



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the combined initial and second and third periodic reports of Nicaragua\*

#### I. Introduction

1. The Committee considered the combined initial and second and third periodic reports of Nicaragua<sup>1</sup> at its 707th meeting, held on 15 March 2024. It adopted the present concluding observations at its 717th meeting, held on 22 March 2024.
2. The Committee welcomes the combined initial and second and third periodic reports of Nicaragua, which were prepared in accordance with the Committee's reporting guidelines, even though they were submitted 10 years late, on 8 May 2019.
3. The Committee regrets that the State party has not provided written replies to the Committee's list of issues and questions. Moreover, despite repeated requests from the Committee, the State party did not send a delegation to the thirtieth session. In view of this situation, and pursuant to rule 40 of its rules of procedure, the Committee proceeded to consider the combined initial and second and third periodic reports in the absence of a delegation and decided to adopt its concluding observations.

#### II. Positive aspects

4. The Committee welcomes the preparation of the National Human Development Plan, which has a specific focus on persons with disabilities.
5. It also welcomes the establishment of the Office of the Civil Branch of Government for Persons with Disabilities, which serves as a channel for communication between organizations of persons with disabilities and the Government of Nicaragua, and the fact that they meet on a regular basis.

#### III. Principal areas of concern and recommendations

##### A. General principles and obligations (arts. 1–4)

6. The Committee notes with concern:
  - (a) The lack of measures taken to ensure that the Constitution and other legislation explicitly recognize discrimination on the basis of disability, including the denial of reasonable accommodation as a form of discrimination;

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\* Adopted by the Committee at its thirtieth session (4–22 March 2024).

<sup>1</sup> [CRPD/C/NIC/1](#), [CRPD/C/NIC/2](#) and [CRPD/C/NIC/3](#).



(b) The medical approach to disability embedded in all policies of the State party, since certificates of disability are issued to persons who meet the medical requirements established by the Ministry of Health;

(c) The lack of information on the frequency of the meetings of the Office of the Civil Branch of Government for Persons with Disabilities, on the laws that have been amended, and on the number and nature of the public policies in force on which it has provided input;

(d) The fact that legislation unduly restricting freedom of association remains in force, that, between 15 August 2022 and 15 June 2023, the National Assembly and the Ministry of the Interior used Acts No. 1040 and No. 1115 to revoke the legal personality of 1,988 organizations and that the number of these that are organizations of persons with disabilities remains unknown;

(e) The difficulties inherent in the process of establishing and obtaining legal personality for organizations of persons with disabilities.

**7. The Committee recommends that the State party implement a cross-cutting and far-reaching strategy to give effect to all the rights enshrined in the Convention and, in particular, that it:**

(a) **Establish, as soon as possible, the mechanisms necessary to ensure that the Constitution explicitly prohibits discrimination on the basis of disability and that all other laws, policies and programmes contain terminology that is consistent with the Convention and include the denial of reasonable accommodation as a form of discrimination on the basis of disability;**

(b) **Mainstream the human rights-based approach of the Convention in all laws, policies and programmes established in the State party, and ensure that certification of disability is carried out by a multidisciplinary team and not only by physicians;**

(c) **Draw up a yearly schedule of regular meetings between organizations of persons with disabilities and government agencies so that they can jointly analyse the alignment of legislation, public policies, international cooperation and all programmes on disability established in the State party;**

(d) **Refrain from deregistering and revoking the legal personality of civil society organizations, especially organizations of women and persons with disabilities, and take action to ensure that there are no restrictions on the participation of organizations of persons with disabilities, regardless of their political affiliation;**

(e) **Guarantee the physical integrity and safety of human rights defenders, especially those with disabilities, and take measures to promote, expedite and simplify the process of obtaining legal personality for organizations of persons with disabilities, ensuring that persons living in rural and remote regions also have access to this process.**

## **B. Specific rights (arts. 5–30)**

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

8. The Committee is concerned about:

(a) The lack of information on the results of the “specific measures”<sup>2</sup> taken by the State party to eliminate all forms of discrimination based on disability, including gender-based, intersectional and multiple discrimination, and discrimination by association;

(b) The lack of clarity as to whether there is a system in place in the State party for receiving complaints and reports of discrimination against persons with disabilities, the number of complaints received and the action taken in this connection, including restorative

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<sup>2</sup> CRPD/C/NIC/3, para. 29.

justice measures, investigations and, where appropriate, suitable penalties for those responsible for acts of discrimination.

9. **In accordance with its general comment No. 6 (2018) on equality and non-discrimination, the Committee recommends that the State party:**

(a) **Enact, as soon as possible, a comprehensive anti-discrimination law that covers multiple and intersecting forms of discrimination, including discrimination against Indigenous persons with disabilities and the concept of reasonable accommodation in different settings, and that recognizes the denial of reasonable accommodation as discrimination on the basis of disability;**

(b) **Establish accessible and effective procedures, including judicial, administrative and complaints procedures, for victims of discrimination on the basis of disability, and ensure that redress is provided, that investigations are carried out and, where appropriate, that perpetrators are punished.**

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

10. Even though the State party has been recognized by international organizations for its progress in reducing gender inequality, for example, through the creation of the Ministry of Women's Affairs and the enactment of the Comprehensive Act combating Violence against Women (Act No. 779), the Committee notes with concern:

(a) The limited number of cross-cutting measures to promote and protect the rights of women and girls with disabilities;

(b) The absence of measures to prevent and eliminate multiple discrimination and violence against women with disabilities, in particular that experienced by women with intellectual, psychosocial or multiple disabilities, Indigenous women with disabilities and those living in rural areas;

(c) The lack of detailed information on policies and programmes aimed at promoting equality between men and women, and on the participation of women with disabilities in these programmes;<sup>3</sup>

(d) The lack of information on the coordination between the Ministry of Women's Affairs and the Ministry for the Family, Children and Adolescents on disability issues;

(e) The lack of data on how many women and girls with disabilities are beneficiaries of social programmes such as the "Zero Usury" Programme, the food production voucher scheme, the "Nicaragua – Fuerza Bendita" platform, housing programmes and comprehensive health-care programmes for women.

11. **The Committee, recalling its general comment No. 3 (2016) on women and girls with disabilities, and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, recommends that the State party:**

(a) **Mainstream the human rights-based approach to disability in its gender equality laws and policies, and mainstream a gender perspective in disability laws and policies, with the effective participation of women and girls with disabilities and their representative organizations;**

(b) **Establish clear policies to combat discrimination against women and girls with disabilities and mechanisms for the submission, investigation and follow-up of complaints and, where appropriate, the punishment of perpetrators and the restoration of rights;**

(c) **Strengthen measures to promote the empowerment of women and girls with disabilities and their inclusion in the education, employment and health spheres;**

(d) **Make ministerial policies cross-cutting so that they take into account persons with disabilities, incorporating gender and age perspectives;**

<sup>3</sup> Ibid., para. 37.

(e) **Establish registers with disaggregated data on the number of women and girls with disabilities who benefit from the different social programmes in place.**

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

12. The Committee notes with concern:

(a) The persistence of poverty among children with disabilities, particularly Indigenous children with disabilities and those living in rural and remote areas;

(b) The persistence of domestic violence against children with disabilities;

(c) The lack of forums provided by the State party to enable children with disabilities to express their opinions and needs and to ensure that these are taken into account;

(d) The lack of information on whether the guide to treatment and support for children with disabilities has been adopted;

(e) The persistent institutionalization of children with disabilities and the lack of support for their families to help avoid that situation.

13. **Recalling its 2022 statement made jointly with the Committee on the Rights of the Child on the rights of children with disabilities, the Committee recommends that the State party:**

(a) **Take immediate action to combat the situation of poverty in which children with disabilities find themselves, paying particular attention to the situation of Indigenous children with disabilities and those living in rural and remote areas;**

(b) **Adopt monitoring and oversight measures to ensure the strict enforcement of the Criminal Code to counter the abuse of children with disabilities in homes, schools and institutions, both in urban and rural areas, and establish mechanisms for processing and reporting and following up on complaints;**

(c) **Introduce the mechanisms and conditions necessary to enable children with disabilities to express their opinions and needs, and ensure that these are reflected in public policies and programmes;**

(d) **Adopt and implement the guide to treatment and support for children with disabilities and share the results obtained in its next report to the Committee;**

(e) **Devise, in coordination with organizations of persons with disabilities, a deinstitutionalization programme for children with disabilities that provides for the establishment of a foster family programme.**

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

14. The Committee takes note of the campaigns to raise awareness and promote the rights of persons with disabilities and of the training provided to public officials. However, it is concerned that the public perception of disability is still characterized by a welfare and medical model and that women and children with disabilities continue to face violence.

15. **The Committee recommends that the State party adopt a rolling national strategy to promote a human rights-based model of disability, with gender and age perspectives, among the media, public officials, health-care and justice sector professionals, the police, the general public and the families of persons with disabilities, with the effective participation of persons with disabilities in its formulation, implementation and regular evaluation.**

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

16. The Committee notes with concern:

(a) The lack of specific legislation on accessibility, the lack of progress in relation to the Nicaraguan mandatory technical regulation on accessibility and the fact that it does not include specific measures to ensure access to information and communication, the failure to allocate sufficient resources and the lack of oversight and sanctions for non-compliance;

(b) The fact that, when referring to accessibility, the State party mentions in its report only architectural modifications, mainly in health institutions, thus reinforcing the medical approach to disability;

(c) The limited accessibility of the physical environment, information and communications on different forms of transport, both in urban and rural areas;

(d) The fact that deaf persons still have only limited access to information and communications.

**17. Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party:**

(a) **Enact, in close consultation with organizations of persons with disabilities, a national law on accessibility of the physical environment, information and communication, with short- and medium-term goals, a specific budget and mechanisms for monitoring its implementation and effective sanctions in case of non-compliance;**

(b) **Ensure effective compliance with the updated Nicaraguan mandatory technical regulation on accessibility (No. 12011-13), supplementing it with the aspects of access to information and communications, including through the use of technological tools, in all spheres, ranging from education to access to public and cultural services;**

(c) **Take immediate action to resolve accessibility issues on different forms of transport, both in terms of physical accessibility and in terms of information and communications, in close coordination with organizations of persons with disabilities;**

(d) **Urgently improve the accessibility of information and communications to deaf persons, including through the use of accessible multimedia content, captioning and sign language interpretation.**

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

18. The Committee is concerned that:

(a) During the period between 2012 and 2019, a total of 526 femicides were recorded, with an average of 75 femicides per year, and that it is unknown how many were perpetrated against women or girls with disabilities;

(b) No comprehensive information is available on the enforced disappearance of migrant women and adolescents, and that it is unknown how many of them have a disability.

**19. The Committee recommends that the State party:**

(a) **Establish femicide as a criminal offence and prescribe severe penalties for this type of crime;**

(b) **Investigate, on the basis of the Migration and Immigration Act (Act No. 761), enforced disappearances of migrant women and girls, especially those with disabilities, ensure restorative justice for them and investigate and, where appropriate, punish the perpetrators.**

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

20. The Committee recognizes the State party's efforts to develop risk management guidelines for persons with disabilities; however, it is concerned about:

(a) The lack of information on the participation of persons with disabilities in the preparation of the guidelines;

(b) The lack of clarity as to whether these guidelines were applied during the coronavirus disease (COVID-19) pandemic and whether measures were taken after the COVID-19 pandemic to address the needs of persons with disabilities;

(c) Information received regarding the criminalization of the activities of and reprisals and threats against women environmental activists, including women of African descent, Indigenous women and women with disabilities.

21. Pursuant to the Sendai Framework for Disaster Risk Reduction 2015–2030, the Committee recommends that the State party:

(a) Review and update, in close consultation with persons with disabilities and their representative organizations, the guide on the participation of persons with disabilities in departmental, municipal and community response plans and the guide on developing emergency response plans for families, so that both guides include accessible information and mention muster stations, emergency shelters, safe and accessible evacuation routes and accessible shelters with trained staff;

(b) Generate and disseminate research and statistics on the impact of the COVID-19 pandemic and its aftermath on persons with disabilities and ensure that, in situations of risk and humanitarian emergencies, all persons with disabilities and their families can receive the necessary information in accessible formats and on the appropriate devices, including information from emergency early warning systems;

(c) Put an immediate stop to the criminalization of the activities of and reprisals and threats against women environmental activists, including women of African descent, Indigenous women and women with disabilities.

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

22. The Committee notes that the Act on the Rights of Persons with Disabilities (Act No. 763) establishes the full legal capacity of persons with disabilities; however, it is concerned that:

(a) The Civil Code uses pejorative terms to refer to persons with intellectual or psychosocial disabilities and contains provisions that restrict the enjoyment and exercise of legal capacity by such persons and by persons with visual and hearing impairments, with chapters on “guardianship of the insane” (chapter VII) and on “guardianship of deaf-mutes and the blind” (chapter VIII);

(b) Articles 21 to 31 of the Family Code state that persons “not declared legally incompetent” have legal capacity but that this capacity is restricted for persons who “suffer from a mental illness that does not totally deprive them of discernment” and “persons who, due to a physical impediment, cannot express their will unequivocally but who have not been declared legally incompetent” and must act “through a legal representative, whether a parent or a legally appointed guardian”;

(c) There is no information available on the number of persons placed under restricted capacity regimes, including interdiction and curatorship.

23. Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee urges the State party to:

(a) Bring the Civil Code into line with the Convention to remove the pejorative language used to refer to persons with disabilities, particularly persons with psychosocial and/or intellectual disabilities, and ensure that all persons with disabilities enjoy equal recognition before the law, including by removing provisions that allow the restriction of their legal capacity, as well as the concepts of interdiction and curatorship;

(b) Align the Family Code with the Act on the Rights of Persons with Disabilities (Act No. 763) and articles 12, 13, 19 and 23 of the Convention in order to recognize the full legal capacity of persons with disabilities;

(c) Collect, on an ongoing basis, disaggregated data on the number of persons placed under restricted capacity regimes and review judicial rulings with a view to restoring such persons’ legal capacity;

(d) Introduce mechanisms for various types of supported decision-making and safeguards that respect the autonomy, will and preferences of all persons with disabilities, regardless of the level of support they may seek, facilitate peer support and ensure the availability of accessible complaint mechanisms.

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

24. The Committee notes with concern:

(a) The limited progress made in ensuring the accessibility of the physical environment, information and communications in all places used for the administration of justice in the country, including in rural areas; the fact that there are insufficient Nicaraguan sign language interpreters for judicial proceedings involving deaf persons, and the limited training for judges on access to justice for persons with disabilities across the country;

(b) The fact that the Comprehensive Act combating Violence against Women (Act No. 779) is not intersectional, as it does not refer to women and girls with disabilities, lesbian, gay, bisexual and transgender persons or Indigenous women with disabilities, that it does not include the crime of trafficking in persons and that it prioritizes mediation in cases of violence against women;

(c) The lack of information on the introduction of age- and gender-appropriate procedural accommodations in civil, criminal and administrative proceedings, on the existence of assistance services, reasonable accommodation and free legal representation for persons with disabilities at all stages of proceedings, and on whether reforms have been carried out at the provincial level to ensure the above;

(d) The lack of independence of the judiciary and the Attorney General's Office, the gender bias in the judiciary and the fact that more than 50 per cent of proceedings in cases of gender-based violence, including sexual violence, are dismissed or end in acquittals, and the fact that family advice bureaus often discourage women from filing complaints in cases of gender-based violence.

**25. The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities, of 2020, and target 16.3 of the Sustainable Development Goals, and recommends that the State party:**

**(a) Take urgent measures to ensure the accessibility of the physical environment, information and communications in all places used for the administration of justice, including by providing sufficient Nicaraguan sign language interpreters and documents in Braille and Easy Read format, and provide training to all judges throughout the country, including in rural areas;**

**(b) Establish a protocol for access to justice for persons with disabilities with age- and gender-appropriate procedural accommodations in civil proceedings in all courts in the country, including in rural areas, introducing due process guarantees, procedural accommodation and free legal representation for all persons with disabilities at all stages of proceedings, including persons with disabilities detained for political reasons whose due process rights must be respected as a matter of priority;**

**(c) Ensure the ongoing training and the independence of judges, and the accountability of prosecutors and police officers in cases of gender-based violence.**

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

26. The Committee is concerned that:

(a) Article 464 of the Family Code (Act No. 870) provides for involuntary confinement on the grounds of mental illness, which is contrary to article 14 of the Convention and the Committee's guidelines on deinstitutionalization, including in emergencies;<sup>4</sup>

(b) Persons with disabilities in prisons are not allowed access to their assistive devices on the grounds that they become "bladed weapons";

(c) It is unknown how many persons with disabilities have been detained and are in the prison system.

<sup>4</sup> CRPD/C/5.

27. **Recalling its guidelines on the right to liberty and security of persons with disabilities<sup>5</sup> and its guidelines on deinstitutionalization, including in emergencies, the Committee urges the State party to:**

- (a) **Amend the Family Code (Act No. 870) to completely eliminate the forced institutionalization of persons with disabilities;**
- (b) **Take immediate action to ensure that persons with disabilities in prisons can use their assistive devices;**
- (c) **Investigate and document, collecting disaggregated data, how many persons with disabilities are in the prison system.**

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

28. The Committee notes with concern:

(a) The failure to comply with article 486 of the Criminal Code, which defines the crime of torture, and that numerous allegations of cases of torture and ill-treatment in prisons and police stations have been documented by various international mechanisms and non-governmental organizations (NGOs) and that it is unknown whether persons with disabilities are in this situation;

(b) The lack of official, up-to-date statistical data on the prison population, disaggregated by place of detention and occupancy rate and, consequently, the fact that it is unknown how many persons with disabilities have been detained for political reasons;

(c) Reports of assault and sexual violence in detention facilities, with a particularly high incidence in the case of detained women, and the fact that it is unknown how many of these women have a disability;

(d) The reports of cruel treatment that it has received, according to which persons with disabilities, especially persons with intellectual and/or psychosocial disabilities, are subjected to confinement and isolation, shackling, physical violence and verbal abuse in their homes and can even be expelled from their dwelling; and the lack of mechanisms for investigating violations of the rights of persons with disabilities in their homes;

(e) That the bill submitted to the Nicaraguan parliament by organizations of persons with disabilities in 2022 in order to prevent this type of domestic violence has not been taken up.

29. **The Committee recommends that the State party:**

(a) **Enforce the implementation of article 486 of the Criminal Code as it pertains to the crime of torture, and investigate the allegations of cases of torture and ill-treatment in prisons and police stations documented by various international mechanisms and NGOs;**

(b) **Generate up-to-date data on how many persons with disabilities are in detention and how many have been detained for political reasons;**

(c) **Create an evaluation and monitoring mechanism to prevent assaults and sexual violence in detention facilities and establish how many persons, especially women with disabilities, have been the target of these assaults; and implement complaint mechanisms that include follow-up, redress and the punishment of perpetrators;**

(d) **Strengthen measures to prevent and combat all forms of violence against children and women with disabilities, particularly in the home, in both urban and rural areas, establishing mechanisms to enable victims to file complaints, their complaints to be followed up and perpetrators to be punished;**

(e) **Consider the bill on the prevention of domestic violence against persons with disabilities with the aim of enacting it as soon as possible.**

<sup>5</sup> [A/72/55](#), annex.

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

30. The Committee is concerned about allegations that:

(a) During the period from 2018 to 2019, the practice of physically assaulting detainees was widespread and that, from 2019 to the present, practices such as psychological abuse, prolonged solitary confinement and sensory overload have also been used, not to mention the fact that it is unknown how many persons with disabilities have been subjected to such assaults and abuse;

(b) Since 2015, violence and colonization campaigns have been carried out in the north of the country against Indigenous populations and that it is unknown how many Indigenous persons with disabilities have been affected;

(c) A serious situation regarding sexual violence against girls and adolescents has been documented in the State party, as has physical intimidation, the use of children in pornography and the sexual exploitation of adolescents in prostitution, child abuse, procuring, pimping and trafficking in persons for the purpose of slavery, and sexual exploitation; and that it is unknown how much of this abuse was committed against women and girls with disabilities;

(d) Women's detention conditions are characterized by the use of sexual violence and gender-based violence, including death threats or threats to take away their children, depriving them of medicine and other necessary hygiene products, forced labour, forced nudity, threats of rape, sexual abuse and rape;

(e) The Comprehensive Act combating Violence against Women (Act No. 779) is not intersectional, as it does not specifically refer to women and girls with disabilities, lesbian, gay, bisexual and transgender persons or to Indigenous women with disabilities, it does not include the crime of trafficking in persons and prioritizes mediation in cases of violence against women.

**31. In line with targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals and its statement of 24 November 2021 on the elimination of gender-based violence against women and girls with disabilities, the Committee recommends that, in close consultation and active cooperation with persons with disabilities and their representative organizations, the State party:**

**(a) Establish a monitoring mechanism, on the basis of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, especially for persons with disabilities in places of detention to prevent physical assault and psychological abuse, prolonged solitary confinement, sensory overload and any other practice considered a form of torture under international law on detainees, documenting how many persons with disabilities, especially women, have been subjected to such practices;**

**(b) Take urgent action to protect Indigenous persons with disabilities from exploitation, violence and abuse;**

**(c) Adopt measures to prevent women in general and women with disabilities in particular from becoming victims of sexual violence, including the establishment of a mechanism for filing complaints and following up on those complaints, punishment of perpetrators and redress for victims;**

**(d) Establish protocols with a gender and disability perspective in detention facilities to prevent and punish gender-based violence;**

**(e) Amend Act No. 779 to include the crime of trafficking in women; make specific reference to women and girls with disabilities, Indigenous women with disabilities, and lesbian, gay, bisexual and transgender persons with disabilities; and abolish the requirement for mediation and prioritize prosecution in cases of gender-based violence against women.**

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

32. The Committee notes that article 36 of the Constitution provides that “all persons have the right to respect for their physical, psychological and emotional integrity”; however, the Committee is concerned about:

(a) Restrictions on access to voluntary termination of pregnancy, especially for victims of sexual violence, including girls, and the fact that it is unknown how many of these victims are persons with disabilities;

(b) Information received regarding women from the Caribbean Coast who are hard of hearing and who were sterilized without their consent during their teenage years;

(c) Information received regarding cases of persons with intellectual and/or psychosocial disabilities who, upon the death of their parents, are dispossessed of their home by other family members, despite having inherited it.

**33. The Committee recommends that the State party, in close consultation and active cooperation with persons with disabilities and their representative organizations:**

(a) **Analyse and amend legislation so that, in cases of sexual violence, women in general and women and girls with disabilities in particular have access to the option of terminating their pregnancies by means of safe methods, and establish government programmes to support them and thus avoid their revictimization;**

(b) **Investigate how many women with disabilities were sterilized without their consent, provide them with restorative justice and punish those responsible for the acts;**

(c) **Implement social programmes to ensure that persons with intellectual and/or psychosocial disabilities who have inherited property are not dispossessed of it by other family members.**

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

34. The Committee notes that the Act on the Rights of Persons with Disabilities (Act No. 763) states that all persons with disabilities have the right to be recorded in the Civil Registry; however, the Committee is concerned about the information gathered during the census of the “A Voice for All” Programme of the Ministry of Health and other studies that points to a significant gap between persons with disabilities who are not recorded in the Civil Registry and the rest of the population, especially in rural areas, where they have been reported to not have the legal documents necessary to complete various procedures, including citizen identity cards and birth certificates, which further hinders the registration of persons with disabilities.

**35. The Committee recommends that the State party strengthen the implementation of the actions set out in article 22 of the Act on the Rights of Persons with Disabilities (Act No. 763), including in rural and remote areas, and that it gather reliable statistics on the current underregistration rate for births, specifically those of persons with disabilities.**

36. The Committee is also concerned that:

(a) The State party is source, transit and destination country for trafficking in persons, particularly women and girls, and that it is unknown how many women and girls with disabilities are victims of this crime;

(b) Several Nicaraguan nationals, possibly including persons with disabilities, have reportedly been prevented from returning to the State party;

(c) The Migration and Immigration Act (Act No. 761) does not include specific measures to prevent the detention of migrants with disabilities;

(d) Members of the military and police security forces continue to use force when dealing with migrants, including those with disabilities.

37. **In line with target 10.7 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Urgently examine the reasons why it is currently a source, transit and destination country for trafficking in persons, particularly women and girls, investigating how many women and girls with disabilities are victims of this crime;**

(b) **Avoid preventing nationals from entering or leaving the State party and investigate how many of those identified are persons with disabilities;**

(c) **Amend the Migration and Immigration Act (Act No. 761) to include in its implementing regulations clear measures to eliminate the practice of detaining migrants with disabilities;**

(d) **Prohibit and punish the use of force by members of the military and police security forces when dealing with migrants, particularly those with disabilities.**

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

38. The Committee notes with concern:

(a) The absence of a deinstitutionalization strategy for persons with disabilities, especially women and children with disabilities segregated in institutions, and the lack of community-based support programmes and accessible services in the community, including accessible housing and decent work for persons with disabilities when they join the community;

(b) The fact that the Ministry for the Family, Children and Adolescents has not been allocated the significant budgetary resources necessary to fund the independent living of persons with disabilities and their inclusion in the community;

(c) The existence of institutions such as the “Little Blue Bird” children’s centre and the National Psychosocial Hospital, and the lack of information on how many persons and children with disabilities are currently institutionalized.

39. **The Committee recalls its general comment No. 5 (2017) on living independently and being included in the community, and its guidelines on deinstitutionalization, including in emergencies, and urges the State party to:**

(a) **Adopt a national, multisectoral strategy for the deinstitutionalization of persons with disabilities, particularly children, women and persons with intellectual and/or psychosocial disabilities, in close consultation with and with the active participation of organizations of persons with disabilities, that includes specific time frames, the necessary financial resources and guaranteed access to housing alternatives in the community that prioritize their wishes and preferences, to support networks and services, including peer support, and to comprehensive assistance with their basic needs;**

(b) **Allocate sufficient budgetary resources to the Ministry for the Family, Children and Adolescents, including sufficient human and financial resources to promote the independent living of persons with disabilities;**

(c) **End the institutionalization of persons with disabilities, particularly children with disabilities, and prolonged and indefinite hospitalization.**

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

40. The Committee is concerned about:

(a) The lack of information on specific measures to improve the mobility of persons with disabilities, and the fact that these measures focus almost exclusively on persons with physical disabilities;

(b) The fact that the “A Voice for All” Programme uses a medical approach that is contrary to the Convention and that it does not include measures to facilitate access to high-quality and user-friendly technologies for persons with disabilities, cover the whole country or have trained staff to tend to all persons with disabilities in the State party.

41. **The Committee recommends that the State party, in coordination and close consultation with persons with disabilities and their representative organizations:**

(a) **Adopt measures to improve the mobility of persons with disabilities, ensuring that such measures cover all types of disabilities, including persons with intellectual and/or psychosocial disabilities;**

(b) **Refocus the “A Voice for All” Programme in line with the human rights-based approach to disability established in the Convention and take steps to ensure the availability of high-quality technologies and access to and the affordability of user-friendly devices, including training for staff, and increase the programme’s budget so that it covers the entire national territory.**

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

42. The Committee is concerned that, despite being provided for in article 30 of the Constitution and in article 30 of the Act on the Rights of Persons with Disabilities, freedom of expression and opinion is not a right that can be freely exercised in the State party; the Committee is concerned in particular about:

(a) The revocation of the legal personality and the forced closure between 2018 and 2022 of at least 212 civil society organizations working on behalf of women, including women with disabilities;

(b) The fact that Act No. 1040 of October 2020 requires NGOs to refrain from conducting activities related to political affairs in the State party and prohibits the funding of NGOs whose work concerns political affairs, which also includes persons with disabilities;

(c) Reports of at least 7,000 cases of attacks against women human rights defenders, including women with disabilities, who are considered enemies of the State party, including intimidation, harassment, reprisals and threats of death, rape, injury to family members and property damage, threats of arbitrary detention, arrest and prosecution against human rights defenders, religious leaders, journalists, university students and youth activists, including persons with disabilities, for expressing their views.

43. **The Committee requests the State party to:**

(a) **Restore the legal personality of human rights organizations, specifically those of persons with disabilities;**

(b) **Repeal Act No. 1040 and any legislation that discriminates on the basis of political opinion, adopt an action plan to protect the life and physical integrity of human rights defenders, including persons with disabilities, and ensure that they have access to effective remedies so that civil society organizations in general and organizations of persons with disabilities in particular can participate freely in political activities;**

(c) **Immediately release human rights defenders, including those with disabilities, who have been detained for their political opinions and participation in political and public life, and ensure the protection of their right to life, liberty and physical and psychological integrity during detention and upon release.**

44. The Committee is also concerned about:

(a) The lack of measures taken to ensure that all public information, including information relating to health and emergency services, the National Police and services for victims of violence, is available in accessible modes and formats, particularly for blind persons, deafblind persons or persons with intellectual and/or psychosocial disabilities;

(b) The barriers faced by persons with disabilities in gaining access to public information and communication, including television programmes and websites;

(c) The fact that, despite the existence of the Nicaraguan Sign Language Act (Act No. 675), to date, no roster of sign language interpreters has been drawn up, adequate training has still not been dispensed to interpreters and the sign language interpretation services available in the different areas of life remain insufficient.

45. **The Committee recommends that the State party, in close consultation and active cooperation with persons with disabilities and their representative organizations:**

(a) **Ensure that all public information, including information related to health and emergency services, is accessible to persons with different types of disabilities, and allocate sufficient funding for the development, promotion and use of accessible communication formats such as Braille, interpretation for deafblind persons, sign language, Easy Read, plain language, audio description, video transcription, captioning and tactile, augmentative and alternative means of communication;**

(b) **Ensure the accessibility of the information in the media and public communication, including television, radio and websites, making them free spaces where persons with disabilities can express their opinions without restriction;**

(c) **Promote access to and the use of sign language in all areas of life, ensure the training and availability of qualified sign language interpreters and draw up a national roster of interpreters in keeping with the Nicaraguan Sign Language Act (Act No. 675).**

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

46. The Committee is concerned that the necessary information does not exist in alternative formats and modes of communication and that Nicaraguan sign language interpreters are not available, which forces persons with disabilities to turn to third parties for legal, banking and credit matters, private correspondence or other matters, in violation of their right to privacy established in article 27 of the Act on the Rights of Persons with Disabilities (Act No. 763).

47. **The Committee recommends that the State party enforce the implementation of articles 24 and 27 of the Act on the Rights of Persons with Disabilities (Act No. 763) and take measures to ensure that accessible communication formats, such as Braille, sign language, Easy Read formats, plain language, audio description, video transcription, captioning for deaf persons and tactile, alternative and augmentative means of communication are available to persons with disabilities when they require them so that they can have access to different institutions while ensuring respect for their privacy.**

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

48. The Committee is concerned that:

(a) The Civil Code, in particular article 111 (2), contains pejorative descriptions of persons with intellectual and/or psychosocial disabilities, even prohibiting their right to marry and considering disability a ground for dissolution of marriage (article 145), and that no reference is made to adoption, all of which contravenes article 31 of the Act on the Rights of Persons with Disabilities (Act No. 763), which enshrines the right to marry, make a home, plan a family and not be separated from their children;

(b) The Family Code does not legally recognize the marriages and/or domestic partnerships of LGBTQI+ couples, which affects LGBTQI+ persons with disabilities.

49. **The Committee recommends that the State party, in close consultation and active cooperation with persons with disabilities and their representative organizations:**

(a) **Amend the Civil Code to remove all pejorative descriptions of persons with disabilities and align it with the Act on the Rights of Persons with Disabilities (Act No. 763), allowing them to exercise their right to marry, to make a home and to have children, and making specific reference to the possibility of the adoption of children with disabilities by persons with and without disabilities;**

(b) **Amend the Family Code to allow LGBTQI+ couples, including persons with disabilities, to marry and/or enter into a domestic partnership, including the possibility for them to start a family by having or adopting children.**

**Education (art. 24)**

50. The Committee is concerned about:

(a) The lack of a national plan for educational inclusion, meaning that any efforts made are isolated and insufficient and do not take into account reasonable accommodations, and the fact that priority is given to special education, especially for students with intellectual and/or psychosocial disabilities, which prevents them from making a proper transition to mainstream education, resulting in 40.98 per cent of children with disabilities not receiving an education;

(b) The persistence of barriers to the accessibility of the physical environment in all schools in the country and barriers to access to information and communications, especially for students with intellectual and/or psychosocial disabilities, and the ongoing shortage of teachers and/or support staff with specialist knowledge of Braille and sign language;

(c) The digital divide between rural and urban areas in relation to education, which also affects students with disabilities;

(d) The lack of information on the progress made in the training of teachers in schools located in urban areas and those located in rural or Indigenous communities.

**51. Recalling its general comment No. 4 (2016) on the right to inclusive education and targets 4.5 and 4.a of the Sustainable Development Goals, the Committee urges the State party, in close consultation and active cooperation with persons with disabilities and their representative organizations, to:**

(a) **Redouble its efforts to end segregated special education, especially for students with intellectual disabilities, students with Autism spectrum disorder and students with Down syndrome, also through a national action plan on quality inclusive education, with specific objectives, deadlines, human resources and sufficient budget, in order to ensure the provision of support and reasonable accommodations for students with disabilities who require them at all levels of the education system, guaranteeing access to mainstream schools for all students with disabilities, including in rural and remote areas;**

(b) **Ensure the full accessibility of educational establishments and the use of alternative and augmentative communication modalities and systems, such as Braille, Easy Read formats, education in sign language, pictograms, hearing protectors and accessible signage, guaranteeing the provision of support and reasonable accommodations for students with disabilities who require them;**

(c) **Prioritize the roll-out of digital tools designed to ensure better quality education, including for students with disabilities, in rural and Indigenous areas;**

(d) **Strengthen continuous, ongoing and quality education and training on students with disabilities for counsellors and current teaching staff and for all future teachers in training.**

**Health (art. 25)**

52. The Committee notes with concern:

(a) The barriers faced by persons with disabilities in gaining access to health services, including the inaccessibility of the physical environment, information and communications, and the lack of reasonable accommodation and training for health professionals, especially in rural and remote areas;

(b) The insufficient coverage of health services and the shortage of medicines, which especially affect women on the Caribbean Coast;

(c) The high maternal mortality rates among impoverished women, rural women, women with disabilities, Indigenous women and women of African descent;

(d) The prevalence of teenage pregnancies among women between 15 and 19 years of age, and of pregnancies among girls under 15 years of age, and the lack of educational

programmes on sexual and reproductive health for women and girls in general and for women and girls with disabilities in particular, and the fact that policy in this area is limited to the provision of contraception and the expansion of the services offered by maternity centres.

**53. Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Ensure that all persons with disabilities have access to quality health services that incorporate a gender and intercultural perspective, in both rural and remote areas, including by guaranteeing that accessibility standards are applied and reasonable accommodation is provided, that equipment and furniture are adapted to the specific needs of each disability, and that information on health services is provided in accessible formats such as Braille, sign language and Easy Read formats, and that health staff are trained on the correct way to treat persons with disabilities;**

(b) **Ensure that all persons with disabilities have access to timely and quality health-care services in both rural and urban areas, including access to medicine and rehabilitation services;**

(c) **Investigate and address the causes of high maternal mortality rates, taking preventive action such as training for rural and Indigenous midwives;**

(d) **Promote adequate sexual and reproductive education, provide information on family planning and related services, especially for women and girls with disabilities in order to prevent early pregnancies.**

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

54. The Committee is concerned about:

(a) The fact that priority is given to persons with physical disabilities in rehabilitation and habilitation programmes;

(b) The lack of information on the activities of the Carlos Fonseca Amador centre for the rehabilitation of blind and visually impaired persons and on whether it has been expanded to include a comprehensive rehabilitation centre;

(c) The fact that the few rehabilitation services that exist are concentrated in urban areas.

**55. The Committee recommends that the State party:**

(a) **Establish rehabilitation and habilitation programmes for persons with sensory, intellectual and psychosocial disabilities, and improve those already in place for persons with physical disabilities;**

(b) **Expand the Carlos Fonseca Amador rehabilitation centre to include comprehensive rehabilitation services and vocational training;**

(c) **Expand and decentralize rehabilitation services to rural areas, providing such services with trained staff and financial resources to ensure that they can operate properly.**

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

56. The Committee is concerned that, despite the efforts made by the State party, the information available suggests that widespread unemployment persists, that persons with disabilities in particular are affected, and that their situation is exacerbated by a lack of training, accessible transportation, limited access to credit at banking institutions, discriminatory attitudes in the workplace and the non-enforcement of the requirements laid down in the Labour Code and related legislation.

**57. Recalling its general comment No. 8 (2022) and, in accordance with target 8.5 of the Sustainable Development Goals, the Committee recommends that the State party, in close consultation and active cooperation with persons with disabilities:**

(a) **Develop an action plan for the inclusion in the labour market of persons with disabilities that includes affirmative action measures and incentives to encourage the employment of persons with disabilities in the public and private sectors, in urban, rural and remote areas, by establishing goals and indicators and providing the necessary resources and training;**

(b) **Encourage the inclusion of persons with disabilities in the technical training programmes of the National Technological Institute and in the entrepreneurship programmes of the Ministry for the Family, Community, Cooperative and Associative Economy;**

(c) **Collect information on persons with disabilities in regular employment and their need for reasonable accommodation and strengthen monitoring and enforcement of related laws.**

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

58. The Committee is concerned that:

(a) The vast majority of persons with disabilities of working age do not have access to social security because they have not had a formal job that would allow them to contribute and retire with a pension in line with their salary and they do not have a fixed income that would allow them to gain access to optional insurance on their own;

(b) Only 10 per cent of persons with disabilities – those with disabilities classified as “severe” by the State party – receive regular health care, have improvements made to their homes, receive food and have accessibility works carried out in their immediate surroundings;

(c) The civil society-sponsored bill on the introduction of a monthly support payment for persons with disabilities, which reached the Nicaraguan parliament in 2010, has not been considered;

(d) The number of persons with disabilities living in extreme poverty, especially in rural and remote areas, is unknown;

(e) The number of accessible housing units that the State party has allocated to persons with disabilities through affordable loans is unknown.

59. **Taking into account the links between article 28 of the Convention and target 1.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Establish mechanisms to enable persons with disabilities to gain access to social security;**

(b) **Devise a programme and a budget to ensure the allocation of support to all persons with disabilities, regardless of their specific requirements;**

(c) **Take up and consider the bill on the introduction of a monthly support payment for all persons with disabilities;**

(d) **Investigate and determine how many persons with disabilities are living in extreme poverty, especially in rural and remote areas, and take the measures necessary to remedy this situation;**

(e) **Allocate 5 per cent of social housing to persons with disabilities, making those housing units accessible depending on the needs of the recipient.**

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

60. The Committee notes that, as at the date of the initial report, 22 mayors, 226 councillors and 4 deputies and alternates in the State party were persons with disabilities; however, it is concerned about:

(a) The limited participation of persons with disabilities, particularly women with disabilities, in political and public life;

(b) The limited accessibility of voting procedures, facilities and materials and the insufficiency of election-related information for all persons with disabilities.

61. **The Committee recommends that the State party, in close consultation and active cooperation with persons with disabilities and their representative organizations:**

(a) **Actively promote the participation of persons with disabilities, especially women with disabilities, in political parties so that they can be put forward as candidates for elected office in both the capital and the municipalities, and ensure that they receive the reasonable accommodations that they require;**

(b) **Redouble its efforts to ensure that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use for all persons with disabilities, along with the provision of accommodation as regards election-related information, including election broadcasts and campaigns.**

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

62. The Committee is concerned about the inaccessibility of the physical environment and the lack of accessible information and communications for persons with disabilities in recreational, cultural and sports centres, and about the limited funding for the promotion of culture and recreational activities, a situation which hampers the enjoyment of this right.

63. **The Committee recommends that the State party adopt standards for the accessibility of the physical environment, information and communications to ensure that all persons with disabilities, including children with disabilities, have access to recreational activities, and that it allocate human and financial resources for the promotion of cultural, sporting and recreational activities, also for persons with disabilities.**

### **C. Specific obligations (arts. 31–33)**

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

64. The Committee notes with concern:

(a) The current difficulties in collecting reliable and disaggregated statistical data on the situation of persons with disabilities;

(b) That the “A Voice for All” Programme of the Ministry of Health is the main source of information in the State party on persons with disabilities and that other ministries are not actively involved in collecting information on the situation of the persons with disabilities that they serve while performing their functions, and that it is unknown whether information is disseminated regularly among society in general and organizations of persons with disabilities in particular.

65. **Recalling the Washington Group on Disability Statistics short questionnaire on disability and the Development Assistance Committee of the Organization for Economic Cooperation and Development policy marker on the inclusion and empowerment of persons with disabilities, the Committee recommends that the State party develop a data-collection system on persons with disabilities, ensuring the active and effective participation of organizations of persons with disabilities in the design, implementation and evaluation of the system, involving all ministries in the country, disaggregated by factors such as age, sex, type of impairment, type of support required, sexual orientation and gender identity, socioeconomic status, ethnicity, and place of residence, including residential institutions.**

#### **International cooperation (art. 32)**

66. The Committee notes with concern:

(a) That international cooperation in the field of disability is based solely on a medical approach and does not include social inclusion programmes covering educational, labour and development aspects;

(b) The limited extent to which organizations of persons with disabilities are consulted in connection with international cooperation strategies and programmes.

67. **The Committee recommends that the State party:**

(a) **Mainstream the human rights model of disability in the design of international cooperation projects, and use this funding for programmes to promote the social inclusion of persons with disabilities from a human rights perspective;**

(b) **Ensure close and effective consultation with organizations of persons with disabilities in the design, formulation, monitoring and evaluation of international cooperation strategies and programmes.**

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

68. The Committee is concerned about:

(a) The lack of a governing body to coordinate all ministries to ensure the proper implementation of the Convention and the monitoring of its implementation, and the need for the body in question to have an advisory committee composed of persons with disabilities;

(b) The lack of an independent mechanism for monitoring the implementation of the Convention that complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and in which organizations of persons with disabilities participate;

(c) The lack of focal points to monitor the implementation of the Convention.

69. **The Committee recommends that the State party take into account its guidelines on independent monitoring frameworks and their participation in the work of the Committee,<sup>6</sup> and that it:**

(a) **Establish a dedicated governing body to mainstream actions related to the implementation of the Convention and the monitoring and evaluation of its implementation; the body in question should include an advisory committee composed of persons with disabilities;**

(b) **Establish an independent monitoring mechanism that complies with the Paris Principles to monitor the implementation of the Convention, ensuring that it has the human and financial resources necessary to effectively discharge its mandate, and ensure the active participation of persons with disabilities and their representative organizations in the monitoring process;**

(c) **Appoint focal points to monitor the implementation of the Convention.**

## **IV. Follow-up**

### **Dissemination of information**

70. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 25, on access to justice, 29, on freedom from torture or cruel, inhuman or degrading treatment or punishment, and 43, on freedom of expression and opinion, and access to information (art. 21).

71. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

<sup>6</sup> CRPD/C/1/Rev.1, annex.

72. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

73. The Committee requests the State party to disseminate the present concluding observations widely, including to NGOs and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

#### Next periodic report

74. The Committee requests the State party to submit its combined fourth, fifth and sixth periodic reports by 7 January 2030 and to include therein information on the implementation of the recommendations made in the present concluding observations. The Committee also invites the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.

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