

Universal Periodic Review
(19th session, May –June 2014)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Nicaragua

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Ratification 28/09/1981	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
1972 Convention concerning the Protection of the World Cultural and Natural Heritage	17/12/1979 Ratification			Right to take part in cultural life
2003 Convention for the Safeguarding of the Intangible Cultural Heritage	14/02/2006 Ratification			Right to take part in cultural life
2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions	05/03/2009 Ratification			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. The Constitution of 1987, as amended for the last time in 2007¹ enshrines the right to education of every citizen in its Article 58. Article 65 promotes physical education. Article 84 prohibits child labour in tasks that can affect its compulsory education calendar. Articles 116 and 117 describe the objectives and basis of education. *Title VII* of the Constitution is dedicated to Education and Culture. According to Article 18, educational management is viewed in a participative way as the State is required to promote the participation of the family, the community and the people in education and guarantees the support of

¹ http://www.inifom.gob.ni/informacion_publica/leyes_decretos/ContitucionPolitica.pdf

the means of social communication for this purpose. Article 119 defines education as an indeclinable function of the State, and also specifies the framework of the educational system. Planning, direction and organization of education correspond to the State. The organization and functioning of the national educational system are determined by law. It is the duty of the State to train and prepare the necessary technical and professional personnel at all levels and specializations for the development and transformation of the country. Article 120 adds that the creative application of educational plans and policies is a fundamental role of the national teaching profession. Teachers have the right to standards of living and work in accord with their dignity and with the important social function that they carry out; they shall be promoted and given incentives in accordance with the law.

3. Article 121 (reformed by Law No. **192 of 1995**) recognizes free access to education for every citizen of Nicaragua. It also establishes that primary and secondary education is free of charge in public institutions, without preventing parents from making any voluntary contribution. It adds that indigenous people and ethnic communities from the Atlantic Coast have the right to intercultural education in their native language in their region. Besides, according to Article 11, even though Spanish is the official language of Nicaragua, languages of the Atlantic Coast communities can have an official use when provided by the Law. Article 122 recognizes adults' education and promotes the elimination of illiteracy. Article 123 allows private education at all levels of education. According to Article 124, education in Nicaragua is secular. Finally, Article 3 and 27 enshrine the principle of non-discrimination and equality before the Law.

Legislative Framework:

4. The basic legislative framework for education in Nicaragua is made up of:
- **The General Law of Education 582 of 2006** (*Ley General de Educación*)².
 - **Law No. 89 on Autonomy of Higher Education Institutions** (*Ley n° 89 de Autonomía de las Instituciones de Educación Superior*)³ of 4 April 1990.
 - **Law No. 287 of 1998 “the Code for the Youth and Adolescence”** (*Ley n° 287 Código de la Niñez y la Adolescencia*)⁴.
 - **Law No. 392 for the full development of the youth of 2001** (*Ley de Promoción del Desarrollo Integral de la Juventud*)⁵.
 - **Law No. 114 on Teachers' Career** (*Ley n° 114 de Carrera Docente*)⁶ of 10 October 1990.
 - **Law No. 162 of Official Use of Languages of the Communities of the Atlantic Coast of Nicaragua** (*Ley n° 162 de uso oficial de las lenguas de las comunidades de la Costa Atlántica de Nicaragua*)⁷ of 10 July 1993.
 - **Executive Decree creating the National Program of Gender Equality** (*Decreto n° 36-2006, Del Programa Nacional de Equidad de Género*) of 18 July, 2006.
 - **Law No. 612 on the Reform and Addition to the Law No. 290** (*Ley de Organización, Competencia y Procedimientos del Poder Ejecutivo*)⁸, of 24 January 2007, which establishes the Ministry of Education's functions and those of the Ministry of Family, Adolescence and Youth.⁹

² [http://www.mined.gob.ni/PDF07/Ley%20General%20de%20Educacion%20\(No.%20582\).pdf](http://www.mined.gob.ni/PDF07/Ley%20General%20de%20Educacion%20(No.%20582).pdf)

³ [http://legislacion.asamblea.gob.ni/Normaweb.nsf/\(\\$All\)/26C0D292E6C3E19C062570A100577D60?OpenDocument](http://legislacion.asamblea.gob.ni/Normaweb.nsf/($All)/26C0D292E6C3E19C062570A100577D60?OpenDocument)

⁴ [http://legislacion.asamblea.gob.ni/Normaweb.nsf/\(\\$All\)/9AB516E0945F3B6E062571A1004F4BDE?OpenDocument](http://legislacion.asamblea.gob.ni/Normaweb.nsf/($All)/9AB516E0945F3B6E062571A1004F4BDE?OpenDocument)

⁵ [http://legislacion.asamblea.gob.ni/Normaweb.nsf/\(\\$All\)/10FA0619155A2E2A062570A1005811FC?OpenDocument](http://legislacion.asamblea.gob.ni/Normaweb.nsf/($All)/10FA0619155A2E2A062570A1005811FC?OpenDocument)

⁶ [http://legislacion.asamblea.gob.ni/Normaweb.nsf/\(\\$All\)/ED28791A218A6ACA062570A10057F8F3?OpenDocument](http://legislacion.asamblea.gob.ni/Normaweb.nsf/($All)/ED28791A218A6ACA062570A10057F8F3?OpenDocument)

⁷ [http://legislacion.asamblea.gob.ni/Normaweb.nsf/\(\\$All\)/DAEC2F3B5D27E15B06257116005A5DBB?OpenDocument](http://legislacion.asamblea.gob.ni/Normaweb.nsf/($All)/DAEC2F3B5D27E15B06257116005A5DBB?OpenDocument)

⁸ <http://www.inim.gob.ni/otros/Ley%20No%20%20612%20Reforma%20a%20Ley%20No%20%2020290.pdf>

⁹ International Bureau of Education, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Nicaragua.pdf

Policy Framework:

5. In the document on **Education Policies 2007-2011** (*Políticas educativas 2007-2011*)¹⁰, five goals are highlighted:

- **More Education:** Eradication of illiteracy for all girls and boys at school.
- **Better Education:** Better curriculum, better teachers, better students, better schools.
- **Other Education:** Moralization and rescue of public school.
- **Participative and decentralized Education Management:** Education as everyone's task
- **All types of education:** Education with a systemic and integral approach

- Inclusive Education

6. The 10th Summit of the Bolivarian Alliance for the Americas (ALBA¹¹) concluded on 25 June 2010 in Ecuador with new goals of social justice, aimed at the increasing inclusion of indigenous peoples and Afro-descendants. Nicaragua signed a final document, **Declaration of Otavalo**¹², which defends the construction of inclusive, culturally diverse and environmentally responsible societies. **Paragraph 9** states: “**We are committed to strengthening public policies that provide access to health, education, employment and housing on a priority basis in favour of those most severely excluded**, and to promote policies in direct benefit of Indian and Afro-descendent People.”

7. In May 2010, a **campaign for girls and women' education** was launched. This aims to enable girls to achieve primary education and women to achieve secondary education, in order to improve the economic situation of the country. In addition, this campaign aims to fight against girls sexual harassment in schools, where some teachers make disrespectful proposals in exchange for school materials.¹³

- Child health and Education

8. In many developing countries, serious delays in children's cognitive development damage their prospects in school and their productivity as adults. Understanding the causes of cognitive deficits and developing ways to reduce them are critical policy priorities. The **Atención a Crisis programme in Nicaragua** demonstrates the potential benefits of early intervention. Significant cash payments, representing on average about 15% of household income, were made every two months to women in poor rural households. To be eligible, parents had to take children of preschool age for regular visits to health centres, where they were weighed and received vaccinations and food supplements. This pilot programme, carried out during 2005 and 2006, included a careful evaluation. Results indicated that the programme improved several dimensions of child development: After only nine months in the programme, children aged 3 to 4 years had made up 1.5 months' delayed personal-social and language development on one set of test scores, rising to 2.4 months for children aged 5 to 6 years. Participating households were found to have higher values for signs of parental stimulation, including the availability of books, paper and pencils, and the likelihood of parents reading to children. Overall food expenditures increased among treated households, especially on nutrient-rich foods. Wide-ranging preventive health benefits were identified. Participating children were more likely to have had a growth check-up, received vitamin and iron

¹⁰ <http://planipolis.iiep.unesco.org/upload/Nicaragua/Nicaragua%20Políticas%20Mined%202007.pdf>

¹¹ Nine States are members of ALBA: Bolivarian Republic of Venezuela, Cuba, Bolivia, Nicaragua y Dominica, Honduras, Ecuador, San Vincent and the Grenadines and Antigua and Barbuda, <http://www.alianzabolivariana.org/> (accessed 01/03/2011)

¹² <http://indigenospeoplesissues.com/attachments/article/5732/Declaracion%20de%20Otavalo%20-%20Ingles.pdf>

¹³ http://spanish.china.org.cn/international/txt/2011-05/04/content_22493405.htm;

<http://www.elnuevodiario.com.ni/nacionales/101319>

supplements, and to have been treated with de-worming drugs. The reported health status of mothers had also improved.¹⁴

Cooperation:

9. Nicaragua is party to 1960 UNESCO Convention against Discrimination in Education (CADE) since 1981. However, Dominica did not report to UNESCO on the measures taken for its implementation within the framework of the:

- Sixth Consultation of Member States (covering the period 1994-1999).
- Seventh Consultation of Member States (covering the period 2000-2005).
- Eighth Consultation of Member States (covering the period 2006-2011).

10. Nicaragua did not report within the framework of the fourth consultation of Member States the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). Dominica has not yet reported within the framework of the Fifth Consultation of Member States the measures taken for the implementation of the 1974 Recommendation (covering the period 2009-2012).

11. Nicaragua reported within the framework of the Second Consultation (2011) on the measures taken for the implementation of the 1976 Recommendation on the Development of Adult Education. However, it did not report for the First Consultation (1993).

12. Nicaragua is not party to 1989 UNESCO Convention on Technical and Vocational Education.

Cultural rights

Freedom of creative activity, artistic freedoms, right to conduct cultural practices – cultural heritage practice

Normative Framework: constitutional and legislative frameworks

13. Article 5 of the Nicaraguan Constitution of 2003 recognizes the existence of indigenous peoples and their right to preserve their languages and cultural life in line with the International Covenant on Economic, Social and Cultural Rights (Article 46). Besides, article 48 of the Constitution states that all Nicaraguans have the right to education and culture. In articles 89, 90, 91 and 121, the Constitution recognizes the characteristics of indigenous and afro-descendant peoples from the Caribbean Coast of Nicaragua stating their right to preserve their cultural identities, ways of living and languages. Article 127 of the Constitution provides that artistic and creative production is free and unrestricted and that the State has the obligation to ensure the country's cultural development, ensure access to culture by all, protect and manage cultural heritage (Article 128 of the Constitution), protect the Nicaraguan cultural identity and to promote civil participation in the development and implementation of its cultural policies (Article 126).

Institutional framework:

¹⁴ EFA Global Monitoring Report 2010, p. 49,
<http://unesdoc.unesco.org/images/0018/001866/186606E.pdf>

14. The Nicaraguan Institute for Culture (INC: Instituto Nicaragüense de Cultura) is in charge of implementing the country's cultural policy adopted by the Legislative Assembly on 3 August 2008. The INC, its specialized institutions and other autonomous entities coordinate the overall implementation of cultural policies. At local level the Cultural Councils of the People's Power represent the State, monitor the implementation of adopted policies and promote the participation of all in cultural life, supported by the Network of Houses of Culture. In historic towns, the protection and management of cultural heritage is also led by the INC. The INC itself, or through its specialized autonomous institutions, is in charge of ensuring the implementation of UNESCO's conventions in the field of culture.

Policy measures:

15. The INC Cultural Policy recognizes the right to cultural life. The priorities of the Policy are the preservation and conservation of tangible and intangible cultural heritage and the search for synergies between culture, environment, tourism and sustainable development. Despite the fact that the policy does not include particular measures to preserve and revitalize the indigenous and afro-descendant peoples cultures in the Caribbean Coast, the Caribbean regions are considered as beneficiaries of the national policy. As a matter of fact, in 2012, the regional governments established a Secretariat on Cultural issues and approved the First Cultural Policy of the Autonomous Regions of the Caribbean Coast (2012-2013). Nicaragua is undergoing a reform of its social and economic model, which focuses on state investment in education, cultural and social affairs and is based on the strengthening of new productive sectors. Culture has a major role to play in this considering the country's cultural diversity. However, the capacities at local level to develop and implement cultural activities autonomously are limited.

Work with civil society:

16. Cultural Councils of the People's Power represent the state but are in charge the promotion of the participation of all in cultural life. They have a crucial role in the creation of the conditions for a dynamic cultural life and the development of cultural associations in close cooperation with the Houses of Culture. Nevertheless, cultural life is much institutionalized, and artists or cultural managers are often only recognized as such when they belong to one of the cultural associations recognized by the Cultural Councils.

Freedom of opinion and expression

Achievements, best practices, challenges and constraints

Constitutional and Legislative Framework:

17. Freedom of expression is provided for under Article 91 of the Nicaraguan Constitution (1987).

18. Defamation remains a criminal act under Articles 202 up to 205 of the Penal Code (2008) with monetary penalty. At the same time, Article 429 of the Penal Code also contains punishment of up to 5 years imprisonment for crimes against freedom of expression and information including preventing the right to inform and be informed¹⁵.

19. A freedom of information law does not currently exist in Nicaragua.

¹⁵ Nicaraguan Penal Code:

[http://legislacion.asamblea.gob.ni/Normaweb.nsf/%28\\$All%29/1F5B59264A8F00F906257540005EF77E?OpenDocument](http://legislacion.asamblea.gob.ni/Normaweb.nsf/%28$All%29/1F5B59264A8F00F906257540005EF77E?OpenDocument)

Media Self-Regulation:

20. Media self-regulation mechanism exists in Nicaragua through the Association of Nicaraguan Journalists (APN) and the National Union of Journalists (UPN).

Safety of Journalists:

21. UNESCO recorded no killing of journalists in Nicaragua between 2008 and 2012. However, there have been reports of journalists receiving death threats and harassments due to their professional work.

III. RECOMMENDATIONS

Right to education

22. Nicaragua should be encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments, especially for the Convention against Discrimination in Education.

23. Nicaragua could be encouraged to strengthen efforts to guarantee indigenous people's right to education and ensure that it is adapted to their specific needs.

24. Nicaragua could be encouraged to incorporate ethics, aesthetics and civics, as well as human rights education, in school curricula.

Cultural rights

25. Nicaragua is encouraged to concentrate on strengthening capacities to develop a stronger decentralized cultural sector, in conformity with the needs of its multicultural population. Initiatives by the youth should also be supported. Special attention should also be paid to local cultural needs, to the economic potential of the country's cultural assets and to the cultural approach to prevent conflict, in particular violence against indigenous and afro-descendant peoples.

Freedom of scientific research

26. With regard to contribution of science and technology to development, Nicaragua is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.

Freedom of opinion and expression

27. Nicaragua is encouraged to initiate the introduction of a freedom of information law that is in accordance with international standards.

28. Nicaragua is further encouraged to decriminalize defamation and to place it under the civil code in line with international standards.

29. Nicaragua must ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights and to investigate all attacks on journalists and media workers.