



## Convention on the Rights of the Child

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### COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-ninth session

### SUMMARY RECORD OF THE 1043rd MEETING

Held at the Palais Wilson, Geneva,  
on Friday, 27 May 2005, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5) (continued)

Third periodic report of Nicaragua (continued) (CRC/C/125/Add.3; CRC/C/Q/NIC/3; CRC/C/RESP/83)

1. At the invitation of the Chairperson, Ms. Campbell, Mr. Castillo Pereira, Mr. Cruz Toruño, Ms. Frech, Ms. Ortega Plath and Ms. Pérez Pérez (Nicaragua) took places at the Committee table.
2. Ms. FRECH (Nicaragua) said that data on the budget for children would be sent to the Committee in the near future. There were two special centres for children in conflict with the law. Children were kept in those centres for a maximum of three months, until their case had been heard and a sentence handed down. Children between the ages of 13 and 15 could not be held in custody. However, there were various support services to help such children and to work with their families. There were currently 14 judges responsible for administering juvenile criminal justice.
3. Ms. ORTIZ asked what measures the Government planned to introduce with regard to adoption.
4. Ms. ORTEGA PLATH (Nicaragua) said that the revised Adoption Act would provide for the restructuring of a number of old institutions and the establishment of several new ones. It would also ensure children's active participation in judicial procedures and uphold the principle of the best interests of the child.
5. Mr. ZERMATTEN wished to know which court dealt with adoption matters.
6. Ms. ORTEGA PLATH (Nicaragua) said that the Ministry of the Family was responsible for the administrative part of the adoption procedure; civil judges dealt with the legal aspects.
7. The CHAIRPERSON suggested that consideration should be given to removing the provision of the Civil Code that stipulated that the mother would receive custody of children under 7. The main criterion should be the best interests of the child, not the parent's sex.
8. Ms. PÉREZ PÉREZ (Nicaragua) said that the Government had taken a number of measures to prevent suicide. For example, workshops had been organized to train hospital staff to deal with mental disorders. Steps had been taken to improve the quality of medical care. As a result, the number of suicides had fallen by 30 per cent between 2001 and 2002. However, the Government faced a number of constraints, and further efforts would be required in that regard.
9. Local governments and municipalities had their own resources and received allocations from the central Government. The Nicaraguan Institute for Municipal Development encouraged mayors to promote children's and young people's rights. Children were represented in municipal commissions, and the Charter on the Rights of Children and Young People was sent to all municipalities.

10. Around 50 per cent of children were born in hospitals. Mobile registration offices had been set up to ensure that children who were not born in hospitals were issued birth certificates. Other measures had also been taken to improve birth registration.

11. Ms. ORTIZ asked how many municipalities offered services for children and families and what kind of services were offered. She also wished to know whether registration through the courts was free of charge and whether information about such registration was widely disseminated.

12. Ms. PÉREZ PÉREZ (Nicaragua) said that children who had not been registered at birth could be registered through a court. An application for registration had to be certified by a court, which then submitted the request to the registration office. Although the procedure was simple, many people were not aware of it. With regard to children at risk, she said that the Code on Children and Young Persons contained provisions to help identify such children.

13. Mr. LIWSKI asked whether the National Council for the Comprehensive Care and Protection of Children and Young Persons promoted the transfer of resources from the central Government to municipalities with high levels of poverty.

14. Ms. FRECH (Nicaragua) said that efforts were being made to allocate additional resources to poorer municipalities in order to help them to develop various programmes and to ensure that they received all the necessary information.

15. A commission had been established within the Nicaraguan Institute for Women to address the problems of domestic violence and sexual abuse. Twenty-four commissariats for women and children had been established to improve services for victims of abuse and to receive relevant complaints. Legal remedies were available through the courts. A study on violence in Nicaragua had been undertaken with the support of the United Nations Children's Fund. The resulting report, which would be published in June 2005, contained comprehensive data on violence against women and children.

16. The CHAIRPERSON said that the Government should consider creating a special telephone hotline for children in order to obtain more accurate information on the extent of sexual abuse within the family. He asked whether social workers and health-care professionals were obliged to report suspected abuse and whether injury surveillance mechanisms had been established in all hospitals.

17. Ms. FRECH (Nicaragua) said that the establishment of a sexual abuse hotline was currently being debated in the National Council for the Comprehensive Care and Protection of Children and Young Persons.

18. Ms. ORTEGA PLATH (Nicaragua) said all hospitals and health centres had forensic physicians who examined victims of violence; suspected abuse was reported to the commissariats for women and children. Under the Code on Children and Young Persons, persons failing to report abuse could be held liable.

19. Ms. PÉREZ PÉREZ (Nicaragua) said that HIV/AIDS prevention activities were carried out on a national scale. Issues related to sexual and reproductive health, including HIV/AIDS prevention, were debated in youth clubs.
20. Mr. LIWSKI asked whether special programmes were conducted in communities particularly affected by HIV/AIDS.
21. Ms. PÉREZ PÉREZ (Nicaragua) said that special measures were being taken to disseminate information on HIV/AIDS to those communities.
22. Ms. FRECH (Nicaragua) said that a binational commission had been set up to address the issue of Nicaraguan migrant workers living in Costa Rica. The Nicaraguan authorities cooperated with their Costa Rican counterparts in the implementation of special protection measures for children of migrant families.
23. The CHAIRPERSON asked whether there were any assistance programmes for children in Nicaragua whose parents had emigrated.
24. Ms. FRECH (Nicaragua) said that, in cases where both parents had emigrated, the children were generally left in the custody of relatives. Support for children with emotional or behavioural disorders resulting from their parents' absence was provided through school-based counselling programmes.
25. Ms. ORTEGA PLATH (Nicaragua) said that a series of measures had been taken to improve the juvenile justice system, including the establishment of juvenile courts, the appointment of juvenile judges, the creation of children's ombudsman's offices, and the establishment of the Office of the Special Procurator for Children and Young Persons. There were no separate detention facilities for juveniles.
26. The number of minors arrested by the police was 2,545 in 2003, 2,809 in 2004 and 254 in the first quarter of 2005. According to official statistics, 36 minors were currently being held in custody. Pursuant to the Code for Children and Adolescents, in juvenile justice proceedings the imposition of socio-educational measures must be given preference over deprivation of liberty. Legal advice for juvenile offenders was provided through the Office of the Human Rights Procurator. Civil society organizations made regular visits to places of detention to monitor prison conditions; ill-treatment of prisoners was a punishable offence. Special training programmes had been conducted for juvenile justice personnel.
27. Ms. SMITH asked the delegation to explain what was done when the age of the alleged offender was unknown.
28. Ms. ORTEGA PLATH (Nicaragua) said that the person's age was determined by a medical examination.
29. Mr. LIWSKI said that the delegation should provide additional information on drug consumption, particularly glue-sniffing, among minors. He would welcome information on national policies to address the problem of violent youth gangs, or *maras*, and on regional cooperation mechanisms to combat that phenomenon.

30. Ms. FRECH (Nicaragua) said that Nicaragua had so far been spared the *maras*, Nicaraguan youth gangs did not resort to violence.
31. The Ministry of the Family operated 11 drug rehabilitation centres, and some 1,568 children between the ages of 7 and 15 were currently enrolled in drug rehabilitation programmes. The Ministry of the Family cooperated with the Ministry of Development, Industry and Commerce to restrict the sale of glue.
32. Ms. KHATTAB said that, although youth gangs in Nicaragua might not resort to violence, life in the streets placed children at risk; special protection measures were therefore indispensable. Restricting the sale of glue was not enough to prevent drug abuse; the State party should take measures to provide specialized assistance to drug-using street children.
33. Ms. ORTIZ requested information on the implementation of the socio-educational measures provided for in the Code on Children and Young Persons.
34. Ms. ORTEGA PLATH (Nicaragua) said that the implementation of socio-educational measures had been hampered by the lack of appropriate infrastructures.
35. One of the main objectives of the Health Act and its plan of action was to provide universal access to health care, in particular for marginalized segments of society and disadvantaged regions.
36. A plan to reduce maternal mortality rates included improvements in prenatal and post-natal care and the use of maternity homes. Breastfeeding was considered a health priority owing to its beneficial effect on infants' immune system, and campaigns to promote breastfeeding had been organized. Efforts to prevent teenage pregnancies included awareness campaigns, youth club projects and programmes on sexual and reproductive health for women and teenagers.
37. The CHAIRPERSON asked whether the subject of sexual and reproductive health was being taught in secondary schools.
38. Ms. PÉREZ PÉREZ (Nicaragua) said that a programme on sexual and reproductive health was gradually being extended to schools throughout Nicaragua. It was already taught in schools on the Caribbean coast.
39. Ms. ALUOCH wished to know whether teenage mothers received any form of childcare assistance.
40. Mr. LIWSKI asked whether the National Council for the Comprehensive Care and Protection of Children and Young Persons was considering ways of increasing the breastfeeding rate after the first three months following birth.
41. Ms. FRECH (Nicaragua) said that pregnant teenagers who wished to continue school attended night classes. The Council was taking steps to educate the public about teenage pregnancy, breastfeeding and sexual abuse. There were two public hospitals where post-natal services, including courses in basic hygiene and breastfeeding, were provided to teenagers who had given birth.

42. Ms. ORTEGA PLATH (Nicaragua) said that a bill on equal rights and opportunities for women and men was before the National Assembly. The bill addressed existing discrepancies in the minimum marriageable age for boys and girls.

43. The CHAIRPERSON wished to know whether the Government was taking measures to ensure that fathers complied with their obligation to support their children.

44. Ms. ORTEGA PLATH (Nicaragua) said that, under criminal law, teenage girls could claim child support from the father of their child. Prior to the reform of the Maintenance Act, only district judges could hear requests for maintenance. The procedure had now been streamlined and any civil judge could hear cases concerning the recovery of maintenance. A radio campaign had been organized to inform parents about their rights and responsibilities under the reformed Maintenance Act.

45. Ms. LEE wished to know what percentage of children with disabilities attended regular schools and what percentage attended special schools. The delegation should indicate what types of disabilities the Government included in its definition of children with disabilities. She requested information on teacher training for inclusive and special education for disabled children. She asked whether civil society organizations and the Government cooperated in coordinating health services and education for disabled children.

46. Ms. PÉREZ PÉREZ (Nicaragua) said that, with the assistance of various international organizations, the Ministry of Education was developing a national strategy for early education for children up to the age of 6. A number of efforts were under way to increase access to education, including programmes to provide school lunches, school supplies and scholarships. Primary education was free, and the Government had developed a strategy to eliminate illegal school fees.

47. Children who worked had access to secondary education through day classes, night classes and distance-learning programmes. Completion rates for secondary education had risen from 29 per cent in 2000 to 33 per cent in 2003. Programmes existed to enable older working children to complete primary education. The National Commission for the Eradication of Child Labour and the Protection of Young Workers was funded primarily by the International Labour Organization.

48. Mr. KRAPPMANN asked whether the Commission cooperated with the child workers' association.

49. The CHAIRPERSON wished to know the reasons for the regional disparities in school enrolment and completion rates. He asked what action the Government planned to take to deal with those disparities.

50. Ms. PÉREZ PÉREZ (Nicaragua) said that progress had been made in increasing children's participation in the child workers' association. Regional disparities in education were attributable to budget constraints, geographic inaccessibility and inadequate transport facilities. Those issues would be addressed in a national development plan.

51. As part of the strategy to improve the quality of education in Nicaragua, the Government had increased teachers' salaries in 2002 and planned to support similar increases on an ongoing basis. Nevertheless, teachers' salaries currently amounted to only 73 per cent of the cost of the consumer basket.
52. Ms. SMITH wished to know what the Government was doing to improve teacher training.
53. Ms. KHATTAB said that limited financial resources meant that the Government needed to set priorities. Education should be its top priority.
54. Mr. KRAPPMANN said that it was not clear what was meant by the term "basic education" in the third periodic report. He requested additional information on vocational training programmes.
55. Ms. LEE said that the Government should make greater efforts to ensure that qualified teachers did not migrate to neighbouring countries where they could earn much higher salaries.
56. Mr. LIWSKI wished to know what position of the National Council for the Comprehensive Care and Protection of Children and Young Persons had taken in the controversy surrounding a manual on sexual and reproductive health, the publication of which had been refused by the Ministry of Education.
57. Ms. FRECH (Nicaragua) said that while the Council believed that the manual was an important source of information for adolescents and had participated in its drafting, it had had to comply with the decision of the Ministry of Education. The Ministry was currently rewriting the manual in order to take into account the viewpoints of the segments of society that had protested against its publication.
58. Mr. POLLAR asked what measures the Government was taking to clear mines.
59. Ms. PÉREZ PÉREZ (Nicaragua) said that basic education was equivalent to primary education. Most children with disabilities were integrated into mainstream primary and secondary schools. About 800 teachers had received training on how to teach disabled children in mainstream schools. Children with more serious disabilities attended special schools that met their educational needs. The National Institute of Technology was currently developing a technical baccalaureate that would better prepare young people for entering the job market. The education system was being reformed in order to modernize and decentralize education, broaden access to education, increase enrolment and develop students' skills. Improvements would also be made in adult education, bilingual courses, access to education in rural areas and the use of technology and the Internet.
60. Ms. CAMPBELL (Nicaragua) said that the National Mine-Clearance Commission had destroyed all stockpiled mines and had cleared all border areas of anti-personnel mines. The remaining mines were in the north of the country and on the Caribbean coast. The Commission had developed programmes to raise awareness, particularly among children and young people, about the dangers of the mines, and had published handbooks in Spanish and Miskito. All minefields had been demarcated and warning signs in both languages had been erected.

The number of people killed or maimed by landmines had fallen substantially. Most people affected by mine-related accidents were between the ages of 18 and 35 years. The Commission was of the view that victims of mine explosions should have the same rights as persons with disabilities. The Commission intended to clear all mines in Nicaragua by 2006.

61. Ms. ORTIZ asked how the standard of care provided in childcare institutions was regulated. She wished to know who was responsible for deciding to place children in such institutions and for ensuring that children did not remain there indefinitely.

62. Ms. OUEDRAOGO wished to know how the State party ensured that the rights of indigenous children of African origin were protected.

63. Ms. PÉREZ PÉREZ (Nicaragua) said that the Ministry of the Family was responsible for placing children in temporary care facilities, either foster homes or child protection centres. In accordance with the regulations of the Ministry of the Family, children who had no family could be admitted to child protection centres by court order only. The Code on Children and Young Persons specified the situations in which children could be placed in institutions, and which type of institution would be suitable.

64. Ms. ORTEGA PLATH (Nicaragua) said that insufficient resources had led to poor education and health coverage for indigenous children of African origin living on the Caribbean coast. Efforts were being made to establish pilot projects in schools, provide resources in the Miskito language and improve teacher training for that region.

65. Mr. LIWSKI, Country Rapporteur, said that in its concluding observations, the Committee would highlight the need for Nicaragua to amend its legislation on birth registration and to take measures to ensure that all births were registered. In its education policy, the reporting State should focus on quality and inclusion. While it was important to establish juvenile detention centres, Nicaragua should also develop alternatives to deprivation of liberty. The Government should introduce an effective mechanism to eliminate police brutality, particularly violence against young people in custody. Further efforts should be made to lower the rate of teenage pregnancy. The State party should ensure that agreement was reached on the publication of the manual on sexual and reproductive health.

66. Ms. FRECH (Nicaragua) thanked the Committee for its comments and recommendations, without which it would be difficult for Nicaragua to improve the situation of all Nicaraguan children.

The meeting rose at 5.50 p.m.