



General Assembly

Distr.: General
13 September 2019
English
Original: Spanish

Human Rights Council
Forty-second session
9–27 September 2019
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review

Nicaragua

Addendum*

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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



I. Background

1. Nicaragua participated in the third cycle of the universal periodic review on 17 May 2019, which gave rise to 259 recommendations.
2. The State of Nicaragua presents its official position on these recommendations.

II. Recommendations accepted: 135

125.5, 125.8, 125.9, 125.37, 125.38, 125.39, 125.40, 125.41, 125.43, 125.45, 125.46, 125.47, 125.48, 125.49, 125.50, 125.51, 125.52, 125.53, 125.54, 125.55, 125.57, 125.58, 125.59, 125.61, 125.64, 125.66, 125.75, 125.85, 125.87, 125.89, 125.90, 125.95, 125.103, 125.105, 125.107, 125.110, 125.111, 125.112, 125.113, 125.114, 125.116, 125.118, 125.121, 125.122, 125.124, 125.127, 125.143, 125.144, 125.145, 125.151, 125.156, 125.161, 125.162, 125.164, 125.166, 125.167, 125.169, 125.170, 125.171, 125.172, 125.173, 125.174, 125.175, 125.176, 125.177, 125.178, 125.179, 125.180, 125.181, 125.182, 125.183, 125.184, 125.185, 125.186, 125.187, 125.188, 125.189, 125.190, 125.191, 125.192, 125.193, 125.194, 125.195, 125.196, 125.197, 125.198, 125.199, 125.200, 125.201, 125.202, 125.203, 125.204, 125.205, 125.206, 125.207, 125.208, 125.209, 125.210, 125.211, 125.212, 125.213, 125.214, 125.215, 125.220, 125.221, 125.222, 125.223, 125.224, 125.225, 125.227, 125.228, 125.229, 125.230, 125.231, 125.232, 125.233, 125.234, 125.235, 125.236, 125.237, 125.238, 125.241, 125.244, 125.246, 125.247, 125.248, 125.249, 125.250, 125.251, 125.252, 125.253, 125.254, 125.255, 125.256, 125.257.

III. Recommendations not accepted: 24

125.1, 125.2, 125.3, 125.4, 125.6, 125.7, 125.10, 125.11, 125.12, 125.13, 125.15, 125.16, 125.17, 125.18, 125.19, 125.20, 125.21, 125.22, 125.23, 125.36, 125.136, 125.149, 125.217, 125.219.

IV. Recommendations that are not applicable because they lack basis and misrepresent the reality and therefore are not accepted: 100

125.14, 125.24, 125.25, 125.26, 125.27, 125.28, 125.29, 125.30, 125.31, 125.32, 125.33, 125.34, 125.35, 125.42, 125.44, 125.56, 125.60, 125.62, 125.63, 125.65, 125.67, 125.68, 125.69, 125.70, 125.71, 125.72, 125.73, 125.74, 125.76, 125.77, 125.78, 125.79, 125.80, 125.81, 125.82, 125.83, 125.84, 125.86, 125.88, 125.91, 125.92, 125.93, 125.94, 125.96, 125.97, 125.98, 125.99, 125.100, 125.101, 125.102, 125.104, 125.106, 125.108, 125.109, 125.115, 125.117, 125.119, 125.120, 125.123, 125.125, 125.126, 125.128, 125.129, 125.130, 125.131, 125.132, 125.133, 125.134, 125.135, 125.137, 125.138, 125.139, 125.140, 125.141, 125.142, 125.146, 125.147, 125.148, 125.150, 125.152, 125.153, 125.154, 125.155, 125.157, 125.158, 125.159, 125.160, 125.163, 125.165, 125.168, 125.216, 125.218, 125.226, 125.239, 125.240, 125.242, 125.243, 125.245, 125.258, 125.259.

V. Rationale for accepting recommendations

3. The Government of Nicaragua will continue to guarantee the enjoyment of human rights throughout the country, in keeping with its commitment to peace, stability, sustainable development, international solidarity and humanism and in compliance with the national Constitution, national laws and the international instruments to which the State is a party. (125.51, 125.127, 125.143, 125.144, 125.161, 125.175, 125.183, 125.189, 125.204)

4. The independence and autonomy of the branches of government will continue to be guaranteed, in compliance with the law. All institutions, including the Office of the Human Rights Advocate, will be supported in order to continue promoting and defending the human rights of Nicaraguans in a harmonious and coordinated manner. **(125.37 to 125.41, 125.43, 125.45, 125.46, 125.95, 125.105)**
5. Since 2008, the Government of Nicaragua has been implementing national human development plans and programmes, which have helped to restore the human rights of the Nicaraguan people. Work will continue to be carried out to foster development with social justice, leadership of youth and families and gender equity and to ensure security, education, health, energy, and water, among other things. **(125.187, 125.192, 125.194, 125.195, 125.200)**
6. The efforts made to advance the nation's socioeconomic development and reduce inequality will continue; these efforts have allowed us to become an exemplary economy at the regional level, having reduced overall poverty from 29.6 per cent in 2014 to 24.9 per cent in 2016 and extreme poverty from 8.3 per cent in 2014 to 6.9 per cent in 2016. We will continue striving to enhance the well-being of the people of Nicaragua. **(125.179, 125.180, 125.182, 125.193, 125.196, 125.198, 125.199, 125.201, 125.202, 125.205)**
7. Free, non-discriminatory health care that is effective, efficient and of high quality will continue to be guaranteed through the family and community health model and the primary care strategy, which has produced tangible results and received international recognition. **(125.203, 125.206, 125.209, 125.210, 125.211, 125.212, 125.215, 125.220, 125.181)**
8. Efforts to restore the right to education, generally and for specific vulnerable groups, will continue under the National Education Plan (2017–2021), which provides for free, appropriate, accessible, equitable, quality education without discrimination, with efficiency and effectiveness, in both urban and rural areas, delivered through the basic education, secondary education and teacher training subsystem; the technical and vocational education subsystem; the higher education subsystem; and the out-of-school education subsystem and through the Regional Autonomous Education System in the Caribbean coastal region of Nicaragua, which responds to the cultural needs and identity of indigenous peoples and Afro-descendent populations. **(125.221 to 125.225, 125.227 to 125.235, 125.190 and 125.257)**
9. Food security will continue to be ensured and access to safe drinking water, which is currently available to 92.5 per cent of the urban population and 54.9 per cent of the rural population, will be expanded in both urban and rural areas. **(125.188, 125.184, 125.191, 125.178 and 125.186)**
10. The Government of Nicaragua will continue addressing housing problems, restoring the right to decent, comfortable and safe housing for Nicaraguans, especially the poorest, under a shared responsibility model that has facilitated the construction of 57,859 new and improved homes, benefiting 236,165 people. **(125.177)**
11. The State sovereignty and public safety strategy will continue to be pursued in order to ensure the safety of the population, since the strategy has enabled the country to have the best security indices in the region, in an environment of peace, security and tranquillity for citizens. **(125.58, 125.61, 125.64)**
12. The Government of Nicaragua will continue to work for the human rights, fundamental freedoms and civil and political rights of all Nicaraguans. The difficulties that have arisen in our society, which are similar to those experienced by all nations, will be resolved by peaceful means, through respectful dialogue between the parties, with due regard for national law and institutions. We will continue to strengthen the protection and promotion of freedom of expression, freedom of association, freedom of the press and information and the right to peaceful assembly, in accordance with the law and with all the necessary safeguards.
13. The right to freedom of assembly and to public organization and protest will continue to be guaranteed. As in any other country, these rights must be exercised in accordance with relevant laws and regulations, which exist to ensure safety, public order

and the common good of all Nicaraguans, bearing in mind that the individual's rights are limited by the rights of others. **(125.54, 125.87, 125.110, 125.111, 125.113, 125.116, 125.121, 125.122, 125.124, 125.145, 125.151, 125.156, 125.162, 125.164, 125.166, 125.167)**

14. Progress in modernizing the legal system and strengthening the institutions of the justice sector will continue to be made in an orderly and consistent manner. International standards will continue to be met and all avenues of investigation will be exhausted; accusations will continue to be substantiated with an abundance of evidence, including expert, witness and documentary evidence, guaranteeing the right to defence by qualified counsel and the presumption of innocence, as required by law. **(125.90)**

15. The commitments made with regard to identifying the political, electoral and institutional reforms needed to continue strengthening our young democracy will be fulfilled, including by ensuring free, open, transparent and monitored elections in 2021. Work with the General Secretariat of the Organization of American States for cooperation on institutional, political, and electoral strengthening in Nicaragua has resumed. **(125.112 and 125.114)**

16. We will continue our efforts to remain the safest country in the region thanks to the efficient work of the National Police, which has been internationally recognized for its work in protecting individuals, families and communities. The repression of social protests and the excessive and arbitrary use of force by the National Police has not been and will not be a State policy. **(125.55)**

17. Non-governmental organizations (NGOs) are obliged to comply with the law and with the objectives and purposes for which they were established and on the basis of which they were granted legal personality. There are 7,227 NGOs operating in Nicaragua. The constitutional right of their members to freedom of association has been respected. **(125.118)**

18. We will continue to work with all vulnerable groups who have been excluded as a result of neoliberal policies, promoting and defending their human rights through the implementation of plans, programmes and projects that will have a direct impact on the enjoyment of the rights of children, adolescents, young people, women, persons with disabilities, persons of African descent, older persons and lesbian, gay, bisexual, transgender and intersex persons, among other groups. **(125.57, 125.176, 125.185, 125.197, 125.213, 125.236, 125.238, 125.237, 125.241, 125.244, 125.246 to 125.255)**

19. Adolescent pregnancy is a regional and national problem. Measures to prevent teenage pregnancy will continue to be implemented. The Ministry of the Family and the Ministry of Education will continue to implement a joint plan for the prevention of adolescent pregnancy, alongside other national programmes. **(125.207, 125.208 and 125.214)**

20. In Nicaragua, the rights of persons deprived of their liberty will continue to be protected in accordance with national and international law. We will continue to apply legislative and administrative provisions that fully guarantee the genuine enjoyment of their rights. **(125.59)**

21. Recommendations **125.66 and 125.75** have already been implemented, as pursuant to the Amnesty Law, all persons detained in the context of the violent events that began on 18 April 2018 have been freed, with a guarantee of non-repetition.

22. The Government of Nicaragua has intensified the fight against trafficking in persons, strengthening national laws, revamping State structures and focusing on the prevention of this crime through 8,619 preventive and informative activities for 467,863 persons, with 44,232 public officials having been trained. The incidence of this crime in Nicaragua has been reduced, and we are committed to continuing to fight to maintain these achievements for the benefit of victims, including respect for the rights of migrants. **(125.169 to 125.174, 125.256)**

23. The Government of Nicaragua will continue to protect the environment and address climate change through action at the national level and active participation at the

international level. In keeping with an approach of shared but differentiated responsibilities, Nicaragua will continue to strengthen policies, strategies and instruments to contribute to the goal of limiting global warming to 1.5 degrees Celsius. **(125.47 to 125.50, 125.52, 125.53)**

24. The Government does not rule out the possibility of acceding to international human rights instruments to which Nicaragua is not a party. **(125.5)**

25. The Government of Nicaragua will continue to be respectful of its international obligations and collaborate effectively and efficiently with the United Nations. On 2 May 2019, all outstanding reports were submitted to the treaty bodies, in full compliance with this international obligation. **(125.8, 125.9)**

26. The Government of Nicaragua will remain firmly committed to leading the country towards peace, national development and prosperity, adopting concrete measures in the economic and social spheres and strengthening State institutions, which have made it possible to progressively resolve the crisis resulting from the violent events that occurred in the context of the failed coup attempt. **(125.107)**

27. The aforementioned acts of violence have been investigated through a special, autonomous, independent and professional mechanism created by the legislature: the Truth, Justice and Peace Commission, which has conducted extensive investigations and worked with existing national mechanisms in order to arrive at the truth. **(125.85)**

28. The Government of Nicaragua remains committed to justice, reparation and guarantees of non-repetition for victims. Pursuant to the Comprehensive Victim Assistance Act, the Office of the Human Rights Advocate has coordinated with State institutions to ensure that victims receive comprehensive specialized support and reparation, including medical care, mental health care, rehabilitation, social security and services, and are covered by government programmes and services in the areas of health, education, work, business, housing and recreation that will contribute to the comprehensive development of victims. **(125.89 and 125.103)**

VI. Rationale for not accepting recommendations

29. Nicaragua, in the exercise of its sovereignty, considers that this is not the time to take on new international commitments that would entail an additional administrative and budgetary burden. This does not mean, however, that there are weaknesses or gaps in the protection of human rights in the country, as Nicaragua has a broad and complete legal system focused on protecting the constitutional guarantees and human rights of Nicaraguans. **(125.1, 125.2, 125.3, 125.4, 125.6, 125.7)**

30. The Government of Nicaragua does not rule out the possibility of cooperating in the future with certain mechanisms of the Human Rights Council; however, we believe that each request made by the relevant competent body should be assessed on a case-by-case basis. **(125.10, 125.11, 125.12, 125.13, 125.15, 125.16, 125.17, 125.18, 125.19, 125.20, 125.21, 125.22, 125.23, 125.36)**

31. The people of Nicaragua value and respect the right to life of the unborn, and for that reason abortion is not accepted by society as a method of birth control, in view of the serious risks it poses to women's health. This does not mean that women's lives are being put at risk, since internal regulations oblige the Nicaraguan public health system to provide care to any woman who is at risk, especially when her life is at risk, in line with a medical procedure protocol. **(125.217, 125.219)**

32. As in other countries, NGOs in Nicaragua are obliged to comply with relevant laws and with the goals and purposes for which they were established and on the basis of which they were granted legal personality. Nine associations lost their legal personality for engaging in activities outside the scope of their goals and objectives and for utilizing their organizational status to manage, receive, channel and facilitate funds for the commission of unlawful acts in the context of the attempted coup d'état. The loss of legal personality by these entities does not affect the right to association of their members. **(125.136)**

33. The Government of Nicaragua has shown its willingness to resolve conflicts through dialogue, as it was the first to convene a dialogue during the attempted coup d'état. This dialogue, in which the Government was always represented and fulfilled all of the agreements to which it committed itself, was a valuable and important undertaking in this historical context.

34. Today, the reality is different and the people of Nicaragua have regained peace and national stability. On the part of the State of Nicaragua, we pledge to continue striving towards progress for the benefit of all. The State of Nicaragua has always been open to and engaged continuously in dialogue. (125.149)

VII. Rationale for not accepting recommendations that are not applicable because they lack basis and misrepresent the reality

35. The State of Nicaragua respects the mechanisms and procedures of the universal human rights system.

36. We believe that the universal periodic review is a useful mechanism that can contribute to the strengthening of human rights in all States. We do not, however, accept its use for purposes other than those for which it was conceived, contrary to resolution 5/1 of the Human Rights Council, which establishes as principles that the universal periodic review should be a cooperative mechanism based on objective and reliable information and that it should be conducted in an objective, transparent, non-confrontational and non-politicized manner.

37. Some States made political speeches that put forward no constructive recommendations and attempted to politicize this mechanism. We reaffirm our rejection of these fabricated and unfounded statements that misrepresent the reality in Nicaragua.

38. We reject the use of multilateral forums for political ends and attempts by some States to alter the productive nature of this mechanism. Statements and views that are of an eminently political nature and that do not serve the purpose for which the universal periodic review was created are not applicable and **therefore cannot be accepted**.
