



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the fourth periodic report of Nicaragua*

1. The Committee considered the fourth periodic report of Nicaragua¹ at its 3933rd meeting,² held on 19 October 2022. At its 3946th and 3947th meetings, held on 31 October 2022, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of Nicaragua, albeit seven years late. It regrets, however, that the State party did not submit written replies to the list of issues³ or participate in the constructive dialogue with the Committee. The Committee reminds the State party that, pursuant to the reporting obligation established under article 40 of the Covenant, representatives of States parties are expected to be present at the meetings of the Committee at which their reports are examined, in accordance with rule 68 of the Committee's rules of procedure. The Committee emphasizes that the full engagement of States parties in interactive dialogues with the human rights treaty bodies is a key component of the periodic review process.⁴

B. Positive aspects

3. The Committee welcomes the following legislative measures taken by the State party:

- (a) The enactment in 2015 of Act No. 896 against Trafficking in Persons;
- (b) The enactment in 2014 of the Family Code (Act No. 870), which sets forth the obligation to prevent, punish and eradicate domestic and family violence;
- (c) The enactment in 2011 of the Migration and Aliens Act (No. 761);
- (d) The enactment in 2011 of Act No. 745 on Enforcement, Benefits and Judicial Oversight of Criminal Penalties.

4. The Committee welcomes the ratification of, or accession to, the following instruments by the State party:

- (a) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 25 February 2009;
- (b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 25 February 2009;

* Adopted by the Committee at its 136th session (10 October–4 November 2022).

¹ [CCPR/C/NIC/4](#).

² See [CCPR/C/SR.3933](#).

³ [CCPR/C/NIC/Q/4](#).

⁴ See General Assembly resolution 68/268.



- (c) The Convention on the Reduction of Statelessness, in 2013;
- (d) The Convention relating to the Status of Stateless Persons, in 2013;
- (e) The Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization, on 25 August 2010.

Constitutional and legal framework within which the Covenant is implemented

5. The Committee takes note of article 46 of the Constitution, which provides for the full enjoyment of the rights enshrined in the Covenant. However, the Committee regrets the lack of information on its application and the number of cases in which the Covenant has been invoked and applied in judicial decisions. It is also concerned about the State party's lack of cooperation and interaction with the international and regional human rights protection systems (art. 2).

6. The State party should:

(a) **Take measures to raise awareness of the Covenant among judges, lawyers and prosecutors in order to ensure that its provisions are taken into account and applied by the national courts;**

(b) **Re-establish dialogue and cooperation with the international and regional human rights protection systems, in particular by allowing access to and engaging with special procedure mandate holders who have requested to undertake visits.**

National human rights institution

7. The Committee notes with concern that, in March 2019, the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions recommended that the Office of the Human Rights Advocate be downgraded to B status. In particular, the Committee is concerned about reports that the Office of the Human Rights Advocate maintains close ties with the National Assembly, which casts doubt on the Office's independence (art. 2).

8. **The State party should take all the measures necessary to ensure that the Office of the Human Rights Advocate fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and is able to carry out its mandate fully, effectively and independently.**

Fight against corruption

9. The Committee regrets the lack of information in the State party's fourth periodic report on measures taken to combat corruption in the political sphere and the judiciary, as well as the lack of information on the investigation of cases of corruption and the disciplinary measures and judicial sanctions imposed in such cases. The Committee notes with concern the reports it received regarding the restrictions imposed on access to public information on the use of the general State budget and the operation of the Office of the Comptroller-General of the Republic (art. 25), and the reports of nepotism, corruption, influence peddling and other economic offences at both the central and local levels.

10. **The State party should step up its efforts to increase transparency and accountability in the public administration and among public officials and should consider adopting legislation on access to public information. In addition, it should take tangible measures to combat corruption in the public sector, particularly in the judiciary and the police force, by undertaking prompt, thorough, independent and impartial investigations into all cases of corruption and imposing both disciplinary and criminal sanctions on the persons found to be responsible.**

Fight against impunity and past human rights violations

11. The Committee is concerned about the lack of information on the operation of the Truth, Justice and Peace Commission and allegations that it lacks independence. It is also concerned about the compatibility of the Amnesty Act (No. 996) and Act No. 994 on Comprehensive Care for Victims with the Covenant. Regarding the Amnesty Act, the

Committee is concerned about the absence of an express prohibition of amnesty for serious human rights violations and the ambiguity of the provisions of articles 2 and 3. With regard to Act No. 994, the Committee is concerned about the ambiguity of the reference in the Act to the “determination to take into account the harm done to the Nicaraguan people and the other consequences they have borne as a result of the failed coup d’état attempt”, which implies that persons who expressed their opposition to the Government during the protests of 2018 are viewed by the authorities as the perpetrators of a “coup d’état”, rather than as victims; the Committee is also concerned about the fact that the Act does not guarantee the right of victims to effective remedies and reparation (arts. 2, 6–7 and 14).

12. The State party should:

(a) **Ensure that the Truth, Justice and Peace Commission carries out its work effectively and independently, in accordance with international law and standards, including by prohibiting amnesty for serious human rights violations;**

(b) **Amend Act No. 996 in consultation with all stakeholders in order to make it fully compatible with the provisions of the Covenant and to resolve current ambiguities in the legal framework that undermine the right to peaceful protest and the principles of legality and *ne bis in idem*;**

(c) **Ensure that all perpetrators of serious human rights violations are prosecuted and, if found guilty, are punished in a manner that is commensurate with the seriousness of their acts;**

(d) **Give effect to the rights to truth, justice and comprehensive reparation of the victims of the events that occurred on or after 18 April 2018, including by revising Act No. 994 in order to ensure the right of victims to effective legal remedies and reparation.**

Non-discrimination

13. While the Committee notes that the principles of equality and non-discrimination are recognized in article 27 of the Constitution of the State party, it is concerned that the current national legal framework does not provide comprehensive protection against discrimination on the basis of any of the grounds listed in the Covenant, in particular the grounds of sexual orientation and gender identity. Moreover, the Committee notes with concern that lesbian, gay, bisexual and transgender persons, Indigenous persons and persons of African descent continue to be subjected to discrimination and violence, especially in detention. The Committee regrets the lack of consolidated and disaggregated data on investigations into cases of discrimination and violence against lesbian, gay, bisexual and transgender persons, the prosecution of and sentences imposed on the perpetrators in such cases and the reparation granted to the victims (arts. 2–3, 6–7 and 26).

14. The State party should:

(a) **Adopt comprehensive legislation prohibiting discrimination, including multiple, direct and indirect discrimination, in all spheres, in both the public and private sectors, on all grounds prohibited under the Covenant, including sex, sexual orientation and gender identity;**

(b) **Ensure that reports of discrimination offences, in particular offences motivated by sexual orientation or gender identity, are investigated promptly, thoroughly and impartially, that those responsible are held accountable for their actions and that the victims receive full reparation;**

(c) **Step up its efforts to prevent, combat and eradicate all forms of discrimination, including by increasing training for law enforcement personnel, prosecutors and members of the judiciary and conducting effective awareness-raising campaigns;**

(d) **Establish a reliable system for the collection of disaggregated statistical data on discrimination and violence against lesbian, gay, bisexual and transgender persons.**

Counter-terrorism

15. The Committee is concerned about the excessively broad and imprecise definition of an act of terrorism set forth in Act No. 977 on Combating Money Laundering, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction. The Committee is also concerned about reports of the improper use of counter-terrorism legislation to criminalize conduct linked to the exercise of the rights to freedom of expression and freedom of association (arts. 2, 4, 19 and 21–22).

16. The State party should revise Act No. 977 in order to strictly define an act of terrorism and ensure that counter-terrorism legislation is not used to limit the enjoyment of the rights enshrined in the Covenant. It should also prevent any unjustified or disproportionate infringement on the freedom of expression of the media and human rights defenders under counter-terrorism legislation.

Violence against women

17. The Committee takes 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 remains concerned about the high levels of violence against women, in particular the high number of femicides. It is also concerned 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. While the Committee welcomes the reopening of the Directorate of Special Police Units for Women and Children, it is concerned about the considerable number of years that have passed during which victims received no assistance and about reports of the persistent use of conciliation and mediation without judicial intervention (arts. 2–3, 6–7 and 26).

18. The State party should redouble its efforts to effectively prevent and combat all forms of violence against women. It should, inter alia:

(a) **Amend Act No. 779 to ensure that specialized courts for hearing cases of violence against women are maintained throughout the country and that the definition of femicide is brought into line with international standards, ensuring that it is not limited only to the murder of women in the context of a relationship;**

(b) **Allocate the financial, technical and human resources necessary to prevent violence against women, protect women, punish the perpetrators and provide reparation to the victims, in particular by allocating resources to the special police units for women and children, and ensure that the victims are in no way obliged to or pressured into resorting to reconciliatory mediation;**

(c) **Provide adequate training on women's rights and gender-based violence to central and local authorities, law enforcement officials, judges and prosecutors;**

(d) **Ensure that cases of violence against women are promptly and effectively investigated, that the perpetrators are brought to justice and that the victims have access to effective remedies and means of protection, including an adequate number of shelters and counselling and assistance centres;**

(e) **Establish a system for collecting comprehensive data, disaggregated by age and ethnic origin or nationality, on complaints, investigations, prosecutions, convictions and sentences related to gender-based violence.**

Voluntary termination of pregnancy and sexual and reproductive rights

19. The Committee is concerned about the fact that the State party has not taken any measures to follow up on the Committee's previous recommendations⁵ and that abortion remains a criminal offence, with no permitted exceptions, even when the pregnancy is the result of rape or incest or there is a risk to the life or health of the pregnant woman or girl,

⁵ CCPR/C/NIC/CO/3, para. 13.

which leads women to seek out clandestine abortion services that may put their lives and health in danger. The Committee regrets the lack of information on the number of women who have been investigated and sentenced for having had an abortion (arts. 6–8).

20. In accordance with paragraph 9 of the Committee’s general comment No. 36 (2018), the State party should:

(a) **Amend its legislation to guarantee safe, legal and effective access to abortion where the life or health of the pregnant woman or girl is at risk, or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or where there is a risk to the life or health of the pregnant woman or girl;**

(b) **Repeal the provisions providing for the criminal punishment of women and girls who undergo abortions and medical service providers who help them to do so (Act No. 641, art. 143);**

(c) **Collect disaggregated statistical data on the number of women and girls who have been investigated and sentenced for having had an abortion.**

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment

21. While the Committee takes note of the State party’s legislative framework prohibiting torture and other cruel, inhuman or degrading treatment, it recalls its previous recommendations⁶ and reiterates 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 Vásquez (“El Chipote”) police compound (arts. 6–7).

22. The State party should take robust measures to eradicate torture and ill-treatment. For example, it should:

(a) **Conduct prompt, thorough, effective, independent and impartial investigations into all reports of torture and ill-treatment and all deaths in detention in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), and into all acts of violence committed by police and prison officials during detention and in police stations and detention facilities, ensuring that the perpetrators are prosecuted and, if convicted, punished appropriately and that the victims receive full reparation;**

(b) **Ensure that all persons deprived of their liberty have access to an independent and effective complaints mechanism for the investigation of allegations of torture and ill-treatment that guarantees prompt, effective and direct access to the bodies responsible for handling such complaints and to the remedies referred to in article 2 (3) of the Covenant;**

(c) **Promptly and thoroughly investigate all deaths in detention that may be unlawful, prosecute and, where appropriate, punish those responsible and grant full reparation to the victims’ families.**

Treatment of persons deprived of their liberty

23. While the Committee takes note of the progress made in reducing overcrowding in detention facilities, as described by the State party in its fourth periodic report,⁷ and the measures taken to improve detention conditions, it is concerned about information that it has received regarding the level of overcrowding that persists in prisons such as La Modelo and La Esperanza, the inadequacy of the health-care services available in detention facilities such as El Chipote and cases of death in detention. It is also concerned about the lack of information on detention registers and reports of the suspension of family visits, in particular

⁶ Ibid., para. 14.

⁷ CCPR/C/NIC/4, paras. 68–70.

visits by minor children, food rationing, routine strip searches and unwarranted and degrading visual inspections in places of detention. It is also concerned about the use of solitary confinement as a disciplinary measure (arts. 7 and 10).

24. In accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the State party should:

(a) Establish a mechanism for the registration of persons in detention, including persons who were detained in the context of the sociopolitical crisis that began in 2018, that includes detailed information on their identities, the circumstances of and reasons for their detention and the place of their detention and is accessible to their families;

(b) Ensure that body search procedures, including search procedures carried out in the context of conjugal visits, are strictly supervised and that invasive searches are conducted only in exceptional cases and in the least intrusive manner possible, with full respect for the dignity and gender identity of the individual concerned;

(c) Refrain from imposing solitary confinement, except in the most exceptional circumstances for strictly limited periods where it is objectively justifiable and proportionate;

(d) Continue its efforts to improve detention conditions in prisons and police stations, ensuring adequate access for detainees to food, clean water and an adequate level of health-care services, in accordance with international human rights standards, and ensure that measures are taken to prevent deaths in detention.

Liberty and security of person

25. The Committee takes note of the availability of the remedy of habeas corpus in respect of persons whose liberty, physical integrity and security may have been, or are at risk of being, undermined. However, it is seriously concerned about shortcomings in the application of habeas corpus provisions, especially as a remedy in cases involving the arbitrary detention of persons who participated in the demonstrations that began in April 2018. The Committee is also concerned about the enactment in 2021 of Act No. 1060, which extended the maximum duration of the period during which a person may be detained without charge from 48 hours to 90 days. It is also concerned about reports of the excessive use of pretrial detention, in particular against human rights defenders, journalists and members and supporters of opposition parties, and reports that persons in pretrial detention are not held separately from convicted prisoners and adult prisoners are not held separately from juvenile prisoners (art. 9).

26. In accordance with the Committee's general comment No. 35 (2014), the State party should:

(a) Take robust measures to ensure, in an effective manner and in accordance with the provisions of Act No. 983 on Constitutional Justice, that all persons who are arrested and detained are able to exercise the right of habeas corpus;

(b) Amend Act No. 1060 in order to bring it into line with article 9 of the Covenant and ensure that pretrial detention is used solely as an exceptional measure and that persons held in police custody or pretrial detention are informed of their rights and afforded all fundamental legal safeguards, including the presumption of innocence;

(c) Ensure that persons being held in pretrial detention are held separately from convicted prisoners and that prisoners under 18 years of age are held separately from adult prisoners.

Independence of the judiciary

27. The Committee takes note of the information provided by the State party in its fourth periodic report with regard to the composition of the National Council on Judicial

Administration and the Legal Profession.⁸ However, it is concerned about reports of high levels of politicization and corruption in the judiciary and of a lack of transparency in relation to the appointment and dismissal of judges. Furthermore, it is concerned about reports that the Public Prosecution Service failed to act promptly and impartially to shed light on the violations that have occurred since 2018, that there have been irregularities in the random allocation of cases relating to such violations and that the burden of proof regarding violations that occurred during the demonstrations is often borne by the victims (arts. 2 and 14).

28. **The State party should:**

(a) **Eliminate all forms of interference by the other branches of government in the judicial branch, ensure prompt, thorough, independent and impartial investigations into all reports of interference and corruption and prosecute and punish the persons responsible;**

(b) **Ensure that the procedures for the selection, appointment, promotion, transfer and removal of judges and prosecutors are transparent and impartial and comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors;**

(c) **Guarantee the independence and effectiveness of the Public Prosecution Service with respect to the investigation of violations that occurred during the public protests;**

(d) **Ensure that cases involving the criminalization of public protests are distributed among the competent courts in a transparent manner through the electronic system set up for that purpose by the Office for the Reception and Distribution of Cases and Documents, and that, in the legal proceedings opened in respect of such cases, the burden of proof is not shared in a way that undermines the right of the victims to judicial protection (art. 14 (1)).**

Right to a fair trial

29. The Committee is concerned about reports it has received regarding violations of judicial safeguards. In particular, it is concerned about reports of the application of vaguely defined criminal offences in the context of investigations and prosecution proceedings and reports that detainees are not always informed of their rights, such as their right to legal counsel from the moment of arrest, promptly and in a language that they understand. The Committee is also concerned about the lack of effective access to legal assistance for persons in detention. It is particularly concerned about reports that lawyers face obstacles in gaining access to court hearings and case files and in communicating freely and privately with their clients (arts. 9–10 and 14).

30. **In accordance with article 14 of the Covenant and the Committee’s general comment No. 32 (2007), the State party should:**

(a) **Ensure that the definitions of the criminal offences of “obstruction of justice”, “contempt of authority” and “incitement to commit an offence” are compatible with the relevant international standards;**

(b) **Encourage the Public Prosecution Service to arrange for the immediate release of persons detained in the context of the sociopolitical crisis that began in 2018 and the unrest that occurred during the period surrounding the November 2021 elections, without prejudice to their being duly prosecuted, where appropriate;**

(c) **Ensure that lawyers are able to advise and represent persons charged with a criminal offence without hindrance, influence, pressure or improper interference, in accordance with the Basic Principles on the Role of Lawyers.**

⁸ Ibid., para. 92.

Freedom of expression and association and the right to privacy

31. While the Committee takes note of the provisions of articles 53 and 54 of the Constitution, which relate to the right of peaceful assembly, it is concerned about the fact that, owing to the restrictive application by the State party's authorities of Act No. 872 of 2014 on the Organization, Functions, Profession and Special Social Security Regime of the National Police and Act No. 1070 of 2021 amending and supplementing Electoral Act No. 331, prior authorization is required to organize rallies, and demonstrations by groups not participating in elections are prohibited. With regard to freedom of expression, the Committee is concerned about reports of the closure of multiple media outlets and the harassment and intimidation of human rights defenders and journalists. The Committee is also concerned about the Special Cybercrime Act (No. 1042) of 2020, which makes the publication of false information a criminal offence, and about reports that the Act has been used to control social networks and digital media through the Specialized Cybercrime Police Unit. It is also concerned about reports of the unlawful monitoring of Internet content and the interception of communications without judicial authorization by means of antennas capable of capturing telephone traffic (arts. 2, 9, 17, 19 and 21).

32. The State party should take the measures necessary to ensure the full enjoyment of the rights to freedom of expression and peaceful assembly by all persons, in the light of the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression and general comment No. 37 (2020) on the right to peaceful assembly. In particular, the Committee urges the State party to:

(a) **Consider amending Act No. 872, Act No. 1070 and Act No. 1042 to require, at most, advance notification of peaceful assemblies and to ensure that no one is imprisoned for disseminating false information;**

(b) **Prevent threats against and restrictions of the freedom of expression of journalists, political opponents, human rights defenders and other persons critical of the Government and their families and ensure that all allegations of harassment and intimidation are promptly, thoroughly, independently and impartially investigated, that the perpetrators are brought to justice and duly punished and that the victims receive full reparation;**

(c) **Ensure that all types of surveillance and interference with privacy are governed by appropriate legislation that fully complies with the Covenant, in particular article 17, and ensure that the surveillance and interception of communications are subject to judicial authorization and that the individuals concerned have adequate access to effective remedies.**

33. The Committee is concerned about reports that the authorities have imposed restrictions on civil society organizations and revoked the legal personality of more than 1,880 national and international non-governmental organizations since 2018. The Committee notes with concern that restrictive laws, such as General Act No. 1115 of 2022 on the Regulation and Control of Non-Profit Organizations, Act No. 1127 of 2022 amending and supplementing Act No. 1115 and Act No. 522, Act No. 1040 of 2020 on the Regulation of Foreign Agents and Act No. 976 of 2019 on the Financial Analysis Unit, have been used to make it difficult for civil society organizations to register and pursue their activities (art. 22).

34. The State party should:

(a) **Amend Act No. 1115, Act No. 1127, Act No. 1040 and Act No. 976 in order to bring them fully into line with articles 19 and 22 of the Covenant;**

(b) **Refrain from revoking the legal personalities of civil society organizations, including human rights organizations, opposition groups and professional associations such as medical associations, universities and entities linked to the Catholic Church, for having legitimately exercised their rights, and take all measures necessary to reinstate organizations whose legal personality has been revoked and to restore their assets;**

(c) **Simplify the rules governing the registration of civil society organizations and revise the grounds on which they may be denied registration or permanently closed, so that they can carry out their activities without undue restrictions.**

Use of force in the context of protests

35. While the Committee takes note of the information provided by the State party with regard to the National Police Act (No. 228) of 1996, it is deeply concerned about reports of the excessive use of force in the context of the sociopolitical crisis that began in 2018, which has resulted in hundreds of deaths and dozens of serious injuries, and reports of the mass arrest and imprisonment of demonstrators. Moreover, it notes with concern the information it has received regarding the murders and attempted murders that 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 also regrets the lack of statistical data on the number of deaths and injuries that have occurred in the context of the public protests that began in 2018 and on cases involving law enforcement officials who have been reported, investigated, prosecuted, convicted and punished on charges related to the excessive use of force, including torture and ill-treatment, during the reporting period (arts. 2, 6–7 and 21).

36. **In accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, the State party should:**

(a) **Promptly, thoroughly, independently and impartially investigate all cases of the excessive use of force and ensure that the alleged perpetrators are brought to justice, those responsible are adequately punished and the victims receive full reparation;**

(b) **Provide adequate training on the use of force to all security and law enforcement officials;**

(c) **Collect disaggregated data on cases involving law enforcement officials who have 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 occurred in the context of the public protests and the prosecution and conviction of those found responsible and make this information publicly available;**

(d) **Dismantle and disarm pro-government armed groups involved in attacks against demonstrators and instances of illegal detention.**

Freedom of expression and violence against human rights defenders

37. In light of the Committee's previous recommendations,⁹ the report on follow-up to the Committee's concluding observations¹⁰ and the information it has received, the Committee is concerned about the continuing harassment, intimidation, defamation, illegal detention, torture and ill-treatment of human rights defenders, including environmental defenders, women human rights defenders and defenders of persons belonging to sexual or gender minorities. It is also concerned about the State party's failure to comply with the judgment of the Inter-American Court of Human Rights in *Acosta et al. v. Nicaragua*, in particular its failure to comply with the section of the judgment regarding the establishment of protection mechanisms and investigation protocols for situations involving risks to and threats and attacks against human rights defenders (arts. 19–20).

38. **The State party should ensure:**

(a) **The effective protection of human rights defenders and other civil society actors from threats, intimidation and physical attacks and the investigation, prosecution and conviction of the perpetrators of such acts;**

(b) **Compliance with the judgments of the Inter-American Court of Human Rights regarding the protection of human rights defenders, including the judgment handed down on 25 March 2017 in *Acosta et al. v. Nicaragua*;**

(c) **The development of comprehensive gender- and age-sensitive legislation and policies to protect human rights defenders, in accordance with the Declaration on**

⁹ CCPR/C/NIC/CO/3, para. 19.

¹⁰ CCPR/C/104/2.

the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,¹¹ and the establishment of protection mechanisms that are accessible to all human rights defenders in the State party.

Participation in public affairs

39. The Committee notes with great concern that the elections held in the State party in November 2021 did not meet international standards for free and fair elections. It is particularly concerned 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 is also concerned about reports that the Supreme Electoral Council lacks independence and impartiality. Lastly, the Committee is concerned about the approval of the Manual for the Certification of Communal and Territorial Authorities of 2020, which establishes communal and territorial election procedures that violate communal statutes and Act No. 445 (arts. 25–26).

40. **The State party should take the steps necessary to bring its electoral regulations and practices into full conformity with the Covenant, in particular article 25. It should, inter alia:**

(a) **Amend Act No. 1070, Act No. 1116 of 2022 amending the Electoral Act and any other legal provisions that restrict the right of citizens to stand for election, in order to bring them into line with the Covenant;**

(b) **Give full effect to the constitutional right of every citizen to participate in public affairs without discrimination, fostering a culture of genuine political pluralism to this end, and ensure that all political parties can conduct equal, free and transparent electoral campaigns;**

(c) **Ensure the full independence of the Supreme Electoral Council, including by establishing a dedicated mechanism and clear regulations for lodging complaints against any decision, act or omission of the Supreme Electoral Council and for filing appeals;**

(d) **Take steps to guarantee the full participation in political life of Indigenous persons and persons of African descent, including by revising the Manual for the Certification of Communal and Territorial Authorities to ensure its conformity with the Covenant;**

(e) **Ensure that all future elections are free and fair, within the meaning of article 25 of the Covenant, are conducted with full respect for the right to vote and to be elected and are held in the presence of international observers.**

Rights of Indigenous Peoples and other minorities

41. While the Committee takes note of the fact that the State party's laws recognize the collective right of Indigenous Peoples and Afrodescendent peoples to their lands and their right to free, prior and informed consultation (Constitution, arts. 5, 89, 91 and 181), it is concerned about reports of situations in which the principle of free, prior and informed consultation was not fully upheld. Moreover, while the Committee takes note of the information provided by the State party according to which titles have been granted to communal territories covering the equivalent of 31.16 per cent of the national territory,¹² it is concerned about the lack of progress made in regularizing territories that have already been demarcated. The Committee is also concerned about reports that some Indigenous Peoples have been subjected to violence following the invasion and colonization of territories by mestizo settlers. It also notes with concern the information it received on the obstacles faced by Indigenous persons and persons of African descent, in particular Indigenous and

¹¹ General Assembly resolution 53/144.

¹² CCPR/C/NIC/4, para. 8.

Afrodescendent women, to participation in decision-making bodies and State institutions, especially communal governments and Indigenous territorial governments (arts. 25–27).

42. **The State party should:**

(a) **Ensure full and meaningful consultation with Indigenous Peoples and Afrodescendent peoples on matters concerning their rights, in particular their right to free, prior and informed consent, including in relation to the granting of permits for development projects that may affect their land rights;**

(b) **Uphold in practice the right of Indigenous Peoples to the lands and territories that they have traditionally owned or occupied, through such legal recognition and protection as may be necessary and the regularization of territories that have already been demarcated and titled;**

(c) **Step up its efforts to prevent conflicts over land use, including by providing guarantees in relation to land traditionally owned or occupied by Indigenous Peoples;**

(d) **Take all measures necessary to eliminate all forms of discrimination in relation to the appointment and representation of Indigenous persons and persons of African descent and guarantee their participation in public and political life.**

D. Dissemination and follow-up

43. **The State party should widely disseminate the Covenant, its Optional Protocols, its fourth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.**

44. **In accordance with rule 75 (1) of the Committee’s rules of procedure, the State party is requested to provide, by 4 November 2025, information on the implementation of the recommendations made by the Committee in paragraphs 6 (constitutional and legal framework within which the Covenant is implemented), 30 (right to a fair trial) and 40 (participation in public affairs) above.**

45. **In line with the Committee’s predictable review cycle, the State party will receive in 2028 the Committee’s list of issues prior to submission of the report and will be expected to submit within one year its replies, which will constitute its fifth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2030 in Geneva.**