



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Nicaragua and welcome the constructive engagement of your Government during the 33rd session of the UPR Working Group in May 2019.

As the final outcome report on the review of Nicaragua has been recently adopted by the Human Rights Council at its 42nd session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Nicaragua – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 90 delegations and the presentation made and responses provided by the delegation of Nicaragua. I have also considered the actions taken by the Government to implement the 161 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I am encouraged by the important progress made towards gender equality, including the meaningful representation of women at the National Assembly, at ministerial and executive positions and high-level positions in the judiciary. I also welcome the implementation of the "National Human Development Programme".

I encourage Nicaragua to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Nicaragua's fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities.

I also encourage Nicaragua to continue its efforts to strengthen its national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking this to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

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H.E. Mr. Denis R. Moncada Colindres
Minister for Foreign Affairs and Worship
Nicaragua



Please, kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Nicaragua to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Nicaragua in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to read 'Michelle Bachelet', with a long horizontal flourish extending to the right.

Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Mr. Valdrack Ludwing Jaentschke Whitaker
Minister Adviser to the President of Nicaragua for International Relations and the Wider Caribbean
Nicaragua



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the human rights instruments to which Nicaragua is not yet a party, including the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; and the Rome Statute of the International Criminal Court.
- Cooperating with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the human rights treaty bodies and the Special Procedures of the Human Rights Council.

National human rights framework

- Enhancing the independence and capacities of the Office of the Human Rights Advocate so that it can function in full compliance with the Paris Principles, and seeking cooperation from OHCHR and the Global Alliance of National Human Rights Institutions in that regard.

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

A. Cross-cutting issues

Development, the environment, and business and human rights

- Strengthening the normative and institutional frameworks to integrate environmental considerations and remedy the effects of natural disasters and climate change.
- Considering the ratification of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin American and the Caribbean (the Escazú Agreement).

B. Civil and political rights

Right to life, liberty and security of person

- Enhancing measures to prevent excessive use of force and all forms of violence by police and armed elements, and investigating and prosecuting all cases of violence and abuse.
- Taking all the necessary measures to dismantle and disarm armed groups.
- Adopting further measures to improve conditions of detention; and effectively preventing, investigating and prosecuting acts of torture and ill-treatment in custody.
- Releasing all people arbitrarily detained in relation to the protests and for peacefully exercising their rights to freedom of expression and peaceful assembly.



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

- Enhancing the independence and impartiality of the judicial system at all levels, including through participative and inclusive consultations.
- Establishing a thorough and transparent accountability process, which would include prompt, impartial and thorough criminal investigations into all human rights violations, including of fundamental freedoms, perpetrated since 18 April 2018; and developing a package of measures to ensure the right to truth, justice, reparation and non-repetition for all victims of human rights violations.

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

- Enhancing the protection and promotion of freedoms of expression, association and peaceful assembly from threats, attacks, harassment, unjust prosecution and reprisals.
- Ensuring a safe environment for journalists and human rights defenders, including environmental and indigenous human rights defenders, and accountability for violence against them.
- Promptly restoring the legal personality of civil society organizations and media outlets that were sanctioned, and returning all their seized assets.
- Undertaking electoral reforms to guarantee inclusive, fair and transparent elections.

Prohibition of all forms of slavery

- Adopting further measures to fight against trafficking in persons, including by ensuring that perpetrators are punished appropriately.
- Providing adequate assistance and rehabilitation services to victims of trafficking, including through implementation of the Anti-trafficking Act.

C. Economic, social and cultural rights

Right to an adequate standard of living

- Pursuing the promotion of economic and social sustainable development to reduce poverty and social inequality, eradicate extreme poverty, and raise living standard, particularly in rural areas.
- Adopting additional measures to strengthen and implement the “National Human Development Programme”, including through the incorporation of the UPR recommendations, with a focus on adequate housing, food security, water and sanitation.

Right to health

- Strengthening efforts aimed at providing inclusive, qualitative and accessible healthcare services, particularly in rural areas.
- Enhancing actions to ensure information and access to safe sexual and reproductive health services, comprehensive sexual education and access to emergency contraception, with particular attention on the reduction of adolescent pregnancy.



Right to education

- Adopting further measures to improve access to quality primary and secondary public education for children and teenagers, especially those living in rural areas, including through the implementation of the Education Plan for 2017-2021.

D. Rights of specific persons or groups

Women

- Continuing efforts to prevent and eradicate all forms of violence against women and girls, including domestic violence.

Children

- Strengthening measures to combat, prevent and reduce child labour by, inter alia, increasing support for poor families so that they can keep their children in the education system.

Minorities and indigenous peoples

- Enhancing effective consultation processes with indigenous peoples and people of African descent peoples, including by adopting additional measures for the demarcation of their ancestral lands.

Migrants, refugees and asylum seekers

- Enhancing measures to protect the human rights of migrants, refugees and asylum seekers, especially women and children, and adopting additional measures to prevent discrimination and violence against them.