



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Fourth periodic report of States parties due in 2007

Nicaragua* **

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* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

** The annexes may be consulted in the secretariat files.

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I. Introduction

1. The Government of Reconciliation and National Unity hereby submits its fourth report on the situation concerning the rights of children and adolescents in Nicaragua (2003-2007), in accordance with the provisions of the Convention on the Rights of the Child.
2. Through the efforts of national and international organizations specialized in the topic of children and adolescents, progress has been made in creating technical and legal instruments for the promotion and defence of the human rights of our people. It remains the case that thousands of Nicaraguan children have been subject to violation of their fundamental rights, such as the right to a nationality, to food, to know and be cared for by their parents; the right to education,⁵ health and recreational activities; the right to be respected and heard, to be happy; that is to say, the right to be a person.
3. The Government of Reconciliation and National Unity is today tackling the historic task of restoring all these fundamental human rights denied to children and adolescents, who are the future of a new society under construction, not in fulfilment of international agreements but as a duty owed to the people of Nicaragua. The Government's approach to work with children and adolescents is therefore human in focus, aimed at transforming a situation of vulnerability into one of dignity, that is to say, moving from a state of victim to that of conscious agent of change, from a state of deprivation to one of genuine enjoyment of civic rights within the context of the construction of citizenship.
4. Nicaragua aspires to be a country with happy children living in dignity and enjoying a life consistent with their age and in harmony with their family and their environment. The Government of National Reconciliation and Unity is consequently making every institutional effort to see that no child fails to be registered at birth and obtain a name and the blessing of being a citizen of this country. Furthermore, it claims that within a reasonable space of time the goal of ensuring that not a single Nicaraguan remains unregistered will be achieved. There should be total access to high-quality services such as health care, and education should be free and of a high standard. These rights should be available to all Nicaragua without any form of discrimination.
5. During the period 2003-2005, which coincided with the entry into force of the new IMF-financed Poverty Reduction and Growth Facility (PRGF), external assistance did not decline, whereas tax revenues increased very significantly. The problem did not have to do with an absolute lack of resources but rather with that Government's priorities, given that the country for the first time had the means, thanks to the volume of resources liberated by payment of the debt as a result of the Heavily Indebted Poor Countries (HIPC) Debt Initiative and also the level of foreign cooperation. The increase in tax revenues should have made it possible to begin tackling the country's serious backlogs at the time, but this was not done for lack of political will. From 2007, the Government of Reconciliation and National Unity increased social spending under the national budget with the aim of improving the conditions of children and adolescents, placing the emphasis on population groups or geographical areas where the greatest vulnerability exists.
6. The need for care and protection for children and adolescents at risk mirrors the lack of opportunities, access to resources and basic human necessities resulting from the poverty to which a large part of our population has been subject and from the incursion of alien anti-values.
7. Participation should be regarded as the restoration of power to those to whom it rightly belongs, transcending structures and forms of organization, and should not have any

age limits either. The Government of Reconciliation and National Unity will expand and enhance effective participation by the children and adolescents of our country.

8. Strengthening the management of children's rights in the context of the autonomy of the Caribbean Coast and promoting and implementing the policies described herein with a view to ensuring a full and decent life for the children and young people of our indigenous and ethnic communities are cultural challenges confronting the autonomous regions. Steps have been taken to promote access to drinking water and sanitation together with sustainable management of the environment for children. The Government of Reconciliation and National Unity will take measures to promote and further these basic rights to life.

9. The information contained in this document is derived from Government sources and from research carried out by various international bodies.

10. The main aim has been to provide follow-up to the recommendations on the third national report concerning the progress and difficulties experienced by the Government and Nicaraguan society in ensuring full implementation of the Convention on the Rights of the Child.

11. The task of compiling the information was demanding since the databases in most institutions remained inactive during the period of change of government, hampering the process of gathering information. The result was to delay the preparation of this report, leading to the request for postponement of the date of submission.

12. The report is divided into two parts: the first contains a description of the country; and the second - and substantive - part is structured in keeping with the guidelines for the preparation of the fourth report. This latter section is organized according to the eight major sections established by the Committee on the Rights of the Child in the guidelines for the preparation of reports on the situation of children, namely: general measures of implementation, definition of the child, general principles, civil rights and freedoms, family environment and alternative care, basic health and welfare, education, leisure and cultural activities, and special protection measures.

13. The Nicaraguan Authorities, through the National Council for the Comprehensive Care and Protection of Children and Adolescents (CONAPINA), expresses its gratitude to all those individuals, donor organizations, children and adolescents, and municipal commissions that have made the preparation of this fourth State report possible, since without them the requirements under the Convention on the Rights of the Child could not have been met.

II. National context

14. According to population estimates and projections based on the eighth population and fourth housing census carried out in 2005, Nicaragua had a population of 5,706,474 in 2007, including 2,556,048 inhabitants under the age of 18 (0 to 18 years), equivalent to 45 per cent of the total, and a youth population of 3,410,345 (0 to 25 years old), representing 60 per cent of the total. Nicaragua thus continues to have a predominantly young population. As regards population by gender, males and females are equally represented (50 per cent). Life expectancy is 73 years, the indigenous population is put at 8.6 per cent, urban dwellers at 59 per cent and the rural population at 41 per cent (*source*: INIDE estimates and projections).

15. In economic terms, Nicaragua has an impoverished economy that has become increasingly dependent in recent decades on foreign cooperation and is also one of the most agriculturally intensive economies in Latin America, this sector accounting for 20 per cent of GDP and 43 per cent of total employment.

16. Poverty is one of the main obstacles facing Nicaraguans according to the National Development Information Institute (INIDE). In 2005 it was estimated that general poverty in Nicaragua stood at 48.3 per cent and extreme poverty at 17.2 per cent, that is to say, 48 out of every hundred persons was in a state of poverty, with a monthly per capita consumption below 596.2 córdobas (19.8 córdobas daily), and 17 out of every hundred were affected by extreme poverty, with a monthly per capita consumption below 327.3 córdobas (10.91 córdobas daily).

17. INIDE thus notes that rural poverty continues to be more widespread and acute than urban poverty. In general, persons living in rural areas are "almost 5 times more extremely poor and twice as poor as those in urban areas" (INIDE: 2007).

18. The loss of dynamism in the agricultural sector is reflected in the acute situation regarding extreme poverty in rural areas. General poverty and extreme poverty are predominantly rural in bias. The poverty phenomenon is closely linked to level of family income, which is itself related to whether family members are employed or unemployed.

19. According to INIDE, over three quarters (77.7 per cent) of the national population is of working age. The same source notes that 55 per cent or over half the total population of the country participates in the labour market, whether employed, seeking employment or waiting to start work.

20. The working population does not show significant differences in relation to the poverty stratum or geographic location, but it reveals a large gap in terms of gender. Thus "the male economically active population (PEA) is practically double the female PEA nationally (73.3 against 37.9 per cent); among the extreme poor the figure is over three times higher (77 against 23.3 per cent); while the male PEA among the non-poor is 1.6 times that of the female (71.6 against 45 per cent)" (INIDE: 2006).

21. The main source of work in Nicaragua is the informal sector. This represents 63 per cent of total employment, with private companies generating 32 per cent and the public sector 5 per cent. Jobs in the informal sector in many cases pay below the minimum wage.

22. It was for this reason that the Nicaraguan Government drew up the National Development Plan as a means of freeing the country from poverty. Apart from the situation of social crisis generated by the high rates of poverty and extreme poverty faced by the majority of Nicaraguan families, it should be added that Nicaragua is a country highly vulnerable to natural phenomena.

23. In 2007 Hurricane Felix devastated the country's Atlántico Norte autonomous region (RAAN), a geographical area of over 32,819.68 km², representing 54 per cent of the Caribbean Coast of Nicaragua and 26.5 per cent of the national territory.

24. The State is actively engaged in ensuring nationwide fulfilment of the rights of children and adolescents. Nicaragua's 2007 general budget, adopted under Act No. 615, was modified in September with the principal aim of allocating financial resources to the Executive Secretariat of the National System for Disaster Prevention, Mitigation and Response (SINAPRED), the Ministry of Transport and Infrastructure, the Ministry of Education (MINED), the Ministry of the Family (MIFAMILIA) and the Emergency Social

Investment Fund (FISE) to meet the needs arising from the devastating effects of Hurricane Felix when it struck the Caribbean Coast of Nicaragua.

25. In January 2007, steps were taken to reform the budget, a measure that coincided with its implementation and meant that the institutions concerned had to analyze and readjust each project in order to propose changes consistent with the new policies of the Government of Reconciliation and National Unity.

26. The implementation of austerity measures and the nationalization of expenditure, in particular on consultancies, purchases and acquisition of machinery and transport and office equipment in all ministries, was the main reason for the low budget spending in 2007.

27. In the case of the Ministry of the Family, there was a delay in meeting the above conditions in order to obtain disbursement from the funding agencies, as in the case of the IDB loan, a problem that was overcome at the end of the second quarter.

28. In the Ministry of Education, the main problems were specifically in the areas scheduled for the construction of public works.

29. In the case of the Ministry of Health (MINSa), tendering processes were affected since the institution reformulated its Acquisition Plan without prior approval by the financing body, a situation that involved it having to carry out the procedure for requesting non-objection and initiate the tendering process.

30. In the Republic's 2007 budget, the Government of Reconciliation and National Unity placed the emphasis on the social sector by increasing its share of the national budget compared with 2003.

Central Government: execution of expenditure, 2003-2007

(In thousands of córdobas)

<i>Item</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
1 Internal funding	9 869 596	10 548 997	12 559 798	16 724 998	18 597 967
External funding	5 072 079	5 418 038	5 783 616	4 432 970	5 221 367
Budget expenditure, total	14 941 675	15 967 035	18 343 414	21 157 968	23 819 334
2 Internal funding	4 130 896	4 775 124	6 346 692	8 340 540	10 356 878
External funding	2 167 031	2 577 515	2 760 377	1 983 972	1 941 980
Social expenditure, total	6 297 927	7 352 639	9 107 069	10 324 512	12 298 858
Internal funding	1 272 049	1 418 541	1 785 240	2 341 256	2 916 612
External funding	543 961	644 130	747 162	566 951	622 802
Ministry of Education, total	1 816 010	2 062 671	2 532 402	2 908 207	3 539 414
4 Internal funding	1 540 069	1 556 587	1 966 410	2 629 310	3 157 125
External funding	492 698	576 805	693 149	508 972	735 400
Ministry of Health, total	2 032 767	2 133 392	2 659 559	3 138 282	3 892 525
5 Internal funding	85 569	107 531	116 586	142 217	148 683
External funding	216 177	309 848	267 254	160 331	44 293
Ministry of the Family, total	301 746	417 379	383 840	302 548	192 976

Source: Ministry of Finance 2008

III. Methodology used in the preparation of the report

31. The fourth report on the situation concerning the rights of children and adolescents in Nicaragua (2003-2007), submitted to the Committee on the Rights of the Child, has been prepared in line with the Convention on the Rights of the Child and on the basis of the recommendations concerning the third report (1998-2002) submitted by the State of Nicaragua in compliance with the Convention. The methodological approach to ensure full and effective compliance was established despite the fact that 2007 coincided with a period of reorganization in the institutions concerned with the report's submission. The methodology employed was participative with a focus on human rights. Documentary and field research was carried out, drawing on State bodies and institutions, municipal agencies and authorities, civil society, local actors and children and adolescents.

32. Revision of the bibliography began with an evaluation of the National Policy for the Comprehensive Care of Children and Adolescents (2001), the Public Policy to Combat the Commercial Sexual Exploitation of Children and Adolescents, the National Plan of Action for Children and Adolescents (2002-2011), the National Health Plan (2004-2015), the National Education Plan (2001-2015), the National Plan to Combat the Commercial Sexual Exploitation of Children and Adolescents (2003-2008), the National Strategic Plan for Preventing and Eradicating Child Labour (2001-2005) and the National Plan for the Prevention of Domestic and Sexual Violence (2001-2006).

33. Methodological guidelines for drawing up the report were prepared for the institutions involved in preparing the document and, to supplement the information obtained, bilateral meetings with officials and in-depth interviews took place on the basis of guidelines involving questions on topics such as follow-up, achievements, progress, difficulties and budgets.

34. Focus groups were organized among municipal commissions and children and adolescents in cities countrywide using guidelines containing direct questions on knowledge of the code, participation, special protection and general information on children. A guide document was prepared for the commissions with questions concerning policies, programmes, projects, follow-up, budget, coordination and participation.

35. The following measures were taken to implement the focus groups.

36. Eighteen municipalities in the country were chosen, mainly those characterized by the greatest economic and social vulnerability. The interviews were conducted with the participation of key local actors and authorities.

37. Thirty-seven focus groups were organized in the following municipalities:

		<i>Adolescent</i>		<i>Municipal Commission</i>	<i>Total</i>
<i>Municipalities</i>	<i>Children</i>	<i>s</i>			
1 San Francisco del Norte	1	-	1		2
2 Somotillo	1	1	1		3
3 El Viejo	1	1	-		2
4 Jinotega		1	1		2
5 Esquipula	1	1	-		2
6 La Dalia		1	1		2
7 Terrabona	1	-	-		1
8 San José de Cusmapa	1	-	1		2
9 Ocotal	1	1	-		2

	<i>Municipalities</i>	<i>Adolescent</i>		<i>Municipal</i>	<i>Commission Total</i>
		<i>Children</i>	<i>s</i>		
10	Tola	1	1	1	3
11	Rosita	1	1	1	3
12	Siuna	1	-	1	2
13	Bonanza	1	1	1	3
	Desembocadura del Río	1	-	-	1
14	Grande				
15	Bluefields	-	-	1	1
16	Tipitapa	-	1	-	1
17	Ciudad Sandino	-	1	1	2
18	Managua	-	3	-	3
Total		12	14	11	37

38. Each focus group had at its disposal a list of participants, recordings of each of the interviews and photographs. In the case of interviews that could not be recorded, handwritten notes were available as well as digital processing.

39. Follow-up of the information requested from the institutions was systematic, and coordination was maintained with those responsible for following up the children's programmes in each institution concerned. It should be mentioned that not all the institutions have such programmes or individuals. The aim of doing so was to validate the information requested for the preparation of this fourth report.

40. The collection, processing, analysis and validation of information was undertaken on the basis of the established work plan and schedule of activities of CONAPINA's team of advisers.

41. Coordination was maintained with the Ministry of the Family on progress in the preparation of this fourth report, and the first draft was submitted for observations to be included in the document. The final report was presented to the Legal Affairs Department of the Office of President of the Republic for validation by the competent authorities. Once this process was finalized, the present document was translated into English and Misquito for subsequent submission to the Committee on the Rights of the Child through the Ministry of Foreign Affairs.

IV. General measures of implementation

A. Legal measures

42. Nicaragua is progressing in the building of a legal framework to provide comprehensive protection to children and adolescents. This process of legal construction is the Government's most significant achievement.

43. During the last five-year period, Nicaragua has made progress in strengthening the legal framework of State institutions. However, the conflicts caused by recurrent political crises between State authorities, the party politicization of public affairs, the high levels of corruption and the shortcomings in human rights culture and prevention have served to undermine confidence between the guarantors and holders of rights.

44. The failure to fulfil certain constitutional requirements such as universal access to education, basic health, protection against hunger, the right to decent employment and the secular character of the State, together with the State's continued over-centralization in a

market economy, are factors that have prevented public policies from benefiting excluded sectors or groups (children, adolescents and young people) and, in particular, women and indigenous peoples.

45. While it is true that previous Governments had made efforts to ensure compliance with Nicaragua's obligation to submit periodic reports to the Committees, the Government of Reconciliation and National Unity is now engaged in conducting an awareness campaign among the different actors involved in the process, which is the key to its success in complying with this huge task.

46. We now have an Inter-Institutional Committee on Human Rights (CIDH) responsible for ongoing self-evaluation of the effective implementation of the provisions contained in national legislation and international human rights agreements, consistent with Nicaragua's recent election as a Member state of the Human Rights Council for the period 2007-2010.

47. The main international standard-setting instruments to which Nicaragua acceded during the period covered by this report are:

- Ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2003).
- Ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2003). The Nicaraguan State acceded to this Convention under Decree No. 3509, adopted on 20 March 2003 and published in the *Official Gazette* No.60 of 28 March 2003.
- Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime.
- Inter-American Convention on the International Return of Children (2004).

48. The main national legislative instruments in the period covered by this report are those below, which have been adopted by the National Assembly and have completed the legislative process, becoming legally binding laws for State institutions, social organizations, families and individuals:

- Political Constitution of the Republic;
- Code on Children and Adolescents (1998);
- Act No. 423, General Health Act (2002);
- Act amending Act No. 212, Office of the Human Rights Procurator Act (2003);
- Prison System and Enforcement of Sentences Act (2003);
- Amendment to section VI of the Labour Code on child labour (2003);
- Act No. 445, Communal Property Regime of the Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua (2003);
- Act No. 475, Civic Participation Act (2003);

- Amendments to the Maintenance Act (2004);
- General Education Act (2005);
- Initiative for the Act on Indigenous Peoples of the Pacific, Central and Northern Regions of Nicaragua (2006);
- Proposal for characterization of the offence of racial discrimination, submitted to the Assembly in 2007;
- Act No. 614 (2007), amending the Adoption Act No. 862 (1981);
- Act No. 641, Criminal Code (2007), criminal guarantees;
- Responsible Parenthood Act (2007);
- Characterization of the crime of trafficking in persons, submitted to the Assembly (2007).

B. Measures taken to establish bodies and programmes in conformity with the Convention

49. The appointment of two special procurators for the indigenous peoples and ethnic communities of the Atlántico Norte autonomous region (RAAN) and Atlántico Sur autonomous region (RAAS) and the appointment of a delegate for the Siuna municipality.

50. Administrative progress is constituted by the legal texts adopted by the various branches of the executive (ministries) in the form of ministerial or presidential decrees, decisions and agreements. Administrative provisions, which are also binding in character, include:

- Preparation, adoption and implementation of the Protocol for Dealing with Offences involving Domestic Abuse and Sexual Aggression (2003)
- Setting up in February 2004 of the National Coalition against Trafficking in Persons. Fifteen ministries and State institutions, 51 civil society organizations and 12 international non-governmental organizations signed the constitution of the Coalition, which is aimed at detecting, preventing, protecting and rehabilitating victims and effectively punishing the perpetrators of this offence. In 2007 the Protocol on the Coalition on the Trafficking in Persons was signed.
- Establishment in 2004 of the National Women's Consultative Council.
- Decisions of the Supreme Court setting up juvenile criminal courts and the technical office for monitoring the juvenile court system.
- The Supreme Court continued to grow stronger in 2007 and establish new courts throughout the country in order to improve access to justice and speed up procedures. The Court created 3 new local civil courts, 2 local combined courts, 3 local criminal courts, 4 district criminal courts, 2 labour courts, 4 family courts and 1 sentence enforcement unit, making a total of 19 judicial bodies.

Meanwhile in Managua, the Supreme Court set up 7 courts, comprising 2 trial courts, 2 courts of first hearing, 2 family courts and 1 sentence implementation and prison monitoring court.

- Ministerial decree amending section VI, book I of the Labour Code (2007)
- Ministerial agreement on measuring the working-age population of 14 years and above.

C. Policies, plans and other instruments for implementing the Convention

1. National Development Plan 2003

51. The National Development Plan is a consensual means for reaching stable and lasting agreements between the different public and private actors and social and economic sectors, enabling Nicaragua to progress towards comprehensive development as a nation. It is an attempt to order priorities so as to arrive at strategic results by means of activities in the short, medium and long term geared to sustainable development. In this sense, the National Development Plan is a new paradigm, a future-oriented project that seeks to unite all Nicaraguans through a comprehensive and sustainable development project mapping the path to be followed in the medium and long term:

- National Education Plan (2001-2015);
- National Health Plan (2004-2015).

2. Enhanced economic growth and poverty reduction strategy (2001)

52. The Enhanced Economic Growth and Poverty Reduction Strategy (ERCERP) sets out the economic, social and social reforms that the State must promote as a commitment to donors once the foreign debt is paid.

3. Public policy to combat the commercial sexual exploitation of children and adolescents (2002)

53. This policy consists of a series of preventive, control and care strategies and measures for children and adolescents whose human rights are being violated as a result of commercial sexual exploitation.

54. Public policy to combat the commercial sexual exploitation of children and adolescents is considered a benchmark for the measures to be taken by State institutions and civil society to tackle the problem of commercial sexual exploitation and to devise strategies for its elimination.

55. This policy regards the phenomenon of commercial sexual exploitation as a flagrant violation of the human rights of children and adolescents.

56. The overall aim of this policy is to provide Nicaraguan society with a set of fundamental concepts, aims, strategies and approaches underpinning a set of coordinated measures by the State and civil society to help eradicate violence and commercial sexual exploitation involving children and adolescents in Nicaragua. Its spheres of operation are prevention, protection and care - in the latter case through the rehabilitation and reintegration of victims.

57. The strategies for implementing this policy include legal reforms involving changes to national legislation, comprehensive responses, targeted nationwide measures, public communication and awareness campaigns, lifelong learning and social research:

- National Plan to Combat the Commercial Sexual Exploitation of Children and Adolescents (2003-2008);
- National Plan for the Prevention of Domestic and Sexual Violence (2001-2006);

4. National policy for the comprehensive care and protection of children and adolescents

58. The Policy is defined as a set of principles, strategies and resources to ensure compliance with the rights and duties of children and adolescents as recognized in the Convention on the Rights of the Child and the Code on Children and Adolescents.

59. Comprehensive care is understood as the set of programmes and measures that should flow from this policy so as to further the interests of children and adolescents in all aspects of their lives. Its purpose is to promote, strengthen, consolidate and guarantee coordinated and comprehensive care for children and adolescents, having regard to their basic needs for moral, spiritual, physical and physiological development:

- National Plan of Action for Children and Adolescents (2002-2011);
- National Strategic Plan for the Prevention and Eradication of Child Labour (2001-2005).

5. National Police prevention policy for children and adolescents

60. The National Police's Department for Juvenile Affairs is responsible for proposing strategies and prevention policies and for providing care and special priority protection to children and adolescents.

61. The police prevention policy for children and adolescents has two main objectives:

- Protecting all children and adolescents, in particular those in situations of social risk, from being victims of crime;
- Preventing young people from committing crimes and helping to realize fundamental rights and guarantees, respecting the principles of justice, freedom and dignity and the personal integrity of children and adolescents.

62. The essential principle governing the preventive action of the National Police with regard to children and adolescents is to prevent the commission of offences by them, which is a shared responsibility on the part of the family, society and the State. Delinquency is a social phenomenon in which the young person moves from the status of victim to criminal; juvenile groups are not all gangs, and it is necessary to make distinctions; and inter-agency coordination to prevent crime is fundamental, both at government level and also at the non-governmental, communal, municipal and National Police level.

63. This policy calls for a range of methodologies depending on the children and adolescents concerned, namely:

- Children and adolescents in general;
- Children and adolescents in situations of personal risk;

- Adolescents presumed to have committed an offence;
- Children and adolescents who are the victims of crime.

D. Steps taken in the field of information systems

64. The process began in 2002 of constructing the National Information Centre on Children and the Family (CENINFA), which was supposed to operate from the offices of the National Council for the Comprehensive Care and Protection of Children and Adolescents (CONAPINA). Prior to August 2007, the process was discontinued as the result of a change of staff. In 2008 it is intended to reactivate and update the CENINFA database and train its new staff.

65. In 2007, the Information System on Children and Adolescents at Risk (SINAR) was evaluated by the new authorities of the Ministry of the Family in order to update the indicators in the national results management system. It is planned that from 2008 the system will function centrally from the institution and will be operated by the Ministry's 24 regional departments.

E. Volume of external aid received during the period under review

66. As regards the coordination of financial and institutional support to CONAPINA, the State did not allocate the resources necessary to meet its operating costs, which prevented it from fulfilling its functions properly. However, the Council made progress in the framing and implementation of regulations and legislation, with the support of international co-operation bodies. It was able in this way to monitor the institutions responsible for the National Plan of Action for Children and Adolescents 2002-2010, which were unable however to meet the goals assigned to them for lack of financial resources and in some cases because of other priority government options. Generally speaking, this recommendation was not met. On the contrary, social programmes were cut and minimum budgets were allocated.

67. In the administration of resources, international cooperation agencies in Nicaragua are strategic allies helping to fulfil the rights of children and adolescents in accordance with the Code on Children and Adolescents. International cooperation has in this way been providing technical and financial support to the Executive Secretariat of CONAPINA to strengthen implementation of the measures prescribed by the Council in its task of coordinating efforts and directing child policies.

F. The State party and civil society

68. In accordance with article 18, paragraph 17, of Act No. 212 establishing the Office of the Procurator for the Defence of Human Rights), one of the Office's main functions is to appoint a special procurator (male or female) to promote and defend the rights of children and adolescents. The law setting up the national human rights body does not refer to the existence of a "Special Office of the Procurator for Children and Adolescents", but it does mention that decisions relating to the internal organization of the Office of the Procurator for Human Rights are the sole prerogative of the *Ombudsman*.

69. Following the resignation in 2005 of the Special Procurator for Children and Adolescents, the current Procurator for Human Rights appointed a special woman procurator for children and adolescents. She was working as adviser and chief of the human rights observatory for children and adolescents within the Procurator's Office, acts as delegate of the *Ombudsman* and is the leading political figure responsible for the promotion, defence and safeguarding of the human rights of children and adolescents in Nicaragua. She is

furthermore responsible for ensuring that the different departments of the Office of the Procurator for the Defence of Human Rights, attached to the Department of Promotion and Defence, include in their annual plans monitoring measures (research and situational diagnosis on compliance with the human rights of children and adolescents by the public authorities), which make a fundamental contribution to the fulfilment of basic human rights.

70. The Department of Promotion and Training should introduce training seminars on various human rights topics relating to children and adolescents for officials in State institutions, communication professionals and human rights activists in civil society organizations and social movements concerned with the rights of children and adolescents. In view of the above and in keeping with the main subjects of concern of the Committee on the Rights of the Child regarding independent monitoring, and particularly the issues of autonomy, independence, objectivity and impartiality, we can assure the Committee that the latter have remained operative under the management of the second and current Special Woman Procurator for Children and Adolescents.

71. The National Council for Economic and Social Planning (CONPES) is a deliberative civil society body concerned with the principle public policies. In 2006 it initiated a consultation process whose outcome was the proposal "Civic action for the next five-year period, 2007/2012". This proposal represents an opportunity to link the concerns and suggestions of a broad section of civil society with the administration of public affairs in the coming years.

72. The Army Civil Defence Unit, as part of the National System for Disaster Prevention, Mitigation and Response, promotes management of the population risk and supports organized structures working to transform risk scenarios and cope with disaster situations more effectively and efficiently, creating better conditions for the sustainable development of the country. Promotion of the rights of children and adolescents in the framework of risk management was made possible through technical and financial support from foreign cooperation agencies, enabling 29,322 individuals from 160 communities in 42 municipalities to be assisted in this period.

G. Measures to promote participation by children

73. There is a need to promote the rights of children and adolescents in all spheres of society and to encourage Nicaraguans as a whole to participate in this process so as to move from an assistance-oriented society to one enjoying full freedom, to move from pity to the enjoyment of rights, from vulnerability to human dignity, from adultism to the integration and recognition of children and adolescents as participants in dialogue and the joint solving of problems, from instrumental participation to genuine empowerment, from the production of passive children and adolescents to the nurturing of active young people ready to defend their own rights.

74. In 2007, with the aim of monitoring knowledge about children's rights and duties, CONAPINA organized focus groups in vulnerable townships, which revealed a continuing ignorance of the Children's Code despite all the efforts to ensure its circulation and application by society.

75. CONAPINA's results during the period under review included:

(a) Monitoring of the national policy for the comprehensive care and protection of children and adolescents and the public policy to combat the commercial sexual exploitation of children and adolescents;

(b) Preparation and dissemination of the child-friendly version of the National Plan of Action for Children and Adolescents 2002-2011;

(c) Proposed strategy for the comprehensive implementation of the Code on Children and Adolescents;

(d) Review and analysis of the draft amendment to Decree No. 262 on the current adoption law;

(e) Monitoring of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, to which Nicaragua is a party;

(f) Supervision of compliance on the part of the Ministries with the Millennium Development Goals.

76. During this period CONAPINA undertook the following measures: translation of the Code on Children and Adolescents into Misquito; provision of training on the rights of the Child with the emphasis on non-discrimination. There are no reports which measure or evaluate progress in this regard. In addition, educational programmes were translated into the ethnic languages of the Atlantic Coast.

V. Definition of the child

77. In keeping with both the Convention on the Rights of the Child and the Code on Children and Adolescents, children continue to be defined as those below the age of 13 and adolescents as those between the ages of 13 and 18.

78. The recommendation to increase the minimum age of marriage and to fix the same age for both contracting parties has not been followed since the new Civil Code has not been adopted. The age for contracting marriage remains 15 for a boy and 14 for a girl with the consent of their parents, and 21 for men and the 18 for women without parental consent.

79. The third report moreover mentioned different minimum ages at which adolescents have the right to perform various activities within the national territory:

1. Part-time and full-time employment from the age of 14.
2. Medical or legal counselling: there is no legal provision (parental consent).
3. End of compulsory schooling at 15 years (primary).
4. Sexual consent. The Act amending the Criminal Code (Act No. 150) presumes lack of consent when the victim is aged under 14.
5. Enlistment and voluntary recruitment in the Armed Forces and the National Police at the age of 18.
6. Criminal responsibility: between the ages of 13 and 18 (under article 95 of the Constitution).
7. Deprivation of freedom including arrest, detention and prison: between the ages of 15 and 18 (maximum six years' loss of freedom).

8. Giving testimony in court in civil and criminal cases (with the authorization of a judge).

9. Participating in administrative and judicial proceedings affecting the child: through a legal representative (article 17 of the Constitution).

10. Giving consent to change of identity, including change of name, modification of family relations, adoption and guardianship at seven years of age.

11. Legal capacity to inherit and to conduct property transactions, formally or by affiliation as a guardian.

80. An exception is the electoral law, which provides for the issuing of identity cards to those over 16 years of age, giving them the right to vote in elections at all levels in the country.

81. The identity card also entitles those over 16 years of age:

- to play an active role in politics;
- to conduct banking and financial operations;
- to hold a provisional licence.

VI. General principles

A. Non-discrimination

82. The principle of non-discrimination is reflected in both the Constitution and the Code on Children and Adolescents, as well as in article 2 of the Convention on the Rights of the Child.

83. According to the Human Rights Committee, non-discrimination is a fundamental and general principle in relation to all other rights, underlying them and informing their enjoyment and exercise.

84. It is an obligation of the State to respect and ensure the rights recognized in these instruments, without distinctions of any kind, to all persons within its territory and subject to its jurisdiction.

85. The principle of non-discrimination is enshrined in this instrument with regard to the exercise of the specific rights of children, together with the obligation to implement all forms of protection against any kind of discrimination so as to guarantee the well-being of the child (articles 2 and 3).

86. The Human Rights Committee, with reference to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child, calls for the elimination of all forms of discrimination against children.

87. Any distinction, exclusion, restriction or preference based on race, colour, gender, language, religion, political or other opinion, national or social origin, economic situation, birth or any other social condition, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of the human rights and fundamental freedoms of all persons.

88. The Inter-American Court of Human Rights has laid down that this principle is applicable to every State, whether or not it is party to a given international instrument, and entails obligations with respect to third parties, including private individuals. States are obliged to respect and guarantee this principle independently of any circumstance, including the migratory status of the persons, so that the latter cannot be grounds for depriving those concerned of the enjoyment and exercise of their human rights. The reasons for such discrimination include the race, colour, descent and the ethnic or national origin of the children. Other types of discrimination exist, such as that based on sex and economic and social status.

89. The different types of discrimination are closely interrelated. Together they represent a convergence of rights violations that accentuates the impact and consequences of each singly, constituting a repeated affront to human dignity.

90. Despite the fact that the number of children and adolescents infected with HIV-AIDS is increasing, discrimination still exists when it comes to treating these patients, since most treatment is for adults. In the case of children, access to treatment is minimal; in other words, the majority of children with AIDS are subject to medical discrimination.

B. Best interests of the child

91. The principle of the best interests of the child is enshrined in the Convention on the Rights of the Child, in article 3, paragraph 1, which states: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration", which corresponds to the doctrine of comprehensive protection embodied in international human rights law, according to which children are the subjects of rights and not simply the subjects of protection.

- For the Government of Reconciliation and National Unity, compliance with our constitutional mandate is a moral, social and political commitment, which is why we have undertaken to fulfil the requirements of our Constitution in their entirety so as to ensure a complete state of physical and mental well-being in our children.
- Achieving the desired development is a task not only for the State but for society as a whole
- Implementing the Enhanced Economic Growth and Poverty Reduction Strategy implies redistributing expenditure to social programmes.
- On the basis of the Enhanced Economic Growth and Poverty Reduction Strategy, the Government of Nicaragua is currently implementing the National Development Plan, an instrument reflecting a national consensus and containing medium- and long-term goals.
- The comprehensive and sustainable social policy reflects the fact that the main objective of social development is to enable human beings to fulfil their rights and freedoms and the basic conditions for fully realizing their human potential, in particular children.
- One of the principles of social policy is that of equity, which provides that the level of income and wealth should be improved since it is recognized that greater equity makes possible greater economic growth and lasting social sustainability. Priority should therefore be given the most vulnerable and needy

population groups in order develop their potential and enable them to lead a decent life.

C. Right to life, survival and development

92. Free and fair access to healthcare is guaranteed, priority being given to mother-and-child programmes; increased efforts have been made to create strategic alliances in the development of joint actions for adolescents.

93. Every human being has the right to life from the moment of conception; every person has the right to life, to their identity, to their moral, mental and physical integrity and to their free development and well-being; the newborn is invested with rights in all regards.

D. Respect for the views of the child

94. Children and adolescents must enjoy the right to freedom of opinion, to express themselves freely and naturally. The aim of the Participation in Education Act is to regulate the participation of civil society in education, particularly parents, educators and students. This law is founded on the principle of participation, which it defines as the shared exercise by the community of the educational function, understood as the decision-making role of parents, teachers and pupils in the framing, management and evaluation of the curriculum and in the functioning of the educational establishment in conformity with the regulations laid down by the Ministry of Education.

95. Crime prevention committees are organizational expressions of this participation, bringing together representatives of the different social sectors and the National Police with the aim of joining forces and defining priorities in socially oriented crime-prevention projects. In 2003 there were 1450 committees in all throughout the country, 858 of them operating in rural areas and 600 in urban areas. This number has now been increased.

96. The right of children to be heard, for their opinions and decisions to be respected and for them to be integrated and participate in the different living and learning contexts has been promoted. Children from the age of seven have the right to decide and for their decisions to be respected. Children, adolescents and young people have organized themselves in line with their rights and have begun to exercise greater influence, but this is a subject on which more work needs to be done in terms of genuine participation.

E. Bodies in which children participate

97. Society in coordination with the Government should promote participation in the various forums to ensure that children and adolescents achieve comprehensive development.

98. The different ministries and governmental bodies, such as the Office of the Procurator for the Defence of Human Rights, have successfully encouraged the participation of children and adolescents in decision-making and included children and adolescents as active members of the different commissions and councils in relation to their rights.

99. The participation of children and adolescents at local government level has become a reality through the children's and adolescents' commissions in the municipal councils. Young people have managed to express their concerns and experiences through programmes that promote participation in the different communication media.

100. The Ministry of the Family, through its prevention programmes, has promoted and authorized the participation of children and adolescents in solving the various social problems confronting their communities, enabling them in this way to exercise their rights.

It has provided systematic training on topics related to sexual and reproductive health, HIV/AIDS, self-esteem, life projects, situations of juvenile violence, family violence and the prevention of drug use and alcohol consumption.

101. In December 2003 the Civic Participation Act was adopted, confirming the right of the Nicaraguans to organize themselves as active subjects in the formulation, development and evaluation of public policies, at both national and municipal level.

102. There are few actual cases of the emergence of juvenile leadership, since the young are not given specific information on how to engage with the machinery of participation. It may be noted that processes of empowerment for young people and adolescents are taking shape in civil society, and in 2007 student councils are gradually starting to operate in basic education (Federation of Secondary School Students (FES)).

103. Another notable feature of the current system of civic participation is its mono-ethnic and monolingual character, which has a negative impact on indigenous peoples and those of African descent, especially on the Caribbean Coast.

VII. Civil rights and freedoms

104. Some efforts by the State have yielded progress in the areas indicated below.

A. Name and nationality

105. The Constitution stipulates that Nicaraguans must be entered in the register of births within the legal time limits. The Code on Children and Adolescents provides that children have the right from birth to a name and a nationality. To ensure full compliance with this provision and to avoid under-registration, the following mechanisms have been established under the National Plan to reduce the under-registration of Nicaraguan children. The Supreme Electoral Council has implemented the programme "Right to a Name and a Nationality" with special emphasis on places with the highest poverty rates.

106. The following stages were established for carrying out this programme:

- First stage: organization of a census to establish the rate of under-registration in the area.
- Second stage: receipt of documents for making copies of the birth certificate.
- Third stage: search for (deletion of) entry in the central and/or municipal register, ensuring that the birth has not already been registered and a copy of the birth certificate issued.
- Fourth stage: issuing of a judicial decision, inclusion in the register corresponding to the judicial decision and preparation of birth certificates.
- Fifth stage: delivery of certificates to the children concerned.

107. This programme was carried out from 2003 to 2007 in the municipalities of Mulukuku, Siuna, Rosita, Bonanza, Prinzapolka, Puerto Cabezas and Waspan, resulting in the registration of 96,000 children and adolescents.

108. Under the auspices of Save the Children Canada, Plan Nicaragua and UNICEF, implementation of this programme began in 2007 in the municipalities of Bluefields and Corn Islands, with a target registration of 18,669 children and adolescents, on which work is

proceeding. In May 2007, Save the Children supported with birth registration materials civil registers in the municipalities of El Turna-La Dalia, Rancho Grande, Waslala, Cua and Bocay, resulting in the registration and birth certification of 1500 children and adolescents.

109. Currently Plan Nicaragua is working in coordination with the departmental electoral councils (Managua, Masaya and Carazo), the Supreme Court, City Halls and other local authorities to ensure that the right to a name and a nationality becomes a reality for children and adolescents. To obtain statistical data on the level of under-registering, a census is being carried out in some towns in these departments to achieve a more accurate estimate of the technical and economic resources required.

110. In 2007, with the expiry of the Act extending the period of validity of the 2006 Act on the (re)issuing of birth certificates, the Supreme Electoral Council undertook the necessary coordination with the National Assembly authorities, Plan Nicaragua and Save the Children Canada to extend the period of validity of this law, which was prolonged until 31 December 2011.

111. Mobile registers set up in rural areas proved effective, furthering registration campaigns and speeding up procedures for registering births.

112. Direct registration of births in the centres where they take place with the aim of linking this service more closely with the communities was promoted by the Mayors' Network of Friends and Defenders of Children and the Ministry of Health.

113. Promotion of birth registration was promoted at the initiative of the Child-Friendly Schools in Nicaragua (*escuelas amigas y saludables*).

114. Offices were opened in all the maternity hospitals for recording new births in coordination with the town hall, and visits to remote areas were coordinated through health brigades, accompanied by a town hall official to record any child not already registered.

115. With international help, progress was made in reducing the under-registering of the births of children and adolescents. In the same process, offices for entering people on the civil register were installed in hospital centres.

116. This new Government hopes to meet its target under the National Plan of Action to include all children in the register before the age of three months.

117. In Nicaragua, the level of under-registering varies between 30 and 35 per cent. Some of the highest levels of under-registering are found in the Atlántico Norte autonomous region (RAAN) and Atlántico Sur autonomous region (RAAS), where 57 per cent of the population is not registered.

118. The excluded groups include:

- Children from poor and marginal rural and urban areas;
- Children from Misquitos, Sumos and Ramas groups;
- Children working in quarries, coffee plantations, etc.

119. The main problems associated with under-registration are: budgetary constraints, legal malfunctioning, low social standing, irresponsibility of the parents and ignorance of the procedures for registering births.

120. The number of children registered in the capital in the period 2000-2007 was 146,196, a much higher figure than in previous periods.

B. Preservation of identity

121. In relation to the right to nationality, it is stipulated that the child shall be registered immediately upon birth and shall have the right from birth to a name, to acquire a nationality and, as far as possible, the right to know their parents and be cared for by them. Also recognised is the right to preserve one's nationality and identity, without unlawful interference.

122. Ignorance of these rights has affected other rights, whose enjoyment is dependent on the existence of legal personality; these are the right to education and social security. Violation of the right to acquire a nationality reinforces inequality between children and promotes conditions of discrimination and violence.

123. It is an obligation and duty on the part of the State to preserve the identity, culture and values of every Nicaraguan, which identify him or her as a citizen of this country.

124. Respect for identity on the part of the Government is reflected in the work of the Supreme Electoral Council and the Ministry of the Family since their aims include guaranteeing respect for the right of children and adolescents to preserve their identity, culture, name and nationality.

125. The Office of the Procurator-General, together with civil society organizations, has promoted campaigns to preserve the right of Nicaraguan children to identity, culture, name and nationality.

C. Freedom of expression

126. Freedom of expression is a right possessed by Nicaraguans. The State defends the principles of democracy through the Constitution and the Code on Children and Adolescents, which reaffirms that children have the right to express their thoughts freely in all contexts.

D. Freedom of thought, conscience and religion

127. Nicaragua is a secular state, which constitutionally guarantees the right to freedom of worship, religion and conscience. Under the previous educational administration, this right was not respected because of the existence of a majority of Catholic personnel in educational institutions, whereas the new Government of National Reconciliation has strengthened freedom of thought in educational structures throughout the country. Respect is shown for the cultural, artistic, religious and historical values specific to the social context of the child and adolescent.

E. Freedom of association and peaceful assembly

128. The Constitution and the Code on Childhood and Adolescence recognize the right to freedom of association free from restriction, including peaceful participation in meetings and associations.

129. The Civic Participation Act makes possible and explains the forms of self-organization. Civil society has developed capacities and created awareness with regard to participation by children and adolescents.

F. Protection of privacy

130. Children are the future of any country in the world; countries that do not protect their children are destined to fail in the not-so-distant future. The State of Nicaragua, conscious of the importance of children and adolescents for the development of the country, has sought to protect its children through a variety of legal and administrative means.

131. The Constitution and the Code on Children and Adolescents steers all Ministries and society at large in the direction of child protection. The Ministry of the Family, the National Police (Women's Police Unit), the Ministry of Labour (Child Labour Inspectorate), the Special Procurator for Children and Adolescents and the Public Prosecutor's Office seek to ensure compliance with this right.

132. To protect children and adolescents, the Civil Defence Brigade of the Nicaraguan Army has created:

(a) The Commission for the Care of Children and Adolescents within the framework of the Committees for Disaster Prevention, Mitigation and Response, the topic of children's rights being included in the programme for the training of the committees at the different levels.

(b) A community-involvement strategy and methodology to promote the participation of children and adolescents in risk management; teaching materials and working tools on the topic for the training of adults, children and adolescents; and a register of basic information enabling the different community agents to be disaggregated by sex and age.

G. Access to appropriate information

133. The State has the duty to provide children and adolescents with access to information through appropriate media that facilitate learning and development through suitable and accessible facilities. Fifteen thousand copies of the document *Children and Their Rights*, published by the Inter-American Children's Institute, were reproduced in a reader-friendly illustrated version and used to train 1000 teachers and 3000 students. This document sets out the rights of children and adolescents as well as their responsibilities. Educational texts translated into the languages of the different communities of the Atlantic Coast were also produced.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

134. The Constitution of the Republic and the Code on Childhood and Adolescence stipulate that no child or adolescent may be subjected to torture, ill-treatment or cruel, inhuman and degrading punishment, having the right to respect for their physical, mental and moral integrity. All these inhuman procedures are punishable by law, which is why the State has policies that include preventive measures.

135. Since 2002 Nicaragua has a Code of Criminal Procedure and this new legal instrument constitutionally guarantees, among other things, the principles of public trial, oral hearings and concentration, and thus necessitates the introduction of an accusatorial system that is consistent with the democratic administration of justice in a State governed by the rule of law

136. Nicaragua possesses a Sentence Enforcement (prison system) Act. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has been ratified (April 2005).

137. In 2007, the Ministry of the Family reported an increase in the number of complaints of ill-treatment and abuse of children in comparison with previous years.

Complaints of ill-treatment and abuse of children, 2003-2007

Type of care	2003		2004		2005		2006		2007	
	F	M	F	M	F	M	F	M	F	M
Children and adolescents subject to proven threats or human rights violations	1343	1643	1336	1632	1214	1484	1296	1584	1517	1855

Source: Ministry of the Family, 2007.

138. Steps taken by the Ministry of the Family in 2003-2007 to enforce the law banning corporal punishment were:

- Ordering of forensic examinations
- Provision of psychological care, counselling and monitoring to the family involved
- In the case of a child or adolescent physically assaulted by the father, mother or guardian, application of special protection measures subject to monitoring and guidance.

VIII. Family environment and alternative care

A. Parental guidance

139. The Government of Reconciliation and National Unity maintains that the family is the bedrock of society. It is therefore important for the comprehensive development of children and adolescents to grow up in a nuclear family based on principles independent of the forms that any particular family may embody.

140. Act No. 623 on responsible parenthood currently promotes the responsibility of parents towards their children, and establishes procedures for demonstrating paternity through the ADN test facilitated by the State. In addition, a reform to the Maintenance Act was introduced in 2004, making local judges competent to hear maintenance claims.

B. Family care and parental responsibilities

141. Act No. 623 on responsible parenthood regulates the right of children to a given and family name, to food, to the parent-and-child relationship and to free, flexible and easily accessible legal and administrative mechanisms.

142. This Act encourages parents to assume their responsibilities by providing them with maintenance payments on request through the Ministry of the Family under a conciliatory administrative procedure, with recourse to the law in the case of failure to comply.

143. The Supreme Court of Justice has helped to publicize the Maintenance Act and its amendments so as to make the public better aware of the procedures for safeguarding this right for children and adolescents.

144. There are serious problems in Nicaragua with regard to the proper implementation of laws relating to maintenance rights. There are maintenance cases that last up to 12 months, exceeding the legal time limit. Procedures are slow because they take place in writing. Moreover, there are serious problems with the attitude of judges, since their decisions are not gender neutral.. The constitutional principle of equality before the law is not observed in practice

145. The first step in the procedure for submitting a maintenance grant request is to appeal to the District Civil Court in the child's home locality.

146. Next, under article 64 of the Maintenance Act, a preliminary mediation procedure is necessary to explore the possibility of the parties reaching an agreement. If this proves impossible, the procedure continues, and the subsequent enforcement order can even lead to seizure. If the request is granted, an agreement can be reached on the amount of the allowance where the defendant is unable pay the legally prescribed back payments of 2000 córdobas monthly.

147. The Nicaraguan Ministry of the Family, which is responsible for special protection policies, runs a number of programmes and projects for children, adolescents and families in situations of social risk, and coordinates the work of other State institutions and civil society organizations.

148. As the institution performing the role and functions of the administrative authority referred to in the Code on Children and Adolescents, it takes special measures to protect children and adolescents in situations of social risk.

149. The main difficulty encountered so far has been the shortage of funding for this kind of programme. With regard to the family counselling services available, the second phase of the Programme of Comprehensive Care for Nicaraguan Children (PAININ) has been under way since 2001 in 60 municipalities in the country. In this phase, the intention is to work more with families, implement a 'schools for parents' programme, promote and strengthen the family and encourage child-rearing practices that respect the rights of the child..

C. Separation of the parents

150. Article 4 of the law on the dissolution of marriage at the wish of one of the parties refers to the case of someone wishing to divorce without giving a reason and specifies arrangements for custody of the children, i.e.

- The person responsible for custody of the youngest children, handicapped children and disabled children where applicable;
- The amount of maintenance payable for the youngest children, handicapped children and disabled children where applicable;
- How the payment of maintenance is to be guaranteed;
- The division of communal property

- The amount of maintenance payable to the partner entitled to receive it.

151. With regard to the separation of parents, the Responsible Parenthood Act biases the law in favour of family relationships:

Article 21. Children have the right to maintain a relationship with their father or mother in the event of the latter separating. This right extends to other family members, on both the father's and the mother's side.

In such cases, the Ministry of the Family can act as conciliator to contribute to the effective exercise of responsible parenthood, without prejudice to the parties in question exercising their rights in the relevant family court. In any case, the law will attempt to establish regular and permanent relations between mothers-fathers and children, always looking to the best interests of the child as the guiding principle for establishing the visiting schedule in the case of separation or divorce.

Article 22. Visits. For the purposes of the previous article, children who do not live with their father or mother shall have the right, as a minimum, to meet with their parents one weekend in every fortnight, during school vacations and at Christmas and New Year, on an equal basis as between father and mother, except where this is contrary to the principle of the best interests of the child.

Exceptions to this provision are breastfeeding infants, or those who because of special circumstances are unable to or would be harmed by leaving their usual place of residence, in which case suitable conditions must be arranged to enable the other parent and family members to meet periodically with the child.

The visiting period shall be established at administrative headquarters or the relevant family court, as requested by the interested party. In any case, the visiting time is not final when there is a change in the circumstances determining it, provided it is requested jointly by the parties concerned.

D. Family reunification

152. The family is the measure of a people's development. The Department of Human Values of the Education for Life Programme has defined the objectives for fulfilling the vision and mission of the Ministry of Education, such as promoting the comprehensive development of the different aspects of the individual; promoting Nicaraguan children, adolescents and youth; developing and strengthening character; helping to improve family harmony and strengthening the institution of marriage; developing the cultural values of our nation; and fostering identity, self-esteem and values for life.

153. The aim of the programme is to propose and facilitate the adoption of a scale of values and skills development that promote living together and the spiritual, mental and physical growth of young people to ensure a relevant and useful education for family life.

154. The country has a legal system that regulates to some extent the protection of the family, including through the National Plan of Action for the Prevention of Domestic and Sexual Violence 2000-2006.

155. The Constitution provides for the protection and promotion of responsible parenthood. The Ministry of the Family has a policy for promoting responsible parenthood in the process of adoption.

156. When children or adolescents travel outside the country, there is a basic requirement that they present to the migration authorities a written authorization from their parents or guardians, duly certified by a notary public so as to safeguard children's right to maintain personal relations with their parents when the latter live in different countries. If the parents cannot agree on matters that affect family arrangements or stability, the competent court will resolve the question in the best interests of the child or adolescent.

E. Illicit transfers and non-return

157. The State party's legislation fulfils the requirements of the Code on Children and Adolescents, which stipulates that children and adolescents must not be illicitly transferred or retained within or outside the country by their mothers, fathers or guardians. Such acts are subject to the international treaties signed by Nicaragua and to its own legislation, and the child's right to leave the country with no restrictions other than those prescribed by law must be observed.

158. The Department of Migration and Alien Affairs refers the matter to the Ministry of the Family in extreme cases of the illicit transfer or retention of minors. Accession to the Optional Protocol to the Inter-American Convention on the International Return of Children.

159. The National Police has a web page devoted to cases of children and adolescents who have disappeared, and to avoid illicit transfers the Department of Migration and Alien Affairs requires parental permission certified by a notary in order to grant under-18-year-olds a visa to leave the country.

F. Recovery of maintenance for the child

160. The lack of interest shown by guardians in promoting the best interests of the child by applying for maintenance reinforces the irresponsibility of parents. Act No. 623 on parental responsibility makes it compulsory to apply for the maintenance allowance.

161. Grants in the form of family subsidies are designed to support workers' families and help in the upkeep and education of their children. It is stipulated that they are entitled to receive the family subsidy in order to maintain the children. Family subsidies are granted for children under the age of 15, extendable if they continue their studies or are disabled.

162. Orphans' pensions, equivalent to the reference amount prescribed in article 1 of this decree, are granted to each child under the age of 15 or disabled at any age, from the date of death of the father or mother. The State guarantees the right to obtain a maintenance allowance through a free and flexible legal procedure, without prejudice to the legal provisions in this regard. The legal procedure is governed by the Maintenance Act (No. 143). The Nicaraguan Social Security Institute (INSS) is responsible for applying the law.

G. Children deprived of their family environment

163. Foster Homes is a programme for training families willing to make their homes, support and care available on a temporary basis to children and adolescents under the age of 18 in a situation of social risk.

164. Child-Protection Centres are placement or temporary refuge facilities for children who find themselves deprived of their family environment or in a situation of total abandonment. There are State child-protection centres, such as El Divino Niño, which was returned to the State in 2007, as well as temporary shelters; there are also private centres in receipt of State subsidies through the Ministry of the Family; and others such as the Hogar Ross (Evangelical Centre), whose relationship with the Ministry is solely regulatory. All the

centres, subsidized or otherwise, have to register with the Accreditation Department of the Ministry of the Family, which is responsible for overseeing and monitoring them to ensure that the rights of the children entering them are respected. It should be pointed out that in 2007 the State of Nicaragua, through the Ministry of the Family, increased its grants by over 5 million córdobas, from 38,550,415.19 million in 2006 to 43,594,052 million córdobas in 2007.

165. When children are deprived of their family environment, the Ministry of the Family uses adoption as a last resort to ensure their maximum well-being within a family unit.

Children deprived of a family environment and separated from their parents, 2003-2007

<i>Form of response</i>	<i>2003</i>		<i>2004</i>		<i>2005</i>		<i>2006</i>		<i>2007</i>	
	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>
a) Children placed in institutions (special protection centres)										
	1311	161104	128300	367299	367266	323				
b) Children placed in foster homes	1601	39190	167143	171103	145130	159				
c) Children adopted										
	18	22	18	22	25	31	22	26	17	21

Source: Ministry of the Family, 2007

166. The Ministry of the Family is responsible for monitoring children and adolescents subject to a special protection measure, such as in a child-protection centre or foster home. It also provides training at the national level for the providers of special protection services.

167. The Ministry of the Family also has strategies for bringing social protection and special protection services closer to the public requesting them, which involve the provision of:

- Fifty-two municipal social-service counters, representing the departmental branches and focal points for developing the strategy of service provider centres
- One temporary shelter for children and adolescents whose rights have been violated, situated in the city of Managua and able to accommodate 50 children and adolescents. This shelter caters for a population aged from 0 to 18, on a temporary basis while a special protection measure is being arranged. During their stay they are provided with psychosocial counselling and care, food, personal hygiene supplies and health-care referral. The centre also promotes alternative preventive measures, such as training in the prevention of psychosocial risks, involvement in interest groups for skills development and integration in recreational and cultural activities. These facilities offer two kinds of service - one based on prevention and the other on comprehensive care.
- One temporary shelter in the municipality of Cardenas in the Department of Rivas, which can accommodate 10 children and adolescents

H. Adoption

168. Act amending and supplementing Decree No. 862, Adoption Act. This law adopted in 2007 involved extending the age-limit for those seeking to adopt. The minimum age for adopting is 24 and the maximum age is 55.

169. The amendments also stipulate that foster parents must meet certain emotional, moral, psychological, social and economic conditions, as well as offer the necessary moral guarantees, and provide that the membership of the National Adoption Council is to include the representative of the Ministry of the Family.

170. In the case of adoptions involving Nicaraguan nationals, there is a six-month monitoring process. In international adoptions, reports are submitted to the Ministry of the Family through counterpart State agencies or State-approved private agencies working for children's and family rights.

171. The State has been complying with the recommendations regarding the special protection of children, leaving adoption as the last resort, in accordance with the provisions of the Code on Children and Adolescents and the Special Policy for the Protection of Children and Adolescents. The activities and procedures of dishonest public officials have been subject to follow-up.

172. Reform of the adoption law now makes it possible for single women to adopt a child.

Adoptions in the period 2006 to 2007

	<u>2006</u>		<u>2007</u>	
<i>Adoptions</i>	<i>National</i>	<i>Foreign</i>	<i>National</i>	<i>Foreign</i>
Applications received	51	44	39	48
Adoption applications	19	16	19	16
Internal adoptions	-	-	13	9
External adoptions	-	-	11	10
Total	70	60	82	83

Source: DIE- Special Protection. Ministry of the Family, 2007.

173. In the period 2003-2006, there were cases of irregularities in the procedures for adoption by foreign couples and financial gain by officials in the adoption council. From 2007 onwards, the Ministry of the Family has been very careful in studying every adoption case. It has also tried to process requests over six years old and, above all to follow up each case of adoption by foreigners in earlier periods to ensure compliance with child protection standards.

I. Periodical review of placement

174. The Ministry of the Family prescribes the conditions to be met by foster homes or temporary shelters through strictly enforced standards for evaluating the environment in which the child will live. The Ministry of the Family also provides financial support, trains the head of household, supports recreational activities in the home and systematically evaluates each of the households concerned.

J. Abuse and neglect, including physical and psychological recovery and social reintegration

175. In 2007, the Ministry of the Family responded to an average of 3372 complaints concerning the 12 types of rights violation identified in the Code on Childhood and Adolescence.

176. It should be noted that there was a increase of 20 per cent in the number of complaints in 2007, reflecting the general public's awareness of this instrument, through written and spoken media, through intersectoral coordination via the referral and counter-referral system, and through strengthening of the 133 direct line located in the Information and Guidance Centre (CIO) within the Ministry of the Family.

177. The complaints mechanism is the same as in previous years.

Type of complaint and public response by the Ministry of the Family, 2003-2007

<i>Complaints</i>	<i>Responses</i>
The 12 situations identified in article 76 of the Code on Children and Adolescents:	<ul style="list-style-type: none"> • Investigation and verifying of complaints; • Application of protection measures; • Administrative support in making the complaint
1. Abuse of authority by guardians;	• Supervisory and follow-up visits;
2. Absence of a family;	• Guidance and sensitizing of parents to assume their responsibilities as parents;
3. Refugees in our country or victims of armed conflict;	• Visit to the risk sectors to reduce the working hours of children and adolescents;
4. Located in child-protection centres or shelters;	• Referral and counter-referral to the services concerned (medical, psychological and psychiatric care, enrolment in the school system, enrolment of adolescents in vocational educational centres and preventive detention centres, enrolment in sporting groups, enrolment in child development centres (CDI), community children's centres (CICOS) and community canteens for children (CIC));
5. Economically exploited working children;	• Application of preventive adoption measures.
6. Drug addicts or used for drug trafficking;	
7. Sexually abused and exploited;	
8. Totally abandoned and wandering the streets without family protection;	
9. Suffering from some form of physical or psychological mistreatment;	
10. Suffering from some kind of handicap;	
11. Pregnant girls;	
12. Any other condition or circumstance requiring special protection.	

Source: Special Protection Department /Ministry of the Family, 2007.

178. Domestic abuse and violence are social problems that violate human rights on a wide scale; they are found in different social strata, supported by a complex network of cultural, social, legal and relational structures that make them difficult to prevent and treat.

179. With the enactment of the law on responsible parenthood in 2007, the establishment of family courts is under way and the Family Code is in the process of adoption.

180. The Ministry of the Family has created a free information and guidance centre to deal with emergency calls to the 133 number in cases of high risk to children and adolescents and to provide personal care to the public attending the centre. This centre provides guidance on what to do and how to act in each particular case according to the problem; it is a national referral centre that works in coordination with the Ministry's regional offices and the civil society organizations that care for children at high social risk.

181. The State progressed in this regard as a result of awareness campaigns. The public responded by complaining to the authorities in the different ministries responsible for following up the abuse and neglect of minors, namely:

- Ministry of Health, which is concerned with physical and psychological recovery;

- National Police (Women's Police Unit), which receives and investigates complaints;
- Women's Institute, which safeguards the equality of women's (girls') rights
- Public Prosecutor's Office, which provides public defence for persons without means.

IX. Basic health and welfare

182. Conscious of the right to health, nutrition and a healthy environment and in keeping with the goals of the World Summit for Children, the Government of Reconciliation and National Unity in 2007 made the largest budget allocation in the last 10 years to the health of the Nicaraguan people, namely 3,000,957.7 million córdobas, amounting to almost 16 per cent of the national budget.

183. This allocation enabled great progress to be made in this sector, notably the Programme for Children with Disabilities and the Mental Health Programme.

A. Disabled children

1. Provision by the Ministry of Health for children with disability

184. The Ministry of Health has defined a model for providing comprehensive care to disabled children by level of complexity (I, II and III), involving multidisciplinary rehabilitation activities.

185. Level I includes health centres and units, together with the network of non-institutional support (Community Health Organisation). Forty of these centres (23 per cent) offer physiotherapy services. In level II, the hospital network contains 40 establishments, 4 of which are specialized national referral institutions, while 36 are acute-care hospitals. 56 per cent of the network has physiotherapy services.

186. Level III care is provided in the Hospital del Niño, which has 52 beds and treats all kinds of disability. Its professional profiles include physical medicine, nurses, physiotherapists, language therapists, occupational therapists, psychologists and social workers. There is also a national centre for the production of orthotic and prosthetic appliances and technical aids, which caters especially for children.

2. Mental health programme

187. The Ministry of Health has drafted rules governing: suicide prevention and care for persons with suicidal behaviour; care for users of psychoactive substances; care in emergency and disaster situations; primary mental health care.

188. In 2007, training for health personnel in suicide prevention was carried out in Managua, Chinandega, Leon, Nueva Segovia and Chontales, these areas being most affected by this problem.

189. The State progressed with regard to these recommendations: the Office of the Special Procurator for Persons with Disability was established in the Office of the Human Rights Procurator; the Ministry of Education promoted inclusive education; and the Ministry of Health implemented programmes of comprehensive rehabilitation with the participation of families, civil society and the community.

B. Health and health services

1. Comprehensive care for childhood illnesses (AIEPI)

Child health

190. Following a significant increase in 2002 in the rate of perinatal mortality at national level and in most of the local integrated health systems (SILAIS), steps were taken to ensure closer monitoring of health-care provision in the 17 SILAIS, leading to the reorganization of health services and improvement of maternity services, with the main emphasis on the 21 maternity hospitals, resulting in a reduction of the mortality rate in 2003.

191. Two years later, in 2005, a national training programme was carried out for level I and II health personnel in neonatal reanimation and neonatal AIEPI. Subsequently the SILAIS have been training and updating its staff in both fields.

192. In 2006, the technical services of the Ministry of Health developed a proposal based on scientific evidence for changing the antibiotics (trimethoprim sulfa) used in certain pathologies: pneumonia in outpatient cases and dysentery and urinary tract infection. This was the basis for modifying the treatment of pneumonia in under-five-year-olds, substituting trimethoprim sulfa for amoxycillin.

193. In the context of updating the standard for comprehensive childhood care, training in development assessment was provided to health personnel in six SILAIS.

194. In the same year, health personnel in 17 SILAIS were trained in new approaches to the treatment of diarrhoea: low-osmolarity oral rehydration salts (ORS), vaccination against rotavirus and therapeutic zinc supplementation. At the end of this year the vaccine was introduced and in 2007 the distribution of zinc salts began for the treatment of diarrhoea in children under five.

195. For its part, the Ministry of the Family included in the diet and food security of over 10,000 boys and girls affected by Hurricane Felix in Nicaragua's North Caribbean region, beneficiaries of the *Kupia Kwini Tuktan Nani Duriaka* (A Single Heart for Children) Programme, the vitamin complement called SprinKing.

196. The Plan for reducing neonatal mortality was drawn up in 2007 and is being monitored in the SILAIS with high rates of perinatal mortality. The Standard for Comprehensive Child Care was updated in the same year, modifying therapeutic schemes for certain common childhood illnesses; the approach to childhood development was strengthened, through better evaluation and follow-up in under-five-year-olds; the evaluation of child ill-treatment was included, with the aim of detecting the signs of ill-treatment or violence and neonatal AIEPI in child consultations.

197. Congenital malformations, representing the second cause of infant mortality, are monitored by the Nicaraguan Register of Congenital Malformations (RENIMAC), together with two reporting instruments, one to register each case and the other to be filled up monthly. In 2006 and 2007, the operational manual was updated with the help of various Ministry of Health programmes, and the system software was defined. In 2007, training was provided to the staff in the country's 17 SILAIS and 21 maternity hospitals, resulting in improvements in the register.

198. From 2001, family and community practices for child health care were promoted in three municipalities through the community component of the strategy for comprehensive treatment of common childhood diseases (AIEPI). The Nicaraguan Red Cross supported this

measure through its network of volunteers, leading to the inclusion of this topic in the institution's regular work plans. Since then it has trained all the municipalities of the Rio San Juan, RAAS, Leon, Madriz and Nueva Segovia comprehensive local health-care systems (SILAIS) for subsequent implementation of this activity.

199. Through coordination with Caritas Nicaragua, the three components of the AIEPI strategy were successfully implemented through the former's health network. The coordinated work of the Child-Friendly and Healthy Schools Initiative was consolidated in the different SILAIS, with the result that 230 schools adopted the promotion of healthy habits. The tools for accrediting the Child-Friendly Schools were defined, and the process set in motion. The initiative's operational handbook, intended for health personnel, exists in draft form but has to be validated and adapted to the focus of the new comprehensive health-care model.

2. Infant mortality

Deaths among under-18-year-olds from specific causes

200. Information on under-18-year-olds is not available from the Ministry of Health's information system. The information contained in the following box corresponds to children under 15 during the period 2003-2007.

Deaths among children under 15, by cause

<i>Causes</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
AIDS	2	0	3	0	6
Malaria	10	1	5	0	0
Tuberculosis	8	11	4	4	7
Polio	0	0	0	0	0
Hepatitis	11	5	11	4	1
Acute respiratory infections	469	323	416	415	443
Traffic accidents	38	59	61	49	57
Crimes and other forms of violence	17	17	15	15	22
Suicide	12	13	10	14	18

Source: Statistics Office, Ministry of Health.

* The 2007 figures correspond to the period from January to October.

201. The main cause of death in the period 2003 to 2007 was exogenous. Deaths due to respiratory infections and traffic accidents were the most common.

Mortality rates among infants and children under5

Mortality rates among infants and children under five by department in the period 2003-2006

<i>SILAIS</i>	<i>2003</i>		<i>2004</i>		<i>2005</i>		<i>2006</i>	
	<i>IMR</i>	<i>5 years</i>	<i>IMR</i>	<i>5 years</i>	<i>IMR</i>	<i>5 years</i>	<i>IMR</i>	<i>5 years</i>
Boaco	12,6	19,8	9,2	14,1	12,1	18,3	14,9	24,7
Carazo	16,3	24,2	16,4	23,2	20,3	3,2	19,5	28,7
Chinandega	15,6	24,5	16	25,1	13,7	21,8	16,9	27,9
Chontales	10,7	18,3	6,9	14	10,1	15,6	10,2	18
Estelí	10,3	17,8	7,2	11	11,6	17,8	12,8	20,8
Granada	19,1	29,1	15,5	22,7	16,3	28,3	19	27,9
Jinotega	11,7	19,7	12,9	26,2	14,9	26,3	12,2	27,3
León	27,1	38,9	19,7	29,1	21,7	32,9	19,4	31,1
Madriz	22,9	41,9	15,7	27,3	21,1	34,6	16,7	28,7
Managua	18,7	28,7	17,4	20,7	18,7	27,5	16,1	19,2
Masaya	10,7	31,6	10,3	31,5	11,4	34,3	11,2	31,8
Matagalpa	15,4	27,2	18	28,9	15,6	25	15,8	26,4
Nueva Segovia	27,2	48,9	22,3	38	22,7	37,3	18,8	30,7
RAAN	22,4	37,7	18,3	37	16,5	31,2	15,4	31,2
RAAS	15,1	23,5	10,3	19,3	14,6	22	14	2,9
Río San Juan	9,2	17,5	11,1	15,1	18,5	26	21,1	33,2
Rivas	15	21,9	13,5	20,3	13,8	21	14,6	22
Country	16,8	27,9	15	24,2	16,2	26,4	15,5	25,3

Source: Statistics Office, Ministry of Health.

202. The infant mortality rate (IMR) declined over the period 2003-2006, from 16.8 per cent in 2003 to 15.5 per cent in 2006. The departments with infant mortality rates in 2006 above those of the country as a whole were: Río San Juan (21.1 per cent), Carazo (19.5 per cent), León (19.4 per cent), Granada (19 per cent), Nueva Segovia (18.8 per cent), Chinandega (16.9 per cent), Madriz (16.7 per cent), Managua (16.1 per cent) and Matagalpa (15.8 per cent).

203. The mortality rate for children under five also fell in the period 2003-2006, from 27.9 to 25.3 per cent. In 2006, the departments showing mortality rates among under-five-year-olds higher than those for the country as a whole were: Río San Juan (33.2 per cent), Masaya (31.8 per cent), RAAN (31.2 per cent), León (31.1 per cent), Nueva Segovia (30.7 per cent), Carazo (28.7 per cent), Madriz (28.7 per cent), Chinandega (27.9 per cent), Granada (27.9 per cent), Jinotega (27.3 per cent) and Matagalpa (26.4 per cent).

204. The Ministry of Health reports that between 2003 and 2004 the maternal mortality rate increased from 86.4 to 96.3 per 100.000 live births. In the same period, prenatal health-care coverage fell from 69.6 per cent to 66.1 per cent.

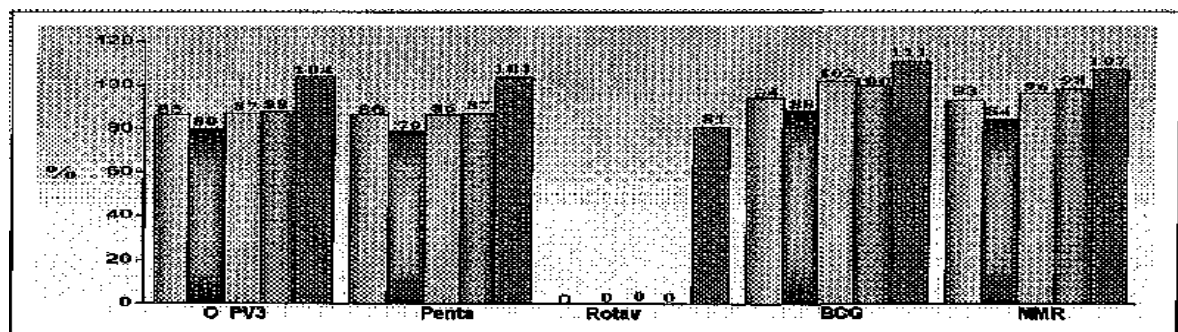
3. Implementation of an extensive immunization scheme

205. Immunization coverage is monitored in all the comprehensive local health-care systems (SILAIS) by programme officers who provide information on their immunization activities through systematic monthly reports by biological applied, age group and strategy. Then, after the consolidated results have been sent to statistics, an analysis is done by SILAIS, municipality and health district. The results are also measured in terms of compliance with indicators of accessibility, effectiveness and dropout and with specific

programme objectives such as delivery of sustainable, effective, high-quality immunization services in the framework of comprehensive care.

206. Every four years, follow-up campaigns against measles are mounted, targeting children aged 1 to 4, with the aim of consolidating the elimination of measles. These campaigns have been successful, achieving an immunization rate of over 95% with the combined rubella-measles vaccine. In the period 2003-2007, immunization coverage was kept above 85% and immunization coverage as of September 2007 showed a significant advance compared to past years, reaching fulfilment levels above 95% for all biologicals, with an increase in fulfilment for the different biologicals as of September 2007.

Vaccination coverage among infants under 1 year old by type of biological, 2003-2007*



Source: Planning and statistics, Ministry of Health, 2007

Note: U MMR

Third dose administered to infants under 1 year old by biological, 2003-2007

Biological	2003	2004	2005	2006	2007
BGG	156 655	147 940	151 769	150 443	113 357
OPV	144 059	134 765	128 845	131 262	106 713
PENTA	143 420	144 688	128 150	130 550	106 391
ROTAVIRUS	0	0	0	0	63 911
MMR	154 490	142 518	154 473	144 628	108 338

Source: National statistics.

* Dose applied up to September 2007.

207. This increase in coverage with all vaccines in the regular programme, in relation to previous years, is due in part to a population adjustment made in 2005, based on the review conducted by the National Statistical and Census Institute (INEC).

208. The rotavirus vaccine was introduced in the country in October 2006 with the aim of reducing rates of sickness and death from diarrhoea in children under five, the vaccine being administered to all children over two months, thereby introducing this new vaccine into the national vaccination scheme.

209. This measure included a planning stage, essential to the success of its introduction, which covered all levels of management down to local microprogramming and made possible the effective inclusion of persons to be vaccinated and the attainment of 85 per cent coverage from the first month of the exercise.

210. The different technical elements in the introduction of the vaccine played a very important role, ensuring in particular broad media promotion and support.

211. The stages in the process involved:

- Management, planning and political lobbying;
- Training plan on the rotavirus vaccine at national, municipal and local level, including the organization of a medical congress, a panel, a press conference and national workshops with decision makers;
- Development of an epidemiological monitoring and surveillance plan;
- Monitoring of the cold chain;
- National and municipal plan on Vaccine Effectiveness (VE) and Events Attributed to Vaccination or Immunization (ESAVI) and the cold chain;
- Strengthening of the national programme.

212. INSS, in coordination with the Ministry of Health and private medical companies (EMP), guarantees the countrywide administration of the vaccination scheme to any child of an insured person and makes the necessary approaches to the companies according to the needs and cover of the insured person and beneficiaries.

213. The biologicals are supplied periodically (monthly) direct to the EMPs by the Ministry of Health's National Immunization Programme. The Programme also supervises and trains all staff in a position to ensure that every child of an insured person and their beneficiaries receive their proper doses.

214. The register of the biologicals administered to the children is collected through the Ministry of Health, and the information generated in this subsystem is incorporated in the country's national immunization statistics.

4. Nutrition and breastfeeding

(a) Nutrition

215. The Community Health and Nutrition Programme (PROCOSAN) is the community strategy initiated and coordinated by the Ministry of Health, which promotes the satisfactory growth of children under 2 and prevents illnesses common among children under 5. The Programme's main aim is to offer personalized advice to families on changes of food, nutrition and health behaviour, based on self-care for children in the home and the community.

216. Consultative research revealed the existence of critical factors that determine the adequacy of the diet for all age groups - consistency, frequency, quantity and quality. Subsequently, charts were produced with advice based on the enquiry's recommendations aimed at changing the inadequate dietary practices widespread in families. A draftsman and a technical team were recruited to design the charts, which were produced in association with the community so as to be seen by the families as reflecting their world.

217. The next stage involved training the Ministry of Health's staff using PROCOSAN's educational and communication materials consisting of the brigade member's manual (growth promotion), the brigade member's training guide and the health personnel training guide.

218. The last phase in the consultative research into health and nutrition took place in the communities of the Atlántico Norte autonomous region (RAAN), enabling the programme strategy to be adapted to the culture of that Region. The RAAN Regional Council has already approved the findings of this research.

219. Work is also under way on developing a computerized system for the community health and nutrition programme (PROCOSAN), which will process the baseline information with the aim of exporting the results of the programme to the Nutritional Monitoring System (SIVIN) and the Food and Nutritional Security Monitoring Information System (SISSAN).

220. The Programme has the support of the NICASALUD Network, the Red Cross, FAO and other bodies and agencies and is present in 88 per cent of the country's SILAIS, 49 per cent of municipalities and a total of 1976 communities. The goal over the next five years is to extend the network to 3321 communities, equivalent to an increase of 664 communities per annum.

Proportion of mothers that practise exclusive breastfeeding and the duration of this practice, 2006-07
(In percentages)

<i>Age in months</i>	<i>Not breastfeeding</i>	<i>Exclusively breastfeeding</i>
De 0 a 1	0,3	46,2
De 2 a 3	3,8	27,8
De 4 a 5	10	12,6
De 6 a 7	16,2	4,4
De 8 a 9	17,3	0
De 10 a 11	28,6	0,4
De 12 a 15	32,1	0,2
De 16 a 19	43,3	0
De 20 a 23	57,1	0
De 24 a 27	66,6	0,2
De 28 a 31	75,8	0
De 32 a 35	84,5	0

Source: Nicaragua Demography and Health Survey (ENDESA), 2006/07.

221. Exclusive maternal breastfeeding can be seen to last between the first 4 or 5 months. However, children not being breastfed who have parents with social security cover receive milk vouchers, which are issued up to the age of 4 months.

Proportion of children underweight at birth by SILAIS, 2003-2007

<i>SILAIS</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007*</i>
Boaco	4	5	6	5	7
Carazo	10	9	11	12	13
Chinandega	7	7	6	6	7
Chontales	4	4	5	5	6
Estelí	9	10	9	8	8
Granada	6	7	7	8	9
Jinotega	5	5	6	6	7
León	7	8	8	8	8
Madriz	8	9	9	7	8
Managua	8	8	9	8	9
Masaya	8	8	9	9	10
Matagalpa	5	6	6	6	7
Nueva Segovia	8	9	8	8	10
RAAN	6	6	5	5	6
RAAS	3	3	3	3	3
Río San Juan	3	5	4	5	6
Rivas	7	7	6	6	7
Country	7	7	7	7	8

Source: Statistics Office, Ministry of Health.

* The 2007 figures correspond to the period from January to October.

222. The proportion of children underweight at birth is lowest in the municipalities of Boaco, Jinotega, Chontales, the Atlántico Norte autonomous region and Río San Juan. The same municipalities also have the highest infant mortality rates.

223. Children show a high level of malnutrition in rural areas, where the rate is twice that of urban areas; but the area of the country with the highest level of infant malnutrition is the North-Central region (Jinotega, Boaco, Chontales), which also tops the table for low birth weight.

224. The Government of Reconciliation and National Unity through the Ministry of the Family distributed food aid packages to most municipalities in 2007 with the aim of providing some small immediate relief with respect to the food problems being experienced by the country.

(b) Maternal mortality

225. The number of maternal deaths is showing a tendency to decline. A total of 119 maternal deaths was recorded in 2003, 117 in 2006 and 111 in 2007. In 2005 and 2006 maternal deaths among adolescents represented 17 per cent of total fatalities (20 adolescent maternal deaths annually), and in 2007 a slight increase to 19 per cent was observed (21 adolescent maternal deaths).

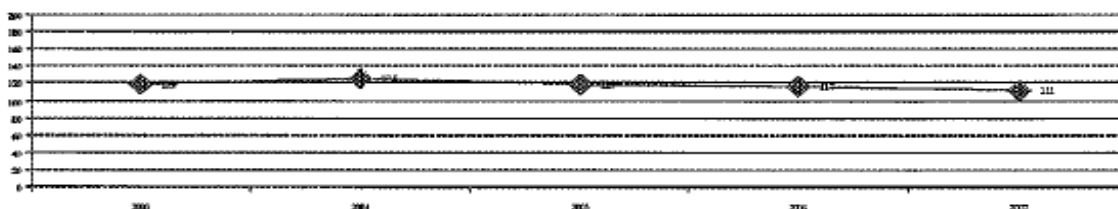
226. It is important to mention that, in accordance with the classification of maternal deaths, a decrease has been observed in maternal deaths from direct obstetric causes (eclampsia, haemorrhaging, etc), whereas there was an increase in 2007 in indirect maternal deaths (e.g. lymphocytic leukaemia + pregnancy, etc) and mainly in non-obstetric deaths, these being directly related to poisoning through the ingestion of pesticides, which indicates the need to strengthen preventive and promotional measures incorporating the psychological aspect, together with strategies to avoid pregnancy in adolescence.

227. Measures to achieve a reduction in the total of maternal deaths in 2007 included the implementation and monitoring of a plan to limit maternal mortality, involving nine proven effective measures, which began to be implemented in May 2007.

228. Extensive training took place on the nature and standard treatment of obstetric complications, and monitoring of the latter took place through a check list enabling the skills and dexterity of staff to be identified.

229. Publicizing the free treatment policy has brought about a marked improvement in the access indicators and quality of mother-and-child components as described previously.

Trend in cases of maternal mortality, 2003-2007



Source: Nicaragua Demography and Health Survey (ENDESA) 2006/07. Obstetric and non-obstetric cases are included annually in the absolute figures.

230. The rate of maternal mortality can be seen to have fallen in the period 2003-2007, but the departments showing the highest percentage of maternal deaths and the lowest percentage of children born in hospital continued in 2007 to be in the North-Central region of the country.

Proportion of children born in hospital by department (institutional births), 2003-2006

SILAIS	Percentage of hospital births			
	2003	2004	2005	2006
Boaco	35,4	38	46,4	46,2
Carazo	52,6	52,1	62,9	52,0
Chinandega	52,1	53,3	60,7	62,8
Chontales	30,6	36,6	35,6	40,0
Estelí	61,5	64,3	69,2	67,2
Granada	51,8	54,1	60,9	65,1
Jinotega	39,9	45,1	52,0	53,4
León	52,8	52	61,1	68,1
Madriz	45,6	52,1	60,3	61,2
Masaya	57,7	59	63,7	66,4
Managua	72,1	70,2	75,4	83,0
Matagalpa	40,0	41,7	48,0	49,8
Nueva Segovia	50,1	53,6	61,0	57,9
RAAN	38,5	40,6	46,9	53,1
RAAS	38,2	41,1	51,6	49,6
Rivas	51,1	54,5	60,3	70,0
Río San Juan	27,6	31,6	36,5	41,0
Country	50,4	52,1	58,0	60,8

Source: Statistics Office, Ministry of Health.

231. Through continuous education it has been possible to train health personnel, who are currently permanently updating themselves in the fields related to their areas of work. Currently the 17 SILAIS have been trained in the treatment protocols for obstetric complications.

5. Health care for adolescents

232. The Ministry of Health has implemented sexual education programmes at primary level, although more awareness campaigns are still needed among the general population.

233. The INIDE (formerly INEC) population and housing census was carried out in 2005, and in 2006/2007 the Nicaraguan Population and Health Enquiry (ENDESA) was likewise conducted in conjunction with the Ministry of Health.

234. The percentage of pregnancies among young people has tended to remain stable, 27 per cent of the total pregnancies recorded in 2003 belonging to this group (10 to 19 years). It should be mentioned that if we distinguish between pregnancies among young people aged 10 to 14 and those aged 15 to 19, pregnancy in the 10 to 14 age-group increased from 3.4 per cent in 2003 to 4.6 per cent in 2007.

235. A number of activities for young people are being developed, including:

- Clubs for young people;
- Young people's corner;
- Community school bag for young people;
- Strong family strategy.

236. Despite this, we consider as an institution that the promotion and prevention aspects need strengthening, requiring stronger intersectoral coordination in both urban and rural areas.

237. There have been improvements in national primary care coverage, early detection and IV APN checks. However, with regard to IV prenatal care, there is a need to continue to promote increases in this quality indicator as well as continuity of care for pregnant women.

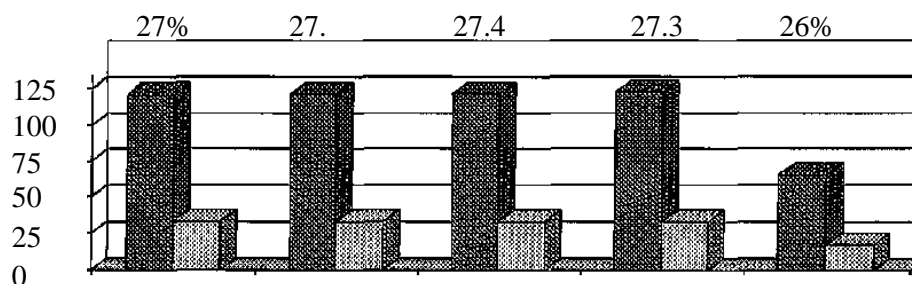
238. The local integrated health systems (SILAIS) showing improvements above the national average in 2007 were: Jinotega, Boaco, Matagalpa, Nueva Segovia and Río San Juan. The 2007 average for prenatal care in the four municipalities was 58 per cent, cover above the national average being achieved in the Carazo, Estelí, Madriz and Nueva Segovia SILAIS.

239. The SILAIS needing to do more to improve the early detection indicator are: Matagalpa, León, Chontales, Boaco, Carazo, Managua and Río San Juan. The SILAIS that have improved APN coverage are those that have implemented a free health-service policy, where medicines and diagnostic resources are guaranteed and where there is continuity in the strategy of expanding cover, assigning doctors to remote rural areas, support by Cuban medical teams and the organization of official health holidays.

240. Initiatives have been developed in active association with the local community, including: the mobilization of health brigades with a family focus, management of pregnancy censuses and linking of the services network from maternity homes to health units. A satisfactory increase has been observed in the rates of institutional childbirth and

post-partum care. Institutional childbirth rose from 50.4 per cent coverage in 2003 to 71.6 per cent in the first half of 2007. This increase is related to the APN indicators, which points to improved access and greater equity, boosted by an obstetrical network focused on community-based care, maternity homes and health units equipped for managing obstetric complications through the Emergency Obstetric Care Strategy (basic and complete).

Percentage of births among young people in relation to total recorded births, from 2003 to July 2007

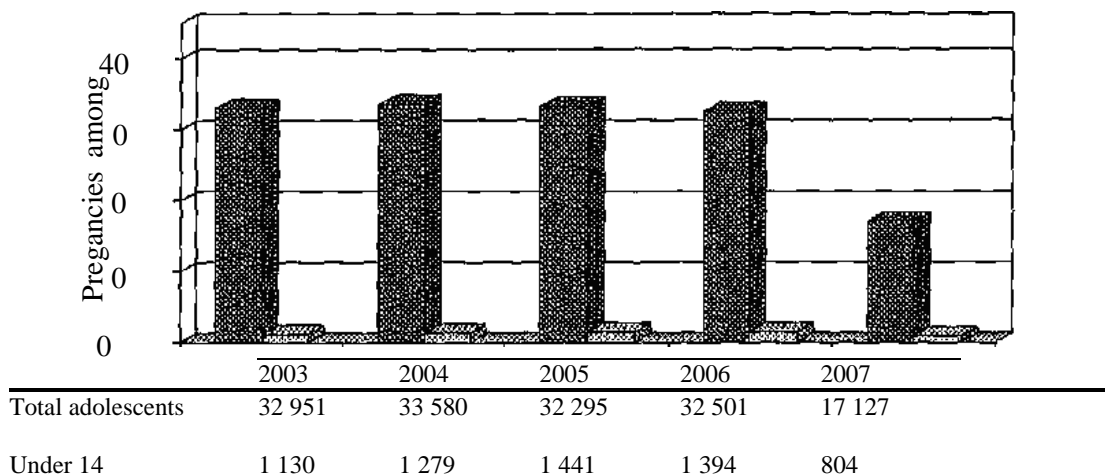


	2003	2004	2005	2006	2007
Total	120 783	121 402	121 426	122 450	65 300
Adolescents	32 961	33 580	33 295	33 501	17 127

Source: Department of Statistics, Ministry of Health.

241. It is apparent that the preventive health policies promoted by the Government of National Unity and Reconciliation have led to a reduction of almost 50 per cent in the number of pregnancies among adolescents in 2007 compared with each of the years in the period 2003-2006.

Percentage of births among girls under 14 compared with the total adolescent pregnancies, from 2003 to July 2007



Source: Department of Statistics, Ministry of Health.

6. National Strategic Plan to Combat Sexually Transmitted Diseases and HIV/AIDS

242. A great effort has been made in this regard by the Nicaraguan Government and NGOs.

243. The State set up the National HIV/AIDS Commission, which has worked in coordination with the relevant institutions, NGOs and civil society. While there is a chronic shortage of funds to treat retroviral viruses among the affected population, it has been possible to carry out the following activities through the Ministry of Health and the Ministry of the Family.

244. The Ministry of the Family has taken measures to prevent this pandemic. It was responsible for organizing the first Central American Forum on special protection for children at risk and suffering from HIV/AIDS, whose results included:

- Creation of inter-agency networks to establish a shared register of cases detected by institutions and provide for coordination of treatment;
- Promotion of HIV examinations for the whole population, not only pregnant women but anyone wishing to be tested;
- Promotion of HIV detection in reporting institutions and the establishment of proper advice services as a form of prevention;
- Investment in the detection of cases and provision of specialized medical care;
- Definition of models in the framework of special protection for children and adolescents at risk and suffering from HIV.

245. The Ministry of the Family has taken steps to prevent this pandemic through project implementation.

246. The project involving special protection for children and adolescents against commercial sexual abuse and exploitation and its psychosocial consequences, including the risk of sexually transmitted diseases (STD) and HIV/AIDS transmission, was focused on strengthening the Ministry of the Family's 24 departments through strategic alliances with civil society with regard to the prevention, detection and treatment of commercial sexual abuse and exploitation and the risk of children and adolescents contracting STD and HIV/AIDS. The project aimed at checking this epidemic was organized in furtherance of young people's rights under the Code on Children and Adolescents.

247. The Office of the Procurator for the Defence of Human Rights has drawn up a protocol for dealing with complaints submitted to our organization by persons with HIV/AIDS whose rights have been violated by government institutions or private firms..

248. Beginning in January 2006, the Office of the Procurator for the Defence of Human Rights hired two persons with funds provided by international cooperation (individuals with HIV) to strengthen the education and training work of officials in the civil service and social organizations and movements. In January 2007 these two persons became staff members financed under Nicaragua's general budget.

249. The Ministry of Health undertook the following activities:

(a) Antiretroviral therapy (ART) for 629 persons (100 per cent of those recorded by the Ministry of Health);

(b) Establishment and training of 16 multidisciplinary teams in hospitals;

(c) Formal training for 149 hospital staff (doctors, nurses, psychologists, nutritionists, pharmacologists) for the comprehensive treatment of persons living with HIV;

(d) Over 80 per cent of pregnant women attending prenatal care receive advice on HIV/AIDS, and 40 per cent of them take the test voluntarily;

(e) Every newborn baby of an HIV-positive mother is provided with breast milk during the first 6 months of life;

(f) A total of 1023 treatments available for 17 ARV drug profiles in accordance with treatment schedules;

(g) Supply of medication for opportunistic infections to 70 per cent of hospital units;

(h) International-level training for updating therapy and tackling the prevention of mother-to-child transmission;

(i) Initiation in 2007 of the process for creating local conditions for ensuring access to HIV/AIDS diagnosis for users in general and pregnant women through the provision of tests and the training of health personnel such as doctors, nurses and laboratory technicians:

- 4712 health personnel trained in advice, stigma, discrimination and human rights (33 per cent of the total health-care personnel).
- Over 61,761 consultations and voluntary tests carried out, including 22,458 involving pregnant women, 100 per cent more than in 2006.
- 143 trained in handling ARV therapy.
- 218 trained in biosecurity.
- 191 laboratory technicians trained in diagnostic tests in 91 health centres, (51 per cent coverage) and 15 hospitals (70 per cent of the country's hospitals).
- 43,838 persons receiving syndromic management treatment.
- Confirmatory test for HIV (ELISA) carried out in 7 regional centres.
- Times for delivery of results reduced to less than 24 hours.
- Computerized comprehensive care system functioning in 9 hospitals in the Chinandega, León, Managua, Masaya, RAAN and RAAS SILAIS. This system is in the process of being validated.
- Clinical monitoring of the units providing treatment.

- Harmonization of cooperation to optimize resources under the Action Plan, with reference to the National Strategic STD/HIV/AIDS Plan 2006-2010.
- Feasible targets for local units integrated in management commitments.
- Identification and definition of the aims, strategies and activities under the Annual Work Plan of the National HIV/AIDS programme, to be supported by technical assistance from QAP-USAID at central and local level.
- Health units in five SILAIS providing properly labelled blood samples to confirm HIV diagnoses.
- Fifty-seven staff in health units in two SILAIS trained in pre- and post-HIV advice techniques
- Four multidisciplinary teams caring for Persons Living With HIV and AIDS (PLWHA) have begun training activities for interns, nurses and administrators in four of the nation's hospitals.
- One hundred and thirty health personnel (trainee doctors, nurses and administrators) in 3 of the country's hospitals (Masaya, Estelí y Nueva Segovia) trained in HIV/AIDS topics by multidisciplinary teams from those hospitals.
- Health units in 8 SILAIS (Masaya, Rivas, Estelí, Madriz, Nueva Segovia, León, Chinandega, Río San Juan) have maintained quality standards and indicators (CPV).
- Multidisciplinary teams in the Masaya, Estelí and Río San Juan hospitals have developed a process of continuing education with the hospital staff to promote knowledge of HIV/AIDS and improve the approach to PLWHA.
- Municipalities in the special RAAN and RAAS regions are involved in measuring standards and indicators for continuous quality improvement in FP/STD/HIV/AIDS counselling.
- The Ministry of Health has reached a consensus with gynaecologists, paediatricians and infectiologists on the main lines of treatment protocols.
- Fifty-eight members of staff (general practitioners, nurses, supply personnel, support services, administrators and managers) in the Río San Juan and Dr. Enrique Alvarado de Masaya Hospitals have participated in the course to reduce stigma and discrimination towards HIV + persons, who are in their turn organizing awareness campaigns in those hospitals.
- Twenty-six members of staff in 8 health units in the Matagalpa SILAIS trained in pre- and post-HIV-test counselling with the emphasis on the Prevention of Mother-to-Child Transmission (PMTCT).
- One hundred and thirty-eight members of staff (interns, nurses and administrators) in 5 of the country's hospitals - Río San Juan (20), Masaya (40), Estelí (20), RAAN (38), Nueva Segovia (20) – trained in HIV/AIDS topics by multidisciplinary teams in the hospitals concerned.

- Sixteen health units in the Matagalpa and Jinotega SILAIS with staff trained in the processing of rapid HIV testing.
- Holding in 2007 of the 5th Central American Congress on HIV (V CONCASIDA):
 - A total of 4712 health personnel were trained in stigma and discrimination, human rights and counselling;
 - A total of 2100 persons participated in CONCASIDA, exceeding the target figure of 1500;
 - Legal agreements were reached with cooperation agencies, projects, European countries and the Global Fund to finance the national response.

250. The Nicaraguan Social Security Institute (INSS) is an active member of Nicaragua's National Multisectoral AIDS Commission (CONISIDA), through which it undertakes joint measures to give effect to strategies geared to children and young on the topics of treating and preventing HIV/AIDS.

251. INSS has also been developing a series of strategies with financial support from the Global Fund on the topic of HIV/AIDS, the Project being currently in its fourth year of implementation. The measures taken have been focused on the insured population and its dependents, and have formed part of the Institute's social security policies.

252. One of the approaches to protecting children against HIV/AIDS has been the strategy to promote the HIV test among the insured population and its beneficiaries, placing special emphasis on pregnant women so as to avoid mother-to-child HIV transmission. A widespread campaign has taken place involving administrative personnel and the provision of direct care to the public through social security medical enterprises providing health services.

253. En 2007, INSS conducted over 3000 AIDS-detection tests among the insured population, resulting in the diagnosis of just one pregnant woman.

254. It is important to underline that INSS implements other HIV-related activities, including: educational strategies such as training in biosecurity with the emphasis on accidents at work; training in HIV counselling, aimed at offering the HIV test along with factual scientific information; training in retroviral therapy for Health Service Provider (EMP) staff to enable proper monitoring of PLWHA and their early identification; training in Act No. 238, on the defence of human rights in the face of AIDS; preparation and reproduction of HIV/AIDS educational materials; and direct advice on AIDS cases to EMPs.

255. The number of children infected with HIV/AIDS:

- In 2003, 5 untreated infections, 2.2 per cent;
- In 2004, 14 infected, 7 treated and 7 monitored, 3.7 per cent;
- In 2005, 19 infected, 11 treated and 8 monitored, 4.5 per cent;
- In 2006, 32 infected, 1 treated and 31 monitored, 7.4 per cent.

256. The greatest problem continues to be that of under-recording since not all members of the public have access to testing.

Adolescents (aged 10 to 14) with sexually transmitted infections (ITS)

Year	10 to 14 years	15 to 19 years*
2003	5	0
2004	9	0
2005	11	0
2006	0	0
2007	0	0

Source: Office of Statistics, Ministry of Health 2007.

* The Ministry of Health's information system does not distinguish this age group, so that the data concerned cannot be provided.

7. Intersectoral projects

257. In 2007, the Government of Reconciliation and National Unity, through the Ministry of Health, arranged for the distribution of 890,233 condoms in the country's 17 SILAIS, with the emphasis on men who have sex with men (MSM), transsexuals (TS), housewives, patients with sexually transmitted infections (STI), the itinerant population, uniform personnel and other groups. Hotels, bars and wide-scale distribution activities were classified.

258. Educational materials were reproduced and distributed to the 17 SILAIS as follows: "Take the Test" poster, "Prevent AIDS" poster, "Prevention of sexually transmitted infections (STIs and HIV/AIDS)" leaflets, "HIV/AIDS, health, law and nutrition" leaflets, "AIDS and the family" booklet, and 'Pregnancy and HIV/AIDS' booklet.

259. Work was begun on the guide to the prevention of vertical transmission, treatment of children, counselling and psychosocial and nutritional support. International-level training has been provided for the updating of therapy and tackling the prevention of mother-to-child transmission. Health personnel were also updated in managing the prevention of mother-to-child transmission by professionals from Cuba through the Medical Help for Central America (AMCA) project. Another important advance in 2007 was that 30 HIV-positive pregnant women received ARV prophylaxis, and 14 children received prophylaxis, 45 ARV treatment and 43 monitoring.

260. Technical and financial assistance was provided and managed through UNICEF, the Quality Assurance Project (QAP), the Global Fund, the National Institute of Public Health (INSP), Mexico, World Bank, the Ester project, the Carlos Tercero project, AMCA, PAHO, the Global Fund and South-South Cooperation-UNICEF.

261. In November 2006, the Ministry of Health inaugurated the National Sexual and Reproductive Health Strategy, seeing sexual and reproductive health as a social process involving the construction of individual, family and community values and behaviour and the creation of new cultures of health care and institutional development, in accordance with human development and the social co-responsibility of individuals, the community and institutions. An additional ingredient in this vision is the transition from an exclusive view of the processes of men and women in their reproductive age to a broader concept of the cycle of life, which encompasses knowledge of the state of health from the development of pregnancy and childhood, through puberty and adolescence to the future consequences in adult life and old age.

262. This strategy represents a national benchmark that defines priorities and focuses national resources and foreign cooperation on the implementation of measures to improve the sexual and reproductive health of the population.

8. Difficulties arising in the area of health and health services

263. In the period 2003-2005, the hospitals were perceived by Nicaraguans to lack the necessary medical supplies, surgical materials, and diagnostic equipment. Whatever the case, the irresponsibility of the health authorities was demonstrated by the shortage of periodically renewable materials such as syringes, sheets, gloves, suture thread and reactive agents for laboratory tests. There was also a lack of technological equipment, the existing equipment being obsolete and lacking maintenance. Moreover, existing infrastructures in state hospitals were largely outdated and did not receive maintenance in the period under review.

264. In the hospitals, various areas were privatized and became linked to trusts that gave a new commercial slant to health. The appearance of the hospital in the private areas changed: almost invariably, nothing was lacking and even the aesthetic side of the centre was taken into account; everything had its price tag, and while the amounts could vary according to the patient's economic circumstances, nothing was for free.

265. In the public part, the authorities starved the service of funds: there was no maintenance, medicines were in short supply and of poor quality, insecurity within and around the hospitals was a concern, and entering the emergency room was a depressing and discouraging experience for patients and family members alike.

266. While the problem of shortages should have been easy and quick to solve, the authorities apparently had no wish to provide the hospitals with more supplies.

267. According to the official figures, the public health system received a much lower percentage of GNP during this period (2003-2005). The solution to the complex situation of the hospitals involved much more than increasing stocks and maintaining the equipment. The need was for far-reaching solutions and public health policies that were both curative and preventive. The time for handing out aspirins to treat the country's deep-seated ills was over, and privatization was therefore not the answer.

268. The crisis in the health system is the result of the expenditure cuts borne by the sector. In 1989, the State invested \$35 per person per year in health. In 2005, the investment was \$16 per person per year. Investment in medicines was \$45 million in 1990, whereas in 2005 it was only \$12 million. In 2005, only 40 per cent of the Nicaraguan population had access to essential medicines.

9. Water and sanitation

269. The percentage of households without access to sanitation facilities and drinking water must be seen in light of the fact that water is a human right. The sanitation situation in 2006 showed an overall coverage of 70 per cent, the urban sector representing some 77 per cent, with cuts and restrictions in the hours of service, while provision in the rural sector was below 31 per cent (52 per cent according to the register of the Emergency Social Investment Fund (FISE).

Awareness-raising measures taken by ENACAL, 2003-2007

<i>Awareness-raising activities</i>	<i>Sector concerned</i>	2003	2004	2005	2006	2007
Protection of water sources	Rural communities nationwide	X	X	X	X	X
Water hygiene, management and economy	Rural communities nationwide					X
Talks on the ABC of water	Secondary-school students attending public colleges in Managua					X

Source: Nicaraguan Water Supply and Sewerage Corporation (ENACAL) 2007.

Water resource protection measures and programmes, 2003-2007

<i>Programme or project</i>	<i>Water body</i>	2003	2004	2005	2006	2007	2008
Lake Managua cleansing programme	Lake Managua		X	X	X	X	
San Carlos sewer system	Río San Juan and Lake Nicaragua					X	X
Granada sewer system	Lake Nicaragua						X
Masaya sewer system	Masaya Lagoon						
Boaco sewer system	Río Fonseca and Presa Las Canoas						X
San Juan del Sur sewer system	San Juan del Sur Bay, Nacacolo Océano Pacífico Bay						X
Reforestation	Asososca Lagoon and surroundings					X	

Source: Nicaraguan Water Supply and Sewerage Corporation (ENACAL) 2007.

C. Social security

270. INSS is the body responsible for administering social security in Nicaragua. Social security is a process involving an interaction between employers, workers and pensioners, who have rights as well as duties to fulfil. The latter are regulated by the Nicaraguan social security legislation, which INSS is responsible for applying strictly.

271. The number of actively insured persons currently stands at 472,689 and the number of active employers at 16,791, their needs being met by the branches distributed throughout the country's departments. To provide health care, there are 47 INSS-affiliated EMPs, making a total with their 20 branches of 67 health units and constituting the subsystem providing the main form of health care in the country after the Ministry of Health.

272. The Code on Children and Adolescents provides that all children and adolescents have the right to enjoy the highest possible level of physical and mental health, education, leisure, a healthy environment, housing, culture, recreation, social security and services for the treatment of diseases and the restoration of health.

273. In the third report on the situation with regard to the rights of children and adolescents in Nicaragua from 1998 to 2002, INSS noted that the Social Security Act (No. 974) provides that the children of insured persons shall receive the benefits to which the youngest of them are entitled, including:

- Provision of a nursing mother's allowance for the first six months of a child's life.
- Breastfeeding shall be encouraged; in the case of babies that are not breastfed and to keep their mothers in good health, milk substitute products of the highest quality shall be provided in the amounts determined by the paediatrics service and in accordance with established national standards.
- The child's eligibility for the allowance is determined according to the criteria set out in the Civil Code. In cases where the child's parents are living together and the child is therefore clearly eligible, the child's eligibility will be recognized even if the legal time requirement has not been met.
- In the event of the mother's death or absence, the nursing mother's allowance will be given to the person responsible for the child.
- Any child under the age of 15 and any disabled child of any age whose father or mother is insured and dies is entitled to an orphan's benefit.
- The orphan's benefit is doubled if both parents die. If both parents were insured, the pension is equivalent to two single pensions.

274. All the above provisions are still being applied since Act No. 974 has not so far been amended in this regard. However, we describe below some other elements covered in the Act and in the current INSS policies.

275. INSS has clearly expanded the services provided to the children of our insured population. We set out below a table showing the trend in these services over the last five years, up to October 2007.

Coverage of children of insured persons benefiting annually

	2003	2004	2005	2006	2007
Children	121 097	134 773	343 248	388 427	403 958

276. The table shows the progressive increase over the last five years in the number of children of insured parents receiving benefits.

277. It should be pointed out that INSS is making great efforts in pursuit of its policy priority of enrolling more workers in the social security system, which will result in more children receiving benefits. As of 2007, there has been an increase of approaching 10 per cent in the number of INSS-affiliated workers.

Number of services provided to children of insured persons, 2003-2007

	2003	2004	2005	2006	2007
Number of services	634 351	664 271	838 778	961 427	884 821

278. As can be seen from the above table, there has been a clear trend towards an increase in the services provided to the children of insured persons. With regard the slight drop in the most recent figures, it should be noted that the data for the last quarter of 2007 have still to be added.

279. INSS, conscious of the need to help improve the quality of care provided to the children of insured persons enrolled with this Institute, has set itself the challenge of establishing, together with the Ministry of the Family, child development centres offering suitable care for the children of females workers, particularly those in the textile sector.

X. Education, leisure and cultural activities

A. Education, including vocational training and guidance

The right to education

280. Article 58 of the Constitution provides that ‘Nicaraguans have the right to education, culture and sport’. Education is a right that, throughout life, enables people to learn to know, learn to do, learn to live together and learn to be. Apart from being a right linked to full human development, education impacts decisively on the opportunities and quality of life of individuals, families and communities. A large percentage of people in Nicaragua have limited educational conditions and opportunities to enjoy a quality life, development of their capacities and full exercise of their human rights.

281. The Government of National Reconciliation and Unity considers that without education there is no development for peoples and that education is therefore an essential pillar for overcoming poverty. Education is a constitutional right, and the Government of National Reconciliation and Unity is accordingly committed to the struggle against all forms of ignorance. It cannot conceive that there should be children who lack education, and it is therefore stipulated that education shall be free and accessible to all children. Such education must also be of high quality, catering for children of varying abilities. The Government of National Reconciliation and Unity is committed to an education in keeping with the cultural conditions of our people, especially those living in the autonomous regions.

282. Education is an important element in overcoming poverty and a basic factor of human development. Lack of educational access, quality, relevance and effectiveness, together with school dropout and repeating, are the main problems confronting children in the Nicaraguan school system, together with the lack of political will of recent Governments in the education sector. The Government of Reconciliation and National Unity has budgeted some 5579.4 million córdobas, equivalent to 22.3 per cent of the national budget and, as in the case of the health sector, the largest allocation made to this sector in the last five years.

283. This allocation has enabled the Ministry of Education to implement programmes in the amount of 3823 million córdobas, including:

- Support programme for the structural transformation of the education sector and rehabilitation of the school infrastructure

- Project for strengthening the educational infrastructure of basic and middle schools nationally;
- School meals programme;
- Programme for identifying infrastructure and school repair needs;
- Education for All (EFA) programme and Basic and Citizenship Education for All (EBACIT) programme;
- Project for the substitution of three institutes in the municipality of León.

284. On 11 January 2007, basic and middle education was declared free and compulsory for all Nicaraguans under Presidential Decree No. 116-2007, published on 2 January in the *Official Gazette*.

285. The Ministry of Education reported that the goal in 2007 was to provide lunch to 874,000 children, but this figure was reduced to some 100,000 children, making a total of 107,728,490 portions of 145 g each consumed by the children benefiting from the scheme.

286. The introduction of school lunches this year has helped to improve the education, health and nutrition of children living in conditions of extreme poverty and food insecurity, resulting in an increase of about 10 per cent in school attendance in some 145 of the nation's towns and in other locations on Nicaragua's Caribbean Coast.

287. In November 2007, the Ministry of Education planned under the Integrated School Nutrition Programme (PINE) to provide school meals by the start of the school year 2008 to a total of 995,114 children between the ages of three and 12. The school meal consists of five products, including rice, beans, and maize, cereals and oil, to be distributed in 156 towns, with the addition of wheat flour on Nicaragua's Caribbean Coast.

288. In 2007, the Ministry of Education placed an order for 100,000 uniforms, which will be supplied free of charge in 2008 to all those children and young students too poor to buy them in their local markets. It was announced that from January the school uniform would be compulsory in all state schools, with the proviso that in the case of families lacking the means to buy them the State would supply them free of charge.

289. Other achievements of the Government of Reconciliation and National Unity, promoted through the Ministry of Education, are described below.

290. In the period 2003-2006, over 36 per cent of the population aged between three and 18 was not being served by the education system; but from 2007 onwards this number was reduced by 8 per cent (leaving 28.74 per cent of the population without schooling) as a result of the decision of the Government of Reconciliation and National Unity to declare education free and compulsory for all Nicaraguans.

291. Nationwide, 40 per cent of children do not attend school for "lack of money", 12 per cent because of the "distance from school" and 14 per cent because "they are not interested". Child labour is one of the reasons for non-attendance at school, together with economic and cultural factors and the quality of educational provision.

292. The net rates of school attendance between the ages of three and 18 increased by 6 per cent in 2007, attaining the figure of 72.49 per cent or 1,561,479 students, representing a difference of 121,694 students compared with 2003 when the school attendance was below 67 per cent or 1,439,785 students in all.

1. Pre-school education

293. In the period 2003-2007, the Nicaraguan State through the Ministry of Education achieved a 20.7 per cent increase in the net pre-school attendance rate (2003 - 32.9 per cent; 2007 - 53.6 per cent), exceeding the target set for the five-year period.

294. The 2007 enrolment was 214,615, representing 30,906 more than in 2003; the retention rate was 84.1 per cent in 2003 and 92.4 per cent in 2007; and the pass rate was 83.6 per cent in 2003 and 84.5 per cent in 2007, being always higher in urban areas (85.3 per cent) than in rural areas (83.0 per cent).

295. Provision through the itinerant mechanism for children outside the system in scattered rural communities made for increased coverage.

296. All community educators received training in topics relating to their work with children.

297. Specialized training in pre-school education was received by 1,203 educators, 40 school teachers, 133 educational advisers and 114 bilingual teachers on the Caribbean Coast.

298. General introduction of, and multi-level guide to, the formal pre-school curriculum.

299. Acquisition and distribution of 30,520 sets of teaching materials, 37,800 level-III 'Learning through Play' workbooks, 85,000 reading and writing primers, 30,520 attendance registers and mark sheets, 7,000 course books (multilevel guide), 5,300 textbooks for work with parents, 700,000 level-III certificates, 7,000 shirts and caps for community educators, 92,500 self-training modules for educators, 150 educator manuals for work with children in the Mayagna and Misquito languages, 15,840 modules for teacher specialization, 25,840 seats and 5,240 desks for pre-school pupils, 7,000 schoolbags for community educators, 400 sets of children's stories, 5,000 sets of health, child-development and education pamphlets, 7,000 flip charts and slides for work with parents, 8,900 sets of blocks and wood, 1,680 jigsaw puzzles and dominos (table games). School lunch was provided to 100 per cent of the school communities.

300. While the net enrolment rate in 2007 increased by 21 per cent compared with 2005 at the pre-school level and 7.6 per cent at secondary level, the increase at primary level was 0.5 per cent.

2. Primary education

301. The net rate of primary enrolment varied from 86.0 per cent in 2003 to 86.5 per cent in 2007. In 2006, the enrolment rate was lower in some departments, such as Chontales (71.5 per cent), the RAAS (73.8 per cent) and Esteli (73.7 per cent). The efficiency of the Nicaraguan educational system is compromised by other factors, such as overage pupils, representing 40 per cent at primary level, the percentage of repeaters having increased from 86.9 per cent in 2006 to 95.0 per cent in 2007.

302. The Department of Educational Development estimates that in 2005 the Ministry of Education devoted some US\$12 million to catering for primary-level repeaters. Both indicators are higher in rural areas, with boys being more affected than girls. In 2005, only 42 per cent of children entering the first grade completed their primary education.

303. The primary enrolment target set in the programme concluded with IMF apparently aims at a net increase in primary enrolments from 85.1 per cent in 2007 to 87.6 per cent in 2008 and 90.1 per cent in 2009.

304. In absolute figures, the primary enrolment targets for 2008 and 2009 appear to be 818,000 and 830,900 students respectively (an increase of 1 per cent).

305. Comparing with the historical series of the Ministry of Education, it is clear that these targets fall far short of the primary school enrolment figures reported by the Ministry of Education for 2006 and are similar to the figures reported for 1999-2001.

	2000	2001	2002	2003	2004	2005	2006	2007
Primary	838 400	866 500	923 400	927 200	942 000	945 100	930 200	952 964
Secondary	315 400	335 000	364 000	376 000	394 300	415 300	423 400	451 083

Source: Ministry of Education 2007.

306. This seeming reduction in enrolments was apparently not real. What had occurred – according to an enquiry carried out by the Ministry of Education on the actual 2006 enrolments – was that the school heads, under the school autonomy regime, had falsified the school enrolment figures by inflating them artificially.

307. This seems to have been the result of the misguided incentive implicit in the formula whereby the funding of schools was calculated mainly according to the number of students enrolled.

308. For 2007, with the elimination of this incentive, the enrolment figures have returned to reality. At 952, 964 students, the enrolment exceeded the target set by the IMF, which stipulated an intake of 830,900 students for the period 2008/09. The Ministry of Education has thus successfully met its targets.

309. It is disturbing to realize that the total increase of 113,000 in primary enrolments (and by extension the increase of 119,000 at secondary level), said to have occurred since 1999, had in fact never taken place, or not at least according to the figures we now know.

310. Since the beginning of 2003, six curriculum frameworks and six teaching guides focused on national teaching standards, as well as teaching guides on the Convention on the Rights of the Child, have been produced for primary-school teachers.

311. From 2007, with the learning performance proposal, work has been proceeding on revising and improving the treatment of these contents, which with the approval of 84 national educational centres are being extended to secondary education.

3. Education for disabled persons

312. In 2007 the Ministry of Education enrolled 3174 students with special education needs in public colleges and 267 students in subsidized colleges. In comparison with 2006, this represents an increase of 974 students of varying abilities, who benefited from workshops on beauty treatment, sewing, carpentry, crafts and confectionary.

313. The opening of the Centre for Educational Resources for the Blind (CRECI) took place, which has helped to improve educational provision for the visually impaired by making the curriculum accessible through Braille and sound materials.

4. Secondary education

314. In secondary education, Nicaragua experienced a significant increase in the net rate of schooling, which increased from 38.4 per cent in 2003 to 46.0 per cent in 2007. This increase was a result of the policies implemented by the Government of National Unity and Reconciliation in 2007.

315. An initial enrolment of 451,083 secondary students was achieved, compared with only 376,409 in 2003. This was an increase of 74,674 students, with a retention rate of 86.0 per cent in 2006 and 91.0 per cent in 2007.

316. A total of 55,365 students graduated from secondary education in 2007, including 31,031 girls and 24,334 boys. This is because few boys manage to complete their secondary education, most of them taking up low-paid work, thereby affecting the country's competitiveness.

317. The lag in secondary education manifest in Nicaragua's indicators for the period 2003-2006 is linked to the fact that the country has significantly under-invested in this level of education. Thus, while in 2005 public enrolments in secondary education represented 43.9 per cent of certified enrolments in primary education, the resources allocated by the Ministry of Education to secondary education programmes represented barely 18.8 per cent of allocations to primary education.

318. As a result, while the cost per pupil of primary education according to the Ministry of Education rose to US\$ 127.5 in 2005, equivalent to 13.4 per cent of GDP per capita that year, the cost of secondary education scarcely reached US\$ 48 per student, equivalent to barely 5 per cent of GDP per capita.

319. It is hard to find other examples, not only in Latin America but worldwide, in which expenditure on secondary education per pupil is half or less that of expenditure per primary pupil.

320. Of course, young people of both sexes from low-income families are the ones who, as we have seen, tend to have significantly less chance of studying at secondary level; and when they do manage to do so are those who in the main fail to complete secondary education; and secondary education, as we have also seen, is the minimum threshold for having the best chance of not having to survive for the rest of their adult life below the absolute poverty level.

321. Inequality of access to this educational level mainly affects boys and those living in rural areas, who more frequently leave school to start work and have higher repetition rates.

5. The right to education for children and adolescents in the autonomous regions

322. Education is the constitutional right of every citizen, which the State of Nicaragua must ensure for all Nicaraguans without any discrimination. However, owing to the cultural and linguistic plurality existing in various areas of the country, the indigenous and ethnic population groups of the Atlantic autonomous regions have had limited access to education because of their special geographical, climatic, social, economic and cultural characteristics, in addition to a poor transport and communications infrastructure, which make access to education precarious in the rural municipalities and communities.

323. To address this problem the Nicaraguan State, through the Ministry of Education, has promoted a series of activities designed to create or strengthen policies to remove factors preventing indigenous and ethnic communities from gaining access to primary, secondary and vocational education.

324. The previous Government issued the National Education Plan, one of whose policies is to maximize educational supply through the improvement of infrastructure, food supplements, strengthening of bilingual education and priority attention in poor areas, with the Caribbean Coast as a specific target. This Plan is quite explicit in terms of its principles, proposals and objectives in that it defines education as a fundamental human right and reaffirms respect for multi-ethnic and multicultural diversity and non-exclusion. It reflects the commitment to, respect for and promotion of equity without discrimination.

325. Article 121 of the Political Constitution of the Republic of Nicaragua establishes that:

“Access to education is free and equal for all Nicaraguans. Primary education is free and compulsory in State schools. Secondary education is free in State schools, without prejudice to voluntary contributions made by families. No person may be excluded in any way from a State school for economic reasons. The indigenous peoples and ethnic communities of the Atlantic coast have the right in their region to intercultural education in their mother tongue, in accordance with the law.”

326. The Ministry of Education, Culture and Sport promotes intercultural mother-tongue education for the indigenous peoples and ethnic communities of the Atlantic Coast of Nicaragua.

327. Article 11 of the Political Constitution of Nicaragua and article 1 of the Languages Act establish that:

“Spanish is the official language of the State. The languages of the communities of the Atlantic Coast region of Nicaragua shall also be used officially in the cases specified by law.”

Bilingual intercultural education

328. All the programmes promoted by the Ministry of Education in the rest of the country - pre-school, bilingual primary, special and secondary - are also implemented in the two autonomous regions of the Caribbean Coast of Nicaragua with Miskito, Creole, Sumo-Mayagna and Garífuna populations.

329. As a means of relieving inter-ethnic tensions among the indigenous communities, an educational change has been taking place in school study programmes on the Atlantic Coast since 2000. It covers pre-school and primary education and teacher training, and since 2005 it has included secondary and adult education. It is conducted by ethnic community leaders under the direction of the local authorities.

330. This means that Nicaragua will become one of the few countries of Latin America to have a mother-tongue education system, which is an expression of racial non-discrimination since language is in the majority of cases associated with race. In this regard, consideration has been given to the provisions of the Political Constitution of the Republic, the Autonomy Statute, the Languages Act and the Regional Autonomous Education System, which constitute legal and institutional support.

331. The Ministry of Education has earmarked substantial budgetary allocations under the headings of training in bilingual intercultural education (EIB), preparation and printing of textbooks and educational material in the vernacular languages, monitoring, and national and foreign special technical assistance, infrastructure, etc.

332. Government agreements to this end have been signed with a view to securing the necessary financing, either in the form of grants or where necessary through loans. These include:

- Proyecto Terra Nuova - Italy (1992-1996)
- FOREIBA - Finland (2000-2004)
- APRENDE - World Bank (2000-2004)
- BASE II - USAID (2000-2005)
- FOSED - European Union (2001-2006)

333. In November 2005 the technical staff of Excelencia (USAID) provided training for specialists in bilingual intercultural education assigned to the Foundation for the Autonomy and Development of the Atlantic Coast of Nicaragua (FADCANIC) for the development of EIB materials. The training course was also attended by all the education authorities of the two autonomous regions of the Caribbean Coast in order to fix the guidelines for the production of those materials.

334. A total of 24 persons (13 men and 11 women), comprising technicians from FADCANIC and regional authorities, received this training in Managua.

335. In October 2005 FADCANIC conducted a series of training workshops for the participants in the design of bilingual intercultural educational materials in the autonomous regions of the Caribbean Coast. The aim of the workshops was to establish the methodological and technical guidelines for the preparation of EIB materials.

336. The following activities have been guaranteed with support from the European Union:

- Formulation of the curricula of the fifth and sixth grades of bilingual intercultural education;
- Start-up of the syllabus validation process and the first batch of text books for the fifth grade of bilingual intercultural primary education in the Mining, Waspam and Prinzapolka sectors;
- Execution and follow-up of the professionalization and higher technical courses in bilingual intercultural education for graduate and pupil teachers in the Mining, Waspam and Prinzapolka sectors;
- Training in the new fifth-grade curriculum for teachers of bilingual intercultural education in the Miskito, Mayagna and Creole PEBIs.

337. With the support of the Grand Duchy of Luxembourg, Nicaragua built two teacher-training colleges in the autonomous regions (RAAN and RAAS). They currently serve as training centres for teachers in bilingual intercultural education.

338. From the point of view of participation and the right to discharge public and decision-making functions, the functions of Coordinator of the Education Commission of the Regional Council, Director of the Education Secretariat of the Regional Government, departmental and regional delegates of the Ministry of Education, Culture and Sport (MECD) and principals of the bilingual schools are performed by professionals originating in the ethnic communities of the autonomous regions.

339. With a view to achieving sustainability, development and strengthening of bilingual education in the various ethno-linguistic zones, there has been encouragement of activities such as: replacement of old schools by new ones; professionalization of pupil teachers and further training of serving teachers; supply of materials to schools, teachers and pupils; construction and equipment of learning resource centres; construction and equipment of premises for the MECD offices; and provision of water and land transport to the MECD offices and the bilingual programme.

340. Given that a large number of adults from the various communities, ethnic groups and indigenous peoples have not previously had the opportunity to begin and pursue their studies, equip themselves for work or receive training, impetus is currently being given to a bilingual vocational training and education programme for adults in the various localities of the autonomous regions of Nicaragua, which will help reduce illiteracy and raise the levels of school attendance and integration in the world of work for adults participating in the programme. This programme is being promoted in coordination with the National Technology Institute (INATEC).

341. This all goes hand in hand with secondary distance learning and education by radio, and the various communities of the country, from which no ethnic groups are excluded, are being given universal access to information through technology and communication (educational technology centres).

6. Illiteracy

342. According to the INIDE 2005 Census, the literacy rate for persons aged 15 years and over is 78 per cent, a sizeable gap remaining for reasons of income and geographical location. In rural areas, the literacy rate stands at 63.5 per cent whereas in urban areas it reaches 88 per cent. Educational support programmes that provide better child-rearing models for parents are still in the process of being introduced. This limits family knowledge about the care and stimulation required in early childhood to ensure improved brain development. The net rate of enrolment in pre-school education has increased progressively since 2000, but only one in three children between the ages of 3 and 5 has access to pre-school education (net rate of 39.3 per cent in 2005), jeopardizing the success at primary level of the excluded two thirds.

343. In 2007 the Government of Nicaragua launched the literacy campaign 'From Martí to Fidel', which aims to lower the illiteracy rate from 22 per cent to under 10 per cent. This campaign has been planned by stages and phases from 2007 to 2009, the first stage for 2007 involving two phases. Literacy training based on the 'Yes I Can' method was provided to 59,292 citizens over fifteen in all parts of the country including the Atlántico Norte and Atlántico Sur autonomous regions (RAAN y RAAS).

Number of illiterate persons

	Men	Women	Total
Illiterates	339,280	367,682	706,962
Illiteracy rate (percentage)	21.9	22.1	22.0

Source: INIDE 2007 population census. General Planning Division/Statistical Division, Ministry of Education.

7. Basic education for young people and adults

344. The Ministry of Education, in compliance with the Convention on the Rights of the Child and the Code on Children and Adolescents, has incorporated the provisions of the aforesaid instruments in their entirety in the basic and intermediate education curriculum.

Basic education

345. In the period from 2002 to 2006, basic education was provided to 12,683 rural and 3941 urban study circles, catering for a population of 221,133 young people and adults in rural areas and 70,213 in urban areas, making a total of 291,346 students. In 2007, the number of students reached was 51,147, without including the 59,292 who graduated from the literacy programme.

346. Three hundred and twenty cooperation agreements were signed with NGOs, government institutions, churches, organizations and private companies with the aim of supporting and contributing to adult education. In 2003 the vocational training component was implemented through basic work-training modules for grade II and III basic education students as part of the curriculum for entry into the world of work. In 2004, a new study strategy was introduced, at alternative level III, aimed at meeting the demand of adolescents aged 10 to 14 in whose communities, especially in rural areas, there are schools that do not offer a complete primary education course on the regular model. These have special materials that are made available free of charge as well as support materials.

Enrolments in literacy and adult education, 2007

Type	Women	Men	Total
Literacy classes	29 788	29 504	59 292
Adult basic education, grades I and II	13 532	14 496	28 028
Primary-level night school (CEDA)	2 970	3 909	6 879
Education by radio	5 854	5 028	10 882
Vocational training	966	700	1 666
Applied school-leaving certificate	2 031	1 661	3 692
Total	55 141	55 298	110 439

Education by radio

347. The 'Home Teacher' educational radio programme started broadcasting in a pilot version in 2003. Its main aim is to reach the most scattered population groups, who through lack of road communications and educational infrastructure find it difficult to access the different forms of educational provision in their community.

348. By 2005 complete provision at primary level had become available through this educational model, benefiting 7500 students in 6 departments and 21 municipalities in the most vulnerable areas nationally. 255 radio classes were produced. In 2005, 30,000 texts, readers and guides for all groups were developed and printed, and 40,000 texts were printed in 2006.

349. Currently this programme has the capacity to develop and record its own programmes and materials; possesses its own radio recording studio with total coverage at primary level in the places where the facility is available, catering to 10 departments and 46 municipalities that are difficult to reach and subject to severe poverty. Contracts have also been concluded with local radios to transmit educational broadcasts, providing better and greater coverage and signal strength. This year 12 transmitters are operating in 10 departments.

Secondary education

350. Beginning in 2005, a pilot scheme for applied school-leaving certificate study circles was implemented in 14 departments, consisting of 122 circles catering for 2579 young and adult workers. In 2006, the number of circles was increased to 280, catering for a total of 5610 students.

351. The basic education and applied school-leaving certificate courses for young people and adults are made available to the public free of charge. In 2006, the Department of Alternative Education expanded its provision to include distance secondary education and school-leaving certificate studies for mature students in urban areas. This scheme was integrated into the process of educational change, with the participation of 12 centres for mature students and 250 secondary-education distance learning centres. The Department coordinates the process of centralized testing, registration and certification of students. The School-Leaving Certificate Remedial Programme is also being implemented for special groups of nursing auxiliaries. It is catering for 325 persons in 6 departments.

Educational materials

352. Over the last five years, Nicaragua's Basic Education Programme for Young People and Adults has supplied some 1,897,570 textbooks free of charge to 339,484 young people and adults aged over 15, who have been given access to literacy and basic education, and to 17,000 learning teacher/facilitators. They have also been provided with support and teaching materials, namely:

- a) 300,000 basic work skills modules, including facilitator guides;
- b) Various tools and consumables for work skills courses in classroom-workshops;
- c) 1,600,000 exercise books for students following the community social service literacy programme, 135,000 methodological guides, as well as school packages (400,000 ruled notebooks and 400,000 lead pencils);
- d) 87,400 textbooks corresponding to the three levels of basic education for young people and adults, contextualized and translated into the Mayagna and Misquito mother tongues of the Caribbean Coast for education with a bilingual intercultural focus;
- e) 272,000 sets of course materials for the training and academic upgrading of the facilitators and teachers of the adult education programme;
- f) 10,500 copies of "Learning to Write" and similar grammar and spelling manuals;
- g) 12,600 'Take My Hand' modules and 630 methodological guidebooks.

8. Teacher training

353. The Ministry of Education is taking steps to embody the Nicaraguan Government's commitments with regard to the Convention on the Rights of the Child and the Code on Children and Adolescents in the curriculum. This compliance has been extended with the application to the curriculum of Act No. 201, on the promotion of human rights and teaching on the Constitution of the Republic of Nicaragua through public and private education centres or schools in the country.

354. Currently educational provision rests on five education policies:

- a) More education; eradication of illiteracy; enrolment of all children and young people in school;
- b) Better education; better curriculum; better teachers, better students and better schools;
- c) A different kind of education; moralization and recovery of the state school (from the hands of the market);
- d) Participatory and decentralized educational management...Education as a task for everyone;
- e) Inclusive education, education with a systemic and comprehensive focus;
- f) All to be involved in realizing the principles of the Convention on the Rights of the Child and the Code on Children and Adolescents by including in the curriculum study of the young person's rights and duties as laid down in the Convention and related instruments.

355. Educational policy is closely related to educational development but takes priority over it since it implies restoring and legitimizing the right of the child and the adolescent to education and to a comprehensive and up-to-date learning process of high quality, relevance, flexibility, interconnectedness and diversity.

356. It is currently hoped, in consultation with civil society, to receive contributions enabling the basic national curriculum to be redesigned, incorporating provisions relating to the rights of the child at the pre-school, primary and secondary levels.

357. The content of the Convention on the Rights of the Child and the Code on Children and Adolescents is covered in the course on coexistence and civics.

358. Apart from establishing the curricular framework for the different levels and types of education, steps have also been taken to train teachers, to organize monitoring and advisory visits to pilot centres and to validate the whole curricular process with the participation of teachers and departmental and municipal specialists. The teachers also checked that these subjects were approached in an empirical and coherent manner in keeping with the national situation.

359. The difficulties highlighted by the teachers included the need for training measures to upgrade empirical and methodological content to ensure its proper treatment in the classroom, as well as the difficulties posed by the supply of consumables for the educational work of teachers.

360. The following progress is noted:

- A slight improvement in coverage and school retention. Increased initial enrolments in basic and intermediate education.

- A start has been made on promoting the participation of children and adolescents through organized student bodies (student councils, environmental and voluntary groups, literacy brigades) in the period 2003-2006, with an upturn in 2007 due to greater receptiveness to student participation in decision making.
- Formal suppression of practices violating the human rights of children and adolescents (physical and verbal maltreatment, discrimination) through the replacement of school rules by a code of conduct based on the principles underlying the Code on Children and Adolescents; this promotes a relationship of shared respect and responsibility between all participants in the education system. This Code prohibits any form of maltreatment and violence with regard to children and adolescents.
- Formal approval of the inclusion of sexual education, from 2005 onwards, through contents linked to the prevention of sexually transmitted infections (including HIV/AIDS).
- Inclusion in the morals and civics course from the first to the sixth grade of primary school of teaching on the Convention on the Rights of the Child and the Code on Children and Adolescents.

361. Today this educational right - a subject of repeated demands by the public, a constitutional requirement and a main plank of the Convention - has become a reality in terms of both the curriculum and educational practice, insofar as the student can have free access to education. At the same time, the Ministry of Education, as guarantor of the State, is endeavouring to ensure access to a quality education that is both relevant and available to all, consistent with the scientific and technical development of the country, educational needs and the requirements of sustainable human development, necessary to ensure effective integration in the social world.

362. This report highlights the essential elements in this regard. Beyond compliance by the Ministry of Education with the Government's agreements concerning application of the Convention on the Rights of the Child in the educational process, we wish to place on record that this institution is working on classroom communication of this content in accordance with the provisions of the Convention. At the same time, it is obvious that transmitting this learning to Nicaraguan youth implies very high costs in terms of the resources and training required for the teacher and the documents to be made available to the student.

363. Supply information on implementation of the Convention on the Rights of the Child with regard to classroom communication of its content in basic and intermediate education.

364. The quality of education is closely related to the skills of teaching staff, who in the case of primary-school teachers often learn their trade on the job (30 per cent), given the lack of professional training courses and very low social and financial recognition. However, in 2007:

- 3,371 new teachers were hired, 1,084 more classroom teachers than in 2006;
- The number of untrained teachers who received professional training in the country's teacher training colleges was increased to 1,832;
- 589 teachers took part in 6 regional congresses on information and communication technology in basic and intermediate education;
- 7,000 pre-school, primary, secondary and technical education teachers and 600 principals of public and private centres took part in 19 consultative forums on the curriculum;

- 2,000 new volunteer teachers were trained;
- Teachers' salaries were increased by 18.4 per cent, entailing a rise of two steps on the scale.
- The number of new community educator recruits was increased to 845;
- 8,900 learning aids packages were distributed to students, pre-school teachers and community educators;
- 651 teachers and 17,260 students were trained in the use and handling of guides and notebooks on risk management;
- 174 copies of the basic and intermediate education curriculum were distributed;
- 7,081 persons were consulted in the process of changing the curriculum;
- 832 trainee teachers received professional training (certificate of pedagogical aptitude);
- 5890 trainee teachers graduated from professional training courses, qualifying them to teach classes in 2008;
- 1740 community pre-school educators graduated from professional training.

365. The teaching curriculum and methodology, currently under review, is not adapted to education for life, with particular reference to intercultural living, sex education, prevention of HIV/AIDS, prevention of violence and preparation for emergencies. The education change taking place covers these topics and has a new skills-based classroom focus.

- 150 teachers have been trained in the prevention of family violence and HIV/AIDS.
- 10,221 primary- and secondary-school pupils have received advice on HIV/AIDS prevention.
- 1,463 secondary-school students received advice on the prevention of adolescent pregnancy.

B. Leisure, recreation and cultural activities

366. The Government of National Reconciliation and Unity, aware of the importance of respect for Nicaraguan cultural values, is undertaking through the Ministry of Culture activities such as:

- Restoration of the Plaza de la Revolución as a national historical site. The Ministry of Culture is organizing a number of events for the general public and in particular for children and adolescents, including the staging of talks, painting and handicraft exhibitions, typical food and drink tastings, dances and concerts by national and international artists – all completely free of charge.
- Museums, national parks, theatres, cinemas and zoos nationwide are offering discounts to students on presentation of their identity cards.
- Children and adolescents are taking part in workshops, fairs and student-teacher meetings.

- Municipal libraries are providing access to quality children's literature, organizing guided visits to the National Museum, other museums and national historical sites (Casa Hacienda San Jacinto, Sitio Histórico Ruinas de León Viejo, Sitio Huellas de Acahualinca, etc.).
- Infants and young people are participating in events fostering traditions.

367. Through the Nicaraguan Youth and Sports Institute, the Government of National Reconciliation and Unity continued in 2007 to support and extend the range of the different sporting activities in the *barrios* and administrative districts. In 2007, a start was also made on setting up various sporting academies, offering free entry to young people in Nicaragua.

C. Access to technical education

Education and work - vocational training

368. In the period 2001-2006, the Ministry of Education strengthened the provision of education for young people and adults by introducing the vocational component, with the aim of raising the employment and productivity levels of those benefiting from the course.

369. The strategy was made possible with additional financial support from the Autonomous Community of Madrid (Spain), resulting in the qualification in 41 specialities of 11,984 pupils or graduates of the programme, certified by the National Technological Institute (INATEC) as being effectively integrated in the sphere of vocational training.

370. Sixty per cent were women heads of household, mainly from the rural sector.

371. A basic tool kit was distributed to those starting work.

372. Ten impact evaluation studies were carried out on the projects undertaken, together with other studies. Vocational training courses have been provided in 41 different specialities through 56 public and private technical training centres in 14 departments. 51 classroom-workshops in 13 MINED primary education centres have been renovated and equipped to ensure the sustainability of the vocational and other forms of training.

373. In 2007, INATEC increased by 18% compared with 2006 its provision of technical and house construction training for adolescents, young people and women from the suburbs, rural areas and urban districts of Nicaragua.

374. In 2006, INATEC trained 2408 adolescents and young people, while in 2007 the new authorities successfully trained 3343 adolescents and young people, who today have the technical qualifications for integration in the workforce.

375. INATEC provides training for adolescents and young people in the areas of mechanics and construction, and also awards grants and technical assistance, so that the institution is in this way training professionals who will meet the needs of the urban and rural population in our country.

376. INATEC's investments are funded under the Republic's general budget and benefit the poorest section of the community, since it provides them with qualifications enabling them to work in Nicaragua and the Central American countries in the building trade and as tourist guides and receptionists, among other economic sectors.

377. This year INATEC improved the effectiveness of its vocational training since the retention rate in all technological institutes at national level increased to 86 per cent as compared with 80 per cent in 2006. However, according to the Ministry of Education, the lack of coordination between

education subsystems (basic, technical and higher) is affecting the quality of the educational provision, which is made repeatedly clear by the fact that barely 5 per cent of those with school-leaving qualification who opt to enter university pass the test in mathematics and Spanish. It should be pointed out, however, that the General Education Act seeks to improve the quality of education through proper coordination of all the subsystems. Following eight years at the preliminary draft stage and prolonged debates in 2005, the bill was finally adopted on the basis of a broad consensus involving civil society organizations grouped in the Education Forum, Ministry of Education officials, the National Council of Universities (CNU) and representatives of teachers' unions such as ANDEN. This act was adopted in 2006 as hoped, and it includes for the first time the Regional Autonomous Education System (SEAR) of the Caribbean Coast.

XI. Special protection measures

378. From 2007, in keeping with the new mission and vision of the Government of National Reconciliation and Unity, the Ministry of the Family has advanced in the coordination of efforts along two main lines.

379. Oversight and coordination of social protection and special protection have been strengthened, with the principal aim of helping to ensure that children and adolescents in a situation of high social risk and vulnerability enjoy the rights prescribed in the Code on Children and Adolescents, the Convention on the Rights of the Child and the social protection policy for vulnerable groups. To this end, the Ministry of the Family has undertaken the following measures:

- Production of methodological guides for the special protection of children and adolescents (foster homes, child-protection centres and family resource centres), which are in the process of being tested;
- Improved coordination within and between organizations, linking the health, education, infrastructure, labour, municipality and community sectors;
- Integration and training of technical staff on the system of accreditation and regulation of care services;
- Introduction of the Ministry's management information system;
- Redesigning and strengthening food and nutritional assistance programmes;
- Improving initial education programmes for children under three;
- Improving the condition of the physical infrastructure for the provision of services;
- Strengthening the capacity of families to provide nutritional and educational care to children from 0 to 6 years;
- Improving the strategic mechanisms for involvement in implementing and developing the factors restricting social risk to children and adolescents and their families in vulnerable communities
- Provision of different occupational forms of vocational training for promoting change in the economic situation of families.

380. Efforts have been made to improve the opportunities of children and adolescents in need of special protection. The aim here is to provide special protection to children and adolescents in situations of risk, promoting their reintegration in the family and social environments or their

placement in a foster family in keeping with the national policy of comprehensive care prescribed in the Code on Childhood and Adolescents and the current Adoption Act. In this connection, the following measures are being taken:

- Monitoring of children and adolescents placed in foster families;
- Approving the adoption of children and adolescents subject to favourable assessment;
- Declaring children and adolescents to be in total abandonment;
- Training staff in regional offices with the aim of strengthening technical capacities on the topic of special protection;
- Drafting administrative decisions to restore the rights of children and adolescents;
- Drawing up divorce reports;
- Providing immediate care without further procedures to all children and adolescents referred by the regional offices and by the Information and Guidance Office (CIO) and the Department of Special Protection;
- Supply general information and guidance on the special protection services (CIO).

381. Finally, it is essential to bear in mind that the special protection measures to which children and adolescents are entitled are far from being the exclusive responsibility of the State. There is a need for a comprehensive policy for the protection of children, calling for all necessary measures to ensure full enjoyment of their rights.

A. Children of migrant families

382. In June 2007, the Government of National Reconciliation and Unity produced the consolidated report submitted by Nicaragua to the Committee on the Elimination of Racial Discrimination in accordance with article 9 of the Convention. This document contains Nicaragua's periodic reports Nos. 10-14 (consolidated document), which should have been submitted on 12 March 1997, 1999, 2001, 2003, 2005 respectively. This report has a chapter on migration in the country.

383. The report notes that in recent years the rate of migration as an alternative to employment has been increasing apace. Most Nicaraguans who emigrate are men, women and teenagers with scarce economic resources from rural areas, who, owing to lack of decent work, emigrate to other countries. In the United States of America and Costa Rica, to which a high percentage of Nicaraguans emigrate each year, they are faced with difficult problems such as high costs of consular services, discrimination, problems relating to social and cultural adaptation, scant communication with their families, lack of documents, informal labour, low wages, access to social services and so on.

384. In the United States the total number of those deported, returned or turned away has grown in comparison with other years. For 2005 it is estimated that 1,406 Nicaraguans were deported, much more than in previous years. This number is smaller than the number of deportees from Central American countries. In 2005 Costa Rica deported 10,195 Nicaraguans, somewhat fewer than in previous years.

385. The Government of Nicaragua has negotiated, together with other Latin American countries, agreements, conventions, laws and migration amnesties linked to political and economic contexts designed to benefit illegal immigrants. As a result of these hard-won arrangements, some countries,

such as the United States and Costa Rica, have adopted various agreements, programme plans and migration amnesties in conjunction with international organizations so that Nicaraguans can avail themselves of these special circumstances in order to regularize their situations. The most significant of these are described below.

386. The Mexican Plan of Action was adopted on 16 November 2004. It was designed and signed as a reaffirmation of the obligation of Latin American States to respect the principle of non-discrimination and to take steps to prevent, combat and eliminate all forms of discrimination and xenophobia. It likewise proposes that the policies on security and the fight against terrorism should respect national and international instruments for the protection of refugees. At the same time the Nicaraguan State also safeguards respect for the rights of migrants who cross its territory. Nicaragua is an easy transit country owing to the decisions taken by the migration authorities to waive the visa requirement for various nationalities. With the globalization of emigration and the country's geographical position, Nicaragua has seen an increase in the flow of migrants crossing its territory on their way to the United States. Migrants transiting Nicaragua include Peruvians, Ecuadorians, Colombians, Dominicans and, to a lesser extent, Africans (Nigerians and Somalis) and Asians (Chinese, Indians and Nepalese).

387. The Nicaraguan Network of Civil Society Organizations on Migration promoted a reform of the Migrant Traffic Control Act (Act No. 240), which was effected in 2004. The main purpose of the reform was to bring it into line with international norms so as not to discriminate against undocumented persons' exercise of their rights. The prime reasons for this initiative had to do with consideration of the precarious situation that motivates migrants to seek a better life abroad and the fact that, since Nicaragua is a migrant-exporting country, it would be inconsistent to maintain a dual policy that protects the rights of its nationals abroad while breaching the rights of foreign immigrants crossing or settling in Nicaragua.

388. The Government of Nicaragua has embarked on the path of regularizing temporary work by migrants with the Agreement between Costa Rica and Nicaragua on the implementation of a bi-national migrant labour policy, signed on 21 January 2005 by the Ministers of Labour of both countries. In order to advance along this route the two Ministers approved a work matrix for administering migratory flows, on the way to adopting an agenda that is in keeping with both countries' public employment policies and that respects the principles established by the ILO.

B. Economic exploitation, including child labour

389. The survey on the number of children working, particularly as domestic servants or in the agricultural sector, is currently being drafted.

390. The Ministry of Labour, through the National Commission for the Prevention and Eradication of Child Labour, implemented and evaluated the National Strategic Plan for the Prevention and Eradication of Child Labour and the Protection of Child Workers (2001-2005), which enabled this problem to be addressed. It also carried out an analysis of the information contained in the household survey carried out by the National Statistics and Census Institute (INEC) by way of follow-up to this problem.

391. The measures adopted, including legislative, administrative, social and educational measures, to recognize and ensure the right of the child to be protected from economic exploitation.

392. Between 2003 and 2007, the country made legal and administrative adjustments to labour legislation in order to ensure compliance with the international conventions and treaties it has ratified, such as the Convention on the Rights of the Child, ILO Conventions Nos. 138 and 182 concerning the minimum age for admission to employment and the worst forms of child labour, the Code on Children and Adolescents and other related legislation on the subject of child labour.

Act No. 185 - Labour Code

393. In 2003, section VI, chapter I, of the Labour Code was amended under Act No. 474, published in the *Official Gazette* N° 199 of 21 October 2003, where the meaning of the term 'working adolescent' is examined. Adolescents belonging to this category are defined in article 1 as: 'workers having completed their 14th but not yet their 18th year of age, who, in exchange for financial remuneration, engage in productive activities or provide physical, intellectual or other services on a permanent or temporary basis'.

394. The Act also defines 14 years as the minimum age for admission to employment (article 2). It is important to note that this minimum age of 14 for admission to employment is not consistent with education being compulsory up to the age of 12, when children conclude their primary schooling. Harmonizing these two ages is essential, and must be treated as a goal.

395. The Act makes it compulsory for the State, employers and the family to protect adolescents from any activity or work that is prejudicial to their education, health and rounded development (articles 1 and 2 of Act No. 474). The current Labour Code, section VII, chapter I, Special working conditions, regulates adult domestic work. The proposed amendment to this section covers the work of adolescents, guaranteeing better protection of their labour rights, since in practice adolescents, apart from their work having low visibility, are exploited in the guise of houseboys or girls, who are merely paid in kind (clothing, food, accommodation) rather than receiving the financial remuneration to which their work entitles them. Other rights are likewise violated (education, recreation, family proximity). This draft legislation is currently with the President for signature.

396. Ministerial decision on measuring the working-age population over the age of 14, published in the *Official Gazette* Number 149 of 7 August 2007, in which the Minister of Labour decides to exercise her powers to register statistically the working-age population over the age of 14 in the relevant research instruments. Ministerial decision regulating the functioning of private employment agencies, published in June 2007, *Official Gazette* Number 109, article 18: Permission to operate shall be cancelled when the private employment agencies do not comply with the objectives and commit any of the following infringements:

a) When they serve as intermediaries in the hiring of children under 14 and adolescents in the cases specified in Act No. 474, amending section VI of the Labour Code.

397. The ministerial decision on the standard salary for coffee workers, October 2007, includes a section on child labour in which the provisions of Act No. 474 are reaffirmed.

398. Decision Number 076/2007 of the Executive President of the Nicaraguan Social Security Institute (INSS), in which the Executive President:

1. Instructs the Affiliation and Control Division to affiliate to the obligatory social security scheme all working adolescents who have fulfilled the labour requirement under article 2 of Act No. 474;

2. To facilitate the process of integrating working adolescents in the obligatory social security scheme, directs that the only requirement shall be a birth certificate and a letter from the parent or guardian concerned;

3. Instructs the Computer Processing Division to make the necessary changes to the computer system to comply with the provisions of the present decision.

399. The information provided in this chapter shows that the country has a coherent legal framework, and that the main problem lies in the realms of jurisprudence and the machinery of

intersectoral coordination and interrelations facilitating fulfilment of the international goals of eradicating the worst forms of child labour by 2015 and all forms of the phenomenon by 2020.

400. The performance of any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

401. In this context, the country has defined hazardous work in terms of Ministerial Decision Number GC-AM-0020-10-06, published in the *Official Gazette* Number 221 of 14 November 2006. It sets out the approved list of tasks considered hazardous in the case of Nicaragua, drawn up through a process of consultation with employers' organizations, trades unions, civil society, children and their families, and other relevant sectors.

402. Hazardous work is defined as that which by its very nature embodies factors of risk affecting the physical and mental health of working adolescents, such as inadequate safety conditions, physical environment or chemical and biological contaminants. Hazardous work is defined, in terms of the conditions in which it is performed, as that affecting the physical and mental health and moral integrity of adolescent workers, as that constituting a physical and mental burden and in terms of the organization and division of work.

403. It is forbidden for persons under 18 years of age to perform hazardous work. Departmental labour inspectors have the power to investigate and punish violations of this provision under article 6 of Act No. 474 amending chapter I, section VI, of the Labour Code.

404. Any preventive and remedial action undertaken, including information and awareness campaigns, as well as education, in particular compulsory education, and vocational training programmes, to address the situation of child labour both in the formal and informal sector, including as domestic servants, in agriculture or within private family activities. The Ministry of Labour, through the Inspectorate General, is responsible for ensuring the implementation of labour legislation. In particular, there is a child labour inspectorate responsible for monitoring and protecting the rights of adolescent workers in the different economic sectors, both formal and informal, and for preventing the hiring of children below the minimum age for admission to employment, in accordance with the provisions of Act No. 474.

405. The Ministry of Labour, through the National Commission for the Eradication of Child Labour and the Protection of Young Workers (CNEPTI), has helped to publicize and foster a culture of compliance with the ILO Conventions and relevant labour legislation in all economic, social and political sectors; agreements and commitments have been signed with the economic sectors in which child labour is most concentrated in order to define immediate measures to remove children from work and provide them with educational alternatives.

406. Cooperation agreements have been signed with the coffee, tobacco, mining and agricultural sectors, and between other institutions and ministries, for them to include the topic as a priority in their institutional strategies, programmes, projects and plans in order to arrive at a sustainable and comprehensive response to the problem of child labour.

407. CNEPTI, in coordination with children's committees and municipal authorities, has defined 13 types of hazardous work. They are summarized in the following table by type of work and geographical location.

Type of work by municipality

<i>Type of hazardous work</i>	<i>Municipality</i>
Orange growing	Río San Juan
Pumice stone	Masaya
Tobacco (sowing)	Estelí, Jalapa
Coffee	Matagalpa, Jinotega
Tile- and brick-making, sawmills	Ocotal
Peddling	Managua, Chinandega, Ocotal
Rubbish collection	Managua, Chinandega
Gravel-digging	Chinandega
Smuggling	Boaco
Cattle-raising	Somoto
African palm (<i>coyolito</i> collection)	Bluefields

Source: Ministry of Labour – CNEPTI, 2007.

408. A systematic study of these types has been published under the title: *Countless risks and harm: analysis of the economic exploitation of children and hazardous work*.

409. The measures adopted to ensure respect for the general principles of the Convention, in particular that of non-discrimination, the best interests of the child, the right to life and survival and development to the maximum extent, derive from the administrative decisions of the Ministry of Labour, which take into account the best interest of adolescents; Act No. 474 gives the adolescent the legal right, for example, to enter into work contracts, participate in collective bargaining and join and organize trade unions. The labour inspector likewise takes into account one of the fundamental principles of the Labour Code (Act No. 185), namely that the provision most favourable to the worker shall prevail in the application and interpretation of labour standards (Principle 8).

410. Please also indicate the appropriate measures adopted pursuant to article 32, paragraph 2, and having regard to the relevant provisions of other international instruments, including measures at the legislative and administrative levels, to provide in particular for the following.

411. A minimum age or minimum ages for admission to employment. Article 2 of Act No. 474 (amending section VI, chapter 1 of the Labour Code) states that “the minimum age for paid employment is 14 years; employment of persons under this age is therefore prohibited”.

412. Appropriate regulation of the hours and conditions of employment shall be verified by the Labour Inspectorate. The labour inspector is responsible for verifying compliance with the following rights of adolescent workers, in keeping with article 5 of Act No. 474.

- Performance of work in conditions consistent with respect and enjoyment of fundamental rights;
- Enjoyment of equal wages for equal work by adult workers;
- Remuneration in legal tender, payment in kind being prohibited;
- Compliance with working conditions that guarantee security, physical and mental health, hygiene and protection against occupational hazards;

- No more than 6 hours to be worked daily and 30 hours weekly;
- Enjoyment of social security rights and special health programmes;
- Working arrangements and timetables to be compatible with the responsibilities and requirements of the school timetable.

413. Persons violating the legal provisions relating to compliance with the labour rights of adolescent workers, or who show negligence with regard to their observance, may be fined. The same applies to anyone obstructing the labour inspectors in the performance of their duties.

414. Violation of the labour rights of working adolescents shall be punished with progressive fines ranging from 5 to 15 times the minimum wage, depending on the sector in which the offence occurs, and is applicable three times by the corresponding departmental labour inspectorate, without prejudice to the suspension or temporary closure of the establishment in the event of reoffending.

415. This provision is without prejudice to the complaints that the adolescent or his or her representative may make to the relevant labour courts.

416. Furthermore, any national multidisciplinary policy and strategy designed to prevent and combat situations of economic exploitation and child labour constitutes one of the public policies incorporated in the labour agenda of the Ministry of Labour.

417. This Ministry coordinates the National Commission for the Eradication of Child Labour and the Protection of Young Workers (CNEPTI), established by Decree No. 22-97, subsequently modified by Decree No. 43-2002 to become the national tripartite authority for interagency coordination, involving the participation of representatives of government institutions, enterprises, trade unions, civil society bodies and cooperation agencies with a technical advisory function, where analysis, discussion and decision making take place on the topic of child labour. The Ministry of Labour exercises the function of executive president.

418. A National Strategic Plan for the Prevention and Eradication of Child Labour for 2001-2005 has already been evaluated. The second plan covering a ten-year period (2007-2016) is currently being drawn up, by consensus and with the participation of all sectors, and will include specific targets, roles and responsibilities for each of the sectors and institutions that will carry out the measures, as well as defining monitoring and follow-up indicators.

419. The technical subcommissions on interagency cooperation are responsible for following up the provisions, agreements and commitments discussed at the CNEPTI plenary concerning the problem of child labour.

420. A protocol on interagency coordination is being drawn up for the prevention and eradication of child labour, the main purpose of which is to guide civil servants in official bodies, NGOs, developers, community leaders and other social actors to form groupings and alliances that play an effective role in the prevention and eradication of child labour and the protection of adolescent workers as part of the process of inclusive and sustainable social and economic development of the country.

421. Since 2003, the Ministry of Labour with the help of international cooperation has been carrying out two institution-building programmes through the CNEPTI Executive Secretariat, specifically geared to inspection, establishment of a child labour unit, research

and rapid diagnosis, local impact through workshop initiatives, forums and awareness activities on topics relating to child labour, and to the framing of immediate measures for joint action, with the aim of providing a comprehensive response to restoring the rights of children subject to exploitation at work. Adolescents, for their part, receive training on the rights embodied in labour legislation.

422. Initiatives have been taken with the business sector to address the problem of child labour, with the emphasis on the agricultural sector. In 2007, an initiative to promote social responsibility in the coffee- picking season took place between producers and State institutions with the aim of providing educational alternatives to children below the minimum age for admission to employment.

423. The Ministry of Labour has made significant progress in defining machinery for the effective implementation of labour legislation and for the establishment of sectoral and institutional alliances for effecting specific measures.

424. Agreements and undertakings with producers in various economic sectors have been established and labour legislation has been harmonized with international conventions and treaties relating to child labour.

425. The Ministry is limited by the fact that it does not have a budget appropriation to implement the National Strategic Plan for the Eradication of Child Labour and for monitoring and following up the process. A specialized technical unit is needed to provide better national coverage and to decentralize the Plan and widen the coverage of work, hygiene and safety inspections nationally so as to ensure effective compliance with the agreement on the list of hazardous work. More human resources at the local level are required in this regard.

426. Relevant data on the children concerned, disaggregated by age, gender, region, rural/urban area, and social and ethnic origin, as well as on infringements observed by inspectors and sanctions applied.

Socio-professional characteristics of the self-declared working population aged 5 to 17, 2007

	<i>Population</i>	<i>Percentage</i>
By area of residence		
Urban	95 436	35,9
Rural	170 445	64,1
By sex		
Men	188 659	71,0
Women	77 222	29,0
Total	265 881	100,0

Socio-professional characteristics of the active working population aged 5 to 17, 2007

	<i>Persons</i>	<i>Percentage</i>
By area of residence		
Urban	81 796	34,3
Rural	157 031	65,8
By sex		
Men	169 062	70,8
Women	69 765	29,2
Total	238 827	100,0

Source: Ministry of Labour 2007.

Active working population aged 5 a 17 (employed) by economic sector

<i>Sector</i>	<i>Population</i>	<i>Percentage</i>
Formal Sector	57 298	24,0
Men	38 879	67,9
Women	18 419	32,1
Informal sector	181 530	76,0
Men	130 183	71,7
Women	51 346	28,3
Total	238 827	100,0

Source: Ministry of Labour 2007.

Active working population aged 5 a 17 (employed) by age range

<i>Age range</i>	<i>Population</i>	<i>Percentage</i>
5 to 9 years	18 817	7,9
10 to 13 years	67 404	28,2
14 to 17 years	152 607	63,9
Total	238 827	100,0

Source: Ministry of Labour 2007.

Active working population aged 5 to 17 (employed) by occupational category

<i>Category</i>	<i>Population</i>	<i>Percentage</i>
Employer	180	0,08
Self-employed	15 291	6,40
Salaried	75 991	31,81
Unpaid labour	147 185	61,63
Member of cooperative	180	0,08
Total	238 827	100,00

Source: Ministry of Labour 2007.

Active working population aged 5 to 17 (employed) by level of education

	<i>Population</i>	<i>Percentage</i>
No schooling	31 684	13,3
Primary	144 016	60,3
Secondary	62 448	26,1
Intermediate technical	180	0,1
University	498	0,2
Total	238 827	100,0

Source: Ministry of Labour 2007.

C. Children living or working in the street

427. With regard to article 32, reports should also provide information on the international conventions and other relevant instruments to which the State is party, including in the framework of the International Labour Organization, as well as relevant indicators identified and used; relevant programmes of technical cooperation and international assistance developed, as well as information on infringements that have been observed by inspectors and sanctions applied. (Ministry of Labour, CNEPTI).

428. Bearing in mind that the Labour Inspectorate is the service through which the Ministry of Labour oversees proper implementation of socio-professional legislation and policies and ensures the prevention of child labour and supervision of compliance with the rights of adolescent workers, a total of 1867 inspections has been carried out nationally, child labour being detected in 86 cases. The State is planning to conduct a study to assess the scale, character and causes of the phenomenon of street children and the juvenile gangs in the country. NGOs are implementing special programmes to care for restricted groups.

429. The Ministry of the Family has been attempting to address the problem of working children in urban and rural areas who are placing their lives at risk from wounds, illnesses, criminal activities, lengthy working days, inclement weather, long walks, poor food, pesticide poisoning, work accidents and attacks by dangerous animals. In this connection, the Ministry of the Family is taking steps to alert and promote awareness among parents and employers; it is also making referrals to the formal education system and strengthening schools with the support of community workers.

430. The Ministry of the Family, as a member of the Inter-Institutional Commission for Civic Security, does not yet possess a policy for preventing and reducing the number of street children and juvenile gangs (pandillas). A civic security programme is included in the Commission's subcomponent on reducing juvenile violence and delinquency, designed to help improve civic security by reducing violence in the localities covered by the programme, through inter-institutional and intersectoral coordination. This programme is implemented through 24 offices located in: Managua (Western and Eastern Offices, Ciudad Sandino, Tipitapa and San Rafael del Sur), Estelí, Nueva Segovia, Matagalpa, Jinotega, Boaco, Madriz, Chontales, Chinandega, León, Granada, Carazo, Masaya, Rivas, Bluefields, Río San Juan, Puerto Cabezas, Rosita, Bonanza y Siuna. The programme also has the following services:

- School for parents and guardians;
- Neighbourhood prevention teams;
- Community worker network;
- Family advisers;
- Vocational training for families at high social risk;
- Ministry of the Family-Chimalli psychosocial risk model

D. Sexual exploitation

431. The commercial sexual exploitation of children is an everyday reality and a violation of human rights and freedoms and sexual integrity, reflecting unequal power relations and social disadvantage.

432. Through the Programme of Comprehensive Care for Children and Adolescents at Social Risk, the Ministry of the Family has identified problems of trafficking affecting this population group. The Ministry is a member of the National Coalition against Trafficking in Persons, and therefore has special responsibility for protecting the victims of this social problem, relying on its 24 departmental offices for carrying out such measures.

433. The National Police through the Office of the Special Unit for Women and Children has made a major contribution to ensuring strict observance of the rights of the child and has dealt with complaints of family and sexual violence representing offences against children,

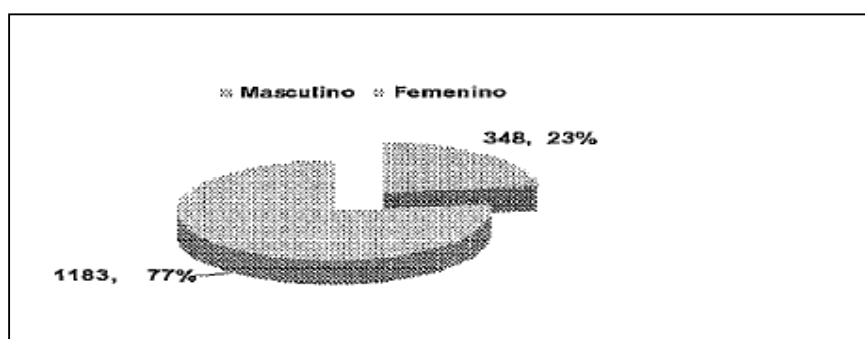
lodged with the 32 special units at national, departmental, district and municipal levels, depending on where the human rights and physical integrity of children have been infringed and violated. These offences against children and adolescents include threats, violations, indecent assault and rape.

434. It is clear from the statistics of the Office of the Special Unit for Women and Children that the spiral of family violence and sexual offences has grown, and that the main aggressors are adults belonging to the immediate or close family, with the mothers also being victims. There is another population group doubly affected by this tragedy: it is that of children at risk, who are subject to institutional violence in the absence of comprehensive care facilities.

Graph 1

Victims of family violence

(Aged 0 to 18, 9 months, 2007)



Source: National Police, Office of the Special Unit for Women and Children, 2007.

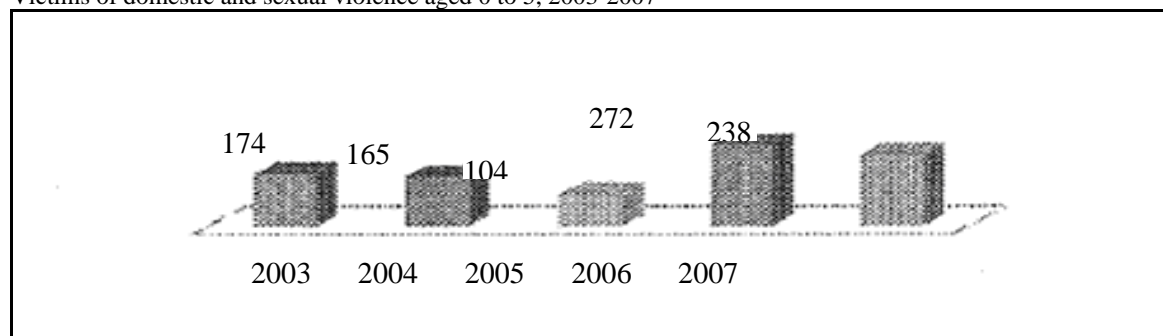
435. In 2007, 77 per cent of the victims (1183) were female and 23 per cent male.

436. Analyzing the 0 to 5 age group, in the period 2003-2007, we find that:

- In 2006 this group was even more affected, 272 cases of family and sexual violence having been recorded;
- 2007 comes next with 238 cases.

Graph 2

Victims of domestic and sexual violence aged 0 to 5, 2003-2007

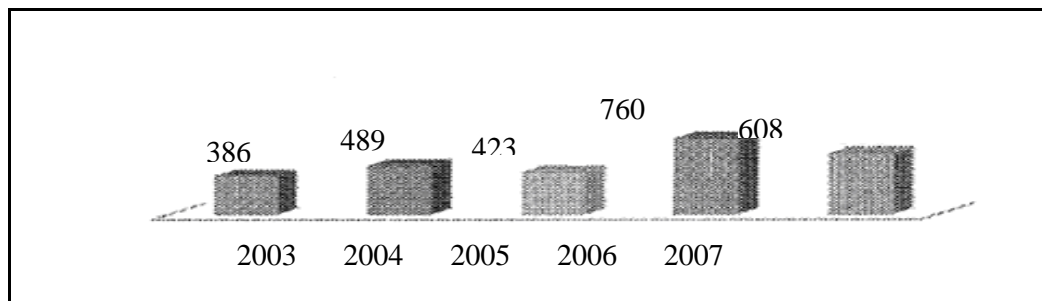


Source: National Police, Office of the Special Unit for Women and Children. No data is yet available for the fourth quarter of 2007.

437. With reference to the 6-10 age group, 2006 continued to show the largest number affected by family and sexual violence, with 760 offences reported. 2007 comes next with 608 victims.

Graph 3

Victims of domestic and sexual violence aged 6 to 10, 2003-2007

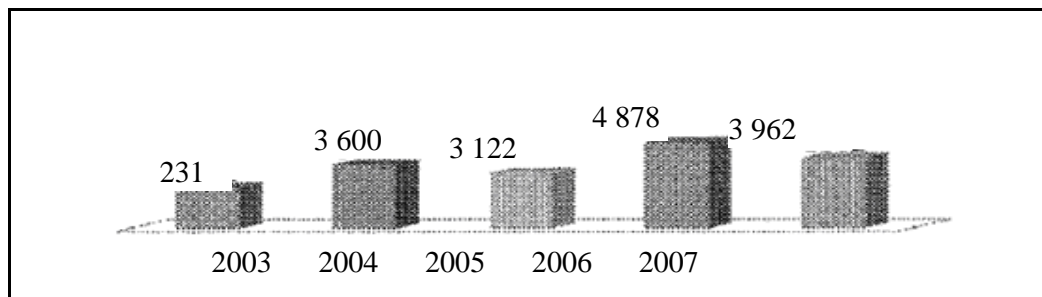


Source: National Police, Office of the Special Unit for Women and Children. No data is yet available for the fourth quarter of 2007.

438. In the 11 to 15 age group, 2006 showed the largest number (1905) affected by domestic and sexual violence. The trend continued in 2007.

Graph 4

Victims of domestic and sexual violence offences from 0 to 18 years, 2003-2007



Source: National Police, Office of the Special Unit for Women and Children

439. In the period 2005-2007, domestic and sexual violence increased in the 0-17 age group, with 15,562 children and young person's being affected overall. 2006 shows the highest incidence followed by 2007 with 3962 cases.

E. Violence, abuse, neglect and maltreatment

440. In this area, the National Police has been working with primary and secondary schools through the Special Police Unit for Women on the prevention of violence at home and school, for which purpose a cooperation agreement with the Ministry of Education has been signed to report abuses committed at school and in the family.

441. Throughout 2007, the special police units were strengthened through increased training courses for school advisers and teachers in the capital and in the west, north and east of the country; they are due to be extended nationwide. There is also a referral and counter-referral system which will contribute to coordination between the different government bodies and civil society.

442. To ensure adequate protection of child victims of abuse and to avoid further victimization, efforts have been made to provide specialized care in the special police units at departmental, district and municipal level. This service has been extended to seven special municipal units.

F. Trafficking in persons

443. The Ministry of the Family considers that there has been qualitative and quantitative progress nationwide in tackling the problem of the commercial sexual exploitation of children and adolescents.

444. Instruments such as the public policy to combat the commercial sexual exploitation of children and adolescents, its plan of implementation and strategies and mechanisms to develop measures at national and local level contribute to the prevention and eradication of sexual exploitation in its different forms and different spheres of action.

445. The fact of having a National Plan to Combat the Commercial Sexual Exploitation of Children and Adolescents represents significant progress towards complying with the commitments assumed at various international congresses on the subject.

446. This topic has been placed on the public agenda to ensure that the State and the various sectors display greater interest, readiness and commitment in addressing this problem, with a focus on compliance with the rights of children and adolescents.

447. State institutions have a responsibility to address this problem in accordance with the requirements of the Code on Children and Adolescents. The introduction of training courses for officials at the Ministry of the Family and other institutions helps to ensure a more proactive and responsible attitude towards the protection of children and adolescents subject to commercial sexual exploitation.

448. There has been progress regarding the focus on rights in the Ministry's programmes through work with the families of children and adolescents on the risk factors that can lead to the violation of children's rights, fulfilling in this way the State's commitments with regard to the human rights of young people.

449. Activities for children and adolescents include psychosocial care, work with the family, educational talks on the topic of self-esteem, reproductive sexual health, violence, children's and adolescents' rights, integration in the formal education system, participation in recreational and sporting activities, and interest groups involving work-training activities such as beauty treatment, mechanics, tailoring and clothing manufacture.

450. The Ministry of the Interior, through a cooperation agreement signed in 2004 by State institutions, civil society organizations and cooperation bodies, established the National Coalition against Trafficking in Persons with the aim of detecting, preventing, protecting and rehabilitating the victims and contributing to the effective punishment of the authors of this offence.

451. This Coalition agreed to operate in the framework of the National Plan to Combat the Commercial Sexual Exploitation of Children and Adolescents for 2003-2008, the Code on Children and Adolescents and existing public policies and national plans on the question. Working parties were formed to implement it and a series of television presentations on the subject were made with the participation of NGOs and the National Police.

452. In August 2007, four Ministries (Foreign Ministry, Ministry of the Interior, Ministry of the Family and Public Prosecutor's Office) signed the Protocol against commercial sexual exploitation and trafficking in persons.

453. The commercial sexual exploitation of children and adolescents in Nicaragua has become more visible, generating greater political will to promote the National Plan to Combat Commercial Sexual Exploitation.

454. It is felt that nationwide there has been qualitative progress in tackling the problem of commercial sexual exploitation and that the tools exist to address the problem, such as the public policy to combat the commercial sexual exploitation of children and adolescents.

455. Most of the victims left the country illegally, 99 per cent of them being women between the ages of 13 and 39; the perpetrators are for the most part women who search out their victim in public places such as parks or schools at closing time in working-class districts, where they establish ties of friendship and make offers of work. The recruiters come from Central America, although the country of destination is Guatemala and Nicaraguans cooperate in the undertaking. There is no register providing technical details on the trafficking in persons.

456. Concerning sexual exploitation and trafficking in persons, the draft penal code identifying commercial sexual exploitation as an offence was adopted and the police and judicial authorities were instructed to receive and process complaints of sexual abuse so as to avoid further victimization.

457. In this regard, the following offences of organized crime were handled in the years 2006 and 2007

Cases handled in 2006

Type	Victims			Offenders detained		
	Masculine	Feminine	Total	Masculine	Feminine	Total
Human trafficking	0	0	0	0	0	0
Sexual exploitation	0	0	0	0	0	0
Labour exploitation	1	20	21	7	8	15
Illegal trafficking in persons	0	0	0	0	0	0
Other	0	0	0	0	0	0
Total	1	20	21	7	8	15

Source: Ministry of the Interior, 2007.

458. We may conclude that the National Police, through the Special Unit for Women and Children, has made its contribution to combating family and sexual violence when the victims are children.

459. It may be stated that our country has endeavoured to comply with the Convention on the Rights of the Child.

Cases handled in 2007

Type	Victims			Offenders detained		
	Masculine	Feminine	Total	Masculine	Feminine	Total
Human trafficking	0	0	0	0	0	0
Sexual exploitation	0	13	13	5	6	11
Labour exploitation	0	1	1	0	0	0
Illegal trafficking in persons	0	0	0	0	0	0
Other	0	0	0	0	0	0
Total	0	14	14	5	6	11

Source: Ministry of the Interior, 2007.

460. Work has been done not only on the specialized care model but also on the manual of specialized procedures for victims and survivors of family and sexual violence with specific reference to children and adolescents.

461. Work has likewise been done on preventive care in primary and secondary colleges and institutes and a close relationship has been established with the Ministry of Education through the interagency coordination arrangement envisaged in the Referral and Counter-referral System on which we have been working since 2004.

G. Drug abuse

Drug addiction

462. The Government of National Reconciliation and Unity is politically and socially committed to closing all avenues to the consumption, illegal traffic, production and national and international trade in narcotic substances. It continues to be a comprehensive response to the various problems posed by drug consumption and related offences. It is a national strategy with a multisectoral focus that also reflects the aims and principles agreed at international level. It is an organized and integrative effort that is being conducted in coordination with governmental and nongovernmental organizations.

463. Nicaragua adopted the National Drug Prevention Plan on 18 March 2002. This Plan is a political and financial management strategy since its aim is to establish a network of sustainable coordination that involves State institutions legally obliged to confront the drug phenomenon in its different forms and civil society and that is geared to reducing supply and demand and to research yielding preventive, regulatory and control activities. The publication of this Plan in Spanish, English and Misquito is the goal so as to make it available to all the communities of the Caribbean Coast.

464. Nicaragua, by virtue of its geographical position, mainly as a result of being at the centre of the Americas, stands midway between the main production zone (South America) and the consumer zone (North America), making it a strategic point for the drug traffic. The geographical characteristics of Nicaragua create a degree of vulnerability: its extensive frontiers with many blind spots and wide maritime zones in both oceans facilitate the entry of drugs, the problem being aggravated by a lack of qualified technical resources to patrol the sea and land frontiers. These resources are not comparable with the levels of development and sophistication of the media possessed by the drug trade.

465. The increase in drug-trafficking and related offences has as its cause and circumstance frontier zones and coastlines lacking policing, high rates of unemployment and poverty, the interest of the drug cartels in occupying our territory as a trafficking route, the fragile legal framework of Central America and Nicaragua, the reduction in the technical and military means of control and detection, limited military supervision and control, the lack of specialization of Central American police institutions, the poor economic prospects of the Caribbean population, and the economic revenues generated by crime. Most of the drugs consumed in Nicaragua are those lost in shipping operations and recovered by fishermen, divers and communities along the Caribbean Coast, who are not equipped to connect with international trafficking so that the drugs remain on the domestic market.

466. As to the drugs most widely consumed among the country's young people, alcohol shows the highest rate of consumption with 47.6 per cent, followed by tobacco with 43.3 per cent, benzodiazepines with 12.3 per cent and marihuana with 5.2 per cent. With all drugs, the prevalence among men students is higher than among women students, except regarding

the use of benzodiazepines. Generally speaking, women are found to be less prone to drug consumption than men, and they begin consuming drugs a little earlier than men.

Table 1

Enquiry into the prevalence and age of first consumption among pupils aged 12 to 17, 2003

In percentages

<i>Type of drug</i>	<i>At any time of life</i>			<i>Average age of first consumption</i>		
	<i>M</i>	<i>F</i>	<i>Total</i>	<i>M</i>	<i>F</i>	<i>Total</i>
Alcohol	56	41,3	47,6	14	14,1	14,1
Tobacco	54,9	34,7	43,3	13,7	13,4	13,6
Solvents/inhalants	3,2	1,1	2	14	13,8	14
Marihuana	8,6	2,7	5,2	15,1	14,4	14,9
Cocaine HCL	3,6	1,2	2,3	15,6	14,2	15,0
<i>Crack</i>	2	0,5	1,2	15	14,7	15,0
Benzodiazepines	10,1	13,8	12,3	13,4	13,7	13,6
Ecstasy	0,8	0,2	0,5	15,8	14,6	15,4
Hallucinogens	1,1	0,2	0,6	-	-	-
Heroin	0,6	0,1	0,3	-	-	-

Enquiry among secondary-school students concerning the most widely consumed drugs in the country, 2003 , Uniform Drug-Use Statistics System (SIDUC)-OAS, based on interviews with 5412 students, of whom 56.1 per cent (3037) were women and 42.9 per cent (2322) were men.

Source: Uniform Drugs-Use Statistics System 2003.

467. Concerning the type of treatment received by drug-dependent persons, 100 per cent are in residential-type treatment centres; these are private centres, run by civil society organizations and NGOs. Nicaragua does not have public or state centres to care for drug users.

468. In the sequence of drug consumption, alcohol comes first, followed by tobacco among the legal drugs. It is notable in the sequence of consumption that marihuana is a substance that leads to stronger drugs, like alcohol to a lesser extent, possibly for those beginning with tobacco. Cocaine and crack are also becoming more widely used, significantly occupying fourth and fifth places respectively. It is important here to underline the appearance in the table of new types of drugs such as LSD, amphetamines and ecstasy, in particular the latter which is a newcomer among drugs. Among the many substances used by drug-dependent individuals, crack is considered to have the greatest impact on their lives, followed by alcohol and cocaine. In 2002, ecstasy consumption was reported for the first time in the country.

Table 2

Distribution of drugs according to the chronology of drugs consumed and the drug causing most damage among drug-dependent users treated in the Pacific region of Nicaragua, August to September 2003

Cuadro N° 2
DISTRIBUCIÓN DE DROGAS SEGÚN CRONOLOGÍA DE DROGAS CONSUMIDAS Y DROGA QUE MAS DAÑO CAUSA EN LOS USUARIOS FARMACODEPENDIENTES ATENDIDOS EN LA REGIÓN DEL PACÍFICO DE NICARAGUA, AGOSTO-SEPTIEMBRE 2003

Droga	DE INICIO		SECUNDARIA		TERCIARIA		CUARTA		QUINTA		DROGA DE MAYOR DAÑO	
	Frec	%	Frec	%	Frec	%	Frec	%	Frec	%	Frec	%
Alcohol	211	51.3%	101	28.2%	28	10.1%	12	5.4%	10	7.9%	135	82.3%
Tobaco	75	18.2%	67	18.5%	14	5.0%	12	5.4%	2	1.6%	1	0.2%
Solventes o Inhalantes	23	6.0%	14	3.9%	14	5.0%	9	4.2%	9	7.1%	19	4.6%
Marihuana	70	17.2%	103	28.5%	76	27.5%	13	7.4%	2	1.6%	12	2.1%
Alucinógenos	1	0.2%	1	0.3%	3	1.0%	4	1.8%	3	2.4%	-	-
Heroína	1	0.2%	-	-	3	1.1%	2	0.9%	3	2.4%	3	0.7%
Coína HCL	41	10.0%	11	3.1%	75	26.5%	64	29.3%	16	12.5%	25	6.8%
Cocaína	10	2.4%	14	3.9%	60	21.1%	84	4.0%	68	5.1%	210	51.4%
Benzodiazep	1	0.2%	1	0.3%	1	0.4%	1	0.5%	2	1.6%	-	-
LSD	-	-	-	-	1	0.4%	2	0.9%	2	1.6%	-	-
Amfetaminas	-	-	-	-	1	0.4%	2	0.9%	1	0.8%	-	-
Ecstasy	-	-	-	-	-	-	-	-	2	1.7%	-	-
Total	414	100%	357	100%	281	100%	215	100%	127	100%	430	100%

Fuente: SIDUC 2003

Source: Uniform Drug-Use Statistics System (SIDUC).

469. All drug-dependent subjects have the same characteristics: the majority are male, their ages range from 10 to 40 or more years, they are unmarried, they have secondary education, and they are unemployed.

470. The most frequent forms of administration are oral, smoked and inhaled. The starter drugs are used for the first time before the age of 20, generally between the ages of 10 and 14. A group starting to consume before the age of 10 is a cause for concern. One notes the appearance of new drug profiles among Nicaraguans – LSD, amphetamines and ecstasy.

471. The National Council for Drug Control has the necessary powers and infrastructures to perform its coordinating function and operates at national level in conjunction with the Departmental and Regional Councils for Drug Control.

472. The Documentation and Information Centre on Drugs (CEDINDRO) is responsible for compiling and analyzing statistics and information on drugs. However, it still has a number of technical shortcomings since it lacks a standardized system for compiling and systematizing all the information on the drug problem produced by public and private bodies in Nicaragua. Nevertheless, it regularly submits statistics on drugs to the United Nations International Drug Control Programme (UNDCP) and the International Narcotics Control Board (INCB). Nicaragua has some capacity for distributing information on the drug problem to the relevant authorities and the public in general, including a web page and printed materials. The information compiled by CEDINDRO has also enabled the authorities to prioritize and focus measures in some of the areas in which the drug problem manifests itself.

473. Nicaragua has a demand reduction strategy that forms part of the National Anti-Drug Plan, covering the areas of prevention, treatment, social reintegration and monitoring and incorporating the guiding principles of the United Nations and its Plan of Action. This strategy is not yet fully applied for lack of budgetary resources. However, the inclusion of drug-prevention projects in the Civic Security Plan developed by the Government of Nicaragua enables some aspects of the National Anti-Drug Plan to be addressed.

474. Mention should be made of the development of a nationwide school prevention programme, the Drug Abuse Resistance Education (DARE) Programme, targeting the fifth and sixth grades of primary education.

475. Prevention materials have also been included in a special chapter of the textbooks used in the civic and social education course taught at primary and secondary level. Drug prevention messages have also been introduced as crosscutting themes in other school subjects. A number of preventive programmes are likewise being developed for other key population groups, such as street children, and for certain non-formal community projects for adults, which appear very limited in their coverage.

476. Some training programmes are similarly being developed for preventive agents, such as parents, teachers and youth and community leaders. A prevention programme has been initiated in the prison system for educators and medical staff, head guards and prisoners in the Managua prison centre, in keeping with the recommendation of the First Evaluation Round 1999-2000.

477. However, Nicaragua has yet to begin implementing prevention programmes in the workplace, as was recommended during the First Evaluation Round. In recent years, no process evaluations or research have taken place into the effectiveness and impact of the preventive programmes introduced. With regard to specialized university-level training, the Institute against Alcoholism and Drug Addiction is organizing in the Central American University the first postgraduate course in addiction counselling; the country is also carrying out a number of treatment and rehabilitation programmes through private bodies, which are being studied to evaluate their effectiveness. However, a number of studies have been carried out on the drug problem among specific population groups, such as the Pacardo research project among secondary-school students, the forensic medicine room study and the study of patients in treatment centres.

478. In addition, information is being collected on the diseases linked to drug abuse and estimates have been made on the incidence of mortality related to drug consumption (alcohol and marijuana). As an expression of recent changes in the forms of substance abuse, which can be explained as a manifestation of the global phenomenon of the mobility of the drug problem, signs of the consumption of ecstasy among young people are starting to emerge in Nicaragua.

479. All the pharmaceutical products listed in international conventions are subject to controls. However, the institutions concerned have problems in applying these controls effectively because of the lack of human and technical resources. This limits enforcement of the minimum penalties laid down by the existing legislation, namely Act No. 292 on medicines and pharmaceutical products and Act No. 285 on psychotropic products, narcotic drugs and other controlled substances.

480. It should be noted that Nicaragua possesses a mechanism for controlling and regulating the use and distribution of pharmaceutical products by authorized health professionals. It also has specific criteria for evaluating the effectiveness of this mechanism.

481. Chemical substances are subject to control in Nicaragua. The bodies responsible for preventing their misuse are the department responsible for regulating health establishments and professionals, medicines and food; the department responsible for accrediting and regulating medicines; and the Customs Authority. The country reports that these bodies are also encountering difficulties because of the scarcity of human and material resources and the lack of coordination between them, which is preventing them from discharging their

duties effectively. There are also said to be problems with the application of the minimum penalties established under Act No.292 on medicines and pharmaceutical products and Act No. 285 on psychotropic substances, narcotics and other controlled substances.

482. Despite the foregoing, an import and trade control commission has been successfully established, consisting of the Ministry of Health, the Customs Authority and the Ministry of Industry, Development and Trade, which have begun to facilitate the exchange of information and operational communication between the bodies responsible for controlled chemical substances. It should be noted that there are laws and regulations providing for the application of legal, civil and administrative penalties in the case of the misuse of pharmaceutical products and controlled chemical substances.

483. Regarding the quantities of drugs seized by control and interdiction bodies, one finds that there has been a general increase in the seizures of such substances in recent years. By the same token, there has been an increase in the number of arrests, trials and convictions for illegal trafficking in drugs. In this connection, Nicaragua has not sought legal cooperation under existing international agreements.

H. Children in conflict with the law

The administration of juvenile justice

484. The system of juvenile justice is harmonized with the Convention on the Rights of the Child. Specialized juvenile detection services have been established in police units, pilot juvenile detection centres have been set up in various parts of the country, and staff in the national prison system has been trained in the rights of children and adolescents.

485. Financial resources are still lacking for implementing section 3 of the Code on Children and Adolescents, a specialized criminal justice for adolescents.

486. Section 3 of the Code on Children and Adolescents designs a special criminal system for juveniles alleged to have broken the law.

487. A criminal justice system for juveniles is a system of justice that extends the rights and guarantees of due process to adolescents alleged to have broken the law. The creation of this system corresponds to a general trend in criminal law consisting in the creation of a non-inquisitorial accusatory system aimed at the social reintegration of young people.

488. The system of specialized criminal justice was designed from the standpoint that justice should be not only legal but also, and above all, social; that is to say, State and society should devise, implement and evaluate public policies geared to social care, outreach and prevention so as to ensure the comprehensive and inclusive human development of children, adolescents and young people, avoiding the criminalization and judicialization of social problems.

489. A special criminal justice system for juveniles has as its guiding principle their best interests, recognition of and respect for their human rights, comprehensive protection and education and reintegration in the family as well as protection of the rights and interests of victims.

490. The Code on Children and Adolescents provides that this specialized justice system applies to juveniles who have reached the age of 13 and are under 18 at the time that an offence or infringement is committed.

491. The Code establishes that juveniles found to be criminally responsible shall be subject to educational measures, guidance and supervision and only in the last instance to deprivation of liberty.

492. Moreover, juveniles between the ages of 13 and 15 who are shown to have committed an offence or infringement shall on no grounds be subject to measures involving deprivation of freedom.

493. Deprivation of freedom is only applicable when an offence is shown to have been committed under article 203 of the Code on Children and Adolescents. The sentence must moreover be served in a specialized centre and shall be for a maximum period of six years.

494. The Nicaraguan State and in particular the Supreme Court of Justice, the Prosecutor-General's Office and the Public Defender's Office have taken major steps to strengthen the special justice system for adolescents alleged to have broken the law.

495. Among the main achievements, mention may be made of the following:

- Establishment of 15 district criminal courts for juveniles, with their respective offices for enforcement and monitoring of penalties for adolescents, with the exception of the court in Jinotega;
- To date, district criminal courts for adolescents have been set up in the following departmental capitals: Managua (2 courts), Masaya, Rivas, Matagalpa, Estelí, Juigalpa, Bluefields, Chinandega, León, Granada, Puesto Cabezas, Jinotega, Jinotepe and Boaco
- Appointment of prosecutors specialized in juvenile criminal justice in a number of special juvenile district courts;
- Appointment of public defenders for young people in a number of juvenile district courts to ensure a proper defence to a high technical standard;
- Inclusion of modules on the special criminal system for juveniles as part of the syllabus of schools for the judiciary and police academies;
- Adoption and implementation of manuals and regulations to operationalize the specialized criminal justice system;
- Construction of special areas for juveniles held on charges in police stations;
- Designation of special accommodation for juveniles sentenced to deprivation of freedom within the prison system
- Creation of databases linked to the Supreme Court of Justice on the situation of juveniles within the specialized justice system;
- Establishment of a technical office linked to the Criminal Division of the Supreme Court of Justice to monitor the juvenile criminal system and oversee the creation and strengthening of juvenile district courts and supervise their functioning.

Children deprived of their freedom

496. The national prison system, in accordance with the Convention on the Rights of the Child, with Act No. 473 on the prison system and sentence enforcement and with the Code on Children and Adolescents, has been developing new functions with regard to 68 young detainees - one of them female - in its centres. Compared with 2003, the reference year for the fourth report, we find that the percentage of young detainees at the close of that year in relation to the overall prison population was 1.2 per cent, as compared with 1 per cent in 2007.

497. One of the biggest constraints at the present time as in the earlier period is the lack of pre-trial detention and special internment centres foreseen in article 227 of the Code on Children and Adolescents, which are supposed to be set apart from those for detainees subject to ordinary criminal law. They should also include the necessary facilities for the provision of treatment and the technical and professional staff required for that purpose. In this regard, the only institution at the national level with premises equipped to accommodate adolescents is the Tipitapa prison. An institutional organization act exists in which the rights of young people under the Code on Children and Adolescents, their situation when held in custody and the best interest of the adolescent are defined. These underline the need to provide - within limits - differentiated care for this particular group of the Nicaraguan prison population. Another aspect is overcrowding, from which the country's prisons suffer, bringing with it the problem of meeting the basic needs of detainees as a whole.

498. Since the entry into force in 1998 of the Special Code on Children and Adolescents, the Director General of the National Prison Service has been scrupulous in his compliance with the requirements of the above instrument. On 21 January 2004, the country's new legal framework - Act No.473 on the prison system and enforcement of sentences - came into force and sets out in article 97 the rights of juveniles.

499. The rights established under article 97 of Act No. 473 concern:

- Their rights with respect to the officials in the detention centre.
- Internal regulations on behaviour and life in the centre, and in particular the disciplinary measures applicable. They are posted in public places so as to be visible and made known to all.
- A special plan for re-educational activities in each of the centres, aimed specifically at juveniles.
- Communication by the detainees with the outside world takes place on request via telephone calls, family visits every eight days, and evangelical and Catholic denominational religious activities.
- Detainees are not kept incommunicado or in isolation and are not subject to corporal punishment. If a legally authorized administrative measure is ordered, it is immediately reported to the Sentence Enforcement and Monitoring Office for Juveniles, which reviews and oversees the measures provisionally taken by the Centre.
- Detainees receive health, education and social services, according to their age and condition.
- They can address petitions and complaints to the Prison Administration through the Sentence Enforcement and Monitoring Office for Juveniles.

- They are given individual attention by the Sentence Enforcement and Monitoring Office, which has a specialized counselling service.
- They receive separate treatment from adult detainees.

500. Another way in which juveniles receive better care in compliance with their human, fundamental and constitutional rights is through the scheme whereby individuals, institutions and organizations sponsor young people not receiving visits from family members.

501. The training of our staff on the Convention on the Rights of the Child, the Code on Children and Adolescents and our national legislation has enabled the personnel in the various prison establishments to become involved through the various agencies concerned with the protection of young people's rights and through CONAPINA as lead agency. Training events have included national forums, exchanges of experience and specialized courses for those responsible for administering justice to juveniles in conflict with the law.

502. As part of efforts to improve the situation in prisons through cooperation with governmental and non-governmental bodies and institutions, all-purpose sports pitches have been laid, and outline plans have been submitted for the building and equipping of a special area for juvenile detainees in the Granada Prison.

503. To review the legal situation of adolescents and consider changes of measures, coordination meetings are held with the Supreme Court of Justice. Coordination also takes place with the Procurator for the Defence of Human Rights and the various human rights bodies in our country.

504. Measures have been taken with NGOs to help improve the living conditions of juveniles. In this regard, the Coexistence and Civic Security Programme includes specific projects for 2008:

- Construction and equipping of special premises for juvenile detainees in the Granada prison;
- Provision of beds and mattresses;
- Delivery of sports equipment for juvenile detainees in five of the country's prisons (Estelí, Chinandega, Tipitapa, Granada and Matagalpa);
- Equipping and functioning of the Tipitapa prison for the training of juvenile detainees in computing;
- Training of officials in the national prison system responsible for juvenile detainees in the participating regions (Estelí, Chinandega, Tipitapa, Granada and Matagalpa);
- Individual and group psychosocial care;
- Technical training for juvenile detainees in five of the country's prisons (Estelí, Chinandega, Tipitapa, Granada and Matagalpa).

Psychological care and communication

505. Respect for the juvenile's opinion is ensured through psychological care and communication with the staff responsible for them, as well as through contacts with their family during the various kinds of visit they receive and during the inspections by human rights bodies.

506. Within the National Prison Service, the following are the main practical measures (including judicial and administrative procedures) taken to treat, care for and protect young detainees, bearing in mind that there are no special prisons for them.

507. They are admitted to penal institutions solely on the basis of a judicial order by the special juvenile court.

508. On admission, they are dealt with by an admissions board that includes a doctor, a psychologist and a re-educator, who inform them of their duties and rights.

509. Since only the Tipitapa prison has suitable accommodation for adolescents, they are elsewhere placed in wings that house prisoners from the upper levels of the graduated prison system, that is, prisoners held under a semi-open or open regime. An effort is always made to place them in individual cells.

510. After admission, they are given the opportunity to study or follow a training, sporting, cultural or religious activity of their choice.

511. Regardless of the location of the prison to which the young person is sent, special programmes (so called because they are different from those of the rest of the prison population, because of the care devoted to them and because they are implemented in premises housing a population in excess of the institution's capacity) are provided for them, including different kinds of activities such as academic instruction, training, sport, recreation, visits from relatives and visits from members of governmental, civic and religious organizations.

512. Detainees who reach the age of 18 while serving the sentence passed by the competent authority are separated from juvenile prisoners in the 15 to 18 age-group; however, their placement reflects the fact that they are subject to a special regime and should continue to receive the same treatment.

513. With the entry into force of the Code on Children and Adolescents a reduction in the percentage, but not the number, of juvenile detainees has become apparent.

514. The juvenile prison population in 2003 accounted for 1.51 per cent of the total prison population, whereas in 2007 it accounted for 1 per cent of the total prison population of 6773.

515. In terms of prison policy, the Department for Women and Juveniles was established in the Prison Education Division to monitor issues affecting juvenile detainees.

516. The establishment of charitable trusts has boosted the efforts of the National Prison Service to find alternative ways to deal with young people.

Juvenile prison population, 2003-2007

Prison	2003	2007
Estelí	2	7
Chinandega	13	6
Tipitapa	15	8
La Esperanza	1	1
Granada	12	14
Juigalpa	6	13
Matagalpa	3	16
Bluefields	0	3
Total	52	68

I. Children belonging to a minority or an indigenous group

517. The year 2005 was a very special one for the inhabitants of Nicaragua's Caribbean regions in that the Human Development Report - produced annually by the United Nations system, in particular UNDP, in Nicaragua - was devoted specifically to this extensive and rich region of the country, in what is regarded as a piece of research unprecedented in the country's history.

518. This report contains fundamental messages on Nicaraguan autonomy and democracy, relevant information on the human development challenges from the standpoint of the regions, and identifies approaches for achieving these objectives in the context of national efforts to reduce poverty and achieve the Millennium Development Goals.

519. The Nicaraguan people is multi-ethnic in character. The State recognizes the existence of the indigenous peoples, who enjoy the rights and guarantees and share the obligations assigned in the Constitution, especially those related to maintaining and developing their identity and culture, practising their own forms of social organization, administering their local affairs and having communal forms of land property and the enjoyment of its use and yield. The Atlantic Coast communities have autonomous status.

520. The execution of projects has made a tangible and significant contribution to the communities' development in a broader context of bringing about gradual change in the population's standard of living, basically focusing on health, education and the production component as an alternative approach intended to promote the take-off of the local economy with a view to furthering the productivity, sustainability and competitiveness of traditional and non-traditional products..

521. It should be mentioned that this process is based on the mission, vision, objective and on the strategic action guidelines laid down in the Strategic Regional Development Plan (PDER) which the Government of the Atlántico Norte autonomous region is using as an instrument of guidance to help improve the living conditions of the population of the RAAN through the implementation of plans, programmes and projects having a social, productive and economic impact and envisaged for the medium and long term.

J. Children in situations of emergency**1. Refugee children**

522. Inter-ethnic and inter-religious tensions have arisen in almost all parts of the world. These conflicts often have their roots in power struggles and are exacerbated by socio-economic inequalities. Minority national, ethnic and religious groups are often helpless in

such situations, and members of indigenous communities are the ones who find themselves forced to flee their countries for fear of persecution. Conversely, many indigenous communities in different parts of the world have welcomed thousands of refugees seeking safety.

523. In accordance with its Political Constitution, Nicaragua recognizes and guarantees the right to refuge and asylum (article 42 CN). By Decree N° 297, published in the *Official Gazette* N° 39 on 15 February 1980, it acceded to the Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951, and the Protocol relating to the Status of Refugees, signed at United Nations Headquarters on 31 January 1967.

524. To ensure and guarantee the protection of refugees or those who may in future take refuge in the country, Nicaragua has created an office to control, administer and implement measures, projects and programmes aimed at providing the refugee population with the necessary means for its subsistence and has managed through permanent coordination with the various State entities in the country's productive sector to integrate them in the national socio-economic process.

525. UNHCR officials travelled to Nicaragua from Mexico to support the Government in interviewing 49 persons, including 3 unaccompanied adults, who were requesting asylum after having arrived in the country recently. Many of the asylum applicants, coming from Angola, Cuba, Eritrea, Ethiopia, Pakistan, Somalia and South Africa, reached Nicaragua by sea. The UNHCR officials commented that it was unusual for such a large group of asylum seekers to arrive in Nicaragua at the same time.

526. Human rights violations and forced displacement are interrelated. The social, political and economic subordination of indigenous peoples in most countries of the world makes them vulnerable to human rights violations. In many cases, they have been forced to abandon their homes and lands as a result of persecution.

527. Under UNHCR's mandate for the international protection of refugees, indigenous peoples as a specific group interest the Office when they constitute a real or possible refugee community. Special attention has been given to certain characteristics of indigenous refugees in assistance and repatriation programmes, in particular to the special relationship between indigenous refugees and their homelands or place of origin, the socioeconomic and cultural structure of the community, and the wish to maintain their own language, culture and traditions, as well as their sense of independence during their stay in refugee camps and settlements.

528. UNHCR, as part of the United Nations and in keeping with its mandate, has reached total agreement on cooperation with the Special Rapporteur and the Permanent Forum on Indigenous Issues. Since early March 2004 work has been proceeding on the creation of an inter-agency commission on refugees in Nicaragua with the principal aim of elaborating a draft law on the subject. In July 2004, with the collaboration of UNHCR, training was provided for delegates of State institutions and non-governmental organizations covering the principal elements of refugee rights to be taken into account in the preparation of domestic laws.

529. Nicaragua restates its firm resolve to strengthen national systems, protective mechanisms and the search for lasting solutions for refugees, for which reason it has concluded the framing of a draft bill on refugees that is currently in the process of analysis and consultation within the National Assembly. On 25 April 2006, with the assistance of UNHCR, the preliminary draft refugees act was submitted to the members of the Population and Development Committee of the National Assembly, having been prepared by a working group with the participation of State institutions and civil society.

530. This bill is designed to ensure the correct application of the principles of solidarity and non-refoulement and to provide lasting solutions; it creates a national committee on refugees as the body responsible for determining refugee status in Nicaragua.

2. Children in armed conflicts, including physical and psychological recovery and social reintegration

531. On 17 March 2005, the Permanent Representative of Nicaragua to the United Nations deposited at the international organization's headquarters the instrument of ratification of the Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflict.

532. Ratification of the Protocol shows that Nicaragua continues to mature, and that it is having recourse to the multilateral system to manifest its commitment.

533. Nicaragua, in submitting its first report since ratifying in March 2003 the Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflict, expresses its political resolve to cooperate in implementing the corresponding international procedures.

534. It is important to underline the administrative practices and the implementation and respect for law of the present-day armed forces in compliance with the provisions deriving from the relevant protocols, programmes and policies.

535. Before proceeding to examine compliance with the provisions of the Protocol, a brief review of the evolution of our country's history is in order.

536. In the 1980s, we found ourselves plunged in an acute fratricidal confrontation, which gave rise to armed conflicts in various parts of the country, mainly rural areas.

537. The significant step was the abolition of military service through the introduction of a constitutional provision dispensing with compulsory military service and banning any form of forced recruitment to the Nicaraguan Army and the National Police.

538. The State of Nicaragua, in light of the provisions contained in the Protocol, is examining its legislation and domestic practices to ensure that they are consistent with the commitments under the Treaty, including where they pre-date its ratification. The preparation of this initial report has provided an opportunity to carry out a broad review of national legislation, regulations, procedures and administrative practices, so as to ensure that they comply as far as possible with the provisions of the Treaty.

XII. Follow-up

539. Concerning the recommendations, these were distributed to all State institutions, NGOs and local actors through various bodies closely involved in promoting the rights of the child (CONAPINA, CODENI, MINREX, the Alliance Group for Investment in Children and international organizations) by means of seminars, brochures and digital files examining the reports in relation to the recommendations. A document entitled *A World Fit for Children* was published in a child-friendly version, reviewing the progress achieved and the experience gained in the country. The third report on the rights of the child was published and made widely known. The Ministry of Foreign Affairs reproduced a collection of documents on the United Nations instrument as a basis for the recommendations to be followed in preparing the fourth report. United Nations guideline texts were distributed to State institutions for the purpose of drawing up this report.

XIII. Distribution

540. The follow-up to the recommendations of the third report reflected in the previous chapter will be published once the Committee on the Rights of the Child has approved this fourth report containing the recommendations to the third.

XIV. Conclusions

541. The Government of Reconciliation and National Unity drew up this fourth report in compliance with the State's commitments in 1989 under the United Nations Convention on the Rights of the Child, which was adopted in 1990 and ratified the same year. The United Nations Special Session on Children held in May 2002 represented a truly unique occasion since, for the first time, the United Nations General Assembly met with the sole purpose of discussing issues relating to children. At that special session, the Nicaraguan State undertook to set national targets in order to ensure the well-being of Nicaraguan children in the period 2002-2010.

542. Among the progress made by Nicaragua concerning children and in furtherance of the Millennium Development Goals, particular reference regarding national policies and plans may be made to the formulation of the National Development Plan, the National Policy for the Comprehensive Care of Children and Adolescents and Special Protection Policy for Children and Adolescents, the Plan of Action for the Prevention of Domestic and Sexual Violence 2001-2006, the National Plan to Combat the Commercial Sexual Exploitation of Children and Adolescents 2003-2008 and National Plan of Action for Children and Adolescents 2002-2011, the National Education Plan 2004-2015 and National Health Plan 2001-2015, the National Plan of Action for the National Food and Nutritional Security Policy 2001-2006, the National Strategic Plan for the Prevention and Eradication of Child Labour and the Protection of Child Workers 2001-2005, and the Seventh Population Census and Fourth Housing Census 2005 and Nicaraguan National Population and Health Surveys (ENDESA) 2001 and 2006. All these plans and policies have enabled national targets to be set to improve the situation of children.

543. With reference to the recommendations on the State's third report, attention may be drawn in the legal domain to the adoption of the Responsible Parenthood Act and the reform of the Adoption Act, as well as the definition in the new Code of Criminal Procedure of the offence of sexual exploitation and trafficking in persons.

544. In 2007, the Government of Reconciliation and National Unity moreover ratified the constitutional right of all Nicaraguans to enjoy free, quality education and health care, making it the most significant advance in this period.

545. In terms of special protection, the Ministry of the Family in 2006 developed methodological tools for the special protection of children and adolescents in foster homes, child-protection centres and family-style institutions.

546. In 2007, the National Coalition against Trafficking in Persons signed the Optional Protocol on the Commercial Sexual Exploitation of Children and Trafficking in Persons. This was signed by four ministries (Ministry of the Interior, Department for Migration and Alien Affairs, Ministry of the Family, Children and Adolescents and the Public Prosecutor's Office) on 7 March 2005. The Permanent Representative of Nicaragua to the United Nations deposited in the headquarters of the international organization the instrument of ratification of the Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. In this way, the Nicaraguan State honours its international and national commitments on behalf of children.

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