

NICARAGUA

Special Decisions or Action taken Re: Reporting, Including Urgent Action Procedure

CERD, A/60/18 (2005)

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Chapter V. Review of the implementation of the Convention in States parties whose reports are seriously overdue

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C. Action taken by the Committee to ensure submission of reports by States parties

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426. At its sixty-sixth and sixty-seventh sessions, the Committee reviewed the question of delays and non-submission of reports by States parties in accordance with their obligations under article 9 of the Convention.

427. At its forty-second session, the Committee, having emphasized that the delays in reporting by States parties hampered it in monitoring implementation of the Convention, decided that it would continue to proceed with the review of the implementation of the provisions of the Convention by the States parties whose reports were overdue by five years or more. In accordance with a decision taken at its thirty-ninth session, the Committee agreed that this review would be based upon the last reports submitted by the State party concerned and their consideration by the Committee. At its forty-ninth session, the Committee further decided that States parties whose initial reports were overdue by five years or more would also be scheduled for a review of implementation of the provisions of the Convention. The Committee agreed that in the absence of an initial report, the Committee would consider all information submitted by the State party to other organs of the United Nations or, in the absence of such material, reports and information prepared by organs of the United Nations. In practice the Committee also considers relevant information from other sources, including from non-governmental organizations, whether it is an initial or periodic report that is seriously overdue.

428. Following its sixty-fifth session, the Committee decided to schedule at its sixty-sixth session a review of the implementation of the Convention in the following States parties whose periodic reports were seriously overdue: Bosnia and Herzegovina, Ethiopia, El Salvador, Nicaragua and Papua New Guinea... In the cases of Bosnia and Herzegovina, Ethiopia and Nicaragua, the reviews were postponed at the request of the States parties, which indicated their intention to submit the requested reports shortly...

CERD, CERD/C/SR.1781 (2006)

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-ninth session

SUMMARY RECORD OF THE 1781st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 16 August 2006, at 10 a.m.

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PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING
MEASURES AND URGENT ACTION PROCEDURES (agenda item 3) (continued)

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Nicaragua

4. Ms. JANUARY-BARDILL said that the submitting organization had requested that the Committee should initiate its early warning and urgent action procedure to address the violation of the human rights of the Awas Tingni indigenous people of Nicaragua. A ruling of the Inter-American Court of Human Rights in August 2001 had confirmed that the State party had indeed violated the community's human right to property when it had granted a logging concession in Awas Tingni territory without the community's consent. The Court had ordered the State party to implement an effective mechanism for demarcation of indigenous lands and to delimit, demarcate and title Awas Tingni's lands according to its customary law, values, customs and mores. A second ruling had ordered the State party in September 2002 to halt as well as investigate and sanction third party activities in the region. However, Nicaragua had done nothing to comply with those measures, despite continued community complaints. The working group had recommended that since the Committee had already decided to consider Nicaragua under its review procedure, requesting that the State party should submit its periodic report by 30 September 2006, it might be appropriate for the Chairperson to write to the State party, highlighting the submission received from the NGOs and requesting a response on those additional issues in its report.

5. The CHAIRPERSON, seeing no objections, said that he took it the Committee wished to adopt the proposed course of action for Nicaragua.

6. It was so decided.

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CERD, A/61/18 (2006)

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Chapter V. Review of the implementation of the Convention in States parties whose reports are seriously overdue

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C. Action taken by the Committee to ensure submission of reports by States parties

466. At its forty-second session, the Committee, having emphasized that the delays in reporting by States parties hampered it in monitoring implementation of the Convention, decided that it would continue to proceed with the review of the implementation of the provisions of the Convention by the States parties whose reports were overdue by five years or more. In accordance with a decision taken at its thirty-ninth session, the Committee agreed that this review would be based upon the last reports submitted by the State party concerned and their consideration by the Committee. At its forty-ninth session, the Committee further decided that States parties whose initial reports were overdue by five years or more would also be scheduled for a review of implementation of the provisions of the Convention. The Committee agreed that in the absence of an initial report, the Committee would consider all information submitted by the State party to other organs of the United Nations or, in the absence of such material, reports and information prepared by organs of the United Nations. In practice the Committee also considers relevant information from other sources, including from non-governmental organizations, whether it is an initial or periodic report that is seriously overdue.

467. Following its sixty-seventh session, the Committee decided to schedule at its sixty-eighth session a review of the implementation of the Convention in the following States parties whose periodic reports were seriously overdue: Antigua and Barbuda, Congo, Ethiopia, Mozambique, Nicaragua and Papua New Guinea. In the cases of Antigua and Barbuda, the Congo and Nicaragua, the reviews were postponed at the request of the States parties, which indicated their intention to submit the requested reports shortly...

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Chapter II

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT ACTION PROCEDURES

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27. At its seventieth session, the Committee requested the Chairperson to send a letter to the Government of Nicaragua, informing it that the Committee had considered on a preliminary basis under its early warning and urgent action procedure information with regard to the situation of the Awas Tingni community located in the Atlantic region of Nicaragua, particularly concerning the protection of land rights, on the basis of information provided by the State party and other sources.

28. At its seventy-first session, following receipt of further information from non-governmental sources drawing the attention of the Committee to some urgent concerns, the Committee requested the Chairperson to send a further letter to the State party requesting the submission of additional information no later than 30 September 2007, and stating that the situation of the Awas Tingni community would be raised during the consideration of the periodic report of Nicaragua at the seventy-second session.

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Chapter V. Review of the implementation of the Convention in States parties whose reports are seriously overdue

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C. Action taken by the Committee to ensure submission of reports by States parties

504. At its forty-second session, the Committee, having emphasized that the delays in reporting by States parties hampered it in monitoring implementation of the Convention, decided that it would continue to proceed with the review of the implementation of the provisions of the Convention by the States parties whose reports were overdue by five years or more. In accordance with a decision taken at its thirty-ninth session, the Committee agreed that this review would be based upon the last reports submitted by the State party concerned and their consideration by the Committee. At its forty-ninth session, the Committee further decided that States parties whose initial reports were overdue by five years or more would also be scheduled for a review of implementation of the provisions of the Convention. The Committee agreed that

in the absence of an initial report, the Committee would consider all information submitted by the State party to other organs of the United Nations or, in the absence of such material, reports and information prepared by organs of the United Nations. In practice the Committee also considers relevant information from other sources, including from non-governmental organizations, whether it is an initial or periodic report that is seriously overdue.

505. Following its sixty-ninth session, the Committee decided to schedule at its seventieth session the review of the implementation of the Convention in the following States parties whose periodic reports were seriously overdue: Congo, Ethiopia, Nicaragua and Papua New Guinea. In the cases of the Congo and Nicaragua, the reviews were postponed at the request of the States parties, which indicated their intention to submit the requested reports shortly. The Committee also decided to postpone the review of the implementation of the Convention in Papua New Guinea.

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509. Following its seventieth session, the Committee decided to schedule at its seventy-first session a review of the implementation of the Convention in the following States parties whose initial and periodic reports were seriously overdue: Malawi, Namibia, Nicaragua, Pakistan and Togo. Namibia, Nicaragua and Togo were withdrawn from the list prior to the seventy-first session following the submission of their overdue reports.

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