



# General Assembly

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## Human Rights Council

### Fortieth session

25 February–22 March 2019

Agenda item 2

### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

**Albania,\* Argentina, Australia, Austria, Belgium,\* Brazil, Bulgaria, Canada,\* Chile, Colombia,\* Costa Rica,\* Croatia, Cyprus,\* Czechia, Denmark, Ecuador,\* Estonia,\* Finland,\* France,\* Georgia,\* Germany,\* Iceland, Ireland,\* Italy, Latvia,\* Liechtenstein,\* Lithuania,\* Luxembourg,\* Malta,\* Netherlands,\* Paraguay,\* Peru, Portugal,\* Romania,\* Slovakia, Slovenia,\* Spain, Sweden,\* United Kingdom of Great Britain and Northern Ireland: draft resolution**

### 40/... Promotion and protection of human rights in Nicaragua

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

*Reaffirming* the primary responsibility of States to respect, protect and fulfil all human rights and fundamental freedoms and to fulfil their obligations under the human rights treaties and agreements to which they are parties,

*Reaffirming also* that States have the primary responsibility for the promotion and protection of human rights and fundamental freedoms in the context of assemblies such as peaceful protests, and to ensure that national legislation, policies and practices, including the national framework for the exercise of the rights to freedom of peaceful assembly, of association and of expression, are in compliance with international human rights law,

*Welcoming* the report of the Office of the United Nations High Commissioner for Human Rights entitled “Human rights violations and abuses in the context of protests in Nicaragua: 18 April–18 August 2018”, published in August 2018,

*Recalling in particular* that the United Nations High Commissioner for Human Rights has the mandate to, inter alia, play an active role in removing the current obstacles and meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world,

*Bearing in mind* the events in Nicaragua, beginning in April 2018, that have led to a serious political and human rights crisis, as documented in the report of the Office of the High Commissioner,

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\* State not a member of the Human Rights Council.



1. *Expresses grave concern* at reports of serious human rights violations and abuses, beginning in April 2018 with the disproportionate use of force by the police to repress social protests, and acts of violence by armed paramilitary groups, as well as reports of ongoing unlawful arrests and arbitrary detentions, harassment, and torture and sexual and gender-based violence in detention;

2. *Expresses concern over* the increasing restrictions on civic space and expressions of dissent in Nicaragua, including the closure of independent media outlets and the cancellation of the legal registration, and seizure of assets and goods, of a number of civil society organizations, particularly targeting human rights defenders, including women human rights defenders, and over reported acts of intimidation and reprisal;

3. *Urges* the Government of Nicaragua to respect the rights to freedom of peaceful assembly, of association and of expression, and the independence of the media and the judiciary, and calls on the Government to release all those arbitrarily or illegally detained, to guarantee due process rights and to ensure that the conditions of detention are compliant with its human rights obligations and commitments;

4. *Deeply regrets* the decision by the Government to withdraw the invitation extended to the Office of the United Nations High Commissioner for Human Rights to visit Nicaragua, one day after its report was published, as well as to suspend the mission of the Interdisciplinary Group of Independent Experts and withdraw the invitation extended to the Special Follow-up Mechanism for Nicaragua, both of the Inter-American Commission on Human Rights;

5. *Calls upon* the Government to resume its cooperation with the Office of the High Commissioner, the mechanisms of the Human Rights Council and the relevant treaty bodies, as well as the Organization of American States and the Inter-American Commission on Human Rights, including by facilitating visits, granting unfettered access throughout the country, including to detention facilities, and preventing and refraining from all acts of intimidation or reprisal, and to positively consider the recommendations made in their reports, as well as offers of technical assistance;

6. *Urges* the Government and the Civic Alliance for Justice and Democracy to resume the national dialogue that began on 27 February 2019 and that allowed for the adoption of a roadmap, and calls upon all parties to ensure a wide, credible, representative, inclusive and transparent dialogue, with the support of the international community, to allow for a peaceful and democratic resolution to the crisis;

7. *Urges* the Government to guarantee a thorough and transparent accountability process with a view to ensuring access to justice and reparation for the victims of human rights violations and abuses in Nicaragua and that all perpetrators are held accountable;

8. *Requests* the United Nations High Commissioner for Human Rights to prepare a comprehensive written report on the human rights situation in Nicaragua and to present it at the forty-second session of the Human Rights Council, to be followed by an enhanced interactive dialogue, and to present an oral update on the human rights situation to the Council at its forty-first and forty-third sessions.