



## Status of Nicaragua in its reporting obligations to the UNTBs

4 October 2018

Nicaragua is a State party to 9 out of the 10 core UN human rights treaties. The only treaty that Nicaragua has not ratified is the International Convention for the Protection of All Persons from Enforced Disappearances (CPED).

While it is commendable that Nicaragua has ratified / acceded to almost all of the international human rights treaties, the State has not fulfilled its obligation to report periodically to the UN treaty bodies (UNTBs).

**Nicaragua has a delay of at least 5 years in submitting its reports to all the UNTBs.** In some cases, such as with the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) the delay is 8 years.

The **last time Nicaragua submitted a report to a UNTB was on 17 June 2008**, to the Committee on the Rights of the Child (CRC). As of that date, the State has not sent any other report to the UNTBs.<sup>1</sup>

The only Committee in which Nicaragua is recorded as being "on time" regarding the presentation of its report is the Committee for the Protection of the Rights of All Migrant Workers and their Families (CMW). This is because the CMW reviewed Nicaragua in the absence of a State report in September 2016. The State party was required to submit its initial report no later than February 1, 2007. In failing to comply with this obligation, the CMW examined Nicaragua without a report and established 1 October 2021 as the new date for submission. In its Concluding Observations (CMW/C/NIC/CO/1), **the CMW "considers that the State party has breached article 73 of the Convention by failing to fully honour its reporting obligations thereunder"**.

A table with the status of Nicaragua in the presentation of reports to the UNTBs is presented below:

UN Treaty	Due date of State report	Years of delay
CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	15 May 2013	5 years
ICCPR - International Covenant on	29 Oct 2012	6 years

<sup>1</sup> In 2015 Nicaragua sent its report to CRPD in paper but has not submitted the electronic version despite requests from the CRPD Secretariat.

Civil and Political Rights		
<b>CEDAW</b> - Convention on the Elimination of All Forms of Discrimination against Women	01 Nov 2010	8 years
<b>CERD</b> - International Convention on the Elimination of All Forms of Racial Discrimination	17 March 2011	7 years
<b>CESCR</b> - International Covenant on Economic, Social and Cultural Rights	30 June 2013	5 years
<b>CMW</b> - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	1 Oct 2021	On time <sup>2</sup>
<b>CRC</b> - Convention on the Rights of the Child	1 Oct 2015	5 years
<b>CRPD</b> - Convention on the Rights of Persons with Disabilities	3 June 2010	8 years <sup>3</sup>

During the second cycle of Nicaragua's UPR, Israel made a recommendation that Nicaragua should "Cooperate with the human rights protection bodies through the submission of its due reports to all treaty bodies".

In view of the crisis in Nicaragua and the serious situation of human rights violations that the country is experiencing since April 2018, it is more important now than ever that Nicaragua cooperates with the human rights mechanisms of the United Nations and fulfill its obligations under the international human rights treaties.

### **Recommendations:**

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearances
- Submit all the overdue reports to the UNTBs and collaborate with the follow-up procedures where applicable
- Establish a national mechanism for reporting and follow-up to coordinate and prepare reports to and engage with international and regional human rights mechanisms, including the UNTBs

<sup>2</sup> Nicaragua is "on time" in its submission to CMW because it was examined in September 2016 in the absence of a state report. Hence the new deadline is 1 October 2021.

<sup>3</sup> See footnote 1.