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**Item 2**

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**49/X**. **Promotion and protection of human rights in Nicaragua**

*The Human Rights Council,*

PP1. Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights instruments,

PP2. Reaffirming the primary responsibility of States to respect, protect and fulfil all human rights and fundamental freedoms and to fulfil their obligations under the human rights treaties to which they are party and other subscribed human rights agreements,

PP3. Recalling its resolutions 40/2 of 21 March 2019, 43/2 of 19 June 2020 and 46/2 of 23 March 2021 on the promotion and protection of human rights in Nicaragua,

PP4. Welcoming the oral updates of the United Nations High Commissioner for Human Rights on the situation of human rights in Nicaragua, presented to the Human Rights Council at its forty-seventh and forty-eighth sessions, the interim oral update of the High Commissioner on the situation of human rights in Nicaragua in the context of the electoral process presented to the Council on December 14th 2021, and the comprehensive written report of the High Commissioner on the situation of human rights in Nicaragua, presented to the Council at its forty-ninth session,

PP5. Expressing alarm at the democratic backsliding and continuing socio-political and human rights crisis in Nicaragua, as well as the erosion of the rule of law and independence of the judiciary and the separation of powers, and their multidimensional impact on the enjoyment of civil, political, economic, social and cultural rights,

PP6. Expressing serious concern over Nicaragua's continued disregard for its international human rights obligations, including the failure to submit periodic reports to the relevant treaty bodies, and expressing concern over Nicaragua’s unwillingness to engage in a constructive dialogue with the Committee on Economic, Social and Cultural Rights,

PP7. Expressing concern about Nicaragua’s continuous refusal to cooperate with international and regional human rights mechanisms, particularly with the Office of the High Commissioner for Human Rights, including the regional office in Central America, and Special Procedures of the Human Rights Council, while recognizing that this refusal continues to create a protection gap in the country,

PP8. Expressing concern over the decision of Nicaragua to interrupt its engagement with international human rights mechanisms and the denunciation of regional instruments, and recalling that its obligations under legally binding instruments remain in force, thus competent human rights mechanisms will continue to exercise their mandates to monitor the country,

PP9. Expressing grave concern at the violations of civil and political rights in the context of the electoral process of 2021, in contravention of Nicaragua’s obligations to uphold the right of every citizen to take part in the conduct of public affairs and to vote and be elected at genuine periodic elections, including the failure of the Government of Nicaragua to implement electoral and institutional reforms aimed at guaranteeing free and fair elections carried out in a transparent manner, the adoption and use of legal provisions that explicitly aim, or may be used, to restrict the ability of Nicaraguan citizens to participate in the political process, the arbitrary cancellation of the legal status of three opposition political parties, the refusal to receive independent and credible international electoral observation, acts of violence to coerce the vote, and the generalized political violence during the entire process,

PP10. Expressing concern over the worsening trend of forced displacement in the context of the 2021 electoral process, commending neighbouring and other States in the region for their continued efforts to host and welcome Nicaraguan migrants, refugees and asylum seekers, and acknowledging the associated socioeconomic consequences and challenges for those States and their citizens,

PP11. Expressing grave concern at the adoption and use of legal provisions that explicitly aim, have been or may be used, to restrict the ability of Nicaraguans to exercise their fundamental freedoms and to participate in the political process; at the broad scope of the Amnesty Law of 2019; and at the implementation of recent legislation by the Government of Nicaragua, including the amendments to some provisions of the Criminal Code and the enactment of the Foreign Agents Registration Law, the Law on Cybercrimes, Law No. 977 Against Money Laundering and Financing of Terrorism, and Law No. 1055 on the Rights of People to Independence, Sovereignty and Self-Determination for Peace, which excludes those who speak in favour of international sanctions from electoral processes, all of which, contrary to international human rights law, hinder victims of human rights violations from exercising their right to an effective remedy, which may include reparations and full disclosure of the truth, and further restrict the rights to freedom of expression, to freedom of association and peaceful assembly, to freedom of movement, the right to take part in the conduct of public affairs, and the right to privacy, as recognised in international law, unduly limiting political participation and the activities of human rights defenders and civil society,

PP12. Condemning the continuation of arbitrary detentions and new arbitrary detentions including in the context of the electoral process of 2021, *inter-alia* of opposition pre-presidential candidates and political leaders, human rights defenders, business people, journalists, peasant and student leaders, and members of civil society organisations, and expressing grave concern for their integrity, treatment and detention conditions, including health conditions, which may constitute torture or cruel, inhuman or degrading treatment or punishment, whilst recognizing the particular vulnerability of those older and sick detained persons, as well as detained women and girls,

PP13. Recalling UNGA resolution 70/175 on the UN Standard Minimum Rules for the Treatment of Prisoners establishing that disciplinary sanctions and restrictive measures shall not include the prohibition of family contact and that family contact may only be restricted for a limited period of time and as strictly required for the maintenance of security and order, and also recalling UNGA resolution 65/229 on the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) establishing the prohibition of sexual misconduct and abuse of women in detention,

PP14. Expressing grave alarm at the death in Nicaragua on February 12th 2022 of Hugo Torres Jiménez, a political prisoner detained in egregious conditions since his arrest in June 2021,

PP15. Expressing grave concern at recent reports of trials against persons arbitrarily detained taking place without respecting due process and legal guarantees, including the rights to be presumed innocent until proven guilty, to a fair and public hearing by a competent, independent and impartial tribunal, and to adequate time and facilities for the preparation of a defence,

PP16. Condemning all acts of intimidation, harassment, and reprisal, both online and

offline, by State and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or with the Organization of American States or the Inter-American Commission on Human Rights,

PP17. Expressing grave concern at the continuing violations of the freedom of expression and the freedom to seek, receive and impart information, including for members of the press, including by the raiding of the country's main print newspaper, and arbitrary arrests, threats and harassment of journalists and media workers involved in critical reporting of the Government, forcing many of them into exile,

1. *Expresses grave concern* at the deterioration of democracy and the human rights situation in Nicaragua, in particular with regard to the enjoyment of civil and political rights, the continuing reports of human rights violations and abuses, the lack of accountability since April 2018, the persisting bans on public demonstrations and disproportionate use of force and acts of intimidation and harassment by the police to repress peaceful protests, and acts of violence by armed groups, as well as reports of increasing unlawful arrests and arbitrary detentions, expedited trials without due process, harassment, torture and other cruel, inhuman or degrading treatment or punishment, gender-related killings including femicides, and sexual and gender-based violence in detention;

2. *Expresses concern* at the worsening restrictions on civic and democratic space and the repression of dissent in Nicaragua which includes acts of intimidation, harassment and unlawful or arbitrary surveillance of human rights defenders, including women, indigenous, Afro descendent and those working in environmental matters referred to as environmental human rights defenders, community and religious leaders, journalists and other media workers, students, victims of human rights violations and their family members, and individuals expressing critical views of the Government of Nicaragua, and urges the Government to publicly condemn and ensure accountability for any attacks or acts of intimidation or harassment, sexual and gender-based violence and to take measures to ensure a safe and enabling environment, both online and offline, for the abovementioned persons to carry out their work freely;

3. *Also expresses concern* at the growing number of civil society organizations, universities and independent media outlets forced to cease their activities owing to unduly restrictive administrative and financial constraints imposed by the legal reforms passed since 2018, and at the arbitrary cancellation of their legal registrations and the impact such closures have on independent human rights monitoring and the enjoyment of human rights, online and offline, especially the rights to the freedom of opinion and expression, to freedom of association and peaceful assembly, to privacy and to education, as set out in articles 12, 19, 20 and 26 of the Universal Declaration of Human Rights and articles 17, 19 and 21 of the International Covenant on Civil and Political Rights and 13 of the International Covenant on Economic Social and Cultural Rights, and urges the Government of Nicaragua to restore the legal registration of civil society organizations, universities and independent media outlets that have been cancelled since 2018, to restore the independence of the private universities placed under Government control and to return seized assets, including confiscated property;

4. *Urges* the Government of Nicaragua to allow and facilitate peaceful and public demonstrations, and to repeal or amend legislation that may unduly restrict human rights, including the rights to the freedoms of expression, of peaceful assembly and of association, the right to take part in the conduct of public affairs, and the right to privacy, as recognised in international law, and that may prevent victims of human rights violations from enjoying the right to an effective remedy or extend the period of detention without formal charge or criminalize dissenting voices;

5. *Urgently calls* upon the authorities of Nicaragua to immediately cease using arbitrary arrests and detentions, as well as threats and other forms of intimidation or alternative measures of detention, as a means to repress dissent, to immediately release without condition all those arbitrarily or unjustly detained, as well as those who have been prosecuted under ambiguous criminal laws or laws that arbitrarily restrict the civil and political rights of the Nicaraguan population, to annul their sentences and waive charges against them, to respect fair trial guarantees, to ensure that conditions of detention comply with applicable human rights obligations and are consistent with standards such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela rules);

6. *Urges* the Government of Nicaragua to combat impunity and to ensure accountability and justice for victims of human rights violations, including by designing and implementing a comprehensive action plan towards accountability that is inclusive and victim-centred, by conducting independent, transparent and impartial investigations into the multiple forms of repression and violence, including in the context of the electoral process, as reported since April 2018 by the Office of the High Commissioner, including alleged extrajudicial executions, enforced disappearances, torture and other grave human rights violations and abuses, by ensuring effective remedies and reparations to victims and by amending the Amnesty Law of 2019;

7. *Urges* the Government of Nicaragua to take effective measures to provide a safe environment for victims of human rights violations and their families, including political prisoners and opposition members, and those with long-term injuries and disabilities;

8. *Also urges* the Government of Nicaragua to take effective measures to prevent, investigate and ensure accountability for sexual and gender-based violence, including gender-related killings; and to take a survivor centred-approach on gender-based violence and abuse;

9. *Further urges* the Government of Nicaragua to take effective measures, in meaningful consultation with indigenous peoples in accordance with its legal obligations, to prevent and address the increasing violence committed against them, including by conducting prompt and independent investigations into alleged attacks, killings and land seizures by armed groups;

10. *Urges* the Government of Nicaragua to adopt effective measures to guarantee the independence, transparency and impartiality of the justice system, electoral authorities, the National Police, the Attorney General's Office, and the Human Rights Ombudsman's Office, to uphold its international obligations with respect to fair trial guarantees and to adopt effective measures to guarantee the separation of powers and the reestablishment of the rule of law;

11. *Encourages* the Government of Nicaragua to adopt a time-bound action plan to implement the recommendations made by international and regional human rights mechanisms, including those made in the reports of the High Commissioner and the recommendations received during the third cycle of the Universal Periodic Review of Nicaragua, in meaningful consultation with civil society and victims;

12. *Also calls* upon the Government of Nicaragua to prevent, refrain from and publicly condemn, investigate and punish any acts of intimidation, harassment or reprisal, against political leaders, journalists, human rights defenders and any individual critical of the Government, including against those who cooperate or seek to cooperate with international and regional bodies, including the United Nations, its representatives and mechanisms in the field of human rights, and with regional mechanisms;

13. *Urges* the Government of Nicaragua to adopt electoral and institutional reforms and to engage in a dialogue with all political parties, civil society and other actors in Nicaragua, or in exile, with the objective of ensuring genuine elections that are free and fair, carried out in a transparent manner with independent international observation, including the upcoming November 2022 municipal elections;

14. *Decides to establish*, for a period of one year, a Group of three Human Rights Experts on Nicaragua, to be appointed by the President of the Human Rights Council, with a mandate:

(a) To conduct thorough and independent investigations into all alleged human rights violations and abuses committed in Nicaragua since April 2018, including the possible gender dimensions of such violations and abuses as well as their structural root causes;

(b) To establish the facts and circumstances surrounding the alleged violations and abuses, to collect, consolidate, preserve and analyse information and evidence, and, where possible, to identify those responsible, and to make such information accessible and usable in support of ongoing and future accountability efforts;

(c) To make recommendations with a view of improving the human rights situation, to provide guidance on access to justice and accountability, as appropriate, and to ensure inhuman or degrading treatment or punishment a victim-centred approach, including by addressing the impact of multiple and intersectional forms of discrimination;

(d) To engage with all relevant stakeholders, including the Government of Nicaragua, the Office of the High Commissioner, international human rights organizations, relevant United Nations agencies, and civil society; with a view to exchanging information, as appropriate, and providing support for national, regional and internationalefforts to promote accountability for human rights violations and abuses in Nicaragua;

15. *Requests* the Group of Human Rights Experts on Nicaragua to submit a written report to the Human Rights Council at its fifty-second session during an interactive dialogue;

16. *Requests* the immediate operationalization of the mandate; and requests the Secretary-General to provide the Group of Human Rights Experts on Nicaragua with full administrative, technical and logistical support and the resources necessary to enable it to carry out its mandate;

17. *Requests* the United Nations High Commissioner for Human Rights to strengthen monitoring and engagement including by preparing a comprehensive written report on the situation of human rights in Nicaragua containing a detailed assessment of the implementation of the recommendations made in her previous reports, as well as in United Nations Council mechanisms and Treaty Bodies, and to present it to the Council at its fifty-first session, to be followed by an interactive dialogue; and through the presentation of oral updates to the Human Rights Council before the end of 2022 and at its fiftieth and fifty-second sessions, to be followed by interactive dialogues;

18. *Requests* the Office of the High Commissioner to strengthen their engagement by continuing analysing legislation related to civic and democratic space, judicial sector, and amnesties in the view of providing the necessary support to Nicaragua to fulfil its human rights obligations and commitments;

19. *Calls* upon the Government of Nicaragua to cooperate fully with the Office of the High Commissioner and its Regional Office for Central America, the Human Rights Council and its mechanisms, including the Group of Human Rights Experts on Nicaragua and the relevant treaty bodies, by, *inter alia* agreeing to unfettered full and transparent access throughout the country and facilitating visits, including to detention facilities, providing necessary information and to positively consider the recommendations made in their reports and offers of technical assistance, and the requests for country visits made by the special procedures in accordance with the standing invitation it extended in 2006;

20. *Requests* that the Office of the High Commissioner be provided with the resources necessary to continue to fulfil its technical cooperation and human rights monitoring and reporting mandates;

21. *Decides* to remain actively seized of the matter and to consider all measures available to the Human Rights Council to strengthen the promotion and protection of human rights in Nicaragua and cooperation with the Office of the High Commissioner.