



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Concluding observations on the initial report of Nicaragua*

1. The Committee considered the initial periodic report of Nicaragua (CMW/C/NIC/1) at its 331st and 332nd meetings (see CMW/C/SR.331 and 332), held on 30 August and 1 September 2016. At its 341st meeting, held on 7 September 2016, it adopted the present concluding observations.

A. Introduction

2. Nicaragua acceded to the Convention on 26 October 2005. The State party was under the obligation to submit its initial report under article 73 (1) of the Convention by 1 February 2007. In the absence of the report, in accordance with rule 31 bis of its provisional rules of procedure (A/67/48, para. 26), at its twenty-second session, held in April 2015, the Committee adopted a list of issues prior to the submission of the initial report (CMW/C/NIC/QPR/1), which was transmitted to the State party on 30 April 2015.

3. The Committee regrets that the State party only submitted its replies to the list of issues prior to reporting, which constituted its report under article 73 of the Convention, on 30 August 2016, the day on which the Committee began its consideration of the report, despite numerous formal and informal requests to submit it in a timely manner. The Committee also regrets that the State party did not provide the information requested in the list of issues, which prevented it from adequately considering the implementation of the Convention in the State party. The Committee further regrets that the State party has not submitted any factual information about the country, in accordance with the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN.2/Rev.6). The Committee considers that the State party has breached article 73 of the Convention by failing to fully honour its reporting obligations thereunder.

4. The Committee notes the efforts made by the State party's delegation to provide the information requested during the dialogue. The Committee, however, regrets that the delegation, which was composed of the Permanent Representative of Nicaragua to the United Nations Office and other international organizations in Geneva, Hernán Estrada Roman, and his Deputy, was unable to provide detailed and relevant information, which

* Adopted by the Committee at its twenty-fifth session (29 August-7 September 2016).



prevented it from engaging in a constructive dialogue with the delegation. The Committee emphasizes the importance of having technical experts among the members of the State party's delegation to provide pertinent responses to the questions raised during the dialogue. The Committee wishes to impress upon the State party the need for its full compliance with its reporting obligations and full cooperation with the Committee to enable it to effectively monitor the implementation of the Convention pursuant to article 74 thereof.

5. The Committee notes that Nicaragua, as a country of origin of migrant workers, faces several challenges in protecting the rights of its nationals abroad. It also notes that, as a transit and destination country, Nicaragua faces difficulties in terms of protecting the rights of migrant workers.

6. The Committee also notes that some of the countries in which Nicaraguan migrant workers are employed are not parties to the Convention, which may constitute an obstacle to enjoyment by those migrant workers of their rights under the Convention.

7. The Committee further notes that the migratory processes in the State party comprise intraregional and interregional movements, mainly in the direction of North America, but also within Central America, and the existence of a migrant population predominantly from Central America.

B. Positive aspects

8. The Committee welcomes the State party's efforts to combat poverty and inequality, which are the primary causes of emigration, and the implementation of the National Human Development Plan (2012-2016).

9. The Committee notes with appreciation the ratification of or accession to:

(a) The Convention on the Reduction of Statelessness, in July 2013;

(b) The Convention relating to the Status of Stateless Persons, on 15 July 2013;

(c) The Optional Protocol to the Convention on the Rights of Persons with Disabilities, in February 2010;

(d) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming to the abolition of the death penalty, in February 2009;

(e) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in February 2009;

(f) The Convention on the Rights of Persons with Disabilities, in December 2007;

(g) The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in February 2006;

(h) The International Labour Organization Domestic Workers Convention, 2011 (No. 189), in January 2013;

(i) The Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, in December 2009.

10. The Committee welcomes the adoption of the following legislative measures:

(a) The Anti-trafficking Act (No. 896) of January 2015;

(b) The Migration and Alien Affairs Act (No. 761) of March 2011;

- (c) The Criminal Code Act (No. 641) of July 2008;
 - (d) The Protection of Refugees Act (No. 655) of June 2008.
11. The Committee also welcomes the following institutional and policy measures:
- (a) The signing of the declaration of the Regional Initiative for Latin America and the Caribbean Free of Child Labour (2014-2020);
 - (b) The plan on decent work for youth in Nicaragua (2012-2016);
 - (c) The National Coalition Against Trafficking in Persons Strategic Plan (2012-2014);
 - (d) The Strategic Plan against Trafficking in Persons (2010-2014);
 - (e) The Strategic Plan for the Prevention and Elimination of Child Labour and the Protection of Young Workers (PEPETI) (2007-2016).
12. The Committee notes, as positive, the invitation extended by the State party to United Nations special procedures, in 26 April 2006.

C. Principal subjects of concern and recommendations

1. General measures of implementation (arts. 73 and 84)

Legislation and application

13. The Committee welcomes the adoption of various legislation regarding migration, anti-trafficking and refugees that contribute to the implementation of the Convention. However, the Committee is concerned that the Migration and Alien Affairs Act (No. 761) is not fully aligned with the provisions of the Convention, in particular concerning detention of irregular migrants.

14. The Committee recommends that the State party take the steps necessary to ensure that its national laws, in particular the Migration and Alien Affairs Act (No. 761), policies and practices, are fully aligned with the provisions of the Convention.

Declarations and reservations

15. The Committee is concerned that the State party has made a reservation with respect to article 42 (3) of the Convention, which impedes the enjoyment of political rights by migrant workers.

16. The Committee recommends that the State party take the steps necessary to withdraw the reservation made with respect to article 42 (3) of the Convention regarding the enjoyment of political rights by migrant workers.

Articles 76-77

17. The Committee regrets that the State party has not made the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive and consider communications from States parties and individuals concerning violations of the rights established by the Convention.

18. The Committee recommends that the State party consider making the declarations provided for in articles 76 and 77 of the Convention.

Ratification of relevant instruments

19. The Committee commends the State party for ratifying a large number of core international human rights treaties, as well as a number of International Labour Organization instruments. The Committee, however, notes that the State party has not yet ratified the International Convention for the Protection of all Persons from Enforced Disappearance.

20. **The Committee recommends that the State party consider ratifying or adhering to the above-mentioned instrument as soon as possible.**

Comprehensive policy and strategy

21. The Committee notes the measures taken by the State party to combat poverty and inequality, the leading causes of emigration, but regrets that the State party has not provided information on the measures taken to develop a comprehensive policy and strategy to implement the Convention.

22. **The Committee recommends that the State party adopt, implement and adequately resource a comprehensive policy on migration, in line with the Convention. The Committee requests that the State party include in its next periodic report updated information, supported by statistics, on the concrete measures taken to implement the rights of migrant workers set out in the Convention, both in law and in practice, including economic, social and related measures aimed at addressing the root causes of Nicaraguan migration, including irregular migration.**

Coordination

23. The Committee notes that the Migration and Alien Affairs Act (No. 761) of 2011 provides for the creation of a National Council of Migration and Aliens as an advisory and consultation body to the Presidency of the Republic for the formulation of the migration policy, but it regrets the lack of information on whether it is operational, its activities and the government entity responsible for the implementation of the Convention.

24. **The Committee recommends that the State party take the measures necessary to ensure that the National Council on Migration and Aliens is provided with the human, technical and financial resources, as well as the mandate, necessary to effectively implement and coordinate comprehensive, coherent and consistent migration policies at all levels, and to assess the impact of such policies and programmes on the rights of migrant workers and members of their families. The Committee also recommends that multisectoral coordination be strengthened between bodies and institutions for the effective implementation of the Convention at all levels.**

Data collection

25. The Committee regrets the absence of publicly available disaggregated statistical information that would enable it to assess the extent to which, and the manner in which, the rights set out in the Convention are implemented in the State party and with regard to Nicaraguan migrant workers abroad, and the situation of returnees. The Committee notes with concern the absence of information on the coordination mechanisms among the different entities that collect and analyse migration-related data.

26. **The Committee recommends that the State party establish a centralized and comprehensive database covering all aspects of the Convention, including migrant workers in the State party, including those in an irregular situation, migrant workers in transit and nationals working abroad. It encourages the State party to compile information and statistics disaggregated by sex, age, nationality, reason for entry and**

departure from the country and type of work performed, in order to effectively evaluate the impact of relevant policies, in line with target 17.18 of the Sustainable Development Goals. In cases where it is not possible to obtain precise information, for example, in the case of migrant workers in an irregular situation, the Committee requests the State party to provide data based on studies or estimates. The Committee also recommends that the State party ensure that the National Office of Statistics and Census receives adequate human and financial resources, and that collaboration with the embassies and consulates of the State party are enhanced to facilitate the compilation of data, including systematic evaluation of the situation of irregular migrant workers.

Independent monitoring

27. The Committee is concerned about the lack of information regarding the specific role of the Office of the Human Rights Advocate (*Procuraduría de Derechos Humanos*) with regard to migration issues, its independence, the existence of a complaints mechanism accessible to migrant workers and members of their families and the conduct of visits to migrant detention and custodial centres.

28. **The Committee recommends that the State party entrust the Office of the Human Rights Advocate with the mandate to effectively carry out the promotion and protection of the rights of migrant workers and members of their families under the Convention. The Committee also recommends that the Office of the Human Rights Advocate be vested with the independent authority to investigate all issues relating to the human rights of migrant workers and members of their families, regardless of status, and to conduct unannounced visits to all places where migrant workers and members of their families may be deprived of their liberty. The Committee further recommends that the State party provide the Office of the Human Rights Advocate with adequate financial and human resources to enable it to effectively discharge its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134, annex).**

Training on and dissemination of information about the Convention

29. The Committee is concerned about the insufficient dissemination of information about and training on the Convention and the rights enshrined therein among all stakeholders, including national, regional and local government bodies, domestic courts, civil servants providing legal aid in immigration procedures, civil society organizations, and migrant workers and members of their families.

30. **The Committee recommends that the State party:**

(a) **Develop training programmes on the rights of migrant workers and members of their families under the Convention and make such programmes available to all officials and persons working in the area of migration, in particular, law enforcement and border authorities, judges, prosecutors and relevant consular officials, as well as national, regional and local officials, social workers and civil society organizations;**

(b) **Take further steps to ensure access by migrant workers to information about and guidance on their rights under the Convention, in particular through pre-employment and pre-departure orientation programmes;**

(c) **Strengthen its work with civil society organizations and the media to disseminate information about and promote the Convention throughout the State party.**

Participation of civil society

31. The Committee is concerned about the limited role of civil society and non-governmental organizations (NGOs) — the State party’s main partners in the implementation of the Convention — and that the few existing inter-institutional mechanisms are not operational for more than one year. The Committee is also concerned that civil society organizations are reportedly afraid to provide humanitarian assistance to undocumented migrant workers, following government messages stating that such support would be criminalized.

32. The Committee encourages the State party to consider more active ways of systematically involving civil society and NGOs in the implementation of the Convention and in the preparation of its next report. The Committee reminds the State party that human rights defenders deserve special protection, as their work is critical for promoting human rights for all, including migrant workers. The Committee urges the State party to ensure that reported instances of intimidation and harassment of NGOs, human rights defenders and civil society activists are promptly and independently investigated and that those responsible for such abuses are held accountable.

2. General principles (arts. 7 and 83)

Right to an effective remedy

33. The Committee is concerned about the absence of information on administrative, judicial and other remedies available to migrant workers and members of their families in the State party. The Committee is also concerned that the families of Nicaraguan migrant workers abroad who have disappeared or been killed do not have access to a national mechanism to report these incidents and receive information on the status of investigations.

34. The Committee recommends that the State party ensure that, in law and in practice, migrant workers and members of their families, including those in an irregular situation, have equal opportunities as the nationals of the State party to file complaints and obtain effective redress in the courts in cases where their rights under the Convention are violated. The Committee also recommends that the State party take additional measures to inform migrant workers and members of their families, including those in an irregular situation, about the judicial and other remedies available to them in case of violation of their rights under the Convention. The Committee further recommends that the State party establish a mechanism, involving the countries of origin, transit and destination, for families of Nicaraguan migrant workers abroad who have disappeared or been killed to report these incidents and receive information on the status of investigations.

3. Human rights of all migrant workers and members of their families (arts. 8-35)

Border management and migrants in transit

35. The Committee is deeply concerned about the reported death of 10 to 12 Haitian irregular migrants in transit in the State party. The Committee is seriously concerned about reports of the use of force by the Nicaraguan police and military security forces when dealing with thousands of Cuban and Haitian migrants, as well as migrants from African countries attempting to cross the Costa Rica-Nicaragua border on their way to the United States of America, in recent months. The Committee is also concerned about the lack of information on the measures taken to protect the rights of migrant workers in transit and to prevent security measures from resulting in further violations of their rights. The

Committee is further concerned about reports indicating that the security measures have contributed to the proliferation of smuggling networks.

36. In line with the Recommended Principles and Guidelines on Human Rights at International Borders of the Office of the United Nations High Commissioner for Human Rights, the Committee recommends that the State party:

(a) **Ensure that all measures aimed at addressing irregular migration of migrants do not adversely affect the human rights of migrant workers and members of their families and that irregular migrant workers and members of their families are provided with the necessary assistance and afforded due process guarantees;**

(b) **Develop a comprehensive rights-based approach to respond to irregular migrants and abstain from addressing the situation through the use of the military and other security forces;**

(c) **Conduct an in-depth investigation into recent migrant deaths and ill-treatment at the borders and adopt all the measures necessary to prevent their recurrence in the future.**

Due process, detention and equality before the courts

37. The Committee is concerned that the Migration and Alien Affairs Act does not consider the detention of irregular migrants as an exceptional measure of last resort (see art. 160) and does not provide for alternatives to detention. The Committee is also concerned that the authorities refer predominantly to article 166 of the Migration and Alien Affairs Act, which provides for the payment of a fine to release migrants in detention, instead of article 161, which institutes a guarantee and custody agreement by a migration-related organization. The Committee regrets the lack of information regarding access by migrant workers and members of their families to due process safeguards with respect to criminal and administrative migration proceedings and the lack of information on detention proceedings concerning migrant workers or members of their families in the State party.

38. The Committee recommends that the State party ensure that its national laws, policies and practices adequately respect the right to liberty and the prohibition of arbitrary detention of migrant workers and members of their families and in particular that it:

(a) **Amend the Migration and Alien Affairs Act to include, as a priority response to irregular migration, alternatives to detention for migration-related administrative infractions and ensure that detention of migrants is used only as an exceptional measure of last resort, in line with the Committee's general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families;**

(b) **Ensure that migrant workers and members of their families have access to legal aid and consular services and that the guarantees enshrined in the Convention are assured with regard to criminal and administrative procedures, in full compliance with articles 16 and 17 of the Convention;**

(c) **Provide detailed information on the number of migrant workers arrested, detained and expelled for immigration-related infractions, the reasons for the detention and expulsion of these migrant workers and the detention conditions, including the length of detention.**

39. The Committee is concerned that detention exceeds the 48 hours provided for by law and may last up to three months and that the migrant centre is sometimes overcrowded. The Committee regrets that the Migration and Alien Affairs Act does not prohibit the detention

of children in all circumstances. The Committee is also concerned about information received that migrant workers and asylum seekers are automatically detained in detention centres and about their detention in criminal facilities. It is further concerned about the lack of independent monitoring of the migrant centre by human rights organizations and the Office of the Human Rights Advocate.

40. **The Committee recommends that the State party:**

(a) **Ensure that migrants are not detained beyond the 48-hour period provided for in article 160 of the Migration and Alien Affairs Act;**

(b) **Expediently and completely cease detaining children on the basis of their or their parents' immigration status and adopt alternatives to detention that allow children to remain with family members and/or guardians in non-custodial, community-based contexts while their immigration status is being reviewed, consistent with the principle of the best interest of the child and the child's right to family life;**

(c) **Allow for the independent monitoring of the migrants centre by civil society organizations and ensure that the Office of the Human Rights Advocate has the independence and sufficient resources to regularly supervise all the facilities used for the detention of migrants based on their immigration status.**

Expulsion

41. The Committee is concerned about the reported expulsion of migrant workers and members of their families at the State party's southern border and from migration-related detention centres, through expeditious removal procedures and without respecting their right to challenge the expulsion decision.

42. **The Committee recommends that the State party adopt all measures necessary, including of a legislative nature, to ensure that all migrant workers and members of their families subjected to return or deportation measures are entitled to effectively challenge the decision. The Committee recommends that these remedies have a deferral effect, in line with article 22 of the Convention, and that migrant workers can access both administrative and judicial mechanisms.**

Consular assistance

43. The Committee notes the inclusion of consular assistance in the State party's National Plan for Human Development (2012-2016) and other measures taken in the broader regional context of the Central American Integration System. The Committee is, however, concerned about the lack of information about the measures taken to strengthen consular assistance in the main destination countries for Nicaraguan migrants, namely Costa Rica, the United States of America and Panama. The Committee is also concerned about the lack of information on the specific assistance provided to migrant workers and members of their families during repatriation processes, in particular from the United States of America and Mexico. It is further concerned about the lack of information about the protection and assistance provided by the State party's consulates to migrant workers and members of their families abroad, including in cases involving deprivation of liberty and legal assistance. The Committee is further concerned about the recent institutional change that transferred consular assistance policies from the Ministry of Foreign Affairs to the Ministry of Governance, which may hinder the implementation of a comprehensive policy aimed at protecting the rights of Nicaraguan migrant workers and members of their families abroad.

44. **The Committee recommends that the State party take the steps necessary to strengthen its consular services in the main destination countries for Nicaraguan**

migrant workers, namely Costa Rica, the United States of America and Panama, as well as Mexico, a primary transit country. The Committee also recommends that the State party ensure that its consular services can effectively meet the needs of Nicaraguan migrant workers and members of their families in terms of protecting their rights and providing them with assistance in cases involving deprivation of liberty and during repatriation processes. The Committee further recommends that the State party strengthen policies and initiatives aimed at protecting Nicaraguan migrant workers in transit, mainly in Mexico, including searching for disappeared migrant workers and migrants who have been victims of crimes while in transit. Those initiatives should include the allocation of sufficient human resources and funding and the development of continuous training programmes for consular officials on the Convention and other human rights treaties.

Right to be informed and dissemination of information

45. The Committee regrets the lack of information on government initiatives to provide information to migrant workers and members of their families on their rights under the Convention and on their rights and obligations in the State party.

46. **The Committee recommends that the State party take appropriate measures to disseminate information on the rights of migrant workers under the Convention, the conditions of admission and employment in the State party, and the rights and obligations under the laws of the State of employment. The Committee also recommends that the State party develop targeted pre-departure and awareness-raising programmes, including in consultation with relevant NGOs, migrant workers and their families, and recognized and reliable recruitment agencies.**

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36-56)

Right to vote and be elected in the State of origin

47. The Committee is concerned about the lack of information on the measures taken to guarantee the right to vote of Nicaraguan migrant workers living abroad.

48. **The Committee recommends that the State party take measures, including those of a legislative nature, to ensure the implementation of the right to vote in the State party for Nicaraguan migrant workers residing abroad.**

Right to transfer earnings and savings

49. The Committee welcomes the fact that, since 2013, the Central Bank of Nicaragua publishes, on a quarterly basis, the amount of remittances received by Nicaraguan families in the State party and notes the importance of these remittances in the national economy. The Committee is, however, concerned about the lack of measures to support access to financial institutions and to promote financial literacy among the recipients, in particular women.

50. **The Committee recommends that the State party take measures to facilitate access to financial institutions, including by providing information to senders and recipients on the different mechanisms available and their costs. The Committee also recommends that the State party improve the use of the formal banking system and conduct financial literacy programmes, in particular targeting women, to promote savings and investment in initiatives that can improve the economic situation of the family.**

5. Provisions applicable to particular categories of migrant workers and members of their families (arts. 57-63)

Frontier and seasonal workers

51. The Committee notes the significant number of frontier and seasonal workers, in particular going to Costa Rica, and increasingly to Honduras, El Salvador and Panama, and regrets the lack of information on the enjoyment of their rights under the Convention.

52. The Committee invites the State party to provide information in its next periodic report on the measures taken to ensure that Nicaraguan frontier and seasonal workers effectively enjoy their rights under the Convention.

6. Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families (arts. 64-71)

Children in situations of international migration

53. The Committee regrets the lack of information on the welfare of children of Nicaraguan migrants in countries of destination and those remaining behind, in particular their vulnerability to violence, abuse, neglect and exploitation and the lack of information on the measures taken to provide them with adequate and comprehensive support. It also regrets the lack of information on the number of children returned to the State party and the policies aimed at facilitating their effective reintegration through the fulfilment of their rights.

54. The Committee recommends that the State party conduct research on children of Nicaraguan migrant workers in the countries of destination as well as in Nicaragua to establish the demographic profile of this segment of the population, and adopt a comprehensive strategy to promote and protect the rights of children of Nicaraguan migrant workers. The Committee further recommends that the State party collect comprehensive and disaggregated data on children returned to Nicaragua and adopt an integral rights-based policy aimed at ensuring the reintegration of children who return to the State party and develop programmes to fulfil their right to an adequate standard of living.

International cooperation with countries of transit and destination

55. The Committee notes with appreciation the bilateral and multilateral agreements that the State party has concluded with countries in the region to promote the free movement of persons, but it is concerned that these agreements do not include authorization to live and work in these countries and other provisions in the Convention and other human rights treaties. The Committee is also concerned about the lack of information on agreements or obstacles to agreements with Costa Rica and the United States of America, and that, since 2014, the State party has not participated in the Regional Conference on Migration nor has it provided any information on the reasons for that decision. The Committee is further concerned about the lack of information on the number of Nicaraguan migrant workers in the United States of America who are benefiting from temporary protected status and the State party's assessment of this measure.

56. The Committee recommends that the State party:

(a) Consider including in its multilateral and bilateral agreements on the free movement of persons a clause on the harmonization of social and labour issues and procedures to facilitate the living and working conditions of migrants;

(b) **Take full advantage of bilateral and regional mechanisms for the advancement of the rights of Nicaraguan migrant workers and members of their families;**

(c) **Evaluate the effect of the United States of America temporary protection status on the protection of the rights of Nicaraguan migrant workers and provide information in this regard in its next periodic report.**

Recruitment agencies

57. The Committee is concerned that the State party prohibits private employment agencies from recruiting Nicaraguans to work abroad, which may negatively impact the rights of migrant workers abroad.

58. **The Committee recommends that the State party review its Ministerial Agreement No. JCHG-004-04-07 to allow private recruitment agencies to facilitate the employment of Nicaraguan migrant workers abroad. The Committee also recommends that the State party establish a regulatory system for private recruitment agencies to ensure protection of the rights of migrant workers in accordance with the Convention, including by granting licences to private recruitment agencies both in countries of origin and countries of destination to ensure an effective bilateral oversight of recruitment practices, and promote the regulation and regularization of labour migration.**

Return and reintegration

59. The Committee notes the large number of Nicaraguans who have been repatriated, both voluntarily and forcibly, in particular from Mexico and the United States of America, but also from European countries. The Committee is, however, concerned about the lack of information on the measures taken by the State party to protect the rights of returning Nicaraguan migrant workers and members of their families and to promote their reintegration.

60. **The Committee recommends that the State party take measures to ensure the appropriate social, economic and other conditions necessary to facilitate the return and durable reintegration of Nicaraguan migrant workers and members of their families in the State party, as provided for in article 67 of the Convention and in line with target 10.7 of the Sustainable Development Goals.**

61. The Committee is concerned about the reported treatment of Nicaraguans returned to the State party by the National Police upon their arrival and that due process may not have been respected; the returnees may have been deprived of their liberty and subjected to inhuman and degrading treatment; they may not have been provided with appropriate information regarding the process; and they may have been exposed to the media.

62. **The Committee recommends that the State party take the steps necessary to ensure that repatriated migrant workers and members of their families are guaranteed due process by law enforcement authorities; that they are not subjected to arbitrary detention and to inhuman or degrading treatment; that they have access to legal counsel and are provided with appropriate information regarding their case; and that they are not exposed to the media.**

Illegal or clandestine movements and employment of migrant workers in an irregular situation

63. The Committee welcomes the adoption of the Anti-trafficking Act (No. 896), in January 2015, and notes the measures taken to raise awareness on the issue, prosecute and

convict traffickers and provide support to victims. The Committee is, however, concerned about the lack of information on progress in the implementation of the Anti-trafficking Act and that the measures taken to prosecute offenders, protect victims and prevent trafficking are insufficient and have decreased in recent years. The Committee is also concerned about the lack of information on regular and systematic training for law enforcement officials and on the assistance provided to victims, and that child protection measures only covers children under the age of 14.

64. The Committee recommends that the State party strengthen its efforts to combat trafficking in persons, in line with target 5.2 of the Sustainable Development Goals, and in particular:

(a) Step up its efforts to enforce the Anti-trafficking Act (No. 896), including collecting disaggregated data on a systematic basis with a view to combating trafficking in persons more effectively, and implement the United Nations Global Plan of Action to Combat Trafficking in Persons;

(b) Adopt measures to ensure that human traffickers, including those who are government officials, are investigated, prosecuted and sanctioned appropriately;

(c) Develop effective mechanisms for identifying and protecting victims of trafficking, and ensure access to justice for victims;

(d) Provide adequate assistance, protection and rehabilitation to all victims of trafficking, in particular by providing shelters for women, men and children and ensuring respect for the rights of victims of trafficking, including with regard to their reintegration and repatriation;

(e) Ensure that the best interests of every child under the age of 18 are fully taken into consideration in reintegration measures, in particular ensuring that he or she is not placed with family members who may have been involved in his or her exploitation;

(f) Provide ongoing training throughout the country on the issue of trafficking for government employees, in particular border personnel, police officers, staff of the Directorate-General for Migration and Alien Affairs, criminal court judges and officers, prosecutors, labour inspectors, teachers, health-care professionals, as well as diplomats and officials in Nicaraguan embassies and consulates;

(g) Step up campaigns to prevent trafficking of migrant workers and allocate sufficient resources for the implementation of strategies to combat trafficking in persons, in consultation with regional anti-trafficking working groups;

(h) Enhance international, regional and bilateral cooperation by concluding agreements with countries of origin, transit and destination on the prevention of trafficking in persons.

Measures to address migrant workers in an irregular situation

65. The Committee notes with concern that immigration from the State party is mostly driven by poverty, inequality and social exclusion, which may put Nicaraguan migrant workers and members of their family into precarious and/or insecure situations.

66. The Committee recommends that the State party invest in sufficient social protection systems to ensure that poverty and other social factors do not force people into precarious labour migration and, within the context of the 2030 Agenda for Sustainable Development and other international and national policy initiatives, promote decent work opportunities for people at home.

7. Follow-up and dissemination

Follow-up

67. The Committee requests the State party to include in its next periodic report detailed information on measures taken to follow up on the recommendations contained in the present concluding observations. The Committee recommends that the State party should take all appropriate measures to ensure that the recommendations are implemented, including by transmitting them for consideration and action to members of the Government, the legislature and the judiciary, as well as to local authorities.

68. The Committee requests the State party to involve civil society organizations in the implementation of the recommendations contained in the present concluding observations.

Follow-up report

69. The Committee requests the State party to provide, within two years, that is, by 1 October 2018, written information on the implementation of the recommendations contained in paragraphs 36, 38, 40, 42, 50 and 56 above.

Dissemination

70. The Committee also requests the State party to disseminate the present concluding observations widely, including to government agencies, the legislature, the judiciary, relevant local authorities, non-governmental organizations, other members of civil society and the general public, so as to increase awareness of them.

8. Technical assistance

71. The Committee recommends that the State party avail itself of international assistance, including technical assistance, to develop a comprehensive programme aimed at implementing the recommendations contained in the present concluding observations and the Convention as a whole. The Committee also calls upon the State party to continue its cooperation with specialized agencies and programmes of the United Nations system, including with the Office of the United Nations High Commissioner for Human Rights for technical assistance and capacity-building with respect to reporting.

9. Next periodic report

72. The Committee requests the State party to submit its second periodic report by 1 October 2021 and to include in it information on the implementation of the present concluding observations. Alternatively, the State party may follow the simplified reporting procedure, whereby the Committee draws up and adopts a list of issues that is transmitted to the State party prior to the submission of its next report. The replies of the State party to that list of issues will constitute its report under article 73 of the Convention.

73. The Committee draws the State party's attention to its guidelines for the preparation of periodic reports (CMW/C/2008/1) and reminds it that such reports should be in compliance with the guidelines and not exceed 21,200 words (General Assembly resolution 68/268). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned guidelines. If the State party is not in a position to review

and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed.

74. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next periodic report (or replies to the list of issues, in the case of the simplified reporting procedure) and, at the same time, to consult broadly with all relevant stakeholders, including civil society, migrant workers and human rights organizations.

75. The Committee also invites the State party to update the common core document, not exceeding 42,400 words, prepared in accordance with the requirements in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN.2/Rev.6).
