



**Convention on the
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Third periodic reports of States parties due in 2002

NICARAGUA* **

[1 May 2003]

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Introduction

1. In 1997, the Government of Nicaragua submitted its second report on the situation with regard to the rights of children and young persons in Nicaragua to the Committee on the Rights of the Child, in accordance with article 44 of the Convention on the Rights of the Child. This article provides that the State party should submit reports every five years, giving details of the country's progress and difficulties in fulfilling its obligations under the Convention.
2. The Government hereby submits the third report on the situation with regard to the rights of children and young persons in Nicaragua, which covers the period from 1998 to 2002.
3. In accordance with the general guidelines regarding the form and contents of periodic reports, the National Council for the Comprehensive Care and Protection of Children and Young Persons (CONAPINA) has prepared this report with financial support from the United Nations Children's Fund (UNICEF) and Save the Children.
4. The direct participation of State and civil society institutions in the preparation of the report was ensured by the involvement of delegates to the Council's Inter-agency Technical Committee, at the request of the Council's executive secretariat.
5. The first part of the report provides an overview of the situation in the country during the period concerned, and an outline of the methodology used in preparing the report. The second part is divided into chapters in accordance with the general guidelines on preparing periodic reports, as follows:
 - (a) General measures of implementation;
 - (b) Definition of the child;
 - (c) General principles;
 - (d) Civil rights and freedoms;
 - (e) Family environment and alternative care;
 - (f) Basic health and welfare;
 - (g) Education, leisure and cultural activities; and
 - (h) Special protection measures.
6. In preparing the report, consideration was given to the measures taken by the State party, the progress it has made and the difficulties it has encountered in its efforts to establish the rule of law. The aim is to create a State in which children and young people can live a full life and

grow and develop in a stable family environment, in an atmosphere of affection, love and understanding, where their rights are recognized and respected and they are encouraged to fulfil their duties as human beings.

7. In drafting each chapter, the recommendations made by the Committee on the Rights of the Child following consideration of the previous periodic report were also taken into account, in an attempt to resolve the problems the country has encountered in its efforts to enforce the rights of children and young persons.

8. The main improvements and constraints in the period from 1998 to 2002 are described, with the emphasis on the mechanisms and instruments established by the Government to guide action aimed at fulfilling its commitments.

9. Statistical information on the subjects raised in the report is provided in the annexes.

I. NATIONAL CONTEXT

10. According to the most recent estimates, Nicaragua has a population of 5.2 million. Of the total population, 49.4 per cent are children under the age of 17, 50.5 per cent of whom are boys and 48.4 per cent girls.¹

11. The country covers an area of 119,838 square kilometres, excluding Lake Cocibolca (8,264 square kilometres) and Lake Xolotlán (1,064 square kilometres). It has the lowest population density of Central America, with 43.4 inhabitants per square kilometre. Of the total population, 54 per cent live in areas classed as urban, and the estimated growth rate for the period 2000-2005 is 2.6 per cent.²

12. The country is divided into 15 political and administrative departments and two autonomous regions, the Atlántico Norte autonomous region and the Atlántico Sur autonomous region.

13. In recent years, Nicaragua has made progress towards stabilizing its economy, making the transition from a centrally-planned economy to a market economy, concluding an orderly political transition and introducing important structural reforms designed to maintain increased growth and build a more equitable society.

14. Progress towards stability has been made as a result of strict budgetary consolidation and measures to control the quasi-fiscal deficit arising from the State-owned bank's losses. These measures were intended to tackle the economic policy problems that always occur when the deficits of non-financial public sectors are reduced and when State-owned banks are restructured, privatized and liquidated.

15. Throughout the period under review, the greatest challenge in the stabilization process has been to reduce the fiscal deficit to a level consistent with external financing from donations and concessional loans from multilateral institutions, in order to avoid the need for Central Bank funding and be able to direct monetary policy towards achieving low, predictable inflation.

16. With public finances in order, the Government has gradually been able to reduce inflation towards the levels experienced in industrial countries. Nicaragua's policy for economic growth has been based on low, predictable inflation and deep structural reforms aimed at improving efficiency and encouraging investment.
17. Poverty, however, is still the main problem, with 45.8 per cent of the population living below the poverty line, including 15.1 per cent who are living in extreme poverty.³ In comparison with children who are not poor, extremely poor children are ill much more often and have less access to medical services. Furthermore, over 30 per cent of poor children and 40 per cent of extremely poor children suffer from malnutrition.⁴
18. With so many families hit by unemployment, many children and adolescents start work at an early age, which affects their development, particularly their entry into the education system.
19. The country is often affected by natural disasters, such as hurricanes, earthquakes, volcanic eruptions, droughts, fires and floods.
20. Children, young persons and people with disabilities are in a particularly vulnerable position; since a weak economy can provide them with little support, they are obliged to depend on their families and communities. Violence against women and other family members also increases the vulnerability of the poor. The country's indigenous communities, particularly those on the Caribbean coast, are among the poorest in the country.
21. Lifting people out of poverty has been a concern for all Nicaraguans and for successive Governments, which have taken steps to alleviate the heavy external debt burden and to have Nicaragua included in the Heavily Indebted Poor Countries (HIPC) Debt Initiative, with the aim of having the external debt completely written off and increasing investment in the social sector.
22. In the mid-1990s, a two-track process was launched to develop a poverty reduction strategy and to bolster that strategy as time went by. One track involved broad consultation, both within and outside the Government, with political parties, civil society, the business community, religious leaders, trade unions, non-governmental organizations and community organizations, as well as with the donor community, which had strongly supported the country's efforts. The second track revolved around the Government's decision to support the economic recovery by concentrating on the reform, renovation and expansion of the economic infrastructure and by promoting growth based on agriculture and the increased availability of key social services to the rural poor. Since the meeting of the Consultative Group in Geneva in May 1998, the Nicaraguan Government has been consolidating its social policies. The devastating effects of Hurricane Mitch in October 1998 confirmed the urgent need to focus on investment in human capital and to prioritize social protection for the most vulnerable, in order to make development in Nicaragua more sustainable. The undertaking given by the Government to the international community in this respect is embodied in the Enhanced Economic Growth and Poverty Reduction Strategy, the country's development policy, and on the possible cancellation of the debt.

23. The National Council for Economic and Social Planning was set up at the beginning of 1999. All interested parties in Nicaragua are represented in this body - business people, workers, political parties, ministries, regional governments and non-governmental organizations. The Council advises the Government on a wide range of economic and social questions, and has become the major force behind the Enhanced Strategy, which reflects many of the Council's contributions and recommendations.

24. In 1998, social expenditure on children and young persons amounted to 24.67 per cent of Nicaragua's general budget; in 2002, it reached 25.72 per cent. Despite this increase, renewed efforts are required in this area to enable the State party to make further progress in the realization of the rights of children and young persons.

25. At the special session of the United Nations General Assembly on children, held in New York in May 2002, both the achievements made during the 1990s and the new problems and challenges for the next decade were evaluated. The overall investment needed to meet those challenges was also assessed, and it became clear that efforts were required at the international as well as the national level.

26. According to a 2002 study by the Economic Commission for Latin America and the Caribbean (ECLAC) and UNICEF, entitled "New challenges for improving the quality of life of Ibero-American children and youth", one of the biggest problems facing countries like Nicaragua is the unequal distribution of income. Research has proved that this is one of the main causes of poverty. It has, moreover, been widely demonstrated that social expenditure is unarguably one of the most important ways in which a Government can influence the distribution of income and poverty. This is particularly true when spending is targeted on increased investment in human capital, beginning in early childhood.

27. Given its effect on children's performance at school and in their subsequent working lives, investment in early childhood is highly profitable in economic and social terms. It leads to both increased productivity and a better standard of living when the child reaches adulthood.

28. Table 1 contains several indicators for 1998 and 2001, many of which reflect the progress made in the situation with regard to children as a result of the Government's efforts to comply with the provisions of the Convention on the Rights of the Child and the 1998 Code on Children and Young Persons.

Table 1
Situation of children and young persons in Nicaragua:
comparison between 1998 and 2001

Indicator	1998	2001
Health		
Infant mortality rate (per 1,000 live births)	40	31
Under-five mortality rate (per 1,000 live births)	50	40
Fertility rate (per woman)	3.6	3.2
Immunization		
Polio (%)	83.0	83.2
BCG (%)	96.3	95.5
Measles (%)	92.1	86.4
Diphtheria, pertussis and tetanus (%)	84.7	82.7
Deliveries attended by health personnel (%)	65.0	67.0
Prevalence of diarrhoea among under-fives (%)	14.0	13.1
Percentage of children with diarrhoea who are receiving treatment with oral rehydration solution	55.7	50.0
Incidence of HIV/AIDS (per 100,000 live births)	**	3.7
Incidence of AIDS (per 100,000 live births)	**	1.5
Education		
Net rate of pre-school enrolment (%)	23.6	26
Net rate of primary-school enrolment (%)	73.3	81.1
Net rate of secondary-school enrolment (%)	32.0	37.2
School retention rate (%)	86.7	86.7
Illiteracy rate among people over 15 years of age (%)	20.9	20.3
Water and sanitation		
Access to drinking water in urban areas (%)	88.5	88.5
Access to drinking water in rural areas (%)	39	39
Rural population with means of disposing of excreta (%)	47	70
Special protection		
Number of child-protection centres	71	80
Number of children cared for in child-protection centres	2 960	4 232

Source: National Population and Health Survey, 1998; National Population and Health Survey, 2001; National Plan of Action for Children and Young Persons, 2002-2011; Education Statistics in Nicaragua, 1998; National Survey of Living Standards, 1998; National Survey of Living Standards, 2001.

** In 1998, 559 persons were HIV-infected and, of those, 254 (45 per cent) were suffering from AIDS.

II. METHODOLOGY USED IN THE PREPARATION OF THE REPORT

29. The methodology used in the preparation of this report was formulated by the executive secretariat of the National Council for the Comprehensive Care and Protection of Children and Young Persons, which set out the procedures to be followed from January to March 2003, by agreement with the Ministry of Foreign Affairs.

30. The preparation of the report was designed to be a participative process, and one which would provide a platform for raising awareness of the rights of children and young persons in Nicaragua. It was also seen as an opportunity to reflect on the progress that had been made and the difficulties encountered during the period under consideration. The report was therefore prepared with the cooperation of State and civil society institutions, in order to ensure that all the necessary information was provided.

31. The methodological approach envisaged the following stages within the process:

- *Internal organization:* the resources needed were identified and located, and other documents were consulted as a basis for the preparation of the report. Another important element was the establishment of a group within the secretariat to facilitate the process;
- *Meeting with all Council members:* members were informed about the implications of preparing the periodic report and about the participative process that would be employed. They were told that the institutions that constitute the Council would be involved both at their own level and at the technical level through the representatives on the Inter-agency Technical Committee, which would draft the third periodic report on the situation with regard to the rights of children and young persons in Nicaragua, covering the period 1998-2002;
- *Analysis of the general guidelines:* the guidelines regarding the form and contents were carefully appraised and analysed, and a number of documents on the implementation of the Convention on the Rights of the Child were also consulted;
- *Preparation of the forms for requesting information:* each institution was supplied with a guide giving clear instructions on how information should be provided;
- *Meetings with the Inter-agency Technical Committee:* these were held on a regular basis in order to give feedback on the information provided, fill in gaps and verify that all information had been supplied. Within the institutions, a process was developed for finding, processing, discussing and agreeing on the information required for the preparation of the report;
- *Monitoring the preparation of each institution's report:* the preparation of each institution's report was monitored by means of bilateral meetings and visits. The monitoring process involved using post, fax and telephone services to obtain information and clarify doubts, in order to guarantee that the information provided by the institutions was relevant;

- *Publicizing the process:* from the outset, information on the preparation of the report was disseminated both through the discussion groups organized by the Council and through the media;
- *Structuring and finalizing the report:* some time was allowed for the final revision of the contents and structure of the document;
- *Adoption and submission of the report.*

The following institutions took part in this process:

- The Ministry of Health;
- The Ministry of Education, Culture and Sport;
- The Ministry of the Family;
- The Ministry of Labour;
- The Ministry of the Interior;
- The Ministry of Defence;
- The Ministry of Finance and Public Credit;
- The Public Prosecutor's Office;
- The Ministry of the Environment and Natural Resources;
- The Ministry of Agriculture and Forestry;
- The Ministry of Foreign Affairs;
- The Nicaraguan Water Supply and Sewerage Corporation;
- The National Institute of Technology;
- The Nicaraguan Youth and Sports Institute;
- The Nicaraguan Institute for Municipal Development;
- The National Institute of Statistics and Censuses;
- The Nicaraguan Institute for Women;
- The Nicaraguan Cultural Institute;
- The Nicaraguan Social Security Institute;

- The National Police;
- The Department of Migration and Alien Affairs;
- The National Prison Service;
- The Office of the Procurator-General;
- The National Assembly;
- The Supreme Court;
- The Supreme Electoral Council;
- The Coordinating Federation of Non-Governmental Organizations working with Children and Young Persons; and
- The Nicaraguan Red Cross.

A. General measures of implementation

32. This section contains information on the State party's achievements regarding the general measures of implementation of the Convention on the Rights of the Child during the period under consideration. The contents of this section are in accordance with the guidelines provided by the Committee on the Rights of the Child.

33. The State party's major accomplishments in terms of policies, measures and plans at the national and local level are explained below, in the following order:

- Legislative measures;
- Measures taken to establish bodies and programmes in conformity with the Convention;
- Policies, plans and other instruments for implementing the Convention;
- The National Plan of Action for Children and Young Persons, 2002-2011;
- Steps taken in the field of information systems;
- Volume of external aid for children;
- The State party and civil society;
- Measures to promote participation by children.

1. Legislative measures

34. The Code on Children and Young Persons, passed in March 1998, established the National Council for the Comprehensive Care and Protection of Children and Young Persons which is attached to the Office of the President. It acts as a link between government bodies and coordinates with the other State authorities and civil society organizations that work with children and young persons.

35. Bearing in mind the Committee's recommendations, the State party organized a broad participatory process to review the mandates of all government institutions involved in the implementation of the Code on Children and Young Persons, as well as those of non-governmental organizations working in the field, and to examine the representation of children and young persons on the Council. That done, the Council itself was organized.

36. Act No. 351 on the Organization of the National Council for the Comprehensive Care and Protection of Children and Young Persons and the Office of the Children's and Young Persons' Ombudsman was passed in May 2002, and 5,000 pocket-editions of the text were published. The general regulations for this Act were passed by Decree No. 63-2000 in July 2000.

37. The Council is responsible for formulating and coordinating implementation of the national policy for the comprehensive care of children and young persons, and fulfils its mandate with the assistance of its executive secretariat.

38. The Council is chaired by the President of the Republic, or his or her representative; it is currently chaired by the First Lady. It is made up of one high-level delegate⁵ from each of the following institutions:

- The Ministry of the Interior;
- The Ministry of Education, Culture and Sport;
- The Ministry of Health;
- The Ministry of Labour;
- The Ministry of the Family;
- The Ministry of Finance and Public Credit;
- The Nicaraguan Water Supply and Sewerage Corporation;
- The Nicaraguan Institute for Municipal Development; and
- The Office of the Procurator for the Defence of Human Rights.

The other members of the Council are:

- Three representatives from the Coordinating Federation of Non-Governmental Organizations working with Children and Young Persons;
- A representative of children and young persons;
- A representative of the Nicaraguan Red Cross; and
- A representative of the High Council of Private Enterprise.

39. Given that article 233 of the Code on Children and Young Persons states that, in the absence of special provisions within that code, the provisions of the Code of Criminal Investigation and the Code of Civil Procedure will be applied, it is important to note that a new Code of Criminal Procedure, contained in Act No. 406, was adopted in December 2001 and entered into force on 24 December 2002, giving Nicaragua a modern criminal justice system.

40. The previous Code of Criminal Investigation dated back to 1879 and was based on an inquisitorial system of criminal justice. From a constitutional viewpoint the new legal instrument guarantees the principles of public trial, orality and concentration, and thus necessitates the introduction of an accusatorial system that is consistent with the democratic administration of justice in a State governed by the rule of law.

41. Another important development was the establishment of the Public Prosecutor's Office as an independent institution, with organizational, functional and administrative autonomy. Its job is to bring prosecutions and to represent the interests of society and of the victims of crime in criminal proceedings. Act No. 346, the Public Prosecutor's Office (Organization) Act, and its regulations were adopted in 2000.

42. A new, modern Criminal Code is in the process of being passed by the National Assembly. It reflects Nicaragua's political will to provide a service that will give people appropriate and speedy access to justice and that will bring to justice those who infringe upon the individual and social interests that are protected by criminal law.

43. The Health Act entered into force in May 2002. The principles enshrined in the Convention on the Rights of the Child are reflected in the Act's basic principles, the importance attributed to the Programme of Comprehensive Care for Women, Children and Young Persons and the definition of a basic package of health services for the care of children and young persons.

44. During the period under consideration, the State party adopted the following international legal instruments:

- The Convention on the Civil Aspects of International Child Abduction, to which Nicaragua acceded on 14 December 2000. It was adopted by Decree No. 81-2000 and entered into force on 1 March 2001;
- The Inter-American Convention on the International Return of Children, adopted in Uruguay on 15 July 1989 and adopted by Nicaragua in Decree No. 58-2002. The accession decree was published in the *Official Gazette*, No. 118 on 25 June 2002;

- The International Labour Organization (ILO) Worst Forms of Child Labour Convention, adopted by passed by Decree No. 29-2000 and published in the *Official Gazette*, No. 171, on 8 September 2000;
- The optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, adopted by Decree No. 37-2002. The accession decree was published in the *Official Gazette*, No. 82, on 6 May 2002;
- The Geneva Conventions and their additional protocols. Nicaragua is a State party to the Geneva Conventions adopted in 1949, which it ratified on 19 July 1999. The protocols entered into force in Nicaragua on 19 January 2000. Protocol I and the Fourth Geneva Convention make provision for the special protection of children.

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

45. Act No. 212 established the Office of the Procurator for the Defence of Human Rights, and the Procurator and Deputy Procurator for the Defence of Human Rights in Nicaragua were appointed on 17 June 1999. In November 1999 the Special Procurator for the Defence of the Human Rights of Children and Young Persons was sworn in, and in 2002 the Special Procurator for Women and the Special Procurator for Indigenous Peoples and Ethnic Communities were appointed.
46. The Health Act established the National Council for Health and its local offices, to act as a permanent advisory and consultative body. It is made up of representatives of the public and private sectors, including organizations from many different sectors of civil society. Its aim is to help identify the strategic activities to be carried out by the Ministry of Health.
47. Once the Act had entered into force, the health commissions activated the departmental and municipal health councils, which are suitable for promoting and monitoring compliance with the Convention. They have now been reinforced by the hospital advisory councils established by executive decree in 1999.
48. In May 2002, the National Commission for the Progressive Eradication of Child Labour and the Protection of Child Workers, established by Decree No. 22-97, was reorganized to bring its work into line with the international agreements ratified by Nicaragua and with existing domestic legislation. The new National Commission for the Eradication of Child Labour and the Protection of Young Workers (CNEPTI), attached to the Ministry of Labour, was subsequently established by Decree No. 43-2002. The aim of this body is to ensure that the legislation on the prevention and eradication of child labour and the protection of young workers is promoted and implemented.
49. Further progress during the period under consideration was made with the establishment of the National Commission on Violence against Women, Children and Young Persons by Executive Decree No. 116-2000, published in the *Official Gazette*, No. 236, on 13 December 2000. The Commission developed the National Plan of Action for the Prevention of Domestic and Sexual Violence, which provides guidelines for the State institutions

and civil society bodies involved in this field and sets out what will be required of them in the period 2001-2006. The aims of the plan are based on preventive action - identifying, dealing with and punishing domestic and sexual violence - and focus on achieving and consolidating respect for the dignity and rights of all persons and the promotion of a culture of peace within the family and among children and young persons in general.

50. In 1994, as explained in the second periodic report, the Nicaraguan Institute for Municipal Development (INIFOM) set up a programme to encourage mayors to join the Mayors' Network of Friends and Defenders of Children, and thus promote the realization of children's and young persons' rights by municipal authorities. The network has grown during the period under review, with the addition of some 132 mayors, despite the fact that three sets of municipal elections have been held since it was established. With the support and encouragement of the members of the network, 91 municipal commissions on children have been established.

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

51. In order to implement the Convention, Nicaragua has created several instruments that reaffirm the rights of the child and young persons including the Code on Children and Young Persons, which has been widely distributed in both official and abridged editions of the text. The national policy for the comprehensive care of children and young persons has also been published, and some 5,000 copies distributed.

52. Several political and institutional events have reaffirmed the need for government guidelines and plans to harmonize and coordinate efforts in the governmental and non-governmental sectors to implement the Code on Children and Young Persons and the national policy for the comprehensive care of children and young persons.

53. In March 2000, the National Plan for the Reduction of Maternal, Perinatal and Infant Mortality was drawn up.

54. In the information provided to supplement the second periodic report on the situation with regard to the rights of children and young persons, reference was made to the National Plan of Action for Children and Young Persons for 1997-2001.

55. In 2001, work began on drawing up the National Plan of Action for Children and Young Persons for 2002-2011, which incorporates the national policy for the comprehensive care of children and young persons, the Code on Children and Young Persons, sectoral and institutional plans and the international commitments entered into by Nicaragua concerning children and young persons.

56. In 2001, the Government presented its Enhanced Economic Growth and Poverty Reduction Strategy, which contains a coherent framework of policies and programmes to increase the welfare of the Nicaraguan people in the medium-term through higher employment in the production sector, greater investment in human capital, better protection of the most vulnerable and improved governance.

57. In the same year, the public policy on the commercial sexual exploitation of children and young persons was drawn up, and 2,000 copies of the text were distributed in the course of 2002.

The dissemination of this policy prepared the ground for the development of a national plan to combat the commercial sexual exploitation of children and young persons, which will be finalized in June 2003.

58. In March 2001, the National Education Plan for 2001-2015 was drawn up. The preparation of the plan brought together the Ministry of Education, Culture and Sport, the National Institute of Technology (INATEC), higher education representatives, teachers' unions, non-governmental organizations, representatives of the Church and international bodies that provide educational assistance in Nicaragua. The plan was introduced and distributed throughout the country, with 20,000 copies being distributed to teachers. It is currently being implemented.

59. The National Strategic Plan for the Prevention and Eradication of Child Labour and the Protection of Child Workers for 2001-2005 was also drawn up. It offers guidelines on strategies for a comprehensive approach to child labour.

60. In 2001, the National Police drew up and began to implement a policy on prevention and protection for children and young persons and produced a manual on special police procedures for dealing with victims and survivors of domestic and sexual violence.

4. National Plan of Action for Children and Young Persons, 2002-2011

61. In 2001, in accordance with its mandate, the executive secretariat of the National Council for the Comprehensive Care and Protection of Children and Young Persons began drafting the National Plan of Action for Children and Young Persons, 2002-2011, with the participation and support of State and civil society institutions. The plan was adopted in November 2002.

62. The drafting of the plan was a national participative process in which children and young persons played a decisive role, providing contributions and opinions. The overall aim of the plan is to progress gradually towards the effective fulfilment of the rights of children and young persons set out in the Code on Children and Young Persons and in the national policy for the comprehensive care of children and young persons. The plan was drawn up from a rights perspective, which entails recognizing children's and young persons' needs as enforceable rights and as an element of their human rights, making their fulfilment an urgent priority. The plan also incorporates some cross-cutting themes - equal rights, gender, values education, the environment and participation.

63. The plan includes the four themes that were defined in the plan of action adopted at the special session of the General Assembly on children: promoting healthy lives; providing quality education; protecting against abuse, exploitation and violence; and combating HIV/AIDS. It also contains other themes that are a priority for Nicaragua and takes up the four policies that make up the national policy for the comprehensive care of children and young persons. These are in the areas of basic social policies, welfare policies, special protection policies and policies on legal safeguards. The plan forms part of both the Enhanced Economic Growth and Poverty Reduction Strategy and the foundations of a national development process, and has a key role to play in overcoming the problems that affect children and young persons and hence the realization of their rights.

64. The components of the plan are linked to the rights that must be guaranteed for children and young persons in the following areas:

- Registration of children and young persons;
- Health and nutrition;
- Education;
- Culture and recreation;
- Water and sanitation;
- Care of children and young persons who are the victims of disasters and who are living in extreme poverty;
- Special protection;
- Juvenile criminal justice; and
- Participation of children and young persons.

5. Steps taken in the field of information systems

65. In its previous reports the Committee has referred to the need to improve the system for the collection of statistical data, and expressed concern at the lack of disaggregated data on the rights of the child.

66. Both reports have highlighted the efforts made by the State party to find solutions to this problem. The following progress may now be reported.

67. A paper has been prepared outlining steps to put into effect the recommendations made by the Committee on the second report, which will make it easier to gather data on the realization of the rights of children and young persons.

68. In order to facilitate monitoring of the realization of the rights of the child and the implementation of the Code on Children and Young Persons and the National Plan of Action for Children and Young Persons for 2002-2011, agreement has been reached on a set of indicators disaggregated by sex, area of residence, age group and ethnic group.

69. The National Institute of Statistics and Censuses is carrying out a household survey programme which produces information disaggregated by sex, area of residence, age group and ethnic group. Two surveys of standards of living and two population and health surveys which were conducted during the period under review constitute the main sources of information on the situation of children and young people.

70. In 2000, the Ministry of Health conducted a national nutrition survey, a specialized operation targeted on children under 6 and women of child-bearing age.

71. Since 1999, efforts have been under way to devise and put into operation an information system on children and young people at risk, which will operate within the Ministry of the Family. The Inter-American Development Bank has approved a technical cooperation grant for this purpose.

72. Major progress is being made in introducing modern information systems in State institutions such as the Ministry of Education, Culture and Sport, the Ministry of Health, the National Police, the National Prison Service, the Supreme Court and the Office of the Special Procurator for the Defence of the Rights of the Child.

73. The National Council for the Comprehensive Care and Protection of Children and Young Persons, supported by UNICEF, has acquired the software and devised a conceptual and institutional framework for the introduction of the information system on Nicaraguan children and young persons. Full-scale development of the system will begin in 2003. It is planned to make use of this system to monitor the situation of children and young persons at the municipal level.

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

74. During the period under review, the State party benefited from international cooperation in the implementation of projects aimed at capacity-building in State institutions and direct care for children and young people. The total received was US\$ 42,531,900 (see annex).

7. The State party and civil society

75. As previously mentioned, under Act No. 351 on the Organization of the National Council for the Comprehensive Care and Protection of Children and Young Persons and the Office of the Children's and Young Persons' Ombudsman, three members are provided by the Coordinating Federation of Non-Governmental Organizations working with Children and Young Persons. This makes it possible to ensure linkage and coordination with actions taken in pursuance of the national policy for the comprehensive care of children and young persons.

76. One of the recommendations on relations between the State and civil society made by the Committee after considering the second report was that the State party should "continue working in close cooperation with non-governmental organizations working in the field of children's rights".

77. Progress in this regard during the period 1998-2002 is reflected in the drafting of joint policies and plans, media initiatives and activities, and training and strategy-building for the promotion and protection of the rights of children and young persons at the national and local level, thus strengthening the link between State institutions and civil society.

78. Mention should be made in this context of the fact that the Coordinating Federation of Non-Governmental Organizations working with Children and Young Persons has participated in activities at the national level, including the preparation in 2000 of a report on progress towards the goals of the Plan of Action of the 1990 World Summit for Children, in which children and young persons participated, consultations on the outcome document entitled "A world fit for children" and the process of consultations and preparations for the National Plan of Action for

Children and Young Persons, 2002-2011, in which civil society participated from the stage of methodological design onwards. Participation by non-governmental organizations and civil society in this process at the local level was vital, as they played a direct role in facilitating the consultations.

79. More specifically, representatives of civil society sit on the Council's Inter-agency Technical Committee. The State and civil society also work together in the teams responsible for drawing up policies and plans in specific areas such as the commercial exploitation of children and young persons, where a start has been made on drawing up a plan of action. The National Commission for the Eradication of Child Labour and the Protection of Child Workers also brings together representatives of non-governmental organizations, private companies and civil society. Countrywide activities such as the organization of Children's Week and other activities related to the rights of children and young persons were carried out in cooperation with civil society.

8. Measures to promote participation by children

80. Further to the Committee's recommendation on this subject, to the effect that "the children to be included in the National Council should take into account and represent the interests of all groups of children, especially the most vulnerable groups", it is worth pointing out once again that the Council includes a representative of children and young persons.

81. Efforts to develop these forums have continued, and have included:

- The organization of children's assemblies, to facilitate contacts between children and municipal authorities;
- The election of children as mayors and members of children's municipal assemblies;
- Campaigns by children and young people aimed at the National Assembly and the media in connection with legislative proposals put forward in 2002 to reform the Code on Children and Young Persons, with the aim of publicizing the benefits of the reform in guaranteeing the full exercise of their rights; and
- The introduction of student councils, first set up in secondary schools, into primary schools.

In accordance with Act No. 351, the National Council is encouraging the establishment of councils of children and young persons at the national and municipal levels and in the autonomous regions.

B. Definition of the child

82. Article 2 of the Code on Children and Young Persons defines children as individuals who have not reached the age of 13 and young persons as those aged over 13 and under 18. This definition is in keeping with the Convention on the Rights of the Child.

Minimum age for various purposes

83. Notwithstanding the Committee's recommendation, there is still a variety of legal minimum ages for marriage, starting work, the end of compulsory education, legal and medical counselling, medical treatment or surgery without parental consent, and voluntary enlistment in the armed forces. The minimum age laid down for various activities is indicated below.

Legal and medical counselling, medical treatment or surgery without parental consent

84. There is no legal provision governing cases where parental consent has not been obtained. Parents are the natural legal representatives of their children.

End of compulsory education

85. Article 11 of the Primary and Secondary Education Regulations lays down that only pupils aged under 15 may enrol in daytime primary school, while those who are older must enrol in accelerated evening classes.

Admission to employment or work, including hazardous work

86. The Code on Children and Young Persons bans the employment of children and young persons for any type of work. Businesses, individuals and corporate bodies may not take on children aged under 14. Under the Labour Code, persons aged 16 and over have the legal capacity to enter into contracts, while young people aged 14 or 15 may enter into a contract of employment only with the consent of their parents.

87. Article 74 of the Code on Children and Young Persons lays down that young persons may not perform any type of work in places which are unhealthy or pose a risk to their life, health or physical, mental or moral safety, such as work in mines, underground, at waste disposal sites or in night-time entertainment centres, work involving the handling of toxic or psychotropic objects or substances, and night-shift work in general.

Part-time and full-time work

88. The minimum age for work is set at 14 under article 131 of the Labour Code. Article 134 (e) lays down that the working day must not exceed 6 hours and the working week 30 hours. Article 134 (g) specifies that children must arrange and schedule their schooling in a manner compatible with the requirements and conditions of their work.

Marriage

89. Under the Civil Code, boys of 15 and girls of 14 may enter into marriage with the permission of their parents, and males aged 21 and females aged 18 without such permission.

Sexual consent

90. Under the Criminal Code Reform Act (No. 150), a lack of consent is presumed when the victim is aged under 14.

Voluntary enlistment in the armed forces

91. The minimum age is 18, subject to parental consent.

Conscription into the armed forces

92. The minimum age is 18.

Participation in hostilities

93. The minimum age is 18.

Criminal responsibility

94. Under article 95 of the Code on Children and Young Persons, young people bear criminal responsibility if they are aged between 13 and 18 at the time when they commit an act classified as a serious or minor offence in the Criminal Code or in special laws.

Deprivation of liberty, including by arrest, detention and imprisonment

95. Young people aged between 15 and 18 who are charged with a minor or serious offence are liable to the measures stipulated in section III of the Code, while those aged over 13 but under 15 who are charged with a minor or serious offence are liable to any of the measures stipulated in section II of the Code, or those stipulated in section III, with the exception of deprivation of liberty.

96. Article 95 of the Code on Children and Young Persons institutes a special system of criminal justice under which young persons aged between 15 and 18 are placed in custody in special centres as a last resort. No measure involving deprivation of liberty in such centres may be imposed on those between 13 and 15 years of age; such measures are replaced by probation or house arrest. No young person may be subjected to arbitrary or unlawful detention or imprisonment or be deprived of his or her liberty except on grounds laid down in the law. Pre-trial detention is an exceptional measure which applies to offences which are punishable by custodial terms, only when it is not possible to apply a less severe measure.

Capital punishment and life imprisonment

97. Capital punishment does not exist. The maximum custodial term is six years for young offenders, under articles 203 and 206 of the Code on Children and Young Persons.

Giving testimony in court, in civil and criminal cases

98. Only an authorization from the judge is necessary for young persons to testify in civil and criminal cases. Young persons wishing to appear as an individual plaintiff or complainant must be legally represented, failing which the court appoints a guardian *ad litem*.

Appearing before a court in a criminal case

99. Under-age witnesses are authorized to testify by the judge. Under-age complainants must be assisted by a legal representative or guardian. They bring complaints through their legal representatives, but may testify as witnesses if they have been victims of violence or a sexual offence.

Participating in administrative and judicial proceedings affecting the child

100. Under article 17 of the Code on Children and Young Persons, children and young persons are entitled to be given a hearing in all administrative and judicial proceedings affecting the rights, freedoms and safeguards they enjoy, either in person or through a legal representative or the competent authorities.

Giving consent to change of identity, including change of name, modification of family relations, adoption and guardianship

101. The consent of a child to be adopted is required from the age of 7.

Legal capacity to inherit, to conduct property transactions and to create or join associations

102. Article 982 of the Civil Code provides that inheritance is limited to persons living at the time of opening of the succession. Article 985 relates to the relative incapacity of a guardian to inherit from a minor who has not reached full age and capacity, unless he or she has relinquished the role of guardian and has given an account of that role, or is related to the minor.*

Consumption of alcohol and other controlled substances

103. Article 66 of the Code on Children and Young Persons prohibits the proprietors of establishments and other persons from selling or supplying alcoholic drinks, tobacco, narcotics, toxic substances, inhalants, hallucinogens and substances regulated under current laws and regulations, as well as substances which produce physical or psychological dependence, to children or young persons for any reason.

C. General principles

1. Non-discrimination

104. The principle of non-discrimination is set out in the Constitution as well as in the Code on Children and Young Persons, in terms which include the grounds referred to in article 2 of the Convention on the Rights of the Child.

105. The Code on Children and Young Persons provides that all children and young persons are born and grow free and equal in dignity, and therefore enjoy all the universal rights and

* Translator's note: English version based on text of article 985.

guarantees intrinsic to the human person, in particular those laid down in the Constitution, the Code itself and the Convention on the Rights of the Child, without distinction as to race, colour, sex, age, language, religion, political opinion, national or social origin, economic status, physical or psychological circumstances or any other circumstances, in relation to their parents or guardians.

106. The Constitution provides that all Nicaraguans shall have free and equal access to education. The State party has been introducing a curricular reform based on educational standards and basic learning targets which fosters quality and fairness in education in all educational establishments.

107. With the aim of publicizing the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women and increasing awareness of them, a number of workshops for children and young people in the country's schools were held in the period under review, and for that purpose a modified version of the latter Convention was prepared using simple and accessible language.

108. During the period under review, material relating to the realization of the rights of children and young persons, including the Code on Children and Young Persons and a publication entitled "Education today, work tomorrow", were translated into the Miskito language, which is spoken along the Caribbean coast.

109. The principle of non-discrimination was also applied in the consultations on various instruments of national importance, in which children, young persons and adults representing all the regions of the country were involved. These included reports on the situation of children, a national plan of action for children and young persons for 2002-2011, a national plan of action for the prevention of domestic and sexual violence for 2001-2006, and a national strategic plan for the prevention and eradication of child labour and the protection of child workers for 2001-2005.

110. In relation to the collection of disaggregated data on various groups of children, the National Institute of Statistics and Censuses is conducting a programme of household surveys in which data are disaggregated by age group, sex, area of residence and ethnic group.

2. Best interests of the child

111. The State party has enshrined this principle in the Code on Children and Young Persons, which provides that the best interests of children and young persons should be taken into account as a key principle in all measures adopted by public and private social welfare institutions, the courts, national and municipal authorities and the autonomous regions which affect children and young persons, as well as in the interpretation and application of the Code. The rules set out in the three sections of the Code are based on this principle.

112. The principle of the best interests of the child underlies the national policy for the comprehensive care of children and young persons. This policy is put into effect through the National Plan of Action for Children and Young Persons, which is implemented by all the bodies

that are members of the National Council for the Comprehensive Care and Protection of Children and Young Persons, and hence the principle is reflected in the implementation of the plan.

113. As regards adoption procedures, the authority concerned (the Ministry of the Family) seeks to safeguard the best interests of children and young persons, on the basis of the provisions of the Code on Children and Young Persons, the Convention on the Rights of the Child and the Adoption Act. A thorough and selective assessment of the suitability of adoptive parents safeguards the rights of children and young persons, providing favourable conditions for their all-round physical, psychological, moral, cultural and social development, in keeping with the development of their abilities and the greatest benefit to the child.

114. The police have incorporated this principle in all their rules, regulations and policies relating to children and young persons. Their work is governed by the principles set out in the Code on Children and Young Persons.

115. One of the principles set out in the National Education Plan for 2002-2015 is that “students are the instruments of their own learning, in a process of continuous interaction with their teachers, their fellow students and their environment”. As this principle is put into effect through the educational reform, a humanist and constructivist approach is applied in the development of the curriculum within a framework of active participatory methodologies, to ensure that the students participate in a high-quality learning process.

116. Budget allocations in the health sector focus on care for children up to the age of 6 and for women, specifically pregnant women. In education, the focus is on the primary level, with the aim of increasing coverage and reducing the dropout rate and the repetition rate.

117. In the context of planning and development policies, the implementation of the Enhanced Economic Growth and Poverty Reduction Strategy takes the form of a reallocation of expenditure to poverty-related programmes, a higher rate of saving, better selection of investment projects and programmes through an emphasis on those with greater social impact, and greater involvement of municipal authorities and civil society in the implementation of the strategy.

118. The best interests of the child are pursued at the local level through mayors’ offices as well as municipal liaison bodies such as the municipal commissions on children and young persons, which ensure that development plans at the municipal level and municipal budgets include action to foster the realization of the rights of children and young persons.

119. As mentioned previously, Nicaragua is a country that is vulnerable to natural disasters; following Hurricane Mitch, a national system for disaster prevention, mitigation and control was set up under Act No. 337. The purpose of this system is to upgrade the national capacity for risk management, reduce the country’s vulnerability and build a rapid and efficient response capacity.

120. The civil defence organization, together with civil society organizations and local communities, and with support from international agencies, has devised training schemes to

create awareness of the fact that the principle of the best interests of the child and the right to protection and development, which guarantee that children and young persons enjoy well-being and a healthy environment, are important in such situations.

121. As regards asylum, the Code on Children and Young Persons makes provision for special protection for children and young persons who have taken refuge in Nicaragua or are victims of armed conflicts. It should be pointed out that no requests for asylum have been lodged during the period under review.

122. Seminars have been organized for staff of the Department of Migration and Alien Affairs as part of their training in this area and in dealing with migrants and Nicaraguan nationals, in order to improve their performance.

123. The Ministry of the Family is responsible for investigating and establishing the facts in asylum cases. For this purpose it takes the necessary steps as part of an adversarial oral summary administrative procedure which is free of charge and complies with the principles set out in the Convention, the Code and applicable legislation.

124. Regarding the protection and care required to guarantee children's welfare, the State party, through the Programme of Comprehensive Care for Nicaraguan Children, which is implemented by the Ministry of the Family in coordination with other State institutions, has set targets for the numbers of children to be provided with care and for the various care-providers.

125. Special attention is paid to safety issues in each of the community children's centres and "home bases" (family homes where rudimentary health advice and services are provided), and also in the family homes where early-stimulation services are provided. Under an agreement with the Ministry of Health, health inspectors examine the premises where such services are provided, and also the handling of food on such premises.

126. Health principles are incorporated into the programme for childcare and the programme for the technical and outreach workers who supervise and provide the services in the communities, through the training programme for operational staff. Similarly, training is provided for parents, as well as for the older brothers and sisters of the children cared for under the programme, who form the programme's youth network. Meanwhile, the Nicaraguan Red Cross applies this principle by organizing community-level psychological and social care for children and young persons who have been affected by disasters.

3. The right to life, survival and development

127. Article 2 of the Constitution provides that the right to life is inviolable and inherent in the human person. The Code on Children and Young Persons provides that children and young persons have an intrinsic right to life from conception onwards, and to the protection of the State through policies that permit their birth, survival, comprehensive and harmonious development, and a decent life.

128. The comprehensive care model for women and children guarantees free and equitable access to health care, with the focus on mother-and-child programmes, through a set of integrated promotion, prevention, treatment and recovery activities at various stages.

129. In 1997, young persons were identified as a priority population group and care strategies for young persons were subsequently incorporated in the national health policy. In 1998, the Programme of Comprehensive Care for Young Persons was established, with the aim of prioritizing groups at risk, guaranteeing accessible and quality care, promoting healthy lifestyles and strengthening the family as the focus of care.

130. Further efforts have been made to create strategic alliances between institutions and sectors in the development of joint activities for young people, by consolidating the youth clubs in health units, and focusing on reproductive health, healthy lifestyles and the promotion of community participation.

131. The Ministry of Health has an information system that receives continuous input from health units, which record all vital data such as births and deaths, including the major causes of death in the various age groups.

132. In an effort to produce more reliable indicators, a perinatal and infant mortality monitoring register has been introduced in all health units administered by the Ministry of Health. The register supplies basic information for the analysis of the principal factors affecting mortality and the management of specific activities to reduce mortality. Analysis is conducted jointly by individuals from various levels of the health-care system.

133. The Nicaraguan Red Cross has as its mission to protect and improve people's lives, health and dignity and to reduce their vulnerability, without distinction on the basis of race, religion, nationality, sex, social status or political belief. It seeks to reduce the vulnerability of communities and to improve standards of living and health in vulnerable sectors of the population.

134. Plans and activities in the field of suicide prevention have been formulated and implemented, with the emphasis on children and young persons; of particular note is the "Support life" programme offering training workshops for health workers and community workers on how to respond to attempted suicide by teenagers and young people and on how to prevent suicide, and providing guidelines for teachers and others working in institutions.

4. Respect for the views of the child

135. The Code on Children and Young Persons provides that all children and young persons enjoy the right to freedom with no restrictions other than those established by law, and that this right includes freedom of opinion.

136. This right includes the right to be heard in all legal or administrative proceedings affecting the child's rights, freedoms and guarantees, either in person or through a legal representative or competent authority, in accordance with the relevant procedural regulations applicable to the case and with the age and level of maturity of the child.

137. With regard to the exercise of the child's right to express a view in the event of the separation of his or her parents, article 6 of the Parent-Child Relatives Act stipulates

the following: “Should both parents offer an equivalent guarantee for the optimum development of the minor, the court shall give preference to the mother, provided that the minor is under 7 years of age, after which age the minor shall be consulted.”

138. At school, children and young people actively participate in the teaching and learning process, form student organizations and express their views on all school issues that concern them.

139. During the period under review, a child-to-child and inclusive education methodology that encourages children to be proactive was implemented. Some 1,200 copies of a guide to child-to-child and inclusive education were printed and distributed; 5,710 people, including principals, teachers, parents and children are applying the methodology through the formulation and implementation of school projects.

140. In the special system of juvenile criminal justice, every young person has the right to be heard, to have adequate time and means for the preparation of their defence, to submit evidence, to question witnesses and to present the necessary arguments for the defence and refute those that contradict them.

141. Coordinated work on the part of the police, civil society, State bodies and the community at large has resulted in the establishment of crime prevention committees. These committees have taken a number of steps to find out what the youngsters in criminal gangs think about the way in which the system of juvenile criminal justice is implemented and the main problems they have with the conduct of the police. Their opinions are taken into account so that they actually participate in finding solutions to the problems facing them.

142. The National Prison Service facilitates the exercise of the right to be heard through:

- Communication between officials, re-educators and team leaders and young people, who are invited to express their complaints or needs in writing and to give their letter either directly to the re-educator, who will pass it on to the higher authorities for an immediate response, or else to leave the letter in the appropriate box;
- Discussions with members of the young person’s family on visiting days, to deal with problems either with or without the inmate present;
- Meetings, coordinated by the team leader, with the Prisoners’ Council, which is set up by the inmates themselves, to discuss matters concerning, for example, the health committee, art, hygiene, sport or education;
- The prison authorities raise the problems and concerns with governmental, religious and human rights bodies, non-governmental organizations, civil society institutions and prisoners’ associations, with the direct participation of the young people concerned;
- Direct communication between young people and the Office of the Special Procurator for Children and Young Persons.

5. Bodies in which children participate

143. Pursuant to Act No. 351, children and young people have one representative on the National Council for the Comprehensive Care and Protection of Children and Young Persons, who is elected through a broad participatory process. Article 5 of the Act establishes that such representation is to be arranged by the Ministry of Education, Culture and Sport and the Coordinating Federation of Non-Governmental Organizations working with Children and Young Persons. Children and young people participate directly in the organization of this process at the local level; at the national level there is an essay competition on the rights of the child, for which a set of rules is drawn up. The first election, for the years 2000-2002, was held during the reporting period, and resulted in the election of a young woman and her alternate.

144. The National Council offers children and young people opportunities to participate and encourages them to put their views to decision-makers in the following ways:

- Their representative takes part in the meetings of the full members of the National Council, at which information is provided on the decisions taken concerning the rights of children and young persons; and
- The views of children and young persons are taken into account in consultations on the formulation of technical, legal and social instruments such as children's policy, action plans, evaluations and reports, etc.

145. In this connection, starting in 2000, the National Council invited children and young people to participate in:

- The formulation of a national agenda for children and young persons, which saw the participation of 160 children and young persons, who put forward their concerns, desires and viewpoints on a national plan of action for children and young persons for 2002-2011;
- Consultations on the draft of "A world fit for children", in the context of the third preparatory meeting for the special session of the General Assembly of the United Nations on children, with the aim of reaching consensus on a unified national vision of the future agenda for children. Some 560 children and young people took part in this process;
- Consultations on the national plan of action for children and young persons for 2002-2011, in which 850 children and young persons participated. Student councils acted as facilitators in the consultations on the plan of action;
- A study on myths and realities regarding the Code on Children and Young Persons; and
- Training in the Code on Children and Young Persons for various groups of children and young persons, including primary and secondary school pupils.

146. At the international level, the representatives of children and young persons on the Council and children covered by programmes run by non-governmental organizations working with children and young persons have participated in:

- The fifth American ministerial meeting on children and social policies, which reviewed progress towards fulfilment of the objectives of the Lima Agreement and the World Summit for Children;
- The third substantive session of the preparatory committee for the special session of the United Nations General Assembly. This included a workshop for young people, who took part in various meetings and round tables, sharing information and strategies with children from different countries and with adults from UNICEF and Latin American non-governmental organizations. The Nicaraguan delegate and children's representative on the National Council for the Comprehensive Care and Protection of Children and Young Persons was selected to liaise with non-governmental organizations on behalf of the children of Latin America; and
- The children's forum at the special session of the General Assembly of the United Nations, at which children and young people demanded equitable participation.

147. The Special Procurator for Children and Young Persons established the National Council for Young Persons and the National Children's Assembly as forums for children at which the major problems confronting them, their demands and needs, proposals, opinions and methods for the promotion and protection of their rights can be raised directly with the Special Procurator for Children. Similarly, in coordination with other bodies and non-governmental organizations, the Special Procurator organized the following activities:

- A national forum on participation by children and young people, attended by 160 youngsters;
- An assembly on the theme "Rural children also have rights";
- A regional forum on the right of children and young persons to participate; and
- The second National Meeting of Young Persons.

148. The Coordinating Federation of Non-Governmental Organizations working with Children and Young Persons promotes opportunities for children and young persons to participate and encourages child advocacy through the following programmes and publications:

- "Pájaro y Sol" (a radio programme);
- "Ocotlan children in action";
- "Jalapa children in action";
- "Speaking of children";

- “Kids’ stuff”;
- Radio Chavala (children’s radio);
- “My little world”;
- “From the street with children”;
- “Young people on the air”;
- *Hechos Reales y Fantasías* magazine;
- *Milafitos* magazine; and
- *La Bulla* magazine.

149. Civil society has organized a standing forum for children and young persons at which they can debate, discuss and propose ways in which they can become involved in issues of concern to them. Similarly, a group of child journalists is using the media to air the main problems facing children and young persons and proposed solutions.

150. The Ministry of Health, through its health units, has been developing a strategy for differentiated care for the 10-19 age group through the formation of youth clubs, which give young people the chance to discuss and seek solutions to the challenges of biological, psychological and social change.

151. The clubs operate in schools, maternity homes, young people’s homes, community homes and health units. They allow an exchange of information and views on young people’s attitudes and beliefs. They offer participants an opportunity to give and receive feedback on the development of new social skills that facilitate the active participation of individuals in the development of healthy lifestyles in harmony with the social reality that surrounds them. The clubs provide systematic instruction on sexual and reproductive health, HIV/AIDS, self-esteem, life planning, youth violence, domestic violence and the prevention and use of drugs and alcohol.

152. The Ministry of Education, Culture and Sport is promoting the decentralization of schools through a participatory model of education, which includes the establishment of school councils, student councils at the primary and secondary levels, student bodies for each school department and participation by secondary-school pupils in electoral monitoring and ethics bodies and in the Municipal Education Council. This model allows students to develop in a democratic environment, with the freedom to express their views and respect the ideas of others. It is intended to study and analyse the Participation in Education Act in all State-run schools. Activities to publicize the Code on Children and Young Persons have been conducted in 70 per cent of the country’s schools and teachers of different subjects have received training in the Code.

153. In implementation of an agreement between the Ministry of Health, the Ministry of Education, Culture and Sport and the Nicaraguan Water Supply and Sewerage Corporation (ENACAL), participatory analyses have been conducted in 17 schools. The most significant aspect of such analyses is their insight into the views of children about their school environment and their idea of what constitutes a “healthy child”.

154. The Mayors’ Network of Friends and Defenders of Children and the municipal commissions on children and young persons encourage the holding of children’s municipal assemblies and the election of children’s municipal councils. Participants in the assemblies put forward their demands and concerns, and for the most part these are taken up by the municipal authorities and included in their development plans and budgets.

155. Municipal authorities now include children’s issues in their planning. As a result, activities that contribute to the promotion and protection of children’s and young persons’ rights, reductions in mother-and-child mortality and access to pre-school and primary education are included in municipal plans and plans for citizen participation.

156. With regard to the training of professionals who work with children, in order to facilitate participation, the country’s teacher-training colleges are developing a project on the promotion of human rights. In this context, a series of modules on human rights has been formulated, incorporating the principles and provisions of the Convention as a cross-cutting theme in teacher-training courses.

157. The National Council for the Comprehensive Care and Protection of Children and Young Persons, as part of its strategy, is also promoting human-resources training, in coordination with the Inter-American Children’s Institute, and has helped organize conferences on juvenile criminal justice. Similarly, during 2002, seminars were held for the Journalists’ Network of Friends of Children and Young Persons in an effort to help this professional group persuade journalists to change their approach to situations involving children and young persons and to take children’s views into account.

158. With regard to the training of media professionals, 2002 saw the first postgraduate course on the rights of the child.

159. The Supreme Court has used the media to publicize measures allowing young persons to exercise the right to express their views and has promoted their active participation at each of the procedural stages established in the juvenile criminal justice system.

160. With the encouragement of the Supreme Court, the School for the Judiciary has given training courses on the special system of criminal justice to all officials working in the system of juvenile criminal justice throughout the country - judges, magistrates and administrative staff - through workshops, seminars and inter-agency meetings. This provides such officials with the tools they need to facilitate the right to participation in their day-to-day work.

161. Particular note should be taken of the efforts made by officials in the special system of criminal justice. Police stations have on display posters relating to the rights, duties and guarantees available to young people, as well as pocket guides describing procedures to be followed at the initial investigation stage.

162. The National Police was one of the first institutions to begin adapting its procedures to the new legislation for children. The rules on how to deal with children and young persons are contained in a police manual on this subject. In this context, a process began of providing training in this area for all police forces, and the Code was added to the training curricula used at the Police Academy and in in-service training courses in police units. Training has been provided to a total of 3,385 police officers; a children's rights module was created for this purpose, as well as a pocket guide to the protection and promotion of the rights of children.

D. Civil rights and freedoms

1. Name and nationality

163. The Code on Children and Young Persons provides that a child has the right to a nationality from birth, in accordance with the requirements and procedures established in the Constitution, to have a name, to know the identity of his or her mother and father, to be cared for by them and to be entered in the register of births within the deadlines established by law. The acquisition of nationality automatically implies the acquisition of civic rights, provided that the person is 16 years of age or over.⁶

164. The Constitution, in the single chapter in title III, states that Nicaraguans hold nationality by birth or naturalization.⁷ Nicaraguans by birth are:⁸

- Those born in the country, with the exception of the children of foreign nationals on diplomatic service or in the service of international organizations, unless they opt for Nicaraguan nationality;
- The children of a Nicaraguan father or mother;
- The children of unknown parents found in Nicaraguan territory, without prejudice to the legal consequences of establishing their filiation;
- The children of foreign parents born on Nicaraguan aircraft and ships, provided that an application is made.

165. The partial reform of the Constitution in January 2000 established that no national may be deprived of his or her nationality. Nicaraguan nationality cannot be lost through acquisition of another nationality.⁹ A child may acquire the nationality of both parents, by treaty and in accordance with the principle of reciprocity. Cases of dual nationality shall be dealt with in accordance with treaty provisions and the principle of reciprocity.¹⁰

166. With regard to the nationality of children of foreign nationals who are stateless, asylum-seekers or refugees, no cases occurred in the reporting period; nevertheless, should such cases arise, *jus soli* would apply, whereby an individual has the right to acquire the nationality of the country of birth.

167. Foreign nationals may apply for Nicaraguan nationality¹¹ as a naturalized citizen, subject to renunciation of their nationality if they are not nationals of a Central American country or Spain. Nicaraguan nationality thus granted is extended to the minor children of the applicant.

168. Once nationality has been granted by decision of the Ministry of the Interior and the Director-General for Migration and Alien Affairs, it is published for legal purposes in the *Official Gazette*. The party concerned must complete the acquisition of nationality by registering with the Central Registry Office, in accordance with Regulation No. 003-99, issued in 1999.

169. The naturalization register was established by decision No. 1 of the Supreme Electoral Council in 1999, pursuant to article 173 of the Constitution and article 49 (c) of Act No. 152, the Civil Identity Act. The office of the Director-General of the Central Registry Office is responsible for maintaining the register. Once registered, a naturalized citizen may request an identity card from the local municipal office, on submission of his or her naturalization certificate.

170. Nicaraguan children born abroad are registered at the nearest Nicaraguan consulate. Should a child not have been registered abroad, the birth must be recorded in the civil register of the municipality in which the parents live, whether or not the child has entered the country. For this purpose, the parents, relatives or any other adult may appear before the civil registrar to record the birth.

171. One of the functions of the Supreme Electoral Council is to administer and provide technical support for the Civil Registry Office database, as well as to issue technical and methodological guidelines for municipal registries. This arrangement led to the identification of the problem of under-registration in the country.

172. The development of a series of measures to reduce under-registration among the population under 15 years of age, with particular emphasis on rural areas, is significant in this respect.

173. Since 1997, a number of measures have been taken to resolve the problem of under-registration. Raising the issue for discussion has heightened awareness of its critical importance for the lives of children and young persons now and in the future. One early measure was to open regional registry offices in hospitals, in coordination with the Ministry of Health and the relevant town halls. In 2002, there were 19 registry offices, of which the 5 in Managua have ceased to function; the remainder are located in the departmental administrative centres of León, Chinandega, Matagalpa, Jinotega, Estelí, Bluefields (Atlántico Sur autonomous region), Puerto Cabezas (Atlántico Norte autonomous region), Ocotal, Somoto, Juigalpa, Boaco, Diriamba, Jinotepe and San Carlos.

174. In 1999 and 2000, the emphasis was placed on mass registration campaigns at the national level, focusing on 21 rural municipalities in the north, centre and north Atlantic regions of the country, which resulted in the registration of 118,000 children. This was in response to the recommendations of the Committee on the Rights of the Child that the rural sector should continue to be given priority in efforts to reduce under-registration.

175. The municipality of Managua, the largest in the country, has supported efforts to register children under 1 year of age and allow the late registration of children over that age.

176. Educational material has been produced for distribution in hospitals, health centres, government offices and the offices of non-governmental organizations, with the aim of providing

information on registration procedures, the registration at births being viewed not only as a duty of parents but as a right of children. These materials are designed to elicit the greatest number of registrations and encourage registry offices to comply with article 13 of the Code on Children and Young Persons, which stipulates that the initial birth certificate must be free of charge.

177. Meetings were organized at the national, regional and departmental levels, and were attended by representatives of institutions such as the Ministry of Health, the judiciary, the Ministry of Education, Culture and Sport, the Ministry of the Family, the Nicaraguan Institute for Municipal Development and civil society organizations.

178. During the reporting period, the Supreme Electoral Council has provided periodic training for registrars and has monitored their work, providing them with registration documents and input for the different registers, together with reference manuals and documents.

179. Various steps have been taken to ensure and improve the registration of children, including the introduction of mobile registry offices in rural areas; these have achieved good results by supporting registration campaigns and expediting procedures. Nevertheless, in December 2002 the extended deadline for the registration of children over 1 year of age, established in the Act on the Late Issuance of Birth Certificates, expired, as a result of which formalities have had to be conducted at the Central Registry Office in Managua. This poses a problem for low-income families, especially those in rural areas. As a result, the National Assembly was requested to extend the Act for a further year. In 2001, according to information from the Supreme Electoral Council, a total of 103,593 births were registered: 50,603 girls and 52,990 boys.

180. Notwithstanding the progress made in recent years, greater efforts are needed to update the regulatory framework for civil registration and to promote decentralization and the modernization of institutions, as well as greater awareness on the part of the population and State authorities of the right of children to a name and nationality. The realization of this right continues to be impeded by legal, cultural and economic factors.

181. From the cultural standpoint, notwithstanding the measures taken to increase public awareness of the importance of this right, machismo engenders irresponsible fatherhood, which in some cases results in a failure to register births so as to evade future maintenance or inheritance responsibilities.

182. In some cases, municipal policies interfere with free registration; imposing fines on parents after a certain period discourages them from doing their duty. A further constraint is that the budget allocations for the realization of this right are still inadequate.

183. Some actions being taken in addition to those mentioned above include the introduction of targets for the realization of the fundamental right of every child to a name and nationality in programmes for the comprehensive care of children. To meet these targets, mechanisms ranging from inter-agency coordination at the national level to municipal cooperation agreements involving municipal authorities have been put in place.

2. Preservation of identity

184. The Code on Children and Young Persons provides that the State must guarantee respect for the right of the child and young person to preserve his or her identity, including nationality, name and family relations; should a child or young person be illegally deprived of any or all of the elements of his or her identity, the State undertakes to provide appropriate assistance and protection to restore them.

185. In the event of illegal deprivation of one or all of the elements necessary for the identification of the child or young person, application may be made to the court in special summary proceedings by the parents or, in the absence of the parents, by the person taking care of the child. The proceedings are regulated by the Civil Code, and the Procurator-General must be represented in them by the Office of the Civil Procurator, which hands down an opinion in accordance with the law.

3. Freedom of expression

186. The Code on Children and Young Persons provides that children or young persons have the right to freely express their thoughts in public or in private, both as individuals and as part of a group, orally and in writing, or by any other means. This includes the freedom to express, reveal and be listened to in respect of their opinions, ideas, needs and feelings on the various aspects and circumstances of their personal, family, school and social life, and to seek, receive and disseminate information and ideas that promote their all-round development.

187. The guarantee of this right, as well as its free exercise and enjoyment, takes various forms, including: at school, direct participation in the child's own learning process and in student councils (decision-making forums in matters relating to education); at the community level, the establishment of children's municipal assemblies; participation in cultural and sports associations; participation in events that preserve traditions; and the opportunity to be heard in judicial and administrative proceedings affecting their rights.

188. With regard to seeking, receiving and obtaining information, the executive secretariat of the National Council for the Comprehensive Care and Protection of Children and Young Persons has a national information centre on children and the family, established in 1998 pursuant to an agreement with the Inter-American Children's Institute, a specialized agency of the Organization of American States.

189. The mission of the national information centre is to obtain information relating to children and young persons (published or unpublished documents from all over the country) and make it available to all social actors (authorities, researchers, legislators, students, etc.) and to compile an up-to-date directory of organizations working with children in Nicaragua and the rest of the Latin American region, together with up-to-date information on their programmes and projects. Similarly, children and young persons have an opportunity to obtain information on topics of concern to them from the web pages of the various agencies. They also have an opportunity to express their views through children's publications published by the national media. A further opportunity to exercise this right is offered by the coordination committees established for local planning, in which children may participate with a view to having their rights taken into account in municipal development plans.

4. Freedom of thought, conscience and religion

190. Under the Constitution, Nicaragua has no official religion. The education system respects the cultural, artistic, religious and historical values relevant to the social context of the child or young person, and promotes access to sources of culture and creative freedom, and to all the values set forth in the Convention on the Rights of the Child.

191. The Code on Children and Young Persons provides that the right to education is intended to develop to the full the child's potential, personality and physical and mental attributes and capacities, to inculcate respect for parents and for human rights and to develop the child's critical faculties.

192. These rights are reflected in the National Education Plan for 2001-2015 through its strategic approaches and education programmes and projects, whose educational content, implemented at the level of the school, is intended to educate children on the basis of social, environmental, ethical, civic, humanist and cultural values, and thus to strengthen the national identity and reaffirm respect for religious, political, ethnic, cultural, psychological and gender diversity, as well as the right of others to peaceful coexistence.

5. Freedom of association and peaceful assembly

193. Article 15 of the Code on Children and Young Persons stipulates that children and young persons enjoy the right to freedom subject only to the limitations laid down by law. This right includes the freedom to participate in meetings and associations of interest to children of their age.

194. State bodies, non-governmental organizations working with children and young persons and the Mayors' Network of Friends and Defenders of Children promote the exercise of this right.

195. Groups of child journalists use radio broadcasts to air the main problems facing children and ideas for resolving them. Humanitarian associations are encouraged. The Nicaraguan Red Cross is advocating that young persons and students from different parts of the education system should get together to instil a culture of disaster prevention and humanitarian values in young people. Other outlets for young people include the youth clubs promoted by the Ministry of Health and by Profamilia (a family welfare association), the Young Entrepreneurs group and the "4-S" clubs for rural youngsters, which are promoted by the Youth Secretariat.

6. Protection of privacy

196. The Nicaraguan Constitution protects individuals' own and their family's right to privacy. The Code on Children and Young Persons stipulates that children and young persons are not to be subjected to abuse or interference with their own or their family's privacy or with their home, belongings, property or correspondence, except as provided for by law, or to attacks on their honour or reputation.

197. This right is reflected in the judicial procedures of the juvenile criminal justice system, under which every young person has the right to respect for their own and their family's personal life and privacy. It is therefore unlawful to publish or disseminate any information about an

investigation or proceedings that might directly or indirectly reveal their identity. Any violation of this provision entails a person's administrative, civil and/or criminal responsibility (Code on Children and Young Persons, article 106).

198. The Child Labour Inspectorate of the Ministry of Labour safeguards the labour rights of young persons. The Office of the Special Procurator for Children and the municipal coordinating bodies oversee the enforcement of these rights.

7. Access to appropriate information

199. As has been pointed out earlier, Nicaragua promotes the realization of this right by disseminating the children's literature produced and distributed nationwide by the various print media, producing popular adaptations of the Convention on the Rights of the Child and the Code on Children and Young Persons and publishing teaching manuals for the various subjects studied in primary and secondary schools.

200. In addition, the Ministry of Education, Culture and Sport has produced the following materials for use by teachers with students learning about children's rights:

- Lists of learning targets in respect of the rights of children and young persons covered in courses on civics and courtesy in primary schools and in teacher training: 35,000 copies were distributed to teachers;
- Primary-school teachers' handbooks on the rights of children and young persons, of which 35,000 copies were printed and distributed;
- Modules on children's rights as part of the programme to promote human rights in teacher-training colleges: 1,500 copies were distributed (250 of each of the six modules);
- Intercultural bilingual education textbooks, with translations into the pupils' respective mother tongues (Miskito, Creole and Mayangna): these include the above-mentioned learning targets in respect of the rights of children and young persons covered in the courses on civics and courtesy.

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

201. The Constitution states that everyone has the right to respect for their physical, mental and moral integrity. No one may be subjected to torture or to cruel, inhuman or degrading treatment, punishment or procedures. Any violation of this right is an offence punishable by law.

202. Article 5 of the Code on Children and Young Persons stipulates that no child or young person shall be subjected to any form of discrimination or exploitation, illegally brought into or taken out of the country or subjected to violence, physical, mental or sexual abuse or ill-treatment, inhuman, terrifying, humiliating or oppressive treatment, cruelty, assault or negligence by action or omission in violation of their rights and freedoms.

203. The current Code of Criminal Procedure, in chapter II, entitled “Conduct of the National Police”, prohibits the use of torture, cruel, inhuman or degrading treatment or procedures and any other means of pressure that violates human dignity in the conduct of police investigations.

204. The Ministry of Education, Culture and Sport addresses this issue in the General Education Regulations, in chapter XI, entitled “Misdemeanours and punishments for teaching staff”, section 3, subsections D and E, on insulting, slandering or assaulting any member of the educational community.

205. The police take a “humanist approach”, as it is called in the Principles of Policing, to this issue. Their approach is based on a profound respect for the human person and human dignity and the observance and promotion of human rights, particularly the protection and safeguarding of the rights, freedoms and guarantees enjoyed by children and young persons. In line with this principle, the police are in the process of establishing a new culture in which children and young persons are recognized as individual members of society with recognized rights.

206. According to the principle of legality established in the Principles of Policing, police conduct is based strictly on the law, so that the way the police behave towards children and young persons is characterized by strict adherence to the Code on Children and Young Persons and by the promotion and protection of the rights accorded to them in the Code.

207. The legal reference points for the police’s approach to these issues are the international instruments on prevention such as the United Nations Guidelines for the Prevention of Juvenile Delinquency, which contains valuable recommendations on the prevention of unlawful acts involving young persons, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, which concerns pre-trial detention.

E. Family environment and alternative care

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

209. As the institution performing the role and functions of the administrative authority referred to in the Code on Children and Young Persons, it takes special measures to protect children and young persons in situations of social risk.

210. It also coordinates with the relevant agencies in emergencies to resolve the problems caused by natural disasters and ensure that the people affected by them are cared for and rehabilitated.

1. Parental guidance

211. Article 70 of the Constitution recognizes the family as the basic unit of society. According to article 6 of the Code on Children and Young Persons, the family is the natural basic unit responsible for the growth, development and overall well-being of children and young

persons. One of the principles set out in the national policy for the comprehensive care of children and young persons is that the family, in its various forms (single-parent, extended and nuclear), is the basis for the development of children and young persons.

212. Under Nicaraguan legislation - mainly the Constitution and the Code on Children and Young Persons - fathers and mothers have joint responsibility for their children's care and education. In a move that stresses the importance of parental responsibility, the Ministry of the Family is sponsoring a bill that will oblige parents to recognize their children and to respect their children's right to maintenance.

213. On the basis of a regional study on responsible parenting carried out by the Economic Commission for Latin America and the Caribbean (ECLAC), the National Council for the Comprehensive Care and Protection of Children and Young Persons has been working since 2001 on a "responsible parenting initiative", with the aim of incorporating the issue in policies on health, education and the family. To this end, a number of tools have been developed and a series of workshops held for officials from State institutions and civil society.

214. The role of parents in educating their children has been strengthened by raising public awareness, setting up self-help groups, holding workshops to exchange positive experiences and encouraging parents to support their children in their schoolwork. The Ministry of the Family provides a counselling service for families through its family guidance programmes, the aim of which is to strengthen the family and promote responsible parenting.

215. The following are some of the achievements made in this area:

- The introduction of "weekly family nights" for families with problems, to encourage communication and mutual respect;
- Encouragement for emotional and harmonious family relationships, by means of awareness-raising talks under the various programmes of the Ministry of the Family;
- Training in the rights of children and young persons, particularly with regard to parental responsibility;
- Media campaigns on the importance of the family in the proper development of children and young persons;
- Training for technical staff of the Ministry of the Family in strengthening the family and responsible parenting.

The main difficulty encountered so far has been the shortage of funding for this kind of programme.

216. With regard to the family counselling services available, since 2001 the second phase of the Programme of Comprehensive Care for Nicaraguan Children has been under way in 60 municipalities in the country. In this phase, the intention is to work more with families, implement the "Schools for Parents" programme, promote and strengthen the family and encourage child-rearing practices that respect the rights of the child.

2. Parental responsibilities

217. As mentioned in its previous report, Nicaragua has legal instruments that define all aspects of parental responsibility. They include the Constitution, which establishes the principle of equality before the law and which has a chapter on family rights, the Code on Children and Young Persons, which covers the family as a matter of principle in its chapter on family relationships, the Parent-Child Relations Act and the Maintenance Act.

218. The Ministry of the Family, in accordance with the Code on Children and Young Persons, administers maintenance payments, though only where there is agreement between the parties, and there are no sanctions for failure to meet them, which, again, is a matter for the parties. The right to maintenance has to be claimed through the courts, which makes it difficult for many mothers on low incomes to claim maintenance for their children. Some progress has been made by signing cooperation agreements with Nicaraguan universities under which law students can advise people on low incomes about questions of maintenance.

219. Despite these efforts by the State party to bolster parental responsibility, there is a deep-rooted culture of irresponsibility, particularly on the part of fathers, and the system has no mechanism for enforcing the right to maintenance.

220. For the period 2003-2005, a project is being set up to promote and implement public policies to encourage responsible parenting in Nicaragua. The project will be funded by the Government of Mexico with the aim of producing a law that will guarantee children's right to be recognized by their parents and to receive maintenance. At the same time, a public policy and plan of action will be drawn up to ensure that each of the governmental and non-governmental bodies concerned with this issue is committed to promoting responsible parenting.

221. There are few mechanisms for taking the principles of non-discrimination, respect for the child's views and the development of the child into account to the maximum extent, as provided for by the Convention, even though the Nicaraguan Constitution stipulates the following: "All children have equal rights. No discriminatory terms shall be used in matters of filiation. In ordinary legislation, any provisions or classifications that diminish or deny the equality of children shall be invalid."

222. Primary responsibility for care and development lies in the home, with the support of the community. Parents see this task as a duty, in view of the importance of a stimulating environment in the first years of a child's life and the opportunity to transmit social and moral values.

223. As has already been reported, the State party is implementing programmes that provide appropriate assistance to parents and guardians in the discharge of their responsibilities.

224. With regard to institutions, facilities and services for the care of children, the Ministry of the Family relies on child development centres to help parents with the task of bringing up their children. These centres are mostly subsidized by the State.

225. The Social Welfare Network programme is also operational in six municipalities in the country. The programme initially covered poor rural towns and was then gradually extended to

other parts of the country. The programme will be expanded as funds become available. The institutions involved are the central government institutions responsible for the delivery of public services. Under the terms of the Loan Agreement, the Ministry of Education, Culture and Sport and the Ministry of Health are the implementing agencies for two of its components as well as for the components covered by the Supplementary Social Fund (FSS).

226. The first phase covered the period 2000-2002, and the second will cover 2003-2005. The direct beneficiaries of the programme are families living in extreme poverty, whose average income is below the amount needed to meet the minimum calorific requirement, as determined by the national surveys of living standards carried out by the National Institute of Statistics and Censuses.

227. The aim of the Social Welfare Network is to help build up the human capital of families living in extreme poverty by promoting changes in their behaviour. The programme takes into account the purpose for which the network was set up.

3. Separation from parents

228. As far as legislation is concerned, the Code on Children and Young Persons recognizes the right of children and young persons not to be separated from their parents. The competent authorities for taking decisions in this connection are the Ministry of the Family and the judiciary.

229. The judicial procedure for seeking a decision on the legal separation of parents from their children takes the form of an application for a declaratory judgement of total abandonment. Parents have the right to be heard in all judicial proceedings, while the right of children and young persons to be heard is established in the Code on Children and Young Persons.

230. Under the above-mentioned measure, in order to ensure that a child who is separated from one parent can exercise the right to maintain personal relations and direct contacts with both parents on a regular basis, when special protection measures are applied to children and young persons in the administrative sphere, the child's personal circumstances or situation are taken into account and preference is given to measures to restore or strengthen family ties. In this way, children and young persons can maintain personal relations and direct contacts on a regular basis with both parents even when their parents are separated or live in different countries, as well as with grandparents and other relatives, unless to do so would not be in the best interests of the child or young person, in accordance with the rules contained in the Code on Children and Young Persons.

231. From a judicial point of view, pursuant to article 6 of Decree No. 1065, containing the Parent-Child Relations Act, in cases where the marriage has been annulled or the couple has divorced, or a married or unmarried couple has separated, if both parents offer similar guarantees, any child aged 7 or over must be consulted before the judicial authority takes a decision on the custody and guardianship of the child. This does not necessarily involve separating the child from the parent who is excluded, if a relationship with that parent may be beneficial to the child's development, but in practice the exercise of the child's right to be heard, as laid down by law, is the exception rather than the rule.

232. In practice, the circumstances referred to in article 9, paragraph 4, of the Convention on the Rights of the Child are very rare. However, when such circumstances pertain, children and young persons should, as has already been explained, be able to maintain personal relationships and direct contacts on a regular basis with their parents, even when the latter live in different countries, and with other relatives, except in cases where this would not be in the best interests of the child or young person.

4. Family reunification

233. Article 29 of the Code on Children and Young Persons stipulates the following: “Children and young persons shall have the right to leave the country with no restrictions other than those prescribed by law. When children or young persons travel outside the country, there is a basic requirement that they present to the migration authorities a written authorization from their parents or guardians, duly certified by a notary public.”

234. Applications for authorization are processed by the migration and alien affairs authorities. However, in certain cases where it would be in the best interests of the child or young person, and in order to facilitate family reunification in cases where parents and children are separated and live in different countries, the Ministry of the Family issues a migration certificate to be presented to the migration and alien affairs authorities, which enables children under the age of 18 to travel outside the country.

235. This measure guarantees children’s right to maintain personal relations with their parents when the latter live in different countries. If the parents cannot agree on matters that affect family arrangements or stability, the competent court will resolve the question in the best interests of the child or young person. The competent national authority is the civil district court, which determines if the father or mother should have custody of the children, while its ruling also ensures that the child can maintain a relationship with his or her father or mother.

236. Article 28 of the Constitution establishes that “Nicaraguans abroad enjoy the legal safeguards and protection provided by the State, which are exercised via its diplomatic and consular representatives”, but in practice there are problems in applying this article to measures aimed at ensuring that parents and children living in different countries can maintain personal relations and direct contacts.

5. Illicit transfer and non-return

237. Migrations take place in Nicaragua for economic, political, cultural, demographic, environmental and other reasons, and there are individuals who take advantage of them for criminal purposes such as child-trafficking. In view of this situation and in order to protect children from having their human rights violated by people-traffickers, the Ministry of the Interior’s Department of Migration and Alien Affairs has the power to investigate and authorize the entry to and departure from national territory by foreign and Nicaraguan children and young persons. It does this in coordination with State institutions such as the Legal Cooperation Department of the National Police, the Public Prosecutor’s Office and the judiciary.

238. Specific legislation that takes account of the situation of the child in his or her country of origin is now available for preventing and punishing individuals who traffic in highly vulnerable

persons. This legislation includes the Migration Act (Act No. 153: chapter IV, articles 52 and 56, on entry to and departure from national territory) and the Trafficking in Illegal Migrants Act (Act No. 240).

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

240. In extreme cases where the parents of a child or young person are not there to protect him or her, the Department of Migration and Alien Affairs refers the case to the Ministry of the Family for a decision.

241. In 2002, Nicaragua acceded to the Optional Protocol to the Inter-American Convention on the International Return of Children, which is intended to ensure the prompt return of children who are ordinarily resident in a State party and who have been illegally transferred to a State party from any State, or who, after being legally transferred, have been illegally retained.

6. Recovery of maintenance for the child

242. Under article 25 of the Code on Children and Young Persons, the State guarantees the right to maintenance through a flexible and free legal procedure, without prejudice to any legal provisions on the subject. The legal procedure is governed by the Maintenance Act (Act No. 143). Lack of familiarity with this law, together with other constraints of an economic or cultural nature, is an obstacle to the realization of this right.

7. Children deprived of their family environment

243. The Code on Children and Young Persons indicates the measures applicable to children deprived of their family environment either temporarily or permanently. These measures can be found in article 82 of the Code. Other types of measures to protect such children are adoption and placement in a centre or shelter. Adoption, which is mentioned in the same article, is governed by the Adoption Act (Decree No. 862).

244. There is a six-month follow-up period for adoptions by Nicaraguan nationals, while reports on international adoptions are constantly updated by the central adoption authority set up pursuant to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

245. As far as monitoring the situation in children's centres is concerned, follow-up has two purposes: one is to assess the quality of the services the children and young persons receive in them, and the other is to assess the psychosocial treatment of children in the light of their particular needs and personal circumstances.

8. Adoption

246. Article 1 of the 1981 Adoption Act takes the best interests of the child as the paramount consideration, stating that adoption should be exclusively in the interests of the all-round development of the child. The Code on Children and Young Persons states that the best interests of the child should be paramount in the implementation of special protection measures. Information on the authorities, laws and procedures for adoption (except for information on changes in the membership of the Adoption Council) was included in Nicaragua's second periodic report to the Committee on the Rights of the Child. Nicaragua has not entered into any new agreements on the subject in the intervening period.

247. The State party is attaching to this report the statistics on children adopted at home and abroad, disaggregated by year, age, gender, origin, language and religion. The difficulties encountered in the implementation of article 21 of the Convention on the Rights of the Child that were pointed out in the previous report persist. They include the shortage of qualified human resources, experts, materials and infrastructure. As far as future goals are concerned, a new bill on adoption has been drafted with a view to more effectively guaranteeing the rights of adopted children, while adhering closely to the principle of the best interests of the child.

9. Periodic review of placement

248. As far as legislative action is concerned, the Code on Children and Young Persons was adopted. In the administrative sphere, regulations have been drawn up on the relationship between the administrative authority and children's hostels. In addition, a system for providing technical assistance to the hostels has been devised and the regulated procedure is monitored by experts.

249. As has already been mentioned, this monitoring serves two purposes: one is to assess the quality of the services the children and young persons receive in children's centres, and the other is to assess the psychosocial treatment of children in the light of their particular needs and personal circumstances. This approach has not been effective because there is no budget allocation to underwrite the work: another constraint is the shortage of qualified human resources and experts.

250. The Ministry of the Family is responsible for taking administrative measures in this area, in accordance with a special administrative procedure.

251. The circumstances taken into account in deciding on the placement of the child for his or her care, protection and treatment are set out in article 76 of the Code on Children and Young Persons, although not every child or young person who is taken into care has been placed in it for those reasons.

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

252. At the legislative level, both criminal law and the legislation on children and families prohibit all forms of physical and mental violence, including corporal punishment, deliberate

humiliation, injury, abuse, neglect or exploitation, inter alia within the family, in foster and other forms of care, and in public or private institutions such as penal institutions and schools. The law provides for complaints to be lodged directly by the child or through a representative.

253. With regard to the procedures developed for intervention by the authorities in cases where the child requires protection from abuse or neglect, such intervention is provided for in the Code on Children and Young Persons but the operational procedures required in such cases have yet to be regulated. As domestic violence directly affects children and young persons, causing them physical and psychological harm that affects their development, the State party has taken the following measures:

- Pursuant to Ministerial Decision No. 67-96, on domestic violence, health units were authorized to provide care for people affected by domestic violence, and the Department for the Comprehensive Care of Women and Children was given the task of preparing plans to prevent domestic violence, regulate and provide efficient care of a high standard, as well as publicizing the problem;
- In 2001, rules and procedures were formulated to deal with domestic violence, and training was given to health staff from the 17 comprehensive local health-care systems directly involved in treating the victims of violence;
- At the local level, cross-sectoral networks have been set up to identify and monitor cases in accordance with the decisions and area of competence of each institution;
- As part of the programme on comprehensive care for children, guidelines have been issued on how to spot signs of physical or psychological ill-treatment during a medical visit so that appropriate treatment can be given;
- In 2001, a system for the epidemiological surveillance of injuries was introduced in two hospitals, the Antonio Lenín Fonseca hospital in Managua and the Santiago de Jinotepe hospital, and strengthened in another, the Oscar Danilo Rosales Arguello teaching hospital in León. The system is intended to record and analyse all emergency admissions to these hospitals for accidental or intentional injuries. The Fernando Vélez Páiz hospital is also currently using the system. In this way, children and young persons who have been abused can be identified so that a proper investigation can be carried out and suitable measures taken to improve their situation;
- Special training on domestic and sexual violence was provided for staff from the agencies responsible for monitoring the implementation of programmes and projects under the National Plan of Action for the Prevention of Domestic and Sexual Violence, and the plan itself was publicized;
- Committees on gender and violence were established to standardize action in the field of domestic and sexual violence in the places named in the national plan;
- A campaign was launched to raise awareness of violence against women, children and young persons;

- A network of services for women, children and young persons suffering from domestic or sexual violence was established (special police units, phase II) to enable women and children to exercise their right to physical security more effectively by empowering them;
- A model for the comprehensive care of the victims and survivors of domestic and sexual violence was implemented, giving them access to justice thanks to the special police units for women and children which identify cases, take preventive and direct action and offer expert help to those affected by domestic or sexual violence, including help in rebuilding their lives.

254. The Programme of Comprehensive Care for Nicaraguan Children has been operating successfully in 35 municipalities in the country since January 1997, with funding from the Nicaraguan Government, the Inter-American Development Bank and the Norwegian Agency for International Development (NORAD), and has reached 63,000 children under the age of 6. The first phase of the programme was completed in March 2001; the second got under way in 2002 and is expected to reach 86,400 children in 64 municipalities. Its main aim, as initially conceived, is to improve the well-being of children under the age of 6 living in poverty. The programme, which in its first phase was considered a pilot scheme, has the following goals:

- Increase the public sector's capacity to formulate and assess policies on children;
- Raise people's awareness of children's rights and needs;
- Involve family members in educational activities to improve child-rearing practices in the home and improve the child's surroundings;
- Increase the opportunities for women to participate in the workforce; and
- Help reduce school failure rates.

The aim of the programme is to ensure that children have comprehensive care from the womb until their admission to primary school, so as to stop the transmission of poverty from generation to generation and improve children's development, health and nutrition.

255. The programme has two components:

(a) Comprehensive care projects at the municipal level, divided into the following subcategories:

- Technical assistance for the municipal commissions on children;
- Comprehensive care; and
- Investment;

(b) Operational support and institution-building, divided into the following subcategories:

- Programme administration;
- Technical assistance and a follow-up and evaluation system; and
- Training and the media.

The comprehensive care programme is a programme of preventive care that comes under the social welfare pillar of the Enhanced Economic Growth and Poverty Reduction Strategy and provides comprehensive services through participating agencies, which might be non-governmental organizations, professional associations or national or international private consultancies selected in advance following a competitive bidding process.

256. Services are provided in the following areas: nursery education (early stimulation and pre-school activities), health, nutrition and day care for children under the age of 6, care for older siblings (aged 6-18), pregnant women and breastfeeding mothers, and training for parents and family members in the community. One of the performance indicators applied to the comprehensive care programme is the number of children registered for its comprehensive care services (they are registered by their parents at the local mayor's office). The programme reflects the priority given in Nicaragua to the provision of comprehensive care services for children under the age of 6 living in poverty.

Progress

- Children under the age of 3 improved their scores for the four “development behaviours”, from 11.7 per cent to 16.7 per cent;
- The number of children over the age of 3 whose development was classed as “at risk” fell from 7.1 per cent to 2.1 per cent;
- The incidence of diseases in children attending community children's centres fell from 10.59 per cent to 5.21 per cent;
- Internal and inter-agency agreements were concluded, including with the World Food Programme (project No. 4515), the Ministry of Education, Culture and Sport and the Ministry of Health, and were implemented in the field, thereby improving local coordination;
- An approach involving the State, civil society, the family and the community made it easier to provide high-quality care for children under the age of 6;
- The establishment of networks of non-governmental organizations in support of the comprehensive care programme helped improve conditions (infrastructure, food supplements, etc.) in community children's centres;
- The malnutrition index based on weight-for-height fell;

- The child development index rose, especially in the areas of social behaviour and language, as measured on the scale used by Latin American Centre for Perinatology and Human Development and the Ministry of Health;
- There were improvements in the child-rearing practices (as regards nutrition, health, education and care) of parents who regularly attended parents' clubs;
- Parents and older siblings, encouraged by the results of the programme, participated more in the activities of the community children's centres.

New circumstances and measures taken

In the course of the programme, certain needs, considerations and events resulting from the social situation in the country have come to light. The programme has had an important role to play in finding solutions, in line with its aim of providing continuous comprehensive care for vulnerable children from the womb until their admission to primary school:

- (a) Greater coverage of the NORAD project;
- (b) Comprehensive care services for the municipalities witnessing roadside protests (*plantones*) in connection with the coffee crisis;
- (c) Bridging the period between the first and second phases of the programme.

Historically, there has been a lack of comprehensive care services for children under the age of 6 in Managua, and this situation has persisted as priority has been given to other areas and sectors. As part of the strategy to stop the transmission of poverty from one generation to the next and to enhance the development, health and nutrition of children living in poverty in urban and semi-urban areas, it was decided to extend the coverage of the comprehensive care programme, with the support of NORAD, to targeted communities in Managua, namely, those in Tipitapa, San Francisco Libre and Ciudad Sandino and in certain districts of Managua.

F. Basic health and welfare

257. The Code on Children and Young Persons lays down that all children and young persons have the right to enjoy the highest possible level of physical and mental health, education, leisure, a healthy environment, housing, culture, recreation, social security and services for the treatment of diseases and the restoration of health, and that the State should guarantee access to those services in the context of the rights and duties of the family or those legally responsible.

258. The Ministry of Health plays a guiding role in this sector through the application of policies, plans, programmes and projects designed to assure the highest possible level of physical and mental well-being for individuals, families and the community, and by making the system more accessible, fairer and more efficient.

259. Under an approach based on comprehensive care for children, the goal has been set of lowering infant mortality rates and improving indicators relating to childhood diseases. The 2001 population and health survey showed an infant mortality rate of 31 per 1,000 live births, while the mortality rate for children aged under 5 is 40 per 1,000 live births. This shows that the reduction in infant mortality has accelerated in the past decade.

260. Against the background of the progress achieved, the State party is continuing to promote activities aimed at reducing mortality among infants as well as children under the age of 5. It is considered necessary to continue activities and develop new strategies for reducing infant mortality more rapidly, especially in the departments where the levels are highest.

261. Hand in hand with the State reforms, the Ministry of Health has revised its strategies in the search for solutions to public health problems, promoting changes in the approach to public health. These strategies were boosted with the adoption of Act No. 423, the Health Act, whose purpose is to protect the right of everyone, and particularly those in vulnerable groups, to enjoy, preserve and recover their health, in keeping with the provisions of the law and special rules on:

- Health-related principles, rights and obligations;
- Promotion, prevention, recovery and rehabilitation activities in the field of health;
- Environmental sanitation; and
- Controls over health-related products and services.

1. Disabled children

262. Care for disabled children is governed by Act No. 202, the Disabled Persons (Prevention, Rehabilitation and Equal Opportunities) Act, implemented through the National Council for Rehabilitation and using a model for differentiated rehabilitation care.

263. Action taken in pursuance of Act No. 202 includes the introduction of guidelines for the prevention of disability and the promotion of comprehensive rehabilitation, the provision of physiotherapy units in 22 health centres and 18 rehabilitation services, broader coverage of rehabilitation care, the setting up of prosthetic and orthotic workshops, the conduct of training activities for professional and technical personnel working in rehabilitation, the preparation of handbooks and notebooks for disability prevention and rehabilitation, direct care for disabled children in the country's rehabilitation services, a variety of activities designed to promote community-based rehabilitation and the establishment and running of 23 early stimulation centres operating on an intersectoral basis.

264. Multi-agency awareness-raising seminars have been organized on the human rights of the mentally disabled, with participation by government authorities, legal officials, journalists, organizations working with mentally disabled children and young people and primary and secondary health-care personnel. A technical cooperation agreement was signed by Chile and Nicaragua for the prevention of disability in infancy and for early detection and treatment. The National Council for Rehabilitation is coordinated by the Ministry of Health and composed of representatives of the Ministry of the Family, the Ministry of Education, Culture and Sport,

Los Pipitos (an association of parents of disabled children) and the National Institute of Technology. One of the Council's first actions was to publicize Act No. 202, Decree No. 50-97 on the implementation of the Act, and the national policy on prevention, rehabilitation and equal opportunities for disabled persons. In order to broaden the coverage of rehabilitation care, the following levels of care have been identified:

Level I: Community-based rehabilitation, based in the community and in health units and centres (preventive level);

Level II: Rehabilitation directed by the basic rehabilitation team. The operational base is the departmental hospital;

Level III: High-complexity care. Production of orthotic and prosthetic appliances, social welfare services, professional training and research.

265. For each of the levels identified, the functions, human resources required and proposed activities have been outlined. Level I includes health units and centres and the network of non-institutional support (the Community Organization for Health). There are 835 units at this level, of which 178 are health centres, and 40 of these centres (23 per cent) offer physiotherapy services. In level II, the hospital network contains 40 establishments, 4 of which are specialized national referral institutions while 36 are acute-care hospitals intended for short stays. There are 23 rehabilitation departments in the hospital network, so that rehabilitation is available in 56 per cent of the network. Not all the hospitals have specialists in physical medicine: 10 do, while the remainder have generalists who are trained in rehabilitation.

266. Level III care is provided in the Aldo Chavarría National Rehabilitation Hospital, which has 52 beds and an occupancy rate of 100 per cent. It treats all types of disability. It is a teaching hospital, and accepts referrals from all over the country. Production and fitting of orthotic and prosthetic appliances is carried out by the national centre for the production of orthotic and prosthetic appliances and technical aids.

267. The National Council for Rehabilitation, through its member bodies, implements programmes of comprehensive care for disabled children and young people which range from physical recovery to remedial care under the different options offered by the Department of Special Education in the Ministry of Education, Culture and Sport, and the training programmes provided by the National Institute of Technology. Specific activities in the field of leisure, culture and sport are conducted within the care-providing institutions, and nationally coordinated cultural and public awareness events are also organized to enable disabled children and young people to realize their rights free of all discrimination.

268. The increase in the incidence of child disability in recent years resulting from a number of causes such as the armed conflict in the country, extreme poverty, social exclusion, malnutrition, illiteracy, rapid population growth and population movements and migration has made it hard to provide complete coverage for this problem. The Ministry of Health is continuing the training of staff who work in rehabilitation in the health units, while also seeking to strengthen coordination between sectors and agencies to foster a joint approach to the problems linked with disability, with priority given to young children.

2. Health and health services

269. Steps taken in this area involved implementation of the strategy for comprehensive treatment of common childhood diseases, expanding coverage of care for under-fives at the primary level through agreements with non-governmental organizations, vaccination programmes, both on a systematic basis and in connection with National Health Days, nutrition-related activities to promote mother and baby welfare, efforts to cut teenage pregnancies, implementation of the National Plan for the Reduction of Maternal, Perinatal and Infant Mortality, implementation of the National Programme on Sexually Transmitted Diseases and HIV/AIDS, and the establishment of the National Council for Mental Health. Progress during the period under review is described below.

Comprehensive treatment of common childhood diseases

270. Implementation of the strategy for the comprehensive treatment of common childhood diseases began in 1997, complementing the model for comprehensive care for children which has been introduced in around 90 per cent of the health units in the country's network of services. The year 2000 saw the adoption of the "Healthy Children" initiative, committing the country to a strategy of reducing mortality among infants and under-fives. In addition, a process of testing and validation of strategies at the community level was introduced as the centrepiece for health promotion and timely detection of disease in children under the age of 5.

271. Within the programme of comprehensive care for children in the under-5 age group, coverage of the component dealing with monitoring and promotion of growth and development rose slightly in 2001, to 68.7 per cent. Children aged under 5 benefited from an average of four medical visits per year.

Mortality among infants and children under the age of 5

272. Periodic checks of children, together with the implementation of the strategy for the comprehensive treatment of common childhood diseases, helped to reduce the death rate both among infants under the age of 1 and children aged between 1 and 4, which in 1998 stood at 40 and 50 per 1,000 live births respectively, falling to 31 and 40 per 1,000 live births in 2001.¹² This shows that the reduction in infant mortality has accelerated in the past decade.

273. The fall in mortality among infants and under-fives occurred in respect of common childhood diseases such as acute diarrhoeal disease and acute respiratory infections. The mortality rate for diarrhoeal diseases was brought down from 25.9 to 16 per 10,000 births between 1998 and 2001 for infants under 1 year of age, and from 1.9 to 0.9 per 10,000 births for children aged between 1 and 4. Over the same period, the rate for acute respiratory infections fell from 14.1 to 11.6 per 10,000 births and from 1.8 to 1.0 per 10,000 births respectively. This fall was achieved through the stepping up of promotion and prevention efforts, the use of oral rehydration therapy, an extensive programme of immunization and a community network offering advice together with early detection of risk indicators in children and young people, so that they can be transferred to health units.

Extensive system of immunization

274. As part of the programme of comprehensive care for children, vaccination efforts have been carried out, both systematically and in connection with National Health Days, for children under 5, with priority given to those aged under 1, as well as for Nicaraguans aged over 6 and women of childbearing age. These efforts include vaccination against the principal vaccine-preventable diseases, the administration of vitamin A and the elimination of intestinal parasites - the last of these as part of National Health Day.

275. Each year, two National Health Days are held to provide an opportunity for an extensive free programme of immunization of children and young people covering the remotest parts of the country and ensuring protection from 11 childhood diseases. In addition, the country is conducting a systematic campaign aimed at reducing the incidence of measles to zero. This started with a major drive in 1992, with follow-up campaigns in 1996 and 2000 and a third scheduled in 2004.

276. Effective coverage of over 90 per cent has been maintained for all biologicals. Acute poliomyelitis has been eradicated; 9 years have passed with no confirmed cases of measles and 10 years without any deaths; there have been no cases of diphtheria or whooping cough; there has been a marked drop in cases of neonatal and non-neonatal tetanus; and a sustainable supply of vaccines and other inputs has been available.

277. There are nevertheless factors which need attention and which could affect the achievements so far - for example, the threat of measles introduced by immigrants and persons in transit from other countries, as well as logistical problems hindering access to remote communities and scattered population groups.

Nutrition and breastfeeding

278. In view of the fact that malnutrition is a problem which has many causes, it must be addressed in a multisectoral, multidisciplinary and inter-agency manner with community participation, and this calls for an approach linked to food security. The Ministry of Health has been pursuing various strategies to tackle this public health problem. Currently, two pilot nutrition projects are under way in areas and regions considered to be suffering from extreme poverty. The very important shared characteristic of these projects is that they call for mothers to make changes in patterns of feeding and nutrition.

279. Currently salt is enriched with iodine, sugar with vitamin A and wheat flour with iron, folic acid and B-complex vitamins throughout the Central American Customs Union. A quality control system exists for fortified food products.

280. Children aged between 6 and 59 months were given vitamin A supplements during the 2002 National Health Day, with coverage reaching 81 per cent. Biscuits were enriched with vitamin A, iron and folic acid in 75 per cent of the country's schools. All the sugar produced in Nicaragua is enriched with vitamin A.

281. Ferrous sulphate supplements are being given to 70 per cent of women receiving prenatal care. Iron-enriched bread is eaten in 95 per cent of homes, while 98.3 per cent of salt consumed domestically is properly iodized (National Population and Health Survey, 2001).

282. The National Micronutrient Survey carried out in 2000 reported that more than 8.8 per cent of children aged between 6 and 59 months suffered from vitamin A deficiency, while the prevalence of anaemia in the same age group, weighted and adjusted for age, was 33.5 per cent. In order to tackle the problem of micronutrient deficiency, Nicaragua plans to continue dispensing large doses of vitamin A every six months and to enrich salt with iodine, wheat flour with iron, and sugar with vitamin A. The prevalence of chronic malnutrition (growth retardation) fell from 25 per cent in 1998 to 20 per cent in 2001 (National Population and Health Survey). The Community Health and Nutrition Programme was implemented in five comprehensive local health-care systems, covering 86 communities. Its objectives are to monitor growth in the form of weight gain among children under the age of 2, to encourage families and the community to care for children themselves, and to promote improved nutrition through training focused on changes in behaviour in the field of health, food and nutrition.

283. The integrated system for monitoring nutrition-related activities was devised and introduced to monitor the conduct and impact of action taken by the Ministry of Health in the field of nutrition. Consumption of fortified food products has been encouraged through information, education and communication campaigns: materials such as posters and flip charts have been prepared, and media strategies developed for radio, television, etc.

284. Bills are before the National Assembly for approval on iodization and fluoridation of salt, security in the fields of food and nutrition, a proposed national commission on micronutrients and other matters.

285. Efforts have been made to expand coverage of care for under-fives at the primary level through agreements with non-governmental organizations for the provision of a package of comprehensive services, with support from the Health Sector Modernization Programme, in remote areas such as Río San Juan and the Atlántico Norte autonomous region.

286. The population and health surveys show that exclusive breastfeeding of infants aged under 4 months increased from 17 per cent to 30 per cent between 1998 and 2001. The figure rises to 47 per cent for infants under the age of 2 months, falling to 12 per cent in those aged 4 to 5 months. Of children aged under 6 months, 46 per cent are predominantly breastfed; less than a third are exclusively breastfed, while 15 per cent receive their mother's milk plus other liquids, and the remainder are given milk other than their mother's milk and complementary feeding. Mention should be made of the progress made with the Baby-Friendly and Mother-Friendly Hospital Initiative, with 64 per cent of the country's hospitals (12 out of 19) approved under this scheme.

Health care for young people

287. The 2001 population and health survey shows that 85 per cent of pregnant teenagers received prenatal care from health personnel, with prenatal care quality criteria met in over 90 per cent of cases. A total of 40.6 per cent received two or more doses of tetanus toxoid vaccination and 37.5 per cent one dose. In all, 66.1 per cent of deliveries took place in the public

sector, 2.9 per cent in the private sector and 39.4 per cent at home. Health personnel assisted in 69.6 per cent of cases, midwives in 20.4 per cent of cases and relatives or friends in 8.9 per cent of cases. In the latter case, the quality of care was compromised, raising the risk of maternal death, as was shown by the fact that this category accounted for 27 per cent of all maternal deaths recorded in 2001 (Ministry of Health, 2001).

288. Training for health personnel who deal with young people has been provided in such areas as programme basics, technical and administrative standards, a handbook of comprehensive care for young people, life skills, participatory techniques and counselling for young people.

289. A total of 580 youth clubs have been set up in 15 of the country's departments, with the exception of the Atlántico Norte autonomous region and Río San Juan. They have 7,301 members, both boys and girls. In addition, 54 clubs for pregnant teenagers have been set up in six departments, providing prenatal health care, specialized multidisciplinary psychosocial care and psychological and preventive preparation for childbirth. Over the past five years there has been a decline in births to teenagers, from 32.7 per cent in 1998 to 28.4 per cent in 2002. Five research projects on youth-related topics have also been carried out, including a diagnostic survey of young people's health, a study of reproductive health in young males and a comparative analysis of three models of health care for young people.

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

290. In 1999, the Government approved Act No. 238, on the protection and defence of human rights in the context of AIDS, and the Nicaraguan Commission on AIDS was set up to provide an enhanced multisectoral response to this problem. The National Strategic Plan to Combat Sexually Transmitted Diseases and HIV/AIDS was drawn up and is being implemented as a guide for the main strategies and activities in the country. A specific information, education and communication plan was prepared; it is aimed at young people and women of child-bearing age, using peer-group methodology.

291. As far as the HIV/AIDS situation is concerned, 50 HIV-positive males and 47 females have been recorded in the under-19 age group, with 13 cases of AIDS among males and 13 among women in the same age group. Official statistics on cases registered during 2001 show rates of incidence of 3.7 per 100,000 for HIV/AIDS and 1.5 per 100,000 for AIDS. The departments along the borders and those which have major ports have recorded the largest numbers of cases.

292. Care is provided for all HIV-positive pregnant women who are identified, using antiretroviral treatment in order to reduce mother-to-child transmission. The 2001 population and health survey shows that 82.3 per cent of the women of child-bearing age (15-49) questioned are aware of at least three ways of avoiding HIV infection, that 58 per cent correctly identified the ways in which the virus can be passed from mother to child, and that 6 per cent report having undergone an AIDS test. The attitude of women to condom use as a means of preventing the transmission of sexually transmitted diseases and HIV/AIDS is far from positive: only 5.3 per cent of them ask their partners to use a condom.

Specialized training for persons providing treatment for children and young people who have suffered sexual abuse

293. Specialized training has been given to persons providing treatment for sexually abused children and young people. Mental health personnel have been trained in psychotherapeutic approaches to sexual abuse of children and incest. Such care is currently being provided to children and young people in the departments of Carazo, Masaya, Managua, Nueva Segovia, León, Chinandega, Chontales, Rivas and Ciudad Sandino, and in the Hospital Psiquiátrico and the Fernando Vélaz Páiz hospital. Plans have been drawn up for the prevention of suicidal conduct, with a focus on children and young people. The Ministry of Health carried out a joint project with the National Council for Drug Control and the coordinating group for prevention of drug use, both of which are cross-sectoral bodies, that led to the drafting of rules governing the treatment of users of psychoactive substances, which are to be printed shortly.

Intersectoral projects

294. One product of coordination between agencies was a project coordinated by the Ministry of the Family together with the Ministry of Health and the Ministry of Education, Culture and Sport, on a programme of comprehensive care for children and young persons at risk. It was designed to train schoolteachers in drug counselling for pupils in District II in Managua.

295. Following the damage caused by Hurricane Mitch, mental health personnel formed teams to provide psychosocial care to those affected. The "Return of Happiness" project, coordinated by the Ministry of Education, Culture and Sport, was one of the principal activities involved.

296. This project also led to significant results in other stressful situations, especially for children, such as outbreaks of epidemic diseases. The experience acquired through the "Return of Happiness" project has led other countries to seek assistance from the Nicaraguan mental health team in implementing the strategy in their own countries. The establishment of the National Council for Mental Health is awaiting a ministerial signature.

297. Difficulties arising in the area of health and health services are related to:

- The need to train teaching staff in the main training centres for health workers in the application of the strategy for the comprehensive treatment of common childhood diseases;
- The low level of education among the population, which has encouraged self-medication and is partly responsible for a failure to recognize danger signs, leading to delays in seeking treatment in health units;
- The failure to apply systematically the rules for monitoring and following up the strategy on common childhood diseases;
- The proportion of early neonatal mortality among child deaths, which has become apparent as deaths from the most common diseases have declined (71 per cent of child deaths occur in the perinatal period);

- Shortage of funds to maintain the cold chain for preventive and corrective purposes;
- Difficulties in tackling the problem of perinatal mortality, since it has many causes and demands changes in the organization and quality of services and a proper supply of basic inputs;
- The fact that it is still not possible to guarantee antiretroviral treatment for infants born to seropositive women or to provide post-natal laboratory-based monitoring of seropositive women;
- The shortage of specialist mental health staff in most comprehensive local health-care systems and hospitals: the provision of medicines under the mental health programme has also diminished;
- Difficulties in obtaining funds for the construction of a proposed national mental health centre for children, young people and adults.

298. The Ministry of Health plans the following activities to address existing problems, taking into account current constraints:

- Development of the strategy for comprehensive community-based health care for children, involving the various stakeholders and agencies working to help children at the national level;
- Development of strategies to reduce lost opportunities in comprehensive health care for children;
- Greater efforts to implement the plan to reduce maternal, perinatal and child mortality, with public and private support;
- Efforts to strengthen the strategy for systematic vaccination, in both public and private facilities, with priority for children aged under 2;
- Preparation of a national nutrition plan to boost nutrition-related activities in the health services network and continued development of strategies for supplementing and enriching food products with micronutrients, including modernization of the salt industry to facilitate iodization and fluoridation;
- Stepping up of epidemiological monitoring of HIV/AIDS through activities carried out in border areas and follow-up efforts for itinerant population groups;
- Application of the HIV/AIDS treatment model, validation of the protocol for use of antiretrovirals and establishment of a multidisciplinary committee on the use of antiretrovirals;

- Training of personnel in health units assigned to the mental health programme, in order to improve detection and treatment of mental health problems among children and young people, and agree on an appropriate therapeutic approach to child sexual abuse;
- Continued search for funding for the construction of the centre for psychosocial care for children and young people.

Water and sanitation

299. Given that improving the supply of drinking water and sanitation to the general population improves the supply of these services to children and young persons, it also implies an improvement in health indicators among these population groups.

300. The supply of drinking water covered 88.5 per cent of the urban population and 39 per cent of the population in rural areas in 2000. Nationwide, 66.5 per cent of the population was covered by these services. In urban areas, the sewerage system covered 36.8 per cent of the population, which, when added to the population using latrines (58.6 per cent), amounted to coverage of 95.4 per cent of the total population.

Coverage of drinking-water and sanitation services (percentage of population)

Year	Nationwide		Urban areas		Rural areas
	Drinking water	Sewerage systems	Drinking water	Sewerage systems	Water and sanitation
1998	62.8	32.8	88.3	32.3	36.8
1999	66.5	36.0	88.5	33.6	39
2000	68.1	37.7	89.3	34.9	41.1
2001	72.2	38.5	89.6	31.0	48.5
2002	72.8	39.9	89.5	32.7	49.8

301. Work has been under way to supply drinking water to rural areas, through bored or hand-dug wells equipped with hand pumps and systems for collecting water from springs or rivers to supply rural communities. Latrines have been provided for every home, as well as family sanitation units, which are used for bathing and laundry.

302. The drinking-water supply systems, particularly bored and hand-dug wells, are located upstream and at a sensible distance from the latrines, in order to avoid faecal contamination. In towns, the construction of wells is being monitored to ensure that they are not located near rubbish dumps, cemeteries or other sources of contamination.

303. Campaigns have been launched to train people in the maintenance and operation of these installations, as well as in good hygiene, water management, environmental protection and solid-waste disposal. The campaigns include seminars and workshops, and the use of posters and all sorts of advertising. Social workers coordinate these programmes in both urban and rural

areas. The urban and rural communities have adopted these measures, and in many of them people have stopped bathing and doing laundry in rivers, as well as taking water from them, and are instead using the drinking-water and sanitation services provided.

304. At present, there are 22 sanitation and sewerage systems in urban areas (out of a total of 145 water supply systems managed by the Nicaraguan Water Supply and Sewerage Corporation) and two new systems are due to be installed in the cities of Matagalpa and Jinotega: these water supply systems will be managed by the municipal authorities. In rural areas, the strategy adopted is based on working in partnership with communities to find individual solutions for the disposal of excreta and sewage, largely because most potential users cannot afford to pay for the work to be done to connect their homes up to a mains water system. According to the 2001 National Survey of Living Standards, 70 per cent of the rural population has some means of disposing of excreta. This figure reflects the need for increased coverage of drinking-water and sanitation services in rural areas.

305. The measures implemented in rural areas have been highly successful in terms of sustainability. The local communities, organized through drinking-water and sanitation committees, have taken over responsibility for the care and maintenance of the systems and for educating people about more hygienic water-consumption practices, with a view to preventing illness, especially in children. However, the absence of legal instruments to guarantee the legal personality of the community associations in charge of managing and maintaining the systems may present an obstacle in the short and medium term to the sustainability of this type of measure.

306. Efforts continue to be made to promote good hygiene, maintain communal facilities and protect the environment, particularly in the rural areas that are the most cut off from progress in this field. However, if these measures are to be sustained, more resources per person will be required, since the communities concerned are increasingly scattered or are finding it more difficult to obtain drinking water. The political will to improve conditions for these people, as expressed in the Enhanced Economic Growth and Poverty Reduction Strategy, will be of great help. However, the lack of resources to invest in the vast Atlántico regions and the central region of the country presents a new challenge to the sector. As regards the realization of the rights of the child, the target is basically to improve coverage for children and young persons, as well as the population in general, by:

- Raising public awareness of the use, management and conservation of existing water sources and facilities;
- Encouraging a culture of good hygiene and sanitary habits;
- Promoting and strengthening the legal framework to guarantee enforcement of the environmental protection regulations relevant to water resources;
- Expanding and improving drinking-water and sanitation services; and
- Taking action to protect and conserve the natural resources that contribute to sanitation services.

Social security

307. In accordance with the Code on Children and Young Persons, all children and young persons have the right to enjoy the highest attainable standard of physical and mental health, education, leisure, environmental health, housing, culture, recreation, social security, treatment for illness and health services.

308. The Social Security Act, contained in Decree No. 974, provides that the Nicaraguan Social Security Institute will provide a nursing mother's allowance for the first six months of a child's life, subject to the following conditions: breastfeeding shall be encouraged; in the case of breastfed babies, the Paediatrics Service shall supply the appropriate products to keep their mothers in good health; and, in the case of babies who are not breastfed, the milk given shall preferably be of the quality, quantity and type determined by the Paediatrics Service. In either case, the mother may be given cash to the value of the product rather than the product itself.

309. In the event of the mother's death or absence, the nursing mother's allowance will be given to the person responsible for the child. The allowance is suspended if the mother or the person replacing her does not take the child for the periodic check-ups ordered by the Paediatrics Service. The child's eligibility for the allowance is determined according to the criteria set out in the Civil Code. In cases where the child's parents are living together and the child is therefore clearly eligible, the child's eligibility will be recognized even if the legal time requirement has not been met.

310. Any child under the age of 15 and any disabled child of any age whose father or mother is insured and dies is entitled to an orphan's benefit worth 25 per cent of the benefit received by the deceased or of any total invalidity benefit received by the deceased, provided that the deceased had paid the contributions required to be eligible for it, without including family allowances.

311. The orphan's benefit is doubled if both parents die. If both parents were insured, the two single orphan's benefits payable on their account will be paid, or increased by 50 per cent if this is advantageous to the beneficiary.

312. As mentioned earlier, the Nicaraguan Social Security Institute grants the orphan's benefit to orphans aged over 15 but under 21 who may not be contributing to the scheme but who are studying and making satisfactory progress. If they fail an end-of-year examination, their benefit will be suspended until they pass the next one.

313. If the children's upkeep is not being paid for by the surviving spouse, the orphan's benefit for them will be paid to the institution taking care of them. In the case of old-age pensions, all children under the age of 21 are entitled to a family allowance of 10 per cent of the pension received by the insured person.

G. Education, leisure and cultural activities

314. Article 116 of the Nicaraguan Constitution states that the purpose of education is to provide a full all-round education for Nicaraguans, develop their critical, scientific and

humanistic awareness, personality and sense of dignity, and train them to assume the tasks of common interest required for the nation's progress. Education is consequently a fundamental factor in the transformation and development of the individual and society.

315. Article 43 of the Code on Children and Young Persons establishes the right of children and young persons to an education that will develop to the maximum extent possible their potential, their personality and their physical and mental attributes and capacities, inculcate respect for their parents and human rights, develop their critical faculties, prepare them to become responsible citizens and qualify them for work, with an emphasis on reducing the current disparities in the education of girls and boys.

316. The Ministry of Education, Culture and Sport is responsible for guaranteeing children's and young persons' right to education, leisure, culture and sport. It has the task of drawing up policies and implementing programmes and projects in the field of nursery, primary, secondary, adult and literacy education. It coordinates activities related to culture and sport with the Nicaraguan Cultural Institute and the Nicaraguan Youth and Sports Institute.

317. Principle No. 2 of the National Education Plan for 2001-2015 states that education creates and shapes the human being and social, environmental, ethical, civic, humanist and cultural values, with the aim of strengthening the national identity. It reaffirms respect for religious, political, ethnic, cultural, psychological and gender diversity, as well as the right of others to peaceful coexistence.

1. Nursery education

318. According to the Ministry of Education, Culture and Sport, the net enrolment rate for nursery schools in 2001 was 26 per cent. However, in the 3-6 age range, the rate was 40.4 per cent. It should be pointed out that the highest enrolment rate, of 55.8 per cent, was reached in level III, which reflects the policy of giving priority to 5- and 6-year-olds in all State-run schools in order to increase their chances of success in first grade and thus reduce repetition and dropout rates. Also in 2001, the net enrolment rate in urban areas was 23.3 per cent, or 48.4 per cent of total enrolment. Nationwide, 49.5 per cent of the children enrolled were girls, and 50.5 per cent were boys. The overall retention rate was 86.7 per cent - 87.9 per cent in urban areas and 85.7 per cent in rural ones.

319. Nursery education in Nicaragua is provided for only a very small percentage of children under the age of 3. For children of this age who are in nursery schools, there is greater emphasis on physical development and survival skills than on cognitive and psychosocial development. One of the initiatives promoted by the Ministry of the Family in this respect is the Programme of Comprehensive Care for Nicaraguan Children, which aims to promote comprehensive and continuous care for children up to the age of six, from the womb until their admission to primary school.

320. The number of children under the age of 6 who are receiving an education has increased: the formal and informal education systems are now catering for a total of 177,450 children of this age, despite a shortage of financial and human resources. Educational coverage is also affected by the emigration and dispersal of the rural population. To deal with this, new strategies for community services are being implemented and funding is being arranged to increase

coverage and improve services to users. Given the importance of nursery and pre-school education, a policy on comprehensive care for children up to the age of 6 is under preparation.

321. A framework curriculum was devised to help those working with children between the ages of 3 and 6 in community-run nursery schools and centres. In this curriculum, the child is viewed as a person in his or her own right and as a “subject of rights” with a proactive role to play in his or her own learning. In addition, a multilevel handbook called “Aprender haciendo” (“Learn by doing”) was prepared and used with children in community-run nursery schools and centres. It presents a basic curriculum of an intermediary type and sets out the essential content and approach while leaving teachers a certain amount of freedom to adapt, supplement and diversify their teaching and being flexible enough to be adapted to the different methods, circumstances and characteristics of the educational communities looking after children aged between 3 and 6.

322. In addition, modules were developed to consolidate the use of the new course materials, thus ensuring that teaching materials are provided for all the trained teachers, locally recruited volunteers and children in the pre-school sector. In 2002, there were 1,650 trained teachers and 5,782 locally recruited volunteers. Of the teachers working in the pre-school sector, 600 were qualified primary-school teachers. All the profession and volunteer teachers in the country have been supplied with the new course materials and take the new approach to child development.

323. All the professional and volunteer teachers, volunteer peripatetic instructors and staff involved in the teaching-learning process have been trained in the use of the new course materials. All teachers and instructors at this level have teaching materials and modules on subjects related to the needs and interests of pre-school children and teachers, and use them in the classroom. Locally recruited teachers have monthly meetings with parents to remind them of the importance of encouraging their child’s all-round development.

324. At the same time, parents from the population group concerned are being empowered in educational matters. To this end, a system of teaching guidelines has been devised and implemented to educate parents with children in nursery school. Documentation is provided on children’s development, education and health, enabling parents to refresh their knowledge and offer support in the various practical activities on the pre-school curriculum. Ten thousand sets of support materials (in the form of handbooks, posters, leaflets and flip charts) have been distributed to locally recruited teachers to prepare them for meetings with parents.

325. At these meetings, the all-round development and growth of the child is recognized and appraised and parents are encouraged to help their children learn, while respecting differences of culture, language, race, religion, etc.

326. A pilot project for mothers with children under the age of 3 is being implemented in 41 municipalities in rural areas and in the north and centre of the country. Its aim is to get them to pay closer attention at home to their child’s development and growth, although as yet no assessment has been made of the effectiveness of the meetings with parents.

327. In addition to the funding allocated to nursery education in the national budget, this programme receives \$2.5 million a year from international organizations, which means that the programme can be extended to all children up to the age of 6. Support from financial and

non-governmental organizations is also available for this age group. Ministerial decision No. 87-2002, on coordination and support from non-governmental organizations, also applies to this age group.

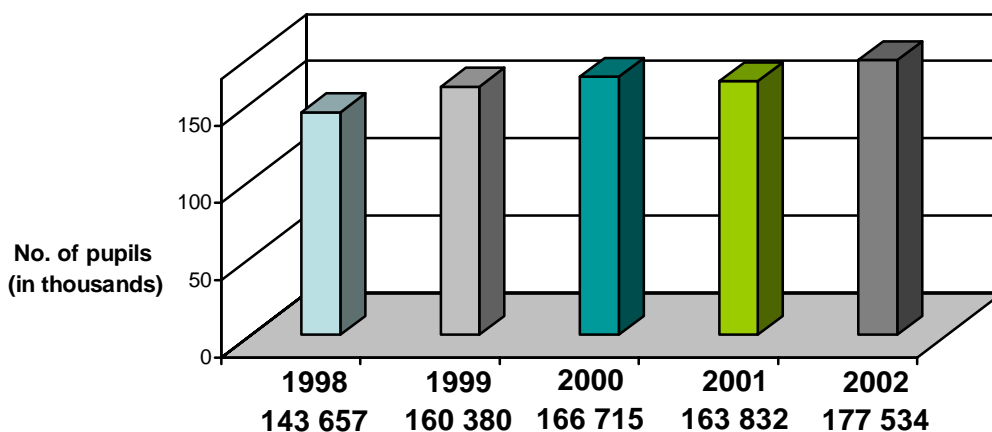
328. The following are among the biggest constraints:

- The fact that staff in community-run nursery schools are volunteers can lead to some instability: they are trained, but their training is not always used systematically or consolidated in their work with pre-school children, because of high turnover, transfers or resignations;
- Despite the progress made in working with the parents of children under the age of 3, deep-rooted customs or child-rearing practices still make it difficult for parents to understand and follow the guidelines they are given during the training courses on the proper way to deal with growing children.

There are plans to:

- Provide special training in nursery education for all teachers and learning facilitators working in the programme;
- Continue to assist non-governmental organizations in providing greater support and training for volunteers and teachers working in community-run nursery schools;
- Continue to supply teachers with suitable and up-to-date course and teaching materials that will support the learning process;
- Continue to provide the parents of children in nursery school with guidelines on how to bring up their children in such a way as to reinforce the work of teachers and community workers;
- Thanks to the success of the new approach to mothers of children under the age of 3, funding has been secured for 2003 from the Inter-American Development Bank to increase coverage to 87,000 children, with the support of the Ministry of the Family's Programme of Comprehensive Care for Nicaraguan Children;
- Persuade those making budgetary decisions and social policies to invest more in the education of children below the age of 6.

Nursery-school enrolment, 1998 - 2002



2. Primary education

329. In 2001, 866,516 children were in primary education: in the 7-12 age range, the gross enrolment rate was 104.3 per cent and the net enrolment rate was 81.1 per cent, although the system actually catered for 86.6 per cent of this age group. Nationwide, 49.4 per cent of the children enrolled were girls, and 50.6 per cent were boys. The overall retention rate was 94.2 per cent; in urban areas it was 95.4 per cent and in rural ones 93.0 per cent.¹³ Ordinary primary education was provided at all grades for pupils aged 7-12 years, as well as special courses for older pupils aged 10-15 years. Overall, primary education was provided for 923,391 children in 2002.

330. In the period under review, work continued on the revision of the curriculum, including in the various areas in which human rights are a cross-cutting theme and, in particular, in the course on civics and courtesy and in the course content and learning targets related to the rights of children and young persons. Twelve workshops were held to support the application of educational standards nationwide, and 35,000 copies of these standards were distributed to primary-school teachers.

331. As far as environmental courses are concerned, course materials were developed and approved for fifth and sixth grades, and standards and learning targets were set. For this purpose, training was given to 300 specialists, head teachers and teachers in 33 primary schools catering for 6,600 pupils in these grades in 17 departments.

332. Following the enactment of Act No. 342, concerning the course on the environment and natural resources, the number of schools offering courses on this topic rose from 33 to 1,000.

333. Between 1997 and 1999, the Ministry of the Environment and Natural Resources, the Ministry of Health, the Nicaraguan Institute for Municipal Development and the Ministry of Education, Culture and Sport cooperated in the development of a pilot environmental education programme to deal with the proper disposal of solid waste. Training courses and campaigns were run to heighten teachers' awareness of the Code on Children and Young Persons, with 35,000 copies of the Code being distributed to teachers throughout the country. However, as some shortcomings have been observed in the way teachers approach this subject in the classroom, a suitable training strategy needs to be devised to improve the implementation and deepen understanding of the Code.

334. Some 35,000 handbooks were printed for primary-school teachers on the subject of the human rights of children and young persons, and 205 departmental and municipal specialists were given training on the content of the handbook.

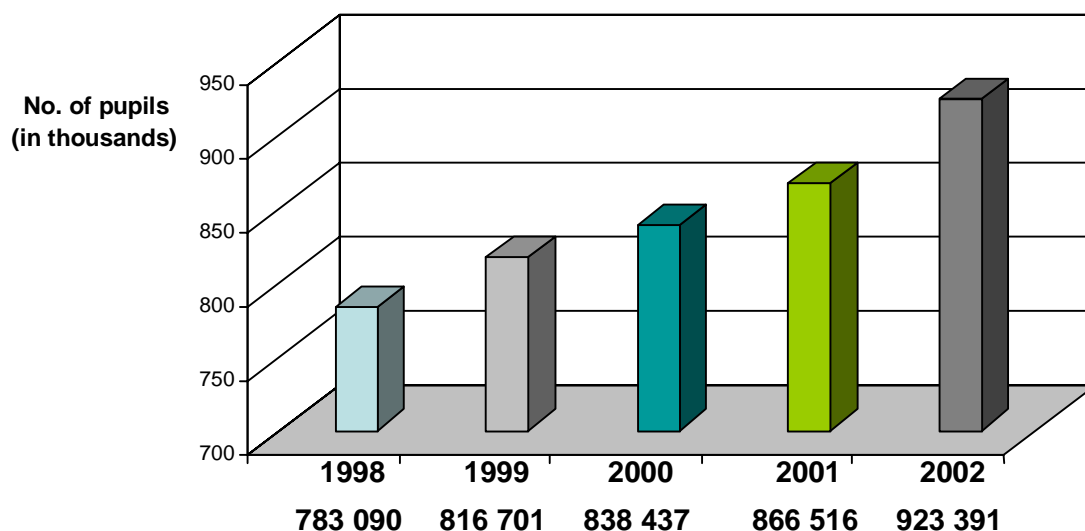
335. In-service training has been provided systematically for 70 per cent of the teachers involved in the various primary-school programmes in order to ensure that pupils receive a high-quality education that corresponds to their interests and rights.

336. As far as health education is concerned, changes were made to the national standards in the natural sciences for pupils in sixth grade, with 8,000 books being distributed to teachers and 32,000 to pupils. Similarly, in coordination with the Ministry of Health, talks on avoiding pregnancy were given in schools to teach young persons about sex in a way that will enable them to become loving, committed and responsible parents.

337. The aim is to:

- Continue to improve teaching methods by getting teachers to use educational materials that deal with the rights of children and young persons;
- Continue to give 35,000 primary-school teachers around the country training in the rights of the child; and
- Raise awareness in all sectors of the need to abide by the Code on Children and Young Persons.

Primary-school enrolment, 1998-2002



3. Education for persons with disabilities

338. Education for children with disabilities starts early (before the age of 4) and is completed at the age of 18. The number of pupils with disability-related special educational needs enrolled nationwide has risen to 4,639. New educational services for children with special needs have been introduced in Santo Tomás, Posoltega, San Juan del Sur, Telica, Puerto Sandino, Pueblo Nuevo, Nagarote, Palacagüina, Nandaime, Esquípuilas and Yalí. The number of posts for teachers in the fields of special education, early schooling and educational inclusion was increased and 12 early-stimulation centres were opened, in La Paz Centro, Juigalpa, Nandaime, Diriamba, Jinotega, León, San Ramón, Estelí, Pueblo Nuevo, Jinotepe, Managua and Matagalpa.

339. Individuals with special educational needs have been given the opportunity to follow mainstream education, and policies and regulations have been introduced to give them access to such an education. Although 1,314 children are being educated in this way, teachers, parents and others need to be made aware of this possibility, so that more such children can be integrated in the ordinary education system.

340. Several awareness-raising campaigns coordinated by the Ministry of Health and Los Pipitos (an association of parents of disabled children) have been organized for the parents of children with impairments: one, to urge them to give their children opportunities for personal development, reached 2,500 parents; another, on accepting their child's disability, reached 855 parents; and 450 parents exchanged experiences on early-stimulation programmes.

341. Despite the progress made in this area, it is clear that greater efforts are needed to involve parents more in the awareness-raising activities organized under the special education programme.

342. One of the goals of this programme is to encourage greater integration of disabled children in activities in the home, community and school by providing help for parents. However, a larger budget is needed to provide an education for this population group and it should be easier to appoint teachers to schools in areas where there is a demand for new educational services. The aim is also to take care for more children and young persons with special educational needs, so as to be able to provide deaf and blind children with the secondary education they need, and to improve the quality of education for children with special educational needs in ordinary primary schools.

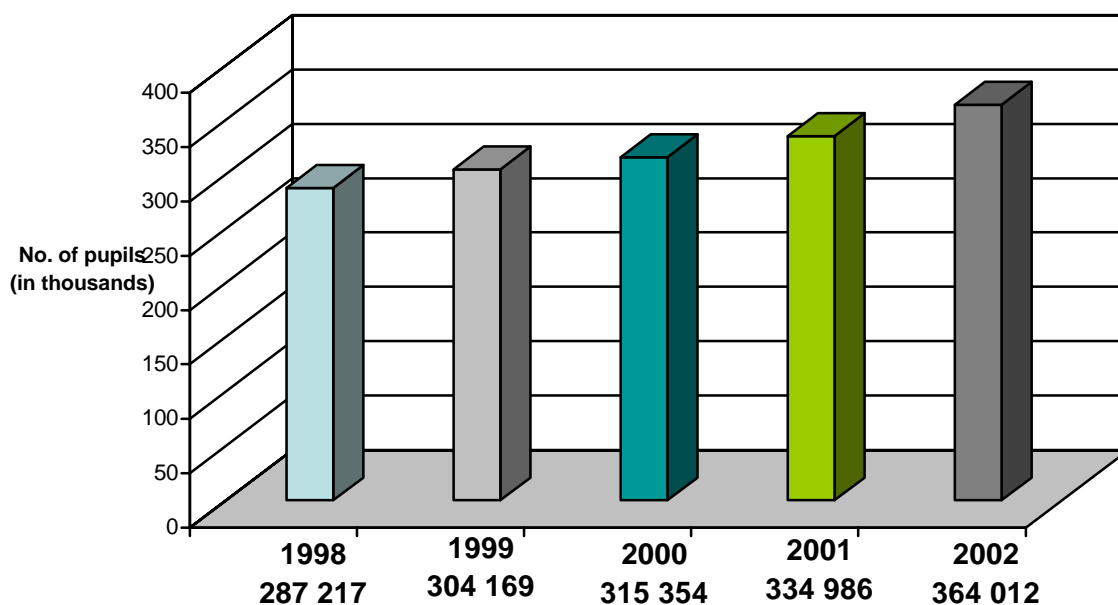
4. Secondary education

343. In 2001, 334,986 children were in secondary education; the gross enrolment rate was 53.3 per cent and the net enrolment rate was 37.2 per cent. This was the enrolment rate in the 13-17 age group, although the system actually provided education for 52.9 per cent of children in this age group. The net enrolment rate in urban areas was 54.6 per cent, or 87.2 per cent of the total. Nationwide, 53.3 per cent of the children enrolled were girls, and 46.7 per cent were boys. The overall retention rate was 91.9 per cent (91.8 per cent in urban areas and 92.8 per cent in rural ones).¹⁴

344. Secondary education takes one of three forms - daytime education, night school or distance learning (for 13 to 18-year-olds) - and was provided for 364,012 children in 2002. Some 80 per cent of children entering secondary education are aged between 12 and 13.

345. In the period under review, the education system was reformed to give children access to high-quality education that is better coordinated with technical and higher education. The Environment and Natural Resources Act (Act No. 217) was passed, giving a boost to the "60 hours of environmental service" initiative that is being implemented in all secondary schools in the country. In this area, training is needed on the preparation and implementation of educational projects at the central level, and the so-called eco-brigades need to be strengthened so that they can help improve environmental conditions in towns. The Ministry of the Environment and Natural Resources has coordinated work on the prevention of pollution and the management of solid waste, protected areas, the biological corridor and natural regeneration, as well as the implementation of the Environment and Natural Resources Act.

Secondary-school enrolment, 1998 - 2002



5. Children's right to education in the autonomous regions

346. Educational reform that takes into account local, regional and national culture is being implemented in the Atlantic coast region. Primary-school teaching in the child's mother tongue is being promoted in 220 schools, with a student population of 23,273, and 52 bilingual schools have been set up in this region. The Intercultural Bilingual Programme is being strengthened, thanks to a European Union project to strengthen the educational sector in the areas affected by Hurricane Mitch (FOSED) and the Regional Programme for the Reconstruction of Central America (PRRAC). The target is to increase coverage of intercultural bilingual education by 5 to 7 per cent a year.

6. Illiteracy

347. According to the 2001 National Survey of Living Standards, the illiteracy rate is 20.3 per cent among people aged 15 or over. If this figure is broken down by gender, we find that 20.3 per cent of men and 20.4 per cent of women cannot read or write. In rural areas, 33.4 per cent of this population group cannot read or write, while in urban areas the figure is 12.1 per cent.

7. Basic education for young people and adults

348. The illiteracy rate is falling and greater attention is being paid to basic education for young people and adults thanks to the support of the Spanish cooperation agency through the Adult Literacy and Basic Education Programme in Nicaragua (PAEBANIC). From 1998

to 2002, this programme had a direct impact in 15 departments in Nicaragua, offering literacy and basic education courses to 201,012 young people and adults, including some young persons under the age of 15.

349. Basic materials on the rights of children and young persons are included in the workbooks used in basic education for young people and adults in order to make them more aware of the issues involved, even though most of the students are parents. A total of 268,512 workbooks have been handed out at the three levels of basic education.

Students at the different educational levels participate in the following extra-curricular activities:

- Mathematics and physics championships;
- Physics competition and the Science Fair;
- Central and Ibero-American contests;
- Initiation to the arts at the English and French Languages Festival;
- National competition for the best pupil at the primary and secondary level;
- National essay-writing and spelling competition for primary- and secondary-school pupils and student teachers;
- Spanish American Year 5 spelling contest;
- The organization of artistic events at the local, departmental and national levels;
- National secondary-school arts festival.

350. The revised curriculum for the various educational levels includes the following cross-cutting issues: community participation, children's rights, full health, the environment, preparation for work, peace and democracy, sex, love and living together, and a comprehensive gender-based approach.

351. The Ministry of Labour has been coordinating the implementation of the National Strategic Plan for the Prevention and Eradication of Child Labour and the Protection of Child Workers (2001–2005), carrying out awareness-raising activities among departmental and municipal representatives of the education system.

352. There are plans to organize clubs for students with a view to making better use of competitions and to collect funds to support the teams financially and follow up the competitions at the central, municipal and departmental levels. There are also plans to include an item on the organization of artistic and cultural events in the national budget.

8. Teacher training

353. In order to ensure that pre-school, primary and secondary teachers deliver a high-quality education in the field of the rights of children and young persons, the following action has been taken in the field of teacher training:

- A project has been drawn up to promote human rights in teacher-training colleges;
- 307 principals and teachers in teacher-training colleges, and 6,250 student teachers have been trained in the use of the human rights modules;
- Some 80 workshops on the principles of the Convention have been organized;
- Under the agreement between the Central American Educational and Cultural Coordinating Office and the Ministry of Education, Culture and Sport with regard to support for improving teacher training in the area of primary and basic education, a training module entitled “Education in human rights, democracy and peace” was developed. A total of 23,140 primary-school teachers, principals and support staff and 9,000 secondary-school specialists have received training in various scientific, teaching and methodological areas in order to enhance teaching performance in the classroom;
- About 60 workshops were held at which teachers could exchange experiences and improve their theoretical and practical knowledge, under the guidance of the Ministry of Education, Culture and Sport;
- Six training modules have been introduced for trainee and practising teachers from urban and rural areas, with follow-up provided in the eight State-run teacher-training colleges and two subsidized ones;
- Provisions have been made for the education of 50,360 children and young persons who are too old to attend ordinary classes in primary or secondary school, in the form of special courses for older pupils, courses provided by adult education centres, adult basic education and distance secondary learning;
- Special emphasis is being placed on the implementation of the Code on Children and Young Persons by teachers in educational institutions: efforts are being made to disseminate the Code in 70 per cent of nursery, primary and secondary schools, teacher-training colleges and adult education centres.

Problems

354. Despite all the efforts made, secondary-school teachers still lack access to, information on and training in human rights, the rights of the child and the Code on Children and Young Persons. In some cases, teachers show little interest in learning about the Code or in complying with the General Education Regulations, while there is also a lack of follow-up by the different bodies of the Ministry of Education, Culture and Sport.

355. The full implementation of the Code on Children and Young Persons is also sometimes hindered by resistance from parents owing to a low cultural level and the fact that the optimal conditions for its implementation are not in place. A greater impact needs to be made at the local level if the rights of the child are to be observed effectively.

356. Every year, as a result of the economic, social and political situation in the country, an average of 861,301 poor children receive no education. Despite the efforts made, the level of investment in basic and intermediary education remains low. National and international funding needs to be increased further in order to increase educational coverage and quality, especially for the most vulnerable population groups.

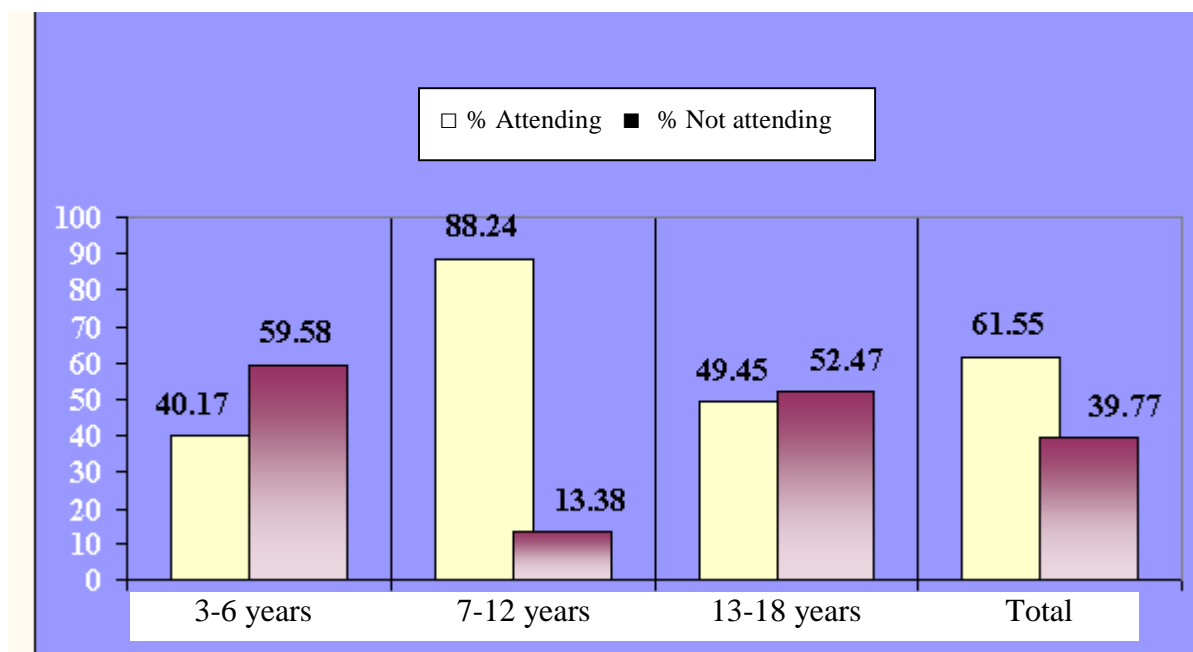
Goals

- To achieve 100 per cent coverage by 2015 by means of Education for All programmes, scholarships and school funding;
- To continue making use of outside funding from various national and international organizations to educate people with no schooling;
- To improve the scholarships programme for the most vulnerable groups;
- To replace and expand schools;
- To broadcast educational programmes on radio and television;
- To arrange funding for initiatives on the prevention of child abuse;
- To introduce a plan for providing ongoing and systematic training and refresher courses for 205 teachers and courses for students in their final year at teacher-training college.

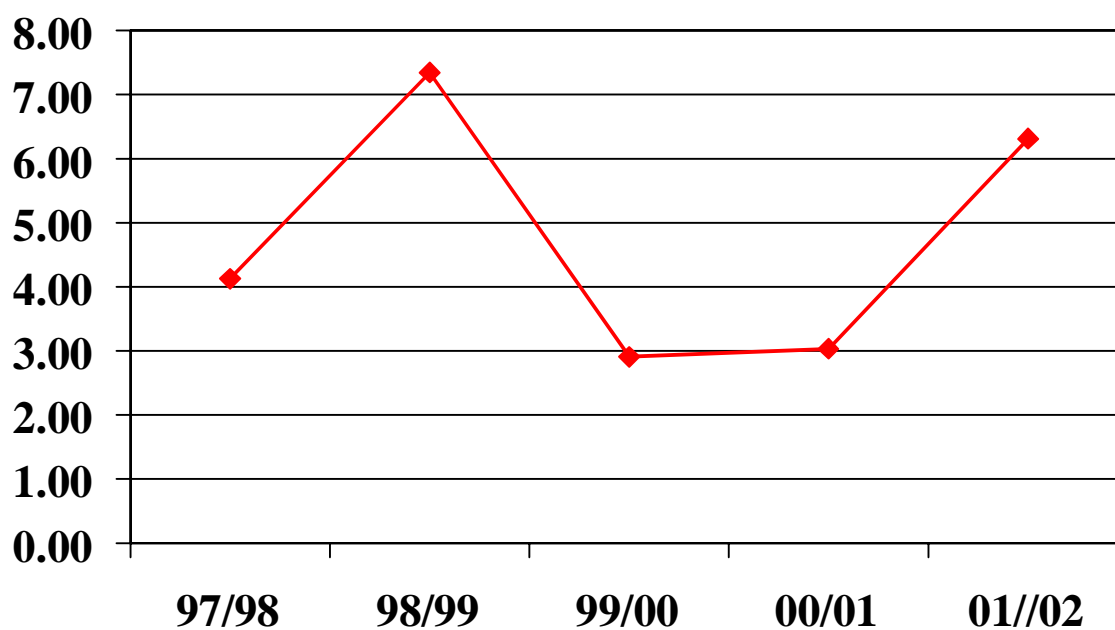
Children not attending school

Age	Attending school
3 - 6 years	380 124
7 - 12 years	100 101
13 - 18 years	381 076
Total	861 301

Children attending school, by age (2002)



Growth rate of the education system



The successful Aprende basic-education project

357. The first phase of the Aprende (“Learn”) project ran from 1995 to 1999; the second phase, which is currently under way, covers the period 2000-2002. Its funding, amounting to \$110 million for the two phases, comes from the World Bank and the national budget. The project covers every municipality in the country and is intended to promote a more fair, effective and participatory system of basic education.

Progress in institution-building

358. Progress has been made in developing a national evaluation system that will enable the Ministry of Education, Culture and Sport to systematically review and analyse the education system, manage change, evaluate educational outcomes and improve the organization and running of schools.

359. Another mark of progress is the national oversight system; in this area, the Aprende project has supported a number of activities that take a modern approach, in line with the Ministry’s new policies, in which staff training is seen as fundamental to achieving the goals set.

360. As part of a move to give schools greater independence, bolster the school’s role as the primary source of learning and involve the educational community more closely, the project financed a pilot scheme in 40 schools in the Pacific region which have now implemented their educational development plans. The scheme takes account of their particular circumstances and offers a strategy for improving their quality and effectiveness. A handbook was prepared on educational development plans and is used as the basic textbook for courses on these plans, and school curriculum plans were drawn up.

361. The development of an integrated comprehensive information system is a further sign of progress. The second phase of the Aprende project includes support for the development of administrative, financial, accounting and budgetary systems, education statistics and school infrastructure. The main aims of the integrated system are to consolidate the education ministry’s various databases with a view to providing exchanges of information between databases, accurate data and analysis, harmonized data, miscellaneous hardware and studies on the feasibility of connections with external databases.

362. To this end, in 2001, the education ministry, after carrying out a series of studies, initiated a strategy to implement a management information system that would ensure that the technical and information-technology aspects were properly implemented. The integrated system comprises the following subsystems: an administrative and financial information system; a statistical information system; and a schools-distribution information system.

363. To attract support for the key activities in the project’s second phase, the project makes use of the media to keep civil society properly informed about the educational reform process and persuade it to support the reforms. In order to involve parents more in their children’s education, a media campaign promoting the concept of schools’ independence was run on radio and television and in newspapers and magazines from June to September 2000. A new

campaign launched in July 2001 highlighted the institutional aspects of the education ministry and the benefits of the participatory process in education. This campaign ended in November 2001.

364. In 2002, the Ministry of Education, Culture and Sport launched a new education policy and also changed its approach to media campaigns. The second phase of the Aprende project continues to support promotional and media activities to bolster community-run nursery schools. The teachers in these schools have been provided with promotional and motivational materials in the form of schoolbags, caps and T-shirts.

365. To retain visibility in communities, roadside billboards were installed in 14 departmental administrative centres and in four locations in the capital, publicizing the spread of community-run nursery schools and the importance of pre-school education. Also, 10,000 calendars were distributed every year up to 2002 in all community-run nursery schools, independent schools and offices of the Ministry of Education, Culture and Sport.

366. In order to publicize the pilot projects being carried out in selected schools, posters were printed to promote Aprende scholarships and a leaflet containing information on applications for scholarships and other information was distributed. Posters were also printed to promote the Sonrisa Fund.

367. Work has been carried out under the Aprende project on various graphic design activities aimed at improving the image of the Ministry of Education, Culture and Sport and producing the materials needed for various Aprende activities. A series entitled “Creciendo con amor y alegría” (“Growing up with love and joy”) has been produced for nursery schools: it has three parts, which deal with education, health and growing up. Three posters aimed at parents and six training modules were also produced, and the following publications were prepared for printing: a guide to education at different levels; a teacher’s manual on working with parents; a teacher’s manual on working with children; and an introduction to reading and writing and the use of flip charts.

368. Similarly, the project has been directly involved in preparing textbooks and teaching manuals for social studies (third and fourth grades), study guides for second and third grades, and the cover design for books for the Intercultural Bilingual Programme in Mayangna, Miskito and English.

369. The Aprende basic-education project has been implemented nationally, as it is designed to reinforce the broad principles of national education policy. Its achievements include: total coverage of textbooks and educational materials; the strengthening of the concept of community-run nursery schools, which have made an impact in poor rural and deprived urban areas throughout the country; greater participation in the education system; and improvements in school infrastructure, which have been extended to the Atlantic coast region in the second phase of the project.

370. The quality of education has thus been significantly improved in the past eight years, as reflected in lower national dropout and repetition rates and in the completion rate at the primary level.

9. Leisure, recreation and cultural activities

371. In the context of the rights of children and young persons as set forth in the Convention on the Rights of the Child, and in order to support the informal education sector, the Nicaraguan Cultural Institute organizes various cultural, artistic, recreational and leisure activities.

Participation in these activities stimulates the child's mind, imagination, creativity and dreams, thanks to the recreational aids and the educational, artistic and cultural facilities provided under the supervision of trained and experienced staff, and also helps children develop a sense of national identity. For example, children and young people take part in festivals, meet (along with their teachers) authors and poets, have access to high-quality children's literature and enjoy guided visits to the National Museum and other museums and historical sites (the Casa Hacienda San Jacinto, the historical ruins of León Viejo, the site of the Huellas de Acahualinca, etc.).

372. There are other programmes too, such as the "Culture in the Park" programme, which dovetail with the ongoing "Nicaragua Crece Leyendo" ("Nicaragua - Growing by Reading") project to encourage people to read more and which offer entertainment, stage shows, dance performances, theatrical productions and visual arts exhibitions. Some of these events feature the work of children and young people, who have been encouraged to engage in the visual arts from an early age by means of funding, prizes and awards from both the Managua Cultural Centre and the Palacio Nacional de Cultura.

373. Children and young people are also involved in traditional events such as the celebration of the feast of the Immaculate Conception ("La Purísima"), Christmas concerts and Nativity scenes, in which the National Orchestra and the National Choir also play an important role, as well as in "living heritage" events to mark each region's patron saint's day. As well as the children themselves, families, schools and communities take part in these activities.

Work of the Nicaraguan Cultural Institute

- Design, presentation and approval of a new project financed by the Nicaraguan Institute for Insurance and Reinsurance (INISER) to support the Nicaraguan Cultural Institute in its regular activities with children; under the slogan "Nicaragua - Growing by Reading", the project brings culture to parks and squares, promoting reading and cultural values and bringing dance, music and theatre to vulnerable or impoverished population groups;
- Provision of technical assistance for under-resourced primary-school teachers and State-run schools to deal with issues related to the use of computers and telecommunications access, in tandem with its other work in the formal education sector. In the same vein, a "science fun pack" and talks on volcanoes, museums, ecology, natural disasters, health, civics, ethics and other subjects have been introduced especially for vulnerable and impoverished groups.

Nicaraguan Youth and Sports Institute

374. The Nicaraguan Youth and Sports Institute promotes the organization of various sports activities for children and young people, including:

- The National Schools Games, for sports at the secondary level and games at the primary level, which are estimated to involve over 100,000 students every year in 11 sports;
- “Neighbourhood leagues” in 17 sports for under-17s and under-15s, which have involved an average of 3,500 competitors over the past five years;
- An average of 200,000 athletes a year have trained and competed in the country’s sports facilities over the past five years. The facilities also attracted 150,000 spectators a year in the period 1998-2002, about half of whom were children or young people.

All these programmes are free of charge for children and young people.

10. Access to technical education

375. As Nicaragua is a developing country, combating poverty is one of the priorities of government policy. This means, among other things, investing in human capital, that is, investing in vocational training to produce the workforce the country needs to ensure its social and economic development.

376. The National Institute of Technology is the lead and standard-setting agency in the vocational training scheme, which consists of two important interrelated programmes, one on technical education and one on training. These programmes are offered by State-run, subsidized, private and other training centres. The various strands of the training programme cater for young workers, disabled persons, unemployed women, teenage mothers, female micro-entrepreneurs and young people at risk.

377. The technical education programme offers courses at the basic, rural basic and intermediate levels for young people between the ages of 14 and 18, although students older than this are also accepted.

378. In 2001, according to its own figures, the Institute dealt with a total of 21,444 young persons from the poorest population groups, teenage mothers and young persons from the economically active population. The Institute is working with other State agencies to train young persons who are at risk or who are members of criminal teenage gangs.

Educational programmes, projects and centres that put into practice the rights of children and young persons:

- (a) The inclusion of children’s rights as a fundamental component of all training programmes;
- (b) An awareness-raising campaign to reduce discrimination against children with disabilities, using posters, introductory workshops for private companies and training sessions to get the message across to the public;
- (c) The inclusion of the following cross-cutting issues in all programmes in which the National Institute of Technology is involved and which target vulnerable groups in the country:

- Children’s rights;
- Gender-sensitivity;
- The environment;
- Disability;
- Public safety;

(d) The introduction of the technical baccalaureate in response to demand from the majority of young people for a more comprehensive education;

(e) The use of the Institute’s cooperation agreements and joint projects involving national and international organizations or associations to publicize the rights of children and young persons and to ensure that training packages are extended to children where the need is greatest;

(f) The provision of grants for young people of limited means who are attending the various technical courses on offer in the Institute’s teaching centres.

379. Some of the materials for the first unit of the Civic and Social Education course (first-year, rural technical basics) address the causes and consequences of drug use and identify the main victims as well as preventive measures.

380. In the second unit of this course, there is a section entitled “Exercising our duties and rights to build a more just and democratic society”, which covers questions of identity, the family, education, participation, protection and health. The Code on Children and Young Persons is another of the topics studied.

H. Special protection measures

1. Children in situations of emergency

Refugee children

381. Article 42 of the Nicaraguan Constitution stipulates the following: “Nicaragua recognizes and guarantees the right of refuge and asylum. Refuge and asylum are granted only to those who are persecuted for campaigning for democracy, peace, justice and human rights. If it is decided to expel an asylum-seeker, the latter may never be returned to the country where he or she was persecuted.”

382. The Code on Children and Young Persons contains provisions on the enjoyment of the right to freedom with no restrictions other than those laid down by law. This right encompasses, among other things, the right to seek refuge, aid and guidance in any situation of need or risk.

383. Nicaragua has signed international agreements and treaties dealing with refugees, including the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees.

384. This shows the State's willingness to safeguard and protect the physical and psychological well-being and identity of refugees. The Ministry of the Interior's Department of Migration and Alien Affairs conducts interviews to determine eligibility in accordance with the Convention relating to the Status of Refugees. In this respect, contact is established with the agencies responsible for determining whether ordinary migrants are eligible for asylum or refugee status, namely, the offices of the Council of Evangelical Churches of Nicaragua (CEPAD), which is the official link with the Office of the United Nations High Commissioner for Refugees in Nicaragua. The Ministry of Foreign Affairs is responsible for determining whether people are eligible for asylum on grounds of political persecution.

385. The Department of Migration and Alien Affairs takes care of food, medical care and accommodation for foreigners awaiting a decision on refuge or asylum. Once a person has been granted refugee status, they qualify for all the benefits to which they are entitled by law. In the period 1998-2002, no cases of refugees were recorded.

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

386. According to chapter II of the Code on Children and Young Persons, on special protection measures, "anyone who incites children or young persons to participate in armed conflicts or armed activities of any kind whatsoever shall be subject to criminal sanctions, as established by law".

387. Pursuant to Decree No. 37-2002, published in the Official Gazette, No. 82, of 6 May 2002, Nicaragua acceded to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which has been sent to the National Assembly for adoption.

388. The Ministry of Defence has given priority attention to children and young persons in the work of two inter-agency commissions, the National Mine-Clearance Commission and the Commission to Monitor the Peace Agreements. The action taken by these two commissions is based on and promotes respect for the rights set forth in the Convention on the Rights of the Child and the Code on Children and Young Persons.

389. With regard to mine clearance, the Ministry of Defence, together with UNICEF and the Ministry of Education, Culture and Sport, has included mine risk education as a fundamental component of the National Anti-Landmine Action Plan. Such education is aimed mainly at children and young persons in the communities most affected by the problem of anti-personnel landmines. Some 9,608 children and young persons were taught about the risks of landmines in 2002.

390. In addition, in the course of work to rehabilitate and reintegrate the survivors of landmine explosions, children and young persons were identified as the age group to be given priority in the fitting of prostheses. A number of programmes providing psychological treatment for child victims of landmines have also been set up since 1998.

391. The Commission to Monitor the Peace Agreements carried out six projects between May 1997 and July 2002 to reintegrate former combatants. The population targeted by these

projects consisted of 2,300 heads of household, and women, children and young persons were identified as priority groups. The projects entailed the allocation of land, food, farming implements, medical care and training. In the period under review, about 9,200 children and young persons benefited from such projects.

392. Between 1997 and 2000, the Matagalpa-based office monitoring the peace agreements also coordinated programmes to take care of former child combatants, whose ages ranged between 12 and 19. The target population consisted of approximately 1,200 individuals and the projects included training in human rights, conflict management and the cooperative system. This project won an international award from the Youth Prize Foundation in a contest held in Santa Cruz, Bolivia.

393. The army has taken all the measures required under article 38 of the Convention on the Rights of the Child to ensure respect for the rules of international humanitarian law which are applicable to States in armed conflicts and which are relevant to children. The rules on military service in Nicaragua set the minimum age for entry into the military at 18 years.

394. In 1999, Nicaragua ratified, without entering any reservations or declarations, the Protocols Additional to the Geneva Conventions of 12 August 1949 relating to the protection of victims of armed conflicts.

395. Act No. 119 and its regulations (Decree No. 4-91, the Act on Aid to War Victims in Nicaragua) aims to provide protection and social assistance for the rehabilitation of war victims with a view to helping them recover physically and psychologically and become reintegrated into society. To this end, the Act requires the Nicaraguan Social Security Institute to grant orphan's benefits to all children who lost their parents as a result of the war. To ensure that the benefit is paid, the Institute for War Victims (INVICTA) was set up. This institution became part of the Ministry of the Family in 1998, and facilitates the processing of formalities. The number of orphans between the ages of 13 and 18 who received the orphan's benefit reached 2,781 in the period under review.

Children in conflict with the law

396. The information provided by Nicaragua to supplement its second periodic report on the situation of the rights of children and young persons referred to section III of the Code on Children and Young Persons, which established a special system of criminal justice for young persons. In its recommendations with regard to the second periodic report, the Committee on the Rights of the Child expressed concern that the juvenile justice system had not been fully implemented.

397. In the four years since the Code on Children and Young Persons came into effect, the bodies responsible for its implementation have made considerable progress in raising awareness of its provisions. Its entry into force presented the country with the challenge of implementing it and coordinating efforts to enforce it. However, despite all the efforts to put it into practice, there are still not the material, physical, budgetary and human resources needed to implement and enforce it effectively, even though considerable progress has been made.

398. After the entry into force of the Code on Children and Young Persons, the Supreme Court set up district criminal courts in Managua and Ciudad Darío and, by operation of law, designated criminal courts in the departments of León, Masaya, Granada, Juigalpa, Bluefields and Puerto Cabezas in November 1998 and in Siuna in November 2000.

399. It is important to emphasize here the action taken during the reporting period by the Young Persons Unit of the Public Defender's Office, which defends young persons at every stage of the proceedings, from the investigation to appeals and the execution of the court's final decision.

400. It would be fair to say that the Public Defender's Office has basically been concentrating its efforts in Managua, although in October 2002 a defence attorney was appointed to the juvenile criminal court in Ciudad Darío, the second court exclusively for juveniles.

401. With the entry into force of the new Code of Criminal Procedure, the Supreme Court extended the remit of the Public Defender's Office to cover the administrative centres of departments. This move will help young people facing criminal proceedings and means that the Office's services will be available not just to adults but also to juveniles facing trial.

402. In 2001, by decision of the Criminal Division of the Supreme Court, an office was set up to monitor the system of juvenile criminal justice on behalf of the Division. Its purpose is to monitor the implementation and application of section III of the Code on Children and Young Persons and to act as a channel for communication between the judges responsible for the administration of juvenile criminal justice and the judges of the Supreme Court.

403. In 2001, the Supreme Court designed and introduced a nationwide criminal information system. This is administered within each jurisdiction, where the system for tracking cases against young persons is periodically updated. The information is then sent to the office monitoring the system of juvenile criminal justice, which compiles countrywide data. It should be stressed that this system has to operate under a number of constraints and does not include information on the execution or monitoring of punishments or other measures imposed by the courts.

404. At the same time as the special criminal justice system was set up, a programme on new approaches to the human rights of children and young persons was developed to ensure the system was fully implemented. This programme has been refined by the National Police, the Public Prosecutor's Office, the Prison Service and the Supreme Court with a view to obtaining the internal and external funding needed to ensure the proper use of this legal mechanism.

405. In 2002, three individuals were appointed to monitor compliance with the measures imposed on young persons by the courts, one at the juvenile criminal court in Managua and one at each of the district criminal courts in Masaya and Granada, which act as juvenile criminal courts.

406. During the period under review, training was provided at the national level in workshops, seminars and inter-agency meetings for judges and judicial officials working in juvenile criminal courts, as well as for representatives of other institutions working within the judicial system.

407. The Supreme Court is considering making an agreement with universities to ensure that specialized professional training is provided for people working in the juvenile criminal justice system. Documents have been prepared that cover the issues related to the principles of comprehensive care for children and the procedures in the Code on Children and Young Persons; these documents will serve as the basis for the training. At a somewhat higher level, exchanges of experience in the implementation of the juvenile criminal justice system were arranged with magistrates and judges from Honduras and El Salvador. The National Police has developed training courses on the subject of children's and young persons' rights. The study of the Code was included in the Police Academy training curriculum with a view to breaking down subjective barriers and any sociocultural attitudes that might hinder the effective implementation of the Code.

408. The Public Prosecutor's Office, which is responsible for taking out criminal proceedings on the basis of investigations by the police and its own officers, has also provided training for its officials, even though it has only a small staff working on juvenile criminal proceedings, especially in places that are a long way from the district criminal courts for juveniles in whose jurisdiction they fall.

409. The regional offices of the Prison Service, which report to the Ministry of the Interior, have provided training for officials. There are no special centres for young persons who have been deprived of their liberty, but juveniles are physically separated from adults in order to protect their personal rights.

410. The Supreme Court has encouraged exchanges of experience in matters of juvenile criminal justice by coordinating work with the Inter-American Children's Institute based in Uruguay and with the Basque Government through the intermediary of the National Council for the Comprehensive Care and Protection of Children and Young Persons and UNICEF, with the participation of judges from the Supreme Court, appeal courts and ordinary courts, officials from the National Police, the Public Prosecutor's Office and the Prison Service and civil servants working in this area.

411. With regard to the use of the sanctions available in the juvenile criminal justice system, the following points can be made:

- Because of the shortage of financial resources, sanctions are not used to the full, as the courts do not have an office for the execution and monitoring of penalties. Such an office must be staffed by four persons (a lawyer, a psychologist, a social worker and a computer operator);
- Socio-educational measures, and some guidance and supervisory measures, are used more and more frequently. Imprisonment is used only as a last resort where justified by the type of offence, with the maximum penalty being six months' imprisonment.

412. The six designated courts are assigned to a district: in the Pacific region, each district consists of two departments, so that each court covers the youth population of two departments and the adult population of the department in which it is situated. The courts situated in the

Atlántico Norte and Atlántico Sur autonomous regions are an exception to this arrangement, each of them being competent to administer criminal justice to adults and juvenile criminal justice to young persons in its district.

413. The problem with these courts is that young persons in conflict with the law may be at a disadvantage because the court is not a specialized one but also has to deal with adult criminals, which can lead to problems in applying court procedures. Another major constraint is that the judges in the designated criminal courts have jurisdiction over cases involving both adults and young persons.

414. At the end of the period in question, legislative measures were submitted that contained proposals for reforming some articles of the Code on Children and Young Persons that deal with the special criminal justice system for juveniles. In view of this, strategies and actions were planned in conjunction with civil society and the international agencies that support projects to help children and young persons, with a view to clarifying the provisions of the Code for the general public. The National Council for the Comprehensive Care and Protection of Children and Young Persons drew up a plan to defend the Code which would involve, for example, organizing debates, looking into the myths and realities surrounding the Code, holding a national debate on the subject and holding meetings with deputies from the National Assembly.

Achievements:

- Progress and shortcomings in the implementation of the Code on Children and Young Persons were analysed and circulated;
- A special commission was set up to develop a strategy for the comprehensive and gradual implementation of the Code, and is now busy preparing such a strategy;
- An inter-agency and cross-sectoral working group was set up to analyse the proposed legislative reforms to the Code;
- The text of the Code was made available to various sectors of society;
- Children and young persons have been proactive in learning about and standing up for their rights; and
- The Journalists' Network of Friends of Children and Young Persons was created, and became a strategic partner in the process of defending the Code.

Children deprived of their liberty

415. The trend in the pre-trial detention of young persons in recent years has been mostly downward: in 1997, 3,961 young persons were detained; in 1998, that figure rose to 5,190; in 1999, there was a slight decrease to 4,961; and the figure continued to fall in 2000, to 3,688. The overall crime figures for 2001 show that 3,539 young persons were detained on suspicion of committing an offence, which accounts for a significant number - 9 per cent - of the total number of detainees in the country. The same downward trend could be observed in 2002.

416. Notwithstanding the provisions of the Code on Children and Young Persons with regard to pre-trial detention in police stations, the police approach has been to detain young persons in existing cells, but to separate them from adults when there are no special cells for them.

417. As a general rule, guard duty includes making constant daily checks on all prisoners. As the food provided is deficient in both quantity and quality, family members are allowed to bring food, as well as clothing and personal items. Visits are allowed twice a week, although more are allowed if requested by family members or ordered by a court. If the daily inspections reveal that a detainee is in pain or ill, the detainee is taken by the police to a hospital or to the Institute of Forensic Medicine, as appropriate, for an examination. Any necessary medical treatment is prescribed and administered according to the prescription.

418. Within the National Prison Service, the following are the basic practical measures taken to deal with, take care of and protect young detainees, bearing in mind that there are no special prisons for them:

- They are admitted to penal institutions solely on the basis of a court order;
- On admission, they are dealt with by an admissions board that includes a doctor and a psychologist. If there is no psychologist in the institution, the prison cooperates with non-governmental, governmental and religious organizations to organize a visit from one as soon as possible;
- Since only the prisons in Tipitapa and Chinandega have suitable accommodation for young persons, elsewhere they are placed in wings that house prisoners from the higher levels of the graduated prison system, that is, with prisoners held under a semi-open or open regime;
- After admission, they are given the opportunity to study or follow one of the training courses on offer in the prison;
- Regardless of the location of the prison to which the young person is sent, special programmes are provided for them, with different kinds of activities to keep them occupied in prison, such as academic instruction, training, sport, recreation, visits from relatives and visits from members of governmental, non-governmental and religious organizations;
- Young persons who reach the age of majority during the sentence imposed by the competent authority are separated from juvenile prisoners; however, it is recognized that they are under a special regime and should continue to receive the same treatment.

419. As part of efforts to improve the situation in prisons through cooperation with governmental and non-governmental bodies and institutions, all-purpose sports pitches have been laid and, in Tipitapa prison, buildings that can be used for various purposes have been constructed. At the same time, plans for a special juvenile centre have been submitted to various bodies and institutions such as the Supreme Court, the office of the Ministry of the Interior in charge of the Public Safety Project, and the Ministry of Education.

420. Coordination meetings have been held with the Supreme Court, the Office of the Procurator for the Defence of Human Rights and the various Nicaraguan human rights commissions to review the legal situation of young persons. It should be pointed out that there has been a fall in the number of young persons deprived of their liberty since the entry into force of the Code on Children and Young Persons, as reflected in the table below. The juvenile prison population accounted for 1.52 per cent of the total prison population in 2002, as compared with 8.32 per cent in 1998.

Prison	No. of young persons, 1998	No. of young persons, 2002
Tipitapa	269	15
Estelí	30	2
Chinandega	30	13
La Esperanza	7	1
Granada	31	12
Juigalpa	44	6
Matagalpa	36	3
Bluefields	2	0
Total	449	52

421. In terms of prison policy, the Department for Women and Young Persons was established in the Prison Education Division to monitor issues affecting young persons deprived of their liberty. The establishment of charitable trusts has boosted the efforts of the National Prison Service to find alternative ways to deal with young people.

Economic exploitation of children, including child labour

422. The provisions of the Code on Children and Young Persons regarding child labour are in line with the precepts of the Constitution and the spirit of the Convention on the Rights of the Child. Article 76 of the Code requires the State and public or private institutions, with the assistance of families, communities and schools, to provide care and special protection for children and young persons who are working and who are being economically exploited. The Code sets the minimum age for working and clearly states that businesses, individuals and corporate bodies may not hire children under the age of 14.

423. Article 74 of the Code also provides that young persons may not perform any type of work in places which are unhealthy or pose a risk to their life, health or physical, mental or moral safety, such as work in mines, underground, at waste disposal sites or in night-time entertainment centres, work involving the handling of toxic or psychotropic objects or substances, or night-shift work in general.

424. Article 75 stipulates that when young persons are allowed to work, the following rules apply: they must be treated with due respect for their development and personal characteristics; they must be properly trained to do the work required of them; they must be given a medical examination at least once a year to see if the work they are doing is damaging to their health or normal development; and their continued education must be guaranteed. Work done by young persons must be supervised by the Ministry of Labour, which is responsible for ensuring compliance with the protective measures provided for them.

425. In its articles 131 to 137 (title VI, entitled “Work of children and young persons”), the Labour Code, which has been in force since 31 December 1996, expressly prohibits work by children under the age of 14 and regulates the conditions in which young persons may carry out their work duties. Article 134 (e) of the Code stipulates that their working day must not exceed 6 hours and the working week 30 hours. Article 134 (g) specifies that they must arrange and schedule their schooling in a manner compatible with the requirements and conditions of their work.

426. The Ministry of Labour can draw on other legal instruments which supplement the legal framework for child labour, including:

- The Regulations for Labour Inspectors, 1997 (Decree No. 13-97), which include inspectors’ duties regarding child labour;
- A ministerial decision on the authorization and regulation of private employment agencies, which requires the latter to comply with the Labour Code and prohibits them from acting as intermediaries between employers and children;
- An inter-ministerial decision on minimum measures for the protection of seafaring workers, which prohibits the hiring of children under the age of 16 to perform activities related to work at sea;
- A ministerial decision on work in Nicaragua’s free-trade zones, which prohibits the hiring of children under the age of 14;
- The second memorandum of understanding between the State party and the International Labour Organization (ILO), signed by the Ministry of Labour in May 2002 to prolong the International Programme on the Elimination of Child Labour (IPEC) with a view to achieving full compliance, both on paper and in practice, with the Convention (No. 138) concerning Minimum Age for Admission to Employment and the Worst Forms of Child Labour Convention (No. 182), both of which have been ratified by Nicaragua, and to creating the conditions in which the State party can prohibit and progressively eliminate child labour, starting with the worst forms of child labour. Convention No. 182 was ratified in September 2000;
- In 1998, the Child Labour Inspectorate was set up for the main purpose of ensuring, through its inspection programme, that no child under the age of 14 is hired and enforcing the legal provisions applicable to the protection of young workers;
- In the period 2000-2002, inspections conducted by the Child Labour Inspectorate found that 93 per cent of child workers were engaged in agricultural work;
- As part of the process of reforming the law to ensure that it is consistent with the process of preventing and eradicating child labour, the National Commission for the Eradication of Child Labour and the Protection of Young Workers (CNEPTI) analysed all the legislation relating to child labour with a view to making it internally consistent and harmonizing it with Nicaragua’s international commitments;

- A proposal has been made to reform title VI of the Labour Code so that it regulates only the work of young persons over the age of 14, with no exceptions to this minimum age. Consequently, the proposal suggests that this section should be retitled “Work of young persons”. It would regulate the protection of young workers, the type of work they do and their working conditions in cases that correspond to the worst forms of child labour envisaged in ILO Convention No. 182, and would provide for penalties, in article 135;
- The National Commission for the Eradication of Child Labour and the Protection of Young Workers organized a round-table process involving various sectors, governmental and non-governmental institutions, trade unions and associations of jurists, entrepreneurs and young workers. Technical assistance was provided by the Ministry of Labour, representatives of ILO/IPEC in Nicaragua, UNICEF and Save the Children. Such participation is in the spirit of ILO Convention No. 182, which requires member States, after consultation with workers’ and employers’ organizations, to establish appropriate mechanisms to ensure the effective implementation and enforcement of the Convention;
- The State party’s National Strategic Plan for the Prevention and Eradication of Child Labour (2001-2005) sets out the basic strategic guidelines for a comprehensive policy on child labour. The plan is based on three strategies - prevention, eradication and protection - set against a background of international agreements and domestic legislation;
- In the context of its cooperation with ILO/IPEC, the National Commission has endorsed 11 programmes of action designed to prevent and eradicate child labour. The sectors in which action has been taken are cash crops and livestock, the coffee industry, domestic work, refuse disposal and public places (markets, traffic lights and bus stops) in five departmental administrative centres and 10 municipalities. A total of 13,500 children and 2,000 families have been helped directly and 50,000 children and 7,000 families indirectly by programmes run by non-governmental organizations that are members of the Coordinating Federation of Non-Governmental Organizations working with Children and Young Persons, in close cooperation with the ministries of health, the family, education and labour and local bodies;
- There are plans to implement four programmes of action designed to eradicate child labour in the tobacco sector, mollusc collection, the sex industry, mines and quarries;
- The Network of Experts on Health and Safety at Work was set up to provide technical support to the National Commission in the identification and eradication of dangerous jobs in Nicaragua, in compliance with ILO Convention No. 182;
- Two investigations are under way, one into domestic child labour and the other into commercial sexual exploitation, and three baselines have been established for the coffee, cash crops and refuse sectors with a view to defining strategies for action to eradicate child labour in these sectors;

- The 14th Town and Country Household Survey (2000) includes a section on child labour. The results show that 314,012 children between the ages of 5 and 17 are working; of these, 224,397 (71.5 per cent) are boys and 89,615 (28.5 per cent) are girls. The majority (74.5 per cent) of these children are aged between 12 and 17. Some 44.2 per cent of working children are below the minimum age for admission to employment (14 years), and 13.5 per cent are below the age of 10. Some 36 per cent of them live in urban areas and 63.3 per cent in rural ones. In urban areas, 34.58 per cent are girls and 65.42 per cent are boys, while in rural areas 25.03 per cent are girls and 74.97 per cent are boys. The 2000 National Survey on Child Labour in Nicaragua shows the urgent need for the State party to be able to identify the most dangerous forms of child labour as soon as possible so that it can focus on prevention and eradication. It also showed the urgent need to determine which sectors are benefiting from action, bearing in mind that the highest figures for child labour are in the countryside and that children are starting to work at an earlier age and have lower levels of education.

The State party can point to the following progress:

- Awareness-raising campaigns and training have been conducted and consultations held with representatives from all economic, social, political and media sectors on the subject of domestic and international law, a national strategic plan has been drawn up, ILO Convention No. 182 has been ratified, and children and their families have been involved in the whole process;
- The eradication of child labour has been made a priority, with the result that international cooperation agencies have provided funding for direct practical action;
- The broad alliance within the National Commission for the Eradication of Child Labour and the Protection of Young Workers of governmental and non-governmental institutions, employers and workers seeking to prevent and eradicate child labour has been strengthened, given that both the causes and the solution of this problem go beyond policies aimed solely at children and young people;
- The general public, and workers and employers in particular, have been alerted to the problem of child labour, and labour inspectors have been trained to deal with it;
- The National Commission has a collection of studies, research, analyses and up-to-date information on child labour, and these have been used to define guidelines, strategies and decisions aimed at putting a stop to child labour;
- The National Strategic Plan for the Prevention and Eradication of Child Labour is being used to set out the basic strategic guidelines and policies for a comprehensive approach to child labour.

The State party still encounters the following problems:

- There have been insufficient human and financial resources to expand the labour inspection services in rural areas and in the informal sector of the economy. There are only 92 inspectors to cover the whole country;
- The National Commission, as the body coordinating governmental and non-governmental institutions and workers' and employers' associations, has too small a budget to effectively monitor the eradication of child labour and help implement the national strategic plan through programmes at the municipal, institutional and sectoral levels;
- The strategic plan needs to be seen as an important consultation exercise and as a step towards the formulation of a specific public policy on the eradication of child labour;
- More resources are needed to enable the bodies responsible for implementing the National Strategic Plan for the Prevention and Eradication of Child Labour to make further progress in this task.

2. Drug abuse

427. The National Council for Drug Control is the lead State agency in the preparation, promotion and evaluation of comprehensive national policies on drug abuse. The institutions represented on the Council are the Ministry of the Family, the Ministry of Health, the National Police and the Ministry of Education, which run various programmes and projects aimed at reducing demand for drugs among children and young persons.

428. Provisions relating to narcotics, psychotropic drugs and other controlled substances are regulated by the section of the Code on Children and Young Persons that deals with prevention and special protection, which expressly prohibits the proprietors of establishments and other persons from selling or supplying alcoholic drinks, tobacco, narcotics, toxic substances, inhalants, hallucinogens and substances regulated under current laws or regulations, as well as substances which produce physical or psychological dependence, to children or young persons for any reason.

429. Shoe glue that is imported and sold in Nicaragua must contain a catalytic agent that neutralizes the addictive substance in it. Imports must be authorized by the Ministry of Health, which enforces this rule in accordance with article 66 of the Code on Children and Young Persons.

430. The Code prohibits advertising agencies and media-owners and their staff from broadcasting, on any media whatsoever, commercial, political or any other kind of advertisements that use children or young persons, encourage the use of drugs, tobacco or alcohol, prostitution or child pornography, or that glorify vice or are degrading to children (article 67 of the Code). Those who sell the products and substances mentioned above are liable to penalties and fines. In cases involving narcotics, psychotropic drugs or other controlled substances, the penalties provided for in the relevant legislation are imposed. Under the Code, the State and public or private institutions, with the assistance of families, communities and

schools, are required to provide special care and protection for children and young persons who are addicted to any psychotropic substance, tobacco, alcohol or inhalant, or who are used in drug-trafficking.

431. The State guarantees that any child or young person who is addicted to a toxic substance that leads to dependence will receive special care in public hospitals and health centres. The Ministry of Education includes lessons on the dangers of drug abuse in its primary, secondary, technical and teacher-training programmes, as well as in programmes in the informal education sector.

432. The National Council for Drug Control supports the Narcotics Division of the National Police in the area of prevention, giving courses in schools on the rights of children and young persons as set out in the Constitution and the Convention on the Rights of the Child.

433. The departmental councils for drug control organize sports competitions and various recreational activities for young people in various districts in Managua and have provided courses in schools on preventive mechanisms for community leaders and members of the academic community, with the aim of using these individuals to spread the message. The National Council is part of a region-wide project to establish preventive structures in Central America, which is financed by the United Nations International Drug Control Programme (UNDCP) and which consists of training personnel from various institutions that are involved in efforts to reduce demand for drugs in each country. The Council took part in a project entitled "Developing the capacity of non-governmental organizations to reduce demand for drugs: prevention and treatment". This project was evaluated at the beginning of 2002, and the evaluation was positive as regards Nicaragua.

434. Within the framework of the Convention on the Rights of the Child and the Code on Children and Young Persons, the Ministry of the Family has been running a programme since 1998 for youngsters who sniff glue, with the aim of improving their living conditions in the areas of health, family reintegration, harm reduction and rehabilitation in centres run by civil society organizations. The programme is based on written cooperation agreements.

435. The Programme for Child Drug-Users is based on four fundamental principles of the Code on Children and Young Persons, concerning the family, the rights of children from indigenous communities, the best interests of the child, and the child as a member of society and a subject of law. The programme's most significant achievements in the period 1998-1999 were as follows:

- Care was provided for 790 children and young persons with problems related to glue-sniffing;
- Seven departments were covered (Managua, 270; Granada, 20; Estelí, 20; Chinandega, 20; Carazo, 30; the Atlántico Norte region, 30; and the Atlántico Sur region, 30);
- In 1998 the State allocated a budget to activities in this field, increasing it by 30 per cent in 1999;

- 130 children and young persons were admitted to rehabilitation centres, and family members were persuaded to visit them in the places where they were undergoing rehabilitation;
- 85 children were admitted with their parents by their side;
- 600 parents acknowledged that their children had a problem and took responsibility for dealing with it, agreeing to give them proper protection, with State assistance;
- Self-help groups were set up for parents, so that they can learn about support strategies and how to deal with their child's addiction, as were groups for children and young persons themselves, so that they can exchange stories on how they managed to change their lives;
- 690 children and young persons managed to improve their personal hygiene and appearance, and were accepted back into the community without discrimination; and
- A network of governmental and non-governmental institutions was set up to work on the prevention of drug, alcohol and tobacco abuse.

In the period 2000-2001, the following preventive measures began to be implemented under the programme:

- Support at government level for curbs on the sale of toluene-based glue and for drastic measures against importers and major retailers who distribute the product even though it is illegal under the Act on Narcotics, Psychotropic Drugs and Other Controlled Substances, Money-Laundering and Assets from Illicit Activities (Act No. 285);
- Action in the National Assembly on a proposal to amend Act No. 285;
- Training for police officers on section III of the Code on Children and Young Persons and on Act No. 285; and
- Training for over 600 police officers and 200 cadets under the Police Academy's plan to update its courses.

436. The Ministry of the Family provided support for the National Council for Drug Control, of which it is a member, by training members of all the departmental and regional anti-drug councils in the prevention of drug use and abuse, supplying them with handbooks on prevention that were used in 400 primary and secondary schools for the benefit of 10,000 children and 7,000 parents.

437. In 2002, the programme was integrated into the Programme of Comprehensive Care for Children and Young Persons at Risk (PAINAR), an umbrella programme that brings together several programmes run by the Ministry of the Family so that the issues can be dealt with consistently across all its programmes.

438. Courses at the primary, secondary, technical and teacher-training levels, as well as those in the informal education sector, must include information on the risk of drug abuse as determined by the Ministry of Education, Culture and Sport and the National Institute of Technology in coordination with the National Council for Drug Control, as required by Act No. 285.

3. Sexual exploitation and sexual abuse

439. In 1996, Nicaragua and representatives of 140 countries took part in the first World Congress against Commercial Sexual Exploitation of Children, held in Stockholm, Sweden, and adopted the Declaration and Agenda for Action against Commercial Sexual Exploitation of Children.

440. In the period 1998-1999, studies and analyses of these issues were carried out in the municipalities with the highest recorded incidence of commercial sexual exploitation of children, namely, Puerto Cabezas, Bluefields, Somotillo, León, Managua, Carazo, Rivas, Corinto and Granada.

441. In September 1999, the first National Forum on the Commercial Sexual Exploitation of Children and Young Persons, which was organized by the National Commission for the Promotion and Protection of the Rights of the Child and the Association of Workers for Education, Health and Social Integration (TESIS), was held. The forum was attended by delegates and officials from various social sectors, who agreed to continue working in their respective spheres to prevent and deal with the commercial sexual exploitation of children and young persons, and also to set up a working group to prepare a national plan of action on the commercial sexual exploitation of children and young persons. Given the complexity of the issues, it was decided to start by defining a public policy setting out the principles, themes and areas involved: this policy would then be used to define the outlines of a strategy on which to base the national plan.

442. In 2000, the National Commission on Violence against Women, Children and Young Persons, which is coordinated by the Nicaraguan Institute for Women, was set up. This is a forum at which representatives of governmental and non-governmental institutions can meet to discuss the problem of domestic and sexual violence that is troubling the country. Also in 2002, the Commission drew up the National Plan of Action for the Prevention of Domestic and Sexual Violence for 2001-2006. A comprehensive scheme has been set up to help the victims and survivors of domestic and sexual violence, giving them access to the courts.

443. In October 2000, a central planning team was established by State institutions and non-governmental bodies and set about drafting the public policy on the commercial sexual exploitation of children and young persons, which was endorsed by the National Council for the Comprehensive Care and Protection of Children and Young Persons in August 2001. This is a specific policy on special protection that forms part of the national policy for the comprehensive care of children and young persons. As a planning tool, it provides a benchmark for the implementation of action and policies in various spheres that help strengthen the special protection to which children and young persons are entitled.

444. The public policy on the commercial sexual exploitation of children and young persons is being disseminated through training workshops, which have been held in the 21 municipalities identified as the main centres of sexual abuse and exploitation as a result of both their geographical location and their economic activity.

445. At the special session of the General Assembly on children, held in May 2002, four areas of action were identified, including the protection of children from abuse, exploitation and violence. The executive secretariat of the National Council, with support from ILO-IPEC and UNICEF, began the process of publicizing and raising awareness about the policy among all sectors of society in the same month.

446. The first step in preparing a plan to go with the policy on exploitation was taken in October 2002 at the National Forum on the Commercial Sexual Exploitation of Children and Young Persons, with the support of Save the Children. The forum was attended by representatives of the different sectors involved in work in this area with the aim of discussing progress, areas of action, strategies and approaches to the commercial sexual exploitation of children and young persons. The plan would be based on the input received and lessons learned and the whole exercise would help raise awareness about the plight of the children and young persons who are victims of exploitation. It was agreed at the forum to:

- Continue working towards compliance with the agreements reached at the two world congresses (in Stockholm and Yokohama) to help eradicate the commercial sexual exploitation of children and young persons;
- Combine the efforts of the State, non-governmental organizations and civil society in the preparations for formulating the national plan of action that will implement the public policy on the commercial sexual exploitation of children and young persons;
- Conduct a far-reaching and ongoing campaign on commercial sexual exploitation in its various forms; and
- Create and/or strengthen national and regional networks capable of reducing the numbers of children and young persons trafficked for sexual purposes, which is a form of commercial sexual exploitation.

447. Work has begun on formulating the national plan of action that will implement the public policy on the commercial sexual exploitation of children and young persons. So far, the central planning team has been set to work and has analysed and reached consensus on a proposed methodological approach. There is therefore a preliminary proposal on the table, ready for consultations at the national level.

448. Simultaneously, work is being done to strengthen the legal framework for the protection of children and young persons in this area. The Code on Children and Young Persons stipulates that no child or young person shall be subjected to any form of discrimination or exploitation, illegally brought into or taken out of the country or subjected to violence, physical, mental or

sexual abuse or ill-treatment, inhuman, terrifying, humiliating or oppressive treatment, cruelty, assault or negligence by action or omission in violation of their rights and freedoms. It is the duty of every person to protect the dignity of children and young persons by keeping them safe from any of these situations.

449. Head teachers are required by the Code to tell the mother, father or guardian in the first instance of any case of ill-treatment, rape or sexual abuse, repeated and unwarranted misbehaviour, truancy, the use, abuse or consumption of, or dependence on, psychotropic substances, high repetition rates in school and other matters that require the intervention of teachers. In cases of recidivism or serious problems, they are required to notify or report the matter to the appropriate body or authority.

450. The Code requires the State and public or private institutions, with the assistance of families, communities and schools, to provide special care and protection for children and young persons who are sexually abused or exploited.

451. Doctors, teachers and the individuals in charge of health-care providers, primary or nursery schools or child-development centres who fail to notify the relevant authority of cases they know of or suspect in which children or young persons have been abused are punished by an administrative fine and considered as accessories after the fact.

452. The Nicaraguan Criminal Code has undergone some major changes with regard to offences in this area. The Act Amending and Supplementing the Criminal Code (Act No. 230) punishes domestic violence.

453. The Criminal Code Reform Act (Act No. 150) no longer defines rape or sexual and other forms of violence as offences against the person but as sexual offences, which better reflects their true nature. The Act covers the different forms of gender violence and domestic violence, describing the characteristics of rape, rape of a minor, unlawful seduction, abduction, indecent assault, corruption and trafficking in persons. One innovation is that, once an action has been initiated, the case must proceed until sentencing even if the person reporting the crime or the complainant abandons the action. Another is that a pardon granted by the offended party does not extinguish the aggressor's criminal liability. The Nicaraguan Code of Criminal Procedure provides for personal protection measures in cases involving these offences.

454. The executive secretariat of the National Council for the Comprehensive Care and Protection of Children and Young Persons, in coordination with the Nicaraguan Institute for Women, the Coordinating Federation of Non-Governmental Organizations working with Children and Young Persons, the Office of the Procurator-General (now the Public Prosecutor's Office), and the Ministry of the Family, submitted a set of proposals for the draft Criminal Code with a view to regulating and punishing various forms of commercial sexual exploitation of children and young persons. It was also proposed to introduce some new criminal offences, including child pornography, sex tourism and child prostitution. The National Assembly's

adoption of these proposals would give Nicaragua a legal framework that was compatible and harmonized with the Code on Children and Young Persons, which would allow more substantial progress to be made in preventing and dealing with this problem.

455. In May 2002, a draft decree concerning the adoption of an important human rights instrument, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, was submitted to the Office of the First Secretary of the National Assembly.

456. The Ministry of the Family is implementing a project entitled “Awareness-raising activities and preventive measures for children and young persons at risk from drug abuse and/or sexual exploitation” in nine municipalities. Under this project, information on prevention and the protection and defence of the human rights of the population at risk (children and young persons) is distributed and awareness-raising and educational activities are carried out for the benefit of specialists, outreach workers, community leaders, members of non-governmental organizations and journalists.

457. A training manual, of which 1,000 copies were printed, was prepared for community leaders on the prevention of drug abuse and/or sexual exploitation.

458. Forty workshops were held with a view to drawing up a community plan for each municipality; each session was attended on average by 19 community leaders, from the municipalities of Bluefields, Managua (District V), León, Matagalpa, Corinto, Estelí, Rivas and Somotillo. The first phase of a series of workshops to show journalists how to handle news stories involving children and young people was also completed.

459. The Ministry of the Family receives technical and financial cooperation from UNICEF and UNDCP to deal with the issue of sexual exploitation, under the project entitled “Awareness-raising activities and preventive measures for children and young persons at risk from drug abuse and/or sexual exploitation”.

460. There are currently 21 special police units for women and children which provide expert help for children and young persons who are victims and survivors of domestic violence and/or sexual offences. The units are specialized in dealing with and investigating acts related to any kind of sexual offence. They are properly installed and equipped and are staffed by trained professionals (a chief, three or four police investigators, a female psychologist and a female social worker), and are located in districts I, III, IV, V, VI and VIII in Managua, in the administrative centres of the departments of Carazo, Granada, León, Chinandega, Matagalpa, Estelí, Nueva Segovia, Jinotega, Juigalpa, Boaco and Masaya, and in Puerto Cabezas (Atlántico Norte autonomous region) and Bluefields (Atlántico Sur autonomous region).

461. The special police units for women and children were set up as a result of the joint efforts of the Nicaraguan Institute for Women, the Network of Women against Violence and the police, who saw a need to deal with the specific risks facing women, children and young persons and to address their security concerns separately. It became clear that women, children and young

persons are not only the victims of offences against their personal safety in public places, but also that they are at great risk in the private and family sphere, whence the need to make special arrangements to help them in safe surroundings.

462. To enable the staff of the special police units to do their job properly, several training courses have been organized on subjects ranging from knowledge of the application of the Code of Criminal Procedure in cases of domestic or sexual violence to special crisis-handling techniques in cases involving children or young persons who have been sexually, physically or psychologically abused. Work is currently under way on a proposal for the special police units to take over responsibility for the comprehensive care of children and young persons, since they have the requisite experience, level of training, expertise and sensitivity in the area of children's rights.

4. Trafficking in persons and abduction

463. The Criminal Code Reform Act (Act No. 150) defines trafficking in persons as follows: "Anyone who recruits or hires a person with that person's consent or by use of threats, offers, deception or any similar machinations to engage in prostitution inside or outside Nicaragua, or who brings persons into the country to engage in it, shall be punished by four to ten years' imprisonment." The maximum sentence is handed down when the perpetrator is married to or in a stable de facto union with the victim or when the latter is under the age of 14. This offence is penalized only when the person is recruited to engage in prostitution, and does not apply to other criminal activities. Only the person who does the recruiting or hiring is punished.

464. The term used in the draft for a new Criminal Code is "trafficking in persons for sexual purposes", which is defined as follows: "Anyone who takes a person into or out of the country, or encourages or arranges for that to be done, so that the person can engage in prostitution shall be punished by three to six years' imprisonment and a fine of 300 to 1,000 day-fine units. The penalty is increased to six to eight years' imprisonment and a fine of 500 to 1,000 day-fine units if the victim is under the age of 18 years."

465. Proposals have been submitted to make trafficking in persons for sexual purposes within the country punishable under this criminal offence and to declare invalid any consent given by the victims or members of their families.

Kidnapping

466. The offence of kidnapping is committed when an individual acting without authorization from a competent authority or acting outside the cases provided for by law deprives another person of their liberty. The offence is aggravated when the victim is kidnapped using force, coercion, threats or deception and confined or detained and deprived of their liberty with a view to preventing them from exercising a right or fulfilling an obligation in order to physically harm them or their property, obtain from them or from someone else some advantage or force them or someone else to have something done or not done or to tolerate something.

467. If the kidnap victim or abducted person is a woman or a child under the age of 14, the penalty is increased by one to two years. In Decree No. 81-2000, Nicaragua adopted the Convention on the Civil Aspects of International Child Abduction (Hague Conference on Private International Law). A draft decree on the adoption of the Optional Protocol to the Inter-American Convention on the International Return of Children is now before the National Assembly.

5. Other forms of exploitation

468. The Code on Children and Young Persons stipulates that the State and public or private institutions, with the assistance of families, communities and schools, must provide special care and attention for children and young persons who find themselves in a situation or circumstances in which they need special protection.

6. Children belonging to a minority or an indigenous group

469. The Nicaraguan Constitution states that all persons are equal before the law and are entitled to equal protection, with no discrimination on grounds of birth, nationality, political beliefs, race, sex, language, religion, opinion, origin, economic status or social position.

470. The Code on Children and Young Persons stipulates that children and young persons belonging to an indigenous community or to an ethnic, religious or linguistic social group or one of indigenous origin have the right to live and organize their society in accordance with their historical and cultural traditions.

471. The State guarantees the right of children and young persons belonging to indigenous communities or social groups, together with the other members of their group, to have their own cultural life and educational system, profess and practise their own religion and customs, use their own language and enjoy the rights and guarantees set forth in the Constitution, the Code on Children and Young Persons and other legislation.

472. Children and young persons have the right to an education that will develop to the maximum extent possible their potential, their personality and their physical and mental attributes and capacities, inculcate respect for their parents and human rights, develop their critical faculties, prepare them to become responsible citizens and qualify them for work, with an emphasis on reducing the current disparities in the education of girls and boys.

473. In the educational sphere, the ninth principle set out in the National Education Plan states that it is the duty and right of mothers and fathers, institutions, organizations and other elements of civil society to take an active part in planning, managing and evaluating the educational process while taking account of national, multicultural and multi-ethnic realities.

474. It is stipulated in the criminal justice system that the right of every young person to equality before the law, equal protection and non-discrimination on any grounds whatsoever must be respected for the duration of any investigation, trial and sentence. Consequently, the religious beliefs, culture and morality of the young person must also be respected.

475. One of the principles contained in the National Education Plan for 2001-2015 is that education creates and shapes the human being and social, environmental, ethnic, humanist and cultural values, with the aim of strengthening the national identity. It reaffirms respect for religious, political, ethnic, cultural, psychological and gender diversity, as well as the right of others to peaceful coexistence. In this way it will contribute to the establishment and consolidation of a Central American identity.

476. The part of the plan that deals with the quality and importance of the learning process proposes the introduction of a relevant curriculum that includes gender issues, the environment, human rights, governance, a culture of peace, customs, languages, beliefs and traditions as cross-cutting issues. It also proposes the introduction of new types of distance-learning courses aimed especially at people living in rural areas and along the Atlantic coast, though without neglecting the people in cities. Children and young persons from indigenous and ethnic communities have the right, in their region, to receive an intercultural education in their mother tongue, in accordance with the Constitution, the Code on Children and Young Persons and the applicable legislation.

III. CONCLUSIONS

477. The most important progress made during the period under review was the adoption and entry into force of the Code on Children and Young Persons and the preparation of policies and action plans setting out the steps to be taken to ensure that children and young persons can enjoy their rights under the Convention on the Rights of the Child. The State party has the legal, political and technical instruments and the coordinating bodies in place with which to further improve the observance of children's and young persons' rights at the national and local levels. The bodies working to promote and defend those rights have been strengthened.

478. The implementation of the National Plan of Action for Children and Young Persons for 2002-2011 and the Code on Children and Young Persons is consistent with the national and international commitments entered into by the State party in respect of children and young persons.

479. Although structural problems such as poverty persist and are a constraint on the realization of the rights of children and young persons, the Nicaraguan Government is determined to give effect to these rights. That is why it has put the Enhanced Economic Growth and Poverty Reduction Strategy at the centre of its efforts to improve the quality of life of the most vulnerable population groups, including children and young persons and families.

480. The idea that children and young persons are full members of society and subjects of laws has been reinforced in the mind of the general public. Consequently, children and young persons now have more opportunities to put forward their demands, proposals and ideas for solutions to the problems affecting them for consideration by the national and municipal authorities.

481. Visible progress has been made in implementing the rights of the child, but the State party needs more resources to speed up the process of change and so improve the well-being of children and young persons. The links between State institutions and civil society have been strengthened as a result of their working together, and international cooperation agencies have become more closely involved in and supportive of the various initiatives taken by the State party to enhance the realization of the rights of children and young persons.

Notes

¹ National Population and Health Survey (ENDESA), 2001.

² Idem.

³ National Survey of Living Standards, 2001.

⁴ Enhanced Economic Growth and Poverty Reduction Strategy.

⁵ A minister, deputy minister, or secretary-general

⁶ Electoral Act, article 30.

⁷ Constitution, article 15.

⁸ Constitution, article 16.

⁹ Constitution, article 20.

¹⁰ Constitution, article 22.

¹¹ Constitution, articles 17 and 19.

¹² Data supplied by the Ministry of Health, February 2003.

¹³ National Plan of Action for Children and Young Persons, 2002-2011, November 2002.

¹⁴ National Plan of Action for Children and Young Persons, 2002-2011.

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