



General Assembly

Distr.: General
23 August 2024

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Forty-seventh session
Geneva, 4–15 November 2024

Nicaragua

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. Six treaty bodies welcomed the submissions of Nicaragua, albeit late, but regretted the fact that Nicaragua had ceased its cooperation and had not submitted replies to lists of issues or participated in constructive dialogues with them since 2019.² The Committee on the Elimination of Discrimination against Women noted the attendance of the Ambassador and Permanent Representative of Nicaragua to the United Nations Office and other international organizations in Geneva at the dialogue, which had been limited to the delivery of a statement.³ In response to the refusal of Nicaragua to cooperate with the Committee against Torture and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, both bodies decided to make a joint statement and publish the confidential visit report to reflect the gravity of the situation and the need for a coordinated response to prevent torture.⁴

3. In its resolution 52/2, the Human Rights Council expressed concern at the continuous refusal of Nicaragua to cooperate with international and regional human rights mechanisms, in particular the Office of the United Nations High Commissioner for Human Rights (OHCHR), including its regional office in Central America, and the special procedures of the Council, and recognized that such refusal continued to create a protection gap in the country. The Council also expressed concern at the decision of Nicaragua to interrupt its engagement with international human rights mechanisms and its denunciation of regional instruments.⁵

4. The Group of Human Rights Experts on Nicaragua regretted the lack of cooperation from Nicaragua, in particular the lack of access to the country.⁶

5. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that Nicaragua had not submitted national reports to either the ninth or the tenth consultation on the Convention against Discrimination in Education.⁷



6. The Committee on the Elimination of Discrimination against Women encouraged Nicaragua to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.⁸

7. The United Nations High Commissioner for Human Rights reported that, in 2022, OHCHR had requested information from Nicaragua on the implementation of the 396 recommendations made to the country by OHCHR, Human Rights Council mechanisms and treaty bodies since 2018, but did not receive a response.⁹

III. National human rights framework

Institutional infrastructure and policy measures

8. The Human Rights Committee noted with concern that, in March 2019, the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions had recommended that the Office of the Human Rights Advocate be downgraded to B status. The Committee recommended that Nicaragua take all the measures necessary to ensure that the Office fully complied with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and was able to carry out its mandate fully, effectively and independently.¹⁰

9. The Committee against Torture expressed concern about the limited effectiveness of the Office of the Human Rights Advocate in its capacity as the national preventive mechanism and about the lack of information on the steps taken in follow-up to the Office's recommendations. It recommended that Nicaragua take measures to improve the effectiveness of the national preventive mechanism's monitoring activities and allow it to make periodic visits.¹¹

10. UNESCO encouraged Nicaragua to consider revising the Constitution to enshrine the right to education for all and to revise the legislation to extend compulsory primary and secondary education for at least 9 years and make it free for at least 12 years.¹²

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

11. The Committee on the Elimination of Racial Discrimination expressed concern that it had not received information on the functioning and activities of the National Commission for the Elimination of Racial Discrimination and on the development of a national policy to combat racism and racial discrimination. It urged Nicaragua to take the measures necessary to ensure the effective functioning of the National Commission and empower it to develop and carry out a national policy to combat racism and racial discrimination.¹³

12. The Human Rights Committee noted that the principles of equality and non-discrimination were recognized in article 27 of the Constitution but noted with concern that lesbian, gay, bisexual and transgender persons, Indigenous Peoples and persons of African descent continued to be subjected to discrimination and violence, especially in detention.¹⁴

2. Right to life, liberty and security of person, and freedom from torture

13. The Human Rights Committee expressed deep concern about reports of the excessive use of force in the context of the sociopolitical crisis that had begun in 2018, which had resulted in hundreds of deaths and dozens of serious injuries, and reports of the mass arrest and imprisonment of demonstrators, the murders and attempted murders that had occurred in June and July 2019 and the alleged violations committed by pro-government armed groups, including those known as shock forces or *turbas* (mobs). It recommended that Nicaragua

collect disaggregated data on cases involving law enforcement officials who had been reported, investigated, prosecuted and punished on charges related to the excessive use of force and gather data on the number of deaths and injuries that had occurred in the context of the public protests and the prosecution and conviction of those found responsible and make that information publicly available. It also recommended that Nicaragua dismantle and disarm pro-government armed groups involved in attacks against demonstrators and instances of illegal detention.¹⁵

14. In 2024, the Group of Human Rights Experts on Nicaragua reported that violations and abuses against part of the Nicaraguan population by reason of their political identity were found to be consistent, *prima facie*, with various elements of the framework for the international prohibition and the international criminal law definition of crimes against humanity.¹⁶

15. While taking note of the legislative framework in Nicaragua prohibiting torture and other cruel, inhuman or degrading treatment, the Human Rights Committee reiterated its concern about the continuing reports of torture and/or ill-treatment both at the time of arrest and subsequently in police stations and detention facilities, such as the prisons La Modelo and La Esperanza and the Evaristo Vázquez (“El Chipote”) police compound.¹⁷ The United Nations High Commissioner for Human Rights urged Nicaragua to immediately release all persons arbitrarily detained in connection with the 2018 human rights crisis.¹⁸

16. The Group of Human Rights Experts on Nicaragua reported that it had interviewed 73 of the 222 persons who had been arbitrarily detained in different detention centres in Nicaragua and then expelled to a third country in February 2023. The victims all corroborated the patterns of ill-treatment previously described by the Group, which, in many cases, reached the threshold of torture.¹⁹ OHCHR had documented instances of physical and psychological torture, ill-treatment and failure to comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) in relation to the same group of detainees and their relatives, including gendered and sexual violence, drugging the detainees, keeping them in prolonged isolation and preventing them from having family visits, including in the case of detainees with underage children.²⁰

17. The Human Rights Committee expressed concern about the enactment in 2021 of Act No. 1060, which extended the maximum duration of the period during which a person could be detained without charge from 48 hours to 90 days. It recommended that Nicaragua amend that Act to ensure that pretrial detention was used solely as an exceptional measure and that persons held in police custody or pretrial detention were informed of their rights and afforded all fundamental legal safeguards, including the presumption of innocence.²¹

3. Human rights and counter-terrorism

18. The Committee against Torture expressed concern about the vagueness of the definitions of terrorism under Act No. 977 of 2018 on Combating Money-Laundering, the Financing of Terrorism and Financing for the Proliferation of Weapons of Mass Destruction and by the broad scope of Act No. 1055 of 2020 on the Rights of People to Independence, Sovereignty and Self-Determination for Peace, as well as the Special Cybercrime Act (No. 1042 of 2020), Act No. 1040 of 2020 on the Regulation of Foreign Agents and articles 410 and 412 of the Criminal Code, relating to collusion with a view to undermining national integrity, which were used to discourage protests or any form of opposition, and the arbitrary use of those provisions.²²

19. The Human Rights Committee urged Nicaragua to revise Act No. 977 in order to strictly define an act of terrorism and ensure that counter-terrorism legislation was not used to limit the enjoyment of civil and political rights and to prevent any unjustified or disproportionate infringement on the freedom of expression of the media and human rights defenders under counter-terrorism legislation.²³

4. Administration of justice, including impunity, and the rule of law

20. The United Nations High Commissioner for Human Rights reported that, in February 2023, the Court of Appeal of Managua had ordered the immediate deportation of 222 of the 235 persons held in arbitrary detention at the time, in a decision publicized when the 222 persons were already on the aeroplane. OHCHR noted that those measures were arbitrary and not permissible under international human rights law and the manner in which the cases had been handled by the judicial authorities raised concerns about the independence and impartiality of the judiciary in Nicaragua.²⁴ The United Nations Deputy High Commissioner for Human Rights reported that the Government's actions had resulted in a perverse negation of the rule of law, with all the institutions of the justice system being used to persecute its actual or perceived opponents.²⁵

21. The Human Rights Council expressed alarm at the erosion of the rule of law, the independence of the judiciary and the separation of powers. It urged Nicaragua to adopt effective measures to guarantee the independence, transparency and impartiality of the justice system, the 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 re-establishment of the rule of law.²⁶

22. The United Nations High Commissioner for Human Rights expressed concern at the Amnesty Act (No. 996), which, although it had led to the release of 106 people detained in connection with the protests in 2018, granted impunity to State and non-State actors who had committed human rights abuses and violations. OHCHR recommended repealing the Act and designing and implementing a comprehensive action plan for accountability.²⁷

23. The High Commissioner recommended removing all obstacles resulting in impunity for perpetrators of the human rights violations committed since April 2018 and providing reparations to all victims.²⁸

5. Fundamental freedoms and the right to participate in public and political life

24. In 2022, OHCHR documented acts of harassment, especially against human rights defenders, journalists, members of the clergy, political opponents and persons considered as such, which had consisted mainly of a constant and intimidating police presence in front of their homes or workplaces, permanent monitoring, selective detention and/or photographic tracking of vehicles and requiring documents from their occupants, and fencing off access roads to the facilities of organizations considered critical of the Government.²⁹ In 2023, the United Nations High Commissioner for Human Rights reported that Nicaragua had continued to unduly limit the country's civic and democratic spaces, increasing its control over institutions and public spaces and restricting activities by individuals and groups with dissident voices.³⁰

25. The High Commissioner also reported that, although the Catholic Church and its members had been the object of attacks since the 2018 crisis started, a sharp escalation in their frequency and gravity had been seen during the period 15 August 2022 to 15 June 2023.³¹

26. The High Commissioner further reported that legislation that unduly restricted freedom of association continued in force, including Act No. 1040 on foreign agents and General Act No. 1115 on the regulation and control of non-profit organizations.³² In 2023, the Group of Human Rights Experts on Nicaragua reported that, as part of its strategy for suppressing dissent, Nicaragua had cancelled the registration of political organizations and parties and had arbitrarily shut down media outlets, causing a collapse of civil and political space and seriously compromising the people's right to obtain reliable information. The legal status of more than 3,144 national and international non-profit organizations had been revoked since December 2018, equivalent to almost half of the 7,227 organizations registered with the Ministry of Interior in 2017.³³

27. The High Commissioner recommended that Nicaragua align domestic legislation with international human rights norms and standards.³⁴

28. The High Commissioner also recommended reinstating civic space by restoring the legal personality and assets of the organizations that had been dissolved, protecting their freedom of operation and refraining from arbitrarily revoking the legal personality of additional organizations and media outlets.³⁵

29. The Human Rights Committee noted with great concern that the elections held in Nicaragua in 2021 did not meet international standards for free and fair elections. It expressed particular concern about legislative reforms allowing for the indefinite re-election of the President and limiting citizen oversight, the broadening of grounds for the revocation of the legal personality of political parties under Act No. 1070, reports of the arrest and criminal prosecution of potential presidential candidates and allegations of electoral fraud. The Committee expressed concern about the approval of the Manual for the Certification of Communal and Territorial Authorities of 2020, which established communal and territorial election procedures that violated communal statutes.³⁶

30. The same Committee urged Nicaragua to amend Act No. 1070, Act No. 1116 amending the Electoral Act and any other legal provisions that restricted the right of citizens to stand for election, to give full effect to the constitutional right of every citizen to participate in public affairs without discrimination and to take steps to guarantee the full participation in political life of Indigenous Peoples and persons of African descent, including by revising the Manual for the Certification of Communal and Territorial Authorities.³⁷

31. The United Nations High Commissioner for Human Rights reported that, during the municipal elections of November 2022, in the absence of the political parties that had had their legal status cancelled in 2021 and with the main opposition leaders imprisoned or in exile, many Nicaraguans had been unable to exercise their right to take part in the conduct of public affairs, in a similar way to the general elections in 2021.³⁸

32. The Committee on the Elimination of Discrimination against Women called upon Nicaragua to immediately release women human rights defenders and other women activists who were detained on the basis of their dissenting political views and participation in political and public life, to ensure that their right to life, liberty and physical and psychological integrity were safeguarded during detention and following release and to authorize visits by family members in accordance with the Bangkok Rules.³⁹

6. Right to marriage and family life

33. The Committee on the Elimination of Discrimination against Women noted with concern the existing exceptions to the minimum age for marriage under the Family Code, subject to parental consent. The Committee also noted with concern the lack of legal recognition under the Family Code of the marriage and de facto unions of lesbian, bisexual and transgender women and the deletion of personal information of women convicted of treason from the Civil Registry, hampering their right to enter into marriage and their inheritance rights.⁴⁰

34. The same Committee recommended that Nicaragua enforce the legal minimum age of marriage of 18 years for both women and men, remove any exceptions, including when authorized by a judicial authority, strengthen awareness-raising on the harmful effects of child marriage and/or forced unions on the health and development of girls and amend articles 53 and 83 of the Family Code, in which family, marriage and de facto unions were defined.⁴¹

7. Prohibition of all forms of slavery, including trafficking in persons

35. The Committee on the Elimination of Discrimination against Women expressed concern about the lack of measures to prevent and protect girls from exploitation in the sex tourism industry and their limited access to victim support services.⁴²

8. Right to work and to just and favourable conditions of work

36. The Committee on Economic, Social and Cultural Rights recommended that Nicaragua develop quality technical and vocational training programmes tailored to the needs of the labour market and the most underprivileged and marginalized persons and groups.⁴³

37. The Committee on the Elimination of Discrimination against Women expressed concern at the persisting gender pay gap and lack of information on labour inspections, the requirement for women applicants to produce a negative pregnancy test result to access employment and reports of cases of gender-based violence. It recommended enforcing the principle of equal pay for work of equal value, adopting measures to protect women from discrimination in recruitment and considering ratifying the Violence and Harassment Convention, 2019 (No. 190), of the International Labour Organization (ILO).⁴⁴

38. ILO recommended that Nicaragua ensure that workers and employers could establish their own organizations and operate without interference, cease immediately all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against individuals or organizations in connection with the exercise of legitimate activities of trade unions and employers' organizations and adopt measures to ensure that such acts were not repeated.⁴⁵

9. Right to social security

39. The Committee on Economic, Social and Cultural Rights urged Nicaragua to develop a social security system that guaranteed universal social protection coverage for all workers and all persons and families, especially those belonging to the most disadvantaged and marginalized groups.⁴⁶

40. The United Nations High Commissioner for Human Rights reported that persons arbitrarily deprived of their citizenship had also been denied their right to a pension.⁴⁷

10. Right to health

41. The Committee on Economic, Social and Cultural Rights welcomed the efforts and progress made by Nicaragua in reducing the gender gap in the area of health. However, it recommended that Nicaragua allocate sufficient resources to the health sector and urged it to adopt necessary and effective measures to guarantee the availability, accessibility and quality of health-care services and to ensure that there were sufficient public health-care establishments, goods and services with skilled medical staff, scientifically approved and unexpired drugs and hospital equipment and adequate sanitation conditions, especially in rural areas and in the autonomous regions of the Caribbean coast. The Committee urged Nicaragua to investigate the alleged denial of medical care to persons injured during the demonstrations that had taken place between April and August 2018 and to take the steps necessary to prevent such a situation from reoccurring.⁴⁸

42. The United Nations High Commissioner for Human Rights reported that OHCHR was concerned at the combined impact of the absolute prohibition of abortion and the high rate of early pregnancy, which led to unsafe abortions and the deaths of women and girls. The High Commissioner recommended amending legislation on abortion in line with international human rights law and adopting measures to ensure that adolescents had full access to family planning and contraceptives and appropriate information on sexual and reproductive health to prevent early pregnancies.⁴⁹

11. Right to education

43. The Committee on the Elimination of Racial Discrimination welcomed the adoption of the Education Plan 2014–2021 and the roll-out of the regional autonomous educational subsystem.⁵⁰

44. The Committee on Economic, Social and Cultural Rights noted that access to education had been broadened in Nicaragua but expressed concern about shortcomings in the quality of school infrastructure and materials and in the content of curricula and the training of teachers, in particular in rural areas. It recommended that Nicaragua adopt the appropriate measures to reduce the school dropout and repetition rates at all levels of education, especially at the primary level and among students belonging to marginalized and disadvantaged groups.⁵¹

45. The Committee on the Elimination of Racial Discrimination expressed concern about the high illiteracy rates among the Indigenous population and persons of African descent and

the high dropout rate among Indigenous children, the lack of availability of secondary education in Indigenous communities and the lack of quality bilingual intercultural education. It recommended that Nicaragua increase its efforts to eradicate illiteracy among Indigenous Peoples and persons of African descent.⁵²

46. The Committee on Economic, Social and Cultural Rights expressed concern about acts of reprisals against university lecturers and students arbitrarily dismissed for their participation in the 2018 protests and called for their reinstatement.⁵³

47. UNESCO noted the government programme entitled “The university goes to rural areas”, in which approximately 1,400 students had enrolled in 2020, increasing to 5,600 (60 per cent of whom were women) in 2021. The programme offered 32 careers in 34 municipalities of 14 departments and the two autonomous regions of the Caribbean coast of Nicaragua and 40,000 more students were expected to enrol in the subsequent 10 years.⁵⁴

12. Development, the environment, and business and human rights

48. The Committee on Economic, Social and Cultural Rights urged Nicaragua to ensure that the budget was formulated and implemented in such a way as to guarantee that all sectors of the population, in particular the most marginalized and disadvantaged groups and individuals, could realize their economic, social and cultural rights.⁵⁵

B. Rights of specific persons or groups

1. Women

49. In 2023, the United Nations High Commissioner for Human Rights reported that Nicaragua ranked third in the world among the countries with the highest presence of women in parliament (51.7 per cent) and fourth in terms of the presence of women in the cabinet (62.5 per cent); however, women’s political rights were hampered by the persecution of women perceived as opponents of the Government.⁵⁶

50. The Human Rights Committee took note of the measures adopted to address violence against women, such as the adoption of Act No. 870, the strengthening of special protective measures for women victims of violence and the establishment of new courts specializing in matters of violence and family law. However, the Committee remained concerned about the high levels of violence against women, in particular the high number of femicides. It expressed concern about the amendments to Comprehensive Act No. 779 on Combating Violence against Women that abolished the specialized courts for hearing cases of such violence and reduced the scope of the definition of femicide to the murder of women in the context of a relationship.⁵⁷

2. Children

51. The United Nations High Commissioner for Human Rights reported that child marriage continued to be documented, even though the Family Code prohibited marriage before 18 years of age, or 16 with parental authorization, an exception that violated international standards.⁵⁸

52. The Committee on Economic, Social and Cultural Rights regretted that Nicaragua had not provided statistical data on the extent of the problem of child labour and the measures taken to protect children from hazardous work and economic exploitation. It recommended that Nicaragua take effective measures to prevent and counter the economic exploitation of children by ensuring that child labour legislation was actively enforced and by strengthening labour inspection mechanisms and providing support to families living in poverty to make sure that their children attended school. The Committee urged Nicaragua to ensure that all instances of economic or any other type of exploitation of children and adolescents were thoroughly investigated and that those responsible were duly punished.⁵⁹

3. Persons with disabilities

53. The Committee on the Elimination of Discrimination against Women noted with concern the lack of information about legislation, policies and programmes to promote inclusion of women and girls with disabilities in Nicaragua and eliminate physical and other barriers that prevented them from accessing education, employment, health care and social protection, including in places of detention and rural communities, communities of people of African descent and Indigenous communities.⁶⁰

54. The Committee on the Rights of Persons with Disabilities recommended that Nicaragua establish, as soon as possible, the mechanisms necessary to ensure that the Constitution explicitly prohibited discrimination on the basis of disability and that all other laws, policies and programmes contained terminology that was consistent with the Convention and included the denial of reasonable accommodation as a form of discrimination on the basis of disability, mainstream the human rights-based approach of the Convention into all laws, policies and programmes established in the State party and ensure that certification of disability was carried out by a multidisciplinary team and not only by physicians.⁶¹

4. Indigenous Peoples and minorities

55. The Committee on the Elimination of Racial Discrimination expressed deep alarm about the allegations it had received concerning acts of violence against and attacks on the life and physical integrity of members of Indigenous Peoples and persons of African descent within their territories. The Committee expressed serious concern about the numerous attacks that had been perpetrated against Indigenous Peoples in the Mayangna Sauni As territory in the area of the Bosawás Biosphere Reserve. The Committee regretted the lack of information on the investigations carried out into those acts and expressed serious concern that such acts could go unpunished. It recommended that Nicaragua prevent, effectively and as a matter of urgency, acts of violence against and attempts on the lives of members of Indigenous Peoples and persons of African descent, in particular in the autonomous regions of the Caribbean coast.⁶²

56. The same Committee recommended that Nicaragua ensure that the legitimately constituted communal authorities designated by Indigenous Peoples were not supplanted by parallel authorities in making decisions that concerned Indigenous Peoples. Furthermore, it urged Nicaragua to take the steps necessary to ensure the full participation of Indigenous Peoples and persons of African descent, in particular Indigenous women and women of African descent, in public affairs, in decision-making positions and in representative institutions.⁶³

57. The Human Rights Committee noted that Nicaraguan laws recognized the collective right of Indigenous Peoples and persons of African descent to their lands and their right to free, prior and informed consultation. However, it expressed concern about reports of situations in which the principle of free, prior and informed consultation was not fully upheld.⁶⁴

5. Lesbian, gay, bisexual, transgender and intersex persons

58. The Committee on the Elimination of Discrimination against Women noted with concern the lack of legal recognition of lesbian and transgender women, which posed barriers to their access to justice and the proper investigation of gender-based crimes against them, and legislation that allowed for the cancellation of the legal status and confiscation of the assets of organizations of lesbian, bisexual, transgender and intersex women considered to oppose the Government. It recommended that Nicaragua adopt legislation recognizing lesbian and transgender women, investigate and prosecute cases of gender-based violence against them and impose adequate punishment in such cases and reinstate the legal status and ensure the restitution of assets of civil society organizations working for the recognition of the rights of lesbian, bisexual, transgender and intersex women.⁶⁵

6. Migrants, refugees and asylum-seekers

59. The Committee on the Elimination of Discrimination against Women recommended that Nicaragua adopt and implement independent and gender-responsive refugee determination, asylum and migration procedures, including regularization of undocumented migrant women and girls, ensure judicial review of administrative decisions on refugee determination and asylum claims, grant temporary and/or permanent residence permits to women in need of international protection, cooperate with third States to address xenophobia and discrimination against Nicaraguan migrants and provide access to documents and procedures to facilitate voluntary returns.⁶⁶

60. The United Nations High Commissioner for Human Rights stated that restrictions on civic space and the persecution of perceived opponents of the Government, in addition to the worsening socioeconomic situation, had led to an increase in the number of people leaving Nicaragua: 5,450 people had been intercepted at the border of a third country in all of 2020, compared with 84,055 in the first six months of 2022.⁶⁷

7. Internally displaced persons

61. The United Nations High Commissioner for Human Rights reported that OHCHR had received information that settlers had taken approximately 21,000 hectares from the Miskitu people and forcibly displaced about 1,000 Miskitu persons, presumably because of the forestry and mining interests of the settlers. The Indigenous authorities had been forced into exile, due to death threats, and some of them had been prevented by the Government from returning to the country, being refused entry at the border. As a result, they had been unable to resume their functions as Indigenous authorities, which could be contrary to article 4 of the United Nations Declaration on the Rights of Indigenous Peoples.⁶⁸

62. The Committee on the Elimination of Discrimination against Women noted with concern the deteriorating living conditions of internally displaced women and girls in the Suji and Pransa border communities and the impact of those conditions on their physical and mental health.⁶⁹

8. Stateless persons

63. The Group of Human Rights Experts on Nicaragua reported that at least 317 real or perceived Government opponents had been arbitrarily deprived of their nationality and that most of them had been left stateless. It recalled that the decisions had been taken on discriminatory grounds, without respecting any due process guarantees. The victims had been left without access to any effective remedy and in an extremely vulnerable position.⁷⁰

64. The same Group also reported that, by depriving Nicaraguans of their nationality, the authorities had also deprived them of a series of human rights connected to nationality and that records from the civil registry, including birth records, had been deleted, depriving the victims of their legal identity, which also affected their relatives, as marriages and the birth records of children, among other records, had been deleted or modified.⁷¹

65. The Office of the United Nations High Commissioner for Refugees called upon Nicaragua, as a party to both the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, to respect its international obligations to ensure the enjoyment of the right to nationality and to take measures to prevent and eradicate statelessness.⁷²

66. The United Nations High Commissioner for Human Rights reported that the National Assembly had amended article 21 of the Constitution and approved Act No. 1145, regulating the loss of Nicaraguan nationality, allowing those who were considered traitors to the homeland to be deprived of their nationality. The High Commissioner emphasized that the reform had been approved without any previous publicity or debate, in a session lasting less than 30 minutes.⁷³

67. Expressing concern about the deprivation of nationality and the ensuing statelessness of women human rights defenders based on Act No. 1145, the Committee on the Elimination of Discrimination against Women recommended that Nicaragua repeal that Act, which provided for the deprivation of nationality of citizens expressing dissenting opinions, and reinstate nationality in all cases where women had been deprived of it on political grounds.⁷⁴

Notes

- ¹ [A/HRC/42/16](#), [A/HRC/42/16/Add.1](#) and [A/HRC/42/2](#).
- ² [CEDAW/C/NIC/PCO/7-10](#), para. 2; [CCPR/C/NIC/CO/4](#), para. 2; [CERD/C/NIC/CO/15-21](#), paras. 2 and 3; [E/C.12/NIC/CO/5](#), para. 2; [CAT/C/NIC/CO/2](#), para. 2; and [CRPD/C/NIC/CO/1-3](#), para. 2.
- ³ [CEDAW/C/NIC/PCO/7-10](#), para. 3.
- ⁴ See <https://www.ohchr.org/en/statements/2022/11/nicaragua-two-un-rights-committees-deplore-refusal-cooperate-and-lack>.
- ⁵ See also Human Rights Council resolution 49/3.
- ⁶ [A/HRC/52/63](#), para. 4. See also [A/HRC/55/27](#), paras. 4 and 5.
- ⁷ UNESCO submission for the universal periodic review of Nicaragua, para. 1.
- ⁸ [CEDAW/C/NIC/PCO/7-10](#), para. 57.
- ⁹ [A/HRC/51/42](#), paras. 3 and 4.
- ¹⁰ [CCPR/C/NIC/CO/4](#), paras. 7 and 8.
- ¹¹ [CAT/C/NIC/PCO/2](#), paras. 17 and 18.
- ¹² UNESCO submission, paras. 25 and 26.
- ¹³ [CERD/C/NIC/CO/15-21](#), paras. 14 and 15.
- ¹⁴ [CCPR/C/NIC/CO/4](#), para. 13.
- ¹⁵ *Ibid.*, paras. 35 and 36 (c) and (d).
- ¹⁶ [A/HRC/55/27](#), para. 82.
- ¹⁷ [CCPR/C/NIC/CO/4](#), para. 21.
- ¹⁸ [A/HRC/51/42](#), para. 81 (c); and [A/HRC/54/60](#), para. 79 (a).
- ¹⁹ [A/HRC/55/27](#), para. 26.
- ²⁰ [A/HRC/54/60](#), paras. 44–53.
- ²¹ [CCPR/C/NIC/CO/4](#), paras. 25 and 26 (b).
- ²² [CAT/C/NIC/PCO/2](#), para. 23 (c).
- ²³ [CCPR/C/NIC/CO/4](#), para. 16.
- ²⁴ [A/HRC/54/60](#), paras. 28 and 29.
- ²⁵ See <https://www.ohchr.org/en/statements-and-speeches/2024/06/oral-update-promotion-and-protection-human-rights-nicaragua>.
- ²⁶ See Human Rights Council resolution 49/3. See also [A/HRC/51/42](#), para. 81 (a).
- ²⁷ [A/HRC/51/42](#), paras. 24–26. See also [A/HRC/42/18](#), paras. 51 and 52.
- ²⁸ [A/HRC/51/42](#), para. 81 (e). See also [A/HRC/54/60](#), para. 79 (e).
- ²⁹ [A/HRC/51/42](#), para. 16.
- ³⁰ [A/HRC/54/60](#), para. 3.
- ³¹ *Ibid.*, para. 11.
- ³² *Ibid.*, para. 8.
- ³³ [A/HRC/52/63](#), paras. 89 and 90.
- ³⁴ [A/HRC/51/42](#), para. 81 (b).
- ³⁵ *Ibid.*, para. 81 (d).
- ³⁶ [CCPR/C/NIC/CO/4](#), para. 39.
- ³⁷ *Ibid.*, para. 40 (a), (b) and (d).
- ³⁸ [A/HRC/54/60](#), para. 5.
- ³⁹ [CEDAW/C/NIC/PCO/7-10](#), para. 12 (d).
- ⁴⁰ *Ibid.*, para. 55.
- ⁴¹ *Ibid.*, para. 56 (a) and (b). See also [A/HRC/54/60](#), para. 79 (g).
- ⁴² [CEDAW/C/NIC/PCO/7-10](#), para. 29 (c).
- ⁴³ [E/C.12/NIC/CO/5](#), para. 22.
- ⁴⁴ [CEDAW/C/NIC/PCO/7-10](#), paras. 37 (b)–(d) and 38 (c)–(e).
- ⁴⁵ See <https://www.ilo.org/media/560601/download>.
- ⁴⁶ [E/C.12/NIC/CO/5](#), para. 31.
- ⁴⁷ [A/HRC/54/60](#), para. 34.
- ⁴⁸ [E/C.12/NIC/CO/5](#), paras. 4 and 41.
- ⁴⁹ [A/HRC/54/60](#), paras. 77 and 79 (g).
- ⁵⁰ [CERD/C/NIC/CO/15-21](#), para. 4 (d).
- ⁵¹ [E/C.12/NIC/CO/5](#), paras. 46 and 47 (b). See also [CEDAW/C/NIC/PCO/7-10](#), para. 35 (b).
- ⁵² [CERD/C/NIC/CO/15-21](#), paras. 36 and 37.

-
- ⁵³ [E/C.12/NIC/CO/5](#), paras. 27 and 28.
- ⁵⁴ UNESCO submission, para. 12.
- ⁵⁵ [E/C.12/NIC/CO/5](#), para. 16 (a).
- ⁵⁶ [A/HRC/54/60](#), para. 4.
- ⁵⁷ [CCPR/C/NIC/CO/4](#), para. 17.
- ⁵⁸ [A/HRC/54/60](#), para. 74.
- ⁵⁹ [E/C.12/NIC/CO/5](#), paras. 32 and 33.
- ⁶⁰ [CEDAW/C/NIC/PCO/7-10](#), para. 51 (a).
- ⁶¹ [CRPD/C/NIC/CO/1-3](#), para. 7 (a) and (b).
- ⁶² [CERD/C/NIC/CO/15-21](#), paras. 20 and 21.
- ⁶³ *Ibid.*, para. 31.
- ⁶⁴ [CCPR/C/NIC/CO/4](#), para. 41.
- ⁶⁵ [CEDAW/C/NIC/PCO/7-10](#), paras. 53 and 54 (a) and (c).
- ⁶⁶ *Ibid.*, para. 50 (b) and (c).
- ⁶⁷ [A/HRC/51/42](#), para. 20.
- ⁶⁸ [A/HRC/54/60](#), para. 58.
- ⁶⁹ [CEDAW/C/NIC/PCO/7-10](#), para. 49 (a).
- ⁷⁰ [A/HRC/55/27](#), paras. 38 and 97.
- ⁷¹ *Ibid.*, para. 39.
- ⁷² See <https://www.unhcr.org/news/press-releases/statement-unhcr-arbitrary-deprivation-nationality-nicaragua>.
- ⁷³ [A/HRC/54/60](#), para. 30.
- ⁷⁴ [CEDAW/C/NIC/PCO/7-10](#), paras. 33 and 34 (a).
-