



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Fifty-fifth session

#### Summary record of the 1570th (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Thursday, 23 September 2010, at 3 p.m.

*Chairperson:* Mr. Zermatten (Vice-Chairperson)

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports of States parties** (continued)

*Fourth periodic report of Nicaragua on the implementation of the Convention on the Rights of the Child* (continued) (CRC/C/NIC/4; CRC/C/NIC/Q/4 and Add.1; HRI/CORE/NIC/2008)

1. *At the invitation of the Chairperson, the delegation of Nicaragua took places at the Committee table.*
2. **Mr. Filali** asked what measures had been taken to improve access to education for child refugees and unaccompanied children and to reduce the school dropout rate, which was especially high among those groups. It would be useful to know whether the primary and secondary education provided was of a high standard; if teachers were suitably qualified and adequately paid; if school textbooks were available in sufficient numbers; if pregnant adolescents had the right to pursue their studies; if education for indigenous communities on the Atlantic coast was available in their native language, as provided for under the Constitution; if minorities in general had access to education and whether they were represented in textbooks as being a part of the State party's cultural heritage.
3. The delegation might say whether detainees aged between 16 and 18 ever had their prison sentences reviewed and whether juvenile detention centres, most of which were private and seemed to be spread across the country, were monitored.
4. The delegation might also explain how the State party ensured that children who worked on family coffee plantations were not exposed to the worst forms of labour, particularly in terms of working hours and the handling of toxic pesticides. He also wished to know if the State party had passed a law against sex tourism or was planning to do so, and whether posters were placed in airports to discourage that practice.
5. **The Chairperson** asked if all staff in the juvenile justice system and police officials received training in the rights of the child and what technical, financial and human resources were earmarked for that sector. He would welcome more information about criminal provisions for restorative justice for young people aged 13 to 18.
6. **Mr. López** (Nicaragua) said that the National Council for the Comprehensive Care and Protection of Children and Young Persons (CONAPINA) coordinated the activities of institutions and public bodies working for young people and that under a presidential decree, the Council was headed by the coordinator of the social protection system and included national representatives of the bodies responsible for health, education, sanitation, access to water, and capital works. Youth programmes were thus cross-cutting and a key element of government policy. Numerous programmes for children and adolescents had been implemented in the previous four years, particularly in the areas of education, health and nutrition, the reduction of maternal mortality and the promotion of breastfeeding.
7. **Ms. Maurás Pérez** (Country Rapporteur) asked whether civil society still had a say in the formulation of the Council's policy on children and what role was currently played by the Ministry of the Family, Children and Adolescents, for she feared that the incorporation of the Council into the social welfare system was tantamount to repealing the provisions of the 1998 Code on Children and Adolescents, under which that body had been set up.
8. **Mr. López** (Nicaragua) said that the Council was still active, just as were the Ministry of the Family, Children and Adolescents and police units for women and for children. Under the aforementioned Code, the State had been required to set up a social policy mechanism to work at the national, departmental, regional and municipal government levels and that had been achieved with the establishment of the national social

welfare system. Children's issues, which had previously been the responsibility of the Council, a small body comprising an executive secretary and four or five members, now occupied an important place in the affairs of several ministries. Moreover, the Ministry of the Family, Children and Adolescents continued to devise and implement programmes for, for example, children with disabilities, children at risk, working children and pregnant girls.

9. **Ms. Maurás Pérez** (Country Rapporteur) said that the crux of the problem was that the welfare system did not address human development or human rights, but rather dealt with the protection and care of vulnerable persons, such as the aged, persons with disabilities, children at risk and excluded underprivileged groups, whereas the Council's work was aimed specifically at minors. It was, therefore, important to know if civil society played a special role in the new social welfare system and whether human development and human rights issues were taken into consideration. More information was also needed on the National Plan of Action for Children and Adolescents (2002–2011).

10. **Mr. González** (Nicaragua) said that children's issues were treated holistically rather than in a sectoral manner and that the Ministry of the Family, Children and Adolescents retained a major role by centralizing programmes for children and by consulting a range of institutions as well as civil society with a view to obtaining quick and tangible results in that area.

11. **Ms. Morales Mazún** (Nicaragua) said that the national welfare system also aimed to promote development and human rights and that it took a cross-cutting approach to children's issues. For example, as part of a concerted effort by several ministries to improve the rate of school attendance, measures could be taken to encourage parents to enrol their children in school and, at the same time, to improve roads in order to facilitate access to schools.

12. The Ministry of the Family, Children and Adolescents had put in place the *Amor* (Love) programme and the *Amor* early childhood programme. The former targeted poor and extremely poor children, children in situations of vulnerability, street children, children with disabilities, and children whose parents were HIV-infected, had AIDS or were in detention. Day-care centres in which working mothers could leave their children had been established, along with child development centres in rural areas and cities. The second programme, developed in response to a recommendation on early childhood made by the Committee after its consideration of the State party's third periodic report, was aimed at children up to 6 years of age and concentrated on preschool education, especially the children's personal development and language learning.

13. **The Chairperson** asked how the *Amor* programme, the National Plan for Human Development and the National Plan of Action for Children and Adolescents worked together.

14. **Mr. Filali** asked what resources were available to the *Amor* programme and how priorities were defined, given that, on the ground, some needs could prove more urgent than others.

15. **Ms. Maurás Pérez** (Country Rapporteur) asked how the work of the *Amor* early childhood programme was coordinated with those of the sectoral, local and municipal authorities, such as the police units for women and children, and what the budget for the programme was.

16. **Mr. López** (Nicaragua) said that specific national programmes like the *Amor* programme were closely linked to the National Plan for Human Development. The central authorities and the Municipal Commissions on Children and Adolescents were responsible for their implementation, and overall coordination was in the hands of the network of children's defenders.

17. **Mr. González** (Nicaragua) said that the National Plan for Human Development was a broad-based plan covering sundry areas and centralizing government efforts in the area of human development. It relied on the direct participation of people throughout the country, who were encouraged to take part in its implementation and to suggest ways of promoting human development, based on the idea that it was up to citizens to take their own future in hand and make their problems known to the local and national authorities. In the framework of the *Hambre Cero* (Zero Hunger) programme, the people defined priorities and participated directly in the implementation of the programme. Excellent results had already been obtained in several areas.

18. For example, the State party had one of the highest rates of immunization coverage in Latin America. The illiteracy rate, which had fallen considerably in recent years, accounted for only 3.6 per cent of the population. In the health sector, recognizing that the availability of health-care services was limited mainly to major urban centres, the State party had undertaken to cut health-care costs and develop and improve infrastructure in order to expand coverage. Mobile brigades had been stationed throughout the country, particularly in the Caribbean area, where access to health-care services was especially poor. A new model for family and community care had also been adopted. The State party had spared no effort to make essential medicines available to all, even in the most remote areas, and to train medical staff. More than 500 nurses had received gynaecology and obstetrics training. Over 70 per cent of births currently took place in some form of medical centre.

19. **Ms. Herczog**, supported by **Mr. Koompraphant**, said that, according to certain sources, some young girls who had become pregnant after being raped by family members had not been allowed to have abortions. Many of them gave birth in appalling sanitary conditions, endangering their own and their babies' lives.

20. **Ms. Maurás Pérez** (Country Rapporteur) asked if the State party had a policy for the promotion of sexual and reproductive health, and, in particular, what kind of sexual education was available in and out of schools. Turning to pregnancies resulting from rape, she would like to know why the State party had been so unyielding on the subject of abortion, even for therapeutic purposes.

21. **Mr. González** (Nicaragua) said that the problem of teenage pregnancy was not only medical and that the State preferred to focus on prevention. Experts in sexual and reproductive health visited secondary schools to alert pupils to the risks of early pregnancy. The State did not wish to impose a standard policy on such sensitive issues but preferred to allow the regions considerable autonomy, particularly to preserve respect for cultural characteristics.

22. **Mr. López** (Nicaragua) said that the Government, after having initiated a series of social policies between 2000 and 2006, had decided to implement more pragmatic and well-funded plans with clear objectives. In October 2008, the State party had adopted a national strategy on sexual and reproductive health that had already reduced maternal mortality.

23. **Mr. González** (Nicaragua) said that Nicaraguan society was, without exception, firmly against abortion. The law prohibited all forms of abortion but the Supreme Court had been asked to examine whether the law was fully in keeping with the Constitution.

24. **Ms. Herczog** observed that no other country in Latin America had been as retrograde as Nicaragua on abortion. It prohibited abortion without any exception, even if the life of the mother was in danger or the pregnancy was the result of rape, which was all the more disturbing since sexual violence within the family was widespread in the country.

25. **Ms. Morales Mazún** (Nicaragua) said that legislation on abortion had been passed in 2006 in the wake of a massive mobilization, especially of women, for the prohibition of

all forms of abortion. Therapeutic abortion often served as a pretext. Most Nicaraguans saw the human foetus as a living being with rights, while all hospitals followed a protocol whereby the mother's life clearly took priority.

26. The courts generally removed girls who had been raped from their families. It should be said that, according to NGOs working in that area, girls wished to keep their children even if they had been raped. Some were able to take part in educational and vocational guidance programmes to help them find paid work after delivery.

*The meeting was suspended at 4.30 p.m. and resumed at 4.45 p.m.*

27. **Mr. González** (Nicaragua) said that the National Strategic Plan to Combat Sexually Transmitted Diseases and HIV/AIDS included segments on public awareness, prevention, and treatment of the sick. The number of those treated had risen from 300 to 1,200 in three years. The authorities were endeavouring to promote cooperation among institutions with the aim of channeling prevention strategies through local organizations and thus reaching all sectors of the population, even in the remotest regions.

28. His country was behind in health and social terms but was striving to train specialized medical personnel and invest in modern technologies. Funds earmarked for health care had spiralled in recent years and the country could increasingly rely on its own financial resources and less on external aid.

29. **Ms. Maurás Pérez** (Country Rapporteur) said she would like to know what proportion of financial aid from Latin American countries, particularly Venezuela, under the Bolivarian Alliance of the Peoples of Our America, was allocated to education and health care and whether the State party had a budget policy for reducing its enormous social and geographical inequalities.

30. **Mr. González** (Nicaragua) said that the Nicaraguan Social Security Institute covered 18 per cent of public health expenditure. The financial contribution from member States of the Bolivarian Alliance of the Peoples of Our America went mostly on the purchase of medicines and investment in modern medical technology. Venezuela's contribution to that effort was considerable: approximately 17 per cent of persons infected with HIV/AIDS were treated thanks to Venezuelan aid.

31. Improvements in the State party's health-care services were also due to public involvement, with its vast contribution to the dissemination and promotion of prevention campaigns and changes in social attitudes. The reduction of maternal mortality had thus been a success. Thanks to social service networks and new birthing centres, care for women had improved and maternal and infant mortality had fallen significantly.

32. The State party had done much to promote literacy, improve the education system and lift the school attendance rate through public awareness campaigns paid for with local funds and foreign aid, in which 25,000 volunteer social workers had participated. The authorities intended to lift the average age of schooling so that by 2012 everyone completed at least the sixth year of primary school, the aim for 2015 being the ninth year. To that end, the State had put in place a school materials distribution plan, a major programme to boost the provision of nutritional supplements, and a teacher capacity-building and training programme, as well as investing in infrastructure to repair the 2007 hurricane damage.

33. **Mr. Krappmann** requested clarification of the content of the table appearing in the State party's written replies, which gave the portion of the budget allocated for children between 2006 and 2009.

34. **Mr. González** (Nicaragua) said that the table summarized the financial efforts of various ministries, especially the Ministry of the Family, Children and Adolescents and the Ministry of Education, in addition to those of the Ministry of Health.

35. The measures taken in connection with the national education strategy included programme reform designed to better adapt schooling and training to the country's needs, including those of the Caribbean region, the ethnic diversity of which called for a targeted approach.

36. **The Chairperson** asked on what basis budget allocations were made to municipalities.

37. **Mr. González** (Nicaragua) said that funds were allocated to municipalities on the basis of several criteria, such as population size, the state of infrastructure or the cost of living. The desire to distribute resources equitably according to need was a constant. The municipalities also had their own resources, which they used for protecting children and improving local health-care services, in line with the objectives of the National Human Development Plan. Some municipalities had signed twinning agreements with European counterparts which provided social and technical support.

38. **The Chairperson** asked how statistics were gathered and used.

39. **Mr. López** (Nicaragua) said that a national information system on children and adolescents, managed by the Ministry of the Family, Children and Adolescents, was being set up and that it would centralize quantitative and qualitative data, including on the development indicators established by the international instruments to which Nicaragua was a party. The data, disaggregated by sex, age and ethnic origin, came from several sources, such as universities and human rights bodies, and could be consulted online by all key national and international stakeholders and would be updated regularly.

40. **Ms. Maurás Pérez** (Country Rapporteur) asked about the relationship between that information system and the national statistics body. She wondered whether there was duplication between the two.

41. **Mr. López** (Nicaragua) said that the National Development Information Institute collected data relating to development, population, standard of living and so forth, while the national information system on children and adolescents was devoted exclusively to children's issues and provided detailed and updated data. The two systems were complementary and together provided an overview of society.

42. **The Chairperson** asked what the position was regarding efforts to combat child labour.

43. **Mr. López** (Nicaragua) said that the law prohibited children up to the age of 14 from working and that children aged 15–18 could work only under strictly regulated conditions. His country had ratified the International Labour Organization (ILO) Convention concerning the Minimum Age for Admission to Employment (No. 138) and the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182). The Labour Code stipulated that 16 year olds could not work more than six hours a day, compared with eight hours a day for adults, and specified the types of work they were permitted, on the understanding that any remunerated activity performed by adolescents should not prevent them from studying. Employers who did not respect those regulations were liable to severe penalties. The Ministry of Labour had drawn up a list of jobs that were considered dangerous and harmful to the health of adolescents.

44. **Mr. Filali** asked what had been done to ensure that the law on child labour was implemented in family businesses, especially farms, and in the informal sector.

45. **Ms. Maurás Pérez** (Country Rapporteur), underlining the importance of prevention in the effort to combat child labour, asked whether welfare grants to parents were

conditional on certain obligations, especially the obligation to send their children to school, as was the case in other countries in the region.

46. **Mr. López** (Nicaragua) replied that the bodies responsible for monitoring child labour had been strengthened and given additional human resources and funds. They ensured that public and private businesses did not employ children and that they respected the regulations when employing adolescents. The informal sector was also monitored, but the State needed to invest in the recruitment of inspectors if it wished to cover the entire production sector. The Ministry of Labour organized training sessions on child protection in order to ensure that children were not employed in mines, quarries and export processing zones. General economic policy went hand in hand with policy aimed at eradicating child labour, for it was common knowledge that child labour levels fell as employment and income rose. Nicaragua's redistribution economic policy had led to a drop in child labour. A forthcoming national survey would attempt to ascertain the number of working children. In 2005, the figure was estimated at 238,000, or 17 per cent, of the active population, but that number should have fallen because of the above-mentioned social programmes.

47. **Mr. González** (Nicaragua) said that the State was working closely with the private sector to solve the housing problem and that their cooperation had been extended to other areas, with positive results for children's living conditions. The *Ursura Cero* (Zero Usury) programme, for instance, assisted women heads of households, who accounted for some 30 per cent of the country's households, which in turn allowed children to remain in school.

48. **Ms. Morales Mazón** (Nicaragua) said that the authorities had concluded an agreement on housing with private businesses whereby each party undertook to contribute \$45 million to the construction of social housing. A permanent dialogue was maintained with business circles in order to remind them of their responsibilities to society. In some areas, such as education, the State had sought technical help from telephone and computer companies. That sort of cooperation, common in other Latin American countries, was just beginning in his country.

49. **The Chairperson** asked for more detailed information on children with disabilities.

50. **Mr. González** (Nicaragua) said that in October 2009 the Government had embarked on a detailed survey to analyse the causes of disability, assess the current situation and design suitable measures. Disability was no longer viewed from a strictly medical standpoint, but in a more holistic way. Initial figures showed that 3.2 per cent of the population had some form of disability and that 25 per cent of those suffered from mental disabilities. Privatized health institutions had returned to the public sector and produced prosthetic and orthopaedic appliances. The Government was working with NGOs to ensure that care was provided for disabled persons, but cover was still incomplete. On the subject of education, children with intellectual disabilities were, where possible, placed in ordinary schools. Specialized centres were opened depending on requirements. Many Nicaraguans had lost limbs during the war but had been unable to afford artificial limbs once the system had been privatized. According to estimates, between 8,000 and 10,000 persons needed artificial limbs, a difficult situation to address with limited means.

51. **Ms. Herczog** asked for clarification on the situation of children, including those with disabilities, who had been adopted or placed in homes.

52. **Ms. Maurás Pérez** (Country Rapporteur) requested more information on adoption and the organization of alternative care and foster families.

53. **Mr. López** (Nicaragua) said that many children used to be placed in alternative care centres because their parents did not have the means to raise them. It had since been recognized that the family was the main environment in which children's rights were protected and recognized. The number of children in alternative care centres had fallen

from 4,000 to little more than 1,000 since the new Government had come into power, thanks to its policy of reintegrating children in their families.

54. **Ms. Herczog** asked how children who had been taken away from their families were cared for.

55. **Mr. López** (Nicaragua) said that they were placed in protection centres or support homes, where they received counselling while enquiries were made to determine whether they were in danger in their own families. If possible, they were returned home, as the Family Code stipulated that children must not be separated from their parents. When children were found to be in danger, they could be adopted. Adoption within the State party was currently favoured over intercountry adoption to prevent children being uprooted. Adoption legislation contained provisions aimed to protect children from abuse and trafficking. A parliamentary group considered the legislation to be better than the 1980 Hague Convention on the Civil Aspects of International Child Abduction, but that did not mean that the Convention would not be ratified.

56. **The Chairperson** asked about the situation of children left behind by parents who went abroad, refugee children and street children.

57. **Mr. López** (Nicaragua) said that street children were cared for under the *Amor* programme. A battery of measures had been put in place to encourage children to return to school, improve their nutrition and strengthen their family and community ties. Many children had rejoined their families. The Ministry of Education had launched a series of reforms and flexible programmes with a view to enticing street children and working children back to school. The Ministry of the Family, Children and Adolescents was running an awareness campaign to dissuade families from sending their children to work. As a last resort, fines could be imposed, especially on parents who sent their children out to beg.

58. The office of the Human Rights Ombudsman came into being as a result of the constitutional reform of 1995 and the first Ombudsman took up the post in 1999. The Ombudsman was elected by Parliament by a qualified majority from a list supplied by the parties represented in the National Assembly and by civil society. The Ombudsman was independent of the executive, monitored the human rights performance of the executive and public bodies, and appointed the Deputy Ombudsmen. The Deputy Ombudsman for children and adolescents ensured respect for children's rights, made inspections, particularly in schools and health-care centres, and drafted reports containing recommendations on, for example, the elimination of corporal punishment in schools or the prohibition of discrimination on the grounds of sexual orientation in health-care centres, both confirmed by ministerial decree.

59. **Mr. Filali** said that the Ombudsman's recommendations should be implemented through legislation rather than ministerial decree.

60. **Mr. López** (Nicaragua) replied that the relevant constitutional and legal provisions had been presented in earlier reports. The decrees, programmes and plans had been put in place to strengthen existing legislation and to ensure respect for children's rights in a coherent and effective manner.

61. **The Chairperson** said that, according to some sources, the office of the Ombudsman had insufficient technical resources and funding.

62. **Mr. López** (Nicaragua) replied that the office did indeed require more resources to carry out its mandate, its current budget sufficing to pay Deputy Ombudsmen in only nine departments, when in fact every department needed one.

*The meeting rose at 6 p.m.*