicaragua's nationality laws and their implications under international law. The fourth

1 UNHCR, *Handbook on Protection of Stateless Persons under the 1954 Convention Relating to the Status of Stateless Persons* (Geneva: UNHCR, 2014), 25, https://www.unhcr.org/ch/sites/ch/files/legacy-pdf/CH-UNHCR_Handbook-on-Protection-of-Stateless-Persons.pdf; Tendayi Bloom and Lindsey N. Kingston, eds., *Statelessness, Governance, and the Problem of Citizenship* (Manchester: Manchester University Press, 2021), 216–17, https://doi.org/10.7765/9781526156426; Institute on Statelessness and Inclusion and la Coalition de la Société Civile de Lutte Contre l'Apatridie, "Joint Submission to the Human Rights Council at the 33rd Session of the Universal Periodic Review: Côte d'Ivoire," October 4, 2018, 33, https://files.institutesi.org/UPR33_Cote_dIvoire.pdf.

2 "Nicaragua Ha Privado de Su Nacionalidad y de Sus Bienes a 452 Nicaragüenses En Dos Años," EFE:, September 10, 2024, https://efe.com/mundo/2024-09-10/nicaragua-nacionalidad-bienes/](https://efe.com/mundo/2024-09-10/nicaragua-nacionalidad-bienes/.

3 Katherine Yon Ebright, "Nationality and Defining the 'Right to Have Rights,'" *Columbia Journal of Transnational Law* 56 (February 2017): 31–32; Nafees Ahmad, "Right to Nationality and the Reduction of Statelessness: The Responses of the International Migration Law Framework," *Groningen Journal of International Law* 5, no. 1 (2017): 11–14, https://doi.org/10.21827/59db69b590f71; Heather Alexander, "The Nationality and Statelessness of Nomads Under International Law" (Dissertation, Tilburg University, 2020), 8–9, https://doi.org/10.2139/ssrn.3762178.

4 Universal Declaration of Human Rights, GA Res. 217A (III) (1948), art. 15(1), https://docs.un.org/en/A/RES/217(III).

5 International Covenant on Civil and Political Rights, United Nations Treaty Series, Vol. 999, p. 171 (1966), art. 24(3), https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf.

6 Kai Ambos, "Nicaragua: La Expatriación Como Forma Agravada de Persecución Política," Almacén de Derecho, February 22, 2023, https://almacendederecho.org/nicaragua-la-expatriacion-como-forma-agravada-de-persecucion-politica.

and final section presents the conclusion, which summarizes the key findings and offers recommendations for legal and policy reform.

2. Method

This study employs a normative juridical approach to analyze Nicaragua's nationality deprivation laws within the international human rights law framework. The normative juridical approach entails the examination of primary legal sources, including international treaties, such as the 1961 Statelessness Convention, the ICCPR, and the ACHR, as well as Nicaraguan domestic laws and relevant international case law. This approach allows for a legal assessment of whether Nicaragua's nationality deprivation practices comply with established principles of international human rights law.

Additionally, this research integrates secondary data analysis to contextualize the application of nationality deprivation in Nicaragua. Specifically, it reviews reports by international organizations, academic publications, and human rights advocacy groups documenting the implementation and consequences of Laws No. 1055 and 1145. Reports from the UNHCR, the UN Human Rights Council, the Institute on Statelessness and Inclusion, and other relevant institutions provide empirical insights into the broader impact of these laws, including their use as a tool for political repression and their role in creating statelessness.

By combining doctrinal legal analysis with secondary data, this study offers both a legal and practical assessment of how Nicaragua's nationality deprivation policies align—or fail to align—with international legal standards and human rights protections.

3. Findings and Discussion

3.1 The Right to Nationality under Human Rights Law

3.1.1 Right to Nationality and Protection against Statelessness under the 1961 Stateless Convention

The right to a nationality is a fundamental human right that serves as the legal foundation for an individual's identity, political membership, and access to essential rights and protections.[7] It encompasses not only the right to acquire a nationality but also the right to change and to retain nationality without undue interference. While states have the sovereign authority to regulate nationality laws, this power is not absolute.[8] International law obligates states to ensure that nationality policies align with human rights principles, preventing arbitrary deprivation and reducing the risk of statelessness. These obligations are enshrined in several international legal instruments, including Article 15 of the UDHR, which asserts that *"everyone has the right to a nationality"* and that *"no one shall be arbitrarily deprived of their nationality nor denied the right to change their nationality."* Other key treaties, such as the ICCPR, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of Persons with Disabilities, further reinforce the principle that nationality should be protected as a matter of human dignity and legal security.[9] Despite these legal frameworks, millions of people around the world remain stateless, unable to exercise the fundamental rights that depend on nationality.

Statelessness, as defined under international law, refers to the condition whereby an individual is *"not considered as a national by any state under the operation of its law."*[10] The UNHCR estimates that at least 4.4

7 UN Human Rights Council, *Impact of the Arbitrary Deprivation of Nationality on the Enjoyment of the Rights of Children Concerned, and Existing Laws and Practices on Accessibility for Children to Acquire Nationality, Inter Alia, of the Country in Which They Are Born, If They Otherwise Would Be Stateless*, UN Doc A/HRC/31/29 (2015), 10–12, https://www.refworld.org/reference/themreport/unhrc/2015/en/108975.

8 Michelle Foster, "The 1961 Convention on the Reduction of Statelessness: History, Evolution and Relevance," *Statelessness & Citizenship Review* 4, no. 1 (2022): 180–92, https://doi.org/10.35715/SCR40011115.

9 International Covenant on Civil and Political Rights, United Nations Treaty Series, Vol. 999, p. 171, 171; Convention on the Rights of the Child, United Nations Treaty Series, Vol. 1577, p. 3 (1989), 3, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child; International Convention on the Elimination of All Forms of Racial Discrimination, United Nations Treaty Series, Vol. 660, p. 19 (1965), art. 5(d)(iii), https://treaties.un.org/doc/Publication/UNTS/Volume%20660/volume-660-I-9464-English.pdf; Convention on the Rights of Persons with Disabilities, United Nations Treaty Series, Vol. 2515, p. 3 (2006), 3, https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-15&chapter=4&clang=_en.

10 Convention Relating to the Status of Stateless Persons, United Nations Treaty Series, Vol. 360, p. 117 (1954), art. 1(1), https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&lang=en.

million people globally are stateless, though the true number may be higher due to underreporting.[11] Without nationality, individuals face immense legal and social barriers. The inability to obtain identity documents severely restricts access to education, healthcare, employment, and social services, as well as their ability to travel, marry, own property, and seek legal protection.[12] Statelessness often leads to marginalization, leaving affected individuals vulnerable to discrimination, exploitation, and human rights abuses.[13] It is particularly important to recognize that statelessness disproportionately affects minorities and politically marginalized groups, who are frequently targeted through discriminatory or repressive nationality laws.[14] To address this issue, states are required to introduce safeguards that prevent statelessness by granting nationality to individuals who would otherwise be stateless, particularly those born within their territory or to their nationals abroad.[15] Additionally, states must ensure that nationality is not revoked in a manner that would render individuals stateless, except under narrowly defined and internationally accepted circumstances.[16]

In response to the widespread consequences of statelessness, the 1961 Statelessness Convention was adopted on 30 August 1961 and entered into force on 13 December 1975. As a complement to the 1954 Convention, it serves as a critical legal instrument in the global effort to eradicate statelessness.[17] The 1961 Statelessness Convention establishes key legal safeguards to prevent individuals from being left without nationality by obligating states to grant citizenship under specific conditions. Among its provisions, it requires states to confer nationality upon children born within their territory or to their nationals abroad where such children would otherwise be stateless.[18] Furthermore, it sets restrictions on the withdrawal of nationality, particularly in cases where deprivation would result in statelessness.[19] Recognizing the impact of territorial changes on nationality status, the Convention also introduces protective mechanisms to ensure that individuals do not become stateless due to alterations in national borders.[20] While the Convention respects state sovereignty, it underscores the necessity of designing nationality laws in accordance with international human rights norms, reinforcing the principle that nationality should not be arbitrarily denied or revoked.

Although efforts to address nationality conflicts predate the 1961 Statelessness Convention, earlier legal frameworks, such as the 1930 Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws, proved insufficient to prevent statelessness.[21] The United Nations International Law Commission later sought a more effective approach, drafting two treaties—one aimed at eliminating statelessness and another focused on reducing it.[22] Due to political sensitivities, the latter approach was ultimately favored, leading to significant discussions at the 1959 Geneva Conference and the 1961 New York Conference. Among the most contentious issues was how states should grant nationality to stateless children. Countries following *jus soli* (birthright citizenship) principles supported automatic nationality acquisition at birth, whereas *jus sanguinis*

11 UNHCR, "Stateless People," Unhcr.Org, accessed September 1, 2025, https://www.unhcr.org/about-unhcr/who-we-protect/stateless-people.

12 William Thomas Worster, "The Obligation to Grant Nationality to Stateless Children Under Customary International Law," *Michigan State International Law Review* 27, no. 3 (2017): 442–43, https://doi.org/10.2139/ssrn.3073653; UN Human Rights Council, *Impact of the Arbitrary Deprivation of Nationality on the Enjoyment of the Rights of Children Concerned, and Existing Laws and Practices on Accessibility for Children to Acquire Nationality, Inter Alia, of the Country in Which They Are Born, If They Otherwise Would Be Stateless*, 10–12.

13 UN Human Rights Council, *Impact of the Arbitrary Deprivation of Nationality on the Enjoyment of the Rights of Children Concerned, and Existing Laws and Practices on Accessibility for Children to Acquire Nationality, Inter Alia, of the Country in Which They Are Born, If They Otherwise Would Be Stateless*, 29; Riccardo Vecellio Segate, "Biometric Technology at the Borders of Citizenship: Identifying Technical Standards for Introducer-Based Remote Onboarding in Global Contexts of Statelessness, Nomadism, Displacement, and Refuge," *International Journal of Digital Law and Governance* 1, no. 2 (2024): 21, https://doi.org/10.1515/ijdlg-2024-0010.

14 European Parliament, *Repression by the Ortega-Murillo Regime in Nicaragua, Targeting Human Rights Defenders, Political Opponents and Religious Communities in Particular*, P10_TA(2025)0017 (2025), https://www.europarl.europa.eu/doceo/document/TA-10-2025-0017_EN.pdf.

15 Convention on the Reduction of Statelessness, United Nations Treaty Series, Vol. 989, p. 175 (1961), art. 1(1), https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&clang=_en.

16 UN Human Rights Council, *Human Rights and Arbitrary Deprivation of Nationality*, UN Doc A/HRC/25/28 (2013), 4, https://docs.un.org/en/A/HRC/25/28.

17 Convention on the Reduction of Statelessness, United Nations Treaty Series, Vol. 989, p. 175, Introductory Note.

18 Convention on the Reduction of Statelessness, United Nations Treaty Series, Vol. 989, p. 175, art. 1(1).

19 Convention on the Reduction of Statelessness, United Nations Treaty Series, Vol. 989, p. 175, Introductory Note.

20 Convention on the Reduction of Statelessness, United Nations Treaty Series, Vol. 989, p. 175, art. 10.

21 Convention on Certain Questions Relating to the Conflict of Nationality Laws, League of Nations, Treaty Series , 179, p. 89 (1930), Preamble, https://treaties.un.org/PAGES/LONViewDetails.aspx?src=LON&id=524&chapter=30&clang=_en.

22 Roberto Córdova, Special Rapporteur, *Report on the Elimination or Reduction of Statelessness*, UN Doc A/CN.4/64 (1953), 168–69, https://legal.un.org/ilc/documentation/english/a_cn4_64.pdf.

(citizenship by descent) states resisted such obligations.[23] The final compromise allowed states to choose between immediate nationality at birth or a conditional application process based on residency or other criteria, ensuring that stateless children could obtain nationality, albeit not always automatically.[24] Another major debate centered on the deprivation of nationality, with some states advocating for broad discretionary powers to revoke citizenship—especially for reasons of national security—while others emphasized the necessity of strict safeguards against arbitrary deprivation.[25] While the goal of reducing statelessness is central to international legal efforts, the sovereign authority of states to define their nationality laws remains a fundamental principle of international law.[26] Recognizing this, the drafters of the 1961 Statelessness Convention sought to balance individual rights with state interests by establishing safeguards against statelessness while preserving state discretion in nationality matters.[27] In particular, the Convention limits nationality deprivation to exceptional circumstances and requires that such decisions comply with due process.[28] This ensures that states retain the ability to address legitimate security concerns—such as cases involving fraud or conduct seriously prejudicial to the state—without undermining the broader objective of preventing statelessness.

Despite its significance, the 1961 Statelessness Convention has yet to achieve universal ratification. However, it remains a crucial reference for nationality law and human rights discourse. The UNHCR, as the primary agency responsible for its implementation, assists states in aligning their nationality laws with the Convention's principles.[29] Even in countries that have not ratified the treaty, its legal framework serves as an authoritative benchmark for assessing nationality policies and identifying gaps in national legislation.[30] The Global Action Plan to End Statelessness by 2024, led by the UNHCR, has further reinforced efforts to promote adherence by states to, and implementation of the Convention.[31] As statelessness continues to affect millions, international cooperation remains essential to ensure that every individual can exercise their right to nationality, which serves as the foundation for accessing legal recognition, protection, and fundamental human rights.

3.1.2 Deprivation of Nationality under the 1961 Statelessness Convention: The Grounds

Under the 1961 Statelessness Convention, the deprivation of nationality constitutes a strictly regulated process intended to prevent individuals from falling into statelessness. While states retain discretion in framing their nationality laws, international law imposes limitations to ensure that such measures neither result in statelessness nor violate fundamental human rights principles.[32] Articles 7-8 of the 1961 Statelessness Convention provide a framework balancing state sovereignty with the protection of individuals against arbitrary deprivation of nationality.[33] This section analyses the grounds for nationality deprivation under these provisions, with a particular emphasis on Article 8(3)(a)(ii), given its potential for broad state discretion and abuse.

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23 United Nations, *Summary Record of the 4th Meeting of the Conference on the Elimination or Reduction of Future Statelessness*, UN Doc A/CONF.9/SR.4 (Geneva, 1961), 2–8, https://docs.un.org/A/CONF.9/SR.4; United Nations, *Summary Record of the 6th Meeting of the Conference on the Elimination or Reduction of Future Statelessness*, UN Doc A/CONF.9/SR.6 (1961), 2–7, https://docs.un.org/A/CONF.9/SR.6; Paul Weis, "The United Nations Convention on the Reduction of Statelessness, 1961," *The International and Comparative Law Quarterly* 11, no. 4 (1962): 1078–80.

24 Weis, "The United Nations Convention on the Reduction of Statelessness, 1961," 1079.

25 Weis, 1080.

26 Alice Edwards and Laura Van Waas, eds., *Nationality and Statelessness under International Law* (Cambridge: Cambridge University Press, 2014), 12–13, https://doi.org/10.1017/CBO9781139506007.

27 Weis, "The United Nations Convention on the Reduction of Statelessness, 1961," 1084; Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness, HCR/GS/20/05 (UN Human Rights Committee 2020), 11–12, https://www.refworld.org/policy/legalguidance/unhcr/2020/en/123216.

28 *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, 63.

29 UN Executive Committee of the High Commissioner's Programme, *Statelessness (Including an Update on the #IBelong Campaign)*, UN Doc EC/74/SC/CRP.12 (2023), paras. 6–11, https://www.unhcr.org/sites/default/files/2023-05/CRP-12-Statelessness-87-SC-English.pdf; UNHCR, *Redoubling Our Efforts on Ending Statelessness: UNHCR's Strategic Plan 2023–2026* (2023), 6, https://www.unhcr.org/sites/default/files/2023-12/focus-area-strategic-plan-statelessness-2023-2026.pdf; UNHCR, *The Campaign to End Statelessness, January – March 2024 Update* (2024), 6–7, https://www.refworld.org/sites/default/files/2024-07/ibelong-newsletter-q1-2024-v3.pdf.

30 *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, 85.

31 UNHCR, *Global Action Plan to End Statelessness: 2014–2024* (Switzerland: UNHCR, 2019), 5, https://www.unhcr.org/au/sites/en-au/files/legacy-pdf/54621bf49.pdf.

32 UNHCR, *Handbook on Protection of Stateless Persons under the 1954 Convention Relating to the Status of Stateless Persons*, 22.

33 *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, 11.

To illustrate the structure and limitations established by the Convention, the following table summarizes the key provisions governing deprivation of nationality.

Table 1. Grounds for Deprivation of Nationality under the 1961

Article	Provision	Ground for Deprivation	Limitations / Conditions
8(1)	General Principle	Deprivation that leads to statelessness is prohibited.	No deprivation if it would render the person stateless.
8(2)(a)	Exception (linked to Article 7(4)-(5))	Prolonged residence abroad or voluntary acquisition of another nationality.	Only permitted if conditions were part of national law at ratification.
8(2)(b)	Fraud Exception	Nationality acquired through misrepresentation or fraud.	Narrowly applied, must be consistent with pre-existing national law.
8(3)(a)(i)	Reserved Grounds	Rendering services to or receiving benefits from a foreign state in defiance of national law.	Allowed only if the State declared such grounds at ratification/accession.
8(3)(a)(ii)	Reserved Grounds	Conduct seriously prejudicial to the vital interests of the State.	Broad and vague; high potential for abuse; must exist in national law at ratification.
8(3)(b)	Reserved Grounds	Taking an oath or making a formal declaration of allegiance to another State.	Also limited to pre-existing national law and proper notification.
8(4)	Procedural Safeguard	Any deprivation must occur in accordance with law and provide a fair hearing.	Often undermined in practice due to weak judicial review.

Source: the 1961 Statelessness Convention

Article 8(1) of the Statelessness Convention establishes a fundamental principle: a Contracting State shall not deprive a person of his or her nationality if such deprivation would render the stateless person. This provision reflects the core objective of the Convention—namely, to prevent statelessness by ensuring that individuals retain their legal identity and nationality.[34]

Despite the general prohibition against arbitrary deprivation of nationality, Article 8(2) of the 1961 Statelessness Convention allows for narrowly defined exceptions, provided that they are consistent with national laws in force at the time of ratification or accession by a State Party. One such exception is found in Article 8(2)(b), which permits deprivation of nationality if it was originally obtained through fraud or misrepresentation.[35] Another exception, outlined in Article 8(2)(a), allows for deprivation in situations covered by Article 7(4) and (5) of the Convention, which address specific conditions under which a person may lose his or her nationality, such as prolonged residence abroad or acquisition of another nationality under certain legal frameworks.[36] These exceptions are intended to uphold the integrity of nationality law without undermining the Convention's overarching goal of preventing statelessness.

Article 8(3) of the 1961 Statelessness Convention provides additional discretion for states explicitly retaining the right to deprive individuals of his or her nationality upon signing, ratifying, or acceding to the Convention. However, this discretion is limited to grounds already existing under national law at the time of ratification. Among the permissible grounds is the rendering of services to, or receipt of benefits from, a foreign state in defiance of national law, as outlined in Article 8(3)(a)(i).[37] Additionally, Article 8(3)(a)(ii) permits deprivation of nationality for actions that are seriously prejudicial to the vital interests of the state—a broadly

34 Convention on the Reduction of Statelessness, United Nations Treaty Series, Vol. 989, p. 175, Introductory Note.

35 *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, 50–53.

36 Convention on the Reduction of Statelessness. Article 7(4) of the 1961 Convention permits the loss of nationality for a naturalized person residing abroad for at least seven consecutive years if they fail to declare their intent to retain nationality, even if it results in statelessness. States must notify individuals of this requirement and ensure it does not lead to indirect discrimination. Article 7(5) allows nationality loss for those born abroad if they fail to register or reside in the country within one year of reaching majority. Both provisions are exceptions to the general prohibition of statelessness under Article 8(2)(a).

37 *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, 58–60.

framed provision that grants states considerable leeway to invoke national security or sovereignty concerns.[38] Furthermore, under Article 8(3)(b), deprivation is also allowed if an individual takes an oath or makes a formal declaration of allegiance to another state.[39]

An instructive example of how this discretion can be exercised within a structured legal framework can be observed in French nationality law. Article 25 of the French Civil Code permits the state to revoke the nationality of individuals who have committed serious offenses, such as acts of terrorism or crimes against the fundamental interests of the nation.[40] However, such deprivation can only occur with the assent of the *Conseil d'État* and only when the individual holds another nationality, thereby avoiding statelessness.

Among the grounds outlined in Article 8(3), the provision under Article 8(3)(a)(ii), which allows deprivation of nationality based on conduct "seriously prejudicial to the vital interests of the State," is particularly concerning due to its vague and broadly interpretable nature. The lack of a clear definition for "seriously prejudicial" grants states significant discretion in determining what constitutes a threat, increasing the risk of abuse and arbitrary deprivation. This ambiguity creates the potential for political and discriminatory applications, enabling governments to target political dissidents, human rights activists, or minority groups under the pretext of national security.[41] Additionally, the potential for retroactive application is troubling, as some states may modify national laws post-ratification to expand the scope of "vital interests," thereby justifying nationality deprivation in ways not originally envisaged by the Convention.[42]

This broad discretion, especially when exercised without clear definitional limits or accountability mechanisms, raises significant due process concerns. While Article 8(4) of the 1961 Statelessness Convention mandates that any deprivation of nationality must occur "in accordance with law" and guarantees the right to a fair hearing, these safeguards are often undermined. Many individuals are subjected to administrative or executive decisions with little to no judicial oversight, which weakens the procedural protections envisioned by the Convention. In certain contexts, states employ opaque administrative processes that bypass independent judicial review, resulting in a lack of transparent legal procedures.[43] Furthermore, affected individuals—particularly those from marginalized or politically targeted groups—often face considerable obstacles to accessing legal remedies, including difficulties securing legal representation or effectively challenging deprivation orders.[44] These shortcomings not only undermine the legitimacy of nationality decisions but also heighten the risk of arbitrary and politically motivated statelessness.

While Article 9 reinforces the protection against arbitrary deprivation by explicitly prohibiting states from revoking nationality on racial, ethnic, religious, or political grounds, the practical implementation of this provision remains inconsistent.[45] In certain instances, states continue to exploit nationality deprivation as a tool for political repression or ethnic exclusion, undermining the intent of this safeguard.

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38 *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, 61–62.

39 *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, 69–71.

40 Civil Code (1804), art. 25, https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070721/1804-03-25/; EFE Agency, "La Nacionalidad, Un Derecho Humano Del Que Nadie Te Puede Privar," La Vanguardia, February 17, 2023, https://www.lavanguardia.com/internacional/20230217/8765698/nicaragua-nacionalidad-derechos-humanos-dictadura.html.

41 MENA Rights Group, *Citizenship Stripping in the United Arab Emirates: Statelessness as a Tool of Crackdown* (2024), 11–13, https://menarights.org/sites/default/files/2024-07/Emirati%20citizenship%20stripping%20_%20Final.pdf; Federación Internacional por los Derechos Humanos, *Exile and Civil Death: Serious Impacts of Arbitrary Deprivation of Nationality on Individuals Defending Human Rights and Opposing the Dictatorship in Nicaragua*, FIDH Report N° 821a (Paris, 2023), 4–5, https://www.fidh.org/IMG/pdf/nicaragua821angweb.pdf.

42 Federación Internacional por los Derechos Humanos, *Exile and Civil Death: Serious Impacts of Arbitrary Deprivation of Nationality on Individuals Defending Human Rights and Opposing the Dictatorship in Nicaragua*, 8–10; Institute on Statelessness and Inclusion, "Submission to the Human Rights Council Universal Periodic Review 47th Session 4th Cycle: Nicaragua," November 4, 2024, 4, https://files.institutesi.org/UPR47_Nicaragua.pdf.

43 MENA Rights Group, *Citizenship Stripping in the United Arab Emirates: Statelessness as a Tool of Crackdown*, 11–13; Federación Internacional por los Derechos Humanos, *Exile and Civil Death: Serious Impacts of Arbitrary Deprivation of Nationality on Individuals Defending Human Rights and Opposing the Dictatorship in Nicaragua*, 8–10; Institute on Statelessness and Inclusion, "Submission to the Human Rights Council Universal Periodic Review 47th Session 4th Cycle: Nicaragua," 4.

44 *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, 61.

45 *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, 76–79.

3.2 Freedom of Expression under International Human Rights Law

While political expression is safeguarded under Article 9 of the Statelessness Convention, which prohibits nationality deprivation on political grounds, the scope of its protection extends well beyond this specific framework. Freedom of expression is enshrined in the ICCPR, the primary international covenant governing civil and political rights, as one of the most fundamental of these rights. Such broader protection underscores that political expression is not merely a matter of nationality rights but also an essential pillar of democratic governance and individual autonomy.

Freedom of expression is enshrined as a fundamental human right in international law, serving as an indispensable condition for both individual development and the functioning of a free and democratic society.[46] The United Nations Human Rights Committee (HRC) has consistently emphasized its role as the cornerstone of transparency, accountability, and the promotion of other fundamental rights.[47] It enables individuals to seek, receive, and impart information and ideas of all kinds, fostering an environment that nurtures personal autonomy, social dialogue, and political participation.[48] The protection of freedom of expression is particularly crucial to ensure that individuals can engage in political discourse without fear of reprisal, thereby reinforcing democratic principles and the rule of law.[49]

The ICCPR, under Article 19, explicitly protects freedom of expression, requiring states to uphold this right by enacting laws that prevent undue restrictions and guarantee accountability for violations. Importantly, this right is safeguarded by universal human rights instruments and reinforced within regional human rights treaties. The European Convention on Human Rights under Article 10, the ACHR under Article 13, and the African Charter on Human and Peoples' Rights under Article 9 all enshrine freedom of expression, thereby demonstrating its universal recognition.[50] These regional mechanisms further elaborate on states' obligations, often imposing stricter scrutiny on governmental limitations, particularly when restrictions threaten democratic integrity.

Nevertheless, while freedom of expression is a pillar of democratic societies, it is not absolute, as it may sometimes conflict with other essential rights and societal interests.[51] Article 19(3) of the ICCPR allows for restrictions only under narrowly defined conditions. As elaborated in General Comment No. 34 (GC 34) of the HRC, any limitation on freedom of expression must meet a strict three-part test, which is cumulative in nature: it must be (1) provided by law, (2) necessary to achieve a legitimate aim, and (3) proportionate to that aim.[52] This framework aims to prevent states from imposing arbitrary or excessive restrictions under the pretext of protecting national interests.

First, any restriction on freedom of expression must be "provided by law," meaning it must be drafted with sufficient precision to enable individuals to regulate their conduct accordingly.[53] The principle of legality, as reinforced by the Siracusa Principles on the Limitation and Derogation Provisions in the ICCPR, requires that such laws be clear, accessible, and not overly broad or vague.[54] Vague legal provisions grant excessive discretion to authorities, increasing the risk of misuse against dissenting voices, as seen in numerous cases where repressive governments invoke ambiguous laws to criminalize political opposition and independent journalism.[55]

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46 Halelkhan Adilkhanov v. Kazakhstan, Communication No. 2686/2015, CCPR/C/128/D/2686/2015 (UN Human Rights Committee May 28, 2020), 9.4, https://ccprcentre.org/files/decisions/G2012283_(1).pdf; Leonid Zdrestov v. Belarus, Communication No. 2391/2014, CCPR/C/128/D/2391/2014 (UN Human Rights Committee June 9, 2020), 8.3, https://ccprcentre.org/files/decisions/G2014159.pdf.

47 UN Human Rights Committee, *General Comment No. 34: Article 19, Freedoms of Opinion and Expression*, UN Doc CCPR/C/GC/34 (2011), 3, https://docs.un.org/en/CCPR/C/GC/34.

48 UN Human Rights Council, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development*, UN Doc A/HRC/44/L.18/Rev.1 (2020), 3, https://docs.un.org/en/A/HRC/44/L.18/REV.1.

49 UN Human Rights Council, 3.

50 European Convention on Human Rights, European Treaty Series, No. 5 (1950), art. 10, https://www.echr.coe.int/documents/d/echr/convention_ENG; American Convention on Human Rights, United Nations Treaty Series, Vol. 1144, p. 123 (1969), art. 13, https://treaties.un.org/doc/publication/unts/volume%201144/volume-1144-i-17955-english.pdf; African Charter on Human and Peoples' Rights, United Nations Treaty Series, Vol. 1520, p. 217 (1981), art. 9, https://au.int/en/treaties/african-charter-human-and-peoples-rights.

51 UN Human Rights Committee, *General Comment No. 34: Article 19, Freedoms of Opinion and Expression*, 56.

52 UN Human Rights Committee, 21–36.

53 UN Human Rights Committee, 25.

54 Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights (1985), 15–18, https://www.icj.org/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf.

55 UN General Assembly, *Global Threats to Freedom of Expression Arising from the Conflict in Gaza*, UN Doc A/79/319 (2024), 85, https://docs.un.org/en/A/79/319; MENA Rights Group, *Citizenship Stripping in the United Arab Emirates: Statelessness as a Tool of Crackdown*, 11–13; Federación Internacional por los Derechos Humanos, *Exile and Civil Death: Serious Impacts of Arbitrary*

To qualify as a "law" under Article 19(3) of the ICCPR, a norm must be formulated with sufficient precision to enable individuals to foresee the consequences of their actions and adjust their behavior accordingly.[56] It must also be publicly accessible. A law that grants unchecked discretion to authorities in restricting freedom of expression is incompatible with the Covenant because it increases the risk of arbitrary enforcement. Instead, laws must provide clear guidance to officials on which types of expression may be legitimately restricted, and which must remain protected.[57]

Additionally, laws restricting freedom of expression must comply not only with the strict requirements of Article 19(3) but also with the broader provisions, aims, and objectives of the ICCPR.[58] They must not violate the Covenant's non-discrimination provisions nor impose penalties that contradict fundamental human rights, such as corporal punishment.[59] Furthermore, restrictions cannot be based solely on traditional, religious, or customary law; such bases fail to meet the legality threshold required by international human rights standards.[60]

Second, the restriction must be necessary to serve a "legitimate aim," such as protecting the rights or reputations of others, national security, public order, public health, or public morals.[61] However, these grounds are not meant to serve as blanket justifications; rather, as emphasized in GC No. 34, states must demonstrate a direct and specific threat that necessitates the limitation.[62]

The protection of the rights or reputations of others is one of the legitimate grounds frequently invoked to justify limitation. The term "rights" encompasses human rights as recognized under international law, including those enshrined in the ICCPR.[63] For example, restrictions may be justified to safeguard the right to vote under Article 25, but they must be carefully formulated. While it may be permissible to limit speech that constitutes intimidation or coercion of voters, such restrictions must not unduly interfere with political debate, including advocacy for a boycott of non-mandatory elections.[64] Additionally, the term "others" extends to individuals and communities defined by shared characteristics, such as religion or ethnicity.

When invoking national security or public order as a justification, states must exercise extreme caution to ensure that relevant laws—such as those on governing treason, sedition, or official secrets—conform to the strict requirements of international law.[65] These laws cannot be used to suppress information of legitimate public interest when it poses no genuine threat to national security, nor should such laws be applied to target journalists, researchers, environmental activists, or human rights defenders.

The principle of protecting public morals must also be interpreted with care. GC No. 22 emphasizes that moral concepts emerge from diverse social, philosophical, and religious traditions. Consequently, any restrictions on expression invoked in the name of morality must be based on principles that reflect the universality of human rights and the principle of non-discrimination, rather than deriving exclusively from a single tradition.[66]

Deprivation of Nationality on Individuals Defending Human Rights and Opposing the Dictatorship in Nicaragua, 8–10; Institute on Statelessness and Inclusion, "Submission to the Human Rights Council Universal Periodic Review 47th Session 4th Cycle: Nicaragua," 4.

56 Viktor Parfenenka v. Belarus, Communication 2737/2016, CCPR/C/134/D/2737/2016 (UN Human Rights Committee May 13, 2022), 7.5, https://ccprcentre.org/files/decisions/G2234123.pdf; Aliya Ismagulova and Rozlana Taukina v. Kazakhstan, Communication No. 2664/2015, CCPR/C/130/D/2664/2015 (UN Human Rights Committee 2021), 3.2, https://digitallibrary.un.org/record/3971195/files/CCPR_C_130_D_2664_2015-EN.pdf?ln=zh_CN.

57 Carles Puigdemont i Casamajó v. Spain, Communication No. 3165/2018, CCPR/C/137/D/3165/2018 (UN Human Rights Committee 2023), 16.3, https://digitallibrary.un.org/record/4035858/files/CCPR_C_137_D_3165_2018-EN.pdf.

58 Saladdin Mammadov, Rashad Niftaliyev and Sadagat Abbasova v. Azerbaijan, Communication 2928/2017, CCPR/C/130/D/2928/2017 (UN Human Rights Committee January 18, 2021), 7.2, https://documents.un.org/doc/undoc/gen/g21/011/24/pdf/g2101124.pdf.

59 UN Human Rights Committee, *General Comment No. 34: Article 19, Freedoms of Opinion and Expression*, 26.

60 UN Human Rights Committee, 24.

61 UN Human Rights Committee, 28–32.

62 Igor Postnov v. Belarus, Communication No. 2361/2014, CCPR/C/132/D/2361/2014 (UN Human Rights Committee March 10, 2022), 7.10, https://ccprcentre.org/files/decisions/G2228169_(1).pdf; Carlos Eduardo Pérez Barriga, César Enrique Pérez Barriga and Carlos Nicolás Pérez Lapenti v. Ecuador, Communication No. 3267/2018, CCPR/C/136/D/3267/2018 (UN Human Rights Committee 2023), 9.5, https://documents.un.org/access.nsf/get?OpenAgent&DS=CCPR/C/136/D/3267/2018&Lang=E; Markus Wilhelm v. Austria, Communication No. 3317/2019, CCPR/C/139/D/3317/2019 (UN Human Rights Committee January 30, 2024), 9.6, https://ccprcentre.org/files/decisions/G2400905_(3).pdf.

63 UN Human Rights Committee, *General Comment No. 34: Article 19, Freedoms of Opinion and Expression*, 28.

64 UN Human Rights Committee, 7; Leonid Svetik v. Belarus, Communication No. 927/2000, CCPR/C/81/D/927/2000 (UN Human Rights Committee July 8, 2004), at 7.3, 1 Sept 2025.

65 UN Human Rights Committee, *General Comment No. 34: Article 19, Freedoms of Opinion and Expression*, 40.

66 UN Human Rights Committee, 32.

Lastly, any restriction on freedom of expression must be proportionate to the legitimate aim it seeks to achieve. The principle of proportionality, well-established in international jurisprudence, requires that limitations impose no greater burden than necessary and that the benefits of the restriction outweigh their impact on free expression.[67] States bear a strict burden of proof in demonstrating that any restrictive measure is essential and that no less intrusive alternative can adequately achieve the intended purpose.[68]

Restrictions must represent the least intrusive means available to achieve their protective function.[69] This principle applies not only to the formulation of laws but also to their interpretation and enforcement by administrative and judicial authorities. Furthermore, proportionality must account for both the form of expression and the method of its dissemination.[70] The right to free expression carries particular weight in public and political discourse, especially in democratic societies where open debate is essential.[71]

This framework highlights the dual nature of freedom of expression: both as a fundamental right and as a responsibility that requires balancing against the rights of others and the broader interests of society. The misuse of restriction clauses—whether through expansive interpretation of national security or morality—undermines the foundation of free expression and democratic participation. While states may regulate speech in limited circumstances, such limitations must be scrutinized to ensure they serve genuine public interests rather than merely political or ideological objectives.

3.3 Deprivation of Nationality: Nicaragua Case

3.3.1 The Grounds

Nicaragua's legal framework for the deprivation of nationality has undergone significant changes, expanding the state's authority to revoke citizenship based on a broad interpretation of treason. This shift has been most pronounced under President Daniel Ortega's regime, transforming nationality law from a framework that once guaranteed constitutional safeguards into an instrument of political control.[72] Law No. 1145, the Special Law Regulating the Loss of Nicaraguan Nationality, allows the government to strip individuals of their nationality if they are designated as "traitors to the homeland."[73] This designation is derived from the broadened definition of treason established under Law No. 1055, the Law for the Defense of the People's Rights to Independence, Sovereignty, and Self-Determination for Peace.

Earlier nationality provisions, such as those enshrined in the 1987 Constitution, reflected a protective approach aligned with international standards. However, the Ortega government's successive reforms have shifted toward increasingly arbitrary measures, employing vague legal definitions to criminalize dissent and consolidate power.

Table 2. Legal Developments Enabling Nationality Deprivation in Nicaragua (1987–2025)

Year	Legal Instrument / Event	Description and Implications
1987	Constitution (Article 20)	Prohibited the deprivation of nationality for Nicaraguans by birth and allowed dual nationality. This provided longstanding protection against statelessness, consistent with international standards.
2020	Law No. 1055: Law for the Defense of Sovereignty	Introduced vague terms like "traitor to the homeland" to criminalize dissent, including those who "incite foreign interference" or "promote sanctions." Became the legal basis for later denationalizations.

67 United Nations Human Rights Committee, *General Comment No. 37: Article 21, Right of Peaceful Assembly*, UN Doc CCPR/C/GC/37 (2020), 40, undocs.org/CCPR/C/GC/37.

68 Natalya Shchukina v. Belarus, Communication 3242/2018, CCPR/C/134/D/3242/2018 (UN Human Rights Committee May 17, 2022), 7.8, https://ccprcentre.org/files/decisions/G2234359.pdf; Ilya Dobrotvor v. Belarus, Communication No. 2622/2015, CCPR/C/131/D/2622/2015 (UN Human Rights Committee February 24, 2022), 7.4, https://docs.un.org/en/CCPR/C/131/D/2622/2015.

69 UN Human Rights Committee, *General Comment No. 34: Article 19, Freedoms of Opinion and Expression*, 8; Tazabek Sambetbai v. Kazakhstan, Communication 2418/2014, CCPR/C/130/D/2418/2014 (UN Human Rights Committee January 20, 2021), 12.6, https://documents.un.org/access.nsf/get?OpenAgent&DS=CCPR/C/130/D/2418/2014&Lang=E.

70 Seok-Ki Lee, Hong-Yeol Kim, et al. v. Republic of Korea, Communication No. 2809/2016, CCPR/C/130/D/2809/2016 (UN Human Rights Committee June 17, 2021), 7.2, https://digitallibrary.un.org/record/3971217/files/CCPR_C_130_D_2809_2016-EN.pdf.

71 UN Human Rights Committee, *General Comment No. 34: Article 19, Freedoms of Opinion and Expression*, 38.

72 Law No. 1145, the Special Law Regulating the Loss of Nicaraguan Nationality, Official Gazette of Nicaragua, No. 244 (2022), art. 1.

73 Law No. 1145, the Special Law Regulating the Loss of Nicaraguan Nationality, Official Gazette of Nicaragua, No. 244, art. 1.

Year	Legal Instrument / Event	Description and Implications
2021	Ortega's Public Speeches	Ortega publicly referred to critics as "stateless," signaling the regime's intention to use nationality as a political weapon. These speeches laid the ideological groundwork for future legal measures.
2022	First Wave of Denationalization	Individuals like musician Xóchitl Tapia were expelled without legal procedure. These acts violated Article 20 of the American Convention on Human Rights, which prohibits arbitrary nationality deprivation.
Feb 2023	Law No. 1145	Allowed judges to revoke nationality under Law 1055. On February 9, 222 political prisoners were deported and denationalized. On February 15, an additional 94 opposition figures were stripped of citizenship. All were designated as "traitors" without due process, in clear violation of both domestic and international law.
2024	Law No. 761 and Law No. 1228	Law 761 granted the Ministry of the Interior unilateral power to revoke naturalized citizens' nationality. Law 1228 added Article 318 bis to the Penal Code, criminalizing "evasion of border controls" as treason. These laws targeted exiles and returnees, creating further de facto statelessness.
Feb 2025	Law No. 1234: Amendment to Article 21 of the Constitution	Declared that "traitors to the homeland" shall lose their nationality. However, the reform only passed one legislative session, violating the constitutional requirement for two, and was applied retroactively, breaching the principle of legality and non-retroactivity.
May 2025	Reforms to Articles 23 and 25 of the Constitution	Article 25 was changed to state that acquiring another nationality automatically revokes Nicaraguan nationality. This abolished dual nationality protection and introduced systemic de jure statelessness.

Source: https://cafeconvoz.com/opinion/28061-nacionalidad-y-apatridia-en-nicaragua/, 6 August 2025.

Under Article 1 of Law No. 1055, individuals may be classified as "traitors to the homeland" if they engage in activities such as leading or financing a coup d'état, altering the constitutional order, promoting or encouraging terrorism, undermining national sovereignty and self-determination, inciting foreign interference in internal affairs, requesting foreign military intervention, or organizing with foreign funding to commit acts of terrorism or destabilization.[74] Additionally, the law includes nonviolent actions such as proposing and managing economic, commercial, or financial blockades against Nicaragua and its institutions. It also criminalizes those who demand, exalt, or applaud the imposition of sanctions against the state and its citizens.[75] Those designated as traitors under this law are barred from running for elected office and facing potential criminal prosecution under Nicaragua's Penal Code.

This broader definition of treason marks a departure from the traditional understanding of the crime, as outlined in Articles 409 to 412 of Nicaragua's Penal Code, which primarily criminalizes acts such as armed rebellion, aiding enemy forces, or conspiring to undermine national integrity.[76] By incorporating political and economic activities—such as advocating for international sanctions—into the definition of treason, Law No. 1055 expands the state's power to suppress dissent and penalize opposition figures. The subsequent enactment of Law No. 1145 reinforces this framework by legally facilitating the deprivation of nationality, which contravenes international norms designed to prevent statelessness.

74 Law No. 1055, the Law for the Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace, Official Gazette of Nicaragua, No. 237 (2020), art. 1, https://www.tortillaconsal.com/tortilla/node/10932.

75 Law No. 1055, the Law for the Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace, Official Gazette of Nicaragua, No. 237, art. 1.

76 Law No. 641. Criminal Code of the Republic of Nicaragua, Official Gazette of Nicaragua, No. 83 (2008), arts. 409–412.

3.3.2 The Practices: (An Overview of Deprivation of Nationality in Nicaragua)

The roots of Nicaragua's nationality crisis are deeply intertwined with the consolidation of authoritarian rule under Daniel Ortega, who was reelected as President in 2007 after years away from office.[77] Since his return to power, Ortega has gradually dismantled democratic checks and balances, co-opted the judiciary, restricted civil society, and centralized authority within the executive branch. The turning point came in April 2018, when mass protests erupted over the government's inadequate response to a massive forest fire in the Indio Maíz Biological Reserve, shortly thereafter, the deeply unpopular social security reforms.[78] Student-led and elderly-led peaceful demonstrations were met with violent crackdowns by police and pro-government mobs, including armed attacks on university campuses and the killing of protesters such as 15-year-old Álvaro Conrado.[79] Despite the government's withdrawal of the reforms, the unrest evolved into broader opposition against Ortega's authoritarianism, marking the beginning of a protracted human rights crisis.

The deprivation of nationality in Nicaragua demonstrates a deliberate and systematic strategy by the Ortega-Murillo regime to suppress dissent and tighten its authoritarian grip over power.[80] This practice, which has escalated since early 2023, began with the expulsion of 222 political prisoners to the United States.[81] These individuals were labeled "traitors to the homeland," stripped of their Nicaraguan citizenship without due process, and rendered stateless.[82] Over the months that followed, more than 300 individuals—including human rights defenders, journalists, academics, and opposition figures—were similarly targeted,[83] marking one of the most egregious uses of denationalization as a political weapon in recent history.

Yet, this pattern is not without historical context. Nicaragua's nationality laws were previously grounded in a rigid but lawful framework, as seen in the case of Alvaro Robelo González (IACHR Report No. 25/01). In 1999, Robelo was disqualified from running for office and denied an identity card after acquiring Italian nationality.[84] The legal basis at the time relied on the 1992 Nationality Law, which, under the principle of "*ipso iure*" loss, provided that voluntarily acquiring another nationality implied the loss of Nicaraguan citizenship.[85] Although problematic, the system maintained legal procedures and due process protections.

The current regime marks a radical departure. Since 2018, the Ortega-Murillo government has transformed nationality law into an instrument of repression. Legal reforms—characterized by haste, vagueness, and retroactivity—are designed not to uphold constitutional order but to criminalize dissent.[86]

The government justified its actions through hastily adopted constitutional amendments and the enactment of laws such as Law No. 1145, which retroactively criminalized vaguely defined acts of "betraying the homeland." However, these measures stand in direct conflict with international law. Nationality is a fundamental right enshrined in treaties such as the Statelessness Convention, to which Nicaragua is a party. The UNHCR, the UN Refugee Agency, has repeatedly emphasized that the arbitrary deprivation of nationality, particularly when

77 United Nations Human Rights Council, *Violaciones de Los Derechos Humanos a La Libertad de Circulación y a La Nacionalidad: Grupo de Expertos En Derechos Humanos Sobre Nicaragua*, UN Doc A/HRC/55/CRP.3 (2024), 36, https://reliefweb.int/report/nicaragua/violaciones-de-los-derechos-humanos-la-libertad-de-circulacion-y-la-nacionalidad-grupo-de-expertos-en-derechos-humanos-sobre-nicaragua-ahrc55crp3.

78 Beatriz Antonieta Contreras Reyes, "La Investigación de Las Causas Por Violaciones de Derechos Humanos En El Contexto de La Protesta Social, Por Hechos Ocurridos Desde El 18 de Octubre En Adelante" (Tesis, Universidad de Chile, 2022), 4–5, https://doi.org/10.58011/35ZJ-5N84.

79 Inter-American Commission on Human Rights, *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, OEA/Ser.L/V/II. Doc. 86 (2018), 42, https://reliefweb.int/report/nicaragua/gross-human-rights-violations-context-social-protests-nicaragua.

80 European Parliament, *Repression by the Ortega-Murillo Regime in Nicaragua, Targeting Human Rights Defenders, Political Opponents and Religious Communities in Particular*.

81 Federación Internacional por los Derechos Humanos, *Exile and Civil Death: Serious Impacts of Arbitrary Deprivation of Nationality on Individuals Defending Human Rights and Opposing the Dictatorship in Nicaragua*, 4–5.

82 BBC News Mundo, "En Qué Consiste La Controvertida Reforma 'Exprés' Con La Que Nicaragua Convirtió En 'Apátridas' a Los Opositores Liberados y Enviados a EE.UU," Bbc.Com, February 10, 2023, https://www.bbc.com/mundo/noticias-america-latina-64601707.

83 "Imponen En Constitución Despojo de Nacionalidad Por 'Traición a La Patria,'" Confidencial.Digital, January 15, 2025, https://confidencial.digital/politica/imponen-en-constitucion-despojo-de-nacionalidad-por-traicion-a-la-patria/.

84 Alvaro José González Robelo v. Nicaragua, Case 12.144, Report No. 25/01, OEA/Ser.L/V/II.111 Doc. 20 rev (Inter-American Commission on Human Rights 2000), 2,4, https://www.worldcourts.com/iacmhr/eng/decisions/2001.03.05_Robelo_Gonzalez_v_Nicaragua.pdf.

85 *Alvaro José González Robelo v. Nicaragua, Case 12.144, Report No. 25/01*, 54.

86 Yader Morazán, "Nacionalidad y Apatridia En Nicaragua," Webcafeconvoz, May 20, 2025, https://cafeconvoz.com/opinion/28061-nacionalidad-y-apatridia-en-nicaragua/.

it leads to statelessness, violates international norms and undermines the very foundation of human rights.[87] Statelessness strips individuals of their legal identity, leaving them in a state of limbo and frequently unable to access basic protections, legal remedies, or economic opportunities.

Table 3. Comparative Overview of Nationality Deprivation: Pre-Ortega vs. Ortega-Era Cases

Feature	Robelo Case (Pre-Ortega)	Ortega-Era Cases
Legal basis	Acquired foreign nationality voluntarily	Arbitrary label of "traitor"
Process	Operation of law + constitutional basis	Executive/legislative decree without due process
Possibility of appealing or remedy	Yes (but not used)	No
Individual targeting	Single case	Mass, coordinated purge
International violations	No	Yes (multiple treaties + Constitution)

Source: Alvaro José González Robelo v. Nicaragua

The legal basis for these actions is deeply flawed. The conduct referred to in Law No. 1055, which gives rise to a declaration of an individual as a "traitor to the homeland," is formulated in excessively vague and imprecise terms and fails to clearly indicate which actions would lead to the deprivation of nationality.[88]

The consequences of this policy extend beyond legal violations, creating a state of "civil death" for those affected. Many have seen their identities erased from public records, their properties confiscated, and their social and economic rights denied.[89] Even the birth registrations of their children were annulled, putting entire families at risk of statelessness.[90] The UNHCR has underscored the catastrophic impact of such measures, noting that they deepen vulnerability, expose individuals to further human rights abuses and perpetuate cycles of exclusion and marginalization.

The 94 denationalized on February 15, 2023, include:[91]

- Religious leaders: Bishop Silvio Báez, Father Harving Padilla, and Father Edwin Román;
- Former officials: Ex-minister Luis Carrión, ex-ambassador Salvador Stadthagen, and Roberto Bendaña;
- Journalists: Carlos Fernando Chamorro, Lucía Pineda, Jennifer Ortiz, Patricia Orozco, Wilfredo Miranda, Aníbal Toruño, and Alvaro Navarro;
- Academics and human rights defenders: Sofia Montenegro, Ana Quirós, Azahálea Solís, Mónica Baltodano, Manuel Orozco, and Uriel Pineda;
- Exiled opposition leaders: Alexa Zamora, Eliseo Núñez, Berta Valle, Julio López, and Francisca Ramírez.

Their only common denominator is their criticism of the Ortega government. Many were former Sandinistas, clergy, feminists, peasants, educators, and journalists.[92]

87 Office of the UNHCR et al., *Handbook on Statelessness in the OSCE Area: International Standards and Good Practices* (Geneva: UNHCR & OSCE, n.d.), 16–17, accessed September 1, 2025, https://www.osce.org/files/f/documents/5/1/302201.pdf.

88 Office of the Special Rapporteur on the Situation of Human Rights Defenders, *Communication to the State of Nicaragua*, OL NIC 1/2023 (2023), 3.

89 Esteban De Gori, "Estar Sin Nacionalidad Es Como Estar En Un Limbo," Revista Anfibia, UNSAM, February 24, 2023, https://www.revistaanfibia.com/daniel-ortega-deportados-estar-sin-nacionalidad-estar-en-un-limbo/; Paola Ariza, "Nicaragua Revokes the Nationality and Confiscates Assets of Another Group of Former Political Prisoners," RFI, September 11, 2024, https://www.rfi.fr/es/programas/noticias-de-am%C3%A9rica/20240911-nicaragua-revoca-la-nacionalidad-y-confisca-bienes-a-un-nuevo-grupo-de-exdetenidos-pol%C3%ADticos.

90 Federación Internacional por los Derechos Humanos, *Exile and Civil Death: Serious Impacts of Arbitrary Deprivation of Nationality on Individuals Defending Human Rights and Opposing the Dictatorship in Nicaragua*, 8–10; Institute on Statelessness and Inclusion, "Submission to the Human Rights Council Universal Periodic Review 47th Session 4th Cycle: Nicaragua," 7–8.

91 "Despojo de Nacionalidad Es Una 'Aberración al Estado de Derecho En Nicaragua,'" Contra Punto, February 16, 2023, https://www.contrapunto.com.sv/despojo-de-nacionalidad-es-una-aberracion-al-estado-de-derecho-en-nicaragua/.

92 Swiss Info, "CIDH: Nicaragua Ha Privado de Su Nacionalidad a 452 Nicaragüenses y Negado Entrada a 290," Swissinfo.Ch, April 14, 2025, https://www.swissinfo.ch/spa/cidh:-nicaragua-ha-privado-de-su-nacionalidad-a-452-nicarag%C3%BCenses-y-negado-entrada-a-290/89163812.

In response, countries such as Spain, Chile, and Colombia have offered nationality to some affected individuals.[93] While these efforts are commendable, the process remains lengthy and uncertain, leaving many in precarious situations. For those still in exile, rebuilding their lives without secure legal status remains a significant challenge.[94] At the same time, those inside Nicaragua continue to face persecution, barriers to leaving the country, and threats to their safety.

The international response has also gained traction. The United Nations Human Rights Council's Expert Group on Nicaragua has confirmed that the Ortega-Murillo regime has committed crimes against humanity—including arbitrary deprivation of nationality—and urged international actors to prioritize accountability and halt cooperation projects that disregard human rights violations.[95]

The UNHCR has also highlighted the broader implications of Nicaragua's actions, warning of a dangerous precedent in which governments exploit denationalization as a tool for political persecution.[96] The agency has called for stronger international safeguards to protect individuals against arbitrary deprivation of nationality and advocated urgent action to address the growing global crisis of statelessness.[97]

3.4 The Legitimacy of Nationality Deprivation in Nicaragua under International Human Rights Law

3.4.1 Definition of 'treason' under Nicaragua's Law No. 1055 as the Ground for Nationality Deprivation under the 1961 Stateless Convention

To address the issue of nationality deprivation in Nicaragua, it is essential to examine the legal thresholds established under international law, particularly the Statelessness Convention. Article 8(3)(a)(ii) of the Convention permits the deprivation of nationality if an individual engages in conduct seriously prejudicial to the vital interests of the state, including treason.[98] This provision establishes a framework for assessing when such deprivations may be justified. By analyzing Nicaragua's recent application of treason laws through the lens of the Statelessness Convention, we can determine whether these actions align with international legal standards or rather represent an arbitrary and politically motivated abuse of power.

An act is deemed seriously prejudicial to the vital interests of the state when it poses a direct and substantial threat to the state's foundational integrity, security, and constitutional order.[99] The threshold for such determination is notably high, particularly in cases where the deprivation of nationality could result in statelessness. The concept of "seriously prejudicial" implies that the individual in question is capable of inflicting tangible harm on the state, rather than merely being associated with conduct that incidentally contributes to such harm. There must be a fundamental and intrinsic connection between the individual's actions and the damage caused, rather than a remote or indirect role with only marginal or incidental impact.[100]

The notion of "vital interests" sets a stricter standard than ordinary offenses against national interests, emphasizing the necessity of safeguarding the state's structural and external security. Only acts that significantly undermine these core functions can justify the deprivation of nationality.[101] However, even in such cases, the use

93 Global Voices América Latina, "Los Apátridas de Nicaragua Buscan Justicia," Globalvoices.Org, April 4, 2025, https://es.globalvoices.org/2025/04/04/los-apatridas-de-nicaragua-buscan-justicia/; Institute on Statelessness and Inclusion, "Submission to the Human Rights Council Universal Periodic Review 47th Session 4th Cycle: Nicaragua," 7–8.

94 Daniela Reyes Rodríguez, "¿Cómo Resolver La Apatridia? La Privación de La Nacionalidad En Nicaragua," Animal Político, March 27, 2023, https://www.animalpolitico.com/analisis/organizaciones/verdad,-justicia-y-reparaci%C3%B3n/la-privacion-de-la-nacionalidad-en-nicaragua.

95 United Nations Human Rights Council, *Violaciones de Los Derechos Humanos a La Libertad de Circulación y a La Nacionalidad: Grupo de Expertos En Derechos Humanos Sobre Nicaragua*, 68–69.

96 UNHCR, "Statement by UNHCR on the Arbitrary Deprivation of Nationality by Nicaragua," Unhcr.Org, February 17, 2023, https://www.unhcr.org/news/press-releases/statement-unhcr-arbitrary-deprivation-nationality-nicaragua.

97 Office of the UNHCR, "Nicaragua: Continued and Widespread Deterioration of Human Rights," Ohchr.Org, September 12, 2023, https://www.ohchr.org/en/statements-and-speeches/2023/09/nicaragua-continued-and-widespread-deterioration-human-rights&#8203.

98 Lennert Bücken and Rainer de Groot, "Deprivation of Nationality under Article 8(3) of the 1961 Convention on the Reduction of Statelessness," *Maastricht Journal of European and Comparative Law* 25, no. 1 (2018): 46; UNHCR, *Expert Meeting Interpreting the 1961 Statelessness Convention and Avoiding Statelessness Resulting from Loss and Deprivation of Nationality: Summary Conclusions* (Tunis, Tunisia, 2013), para. 68, https://www.unhcr.org/sites/default/files/legacy-pdf/5465e2cb9.pdf.

99 *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, 62.

100 *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, 63.

101 UNHCR, *Expert Meeting Interpreting the 1961 Statelessness Convention and Avoiding Statelessness Resulting from Loss and*

of nationality deprivation should be strictly a measure of last resort, applied solely when no other less intrusive measures can effectively neutralize the threat.[102]

This distinction between the high threshold required for nationality deprivation under international law and the evolving application of treason laws in Nicaragua underscores the need for a closer examination of how treason is defined and applied. While the concept of acts seriously prejudicial to the vital interests of the state establishes strict limitations, Nicaragua's approach to treason, particularly under Law No. 1055, raises questions about whether these measures genuinely protect national security or serve as a tool for political repression.

Treason has historically been understood as acts that directly threaten the fundamental security and sovereignty of a state.[103] This classical definition encompasses actions such as espionage, armed rebellion, or aiding enemy forces during wartime.[104] The core rationale behind treason laws is to protect the state from existential threats posed by individuals who actively undermine national integrity.[105] This interpretation is reflected in Nicaragua's Penal Code, particularly in Articles 409 to 412, where treason traditionally includes acts such as taking up arms against the state, conspiring with enemy forces, or engaging in activities that undermine national sovereignty.[106]

However, Nicaragua's recent enactment of Law No. 1055 significantly broadens the definition of treason beyond its historical and legal foundations. The law expands the scope of treason to include non-violent actions such as demanding, exalting, or applauding the imposition of sanctions against the state and its citizens.[107] In practice, it has also been used to target political opposition figures perceived by the government as a threat.[108] Notably, in February 2023, 222 political prisoners were stripped of their nationality and deported to the United States under these legal provisions, followed shortly by 94 other dissidents—among them writers, politicians, and judges—whose citizenship was also revoked through ambiguous judicial rulings that invoked treason and alleged threats to sovereignty.[109] This redefinition departs from conventional legal understandings and serves as a tool for suppressing dissent rather than addressing genuine threats to national security.

The Statelessness Convention establishes strict criteria for nationality deprivation, recognizing that such measures should be exceptional and not arbitrary. Article 3(a)(ii) of the Convention allows for nationality deprivation when an individual's actions are prejudicial to the vital interests of the state. However, the acts categorized under treason by Nicaragua's Law No. 1055 do not necessarily meet this threshold. While the traditional definition of treason under Nicaragua's Penal Code could justify nationality deprivation, as it focuses on direct threats to national security, Law No. 1055's expansive and vague provisions fail to align with these principles. By conflating peaceful political expression with treason, the law undermines the very safeguards the Statelessness Convention seeks to uphold.[110]

Deprivation of Nationality: Summary Conclusions, 68. "The exception does not cover criminal offences of a general nature. On the other hand, acts of treason, espionage and—depending on their interpretation in domestic law—'terrorist acts' may be considered to fall within the scope of this paragraph. Only acts that significantly undermine these core functions can justify the deprivation of nationality."

102 *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, 62.

103 Mutia Iftiyani Rohrohmana and Eko Soponyono, "Treason as a Crime against State Security: A Legal Review in Indonesian Criminal Law," *International Journal of Social Science and Human Research* 7, no. 07 (2024): 5794–95, https://doi.org/10.47191/ijsshr/v7-i07-131.

104 Youngjae Lee, "Punishing Disloyalty? Treason, Espionage, and the Transgression of Political Boundaries," *Law and Philosophy* 31, no. 3 (2012): 31, https://doi.org/10.1007/s10982-011-9123-0.

105 Rohrohmana and Soponyono, "Treason as a Crime against State Security: A Legal Review in Indonesian Criminal Law," 5793.

106 Law No. 641. Criminal Code of the Republic of Nicaragua, Official Gazette of Nicaragua, No. 83, arts. 409–412.

107 Law No. 1055, the Law for the Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace, Official Gazette of Nicaragua, No. 237, art. 1.

108 Federación Internacional por los Derechos Humanos, *Exile and Civil Death: Serious Impacts of Arbitrary Deprivation of Nationality on Individuals Defending Human Rights and Opposing the Dictatorship in Nicaragua*, 3,10.

109 Inter-American Commission on Human Rights, "IACHR Condemns Arbitrary Revocation of Nationality of 135 Recently Released Prisoners in Nicaragua, Press Release 217/24," Oas.Org, September 13, 2024, https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2024/217.asp; Kai Ambos, "Nicaragua: Expatriation as an Aggravated Form of Political Persecution," EJIL:Talk!, February 27, 2023, https://www.ejiltalk.org/nicaragua-expatriation-as-an-aggravated-form-of-political-persecution/; Instituto Internacional sobre Raza et al., "Ante La CIDH: Víctimas de Estado de Nicaragua y Sus ONG's Representantes Denuncian Privación Arbitraria de La Nacionalidad y Otras Violaciones de Derechos Humanos," Raceandequality.Org, March 13, 2023, https://raceandequality.org/es/resources/ante-la-cidh-victimas-de-estado-de-nicaragua-y-sus-ongs-representantes-denuncian-privacion-arbitraria-de-la-nacionalidad-y-otras-violaciones-de-derechos-humanos/.

110 UN Human Rights Council, *Human Rights and Arbitrary Deprivation of Nationality*, 8.

Furthermore, demanding, exalting, or applauding the imposition of international sanctions against a state and its citizens should not be considered treason; instead, it constitutes a legitimate exercise of freedom of expression, as protected under international human rights law. Such expressions embody the fundamental right to engage in global discussions on justice and accountability and should not be met with threats, reprisals, or criminalization.[111]

This position is reinforced by the Human Rights Council, which has strongly condemned the targeting, intimidation, arbitrary detention, and violence against individuals—including journalists, media workers, and human rights defenders—for merely advocating for human rights, reporting violations, or cooperating with international mechanisms.[112] The protection of such speech is crucial for safeguarding economic, social, and cultural rights, as suppression not only infringes upon fundamental freedoms but also fosters impunity, particularly when public authorities are complicit in repression.

The United Nations General Assembly has further affirmed this principle, recognizing that individuals have the right to express their views and protest peacefully. States have a duty to respect, protect, and facilitate these rights equally for all persons.[113] Moreover, the General Assembly has acknowledged that civil disobedience, non-violent protests against unjust restrictions, and campaigns advocating for boycotts, divestment, and sanctions are legitimate forms of political expression that should neither be prohibited nor criminalized.[114]

As a state party to the Statelessness Convention, Nicaragua is bound by its object and purpose: to prevent and reduce statelessness. However, the Convention also recognizes that sovereign states have a degree of discretion in safeguarding their national integrity.[115] In exceptional circumstances, a state may withdraw nationality from individuals who engage in acts that pose an existential threat to its security and stability.[116] This narrow exception is based on the principle that sovereignty includes the authority to define and regulate nationality and the responsibility to uphold fundamental human rights.

However, this discretion is not unlimited. The ability to revoke nationality must be exercised in a manner consistent with international legal obligations, ensuring that such measures are neither arbitrary nor politically motivated. The Convention's provisions were never designed to function as instruments enabling governments to suppress dissent through an expansive redefinition of treason.[117] Rather, they establish a stringent legal standard, requiring that any deprivation of nationality be grounded in a genuine and demonstrable threat to the state's fundamental interests.[118] By classifying peaceful political expression as an act of treason, Nicaragua goes beyond the permissible scope of this narrowly defined exception, thereby violating not only the principles of the Statelessness Convention but also broader human rights norms intended to prevent the misuse of nationality laws as a mechanism of political repression.[119]

By disregarding these international standards, Nicaragua's application of Law No. 1055 constitutes a clear violation of the Statelessness Convention. The arbitrary broadening of treason beyond its traditional legal framework undermines the protections enshrined in international law and renders the Convention's objective of reducing statelessness increasingly difficult to achieve. When states manipulate the definition of treason to target political dissidents, they erode the legitimacy of nationality laws and violate fundamental human rights protections. Consequently, Nicaragua's actions contradict its obligations under the Statelessness Convention and simultaneously undermine broader international norms aimed at preventing the abusive use of nationality deprivation as a means of political repression. What is particularly striking is that, in practice, such deprivations have proceeded without any concrete demonstration of an actual threat to the state's vital interests.[120] The allegations

111 UN Human Rights Council, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development*, 3.
112 UN Human Rights Council, 3.
113 UN Human Rights Council, *Resolution Adopted by the Human Rights Council on 11 July 2024*, UN Doc A/HRC/RES/56/10 (2024), 2, https://docs.un.org/en/A/HRC/RES/56/10.
114 UN General Assembly, *Global Threats to Freedom of Expression Arising from the Conflict in Gaza*, 85.
115 *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, 11.
116 *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, 62–64.
117 UNHCR, *Expert Meeting Interpreting the 1961 Statelessness Convention and Avoiding Statelessness Resulting from Loss and Deprivation of Nationality: Summary Conclusions*, 71.
118 *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, 63.
119 UN Human Rights Council, *Human Rights and Arbitrary Deprivation of Nationality*, 7.
120 Federación Internacional por los Derechos Humanos, "Nicaragua: Comunidad Internacional Debe Rechazar Las Privaciones

rest on broad and unsubstantiated claims of treason, leaving those affected in a state of legal uncertainty regarding both the basis and the evidence underpinning their deprivation of nationality.

3.4.2 Deprivation of Nationality as a Form on Restriction of Freedom of Expression in Nicaragua under the ICCPR

Nicaragua's deprivation of nationality in a response to political expression raises serious concerns under international human rights law, particularly in relation to freedom of expression as protected by the ICCPR. The act of supporting international sanctions, rather than constituting an act of treason, should be understood as a legitimate form of political expression. The punitive use of nationality deprivation in retaliation against to dissent raises significant legal and ethical questions, particularly when evaluated under the ICCPR framework, which mandates that any restriction on freedom of expression must be provided by law, necessary to achieve its legitimate aim, and proportionate.

For a restriction to be considered "provided by law," it must have a basis in domestic legislation that meets fundamental principles of legal clarity, accessibility, and predictability.[121] The HRC has emphasized the need for legal precision, particularly in cases where broadly framed provisions are used to curtail fundamental freedoms. In *Sannikov v. Belarus*, the HRC found that the dispersal of an assembly failed to meet the "provided by law" requirement because the relevant legal provisions lacked sufficient clarity to allow individuals to foresee the consequences of their actions.[122] Specifically, the Committee noted that Article 293 of the Belarusian Criminal Code was too vague and broad, offering no definition of what constituted "mass disorder," thereby violating the principle of legal certainty. Similarly, in Nicaragua's case, the legal framework underpinning nationality deprivation fails to satisfy this standard. Law No. 1145, the Special Law Regulating the Loss of Nicaraguan Nationality, and Law No. 1055, the Law for the Defense of the People's Rights to Independence, Sovereignty, and Self-Determination for Peace, are framed in overly broad and ambiguous terms. These laws fail to define the precise scope of what constitutes "demanding, exalting, or applauding the imposition of international sanctions against the state and its citizens" (*aquellos que demanden, exalten y aplaudan la imposición de sanciones contra el Estado de Nicaragua y sus ciudadanos*), leaving significant room for arbitrary interpretation and enforcement.[123] This lack of clarity was evident when, in February 2023, 222 political prisoners, as well as an additional 94 critics, were denationalized under these vague provisions, with no specific explanation of how their speech met the alleged threshold of treason. Without clear definitions, individuals cannot reasonably predict which forms of expression may trigger such an extreme penalty.[124] This lack of specificity violates the principle of legality under international human rights law, which requires that laws be formulated with sufficient precision to prevent discretionary abuse. As a result, Nicaragua's actions do not satisfy the requirement that restrictions on freedom of expression be "provided by law" under Article 19 of the ICCPR.

Beyond "provided by law", any restriction on freedom of expression must also be necessary to achieve its legitimate aim, meaning that it must serve a pressing social need and directly address a legitimate threat, such as a threat to national security or the protection of the rights of others.[125] In the case of Nicaragua's deprivation of nationality targeting political dissidents, journalists, and activists, the restrictions fail to meet this requirement.

While national security is a recognized basis for restricting freedom of expression, such limitations must be strictly necessary to achieve a legitimate aim. National security concerns can justify restrictions only when they are essential to protect the nation's existence, territorial integrity, or political independence against force or the threat of force.[126] However, states cannot invoke national security as a pretext to suppress opposition or perpetuate repressive practices against their own population.[127] The HRC and the European Court of Human Rights (ECtHR), interpreting different legal instruments, have each affirmed that restrictions on speech are

Arbitrarias de La Nacionalidad," Fidh.Org, September 12, 2023, https://www.fidh.org/es/region/americas/nicaragua/nicaragua-comunidad-internacional-debe-rechazar-las-privaciones.

121 UN Human Rights Committee, *General Comment No. 34: Article 19, Freedoms of Opinion and Expression*, 25.

122 Andrei Sannikov v. Belarus, Communication No. 2212/2012, CCPR/C/122/D/2212/2012 (UN Human Rights Committee May 14, 2018), 6.12, https://ccprcentre.org/files/decisions/G1813304.pdf.

123 Law No. 1055, the Law for the Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace, Official Gazette of Nicaragua, No. 237, art. 1.

124 Matanat Baliyar Gizi Gurbanova and Saadat Baliyar Gizi Muradasilova v. Azerbaijan, Communication 2952/2017, CCPR/C/131/D/2952/2017 (UN Human Rights Committee November 18, 2021), 5.4, https://ccprcentre.org/files/decisions/G2134121.pdf.

125 Nihal Jayawickrama, *The Judicial Application of Human Rights Law: National, Regional and International Jurisprudence*, 2nd ed. (Cambridge: Cambridge University Press, 2017), 809–10, https://doi.org/10.1017/9781139059121.

126 Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, 29.

127 Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, 32.

justified only when the statements in question glorify or incite violence, as seen in *Fatih Taş v. Turkey*.[128] Even in such cases, the necessity of the restriction must be demonstrated.

A key requirement for invoking national security as grounds for limitation is the establishment of a clear causal link between the restricted expression and an actual threat. States bear the burden of proving that the restriction is not only necessary but also proportionate to the danger posed.[129] In Nicaragua's case, the deprivation of nationality fails to meet this threshold. The affected individuals did not engage in acts of violence or pose a direct threat to national security; rather, they merely expressed opposition to the government.[130] For example, many of those expelled in 2023 had participated solely in peaceful political advocacy or journalism, yet were labelled "traitors to the homeland" without any evidence of imminent harm against national security. Furthermore, the government has not demonstrated a direct and immediate connection between the restricted speech and any genuine harm to national security or public order.[131] Without such evidence, the restriction cannot be deemed necessary.

Similarly, Nicaragua's attempt to justify its actions by invoking the protection of reputation is fundamentally flawed. In *Marques v. Angola*, the HRC reaffirmed that public officials, including heads of state, must tolerate criticism, even if the statements are inaccurate or unfavorable, as long as they are not expressed with actual malice.[132] The ICCPR underscores the importance of public debate in a democratic society, recognizing political criticism—including support for international sanctions—as a form of protected expression. Therefore, Nicaragua's actions cannot be justified under claims of reputational harm, as they ultimately serve not to protect legitimate interests, but rather to stifle dissent.

This analysis emphasizes that no pressing social need justifies stripping individuals of nationality simply for criticizing the government. Nicaragua's actions seem retaliatory or punitive rather than necessary to protect national security or public order. Political advocacy, such as supporting international sanctions, does not inherently endanger state security or stability. Without concrete evidence or objective justification, Nicaragua's actions violate international human rights law, which mandates that restrictions on freedom of expression must be necessary to achieve a legitimate aim.

Even if a restriction is deemed necessary, it must also be proportionate. The principle of proportionality requires that the measure imposed not exceed what is strictly required to achieve its legitimate aim and that no less restrictive alternative is available.[133] Freedom of expression holds particular weight in matters of political discourse, especially in democratic societies where public debate is essential.[134] The deprivation of nationality for expressing support for sanctions is an excessively severe measure that fails the proportionality test.[135] Stripping individuals of their nationality not only penalizes them for their speech but also deprives them of a wide range of fundamental rights, including access to education, healthcare, employment, property ownership, and social

128 UN Human Rights Council, *Annual Report of the United Nations High Commissioner for Human Rights on the Expert Workshops on the Prohibition of Incitement to National, Racial or Religious Hatred*, UN Doc A/HRC/22/17/Add.4 (2013), 4, https://www.ohchr.org/sites/default/files/Rabat_draft_outcome.pdf; United Nations Human Rights Council, *Expert Seminar on the Links Between Articles 19 and 20 of the ICCPR: Freedom of Expression and Advocacy of Religious Hatred That Constitutes Incitement to Discrimination, Hostility or Violence*, UN Doc A/HRC/10/31/Add.3 (Geneva, 2008), 24, https://docs.un.org/en/A/HRC/10/31/Add.3; Fatih Taş v. Turkey (No. 3), Judgment, Application no. 45281/08 (European Court of Human Rights, Strasbourg April 24, 2018), final, paras. 34, 37, https://hudoc.echr.coe.int/eng?i=001-182443.

129 Aleksandr Burakov v. Belarus, Communication No. 2692/2015, CCPR/C/131/D/2692/2015 (UN Human Rights Committee 2021), 7.3; Dina Baydildayeva v. Kazakhstan, Communication No. 2545/2015, CCPR/C/137/D/2545/2015 (UN Human Rights Committee 2023), 8.3, https://ccprcentre.org/files/decisions/G2307483.pdf.

130 Federación Internacional por los Derechos Humanos, *Exile and Civil Death: Serious Impacts of Arbitrary Deprivation of Nationality on Individuals Defending Human Rights and Opposing the Dictatorship in Nicaragua*, 4–5; FIDH and CENID, *Nicaragua: New Turn in the Human Rights Crisis, Advocay Note* (2023), 3,10, https://www.fidh.org/en/region/americas/nicaragua/nicaragua-new-turn-in-the-human-rights-crisis.

131 Office of the Special Rapporteur on the Situation of Human Rights Defenders, *Communication to the State of Nicaragua*, 3.

132 UN Human Rights Committee, General Comment No. 34: Article 19, Freedoms of Opinion and Expression, 21,47; Rafael Marques de Morais v. Angola, Communication No. 1128/2002, CCPR/C/83/D/1128/2002 (UN Human Rights Committee May 18, 2005), 6.8, https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=kQ2n600JFr4AfHfj%2fBpFyVlaOgrel5qcfxH%2bEfTT7GVLRrrZY6tnrbFiS7uy8xiC47T13x%2buVRLdG58zHrSdRD9bKazv4K9js8zbpeck7xE%3d; UN Human Rights Council, Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development, 34.

133 UN Human Rights Committee, *General Comment No. 34: Article 19, Freedoms of Opinion and Expression*, 34.

134 Dina Maslova v. Kyrgyzstan, Communication No. 3252/2018, CCPR/C/139/D/3252/2018 (UN Human Rights Committee 2024), 8.5, https://ccprcentre.org/files/decisions/G2325912_(1).pdf.

135 Instituto de Relaciones Internacionales, "On the Arbitrary Deprivation of Nationality by Nicaragua," Iri.Edu.Ar, 10 March 20233, https://www.iri.edu.ar/index.php/2023/03/10/sobre-la-privacion-arbitraria-de-la-nacionalidad-por-parte-de-nicaragua/.

security.[136] The HRC has emphasized that any restriction on speech must be the least intrusive means available to achieve its purpose.[137] The mass denationalizations of February 2023 and the retroactive constitutional reforms in 2025—implemented without due process or individualized assessment—underscore the excessive nature of Nicaragua's approach. In this case, less restrictive measures—such as counter-speech, open dialogue, or legal avenues for addressing national concerns—would be far more appropriate and in line with democratic principles.[138] Nicaragua's extreme measures illustrate a disproportionate response that cannot be justified under international human rights law.

Taken together, Nicaragua's actions violate all three requirements under Article 19 of the ICCPR. The restrictions on freedom of expression are not adequately "provided by law", given the vague and overly broad nature of the relevant statutes. They are not necessary, as there is no demonstrable link between the expression in question and any concrete threat. Finally, they are not proportionate, as nationality deprivation constitutes an excessively punitive response that infringes upon multiple fundamental rights. By weaponizing nationality as a tool for political suppression, Nicaragua undermines its international obligations and sets a dangerous precedent by restricting free expression through coercive state measures. In several documented cases, denationalized individuals were left in legal limbo, without clarity on the specific threats they were accused of posing, underscoring the arbitrary and opaque nature of these measures. These actions call for urgent international scrutiny and reaffirm the necessity of adhering to established human rights norms to protect individuals against arbitrary and disproportionate restrictions on their fundamental freedoms.

4. Conclusion

Nicaragua's expansive and politically motivated use of nationality deprivation under Laws No. 1055 and 1145 constitutes a clear violation of international human rights obligations and undermines the core objectives of the 1961 Statelessness Convention. By equating peaceful political expression—such as support for international sanctions—with acts of treason, the government has weaponized vague legal standards to suppress dissent and eliminate political opposition. Such advocacy falls squarely within the scope of protected political expression under Article 19 of the International Covenant on Civil and Political Rights (ICCPR), and any attempt to restrict it—such as through nationality deprivation—must satisfy the strict requirements of legality, necessity, and proportionality. Nicaragua's actions fail to meet these standards, thereby rendering the restriction illegitimate under international law and exposing the dangerous loopholes within Article 8(3)(a)(ii) of the Statelessness Convention. To safeguard the right to nationality and prevent the rise of statelessness, it is imperative that this provision be either reinterpreted or revised, so as to exclude non-violent political activity from its application and to ensure the adoption of stronger procedural safeguards, independent judicial oversight, and effective international accountability mechanisms. Without such measures, the credibility of international law risks being eroded, leaving the door open for states to continue exploiting citizenship laws as instruments of political repression.

ACKNOWLEDGMENT

I would like to express my sincere gratitude to my thesis advisor for the invaluable guidance, constructive feedback, and continuous support throughout the research and writing process. I am also thankful to the examiners for their insightful comments and suggestions, which have greatly contributed to the improvement of this work. Finally, I am deeply grateful to my family for their encouragement and understanding, as well as to my friends for their constant support and motivation.

REFERENCES

African Charter on Human and Peoples' Rights, United Nations Treaty Series, Vol. 1520, p. 217 (1981). https://au.int/en/treaties/african-charter-human-and-peoples-rights.

Ahmad, Nafees. "Right to Nationality and the Reduction of Statelessness: The Responses of the International Migration Law Framework." *Groningen Journal of International Law* 5, no. 1 (2017): 1–22. https://doi.org/10.21827/59db69b590f71.

136 UN Human Rights Council, *Impact of the Arbitrary Deprivation of Nationality on the Enjoyment of the Rights of Children Concerned, and Existing Laws and Practices on Accessibility for Children to Acquire Nationality, Inter Alia, of the Country in Which They Are Born, If They Otherwise Would Be Stateless*, 3.

137 UN Human Rights Committee, *General Comment No. 34: Article 19, Freedoms of Opinion and Expression*, 34.

138 UN Human Rights Council, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development*, 41.

Aleksandr Burakov v. Belarus, Communication No. 2692/2015, CCPR/C/131/D/2692/2015 (UN Human Rights Committee 2021).

Alexander, Heather. "The Nationality and Statelessness of Nomads Under International Law." Dissertation, Tilburg University, 2020. https://doi.org/10.2139/ssrn.3762178.

Aliya Ismagulova and Rozlana Taukina v. Kazakhstan, Communication No. 2664/2015, CCPR/C/130/D/2664/2015 (UN Human Rights Committee 2021). https://digitallibrary.un.org/record/3971195/files/CCPR_C_130_D_2664_2015-EN.pdf?ln=zh_CN.

Alvaro José González Robelo v. Nicaragua, Case 12.144, Report No. 25/01, OEA/Ser.L/V/II.111 Doc. 20 rev (Inter-American Commission on Human Rights 2000). https://www.worldcourts.com/iacmhr/eng/decisions/2001.03.05_Robelo_Gonzalez_v_Nicaragua.pdf.

Ambos, Kai. "Nicaragua: Expatriation as an Aggravated Form of Political Persecution." EJIL:Talk!, February 27, 2023. https://www.ejiltalk.org/nicaragua-expatriation-as-an-aggravated-form-of-political-persecution/.

———. "Nicaragua: La Expatriación Como Forma Agravada de Persecución Política." Almacén de Derecho, February 22, 2023. https://almacendederecho.org/nicaragua-la-expatriacion-como-forma-agravada-de-persecucion-politica.

American Convention on Human Rights, United Nations Treaty Series, Vol. 1144, p. 123 (1969). https://treaties.un.org/doc/publication/unts/volume%201144/volume-1144-i-17955-english.pdf.

Andrei Sannikov v. Belarus, Communication No. 2212/2012, CCPR/C/122/D/2212/2012 (UN Human Rights Committee May 14, 2018). https://ccprcentre.org/files/decisions/G1813304.pdf.

BBC News Mundo. "En Qué Consiste La Controvertida Reforma 'Exprés' Con La Que Nicaragua Convirtió En 'Apátridas' a Los Opositores Liberados y Enviados a EE.UU." Bbc.Com, February 10, 2023. https://www.bbc.com/mundo/noticias-america-latina-64601707.

Bloom, Tendayi, and Lindsey N. Kingston, eds. *Statelessness, Governance, and the Problem of Citizenship*. Manchester: Manchester University Press, 2021. https://doi.org/10.7765/9781526156426.

Bücken, Lennert, and Rainer de Groot. "Deprivation of Nationality under Article 8(3) of the 1961 Convention on the Reduction of Statelessness." *Maastricht Journal of European and Comparative Law* 25, no. 1 (2018): 46.

Carles Puigdemont i Casamajó v. Spain, Communication No. 3165/2018, CCPR/C/137/D/3165/2018 (UN Human Rights Committee 2023). https://digitallibrary.un.org/record/4035858/files/CCPR_C_137_D_3165_2018-EN.pdf.

Carlos Eduardo Pérez Barriga, César Enrique Pérez Barriga and Carlos Nicolás Pérez Lapenti v. Ecuador, Communication No. 3267/2018, CCPR/C/136/D/3267/2018 (UN Human Rights Committee 2023). https://documents.un.org/access.nsf/get?OpenAgent&DS=CCPR/C/136/D/3267/2018&Lang=E.

Civil Code (1804). https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070721/1804-03-25/.

Confidencial.Digital. "Imponen En Constitución Despojo de Nacionalidad Por 'Traición a La Patria.'" January 15, 2025. https://confidencial.digital/politica/imponen-en-constitucion-despojo-de-nacionalidad-por-traicion-a-la-patria/.

Contra Punto. "Despojo de Nacionalidad Es Una 'Aberración al Estado de Derecho En Nicaragua.'" February 16, 2023. https://www.contrapunto.com.sv/despojo-de-nacionalidad-es-una-aberracion-al-estado-de-derecho-en-nicaragua/.

Contreras Reyes, Beatriz Antonieta. "La Investigación de Las Causas Por Violaciones de Derechos Humanos En El Contexto de La Protesta Social, Por Hechos Ocurridos Desde El 18 de Octubre En Adelante." Tesis, Universidad de Chile, 2022. https://doi.org/10.58011/35ZJ-5N84.

Convention on Certain Questions Relating to the Conflict of Nationality Laws, League of Nations, Treaty Series , 179, p. 89 (1930). https://treaties.un.org/PAGES/LONViewDetails.aspx?src=LON&id=524&chapter=30&clang=_en.

Convention on the Reduction of Statelessness, United Nations Treaty Series, Vol. 989, p. 175 (1961). https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&clang=_en.

Convention on the Rights of Persons with Disabilities, United Nations Treaty Series, Vol. 2515, p. 3 (2006). https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-15&chapter=4&clang=_en.

Convention on the Rights of the Child, United Nations Treaty Series, Vol. 1577, p. 3 (1989). https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.

Convention Relating to the Status of Stateless Persons, United Nations Treaty Series, Vol. 360, p. 117 (1954). https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&lang=en.

De Gori, Esteban. "Estar Sin Nacionalidad Es Como Estar En Un Limbo." Revista Anfibia, UNSAM, February 24, 2023. https://www.revistaanfibia.com/daniel-ortega-deportados-estar-sin-nacionalidad-estar-en-un-limbo/.

Dina Baydildayeva v. Kazakhstan, Communication No. 2545/2015, CCPR/C/137/D/2545/2015 (UN Human Rights Committee 2023). https://ccprcentre.org/files/decisions/G2307483.pdf.

Dina Maslova v. Kyrgyzstan, Communication No. 3252/2018, CCPR/C/139/D/3252/2018 (UN Human Rights Committee 2024). https://ccprcentre.org/files/decisions/G2325912_(1).pdf.

Ebright, Katherine Yon. "Nationality and Defining the 'Right to Have Rights.'" *Columbia Journal of Transnational Law* 56 (February 2017): S856–97.

Edwards, Alice, and Laura Van Waas, eds. *Nationality and Statelessness under International Law*. Cambridge: Cambridge University Press, 2014. https://doi.org/10.1017/CBO9781139506007.

EFE: "Nicaragua Ha Privado de Su Nacionalidad y de Sus Bienes a 452 Nicaragüenses En Dos Años." September 10, 2024. https://efe.com/mundo/2024-09-10/nicaragua-nacionalidad-bienes/](https://efe.com/mundo/2024-09-10/nicaragua-nacionalidad-bienes/.

EFE Agency. "La Nacionalidad, Un Derecho Humano Del Que Nadie Te Puede Privar." La Vanguardia, February 17, 2023. https://www.lavanguardia.com/internacional/20230217/8765698/nicaragua-nacionalidad-derechos-humanos-dictadura.html.

European Convention on Human Rights, European Treaty Series, No. 5 (1950). https://www.echr.coe.int/documents/d/echr/convention_ENG.

European Parliament. *Repression by the Ortega-Murillo Regime in Nicaragua, Targeting Human Rights Defenders, Political Opponents and Religious Communities in Particular*. P10_TA(2025)0017. 2025. https://www.europarl.europa.eu/doceo/document/TA-10-2025-0017_EN.pdf.

Fatih Taş v. Turkey (No. 3), Judgment, Application no. 45281/08 (European Court of Human Rights, Strasbourg April 24, 2018). https://hudoc.echr.coe.int/eng?i=001-182443.

Federación Internacional por los Derechos Humanos. *Exile and Civil Death: Serious Impacts of Arbitrary Deprivation of Nationality on Individuals Defending Human Rights and Opposing the Dictatorship in Nicaragua*. FIDH Report N° 821a. Paris, 2023. https://www.fidh.org/IMG/pdf/nicaragua821angweb.pdf.

———. "Nicaragua: Comunidad Internacional Debe Rechazar Las Privaciones Arbitrarias de La Nacionalidad." Fidh.Org, September 12, 2023. https://www.fidh.org/es/region/americas/nicaragua/nicaragua-comunidad-internacional-debe-rechazar-las-privaciones.

FIDH and CENID. *Nicaragua: New Turn in the Human Rights Crisis, Advocay Note*. 2023. https://www.fidh.org/en/region/americas/nicaragua/nicaragua-new-turn-in-the-human-rights-crisis.

Foster, Michelle. "The 1961 Convention on the Reduction of Statelessness: History, Evolution and Relevance." *Statelessness & Citizenship Review* 4, no. 1 (2022): 188–93. https://doi.org/10.35715/SCR40011115.

Global Voices América Latina. "Los Apátridas de Nicaragua Buscan Justicia." Globalvoices.Org, April 4, 2025. https://es.globalvoices.org/2025/04/04/los-apatridas-de-nicaragua-buscan-justicia/.

Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness, HCR/GS/20/05 (UN Human Rights Committee 2020). https://www.refworld.org/policy/legalguidance/unhcr/2020/en/123216.

Halelkhan Adilkhanov v. Kazakhstan, Communication No. 2686/2015, CCPR/C/128/D/2686/2015 (UN Human Rights Committee May 28, 2020). https://ccprcentre.org/files/decisions/G2012283_(1).pdf.

Igor Postnov v. Belarus, Communication No. 2361/2014, CCPR/C/132/D/2361/2014 (UN Human Rights Committee March 10, 2022). https://ccprcentre.org/files/decisions/G2228169_(1).pdf.

Ilya Dobrotvor v. Belarus, Communication No. 2622/2015, CCPR/C/131/D/2622/2015 (UN Human Rights Committee February 24, 2022). https://docs.un.org/en/CCPR/C/131/D/2622/2015.

Institute on Statelessness and Inclusion. "Submission to the Human Rights Council Universal Periodic Review 47th Session 4th Cycle: Nicaragua." November 4, 2024. https://files.institutesi.org/UPR47_Nicaragua.pdf.

Institute on Statelessness and Inclusion and la Coalition de la Société Civile de Lutte Contre l'Apatridie. "Joint Submission to the Human Rights Council at the 33rd Session of the Universal Periodic Review: Côte d'Ivoire." October 4, 2018. https://files.institutesi.org/UPR33_Cote_dIvoire.pdf.

Instituto de Relaciones Internacionales. "On the Arbitrary Deprivation of Nationality by Nicaragua." Iri.Edu.Ar, 10 March 20233. https://www.iri.edu.ar/index.php/2023/03/10/sobre-la-privacion-arbitraria-de-la-nacionalidad-por-parte-de-nicaragua/.

Instituto Internacional sobre Raza, Igualdad y Derechos Humanos (Raza e Igualdad), and Unidad de Defensa Jurídica (UDJ). "Ante La CIDH: Víctimas de Estado de Nicaragua y Sus ONG's Representantes Denuncian Privación Arbitraria de La Nacionalidad y Otras Violaciones de Derechos Humanos." Raceandequality.Org, March 13, 2023. https://raceandequality.org/es/resources/ante-la-cidh-victimas-de-estado-de-nicaragua-y-sus-ongs-representantes-denuncian-privacion-arbitraria-de-la-nacionalidad-y-otras-violaciones-de-derechos-humanos/.

Inter-American Commission on Human Rights. *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*. OEA/Ser.L/V/II. Doc. 86. 2018. https://reliefweb.int/report/nicaragua/gross-human-rights-violations-context-social-protests-nicaragua.

———. "IACHR Condemns Arbitrary Revocation of Nationality of 135 Recently Released Prisoners in Nicaragua, Press Release 217/24." Oas.Org, September 13, 2024. https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2024/217.asp.

International Convention on the Elimination of All Forms of Racial Discrimination, United Nations Treaty Series, Vol. 660, p. 19 (1965). https://treaties.un.org/doc/Publication/UNTS/Volume%20660/volume-660-I-9464-English.pdf.

International Covenant on Civil and Political Rights, United Nations Treaty Series, Vol. 999, p. 171 (1966). https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf.

Jayawickrama, Nihal. *The Judicial Application of Human Rights Law: National, Regional and International Jurisprudence*. 2nd ed. Cambridge: Cambridge University Press, 2017. https://doi.org/10.1017/9781139059121.

Law No. 641. Criminal Code of the Republic of Nicaragua, Official Gazette of Nicaragua, No. 83 (2008).

Law No. 1055, the Law for the Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace, Official Gazette of Nicaragua, No. 237 (2020). https://www.tortillaconsal.com/tortilla/node/10932.

Law No. 1145, the Special Law Regulating the Loss of Nicaraguan Nationality, Official Gazette of Nicaragua, No. 244 (2022).

Lee, Youngjae. "Punishing Disloyalty? Treason, Espionage, and the Transgression of Political Boundaries." *Law and Philosophy* 31, no. 3 (2012): 299–342. https://doi.org/10.1007/s10982-011-9123-0.

Leonid Svetik v. Belarus, Communication No. 927/2000, CCPR/C/81/D/927/2000 (UN Human Rights Committee July 8, 2004). 1 Sept 2025.

Leonid Zdrestov v. Belarus, Communication No. 2391/2014, CCPR/C/128/D/2391/2014 (UN Human Rights Committee June 9, 2020). https://ccprcentre.org/files/decisions/G2014159.pdf.

Markus Wilhelm v. Austria, Communication No. 3317/2019, CCPR/C/139/D/3317/2019 (UN Human Rights Committee January 30, 2024). https://ccprcentre.org/files/decisions/G2400905_(3).pdf.

Matanat Baliyar Gizi Gurbanova and Saadat Baliyar Gizi Muradasilova v. Azerbaijan, Communication 2952/2017, CCPR/C/131/D/2952/2017 (UN Human Rights Committee November 18, 2021). https://ccprcentre.org/files/decisions/G2134121.pdf.

MENA Rights Group. *Citizenship Stripping in the United Arab Emirates: Statelessness as a Tool of Crackdown*. 2024. https://menarights.org/sites/default/files/2024-07/Emirati%20citizenship%20stripping%20_%20Final.pdf.

Morazán, Yader. "Nacionalidad y Apatridia En Nicaragua." Webcafeconvoz, May 20, 2025. https://cafeconvoz.com/opinion/28061-nacionalidad-y-apatridia-en-nicaragua/.

Natalya Shchukina v. Belarus, Communication 3242/2018, CCPR/C/134/D/3242/2018 (UN Human Rights Committee May 17, 2022). https://ccprcentre.org/files/decisions/G2234359.pdf.

Office of the Special Rapporteur on the Situation of Human Rights Defenders. *Communication to the State of Nicaragua*. OL NIC 1/2023. 2023.

Office of the UNHCR. "Nicaragua: Continued and Widespread Deterioration of Human Rights." Ohchr.Org, September 12, 2023. https://www.ohchr.org/en/statements-and-speeches/2023/09/nicaragua-continued-and-widespread-deterioration-human-rights&#8203.

Office of the UNHCR, OSCE Office for Democratic Institutions and Human Rights, and OSCE High Commissioner on National Minorities. *Handbook on Statelessness in the OSCE Area: International Standards and Good Practices*. Geneva: UNHCR & OSCE, n.d. Accessed September 1, 2025. https://www.osce.org/files/f/documents/5/1/302201.pdf.

Paola Ariza. "Nicaragua Revokes the Nationality and Confiscates Assets of Another Group of Former Political Prisoners." RFI, September 11, 2024. https://www.rfi.fr/es/programas/noticias-de-am%C3%A9rica/20240911-nicaragua-revoca-la-nacionalidad-y-confisca-bienes-a-un-nuevo-grupo-de-exdetenidos-pol%C3%ADticos.

Rafael Marques de Morais v. Angola, Communication No. 1128/2002, CCPR/C/83/D/1128/2002 (UN Human Rights Committee May 18, 2005). https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=kQ2n600JFr4AfHfj%2fBpFyVlaOgrel5qcfxH%2bEfTT7GVLRrrZY6tnrbFiS7uy8xiC47T13x%2buVRLdG58zHrSdRD9bKazv4K9js8zbpeck7xE%3d.

Roberto Córdova, Special Rapporteur. *Report on the Elimination or Reduction of Statelessness*. UN Doc A/CN.4/64. 1953. https://legal.un.org/ilc/documentation/english/a_cn4_64.pdf.

Rodríguez, Daniela Reyes. "¿Cómo Resolver La Apatridia? La Privación de La Nacionalidad En Nicaragua." Animal Político, March 27, 2023. https://www.animalpolitico.com/analisis/organizaciones/verdad,-justicia-y-reparaci%C3%B3n/la-privacion-de-la-nacionalidad-en-nicaragua.

Rohrohmana, Mutia Iftiyani, and Eko Soponyono. "Treason as a Crime against State Security: A Legal Review in Indonesian Criminal Law." *International Journal of Social Science and Human Research* 7, no. 07 (2024): 5793–97. https://doi.org/10.47191/ijsshr/v7-i07-131.

Saladdin Mammadov, Rashad Niftaliyev and Sadagat Abbasova v. Azerbaijan, Communication 2928/2017, CCPR/C/130/D/2928/2017 (UN Human Rights Committee January 18, 2021). https://documents.un.org/doc/undoc/gen/g21/011/24/pdf/g2101124.pdf.

Seok-Ki Lee, Hong-Yeol Kim, et al. v. Republic of Korea, Communication No. 2809/2016, CCPR/C/130/D/2809/2016 (UN Human Rights Committee June 17, 2021). https://digitallibrary.un.org/record/3971217/files/CCPR_C_130_D_2809_2016-EN.pdf.

Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights (1985). https://www.icj.org/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf.

Swiss Info. "CIDH: Nicaragua Ha Privado de Su Nacionalidad a 452 Nicaragüenses y Negado Entrada a 290." Swissinfo.Ch, April 14, 2025. https://www.swissinfo.ch/spa/cidh:-nicaragua-ha-privado-de-su-nacionalidad-a-452-nicarag%C3%BCenses-y-negado-entrada-a-290/89163812.

Tazabek Sambetbai v. Kazakhstan, Communication 2418/2014, CCPR/C/130/D/2418/2014 (UN Human Rights Committee January 20, 2021). https://documents.un.org/access.nsf/get?OpenAgent&DS=CCPR/C/130/D/2418/2014&Lang=E.

UN Executive Committee of the High Commissioner's Programme. *Statelessness (Including an Update on the #IBelong Campaign)*. UN Doc EC/74/SC/CRP.12. 2023. https://www.unhcr.org/sites/default/files/2023-05/CRP-12-Statelessness-87-SC-English.pdf.

UN General Assembly. *Global Threats to Freedom of Expression Arising from the Conflict in Gaza*. UN Doc A/79/319. 2024. https://docs.un.org/en/A/79/319.

UN Human Rights Committee. *General Comment No. 34: Article 19, Freedoms of Opinion and Expression*. UN Doc CCPR/C/GC/34. 2011. https://docs.un.org/en/CCPR/C/GC/34.

UN Human Rights Council. *Annual Report of the United Nations High Commissioner for Human Rights on the Expert Workshops on the Prohibition of Incitement to National, Racial or Religious Hatred*. UN Doc A/HRC/22/17/Add.4. 2013. https://www.ohchr.org/sites/default/files/Rabat_draft_outcome.pdf.

———. *Human Rights and Arbitrary Deprivation of Nationality*. UN Doc A/HRC/25/28. 2013. https://docs.un.org/en/A/HRC/25/28.

———. *Impact of the Arbitrary Deprivation of Nationality on the Enjoyment of the Rights of Children Concerned, and Existing Laws and Practices on Accessibility for Children to Acquire Nationality, Inter Alia, of the Country in Which They Are Born, If They Otherwise Would Be Stateless*. UN Doc A/HRC/31/29. 2015. https://www.refworld.org/reference/themreport/unhrc/2015/en/108975.

———. *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development*. UN Doc A/HRC/44/L.18/Rev.1. 2020. https://docs.un.org/en/A/HRC/44/L.18/REV.1.

———. *Resolution Adopted by the Human Rights Council on 11 July 2024*. UN Doc A/HRC/RES/56/10. 2024. https://docs.un.org/en/A/HRC/RES/56/10.

UNHCR. *Expert Meeting Interpreting the 1961 Statelessness Convention and Avoiding Statelessness Resulting from Loss and Deprivation of Nationality: Summary Conclusions*. Tunis, Tunisia, 2013. https://www.unhcr.org/sites/default/files/legacy-pdf/5465e2cb9.pdf.

———. *Global Action Plan to End Statelessness: 2014–2024*. Switzerland: UNHCR, 2019. https://www.unhcr.org/au/sites/en-au/files/legacy-pdf/54621bf49.pdf.

———. *Handbook on Protection of Stateless Persons under the 1954 Convention Relating to the Status of Stateless Persons*. Geneva: UNHCR, 2014. https://www.unhcr.org/ch/sites/ch/files/legacy-pdf/CH-UNHCR_Handbook-on-Protection-of-Stateless-Persons.pdf.

———. *Redoubling Our Efforts on Ending Statelessness: UNHCR's Strategic Plan 2023–2026*. 2023. https://www.unhcr.org/sites/default/files/2023-12/focus-area-strategic-plan-statelessness-2023-2026.pdf.

———. "Stateless People." Unhcr.Org. Accessed September 1, 2025. https://www.unhcr.org/about-unhcr/who-we-protect/stateless-people.

———. “Statement by UNHCR on the Arbitrary Deprivation of Nationality by Nicaragua.” Unhcr.Org, February 17, 2023. https://www.unhcr.org/news/press-releases/statement-unhcr-arbitrary-deprivation-nationality-nicaragua.

———. *The Campaign to End Statelessness, January – March 2024 Update*. 2024. https://www.refworld.org/sites/default/files/2024-07/ibelong-newsletter-q1-2024-v3.pdf.

United Nations. *Summary Record of the 4th Meeting of the Conference on the Elimination or Reduction of Future Statelessness*. UN Doc A/CONF.9/SR.4. Geneva, 1961. https://docs.un.org/A/CONF.9/SR.4.

———. *Summary Record of the 6th Meeting of the Conference on the Elimination or Reduction of Future Statelessness*. UN Doc A/CONF.9/SR.6. 1961. https://docs.un.org/A/CONF.9/SR.6.

United Nations Human Rights Council. *Expert Seminar on the Links Between Articles 19 and 20 of the ICCPR: Freedom of Expression and Advocacy of Religious Hatred That Constitutes Incitement to Discrimination, Hostility or Violence*. UN Doc A/HRC/10/31/Add.3. Geneva, 2008. https://docs.un.org/en/A/HRC/10/31/Add.3.

United Nations Human Rights Committee. *General Comment No. 37: Article 21, Right of Peaceful Assembly*. UN Doc CCPR/C/GC/37. 2020. undocs.org/CCPR/C/GC/37.

United Nations Human Rights Council. *Violaciones de Los Derechos Humanos a La Libertad de Circulación y a La Nacionalidad: Grupo de Expertos En Derechos Humanos Sobre Nicaragua*. UN Doc A/HRC/55/CRP.3. 2024. https://reliefweb.int/report/nicaragua/violaciones-de-los-derechos-humanos-la-libertad-de-circulacion-y-la-nacionalidad-grupo-de-expertos-en-derechos-humanos-sobre-nicaragua-ahrc55crp3.

Universal Declaration of Human Rights, GA Res. 217A (III) (1948). https://docs.un.org/en/A/RES/217(III).

Vecellio Segate, Riccardo. “Biometric Technology at the Borders of Citizenship: Identifying Technical Standards for Introducer-Based Remote Onboarding in Global Contexts of Statelessness, Nomadism, Displacement, and Refuge.” *International Journal of Digital Law and Governance* 1, no. 2 (2024): 313–60. https://doi.org/10.1515/ijdlg-2024-0010.

Viktor Parfenenka v. Belarus, Communication 2737/2016, CCPR/C/134/D/2737/2016 (UN Human Rights Committee May 13, 2022). https://ccprcentre.org/files/decisions/G2234123.pdf.

Weis, Paul. “The United Nations Convention on the Reduction of Statelessness, 1961.” *The International and Comparative Law Quarterly* 11, no. 4 (1962): 1073–96.

Worster, William Thomas. “The Obligation to Grant Nationality to Stateless Children Under Customary International Law.” *Michigan State International Law Review* 27, no. 3 (2017): 441–538. https://doi.org/10.2139/ssrn.3073653.

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Conflict of Interest – The authors declares that no conflict of interest exists related to the research, authorship, or publication of this article.

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