



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Third periodic report submitted by Nicaragua  
under article 35 of the Convention, due in 2017\***

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\* The present document is being issued without formal editing.



## Introduction

1. Nicaragua has a population of 6,527,691 inhabitants and, with a land area of 130,494 km<sup>2</sup>, is the largest country in Central America. It has a population density of 48 inhabitants per km<sup>2</sup> and is composed of three geographic regions: Pacific, central and Caribbean. Sixty per cent of the population is concentrated in the Pacific half of the country and over 58 per cent is urban, while the central and Caribbean regions remain mostly rural. Sixty-two per cent of the population is economically active, second in Central America only to Panama (64 per cent), and average life expectancy is 75.4 years. <sup>(1)</sup>

2. As a State party to the Convention on the Rights of Persons with Disabilities, Nicaragua is facilitating an integrative and inclusive process of restoring the rights of persons with disabilities and has acknowledged on the world stage that it must work to advance the realization of rights, with all public servants sharing a duty to implement the law. Nicaragua has also now recognized the Optional Protocol before the United Nations, and this has allowed for significant progress to be made on the basis of social justice, Christianity, socialism and solidarity.

3. Nicaragua is submitting its third periodic report to the Committee on the Rights of Persons with Disabilities to illustrate the extent of implementation of the Convention in 2017–2018, considering it to be of vital importance to provide information at the international level on the main advances achieved in the area of disability in Nicaragua and to nourish the heart of the United Nations by sharing experience, public policies and the various State programmes and initiatives that have been indispensable to the achievement of those advances.

4. This report was prepared with the participation of State institutions, which contributed information on the main actions they are implementing and promoting within their areas of responsibility. The federations and associations brought together under the Office of the Civil Branch of Government for Organizations of Persons with Disabilities (the Persons with Disabilities' Office) were also consulted. For this purpose, forms for collecting information from the different institutions were devised; meetings were organized at which the information thus collected was approved; and a comparative analysis of the domestic legal framework and the Convention was conducted. The Committee's guidelines on the treaty-specific document to be submitted by States Parties under article 35 (1) of the Convention on the Rights of Persons with Disabilities were also considered.

5. The report's preparation was overseen by an inter-institutional committee, coordinated by the Ministry of Health through the "A Voice for All" Programme and consisting of representatives of the Ministry of Foreign Affairs and the Persons with Disabilities' Office.

## Background

6. In 2006, Commander Daniel Ortega signed an agreement with associations of persons with disabilities, clearly defining the steps to be taken to recognize and realize the rights of persons with disabilities during his term of office. As a result of this agreement, Nicaragua became one of the first 20 States to sign and ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol. The Persons with Disabilities' Office was set up to provide a channel for communication and coordination between the State and the various associations of persons with disabilities of different forms. The first step in the implementation of the Convention was a review and analysis of the laws in force in the area of disability and the adoption of Act No. 763 on the Rights of Persons with Disabilities, which is consistent with the Convention and favours a rights-based approach over the charity-based approach that had prevailed previously. <sup>(2)</sup>

7. It is important to mention that, prior to Nicaragua becoming a party to the Convention, support for persons with disabilities was provided solely to persons whose disability stemmed from war. In the 1980s, integration and rehabilitation programmes had been established which were then abolished by the successive neoliberal Governments of the 1990–2006 period.

8. In 2009, the Government of Reconciliation and National Unity conducted a biological, psychosocial, pedagogical and genetic clinical survey of persons with disabilities, entitled “A Voice for All”. The objective was to study the characteristics and main needs of persons with disabilities and determine the possible causes of disability with a view to the subsequent development of strategies to ensure that the critical problems identified were addressed.

9. Over the course of the survey, 179,138 homes were visited and 126,316 persons with disabilities were identified, giving a disability ratio of 2.5 per 100 inhabitants. This figure differs from international standards because the criteria used in the survey and in the implementation of the “A Voice for All” Programme were designed to provide a diagnosis and characterization of the deficiencies and alterations evident in persons whose quality of life is adversely affected by their interaction with their environment. This information is continually updated, as will be shown throughout this report. Following on from the survey, the “A Voice for All” Programme was established nationwide and is now run by 19 local comprehensive health-care systems at the department level.

## National context

10. The Government has begun an overhaul of Nicaraguan society, facilitating an integrative and inclusive process of restoring the rights of persons with disabilities.

11. The National Human Development Plan 2018–2021 sets out areas of action for building an egalitarian society in which the rights of persons with disabilities are restored, and includes specific lines of action designed to benefit this population group. Line of action 1 in the section of the plan concerning persons with disabilities is to guarantee a culture in which the fundamental rights of persons with disabilities are respected, protected and upheld and to facilitate their social, educational and labour market integration on an equal footing with others, while line of action 2 is to strengthen the “A Voice for All” Programme by means of an inter-institutional focus and providing State, private and community-based support to persons with disabilities and their families, including persons with any type of newly acquired disability. (3)

12. It should be mentioned that the Persons with Disabilities’ Office is composed of representatives of three federations of persons with disabilities and 42 associations that bring together persons with specific disabilities, regardless of their origin or cause. The Office serves as a vehicle for communication between persons with disabilities and the Government of Nicaragua, which periodically meets with government bodies to agree on the main steps to be taken to implement the Convention and the Act on the Rights of Persons with Disabilities.

13. In Nicaragua, average life expectancy rose to 75.4 years in 2016, or 78.39 years for women and 72.34 years for men. However, unhealthy lifestyles, such as lack of physical activity, inadequate diet, alcoholism and smoking, have led to a rise in chronic illnesses and are a significant factor in the increase in the number of persons with disabilities. (1)

14. In 2018, there were 138,698 persons with disabilities in Nicaragua, of whom 51 per cent were men and 49 per cent were women. In terms of their clinical classification, the majority (39 per cent) had motor or physical disabilities. Intellectual disabilities accounted for 25 per cent and visual impairments 12 per cent, while 9 per cent were hard of hearing, 5 per cent had psychosocial disabilities, 8 per cent had two or more disabilities and 2 per cent had visceral impairments.

15. As for age groups, 45 per cent of persons with disabilities are over the age of 60, 25 per cent are aged between 40 and 59, 10 per cent are aged between 30 and 39, 9 per cent are aged between 20 and 29, 4 per cent are aged between 14 and 19, 6 per cent are aged between 5 and 14 and 1 per cent are aged between 1 and 4.

16. In Nicaragua, disability has multiple causes, and this is a significant factor in the increase in the number of persons with disabilities. Seventy-five per cent of disabilities occur in the postnatal phase, 22 per cent in the prenatal phase and 2 per cent in the perinatal phase, while 1 per cent are of undetermined origin.

17. The Ministry of Health has established and extended programmes to promote health and prevent illness among mothers and children through improved prenatal, childbirth and post-partum care, thereby helping to reduce obstetrical complications and the number of prenatal and perinatal disabilities.
18. Homes for persons with special needs have been built, where activities to promote health and prevent illness are carried out for the benefit of persons with disabilities, persons with chronic illnesses, older persons and persons in critical or at-risk situations.
19. There are physical therapy and rehabilitation centres at the municipal and department levels and at national referral hospitals, as well as workshops that make orthotic and prosthetic devices, hearing clinics and specialized ophthalmology centres.
20. Using the family and community-based health model, the “A Voice for All” Programme provides comprehensive support to persons registered. Persons with disabilities and their families receive two home visits a year, while persons with disabilities in critical situations receive four visits. The Ministry of Health’s basic functional units are the regions, which are composed of family and community health teams and are responsible for following up on all cases and referring those who need it to free specialized clinical care, including treatment and supplementary tests.
21. The Ministry of Labour conducts inspections of public and private workplaces to ascertain whether working conditions are fair and to ensure that the quota for workers with disabilities established in the Act on the Rights of Persons with Disabilities is met.
22. The Ministry of Education and the National Institute of Technology have initiated various campaigns and actions with a view to ensuring the inclusion and integration of persons with disabilities, in keeping with the law.
23. The judiciary, electoral authorities, other administrative entities, including the Ministry for the Family, and the police have adopted strategies and methods of work and have reformed processes for the purpose of ensuring compliance with the rights enshrined in the Convention and the Act on the Rights of Persons with Disabilities.

## **Section on the general provisions of the Convention**

### **Articles 1–4 of the Convention**

24. Article 3 of the Act on the Rights of Persons with Disabilities sets out the basic concepts of disability, persons with disabilities, discrimination on grounds of disability, reasonable accommodation and communication, the definitions of which were provided in the periodic report covering 2015–2016. Article 39 (2) in Chapter VI (health rights) of the regulations implementing the Act states that all persons with disabilities should be registered in the “A Voice for All” Programme and have full access to health services on an equal footing with others, in application of the Government of Reconciliation and National Unity’s policy for the restitution of the right to health. <sup>(4)</sup>
25. The criteria used to identify, classify and register persons with disabilities in the “A Voice for All” Programme are enumerated in the report covering 2015–2016. Any person with a disability who meets the medical requirements established by the Ministry of Health may be issued with a certificate of disability. It should be noted that, in order to receive the document serving as a certificate of disability and identification card, a person must first be registered in the “A Voice for All” Programme, and that registration can happen only once a clinical file has been prepared and the corresponding database entry has been completed. Persons who are not registered go through an assessment and registration process, immediately followed by the procedure necessary to obtain the certificate of disability and identification card. The certificate entitles them to continue benefiting from the Government’s various social programmes. Its purpose is thus to: (1) facilitate procedures for obtaining pensions, where applicable; (2) facilitate access to employment; (3) facilitate access to government development programmes; (4) guarantee access to the disability identification card; and (6) provide access to exemptions.

26. Nicaragua has adopted various public policies and taken various legal measures in order to implement the Convention, effecting the reforms necessary to recognize the rights of persons with disabilities, whether through specific laws and regulations or through general laws containing articles on these rights. The relevant legislation was cited in the previous periodic reports.

27. Most of the specific and general laws were either spearheaded by or drafted with the active participation of associations of persons with disabilities. Consultations were carried out, and the associations' valuable input was reflected in the resultant laws and regulations, for instance, in Act No. 763 on the Rights of Persons with Disabilities and its implementing regulations.

## **Section on specific rights**

### **Equality and non-discrimination (art. 5)**

28. Nicaragua guarantees equality and non-discrimination through its legal framework, notably the Constitution, and public institutions. Article 27 of the Constitution establishes that all persons are equal before the law and are entitled to equal protection without discrimination. Thus, the objective and purpose of Act No. 763, as stated in article 1, is to establish the legal framework guaranteeing the promotion, protection and full and equal enjoyment of the rights of persons with disabilities, while respecting their inherent dignity and ensuring their overall development, with a view to ensuring that they have equal opportunity to be included in society without discrimination of any form and to improving their standard of living. <sup>(4)</sup>

29. Specific measures are in place to prevent discrimination against persons with disabilities in the exercise of their rights. These include: (a) the allocation of 3 per cent of the sports budget to support the right to sport of persons with disabilities; (b) the allocation of a separate budget for the promotion of Nicaraguan Sign Language; (c) the introduction of collective entrepreneurship and loan programmes to foster the socioeconomic betterment of persons with disabilities; (d) an agreement to allow interpreters to attend trials involving hard-of-hearing persons; (e) the provision of sign language interpretation for all presidential and parliamentary broadcasts; (f) the design and roll-out of online courses on risk management for front-line institutions; (g) the design of audiovisual educational materials in sign language by the Ministry of Education and the United Nations Children's Fund; and (h) the implementation of the "A Voice for All" Programme.

30. Under article 36 (5) of the Criminal Code (Act No. 641), discrimination against persons with disabilities is an aggravating circumstance in criminal offences. <sup>(6)</sup> Furthermore, article 4 (i) of the Comprehensive Act combatting Violence against Women (No. 779) refers to the principle of non-discrimination on grounds of disability. <sup>(7)</sup>

31. The State has set up various mechanisms indispensable to the equal enjoyment and exercise of rights in the social, economic, political and cultural spheres, in keeping with the Convention. These mechanisms are realized through plans, programmes, actions and campaigns undertaken by government entities. The State has prioritized persons with disabilities in the various social programmes it has put in place to help families, which include: "A Voice for All", "Love for Tiny Tots", "Zero Usury", "Houses for the People", the Roof Plan, "Food Basket", the Food Production Voucher Scheme, "Healthy Patio", home economics fairs, "Zero Hunger", the School Snack Programme, the Comprehensive School Nutrition Programme, the Special Solidarity Programme for the Purchase of Basic Grains and the Regional Entrepreneurship and Inclusive Financing Programme.

## **Section on the specific situation of women and children with disabilities**

### **Women with disabilities (art. 6)**

32. Nicaragua has been recognized by international organizations for its progress in reducing gender inequality. The World Economic Forum, in a publication dated 17 December 2018, ranked Nicaragua among the top five countries in the world for its advances in this

area. Given that it was ninetieth in 2007, Nicaragua is the only country outside Northern Europe – and the first in the Americas – to have cut gender inequality by 80 per cent. The Global Gender Gap Index analyses the resource and opportunity gap between men and women in 149 countries and measures the size of the gender gap in terms of participation in the economy, skilled employment, political life, access to education and life expectancy. Women with disabilities have been included and prioritized over others in the country's efforts to reduce the gender gap. <sup>(9)</sup>

33. The national legal order, specifically chapter II of the Comprehensive Act combating Violence against Women (No. 779) recognizes the following international instruments which Nicaragua has signed and ratified: the Convention on the Elimination of All Forms of Discrimination against Women; the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women; the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities. Article 4 of the Comprehensive Act provides for the application of the principle of equality before the law to women with disabilities, thus ensuring that their human rights are respected and safeguarded.

<sup>(7)</sup>

34. Article 12 of the Act on the Organization, Competence and Procedures of the Executive Branch (No. 290) establishes that the executive branch consists of 16 ministries, including a Ministry for Women (para. 15). Article 36 expands on the functions and competences of this Ministry, which include formulating, promoting, coordinating, executing and evaluating government policies, plans, programmes and projects aimed at guaranteeing the participation of women in the country's economic, social, cultural and political development, thereby facilitating women's active involvement in the formulation, implementation and assessment of national plans and thus ensuring that in practice they enjoy equal opportunities to be a part of the country's development and to have access to and control over the resources and benefits deriving from this development. <sup>(10)</sup>

35. The Act amending the Municipalities Act (No. 40), concerning elected public offices, establishes that candidate lists for the offices of mayor, deputy mayor and councillor must be 50 per cent women and 50 per cent men, thus promoting gender equality and women's right to hold decision-making positions. <sup>(11)</sup> Likewise, the Equal Rights and Opportunities Act (No. 648) establishes a 50 per cent quota for women and men in public service, a notable achievement that places Nicaragua among the world's leading countries in terms of the equal participation of women and men and is underpinned by public policies and municipal and regional by-laws on gender equality. This legal framework has facilitated the exercise and enjoyment of the rights and freedoms of women with disabilities, making it easier for them to assume positions in public service.

36. There are currently 68,000 women with disabilities registered in Nicaragua, accounting for 49 per cent of all persons registered in the "A Voice for All" Programme. Many of these women have been beneficiaries of various social and economic programmes through which they have been provided with food packages, mats, wheelchairs and assistive devices (walkers and canes) and are guaranteed access to medical care and technologically advanced testing facilities.

37. Nicaragua has various policies and programmes in place to ensure that women have the same opportunities as men. There are organizations of persons with disabilities, such as the Federation of Differently Abled Women, the National Network of Women with Disabilities and the Nicaraguan Institute of Blind Women, who work specifically with women and promote the discussion of women's rights and gender equality in the public sphere with the aim of creating an inclusive world.

#### **Children with disabilities (art. 7)**

38. Article 71 of the Constitution states that: "Children shall enjoy special protection and all the rights which their particular status requires, and the Convention on the Rights of the Child shall therefore have full effect". Article 4 of the Code on Children and Adolescents (Act No. 287) stipulates that all children and adolescents are born and develop free and equal in dignity and enjoy all the universal rights and guarantees inherent to the human person. All

actions of the State are aimed at the best interests of the child, in keeping with article 10 of the Act. <sup>(12)</sup>

39. The Code on Children and Adolescents safeguards the right to freedom of thought, expression and opinion and, in articles 15 and 16, establishes that all children and adolescents enjoy the rights to freedom and participation in family, school, community and political life and promotes participation in gatherings and associations according to age and interests. <sup>(12)</sup> To this end, the Ministry for the Family, Children and Adolescents provides values education in schools to foster respect for children with disabilities and promotes new assertive communication styles among parents and children.

40. Article 448 of the Family Code and articles 16 and 17 of the Code on Children and Adolescents establish that children and adolescents under parental authority may be heard in judicial and administrative proceedings that relate to them personally, in keeping with the relevant laws and procedures, as the case may be, and in accordance with their age and maturity. <sup>(13)</sup> <sup>(12)</sup>

41. Article 32 of Act No. 763 states that children and adolescents with disabilities have the right to have their lives and physical, psychological and emotional integrity respected and the right not to be hidden away and not to be abandoned by or separated from their family. When a family is unable to care for a child or adolescent with a disability, <sup>(4)</sup> the Ministry for the Family, Children and Adolescents ensures that the child receives the necessary protection and attention. The Act also stipulates that children and adolescents with disabilities and members of their families must be provided with information, services and general support. The following measures have been taken to this end:

- Integration of children and adolescents with disabilities under special protection into the mainstream education system to promote their inclusion and non-discrimination
- Integration of children with disabilities under the age of 6 into child development centres
- Provision of support and in-service training to educators in child development centres and protection centres with a view to ensuring that children are given appropriate care, without discrimination or prejudice and under equal conditions
- Inclusion of children, adolescents and young people with disabilities in recreational activities, with the support of the “Promotoría Solidaria” Outreach Programme
- Provision of inclusive education training to technical staff at the department level with the aim of ensuring that, during advisory and support visits to child development centres, situations that affect the rights of the children are identified

42. It should be noted that the Criminal Code provides for penalties to be imposed in situations that might affect children and adolescents with disabilities, such as situations of 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. <sup>(6)</sup>

43. Some 4,505 children with disabilities under the age of 6, of whom 2,400 are boys and 2,105 are girls, are registered in the “A Voice for All” Programme. This data is updated quarterly. It is worth highlighting that there are 92 early stimulation facilities spread across the country’s 19 local comprehensive health-care systems where families receive support in encouraging their children’s development and preventing disabilities.

44. The Ministry of Health has formulated the following four new regulations to improve the quality of care provided to children: (1) the regulation on comprehensive childcare; (2) the regulation on monitoring and promoting growth and development; (3) the regulation on transporting newborns; and (4) the practical clinical guide to prenatal care for women and screening for the congenital syndrome associated with Zika virus infection. In addition, the following four regulations have been updated: (1) the regulation on early stimulation, from gestation to age 6 years; (2) the breastfeeding manual; (3) the regulation on treatment for prevalent childhood illnesses; and (4) the guide on the clinical treatment of the most common childhood illnesses and accidents. Finally, the following three regulations are being reviewed for adoption by the Regulations Commission: (1) the regulation on paediatric palliative care;

(2) the guide to treatment and support for children with disabilities; and (3) the regulation on congenital defects.

#### **The “Love for Tiny Tots” Programme**

45. With the goal of fully restoring the rights of children, the Government of Reconciliation and National Unity, through Decree No. 061-2011, adopted the National Early Childhood Policy. The aim, as set out in the second paragraph of the policy document, is to fully restore all rights for all children, from gestation to the age of 6 years, through comprehensive care for expectant mothers and assistance in all areas of life including health, food security and sovereignty, education, early stimulation, motor, affective, cognitive and communicational development and the teaching of values.

46. The Policy’s main vehicle for action is the “Love for Tiny Tots” Programme, which is run by the Office of the President through the national social welfare system (composed of the Ministry of Health, Ministry of Education, Ministry for the Family, Children and Adolescents and local councils) and consists of a team of officers working to support children from conception to the age of 6 years old. The Programme gives parents and guardians tools to enable them to provide early stimulation for their children, from pregnancy to the age of 6, and to adopt nurturing parenting styles, using the “Love for Tiny Tots” early stimulation booklet. Various professionals in the social field, including health-care practitioners, education staff, officials of the Ministry for the Family, Children and Adolescents, community educators and volunteer health outreach workers, have been trained to use the booklet.

47. Under the “Love for Tiny Tots” Programme, 238,188 first-time visits to families and 834,553 follow-up visits were carried out in 2017–2018, giving a total of 1,072,741 monitoring and support visits to the homes of children registered in the Programme.

#### **Implementation of the community-based rehabilitation strategy**

48. Nicaragua uses a community-based rehabilitation strategy, this being a methodology well suited for approaching disability in a holistic manner. Within this framework, diagnostic and community-based assistance is provided for children with disabilities, including training for parents in how to guide their children’s education as part of inclusive development using the Portage Guide to Early Education. The Portage Guide, which measures five areas of child development, namely, socialization, language, self-help skills, cognition and motor skills, helps to assess a child’s behaviour and suggests techniques for teaching different behaviour.

#### **Right to recreation for children with disabilities**

49. The right to recreation for children with disabilities has been restored, as illustrated by the various initiative undertaken to foster coexistence, socialization and their full integration in the different recreational settings. Many recreational spaces have been rehabilitated in keeping with accessibility standards and the right to leisure, including the 289 parks that have been either refurbished or rebuilt to date. For instance, Luis Alfonso Velásquez Flores park has been equipped with basketball courts, an indoor football pitch, a skating rink, an extreme sports park, play modules for children of all ages, electrical and mechanical toys, an open-air gym, a tennis court, a children’s baseball field, an artificial lake, kiosks and free wireless Internet. Paseo Xolotlán and Salvador Allende Port have also been renovated and now have swimming pools, a water park, games, restaurants and a go-kart track, among other attractions.

#### **Awareness-raising (art. 8)**

50. Nicaragua has increased awareness among public servants and society as a whole, and has thus been able to take measures to implement the Convention at the national level, promoting awareness of the rights of persons with disabilities and fostering accountability for compliance with these rights on the part of the State and society as a whole.

51. Government entities and the Persons with Disabilities’ Office organize events to mark national and international disability day, love and friendship day, women’s day, mother’s day and father’s day, among others. These events highlight achievements in the area of disability



and consist of entrepreneurship fairs, dance, poetry and singing contests and sports activities involving persons with disabilities. All the events are covered by digital, radio and television media.

52. The Ministry of Education has held talks to raise awareness among teachers and the administrative staff of autonomous institutions and State ministries with the aim of promoting the full exercise of the rights of persons with disabilities enshrined in the Convention. In addition, the “Enroll Me Now” campaign has been run continuously for the past six years to ensure that persons with disabilities have access to inclusive education.

53. The National System for Disaster Prevention, Mitigation and Response conducts activities with associations of persons with disabilities, including in the context of the International Day for Disaster Risk Reduction, during which mock evacuations of persons with various types of disability are held.

54. The Nicaraguan Tourism Institute organized an international convention on socially inclusive tourism, in which 360 persons, of whom 202 were women and 158 men, took part and exchanged experiences of social tourism from the standpoint of solidarity, accessibility and inclusiveness.

55. The Ministry for the Family has trained 350 public servants, of whom 276 were women and 74 men, with a view to improving awareness and encouraging ethical behaviour, responsibility and commitment in the performance of public functions. Furthermore, 82,024 parents and guardians have been included in thematic training and reflections on appropriate, discrimination-free treatment; 42,073 family counselling sessions have been held with persons in at-risk situations; and there have been six awareness and information campaigns to educate young people about civility and coexisting with persons with disabilities.

56. In 2017–2018, 800,000 home visits to persons with disabilities, consisting of brief chats about care and appropriate treatment, were carried out and the same number of community booklets were distributed under the “A Voice for All” Programme; more than 100 health-care practitioners received training in basic Nicaraguan Sign Language; and, under the “Love for Tiny Tots” Programme, 238,188 monitoring and support visits to the homes of children were conducted and an equal number of booklets on good child-rearing practices and the prevention of disability in children were distributed to parents.

#### **Accessibility (art. 9)**

57. Nicaragua has taken appropriate steps to ensure that persons with disabilities are able to live independently and participate fully in all aspects of life, in keeping with the Constitution and Act No. 763. <sup>(5) (4)</sup>

58. The Ministry of Transport and Infrastructure has updated the mandatory technical regulation on the accessibility of the physical environment (NTON 12 011-13), the purpose of which is to establish features and specifications that ensure the universal accessibility of the urban physical environment and public buildings. Thus, municipalities are obliged to enforce the regulation’s application for all new public and private buildings. To this end, the Ministry is responsible for disseminating the regulation and advising the municipalities on its implementation. <sup>(14)</sup>

59. The audit of all national and departmental branches of public institutions, as instructed by the Office of the President, continued during the reporting period. It was conducted by associations of persons with disabilities, which made observations and recommendations to be taken into account in making these institutions accessible. The Ministries of Health and Education have updated their construction and infrastructure standards on the basis of the technical specifications contained in the mandatory technical regulation on the accessibility of the physical environment, and all new buildings meet these standards.

60. Municipal governments have built 7,500 ramps, 224,780 linear metres of sidewalks and accessible bathrooms and have installed signage in new and rehabilitated public spaces such as parks, markets, schools, cemeteries, streets, squares, transport terminals, multi-sport stadiums, gyms, multi-use sports fields and tourism sites, all of which have been built to be accessible, thus guaranteeing their safety. Sidewalks with tactile tiles for persons with visual impairments began to be introduced in some building projects in 2017.

61. The Ministry for the Family, Children and Adolescents has made it a priority to broaden services for registered families by increasing the number of regional offices from 23 at the departmental level in 2014 to 153 at the municipal level in 2017, thereby ensuring nationwide coverage. In order to ensure access to persons with disabilities, 270 child development centres have been built or rehabilitated in line with accessibility standards.

62. In 2017–2018, new Ministry of Health construction projects were executed in line with accessibility standards, namely, the mandatory technical regulation on the accessibility of the physical environment. These projects include 21 new health-care units, specifically national referral hospitals, a departmental hospital, primary care hospitals, health centres and dispensaries.

63. Two specialized ophthalmology centres, a rehabilitation centre for persons with visual impairments, two maternity centres, the National Technological Institute for Health, the National Institute of Natural Medicine and two department-level natural medicine institutes were also built.

64. In addition, 84 homes for persons with special needs were built in various municipalities, all of which are accessible and are used to hold meetings of persons with disabilities, patients with chronic illnesses, older persons and other population groups.

65. The refurbishment of various facilities under the Ministry of Health also took into account standards of accessibility for persons of disabilities. The oldest buildings were retrofitted according to national technical regulations, with the addition of ramps, handrails and accessible sanitation facilities. Signage that is visible and accessible to persons with disabilities, including signs in Nicaraguan Sign Language, have been posted in all areas and offices of the Ministry of Health's headquarters.

66. The National Institute of Technology has gradually been modifying the infrastructure of its headquarters and technology centres to ensure that persons with disabilities have equal access to them, removing architectural barriers and adding ramps, signage, adapted sanitation facilities and metal handrails, among other aids.

67. As part of accessibility efforts, educational curricula have been adapted with the introduction of special teaching methods and pedagogical tools, including the installation of screen readers and the use of Nicaraguan Sign Language and Braille, to ensure that persons with disabilities can use communication technologies at training centres, such as the National Institute of Technology and the Carlos Fonseca Centre, in accordance with the current requirements of each educational plan and programme.

#### **Accessibility of information and communications**

68. All messages from the Office of the President are broadcast in Nicaraguan Sign Language, as are all sessions of parliament on the dedicated television channel (Asamblea TV).

69. The Ministry of Education runs a resource centre for blind persons that provides them with educational materials in Braille, audio and relief formats depending on the request of education centres. It also equips special schools with hardware and software as didactic tools to support the learning of students with disabilities. Furthermore, 1,033 teachers in the Ministry's various educational modalities have received basic sign language education, and 72 sign language interpreters have been trained.

70. The central Government, in coordination with municipal governments, has installed free wireless Internet service in public spaces, thus promoting access to the Internet for persons with disabilities. The courses offered by the National Institute of Technology include basic computing for blind persons using phonetic readers (for example, Job Access with Speech, or JAWS).

#### **Right to life (art. 10)**

71. Article 23 of the Constitution provides that: "The right to life is inviolable and inherent in the human person". This is echoed in the General Health Act (No. 423), which states that:

“The purpose of the present Act is to safeguard the right of all persons to enjoy, preserve and recover their health”.<sup>(15)</sup>

72. Article 12 of the Code on Children and Adolescents expressly states that: “Children and adolescents have an intrinsic right to life from conception onwards, and are entitled to the State’s protection through government policies that allow for their birth, survival and comprehensive and harmonious development in conditions that guarantee a dignified life”.<sup>(12)</sup> Furthermore, under article 32 of Act on the Rights of Persons with Disabilities, children and adolescents with disabilities “have the right to have their lives and physical, psychological and emotional integrity respected”.<sup>(4)</sup>

73. Similarly, article 7 of the Comprehensive Act combating Violence against Women states that: “All women, in both the public and private spheres, are entitled to lead a life free from violence, to sexual and reproductive freedom and integrity, and to the recognition, enjoyment and protection of all their human rights and freedoms as enshrined in the Constitution”. Subparagraph (a) indicates that these rights include the right to life and to live without violence and discrimination.<sup>(7)</sup>

74. Therapeutic abortion no longer exists in Nicaragua, as, in the period when it was permitted, prior to 2007, the main argument used to justify the procedure was the congenital malformation of the unborn child (a child with a disability).

#### **Situations of risk and humanitarian emergencies (art. 11)**

75. Nicaragua faces numerous hazards and is one of the 15 countries worldwide that are most prone to emergencies resulting from natural phenomena. Risk management is therefore a priority for the Government, which has established several channels for communicating directly with the public during emergencies. For this purpose, a law was enacted to create the National System for Disaster Prevention, Mitigation and Response and establish an inter-institutional system for reducing risks through measures aimed at preventing, mitigating and responding to disasters, whether natural or human-caused.<sup>(16)</sup>

76. Through the National System for Disaster Prevention, Mitigation and Response, in coordination with organizations of persons with disabilities and older adults, the State has developed instruments to facilitate inclusion and support in situations of risk and during humanitarian emergencies. Under the System, two guides on inclusive risk management have been prepared, namely, the Guide to the Participation of Persons with Disabilities in Departmental, Municipal and Community Response Plans and the Guide to Preparing Family Emergency Response Plans (with an Inclusive Approach). These guides were prepared with the active participation of organizations of persons with disabilities and with representatives of the institutions that comprise the response systems. They contain measures and clear guidance on how to approach and assist persons with disabilities according to the type of disability they have. With this end in mind, in coordination with the Nicaraguan National Association of Deaf Persons, the first semi-online sign language course for first responders (including firefighters, the Red Cross, the police, members of the civil defence, and staff of the Ministry of Health and Ministry for the Family, Children and Adolescents) is now running. It should also be noted that every year the Government carries out four national multi-threat simulations, where guidance is provided on the participation of persons with disabilities.

#### **Equal recognition before the law (art. 12)**

77. All Nicaraguan citizens enjoy equal recognition before the law, as set forth in article 25 (c) of the Constitution and article 24 of the Act on the Rights of Persons with Disabilities, concerning the full legal capacity of persons with disabilities.<sup>(4)</sup>

78. It should be noted that, in Nicaragua, there are no restrictions on the issue of identity documents to persons with disabilities. This is consistent with article 22 of the Act on the Rights of Persons with Disabilities, which provides that all persons with disabilities are entitled to be registered in the Civil Registry. Since 2018, the Supreme Electoral Council has been using a mobile unit to carry out the procedures for issuing national identity cards. The unit goes to the homes of citizens with disabilities to help them with their applications.<sup>(4)</sup>

79. Article 51 of the Act states that: “Persons with disabilities are entitled to access all types of insurance. In the case of health and life insurance, insurance companies shall, under the principle of non-discrimination, adjust their policies regarding claims rates and set out clearly and precisely the assessment mechanisms to be applied for persons with disabilities”. Similarly, according to article 37 of the Act: “The State shall include persons with disabilities on a priority basis in socioeconomic programmes that provide access to credit, including the existing national and municipal programmes”.<sup>(4)</sup>

### **Access to justice (art. 13)**

80. The State of Nicaragua, through its judiciary, guarantees that persons with disabilities have full access to justice, in accordance with national criminal, civil, family and labour laws and the Convention’s provisions on the general obligations of States parties.

81. The State has adopted the Brasilia Regulations regarding Access to Justice for Vulnerable People (the 100 Brasilia Rules), approved at the Fourteenth Ibero-American Judicial Summit, which seek to promote equal access to justice for groups and individuals in situations of greater vulnerability, including persons with disabilities.

82. Similarly, the State ensures that legal proceedings are conducted orally, swiftly, transparently and fairly, on an equal basis and without distinction, and with safeguards for persons with disabilities. The due process requirements relating to the principles of legality, equality and non-discrimination are thereby observed, as required under article 33 of the Act on the Rights of Persons with Disabilities, which addresses the right to a trial without discrimination on the basis of disability: “Persons with disabilities have the right to a trial without discrimination and with all the guarantees provided for under the Constitution of the Republic and its laws and to be communicated with in the form and language appropriate for the type of disability they have. Accordingly, persons with disabilities have the right, where applicable, to propose an interpreter of their choice to the judge hearing the case”. Article 33 further provides that: “The State must train the government officials and employees working in the judicial branch in the proper treatment and the human rights of persons with disabilities”.

83. Taking into consideration the disadvantages that may limit access to justice for persons with disabilities or result in discrimination, the State of Nicaragua, through the judiciary, has trained the staff of the judicial branch on the issue of disability in order to raise their consciousness and awareness of the situation of persons living with disabilities and prevent discrimination against them, as rights holders, when they are involved in trials or seek legal services.

84. In practice, the following measures, including reasonable accommodation, have been taken to guarantee the right to justice of persons with disabilities:

- The Supreme Court has been coordinating with organizations of persons who are hard of hearing to ensure the presence of Nicaraguan Sign Language interpreters and assist hard-of-hearing persons who are involved in trials.
- Sign language courses have been held for justice officials.
- Since 2014, the Supreme Court has trained 135 persons with disabilities to serve as judicial facilitators who work to ensure effective access to justice.
- Since 2016, the judicial branch has appointed mediators with disabilities to the Alternative Dispute Resolution Directorate, reaffirming the right to work of persons with disabilities.
- Venues have been made available at the Supreme Court’s Training College for organizations of persons with disabilities to organize lectures for justice officials and members of the judiciary and auxiliary institutions.
- The curriculum of the Judicial Training College has been updated in order to mainstream content on access to justice for persons with disabilities and incorporate the equity measures necessary to bring about conditions of equality.
- The judicial branch has been strengthened and modernized with the construction of 128 Justice Houses (*Casas de Justicia*) accessible to persons with disabilities.

- A person's age is taken into consideration in laws and the practices of the courts in civil and criminal matters, and there is a clear separation between the Child and Adolescent Courts hearing criminal cases and Family Courts and between Criminal Courts and Civil Courts, these being the forums where cases involving persons with disabilities are resolved.
- The Office of the Human Rights Ombudsman may intervene in cases where justice may be delayed, conducting investigations, inspecting the case file and monitoring and providing support during the trial when a complaint is made and shortcomings are found, with a view to restoring the right infringed.
- The National Police prioritizes support for persons with disabilities in application of the principle of restorative justice and puts together a team to assess the case, aided by organizations of persons with disabilities who have sign language interpreters on call to assist if required.

#### **Liberty and security of person (art. 14)**

85. The Constitution of the State of Nicaragua guarantees the liberty and security of all its citizens, as set forth in article 25 (a) and (b), which states that: "All persons are entitled to individual liberty [and] security". To this end, article 26 of the Act on the Rights of Persons with Disabilities provides that: "The State must respect and ensure respect for the rights of liberty and security, and the existence of a disability shall in no case justify a deprivation of liberty. Any deprivation of liberty must be carried out in accordance with the law, not arbitrarily, and with respect for the physical and mental integrity of the person with a disability."

86. In Nicaragua, the law does not generally provide for deprivation of liberty on the grounds of disability. However, for certain cases involving psychosocial disability, article 464 of the Family Code (Act No. 870) addresses the possibility of "involuntary commitment due to psychological disorders". Articles 465 to 467 of the Act also set out the procedures for the suspension of such commitment. <sup>(13)</sup>

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

87. Article 36 of the Constitution states that: "All persons are entitled to have their physical, psychological and emotional integrity respected: no one shall be subjected to torture or to cruel, inhuman or degrading procedures, punishment or treatment". Furthermore, article 25 of the Act on the Rights of Persons with Disabilities provides that: "The State must create the conditions to uphold the rights of persons with disabilities to be protected from ... abuse, torture, abandonment, and cruel, inhuman or degrading treatment or punishment and must intervene and place the infringed human right foremost among any other circumstances".

88. Similarly, article 3 of Act No. 745 on Enforcement, Privileges and Judicial Oversight of Criminal Sanctions, which is primarily concerned with individuals in prison, states that: "The State must safeguard the physical, emotional and psychological integrity of convicted persons, who shall not be subjected to torture or cruel, inhuman or degrading procedures, punishment or treatment". <sup>(16)</sup>

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

89. Article 25 of the Act on the Rights of Persons with Disabilities states that: "The State must create the conditions to ensure respect for the rights of persons with disabilities to be protected from discrimination, exploitation, social violence, especially domestic and sexual violence, and from abuse". <sup>(4)</sup> Progress has been made in Nicaraguan legislation relating to protection from exploitation, violence and abuse, with the major provisions being:

- Articles 5, 76 and 77 of the Code on Children and Adolescents (Act No. 287), which establish measures for the protection of children with disabilities.
- Article 25 of the Comprehensive Act combatting Violence against Women (Act No. 779), which provides for protective measures, and article 50 of the Act, which

reiterates the provisions of article 169 of the Criminal Code regarding the severity of the penalties for rape when the victim is a person with a disability.

- Article 161 of the Criminal Code (Act No. 641), which addresses the exploitation of children and provides that any person who engages persons with disabilities, children or adolescents in begging is liable to imprisonment for a term of 1 to 3 years, and articles 176, 179, 180 and 182 of the Code, which establish that aggravating circumstances are considered to exist for the following offences when the victim is a person with a disability: sexual exploitation; pornography and paying adolescents to perform sexual acts; procuring; pimping; and trafficking in persons for purposes of slavery, sexual exploitation or adoption.
- Article 28 of the Anti-Trafficking in Persons Act (No. 896), which states that: “Within their area of competence, public institutions must at all times safeguard the rights of victims of the offence of trafficking in persons and provide assistance, support, protection, security and access to justice that take account of, inter alia, the victims’ age, gender, health, origin and language and any other factors that contribute to their vulnerability. Where the victims have a disability, their needs shall be addressed according to the type and degree of the disability.”<sup>(16)</sup>

90. For families that include persons with a disability, where there is a situation of neglect or mistreatment, an awareness-raising and educational programme is carried out using the services of the “School for Values” initiative and family counselling. This promotes a shift in parenting perspectives and a move from authoritarian styles to positive, tender ones that increase well-being.

91. Where a child or adolescent with a disability has been abandoned and is without family support, he or she is admitted to a Special Protection Centre that provides the care required on the basis of his or her needs.

92. The Special Protection Centres focus on improving the quality of life of children, adolescents, young people and adults with disabilities and ensure physical and environmental conditions that enable their rehabilitation, recovery and social integration, using personalized care plans to give them the greatest degree of autonomy that their clinical conditions allow. The Ministry for the Family is, in 15 Special Protection Centres, providing care for 223 persons with disabilities of all ages who have been abandoned by their families.

### **Protecting the integrity of the person (art. 17)**

93. This right is enshrined in article 36 of the Constitution, which states that: “All persons have the right to respect for their physical, psychological, and emotional integrity”.

94. In article 8 (6) of chapter II, on the rights of users, the General Health Act (No. 423) provides that all health service users are entitled to respect for their person, human dignity and privacy, without discrimination on the basis of race, sex, socioeconomic status, morals, ideological or political beliefs, trade union membership, type of illness or disorder, or any other condition.

95. Similarly, article 8 (4) and (5) of the Act provides that all users of the health system have the right to be fully informed and continuously updated, in terms that are sufficiently comprehensible and take into account their psychological state, about their course of treatment, including the name of their physician, their diagnosis, their prognosis and treatment options, and to be counselled by trained personnel before and after the tests and procedures set out in the protocols and regulations are performed.

96. Thus, as set out in article 8 (8) of the Act, health service users have the right to be informed of all the facts necessary to ensure that their prior consent to any procedure or treatment is fully informed and they can evaluate and understand the specific alternative procedure or treatment, the medical risks involved, and the probable period of incapacity. Users may freely choose a procedure from among the options presented. Their consent must be in writing.

97. These provisions are complemented by the Act on the Rights of Persons with Disabilities, article 47 of which states that: “Persons with disabilities are entitled to enjoy the highest attainable standard of health. The State, through the Ministry of Health and other

public institutions, must ensure their ability to exercise their right to free or affordable high-quality health care that is provided with human warmth, specialized and relevant to the type of disability, in order that they receive the best health-care assistance.”

98. Eugenic practices such as the forced sterilization of persons with disabilities and forcing women and adolescents with disabilities to have abortions are illegal in Nicaragua. As set forth in article 31 of the Act on the Rights of Persons with Disabilities: “Persons with disabilities have the right to marry, to make a home and to plan a family, and parents with disabilities have the right not be separated from their children, except when competent authorities subject to judicial review so determine, in accordance with the law, and such separation is necessary for the best interests of the child or adolescent”.

#### **Liberty of movement and nationality (art. 18)**

99. With respect to liberty of movement, article 31 of the Constitution states that: “All Nicaraguans have the right to circulate and establish their residence in any part of the country and to enter and leave the country freely”. According to article 23 of the Act on the Rights of Persons with Disabilities: “The State has an obligation to ensure that persons with disabilities are able to exercise their right to liberty of movement, without any restrictions on the basis of disability”.

100. Regarding the right to obtain Nicaraguan nationality, there is no discrimination against persons with disabilities, with articles 15 to 22 of the Constitution, which address the issue, applying equally to all citizens. Accordingly, there are no restrictions on the delivery of identity documents attesting to an individual’s Nicaraguan citizenship, such as national identity cards or passports, to persons with disabilities. This is in line with article 22 of the Act on the Rights of Persons with Disabilities, which states that all persons with disabilities have the right to be entered in the Civil Registry. To this end, the Supreme Electoral Council, which is the authority responsible for issuing national identity cards, has since 2010 been delivering these identity documents free of charge to persons with disabilities applying for them for the first time.

101. With respect to minors, article 13 of the Code on Children and Adolescents requires the State to create flexible mechanisms for the registration of children and adolescents. In addition, article 22 of the Act on the Rights of Persons with Disabilities provides that: “Persons with disabilities, and specifically children, have the right from birth to be registered by their parents in the Civil Registry. Adolescents, young people and adults with disabilities who have not been registered in the Civil Registry are entitled to be registered without having to pay any form of fine.”

102. According to article 7 of the Convention on the Rights of the Child: “The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents”. This right is reflected in the Nicaraguan legal system in article 13 of the Code on Children and Adolescents.

103. Consequently, in order to achieve the registration of all children without distinction, the State has implemented administrative work strategies, such as hospital registration, through the Nicaraguan Institute for Municipal Development, the “Mayors are Children’s Friends” initiative and the Ministry of Health. These institutions register births directly at the facilities where they take place, at a special counter created for the purpose, and at mayor’s offices, which ensure the free registration of children at the offices of the municipal authorities.

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

104. The Government of Reconciliation and National Unity recognizes the need of persons with disabilities to live independently and be an active part of their communities, in full compliance with the requirements of articles 56 to 65 of the Constitution, on social rights. To this end, work is being done in all State institutions and various organizations of persons with disabilities on inclusive approaches to community development.

105. Article 56 of Act No. 763 on the Rights of Persons with Disabilities provides that: “Persons with disabilities have equal rights to live in the community, to choose their place of residence, to enjoy personal assistance services and to be fully included in and fully participate in society. Persons with disabilities have the right to food, clothing, the continuous improvement of their living conditions and the assistance required from the State to defray disability-related expenses, and the right to participate in the social-housing scheme and the social protection and poverty reduction programme.”

106. With regard to the right to decent housing, the State gives priority to persons with disabilities in social-housing programmes, as required under article 58 of the Act on the Rights of Persons with Disabilities and in accordance with article 50 of the regulations to the Act, which states that persons with disabilities must be given priority in low-income housing schemes, with at least 5 per cent of housing units built being reserved for persons with disabilities. These units must offer all services and accessible features and allow for sufficient freedom of movement. Article 66 (3) of the Act on the Rights of Persons with Disabilities indicates that the purchase and sale of housing units is exempt from taxation if the value is less than US\$ 20,000.

#### **Personal mobility (art. 20)**

107. With the Act on the Rights of Persons with Disabilities as its legal basis, the State of Nicaragua has made great efforts, on the budgetary, material, physical and human levels, to enable persons with disabilities to enjoy personal mobility at home and in the community.

108. On this point, article 213 of Decree No. 42-2005, containing the Regulations to the Land Transport Act, provides that: “There shall be a platform that is level with the vehicle or means of transport at each terminal or intermediate stop of a collective passenger land transport service in order to facilitate the access of persons with disabilities”. The Ministry of Transport and Infrastructure is the institution responsible for implementing this provision. To restore the right of persons with disabilities to be freely mobile, the Government of Reconciliation and National Unity has been gradually and progressively implementing the following measures:

- The installation of signage in public buildings, hospitals, schools, parks, squares, markets, elevators, streets and avenues to allow persons with disabilities to better orient themselves
- The construction of ramps and linear metres of platforms nationwide
- The construction of modern public transport terminals and stations, with access ramps and the necessary signage
- The organization, through the National Police, of technical training sessions for drivers of public transport vehicles in order to improve the treatment of users in general, with a special focus on users with disabilities
- The provision of mobility aids for persons with disabilities through the Ministry of Health’s “A Voice for All” Programme and the Direct Medical Services Directorate of the Nicaraguan Social Security Institute

109. In Nicaragua, the import of aids and inputs and raw materials for the manufacture of aids is exempt from taxation, which substantially reduces the cost of such devices. However, the measures taken for the restitution of rights are not limited to taxation: the State of Nicaragua has taken steps to facilitate access to high-quality, user-friendly technologies for persons with disabilities.

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

110. Article 30 of the Constitution enshrines the right to freedom of expression, as follows: “Nicaraguans have the right to freely express their thoughts in public and private, individually and collectively, in writing, orally or by any other means”. Additionally, article 66 states that: “Nicaraguans have the right to accurate information”. As its institutions are the guarantors of these constitutional rights, the Government has created the following three tools to safeguard the right to freedom of expression and opinion and access to information for persons with disabilities:



- Act No. 763 on the Rights of Persons with Disabilities, article 30 of which clearly establishes that: “Persons with disabilities have the right to express themselves, to give their opinion and to obtain information on political, public, social and economic matters, in appropriate and accessible languages and formats, including through the use of modern technology”, thereby creating the conditions for the exercise of the right
- Act No. 675 on Nicaraguan Sign Language, the purpose of which is to recognize and regulate Nicaraguan sign language as the language of hard-of-hearing persons who freely decide to use it to communicate, express themselves and understand ideas, thoughts, feelings, facts and activities in relation to their social environment <sup>(17)</sup>
- Act No. 621 on Access to Public Information, which promotes public policy, sets out the principles of equality and non-discrimination, protects the right to public information and, in the private sphere, establishes the guarantee of habeas data to preserve an individual’s right to his or her personal information <sup>(16)</sup>

### **Respect for privacy (art. 22)**

111. Article 26 of the Constitution states that: “All persons have the right to privacy for themselves and for their families”. In accordance with this article, article 27 of Act No. 763 on the Rights of Persons with Disabilities, provides that: “The State shall respect and ensure respect for the right to privacy of persons with disabilities, who shall not be subjected to arbitrary or unlawful interference in their private or family life, their home, their correspondence or other types of communication or to attacks on their honour, reputation or emotional integrity”.

112. Article 8 of the General Health Act, and articles 6 and 7 of the regulations thereto address the confidentiality of information contained in medical records and indicate that effective mechanisms for communication about treatment options and respect for the patient’s privacy must be guaranteed regardless of his or her condition or illness. In this connection, the Ministry of Health issued Regulation No. 004, the standard for medical records management, which guarantees the confidentiality of patient information. The Ministry of Health’s various treatment units have individual consulting rooms so that conversations between doctors and patients are private and confidential.

113. As part of the “A Voice for All” Programme, and in implementation of the mechanism established for the admission of persons with disabilities, a check is conducted of the patient’s admissions booklet, which contains specific information about the individual’s state of health and disability. The first page of this booklet contains the informed consent, which describes the confidentiality policy and the purpose of the information being requested, which may only be used for medical purposes and to meet the objectives of programmes that benefit persons with disabilities and to respond to requests from the sector.

### **Respect for home and the family (art. 23)**

114. Article 70 of the Constitution states that: “The family is the fundamental nucleus of society and is entitled to protection by society and the State”. Individuals, families and communities are the key components of the National Human Development Plan. Within this legal framework, article 2 of the Family Code (Act No. 870) sets out guiding principles that encompass “the duty of the State to protect, develop and strengthen families” in paragraph (a), “the protection provided by State institutions against domestic violence” in paragraph (d), “the promotion and protection of the establishment of the family home” in paragraph (f) and “the protection of and respect for private and family life” in paragraph (j).

115. Article 31 of the Act on the Rights of Persons with Disabilities provides that persons with disabilities have the right to marry, to make a home and to plan a family, and that parents with disabilities have the right not be separated from their children, except when competent authorities subject to judicial review so determine, in accordance with the law, and such separation is necessary for the best interests of the child or adolescent.

116. The State supports restitution of the right to grow up in a family through the adoption of children and adolescents with disabilities, the aim being to provide them with a safe environment where they are loved and included in society (the Adoption Act, No. 862). <sup>(16)</sup>

117. In cases involving total abandonment, guardianship, the late issuance of birth certificates and legal incapacity, the authorities represent children, adolescents and young people with disabilities who are under protection in order to ensure their access to justice and protect the rights that have been infringed, as established in article 479 of the Family Code. If the parents of children with disabilities are having difficulty caring for their children on a daily basis and providing appropriate care, the Ministry for the Family, Children and Adolescents makes alternative care arrangements, such as placement in a child development centre, if the child is under 6 years old, or referral to a disability support centre where children receive help with their schooling, play games, learn to use new modes of communication, practice teamwork and attend pre-vocational training courses, among other activities.

#### **Education (art. 24)**

118. In 2007, the State of Nicaragua made education completely free throughout the country and abolished the exclusionary neoliberal model of “school autonomy”.

119. The right to education is established in article 58 of the Constitution and, with respect to disability, in articles 38 to 46 of the Act on the Rights of Persons with Disabilities, which provides that persons with disabilities are to enjoy their right to an education and that the education must be of high quality, be delivered by qualified personnel and use teaching methods and pedagogical tools on an equitable basis so as to foster the holistic development of the individual and allow him or her to access technical and higher education, including through scholarship programmes.

120. The Ministry of Education uses two main approaches to guarantee access to education and comprehensive educational development for Nicaraguans with disabilities:

(a) Inclusive education provided through all mainstream schools run by the Ministry, in all education centres;

(b) Special education provided in 25 special education schools and offered at the preschool and primary levels and as part of early education programmes and programmes to include persons with disabilities in society and the workforce, with more significant curriculum adjustments made for children with intellectual disabilities. In municipalities where there are no special education schools, education is offered through integrated classrooms that bring together students with all types of disability.

121. In 2018, a total of 10,101 persons with disabilities were enrolled in the education system, participating in either inclusive mainstream education or special education, depending on the assistance needed.

122. There were 7,033 persons with disabilities enrolled in mainstream education. Of this number, 813 were in nursery education, 3,880 were in primary education, 1,614 were in secondary education, 31 were in teacher training and 695 were in youth and adult education. Of these individuals, 3,902 have an intellectual disability (55 per cent), 805 have a motor disability (11 per cent), 282 have autism (4 per cent), 489 are hard of hearing (7 per cent), 892 have a visual impairment (13 per cent) and 663 have multiple disabilities (9 per cent).

123. In the same period, there were 3,068 persons with disabilities enrolled in special education who, owing to their level of development and needs, in the initial stages require structured personalized education with early childhood stimulation and pedagogical strategies adapted to different disabilities. Of these individuals, 47 per cent have an intellectual disability, 14 per cent have a motor disability, 7 per cent have autism, 10 per cent are hard of hearing, 4 per cent have a visual impairment and 18 per cent have multiple disabilities.

#### **Educational inclusion**

##### *The Educational Resources Centre for the Blind*

124. The Educational Resource Centre for the Blind is part of the Department of Special Education and is located at the central offices of the Ministry of Education. The purpose of the Centre is to strengthen institutional capacity to adapt, guarantee, provide and reproduce educational material in Braille.

*Educational Resources for Diversity Centres*

125. These centres work to support the inclusion of students with special educational needs that may or may not be related to disability. At the basic and secondary levels of mainstream education, the centres are staffed by 114 teachers, spread across all the departments of the country, who make up the Academic Advisory Unit and are responsible for providing advice, support and training to basic and secondary education teachers on issues relating to inclusive education and teaching strategies for helping students with disabilities.

126. The Ministry of Education follows an inclusive training strategy for new teachers, which is implemented in the teacher-training schools, of which there are eight nationwide. In the third year of training, there is a semester-long module for all new teachers on the pedagogical aspects of working with children with special educational needs.

127. The Ministry of Education has provided training to 32,070 mainstream and special education teachers through the following courses: Strategies for Engaging in Inclusive Education (22,119 teachers); Basic Course in Nicaraguan Sign Language (1,033 teachers); Methods for Teaching Students with Visual Impairments (322 teachers); and Teaching Strategies for Working with Young Children (8,596 teachers).

*Early Childhood Programmes*

128. The Ministry for the Family, Children and Adolescents has provided training and support to families with children under 6 years of age in order to promote new styles of parenting that take an inclusive approach. In 2018, support was provided for 200 children with disabilities under 6 years of age in 56 child development centres nationwide.

129. Nationwide, 1,207 educators from 270 child development centres have received training in how to use the Manual for Supporting Families of Children under 6 Years of Age with Developmental Disorders and/or Disabilities. In addition, financial subsidies have been guaranteed for 67 child development centres, 3 protection centres and 3 disability support centres in order to strengthen the delivery of social protection and special protection services.

130. The Ministry of Education runs educational support programmes for children, adolescents and young people with disabilities and/or disorders, including in early education, technical education and vocational training. The National Institute of Technology has trained public servants in Nicaraguan Sign Language in order to provide a better service to the country's deaf community.

**Health (art. 25)**

131. With respect to health, the State of Nicaragua has developed a legal and institutional framework that has made it possible to restore the rights of persons with disabilities and makes humane care a priority. Article 59 of the Constitution states that: "Nicaraguans have an equal right to health, and the State shall establish the basic conditions necessary to promote and protect health and ensure recovery and restoration. It is incumbent on the State to direct and organize health programmes, services and initiatives and to promote civic participation health promotion activities".<sup>(5)</sup>

132. The Government of Reconciliation and National Unity guarantees free medical care in hospitals and health centres and has eliminated all charges for public health services, with priority being given to programmes for mothers and children, older adults and persons with disabilities, as set forth in article 5 of the General Health Act.

133. Users of both public and private health services enjoy the following rights, which are established in article 8 of the Act: access to health; equal treatment in service delivery; and, in particular, free public health services for vulnerable individuals, including persons with disabilities.

134. Under article 7 (3) of the regulations to the Act, facilities providing services must have access and internal ramps for users with disabilities.<sup>(15)</sup>

135. The State of Nicaragua, through the Ministry of Health, has created and strengthened health promotion and disease prevention programmes in the area of maternal and child health by improving conditions for prenatal monitoring, delivery and post-partum care, thereby

contributing to a reduction in obstetric complications and prenatal and perinatal risk factors for disability.

136. Under a model of family and community health, the “A Voice for All” programme provides comprehensive care to all persons with disabilities registered with the programme, with persons with disabilities receiving two home visits per year and persons with disabilities in a critical condition receiving four visits per year. The sectors make up the basic structural unit of the Ministry of Health; they are served by family and community health teams that are responsible for following up on all cases and referring cases that require more in-depth clinical care, including treatment and further testing provided free of charge, to more specialized health units.

137. In 2018, the Ministry of Health, through the “A Voice for All” programme, provided care to 138,698 persons with disabilities. It works in coordination with all State institutions and the Persons with Disabilities’ Office, which in turn implements programmes for all such persons.

138. There is a national plan that aims generally to provide comprehensive support to all persons with disabilities, using mechanisms that involve the individual, families, communities and society as a whole. The plan’s specific objectives are to:

- (a) Carry out prevention, care and rehabilitation activities for persons with disabilities;
- (b) Improve inter-institutional coordination to ensure the provision of comprehensive care to persons with disabilities;
- (c) Guarantee the health, evaluation and clinical genetic testing of persons with disabilities;
- (d) Deliver aids to persons who require them.

139. From 2017 to 2018, the “A Voice for All” Programme made 660,112 visits to the homes of families and persons with disabilities, registered 22,645 new participants in the programme through initiatives such as brigades, home visits, fairs and mobile health units, and delivered 7,343 aids, including wheelchairs, walkers, canes and crutches; and provided certificates and identification cards to 19,247 persons with disabilities.

140. The Ministry of Health has put together a map showing where in the country people with disabilities live, by region and type of disability. The map is updated quarterly and can be consulted by the general public on the Ministry of Health’s website.

### **Rehabilitation services**

141. The Ministry of Health provides comprehensive care for persons with disabilities using a family and community health model. The aim is to improve quality of life through the rehabilitation and social inclusion of persons with physical, motor, visual, hearing or psychosocial impairments and children with developmental disorders.

#### *Support for persons with physical and motor impairments*

142. The Ministry of Health provides rehabilitation and physiotherapy services in 63 health facilities, including 1 national referral hospital. Specialized rehabilitation and physiotherapy services are available in regional, departmental and primary hospitals and in health centres. There are 92 early stimulation facilities operated by the 19 comprehensive local health-care systems in the country, at which families receive support in encouraging their children’s development and preventing disability.

143. There are 300 persons working in the area of physical rehabilitation, including rehabilitation doctors specializing in physiatry, physiotherapy graduates, physiatry technicians, psychologists, social workers, occupational therapists and nurses. In addition, 183 persons have been trained in early stimulation techniques.

*Prosthetics and orthotics workshop*

144. The prosthetics and orthotics workshops at the Aldo Chavarría Hospital, the Trinidad Hospital and the Puerto Cabezas School of Nursing have produced 4,500 prostheses and 6,700 orthoses for persons with physical and motor disabilities. In terms of staffing, seven persons are studying to become advanced orthotic and prosthetic technicians in order to increase the capacity of the workshops.

*Support for persons with visual impairments*

145. The Ministry of Health's service network includes a national ophthalmology centre, which serves as a national referral centre, and specialized ophthalmology services in the 19 departmental capitals. The Ministry also operates flagship programmes for the prevention of cataract blindness, including "Operation Miracle", a programme that, by the end of 2018, had restored the sight of 270,910 individuals through surgery. A programme is being implemented to test school-age children for low vision and to provide appropriate glasses to those that require them. Under the "A Voice for All" Programme, 500 ocular prostheses have been provided and 1,500 blind persons have received white canes.

*Support for hard-of-hearing persons*

146. The Nicaraguan health system has eight audiology centres in the departments of Managua, León, Matagalpa, Estelí, Chontales, Jinotega, Bluefields and Masaya. At these centres, 9,000 audiometric and tympanometric tests have been performed, and more than 5,000 persons have been issued with hearing aids. There are 22 ear, nose and throat specialists in 14 comprehensive local health-care systems, and medical staff receive ongoing training in ear and hearing care.

147. Screening is being introduced for newborns at risk of hearing impairment so that they can receive early, specialized care. Cochlear implants have been placed with the help of international medical teams.

148. At the national level, basic, intermediate and advanced training in primary ear and hearing care has also been provided, using modules developed by the World Health Organization, with the aim of improving hearing health and preventing and reducing hearing impairments.

**Support for persons with psychosocial disabilities**

149. The Ministry of Health has a comprehensive care plan for persons with psychosocial disabilities that is based on a community mental health model. Primary care personnel have been trained under the Mental Health Gap Action Programme of the World Health Organization. There is a national psychosocial referral hospital and specialized psychiatric care is available in departmental hospitals. There are 354 persons working in related areas. This number includes psychiatrists, psychologists, social workers and nurses.

150. Six centres for psychosocial support provide comprehensive care for at-risk individuals including older adults, young alcohol and drug users, women experiencing domestic violence and persons with mental health disorders. Self-help groups and group therapy sessions are organized for these persons.

**Support for children with intellectual disabilities and persons with disabilities caused by genetic disorders**

151. The genetics team has been strengthened with the addition of three clinical geneticists and nine practitioners with master's degrees in genetic counselling in different regions of the country who provide specialized care and advice to families with genetic disorders.

152. In 2018, a cytogenetics laboratory was opened to test for chromosomal abnormalities and provide genetic counselling to families. Further progress was also made on improvements to the register of congenital malformations.

153. In 2017, of the 134,891 births registered in the country, 1,153 involved congenital anomalies, a prevalence of 85.5 per 10,000 live births. Of the 134,236 babies born in 2018,

1,032 were born with congenital anomalies, a prevalence of 76.88 per 10,000 live births. As part of efforts to detect disabilities in a timely manner, there is a focus on arboviruses and the children of mothers who have tested positive or negative for the Zika virus are monitored closely on a monthly basis.

#### **Disability and prevention of HIV/AIDS**

154. Nicaragua continues to tackle the issue of HIV and persons with disabilities; in 2018, there were 4,991 persons in the country living with HIV. The authorities continue to provide training on HIV and HIV prevention to leaders of the disability sector and encourage exchanges between the National Council for Persons with Disabilities and the National AIDS Council. In addition, steps have been taken to encourage persons with disabilities to participate in events and activities organized by the National Council for Persons with Disabilities, and HIV prevention materials have been developed in sign language and Braille. Furthermore, consultations have been undertaken with a view to printing and distributing documents that can be read and understood by persons with disabilities.

155. Posters on HIV prevention in sign language have been printed, and have been followed by forums and training sessions with an emphasis on HIV prevention for persons with physical and motor impairments, blind persons and deaf persons, organized with the primary aim of recognizing their rights as sexual beings. Two inclusive international congresses, in which persons with disabilities participated, were held in 2017 and 2018.

#### **Habilitation and rehabilitation (art. 26)**

156. Nicaragua prioritizes rehabilitation and has therefore strengthened the Ministry of Health's network of rehabilitation services. It currently has 66 physiotherapy and rehabilitation units, a teaching hospital specialized in rehabilitation (Aldo Chavarría Hospital) and a national referral hospital with a specialized rehabilitation section (Antonio Lenin Fonseca), as well as three centres that make prosthetic, orthotic and other assistive devices, located in Managua, Estelí and Puerto Cabezas.

157. The Ministry of Health's Comandante Carlos Fonseca National Centre for the Rehabilitation of Blind and Visually Impaired Persons, which has classrooms, auditoriums, living areas, storerooms and bedrooms, works to train and educate adults with visual impairments in how to accomplish everyday tasks and to reintegrate them into the various social environments of their daily lives. The centre is equipped to hold computer classes using phonetic software and to teach Braille. In addition, a period of the rehabilitation process is dedicated to navigational skills and mobility and covers the use of the white cane, handicrafts, lessons about daily life, housecleaning, cooking, getting dressed and other activities that increase the independence of blind and visually impaired persons.

158. The "A Voice for All" Programme and the Persons with Disabilities' Office are implementing the World Health Organization's community-based rehabilitation strategy and have placed an emphasis on labour inclusion, training individuals in different activities so that they can join the workforce.

159. The National Institute of Technology has established close coordination with the Ministry of Health at the Aldo Chavarría rehabilitation hospital, where periodic training is provided to trainee doctors in physiatry, enabling them to intervene early with persons with disabilities so that they receive the professional and employment habilitation needed to adapt to their new life circumstances.

160. In 2018, the Nicaraguan Social Security Institute provided 10,794 outpatient consultations, 6,193 phoniatric rehabilitation sessions, 2,588 special examinations, 1,889 occupational health consultations and 1,185 orthoses and prostheses. In the period 2017–2018, it delivered 24 wheelchairs, 47 crutches, 318 canes, 1,574 hearing aids, 202 walkers, 977 prostheses and 99,605 vouchers for eyeglasses.

#### **Work and employment (art. 27)**

161. In observance of national and duly ratified international treaties, protocols and laws on employment, Nicaragua safeguards the labour rights of all workers in its institutions,

especially those with disabilities, offering them protection and providing the benefits and promotions due to civil servants under conditions of equality and fairness.

162. Under Nicaraguan legislation, work is recognized as a right and a social responsibility. Work is the primary means of satisfying the needs of society and individuals and the source of the nation's wealth and prosperity. The State must endeavour to achieve full, productive employment for all Nicaraguans and facilitate workers' scientific and technical training. Policies in the field of disability are focused on promoting technical and professional training for individuals and groups, self-employment, business opportunities, the establishment of cooperatives and the creation of independent businesses.

163. The Ministry of Labour is in charge of special support measures such as subsidies and cooperation agreements that facilitate the labour integration of persons with disabilities. It must also ensure that persons with disabilities account for at least 2 per cent of staff in all national, municipal, State and private institutions and enterprises with 50 or more employees. Enterprises with more than 10 but less than 50 workers must employ at least 1 person with a disability. State institutions are in compliance with the provisions on hiring contained in article 26 of Act No. 763 and have indicated that persons with disabilities account for more than 2 per cent of the staff on their payrolls. In addition, the Ministry's Public Employment Service has promoted the labour market integration of 6,133 persons with disabilities, mainly in the private sector. Of this number, 34 per cent are women. The Ministry also carries out inspections of public and private workplaces to verify that working conditions are fair and ensure that the staff includes persons with disabilities in the percentages required under the Act.

164. The Ministry of Family Economy has promoted the involvement of persons with disabilities in economic activities such as arts and crafts sales, jewellery-making, textile-making, handicrafts, piñata construction and furniture-making and has developed strategies to provide support and training on the basis of their needs so that product quality, presentation and promotion can be improved, with an effective impact on the value added of the products when they are marketed.

165. The Ministry of Family Economy is responsible for running the Food Production Voucher Scheme, which has been successful in reducing poverty and safeguarding the food security of people in rural areas, with priority given to persons with disabilities. The scheme has shifted towards a group microcredit programme and has now become an entrepreneurship programme that offers integrated services to the population and aims to provide tools that meet families' needs. The programmes, which are the same except for the innovations introduced at each stage, include, in addition to a financial package, training in farm animal husbandry and the use of improved grass seed.

166. The Supreme Electoral Council has incorporated a provision (clause 22) into its collective labour agreement that will grant economic support, special paid leave and employment and transportation benefits for workers who have persons with disabilities within their immediate family.

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

167. With respect to the restitution of the rights of persons with disabilities, the second paragraph of article 56 of Act No. 763 on the Rights of Persons with Disabilities states that persons with disabilities are entitled to food, clothing and access to social housing programmes, to the continuous improvement of their living conditions, to social protection and poverty reduction programmes and to the assistance that the State must provide to defray their disability-related expenses.

168. The State of Nicaragua guarantees access to drinking water for all its citizens. As stated in articles 3, 4 and 5 of the National Water Act (No. 620), water is a national resource and drinking water utilities may not be privatized, either directly or indirectly. The Nicaraguan Water Supply and Sewerage Corporation is the institution responsible for managing access to drinking water. <sup>(16)</sup>

169. The State of Nicaragua is taking various steps to raise the socioeconomic level of persons with disabilities, including by helping them to acquire their own homes. Article 58

of Act No. 763 on the Rights of Persons with Disabilities states that: “Persons with disabilities must be given priority in social housing programmes. All benefits under the Special Act on the Promotion of Housing Construction and Access to Social Housing (No. 677) shall apply to persons with disabilities”.<sup>(16)</sup> Accordingly, under article 50 of the regulations to this Act, at least 5 per cent of units under social housing programmes must be reserved for them. Furthermore, article 66 (3) of Act No. 763 states that: “Houses of persons with disabilities costing \$20,000 or more shall be exempt from property tax, provided that no more than 25 per cent of their area is used for a business”. The Persons with Disabilities’ Office ensures that persons with disabilities have access to social housing and units known as “houses for the people” or “blue and white houses”, and verifies that a representative number of persons with disabilities receive these benefits, even though no statistics are available.

170. Regarding social protection, article 57 of Act No. 763 states that: “Persons with severe disabilities living in conditions of extreme poverty are entitled to protection measures and special services from the State and its institutions”. This entire legal framework demonstrates the State’s sustained commitment to guaranteeing the rights of persons with disabilities to housing, food, clothing and drinking water, which is reflected in the specific projects mentioned below:

- The social housing subsidy programmes, which give priority to persons with disabilities applying for a house once they present their disability card
- The food programmes run by government institutions and bodies, such as the school meals provided by the Ministry of Education and the food packages provided to persons with disabilities in critical situations
- The annual handout of uniforms, shoes, backpacks and textbooks to children and adolescents by the Ministry of Education and the provision of uniforms by sports organizations and organizations in other disciplines to participating teams

### **Social security**

171. The Nicaraguan Social Security Institute, in compliance with articles 10 and 12 of Act No. 160 on Additional Retirement Benefits, provided the following benefits in 2018:

- 46,642 loans, amounting to 250.8 million córdobas
- Funeral grants:
  - 2,577 in-kind grants, amounting to 12.4 million córdobas
  - 2,243 cash grants, amounting to 13.6 million córdobas

172. A programme for older adults started by the Institute initially served 20,301 retirees located in Managua but, by December 2018, had 102,268 older adult members nationwide, who had received the following health-care services: 668,350 outpatient consultations; 50,872 emergency consultations; 7,037 hospitalizations; 950,275 laboratory tests; and 4,185 histopathological studies.

### **Participation in political and public life (art. 29)**

173. Nicaragua has defined itself, in article 7 of its Constitution, as a democratic republic exercising a direct, participatory and representative form of democracy. Article 50 of the Constitution gives citizens the right to participate in public affairs and State administration on an equal footing.

174. Article 28 of Act No. 763 on the Rights of Persons with Disabilities provides that the State must ensure that persons with disabilities can participate freely in political and public life, either by electing others or themselves being elected to serve as public officials or as employees. The right to vote includes casting a secret ballot in elections, referendums or plebiscites, either autonomously or with the assistance of a person of their choosing, when necessary, in accordance with article 119 of the Elections Act (No. 331).

175. According to article 119 of the Elections Act: “When the physical impairment is of the upper extremities, any visible part of the body may be placed in the indelible ink, and this will be noted in the relevant records”. Article 29 of the Act establishes that: “The State must



promote priority service and access for persons with disabilities at polling stations and the use of voting material in all systems, languages and modes of communication so that persons with disabilities may exercise the right to universal, direct suffrage by secret ballot. Persons with disabilities have the right to express themselves, to give their opinion and to obtain information on political, public, social and economic matters, in appropriate and accessible languages and formats, including through the use of modern technology.”

176. Article 5 of Act No. 475 on Public Participation states that: “There shall be public participation at the national, regional, departmental and municipal levels, in accordance with the provisions of this Act.” Persons with disabilities are also entitled to establish or participate in organizations or associations representing them, both nationally and internationally, in accordance with the law and international instruments, as set forth in article 28 of Act No. 763.

177. Giving priority to persons with disabilities in voting includes transporting persons who require it from their homes and providing priority service at the polling location, where they are welcomed by staff already trained in how to assist persons with disabilities and older adults. All these services are covered in the institutional manuals and procedures issued by the Supreme Electoral Council.

178. Local governments and municipalities are forums for the participation of persons with disabilities, there being currently 248 public servants with disabilities occupying political positions, 22 as mayors or deputy mayors and 226 as town councillors, and participating in political and public life fully and effectively and on an equal footing with others. Of this number, 100 have visceral impairments, 66 have sensory impairments, 63 have physical disabilities, 18 have multiple disabilities and 1 has an intellectual disability. Five full and four alternate members who have some form of disability have been elected to the National Assembly.

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

179. The State supports the revival, development and strengthening of the nation’s culture, which rests on the creative involvement of the people. Those working in cultural fields are entirely free to choose their forms and modes of expression. The State must endeavour to provide the means required for the creation and dissemination of their works and the protection of their copyrights, as set forth in articles 127 and 128 of the Constitution.

180. Under Article 62 of Act No. 763, the State must ensure equal opportunity in sporting, cultural and recreational activities (4). To this end, the relevant central, municipal and regional institutions must promote inclusiveness in cultural, sports and recreational programmes and activities with and for persons with disabilities.

181. Articles 63 and 64 of Act No. 763 provide for a discount of at least 50 per cent on ticket prices for public, cultural, sports and recreational events, whether organized by government or private entities. The disability card is recognized as a form of identification for persons with disabilities and must be presented by the bearer to obtain these benefits.

182. The Nicaraguan Cultural Institute is promoting the creation of artistic works with inclusive content in terms of themes and characters depicted, which have been validated by persons with disabilities. The Rubén Darío National Theatre holds an annual song festival in Nicaraguan Sign Language.

183. Each year, the Ministry for the Family and the Nicaraguan Youth Institute organize excursions with groups of persons with different types of disabilities in promotion of accessible social tourism.

184. Under its “A Voice for All” Programme and in coordination with the Persons with Disabilities’ Office and other State institutions, the Ministry of Health has been organizing various recreational, cultural and athletic activities, including dance, poetry and singing competitions, basketball games for wheelchair users, goalball games for persons with visual impairments and 100-metre races for deaf persons. These activities take place in public places such as parks, sports fields, the central avenues of large cities and public recreation centres. On average, 10 such activities take place during the year in each of the country’s 153

municipalities, with between 100 and 200 persons with disabilities participating in each activity.

185. The Persons with Disabilities' Office has developed role-play scenarios, on the basis of the needs of persons with disabilities, addressing the issues of education, transportation, employment, communication with deaf family members, acceptance of disability, family risk management plans and disasters. They are used as tools to raise the awareness of the public and key actors.

186. The organizations and federations brought together under the Persons with Disabilities' Office have formed two theatre groups, "Ventana" (Window) and "Águila de Xolotlan" (Eagle of Xolotlan), that perform two plays. The first, "Alas de Mariposa" (*Butterfly Wings*), tells the story of the educational inclusion of a blind girl and the second, "De lo raro a lo común" (*From Rare to Common*), presents eight real-life stories relating to disability.

187. The XI Central American Games were held in Nicaragua in December 2017, followed by the II Para Central American Games in January 2018. All remodelling, expansion, refurbishment and construction plans for the sports facilities needed for these two major events took account of accessibility requirements, leaving Nicaragua with iconic and accessible sports facilities.

## Section of the report relating to specific obligations

### Statistics and data collection (art. 31)

188. The "A Voice for All" Programme, created by the State under the Ministry of Health, maintains a database that is updated weekly, monthly and annually with information describing each person with a disability and his or her characteristics and classification. The data are sourced from the entities responsible for the Programme at the regional, neighbourhood, community, municipal and departmental levels and are compiled into Excel and Word documents at the Programme's main office. This database is the main source of information on persons with disabilities nationwide and is very useful.

189. The database contains all the information needed on persons with disabilities and their families, covers 90 variables and includes information encompassing the mother's pregnancy, sociodemographic data, type of disability, origin of the disability, health care, factors related to family, educational and labour inclusion, recreation, sports, housing conditions, social support and primary needs, such as housing, mobility aids, beds, mattresses, limb prostheses, hearing aids, ocular prostheses and food packages for persons with disabilities in critical situations.

190. In 2018, 138,698 persons with disabilities were registered with the "A Voice for All" Programme. Of this number, 51 per cent were men and 49 per cent were women. By clinical classification of disability, the largest number – 39 per cent – had physical or motor impairments, 25 per cent had intellectual disabilities, 12 per cent had visual impairments, 9 per cent were hard of hearing, 5 per cent had psychosocial disabilities, 8 per cent had two or more disabilities and 2 per cent had visceral impairments. By age group, 45 per cent were over 60 years of age, 25 per cent were between 40 and 59, 10 per cent were between 30 and 39, 9 per cent were between 20 and 29, 4 per cent were between 14 and 19, 6 per cent were between 5 and 14, and 1 per cent were between 1 and 4.

### International cooperation (art. 32)

191. The State is building its political, economic, commercial and cooperation relations through its legal framework, with article 5 of the Constitution providing that: "Nicaragua bases its international relations on friendship, complementarity and solidarity among peoples and reciprocity between States, adheres to the principles comprising American international law, favours regional integration and supports the reconstitution of the Great Central American Homeland." According to article 7 of Act No. 763, which addresses external funding: "The State shall manage international cooperation funds in such a way that, together with the results of fiscal efforts, they ensure the implementation of the present Act."

192. The Ministry of Health receives donations of aids such as wheelchairs, walkers, crutches, canes and hand-cranked carts from international organizations working on disability issues. The Ministry has also received hearing aids, support in equipping audiology rooms, equipment and materials for the manufacture of orthoses and prostheses for persons with physical or motor disabilities and support in educating and training staff in health and education so that they can provide integrated services to persons with disabilities. These staff members include clinical geneticists, genetic counsellors, orthotic and prosthetic technicians, personnel trained in clinical audiological care and teachers with training in inclusive teaching techniques.

193. The donated aids reach persons with disabilities through strategic partnerships with organizations such as:

- Metanoia Missions International and Free Wheelchair Mission, which receive some 10 containers of wheelchairs each year, with each container holding an estimated 500 wheelchairs valued at \$139 each and \$695,000 worth of wheelchairs therefore having been delivered to persons with physical or motor disabilities, and train the recipients of the wheelchairs in how to use them.
- World Vision International, an international organization that has contributed to the “A Voice for All” Programme by donating aids such as hand-cranked carts and wheelchairs.
- American Nicaraguan Foundation and Futuro de Nicaragua, which have donated aids.
- MoveAbility, which works with the “A Voice for All” Programme in implementing a strategy designed to meet the needs of persons with disabilities efficiently through training, educational activities and support in purchasing supplies and equipment.
- Christian Blind Mission (CBM) and the Asociación de Programas Integrales de Educación Comunitaria “Astrid Delleman”, which have publicized and provided training in community-based rehabilitation strategies and have trained health personnel.
- Mayflower Medical Outreach, which has helped equip audiology clinics, provided hearing aids and trained personnel.
- United Nations Children’s Fund and the Pan American Health Organization, which have trained health personnel who directly serve persons with disabilities.

194. The centre for psychosocial support established in Bluefields with support from the municipal government of Palafolls, Spain, has represented a step forward in the care of persons with psychosocial disabilities.

195. The Cuban people, brothers of the Nicaraguan people, made a significant contribution to the “A Voice for All” study, in which 62 Cuban doctors participated.

### **National implementation and monitoring (art. 33)**

196. The Nicaraguan National Council for the Promotion and Implementation of the Rights of Persons with Disabilities was established pursuant to Act No. 763. It is a steering body with an institutional, normative, consultative and evaluative remit that develops policies and coordinates State measures benefiting persons with disabilities. It is made up of 17 public institutions, federations of associations of persons with disabilities and a representative of parents of children with disabilities.

197. Presidential Decision No. 57-2013 was issued against this background, stating that: “The head of the Ministry of Health shall be appointed Chair of the National Council for the Promotion and Implementation of the Rights of Persons with Disabilities, in accordance with Act No. 763”, articles 69 to 72 of which address the formation, functioning and composition of the Council. This presidential decision established the Office of the National Council for the Promotion and Implementation of the Rights of Persons with Disabilities, which coordinates with other State institutions and the organizations and federations brought together under the Persons with Disabilities’ Office to put into practice different measures to promote and implement the rights of persons with disabilities.

## Conclusions

198. In Central America, Nicaragua is at the forefront of the drive to uphold the rights of persons with disabilities, having made far-reaching efforts both in its legal framework and in its government policies. It has created a flagship government programme, considered a historic milestone, that today functions as a body capable of making high-level decisions and serves as a channel between the State, organizations and persons with disabilities in general.

199. From 2007 to 2018, legislative measures were taken to recognize, include and integrate persons with disabilities in the country or under the jurisdiction of the State into the various spheres of society so that they could fully enjoy the rights recognized in the Convention.

200. Act No. 763 on the Rights of Persons with Disabilities takes up the provisions of the Convention and puts them into practice nationwide. The Act safeguards the rights of persons with disabilities by creating, promoting and implementing a pathway for the restitution of rights through the different entities of the central, regional and municipal governments, organizations and society in general. This has enabled persons with disabilities to have a presence, to participate and play a role in the community, with a level of choice and self-determination that allows them to lead an autonomous life where they can function in society on an equal footing.

201. There are various mechanisms and strategies aimed at improving the quality of life of persons with disabilities and their families. The mechanisms used to ensure compliance with the provisions of the Convention and domestic laws on the rights of persons with disabilities have been developed taking into account State policies and indicators and points of consensus with organizations of persons with disabilities.

202. Stronger policies and initiatives are needed to ensure that persons with disabilities, especially women and indigenous peoples, have equal access to technology and information so that they can further their potential and continue to generate local initiatives. It is important to draw attention to the challenges that persons with disabilities face in society, to deepen awareness and to align efforts in order to achieve results that have a greater impact on the population.

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