



ngo group for the crc

STATE PARTY EXAMINATION OF NICARAGUA'S THIRD PERIODIC REPORT

39TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

16 MAY – 3 JUNE 2005

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Nicaragua ratified the Convention on the Rights of the Child (CRC) in 1990, the Optional Protocol (OP) on the sale of children, child prostitution, and child pornography in 2004, and the OP on the involvement of children in armed conflict in 2005. The Committee on the Rights of the Child (the Committee) met with State Party representatives on 28 May 2005 to consider Nicaragua's third periodic report on the implementation of the CRC.

Opening Comments

The Head of the Delegation Ms. Licenciada Amalia Frech began by stating that the report was the result of the participation between civil society and the four branches of the Government. The report referred to the Committee's previous concluding observations and provided an explanation about the national context of the CRC. Ms. Frech noted there were obstacles, but the State's intention was to meet its obligations with the CRC.

Mr. Liwiski and Mr. Pollar, the Country Rapporteurs, noted that Nicaragua was a country with a rich history, suffering colonisation and dictatorships, which led to a violation of rights. There was, however, a spirit of participation in the report. They asked about the experience of the National Council for the Comprehensive Care and Protection of Children and Young Persons (CONAPINA) in developing the report. The Country Rapporteurs noted the ethnic diversity of Nicaragua, and also the 5.2 million children under 17. With structural poverty, inequalities in civil society and between

regions, as well as natural disasters (e.g. Hurricane Mitch), the lack of resources to implement the CRC was a particular concern.

Legislation

The Committee acknowledged that many legislations and ratifications had taken place. They asked if there had been any judicial decisions relative to the CRC and declared a need for domestic laws to be harmonized with the CRC. The Delegation indicated that many unrelated laws were being reformed, as the civil code was over one hundred years old.

Budget

The Committee asked for clarifications about the budget and if allocations were proportionate to children's problems. They also wanted to know if decentralization created a reduction on the CRC implementation. Of great concern was the external debt and inequalities of wealth. The Committee asked the Government about the potential effects of the Free Trade Agreements (FTA) on children and intellectual property (e.g. medicine). It also wanted to know about the financial components for the National Action Plan (NPA) and the real percentage allocated to children's affairs and whether the Committee's recommendations from the second report were included in the plan.

The Delegation indicated that the Millennium Development Goals (MDGs) were part of the NPA. The general budget had increased and additional programmes focused on social expenditure that primarily benefited the poor. The Delegation acknowledged the move towards liberalisation and the strengthening of economic activity with the US. The Government involved the health sector, pharmaceutical companies and NGOs in the negotiations. It did not have exact information on the investments for children, as each Ministry carried out its own investments. They offered to send this information at a later date.

Data Collection

The Committee noted that an information system on children was developed in 2005. It asked if there were sufficient resources and the organization responsible for coordinating all the Government information. The Committee also asked about the development of the report and was told that it was developed with the civil society, most NGOs working on human rights at national level, children, physicians, teachers and CONAPINA.

Definition of the Child

The Committee was concerned about the lack of compliance to the CRC in terms of age in areas of compulsory education (ending at six) and the discrepancy for marriage for boys and girls. The Delegation acknowledged the lack of full implementation and stated that these adjustments would be implemented.

Child Protection

The Committee requested additional information on the Procurator or Ombudsman and their levels of independence. The Delegation said that the Procurator and Ombudsman was the same person. There was also a special Procurator for children, one for ethnic groups, one for women and soon there would be a Procurator for people with disabilities. The State worked closely and cooperated with the Procurator for children and UNICEF to establish campaigns of awareness and non-discrimination.

The Committee asked if members of the community and professionals were obliged to report abuse. They asked about the 'surveillance of injuries' project and whether it was available in all hospitals. They also recommended setting up a hotline to see how many children were abused or mistreated. The Delegation confirmed everyone had to report abuses and there were penalties for not reporting. They had previously considered a hotline but were unable to set it up for financial reasons.

Child Labour

The Delegation indicated that an international organization against child labour and an association of employed children were involved in programmes for the eradication of child labour. They acknowledged the persistence of the problems. Child Participation

The Committee asked about the measures used to raise awareness of families and professionals about the participation of children and how children's views were taken into consideration both in practice and in legislative work.

The Delegation responded that local Governments and municipalities worked with CONAPINA using the charter on the rights of children and young people. A boy and a girl were part of the council. They were able to speak and vote in all the processes.

Land Mines

The Committee was interested in the State's actions in relation to the 76,000 landmines in Nicaragua. It had eliminated the stockpile and cleared the frontier of mines. Mines were left in the North and the Caribbean. Manuals were written in the Mosquito language and the mined areas were marked. Complete de-mining was planned for 2006.

Discrimination

The Committee acknowledged that all forms of discrimination were prohibited. However, discrimination still occurred. The health and education services for indigenous children and disabled children were insufficient. Discrimination and violence against women were serious concerns, due to the high number of women headed households. The Committee queried whether the standard of dual nationality was extended to the stateless, asylum seekers or refugees. They also asked if the African Caribbean and Mosquito groups had the same potential to fulfil their rights as others and how they were made aware of their rights. They also wanted to know about the services available to children of migrants.

The Delegation acknowledged the lack of resources. Although there were certain programmes, they did not ensure full coverage. They were working to improve education, but still had problems with health. An important part of social policy was to strengthen the Atlantic Coast. There was a recent announcement about drinking water and health care. The Ministry of Family Affairs was implementing special services for immigrant children in collaboration with Costa Rica.

Juvenile Justice

The Committee noted the lack of courts for juveniles and the absence of joint endeavours between social services, courts and police. They asked if there were plans to open a specialized centre for juveniles in accordance with the code. The Delegation said that there was a centre for pre-trial for up to a three-month stay and another one for longer sentences. They had 14 Judges that only dealt with Juvenile matters.

The national police was aware of the code and part of the council. It also had a handbook to follow. The Delegation emphasised that there were no Maras (violent gangs that are found in Central America) in Nicaragua, but there were other less violent gangs.

Adoption

The Committee asked whether the Hague Convention had been adopted. The Delegation stated that Nicaragua had not ratified this Convention. They intended to look into it once the new Adoption Act entered into force.

Birth Registration

The Committee enquired about services to ensure the registration of all children. The Delegation indicated that 50% of children were born in hospitals. Mayor's offices register children born outside hospitals by visiting the communities. There were no legal provisions to fine those who fail to register on time. If a child had not been registered after one year, it could be done through a judicial procedure. The Delegation noted that there were still children who were illegal as they were unregistered.

Health

The Committee enquired about measures to prevent suicide. The Delegation indicated that the suicide rate of young people was down to 60 cases, thanks to the implementation of a programme carried out in two municipalities. In 2005, there were plans to train staff to recognise the disorders that lead to suicide. The Delegation noted the lack of specialised staff, especially psychologists.

The Committee asked about the measures taken to prevent HIV/AIDS and its concern about border and port areas. The Delegation responded that there was a strategic plan to reduce AIDS in the whole country, with an emphasis on ports, boarder areas and youth clubs throughout the country.

Disabled Children

The Committee asked about the percentage of children with disabilities receiving support and their types of disabilities. It also asked about the teaching preparations to deal with disabled children. The Delegation indicated that there was no specific budget for disabilities. Children were integrated in normal schools using community-based rehabilitation and temporary care centres. Those with severe disabilities went to other schools. Over 800 teachers were trained to focus on children with disabilities.

Education

The Committee welcomed efforts in education but noted that the budget was 1/5 of what other Caribbean and Latin States spend. It asked about plans for Early Childhood Education. The Committee suggested that the State prioritise free teacher training and prohibit hidden education costs. It was also interested in the reasons for the inability to overcome regional disparities. They also asked for data on secondary education and children who graduated at 17.

The Delegation confirmed that 80,000 children were outside the school system and stated that efforts were being made to increase their participation. There was an integrated programme for school nutrition, as well as school bags and scholarships. The Delegation noted that completion rates were improving in primary education because of "education for life" which combined studies and employment. Due to budget limitations teachers were only paid 73% of the basic national wage, although there were incentive programmes. The Delegation indicated that basic education (primary education) was free.

The Committee enquired about vocational training. The Delegation responded that there was a National Technology School which was being reformed so the programme would be relevant to modern issues.

The Committee generated discussion about reproductive rights education and a manual to address sexual education. However, it was not allowed because it focused on sexual rights. The Delegation reported that there were complaints that the criteria were controversial and some felt parts of society were not included. It was being rewritten and the Ministry of Education was overseeing it.

Concluding Remarks

The Country Rapporteurs thanked the delegation for responding to the questions, the participatory report and the good data. They encouraged the State to publicise the discussions and comments and

maintain links for further information on the welfare of children. The Rapporteurs emphasised a need for a better budget for children's issues and recognised the disparities especially in the Caribbean area. They cautioned that strategic plans and FTAs should not harm, but rather improve the lives of vulnerable groups.

The Head of the Delegation thanked the Committee and stated that each question was important for identifying actions that could lead to change. She noted that they worked on behalf of children regardless of ethnicity or race and would inform the President of the process. He had insisted the Delegation be transparent in its presentation.