



Convention on the Rights of Persons with Disabilities

Distr.: General
26 April 2022
English
Original: Spanish
English, French and Spanish only

Committee on the Rights of Persons with Disabilities

List of issues in relation to the combined initial and second and third periodic reports of Nicaragua*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information on:

(a) The measures taken to recognize, in the Constitution and other legislation, discrimination on the basis of disability, including the denial of reasonable accommodation as a form of discrimination;

(b) The National Council for the Promotion and Enforcement of the Rights of Persons with Disabilities, including how often it meets, how many organizations of persons with disabilities, particularly women with disabilities, participate in it, and how many current public policies were designed with their input.

2. Please provide information on:

(a) The measures taken to ensure the full and effective participation of persons with disabilities, through their representative organizations, at all stages of all legislation and policies, including in their wording, implementation and review, and in other policy- and decision-making processes, at the federal, regional and community levels;

(b) Any restrictions on the establishment of organizations of persons with disabilities and on their participation in decision-making in State ministries because of their lack of political affinity with the Government;

(c) The measures taken to ensure that persons with disabilities are not attacked or arrested during peaceful demonstrations.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

3. Please provide information on:

(a) The results achieved in practice with regard to the specific measures described in paragraph 29 of the State party's third periodic report,¹ and how their implementation has been improved with a view to eliminating all forms of discrimination based on disability, including gender-based, intersectional and multiple discrimination and discrimination by association;

* Adopted by the pre-session working group at its fifteenth session (28 March–1 April 2020).

¹ [CRPD/C/NIC/3](#).



(b) Persecution, threats, harassment and acts of reprisals against human rights defenders for denouncing alleged irregularities in the management of the coronavirus disease (COVID-19) pandemic;

(c) The establishment of a mechanism for receiving complaints or reports of discrimination on the grounds of disability;

(d) Data on cases of discrimination and statistics on the number and percentage of reports of discrimination on the basis of disability, including as a result of the COVID-19 pandemic, disaggregated by sex, age, type of barrier encountered and sector in which the discrimination occurred, as well as information on the remedies and redress available, including punishment of the perpetrators.

Women with disabilities (art. 6)

4. Paragraph 32 of the State party's third periodic report² states that Nicaragua has been recognized by international organizations for its progress in reducing gender inequality by 80 per cent. However, the information received indicates that gender stereotypes, including in respect of women with disabilities, continue to be entrenched in society, thereby hindering the achievement of Goal 5 of the Sustainable Development Goals. Please provide information on:

(a) Whether the prevention and punishment of violence against women and girls with disabilities is mainstreamed in the Comprehensive Act combating Violence against Women (No. 779);

(b) How many women with disabilities have been named on candidate lists and how many currently hold public office;

(c) The measures taken to reduce the high rate of teenage pregnancy, and how many of these pregnancies are among women with disabilities;

(d) The measures to address the negative effects of the pandemic on the lives of women and girls with disabilities, as well as information on how many faced abuse or rape in their homes during lockdowns, and on measures taken to ensure redress for victims and to punish those responsible;

(e) Whether the statistics available are disaggregated by gender.

Children with disabilities (art. 7)

5. Please report on:

(a) The results obtained in the area of social inclusion of children with disabilities, including indigenous children, through the Alliance Office of the Civil Branch of Government, the shared responsibility model, the Offices of the Civil Branch of Government for Family, Community and Life, and the "Promotoría Solidaria" programme in the municipalities, and whether they have led to a reduction in poverty;

(b) The extent to which the "Love Letters to the Little Ones" scheme has contributed to the social inclusion of children with disabilities and to preventing them from being separated from their families, given that it appears to be welfare-based;

(c) Whether Act No. 763 on the Rights of Persons with Disabilities clearly sets out measures to ensure that children with disabilities, including indigenous children, are supported in expressing their views and that their views are given due weight, in accordance with their age and maturity, in decision-making processes that affect them;

(d) The measures taken to ensure that Act No. 761 on Migration and Immigration prohibits the detention of children in all circumstances.

² Ibid.

Awareness-raising (art. 8)

6. The Committee has received information that the medical model of disability is generally still adhered to both in society and by the authorities. Please provide information on the concrete results that have been achieved and on the social changes that have occurred since the implementation of the measures described in paragraphs 50 to 56 of the State party's third periodic report.³ Please also explain whether organizations of persons with disabilities are actively involved in the implementation of those measures in an intersectional manner, and whether the measures provide for a human rights-based model, in line with the Convention.

Accessibility (art. 9)

7. Please provide information on:

(a) The functioning of the inter-institutional technical commission on compliance with the mandatory technical regulation on the accessibility of the physical environment (NTON 12 011-13), and whether the regulation encompasses accessibility to information and communications;

(b) The inspections carried out to check compliance with the regulation, and the percentage of public buildings, including those where public services other than health care are provided, that are now fully accessible both in terms of the physical environment and in respect of information and communications;

(c) The measures implemented by the Ministry of Transport to achieve full accessibility, both in the physical environment and in respect of information and communications, on public transport and in intercity transport terminals in Managua and other locations in the country;

(d) Whether news bulletins and other general cultural programmes are broadcast in sign language, or whether it is only used for messages from the Office of the President and sessions of parliament;

(e) Whether accessibility is considered primarily with regard to educational materials, or whether accessible resources are also produced for other public services such as hospitals, offices and public places.

Situations of risk and humanitarian emergencies (art. 11)

8. Please provide information on:

(a) How the two guides on inclusive risk management developed by the National System for Disaster Prevention, Mitigation and Response were applied during the pandemic, and whether organizations of persons with disabilities participated in the preparation of them;

(b) The measures taken to consult persons with disabilities, through their representative organizations, on preventive measures at the onset of and throughout the COVID-19 pandemic, and on risk management measures in general, on the basis of the Sendai Framework for Disaster Risk Reduction;

(c) Whether, throughout the pandemic, shelters for persons with disabilities were physically accessible, provided accessible information and communications technologies, and were staffed by personnel trained in caring for persons with disabilities.

Equal recognition before the law (art. 12)

9. Please provide information on:

(a) Action taken to apply the provisions of article 25 (3) of the Constitution, which states that everyone has the right to recognition of his or her legal personality and capacity, and of article 24 of Act No. 763 on the Rights of Persons with Disabilities on the full legal capacity of persons with disabilities, as well as on whether the Constitution and the Act

³ Ibid.

specifically provide for equal enjoyment and exercise of legal capacity and whether guardianship has been eliminated;

(b) Measures taken to include individualized support mechanisms for decision-making in all areas of life, with a particular focus on persons with psychosocial disabilities and persons with intellectual disabilities.

Access to justice (art. 13)

10. Given that the State party has taken many actions to ensure that persons with disabilities are on an equal footing with others in terms of access to justice, please provide information on:

(a) The measures taken by the State party to ensure access to justice for persons with disabilities, especially women and children, with a particular focus on the follow-up given to complaints filed during the pandemic, and whether organizations of persons with disabilities have been involved in the reforms;

(b) The measures adopted in the administrative and justice systems, both in urban and rural areas, to provide persons with disabilities with age- and gender-appropriate procedural accommodations in all judicial proceedings, including when they participate as witnesses, as well as reasonable accommodations for persons who request them, to ensure that the process does not favour the perpetrators;

(c) The number of judicial officials and public defenders who have received education or training on the rights of persons with disabilities, whether there has been an increase in the number of persons with disabilities working as judicial officials, and, if so, what results have been obtained;

(d) The measures adopted to ensure that all judicial and administrative premises are accessible both physically and in terms of information and communications;

(e) How the State party's commitments under the 100 Brasilia Regulations Regarding Access to Justice for Vulnerable People are being met in respect of persons with disabilities;

(f) The concrete results of the restorative justice plan implemented by the National Police in relation to persons with disabilities.

Liberty and security of the person (art. 14)

11. Please report on:

(a) The measures taken to reform article 464 of the Family Code (Act No. 870), which allows for involuntary confinement on the grounds of mental illness;

(b) Action taken to establish a legal framework on mental health that is aligned with the Convention;

(c) The measures taken to ensure that children with disabilities who have been abandoned are taken in by extended family or adopted by a foster family, rather than being kept isolated in special protection centres, which is contrary to the Convention;

(d) The practice of forcibly confining persons with psychosocial and intellectual disabilities to their homes and prohibiting them from interacting with the community;

(e) The steps taken toward, and the expected time frame for, ratification of the International Convention for the Protection of All Persons from Enforced Disappearance;

(f) Accessibility in the physical environment and in respect of information and communications for persons with disabilities who are in prison.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

12. Please provide information on:

(a) Whether persons with psychosocial and intellectual disabilities living in institutions or in their family homes face forced confinement, coercion, forced medication or other acts that could be classified as torture, and whether evaluations are carried out by independent mechanisms to detect, prevent and punish these practices;

(b) The progress of the legislation proposed by associations of persons with psychosocial disabilities, in partnership with the Ministry of Health, the Office of the Human Rights Advocate and the Office of the Civil Branch of Government for Persons with Disabilities, to eliminate cruel and inhuman treatment in the homes of persons with disabilities, especially women and girls.

Freedom from exploitation, violence and abuse (art. 16)

13. Please provide information on:

(a) The measures taken to eradicate all forms of violence and abuse, including sexual abuse, against persons with disabilities, especially women and girls, and whether compliance is monitored;

(b) The measures being taken by the State party to avoid practices that isolate persons with disabilities and prevent them from being included in the community;

(c) The number of cases in which children with disabilities have been the victims of offences that are punishable under the Criminal Code or offences in which disability is considered an aggravating circumstance, such as domestic or family violence, sexual exploitation, physical violence or intimidation, child pornography, sexual acts with adolescents in exchange for money, child abuse, procuring, and trafficking in persons for the purpose of slavery, sexual exploitation or adoption, and also on whether the perpetrators have been punished and restitution made.

Protecting the integrity of the person (art. 17)

14. Please provide information on:

(a) Cases of abortion and sterilization without consent, despite the latter being legally prohibited, performed in psychiatric hospitals on women with psychosocial and intellectual disabilities, as well as the measures taken by independent mechanisms to detect, prevent and punish such actions;

(b) Whether the State party has disaggregated data on complaints about these cases and whether there are any punishment and follow-up measures, whether supervision is carried out in the two remaining psychiatric centres in the country and in homes, and whether staff working in the two centres receive training on the rights of persons with disabilities.

Liberty of movement and nationality (art. 18)

15. Please provide information on:

(a) The actions taken by the State party to ensure the registration of persons with disabilities who are awaiting Nicaraguan nationality;

(b) The steps taken to ensure that Act No. 761 on Migration and Immigration includes measures to prevent the detention of migrants, including those with disabilities;

(c) The measures to ensure that civil society organizations are not discouraged from providing humanitarian assistance to irregular migrant workers, including those with disabilities, in the light of the Government's announcement that it would criminalize such assistance;

(d) The measures in place to prevent and punish the use of force by members of the military and police security forces when dealing with Cuban and Haitian migrants, including those with disabilities.

Living independently and being included in the community (art. 19)

16. Please provide information on:

(a) Whether, in consultation with organizations of persons with disabilities, especially persons with psychosocial and intellectual disabilities, transition and deinstitutionalization programmes have been established, as well as support mechanisms for persons who have left confinement centres and other segregated centres such as the Mi Familia Special Protection Centre;

(b) The mechanisms for designating and monitoring a public budget to provide community support, in particular personal assistance, for independent living and inclusion of persons with disabilities;

(c) The number of adults and children with disabilities who still remain in psychiatric institutions, asylums, special protection centres or group homes or who are isolated in their own homes;

(d) The results of the measures adopted to comply with article 58 of Act No. 763, which prioritizes persons with disabilities for at least 5 per cent of the housing units built in social housing programmes, the number of persons with disabilities who have benefited, and whether accessible public services, with individualized assistance and support measures, are available in local communities.

Personal mobility (art. 20)

17. Please provide information on whether the measures taken to facilitate access to high-quality, user-friendly technologies for persons with disabilities, as mentioned in paragraph 109 of the State party's third periodic report,⁴ include persons with sensory, intellectual and psychosocial disabilities, and whether those measures extend to rural and remote communities.

Freedom of expression and opinion, and access to information (art. 21)

18. Please provide information on:

(a) The number of sign language interpreters in the country and whether this number is commensurate with the number of deaf persons, both in large cities and in rural and remote areas;

(b) Whether Act No. 675 on Nicaraguan Sign Language recognizes Nicaraguan Sign Language as an official language;

(c) Whether persons with visual or hearing impairments and persons with intellectual disabilities can have access to public information and media in accessible and usable formats, such as Braille, Easy Read, sign language, closed captioning and audio description;

(d) Whether new technologies, including the Internet, are accessible for persons with disabilities in public facilities, including in rural or remote regions, thereby ensuring that they are not dependent on third parties and can maintain their privacy.

Respect for privacy (art. 22)

19. Please provide information on the measures being taken by the State party to ensure that the absence of accessible information or forms of communication does not force persons with disabilities to rely on third parties for judicial, banking or other matters, thereby violating their right to privacy.

Respect for home and the family (art. 23)

20. Please provide information on:

(a) The measures taken to ensure that persons with disabilities can exercise their rights, as set out in Act No. 763, to marry, form a household and decide on their fertility, and that parents with disabilities are not separated from their children, and whether counselling

⁴ Ibid.

is provided to persons with disabilities on personal relationships, marriage, sexual and reproductive health, the right to keep their children and the right to adopt;

(b) The prevention, follow-up and compensation measures that are being taken by the State party to prevent the practice of forced sterilization of women who are deaf or hard of hearing in rural areas, as well as to enforce their right to retain their fertility;

(c) The number of children with disabilities who have been adopted to date, and whether the State party conducts monitoring to ensure that they have adequate living conditions.

Education (art. 24)

21. As of 2018, there were 3,068 children with disabilities in special education schools, which are incompatible with the Convention. Please provide information on:

(a) The steps taken to establish, in consultation with organizations of persons with disabilities, a national inclusive education plan that meets Goal 4 of the Sustainable Development Goals of the 2030 Agenda;

(b) The measures taken to make accessibility in respect of the physical environment, information and communications a reality in mainstream schools;

(c) The training put in place by the Ministry of Education to ensure that special education teachers provide integrated support in inclusive schools;

(d) The measures to ensure that students with special educational needs, whether or not associated with disability, are no longer isolated in Educational Resources for Diversity Centres.

Health (art. 25)

22. It is important to note that the prevention of disabilities does not fall under the Convention. Therefore, please provide information on the measures taken to:

(a) Ensure that health professionals, including doctors and nurses, are trained to provide essential health-care services to persons with disabilities in urban and rural areas;

(b) Ensure that health programmes, including sexual and reproductive health programmes, are provided to persons with disabilities, particularly women and girls, on an equal basis with others in urban and rural areas;

(c) Ensure that hospitals and health centres are universally accessible, including in terms of equipment, information and means of communication, and that medical equipment for studies and treatment, particularly mammography equipment, stretchers and operating tables, are accessible for persons who use wheelchairs;

(d) Collect information on the experience of persons with disabilities during the COVID-19 pandemic, including whether the physical environment and information and communication technologies in specialized centres were accessible to them, whether they had access to a mechanical ventilator if they required one, and whether they are in the priority groups for vaccination;

(e) Investigate allegations of denial of medical care to persons with disabilities injured during the demonstrations that took place between April and August 2018.

Habilitation and rehabilitation (art. 26)

23. Please provide information on:

(a) The actions the State party will take to address the fact that persons with disabilities, particularly persons with visual, hearing, intellectual and psychosocial impairments, report that they have not received any rehabilitation from the Government and have received rehabilitation support only from civil society organizations;

(b) Whether the Carlos Fonseca Amador National Rehabilitation Centre for the Blind is now open.

Work and employment (art. 27)

24. Please report on:

(a) The measures the State party is taking to promote technical and professional training for individuals and groups, business opportunities, the establishment of cooperatives and the creation of independent businesses, as mentioned in paragraph 162 of the State party's third periodic report;⁵

(b) The action taken to prevent persons with disabilities from facing obstacles to the labour market in the form of a lack of accessible workplaces and transport, as well as poor access to financing from banking institutions that do not consider persons with disabilities wishing to develop their businesses to be creditworthy;

(c) Whether there is oversight of compliance with the State party's requirement that companies with between 10 and 50 workers must employ at least one person with a disability, and on the outcome of inspections to ensure that these employees work in conditions that are accessible, affordable and free from discrimination and all forms of exploitation;

(d) Which, if any, State institutions comply with the rule that 2 per cent of their workforce must be persons with disabilities, and the number of persons with disabilities who have been hired;

(e) The measures taken to decrease support for the activities described in paragraph 164 of the State party's third periodic report,⁶ which are incompatible with the Convention, and to achieve Goal 8 and target 8.5 of the Sustainable Development Goals.

Adequate standard of living and social protection (art. 28)

25. Given that, as of December 2018, only 11.9 per cent of the population was insured, please report on:

(a) The number of persons with disabilities who are currently insured in urban and rural areas;

(b) Whether the food production voucher scheme ("Zero Hunger" Programme) continues to operate as described in the voluntary national report on the Sustainable Development Goals, and the number of persons with disabilities who have benefited from it;

(c) The measures taken to ensure that all persons with disabilities, not only those with "severe disabilities", benefit from the provisions of article 57 of Act No. 763.

26. Despite the information provided in paragraphs 169 and 170 of the State party's third periodic report,⁷ the Committee has been informed that poverty levels remain high, particularly in rural areas and in the autonomous regions of the Caribbean coast, which are mainly inhabited by indigenous and Afro-Nicaraguan peoples. Please provide information on:

(a) The number of persons with disabilities who are living in poverty, and the plans being implemented to resolve the situation;

(b) The measures implemented to take up the initiative presented by 43,000 citizens to establish in law a monthly support payment, in line with the current minimum wage, for persons with disabilities in critical situations.

27. Please provide information on how the following programmes affect social inclusion using the human rights-based approach enshrined in the Convention: "A Voice for All", "Love for Tiny Tots", "Houses for the People", the Roof Plan, the food production voucher scheme, "Healthy Patio" and the School Snack Programme.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

Participation in political and public life (art. 29)

28. Please provide information on:

(a) How Braille, sign language interpretation, Easy Read and other alternative means of information and communication are used in the voting system, whether candidates' programmes are disseminated using those formats, and whether information is provided in advance on accessible polling stations, as well as on the steps being taken to eliminate segregated polling stations for persons with disabilities;

(b) Whether there are any voting restrictions for persons with psychosocial and intellectual disabilities;

(c) The measures being taken by the electoral authority to ensure that political parties other than the Sandinista National Liberation Front promote the inclusion of persons with disabilities, especially women, as candidates for elected office.

Participation in cultural life, recreation, leisure and sport (art. 30)

29. Please provide information on the measures taken to make libraries and public cultural, entertainment and sports facilities accessible to persons with disabilities, in particular children, both physically and in respect of information and communication technologies. Please also report on:

(a) The number of artists, musicians, writers and actors with disabilities who have been trained in the State party;

(b) How the 3 per cent of the public budget earmarked for the promotion of sports for persons with disabilities is applied.

C. Specific obligations (arts. 31–33)**Statistics and data collection (art. 31)**

30. Please provide information on:

(a) The data collection mechanisms that exist in the State party, in addition to the "A Voice for All" programme, which is exclusively for persons with disabilities;

(b) Whether the data that is collected is available to organizations of persons with disabilities in accessible media and formats, and whether such organizations have participated in the development of mechanisms for data collection and statistics;

(c) How many persons with disabilities have contracted COVID-19, how many required mechanical ventilation, and how many died from the disease.

International cooperation (art. 32)

31. Please provide information on:

(a) Whether persons with disabilities, through their organizations, especially organizations of women and girls with disabilities, participate in the design of programmes involving international cooperation for financial support or training;

(b) Which non-medical disability programmes have been implemented using international funding with the participation of and in consultation with organizations of persons with disabilities;

(c) Whether donations of auxiliary aids, referred to in paragraphs 192 and 193 of the State party's third periodic report,⁸ are requested in accordance with the requirements of persons with disabilities following consultation with their representative organizations.

⁸ Ibid.

National implementation and monitoring (art. 33)

32. Please provide information on the steps being taken to establish an independent monitoring mechanism that is compatible with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) to supervise the implementation of the Convention. Please also indicate what measures have been taken to ensure the active involvement of persons with disabilities and their representative organizations in the mechanism's work.
