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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-third session**  
6–17 May 2019

## **Compilation on Nicaragua**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>**

2. The Office of the United Nations High Commissioner for Human Rights (OHCHR) noted that Nicaragua had not ratified the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women or the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.<sup>3</sup>

3. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Nicaragua consider ratifying or adhering to the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>4</sup>

4. The Committee recommended that Nicaragua consider making the declarations provided for in articles 76 and 77 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>5</sup>

5. The Committee found that Nicaragua had breached article 73 of the Convention by failing to fully honour its reporting obligations.<sup>6</sup>

6. The Committee against Torture reported that, as at 18 May 2018, Nicaragua had not yet supplied follow-up information that had fallen due.<sup>7</sup> The Human Rights Committee noted that it had applied the procedure under its rule 70 of its rules of procedure to examine States parties in the absence of a report to Nicaragua.<sup>8</sup> The Committee on the Elimination of



Racial Discrimination included Nicaragua in the list of States with reports overdue by at least five years.<sup>9</sup>

7. OHCHR recommended that Nicaragua allow access to the country to the special procedures of the Human Rights Council that had requested to conduct an official visit, in accordance with the standing invitation extended by the State in 2006.<sup>10</sup>

8. Nicaragua is covered by the Regional Office for Central America of the Office of the United Nations High Commissioner for Human Rights (OHCHR).<sup>11</sup> In September 2018, OHCHR regretted the decision made by the Government of Nicaragua to expel its team, which came a day after OHCHR had published a report on human rights violations and abuses committed in the country since April. According to OHCHR, its report and recommendations provided Nicaragua with an important tool to overcome its deep political and social crisis, to strengthen its institutions and to help in the search for truth and accountability.<sup>12</sup>

9. OHCHR recommended that Nicaragua ensure effective cooperation with the Special Monitoring Mechanism for Nicaragua and the Interdisciplinary Group of Independent Experts of the Inter-American Commission on Human Rights.<sup>13</sup>

10. In December 2018, OHCHR was alarmed by the announcement made by the Government of Nicaragua that it had ordered two key human rights institutions set up by the Inter-American Commission for Human Rights to leave the country. The de facto expulsion of the Special Monitoring Mechanism for Nicaragua and the Interdisciplinary Group of Independent Experts, which had been established in full cooperation with the Government after the violence and unrest earlier in the year, meant that there were virtually no functioning independent human rights bodies left in Nicaragua. In addition, the Government declared that it would no longer accept visits by the Commission.<sup>14</sup>

11. Nicaragua made annual contributions to OHCHR during the period 2014–2017.<sup>15</sup>

### **III. National human rights framework<sup>16</sup>**

12. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families expressed its concern about the lack of information regarding the specific role of the Office of the Human Rights Advocate (Procuraduría para la Defensa de los Derechos Humanos) with regard to migration issues, its independence, the existence of a complaints mechanism accessible to migrant workers and the conduct of visits to migrant detention and custodial centres.<sup>17</sup>

13. The Committee recommended that Nicaragua provide the Office of the Human Rights Advocate with adequate financial and human resources to enable it to effectively discharge its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>18</sup>

14. OHCHR recommended that the Nicaraguan national human rights institution (Procuraduría para la Defensa de los Derechos Humanos) implement its mandate, including as national preventive mechanism for the prevention of torture, in full compliance with the Paris Principles, reinforcing the rule of law and human rights, including by monitoring the human rights situation, publicly reporting on its findings and making recommendations to authorities.<sup>19</sup>

15. OHCHR also recommended that the national human rights institution cooperate fully with the Global Alliance for National Human Rights Institutions, and seek technical assistance from OHCHR with a view to strengthening its operating practices and institutional framework to promote and protect human rights independently of the Government.<sup>20</sup>

## **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **A. Cross-cutting issues**

#### **1. Human rights and counter-terrorism**

16. In July 2018, OHCHR raised concern about the adoption of a law on money laundering and terrorism, with a very broad definition of terrorism, which could be used against people taking part in protests.<sup>21</sup> It noted that, on 16 August 2018, the National Assembly adopted legislation to include new crimes relating to terrorism.<sup>22</sup> OHCHR also noted that the trials of people charged in relation to the protests had serious flaws and did not observe due process, including the impartiality of the courts.<sup>23</sup>

17. In November 2018, seven special procedures of the Human Rights Council condemned the alleged arbitrary detention of dozens of people, and the fact that some of them appeared to be facing trumped-up charges of terrorism.<sup>24</sup>

### **B. Civil and political rights**

#### **1. Right to life, liberty and security of person<sup>25</sup>**

18. In April 2018, the Secretary-General expressed his concern about the casualties in protests in Nicaragua. He called for restraint on all sides, and called upon the Government of Nicaragua to ensure the protection of human rights of all citizens, particularly the right to peaceful assembly and freedom of expression.<sup>26</sup> The same month, four special procedures of the Human Rights Council stated that they were appalled at the violent response of Nicaraguan security forces to protests opposing social security reforms, and called upon the authorities to ensure that the fundamental freedoms of expression and peaceful assembly were respected.<sup>27</sup>

19. OHCHR noted that human rights violations documented from April to August 2018 included the disproportionate use of force by the police, which sometimes resulted in extrajudicial killings; enforced disappearances; widespread arbitrary or illegal detentions; and ill-treatment and instances of torture and sexual violence in detention centres.<sup>28</sup>

20. In July 2018, the Secretary-General expressed his concern about the continuing and intensifying violence in Nicaragua. He deplored the loss of life in the protests and the attack against Catholic Church mediators in the national dialogue.<sup>29</sup>

21. In November 2018, seven special procedures of the Human Rights Council noted that, since April 2018, repression and violence had caused the deaths of more than 300 people in Nicaragua, while another 2,000 had been injured. They noted that the crisis had started with a police crackdown on social protests, and that by mid-June, a period of outright “cleansing” had begun, with pro-government armed groups acting with impunity against those who voiced dissent.<sup>30</sup>

22. OHCHR concluded that the overall response of the authorities to protests failed to meet applicable standards of the management of assemblies, in violation of international human rights law. It observed that, although some demonstrations turned violent, the majority of protesters were peaceful. OHCHR also noted that, in cases where protesters were violent, the use of lethal force by authorities against non-lethal threats and the reliance on pro-Government armed elements also violated international human rights law.<sup>31</sup>

23. OHCHR noted that since the first days of the crisis, a pattern of involvement of pro-Government armed elements started to emerge. These groups, known as “shock forces” (*fuerzas de choque*), “mobs” (*turbas*) or *motorizados*, were on the front line of physical attacks against peaceful protesters. The role of these groups in suppressing anti-Government protests was reportedly not new, and similar patterns were seen in the past, for instance, in relation to election-related protests and in the protests against the Trans-oceanic Canal in

2016.<sup>32</sup> OHCHR recommended that Nicaragua immediately dismantle and disarm pro-Government armed elements and protect the population from attacks and other illegal and violent actions from such groups.<sup>33</sup>

24. OHCHR noted that, owing to the lack of official information regarding the number and identity of people detained and of their place of detention, many family members had camped outside El Chipote detention centre, the main pretrial detention centre in the country, for days or even weeks.<sup>34</sup>

25. In November 2018, OHCHR noted that, according to Government figures, some 273 individuals were being held in connection with the protests, while civil society sources suggested that at least 586 people were being detained.<sup>35</sup>

26. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Nicaragua ensure that its national laws, policies and practices adequately respect the right to liberty and the prohibition of arbitrary detention of migrant workers and members of their families.<sup>36</sup>

27. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Nicaragua guarantee the rights to liberty and freedom of movement for refugees and asylum seekers, and restrict the use of deprivation of liberty only as a measure of last resort, in accordance with international human rights standards.<sup>37</sup>

28. In 2014, the Subcommittee on the Prevention of Torture noted that the situation of persons deprived of their liberty in Nicaragua was extremely worrying, affirming that the Procuraduría para la Defensa de los Derechos Humanos, acting as national preventive mechanism, should play an active role in the prevention of torture and ill-treatment of persons deprived of their liberty through periodic visits to places used for deprivation of liberty.<sup>38</sup>

## **2. Administration of justice, including impunity, and the rule of law<sup>39</sup>**

29. OHCHR noted that, given their scope and persistence, the protests, which had been ongoing since April 2018, appeared to be the result of deep-rooted grievances. Since the presidential elections of 2006, the institutional framework had weakened, with a gradual concentration of the different State powers in the hands of the ruling party. This had contributed to reduced civic space, lack of independence of the judiciary and the national human rights institution, recurrent allegations of corruption and electoral fraud and media censorship, and high levels of impunity, among other issues.<sup>40</sup>

30. In July 2018, the United Nations High Commissioner for Human Rights stated that the violence and repression seen in Nicaragua since demonstrations began in April were products of the systematic erosion of human rights over the years, and highlighted the overall fragility of institutions and the rule of law.<sup>41</sup>

31. According to OHCHR, some lawyers defending individuals arrested in relation to the protests had reportedly been regularly threatened by persons close to the Government. It noted that family members and defence lawyers were not always allowed to be present during hearings, and international observers (including OHCHR, the Inter-American Commission on Human Rights and the Interdisciplinary Group of Independent Experts) had been denied authorization to monitor hearings.<sup>42</sup>

32. OHCHR noted with concern the State's lack of will to carry out prompt, impartial, thorough and independent investigations on alleged human rights violations and abuses, thereby seriously jeopardizing victims' rights to justice, truth and an effective remedy.<sup>43</sup> It recommended that Nicaragua take urgent measures to guarantee the independence and impartiality of the judiciary, refraining from any undue interference, pressure or influence.<sup>44</sup>

33. In November 2018, OHCHR continued to receive reports that fair trial rights were being violated in the criminal trials of peasant and student leaders and other people involved in the protests.<sup>45</sup> In February 2019, the High Commissioner expressed her deep concern at the apparent lack of due process and the increasing criminalization of dissent in Nicaragua. She noted that there needed to be an independent review of the convictions and sentences imposed on opposition leaders and activists who took part in the protests to

ensure that their cases were properly handled at every stage by the police, prosecutors and judges.<sup>46</sup>

34. OHCHR noted that courts had based most charges on testimonies when charging individuals with serious crimes in relation to the protests, including terrorism, organized crime and murder, and that, in some cases, the Office of the Attorney-General had accepted testimonies of alleged “covert agents” as the only evidence.<sup>47</sup>

35. OHCHR also noted that the lack of independence of the judiciary and reported irregularities of the Office of the Attorney-General and the Legal Medical Institute posed serious concerns in terms of accountability.<sup>48</sup>

36. OHCHR further noted that, on 27 April, the National Assembly, dominated by the ruling party, decided to establish a truth, justice and peace commission to investigate the acts of violence committed since 18 April, and appointed its five members. Student movements and civil society organizations rejected the body, alleging that it lacked independence of the Government.<sup>49</sup>

### **3. Fundamental freedoms and the right to participate in public and political life<sup>50</sup>**

37. OHCHR noted that the human rights crisis in Nicaragua was ongoing, and authorities continued to resort to smear campaigns, threats of prosecution, arbitrary dismissals of civil servants and other forms of harassment or intimidation against individuals perceived as critical of the Government. Leaders of rural movements and of student movements had been particularly targeted. It also noted that the level of persecution was such that many of those who had participated in the protests, defended the rights of the protesters or simply expressed a dissenting opinion had been forced to hide or left Nicaragua, or were trying to do so.<sup>51</sup>

38. In June 2018, OHCHR urged the Government to publicly express its support and respect for the important work of human rights defenders and to give clear instructions to the relevant authorities to prevent further aggression and intimidation. It also expressed its concern at continuing reports of death threats, acts of violence and intimidation against journalists, students and members of the Catholic Church, among others.<sup>52</sup>

39. OHCHR noted that public servants had also been subjected to reprisals or threats of reprisal for conducting their work. Medical doctors had been arbitrarily dismissed from public hospitals and health centres in Santa Teresa, Jinotepe, Diriamba, San Marcos and León and other cities for attending to people injured during the protests.<sup>53</sup>

40. OHCHR also noted that, rather than recognizing responsibility for any wrongdoing during the crisis, the Government had placed the blame on social and opposition leaders, human rights defenders and media outlets for what it termed “coup-related violence”, and for the negative impact of the political crisis on the country’s economy.<sup>54</sup>

41. OHCHR stated that government authorities, including President Ortega and Vice-President Murillo, and government-controlled media had increasingly stigmatized and discredited protesters and human rights defenders, describing them as “terrorists”, “coup mongers” or “plagues”. In a speech delivered on 19 July, the President accused Catholic bishops of being part of a planned coup d’état.<sup>55</sup>

42. In November 2018, seven special procedures of the Human Rights Council urged the Government of Nicaragua to put an end to the repression and reprisals against those who spoke out against the Government and cooperated with the United Nations, including human rights defenders, journalists and peaceful protesters. They expressed serious concern at the human rights violations reportedly committed against women human rights defenders, who faced particular risks, including acts of sexual violence. They had received a complaint from one woman human rights defender who had been beaten and raped by a policeman while being held in El Chipote prison, but they feared that it might be only one of many such cases. They also expressed their concern at reports of intimidation and smear campaigns against human rights defenders.<sup>56</sup>

43. On 21 December, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) expressed its concern at the acts of violence,

intimidation and harassment against women human rights defenders and women's organizations in Nicaragua. It noted that several civil society organizations had been raided and their legal status withdrawn, which posed a serious threat to the right to defend human rights.<sup>57</sup>

44. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families urged Nicaragua to ensure that reported instances of intimidation and harassment of non-governmental organizations, human rights defenders and civil society activists were investigated promptly and independently and that those responsible for such abuses were held accountable.<sup>58</sup>

45. OHCHR reported on the persecution of four human rights defenders who played an active role during the protests and were arrested in November, noting that three of them remained in custody while one had been deported. The human rights defenders arrested were the leader and representative of the anti-canal peasant movement in the national dialogue, another member of the board of the anti-canal peasant movement, one student leader and a prominent human rights defender and feminist leader, founder and director of the Centre for Information and Health Advisory Services, who was deported to Costa Rica. Following the pattern observed by OHCHR since the social and political crisis in mid-April, these detentions all presented elements of arbitrariness or contravened international human rights norms and standards.<sup>59</sup>

46. In December 2018, the United Nations High Commissioner for Human Rights stated that, after the earlier cancellation of the registration and confiscation of properties of national non-governmental organizations working on human rights, coupled with the parallel clampdown on independent media, the net result was a country where civil society was in danger of being shut out altogether.<sup>60</sup>

47. OHCHR noted that freedom of expression had been restricted in systematic and varied ways throughout the crisis. Such limitations should be considered in the light of a pre-existing environment characterized by the progressive erosion of media freedom; the concentration of media outlets in the hands of the governing party and relatives of the President and Vice-President; the absence of an independent media regulator; the use of governmental advertising to promote official media and indirectly censor independent media; and the lack of effective policies to promote and protect access to information.<sup>61</sup>

48. OHCHR reported that, in November 2018, undue restrictions of freedom of expression continued, with some journalists and media outlets subjected to harassment. On 30 November, the Institute for Telecommunications and Mail (TELCOR) issued a new administrative measure against the television channel "100% Noticias". TELCOR instructed satellite television operators not to broadcast the channel's programmes, given that "no authorization" had been granted to that effect. TELCOR announced that the suspension would last until technical studies on frequency bands were completed and 100% Noticias was granted authorization to broadcast.<sup>62</sup>

49. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that the journalist Angel Gahona was murdered on 21 April 2018 while he was transmitting live.<sup>63</sup>

50. UNESCO noted that the acts of violence committed against journalists violated not only their right to impart opinions and information but also the right of citizens and society to seek and receive information and ideas. It encouraged Nicaragua to live up to its international commitments and ensure the safety of journalists. It also encouraged the State to decriminalize defamation and to place it under the civil code, in accordance with international standards.<sup>64</sup>

#### **4. Prohibition of all forms of slavery**

51. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families welcomed the adoption of the Anti-trafficking Act (No. 896) in January 2015, and noted the measures taken to raise awareness on the issue, to prosecute and convict traffickers and to provide support to victims. The Committee was, however, concerned about the lack of information on progress in the implementation of the Act and

that the measures taken to prosecute offenders, protect victims and prevent trafficking were insufficient and had decreased in recent years.<sup>65</sup>

52. In an observation adopted in 2017, the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations noted with interest the adoption of the Act against Trafficking in Persons in 2015, highlighting that the Act defined as its purpose the prevention of trafficking in persons and the prosecution of perpetrators, as well as the establishment of specific mechanisms for saving victims, particularly children and young persons.<sup>66</sup>

53. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Nicaragua strengthen its efforts to combat trafficking in persons, in line with target 5.2 of the Sustainable Development Goals.<sup>67</sup>

## **5. Right to privacy<sup>68</sup>**

54. Regarding the relevant recommendations from the second cycle of the universal periodic review,<sup>69</sup> UNHCR commended Nicaragua on passing in 2015 a new law on rectification and repository of civil registry records, which was in line with the early childhood national policy approved in Nicaragua in 2011, and authorized the delayed registration of births at no cost.<sup>70</sup>

55. In November 2018, seven special procedures of the Human Rights Council noted that the names and addresses of certain human rights defenders had been posted online, where they had been accused of being enemies of the homeland or the Government, or responsible for funding a coup d'état.<sup>71</sup>

## **C. Economic, social and cultural rights**

### **1. Right to work and to just and favourable conditions of work<sup>72</sup>**

56. In 2018, the Economic Commission for Latin America and the Caribbean (ECLAC) reported that Nicaragua had the highest labour-force participation rate in the Central American subregion, exceeding the average by more than 10 percentage points. In 2017, the labour-force participation rate in Nicaragua was 73.5 per cent.<sup>73</sup>

57. The ILO Committee of Experts noted with regret that the report of Nicaragua did not contain any information on the steps taken to make the age of completion of compulsory schooling coincide with the minimum age for admission to employment or work, namely 14 years.<sup>74</sup>

### **2. Right to an adequate standard of living<sup>75</sup>**

58. In its annual report 2017, UNICEF noted that, according to living standards measurement surveys, the proportion of the population living under the general poverty line in Nicaragua dropped from 42.5 per cent to 24.9 per cent between 2009 and 2016, while extreme poverty fell from 14.6 per cent to 6.9 per cent.<sup>76</sup>

59. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families welcomed the State's efforts to combat poverty and inequality, which were the primary causes of emigration, and the implementation of the National Human Development Plan (2012–2016).<sup>77</sup>

60. UNHCR recommended that Nicaragua ensure that refugees and asylum seekers have non-discriminatory access to the public health system, as well as to the labour and housing markets.<sup>78</sup>

61. According to OHCHR, the overall enjoyment of the rights to health, work, education and food had been severely affected since the beginning of the crisis in April 2018.<sup>79</sup>

### **3. Right to health<sup>80</sup>**

62. ECLAC noted that there was a downward trend in maternal mortality in Nicaragua.<sup>81</sup>

63. OHCHR reported having received extensive information on hospitals being closed down or cordoned off by the authorities, the police and/or pro-government armed elements in different parts of the country during and in the aftermath of the protests, affecting the right to have access to medical care. In public hospitals, medical staff were reportedly ordered by the Ministry of Health to deny services to those participating in protests and/or barricades. On 25 May, the Nicaraguan Medical Association had denounced publicly the manipulation of the public health system to deny medical attention to people injured during the protests.<sup>82</sup>

64. OHCHR noted that, starting in July, doctors and other medical personnel working in public hospitals had been dismissed. It noted that this measure would affect the quality of the health sector and access to basic and specialized health services.<sup>83</sup>

#### **4. Right to education<sup>84</sup>**

65. According to UNESCO, Nicaragua had made progress in reducing the number of poor children who had never been to school, noting that the country had increased its net enrolment ratios by more than 10 per cent. The primary attainment rate among children in the poorest households had also increased from 16 per cent to 66 per cent.<sup>85</sup>

66. UNESCO also noted that Nicaragua had made significant progress in its programmes to eliminate illiteracy, with a reduction in the illiteracy rate of the adult population to 5 per cent.<sup>86</sup>

67. UNESCO further noted that vulnerable groups, such as indigenous and persons of African descent, had continued to face significant discrimination in their access to education.<sup>87</sup>

68. UNESCO noted that Nicaragua had low levels of student learning outcomes in regional assessments linked to poor preparation of primary school teachers and insufficient learning materials. The quality of preschool education was poor, particularly among disadvantaged rural households; limited infrastructures in education were also a challenge. Only 50 per cent of schools in Nicaragua provided basic drinking water.<sup>88</sup>

69. UNHCR recommended that the Government of Nicaragua ensure effective access to the right to education for refugees and asylum seekers by allowing them access to official exams and to obtain official education certifications, regardless of their legal status.<sup>89</sup>

### **D. Rights of specific persons or groups**

#### **1. Women<sup>90</sup>**

70. ECLAC noted that Nicaragua had established the principles of parity and alternation in electoral lists, narrowing the gender gap in parliamentary representation to a minimum. It also noted that Nicaragua was the only country in the Central American subregion to have achieved parity in the cabinet of ministers.<sup>91</sup>

71. ECLAC also noted that in the 2014 regulations implementing Act No. 779 of 2012, on violence against women and amendments to Act No. 641 (the Criminal Code), the definition of femicide had been restricted to the area of “interpersonal relationships between partners”, in contrast to the broad definition originally provided by Act No. 779.<sup>92</sup>

#### **2. Children<sup>93</sup>**

72. In its annual report 2017, UNICEF noted that violence-related challenges continued: according to the Legal Medicine Institute, 82 per cent of the victims of violence and sexual abuse were girls.<sup>94</sup>

73. UNESCO noted that, despite constitutional provisions against child labour, it remained significant. Moreover, disasters often damaged or destroyed school infrastructure, which inherently affected the provision of education beyond the short term. Hurricane Mitch, for example, had resulted in a 45 per cent increase in child labour among the most affected households in the country.<sup>95</sup>

74. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families regretted that the Migration and Alien Affairs Act did not prohibit the detention of children in all circumstances.<sup>96</sup>

75. The Committee recommended that Nicaragua cease detaining children on the basis of their or their parents' immigration status, and adopt alternatives to detention that allowed children to remain with family members while their immigration status was being reviewed, consistent with the principle of the best interests of the child and the child's right to family life.<sup>97</sup>

76. The Committee also recommended that Nicaragua conduct research on children of Nicaraguan migrant workers in the countries of destination as well as in Nicaragua to establish the demographic profile of this segment of the population, and adopt a comprehensive strategy to promote and protect the rights of children of Nicaraguan migrant workers.<sup>98</sup>

### 3. Indigenous peoples<sup>99</sup>

77. In 2015, the Special Rapporteur on the rights of indigenous peoples had urged all parties involved in the clashes between Misquitos and settlers in the Atlántico Norte autonomous region of Nicaragua to remain calm. The Special Rapporteur pointed out that the roots of the tensions lay in the lack of a proper and effective process for the rehabilitation of indigenous territories.<sup>100</sup>

78. The Special Rapporteur expressed concern at reports of violent attacks, kidnappings and arson in indigenous communities in the Wangki Twi and Li Aubra indigenous territories and in the municipality of Waspán, and at the large number of displaced persons who had taken refuge in the towns of Bilwi and Waspán, as well as in a neighbouring country.<sup>101</sup>

79. On the positive side, ECLAC noted that indigenous peoples in Nicaragua have been granted title to more than half of the territories to which they lay claim in the Atlántico Norte and Atlántico Sur autonomous regions.<sup>102</sup>

### 4. Migrants, refugees, and asylum seekers<sup>103</sup>

80. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families expressed its concern that the Migration and Alien Affairs Act (No. 761) was not fully aligned with the provisions of the Convention, in particular with regard to detention of irregular migrants.<sup>104</sup>

81. The Committee recommended that Nicaragua take the measures necessary to ensure that the National Council on Migration and Aliens was provided with the human, technical and financial resources, as well as the mandate, necessary to effectively implement migration policies at all levels.<sup>105</sup>

82. The Committee expressed its concern about information received that migrant workers and asylum seekers were automatically detained in detention centres and about their detention in criminal facilities.<sup>106</sup>

83. The Committee expressed its concern also about the reported expulsion of migrant workers at the southern border of Nicaragua and from migration-related detention centres, through expeditious removal procedures and without respecting their right to challenge the expulsion decision.<sup>107</sup>

84. UNHCR noted that, despite the State's comprehensive legal framework, and the practice previously followed in determining refugee status, with high rates of recognition, the asylum system in Nicaragua had been de facto suspended since 2015, with a consequent significant reduction in protection space available for both asylum seekers and refugees.<sup>108</sup>

85. UNHCR also noted that the National Commission for Refugees (CONAR) had not held sessions or considered asylum applications since 2015, and that, in mid-2016, the migration authorities (Dirección General de Migración y Extranjería) ceased renewing appointment slips and began to inform asylum seekers that they would no longer receive an asylum request.<sup>109</sup>

86. According to UNHCR, the current situation in Nicaragua was severely affecting refugees and asylum seekers. As the sociopolitical crisis deepened, refugees and asylum seekers in Nicaragua lacked access to basic services, such as education and medical care, which had increased their socioeconomic vulnerability.<sup>110</sup>

87. UNHCR recommended that Nicaragua ensure effective access to the right to seek and enjoy asylum by resuming the reception and processing of asylum claims, in accordance with international obligations and national legislation.<sup>111</sup>

## Notes

- <sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Nicaragua will be available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/NIindex.aspx>.
- <sup>2</sup> For relevant recommendations, see A/HRC/27/16, paras. 114.1, 114.24–114.26, 115.1, 116.1 – 116.12 and 117.1–117.11.
- <sup>3</sup> See “Human Rights Violations and Abuses in the Context of Protests in Nicaragua, 18 April – 18 August 2018”, annex I. Available at [www.oacnudh.org/wp-content/uploads/2018/08/Nicaragua-Report-FINAL\\_EN.pdf](http://www.oacnudh.org/wp-content/uploads/2018/08/Nicaragua-Report-FINAL_EN.pdf). The comments of Nicaragua on the OHCHR report are available at [www.ohchr.org/Documents/Countries/NI/CommentsState26Aug2018.pdf](http://www.ohchr.org/Documents/Countries/NI/CommentsState26Aug2018.pdf).
- <sup>4</sup> CMW/C/NIC/CO/1, paras. 19–20.
- <sup>5</sup> *Ibid.*, para. 18.
- <sup>6</sup> *Ibid.*, para. 3.
- <sup>7</sup> A/73/44, para. 44.
- <sup>8</sup> A/72/40, para. 66.
- <sup>9</sup> A/72/18, para. 37.
- <sup>10</sup> OHCHR, *Human Rights Violations and Abuses in the Context of Protests in Nicaragua*, 18 April – 18 August 2018, p. 40. The comments of Nicaragua on the OHCHR report are available at [www.ohchr.org/Documents/Countries/NI/CommentsState26Aug2018.pdf](http://www.ohchr.org/Documents/Countries/NI/CommentsState26Aug2018.pdf).
- <sup>11</sup> See OHCHR, “OHCHR in the field: Americas”, in *OHCHR Report 2015*, pp. 188–190, *OHCHR Report 2016*, pp. 208–209 and *OHCHR Report 2017*, pp. 233–237.
- <sup>12</sup> See <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23497&LangID=E>.
- <sup>13</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 40. See also [www.ohchr.org/Documents/Countries/NI/CommentsState26Aug2018.pdf](http://www.ohchr.org/Documents/Countries/NI/CommentsState26Aug2018.pdf).
- <sup>14</sup> See <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24041&LangID=E>.
- <sup>15</sup> See OHCHR Report 2017, p. 89; OHCHR Report 2016, p. 89; OHCHR Report 2015, p. 71; and OHCHR Report 2014, p. 116.
- <sup>16</sup> For relevant recommendations, see A/HRC/27/16, paras. 114.3–114.11, 114.23 and 115.3.
- <sup>17</sup> CMW/C/NIC/CO/1, para. 27.
- <sup>18</sup> *Ibid.*, para. 28.
- <sup>19</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 40 and comments of the Government thereon.
- <sup>20</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 40 and comments of the Government thereon.
- <sup>21</sup> See: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23383&LangID=E>.
- <sup>22</sup> See OHCHR, *Human Rights Violations and Abuses*, pp. 8, 17–18 and 31–32, and comments of the Government thereon.
- <sup>23</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 8 and comments of the Government thereon.
- <sup>24</sup> See: <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23919&LangID=E>.
- <sup>25</sup> For relevant recommendations, see A/HRC/27/16, paras. 114.35–114.38, 116.15–116.16 and 117.12–117.13.
- <sup>26</sup> See: <https://www.un.org/press/en/2018/sgsm19005.doc.htm>.
- <sup>27</sup> See: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23005&LangID=E>.
- <sup>28</sup> See OHCHR, *Human Rights Violations and Abuses*, pp. 8, 10, 16–22, 25–26, 28–29 and 32–34, and comments of the Government thereon.
- <sup>29</sup> See: <https://www.un.org/press/en/2018/sgsm19132.doc.htm>.
- <sup>30</sup> See: <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23919&LangID=E>.
- <sup>31</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 7, and comments of the Government thereon.
- <sup>32</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 33–34 and comments of the Government thereon.
- <sup>33</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 39 and comments of the Government thereon.
- <sup>34</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 29 and comments of the Government thereon.
- <sup>35</sup> See <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23922&LangID=E>.
- <sup>36</sup> CMW/C/NIC/CO/1, para. 38.
- <sup>37</sup> UNHCR submission for the universal periodic review of Nicaragua, p. 5.

- <sup>38</sup> See <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14626&LangID=E>.
- <sup>39</sup> For relevant recommendations, see A/HRC/27/16, paras. 114.64–114.66 and 116.17–116.19.
- <sup>40</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 12 and comments of the Government thereon.
- <sup>41</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23335&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23335&LangID=E).
- <sup>42</sup> See OHCHR, *Human Rights Violations and Abuses*, pp. 30–31 and comments of the Government thereon.
- <sup>43</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 8 and comments of the Government thereon.
- <sup>44</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 39 and comments of the Government thereon.
- <sup>45</sup> See <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23922&LangID=E>.
- <sup>46</sup> See <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23922&LangID=E>.
- <sup>47</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 31 and comments of the Government thereon.
- <sup>48</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 37 and comments of the Government thereon.
- <sup>49</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 14 and comments of the Government thereon.
- <sup>50</sup> For relevant recommendations, see A/HRC/27/16, paras. 114.78–114.95, 115.4–115.5, 115.7–115.8, 116.20–116.23 and 117.18.
- <sup>51</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 8 and comments of the Government thereon.
- <sup>52</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23166&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23166&LangID=E).
- <sup>53</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 20 and comments of the Government thereon.
- <sup>54</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 8 and comments of the Government thereon.
- <sup>55</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 20 and comments of the Government thereon.
- <sup>56</sup> See <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23919&LangID=E>.
- <sup>57</sup> See [www.unwomen.org/en/news/stories/2018/12/statement-un-women-the-protection-of-women-human-rights-defenders-in-nicaragua](http://www.unwomen.org/en/news/stories/2018/12/statement-un-women-the-protection-of-women-human-rights-defenders-in-nicaragua).
- <sup>58</sup> CMW/C/NIC/CO/1, para. 32.
- <sup>59</sup> See OHCHR, *Monitoring the Human Rights Situation*, p. 3.
- <sup>60</sup> See <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24041&LangID=E>.
- <sup>61</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 32 and comments of the Government thereon.
- <sup>62</sup> See OHCHR, *Monitoring the Human Rights Situation*, p. 5.
- <sup>63</sup> UNESCO submission for the universal periodic review of Nicaragua, para. 9.
- <sup>64</sup> *Ibid.*, paras. 20 and 22.
- <sup>65</sup> CMW/C/NIC/CO/1, para. 63.
- <sup>66</sup> [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3332988:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3332988:NO).
- <sup>67</sup> CMW/C/NIC/CO/1, para. 64.
- <sup>68</sup> For relevant recommendations, see A/HRC/27/16, paras. 114.68–114.69.
- <sup>69</sup> A/HRC/27/16, paras. 114.70 (Guatemala) and 114.73 (Sierra Leone).
- <sup>70</sup> UNHCR submission, p. 2.
- <sup>71</sup> See <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23919&LangID=E>.
- <sup>72</sup> For relevant recommendations, see A/HRC/27/16, para. 115.2.
- <sup>73</sup> *Desarrollo, integración e igualdad. La respuesta de Centroamérica a la crisis de la globalización*, 2018, publicación de las Naciones Unidas, LC/PUB.2018/19, pág. 48. Disponible en [https://repositorio.cepal.org/bitstream/handle/11362/44191/1/S1800904\\_es.pdf](https://repositorio.cepal.org/bitstream/handle/11362/44191/1/S1800904_es.pdf).
- <sup>74</sup> See [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3332996:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3332996:NO).
- <sup>75</sup> For relevant recommendations, see A/HRC/27/16, paras. 114.12–114.19, 114.21 and 114.96–114.112.
- <sup>76</sup> See [www.unicef.org/about/annualreport/files/Nicaragua\\_2017\\_COAR.pdf](http://www.unicef.org/about/annualreport/files/Nicaragua_2017_COAR.pdf).
- <sup>77</sup> CMW/C/NIC/CO/1, para. 8.
- <sup>78</sup> UNHCR submission, p.5.
- <sup>79</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 8 and comments of the Government thereon.
- <sup>80</sup> For relevant recommendations, see A/HRC/27/16, paras. 114.113–114.123, 116.24 and 117.19–117.31
- <sup>81</sup> *Desarrollo, integración e igualdad. La respuesta de Centroamérica a la crisis de la globalización*, 2018, publicación de las Naciones Unidas, LC/PUB.2018/19, pág. 122. Disponible en [https://repositorio.cepal.org/bitstream/handle/11362/44191/1/S1800904\\_es.pdf](https://repositorio.cepal.org/bitstream/handle/11362/44191/1/S1800904_es.pdf).
- <sup>82</sup> See OHCHR, *Human Rights Violations and Abuses*, pp. 25–26 and comments of the Government thereon.
- <sup>83</sup> See OHCHR, *Human Rights Violations and Abuses*, p. 26 and comments of the Government thereon.
- <sup>84</sup> For relevant recommendations, see A/HRC/27/16, paras. 114.124–114.139 and 116.25.
- <sup>85</sup> UNESCO submission, p. 4.
- <sup>86</sup> *Ibid.*
- <sup>87</sup> *Ibid.*, p. 5.
- <sup>88</sup> *Ibid.*, pp. 4–5.
- <sup>89</sup> UNHCR submission, p. 5.

- <sup>90</sup> For relevant recommendations, see A/HRC/27/16, paras. 114.27–114.28, 114.30–114.31, 114.39–114.53 and 117.14–117.17.
- <sup>91</sup> *Desarrollo, integración e igualdad. La respuesta de Centroamérica a la crisis de la globalización*, 2018, publicación de las Naciones Unidas, LC/PUB.2018/19, págs. 134 y 135. Disponible en [https://repositorio.cepal.org/bitstream/handle/11362/44191/1/S1800904\\_es.pdf](https://repositorio.cepal.org/bitstream/handle/11362/44191/1/S1800904_es.pdf).
- <sup>92</sup> *Ibid.*, pág. 137.
- <sup>93</sup> For relevant recommendations, see A/HRC/27/16, paras. 114.20, 114.57–114.63, 114.67 and 114.71–114.77.
- <sup>94</sup> See [www.unicef.org/about/annualreport/files/Nicaragua\\_2017\\_COAR.pdf](http://www.unicef.org/about/annualreport/files/Nicaragua_2017_COAR.pdf), p. 1.
- <sup>95</sup> UNESCO submission, p. 5.
- <sup>96</sup> CMW/C/NIC/CO/1, para. 39.
- <sup>97</sup> *Ibid.*, para. 40 (b).
- <sup>98</sup> *Ibid.*, para. 54.
- <sup>99</sup> For relevant recommendations, see A/HRC/27/16, paras. 114.29, 114.32–114.33, 114.140–114.143, 115.6 and 116.26.
- <sup>100</sup> <https://ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=16828&LangID=S>.
- <sup>101</sup> *Ibid.*
- <sup>102</sup> *Desarrollo, integración e igualdad. La respuesta de Centroamérica a la crisis de la globalización*, 2018, publicación de las Naciones Unidas, LC/PUB.2018/19, pág. 160. Disponible en [https://repositorio.cepal.org/bitstream/handle/11362/44191/1/S1800904\\_es.pdf](https://repositorio.cepal.org/bitstream/handle/11362/44191/1/S1800904_es.pdf).
- <sup>103</sup> For relevant recommendations, see A/HRC/27/16, para. 114.144.
- <sup>104</sup> CMW/C/NIC/CO/1, para. 13.
- <sup>105</sup> *Ibid.*, para. 24.
- <sup>106</sup> *Ibid.*, para. 39.
- <sup>107</sup> *Ibid.*, para. 41.
- <sup>108</sup> UNHCR submission, p. 1.
- <sup>109</sup> *Ibid.*, p. 3.
- <sup>110</sup> *Ibid.*, p. 2.
- <sup>111</sup> *Ibid.*, p. 4.
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