



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

Summary of Stakeholders' submissions 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 summary of 30 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations² and cooperation with international human rights mechanisms and bodies³

2. Several organizations indicated that Nicaragua had still not ratified the Convention on Enforced Disappearance;⁴ the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;⁵ the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;⁶ the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;⁷ the Rome Statute of the International Criminal Court;⁸ the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption; or⁹ the Inter-American Convention on Forced Disappearance of Persons.¹⁰

3. Several organizations reported that Nicaragua had not complied with its obligation to submit periodic reports to the treaty bodies, and that it had a backlog of at least 5 years.¹¹ Joint Submission 9 (JS9) recommended submitting reports to the monitoring bodies of the treaties to which Nicaragua was a party and noted that it was late in meeting its obligations to the Committee on the Elimination of Discrimination against Women (due in 2010), the Committee on the Elimination of Racial Discrimination (2011), the Human Rights Committee (2012), the Committee on Economic, Social and Cultural Rights (2013), the Committee against Torture (2013) and the Committee on the Rights of the Child (2015).¹²

* The present document was not edited before being sent to United Nations translation services.



4. IPAS Centroamérica (IPAS) reported that the Government of Nicaragua had obstructed the work of the Special Monitoring Mechanism for Nicaragua (MESENI) of the Inter-American Commission on Human Rights, the Interdisciplinary Group of Independent Experts (GIEI) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).¹³

5. Human Rights Watch (HRW) noted that the government had allowed the OHCHR into the country in June 2018, after months of refusing its requests for an invitation. It noted that the authorities consistently obstructed its work, and in August 2018, two days after the OHCHR released a scathing report, the Nicaraguan government expelled its representatives.¹⁴

6. The Inter-American Commission on Human Rights (IACHR) recommended facilitating visits by all human rights protection mechanisms of the inter-American human rights system and of the United Nations.¹⁵ Movimiento por Nicaragua (MpN) made a similar recommendation.¹⁶ Joint Submission 4 (JS4) recommended creating a mechanism of international investigation into the violence that had occurred.¹⁷ MpN, JS9 and Joint Submission 12 (JS12) recommended allowing the special procedures of the Human Rights Council access.¹⁸

7. JS9 recommended that Nicaragua should work with the special procedures of the Human Rights Council and allow them access.¹⁹ JS12 made a similar recommendation.²⁰ JS9 also recommended inviting the United Nations High Commissioner for Human Rights to undertake an official visit to observe the situation of human rights.²¹

8. International Campaign to Abolish Nuclear Weapons (ICAN) noted with appreciation that Nicaragua had ratified the Treaty on the Prohibition of Nuclear Weapons on 19 July 2018.²²

B. National human rights framework²³

9. JS4 reported that the Office of the Human Rights Advocate and in particular the Office of the Special Advocate for Children and Adolescents had failed to discharge their oversight function.²⁴ JS4 recommended restoring the autonomy of the Office of the Human Rights Advocate and guaranteeing its human, technical and financial resources.²⁵ Joint Submission 3 (JS3) and Joint Submission 16 (JS16) recommended ensuring the independence of the Office of the Human Rights Advocate and its compliance with the Paris Principles, and providing additional support to the Special Human Rights Advocate for Sexual Diversity.²⁶

10. Joint Submission 2 (JS2) recommended ensuring the implementation of the recommendations of the universal periodic review through the establishment of a standing government mechanism to work with other ministries and consult civil society, the national human rights institution and other institutional stakeholders.²⁷ A similar recommendation was made by Joint Submission 8 (JS8)²⁸

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination²⁹

11. JS3 noted that new legislation recognizing the rights of LGBTIQ persons had not been approved and that the institutional base of the Special Human Rights Procurator for Sexual Diversity had been weakened.³⁰ JS16 stated that lesbian, gay, bisexual, transgender and intersex persons had been marginalized, as the statistics showed; it said that that translated into a lack of specific public policies that took account the real needs of lesbian, gay, bisexual, transgender and intersex persons, particularly with regard to education, work, health and social services.³¹ Similar concerns were voiced by Joint Submission 1 (JS1).³²

12. JS16 recommended incorporating lesbian, gay, bisexual, transgender and intersex persons into the national statistical system, taking into account gender identity and sexual orientation.³³ JS3 recommended amending the Criminal Code to define the offence of inciting hatred on the basis of sexual orientation or gender identity.³⁴ JS1 recommended passing a law on gender identity to ensure the protection of the LGBTIQ population from discrimination based on sexual orientation or gender identity.³⁵ A similar recommendation was made by JS16.³⁶

13. JS3 recommended creating an inter-agency committee to devise comprehensive public policies on the genuine, broad-based inclusion of LGBTIQ people.³⁷

*Development, the environment, and business and human rights*³⁸

14. The Humboldt Centre stated that the Interoceanic Canal project would have multiple impacts on economic, social, cultural and environmental rights, causing significant changes in terms of territory, ecological balance, social fabric, cultural heritage and people's way of life, affecting 7 protected areas and destroying 193,000 hectares of forest.³⁹

15. The Humboldt Centre claimed that the current impact assessment system (Decree No. 20-2017) did not apply the "polluter pays" principle, which proved that the Government managed resources for the benefit of investors.⁴⁰

16. Joint Submission 14 (JS14) identified a pattern of ineffectiveness and malfunctioning among institutions such as the national police, the Ministry of Natural Resources and the Attorney General's Office in dealing with allegations of environmental crimes in the territories of indigenous communities in the Pacific, central and northern regions of the country.⁴¹ JS14 recommended repealing Act No. 840, the Special Act on Development of Nicaraguan Infrastructure and Transport in Relation to the Canal.⁴²

Human rights and counter-terrorism

17. Hagamos Democracia (Let's build democracy) (HD) stated that Act No. 977, on money-laundering, the financing of terrorism and the funding of the proliferation of weapons of mass destruction, had created a new definition of terrorism, using open-ended criteria whose interpretation was at the sole discretion of the court.⁴³ Many organizations stated that the Act had been used to criminalize social protest.⁴⁴

18. Joint Submission 13 (JS13) referred to the Sovereign Security Law, classifying information related to national security as confidential without statistic on the number of interception available.⁴⁵

19. The Instituto de Liderazgo de las Segovias (Las Segovias Institute of Leadership) (ILLS) recommended repealing Act No. 977, on money-laundering and the financing of terrorism, and Act No. 919, on sovereign security.⁴⁶ A similar recommendation was made by HRW, JS1, JS3, Joint Submission 7 (JS7), JS9, Joint Submission 10 (JS10), JS12, and Joint Submission 15 (JS15)⁴⁷

2. Civil and political rights

*Right to life, liberty and security of person*⁴⁸

20. With regard to the events arising from the protest launched on 18 April 2018, IACHR noted that State violence had been used to discourage participation in the demonstrations, following a pattern of excessive use of force by the police; the use of vigilante or shock squads; blocking of access to emergency medical care; arbitrary detention; stigmatization campaigns; intimidation of leaders of social movements; and lack of diligence in investigations.⁴⁹

21. JS9 reported that from 18 April to date 311 deaths had been recorded, and that armed pro-Government vigilante groups set up and backed by the police had allegedly been responsible for most of the killings, as well as torture and abduction.⁵⁰ HD stated that no police officer was on trial for those acts.⁵¹

22. JS9 noted that in June and July 2018, the National Police and vigilante groups had used heavy-duty equipment and had shot at demonstrators with firearms.⁵² IACHR stated that, according to witness statements, snipers had been deployed who, evidence suggested, had links with State actors.⁵³

23. JS2 recommended a clean-up of the police forces, the dismantling of vigilante/paramilitary forces and ensuring that thorough investigations were conducted into those responsible for human rights violations.⁵⁴ Similar recommendations were made by IACHR, JS10, Joint Submission 11 (JS11) and JS15.⁵⁵

24. JS9, HRW and MpN reported that, in the context of the protests, the National Police and paramilitary forces had used physical and psychological torture as a means of investigation, to make people incriminate themselves or others.⁵⁶ HD stated that physical, psychological and mental torture had taken place in the cells of the Legal Cooperation Directorate, known as the “Chipote”.⁵⁷ MpN demanded that the “Chipote” cells should be closed down.⁵⁸

25. IACHR documented a pattern of arbitrary arrests that had occurred during the early days of the protests in particular, and which had been carried out with arbitrary and disproportionate use of force and on no legal grounds.⁵⁹ JS9 counted 1,500 illegal detentions from 18 April until the time it submitted its report.⁶⁰ JS9 also mentioned what it considered to be temporary enforced disappearances.⁶¹

26. IACHR and JS12 recommended the establishment of an international investigating body to look into the violence, with guarantees of autonomy and independence, in order to uphold the right to truth and duly identify those responsible.⁶² Meanwhile, HRW recommended that Nicaragua extend the mandate of the Interdisciplinary Group of Independent Experts (GIEI) in November for another six months and broaden its capabilities to investigate human rights violations between April and through the end of its mandate.⁶³

27. JS15 noted that the situation in prisons was typified by overcrowding, violence, undignified conditions, acts of cruel, inhuman and degrading treatment and torture, all of which had been exacerbated during the current crisis. It further stated that cruel and inhuman punishment continued to be used in the prison system, together with prolonged periods of solitary confinement.⁶⁴

*Administration of justice, including impunity, and the rule of law*⁶⁵

28. JS1 stated that the report on the 2014 universal periodic review had mentioned the exploitation of the judicial system by the ruling political party, and the system’s decline, a situation that had worsened markedly since April 2018.⁶⁶ JS10 stated that the judicial system had been used to silence political opposition, thereby ensuring that the ruling party could consolidate its hold on power; it mentioned cases occurring in 2016.⁶⁷

29. JS9 asserted that the systematic concentration of all branches of the State of Nicaragua in the hands of the executive had resulted in their exploitation in the interests of the ruling party.⁶⁸ Similar concerns were raised by JS1, JS10 and JS11.⁶⁹

30. JS16 reported that there was no adequate legal framework, and no public policies, enabling the investigation and prosecution of acts of violence against lesbian, gay, transgender, bisexual or intersex persons.⁷⁰

31. In connection with the protests that began in April 2018, JS9 asserted that the State failed to ensure accountability inasmuch as, despite complaints lodged by families, and identification of suspected perpetrators, no investigation had been launched and no one had been brought to trial, except for those who had been arrested for taking part in the protests and barricades.⁷¹

32. According to JS9, the strategies used by the State to hide the facts included manipulation of situations where family members came to hospitals to collect bodies, manipulation of forensic medical opinions and paramilitary occupation of State and private hospitals.⁷²

33. IACHR recommended that the judiciary should fully assert its independence and try the accused in accordance with the highest international and inter-American human rights standards.⁷³

*Fundamental freedoms and the right to participate in public and political life*⁷⁴

34. The Centro de Investigación de la Comunicación (Communications Research Centre) (CINCO) reported that between 2015 and 2018, the independent media and journalists had complained about the methods used by the Government to pressure them into self-censorship, shutting down forums for debate and avoiding editorial positions critical of the Government. CINCO stated that the Government had used fiscal surveillance and pressure and withdrawal of State advertising, and threatened not to renew their operating licences.⁷⁵

35. IACHR recommended guaranteeing to uphold media independence and refraining from censorship on the part of any State body.⁷⁶ The Violeta Barrios de Chamorro Foundation (FVBCH) recommended decriminalizing the offences of libel and defamation and dealing with them through civil procedures rather than through the courts.⁷⁷

36. Several organizations noted with concern the lack of pluralism and the strong concentration of ownership of national media titles under the control of persons belonging to or allied with the ruling Ortega-Murillo family, or of Angel González, the entrepreneur.⁷⁸

37. Cultural Survival (CS) indicated that there was no public policy for the promotion and licensing of community radio stations, which were essential to indigenous peoples' freedom of expression.⁷⁹

38. CINCO reported that, during the period of political crisis that had started in April 2018, the Government had censored several television channels, including 100% Noticias, Nicavisión, CDNN, Telenorte in the city of Estelí and the Nicaraguan Catholic Church channel. CINCO further stated that 100% Noticias had been off the air for several days while the other channels had had their signal restored after one or two days.⁸⁰ A number of organizations mentioned this matter.⁸¹

39. CINCO, the Humboldt Centre, FVBCH, MpN, JS4, Joint Submission 6 (JS6), JS10 and JS12 noted with concern the State's failure to comply with the Access to Public Information Act.⁸²

40. Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua (Centre for Justice and Human Rights of the Atlantic Coast of Nicaragua) (CEJUDHCAN) mentioned the criminalization of protest as from 18 April, which had affected citizens, students and human rights defenders, and which had extended to the Caribbean Coast of Nicaragua.⁸³ Other organizations mentioned similar points.⁸⁴ JS9 reported that the social protests that had started in April 2018 had met with a wave of violent police repression in response to peaceful protest; violent dismantling of barricades and roadblocks; and persecution, harassment, threats and criminalization of the right to protest.⁸⁵

41. JS10 stated that the crisis of violence against activists and human rights defenders was not limited just to the current crisis facing the country.⁸⁶ CEJUDHCAN reported that women human rights defenders on the northern Caribbean coast of Nicaragua, and particularly indigenous leaders, had faced threats.⁸⁷ JS14 added that the violence of 2015 had meant that indigenous persons had been forced to leave their homes.⁸⁸ JS10 referred to the attacks on activists defending land and natural resources that had taken place since 2016.⁸⁹

42. JS12 noted that the freedom of association of Nicaraguan workers was strongly restricted; where the ruling party controlled most unions, and the rights of independent unions were not guaranteed.⁹⁰

43. IACHR reported attacks, intimidation, threats and smear campaigns against young demonstrators, student leaders, human rights defenders, victims' families and members of religious groups during the protests that had started in April 2018.⁹¹ MpN and HRW reported attacks on members of the Episcopal Conference.⁹²

44. ILLS stated that over the past four years smear campaigns, defamation, slander, and accusations against human rights defenders had intensified.⁹³

45. JS12 and HRW informed that numerous human rights defenders had been smeared and targeted with stigmatisation campaigns, surveillance, phone tapping, threats and physical attacks, intimidation and physical surveillance by police vehicles, among others. Women human rights defenders were additionally victims of sexual attacks.⁹⁴ IACHR, JS3, JS7, JS9 and JS15 reported similar concerns.⁹⁵

46. IPAS mentioned non-compliance with precautionary measures ordered by the inter-American human rights system on behalf of a number of human rights defenders.⁹⁶

47. Several organizations recommended the creation of effective mechanisms for the protection of women human rights defenders.⁹⁷

48. CINCO indicated that journalists often faced intimidation, threats, harassment, attacks, robbery and assault, carried out chiefly by police and government supporters.⁹⁸ Other organizations expressed similar concerns.⁹⁹

49. CINCO, Reporters without Borders (RSF), JS12 and JS13 referred to the murder of journalist Angel Gahona in Bluefields, on 21 April 2018, which had been broadcast live and recorded by him as he was broadcasting online.¹⁰⁰ RSF recommended the creation of a national mechanism for the protection of journalists and a special prosecutor's office to investigate crimes against journalists.¹⁰¹

50. RSF and JS6 recommended complying with the precautionary measures granted by the Inter-American Commission on Human Rights to journalists who had been assaulted and threatened, and their families.¹⁰²

51. HD claimed that the electoral body was completely biased and had made a couple of purely superficial electoral reforms in line with the interests of the ruling party.¹⁰³ MpN stated that the Government of Nicaragua had destroyed the institutional foundation of all branches of the State, and in particular that of the Electoral Authority, and that the nation demanded the restructuring of the Supreme Electoral Council and an update of the electoral roll.¹⁰⁴

*Right to privacy and family life*¹⁰⁵

52. JS13 expressed concern about cases of “doxxing” – maliciously publishing someone's personal information, like their address or phone numbers – affecting journalists and activists, as a violation of the right of privacy.¹⁰⁶

53. JS4 reported that with the adoption of the Family Code, the minimum age of marriage had been raised to 16 years.¹⁰⁷ JS3 stated that the adoption of the Family Code in 2015 maintained the existing inequality in respect of LGBTIQ persons, recognizing rights only to persons of another sex.¹⁰⁸

54. JS16 recommended making legislative amendments to ensure genuinely equal rights for same-sex couples, in particular the right to marriage.¹⁰⁹ JS3 recommended reforming the Family Code to cover gender identity and sexual orientation.¹¹⁰

3. Economic, social and cultural rights

*Right to work and to just and favourable conditions of work*¹¹¹

55. JS15 reported that Nicaragua still had high levels of unemployment, and that 70 per cent of employed persons remained in informal work with no social protection and with income that did not meet their basic needs. JS15 further stated that the current socio-political crisis had left over 250,000 people without formal employment between April and June 2018 and that 1.3 million people were at risk of poverty if no peaceful solution was found.¹¹²

56. JS1 reported that the labour rights of the LGTBIQ community had deteriorated badly since 2014, both for those who were employed and for those seeking work.¹¹³

57. JS9 indicated that one form of criminalization during the protests in April 2018 had been the arbitrary dismissal of persons employed in State structures for their involvement in protests or providing humanitarian aid to persons involved in protests.¹¹⁴

Right to social security

58. JS15 stated that the Nicaraguan Social Security Institute (INSS) had mismanaged the resources of insured persons, offering third parties loans for investment, thereby exacerbating the financial situation over the past six years. JS15 added that the reduction of the list of essential medicines and health services for insured persons and pensioners posed a risk to their health and life.¹¹⁵

59. JS15 asserted that the Executive had made amendments to the Social Security Act that had violated human rights and had been one of the factors that had triggered the social protest.¹¹⁶

Right to an adequate standard of living¹¹⁷

60. JS15 stated that the Government had not shown any willingness to increase its budget allocations to health and education – on the contrary, in August 2018 it had cut those sectors' budgets, which had in turn impacted on public investment programmes and municipal transfers. JS15 stated that social investment had dropped sharply, affecting projects that had fallen behind schedule, such as the Oscar Danilo Rosales de León Hospital.¹¹⁸

61. The Humboldt Centre indicated that despite the existence of a large number of instruments and public policies aimed at the conservation and sustainable use of water resources in the country, there had been a conspicuous lack of political will on the Government's part to ensure their implementation, notably with regard to the National Water Act in terms of royalties for use and development of national water sources and discharge of waste water. The Humboldt Centre further stated that, according to figures from the Rural Water and Sanitation Information System (SIASAR), in 2015 approximately 48 per cent of the communities registered in the database had had no drinking water supply system.¹¹⁹

62. JS11 stated that in July 2018, there were already 347,000 people who had been dismissed or suspended from their jobs, which had resulted in an increase in the proportion of people living in poverty from 29.6 per cent to 34.8 per cent. This could mean that some 143,000 people had fallen into poverty during the crisis.¹²⁰

Right to health¹²¹

63. IPAS indicated that, although maternal mortality rates had fallen, the numbers were still unacceptable, since it was the more remote departments, such as the Caribbean coast and Jinotega, that reported the most deaths.¹²²

64. IPAS stated that Nicaragua had become one of six countries in Latin America and the Caribbean to fully criminalize abortion, and that it had upheld the complete criminalization of abortion for more than eleven years, ignoring the recommendations of various treaty bodies and the universal periodic review.¹²³ The Centro de Información y Servicios de Asesoría en Salud (Health Information and Advisory Services Centre) (CISAS) reported that under the Criminal Code women, adolescents and girls who obtained abortions were liable to one to four years' imprisonment. CISAS added that because of the ban on abortion, such procedures were carried out in secret.¹²⁴

65. IPAS indicated that, despite efforts to control vector transmission in recent years, the Zika virus was no longer epidemic but had become endemic, and a latent threat to public health.¹²⁵ CISAS referred to the lack of information regarding some of the strategies in the 2016–2021 National Health Plan.¹²⁶

66. CISAS noted that during the protests that had started on 18 April, the Alemán Nicaragüense, Lenin Fonseca and Manolo Morales hospitals, the Oscar D. Rosales hospital in León and the San Juan de Dios hospital in Estelí, as well as various public services, had refused medical care to injured students and protesters, an attitude condemned by the Nicaraguan Medical Association.¹²⁷ MpN, HRW, IACHR, JS4, and JS15 also mentioned that situation.¹²⁸

67. CISAS asserted that many doctors had disobeyed the Minister of Health's order not to treat those injured in the demonstrations, and had then been harassed and had received death threats from the Government, through its supporters. It added that the dismissal of 240 specialists and subspecialists since the protests had had a negative impact on the coverage and quality of care.¹²⁹

68. IACHR recommended investigating allegations of interference with medical treatment in hospitals, and with the humanitarian work of the Red Cross and firefighters.¹³⁰ CISAS recommended that such investigations should include an international support team.¹³¹

*Right to education*¹³²

69. Joint Submission 5 (JS5) asserted that Nicaragua was one of the countries in Latin America that invested the least in education. In 2017, Nicaragua had allocated only 3.1 per cent of GDP and according to government projections the allocation would not be more than 3.5 per cent by 2020.¹³³ JS5 recommended increasing the education budget gradually in order to reach the UNESCO-recommended budget of 7 per cent of GDP, or 6 per cent of GDP for basic and secondary education as provided by the 2030 Agenda.¹³⁴

70. JS2 acknowledged that the Ministry of Education had launched the school inclusion policy in 2009, notably for children with disabilities and indigenous peoples, but said that it had been difficult to evaluate its achievements owing to the lack of official statistics and studies.¹³⁵

71. JS5 stated that rural education continued to lag behind the rest of the education system, with very significant gaps in access to secondary school: only 64 per cent of rural youth aged 15–19 completed primary school and only 26 per cent of the same group completed secondary education.¹³⁶

72. In terms of quality, JS5 noted politicization at all levels of education, with school textbooks glorifying political figures of the Sandinista revolution and the programmes of Daniel Ortega's Government, as well as political indoctrination from the time the Sandinista National Liberation Front had come to power in 2007.¹³⁷

73. JS5 recommended prioritizing spending on education, particularly preschool and secondary education in rural areas, in order to reduce the school dropout rate, narrow learning gaps and improve access in rural areas.¹³⁸

74. JS1 was concerned by the school dropout situation among lesbian, gay, bisexual, transgender and intersex people and the problem of violence and discrimination against them in schools.¹³⁹ JS5 was concerned at the lack of statistical data on the educational situation of the LGBTIQ community, which was an impediment to effective inclusive education.¹⁴⁰

4. Rights of specific persons or groups

*Women*¹⁴¹

75. IPAS reported that in 2012–2017 there had been 365 femicides, that the country had no policy on reparation and support for victims of femicide and that the Special Police Units for Women and Children, which had provided specialized support, had been dismantled.¹⁴² JS4 added that the units' functions had been reassigned to Judicial Assistance and their staff redeployed in the various police units, so that they no longer received specialized support.¹⁴³

76. JS7 noted that Nicaragua had included the crime of femicide in its legislation, defining it as a separate offence under Act No. 779. However, the Act had been weakened through a number of amendments and by the implementation of regulations that ran counter to the very purpose of the law.¹⁴⁴ JS4 and ILLS noted that Act No. 779 violated the right to protection by restricting violence to that occurring within the family and taking no account of the school or community contexts.¹⁴⁵ JS15 expressed similar concerns.¹⁴⁶

77. ILLS recommended implementing educational policies to prevent violence against women and to eradicate gender discrimination.¹⁴⁷

*Children*¹⁴⁸

78. JS2 reported that Nicaragua had one of the highest rates of adolescent pregnancy in the Central American and Caribbean region and that most pregnancies in children under the age of 18 occurred in departments in the north of the country and in the North and South Caribbean autonomous regions.¹⁴⁹ CISAS and JS4 expressed a similar concern.¹⁵⁰

79. IPAS noted that one of the most tragic situations was that of girls who were forced into motherhood as a result of sexual violence, and reported that between 2006 and 2016 at least 16,400 girls aged 10–14 had given birth in public hospitals.¹⁵¹

80. JS2 recommended running awareness-raising campaigns so that the general public and, in particular, public officials, would recognize children and adolescents as subjects of civil and political rights.¹⁵²

*Persons with disabilities*¹⁵³

81. JS2 recognized that the Ministry of Education had introduced an inclusion policy and that extensive efforts had been made to include children with disabilities, with 25 special education centres and training to enable teachers to deal with students with disabilities.¹⁵⁴ JS2 noted that the greatest number of children with disabilities were at the primary level; but that it was difficult to integrate children with disabilities into preschool and secondary education.¹⁵⁵

82. JS2 recommended highlighting the situation of children with disabilities by publishing disaggregated data, qualitative reports and true-life stories.¹⁵⁶

*Minorities and indigenous peoples*¹⁵⁷

83. CEJUDHCAN and JS14 reported that the principle of self-determination of indigenous peoples had not been observed because the State had interfered in the elections of traditional authorities, creating parallel structures.¹⁵⁸

84. CEJUDHCAN and JS14 stated that the process of legalization of indigenous territories had made significant progress, having reached the fourth demarcation phase. However, the fifth stage was lacking, namely the restoration of the rights of indigenous communities.¹⁵⁹ JS14 recommended completing the final phase of demarcation and granting of title to indigenous territories.¹⁶⁰

85. CEJUDHCAN and JS14 added that the situation in relation to land and natural resources had resulted from the absence of effective State measures to curb the invasion of third parties and from the launching of megaprojects without prior consultation with the indigenous peoples concerned.¹⁶¹ The Humboldt Centre stated that there had been a clear violation of the right of indigenous peoples and Afrodescendants to prior, free and informed consultation.¹⁶² JS14 recommended creating mechanisms to carry out such consultations, in accordance with the traditions and customs of indigenous peoples on the basis of free, prior and informed consent.¹⁶³

86. The Humboldt Centre reported that the State had promoted the development of economic activities that threatened the property and fundamental right of indigenous peoples and Afrodescendants. The 2012–2016 National Human Development Plan and the 2018–2021 National Human Development Programme had set as a priority the granting of countless metal mining concessions to big multinationals in the autonomous regions of the North Caribbean and authorizations for single-crop oil palm in the autonomous region of the South Caribbean.¹⁶⁴

87. JS7 stated that the Canalera concession violated the human rights of indigenous peoples, by granting a private investor absolute rights over natural resources and expropriating the property of indigenous peoples and Afrodescendants.¹⁶⁵ CS recommended adoption of the Act on the Autonomy of the Indigenous Peoples of the Pacific, Central and Northern Regions of the country.¹⁶⁶

*Migrants, refugees, asylum seekers and internally displaced persons*¹⁶⁷

88. JS4, JS9, JS13 and JS15 said that the stepping up of government repression had led to forced migration, and in particular applications for refugee status in a neighbouring country.¹⁶⁸ JS4 reported that, according to the Office of Migration and Alien Affairs of a third country, more than 23,000 Nicaraguans had sought asylum.¹⁶⁹ Similar points were made by JS9.¹⁷⁰

89. JS15 indicated that the escalation of the conflict in 2017 had led to the forced displacement of dozens of Miskita families.¹⁷¹

90. JS15 asserted that land borders were militarized and the immigration authorities had a list of persons persecuted by the Government for involvement in social protest who had been prevented from leaving the country, which had forced them into irregular migration that involved greater risks.¹⁷²

91. JS15 recommended taking measures to ensure the effective enjoyment of their rights by Nicaraguans who had migrated, providing them with protection and strengthening accountability mechanisms so as to respond adequately to their situation.¹⁷³

92. JS1 stated that the political situation was forcing international migration by the LGBTIQ community.¹⁷⁴

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

*Civil society**Individual submissions:*

CEJUDHCAN	Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua (Nicaragua);
Centro Humboldt	Centro Alexander von Humboldt (Nicaragua);
CINCO	Centro de Investigación de la Comunicación (Nicaragua);
CISAS	Centro de Información y Servicios de Asesoría en Salud (Nicaragua);
CS	Cultural Survival (United States of America);
FVBCH	Fundación Violeta Barrios de Chamorro (Nicaragua);
HD	Asociación Hagamos Democracia (Nicaragua);
HRW	Human Rights Watch (Switzerland);
ICAN	International Campaign to Abolish Nuclear Weapons (Switzerland);
ILLS	Fundación Instituto de Liderazgo de las Segovia (Nicaragua);
IPAS	IPAS Centroamérica (Nicaragua);
MpN	Movimiento por Nicaragua (Nicaragua);
RSF-RWB	Reporters Without Borders International (France).

Joint submissions:

JS1	Joint submission 1 submitted by: Centro de Información y Servicios de Asesoría en Salud; Artemisas; Asociación Nicaragüense de Transgeneras ANIT (Nicaragua);
JS2	Joint submission 2 submitted by: IIMA – Istituto Internazionale Maria Ausiliatrice; VIDES International – International Volunteerism Organization for Women, Education, Development; Fundación Marista por la Solidaridad Internacional FMSI; Fundación Marista FUNDAMAR (Switzerland);
JS3	Joint submission 3 submitted by: Asociación Diversidad Sexual Nicaragüense ADISINIC; Mesa Nacional LGBTIQ; Operación Queer (Nicaragua);

- JS4 **Joint submission 4 submitted by:** Federación Coordinadora Nicaragüense de 39 ONGs que trabajan con la Niñez y la Adolescencia (CODENI) (Nicaragua);
- JS5 **Joint submission 5 submitted by:** Foro de Educación y Desarrollo Humano de la Iniciativa por Nicaragua (FEDH-IPN); Campaña Latinoamericana por el Derecho a la Educación (CLADE); Federación Coordinadora Nicaragüense (CODENI), Mesa Nacional LGBTI; Asociación Nicaragüense para el Desarrollo Sostenible (ANIDES); Proyecto Lechuza; Jóvenes Iberoamericanos (JI); Equipo de estudiantes organizados de las universidades (Nicaragua);
- JS6 **Joint submission 6 submitted by:** IFEXY, Asociación Mundial de Radios Comunitarias (AMARC-ALC); Sociedad Interamericana de Prensa (SIP) (Nicaragua);
- JS7 **Joint submission 7 submitted by:** Movimiento Autónomo de Mujeres MAM); Iniciativa Nicaragüense de Defensoras de los Derechos Humanos de las Mujeres (IND) (Nicaragua);
- JS8 **Joint submission 8 submitted by:** Centre for Civil and Political Rights (CCPR); OMCT; IMADR (Switzerland);
- JS9 **Joint submission 9 submitted by:** Red Internacional de Derechos Humanos (RIDH); Comisión Permanente de Derechos Humanos-Nicaragua (Switzerland);
- JS10 **Joint submission 10 submitted by:** Red Latinoamericana y del Caribe por la Democracia; Movimiento Puente (Colombia);
- JS11 **Joint submission 11 submitted by:** Consejo Superior de la Empresa Privada (COSEP) Fundación Nicaragüense para el Desarrollo Económico y Social (FUNIDES) Cámara de Comercio Americana de Nicaragua (AMCHAM) (Nicaragua);
- JS12 **Joint submission 12 submitted by:** World Alliance for Citizen Participation (CIVICUS); Federación Red Nicaragüense por la Democracia y el Desarrollo Local (South Africa);
- JS13 **Joint submission 13 submitted by:** Access Now, Derechos Digitales, IPANDETEC, The NetBlocks Group, Redes Ayuda, Sulá Batsú (United States of America);
- JS14 **Joint submission 14 submitted by:** Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua (CEJUDHCAN); Centro Nicaragüense de Derechos Humanos (CENIDH) (Nicaragua);
- JS15 **Joint submission 15 submitted by:** Centro Nicaragüense de Derechos Humanos (CENIDH); Federación Internacional de Derechos Humanos (FIDH) (Nicaragua/France);
- JS16 **Joint submission 16 submitted by:** Agrupación de Mujeres Trans y Culturales (AMTC); Iniciativa por los Derechos Sexuales (SRI) (Nicaragua).

Regional intergovernmental organization(s):

IACHR Comisión Interamericana de Derechos Humanos (Estados Unidos de América).

² The following abbreviations are used in UPR documents:

ICERD International Convention on the Elimination of All Forms of Racial Discrimination;

ICESCR International Covenant on Economic, Social and Cultural Rights;

OP-ICESCR Optional Protocol to ICESCR;

ICCPR International Covenant on Civil and Political Rights;

ICCPR-OP 1 Optional Protocol to ICCPR;

ICCPR-OP 2 Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ For relevant recommendations see A/HRC/27/16, paras. 114.1; 114.24–114.26; 115.1; 116.1–116.12; 117.1–117.11.

⁴ FVBCH, p. 8; MpN, p. 6; JS1, pp.3–9; JS4, p.1; JS7, pp.1–2; JS8, p. 1, JS11, p. 12 and JS15, p. 11.

⁵ JS1, p. 9; IPAS, p. 6.

⁶ JS4, p. 1.

⁷ JS4, p. 1.

⁸ MpN, p. 6; JS1, p. 9.

⁹ JS4, p. 1.

¹⁰ IACHR, p. 3; JS4, p. 1; JS15, p. 11.

¹¹ Centro de Justicia, p. 6; CISAS, p. 6; FVBCH, p. 8; MpN, p. 6; JS8, p. 1; JA9, p. 13; JS11, p. 6; JS14, p. 9; JS15; pp.2–11.

¹² JS9, p. 13.

¹³ IPAS, p. 2; see also: HRW, pp.3–5; IPAS, p. 2; MpN, p. 2; JS5, p. 2; JS10, p. 5; JS12, p. 5.

¹⁴ HRW, p. 5. See also: JS10, p. 5.

¹⁵ IACHR, p. 3.

¹⁶ MpN, p. 6.

¹⁷ JS4, p. 7.

¹⁸ MpN, p. 6; JS9, p. 13; JS12, p. 17.

¹⁹ JS9, p. 13.

²⁰ JS12, p. 17.

²¹ JS9, p. 13.

²² ICAN, p. 1.

²³ For relevant recommendations see A/HRC/27/16, paras. 114.3–114.11; 114.23; 115.3.

²⁴ JS4, p. 6.

²⁵ JS4, p. 2.

²⁶ JS3, p. 8 and JS 16, p. 3.

²⁷ JS2, p. 2.

²⁸ JS8, p. 2.

²⁹ For relevant recommendations see A/HRC/27/16, paras. 114.34; 116.13–116.14.

³⁰ JS3, p. 4. See also: JS16, p. 2.

³¹ JS16, p. 2.

³² JS1, p. 4.

³³ JS16, p. 3.

³⁴ JS3, p. 8.

³⁵ JS1, p. 9.

³⁶ JS16, p. 3.

³⁷ JS3, p. 7.

³⁸ For relevant recommendations see A/HRC/27/16, para. 114.22.

³⁹ Centro Humboldt, p. 2. See also: JS14, p. 7.

⁴⁰ Centro Humboldt, p. 3.

⁴¹ JS14, p. 7.

⁴² JS14, p. 8.

- 43 HD, p. 4.
- 44 FVBCH, p. 3; ILLS, p. 5; JS1, p. 9; JS3, p. 3; JS7, p. 8; JS10, p. 6; JS12, p. 4; JS15, p. 3.
- 45 JS13, p. 3. See also: JS10, p. 6.
- 46 ILLS, p. 6.
- 47 HRW, p. 3; JS1, p. 9; JS3, p. 3; JS7, p. 9; JS9, p. 13; JS10, p. 5; JS12, p. 4; JS15, p. 10.
- 48 For relevant recommendations see A/HRC/27/16, paras. 114.35–114.38; 116.15–116.16; 117.12–117.13.
- 49 IACHR, p. 3. See also: MpN, pp.5–6; JS1, pp.5–6; JS4, p. 4; JS7, p. 2, JS7, p. 3.
- 50 JS9, p. 4. See also: HRW, p. 1; JS13, p. 6; JS15, pp.3–4.
- 51 HD, pp.2–3.
- 52 JS9, p. 5.
- 53 IACHR, p. 4.
- 54 JS2, p. 7.
- 55 IACHR, p. 2; JS10, p. 5; JS11, p. 6; JS15, p. 10.
- 56 JS9, p. 8; HRW, p. 2 and MpN, p. 4.
- 57 HD, p. 4.
- 58 MpN, p. 4. See also: JS9, p. 7; JS12, p. 13.
- 59 IACHR, p. 5. See also: JS1, p. 6; JS4, p. 4; JS9, p. 7.
- 60 JS9, p. 7.
- 61 JS9, p. 8.
- 62 IACHR, p. 2 and JS12, p. 16.
- 63 HRW, p. 3.
- 64 JS15, p. 6.
- 65 For relevant recommendations see A/HRC/27/16, paras. 114.64–114.66; 116.17–116.19.
- 66 JS1, pp.6–7.
- 67 JS10, p. 4.
- 68 JS9, p. 2.
- 69 JS1, pp. 6–7; JS10, p. 1; JS11, p. 6.
- 70 JS16, p. 2.
- 71 JS9, pp. 6–9.
- 72 JS9, pp. 6–7.
- 73 IACHR, p. 10.
- 74 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; 117.18.
- 75 CINCO, p. 1. See also: ILLS, p. 4; RSF, p. 4; JS6, p. 2.
- 76 IACHR, p. 2.
- 77 FVBCH, p. 8.
- 78 CINCO, p. 2; Cultural Survival, p. 4; MpN, p. 3; JS6, pp.3–6; JS10, p. 1; JS10, p. 5, JS11, p. 6; JS12, p. 10; JS15, p. 4.
- 79 CS, pp. 3–7.
- 80 CINCO, pps. 2–3.
- 81 RSF, p. 5; JS6, p. 3; JS7, p. 7; JS9, p. 11; JS10, p. 5; JS13, p. 6.
- 82 CINCO, p. 6; Centro Humboldt, p. 3; FVBCH, pp. 6–7; MpN, p. 3; JS4, p. 2; JS6, p. 7; JS10, p. 5. JS12, p. 10.
- 83 CEJUDHCAN, p. 4.
- 84 ILLS, p. 3; IPAS, p. 1; JS1, p. 7; JS2, p. 5; JS3, p. 6; JS6, pp. 4–5; JS9, p. 3; JS11, p. 6; JS14, p. 5; JS15, p. 4.
- 85 JS9, p. 4.
- 86 JS10, p. 3.
- 87 CEJUDHCAN, p. 4.
- 88 JS14, p. 4.
- 89 JS10, p. 3. See also: JS14, p. 4.
- 90 JS12, p. 5.
- 91 IACHR (pp. 5–6) See also: JS15, p. 4; JS4, P.5; JS5, pp. 10–11.
- 92 MpN, p. 4 and HRW, p. 4.
- 93 ILLS, p. 4.
- 94 JS12, pp. 6–7 and HRW, pp. 2–4.
- 95 IACHR (p. 3); JS3, p. 6; JS7, p. 6; JS9, p. 4; JS15, p. 10.
- 96 IPAS, p. 5. See also: ILLS, p. 4; JS1, p. 8.
- 97 IPAS, p. 6; CEJUDHCAN, p. 6; HRW, p. 3; ILLS, p. 6; JS12, p. 15; JS15, p. 11.
- 98 CINCO, pp. 3–4.
- 99 HRW, p. 4; RSF, pp. 1–3; FVBCH, pp. 3–6; IPAS, p. 5; JS6, p. 2; JS9, p. 11; JS10, p. 1; JS12, p. 8; JS13, pp. 8–9; JS15, p. 4.

- 100 CINCO, p. 5; RSF, p. 2; JS12, p. 9; JS13, p. 7.
101 RSF, p. 5.
102 RSF, p. 5 and JS6, p. 8.
103 HD, p. 5.
104 MpN, p. 2.
105 For relevant recommendations see A/HRC/27/16, paras. 114.68–114.69.
106 JS13, pp. 8–9.
107 JS4, p. 1.
108 JS3, pp. 2–8.
109 JS16, p. 3.
110 JS3, p. 8.
111 For relevant recommendations see A/HRC/27/16, para. 115.2.
112 JS15, p. 7.
113 JS1, p. 4.
114 JS 9, p. 7. See also: JS15, p. 8.
115 JS15, p. 7.
116 JS15, p. 7.
117 For relevant recommendations see A/HRC/27/16, paras. 114.12–114.19; 114.21; 114.96–114.112.
118 JS15, pp. 2–7.
119 Centro Humboldt, pp. 2–3.
120 JS11, p. 2.
121 For relevant recommendations see A/HRC/27/16, paras. 114.113–114.123; 116.24; 117.19–117.31.
122 IPAS, p. 4.
123 IPAS, pp. 2–4.
124 CISAS, p. 1.
125 IPAS, p. 5.
126 CISAS, p. 2.
127 CISAS, pp. 2–3.
128 MpN, p. 5; HRW, p. 1; IACHR, p. 5; JS4, p. 5; JS15, p. 8.
129 CISAS, pp. 3–4. See also: MpN, pp. 4–5.
130 IACHR, p. 2.
131 CISAS, p. 6.
132 For relevant recommendations see A/HRC/27/16, paras. 114.124–114.139; 116.25.
133 JS5, p. 3.
134 JS5, p. 4.
135 JS2, p. 4. See also JS5, p. 7.
136 JS5, p. 6.
137 JS5, p. 8.
138 JS5, p. 4.
139 JS1, p. 5.
140 JS5, p. 7.
141 For relevant recommendations see A/HRC/27/16, paras. 114.27–114.28; 114.30–114.31; 114.39–114.53; 117.14–117.17.
142 IPAS, p. 3. See also: JS7, p. 6.
143 JS4, p. 3. See also: IPAS, p. 3; JS7, p. 6; JS15, p. 1.
144 JS7, pp. 4–5.
145 JS4, pp. 1–3 and ILLS, p. 5.
146 JS15, p. 1.
147 ILLS, p. 7.
148 For relevant recommendations see A/HRC/27/16, paras. 114.20; 114.57–114.63; 114.67; 114.71–114.77.
149 JS2, p. 2.
150 CISAS, pp. 5–6 and JS4, p. 4.
151 IPAS, p. 3.
152 JS2, p. 6.
153 For relevant recommendations see A/HRC/27/16, paras. 114.14; 114.16–114.18; 116.25.
154 JS2, pp. 4–5.
155 JS2, pp. 4–5.
156 JS2, p. 5.
157 For relevant recommendations see A/HRC/27/16, paras. 114.29; 114.32–114.33; 114.140–114.143; 115.6; 116.26.
158 CEJUDHCAN, pp. 1–2 and JS 14, p. 2.
159 CEJUDHCAN, pp. 1–2 and JS 14, p. 3.

- ¹⁶⁰ JS14, p. 8.
¹⁶¹ CEJUDHCAN, p. 2 and JS14, p. 3. See also: Centro Humboldt, p. 4; JS15, p. 8.
¹⁶² Centro Humboldt, p. 4.
¹⁶³ JS14, p. 8.
¹⁶⁴ Centro Humboldt, p. 3.
¹⁶⁵ JS7, p. 3.
¹⁶⁶ Cultural Survival, p. 8.
¹⁶⁷ For relevant recommendations see A/HRC/27/16, para. 114.144.
¹⁶⁸ JS4, p. 5; JS9, p. 12; JS13, p. 6; JS15, p. 9.
¹⁶⁹ JS4, p. 5.
¹⁷⁰ JS9, p. 12.
¹⁷¹ JS15, p. 8.
¹⁷² JS15, p. 9.
¹⁷³ JS15, p. 11.
¹⁷⁴ JS1, p. 8.
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