



Convention on the Rights of the Child

Distr.: General
7 April 2011
English
Original: French

Committee on the Rights of the Child Fifty-fifth session

Summary record of the 1572nd (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Friday, 24 September 2010, at 10 a.m.

Chairperson: Mr. Filali

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The meeting was called to order at 10 a.m.

Consideration of reports by States parties (item 4 of the agenda) (*continued*)

Initial report of Nicaragua under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
(CRC/C/OPSC/NIC/1; CRC/C/OPSC/NIC/Q/1; CRC/C/OPSC/NIC/Q/1/Add.1)

1. *At the invitation of the Chairperson, the delegation of Nicaragua took places at the Committee table.*
2. **Ms. Morales Mazún** (Nicaragua) said that the new Criminal Code, which had entered into force in 2007, had made it possible to incorporate into law offences against sexual freedom and integrity and had defined the following offences: sexual exploitation, paid sexual acts with adolescents, pornography involving minors of 18 years of age and the promotion of sex tourism. The definition of human trafficking for the purpose of commercial sexual exploitation had been modified and the sale of children and adolescents was henceforth criminalized. The Code of Criminal Procedure enshrined the principle of universal jurisdiction, which enabled the application of Nicaraguan penal law to offences that were international in scope, regardless of the nationality of the offender or the place where the offence had been committed. The offences set out in the Optional Protocol were also covered by the Code on Children and Adolescents, under which the responsibility for coordinating and executing the national child and adolescent protection policy was entrusted to the National Council for the Comprehensive Care and Protection of Children and Adolescents.
3. The Ministry of Education had launched in the schools an information campaign on trafficking in persons. The Ministry of the Family had set up a free 24-hour telephone hotline. The Office of the Special Procurator for Children and Adolescents, an independent and autonomous body, was authorized to receive complaints concerning any situation relating to the Protocol. Impunity was unacceptable: if the complaints involved an individual, they were transmitted to the public prosecutor's office; if they involved a public official, the complaints were dealt with accordingly and the offender was sanctioned. Perpetrators of offences relating to sexual exploitation were brought before the judicial authorities. For example, in 2009, the public prosecutor's office had prosecuted 19 cases of offences against the sexual freedom of children, 12 cases of trafficking for the purpose of sexual exploitation, 6 cases of pornography and 1 case of a paid sexual act with an adolescent. At the same time, the Supreme Court of Justice had dealt with 21 cases of sexual exploitation.
4. Through the Directorate-General of Migration and Alien Affairs, and with the support of various international organizations such as the International Organization for Migration (IOM), the International Labour Organization (ILO), UNICEF and Save the Children, the Ministry of the Interior constantly promoted training in those areas for public officials, including customs officials posted at the borders. In 2007, the Government had revitalized the Secretariat of the National Coalition against Trafficking in Persons, set up in 2004. The Coalition — composed of 95 public institutions, social and community organizations and international cooperation agencies, 30 of which met twice a month to monitor implementation of the strategic plan — would be using, for the next five years, a strategic plan focused in particular on reinforcement of institutions, training, prevention of trafficking in persons, prosecution of trafficking cases, protection and reintegration of victims, and social communication.
5. The work of the Coalition, one of the main arms of the Amor Programme, formed part of the larger framework of the National Plan for Human Development and the national social welfare system, with a view to making the most efficient use of the existing

resources of the various stakeholders. For example, the Ministry of the Family had recently published guidelines on psychosocial treatment of victims of trafficking. The national police had institutionalized the continuous updating of the geographic and social mapping of human trafficking itineraries throughout the country, including at certain locations on the border with Costa Rica and Honduras, which had made it possible to identify sensitive zones and to deploy accordingly additional prevention, action and protection resources.

6. In 2007, Nicaragua had signed an agreement for the repatriation of child and adolescent victims of trafficking and sexual exploitation with its three CA4 partners (Guatemala, El Salvador, Nicaragua). It had also signed a more general repatriation agreement with Mexico with a view to ensuring fully secure repatriation for Mexican migrants.

7. **Mr. Zermatten** (Rapporteur for Nicaragua – OPSC and OPAC) asked the delegation to define more precisely the role and functions of the Amor Programme, the social welfare system, the National Coalition against Trafficking in Persons and the National Council for the Comprehensive Care and Protection of Children and Adolescents, and to explain clearly the relationship between those various programmes, plans and structures.

8. He noted with interest and satisfaction that the Criminal Code had been revised in 2006 and that the sale of children had been criminalized on that occasion, that some provisions of the Protocol were contained in the Code on Children and Adolescents and that tourism was regulated. He wished to know when the new Code of Criminal Procedure had entered into force and the extent to which its provisions had been harmonized with those of the new Criminal Code. It would be useful to know whether trafficking in organs and child pornography had been expressly criminalized in the new Criminal Code; whether, in accordance with articles 2 and 3 of the Optional Protocol, the use of adoption to cover up the sale of a child was an offence punishable by law; and whether the criminal liability of legal persons could be established for the offences set forth in the Protocol.

9. With regard to the status and protection of victims during a trial, he asked about measures under the new Code of Criminal Procedure and steps taken to avoid re-victimization of children as a result of their direct confrontation with their alleged aggressor and repeated interviews, and the existence of any protection measures for victims and witnesses, including anonymity. He also wished to know whether it was possible for child victims to obtain compensation easily from the criminal courts and asked about the number of actual condemnations in cases of sexual violence or in relation to any other violation of the provisions of the Protocol. Lastly, he was curious to learn more about the issuing of “national lottery tickets that carry warnings about human trafficking”, mentioned in paragraph 43 of the report.

10. **Mr. Koompraphant** wished to know what preventive measures had been taken to prevent certain vulnerable groups of children, including children living in rural areas close to borders, poor children, homeless children and children without identity papers, from being sold for the purpose of sexual exploitation or work. He wished to know whether, in order to prevent prostitution, campaigns had been carried out to strengthen ties between parents and children and whether adolescents were being made aware, at school or through the media, of sexual equality issues. He asked for information on measures that had been taken to make employers more aware of the importance of promoting and protecting the welfare of child workers.

11. Concerning assistance to and reintegration of victims, it would be useful to have information on the protection and physical and psychosocial rehabilitation measures provided for child victims of prostitution, sale of children or child pornography, the possibilities of social reintegration open to children when the perpetrator of the offences in

question had acted in collusion with a family member, and the risk evaluation procedure carried out before the child returned to his or her family or community. Any additional information concerning compensation for child victims would be welcome.

12. **Mr. Krappmann** asked whether the Office of the Ombudsman was expressly mandated to monitor also the implementation of the provisions of the Protocol and whether it had adequate financial and human resources to deal with the complaints it received. It was also important to know whether data concerning violations of the provisions of the Protocol and victim reintegration measures were being specifically and systematically collected and analysed, and whether efforts had been made to identify certain illegal practices or cases about which the authorities had not been informed.

13. **Mr. Pollar** asked the delegation to give examples of legal cases proving the operational effectiveness of the apparently very comprehensive legal arrangements established by the State party, as described in paragraph 50 of the report. He asked whether extradition law was governed by the principle of double criminality and whether the State party could carry out extraditions on the basis of the Optional Protocol alone or whether it had to rely on bilateral or multilateral extradition agreements. He also wished to know the exact nature of the measures taken by the national police during the seizure and confiscation of goods and products belonging to a legal person.

14. **Ms. El-Ashmawy** said that she welcomed the provisions of article 177 of the Criminal Code, but wondered what steps had been taken to protect children against sex tourism and child pornography, prosecute the perpetrators of such offences and combat impunity. She requested more information on efforts to ensure the existence of and respect for a “code of conduct” endorsed by the hotel industry and the tourism industry as a whole, and the role played by the tourism sector and the media in terms of prevention and awareness-raising, and asked whether there were disaggregated data on sex tourism in the country. Pointing out that with globalization and technological progress, child pornography and child prostitution had become multidimensional problems, she wished to know whether the State party had signed bilateral or multilateral agreements to combat those scourges and to know what, if any, measures had been taken to reinforce international cooperation in that area, in particular in the field of training and technical support for law enforcement personnel working with children.

15. **The Chairperson** requested clarification with regard to the applicability of the Protocol under domestic law, the conditions and grounds for abatement of criminal proceedings as provided for in article 173 of the Criminal Code and in paragraph 4 of article 72 of the Code of Criminal Procedure, the “principle of opportunity” as set forth in paragraph 5 of article 72 of the Code of Criminal Procedure and the grounds for discontinuing a suit, referred to in article 76 of the Code of Criminal Procedure.

16. He drew the delegation’s attention to the fact that the provisions of article 175 of the Criminal Code, which dealt with sexual exploitation and pornography, but said nothing about prostitution as such, the sale of children by groups, the transfer of organs, forced labour or the offering, possession or distribution of pornographic material, did not fully conform to the provisions of article 3 of the Protocol.

17. Lastly, he asked whether a foreigner who had committed an offence covered by the Optional Protocol and who was present on the national territory could be brought before the Nicaraguan courts and whether those courts had jurisdiction over cases in which a Nicaraguan national who had committed offences covered by the Protocol in a foreign country was present on the national territory.

18. **Ms. Varmah** asked for information about the training provided to the various agents (public prosecutors, judges, lawyers, police and social workers) involved in the protection of child and adolescent victims of sexual violence and on the manner in which the

authorities cooperated with civil society organizations and the media to raise awareness of and provide training on the provisions of the Protocol. She asked whether the free telephone hotline covered the entire country, whether children were aware of its existence and, if not, whether measures were planned to disseminate the number and facilitate access to it. It would be interesting to know what measures were envisaged to make the general public, especially children, their families and their communities, more aware of the provisions of the Protocol, and whether the provisions of that instrument were part of the school curriculum. Lastly, was the State party cooperating with other countries in the region or in the world to combat the sale of and trafficking in children for the purpose of sexual exploitation?

The meeting was suspended at 11.15 a.m. and resumed at 11.45 a.m.

19. **Ms. Morales Mazún** (Nicaragua) explained that government action to benefit children was initially defined under the National Human Development Plan. Policies were then drawn up at the social welfare system level and implemented through various plans and programmes. The National Coalition against Trafficking in Persons was also involved in the combat against sexual exploitation, while the Amor Programme provided the link between the various institutional initiatives. All the competent services, including those within the Ministry of Labour, the Ministry of the Family and the Ministry of the Interior, worked closely together. Municipalities also participated in those efforts at the local level.

20. **Mr. Zermatten** (Rapporteur for Nicaragua – OPSC and OPAC) asked whether civil society was represented within the National Coalition against Trafficking in Persons and how the Coalition's work was linked to that of the public prosecutor's office and the police.

21. **Ms. Morales Mazún** (Nicaragua) said that civil society, represented by national and international NGOs, was by far the largest group within the Coalition. The National Coalition was active at the departmental and local levels through the coordinated action of local associations and public entities. It also participated in regional campaigns on prevention of trafficking in persons and commercial sexual exploitation, under the auspices of the Regional Conference on Migration, which brought together the countries of North America, Central America and the Dominican Republic. A large-scale audio-visual awareness-raising campaign had recently been conducted with the assistance of ILO, IOM and UNICEF.

22. Customs officials and judicial personnel in general received training on the Protocol and the relevant provisions of the Criminal Code. The free telephone number through which cases of child trafficking or sexual exploitation could be reported and which offered information about current legislation was available throughout the country and calls were followed up by action coordinated by various competent bodies.

23. With regard to sex tourism, it should be noted that the Ministry of Tourism participated in all efforts to combat commercial sexual exploitation of children. An ethical code had been signed with the hotel sector as a whole and training activities concerning the Protocol, the Palermo Convention and human trafficking were provided for hotel personnel.

24. In collaboration with universities, courses on child protection had been incorporated into the journalism and audio-visual curricula. A dialogue had been initiated with journalists, but the response had not been satisfactory. The media's fascination with such news stories and the tendency towards scaremongering makes it difficult to protect the rights of child victims of sexual exploitation.

25. **Ms. El-Ashmawy** asked what means of communication were available to child victims of sexual exploitation. The delegation was also asked to provide more information on the implementation of the tourist industry's ethical code and on the role of business in the combat against commercial sexual exploitation of children.

26. **Mr. Zermatten** (Rapporteur for Nicaragua – OPSC and OPAC), raising the issue of lack of respect for children’s privacy in that type of news reporting and recalling the ineffectiveness of ethical codes and international regulations in that field, asked whether Nicaraguan law provided for the possibility of prosecuting journalists who violated the rules.

27. **Ms. Morales Mazún** (Nicaragua) said that all private tourism agencies were bound by the ethical code applied by the National Tourism Board, which had worked with the Ministry of Tourism on drawing up the code. Child victims of sexual exploitation could lodge a complaint with the Ministry of the Family, the national police, which had special units to deal with such issues, or an NGO that was a member of the National Coalition against Trafficking in Persons. They could also call the free telephone number available for that purpose. Owing to cooperation between the various services, victims received immediate assistance and legal proceedings were initiated rapidly.

28. **Mr. López** (Nicaragua) said that Nicaraguan law punished all forms of violation of the rights of the child and, in particular, all forms of sexual exploitation of children and adolescents, even acts committed with the victim’s consent. All persons participating directly or indirectly in such acts were subject to the law, in particular article 175 of the Criminal Code, including possessors of child pornography, whatever manner of representation was used. The offences covered by the Protocol were also punishable under articles 177 (sex tourism) and 182 (adoption for the purpose of sexual exploitation and slavery) of the Criminal Code. By virtue of article 16, those criminal provisions applied to offences committed within and outside of the national territory.

29. **The Chairperson** asked the delegation to provide more information on the provisions concerning the possession, for purely personal and non-commercial purposes, of child pornography items.

30. **Mr. Zermatten** (Rapporteur for Nicaragua – OPSC and OPAC) asked why article 175 of the Criminal Code made a distinction between children under 16 years of age or handicapped and children aged 16 to 18.

31. **Mr. López** (Nicaragua) said that, in general, Nicaraguan law distinguished children, from birth up to age 13, from adolescents, from age 13 up to age 18. Other distinctions based on age were made in certain special cases.

32. Organ trafficking was indeed punishable under Nicaraguan law and products of illegal activities and instruments used to carry out such activities could be confiscated by the authorities, under article 112 of the Criminal Code. Sexual offences were regarded as public offences in Nicaragua and the public prosecutor’s office was therefore obliged to institute and pursue legal proceedings, even if the victim had pardoned his or her aggressor or wished to drop the charges.

33. Children lodged complaints accompanied by their legal representatives or their mediator. They could nevertheless lodge a complaint with the special procurator for the promotion and defence of the rights of children and adolescents without being accompanied by an adult and the office of the procurator was bound to take immediate action with regard to the complaint.

34. The term “prostitution” was not used in Nicaraguan law because it had been decided at the first, second and third World Congresses against Commercial Sexual Exploitation of Children to use the expression “commercial sexual exploitation” instead of the term “prostitution”, which might have a negative moral impact on the child victim.

35. **Mr. Zermatten** (Rapporteur for Nicaragua – OPSC and OPAC) asked whether there was a new Code of Criminal Procedure and, if so, whether the delegation could provide a copy of it to the Committee.

36. **The Chairperson** asked whether the provisions of the Criminal Code punishing the offences covered by the Optional Protocol applied to complicity or participation in the commission of those offences.

37. **Mr. López** (Nicaragua) said that the delegation had provided the Committee with a CD-ROM containing all the laws and social programmes adopted between 2003 and 2010. The Criminal Code and the Code of Criminal Procedure had been included on it. Not only perpetrators were punishable under the law, but also accomplices and any persons who participated directly or indirectly in the commission of an offence, including persons consulting a child pornography website.

38. **The Chairperson** asked whether any case law existed that could provide evidence of the combat against impunity with regard to the offences referred to in the Optional Protocol.

39. **Mr. López** (Nicaragua) said that the CD-ROM that had been provided to the Committee also contained data on the number of complaints received by the police concerning various forms of sexual exploitation, the number of prosecutions and the number of condemnations. It was true that there were not many cases, firstly because the Criminal Code had only entered into force in 2008 and, secondly, because many of the offences defined under the Optional Protocol were not always considered by Nicaraguan society to be illegal acts. For that reason a broad public awareness-raising campaign had been launched by the public authorities. The issue of sexual exploitation had also been made part of the academic curriculum. Procedures relating to victim compensation were governed by civil law. While protocols for the application of laws stressed the need to avoid re-victimization, it was necessary to refine those mechanisms further and to continue sensitizing court officials to the fact that exploited children were not responsible for what had happened to them.

40. **Ms. Morales Mazún** (Nicaragua) said that Nicaragua had been assisted by the Spanish police with regard to handling offences relating to child pornography and had received support from Switzerland and Sweden in the field of justice for minors.

41. **Mr. López** (Nicaragua) said that there were also criminal sanctions against legal persons, in particular businesses promoting sex tourism. When an act of violence or sexual exploitation was committed by a person living with the victim, the police or the public prosecutor's office could institute protection measures under which the person concerned was forced to leave the home and was forbidden to go within 150 metres of the home, place of work, or school of the child or adolescent.

42. **The Chairperson** asked for additional information about the reintegration of victims.

43. **Mr. López** (Nicaragua) said that the State had concluded cooperation agreements with NGOs such as Casa Alianza, which assisted child victims.

Initial report of Nicaragua under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/NIC/1; CRC/C/OPAC/NIC/Q/1; CRC/C/OPAC/NIC/Q/1/Add.1)

44. **Ms. Morales Mazún** (Nicaragua) said that, following its ratification of the Optional Protocol on the involvement of children in armed conflict, Nicaragua had revised its legal framework. Under the constitutional reform of 1995, the State had eliminated the provision on compulsory military service and had prohibited all forms of forced recruitment to the Nicaraguan Army and the national police.

45. The Nicaraguan Army was the only legally recognized armed military body in the country. The national police was an armed, civilian, professional, non-political and non-

partisan corps with no deliberative remit, governed strictly in line with the Constitution of the Republic.

46. Under the Children and Adolescents Code, any person recruiting children with a view to having them participate in armed conflict or armed activities was subject to criminal sanctions. Persons failing to present an identity card or birth certificate could not be recruited into the army.

47. The Nicaraguan Army administered two teaching institutions open to Nicaraguans having attained their majority. One of them, the Higher Centre for Military Studies, was an establishment endorsed by the National Council of Universities and which provided training in human rights and international humanitarian law.

48. The Criminal Code prohibited forced recruitment of children and adolescents. Subjecting a person to slavery, forced labour or degrading working conditions was punishable by imprisonment. Also punishable by imprisonment was the act of recruiting minors of 18 years of age into the army or making them participate actively in hostilities, during a national or international armed conflict. The Military Code was based on the principle of universality and applied to any offence committed abroad by a member of the Nicaraguan military on active duty.

49. The question of extradition was governed by the Bustamante Code, by international public law standards and by the provisions of the international instruments ratified by Nicaragua. Nicaragua did not extradite persons for political offences. Decisions relating to requests for extradition were taken by the Criminal Chamber of the Supreme Court of Justice and were communicated to the requesting State by the executive branch. Nicaragua did not extradite its own nationals. The judicial procedure with regard to extradition of foreigners was set out in the Code of Criminal Procedure.

50. Various legal and administrative measures existed for the identification, physical and psychological rehabilitation and social reintegration of child refugees, asylum-seekers and migrants, in particular those who might have been recruited by armed groups or used in hostilities abroad. Those measures were coordinated jointly by the Ministry for Foreign Affairs, the Ministry of the Interior and the Ministry of the Family.

51. Nicaragua was party to the Convention relating to the Status of Refugees and the Protocol thereto and to the Convention on Territorial Asylum and the Convention on Diplomatic Asylum, concluded in Caracas in 1954, and had a law on protection of refugees which contained provisions concerning children. In 2010, only three child refugees had been registered with the Ministry of the Family.

52. With regard to migrant children, Nicaragua had signed and ratified a number of regional and international conventions and had harmonized its legislation with those instruments in order to guarantee the rights of victims. Procedures for providing assistance to migrant children who arrived in the country had been established in conformity with the law and were coordinated by the competent institutions.

53. **Mr. Zermatten** (Rapporteur for Nicaragua – OPSC and OPAC) welcomed the fact that the State party had abandoned compulsory military service and that the age of recruitment into the army had been fixed at 18 years of age. He also welcomed the landmine clearance that had been carried out throughout the country and the fact that many persons who were handicapped as a result of a mine explosion had been provided with assistance.

54. He asked whether recruiting a minor of 18 years of age into the army in the absence of any armed conflict constituted an offence, what legal provisions existed in the case where a non-State armed group operating in another country or a security firm recruited children in the State party, and what procedures were followed by the commission

responsible for determining the age of young people who wished to join the army and who had not been registered at birth.

55. He also wished to know, given that the State party did not extradite its own nationals, whether a Nicaraguan who had committed abroad an offence covered by the Optional Protocol would be tried and sentenced in Nicaragua.

56. The delegation might also indicate whether a minor of 18 years of age could enter a military school and whether such schools taught their students how to use weapons, whether there was legislation prohibiting the exportation of arms towards countries which were engaged in armed conflict and which were liable to use children in the hostilities, what was stipulated by law with regard to possession of arms and whether Nicaragua planned to ratify the Rome Statute of the International Criminal Court.

57. **Mr. Pollar** asked whether the State party's legislation contained criminal provisions aimed specifically at persons who recruited children into the army with a view to having them participate directly in hostilities and whether it contained a definition of the term "direct participation in hostilities". He would also like to know who, in the military hierarchy, was responsible for the recruitment of a minor into the army, what would be the minimum and maximum sentences handed down and whether the person who had recruited the minor could invoke before the courts the fact that he or she had been executing the order of a superior. Lastly, he asked if there were provisions concerning the recruitment of children into security firms that operated in foreign countries, in particular in countries in conflict such as Afghanistan and Iraq.

58. **Ms. El-Ashmawy** asked what measures the State party was taking to ensure that schools had as their objective the development of children's personalities and that they promoted tolerance and friendship among peoples, races and religious groups, and whether education for peace existed. She also wished to know what measures the State party was taking to support multilateral and bilateral activities to protect the rights of children involved in armed conflict and to ensure that children affected by armed conflict could return to their family and to school.

59. **Mr. Koompraphant** asked whether mechanisms existed that made it possible to monitor the situation of children who lived in rural zones near the borders, lived in poverty, were on the street or had no identity papers, and who ran a particular risk of being recruited by armed groups. He also wished to know what measures had been taken to identify child victims of the offences referred to in the Optional Protocol, what services were provided to child victims and their families and whether the children were compensated for the damages suffered.

60. **The Chairperson** asked whether minors of 18 years of age, in particular young people between 16 and 18 years of age, could be mobilized in emergency situations. He wished to know, given that Nicaragua had ratified the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, if the Nicaraguan Army had destroyed any, if they existed, of the State party's stockpiled anti-personnel mines. He also asked what kind of care and assistance was provided to refugee children who had participated in armed conflict.

61. **Ms. Morales Mazún** (Nicaragua) said that Nicaragua had recently been declared an "anti-personnel mine free zone". It fulfilled its obligations under the Ottawa Convention.

62. The recruitment of minors into the army and the police force was punishable by sanctions set forth in the Criminal Code and the Children and Adolescents Code. Only Nicaraguans having attained their majority could attend military academies. Persons who failed to produce an identity card or a birth certificate could not join the army or the police force and could not be admitted to a military school. Recruitment of minors into security

firms was prohibited and the national police was responsible for ensuring respect for that provision. The Children and Adolescents Code also prohibited the recruitment of children by armed groups operating in foreign countries.

63. Among all the Central American countries, Nicaragua alone had escaped the phenomenon of youth gangs and bands (“maras” and “pandillas”), types of criminal organizations that recruited young people under 18 years of age. That was explained by the fact that, since the 1980’s, the police had been emphasizing prevention. That basic task, which mobilized a great deal of resources, received broad support from European NGOs. In October 2010, an adolescent development centre would be inaugurated, which stressed technical training and psychological support, with a view to enabling young people eventually to enter the workforce.

64. **Mr. López** (Nicaragua) said that five laws of the Republic prohibited the forced recruitment and admission into the national police and the army of minors of 18 years of age. To that end, the laws required that candidates produce identity papers to prove that they had reached their majority and provided for sanctions against those in charge, whether military personnel or civilians.

65. **Mr. Zermatten** (Rapporteur for Nicaragua – OPSC and OPAC) asked whether it was easy to obtain weapons and what was the regulation governing the possession, holding and purchasing of weapons.

66. **Ms. Morales Mazún** (Nicaragua) said that Act No. 510 relating to arms control regulated the possession, sale, exportation and importation of arms and governed the exportation of arms to countries in conflict. The Act provided that only persons having attained their majority could purchase an arm, after psychological testing, and established a national arms holder register. Young people belonging to gangs usually used home-made weapons.

67. **Mr. López** (Nicaragua) said that the Criminal Code provided for 5 to 8 years’ imprisonment for anyone subjecting a third party to slavery, practices similar to slavery or servitude, or imposing on that person any type of forced labour. The same sentence was applicable in the case of trafficking in persons for economic exploitation or forced recruitment in armed conflicts.

68. **Ms. Morales Mazún** (Nicaragua) said that Nicaragua was the first country in Central America to have destroyed weapons. Following the adoption of Act No. 510, the police had confiscated unregistered weapons and all sorts of arms had been destroyed.

69. **The Chairperson** asked what was being done to assist victims and help them reintegrate.

70. **Mr. López** (Nicaragua) said that the Amor Programme covered, inter alia, the large number of child victims of anti-personnel mines and cooperated to that end with the Ministry of the Family and the Ministry of Health. The latter included a unit that provided physical rehabilitation and psychological reintegration services for those children and furnished them with prosthetic devices.

71. **Ms. Maurás Pérez** (Rapporteur for Nicaragua) said that the progress made by the State party was clear. According to the latest report by the Economic Commission for Latin America and the Caribbean (ECLAC), Nicaragua was close to attaining the 2015 Millennium Development Goals concerning the combat against poverty and was one of the Latin American countries that had succeeded in somewhat reducing income inequality; nevertheless, those advances were at risk because of the economic crisis. With regard to the establishment of an effective legal and regulatory framework, the political will existed but the question of the actual capacity to implement it remained open.

72. The institutional structure was poorly defined, especially at the municipal level. Despite the Government's clear desire to coordinate all public policy relating to children, there was some confusion between what related specifically to that question and what related to social welfare in general. Furthermore, the participation of civil society, as fostered by the National Council for the Comprehensive Care and Protection of Children and Young Persons (CONAPINA), had disappeared or been reduced. CONAPINA should be re-established or an equivalent structure set up.

73. The Committee would like to see the question of the harmonization of different ages resolved quickly. It congratulated the State party for establishing the Office of the Special Procurator for Children and Adolescents and for setting up the appropriate services for indigenous children or children of African descent.

74. Despite the Government's undeniable efforts to combat violence against women and children, corporal punishment, torture and other degrading treatment, the Committee wondered whether existing measures genuinely made it possible to prosecute, indict and punish the perpetrators of those offences. It was moreover very concerned about the situation of women and girls who, following a rape, could not have an abortion, even for therapeutic reasons.

75. Several questions relating to criminal justice for minors remained without a response, for lack of time, including prison conditions, in particular at Bluefields Prison, the human and financial resources provided for juvenile courts or the coordination between juvenile courts and services for the protection of victims and reintegration of children having served sentences. Lastly, the Committee would like to know more about the types of alternative care and the Amor Programme.

76. **Mr. Zermatten** (Rapporteur for Nicaragua – OPSC and OPAC) endorsed the statement by Ms. Maurás.

77. **Ms. Morales Mazón** (Nicaragua) said that the Government would take due account of the observations that had been made during that session and of the subsequent recommendations that would follow from it. She pointed out that when the legal system for minors had just been established, there had only been 2 juvenile judges in Managua and that with time and international assistance, that number had risen to 18. There were only 74 minors being held in prisons, or 1 per cent of the prison population, and all of them were housed separately from the adults.

The meeting rose at 1.05 p.m.