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Committee on Economic, Social and Cultural Rights

Seventieth session

Summary record (partial)* of the 45th meeting

Held at the Palais Wilson, Geneva, on Thursday, 7 October 2021, at 3 p.m.

Chair: Mr. Abdel-Moneim

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Fifth periodic report of Nicaragua

* No summary record was prepared for the rest of the meeting.

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The public part of the meeting was called to order at 3.05 p.m.

Consideration of reports (continued)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Fifth periodic report of Nicaragua (E/C.12/NIC/5; E/C.12/NIC/Q/5)

1. *In accordance with principles 2 and 8 of the guidelines on the independence and impartiality of members of the human rights treaty bodies, Mr. Uprimny withdrew during the consideration of the fifth periodic report of Nicaragua.*

2. *At the invitation of the Chair, the delegation of Nicaragua joined the meeting via video link.*

3. **Mr. Murillo Centeno** (Nicaragua) said that the State party delegation would participate in the dialogue in listening mode only and would reply to Committee's queries in writing in the near future.

4. **Mr. Mancisidor de la Fuente** (Country Rapporteur) said that the Committee had welcomed the State party's initial readiness to engage in a dialogue on the situation of economic, social and cultural rights in the country and had been surprised to learn of its recent decision to the contrary. The course of action it had adopted was unprecedented and inconsistent with the Committee's working methods, which provided clear instructions on the consideration of State party reports and did not contemplate the notion of a dialogue in which one party participated in listening mode. Describing the many benefits of an interactive dialogue, he said that it would be regrettable to miss out on the opportunity to discuss achievements and challenges faced by the State party with a view to enabling further progress towards the full enjoyment of Covenant rights. The Committee's independent, impartial and diverse membership stood ready to engage in unprejudiced dialogue with the State party. Recalling that accession to the Covenant was voluntary, but carried a number of obligations, he urged the State party to reconsider its position and agree to holding a constructive, interactive dialogue with the Committee.

5. Thus far, no replies had been received to the list of issues in relation to the fifth periodic report of Nicaragua (E/C.12/NIC/Q/5), which had been sent to the State party on 13 November 2019. The Committee would therefore put those questions again, complementing them with queries about recent developments. It would be helpful if the delegation could provide replies, clarification and information, as the Committee would otherwise need to rely on information from other sources when drafting its concluding observations.

6. While the Committee was pleased to note the broad ministerial participation in the preparation of the report, a truly participatory approach to human rights reporting required the involvement of a wide range of public and private institutions. The State party should indicate what had been done to re-establish an open and participatory dialogue at the national level in order to promote effective respect for human rights, especially economic, social and cultural rights. Information received by the Committee suggested that the level of cooperation with international and regional human rights protection mechanisms left much to be desired; it would be useful to learn about plans to strengthen such cooperation in future.

7. The Committee had received numerous reports of harassment of defenders of economic, social and cultural rights, some of whom had been forced into exile. It was gravely concerned over the reported harassment and dismissal of and reprisals against health workers discharging their professional duties in the context of protests and the coronavirus disease (COVID-19) pandemic. The State party should furnish detailed information on measures taken to guarantee the safety, human rights and professional freedom of medical personnel and bring any act of aggression to justice. Information on investigations into violations of Covenant rights and on measures taken to guarantee the independence of the Office of the Human Rights Advocate would also be appreciated.

8. Recalling the Committee's general comment No. 25 (2020) on science and economic, social and cultural rights, he said that States parties were expected to promote access to accurate, reliable and science-based information. It would be useful to know how the State

party made sure that its policies and programmes were based on the best available scientific knowledge, that information disseminated was scientifically sound and that the population was protected from fake news. Could the delegation indicate whether and how scientists and health experts participated in the development of government policies and programmes and the dissemination of public information? Was it true that medical associations had been censored for disseminating data on COVID-19 infections and death tolls that differed from those provided by the Government?

9. The Committee was concerned about the reported failure of the State party's authorities to hold consultations with a view to obtaining the prior, free and informed consent of indigenous peoples in respect of decision-making processes that might affect them. It had received alarming reports of violent illegal occupation of indigenous territories by settlers for mining, logging and cattle ranching purposes. Some 25 parallel communal and territorial governments had reportedly been established to replace indigenous communal authorities, thus circumventing requirements relating to free, prior and informed consent. The Committee had also been informed that application of Act No. 445 on the communal property regime had been frozen. The State party might wish to provide greater insight into the situation, describe remedial measures taken, and indicate whether the deaths that had occurred in that context had been investigated and the perpetrators brought to justice.

10. The Committee would also be grateful if the State party would kindly respond to the questions raised in paragraphs 7, 9, 10 and 11 of the list of issues, and indicate what had been done to ensure transparency in the public administration and to prevent and combat corruption.

11. **Mr. Zebrini Ribeiro Leao** asked whether the delegation could provide statistical data on unemployment and underemployment, disaggregated by age, sex, ethnic origin, level of education and geographic area, to help the Committee assess the impact of measures taken to reduce unemployment and underemployment. It would also be useful to receive information about the number of persons working in the informal sector and the availability and accessibility of technical and vocational training programmes. The delegation might wish to indicate whether those programmes were tailored to labour market needs and to what extent the specific needs of disadvantaged and marginalized population groups, such as indigenous peoples, Nicaraguans of African descent and women, were taken into account.

12. It would be useful to know how the minimum wage was determined in the State party, how minimum wage reviews were conducted and whether the minimum wage was sufficient to guarantee a decent living for workers and their families. He wished to hear what measures had been taken to prevent unfair dismissals and ensure that persons who considered themselves to have been unfairly dismissed had access to an effective judicial remedy and compensation and, where appropriate, could be reinstated in their post. He wondered what steps had been taken to investigate allegations that some doctors, teachers and university lecturers had been unfairly dismissed during the sociopolitical crisis of 2018.

13. The Committee would welcome information on the implementation and results of measures taken to guarantee fair conditions of work for women working in maquilas and men and women engaged in domestic work. He would be interested to hear about the results of labour inspections, the outcome of investigations carried out in response to complaints of labour rights violations in the maquila and domestic labour sectors, and the penalties, if any, that had been imposed. He also wished to know how many complaints of sexual harassment in the workplace had been filed in recent years, how many cases had been investigated and prosecuted, what remedial measures were available for victims and what penalties were imposed on perpetrators.

14. He would appreciate further information on how the State party ensured that workers were able to exercise their right to form trade unions and their right to strike without restrictions and without fearing reprisals. Information would be welcome on any investigations carried out into cases of violations of trade union rights and their outcomes.

15. He wondered what specific measures the State party was taking to accelerate progress towards universal social security coverage. He would also welcome information on the progress made towards establishing a social protection floor in the State party and the reforms carried out within the Nicaraguan Institute of Social Security, including their impact.

16. **Ms. Lemus de Vásquez** (Country Task Force) said that it would be helpful to have up-to-date disaggregated statistics on child labour and information on the measures taken to protect children from harmful work, violence and exploitation. She would appreciate an explanation of how the family courts worked, how many cases they had dealt with and how many had been resolved.

17. The Committee would be grateful for recent data on maternal mortality and information on the efforts being made to address the issue throughout the country, including in the autonomous regions. She would also like to know what progress had been made towards to the adoption of a law on sexual and reproductive health that was in line with the provisions of the Covenant. She would be interested to hear about the measures implemented by the State to tackle teenage pregnancy and address its causes, and the efforts made to strengthen health-care services for adolescents within the framework of the family and community health model, including the provision of modern contraception. She asked what progress had been made in the State party towards the approval of legislative amendments that would allow exceptions to the prohibition of abortion where there were medical reasons or where pregnancy was the result of rape or incest.

18. She wished to hear about the design, implementation and results of social programmes aimed at reducing poverty, as referred to in paragraph 19 of the State party report (E/C.12/NIC/5) and, particularly, how the needs of the most disadvantaged groups were reflected in the programmes and what resources had been allocated for their implementation. She would be interested to learn about the measures adopted to combat the poverty and social exclusion affecting the indigenous and Afrodescendent communities living around the North and South Caribbean Coast and the extent to which persons from those communities had been involved in designing and implementing them. It would be useful if the State party could provide disaggregated data on the prevalence of undernutrition and malnutrition, explain the steps taken to mitigate those problems and describe the results of the “Zero Hunger” food production programme. A description of the measures taken to counter the adverse effects that the exploitation of natural resources had on the environment and the right to water would also be helpful.

19. The Committee would welcome information on the social programmes being implemented to improve the living conditions of the population residing in the autonomous regions, including the budget allocated and the number of people who had benefited from them. Recalling the Committee’s general comment No. 4 (2014) on the right to adequate housing, she asked how that right had been ensured for families in the State party, particularly those belonging to indigenous and Afrodescendent communities.

20. She would like to hear about the implementation of the national health-care policy and intercultural health-care models in the autonomous regions, including the resources allocated and the results achieved. She would also welcome information on the steps taken to investigate allegations that persons who had been injured during the demonstrations that had taken place between April and August 2018 had been denied access to health-care services. What measures had been adopted to ensure that information about sexual and reproductive health and health-care services was accessible to all women and teenagers, and to prevent teenage pregnancies, and what public health policies had been implemented to prevent and treat drug use?

21. Detailed and up-to-date information, including disaggregated statistics and indicators, would be welcome to provide an overview of the current situation concerning the right to health, especially in the context of the COVID-19 pandemic, including its impact on access to health care in general and on the family health model in particular. She wondered what measures the State party had taken to consolidate the progress achieved in vaccination coverage and to prevent setbacks occurring. The Committee would be interested to hear about the measures applied by the country in relation to vaccinations against COVID-19, including the procedures for vaccine acquisition and the different approaches adopted to ensuring access to vaccination, especially for the most vulnerable groups. Was there a national vaccination plan and what segments of the population were given priority? She would like to have information on the number of COVID-19 tests carried out to date and the number and location of test centres.

22. **Ms. Crăciunean-Tatu** (Country Task Force) said that she would like to have information on the specific steps that had been taken to increase secondary school enrolment, reduce the dropout rate and improve educational achievement. Updated statistics on school enrolment for the years 2019–2021 would also be welcome. She wished to know how the COVID-19 pandemic had impacted school enrolment and the performance of students, especially those from vulnerable families. She wondered what had been done to improve the quality of education, particularly in rural and remote areas, and to increase the number of qualified teachers and ensure that they were provided with adequate training and satisfactory working conditions, salaries and benefits. It would be helpful to know what percentage of students continued into higher education, what measures had been taken to ensure respect for the principle of academic freedom in higher education institutions and whether investigations had been initiated in response to allegations of students being arbitrarily expelled and arrested for having taken part in demonstrations. Did the State party plan to release those students and allow them to return to their studies?

23. She would appreciate information on the steps that had been taken to preserve the country's cultural diversity, to foster an awareness of the cultural heritage of indigenous peoples and to create favourable conditions to enable them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs. She asked what measures had been taken to ensure affordable access to the Internet for disadvantaged and marginalized persons.

24. **The Chair** asked whether the Ambassador of Nicaragua wished to make any comment on the issues that had been raised.

25. **Mr. Murillo Centeno** (Nicaragua) said that he had taken note of the questions posed and a response would be provided in the near future.

26. **Mr. Mancisidor de la Fuente** said that the State party's unwillingness to engage in a dialogue with the Committee had given rise to a difficult and unprecedented situation. He would nevertheless be grateful for any information that the State party would provide.

The discussion covered in the summary record ended at 4.15 p.m.