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Nicaragua: Prevalence and forms of child abuse; state protection and availability of child protection services (2007 - July 2010)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

According to Freedom House, in Nicaragua, "[v]iolence against women and children, including sexual and domestic abuse, remains a widespread and underreported problem" (2010). The Nicaraguan Centre for Human Rights (Centro Nicaragüense de Derechos Humanos, CENIDH) states that in 2009 the State did not take substantive steps concerning the rights and interests of children and adolescents (CENIDH 1 June 2010).

La Prensa, a daily newspaper from Managua, reports that according to the Coordinator of the Save the Children protection project, a program that started in 2004 and produces studies on violence against children (Save the Children 12 Oct. 2009, 1), recent studies done in Nicaragua show that [translation] "54 percent of minors are physically and psychologically punished" with 48 percent sustaining life-long injuries and 15 percent of children experiencing sexual abuse (*La Prensa* 18 Nov. 2009).

Furthermore, a CENIDH report, using the official data of the Women and Children's Police Stations (Comisariás de la Mujer y la Niñez), concludes that some form of abuse affects half of the children in Nicaragua, with 47.8 percent reporting verbal abuse, and 29 percent reporting sexual or physical abuse (CENIDH 1 June 2010). The report also includes statistics that show a decrease in reported child abuse cases: there were 7,722 cases in 2008, and 7,039 cases in 2009 (ibid.).

In contrast, the Nicaraguan Coordinating Federation for Non-Governmental Organizations (NGOs) working with Children and Adolescents (Federación Coordinadora Nicaragüense de ONG que trabajan con la Niñez y la Adolescencia, CODENI) reports that data for 2009 from the Women and Children's Police Stations show that there was a 71 percent increase in [translation] "first semester" reports based on violence against minors, with 2,076 cases reported in 2009, compared to 1,207 in 2008 (CODENI Dec. 2009, 18).

According to an article in *El Nuevo Diario*, a daily news source in Managua, in 2009, a survey of 10 municipalities containing Women and Children's Police Stations showed that out of 867 documented offenses of sexual child and adolescent abuse,

[translation]

98.38 percent were rapes, and the rest were reported as sexual exploitation, with no cases of child pornography being reported up to 827 [of the 867 cases] contained cause, but only 251 of them, or 28.9 percent, reached judges out of the 827 cases, there was no trial in 70.1 percent because the accused was not captured 212 sentences were handed out, 54.71 percent were convicted and 45 percent were found not guilty. (4 June 2010)

Amnesty International (AI), citing statistics from the Women and Children's Police Stations, indicates that two thirds of 1,259 rapes that were reported between January and August 2009, involved girls aged 17 years or under (2010, 244). In 30 June 2010 correspondence with the Research Directorate, a program official of the Program for Appropriate Technology in Health (PATH), an NGO originating in Seattle with a Nicaraguan office, which is part of the Movement Against Sexual Abuse (Movimiento Contra el Abuso Sexual), a network of 41 organizations, networks and individuals working to make sexual abuse a visible public issue in Nicaragua (Movimiento Contra el Abuso Sexual 2009, 2), noted that in 2009, statistics from the National Police (Policía Nacional) showed that there were 2,677 sexual crimes against youth and children 17 years of age and under (PATH 30 June 2010). Among those cases, there were 1,561 cases of rape, with 536 of them involving minors younger than 14 years, and 854 sexual abuse charges amongst others, where 1,572 cases of sex crimes occurred in the home, and 751 in public life (ibid.).

CODENI reports that [translation] "according to statistics of the Women and Children's Police Stations, it is known that only 8% of cases defined as crimes were remitted to the judicial system and 7.7% to the Public Ministry" (CODENI Dec. 2009, 20).

Legislation

Nicaragua is a member of the United Nations (UN) Convention on the Rights of the Child (Nicaragua 2009, 14; US Aug. 2007, 147). According to a United States Law Library of Congress Report, Nicaragua has also signed the following international treaties related to children's rights: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination Against Women (ibid., 147-148).

The UN Human Rights Council indicates that

[t]he Global Initiative to End All Corporal Punishment of Children (GIEACPC) reported that corporal punishment is lawful in the home. The Penal Code [of Nicaragua] punishes domestic violence "except in such cases in which the right to disciplinary punishment is exercised." (UN 26 Nov. 2009, Para. 14).

The Nicaraguan government report submitted during Nicaragua's UN Human Rights Council Universal Periodic Review (UPR) mentions the implementation of a Children and Young Persons' Code (Nicaragua 30 Nov. 2009, Para. 30). According to an academic article, the Code of Childhood and Adolescence (Código de la Niñez y la Adolescencia) stipulates that "the welfare of children is a shared responsibility that necessitates the active participation of families, schools, and community organisations" (Maclure and Sotelo 2004, 92).

Further information on the implementation of this legislation could not be found among the sources consulted within the time constraints of this Response.

However, UN Human Rights Council cites CODENI in the 2009 UPR summary as indicating that the national policies and plans have not advanced the rights of children (UN 26 Nov. 2009, Para. 5). Specifically, CODENI mentions that the National Council on the Comprehensive Care and Protection of Children (Consejo Nacional de Atención y Protección Integral a la Niñez y la Adolescencia, CONAPINA), which oversaw national policy on children's rights, has been closed down (ibid.). CENIDH also reports that the government is underfunding agencies responsible for health and education and not addressing the increase in violence toward children and adolescents (1 June 2010).

An article found on the Fray Tito Information Agency for Latin America (Agencia de Información Fray Tito para América Latina, Adital) cites CENIDH saying that [translation] "the main problem for the fulfilment of human rights of children in Nicaragua is the lack of political will by decision-makers, the limited availability of resources and the fragile institutional capacity of the State" (Adital 16 June 2010).

State Protection

Victims of interfamilial (domestic) or sexual violence can make official reports of violence to the Women and Children's Police Stations, if they are available in their area, and if not, to the National Police, who then investigate the crimes and also work with the Institute of Legal Medicine (Instituto de Medicina Legal), which collects evidence (Movimiento Contra el Abuso Sexual 2009, 20). Women and Children's Police Stations offer psychological support and evaluations (ibid., 25). They are open on weekdays with specific hours of operation (ibid., 23-24).

Nicaragua's report to the UN Human Rights Council UPR states that in November 2009 there were 38 Women and Children's Police Stations in the country, supported "by a network of 1,350 outreach workers," which provide aid to victims of domestic and sexual violence (Nicaragua 30 Nov. 2009, Para. 28). However, in a telephone interview with the Research Directorate, a sociologist specializing in topics of adolescence and youth at risk in Nicaragua, stated that as of 5 July 2010 there were 35 of these police stations, and even though the number of reports of abuse had increased, [translation] "the work they do is affected by the impunity resulting from the corruption of the justice system" (5 July 2010).

In 30 June 2010 correspondence with the Research Directorate, the Program Official from PATH stated that it is difficult to obtain access to the justice system as [translation] "there is prevalence in the minds of civil servants ... that [sexual abuse in familial context] is a 'private' affair, a 'family' affair" and the institution of justice itself [translation] "promotes 'forgiveness and family unity'" (PATH 30 June 2010). Furthermore, some studies show that some Women and Children's Police Stations have promoted mediation in situations where, due to the type of crime, it should not be a legal option because mediation allows impunity for the abuser and no [translation] "access to justice" for the victim (ibid.).

There is a lack of resources within the system that limits the number of cases that are processed through the justice system (CODENI Dec. 2009, 20;

Movimiento Contra el Abuso Sexual 2009, 29). According to an article in *El Nuevo Diario* by a member of the Movimiento Contra el Abuso Sexual, the health and justice sectors lack staff qualified in detecting and dealing with sexual abuse, collecting proper expert evidence, and there are no mechanisms in the system to stop revictimization (19 Jan. 2009).

Availability of Child Protection Services

The website of the Ministry of Family, Adolescence and Childhood (Ministerio de la Familia, Adolescencia y Niñez, MIFAMILIA) states that nationally there are 141 Social Protection Centres (Centros de Protección Social) for children, including: 85 Special Protection Centres (Centros de Protección Especial) for children 18 years and under, 42 Centres for Child Development (Centros de Desarrollo Infantil) for children less than 6 years of age, and 14 Community Children's Homes (Hogares Infantiles Comunitarios) for children 7-18 years old (Nicaragua 9 July 2009). MIFAMILIA is responsible for registering and regulating the quality of all of these child protection centres (ibid.).

The Special Protection Centres (Centros de Protección Especial) are for children who meet the criteria listed in Article 76 of the Code of Childhood and Adolescence, which include [translation] "abandonment, mistreatment, sexual abuse or exploitation, labour exploitation, pregnant underage girls, etc." (Nicaragua 9 July 2009) The centres are run by civil society actors, but [translation] "legally the Ministry is the only authority able to allow the admission of a child into the centres or to separate them from their family" (ibid.).

However, *La Prensa* reports that over the years MIFAMILIA's budget has been significantly reduced (9 Nov. 2009). This information is corroborated by the Nicaraguan Sociologist, who said that MIFAMILIA is unstable, with a minimal budget, constant changes in personnel, and drastic reductions of office availability (5 July 2010).

The Sociologist also indicated that NGOs provide quality services, but their capacity for intervention is reduced due to limited cooperation with the government (5 July 2010).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Oral Sources: Centro de Prevención de Violencia (CEPREV), Ministerio de la Familia, Adolescencia y Niñez (MIFAMILIA), and Instituto Nicaragüense de la Mujer (INIM) were unable to provide information. Attempts to contact Red de Mujeres contra la Violencia (RMCV), United Nations Children's Fund (UNICEF), the Comisarías de la Mujer y la Niñez in Ciudad Sandino and Barrio Altagracia, and Asociación Pro Ayuda a la Niñez Nicaragüense (APAN) were unsuccessful. Casa Alianza, Parlamento Centroamericano (PARLACEN) Commission for Women and Children, National Assembly of Nicaragua (Asamblea Nacional) Commission for Women and Children, Faculty of Medical Sciences UNAN-León (Facultad de Ciencias Médicas, CIDS UNAN - León) did not respond within the time constraints of this Response.

Internet sites, including: Child Rights Information Network (CRIN), Human Rights Watch, Nicaragua - Ministerio de Educación (MINED), United States (US) Overseas Security Advisory Council (OSAC), Policía Nacional de Nicaragua, United Nations Children's Fund (UNICEF) Nicaragua.

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