

MONITORING THE HUMAN RIGHTS SITUATION IN NICARAGUA BULLETIN N. 15 - FEBRUARY- MARCH 2020

Introduction This bulletin covers the period from 1 February to 31 March 2020 and briefly analyzes main patterns of human rights violations that continued to be monitored in Nicaragua. Issued two years after the eruption of massive demonstrations and the ensuing socio-political crisis in Nicaragua, this bulletin also includes an annex that provides information on the implementation status of the recommendations formulated in the OHCHR report published on 29 August 2018 and in the United Nations High Commissioner for Human Rights' report presented to the Human Rights Council (HRC) on 10 September 2019.



The UN High Commissioner for Human Rights presented an oral update on Nicaragua before the Human Rights Council. Geneva, 27 February 2020.

International response to the socio-political crisis On 27 February, during the 43rd session of the HRC, and pursuant to HRC resolution 40/2,¹ the High Commissioner presented a second oral update on the human rights situation in Nicaragua.² The High Commissioner stated that, human rights violations have continued unabated. Victims' organizations demanding justice, truth and reparation, as well as human rights defenders, journalists, members of the Catholic Church and people released from prison under the Amnesty Law, who were deprived of their liberty in the context of the protests, among others, continue to be subjected to threats and acts of intimidation. She also highlighted the situation of more than 98,000 Nicaraguans who, as of 31 December 2019 had left the country, without basic conditions for a safe return, and of those who have returned and also suffered threats and harassment.³

The High Commissioner stressed that the right of peaceful assembly continues to be systematically denied, as is the right to freedom of expression, especially for people who share news or opinions critical of the Government. She noted that arbitrary detentions have not ceased, affecting, *inter alia*, persons who have cooperated with OHCHR, which could be considered as acts of reprisals for having cooperated with the Office. As most recent developments, she referred to the killings of peasants, indicating that 14 cases have been documented by the Office in 2019 and stressing that, most of them remain unpunished. Regarding the situation of indigenous peoples – in particular the *Miskitu* and the

Mayangna —, she indicated that many of them denounced the continuous presence of settlers in their lands, and highlighted the duty of the State to protect indigenous peoples.⁴

¹ See: A/HRC/40/2, available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/40/2, last accessed on 5 April 2020.

² See: www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25624&LangID=E, last accessed on 26 March 2020.

³ *Ibidem*.

⁴ *Ibidem*.

In its intervention, the representative of the State of Nicaragua indicated that "[its] Government [...] continues to work for the restitution of political, social, economic, cultural and environmental rights of Nicaraguans, which has been recognized by the international community".⁵ It also mentioned that "free mobilization and political expression are guaranteed for those who express themselves in peace and with no intention of disturbing the tranquility of the population".⁶ The State representative ended his intervention calling on the delegations to reject any attempt to continue intervening in Nicaragua, through new resolutions, mandates and sanctions.⁷

Before the suspension of the 43rd session of the HRC on 13 March, due to the COVID-19 outbreak, eight UN Member States tabled a draft resolution on the human rights situation in Nicaragua to be considered by the Council. The above-mentioned draft resolution will be considered for adoption when the Council resumes its 43rd session.



Photo: Artículo66.com **Journalists held a press conference to report violations of the right to freedom of expression. Managua 4 March 2020.**

On 5 March, pursuant to Executive Order 13851, "Blocking Property of Certain Persons Contributing to the Situation in Nicaragua",⁸ and the Nicaragua Human Rights and Anticorruption Act of 2018 (Nica Act),⁹ the Office of Foreign Assets Control (OFAC) of the United States Department of the Treasury imposed financial sanctions on three high-ranking police chiefs and on the National Police of Nicaragua, as an entity.¹⁰

Violations of the right of peaceful assembly OHCHR continued to document the systematic prohibition of the right of peaceful assembly of those who dissent from the Government.

On 3 February, a group of students organized a peaceful protest to demand "the release of all political prisoners" inside the campus of the Central American University (UCA by its Spanish acronym), in Managua. The next day, photos with the names and contact details of some students' leaders, who allegedly took part in the protests, appeared on the walls of the university and on social media. Such harassment could amount to an illegitimate restriction of the right of peaceful assembly and may also dissuade others of protesting in the future. Likewise, two student leaders in UCA, Kevin Solis and John Cerna, who had previously been deprived of their liberty in the context of the

⁵ See: <https://www.el19digital.com/articulos/ver/titulo:100579-intervencion-de-nicaragua-ante-el-consejo-de-derechos-humanos-de-naciones-unidas>, last accessed on 26 March 2020.

⁶ *Ibidem*.

⁷ *Ibidem*.

⁸ See: https://www.treasury.gov/resource-center/sanctions/Programs/Documents/nicaragua_eo.pdf, last accessed on 26 March 2020.

⁹ See: https://www.treasury.gov/resource-center/sanctions/Programs/Documents/nica_2018.pdf, last accessed on 26 March 2020.

¹⁰ See: <https://home.treasury.gov/index.php/news/press-releases/sm930>, last accessed on 26 March 2020.



Photo: CPDH *Police deployment outside the house of a member of the opposition. Managua, 25 February 2020.*

2018 protests, were arrested on 6 and 28 February, and charged with aggravated robbery and drug trafficking, respectively. OHCHR collected information that seems to indicate, *prima facie*, that both cases amount to arbitrary detentions and were politically motivated.

On 25 February, sectors of the opposition had convened a march that had to be cancelled due to fear of reprisals and the massive deployment of police, on the streets of Managua. A peaceful picket line was staged inside the Metrocentro mall, which was raided by approximately 30 police officers, including riot police who sought to suppress the protest. Some journalists were attacked and threatened by police officers while covering the events.

On 8 March, the International Women's Day, riot police prevented a group made up mostly by women activists from staging a peaceful demonstration in the public space. Prior to this incident, at least four women human rights defenders reported having been victims of police and/or pro-Government elements surveillance and harassment outside their homes.

Attacks and/or intimidation by the National Police and/or pro-Government elements OHCHR continued to collect reports indicating that political leaders members of the opposition, students and peasants leaders, former detainees in the context of the protests, journalists, media workers and their relatives, were subjected to attacks, harassment, threats, arbitrary arrest and intimidation by police officers and/or pro-Government elements. This targeted persecution seemed to increase on the occasion of political activities, announcements of protests, or key dates, such as the International Women's Day.

On 10 February, eight members of the Civic Alliance for Justice and Democracy (hereinafter Civic Alliance) were threatened and intimidated by pro-Government elements, after holding political meetings in different private houses in the municipality of La Libertad, Chontales.¹¹

On 24 February, the day before the official launch of the National Coalition -an opposition platform comprised of seven political organisations- OHCHR was informed that the police was keeping under surveillance the houses of at least 40 members of the Coalition.

A journalist and a businessman, who had tried to organize a protest on 25 February to request the release of those deprived of their liberty in connection with the protests, reported to OHCHR that the police prevented them from leaving their houses during six and five days, respectively.

On 3 March, more than one hundred pro-Government elements disrupted the memorial service of the poet and Catholic priest Ernesto Cardenal, in the cathedral of Managua.¹² Pro-Government elements waving scarves and flags with the colors of the ruling party, shouted slogans, disturbed the

¹¹ See: <https://twitter.com/cenidh/status/1227052575616372742?s=19>, last accessed on 5 April 2020.

¹² Ernesto Cardenal left the Sandinista National Liberation Front (FSLN by its Spanish acronym) in 1994, publicly criticizing President Ortega. He was also Minister of Culture from 1979 to 1988.

homily and verbally attacked repeatedly those who accompanied the coffin. After the mass, a group of these pro-Government elements physically assaulted three journalists and a cameraman (three men and one woman) and stole their equipment.

On 14 March, the Polytechnic University of Nicaragua (UPOLI by its Spanish acronym) suspended a feminist and student leader, who is also member of the Civic Alliance, in order *“to protect the life of students, professors and administrative workers”*. The decision followed the protests against her presence in the campus organized by members of students and youth organizations, who support the Government.



Photo: Artículo66.com *Pro-Government elements disrupted the memorial service of the poet and Catholic priest, Ernesto Cardenal. Managua 3 March 2020.*

Situation of people deprived of their liberty in the context of the protests

On 27 March, the Civic Alliance and four other civil society organizations, published a report that includes a preliminary list of persons detained in the context of protests, as of 26 March 2020. According to this report, the number of people deprived of their liberty (arrested, prosecuted and convicted) amounts to 70 individuals (69 men – including two minors– and one woman). In addition to these data, the organizations expressed concern about the fact that prison authorities prohibited the relatives from supplying masks, gloves and sanitizers to the above mentioned inmates, as a preventive measure against COVID-19.¹³

Attacks against indigenous communities OHCHR continued to receive reports about threats and armed attacks targeting indigenous communities in the North Caribbean Coast Autonomous Region.

On 16 February, a 16 year-old female was wounded by gunfire near the Miskitu indigenous community of Santa Clara,¹⁴ located in the Wangky Twi Tasba Raya territory, municipality of Waspam. Sources in the indigenous community pointed at settlers, who reportedly seek to occupy and exploit indigenous lands and natural resources, as the alleged perpetrators. However, on 20 February, the National Police published a press statement denying the attack and arguing that the minor was shot by her cousin.¹⁵

¹³ See: <https://www.alianzacicivicanicaragua.com/lista-informe-preliminar-de-personas-detenido-y-presas-politicas-al-26-de-marzo-2020/>, last accessed on 27 March 2020.

¹⁴ On 6 February, the Inter-American Court for Human Rights requested to the State of Nicaragua to extend provisional measures already granted to the inhabitants of certain Miskitu communities since 2015, to the community of Santa Clara due to the risk originated by the presence of “settlers” in the lands and territories traditionally owned, occupied or used by the indigenous community. See: https://www.corteidh.or.cr/docs/medidas/miskitu_se_06.pdf, last accessed on 3 April 2020.

¹⁵ See: <https://www.policia.gob.ni/?p=46933>, last accessed on 3 April 2020.

On 26 and 27 March, four indigenous men were killed and at least two other injured by gunshots, in the Tuahka territory municipality of Rosita. All the victims belonged to the Mayangna indigenous community of Wasakin, with the exception of an indigenous Miskitu, who lived in the neighbouring Miskitu indigenous community of Ibu. According to the information gathered by OHCHR, the attacks were allegedly motivated by land disputes exacerbated by the increasing use of lands by settlers, as well as by governance issues in the Tuahka territory. In a press statement issued on 28 March, the National Police identified a group of indigenous Miskitu as alleged responsible, and indicated that it had arrested one of them.

COVID-19 pandemic As of 31 March, the Minister of Health reported five positive cases of COVID-19 (four males and one woman)¹⁶ – from which one male was announced as discharged and one male died – and 12 suspected cases that were under surveillance. He added that there was no local transmission in the country.¹⁷ The Government also indicated that tests of COVID-19 were performed to “people requiring it”, without including any figures.¹⁸ In addition, the Government informed that education brigades visited more than 1.2 million of households to raise awareness on preventive health.¹⁹

According to official sources, since 30 January, the Government has implemented some of the preventive measures recommended by the Pan-American Health Organization and World Health Organization (PAHO/WHO), such as infection controls at the borders, epidemiological monitoring, preventive quarantine and equipment of hospitals for the treatment of the emergency.²⁰

At the time of completing this bulletin the PAHO Director warned “*about the response the COVID-19 has in Nicaragua. Concerns are about the lack of social distancing, the convening of mass gathering, the testing, the contacts tracing and the reporting of cases and about what we see as inadequate infection prevention and control*”.²¹

Conclusions and Recommendations

Most of the patterns of violations mentioned in the High Commissioner’s oral update during the 43rd session of the Human Rights Council, including the prohibition of peaceful protests, selective persecution against human rights defenders, journalists and political leaders who dissent from the Government, attacks against indigenous communities and arbitrary detentions, continued to be documented throughout the two months covered by this bulletin.

¹⁶ On 16 April 2020, WHO reported nine confirmed cases in Nicaragua. See: <https://covid19.who.int/region/amro/country/ni>, last accessed on 16 April 2020.

¹⁷ See: <https://www.el19digital.com/articulos/ver/titulo:101759-minsa-esta-es-la-situacion-del-coronavirus-en-nicaragua>, last accessed on 29 March 2020 and <https://www.el19digital.com/articulos/ver/titulo:101855-minsa-primer-caso-de-coronavirus-en-nicaragua-es-dado-de-alta>, last accessed on 31 March 2020.

¹⁸ See: <http://www.minsa.gob.ni/index.php/110-noticias-2020/5141-nota-de-prensa-ministerio-del-poder-ciudadano-para-la-salud> and <https://www.el19digital.com/articulos/ver/titulo:101796-companera-rosario-murillo-en-multinoticias-28-de-marzo-del-2020>, last accessed on 27 March 2020.

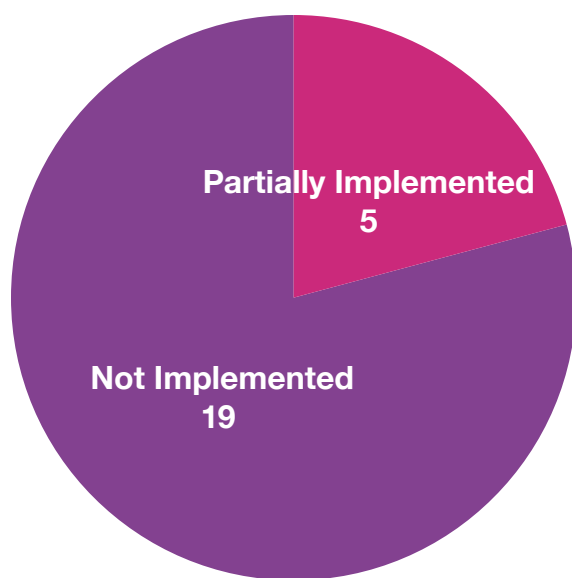
¹⁹ See: <https://www.el19digital.com/articulos/ver/titulo:101724-brigadas-de-educacion-preventiva-han-visitado-mas-de-10-mil-barrios-de-nicaragua>, last accessed on 29 March 2020.

²⁰ See: www.sica.int/noticias/informe-12-centroamerica-y-republica-dominicana-unida-contra-el-coronavirus_1_121549.html, last accessed on 5 April 2020.

²¹ See min. 11’29”: <https://www.facebook.com/PAHOWHO/videos/544850829780812/>, last accessed on 8 April 2020.

Two years after the eruption of the socio-political and human rights crisis in Nicaragua, 19 out of 24 recommendations made by OHCHR to State authorities have not been implemented yet. The remaining five have registered some progress but more needs to be done. In this regard, OHCHR reiterates its call to all relevant stakeholders to implement the recommendations made in the 2018 and 2019 reports.

IMPLEMENTATION STATUS OF OHCHR RECOMMENDATIONS TO STATE AUTHORITIES



● Partially Implemented
 ● Not Implemented

Creation Date: 31 March 2020 **Source:** OHCHR based on the findings of its monitoring activities on the human rights situation in Nicaragua.

In the context of the COVID-19 pandemic and in accordance with the PAHO/WHO recommendations and Nicaragua's international human rights obligations, especially those established in the International Covenant on Economic, Social and Cultural Rights. The State of Nicaragua should adopt all necessary measures to protect the health of the population, ensuring that these measures are implemented without discrimination and that the population is not affected in the enjoyment of other economic and social rights, in particular the rights to work, food, safe drinking water and sanitation.

Likewise, as indicated by the High Commissioner on 6 March, the authorities “also need to ensure all relevant information reaches everyone without exception, including in readily understandable formats and languages, and adapted for people with specific needs.”²² Any measures adopted to fight the pandemic that may involve restrictions to human rights must be lawful, necessary, proportionate and non-discriminatory.

OHCHR will continue to monitor the respect for human rights across the spectrum, including economic, social, and cultural rights, and civil and political rights, and it reiterates its readiness to technically advise Nicaraguan State authorities in the view of upholding their international obligations on these matters.

²² See: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25668&LangID=E>, last accessed on 3 April 2020.

ANNEX: STATUS OF RECOMMENDATIONS ISSUED BY OHCHR

On 29 August 2018, OHCHR released the report “Human rights violations and abuses in the context of protests in Nicaragua, 18 April-18 August 2018”.²³ In its final section, the report contains 16 recommendations made by the United Nations High Commissioner for Human Rights. On 10 September 2019, pursuant the Human Rights Council resolution 40/2, the High Commissioner published the report “Situation of human rights in Nicaragua”²⁴ offering 14 recommendations aimed at addressing outstanding concerns. Both sets of recommendations were addressed to the Government, the National Human Rights Institution, the Human Rights Council and the broader international community.

Two years have passed since the eruption of massive demonstrations and the ensuing socio-political crisis in Nicaragua. This annex provides information on the implementation status of the recommendations by referring to measures adopted (or their lack thereof) for each of them.²⁵ It also provides a specific reference to outstanding concerns or persistent issues that could negatively impact the full implementation of the recommendations. The recommendations appear in the first column of the table, those of 2018 in black and those of 2019 in blue.

RECOMMENDATIONS	MEASURES ADOPTED	PERSISTING ISSUES	IMPLEMENTATION STATUS
To the Government of Nicaragua			
1. Put an immediate end to harassment, intimidation, stigmatization, criminalization (including through the use of counter-terrorism legislation) and other types of reprisals in relation to participation in the protests, including against demonstrators, human rights defenders, political opponents, journalists and others		<ul style="list-style-type: none"> - Documented cases of threats and harassment against human rights defenders, journalists, media workers, former detainees benefitted from the amnesty, members of the Catholic Church and other persons associated to the protests - Systematic violations of the right to peaceful assembly persist; political opponents are prevented from staging any form of protest in public spaces. 	Not Implemented

²³ See: https://www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaraguaApr_Aug2018_EN.pdf

²⁴ See: <https://undocs.org/en/A/HRC/42/18>

²⁵ The text of the recommendation d) was split into three rows given that it includes a set of different actions.
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RECOMMENDATIONS	MEASURES ADOPTED	PERSISTING ISSUES	IMPLEMENTATION STATUS
(c) Urgently restore the legal personality of civil society organizations and media outlets that were sanctioned, and return all their seized assets, documents and equipment.		<ul style="list-style-type: none">- The legal registration of nine NGOs has not been restored yet and the judicial claims challenging those decisions are still ongoing for almost one year and a half.- The premises and assets of the media outlets <i>Confidencial</i> and <i>100% Noticias</i> remain seized, given that the authorities consider them as “<i>means to commit the crimes</i>”.	Not implemented
2. Immediately dismantle and disarm pro-Government armed elements and protect the population from attacks and other illegal and violent actions from such groups.		<ul style="list-style-type: none">- Reports of pro-Government armed elements operating in both rural and urban areas, threatening political opponents and conducting surveillance on neighborhoods/private homes persist (also in some cases damaging private homes).	Not Implemented
(d) With OHCHR's support through technical cooperation, as well as the assistance of regional human rights institutions, establish a comprehensive action plan towards accountability that is inclusive and victim-centered, which would include the following: (...) - (iv) Dismantlement and disarmament of pro-Government armed elements and comprehensive reform of the security sector, including human rights vetting, civilian supervision and oversight, and revision of Law 872 in conformity with human rights norms and standards.		<ul style="list-style-type: none">- The Government denies the existence of pro-Government armed elements.- Law 872 was not reviewed.	Not Implemented



RECOMMENDATIONS	MEASURES ADOPTED	PERSISTING ISSUES	IMPLEMENTATION STATUS
3. Ensure that independent, impartial, effective, thorough and transparent investigations be promptly conducted into all allegations of serious human rights violations and abuses that have occurred since 18 April, especially extrajudicial killings, torture, enforced disappearances and arbitrary or unlawful arrests and detentions; ensure that criminal investigations comprise all those who perpetrated, directly or indirectly, ordered, supported or tolerated such acts, including the chain of command of relevant authorities. These acts should not remain without sanction.		<ul style="list-style-type: none">- A comprehensive package of measures that ensure access to justice and reparation (restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence) to all victims of human rights violations has not been implemented.- Except for one case, in which the perpetrator was later benefited by the Amnesty Law, OHCHR has not been informed of any criminal investigations against State agents and/or pro-Government armed elements allegedly responsible for serious human rights violations or abuse	Not Implemented



RECOMMENDATIONS	MEASURES ADOPTED	PERSISTING ISSUES	IMPLEMENTATION STATUS
<p>(d) With OHCHR's support through technical cooperation, as well as the assistance of regional human rights institutions, establish a comprehensive action plan towards accountability that is inclusive and victim-centered, which would include the following: (...):</p> <ul style="list-style-type: none"> - (i) Prompt, thorough and transparent criminal investigations and prosecutions into all allegations of human rights violations and abuses that have occurred since 18 April 2018, especially gross human rights violations, such as extrajudicial killings, torture, and sexual violence, in particular through the establishment of a Special Unit within the Prosecutor's Office (...). - (iii) Following consultation with associations of victims of human rights violations in the context of the protests, development and implementation of a comprehensive package of measures that ensure access to justice and reparation (restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence) to all victims of human rights violations that have occurred since 18 April 2018, including the repeal of Laws 994 and 996. 		<ul style="list-style-type: none"> - The Government informed OHCHR that "<i>all investigations and criminal trials related to the events occurred in the context of April 2018 were closed by the amnesty law</i>". - National authorities kept implementing actions within the framework of Law 994 on comprehensive care of victims without the participation of associations of victims of human rights violations in the context of the protests. - Laws 994 and 996 are still in force. 	Not Implemented
<p>4. Halt all unlawful arrests and release all persons who have been arbitrarily detained; ensure that the due process rights of all persons being prosecuted are respected and that any criminal charges brought against them are in line with the principles of legality, proportionality and individual liability.</p>	<ul style="list-style-type: none"> - Between 27 February and 11 June 2019 the Government released 492 people (452 men and 40 women) deprived of their liberty in the context of the protests, who according to official sources were all granted with amnesty. 	<ul style="list-style-type: none"> - Frequent reports of arrests carried out without judicial warrants. Most of the individuals arrested remained deprived of their liberty from less than one hour to a maximum of 48 hours, and were released without any charges. 	Partially Implemented



RECOMMENDATIONS	MEASURES ADOPTED	PERSISTING ISSUES	IMPLEMENTATION STATUS
(f) Put an end to arbitrary arrests, and release all persons arbitrarily deprived of their liberty in the context of the protests or for expressing views critical of the Government;	<ul style="list-style-type: none"> - Between 30 December 2019 and 13 February 2020, 99 individuals deprived of their liberty in the context of the protests were granted with alternative measures to detention. However, they are still facing criminal investigations, trials and/or prison sentences. They are also subjected to restrictions such as avoid carrying out acts that disturb public order, refrain from visiting the places where the alleged crimes were committed and they can't travel outside Nicaragua. 	<ul style="list-style-type: none"> - The Government informed OHCHR that, as of 28 January 2020, <i>"no person has been found to be in detention for the commission of offences in the context of the attempt failed coup d'état"</i>. - However, according to non-governmental sources, as of 26 March 2020, 70 individuals (69 men and one woman) continued being deprived of their liberty for reasons related to the protests. 	Partially Implemented
(g) Amend criminal law to ensure its full compatibility with international norms and standards; in particular to ensure that any deprivation of liberty is authorized by a judicial authority, that pre-trial detention is imposed only if considered necessary and proportionate, taking into account the defendant's individual circumstances, and that arrest, seizure and search warrants are issued by a judicial authority before being enforced;		<ul style="list-style-type: none"> - Criminal law has not been amended to be fully compatible with international human rights norms and standards. 	Not Implemented
5. Ensure that accurate and up-to-date information on individuals deprived of their liberty and on the location of detention is publicly available; that people are promptly informed of the reasons for their arrest, have access to a lawyer of their choice, are brought promptly before a judge and are guaranteed their right to a fair trial.		<ul style="list-style-type: none"> - Accurate and updated information on individuals deprived of their liberty is not publicly available - Widespread reports of violations of due process guarantees 	Not Implemented



RECOMMENDATIONS	MEASURES ADOPTED	PERSISTING ISSUES	IMPLEMENTATION STATUS
6. Ensure the right to freedom of peaceful assembly is fully respected through the proper management of public gatherings, in line with applicable international human rights norms and standards.		<ul style="list-style-type: none"> - Systematic violation of the right to peaceful assembly persists; political opponents are prevented from staging any form of protest in public spaces. - The police continued deploying a large number of officers in public places. 	Not Implemented
(b) Guarantee the exercise of freedoms of peaceful assembly, expression and association; and publicly condemn and sanction any attack or intimidation against, inter alia, human rights defenders, community leaders, journalists and media workers, and any individual critical of the Government;		<ul style="list-style-type: none"> - In some cases, pro-Government elements attacked, threatened or intimidated individuals perceived as opponent to the Government and journalists, including during religious ceremonies. 	Not Implemented
(e) Take immediate measures to halt and effectively prevent acts of torture and ill-treatment in custody, including prolonged solitary confinement; carry out prompt, impartial and effective investigations into any allegation of torture and ill-treatment, and into the violent events that followed the protest inside <i>La Modelo</i> prison on 16 May 2019; bring perpetrators to justice and ensure reparation to the victims;		<ul style="list-style-type: none"> - The Government informed OHCHR that <i>"in Nicaragua torture or ill treatment does not exist (... and that) the authorities have (not) received (any) complaint (...) regarding torture against people deprived of their liberty"</i>. It also reported that the police internal investigation on the violent events occurred inside <i>La Modelo</i> prison on 16 May 2019, was closed under the amnesty law. None of the allegations of torture and other ill-treatment were investigated by the Nicaraguan criminal justice system. 	Not Implemented
7. Take urgent measures to guarantee the independence and impartiality of the judiciary, refraining from any undue interference, pressure or influence.		<ul style="list-style-type: none"> - OHCHR continued to receive reports regarding due process guarantees violations 	Not Implemented



RECOMMENDATIONS	MEASURES ADOPTED	PERSISTING ISSUES	IMPLEMENTATION STATUS
(d) With OHCHR's support through technical cooperation, as well as the assistance of regional human rights institutions, establish a comprehensive action plan towards accountability that is inclusive and victim-centered, which would include the following: (...) - (ii) Participative and inclusive consultations to reform the judicial sector, including re-appointments in line with international standards, such as the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors;		- No measure was adopted	Not Implemented
8. Resume the National Dialogue in a meaningful and inclusive way to reach agreements based on human rights and democratic principles.	- Negotiations between the Government and the Civic Alliance for Justice and Democracy (hereinafter Civic Alliance) resumed from 27 February to 10 June 2019.	- The Civic Alliance left the negotiation table on 20 May 2019, after the killing occurred inside <i>La Modelo</i> prison, of a male deprived of liberty in the context of the 2018 protests	Partially Implemented
(a) Urgently resume a meaningful and inclusive dialogue, in line with its international human rights obligations, and fully implement the agreements reached with the Civic Alliance in March 2019;	- In March 2019, the parties reached two agreements on the release of detainees in the context of the 2018 protests and on the strengthening of fundamental rights and safeguards, respectively.	- Since then, although the political opposition reaffirmed in different opportunities its willingness to resume the dialogue, negotiations have remained stalled. - The Government released and granted with amnesty 492 individuals detained in the context of the protests. However, it has not fulfilled the remaining commitments included in the agreements signed in March 2019.	Partially Implemented
9. End and penalize public stigmatizing of those critical of the Government's policies and actions.		- Stigmatization persists: those who dissent are publicly labeled as coup mongers, traitors and terrorists, including by highest national authorities	Not Implemented
(h) Promptly ensure the implementation of electoral and institutional reforms, aimed at guaranteeing fair and transparent elections.	- The National Assembly included the reforms to Law 331 (electoral law) in its 2020 legislative agenda	- The lack of dialogue between the Government and the political opposition may prevent that proposals elaborated by the latter from being taken into account	Partially Implemented



RECOMMENDATIONS	MEASURES ADOPTED	PERSISTING ISSUES	IMPLEMENTATION STATUS
10. Grant OHCHR direct and unfettered access to the whole country, including to places of detention, in accordance with the High Commissioner's mandate and standard practices of engagement and technical cooperation with authorities and civil society.	<ul style="list-style-type: none">- The Government considered that the invitation extended to OHCHR had concluded on 30 August 2018. OHCHR's team left the country on 1 September.- The Government maintains an open channel of communication with OHCHR.	<ul style="list-style-type: none">- As of 31 March 2020, the Government has neither granted unfettered access to the country nor has answered to the offer of technical assistance made by OHCHR in December 2018.	Not Implemented
11. Ensure effective cooperation with the Inter-American Commission on Human Rights' Special Monitoring Mechanism for Nicaragua and the Interdisciplinary Group of Independent Experts.	<ul style="list-style-type: none">- On 19 December 2018, the Government communicated the temporary suspension of visits of the Inter-American Commission on Human Rights (IACHR) and of the presence in Nicaragua of its Special Follow-up Mechanism for Nicaragua (MESENI by its Spanish acronym). It also terminated the mission of the Inter-Disciplinary Group of Independent Experts (GIEI).	<ul style="list-style-type: none">- As of 31 March 2020, the Government has neither granted access to nor has resumed the cooperation with IACHR-MESENI	Not Implemented



RECOMMENDATIONS	MEASURES ADOPTED	PERSISTING ISSUES	IMPLEMENTATION STATUS
12. Allow access to the country to the Special Procedures of the Human Rights Council that have requested to conduct an official visit, in line with Nicaragua's standing invitation extended in 2006.		<ul style="list-style-type: none"> - The last visit of a Special Procedure mandate holder to Nicaragua took place in September 2009. Since then, the Government has not accepted any visit request. - Since 2018, several Special Procedures mandate holders have addressed the human rights situation with the Government by sending 11 communications and issuing five press releases. The Government has replied to only one communication in November 2018. 	Not Implemented
To the National Human Rights Institution			
13. Implement its mandate, including as national preventive mechanism for the prevention of torture, in full compliance with the Paris Principles reinforcing the rule of law and human rights, including by monitoring the human rights situation, publicly reporting on its findings, and making recommendations to authorities.	- In March 2019, the status of the <i>Procuraduría para la Defensa de los Derechos Humanos</i> (PDDH by its Spanish acronym) was downgraded from status "A" to "B" by the Global Alliance of National Human Rights Institutions (GANHRI), because its independence could not be established, in accordance with the Paris Principles.	<ul style="list-style-type: none"> - During the 40th session of the Human Rights Council in March 2019, the State delegation was represented by the Deputy Commissioner of PDDH, who repeated the Government's justification of the failed coup d'état. 	Not Implemented



RECOMMENDATIONS	MEASURES ADOPTED	PERSISTING ISSUES	IMPLEMENTATION STATUS
(i) Fully comply with its mandate, including as National Mechanism for the Prevention of Torture, in line with the Paris Principles and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to effectively and independently promote and protect human rights, in accordance with Nicaragua's international obligations;		- According to the information shared by the Government, in a special report elaborated in 2019, PDDH did not find any evidence of acts of torture or ill-treatment in the 22 visits conducted to the main detention centres of the country.	Not Implemented
14. Cooperate fully with the Global Alliance for National Human Rights Institutions; seek technical assistance from OHCHR, with a view to strengthening its operating practices and institutional framework to promote and protect human rights independently from the Government.	- The PDDH was planning to attend the GANHRI meeting in Geneva scheduled in March 2020, which was suspended due to the COVID-19 pandemic.	- The offer of technical assistance made by OHCHR in December 2018 has not been answered yet.	Not Implemented
(j) Seek cooperation from OHCHR, the Global Alliance of National Human Rights Institutions and the Subcommittee for the Prevention of Torture to address issues that led to the downgrading of its status and to reinforce its mandate, including as National Mechanism for the Prevention of Torture.		No progress was registered	Not Implemented



RECOMMENDATIONS	MEASURES ADOPTED	PERSISTING ISSUES	IMPLEMENTATION STATUS
To the Human Rights Council and the broader international community			
15. Monitor the developments in Nicaragua, consider taking measures to prevent a further deterioration of the human rights situation and encourage the General Assembly to do the same. Such measures could include the creation of an International Commission of Inquiry or a hybrid (national – international) Truth Commission to ensure access to truth, justice and reparation for victims.	<ul style="list-style-type: none"> On 21 March 2019, during its 40th session, the Human Rights Council adopted a resolution on the “<i>Promotion and protection of human rights in Nicaragua</i>”, calling the UN High Commissioner for Human Rights to present a written report on the human rights situation followed by an interactive dialogue in September 2019, as well as oral updates during the 41st and 43rd sessions of the Human Rights Council. 		Partially Implemented
(l) Urge Nicaragua to promptly resume cooperation with OHCHR and regional human rights mechanisms, and to grant them access to the country;	<ul style="list-style-type: none"> Call included in the resolution mentioned above 		Partially Implemented
(m) Reaffirm the commitment of the international community to support Nicaragua to find a solution to the socio-political crisis it faces, including efforts to establish a comprehensive action plan towards accountability;	<ul style="list-style-type: none"> On 28 August 2019, the Permanent Council of the Organization of American States (OAS) appointed a Commission to carry out diplomatic efforts at the highest level to seek a peaceful and effective solution to the political and social crisis in Nicaragua. On 14 October 2019, the Council of the European Union (EU) adopted new conclusions on Nicaragua 		Partially Implemented



RECOMMENDATIONS	MEASURES ADOPTED	PERSISTING ISSUES	IMPLEMENTATION STATUS
(n) Request OHCHR to enhance its monitoring, documentation, analysis, and public reporting on the human rights situation in Nicaragua, notably as a contribution to ensuring accountability, and to support the rule of law and security sector reforms.	- In March 2020, before the suspension of the 43 rd session of the Human Rights Council due to COVID-19, a group of eight States tabled a draft resolution on Nicaragua. It will be considered by the Council when its 43 rd session resumes.		Partially Implemented
16. Call on Nicaragua to abide by its international human rights obligations and to fulfil its voluntary commitments and pledges, including in the context of the Universal Periodic Review mechanism of the Human Rights Council, and to fully cooperate with human rights bodies and mechanisms. OHCHR stands ready to provide additional information in a regular manner to the Human Rights Council as appropriate.	- In the framework of the Universal Periodic Review (UPR) of Nicaragua, which took place in May 2019, member States formulated 259 recommendations. Of these, the State of Nicaragua accepted 135.		Partially Implemented
(k) Urge Nicaragua to abide by its international human rights obligations and to fulfil its voluntary commitments and pledges, including by scheduling visits of Special Procedures, in line with the standing invitation extended on 26 April 2006;	- In the first half of 2019, the State of Nicaragua submitted seven reports to the Treaty Bodies, which were due to be submitted between 2010 and 2017. Thus, during 2020, Nicaragua will be reviewed by five Committees: CCPR, CESC, CEDAW, CERD and CAT.		Partially Implemented