



association for the prevention of torture  
association pour la prévention de la torture  
asociación para la prevención de la tortura

# Nicaragua

Updated 08.08.2017

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## **OPCAT status**

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**OPCAT Ratification** : February 25, 2009

**UNCAT Ratification** : July 5, 2005

**NPM Designated** :

[Ombudsperson's Office](#) (*Procuraduría para la Defensa de los Derechos Humanos*)

**NPM Type** :

Ombuds Institution

**NPM Legal Framework** :

[Presidential Agreement N° 04-2012](#) (16 January 2012)

[Founding legislation](#) of the Ombudsperson's Office (December 1995)

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## **Information**

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**Population** : 5 848 641

**Area (sq km)** : 130 370

**Number of prisons** : 8

**Prison population** : 9 168

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## Quick Links

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**Communication to the SPT:** [Official correspondence](#) from Nicaragua (10 July 2012)

**UPR:** [Report of the Working Group](#) (July 2014)

SPT: Country Visit (May 2014) - [Press release](#)

**CAT:** [Concluding Observations](#) (May 2009)

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## OPCAT Situation

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Nicaragua ratified the OPCAT in 2009, after the approval of the Foreign Affairs Commission of the National Assembly. Three years later, in 2012, the Ombudsperson's office was designated as Nicaragua's NPM through a presidential agreement.

The SPT conducted a country visit to Nicaragua in May 2014 and will send a confidential report to the authorities.



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The SPT member Maria Dolores Gómez is the SPT Focal Point for Nicaragua.

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## OPCAT Ratification

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### Process

#### 2007-2009

On 31 July 2007, President Ortega sent the OPCAT to the National Assembly for ratification. The Foreign Affairs Commission of the National Assembly was requested an opinion on this issue.

**In May 2008, the Ministry of Foreign Affairs of Nicaragua, the UN Resident Coordinator's Office and the APT convened a half day seminar to promote the ratification of the OPCAT in Nicaragua. A SPT member also participated in the meeting, which gathered representatives from the government, the Ombudsperson's Office (*Procuraduría de Derechos Humanos*) and civil society organisations.**

According to the written opinion of the Foreign Affairs Commission on the ratification of the OPCAT, the Foreign Affairs Commission carried out some consultations with governmental institutions and non-governmental organisations which are directly linked to the administration of persons deprived of their liberty, or working closely with this issue. The Commission consulted for instance the National Police Force, the National Penitentiary System, the Armed Forces, the Ombudsman Office and the Nicaraguan Centre for Human Rights (*Centro Nicaragüense de Derechos Humanos CENIDH*).

All institutions and organisations consulted agreed on the necessity of ratifying the instrument.

On 26 August 2008, the Foreign Affairs Commission of the National Assembly approved the ratification of the OPCAT by decree n°5437, which was published in the Official Gazette on 10 September 2008.

**The instrument of ratification was deposited to the United Nations in New**



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**York on 25 February 2009.**

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## **NPM Designation**

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### **NPM Designated**

On 16 January 2012, the Ombudsperson's Office (Procuraduría para la Defensa de los Derechos Humanos) was designated as NPM through the presidential agreement N° 04-2012, which was published in the Official Gazette on 18 January 2012.

### **Process**

#### **2008-2012**

During its visit to Nicaragua, the APT was informed that the Ombudsperson's Office was willing to assume the NPM mandate, and had made such a request to the President of the Republic.

Additionally, the Foreign Affairs Commission of the National Assembly, in its written opinion, stated that the designation of a National Preventive Mechanism under the OPCAT would not represent any additional costs for the State, as the NPM would work on a collegial and inter-institutional basis, with the collaboration of independent human rights organisations.

Furthermore, in its [report](#) to the Committee against Torture examined in May 2009, Nicaragua stated that no legal reform was necessary for the designation of its NPM, as the Ombudsperson's Office had already the mandate of inspecting places of detention.

On 16 January 2012, the Ombudsperson's Office was designated as NPM through the presidential agreement N° 04-2012.



## **NPM Internal Organisation**

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The NPM is a separate unit within the Ombudsperson's Office, built on the office of the Special Ombudsperson for Prisons. It depends directly on the Ombudsperson and is coordinated by the Special Ombudsperson for Prisons.

The NPM is composed of a Coordinating Commission and a Technical Advisory Team. The Coordinating Commission is in charge of the development of the NPM's work plan and its follow-up and some of its members conduct visits to places of detention. The Technical Advisory Team provides technical support to the NPM. It is involved in the preparations and also participates in the monitoring visits to places of detention and in the drafting of the visits reports.

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## **NPM Resources**

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### **Human Resources**

The Coordinating Commission of the NPM is integrated by 6 staff of the Ombudsperson's Office:

- Director of the department of human rights protection
- Director of the department of human rights promotion
- Responsible of external cooperation
- One representative of the territorial delegations



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- Special Ombudsperson for Prisons
- Executive Director of the NPM

The Technical Advisory Team is integrated by 9 persons with a range of professional backgrounds, including psychiatrists, psychologists, general and forensic doctors and architects. They collaborate with the NPM in their individual capacity and on a voluntary basis.

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## **NPM Reports and Recommendations**

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### **Visits Reports**

Following its visits to places of detention, the NPM writes a report and submits it to the relevant authorities. The report of the first visit conducted by the NPM in 2013 has not been made public yet.

### **Annual Reports**

The NPM will prepare an annual report and will submit it to the Parliament.