



United Nations System Report on Nicaragua
Universal Periodic Review Second Cycle of the Human Rights Council
September 2013

Introduction

1. In 2010, the Human Rights Council reviewed Nicaragua's performance on human rights during the Universal Periodic Review (UPR) first cycle. The State of Nicaragua accepted the majority of the recommendations received and requested the United Nations System (UNS) support to implement them. This exercise provided Nicaragua with a set of inputs to continue advancing on the implementation of international standards on human rights, as well as adopting legislative, administrative measures, public policies, programmes and plans adjusted to those standards.
2. The UPR process constitutes an excellent opportunity to carry out a detailed review on the status of human rights, promote actions and an open and constructive exchange among all the parties involved.
3. In this sense and considering the mentioned recommendations, the UNS in consultation with the Government and other actors, carried out a Common Country Assessment as a first step in the process of defining the UN Development Assistance Framework (UNDAF) and its respective Action Plan for 2013-2017, which considers four areas for the UNS focus during the 2013-2017 period *(1) Reduction of multiple inequities and poverty to achieve sustainable human development (2) Guarantee the right to food security, health, education and well-being of Nicaraguan people (3) Environment protection and risk management for sustainable human development; and (4) Strengthening of institutional capacity for technological innovation and industrialization.*
4. The conclusions arising from UPR second cycle will certainly help strengthen the assistance framework implementation and action plan above mentioned, promoting the joint collaboration between the programme country and the United Nations System.
5. As a contribution to this process, this report analyzes the human rights situation during the last four years, emphasizing the progress and challenges on the implementations of UPR recommendations, as well as those from other organisms of the United Nations System.

I. Institutional context and cooperation with Human Rights mechanisms.

Relevant recommendations UPR 2010: No 90.1; No 90.18

6. The Republic of Nicaragua possesses a judicial and institutional framework which, although perfectible, is adequate in terms of recognition and protection of human rights. Article 46 of the Political Constitution establishes that "all persons are entitled to State protection and recognition of their inherent rights, unrestricted respect, promotion and protection of Human Rights and full effectiveness of rights contained in the Universal Declaration of Human Rights" and other international instruments. It recognizes the multi-ethnic



character of its population, the rights of indigenous people and the autonomous regime of Caribbean Coast communities. Nicaragua has ratified most international treaties on universal and regional human rights, adding in the last period the ratification of the International Labour Organization Conventions (ILO) No. 169 on indigenous and tribal peoples in independent countries and No. 189 on decent work for domestic workers.

7. Efforts have been made to enhance the national legal framework in particular for sectors involving women, children and adolescents, youth, indigenous and afro-descendant people, migrants, people with disabilities, and people living with HIV/AIDS. In this sense, a number of laws have been approved and/or have started to be implemented, among them laws on: food sovereignty and security and nutritional, promotion of social housing construction, rights of people with disabilities, promotion of agro-ecological production, conservation and sustainable utilization of biological diversity, drinking water and sanitation committees (CAPS), violence against women, ancestral traditional medicine, labor judicial processes, rights of persons with HIV/AIDS, strengthening of asylum norms, as well as consular protection for nationals abroad.
8. Notwithstanding, the national legal framework would require further strengthening in order to provide more guarantees for the exercise of some of the fundamental rights related to property, rights of indigenous communities in the Pacific, Central and North regions of the country, gender identity and rights of LGBTI population (lesbian, gay, bisexual, transgender and intersex), among others. Likewise, further efforts should be made to update national legislation with the commitments derived from the ILO Convention No. 169 on Indigenous and Tribal People. Several normative advances which took place in recent years are awaiting adequate implementation as is the case with the establishment of the National Council on Equity stipulated in the Law of Equal Rights and Opportunities or the adequate functioning of the National Prevention Mechanism foreseen in the ratified Optional Protocol of the Convention against Torture.
9. Nicaragua has a Human Rights Procurators Office (PDDH by its acronym in Spanish) and some special procurator offices, being the first national human rights institution in Latin America with a Special Procurator on Sexual Diversity. It is recommended to keep strengthening mechanisms to guarantee the impartiality and actions for the defense of human rights of the Human Rights Procurators Office.
10. However, there is no State institution responsible for the elaboration of global and/or sectoral policies, follow-up and, when appropriate, coordination of actions and programmes on human rights, which include an adequate relation between public institutions and civil society organizations for the formulation, implementation, monitoring and assessment of existing social policies. The number of recommendations received by specialized international bodies, as well as the scope of challenges faced, requires the creation of a body in charge of those responsibilities. The current Government Commission for the UPR has outlined what could become a future State institution with that type of mission.
11. The State of Nicaragua is encouraged to further its collaboration with HR protection mechanisms, submitting pending reports to the Human Rights Committee, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of all Forms of Discrimination against Women, Committee on the Protection of the Rights of all Migrant



Workers and Members of their Families, Committee on the Rights of Persons with Disabilities, Committee against Torture, Committee on Economic, Social and Cultural Rights, as well as the International Labour Organization control agencies. In this sense, the State of Nicaragua should also consider inviting special rapporteurs and thematic mechanisms as well as continue ratifying international norms, such as the International Convention for the Protection of all Persons from Enforced Disappearances, the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the III Optional Protocol to the Convention on the Rights of the Child, and the Rome Statute of the International Criminal Court.

II. Economic, Social and Cultural Rights

12. Nicaragua's population, with over six million inhabitants, is largely young and of multi-ethnic character due to its indigenous, afro-descendant and *mestizo* origins. Since 2010, Nicaragua is a low middle income country, which makes it non-eligible for a large part of the traditional, bilateral cooperation and it makes access to loans from International Development Banks more expensive. Although the country has reached rates of significant growth in recent years, it ranks as the second poorest country in the Americas and as one of the most vulnerable in the world, with serious gender and generational gaps, as well as by area of residence, ethnicity and life cycle, among the most significant.
13. The strengthening of the national statistics system is necessary for the elaboration of reliable, timely, and broadly accessible information by the public, aimed at the formulation, follow-up and assessment of human development policies, programmes and plans which incorporate the needs of the population groups which, in one way or another, continue experiencing discrimination and/or exclusion. In that sense, the strengthening of information, monitoring and assessment of results and impacts of laws, plans and/or programmes is required.

Right to adequate Food

2010 UPR relevant recommendations: No 90.43; No 90.44; No 90.45; No 90.46; No 90.47; No 90.48; No 90.49; No 90.50.

14. The State of Nicaragua has created a National System for Food and Nutritional Sovereignty and Security (SSAN, by its acronym in Spanish), based on a legal and institutional framework which articulates and harmonizes policies and strategies addressed to the reduction of hunger and rural poverty through different government programs. The Zero Hunger programme and its components, the Food Productive Bonus, CRISSOL and National Seeds Programme, is the programme with the largest repercussion. Social protection programmes such as the School Feeding Program also contribute to food security, targeting the most vulnerable groups. In addition, the Government has encouraged the creation of a food fund for emergencies through ENABAS (Nicaraguan Institute for Basic Food Supplies). These policies and programs have allowed a reduction in chronic malnutrition in the last five years. Furthermore, goal 1C of the MDG was achieved.



15. Notwithstanding, it is required to continue improving adequate food access for the population living in conditions of extreme poverty due to low incomes, the increment in the cost of the national food basket and a limited nutritional education. The extreme poverty in rural areas is five times higher than that of urban areas. Rural poverty is twice the value of the urban poverty; thus a big challenge continues to be the reduction of poverty and extreme poverty in rural areas.
16. The Government continues strengthening its food and nutritional sovereignty and security related programs and strategies, and consequently monitoring and following up on the results of the implementation of Law 693 of SSAN is deemed relevant, as well as a multi-sector coordination for SSAN aimed at achieving larger effectiveness and impact of projects and program initiatives carried out at territorial and national levels.
17. It is of utmost importance to further strengthen the practice of exclusive breastfeeding in children less than six months, fundamental for child survival improvement and to foster a healthy growth and development. The implementation of the Food Based Dietary Guidelines (FBDG), developed by the Ministry of Health, is considered an ideal instrument for the food and nutritional education of the population. It is likewise recommended to strengthen the institutions mandated by SSAN Law, among which the Sector Technical Councils in matters of Food and Nutritional Sovereignty and Security.
18. In that sense, the State of Nicaragua is encouraged to continue implementing cost-effective strategies, based on evidence and targeting, as well as on needs, that have a strong impact on the nutritional status of the population to ensure that vulnerable populations, especially boys and girls, have access to adequate nutrition and to the necessary care to develop all their potentials. The Government has expressed total coincidence with recommendations of the special rapporteur on the right to food resulting from his visit to the country in 2009. Those inputs continue to be relevant.

Right to Health

2010 UPR relevant recommendations: No 90.47; No 90.51; No 90.52; No 90.53; No 92.12

19. The Nicaraguan population has a health care model; the Family and Community Health Model (MOSAFC), whose main objective is guaranteeing universal and free access to health, including the provision of medicine, whose implementation is based on the 2011-2015 Multi-Annual Plan. This model has allowed progress on the coverage of health system services to the population, in areas such as institutional deliveries assisted by MINSA, coverage of institutional national deliveries (private and public), coverage of prenatal controls, early detection of pregnancy; all of which positively impacts on the reduction of maternal and child mortalities.
20. Likewise, the access to family planning services and percentage of health units offering modern birth control methods have increased, as a result of recent increase in Government allocation for their purchase.
21. Child mortality rates in rural areas double child mortality in urban areas, thus further efforts are required. Furthermore, a series of challenges exist such as the strengthening of access to sexual and reproductive health related information, education and services, especially for



adolescents and young population, women, LGBTI population, from rural areas and autonomous regions, and guaranteeing the continuous supply of essential medicines mostly for chronic patients as well as acquiring first-line antiretroviral drugs, laboratory reagents and material of periodic replacement with state funds, guaranteeing the right to universal access for people living with HIV. In addition, one of the main challenges is the mid-term and final assessments of the impact of programmes to timely carry out adjustments for their implementation and reformulation.

22. In this sense, the forging of alliances with social and community organizations is recommended in order to continue strengthening health related work and to expand and enhance social security coverage to complement MINSA actions. The Ancestral and Traditional Medicine Law approved in 2011 is, beyond its cultural dimension, an important tool considering that it is a law of public order and social interest and it complements the General Health Law.
23. Likewise, the Government of Nicaragua is encouraged to continue efforts to increase the resources allocated to the health sector, to continue the planned actions included in the Multi-annual Plan 2011-2015 and to improve its capacity to prioritize based on an equity approach, considering efficiency and effectiveness as a way to guarantee the exercise of the rights of the most vulnerable groups.

Right to Education

2010 UPR relevant recommendations: No 90.46; No 90.47; No 90.58; No 90.59; No 90.61; No 92.42

24. Nicaragua has a Strategic Education Plan 2011-2015 that promotes the right to free education and that envisages three main education sub-systems (preschool, primary and secondary), in relation to coverage as well as to the quality of education, including capacity strengthening for teachers and education centers.
25. Preschool education coverage has slightly increased in the last period, and it is worth mentioning the Early Childhood National Policy approved in 2011 addressing universal preschool education, included in the Strategic Education Plan 2011-2015. The gross enrollment rate in primary education, as well as its net rate has been maintained.
26. It should be pointed out that the Government has been able to keep illiteracy rates low and has continued to strengthen the Adult Education programmes aimed at providing continuity to the literacy phase and avoiding the regress to functional illiteracy.
27. It is worth noting that education on sexuality is a cross-cutting theme in academic programs and a core topic in the disciplines: Civic Behavior and Sociability, and Natural Sciences in primary and secondary education. This has enabled the institutionalization of School Counseling, the strengthening of technical capacities for members of the Training Network on Comprehensive Sexuality Education and the creation of the Teachers Counseling Network, as well as the production and distribution of educational material to students, teachers and parents linked to the School Counseling.
28. Regarding budgeting, the assigned resources for education in absolute terms have increased, although it has remained constant as a percentage of GDP. However, the infrastructure in many schools continues being challenged, including drinking water and the availability of sanitation services.



29. With regards to the right to education with intercultural sensibility, a Regional Autonomous Education System (SEAR) exists. It aims at guaranteeing the exercise of the mentioned right in Nicaragua's Autonomous Regions. However, it has not yet been fully implemented. Furthermore, educational programmes with cultural sensibility for indigenous people inhabiting other regions in the country should be created or strengthened.
30. The main existing challenges are linked to the universal coverage of preschool education; increased coverage for secondary and technical education and professional formation; enhancement of educational quality; and inequity reduction in connection to school access on the basis of sex, social and economic status, ethnic origin or disabilities; improvement of school environments; and increased opportunities for participation of social organizations in local education management.
31. In this sense, it is recommended to reinforce the implementation of the Strategic Education Plan 2011-2015, strengthen the measures guaranteeing the access to education for the most vulnerable groups, strengthen the training of teachers in order to increase their capacity to deliver the curricula with relevance and quality, including reproductive and sexual health related subjects, raising awareness on the importance of avoiding pregnancy among adolescents and promoting responsible sexuality. Furthermore, the promotion of technical education and professional formation is recommended, which will help ensure the inclusion of young people in decent employment, as well as promote and strengthen an educational approach throughout life which encompasses cross-cutting themes advocated in the National Strategic Plan as well as emerging issues, for example, early warning systems and school violence prevention within the Civic Education area.

Right to Decent Housing

32. On this human right, the State of Nicaragua has developed initiatives to encourage progress in the construction and remodeling of housing to benefit low income families.
33. Further efforts are required to reduce existing gaps because the main challenges are associated with quantitative and qualitative housing deficiencies. These challenges continue to build up annually as a result of the formation of new family units, the need to improve existing facilities, and the associated demand for basic sanitation, land ownership regularization and access to infrastructure and services.
34. Along these lines, the strengthening of the Institute of Urban and Rural Housing (INVUR) is recommended so it can fulfill its governing role of the housing sector and provide conditions for compliance with the Special Law for the Promotion of Construction and Access to Social Housing.

Right to a Healthy Environment

2010 UPR Relevant recommendations: No. 90.57

35. The State of Nicaragua has continued its efforts to strengthen the legal framework for the conservation of natural resources, although its effective implementation faces different issues.



36. There are a number of causes affecting the right to a healthy environment, such as the occurrence of phenomena like El Niño and La Niña, climate variability and climate change with increasingly frequent and intense extreme events such as hurricanes, in addition to droughts and flooding. The rise in food prices is partly attributed to climate factors.
37. Additionally, there are prevailing issues associated to the extensive cattle production in Nicaragua, poor agricultural practices, low agricultural productivity, deforestation by large loggers; and massive use of wood as a source of energy by poor, rural and urban families. The main challenge is human development sustainability, in other words, to reconcile economic growth with conservation and sustainable use of natural resources and environment in order to ensure that the country is better prepared to face the challenges of climate change and the growing risks associated to such change.
38. In the case of indigenous people of the Atlantic Coast and the Alto Wangki Special Region, as in other regions country wide, they are being threatened due to the advance of agricultural frontier, forestry and mining extraction, as well as the inadequate exploitation of fishing resources. State intervention aimed at ordering or, if necessary, prohibiting these types of practices requires strengthening and needs to include free, prior and informed consultations with the indigenous and afro-descendant peoples involved. The situation not only affects the rights of these communities, but also the right of the rest of the country's population to a healthy environment.
39. In general, an important limitation is the current capacity and the economic and human resources of institutions in charge of implementing policies, plans and programmes for harmonizing economic strategies with the sustainable management of natural resources and protection of the environment.
40. In this sense, further efforts are recommended for the strengthening and coordination of institutions responsible for the implementation of policies and application of the current legal framework, the sustainable management of natural resources and the promotion of environment friendly food production. Further strengthening is also recommended on actions taken to ensure the respect to the rights of indigenous and afro-descendant peoples to their lands, territories and natural resources, including their right to prior, free and informed consent before decisions that may affect them are made.

Right to Work

41. Important advances related to national legislation have taken place, including the adaptation and harmonization of national judicial norms regarding children and adolescents that provides a protection framework for the rights of adolescents working as domestic help, and the inclusion in the faculties of labor inspectorates, the monitoring of the compliance with labor rights of this population. The approval of a new labor process legislation which intends to expedite legal processes and provide a more effective protection of labor rights should also be mentioned.
42. In addition, Nicaragua presented the ratification document of Convention No. 189 to the ILO, becoming the first country in the sub-region to ratify this Convention aimed at enhancing the working conditions and life of domestic workers.



43. In general, there has been an increase in the rate of the economically active population, as well as in the average salaries and purchasing power of the minimum wages, although a large gap between the minimum legal wage and the cost of the basic food basket prevails. Limited capacities and technical abilities are associated with a deficient work organization and to the low utilization of appropriate technologies, which results in low productivity in many sectors. A large informal sector prevails. One of the main causes of emigration in Nicaragua is the quest for better jobs and wages.
44. Among the main challenges on the matter are the weakness of institutions in charge of overseeing the enforcement of work norms and the low development of collective negotiation. Likewise, the acceleration of the integration process of workers in the informal sector to the Social Security system of Nicaragua is required.

III. Civil and Political Rights

Right to Life and physical integrity

2010 UPR relevant recommendations No 90.6; No 90.10; No 90.19; No 90.22; No. 90.23; No 90.24; No 90.25; No 90.27; No 90.30; No 90.39; No 90.40; No 90.41; No 92.10; No 92.11; No 92.13; No 92.14; No 92.25; No 92.26; No 92.27; No 92.28; No 92.29; No 92.40; No. 92.41;

45. Regarding the right to life, it is worth noting that the rate of homicide for Nicaragua continues to be one of the lowest of the Central American region and shows a diminishing trend. For the specific case of women, important normative efforts have been carried out to improve the guarantee of the right to life. Furthermore, the classification of femicide as a crime has been achieved.
46. Within the period reported, important progress in the area of fight against human trafficking has been reached. The incorporation of this crime in the Comprehensive Law against Violence towards Women (Law 779) and the classification of human trafficking for work exploitation as a crime should be highlighted. At the institutional level, protection has been strengthened with the creation of Departmental roundtables against Human Trafficking in all the departments of the country.
47. The Model of Comprehensive Care for Victims of Violence (MAI) is being implemented, which strengthens the articulation of the care system for protection of the victims of these crimes, carrying out investigation, persecution and crime sanctions from the moment the fact is known to its recovery, compensation of damages and restitution of their rights. The number of Commissioner's offices for Women, Children and Adolescent is increasing due to a government decision to guarantee a commissioner's office in each of the 153 municipalities of the country.
48. However, violence suffered by women continues to be a serious issue and, in the last four years, the average number of complaints on rape of women has remained the same. The access to centers for public protection, commonly known as shelters, continues being a challenge. In fact, to date there is only one public center nationwide managed by the National Police and approximately eight shelters run by civil society organizations. It is recommended that the State proceed with administrative and judicial transformations which allow adequate registries and immediate and in depth investigations in the cases of rape



complaints. There are in fact situations that go unpunished and the investigation process often re-victimizes raped women.

49. Law 779, whose constitutionality was confirmed by the Supreme Court of Justice, represents a notable progress for the protection of women. However, its reform which was approved by the National Assembly in September 2013, introduces measures like mediation. Mediation assumes that the parties address the process with equal resources and power, which does not occur in situations where assaulted women have fewer possibilities to negotiate under conditions of equality with their aggressor. It is recommended that the State monitors the implementation of Law 779 so rights of women are duly protected, and to develop measures ensuring that all persons participating in the mediation are instructed on the dynamics of violence against women, especially domestic violence. The State is further encouraged to take all the measures needed, particularly of legislative, administrative, judicial and educational nature, to ensure the effective exercise of women rights pursuant to international obligations on the subject. Ensuring the right of access to justice and effective remedies under conditions of equality for women victims of violence is fundamental, as well as a larger participation of women at all levels on decision making.
50. With respect to torture crime, despite this crime being included in the Criminal Code, the definition of torture has not yet been harmonized on the basis of Article One of the Convention against Torture. It is recommended that the State consider harmonizing this definition, as well as proceeding with administrative and judicial reforms which allow relying on adequate registries and immediate investigations in cases of mistreatment complaints.
51. In the area of the right to life and physical integrity, the State is encouraged to increase efforts to implement special legal protection measures for women victims of violence in all forms, particularly through the creation of Protection Program for Victims and Witnesses. Regarding the recommendations on the right to physical integrity for members of civil society organizations and human rights defenders as well as their right to work and to manifest themselves peacefully and freely, ensuring their security, it continues to be a relevant issue and requires that the State take specific steps in this regard.

Right to Effective Judicial Protection

2010 UPR relevant recommendations: No 90.47

52. There has been progress in access to justice in several areas such as the access to labor justice through the strengthening of the legal and institutional framework promoting the expediting of judicial labor processes.
53. Notwithstanding these advancements, the need to reduce delays in justice as well as impunity levels and counteract institutional weaknesses of the judicial system, remain a challenge.
54. In the case of indigenous and afro-descendant peoples, in spite of the recognition in the legal framework to legal pluralism that includes the right to have their own laws, more decisive advancements are required on training of positive law practitioners, and on the harmonization between the state and indigenous population judicial systems. In this area it is recommended to strengthen the capacity of judicial officers (judges, prosecutors, public



defenders, rural promoters of justice), their functional autonomy and increase the presence and operation of the judicial system in order to guarantee better access to justice by improving the implementation of international human rights instruments ratified by the country in all the work of the National Judicial System.

Political Rights

2010 UPR relevant recommendations: No 90.33; No 90.34; No 90.35; No 92.35

55. The young institutional democracy of Nicaragua has been characterized by a relative alternation of political parties in the government in the course of the established constitutional periods. Since 2012, the Government has had the majority of representatives (62 of a total of 90 representatives) elected to the National Assembly.
56. National elections for President and Representatives to the National Assembly took place in 2011 and Municipal Elections in 2012. International electoral observers were present, including the European Union (EU) and the Organization of American States (OAS). There were allegations of irregularities and after the elections there were incidents, including five deaths in 2011 and three in 2012. There is no knowledge of follow-ups or the implementation of recommendations from the EU and OAS missions. The national electoral observation was subject to restrictions.
57. Regarding rights to vote, full compliance with the sentence of the Inter-American Court of Human Rights is still pending in relation to the Yatama case against the State of Nicaragua, which mandates that Nicaragua carry out legal reforms to adapt the Electoral Law to the particularities of indigenous peoples and to establish a simple, expeditious and effective remedy that provides control of the Supreme Electoral Council (CSE) decisions that affect human rights.
58. The achievement of gender equality in elected positions in recent municipal elections which for the first time in history allowed the same proportion of men and women to become Majors and Deputy Majors is worth noting. Also, half of municipal council positions were occupied by women. It is recommended that the State of Nicaragua continue with the process of electoral system reforms, as well as with timely and proper accreditation of national organizations specialized in the matter and to consider approving voting for Nicaraguans residing abroad.
59. The State of Nicaragua is encouraged to maximize efforts to foster a culture of tolerance, dialogue and respect for human rights, strengthening the inclusion of sectors of civil society that are not necessarily integrated in the models of official participation. This will lead to the generation of broad inclusive and constructive opportunities among citizens on their role as right holders and the different State institutions on their role as obligation bearers. The persons and institutions that work in the defense of human rights have a central role in their protection, so it is essential that the State provide them with adequate conditions, avoiding practices that hinder their work.
60. There is a Law of Access to Public Information; however, the institutional offices guaranteeing this right as established by the Law are yet to be created. A revision of the main constraints for the Law's effective implementation is recommended. The improvement



of records, registries and national statistics are also recommended as well as making that information available to the public.

61. The State is encouraged to increase efforts for the full exercise of the right to freedom of information and expression. In addition, independence and pluralism of the media should be promoted and awareness should be raised over the importance of freedom of expression as a fundamental right.
62. In order to reinforce the guarantee to the right to citizenship and access to it by the entire population and specially by some sectors, including the rural population, the indigenous people and Nicaraguans residing abroad, the State is encouraged to strengthen the civil registration and vital statistics systems and keep up the commitment to carry out pending reforms, including the approval and implementation of the Civil Status of Persons Registry Law.

IV. Specific Sectors Rights

Rights of Indigenous and Afro-descendant Peoples

2010 UPR relevant recommendations: No 90.20; No 90.21; No 90.64; No 90.65; No 92.4

63. Regarding these rights there has been progress in different aspects. At the policy level, the State of Nicaragua was among the promoters of the United Nations Declaration on the Rights of Indigenous Peoples (2007) and in 2010 it ratified ILO Convention No 169 extending its benefits to Afro-descendants peoples. Also, the Ancestral Traditional Medicine Law (already mentioned on paragraph 23 under the right to health) was approved as well as the Law on Dignified and Fair Treatment to Indigenous and Afro-descendant Peoples. There has also been progress in the titling processes of indigenous territories. In regards to typifying discrimination as a criminal offense, it is worth noting that the criminal code in several articles establishes jail sentences from six months to one year for discrimination based on race or ethnic group.
64. In spite of this progress, the indigenous and afro-descendants peoples and communities continue to face a number of additional limitations in relation to the rest of the population. Negative stereotypes and publication of distorted information regarding indigenous and afro-descendant peoples continue to be present. This historic discrimination entrenched in the collective mind, produces limitations in matters of access to individual rights (education, health, economic development, access to justice, access to a healthy environment) and to the exercise of collective rights (land, territory, cultural rights). It is worth noting that the indigenous peoples of the Pacific, Central and North regions of the country have less visibility and policy recognition than the indigenous and afro-descendant peoples of the Caribbean Coast. In this respect, the National Assembly is working on a specific law that if approved, may become a valuable instrument for the effective realization of their rights.
65. Regarding the right to political participation of ancestral peoples, there are forms of community organization according to their own traditions. Institutional mechanisms are required that allow for their proper representation as well as for interrelation and dialog with government structures.



66. Specifically, it is recommended to establish appropriate mechanisms for compliance with the stipulations of ILO Convention No 169 and the United Nations Declaration on the Rights of Indigenous Peoples, in particular to free, prior and informed consent over all decisions that affect them and the promotion of policies to address eradication of discrimination. Also, it is required to promote proper representation of all indigenous peoples in publicly elected positions, including in the regional councils, and to foster implementation and publication of the Law on Dignified and Fair Treatment to Indigenous and Afro-descendant Peoples, as well as the Ancestral Traditional Medicine Law, and other related policy instruments.

Rights of the LGBTI population

2010 UPR relevant recommendations: No 90.7

67. With respect to the right of the LGBTI population (Lesbian, Gay, Bisexual, Transgender/Transsexual and Intersex), some advances have been observed in the legal framework related to HIV/AIDS. The Criminal Code establishes penalties for acts of discrimination related to sexual orientation. Another positive development has been the appointment of a Special Procurator for Human Rights of Sexual Diversity under the Office of the Procurator for the Defense of Human Rights (PDDH), the first of its kind in the World.
68. However, the LGBTI persons do not have effective mechanisms to access their rights due to the lack of laws and public policies aimed at specific protections measures. Furthermore, national legislation does not yet explicitly guarantee the same rights to homo-parental than to hetero-parental families, as it does not include the possibility of legalization of de-facto marital unions or the possibility of marriage, nor hereditary rights and others related to the rights of family.
69. Regarding rights of the LGBTI population, it is recommended to strengthen the mechanisms for the application of measures for the adoption and implementation of a comprehensive policy that guarantee all their rights and that eliminate all discrimination for reasons of sexual identity.

Rights of Children and Adolescents

2010 UPR relevant recommendations: No 90.28; No 90.55; No 90.56

70. Regarding these rights, the State of Nicaragua has developed important initiatives, including the incorporation of the prohibition of physical punishment and humiliating treatment in the Family Bill of Rights project. Also, a number of programmatic resources have been designed for the restitution of rights of children and adolescents mainly in the areas of education and health. This has allowed the reduction of mortality rates in children younger than 5 years.
71. In spite of progress in reduction of child labor indices, this is still an important cause as to why children and adolescents do not initiate schooling at a young age or end up abandoning it.
72. In addition, in 2012 the Model for Family and Community Comprehensive Care (MAIFC by its acronym in Spanish) was created to guide and facilitate the implementation of social policies and programs addressed to children, adolescents, elderly, their families and communities,



for the restitution of their rights, and to provide access for children and adolescents at risk, among others, to school support and protection programs in accordance with this model.

73. However, there are some limitations regarding the effective registration of all births in the civil registry without differences between boys and girls, but with variations regarding origin and socio-economic level. A birth certificate is a necessary requisite among others, for the certification of compliance with primary or secondary education. The lack of registration prevents children and adolescents from having an identity document, which entails limitations in the exercise of citizenship by the affected population.
74. Challenges related to sexual violence against adolescents still persist, including high percentage of pregnancy and new cases of HIV in adolescents. It is recommended to strengthen institutional mechanisms and public questioning of sexual violence against children and adolescents, while further strengthening is recommended empowering them.
75. Regarding the rights of children and adolescents, the allocation of additional resources is recommended, as well as strengthening management capacity for the formulation, review and implementation of comprehensive policies for the protection of children and development of adolescents, especially those that address the eradication of child labor, rights related to the HIV, pregnancy in adolescents, physical, sexual and domestic violence, criminal justice for adolescents, among others.
76. Likewise, development and implementation of information systems is recommended to capture inequalities and evaluate progress of government programs and models for the promotion of the rights of children and adolescents.

Women's rights

2010 UPR relevant recommendations: No 90.1; No 90.5; No 90.7; No 90.62; No 92.9

77. Important progress has been carried out by the State to guarantee women's rights, including the adoption by the National Assembly and the Supreme Court of Justice of a gender perspective in respectively their Strategic Lines for 2012-2016 and Strategic Plan for 2012-2021, and the formulation of a State Policy against Violence towards Women and Girls.
78. In terms of health, maternity mortality rates have been decreased to the point where Goal 5.A of the MDG is expected to be attained. This reduction is due to the increase in detecting early pregnancy, institutional birth coverage and in the use of contraceptive methods. The economic participation rate of women has continued to increase. Advances have also occurred in the field of political participation with the establishment of municipal political representation quotas of 50% for women, and the increase in women representatives in the National Assembly, which were granted 40% of the seats.
79. In spite of the advances in Nicaragua, as well as in most countries in the region, deep gender inequalities prevail, given the existence of a predominant patriarchal model that subordinates a woman to man and that considers that household chores, child and elderly care as well as caring for the disabled, are the exclusive responsibilities of women. This cultural model gives rise to unequal family relations characterized by irresponsible paternity, gender violence and restrictions in time availability to women for the generation of income,



political participation and personal development, due to the non-remunerated care job overload (and other household tasks) women are subject to.

80. Women from rural areas or of indigenous and afro-descendant origin are the ones that bear the highest levels of exclusion, being the last step of a ladder where the first place is occupied by urban men, the second by urban women, followed by rural men. Rural women and especially indigenous ones, have the lowest instruction levels, the highest illiteracy rates, the lowest salaries as well as less access to resources and health services among others. Women from rural areas as well as indigenous and afro-descendent women are vulnerable to in-country human trafficking in the Pacific region, under the figure of domestic servitude and/or exploitation. Women and girls are especially vulnerable to this crime.
81. Domestic and sexual violence is a problem that mainly affects poor women, children and adolescents from marginal urban or rural areas. The prevalence of gender social norms of a patriarchal or adult-oriented nature exposes young women to all kind of violence. It is recommended to continue strengthening adolescent women access to information and knowledge regarding sexual and reproductive health and sexuality.
82. Moreover, there continues to be limited access to comprehensive health services for adolescents that would allow them to get information and knowledge about sexual and reproductive health and sexuality. This lack of knowledge makes them vulnerable to continual pregnancies.
83. Regarding women rights to health and physical integrity, it is necessary to point out that therapeutic abortion continues to be penalized, which is considered a violation of women rights. It is also worth noting that the complaints filed in 2007 for violation of constitutional rights are still pending the resolution by the Supreme Court of Justice.
84. In the legal area, the State of Nicaragua is encouraged to continue efforts to apply current legislation. Furthermore, the Legislative Branch is exhorted to take effective steps to harmonize the legal framework with the duties that arise from the Convention on the elimination of all forms of Discrimination against Women and to ratify the Optional Protocol to the CEDAW.

Rights of Migrants and their families

85. Regarding these rights there has been progress in the legal framework to incorporate international commitments related to human rights and migration assumed by the State; as well as the ratification of the XII Convention to waive legalization of foreign public documents. Progress has also been achieved on processes that provide service to repatriated migrants, migrant children and in Nicaragua consular services abroad, all intended to regularize the situation of migrants in countries of destination and to provide increased protection. On the other hand, since 2010, the National Commission for Refugees (CONAR in Spanish) with the participation of State institutions, Churches and Civil Society has been working on a regular basis to grant refugee status.
86. Despite these advances, there are factors that expose migrants to human right violations, including the irregular migration derived, among other causes, from restrictive migration policies of in-transit and destination countries, as well as from the limited scope of



mechanisms that facilitate information and advice prior to the beginning of the migration process. It is also worth noting gender factor, as migrant women are one of the most vulnerable groups.

87. It is recommended to strengthen the processes of monitoring, follow-up and protection of the migrant in-transit population, especially in Central America and Mexico, by means of, for example, the approval of the bill for the Protection of Nationals Abroad. In addition, it is recommended to continue developing inter-institutional coordination mechanisms for the regulation of labor migration flows by means of, for example, subscribing or extending bi-lateral agreements with the main destination countries on aspects related to migration, labor and social security (portability of acquired rights).
88. The State of Nicaragua is encouraged to promote the development of a comprehensive National Migration Policy sensitive to gender issues and with a human rights based approach, through the National Council of Migration and Foreign Nationals created by Law No. 761.

Rights of the Elderly

89. Regarding these rights the approval in 2010 of the Law of the Elderly, intended to promote comprehensive and institutional services to the elderly by public and private entities is worth noting. Another positive development is the incorporation of the elderly in government social welfare programs related to health, housing and food.
90. However, the elderly are still in a vulnerable situation regarding the exercise of their rights, associated to the poverty conditions that affect large segments. This vulnerability is further aggravated by the lack of capacity to generate income because of age and the lack of access to a social security system during their work life given the low level of formal employment opportunities in the country.
91. The Government of Nicaragua, through decree 28-2013, has recently reestablished the right to a reduced retirement pension based on a minimum number of (weekly) contributions to the Nicaraguan Institute of Social Security (INSS) pension fund. This demand gave rise to protests and clashes that had national and international repercussion in June 2013.
92. The State is encouraged to ensure implementation of the Law, its regulations and the implementation and adequate coverage of programs and services addressed to these persons.

Rights of Persons with Disabilities

2010 UPR relevant recommendations: No 90.14 No 90.63

93. In relation to these rights holders, there has been progress in the regulatory framework, including the approval of Law 763 about Persons with Disabilities. Likewise, it is worth noting the provision of services to the population with disabilities through the program “*Todos con Voz*” (“Everyone with Voice”) with which a diagnosis of all the population with disabilities was carried out. The most noteworthy advances were the improvements in the conditions of persons with visual and hearing impairment.



94. Regarding economic conditions, one of the main challenges faced by this population is unemployment and labor marginalization. High rates of unemployment are due to a variety of factors, among them, lack of training, inaccessibility to the workplace, lack of accessible transportation and the economic problems affecting the country. Low coverage of Social Security is another factor that reduces the enjoyment of social rights of persons with disabilities, especially those of women with disabilities.
95. The infrastructure conditions in Nicaragua indicate that most public and private buildings are inaccessible for persons suffering from physical-motor disabilities.
96. In relation to the right to education of children, advances have been noticed including the institutionalization of the Inclusive Education Roundtable, and the creation of the Disabilities Secretary in the Government of the Autonomous Region of the South Atlantic on the Caribbean Coast.
97. In spite of these efforts, a high percentage of children and adolescents with disabilities between 3 and 16 years are out of the school system and only a small proportion of those who enter school complete the six years of primary education.
98. The State is encouraged to allocate necessary resources for the implementation of Law 763 to allow access to social and economic services for this population, as well as its dissemination through education campaigns to raise awareness and respect. Also, the State is encouraged to develop public programs and policies for the promotion of the right to education for children with disabilities and to eradicate discrimination toward persons with disabilities.

Rights of Persons Deprived of Liberty

2010 UPR relevant recommendations: No 90.3; No 90.42

99. Nicaragua has undertaken important efforts for the advancement of rights of persons deprived of liberty through the creation of better basic infrastructure conditions (drinking water and general improvement of the conditions) of prison centers and National Police (PN) detention facilities. Also, there has been a strengthening of the capabilities of National Police and National Prison System officers on matters related to human rights and in relation to persons deprived of liberty. However, in order to achieve comprehensive improvements, significant financial resources are required.
100. In spite of the aforementioned efforts, persons deprived of liberty are held in overcrowded conditions in the case of the National Prison System as well as in the case of National Police preventive detention cells. It is worth noting that persons deprived of liberty in cells of the National Police who are there on a provisional basis have difficulties to exercise their rights in accordance with the Criminal Procedure Code (CPP) due to the material and physical limitations of these facilities. Moreover, the infrastructure was not designed for stays longer than 48 hours. This situation is especially critical in the case of the Autonomous Atlantic Regions (RAAN and RAAS), since neither of the two regions have adequate conditions for preventive or penal detention.
101. Another limitation for due compliance with the rights of those deprived of liberty is related to the right to food (there is an insufficient budget for security institutions to



guarantee adequate food), to drinking water and sanitation. In spite of efforts, access to the mentioned rights continues to be a key challenge, mainly in the National Prison System.

102. It is necessary to take into account that these limitations also affect compliance with the stipulations of the Code for Children and Adolescents regarding the establishment of specialized centers for serving sentences that entail deprivation of liberty. In fact, there is only one center with those characteristics at the national level. This entails confining adolescent offenders in halls or cells separated from adults in the same prison centers or National Police detention facilities.
103. The State is encouraged to increase the resources allocated to the National Prison System to provide it with the required conditions for a better fulfillment of its functions. It is recommended to establish at least one specialized center with adequate conditions for adolescents deprived of liberty in the Pacific Coast and another center in the Atlantic Coast, in agreement with international instruments ratified by Nicaragua, with its Political Constitution and with the Code for Children and Adolescents. Similarly, it is recommended to strengthen implementation of the Family and Community Health Model (MOSAFC) for the prevention of STI and HIV/AIDS of the population deprived of liberty. Improvements in the infrastructure of Penal Centers are recommended, especially for the female center “La Esperanza”.



ACRONYMS

AIDS	Acquired Immunodeficiency Syndrome
BCN	Central Bank of Nicaragua
C&A	Children and Adolescents
ECLAC	Economic Commission for Latin America and the Caribbean
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FBDG	Food-based Dietary Guidelines
FOSOVI	Social Fund for Housing
GDP	Gross Domestic Product
HIV	Human Immunodeficiency Virus
HR	Human Rights
IAPS	Indigenous and Afro-descendent Peoples
ILO	International Labour Organization
INVUR	Institute of Urban and Rural Housing
IOM	International Organization for Migration
JP	Joint Program
LGBTI	Lesbian, Gay, Bisexual, Transgender/Transsexual and Intersex
MDG	Millennium Development Goal
MINED	Ministry of Education
MINSA	Ministry of Health
NFSS	National Food Sovereignty and Security
OAS	Organization of American States
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSC	Civil Society Organizations
PAHO- WHO	Pan American Health Organization/World Health Organization
PDDH	Office of the Procurator for the Defense of Human Rights
PN	National Police
RAAN	North Atlantic Autonomous Region
RAAS	South Atlantic Autonomous Region
SEAR	Regional Autonomous Education System
SINEVI	National System of Vital Statistics
SPN	National Prison System
SRH	Sexual and Reproductive Health
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNS	United Nations System
UPR	Universal Periodic Review
WFP	World Food Programme