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Ministro de Relaciones Exteriores  
Ministerio de Relaciones Exteriores  
Del Antiguo Cine González 1c al Sur sobre Avenida Bolívar  
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19 May 2011

Dear Minister,

## **OPEN LETTER RE: NICARAGUA'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL**

We write on the occasion of Nicaragua's candidacy for membership of the UN Human Rights Council in the elections scheduled for 20 May 2011. We note your submission election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the *note verbale* dated 18 April 2011 from the Permanent Mission of Nicaragua to the United Nations to the Secretary-General.

The Office of the UN High Commissioner for Human Rights has issued guidance in the form of a framework for voluntary pledges and commitments by Member States when presenting candidatures for the Human Rights Council, including that these should make specific, measurable and verifiable commitments.<sup>1</sup> We also recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.<sup>2</sup> We take this opportunity to make some comments on Nicaragua's election pledges and to note some additional opportunities for your government to promote and protect human rights on the occasion of its candidature.

### **1. Commitments at the international level:**

#### ■ *Ratification of international human rights instruments*

Nicaragua has yet to ratify the Rome Statute for the International Criminal Court, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention for the Protection of All Persons from Enforced Disappearance and to make the declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination to allow for individual communications, and we take this opportunity to encourage you to include in your election pledges a commitment to ratify these standards.

#### ■ *Cooperation with the Special Procedures*

Members of the Council are expected to fully cooperate with the Council and its mechanisms, and we therefore take this opportunity encourage you to facilitate without delay the visits requested by the Working Group on enforced or involuntary disappearances (2006), the Independent Expert on minority issues (2007), Independent Expert on human rights and extreme poverty (2008), Working Group on

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<sup>1</sup> *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council* prepared by the Office of the High Commissioner for Human Rights <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>  
<sup>2</sup> Operative paragraph 9.

arbitrary detention (2008), Special Rapporteur on the sale of children, child prostitution and child pornography (2010), as well as the visit agreed in principle, by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The Rapporteur for Nicaragua of the Inter-American Commission has also requested a visit.

■ *Cooperation with the treaty monitoring bodies*

We note that a number of periodic reports are overdue, including to the Committee on the Elimination of Discrimination against Women, the Migrant Workers Committee (initial report), the Committee on the Rights of Persons with Disabilities (initial report), the Committee on the Elimination of Racial Discrimination and urge you to submit these without further delay.

■ *Engagement with the Universal Periodic Review*

Among the recommendations made to Nicaragua, during its review in February 2010, we consider of particular importance the recommendations to strengthen measures to tackle violence against women and to strengthen efforts to ensure the protection, assistance and health care of women and girls victims of rape and violence. We are concerned that a number of recommendations to repeal the ban on abortions did not enjoy the support of your government and urge you to keep these recommendations under consideration.

■ *Participation in the deliberations of the Human Rights Council*

We note your commitment, reiterated in your election pledges, to continue to work to strengthen the Council to ensure dialogue, cooperation, universality of human rights and non-selectivity prevail. In this regard, we urge you to work towards better use of the Council's broad range of working methods and practices to address situations that require its attention and to improve the follow up by the Council of initiatives, including by its expert mechanisms and subsidiary bodies.

**2. Commitments at the national level:**

■ *National human rights policy*

We note your commitments to carry out the 2009-2012 Human Development Plan, which includes a development strategy and human rights free of discrimination of any kind and the creation of institutions to guarantee compliance with fundamental human rights and freedoms as established in the Constitution and national laws; and to engage in the struggle against poverty, as main national priority.

We note that the pledges and commitments already made by Nicaragua are of a very general nature and therefore encourage your government to use this opportunity to further strengthen these by including the additional elements suggested above. We also encourage your government to announce the steps it will take to fulfil its electoral pledges, whether it is successful in gaining a seat on the Council or not, and to regularly inform the Council of progress in implementing these commitments. This could, for example, be done in the form of an oral or written statement to the Council.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

Guadalupe Marengo  
Deputy Program Director  
Americas Regional Program  
Amnesty International