



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the fifth periodic report of Nicaragua\*

#### I. General information

1. Please provide information on measures taken to counter the adverse effects that the sociopolitical crisis which began in April 2018 has had on the effective enjoyment of economic, social and cultural rights, especially by the most disadvantaged and marginalized individuals and groups, including women, children and adolescents, persons belonging to indigenous communities and persons of African descent.
2. What measures has the State party taken to ensure that the Office of the Human Rights Advocate is able to carry out its mandate to protect and promote human rights in an effective, impartial and independent manner?
3. Please indicate the steps taken by the State party to re-establish an open and participatory dialogue at the national level in order to promote effective respect for human rights, especially economic, social and cultural rights. In addition, please indicate how the State party intends to strengthen cooperation with international and regional mechanisms for the protection of human rights and whether it has considered ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
4. What measures have been taken to protect defenders of economic, social and cultural rights from all acts of reprisal, including acts of violence, harassment, threats and attempts on their lives and attempts to inflict bodily harm?

#### II. Issues relating to the general provisions of the Covenant (arts. 1 to 5)

##### Right to dispose freely of natural wealth and resources (art. 1 (2))

5. Please provide further information on the circumstances in which prior consultation procedures are conducted with a view to obtaining the prior, free and informed consent of indigenous peoples in all decision-making processes that may affect them, including those involving the award of concessions and the execution of investment projects. Please provide further information on current mechanisms for effectively returning ancestral land to indigenous peoples and indicate what progress has been made in rehabilitating indigenous territories. Please also provide information on measures taken to prevent the illegal occupation of indigenous territories and ensure that indigenous peoples are not dispossessed and displaced from their land.

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\* Adopted by the pre-sessional working group at its sixty-fifth session (21 to 25 October 2019).



**Obligation to take steps to the maximum of available resources (art. 2 (1))**

6. In order for the Committee to assess whether the State party is using the maximum available resources to realize the rights recognized in the Covenant, please provide information on changes over the past 10 years in:

(a) The proportion of persons living below the poverty line, and the level of inequality, defined as the ratio between the total income accruing to the richest decile of the population and the total income of the poorest 40 per cent of the population;

(b) The proportion of public revenue that is generated through taxes;

(c) The tax rates levied on corporate earnings and personal income, the value added tax rate (exclusive of value added tax on luxury items, tobacco, alcohol, sugary drinks and snacks, and gasoline), and the percentage of total revenue that is generated from personal income taxes collected from the richest decile of the population;

(d) Public expenditure as a percentage of gross domestic product and the proportion of total government expenditure allocated to social priorities (education, food, health, water, sanitation and housing), and, if social investment is on the decline, describe the mitigation measures adopted to ensure the progressive realization of economic, social and cultural rights;

(e) Inflation-adjusted absolute levels of social spending.

7. Please provide information on the State party's fiscal policy, including, in particular, the recent amendment of the Tax Harmonization Act of March 2019 and its impact in terms of maximizing the resources available for the realization of economic, social and cultural rights.

8. Please provide information on the measures taken to ensure transparency in the public administration and to prevent and combat corruption. In particular, please report on investigations into cases of corruption carried out in the past five years and on the protection afforded to persons who report such cases.

**Non-discrimination (art. 2 (2))**

9. Please report on the extent of any State party plans to adopt a comprehensive law to combat discrimination in the area of economic, social and cultural rights. Please provide information on the measures taken by the State to prevent and eliminate discriminatory practices based on political opinion that affect the effective enjoyment of economic, social and cultural rights, including the rights to work and health, and on steps taken to investigate allegations of discriminatory practices of this kind.

10. Please explain the specific measures that have been taken to combat discrimination, in particular discrimination against indigenous peoples, Afrodescendants and persons with disabilities and discrimination based on gender identity and/or sexual orientation, in terms of its effects on the exercise of economic, social and cultural rights, and particularly on access to employment, education and health services.

**Equal rights for men and women (art. 3)**

11. Please provide information, including statistical data, to illustrate how the implementation of the Act on Equal Rights and Opportunities and the gender-related policies and programmes referred to in paragraphs 35 and 36 of the State party report have helped to improve the enjoyment of economic, social and cultural rights among women, especially in terms of employment and access to health services and education. Please also provide information on the measures taken to combat stereotypical portrayals of women's role in society and the family.

### **III. Issues relating to the general provisions of the Covenant (arts. 6 to 15)**

#### **Right to work (art. 6)**

12. Please provide up-to-date statistics on unemployment and underemployment rates, disaggregated by age, sex, ethnic origin, educational level, income and urban versus rural areas. Please also provide updated information on measures adopted to reduce rates of unemployment and underemployment and the number of workers employed in the informal sector, and on the impact of these measures.

13. Please provide information on the availability of technical and vocational education programmes and their accessibility, and indicate how these programmes are tailored to the needs of the labour market and in what ways they take account of the needs of the most marginalized and disadvantaged individuals and groups.

#### **Right to just and favourable conditions of work (art. 7)**

14. Please provide further information about how the minimum wage is determined in the State party and how minimum wage reviews are conducted, and indicate whether the minimum wage is sufficient to guarantee a decent living for workers and their families.

15. Please furnish information on measures taken to prevent unfair dismissals and ensure that persons who consider themselves to have been unfairly dismissed have access to an effective judicial remedy and compensation and, where appropriate, can be reinstated in their post. In particular, please report on the steps taken to investigate allegations of doctors, teachers and university lecturers having been unfairly dismissed during the sociopolitical crisis of 2018.

16. Please provide information on the implementation and results of measures taken to guarantee just and favourable conditions of work for women working in maquilas and men and women engaged in domestic work. Please provide information on the results of labour inspections, on the outcome of investigations carried out in response to complaints of labour rights violations in the maquila sector and the domestic labour sector, and on the penalties, if any, that have been imposed.

17. Please provide information on the number of complaints of sexual harassment in the workplace filed in recent years, the number of cases investigated and prosecuted, the remedial measures available for victims and the penalties imposed on perpetrators.

#### **Trade union rights (art. 8)**

18. Please provide further information on how the State party ensures that workers are able to exercise their right to form trade unions and their right to strike without restrictions and without fearing reprisals. Please provide information on investigations carried out into cases of violations of trade union rights and their outcomes.

#### **Right to social security (art. 9)**

19. What specific measures is the State party taking to accelerate progress towards universal social security coverage? Please report on progress made towards establishing a social protection floor in the State party. Please also provide information on the reforms carried out within the Nicaraguan Institute of Social Security and give details of their impact.

#### **Protection of the family and children (art. 10)**

20. Please provide up-to-date information, including disaggregated statistics, on the incidence of child labour in the State party and on the steps taken to protect children from work that is dangerous and harmful to their health, including domestic labour. Please also provide information on the specific steps taken by the State party to protect children, and particularly girls, from exposure to various types of violence and exploitation.

**Right to an adequate standard of living (art. 11)**

21. Please provide further information on the design, implementation and results, particularly in rural areas, of the social programmes aimed at reducing poverty that are mentioned in paragraph 19 of the State party report, and, in particular, indicate how the needs of the most marginalized and disadvantaged groups are reflected in these programmes and the resources that have been made available for their implementation.

22. Please provide information on the measures taken to combat the poverty and social exclusion affecting the indigenous and Afrodescendent communities living in the autonomous regions bordering the North and South Caribbean Coast with a view to guaranteeing them a decent standard of living, and on the results of these measures. To what extent have representatives of the indigenous and Afrodescendent peoples living in these regions been involved in the design and implementation of such measures?

23. Please provide disaggregated data on the prevalence of undernutrition and malnutrition in the State party, including overweight and obesity, and detail the measures taken to mitigate such problems. Please describe the concrete results, in terms of strengthening local production and improving food and nutrition security, of the implementation of the various programmes of the Ministry for the Family, Community, Cooperative and Associative Economy referred to in paragraph 164 of the State party report, the “Zero Hunger” food production programme 2007–2016, and the prolongation of this programme implemented in 2017 and 2018.

24. Please provide information about the specific measures taken by the State party to counter the adverse effects that the development of projects involving the exploitation of natural resources have on the environment and the right to water.

**Right to physical and mental health (art. 12)**

25. Please provide information about the concrete results of the implementation of national health-care policy in terms of improving the accessibility, availability and quality of health-care services throughout the country, especially in rural and remote areas and among the most disadvantaged and marginalized groups. Please also provide additional information about the implementation of the intercultural health-care models for the autonomous regions along the Caribbean Coast and indicate the resources allocated for implementation of these measures.

26. What steps has the State party taken to investigate allegations that persons who were injured during the demonstrations that took place between April and August 2018 were denied access to health-care services? Where relevant, please indicate what results these investigations have yielded.

27. Please report on the steps taken by the State party to ensure that information about sexual and reproductive health and sexual and reproductive health-care services are available and accessible to all women and teenagers. Please also provide information on the steps taken to prevent teenage pregnancies, on the results of these efforts, and on any sexual and reproductive health awareness campaigns and educational programmes specifically targeting teenagers that have been carried out.

28. Please provide information on public health policies implemented by the State party that are focused on prevention, responsible consumption, mitigation, and the treatment and control of drug use, and on the resources allocated for implementation of these policies.

**Right to education (arts. 13 and 14)**

29. Please provide information on the specific steps that have been taken to increase secondary school enrolment, reduce the dropout rate in both primary and secondary education and improve educational achievement and results.

30. Please provide information on steps taken to improve the quality of both primary and secondary education in Nicaragua, especially in rural and remote areas. Please also indicate what measures have been taken to increase the number of qualified teachers and

ensure that they are provided with adequate initial education, in-service training and satisfactory working conditions, salaries and benefits.

31. Please indicate what percentage of students pursue higher education and what measures have been taken to ensure that higher education is accessible and affordable, especially for students from disadvantaged and marginalized families. Please provide information on measures taken to ensure respect for the principle of academic freedom in higher education institutions, and on investigations initiated in response to allegations of students being arbitrarily expelled and arrested for having taking part in demonstrations, indicating whether the State party plans to release these students and allow them to return to their studies.

**Cultural rights (art. 15)**

32. Please provide information about the specific steps that have been taken to preserve the country's cultural diversity, to foster an awareness of the cultural heritage of indigenous peoples and to create favourable conditions that enable them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.

33. Please indicate what steps have been taken by the State party to ensure affordable access to the Internet for disadvantaged and marginalized persons and groups, including in rural areas.

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