

Responses to Recommendations

Nicaragua

Review in the Working Group: 08 February 2010
 Adoption in the Plenary: 09 June 2010

Nicaragua’s responses to recommendations (as of 15.06.2010):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
68 REC accepted (all of them are considered as already implemented or in the process of implementation); 42 pending	No addendum	Out of the 42 pending, the delegation accepted 24 REC, rejected 10 ¹ and commented 8 without giving a clear position	Accepted: 92 Rejected: 10 No clear position: 8 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/14/3:

90. The recommendations formulated during the interactive dialogue and listed below enjoy the support of Nicaragua:

A - 1. Continue efforts to ensure that national laws comply with its international human rights obligations (Thailand);

A - 2. Continue following up on obligations entered into in the various human rights treaties, prioritizing the needs of the most vulnerable segments of the population (Bolivia (Plurinational State of));

A - 3. Apply constitutional provisions completely regarding the respect and protection of the rights of all citizens collectively and individually, the rights related to association, peaceful assembly, participation in equality of conditions in public affairs, in State management, and the right to make petitions, and to denounce irregularities and make constructive criticism (Chile);

¹ Concerning REC §92 n° 1, 2 and 3, Nicaragua declares “generally speaking” supporting them but later on says to “not deem it appropriate to enter into commitment through these instruments” so we consider those three REC as rejected. Nicaragua “supports” REC § 92 n°15 to 24 but it is “not in a position to support” those related to therapeutic abortion that is REC n°16, 17 and 18.

- A - 4. Continue taking the steps necessary to ensure the signing of the national agreement on criminal justice (Colombia);
- A - 5. Take specific measures to ensure the full implementation of legislation on violence against women and of the national plan of action for the prevention of domestic violence and sexual violence (Canada);
- A - 6. Implement legislation on violence against women and girls and strengthen its legal and institutional support for victims of violence, including by full investigation, bringing to prosecution where appropriate all female murders, and ensuring that all victims of sexual violence have the right to justice and police protection (United Kingdom of Great Britain and Northern Ireland);
- A - 7. Review the compliance of national legislation with its obligations from the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and strengthen anti-discrimination legislation and programmes through explicit inclusion of grounds of sexual orientation and gender identity (Czech Republic);
- A - 8. Strengthen the independence and impartiality of the Ombudsman and ensure its full adherence to the Paris Principles (United Kingdom); Take measures to increase the capacity and independence of the Ombudsman (Ireland);
- A - 9. Strengthen its national human rights institutions by providing them with adequate resources (Netherlands);
- A - 10. Ensure that the allegations are cleared up, and take concrete measures in this regard such as the creation of a national observatory on human rights defenders, and carry out educational and training programmes on human rights for all levels of public administration (Spain);
- A - 11. Continue implementation of national priorities and measures aimed at settling issues related to the promotion and protection of human rights in accordance with its legislation and international obligations (Uzbekistan);
- A - 12. Continue to promote programmes related to the strengthening of respect for human rights (Dominican Republic), to ensure that the enjoyment of human rights is a reality for all people, without any discrimination (Bolivia (Plurinational State of));
- A - 13. Continue developing national policies with a gender perspective to guarantee the rights of women (Dominican Republic);
- A - 14. Continue efforts to promote and protect the rights of persons with disabilities, consistent with its obligations under the Convention on the Rights of Persons with Disabilities (Thailand);
- A - 15. Implement fully the national human development plan for 2009-2011 (Russian Federation) and continue to give priority to national policies in it (Dominican Republic)
- A - 16. Continue measures to fight drug trafficking and terrorism (Viet Nam);
- A - 17. Continue efforts to promote human rights training and education for the police and army (Syrian Arab Republic);
- A - 18. Continue cooperating with the special procedures of the Human Rights Council, in accordance with its voluntary commitment to keeping the invitation to these procedures open (Dominican Republic);
- A - 19. Continue to strengthen efforts to promote and protect the rights of women, especially to eliminate discrimination and violence against women in all spheres (Thailand);
- A - 20. Consider providing sanctions against organizations that promote racial discrimination, and characterizing as criminal any act that promotes and incites racial discrimination (Egypt);
- A - 21. Take appropriate measures to combat racial prejudice in both the public and private media channels (Egypt);

A - 22. Establish quick and effective measures to prevent, punish and eliminate violence against women taking into account the recommendations of the Committee on Economic, Social and Cultural Rights and the Human Rights Committee on effective access to justice for the victims of gender violence, police protection and the establishment of shelters for victims (Mexico);

A - 23. Take the measures necessary to combat violence against women effectively, increase women's participation in all fields and bring national legislation into line with CEDAW (Azerbaijan);

A - 24. Strengthen measures to prevent cases of domestic violence and the killing of women, and ensure that perpetrators be taken to justice (Italy);

A - 25. Establish a specific policy and plan of action to eradicate sexual violence against women and girls (Germany);

A - 26. Continue efforts to strengthen combating trafficking in women and girls and making trafficking in and sexual exploitation of women and children a criminal offence (Islamic Republic of Iran);

A - 27. Initiate investigations, prosecute actively and punish adequately offenders involved in the trafficking and exploitation of women and children; implement fully national legislation on violence against women; and undertake immediate measures to establish shelters and implement effective police protection for victims as recommended by the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights and the Committee against Torture (Israel);

A - 28. Prohibit explicitly corporal punishment of girls and boys in all circumstances, as recommended by the Committee on the Rights of the Child (Chile);

A - 29. Comply with the letter and spirit of the representations in its national report and ensure that civil society groups are able to operate without harassment or other forms of intimidation (United States of America);

A - 30. Ensure that violence, threats and intimidations against human rights defenders are properly investigated and prosecuted (Belgium);

A - 31. Strengthen independent procedures for prison inspection, reduce overcrowding in places of detention, separate minors from adults in prisons and detentions facilities, and bring the juvenile justice system into line with internationally recognized standards (Israel);

A - 32. Uphold the rights to freedom of expression, assembly and association and allow restrictions only when prescribed by law and in line with international human rights standards (Germany);

A - 33. Guarantee the transparency of the democratic processes and the full respect of its norms, such as, inter alia, the freedom of expression or opinion and the freedom of assembly and association (Israel);

A - 34. Ensure full compliance with its law on access to information, and that the Office for Coordination of Access to Information be sufficiently staffed and equipped to undertake its responsibilities (United States of America);

A - 35. Take further steps to ensure the transparent and politically impartial functioning of the Supreme Electoral Council and the accreditation of electoral observation, including by the national organizations IPADE and Etica y Transparencia (United Kingdom);

A - 36. Reinforce its political and judiciary institutions to promote human rights and all other basic rights of the population (Lao People's Democratic Republic);

A - 37. Ensure full respect for the rule of law, including for the provisions set out in the Constitution for its amendment (Canada);

A - 38. Continue to strengthen the rule of law as well as its national institutions aimed at further promoting and protecting human rights in accordance with the will and aspirations of the people of Nicaragua (Sri Lanka);

A - 39. Ensure victim-sensitive and effective investigation and prosecution of perpetrators (Czech Republic);

A - 40. Provide obligatory human rights education and training to police, prison and judiciary staff, and ensure their strict accountability for any violations of human rights (Czech Republic);

A - 41. Allow effective access to justice for the victims of gender violence, giving them judicial protection and establishing shelters for victims, in accordance with recommendations of the Committee on Economic, Social and Cultural Rights and the Human Rights Committee (Chile);

A - 42. Consider the possibility of alternatives to prison sentencing, especially for boys, girls and adolescents (Mexico);

A - 43. Continue Governments' efforts to combat poverty (Syrian Arab Republic);

A - 44. Strengthen further ongoing efforts and steps aimed at reducing poverty and ensuring economic and social rights, particularly the right to food, for its people (Viet Nam);

A - 45. Continue to put in place effective strategies aimed at reducing poverty and addressing the problem of malnutrition (Azerbaijan);

A - 46. Continue its policy of social protection for its residents in view of its national programme on ensuring food security, the fight against illiteracy, and the promotion of economic opportunities for its citizens (Belarus);

A - 47. Continue to emphasize the promotion and protection of human rights in areas such as poverty eradication, justice administration, education, public health and gender equality for all, including for those on the Caribbean coast (Malaysia);

A - 48. Combat poverty and achieve food security with the support and cooperation of the international community (Bangladesh);

A - 49. Continue programmes to fight poverty and to bring about the realization of economic, social and cultural rights, favouring especially the most vulnerable categories of society, women and children living in regions exposed to natural catastrophes, and continue the "zero hunger" programme (Algeria);

A - 50. Continue efforts to implement the "zero hunger" programme to combat poverty and achieve food and nutritional security, which assigns priority to poor rural families and marginal urban populations (Egypt);

A - 51. Continue efforts to expand the coverage of and access to health services (Colombia);

A - 52. Strengthen health-care services, with particular attention to women's and children's health (Bangladesh);

A - 53. Maintain its outstanding efforts in providing health and educational services free to all its citizens (Cuba);

A - 54. Welcoming the recognition of access to safe drinking water as an inalienable right of all human beings, continue efforts with regard to monitoring and accountability, guaranteeing the minimum standards of availability, quality and accessibility (Spain);

A - 55. Take appropriate and effective measures to improve the welfare of children, including in the fields of health care, adequate living conditions and the right to education (Slovenia);

A - 56. Provide rehabilitation services, nutrition, adequate housing, attention to health and educational opportunities for children living on the street in conformity with recommendations of the Committee on the Rights of the Child (Chile);

A - 57. Make more efforts and mobilize plans and programmes to assist farmers in rural areas, ensure equity in land distribution, and increase funding and resources for farmers to improve agricultural productivity (Libyan Arab Jamahiriya);

A - 58. Develop a national strategy for education in human rights within the school system, in accordance with the World Programme and Plan of Action, with the full participation of all (Italy);

A - 59. Continue strengthening its successful education policy with a view to achieving full inclusion in schooling for all sectors of the country as the only way to advance towards development with a human face thus achieving real social welfare of the people, for which Nicaragua has the full support of the Venezuelan Revolutionary process (Venezuela (Bolivarian Republic of));

A - 60. Continue progress in education, with special attention to the education of girls (Bangladesh);

A - 61. While taking into account the achievements of literacy campaign, allocate more resources to education in the national budget and ensure equal access to all levels of education, in particular for the most vulnerable groups (Islamic Republic of Iran);

A - 62. Continue its programme for equal access to education for women and rural populations (Algeria);

A - 63. Make efforts to guarantee the right to education of children with disabilities, to ensure their integration in society (Qatar);

A - 64. Ensure the full participation of indigenous, communities of African descent and women in all levels of public affairs (Israel);

A - 65. Ensure that indigenous persons fully enjoy all human rights, including the rights to education, adequate access to health services and land rights (Sweden);

A - 66. Step up capacity-building efforts aimed at achieving the implementation of its human rights obligations (Malaysia);

A - 67. That the international community redouble cooperation with Nicaragua and eliminate any political conditioning of aid (Cuba);

A - 68. Continue to cooperate with the United Nations and other international organizations to strengthen human rights in Nicaragua (Lao People's Democratic Republic);

91. Nicaragua considers that the recommendations listed above are either already implemented or in the process of implementation.

92. The following recommendations will be examined by Nicaragua, which will provide responses in due time. The response of Nicaragua to these recommendations will be included in the outcome report adopted by the Human Rights Council at its 14th session:

R - 1. Continue accession to international human rights instruments (Belarus), including signing (Spain) and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Belarus, Finland, Spain);

R - 2. Encourage Nicaragua to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);

R - 3. Ratify the Rome Statute of the International Criminal Court (Chile);

A - 4. Consider ratifying as soon as possible (Norway)/ratify Convention No. 169 of the International Labour Organization (Chile);

A - 5. Adopt urgent reforms of the Penal Code and other relevant legislation to restore the rights of women, girls, and adolescent victims of rape and other forms of violence against them, to receive protection, legal assistance and health care, including access to legal and safe therapeutic abortion, and their full rehabilitation and reinsertion (Slovenia);

R - 6. Include in the Criminal Code and Military Penal Code the definition of torture established in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (Mexico);

R - 7. Amend the civil and military penal codes to bring them into line with CAT, to which Nicaragua is party, and bring to justice those responsible for acts of torture (France);

R - 8. Eliminate the crime of defamation from the criminal code in order that these facts are examined under the civil code (Mexico);

A - 9. Create the national council of women for the follow-up of the implementation of the Equal Rights and Opportunities Act (Finland);

A - 10. Adopt appropriate measures to disseminate widely and ensure full observance of the Declaration on Human Rights Defenders (Norway);

A - 11. Encourage Nicaragua to recognize publicly the work of human rights defenders and continue its efforts to guarantee basic civil and political rights (Spain);

A - 12. Strengthen measures aimed at the prevention of unwanted pregnancies, including by increasing knowledge and awareness of family planning (Sweden);

A - 13. Strengthen measures to prevent violence against women, in particular by raising awareness of the fact that discrimination and violence against women are unacceptable (Czech Republic);

A - 14. Intensify efforts in its fight against violence against women and amend laws that may be obstacles to this fight (Ireland);

A - 15. Implement the recommendations of United Nations treaty bodies with regard to the repeal of prohibition of all forms of abortion, and consider the introduction of legislation that ensures the rights of women and girls in situations where their life is endangered as a result of pregnancy and in which termination of the pregnancy could save their life (Netherlands);

R - 16. Consider the abolition of the criminalization of therapeutic abortion in accordance with the recommendations made by various treaty bodies (Norway);

R - 17. Revise the ban on abortions to allow exceptions in cases of pregnancy resulting from rape, incest or therapeutic abortion (Czech Republic);

R - 18. Follow through on recommendations of different treaty bodies regarding the possibility of considering exceptions to the general prohibition of abortion, especially in cases of therapeutic abortion and pregnancies resulting from rape and incest (Mexico);

A - 19. Improve the protection of women and children by ensuring that protection services are enhanced and enshrined in law, that victims are provided with more information on access to such support and medical care, and that legislation regarding women's health and therapeutic abortion are revised (United Kingdom);

A - 20. Revise its legislation on abortion with a view to authorizing it at least in cases where pregnancy is the result of rape and/or an incestuous relationship, or where the fact of carrying the pregnancy to term puts the life or health of the woman in danger (Belgium);

A - 21. Amend legislation on abortion in order to take into account situations where pregnancy is the result of sexual aggression or incest or when the pregnant woman is in danger, and guarantee the access of all women to sexual and reproductive health (France);

A - 22. Revise legislation regarding the sexual and reproductive rights of women, including the abolition of the total ban on abortion, and ensure their access to services necessary for their enjoyment of the highest attainable standard of health (Finland);

A - 23. Consider reviewing laws regarding abortion, removing punitive provisions against women who have had an abortion and medical professionals who have exercised their professional responsibilities (Sweden);

A - 24. Revise legislation to allow abortion in cases of pregnancy resulting from rape or incest and in cases where continuation of the pregnancy would put the health or life of the woman or girl at risk (Germany);

A - 25. Take measures to ensure the protection of human rights defenders and journalists against harassment, physical attacks and death threats, including by investigating such incidents fully and bringing those responsible to justice (Canada);

A - 26. Guarantee that cases of persecution and threats against human rights defenders are properly investigated and prosecuted, and if need be compensate victims (Ireland);

A - 27. Take all measures necessary to guarantee that cases of harassment and threats against human rights defenders and non-governmental organization activists are investigated and prosecuted appropriately, and that reparation is guaranteed for the victims (Italy);

A - 28. Take decisive measures to ensure the prevention of cases of harassment and intimidation of human rights defenders, including through a high-level public campaign in support of the positive role of civil society, and specifically denouncing these attacks and through independent investigation and prosecution of perpetrators (Czech Republic);

A - 29. Investigate and prosecute effectively violations against human rights defenders and journalists, and that the Government forcefully denounce these attacks against human rights defenders, and that the State authorities give human rights defenders legitimacy and recognition through supportive statements (Norway);

A - 30. Take all measures necessary for the protection of human rights defenders and the free exercise of their activities, and prosecute those responsible for acts of harassment or violence against them (France);

R - 31. Ensure the full respect of the constitutional provisions on freedom of expression, and refrain from using administrative, judicial, or financial means to limit the exercise of this human right (United States of America);

A - 32. Ensure that civil society organizations may express their opinions freely on Government policy (Netherlands);

NC - 33. Implement fully the law on access to information, establish an independent body to regulate broadcasting and take effective measures to protect journalists and investigate all reported incidents of intimidation aimed at silencing journalists (Netherlands);

NC - 34. Take measures to ensure that members of the political opposition are able to express their views freely, and are protected against intimidation and violence, including during peaceful demonstrations (Canada);

NC - 35. Revise the electoral law for autonomous regions in order to involve all citizens in decision-making and the development of their autonomous regions (Finland);

NC - 36. Institute appropriate reforms to ensure the full independence of the judiciary (Canada); Strengthen the independence of the judiciary further (Azerbaijan);

NC - 37. Ensure that the judiciary is independent and free of political interference, and combat corruption, irregularities and delays in the administration of justice (Israel);

NC - 38. Pay more attention to the problems related to the independence of the judicial process, and ensure that all judicial procedures are in harmony with the international standards associated with a democratic State (Ireland);

NC - 39. Reinforce the impartiality of the judiciary promoting an appointment system by competitive examinations at all levels of the judiciary (Spain);

A - 40. In relation to violence against women, provide victims with full access to the judicial system, compensation and health services (Czech Republic);

A - 41. Examine the possibility of taking interim measures to facilitate access to justice in favour of women and to give them the necessary judicial assistance (Algeria);

NC - 42. Increase budget allocation to the education sector (Azerbaijan);

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