

# Flash report N.2

## Crisis in Nicaragua: figures facts rights

Member States  
of the Human  
Rights Council



49/3

is the number of resolution "Promotion and protection and of human rights in Nicaragua" adopted by the UN Human Rights Council on 31 March 2022.<sup>1</sup>

Since 2019, the Human Rights Council has adopted 4 resolutions on the human rights situation in Nicaragua,<sup>2</sup> based on the monitoring work, reports and oral updates submitted by the High Commissioner and her Office.

- The Human Rights Council is the main inter-governmental body within the United Nations system in the field of human rights
- It is composed of 47 States responsible for the promotion and protection of all human rights worldwide
- Each year, the Council discusses a number of thematic issues, as well as country specific situations that require its attention
- In its resolutions, the Council may establish commissions of inquiries, groups of experts, mechanisms or fact-finding missions to respond to serious violations of international human rights and humanitarian law
- These mechanisms are intended to promote accountability and fight impunity.<sup>3</sup>

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points include concerns, calls, decisions and requests expressed by the Human Rights Council in its Resolution 49/3.

The **concerns** expressed include, among others:

- The deterioration of democracy, the lack of accountability since 2018 and the incessant violation of civil and political rights and fundamental freedoms
- The worsening restrictions on civic space and repression of dissent
- Trials without due process and the arbitrary cancellation of civil society organizations.

**Calls** to Nicaragua include, among others, to:

- Release immediately and unconditionally persons arbitrarily detained in the context of the crisis and annul their sentences
- Ensure that conditions of detention comply with international standards
- Allow peaceful demonstrations, and repeal legislation that unduly restrict freedom of expression and association, the right to privacy and the right to participate in the conduct of public affairs
- Adopt effective measures to guarantee the separation of powers and the reestablishment of the rule of law.

Among its **requests and decisions**, the Council

- requested OHCHR to continue and strengthen monitoring and engagement, and
- decided to establish a Group of Experts as an investigation mechanism to promote accountability.<sup>4</sup>

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mandates with regard to the human rights situation in Nicaragua.

**Mandate 1:** OHCHR will continue monitoring and reporting regularly on the human rights situation in Nicaragua, also providing technical assistance to civil society, especially through the team deployed in its Regional Office for Central America and the Caribbean.<sup>5</sup>

Through Resolution 49/3, the Council has requested OHCHR:

- To assess Nicaragua's implementation of the recommendations made in its previous reports<sup>6</sup> and those made by other UN human rights mechanisms.
- To analyze Nicaragua's legislation related to civic and democratic space, the judicial sector and amnesties.
- To present three oral updates<sup>7</sup> and a report<sup>8</sup> to the Council.

**Mandate 2:** Group of 3 Human Rights Experts on Nicaragua to be appointed by the President of the Council. A multidisciplinary team based in Panama will provide technical support to the experts. The Group of Experts will submit a written report after one year, during the 52nd session of the Human Rights Council.<sup>9</sup>

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The Group of Experts mandate will comprise 4 main assignments:

- To conduct independent investigations into the alleged human rights violations and abuses committed in Nicaragua since April 2018.
- To establish the facts and circumstances surrounding the alleged violations and abuses; to collect, preserve and analyze information and evidence, and, where possible, to identify those responsible.
- To make recommendations to improve the human rights situation, to provide guidance on access to justice and accountability, and to ensure a victim-centered approach.
- To engage with the Government of Nicaragua, OHCHR, other organizations and civil society with a view to exchanging information.



## NOTES

<sup>1</sup> Resolution 49/3 was adopted with 20 votes in favor (Argentina, Brazil, Finland, France, Gambia, Germany, Japan, Lithuania, Luxembourg, Malawi, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, South Korea, Ukraine, United Kingdom, United States of America), 7 against (Honduras, Bolivia, China, Cuba, Eritrea, Russia, Venezuela) and 20 abstentions (Armenia, Benin, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Kazakhstan, Libya, Malaysia, Mauritania, Namibia, Nepal, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates, Uzbekistan).

<sup>2</sup> Resolution 40/2 of 21 March 2019, at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/098/51/PDF/G1909851.pdf?OpenElement>; Resolution 43/2 of 19 June 2020, at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/157/11/PDF/G2015711.pdf?OpenElement>; Resolution 46/2 of 23 March 2021, at: <https://digitallibrary.un.org/record/3924395>; and Resolution 49/2 of 31 March 2022.

<sup>3</sup> To date, the Council has established more than 30 such mechanisms, several of which are still active with regard to Syria, South Sudan, Burundi, Democratic Republic of Congo, Myanmar and Venezuela. At this same session, the Council also created a mechanism for Ukraine.

<sup>4</sup> The Human Rights Council also decided to remain actively seized of the matter and consider all measures available to protect human rights in Nicaragua.

<sup>5</sup> The Regional Office is based in Panama.

<sup>6</sup> A/HRC/42/18, at: [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/42/18](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/42/18); A/HRC/46/21, at: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F46%2F21&Language=E&DeviceType=Desktop&LangRequested=False>; and A/HRC/49/23, at: <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session49/list-reports>

<sup>7</sup> The High Commissioner will present oral updates in June 2022; the second one before the end of 2022, and the third one in March 2023.

<sup>8</sup> The High Commissioner will present the written report in September 2022.

<sup>9</sup> The 52nd session of the Human Rights Council is scheduled for March 2023.