



Suggested recommendations to Nicaragua for its review during the 33rd session of the Universal Periodic Review, 6–17 May 2019

Recommendations to the government of Nicaragua:

FREEDOM OF EXPRESSION, ASSOCIATION & PEACEFUL ASSEMBLY

- Urgently end the repression, persecution and arbitrary detention of people involved in anti-government protests and guarantee the rights to freedom of expression and peaceful assembly;
- Immediately dismantle and disarm pro-government armed groups and ensure that all security forces act in accordance with the principles of legitimate, proportionate and necessary use of force in the context of protests;
- Guarantee that human rights defenders, journalists and media workers can exercise their rights to freedom of expression, association and peaceful assembly without fear of reprisals, threats, attacks, harassment or unjust prosecution;
- Put an end to the public discourse that stigmatizes people who are perceived as opponents of the current government simply for peacefully protesting or freely expressing their views and protect and recognize publicly the legitimate and important work of human rights defenders and journalists.

ARBITRARY DETENTIONS, TORTURE AND OTHER ILL-TREATMENT

- Ensure that the National Police refrain from carrying out acts that constitute torture or other ill-treatment against detainees, demonstrators or those perceived as opponents of the government;
- Release immediately all students, human rights defenders, journalists or other protestors detained solely on the grounds of the peaceful exercise of their rights to freedom of expression and peaceful assembly;
- Respect fair trial guarantees for detained students, human rights defenders, journalists or any other protesters, including their rights to be brought before a judge without delay and to have access to their families and lawyers of their choice.

ACCESS TO TRUTH, JUSTICE & REPARATIONS

- Initiate prompt, impartial, independent and thorough investigations into cases of extrajudicial executions, torture and other human rights violations, including those committed by pro-government armed groups, and the superior commanders who ordered or allowed them, or did nothing to prevent them;
- Ensure the effective participation of victims and their families in investigation proceedings and any subsequent reparations plans;
- Guarantee that access to justice, truth and reparation will be at the centre of any resolution to the current crisis.

FORCED DISPLACEMENT

- Guarantee the safe and voluntary return of all those who have been forced to leave Nicaragua as a result of state repression and persecution.

RECOGNITION AND PROTECTION OF HUMAN RIGHTS DEFENDERS

- Publicly recognize the important role of human rights defenders and ensure they are able to carry out their work in a safe and enabling environment, with specific attention to women human rights defenders, LGBTI defenders, Indigenous defenders, and other defenders facing intersecting forms of discrimination and marginalization, and ensure their effective protection against gender-specific or other threats and violence;
- Repeal or amend legislation that may place obstacles to legitimate activities to promote and defend human rights, including the rights to freedom of expression, association and peaceful assembly;
- Refrain from misusing legislation and administrative measures to close down, raid or silence civil society organizations;
- Fully co-operate with the UN human rights mechanisms, in particular by extending an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are allowed to meet with human rights defenders without hindrance.

COOPERATION WITH INTERNATIONAL HUMAN RIGHTS MECHANISMS

- Promptly comply with the recommendations issued by the Inter-American Commission on Human Rights (IACHR), the Interdisciplinary Group of Independent Experts, and the Office of the United Nations High Commissioner for Human Rights, including to promptly initiate investigations of crimes against humanity that have taken place in the context of the crisis;
- Ensure appropriate conditions for the IACHR Follow-up Mechanism on the Situation of Nicaragua (MESENI) to carry out its work without undue interference;
- Allow international and regional human rights bodies and mechanisms access to the country to monitor and document the human rights situation without restrictions on duration or scope and ensure they are allowed to meet with victims and human rights defenders without hindrance, and fully co-operate with their respective mandates.

INTERNATIONAL HUMAN RIGHTS STANDARDS

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures;
- Promptly accede to the Rome Statute of the International Criminal Court, and implement it into national law;
- Promptly adhere, without making any reservation, and implement into national law, the Agreement on the Privileges and Immunities of the International Criminal Court and the International Convention for the Protection of All Persons from Enforced Disappearance, recognizing in this case the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and other states parties.