



**Children's Rights in the Municipality**  
**Reflections and Challenges for Action**

**Pedro Hurtado Vega**

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*To my family and the kids of Nicaragua*

#### Acknowledgements

*To my colleagues at Save the Children-Norway, the Network of Mayors, the support team and the Municipal Commissions on Children*

## FOREWORD

When we discuss decisive environments for children's and adolescents' development, we generally emphasize the relationships established within the family, school or peer groups. Clearly, family, school and friends are the links of greatest impact on a child's or adolescent's development.

In addition, the relationships that occur between these different environments (family / school, family / friends and school / friends) have acquired increasing importance, since they are just as decisive for development as the connections made within each separate environment.

If we were to place these psychosocial environments, along with their connections and roles, into a physical, political, economic, social and psychological space with significance to the development and welfare of a population –and especially children– then we would have to focus on the municipality.

From any point of view, development does not occur in a vacuum. All living beings, including humans, need a space to deploy the potential with which they were born. Creating conditions for the development of children and adolescents requires multiple and varied efforts, including aspects such as a safe environment, adult employment, a good health system, quality education, spaces for citizen participation, opportunities for credit, etc. No less important is consensus regarding the goals targeted in order to ensure the population's welfare. This consensus toward common objectives works in favor of confidence and channels energies toward common paths.

This is the idea behind these essays: to contribute toward thinking about children's rights within the framework of a specific territory, in this case the municipality. As of yet there are no written materials in Nicaragua that conceptualize the importance of the municipality in child and adolescent development or the relationship between municipalities and the promotion, implementation and defense of children's rights.

For this reason, we must applaud the contents of this publication, written by Pedro Hurtado Vega, attorney, social scientist, promoter of children's and adolescent's rights, and champion of municipal efforts. This document contains nine different works, each of which links children's rights to the municipality.

Save the Children-Norway's Program in Nicaragua (SCN-N) has had the opportunity to cooperate for many years with relevant actors in the municipalities of Nicaragua. We have helped to strengthen the Network of Mayors / Friends and Defenders of Children, as well as Municipal Commissions on Children and Adolescents. We at SCN-N are convinced that national and municipal development results from the fulfillment of human rights and, particularly, of those rights specific to children and adolescents. For this reason, ours is a long-term commitment.

With this publication, we hope to help clarify the link between municipal development and the fulfillment of children's rights, as well as to contribute inputs for municipal governments, personnel from state institutions and other municipal actors about their experiences, responsibilities and functions with respect to children and adolescents.

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# 1. MUNICIPAL DEVELOPMENT AND ITS LINK TO CHILDREN'S AND ADOLESCENTS' RIGHTS

## INTRODUCTION

Nicaragua has made important progress with respect to the rights of children and adolescents (RCAs). Nevertheless, the country still faces severe limitations against the fulfillment of these rights. Achieved advances remain insignificant when compared to the reiterated conditions of non-completion and violation of elemental human rights. Independently of the realms of responsibility, in the end it is in the territories where both the positive and negative are found.

The municipality in Nicaragua is acquiring a much more relevant role. The respect for and exercise of its autonomy allows for great potential, converting the municipality into a space appropriate for the search for integral development, including the fulfillment of human rights and, specifically, of those rights specific to children and adolescents.

### A. The Constituent Elements of the Municipality and the Rights of the Child

The search for municipal development perceives the municipality as a whole, taking into account its territory, available resources, population, government bodies, institutions and other forms of power. All of these elements must be viewed in their interrelation and in the possibilities that they provide.

The territory consists of the geographical delimitation or space occupied by a municipality within the national geography. It includes natural potential and possibilities for rational exploitation, a source of sustenance and economic growth for inhabitants. It also includes infrastructural resources such as means of communication, power lines, water and sanitation systems, schools, health units, production centers, etc. The territory must be enhanced according to the different aspirations and interests of the population, including children and adolescents. The territory and what comprises it are the physical scenario for the fulfillment of RCAs.

Clearly the center and nucleus of a municipality, the population is the main resource for its development. The population's education, health, incomes, organization and participation depend to a great extent on the municipality's integral development. Because they make up more than half of the municipal population, there is an unquestionable need to view children and adolescents as active and pro-positive social subjects, as subjects with rights and as subjects of their own development and of that of the municipality.

The other half of the population –the adult population– must ensure the appropriate conditions so that children and adolescents can exercise their rights and responsibilities in accordance with their ages.

Municipal governments and other state institutions are called upon to be the guarantors *par excellence* of human rights. Their plans, policies, budgets and actions must be an expression of their functions, of legislation and of citizens' will. With respect to RCAs, being a guarantor implies a combination of the verbs: to respect, to protect, to comply and to ensure compliance with the rights of children and adolescents.

### B. Integral Development and the Rights of the Child

Municipal development must be viewed and carried out in an integral manner. This means that it is not possible to accept the advance of one of the elements that make up the municipality to the detriment of any other element. Progress may occur in a differentiated manner or at a different pace, but never to the disadvantage of the other element. In this sense, just as it is not possible to expect any municipality to develop based on a single exploitation of its natural resources, nor is it possible to conceive of municipal development if it is not linked to the fulfillment of human rights – an aspect that is intrinsic to human development itself.

The positive transformation of the municipality must be integral: in the material and the social, in infrastructure according to needs, in the rational exploitation of natural resources, in active citizen participation, and in the transparent consolidation of its government entities.

Integrity in municipal development is indispensable, especially when we are considering the human development of more than half of the municipality's inhabitants, the path toward which involves the firm completion of their human rights. Efforts must be integral, just as our changes must be integral.

### **C. Development with Diversity and the Human Rights of Children**

Just as we conceive that municipal development must be integral, we must also consider its diversity. Each municipality is different, and the realities in each municipality are different. Diversity with respect to ethnicity, gender, age groups, capacities, urban and rural factors, and each municipality's particular interests and needs must be taken into account as an element in municipal development.

The coverage of specific problems and the presentation of alternatives based on different interests must be a matter of social vindication. There is no room here for segmented, myopic or absolutist visions. No one has more right than anyone else.

Within social heterogeneity, there are common rights and there are specific rights. Both types of rights must be promoted, respected and fulfilled. Just as there is no single type of child, the human rights of children are also categorized by diversity. They are very important, but they are not the only rights that exist.

### **D. Concept of Municipal Development**

We understand municipal development to be a permanent process of integral economic, political, and socio-cultural transformation, with equality in diversity. It is sustainable and attained through social agreement in which municipal organizations, institutions and populations –including children and adolescents– participate in order to promote their human rights and, ultimately, to improve their standards of living, ensuring in the process the conservation of natural resources and the environment.

Development is supported by four closely linked key aspects: a) growth and economic efficiency; b) improvement of the standard of living and of social equality; c) preservation of the environment and nature as a whole; and d) social participation by the citizenry.<sup>1</sup>

This process requires instruments –including a common development project expressed in plans, policies, strategies and budgets– that generate results in the short, medium and long terms.

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<sup>1</sup> Dharmalila Carrasquilla contributed this concept of municipal development and the four key aspects.

Municipal development also benefits from and contributes to the rise of democratic means for the exercise of power. Human rights, quality of life, democracy and development walk hand in hand.

### **E. Objectives of Municipal Development**

Poverty, underdevelopment in all facets, and the current state of violation of human rights are all intimately related. One is the consequence the other. For example, the violation of children's right to free, quality education, along with malnutrition and poor health conditions, work as conditioners for a life of elementary subsistence and for the eventual acquisition of little or no productive capacity and a similar capacity for income generation.

On the contrary, progressive advancement toward the fulfillment of basic rights (such as education and health) makes it possible to confront and eventually overcome the unfavorable life situation facing a majority of the Nicaraguan population and, primarily, its children and adolescents.

The objective of municipal development is to elevate the standard of living of families and of each citizen within the municipality, thus contributing to their happiness.

It is to contribute to the so-called cycle of development and, by doing so, to break the cycle of poverty.

According to the United Nations Population Fund (UNFPA), the so-called vicious cycle of poverty is related to large families of numerous offspring. In descending order, its consubstantial aspects are:

- Poor housing, health and nutrition conditions,
- Poor school performance and low academic levels,
- Low productivity,
- Low income due to unemployment and underemployment,
- Family disintegration.

This leads to the intergenerational transmission and reinforcement of poverty.

On the other hand, the virtuous cycle of development is associated with planned families. Its different elements, in ascending order, are:

- Family welfare, greater integration and participation,
- Higher incomes for productive jobs,
- Greater productivity,
- Higher academic level and better school performance,
- Favorable housing, health and nutrition conditions.

These conditions lead to the intergenerational transmission of development.<sup>2</sup>

Municipal development contributes to the development of the entire country and society as a whole.

With respect to children and adolescents, their education, health, recreation, participation and social integration are expressions of the present and, at the same time,

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<sup>2</sup> UNFPA: *State of the World Population 2000 – Population, Gender and Poverty*; Managua, October 2000, p. 24.



conditioners for the future of any municipality. Of this there is no doubt! What can be expected of a municipality with little productive capacity, with a sick population, living in a state of endemic poverty and indifference? The perpetuation of poverty and underdevelopment.

Municipal development is associated with the complete and total fulfillment of human rights, giving life to values such as equality, equity, solidarity and justice, tolerance of diversity and mutual respect.

This common project of development implies gradual progress toward the establishment of a shared vision in the short, medium and long terms. It requires knowledge of current realities, or starting lines, as well as the definition of goals, or finish lines.

## **F. Role of the People and the Construction of Citizenship**

The main subjects, support and driving force behind municipal development are the people themselves and, of course, the children and adolescents who account for half of the municipal population.

The development of the municipal population as a whole depends on people's participation in an aware, conscientious, voluntary, responsible and pro-positive manner –either individually or collectively– in their education, health and capacity to generate wealth. In the same way, municipal advances in other spheres positively influence the development of the individual.

Participation in any sphere of human activity is a matter of concern to the citizenry. This includes contributions in political, economic, social and cultural areas, as well as in the common and quotidian. The population wields influence in the municipality not only by speaking and expressing opinions, but also by doing. And by doing, individuals appropriate the reality in which they live and seek ways to improve it.

The idea is that the municipality, like the country, belongs to all of its citizens. Popular empowerment reaffirms the sense of belonging to a community, municipality and country.

In this way, the promotion of the population's sense of appropriation of the public and natural spaces found within a municipality has direct repercussions on their care and proper use; it also encourages the construction of citizenship. Care of public and natural spaces is an acquired practice. The municipal government builds, embellishes and maintains the park; the population uses it, has fun in it and takes care of it. This reflects a new form of living and governing in which responsibilities are shared.<sup>3</sup>

In addressing active social actors with rights and awareness about their duties and responsibilities, we must also discuss a new concept of citizenship in which the population demands but also proposes, makes claims but also accepts requirements, and says but also does. This is a population that is in charge of itself, of its surroundings, of its municipality and country – a population in charge of its own development.

The fact that children and adolescents are social subjects with full rights is the center of a new vision of childhood, in focus with a new vision of citizenship that is not determined only by the exercise of certain political rights such as the right to vote or be elected. This new vision stimulates, promotes and strives to ensure that children and adolescents also

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<sup>3</sup> Contributed by Manuel Ortega Hegg.

play an active role in all aspects of concern to them and to their families, communities and society as a whole.

The awareness of having rights leads to their practice and implementation, as well as to the demand for said rights. This process encourages a culture of citizenship.

However, the awareness of having rights also leads to the awareness of having responsibilities. In accordance with their ages, children and adolescents also have responsibilities with respect to “themselves, the family, school, community and nation.”<sup>4</sup> The following are among the responsibilities of children and adolescents, as stipulated in the Nicaraguan Code for Children and Adolescents: to express love to their parents and grandparents; to study with dedication; to respect human rights, and particularly those of the elderly; to respect and cultivate national values; and to conserve and protect the environment.<sup>5</sup>

An active, participative child who is heard will more easily appropriate his or her responsibilities within and outside of the household. The healthy exercise of citizenship leads us to a healthy society, and this exercise begins at home.

Efforts with the adult sector –families, schools, communities and institutions– also contribute to municipal development, changing adult visions and practices regarding children in order to adopt practices, contents and functions that envision adult responsibilities with respect to children’s and adolescents’ rights.

At the municipal level, there are greater possibilities that the citizenry propose and also exercise control over the work of government entities and institutions, and for citizens to wield influence over processes of planning, implementation and monitoring. This perspective tends to promote social mobilization, supporting the construction of a model for citizen participation in decision-making processes, not only in specific consultative mechanisms but as a permanent, institutional and systematic part of constant transformation toward new and better achievements.

Such participation must be understood not as a concession made by those in government but as an inherent right of all people, and particularly of children and adolescents. The exercise of citizenship also works hand in hand with the construction of democracy.

## **G. Relationship between the Municipality and the Nation**

Municipal development is not possible if it is not based on and does not incorporate the potential of its own strengths and resources. In Nicaraguan reality, however, this alone is not sufficient. The municipality must coordinate adequately with national dynamics of development, exploiting the opportunities and resources that the country as a whole has to offer. In itself, this is a problematic aspect: there are underlying partisan and political factors in current nation / municipality and municipality / nation relations; there are also outdated systems and institutional problems such as institutional jealousy and the centralization of functions, resources, shares of power and protagonism, to mention only a few.

In any case, the plans, projects and resources directed by the central government toward a municipality should be incorporated –according to short-, medium- and long-term views– in the process of municipal development, regardless of the executing institution.

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<sup>4</sup> Code for Children and Adolescents, Article 54.

<sup>5</sup> Idem., Article 55.

With respect to children and adolescents, the solution of this problem is of vital importance because, to date, most state resources are channeled through and executed by Ministry of Education (MECD) and Ministry of Health (MINSA) and, to a lesser extent, the Ministry of the Family (MIFAMILIA) and Ministry of Labor (MITRAB). Through their execution, these resources contribute –or could contribute– more directly to the fulfillment of children’s rights.

## **H. Municipalization of Children’s and Adolescents’ Rights**

A new concept has arisen from national experiences and from within the framework of the Project for Municipal Training on Children’s and Adolescents’ Rights (1997-2001) promoted jointly by Save the Children, UNICEF, CONAPINA, CODENI and INIFOM. This new concept is the municipalization of the rights of children and adolescents.

The concept seeks the definitive establishment in the municipality of the principles referring to children’s and adolescents’ rights (non-discrimination, higher interests of children, survival and development, and participation), as well as their effective fulfillment.

The term “municipalization” is understood to have a dual meaning, that of a concept and that of the practice that enriches the concept:

- It is the vision or approach toward fulfillment of children’s rights within municipal life; that children and adolescents, their interests and rights are integrated within institutional and social agendas, government plans and municipal development plans. It implies the action of children and adolescents according to their own interests and needs, and it requires inter-institutional coordination, articulation and coherence in terms of RCAs.
- Its practice implies the promotion, defense, fulfillment, completion and exercise of children’s rights within the municipality. It begins with the individual (child or adult) and then passes to collective groups in territorial communities, schools, organizations and institutions. It is assumed and incorporated in the plans, policies and strategies of these institutions, organizations and communities, and it then returns to the individual to reinitiate the process.

In terms of general strategy for the fulfillment of RCAs within the municipal arena, the municipalization of children’s and adolescents’ rights involves working to obtain the following achievements in the municipality:

1. Adoption of the principles that support children’s and adolescents’ rights by children and adolescents themselves, as well as by institutions and organizations in the municipality and by society as a whole. This implies permanent and systematic efforts toward awareness raising and education regarding the human rights of children and adolescents.
2. That human resources and institutions in the municipality have the capacity to promote, defend, fulfill and monitor children’s and adolescents’ rights. (For example: existence of a Municipal Commission on Children and Adolescents and a mayor’s office or municipal government that is part of the Network of Mayors / Friends and Defenders of Children; as well as personnel with training in the promotion of RCAs, and institutional personnel who are aware of the roles of their respective institutions with respect to RCAs.)

3. Knowledge and interpretation of the situation of children and of the status of the fulfillment of their rights in the territory, through assessments, consultations with children, investigations, etc.
4. Incorporation of the fulfillment of RCAs in a visible manner, with specific goals and indicators of completion within the municipality's institutional and social agenda (for example: in policies, plans, projects and budgets; municipal development plans; multi-annual investment plans; municipal investment plans; annual operating plans; etc.) Responsibility is shared by municipal governments, central government institutions, other powers of state, and NGOs.
5. Participation by children and adolescents in spheres of public and private life. Private life includes the family, school and social interaction. Public participation involves contributing to municipal dynamics according to their own interests (for example: consultation processes for planning related to children's rights; social and children's round tables; children's own spaces and organizations.) A right in itself, children's participation seeks their full social integration in all arenas and spheres of life, reaffirming their conditions as social subjects with rights and responsibilities in accordance with age and development level.
6. That the municipality has institutions and organizations that interact in a coordinated manner in favor of children's and adolescents' rights, with each actor complying with corresponding responsibilities. This also implies extension of the social and institutional base in support of RCAs, through the establishment of agreements and alliances with sectors with different levels of responsibility in terms of children and adolescents.

## **CONCLUSION**

The path toward municipal development is definitely and inescapably related to human rights. People are the key subjects of this complex process, including children and adolescents, who represent more than half of the population of each municipality.

They must be heard.

November 2004

\* The technical team of Save the Children-Norway, Evelyn Pinto Centeno and Manuel Ortega Hegg contributed valuable inputs toward the preparation of this essay.

## 2. MUNICIPALITIES ARE OPENING THEIR EYES TO CHILDREN

### **Comments regarding *Entre Logros y Retos [Between Achievements and Challenges]*, published by the Office of the Ombudsman for the Defense of Human Rights**

The Office of the Special Ombudsman for Children and Adolescents recently prepared “Notes for a Detailed Report on the Human Rights of Children and Adolescents” under the title *Entre Logros y Retos [Between Achievements and Challenges]*. Indeed, this title is very appropriate because there are two points of view from which to analyze respective problems: from the perspective of the advances we have now achieved, and from the viewpoint of what remains to be done. With respect to the effective fulfillment of children’s rights, I believe it necessary to take both outlooks into account in order to maintain a balance between the achievements reached and lessons learned and the pending challenges and lessons to be learned in the future, regardless of how difficult such lessons may seem.

These brief comments focus on the municipal level. As accustomed as we are in Nicaragua to receiving bad news or pessimistic forecasts of the future, it is encouraging to add one piece of good news to the apparently short list of such information: that municipalities are opening their eyes toward children. Their eyes are not wide open, but they are beginning to be opened. Municipalities have reached the dawn hour, still in half light, but they are definitely more awake than sleeping.

I say this because, with respect to children and their rights, I see three positive trends in terms of the understanding and practices of municipal actors and of the institutions and organizations linked to municipalities. A glimpse of these trends can be seen in the “Notes for a Detailed Report on the Human Rights of Children and Adolescents:”

1. the understanding that children and adolescents must actively participate in municipal life and development initiatives;
2. the practice of municipal governments assuming functions as guarantors of children’s rights; and
3. the visibility and inclusion of children in municipal plans and budgets.

Over the past ten years, two significant actors in favor of children’s rights have been developing in the municipalities (arising from and focusing on the municipalities themselves): the Network of Mayors / Friends and Defenders of Children and the Municipal Commissions on Children and Adolescents.

The Network of Mayors currently includes 124 mayors, representing 84% of all municipal governments in the country. This is a national movement whose objective is the promotion and fulfillment of children’s rights by municipal governments. On the other hand, Municipal Commissions on Children and Adolescents exist in at least 90 of Nicaragua’s 152 municipalities. These commissions are entities for inter-institutional coordination focusing on children’s rights, in which state institutions, civil society organizations and municipal governments take part. Both of these movements are without comparison in Central America. The network and commissions are autochthonous, autonomous and non-partisan. Their only banner is that of the human rights of children and adolescents.

The existence of both movements is a significant achievement in itself. Other achievements include their promotion of children’s right to participate through meetings,

councils, assemblies and work groups; the approval of municipal policies and resolutions in favor of children; the definition of objectives and specific goals in short- and long-term planning; the approval of budget allocations; the formulation and implementation of projects; support for the repair, construction or operations of schools, community preschools, parks, recreation centers and municipal libraries; facilitation of procedures for the registration of persons, encouraging parents to register the birth of their children; facilitation of resources for vaccinations; and support for environmental hygiene campaigns. The list is interminable. There have been highs and lows, but this is the path traveled to date, and it seems appropriate to look back on it in order to continue on the way toward the realization of children's rights.

One of the manners in which to assume this duty most effectively involves incorporating the fulfillment of children's rights in municipal and national planning and budgeting. This is one of the most important challenges proposed by the Office of the Special Ombudsman for Children and Adolescents, and there are many more. To meet these challenges, however, we must first change our individual, social and institutional visions of children and adolescents. And this change begins with each of us.

I will summarize the three great challenges at the municipal level, which also apply to the national arena:

**The personal challenge** involves the gaining of individual awareness that children and adolescents are people with rights and that they must be treated in the same way as we would like to be treated: as worthy individuals. This is the most difficult challenge, because internalization of children's rights implies a real personal change in the home, school, barrio and workplace. Among other things, it implies education without any type of violence: zero spanking, zero slapping, zero insults. It not only implies knowledge about the human rights of children, but also living them.

**The societal challenge** will take a lot of time, perhaps even several generations. It involves a change of the vision that society as a whole has of children, leading to the elimination of mistreatment and of the social use and abuse of children. It should be a reflection of how the community respects, values, protects and integrates children and adolescents, as individuals with rights as well as responsibilities, into the entire societal dynamic.

As Paulo Freire said, it involves constructing the "possible utopia" that gives life to values such as equality, equity, solidarity, justice, liberty, tolerance of diversity, and mutual respect. This is more of a dream than a reality for Nicaragua today.

Finally, **the institutional challenge** represents changes that must occur within institutions, beginning with the integration of children and adolescents within the realm of the governors and the governed. It must be expressed in institutions' willingness and ability to assume the human rights of children as an integral part of their institutional platforms; that is, of their visions, missions, plans, policies, strategies and budgets. The great institutional challenge requires that the state, its institutions and municipal governments conceive themselves as guarantors of children's rights.

To be a guarantor means to respect, protect, fulfill, and ensure the fulfillment of children's rights.

In sum, three positive tendencies can be seen at the municipal level, and these, in turn, must interact with the three great challenges that I have mentioned.

The advantage is that now we are not facing entities or bodies that are sleeping, inert or apathetic. The municipalities are opening their eyes toward children. They are on the right path.

August 2004

- \* Comments made on August 25, 2004 at the presentation of the “Detailed Report on the Human Rights of Children and Adolescents” by the Office of the Special Ombudsman for Children and Adolescents, subsequently published in the daily *El Nuevo Diario* on September 27, 2004.

### **3. MUNICIPAL COMMISSIONS ON CHILDREN AND ADOLESCENTS: THE “HEN’S FOOT” FOR THE RIGHTS OF CHILDREN IN NICARAGUA’S MUNICIPALITIES**

#### **INTRODUCTION**

In popular Nicaraguan jargon, a “hen’s foot” is a sturdy stool or chair sustained firmly on three legs. Each leg must be proportional with respect to the other two in order for the “hen’s foot” to maintain balance and carry out its function.

A majority of Municipal Commissions on Children and Adolescents (MCCAs) –entities promoting municipal-level inter-institutional coordination exclusively with respect to the rights of children and adolescents (RCAs)– have been formed by representatives of three important segments of municipal life: civil society, state institutions and the municipal government. This is a type of “hen’s foot” for the promotion of children’s and adolescents’ rights in the municipality.

In this short essay, I present certain relevant aspects regarding the creation and evolution of this experience in municipal coordination. By doing so, I hope to contribute inputs for the commissions’ expansion and development.

#### **A. Background**

The impetus to form MCCAs began in the early 1990s. At this time, Nicaragua was going through a period characterized by the following historical milestones:

- the constitution of a new national government after presidential elections in 1990, with a very different political orientation than that sustained since July 1979;
- a gradual decline in the social situation of children and adolescents;
- the search for new participatory models of popular management;
- a virtual explosion of NGOs, many linked to work with children and adolescents.

At the same time, three trends in national and institutional life began to gain momentum and would ultimately become very significant:

- social reconciliation in the post-war period, with different expressions at national and municipal levels;
- inter-institutional coordination, including expressions of civil society;
- governmental decentralization which, although it was the most timid of the three trends, ultimately began to develop great potential.

The combination of these factors constructed the general framework for the creation of the first MCCAs. However, two factors specifically influenced the commissions’ contents and were determinant in their reason for being:

- the Convention on the Rights of the Child, approved by the United Nations General Assembly in late 1989;



- the Nicaraguan Code for Children and Adolescents, prepared as of early 1995 and approved by the National Assembly in 1998.

During the first half of the 1990s, new institutions and networks related to the rights of children and adolescents arose, inspired by the Convention and Code. These entities include:

- the National Commission for the Promotion and Defense of Children's Rights, formed in 1990 and subsequently transformed into the National Council for Integral Attention to and Protection of Children and Adolescents (CONAPINA);
- the Coordinator of NGOs Working with Children and Adolescents (CODENI), established in 1992;
- the Network of Mayors / Friends and Defenders of Children, created in 1993;
- the Office of the Special Ombudsman for Children and Adolescents, created in November 1999.

These organized expressions contributed –and continue to contribute– directly and indirectly to the process of MCCA formation and support. Indeed, as one of its “ten commandments” and an ulterior line of action, the Network of Mayors proposed “to promote and support the organization and strengthening of MCCAs.”<sup>6</sup>

## **B. The First Steps**

The first MCCAs arose as entities for municipal coordination between non-governmental organizations, central state institutions working in the municipalities, and the municipal government. The initial general objective focused on the promotion and defense of children's and adolescents' rights.

Although several MCCAs claim to have been the first to form, records of the Network of Mayors<sup>7</sup> indicate that the municipality of Granada was the first to have a Commission on Children, founded in 1992. At the same time, steps were being taken in Estelí, Wiwilí and Jalapa, where commissions were inaugurated in 1993, followed by León in 1994.

### **The MCCA Boom:**

Twenty-four MCCAs had been formed by 1996, increasing to 56 in 1998 and 91 by the end of 1999. From 1997 to 1999, 75 MCCAs were established (28 in 1997, 30 in 1998 and 17 in 1999.) This boom may have been influenced by the approval and entry into effect of the Code for Children and Adolescents, by more effective support from mayors participating in the Network of Mayors, and by technical support provided under the framework of a training project on RCAs.<sup>8</sup>

The initial impulses for the formation of these 91 MCCAs came from diverse origins. A majority of 62 of the commissions (68%) were convoked and supported by the respective

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<sup>6</sup> *Decálogo de un Alcalde Defensor de la Niñez y Adolescencia [Ten Commandments of a Mayor / Defender of Children and Adolescents.]* Point 3. Network of Mayors / Friends and Defenders of Children and Adolescents.

<sup>7</sup> *Diagnóstico del estado organizativo de municipios en el marco de los derechos de la niñez. Programa de Apoyo a la Red de Alcaldes. [Assessment of the Organizational State of Municipalities within the Framework of Children's Rights. Support Program for the Network of Mayors.]* Page 3. January 2001.

<sup>8</sup> *Idem.*, p. 6 and 7.

mayors' offices; eight commissions (9%) arose through initiatives by civil society organizations and movements; seven commissions (8%) were called for by state institutions; and 14 commissions (15%) were created through joint initiatives by the three types of actors mentioned above. Groups of children and adolescents participated directly in certain municipalities.

The MCCAs formed during this period were key for:

- the dissemination of children's and adolescents' rights at the municipal level;
- public defense of the Code for Children and Adolescents;
- the convocation of different NGOs and state institutions around aspects related to RCAs.

### **Initial Problems:**

Although the 1990s was a boom decade with respect to MCCA formation, many were created with congenital problems. Certain commissions were unable to overcome these problems and subsequently disintegrated. The following are some of the most common problems<sup>9</sup> faced by MCCAs:

- partisan political problems that could not be overcome;
- institutional jealousies and confrontations;
- institutional authoritarianism (especially within municipal governments);
- constant turnaround among institutional personnel;
- incipient understanding and fulfillment of children's rights;
- lack of clarity with respect to MCCA characteristics, objectives and functions.

In many cases, the persistence of these problems resulted in the following:

- the parallel existence of two MCCAs within a single municipality;
- operational or functional subordination under municipal government or other institution;
- implementation of only specific activities;
- instability in composition and of the commission's very existence;
- fragility of the commission's conceptual and programming base;
- break-up or disintegration.

### **C. The First National Assembly of MCCAs: A Necessary Stop in the Road**

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<sup>9</sup> Main source: presentation on MCCAs by Enrique Pilarte, 2003.

Seeking a more effective exchange that would promote the identification of common problems and the proposal of alternative solutions and perspective for development, in mid 2001 a group of representatives from seven MCCAs (Estelí, León, Granada, Ocotal, Chinandega, Juigalpa and Matagalpa), with support from the Save the Children Alliance, decided to organize the First National Assembly of MCCAs.

The meeting was held on November 29-30, 2001, with participation by 121 commission members representing 62 MCCAs from throughout the country, as well as guests from institutions, national organizations and donor agencies.

At this time, assembly participants identified that the MCCAs had the following:

**Strengths:**

- integration of representatives from diverse sectors (mainly from state institutions, NGOs and municipal governments) in MCCAs;
- political will of said representatives, and willingness to work toward children's and adolescents' rights;
- support provided by municipal authorities and the Network of Mayors;
- social projection and recognition;
- growing capacity of convocation;
- wealth and variety of experiences and capacities.

**Main Weaknesses:**

- municipalities have little information with which to assess the situation of children;
- MCCAs do not have medium- and long-term visions, a result of the absence of plans or programs for the fulfillment of RCAs;
- weak organization and management capacities;
- unequal levels of participation, specifically among state institutions;
- centralization of municipal governments;
- weak participation by children and youth;
- very weak ability to gain access to economic resources.

Faced with this situation, the plenary of MCCA representatives proposed the following:

**Measures of Action and Strengthening:**

- promote the implementation of assessments about the situation of children in the municipality, and create databases;
- establish medium- and long-term plans and/or programs of action for each MCCA;

- define functions, norms and internal regulations;
- continue providing training to MCCA members, with an emphasis on management capacities;
- promote exchanges of experience between MCCAs around the country and with similar organizations from other countries;
- develop coordination and territorial meetings in order to influence decision making with respect to RCAs;
- create or extend spaces for children's participation in MCCAs and in the municipality.

In addition, the 62 participating MCCAs resolved:

- to form the National Movement of Municipal Commissions on Children and Adolescents, an autonomous and independent entity for the promotion and defense of children's rights;
- to establish mechanisms for exchange, discussion and feedback between MCCAs in order to construct a common platform;
- to establish an Interim National Committee as a coordinating body, composed of the MCCAs that organized the assembly as well as other MCCAs elected by the assembly;
- to mandate the Interim Committee to prepare and coordinate follow-up actions in the process of MCCA strengthening until the holding of a Second National Assembly, during which the National Movement would be formalized.<sup>10</sup>

In essence, this assembly ratified the vision of MCCAs as entities for municipal coordination whose reason for being is to promote and ensure children's and adolescents' rights. The meeting also verified the viability and validity of efforts to coordinate important sectors within the municipality: municipal government, state institutions and civil society. No less important was the fact that the MCCAs declared themselves to be a national movement, reaffirming their autonomous nature and their potential as part of a general movement in favor of children's rights.

#### **D. MCCAs Today<sup>11</sup>**

Up to November 2004, the existence of approximately 100 MCCAs has been reported, representing 65% of all 153 municipalities in Nicaragua (including the recently approved municipality of Mulukukú.) These coordination entities have different origins, characteristics, levels of development and impacts on the fulfillment of children's and adolescents' rights in the municipality.

#### **Nature and Role:**

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<sup>10</sup> Press release and final declaration from the First National Assembly of MCCAs, November 30, 2001; presentation on MCCAs by Enrique Pilarte.

<sup>11</sup> Presentation on MCCAs.

The characteristic dynamic of MCCAs over the past decade has led them to define themselves as spaces for inter-institutional coordination between local actors (such as municipal government, state institutions and organized and non-organized civil society) seeking the fulfillment of children's and adolescents' rights.

Through their actions and reflection, the MCCAs see themselves playing the following roles:

- as a coordinator of the plans and actions of institutions and organizations within the municipality regarding the fulfillment of RCAs;
- as a space for reflection and education about RCAs and related problems and policies;
- as promoters of research and investigation about the situation of children in the municipality;
- as monitors of the application of plans and policies and of the fulfillment of RCAs within the municipality;
- as promoters of the participation of children and the population in general with respect to RCAs;
- as entities that advocate for RCAs at municipal and national levels.

### **How have MCCAs contributed to children's rights?**

Although it is impossible to list any standard contributions made by all MCCAs (due to their greatly varied capacities), it is feasible to mention the areas or issues on which a relevant number of MCCAs have focused much of their efforts:

- public defense of the Code for Children and Adolescents, in the municipality and at the national level;
- promotion and dissemination of children's rights in the municipality;
- inclusion of children's rights in short- and long-term planning and in municipal budgets;
- support for children and adolescents in the exercise of their right to participate, promoting their contributions to municipal plans and projects;
- support for the development of the Network of Mayors;
- contributions to the preparation of:
  - National Action Plan (2002-2011)
  - Plan for the Progressive Eradication of Child Labor
  - Plan Against Commercial Sexual Exploitation
  - CODENI statements and proposals
- mobilization in campaigns promoting the right to a free, quality education and the right to a name and nationality;

- contributions to the Municipal Planning System and to the construction of the System for the Defense of Children and Adolescents.

### **What can be expected of MCCAs?**

As of the First National Assembly of MCCAs in November 2001 (now more than three years ago), the MCCAs have initiated an uneven course that has led them to contribute in two areas: externally and internally. These two aspects are intimately related; their common point is found in the purpose that the MCCAs may propose in a consensual manner and which may translate into their vision, mission, clearly defined objectives and roles to be played. Scheduled to be held in 2005, the Second Assembly is seen as a platform upon which this common point may be constructed.

Several initiatives and projects for the strengthening of MCCAs have pointed in this direction. But in the end, what can we expect from each Municipal Commission on Children and Adolescents, and from the National Movement of Municipal Commissions?

The following are some of the best guidelines for the future, identified from among MCCA experiences and lessons learned:

- to have a defined role, agreed upon and in writing;
- to be an entity that coordinates, deliberates and proposes actions, lines, policies and projects targeting the fulfillment of children's rights, without seeking to overshadow other institutions and organizations in the municipality;
- to be an entity that wields influence over the plans of state institutions, NGOs and municipal governments with respect to children's rights, without limiting itself to specific activities;
- to establish dialogue with national organizations regarding their deficiencies and the needs of the municipality;
- to be structured according to horizontal and democratic criteria, not domineered by anyone;
- to be organized in a manner coherent with its priorities and key specific or crosscutting issues, with a division of efforts that does not cause excessive dispersion;
- to promote, seek out and encourage the contributions of children and adolescents;
- to seek alliances, join and multiply, all in favor of children's rights;
- to be a means for the fulfillment of children's rights in the municipality, not an end in itself.

Cognizant of our history and national reality, I am convinced that these entities for coordination between civil society and state institutions are more necessary than ever. This is especially true with respect to the municipality, a political / administrative unit with growing relevance in terms of children's rights – an issue for which there must be no loose ends and no responsibilities left unattended.

The Municipal Commissions on Children and Adolescents have plenty to do.

November 2004

- \* A significant part of the inputs used in preparing this essay were contributed by members of the Interim Committee of MCCAs, through its liaison Enrique Pilarte, and from materials from the INIFOM program in support of the Network of Mayors.

#### **4. NICARAGUA: MUNICIPAL PLANNING AND CHILDREN**

Over the past ten to fourteen years, two main actors have been taking shape in efforts to promote children's rights in Nicaragua's municipalities, arising from within the municipalities themselves and with a municipal outlook: the Network of Mayors / Friends and Defenders of Children, and the Municipal Commissions on Children and Adolescents.

The Network of Mayors currently includes 124 mayors, representing 84% of all municipal governments in the country. This is a national movement whose objective is the promotion and fulfillment of children's rights by municipal governments.

Municipal Commissions on Children and Adolescents exist in at least 100 of Nicaragua's 153 municipalities. These commissions are entities for inter-institutional coordination focusing on children's rights, in which state institutions, civil society organizations and municipal governments take part. Both of these movements are autochthonous, autonomous and non-partisan. Their only banner is that of the human rights of children and adolescents.

One of the objectives targeted by the Network of Mayors / Friends and Defenders of Children and by the Municipal Commissions on Children and Adolescents has been to help place issues related to children and the fulfillment of their rights on the agendas of municipal governments.

This is not a simple task. It has a great deal to do with the understanding that children are full social actors and full subjects of rights. In addition, it requires pertinent information and technical knowledge, ensuring that municipal planning functions simultaneously as planning for children's development.

Municipalities whose mayors are members of the Network of Mayors / Friends and Defenders of Children have included the topic of children in their municipal development plans, municipal investment plans and annual operating plans. A growing number of municipalities have prioritized the formulation and proposal of projects favoring children; they have also begun to approve the necessary budget allocations.

In Nicaragua's municipalities, a great diversity of actions in favor of children and adolescents have been proposed, approved, promoted and executed by municipal governments.

The most frequent of these actions have been:

##### **a) Related to the Right to Education:**

- repair and construction of schools and preschools;
- donation of land for schools;
- contribution of rural teachers' salaries;
- economic contributions for schools and technical schools;
- school scholarships;



- provision of school supplies.

**b) Related to the Right to Recreation, Culture and Sports:**

- repair and construction of libraries;
- contribution of librarians' salaries;
- purchase or facilitation of bibliographical materials;
- economic support for folkloric and artistic activities;
- repair and construction of parks and sports fields;
- economic support for sporting equipment;
- provision of sporting equipment to children's sports leagues.

**c) Related to the Right to Health and a Healthy Environment:**

- repair and construction of child nutrition centers;
- contribution of funds and/or basic grains to child nutrition centers;
- economic or logistic contributions for the implementation of vaccination campaigns;
- logistic support for medical brigades providing services to children;
- contribution of funds and/or medicines for sick children;
- organization of clean-up and trash collection campaigns;
- construction and promotion of the use of latrines;
- support and organization of tree-planting campaigns.

**In addition, transcendental actions such as the following have been reported:**

- facilitation of procedures for the inscription of children in the Civil Registry of Persons;
- consultations with children and adolescents in municipal assemblies and in Government Children's Councils;
- assignation of a municipal council member and/or technicians to focus on children's issues;
- economic and/or material support for Municipal Commissions on Children and Adolescents;
- donation of land for the construction of children's centers;

- municipal ordinances prohibiting the sale of liquor and toxicants to children and prohibiting the placement of bars or cantinas near schools and parks.

Together, these experiences have demonstrated the need to assign greater relevance to two basic premises of municipal planning in favor of children:

1. Consultation with and contributions by children and adolescents. The healthy intention of wanting to promote children's rights is not enough, for the children themselves have the right to be consulted and heard with respect to all affairs that are of interest to them.
2. Full integration of the topic in municipal development plans. The specific and particular nature of children's problems (and of their solutions) is no reason for them to be handled separately. Rather, they should be part of municipal development plans or strategic plans, municipal investment plans, and annual operating plans or budgets of the municipality.

In order to implement these two premises, there are currently certain favorable conditions for the integration of the topic of children in municipal planning, budgeting and administration. The following are among such conditions:

- a growing number of municipal governments carrying out strategic planning processes;
- mayors and municipal governments with greater awareness about the problems facing children;
- growth and development of Municipal Commissions on Children and Adolescents and other social and institutional structures;
- new initiatives toward citizen participation;

The challenge of working to ensure fulfillment of children's rights at the municipal level has been assumed by the Network of Mayors and the Municipal Commissions on Children and Adolescents, which see themselves as guarantors and promoters of children's rights, respectively.

The state is called upon to be the frontline guarantor of the human rights of all persons, and particularly of children and adolescents. In this day and age, I doubt that anyone would seriously dare to question this fact. It is a declaration of modern states, supported by international conventions and, in the particular case of Nicaragua, by our Constitution and the Code for Children and Adolescents.

But the state is not limited to the institutions of the executive, legislative, judicial and electoral branches of government. It also includes the Office of the Ombudsman for the Defense of Human Rights and, in accordance with their autonomy, the municipal governments.

This means that the municipal governments in Nicaragua, as well as their administrative instruments such as mayors' offices, hold co-responsibility –together with the conglomerate of public institutions– to respect, protect, fulfill, and ensure the fulfillment of children's and adolescents' rights.

The road is long and difficult. It is encouraging that, in many municipalities, positive changes have already begun in the process of assuming this co-responsibility as

guarantors of children's and adolescents' rights. And for this, municipal planning is one of the most effective instruments.

August 2004

\* Article published in September 2004 in the Internet bulletin of the Central American Learning Circle on Children's Rights and Local Development.

## **5. COMMENTS BY SAVE THE CHILDREN-NORWAY AT THE FOURTH CONFERENCE OF THE NETWORK OF MAYORS / FRIENDS AND DEFENDERS OF CHILDREN**

**\* These comments were made three years ago. They are included in this publication because of the continued validity of their contents.**

Save the Children-Norway shares your exuberance in participating in this Fourth National Conference. We are present with a great sense of pride for the collaboration achieved in the past, and with great willingness to assume the challenges that correspond to us in future collaborative efforts.

In terms of the Network of Mayors / Friends and Defenders of Children, the relationship between Save the Children-Norway and INIFOM started more than six years ago. During this period, we have learned many things. There have been three periods of different municipal administrations, and the Network of Mayors has been able to keep its momentum each time with the newly elected officials, maintaining its sense of continuity and strengthening its experiences. To do so, the integration and voluntary participation of mayors has been essential, based on their awareness and the certainty that children have an expectation: the here and now!

### **The Road Traveled**

The Network of Mayors / Friends and Defenders of Children is a reality and has traveled along a significant stretch, but there is still a long road ahead. You and the mayors who preceded you during former administrations are the travelers. There have also been others on this journey who, although they were not mayors, have stood out because of the dedication and energy they have invested in support of the Network. Today, we would like to recognize the professional efforts made over the years by América Mendieta, Coordinator of the INIFOM Program in support of the Network of Mayors, as well as the excellent work of Anyoli Sanabria, Amada López, Evelyn Pinto and Enrique Pilarte, professionals whose unwavering support –past and present– has strengthened the Network.

With respect to children, the tasks that remain ahead for municipal governments may seem immense; and, undoubtedly, they are. But there are two ways to see problems: from the point of view of how far we have come and from the perspective of how far we have yet to go. In terms of fulfilling the rights of children, I believe it is essential to take both viewpoints into account in order to maintain a balance between maintaining a positive outlook based on achievements and determining future challenges no matter how daunting they may seem.

For example, during the prior municipal term, 116 mayors were part of the Network. Among the achievements reached we can note that they supported and encouraged the formation of Municipal Commissions on Children and Adolescents; promoted meetings and assemblies with children, listening to their problems and needs; approved policies and plans in favor of children, integrating children into their long-term planning; formulated and proposed projects; supported the repair, construction and operations of schools, community preschools, parks, recreation centers and municipal libraries, the latter with their respective sections for children; facilitated procedures for the civil registration of persons, encouraging parents to register their children; supported the placement of rural teachers; provided resources for vaccination campaigns; supported environmental hygiene campaigns; etc.; etc.; etc.

The list is interminable. There have been highs and lows, but this is the road traveled, and it seems appropriate to look back on it in order to continue on the path toward the realization of children's rights.

It seems fair, therefore, to recognize the efforts and dedication of the men and women who have preceded you and, especially, to recognize those who stood out in the promotion and fulfillment of children's rights. In the Third National Conference of the Network of Mayors in April 1999, Save the Children-Norway proposed the implementation of a national competition to recognize and encourage the most outstanding mayors. Two such competitions have been held, in 1999 and 2000, and some municipalities won cash prizes for children's projects, as well as special mentions.

These municipalities were:

First place: Ocotal and San Ramón.

Second place: Estelí and León.

Third place: Chinandega and Villa Carlos Fonseca.

Special mentions: León, El Sauce, San Ramón, La Trinidad, Diriomo (twice), Tisma, San Miguelito, San Rafael del Sur and Chinandega.

The example of these municipalities and their mayors, in my opinion, must be followed and extended.

I am pleased to announce that we are prepared to support next year's Third Competition of Mayors in Favor of Children's Rights, and there will certainly be many winners!

### **The Purpose of the Network of Mayors**

Over the past several years, the Network of Mayors has been developing as a genuine, autonomous and non-partisan social movement, the main purpose of which is linked to the rights of children and adolescents and whose objective is to make said rights a reality. These are lofty and very important goals, and a sense of belonging works as a lure in the process of their achievement.

The Network of Mayors is part of a national and global movement in favor of children's rights. In the local arena the Network, along with the Municipal Commissions and Children and Adolescents, constitutes one of the most significant experiences within the Central American region. Therefore, being a part of the Network of Mayors must be a cause for legitimate pride for its members. Indeed, the former Mayor of San Pedro de Lóvago introduced himself as a "member of the Network of Mayors / Friends and Defenders of Children."

The change begins within each person, at home. You are the Nicaraguans with the exceptional possibility, because of the positions to which you were elected, to promote and encourage a change of mentalities and practices with respect to children from within the barrio, community and town. You are part of a great worldwide network proclaiming that children also have rights and that we must ensure the fulfillment of these rights for all.

### **The Future of the Network of Mayors**

All of you compose the Network of Mayors and, with respect to the future, I would like to emphasize certain aspects that I believe significant:

- We know that you have been active in the implementation of initiatives in favor of children in your municipalities: encouraging the formation of municipal children's governments, supporting the implementation of assessments to analyze in detail the situation of children, supporting processes for the strengthening or formation of Municipal Commissions on Children and Adolescents, making plans and preparing budgets for 2002, and taking the needs of children into account.
- We also know that shortly after you were sworn into your positions, you began a process of exchange, promoting your continuation in the Network of Mayors and ensuring preparations for this Fourth National Conference. In this sense, you elected your representatives to the Provisional National Committee in different departmental and regional meetings. This committee, in turn, elected a Preparatory Committee composed of the mayors of Juigalpa, Boaco, Estelí, Corinto, San Juan de Río Coco and Río Blanco, who, in coordination with the program, have made this Fourth National Conference possible. To all of those involved, we offer grateful recognition. As the Nicaragua expression says, you have "outdone yourselves" from the start.
- We are especially content to know that this Fourth National Conference is not isolated from the process underway in Nicaragua and the entire world with respect to the Global Summit on Children, which will take place in a few days at United Nations headquarters. Results from this summit will include participating states' commitments to children over the next ten years. Nicaragua must also detail its own plan and goals, toward which all of you, I am certain, will contribute.
- Nicaragua has a Code for Children and Adolescents that responds to the Universal Declaration on Rights of the Child, signed and ratified by the state of Nicaragua. The Code also responds to the highest goals and aspirations of this country. It may not be perfect, but for the children, the effort is worthwhile. For this reason, we invite you to continue putting the Code into practice, to continue fulfilling the rights of children, with the understanding that this is a gradual process. It cannot be achieved from one day to the next but rather requires the continuous coordination of state institutions, municipal governments, civil society organizations, families, and the children and adolescents themselves.

### **The Commitment of Save the Children-Norway**

Save the Children-Norway has a firm, long-term commitment to the Network of Mayors. We will continue to back the program in support of the Network of Mayors in order to ensure its development of increasingly more effective efforts.

Clearly, we lack the capacity to support each of you as individual mayors. However, we do have great willingness and desire –and a certain capacity– to continue supporting the development of the Network of Mayors, encouraging the exchange of ideas and experiences, promoting open discussions about topics that benefit children, and serving as a bridge in the search for new financial resources.

### **To Do One's Duty**

Being a mayor is temporary. At the beginning of the year, those who had been elected as mayors stepped down and transferred the position to you. Perhaps there is nothing worse than evading a responsibility of this magnitude and developing a sense of not

having completed the duties for which you were elected. In four years, when you are stepping down and the time comes to evaluate your administration, a positive public opinion of your performance will depend largely on what you have done for children, who make up more than half of the populations of your respective municipalities.

Others have sewn the seeds that you must now care for. There will come a time to harvest and give to children the fruit resulting from these seeds, although they may not yet be large and full of juice. And you must continue to plant new seeds for future generations.

The Network of Mayors was born of children and for children. It is here to stay!

I wish you the utmost success. And congratulations!

September 2001

- \* Comments read by Parvez Kapoor, Representative of Save the Children-Norway, at the Fourth National Conference of the Network of Mayors, held at Montelimar on September 4-5, 2001.
- \* Lines of Action for the 2001-2004 period were approved at the Fourth National Conference. In addition, María Herminia García, Mayor of San Juan de Río Coco, and Erwin de Castilla Urbina, Mayor of Juigalpa, were elected National Coordinator and National Vice-Coordinator of the Network of Mayors, respectively.

## **6. THERE ARE ONLY WINNERS HERE!**

### **SCN-N Message at the Fourth Meeting of Mayors in Favor of Children's Rights**

- \* **Message from Save the Children-Norway at the Award Ceremony of the Fourth Competition of Mayors in Favor of Children's Rights, December 5, 2003.**

I would like to divide my comments into two parts.

The first part is that, in this competition, there are only winners!

Since its formation in 1993, the Network of Mayors has been developing as a genuine, autonomous and non-partisan social movement, the main purpose of which is linked to the rights of children and adolescents and whose only objective is to help to ensure that these rights become a reality.

During the Third National Conference of the Network, held in April 1999, Save the Children-Norway proposed the holding of a national competition in order:

- to generate, through motivation, a multiplier effect in the municipalities toward fulfillment of the rights of children; and
- to offer public recognition to the most outstanding municipal governments and their mayors.

Three competitions have been held, in 1999, 2000 and last year in 2002. These have definitely been an incentive promoting the fulfillment of children's rights at the municipal level. A growing number of municipal governments have been assuming concrete responsibilities –mainly related to the rights to education, to health and a healthy environment, to recreation, to a name and nationality, and to participation– and reflecting these responsibilities visibly and tangibly in their plans and budgets.

With more than 84% of all mayors integrated within the Network, and with hundreds of initiatives, projects, resolutions, decisions and actions in favor of children and adolescents promoted by its members, the Network of Mayors / Friends and Defenders of Children constitutes, along with the Municipal Commissions on Children and Adolescents, one of the most significant experiences of its type in the Central American region.

These competitions have recognized dedicated efforts toward the fulfillment of children's rights. In prior years, for example, first place has been awarded to Ocotal, San Ramón and Matagalpa; second place to Estelí, León and Nagarote; and third place to Chinandega, Villa Carlos Fonseca, Nandaime and Juigalpa (the latter two tying for third place last year.)

Similarly, special mentions have been awarded to the following municipalities: León and Diriomo, each with two mentions, El Sauce, San Ramón, Boaco, Tisma, La Trinidad, San Miguelito, San Rafael del Sur, Chinandega, La Concepción, Estelí, San Juan de Río Coco, Managua and El Castillo.



Some municipalities have proved to be exceptional in past years, and this year is no exception. In truth, however, we all win in these competitions, because by making children's rights a reality we help to improve the quality of life of the entire population and especially of those who represent more than half of the inhabitants in each municipality: those under 18 years old. Every mayor, every municipal government, every municipality and the country as a whole win in this competition. Every Nicaraguan wins.

And this is the second part of my comments which, in fewer words, has to do with the real winners for whom we are obligated to do these things.

In this way, my complete message is this:

In this competition there are only winners, because those who always win...are the children!

Congratulations winners!

December 2003

After these comments, the jury of the Fourth Competition of Mayors in Favor of Children's Rights announced its decision to award:

- first place to the municipality of Nagarote and Mayor Juan Gabriel Hernández;
- second place to the municipality of Macuelizo and Mayor Donald José Flores;
- third place to the municipality of Matagalpa and Mayor Zadrach Zeledón.

**Pie de foto:**

**Erwin de Castilla, Mayor of Juigalpa; María Herminia García, Mayor of San Juan de Río Coco; and Donald Flores, Mayor of Macuelizo.**

## 7. WHO'S WITH US?

### **Presentation of *Mi Voz Cuenta [My Voice Counts]*, a publication about the meetings between children and adolescents and candidates in the 2004 municipal elections**

Participation is one of the principles of human rights, and it is a right in itself. In the case of the specific rights of children and adolescents, it is stipulated in the International Convention on the Rights of the Child and in Nicaragua's Code for Children and Adolescents.

Participation can take many different shapes and forms. It can be individual or collective; through personal initiative or group organization; in the home, school or community. It can feature words or actions, focusing on play, study, work, domestic aspects or, again, affairs of the community. It can be related to common, everyday aspects or exceptional, unusual matters. In any case, by participating, people grow, reaffirm their great value as human beings, and strengthen the connection with their social environment. By participating, a person develops, especially if it is a child or adolescent.

Traditionally, adults have felt that children and adolescents do not have much to say. How wrong we have been! Children and adolescents have always had many things to say and valuable opinions to contribute, having to do with their clothes, food, families, friends, schools, as well as their problems. If you doubt this, think back to when you were a child. How many times did you want to speak up and express an opinion, and how many times were you told to keep quiet?

To listen, and to learn to *hear*, has a lot to do with the ability to participate. In this sense, the initiative promoted by the Network of Mayors / Friends and Defenders of Children has been very relevant, calling upon candidates for elected positions in the 2004 municipal elections to meet with and listen to children and adolescents about their problems, interests, dreams, demands and proposals. The kids attended these meetings expecting not only to be listened to, but also to be *heard*.

We cannot get ahead of ourselves and predict what will happen with so many valuable contributions made in so many municipalities of Nicaragua. However, with this publication, Save the Children-Norway's Nicaragua Program hopes to help to ensure that the municipal officials elected for the 2005-2008 term remember what they discussed with children when they were still candidates.

We also hope to encourage these administrations to include the fulfillment of children's and adolescents' rights in their municipal plans, projects and budgets for the short, medium and long terms. Development is the best of investments. The Network of Mayors –to which you may soon belong– has already begun to take steps in this direction. Who's with us?

December 2004

## **8. BRIEF INVESTIGATION: HUMAN RIGHTS EDUCATION ORIENTED TOWARD MUNICIPAL GOVERNMENTS IN NICARAGUA**

- \* **This material was prepared in mid 2002, and data included in the tables below covers up to that time. Although new actions and valuable initiatives have been implemented in the subsequent two years and five months (that is, up to the present), the overall panorama remains very similar. Human rights education oriented toward Nicaragua's municipal governments is more necessary than ever.**

### **I. INTRODUCTION**

One prerequisite for participation in the twentieth interdisciplinary course entitled "Education in Human Rights," organized in mid 2002 by the Inter-American Human Rights Institute (IIDH) based in San Jose, Costa Rica, was the implementation of a brief investigation related to the course topic. This investigation was carried out pursuant to the parameters, guidelines and terms stipulated by the course organizers.

#### **What is education in human rights?**

Education in human rights proposes goals and objectives in different directions, corresponding to the multidimensional nature of the concept of human rights.

##### **1. Axiological Objective**

To provide formation in the universal values that sustain the dignity and rights of the person, seeking, for example, to develop the personality in order to achieve subjects who are aware of their faculties and needs as persons (formation for personal identity); who assume their liberty and think and decide for themselves according to ethical principles (formation for moral and intellectual autonomy); who effectively recognize the same faculties and needs in others (formation for reciprocity); and who reflexively act according to ethical principles (formation for responsibility.)

##### **2. Historical / Cultural Objective**

To provide formation in the analysis and evaluation of the reality in which each person develops, with value-based and normative parameters of human rights. In other words, to educate the subject for the critical judgment of him- or herself and of the contexts of his or her relations, from the closest and most immediate (family, cultural community) to the most distant (country, region, contemporary world.)

##### **3. Political Objective**

To provide formation on the active commitment to modify all aspects of reality that attack or prevent the effective fulfillment of human rights in the individual and/or social arenas. In brief: to teach to conceptualize necessary changes and to make such changes a reality.

Therefore, we must not conceive this formation as "teaching human rights" in a way that provides certain information to those who are unaware of it, whether they be children, youth or adults; students, teachers or politicians. Nor are there any people who "have the knowledge" and are ready to "transmit it" to others who do not. The challenge is to continue constructing a vision of the person and of the relations between persons, based

on dignity and the rights that are intrinsic to the human condition. The idea, then, is to provide formation (and to form ourselves) in this vision, and to put the vision into practice.<sup>12</sup>

### **Area Selected for Investigation:**

The role of the municipality, its autonomy and the recognition of its potential have enriched a “municipalist” vision that values the municipality as an appropriate place for socioeconomic development and for the promotion of and education in human rights.

The existence of the Nicaraguan Institute of Municipal Development (*Instituto Nicaragüense de Fomento Municipal* – INIFOM), of associations of municipalities such as the Association of Municipalities of Nicaragua (*Asociación de Municipios de Nicaragua* – AMUNIC), of different associations of municipal conglomerates and organizations such as the Institute for the Development of Democracy (*Instituto para el Desarrollo de la Democracia* – IPADE), and of social networks such as the Network of Mayors / Friends and Defenders of Children, the Nicaraguan Network for Democracy and Local Development and the Municipal Commissions on Children and Adolescents, all of which follow the municipalist vision, along with certain international organizations and agencies, constitutes the foundation for efforts to reevaluate the municipality’s role within the national context.

Joining this initiative, I have selected the municipal governments as the topic of this brief investigation on human rights education. I have no information indicating that any study of any dimension has been implemented on the topic of education or training in human rights oriented toward municipal governments. Therefore, in order to fill this gap and to organize my own ideas, I will carry out this effort in the above-mentioned area.

### **Objective of the Investigation:**

To provide basic information about the state of human rights education oriented toward municipal governments in Nicaragua during the 1990 – 2002 period.

### **Procedure Followed:**

1. Bibliographical review and analysis of pertinent documentary materials.
2. Interviews with key people related to the topic of investigation.
3. Entry of data and information obtain in matrices designed by IIDH, taking notes that would help with subsequent analysis.
4. Analysis of information according to variables and their respective indicators.
5. Summarization of conclusions, including achievements and main problems identified.
6. Preparation of alternatives and proposals.

I carried out the interviews with open questions, inquiring mainly into two aspects:

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<sup>12</sup> *La educación en valores entendida como educación en derechos humanos: Sus desafíos contemporáneos en América Latina* [Education in Values, Understood as Education in Human Rights: Its Contemporary Challenges in Latin America.] Ana María Rodino. Material from the XX Interdisciplinary Course “Education in Human Rights.” San Jose, Costa Rica; July 2002.

- the existence of training actions, contents, materials and programs on human rights, oriented toward municipal governments during the 1990 – 2002 period;
- the intentions of said actions, contents and assessment of experiences.

#### **Sources of Information:**

- América Mendieta, Coordinator of the Program to Support the Network of Mayors / Friends and Defenders of Children, Nicaraguan Institute of Municipal Development (INIFOM)
- Evelyn Pinto, member of the Program to Support the Network of Mayors (INIFOM)
- Teresa Suazo, Director of the Technical Assistance Department (INIFOM)
- Ana Soledad Román, consultant to the Technical Commission on Decentralization (INIFOM)
- Enrique Cruz, Director of the Studies and Policies Department (INIFOM)
- Enrique Pilarte Donaire, Coordinator of the Project to Strengthen Municipal Commissions on Children and Adolescents, and liaison of the Interim Committee of MCCAs
- Dr. Rosario Rodríguez, Coordinator of the Program to Develop the Capacities of Local Governments, Association of Municipalities of Nicaragua (AMUNIC)
- Violeta Delgado, Executive Director of the Network of Women Against Violence
- Dr. Angela Rosa Acevedo, consultant of the Office of the Ombudsman for the Defense of Human Rights
- Dr. Ada Silva, Director of the Center for Constitutional Rights (*Centro de Derechos Constitucionales – CDC*)
- Dr. Gonzalo Carrión Maradiaga, Deputy Director of the Defense and Denunciation Office, Nicaraguan Human Rights Center (*Centro Nicaragüense de Derechos Humanos – CENIDH*)
- Harry Chávez Cerda, Coordinator of the Program to Construct Citizenship and Citizen Participation in the Autonomous Regions, Institute for the Development of Democracy (IPADE), and former Executive Director of the Office of Municipal Affairs
- Rosa Romero, Adolescent Home Project (AMUNIC / UNFPA)

## **II. RESULTS TABLE**

In order to systematize collected information and to facilitate its analysis, it is presented in a table of results. Information was selected based on the following variables (predetermined by the Inter-American Human Rights Institute – IIDH):

Variable 1: legal or institutional norms on human rights education;

Variable 2: contents of study programs;

Variable 3: contents of educational texts;

Variable 4: departments or offices specializing in human rights education.

Each variable contains appropriate indicators that seek to determine the cumulative status of conditions in 1990 and in 2002 with respect to human rights education oriented toward the municipal governments in Nicaragua.

It must be noted that one serious limitation of the set of indicators (also predetermined by the IIDH) is that they do not make it possible to assess the *quality* of the norms, dispositions, contents, programs, units, actions or processes related to human rights education oriented toward the municipal governments. The posterior analysis of information seeks, in part, to alleviate this deficiency.

#### AREA OF STUDY: MUNICIPAL GOVERNMENTS OF NICARAGUA

<b>VARIABLE 1: Legal or institutional norms on human rights education</b>	
<b>Indicator:</b> Norms or dispositions that establish the incorporation of human rights education (HRE) as part of educational contents in 1990.	<b>Indicator:</b> Norms or dispositions that establish the incorporation of HRE as part of educational contents in 2002.
<p><b>-International Declarations and Conventions on Human Rights:</b> Universal Declaration on Human Rights (Dec. 1948); American Declaration on the Rights and Duties of Man (1948); American Convention on Human Rights (Nov. 1969) and others establish a general framework for the promotion, respect and fulfillment of, as well as education in, human rights.</p> <p><b>-Political Constitution of the Republic of Nicaragua:</b> recognizes that human rights are in full effect in Nicaragua (Nov. 1986.)</p> <p><b>-Law #40, Law of Municipalities:</b> stipulates that the municipal government and administration shall comply with and promote the completion of the Constitution. There is no specific mention of human rights education (July 1988.)</p> <p><b>-Decree #497, Creation of the Nicaraguan Institute of Municipal Development (INIFOM):</b> autonomous entity dedicated to strengthening municipal administration and promoting municipal development. One of its functions is to sustain training programs for municipal authorities and employees (Feb. 1990.)</p>	<p><b>-Law #192, Law of Partial Reform to the Political Constitution:</b> reaffirms the full validity of the International Convention on the Rights of the Child (Article 71 of the Constitution) (1995).</p> <p><b>-Law #201, Law for the Promotion of Human Rights and the Teaching of the Constitution:</b> establishes teaching of the Constitution within the education system and in military and police academies. It does not cover municipal governments (Nov. 1995.)</p> <p><b>-Law #212, Law of the Office of the Ombudsman for the Defense of Human Rights:</b> in addition to oversight over state institutions with respect to the completion of human rights, this office is empowered to promote a culture of respect for human rights and to promote education on and dissemination of human rights (Jan. 1996.) Its faculties cover municipal governments. The Ombudsman and Deputy Ombudsman were elected in June 1999, and the first Special Ombudsman for Children and Adolescents was named in November 1999.</p> <p><b>-Law #261, Reforms and Additions to Law #40, Law of Municipalities:</b> establishes promotion of the respect for human rights, and especially those of women and children, as a competency of the municipality (June 1997.)</p> <p><b>-Law #287, Code for Children and Adolescents:</b> creates the specific framework for</p>

<p><b>-Decree #498, Bylaws of Municipal Organization and Functioning:</b> stipulates that municipal government and administration shall be organized and shall function through popular participation (Feb. 1990.)</p>	<p>implementation of the human rights of children and adolescents. It also constitutes the general framework for education on the human rights of children. (Approved in March 1998, entering in effect in Nov. 1998.)</p>
<p>-Nicaragua signs (Nov. 1989) and ratifies (April 1990) the <b>International Convention on the Rights of the Child:</b> the Nicaraguan state commits to promote, provide education about, respect and fulfill the human rights of children.</p>	<p><b>-Law #347, Organic Law of the Nicaraguan Institute of Municipal Development (INIFOM):</b> repeals Law #497; one of INIFOM's functions is to provide integral assistance to municipalities for improved completion of their competencies and attributions. One of these competencies is to promote respect for human rights (May 2000.)</p> <p><b>-Law #351, Law of Organization of the National Council for Integral Attention to and Protection of Children and Adolescents (CONAPINA) and of the Office for the Defense of Children and Adolescents:</b> one of its functions is to promote and coordinate training programs on children and adolescents; INIFOM is a member of CONAPINA (May 2000.)</p> <p><b>-Decree #75-2000, Bylaws of the Organic Law of INIFOM:</b> establishes participation and the gender focus as part of INIFOM's principles of action, and stipulates that training must respond to these principles (Aug. 2000.)</p> <p>-Development of Mayors / Friends of Children (May 1994) and <b>constitution of the Network of Mayors / Friends and Defenders of Children</b> (Oct. 1995), supported by INIFOM, to promote human rights at the municipal level. One permanent line of work is the awareness raising and training of mayors with respect to human rights. (1)</p> <p><b>-Collaboration agreements between INIFOM and Save the Children-Norway:</b> support training efforts on children's rights oriented toward mayors, under the framework of the Network of Mayors / Friends and Defenders of Children (1996 – 2003.)</p> <p><b>-INIFOM Executive Disposition</b> to develop the Project for <b>Local Government Transmission (LGT)</b> after elections in 1996 and 2000, providing training to candidates on the functions of municipal governments and on the right of citizens' participation. LGT is incorporated in INIFOM's Institutional Management Plan and supported by the Association of Municipalities of Nicaragua (AMUNIC), the Office of the Comptroller General of Nicaragua, the Supreme Electoral Council and others. (2)</p>

	<p><b>-Executive Disposition of the President of INIFOM:</b> incorporates the issue of <b>children's rights</b> in the training of candidates under the process of Local Government Transmission (2000). (3)</p> <p>-INIFOM collaboration agreements and projects oriented toward municipalities that adopt the gender focus (PROTIERRA Project supported by the World Bank, GTZ projects.) (4)</p>
<p><b>VARIABLE 2: Contents of study programs</b></p>	
<p><b>Indicator:</b> Explicit contents of education on human rights (HRE) in study programs in 1990.</p>	<p><b>Indicator:</b> Explicit contents of HRE in study programs in 2002.</p>
<p>-Awareness raising on the <b>culture of peace</b> and training on <b>peaceful conflict resolution</b>, supported by CIAV/OAS under the framework of the transition from war to peace. (5)</p> <p>-In training actions implemented by IPADE and the POPOL-NA Foundation: <b>citizen participation</b> and the Law of Municipalities, oriented toward local leaders and community council members. (6)</p>	<p>-On <b>children's rights</b> (topic with broad coverage and growing acceptance among municipal governments; systematization and a sense of program remains pending):</p> <ul style="list-style-type: none"> <li>• In the Project for Municipal Training on Children's Rights, oriented toward municipal authorities and leaders, executed by INIFOM with support from international agencies, institutions and Nicaraguan NGOs (1997 – 2001): <ul style="list-style-type: none"> <li>-Doctrine of Integral Protection;</li> <li>-Principles and bases of the Convention on the Rights of the Child and of the Nicaraguan Code for Children and Adolescents;</li> <li>-Specific rights of children;</li> <li>-National Policy for Attention to and Special Protection of Children and Adolescents. (7)</li> </ul> </li> <li>• In awareness-raising and training actions on human rights developed by the Network of Mayors, INIFOM, Office of the Ombudsman, Coordinator of NGOs Working with Children, CONAPINA, Save the Children-Norway, and UNICEF (national coverage) (1996 – 2002): <ul style="list-style-type: none"> <li>-Rights of children and adolescents;</li> <li>-Child participation;</li> <li>-Responsibility of municipal governments with respect to the fulfillment of human rights;</li> <li>-Means to comply with responsibilities;</li> <li>-Inter-institutional coordination for the fulfillment of human rights;</li> <li>-Tolerance and democratic leadership. (8)</li> </ul> </li> <li>• Graphic contents promoted by the Network of Mayors (national coverage) (1996 – 2002): <ul style="list-style-type: none"> <li>-Children's right to participation;</li> <li>-Equality and non-discrimination;</li> <li>-Mayors' commitments to children;</li> <li>-Municipal responsibility with respect to human rights.</li> </ul> </li> <li>• Training under the framework of Local Government Transmission (LGT) (2000), executed by INIFOM and the Network of</li> </ul>



	<p>Mayors, oriented toward candidates for municipal government (coverage: 89% of municipalities):</p> <ul style="list-style-type: none"> <li>-Principles of the Code for Children (higher interests of children, participation, non-discrimination, etc.);</li> <li>-Role of municipal governments with respect to the fulfillment of human rights;</li> <li>-Role of the Network of Mayors. (9)</li> </ul> <p>-On the <b>right to citizen participation</b> (topic with broad coverage and systematization, very relevant in LGT, and considered a crosscutting issue):</p> <ul style="list-style-type: none"> <li>• Training under the framework of Local Government Transmission (LGT) (1996 and 2000), executed by INIFOM and oriented toward candidates for municipal government (national coverage): <ul style="list-style-type: none"> <li>-Legal framework for citizen participation;</li> <li>-Concept, importance and conditions;</li> <li>-Forms of participation;</li> <li>-Participation as a crosscutting issue. (10)</li> </ul> </li> <li>• Training under the framework of LGT 2000, executed by IPADE and oriented toward candidates for municipal government in the autonomous regions: <ul style="list-style-type: none"> <li>-Right to autonomy;</li> <li>-Participatory municipal administration;</li> <li>-Democratic leadership. (11)</li> </ul> </li> <li>• Training activities promoted by the Association of Nicaraguan Municipalities (AMUNIC), INIFOM and NGOs: <ul style="list-style-type: none"> <li>-Law of Citizen Participation;</li> <li>-Juridical concept of participation;</li> <li>-Forms of participation.</li> </ul> </li> </ul> <p>-On the <b>gender focus</b> (topic with broad coverage):</p> <ul style="list-style-type: none"> <li>• Training activities promoted by AMUNIC, GTZ and NGOs: <ul style="list-style-type: none"> <li>-Gender focus;</li> <li>-Gender and municipalities. (12)</li> </ul> </li> </ul> <p>-Other contents of human rights training and awareness raising (partial or focalized coverage):</p> <ul style="list-style-type: none"> <li>• On the rights of indigenous communities, promoted by IPADE and DIAKONIA in the autonomous regions. (13)</li> <li>• On the <b>culture of peace and peaceful conflict resolution</b>, promoted by IPADE in the autonomous regions (14), Center of International Studies, and OAS/UNDP.</li> <li>• On a <b>healthy environment</b>, promoted by AMUNIC.</li> <li>• On <b>sexual and reproductive health</b>, promoted by AMUNIC and UNFPA (12 municipal governments.) (15)</li> </ul>
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	<ul style="list-style-type: none"> <li>• On <b>non-discrimination</b>, especially with respect to HIV/AIDS (northern municipalities.)</li> </ul>
<b>VARIABLE 3: Contents of educational texts</b>	
<b>Indicator 1:</b> Human rights contents in a sample of didactic texts used in 1990.	<b>Indicator 1:</b> Human rights contents in a sample of didactic texts used in 2002.
<ul style="list-style-type: none"> <li>• Training material used by IPADE: <ul style="list-style-type: none"> <li>-Citizen participation;</li> <li>-Culture of peace and conflict resolution. (16)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• “Support Material for Training on Children’s Rights,” Municipal Training Project on Children’s Rights (INIFOM, CODENI, Save the Children, UNICEF; Managua 1998): <ul style="list-style-type: none"> <li>-Contains explicit references about children’s rights, specifically: <ul style="list-style-type: none"> <li>-Doctrine of integral protection for children;</li> <li>-Principles and bases of the Convention on the Rights of the Child and Nicaragua’s Code for Children and Adolescents;</li> <li>-Specific rights of children;</li> <li>-National Policy for Integral Attention to and Protection of Children and Adolescents.</li> </ul> </li> <li>-It also addresses values such as equality, non-discrimination and participation.</li> </ul> </li> <li>• “Guidelines for the Training of Candidates,” Local Government Transmission (LGT) 2000, (INIFOM, AMUNIC and others; Managua, July 2000) and complementary material on children’s rights (INIFOM, Save the Children-Norway, UNICEF.) Contains explicit references to the right of citizen participation and children’s rights, specifically: <ul style="list-style-type: none"> <li>-Legal framework for citizen participation;</li> <li>-Concepts, importance and conditions;</li> <li>-Forms of participation;</li> <li>-Principles of the Code for Children (higher interests of children, participation, non-discrimination, etc.)</li> <li>-Role of municipal governments in fulfillment of children’s rights;</li> <li>-Role of the Network of Mayors.</li> </ul> </li> </ul>
<b>Indicator 2:</b> Explicit contents about gender equality in a sample of educational texts used in 1990.	<b>Indicator 2:</b> Explicit contents about gender equality in a sample of educational texts used in 2002.
-None.	<ul style="list-style-type: none"> <li>• “Support Material for Training on Children’s Rights”: <ul style="list-style-type: none"> <li>-Gender equity is not covered explicitly; it is addressed from a perspective of the human rights principles of equality and non-discrimination.</li> </ul> </li> <li>• “Guidelines for the Training of Candidates” and material on children’s rights, LGT 2000: <ul style="list-style-type: none"> <li>-Gender equity is not covered explicitly under the topic of citizen participation. Participation of all social sectors and groups is mentioned, with no distinctions of any type. The</li> </ul> </li> </ul>

	<p>guidebook's illustrations show men, women and a child.</p> <p>-Children's rights are not addressed explicitly either, but covered from a perspective of the human rights principles of equality and non-discrimination.</p>
<b>Indicator 3:</b> Explicit contents about the recognition of and respect for ethnic diversity in a sample of educational texts used in 1990.	<b>Indicator 3:</b> Explicit contents about the recognition of and respect for ethnic diversity in a sample of educational texts used in 2002.
-None.	<ul style="list-style-type: none"> <li>• "Support Material for Training on Children's Rights": <ul style="list-style-type: none"> <li>-The recognition of and respect for ethnic diversity is not covered explicitly; it is addressed from a perspective of the human rights principles of equality and non-discrimination.</li> </ul> </li> <li>• "Guidelines for the Training of Candidates" and material on children's rights, LGT 2000: <ul style="list-style-type: none"> <li>-The topic of citizen participation is not covered explicitly. Participation of all social sectors and groups is mentioned, with no distinctions of any type.</li> </ul> </li> </ul> <p>-Children's rights are not addressed explicitly either, but covered from a perspective of the human rights principles of equality and non-discrimination.</p>
<b>VARIABLE 4: Departments or offices specializing in human rights education</b>	
<b>Indicator 1:</b> Existence of specialized units or offices (within Ministries of Education, Defense, Government and Justice, or in the Armed Forces, National Police, universities, etc.) responsible for education or training on human rights in 1990.	<b>Indicator 1:</b> Existence of specialized units or offices (within Ministries of Education, Defense, Government and Justice, or in the Armed Forces, National Police, universities, etc.) responsible for education or training on human rights in 2002.
-The Municipal Training Office, a unit under the Department of Municipal Affairs (predecessor of INIFOM), covered juridical topics related to the municipalities, and particularly the Law of Municipalities. It did not specifically address human rights. (17)	<p>-Although it is not a training unit as such, the INIFOM program in support of the Network of Mayors promotes and facilitates training and awareness raising on children's rights for mayors.</p> <p>-AMUNIC promotes and provides training to municipal governments on topics related to citizen participation and gender, although it does not have a specialized unit for training on human rights. (18)</p> <p>-IPADE has trainers who cover the topics of conflict resolution and negotiation, citizen participation, and autonomy of the autonomous regions. It does not have a specialized unit. (19)</p> <p>-As a result of the Municipal Training Project on Human Rights (1997 – 2001), a network of</p>

	municipal multipliers was created, covering the topic of human rights. Its role has not been strengthened. (20)
<b>Indicator 2:</b> Existence of specific programs for education or training in human rights in 1990.	<b>Indicator 2:</b> Existence of specific programs for education or training in human rights in 2002.
-There is no pertinent information.	<p>-IPADE has a Program for the Construction of Citizenry and Citizen Participation in the Autonomous Regions, providing training to community leaders and members of municipal governments and autonomous regional councils. (21)</p> <p>-LGT is a program for electoral periods, covering the right of citizen participation and children's rights.</p> <p>-The INIFOM program in support of the Network of Mayors carries out training and awareness-raising activities on children's rights, oriented toward mayors. (22) This is the only unit or office in the country that systematically and permanently carried out educational efforts on human rights – and, in this case, on children's rights– oriented toward municipal governments.</p>

#### **ANALYSIS OF THE INFORMATION:**

The first steps have begun to be taken in terms of education or training on human rights for municipal governments in Nicaragua. Significant changes have been detected in comparison to 1990: there are now more precise norms and regulations, new means and methods of training, greater breadth in terms of contents, and a basic –although disperse– conglomerate of trained human resources.

The legal or institutional norms that have experienced greatest development over the past twelve years are related to children's rights, given the entry into effect of a specific code (the Code for Children and Adolescents), the rise of institutions with increasingly stronger ties to the municipality (such as the Office of the Ombudsman for Human Rights and the National Council for Integral Attention to and Protection of Children and Adolescents), and the development of the Network of Mayors / Friends and Defenders of Children (supported by the Nicaraguan Institute of Municipal Development, INIFOM.) Citizen participation and the gender focus follow in the norms, conceived by INIFOM and AMUNIC as principles for action or crosscutting issues.

Compared to 1990, the theme of human rights training for municipal governments has been extended. Topics of greatest dissemination and national coverage include: children's rights, citizen participation and the gender focus. Other topics with coverage that is partial or focalized on certain regions or municipalities include: the rights of indigenous communities, the culture of peace, the environment, sexual and reproductive health and non-discrimination, with an emphasis on HIV/AIDS.

New forms and methods of training have developed. The training of candidates for elected municipal offices through the program of Local Government Transmission (LGT),

the training actions promoted by AMUNIC and certain NGOs, and the efforts to provide training and raise awareness about children's rights made by the Network of Mayors / Friends and Defenders of Children and by consortiums of organizations and institutions are all indicators of the search for alternative forms of human rights training that did not exist before 1990.

The didactic materials reviewed now include explicit contents on human rights, emphasizing children's rights – the topic most clearly outlined from the human rights approach.

The least development has been seen with respect to the existence of specific training programs or units of human resources specializing in such training. Neither institutions nor organizations have permanent, specialized units. Rather, they are supported by personnel from throughout the organizational chart or by external resources. As the result of a specific project (Municipal Training on Children's Rights), training was provided to human resources from the municipalities (volunteers) in order to form a training unit (also oriented toward the municipal governments.) Because it was not strengthened, however, the unit never became adequately functional.

The lack of development of specific human rights training programs directed exclusively toward municipal governments is notable. One NGO (IPADE) has a program that, in addition to training community leaders, covers members of the governments of the autonomous regions.

The training of candidates under the Local Government Transmission Program occurs only during municipal election periods (every four years.) The INIFOM program in support of the Network and Mayors and the Network of Mayors itself are the only entities that permanently promote actions to raise awareness and provide training about human rights, and specifically about children's rights, to municipal governments. However, it must be noted that these national-level actions are not yet configured in an actual training program.

### **III. SUMMARY OF CONCLUSIONS**

Without doubt, the validity, promotion and respect of human rights is a theme that is present in the social conscience and in certain Nicaraguan institutions, although its incorporation as a theme for reflection, education, internalization, practice and supervision is only recent and remains incipient.

From 1990 to date, the norms and regulations related to human rights have evolved in dimension and in depth. In Nicaraguan society, human rights have begun to be visualized through the creation of new institutions, laws, codes and certain specific institutional practices, as well as to be seen by an increasingly broad social movement that claims its right to participate in decisions in all spheres of national life and that demands unrestricted respect for human rights. For example, there is growing awareness about the need to promote a culture based on respect for human rights, a premise for human and social development and the basis of the rule of law. This is the framework under which human rights education and training is developing.

Key factors in these changes have included: a favorable international context toward the observance of human rights, and the rise of different expressions of civil organization and association. The state has had to recognize or reaffirm its subjugation to international human rights standards.

In comparison to 1990, important changes were detected in mid 2002 with respect to awareness raising, education and training on human rights for municipal governments in Nicaragua.

### **Changes Achieved:**

- There are more precise legal and institutional regulations. The regulations related to children's and adolescents' rights have experienced the most development over the past twelve years, followed by those related to citizen participation and the gender focus.
- Training oriented toward municipal governments has been diversified. The topics of greatest dissemination and national coverage are related to children's rights, citizen participation and the gender focus. Also covered are topics related to indigenous communities, the culture of peace, the environment, sexual health, and non-discrimination, with an emphasis on HIV/AIDS.
- The issue of children's rights is the topic most clearly outlined within the focus on human rights. It is the issue most frequently presented in the limited didactic materials produced.
- New means and methods of training have developed: through associations of municipalities, through the Network of Mayors, training oriented toward candidates for public office, and through NGOs.
- The INIFOM program to support the Network of Mayors and the Network itself (the purpose of which is to ensure children's rights in the municipalities) are very relevant experiences that promote awareness-raising and training on human rights, and specifically on children's rights, permanently and specifically targeting municipal governments. They still lack a program of contents. However, the Network of Mayors, in combination with the Municipal Commissions on Children and Adolescents and, to an increasing degree, the Office of the Special Ombudsman for Children and Adolescents, are responsible for the demonstrations of concern for and development of human rights education (focusing in this case on children's rights) directed toward all municipal governments and emphasizing local mayors. Although other valuable experiences have been promoted by certain NGOs (such as IPADE) and by AMUNIC, these efforts have focused on specific groups of municipalities. In other cases, efforts are specific and not systematic.

### **Main Problems Detected:**

- Lack or insufficiency of the human rights approach within a majority of institutions, organizations and associations. Most issues and contents are addressed without a human rights perspective. In essence, except for limited and very positive exceptions, human rights are invisible in institutional platforms.
- There is a very strong tendency toward activism and empiricism in training, which neutralizes the development of specific human rights training or education programs.
- Very little development has been achieved with respect to specific human rights programs and units for training or education on human rights. Training and awareness-raising activities are mainly carried out without any programmatic configuration. There are no permanent training units, and a significant percentage of actions are implemented by volunteers and consultants.

- The absence of such specific programs (with precise contents, mechanisms, defined means and resources, etc.) limits gaining of awareness about human rights and the importance of their fulfillment.
- There is scarce systematization of experiences and minimal production of conceptual references for national efforts.
- The production of training or didactic materials on human rights for municipal governments is very weak.
- The human resources already trained in human rights are highly dispersed.

Alternatives and proposals for human rights education oriented toward the municipal governments of Nicaragua:

- Promote inclusion of the human rights approach in the programmatic platforms of national institutions, organization and associations linked to municipalities, as well as of cooperation projects promoted by international agencies. Make human rights visible.
- Systematize and document national and local experiences involving awareness raising, training and education on human rights for municipal governments. Learn from experiences.
- Promote the configuration, design and preparation of specific programs for awareness raising, training and education on human rights. Human rights education with direction.
- Diversify the means of education on human rights. Strengthen the use of radio, television, print media and non-traditional methods. Reach the people.
- Promote the national production of written materials on human rights, “municipalism,” municipal development, and human rights education. Write about the topic.
- Strengthen human resources in the municipalities who have already received training in human rights, extending this “bank” of local resources.

#### **Notes Added for the November 2004 Publication**

Two years and four months have passed since the conclusion of this brief investigation in July 2002. Now, in November 2004, it is possible to affirm that human rights education directed toward municipal governments is definitely a reality that is increasingly visible in Nicaragua.

Efforts to continue in this direction have been developed mainly by movements and networks, such as the Network of Mayors / Friends and Defenders of Children, Municipal Commissions on Children and Adolescents, and the Network for Democracy and Local Development; by associations such as the Association of Municipalities of Nicaragua (AMUNIC); by civil society institutions such as the Nicaraguan Human Rights Center (CENIDH) and the Institute for the Development of Democracy (IPADE); and by state institutions such as the Nicaraguan Institute of Municipal Development (INIFOM), the Office of the Ombudsman for the Defense of Human Rights (PDDH) and, specifically, the Office of the Special Ombudsman for Children and Adolescents.

During these two years and four months, human rights education for municipal governments has gained new momentum. In this respect, perhaps the following are most significant:

- The INIFOM program to support the Network of Mayors has designed a program to raise awareness and provide training on the human rights of children, which includes awareness-raising actions directed toward candidates from the start of municipal electoral campaigns. The program also includes actions to provide information and training focusing on children's rights and on the functions of elected municipal officials related to the fulfillment of these rights, once said officials have taken office. This program has defined objectives, subjects, contents, methods and terms. In terms of human rights education oriented toward municipal governments in Nicaragua, this is the most detailed initiative that I am aware of to date. It is supported by Save the Children-Norway.
- As part of the above program to raise awareness and provide training on the human rights of children, actions to raise awareness about children's rights were carried out among candidates during the recent municipal electoral campaign of 2004. Components of this initiative included the holding of 41 meetings between children / adolescents and candidates in 41 municipalities. Here, the objective was for boys and girls to present, in their own words, the state of fulfillment (or rather the lack of fulfillment) of their rights in the municipality. These meetings were complemented by a radio and print campaign seeking to raise candidates' awareness. Although the systematization of this experience is currently underway and will be published in December 2004 or January 2005, the impact of these efforts must be assessed in terms of the integration of mayors and municipal governments into the Network of Mayors, and especially with respect to their willingness to fulfill children's rights in the municipality. This, after all, is the ultimate objective of all of these actions.
- The Municipal Planning System promoted by INIFOM; AMUNIC and cooperation agencies is a planning instrument and not specifically a tool for human rights education. The fact that it is designed to promote citizen participation from different social sectors, genders and age groups, however, converts the system into a potentially effective means to promote human rights education, oriented toward key actors in the municipality, including municipal governments.

Human rights education is currently experiencing its best moments in Nicaragua. In addition to the efforts directed toward municipal governments, sustained actions are also targeting journalists and communicators, resulting in graduate courses on communications and human rights, organized by the Communications Sciences Department of Universidad Centroamericana (UCA), the Office of the Special Ombudsman for Children and Adolescents, Centro Dos Generaciones and Save the Children-Norway. Participants in these courses have opened a discussion about the need for a journalists' code of ethics for the handling of topics related to children and adolescents.

There has also been a serious effort directed toward teachers and students, through implementation of a project to promote children's rights in basic education. This project seeks to ensure the inclusion of children's rights in the educational curriculum and in teacher training. Executed by the Ministry of Education, Culture and Sports, the project is also supported by Save the Children-Norway. Other relevant actions with respect to education on children's rights have targeted the National Police, Army personnel involved in the Civil Defense system, and personnel from state institutions involved in



the National Council for Integral Attention to and Protection of Children and Adolescents (CONAPINA).

Finally, it is well worth mentioning that, as it was two years and four months ago, the specific topic of children's and adolescents' rights remains the most developed and systematized of all contents of human rights education directed toward the municipal governments of Nicaragua.

July 2002, with Notes Added in November 2004

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## 9. A NEW DEFINITION OF CITIZENSHIP

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### INTRODUCTION

The Code for Children and Adolescents is one of the best things to happen to Nicaragua for a long time, and definitely the best thing for children in our country's history. It has shaken the foundations of the national juridical system and, more profoundly, it has questioned our entire set of practices, attitudes, customs and ideas. It has intervened in our culture, germinating a new paradigm in our long-suffering country: that children have rights.

Sometimes, out of contradictions and chaos arise better alternatives, and Nicaragua is proof of this statement. As one of the countries in the Americas most deficient with respect to the conditions of children, it has produced one of the most advanced examples of specific legislation: the Code for Children and Adolescents.

These rights of children and adolescents go beyond mere satisfaction of the basic needs of more than two and a half million Nicaraguans under 18 years old, which in itself has broad consequences for the lives of this population and for the life of the nation, and which is an unavoidable state function. No, it goes even further. It enters into the new arena of the relation between children and adolescents and their social environment, conceiving them as thinking, active, pro-active beings; as participants and protagonists without discrimination in family, school and community life and in all other affairs that may directly affect them. It considers children and adolescents as participants in the social and political life of the nation, all from the perspective of the integral protection we must provide them (Code, Article 1) and with awareness of their levels of evolution and development.

In the debate over the Code, I have noticed that some hold a certain disdain for it, and not from the position of those who disagree with what it represents (this is a topic for criticism in another forum), but rather from those who sympathize with the rights of children but who spurn the Code. Perhaps this is due to the limited development of institutions, to the underdevelopment or lack of public policies, to uncertainty generated by the latent possibility of its reform, to a partial reading of the Code, or to an absolutist interpretation from only one certain discipline. Or, as a colleague has suggested, perhaps it is due to not being ready for the personal revolution implied by these rights. I have even heard some say that "what's important is not the Code but what is done." I believe, however, that both aspects are transcendental, and their transcendence is found precisely in their interrelation. It encourages ideas and, at the same time, incites action.

In this country that thirsts for a long-term vision, the Code for Children and Adolescents is the expression of a social commitment for the present and for Nicaragua's projection into the twenty-first century. It stimulates and legitimizes a dual process: transformation in peoples' minds about the needs for rights, and incorporation of social demands, necessary for the total fulfillment of said rights.

The Code for Children and Adolescents is a reflection of the Political Constitution and of the Convention on the Rights of the Child. These three instruments do not define what

is, but rather what should be. They define rights, and the progress made in this area is enormous. But these rights must also be implemented in daily life; that is, the practice and exercise of rights are not automatically ensured through legislation. Citizen action and government planning are indispensable, combined with an explicit willingness to convert these rights into reality. Some will say that this is an insurmountable obstacle. I say that it is a magnificent opportunity to induce, in addition to the necessary formal changes, transformations in negative features of our culture as well as a new dynamism in the individual and social exercise of human rights, and particularly the rights of children. The opportunity we now have is to wield influence on the positive development of “Nicaraguanism” based on a new meaning of citizenship, which is not exclusive to adults. This is the challenge issued to us by the Code for Children and Adolescents.

## **Human Rights and Citizenship**

For historical and structural reasons, the indigenous peoples, populations of African descent, women and children of Latin America have traditionally been victims of the most severe human rights abuses. In our case, the Conquest, colonial province, pseudo-republican state, oligarchies, “Big Stick” interventionists, multinational companies and Somoza dictatorship were responsible for all types of human rights violations whether prohibited in legislation or not, from political exclusion and social, cultural and economic discrimination to genocide. The actions of subsequent governments –albeit from different perspectives– have not escaped the hegemonic and exclusive dynamic.

The theme of human rights arose in the West as a demand of modernity, specifically voiced by the bourgeoisie (and its philosophers) against the power and privileges of monarchy. Although there are significant differences, both the Declaration of the Rights of Man of the French Revolution and the United States Constitution reflect concepts that are anchored on natural rights. Supported by the vision of liberty and rights held by British citizens (the right to life, liberty and property), the US version implied recognition of the “natural” freedom of the human being, with the intention of reducing the influence of political power to a minimum. In contrast, the French version was a manifesto against hierarchical society and privilege, a universalizing declaration anchored on the general will “of the people” that distinguished between the person (depository of natural rights) and the citizen integrated within a political system, with rights. In this vision, political citizenship was a condition for the recognition and guarantee of the person’s liberty (Jelin, 1996, p. 115 and Lefort, 1987.)

After these beginnings, the history of human rights is long and complex, both with respect to the political struggle and the concept behind the notion of rights. An historical progression begins, first involving the extension of civil rights; a second stage of expansion of political rights; and finally economic, social and cultural rights. The universal rights of children are located as part of the so-called first generation rights, which are fundamentally the civil and political rights (Valencia Villa, 1997, p. 44.) It is said that the economic, social and cultural rights –those of the second generation– require that the state play an active role in ensuring the necessary material conditions for the exercise of the first generation rights (Jelin, p. 116.) Here, an historical debate about human rights enters into play, claiming that the exercise of civil and political rights is illusory when conditions do not exist for the enjoyment of economic, social and cultural rights (Stavenhagen, 1996, p. 157.) This is one of the great contradictions in the developing world and, therefore, in Nicaragua. Is it possible to exercise our rights to freedom and dignity without full enjoyment of the rights to quality of life? Is it possible for a girl who spends her mornings selling tortillas at bus stops to enjoy, at the same time, her right to safety?

In addition to leaving Latin America with a negative legacy for quotidian social relations, our colonial past and the racial, ethnic and cultural domination of hegemonic classes and groups have also left us a form of state / society relationship that has tended toward clientelism and populism (Jelin, p. 120.) And this leads to a second phenomenon. The development of individuals' rights, and in particular those referring to citizen action, can be affected by the state institutions' conception of people as clients or beneficiaries. Indeed, this converts into a form of boycott against the development of a full sense of the citizen as a subject with rights. If this affects us as adults, imagine the pressure it exerts against children exercising their rights. Part of the problem has involved the constant giving away of consumer goods –without any sense of solidarity or development– by state institutions, private organizations and even international agencies, converting the extensive material needs of the population –and especially of children– into justification for their charity. This promotes dependence and immobilization, a sort of Santa Clause Syndrome that encourages outstretched hands.

The impact of war is still fresh in Nicaragua's social fabric, and its consequences are suffered on a daily basis. How many children were orphaned? How many lost their childhood? Armed conflicts, in addition to the brutal crimes that constantly jolt the national conscience, are a clear testimony to the long road that must yet be traveled before the most elemental of human rights –that of life– is respected, not even to mention any other rights.

We must begin with a premise: the most basic right is the right to have rights (Arent, 1973), and children and adolescents must be first (Code for Children and Adolescents, Article 7.) This right is inherent to the human person and must be exercised from the beginning of his or her life. In order to do so, it is imperative that both the state and society as a whole provide for and facilitate its fulfillment, which yields direct influence over the development of sociable, creative and self-secure beings: a healthy society.

### **Our Cultural Vision**

It is broadly accepted that discrimination is not only affirmed in law but also fundamentally rooted in values and attitudes that have been reinforced throughout history (Rodríguez, 1999, p. 8.)

In workshops on children's rights that I helped to facilitate –one with community-based Local Rehabilitation Commissions from Managua and another with delegates from Municipal Commissions on Children and Adolescents– participants were asked (without anthropological pretensions) to identify cultural traits or characteristics of the Nicaraguan adult. Among the negative traits mentioned were: *machista*, sexist, adultist, exclusive, authoritarian, violent, vertical and paternalistic; positive traits included: caring, brave, sincere, friendly, practicing solidarity, hard worker, happy and, according to some, resilient.<sup>13</sup> It was noted that the negative traits are not helpful to adults in our process of personal and collective assimilation of the fact that children have rights. It was also mentioned that we have the significant advantage of possessing qualities that may facilitate this understanding and its implementation. Participants concluded that, despite all of the contradictions and gaps, we have the potential to be better.

The predominant vision from our culture has been to view children as a source of problems and costs (beginning with “the milk,” “she fell down,” “he’s sick,” and “their school books,” and later on “the secret meetings with so-and-so,” the latent threat of “her getting into trouble,” or “hanging out with the wrong crowd.”) What’s more, we almost

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<sup>13</sup> Resilience is a new term that can be understood as the capacity to assume and overcome negative life situations.

only see boys (“boys here, boys there”), whereas girls are invisible, voiceless or relegated to silence, without the right to complain, assigned the role of substitute mother and put to work (“because they’re too lazy” and “they have to contribute something.”) We demand that children behave like adults (although it’s a good thing they do not behave like us.) We demand that they always be willing to listen and obey or be punished (“I hit you because I love you.”) We educate them to be the same as us, and in spite of everything we love them (although we fail to give them many signs of our love) and “prepare them for the future.”

Emphasizing the negative, our vision of children could be translated as: child-little adult, problematic and high-cost, who is cute and whom we love, but who must make good, be obedient and be educated for the future, even if by the belt and in our image and likeness. How barbaric! And the right to association, to the free expression of ideas, to participation? Not in your life! Don’t even think it, we exclaim!

In other words, children are seen as passive and obedient social subjects without rights. They have school, delousing, and a swing-set here and there – a rusty swing-set, but a swing-set nonetheless. They are the beneficiaries of the great efforts made for them by us, the adult-rulers, always in the front row. And we are satisfied! But that is not all, because we especially sacrifice within the family to ensure children’s preparation...for the day after tomorrow, so that they will “lend us a hand.” At the macro-social level, discourse and verbiage abound because children are “the future of Nicaragua,” the “hope of the nation,” the “good citizens of tomorrow,” and everything is thus resolved! But their social present? Terrifying. The data are abundant. It is not that we merely view them without a social present, but that they really have none. We adults have taken it from them.

### **Traditional Vision of Citizenry**

It is said that this is a difficult concept to define. A leading Spanish dictionary plainly defines citizenry as “the citizen’s quality or right; the collective of citizens of a town or nation” (Real Academia Española, 1997, p 484.) In his Spanish dictionary of legal terms, Ossorio offers other definitions, including that of Estrada: “legal condition by virtue of which individuals intervene in the exercise of a determined society’s political power,” and that of Sánchez Viamonte: “institution that enables the exercise of all political rights and that entails correlated duties and responsibilities with respect to the state (Ossorio, 1996, p.178.)

Extension of the social base of citizenry and the demand for equality before the law have been permanent issues and causes for struggles throughout contemporary history. In Latin America, the struggles of campesinos, unions and popular movements, as well as revolutions, have promoted the expansion of citizenry and rights (Jelin, p. 120.) In Nicaragua, suffrage has been extended to non-land-owning women and to ethnic communities on the Caribbean coast, and rights have been extended to populations of the autonomous regions.

The notion of citizenry has been anchored on its legal definition of rights and responsibilities. For this reason, citizenry has commonly been conceptualized in terms of political rights, marginalizing individual and collective social rights. In addition, formal definitions of citizenry –in both legislation and texts– fail to mention children. They do not exist.

In an article on children’s participation as a tool for education and development, Gerardo Sauri Suárez addresses the problem with striking clarity: “...authoritarian systems have attempted to reduce the concept of citizenry to the act of electing rulers or, in the best of

cases, to the ability to run for election. This has given rise to supposedly democratic systems that ultimately deny the opinions and capacities to act of those who, in theory, they represent. One grave consequence is that such systems continue to violate citizens' rights not only because of the abuse of the powers invested in them but also because, by doing so, they impede the citizens from taking an active role in the solution of their own problems" (Sauri Suárez, Van Leer Foundation, July 2000, p. 5.) Does this apply to our country?

In the case of Nicaragua, the Political Constitution stipulates that "Nicaraguans who have reached the age of sixteen years are citizens" (Article 47.) The Code for Children and Adolescents states the same thing (Article 18.) Indeed, the Code cannot stipulate anything to the contrary, for it must necessarily reflect the Constitution. However, the Code transcends this formal vision and explicitly grants political rights –of the type recognized as rights of citizenship– to children and adolescents under sixteen years old (Articles 12 to 20.)

In Nicaragua and abroad, authoritarian culture has taken charge of the construction and reproducing systems and structures that strengthen the idea that it is only possible to make decisions via certain levels of power, even when such decisions affect us as individuals or communities. If a person does not meet certain determined conditions, then he or she is subject to the decisions of those who do, whether these conditions involve age or a role played within a determined social, public or political institution. The essence of the problem deepens when such negation of the subject's character as a citizen begins from childhood, not only because legislation recognizes a person as a citizen only after reaching a certain age but because the educational systems responsible for children's formation (such as the school and family) also suffer from this logic of exclusion and have few instruments with which to promote a different practice (Sauri Suárez, p. 5.)

### **Emerging Vision of Citizenry**

Traditionally, the rights of citizenship have been identified with a set of concrete practices, such as voting in elections, being elected to public office, enjoying freedom of expression, receiving some type of public benefit, and others. Although these practices have been the focus of many struggles for the extension of rights in specific situations, from a more integral perspective the concept of citizenry refers to a practice that reflects struggles about who says what in the process of defining which problems to target and how they will be addressed (Gunsteren, 1978.)

To the extent that people –social subjects– fight for the respect of their social, political and economic rights, they strengthen the concept of citizenry as a way of building systems that ensure said rights, focusing on the capacity of the person to ensure the fulfillment of rights rather than delegating this capacity to others (Sauri Suárez, p. 5.)

The Code for Children and Adolescents takes a big step in stating the children and adolescents are social subjects with rights, a topic addressed throughout Article 3. That all persons be such subjects, that this be recognized and that we recognize it implies the fundamental premise for the exercise of our rights, with greater meaning for children.

That children and adolescents are social subjects with rights is the center of a new vision of children. This goes hand-in-hand with a new vision of citizenship not determined merely by the exercise of certain political rights (to vote, be elected, etc.) The Code does not leave children "mute, wide-eyed and on their knees," to use the words of Spanish poet Gustavo Adolfo Bécquer. Rather, the new vision stimulates, foments and seeks the development of an active role by children and adolescents with respect to their own

affairs, their family and community relations, and society as a whole. This does not mean that children must become adults, for that is why the family must assume its important role (Code, Articles 6 and 7.) Nor does it imply children's assumption of their condition in a partisan or militant manner, but rather as a natural part of their lives. To do so, adults must allow children to speak. We must listen to their ideas and opinions, learning to hear them with more than our ears. Children must speak up about the things they disagree with, and we must encourage them to do so. We must allow and facilitate their participation, or at least not hinder it. And this all must begin in the home.

What hearing capacity do we as adults have with respect to children? Do we listen to children in the same way we do to adults? There are many typical examples, but I will mention only one: during a local assembly of children, the smallest insistently explained the need for a basketball court. For one reason or another, the mayor supported the demand and ordered the court constructed...with the baskets at professional regulation height. The children were not consulted about "their" basketball court, nor were their parents involved in its construction. As a result, the community now has two basketball courts; local adolescents are delighted, but the smaller children can hardly play because the baskets are too high. A court of more appropriate size was required. The children were listened to, but not heard.

With the Code for Children and Adolescents, a transition has started toward extension of strictly political citizenship toward social citizenship. The latter also involves implicit political rights but gives a new sense to the concept of the citizen as a veritable social subject with rights.

However, social citizenship must be exercised, just as one must exercise the muscles of the human body. The more inactive and sedentary one is, the weaker the muscle tissue; the greater the apathy and lack of interest, the lower the possibility of ensuring the fulfillment of rights. The citizenry's food and nutrition, its motivational and mobilizing force, is the exercise of rights. This, in turn, reinforces consciousness toward being subjects with the right to have rights.

Therefore, citizenry is affirmed, reaffirmed and built from the manifest awareness and through the permanent exercise of its social, cultural, political and economic rights.

### **Awareness of Rights and the Culture of Citizenship**

The ability to demand a right requires awareness that the right (to education, for example) is a public good (Constitution, Articles 58, 116-127; Code, Articles 7, 8, 43-53) or a social right of all citizens, rather than a discretionary service conceded by the state pursuant to the political will or calculations of government institutions. According to this premise, public education would possibly have greater coverage if the demand for it were more forceful and sustained, or its quality would improve if there were a stronger demand for better education (Osorio, PRONIÑO, 1999, p.5.)

It has been said that the distance between the existence of a law and the reality of its application is found in the social struggles seeking to reduce this gap. However, there is also a significant distance between the existence of a law on the one hand, and the awareness and practice of rights by the subjects of rights on the other (Jelin, p. 113.)

The awareness of holding rights leads us to their practice and implementation, and to their demand – a process that nourishes a culture of citizenship. This leads us to the necessary knowledge we must have of our rights, and to the problem of their divulgation. How many Nicaraguan children know that education must be free? How many parents? If we are ignorant of our rights, what awareness do we have of them? And if we fail to



exercise our rights, what possibility do we have of becoming full citizens? Effectively, this is a complex process, for we are not talking about the type of citizenship that one is given or the type that is granted according to age, but rather the citizenship with which one is born and raised, reinforcing and learning to exercise it throughout one's lifetime.

This brings us back to the example of education. From the state's perspective, education is a public service to be provided. From the citizen's point of view, however, it is a right, a good belonging to all. Citizens must begin to internalize public services such as education as citizens' rights, rather than continue to receive them as beneficiaries isolated from their production, distribution and consumption (Osorio, p. 5.)

Awareness of rights also leads to an awareness of our obligations. Citizenship is not the exercise of rights, period. It also involves the practice of assuming our duties and responsibilities. Children and adolescents have them, too,<sup>14</sup> "according to age, toward themselves, their families, schools, communities and nation" (Code, Article 54.) Active children who participate and are heard will more easily appropriate their responsibilities in the home and outside of it. The healthy exercise of citizenship leads us to a healthy society.

The exercise of citizenship also works hand-in-hand with democratic construction. The Forum of Women's Organizations held in Mar del Plata prior to the Beijing Conference in 1995 concluded that: "History teaches us that power structures are unlikely to change due to a gaining of awareness among those who hold power. In this sense, the strengthening of democracy depends to a great extent on the capacities of social collectives to ensure that their rights are recognized and exercised..." (Preliminary Report, Forum of Women's NGOs, Mar del Plata, September 1994.) How this statement rings true! We, ourselves, are responsible, to a great degree, for the type of society in which we live. And we have known this all along.

In her book *Construir la democracia: derechos humanos, ciudadanía y sociedad en América Latina* [Constructing Democracy: Human Rights, Citizenship and Society in Latin America], Elizabeth Jelin expounds on this idea: "The transition to democracy involves the reconstruction of state institutions and the transformation of civil society institutions. It implies the dismantling of anti-democratic (authoritarian, coercive) forms of exercising power. It also implies a change in the rules that govern the distribution of power, the recognition and effectiveness of rights, the legitimacy of social actors. Political leaders and dominant classes must learn to recognize and take into account the rights and the identities of diverse social actors, renouncing arbitrariness and impunity. The challenge is in the capacity to combine formal institutional changes with the creation and expansion of democratic practices and a culture of citizenship" (Jelin, p.114.)

Construction of a democratic state inherently involves democratization of the exercise of citizenship. Children and adolescents must have their place in this dynamic toward democratization and in the construction of the Nicaragua we love, beginning in the best of all environments: at home. And the Code provides them with this place (Code, Articles 3, 4, 15, 17, 18, 20, 43 and 55.)

## **Our Perspectives**

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<sup>14</sup> Children's and adolescents' duties and obligations are addressed pedagogically –and wonderfully– in Articles 54 and 55 of the Code for Children and Adolescents. My favorites include the responsibilities: "to express love to their mothers, fathers, grandparents..." "to study with dedication;" "to respect human rights...and particularly those of the elderly;" and "to respect and cultivate values."

It is clear that subjects with rights become so by means of social practices, institutional systems and cultural representation. It is also clear that citizenship and like rights are always under construction and constantly changing, that the Code for Children and Adolescents encourages us in the search for a new collective identity as Nicaraguans, and that everything begins from the cradle or crib.

The problems faced by children should become increasingly less a matter to be addressed exclusively by the individuals, NGOs and state institutions committed to their rights and increasingly more a concern of all people. The challenge is daunting, but the horizon has already begun to expand and the possibilities are growing. There are children's movements. Certain organizations and institutions that traditionally had nothing to do with children are now initiating a process of assuming children's rights. There are more and more Municipal Commissions on Children and Adolescents, and more municipal governments are including the issue on their agendas. A Special Ombudsman for Children has been appointed and a National Council created. Efforts to incorporate relative contents in the primary curriculum have begun, and specific steps are being taken in the same direction at the university level. And the problem is beginning to be incorporated –although still in a timid manner– in certain national documents.

Increasingly more people are hearing about children's rights. More people show awareness about the topic and recognize that children also have rights. This is a new, exceptional accomplishment in our adult culture! More and more people are conscientiously joining and participating in human rights promotion and education. More of us adults are initiating a process of change in our lives, adopting new attitudes and behaviors. Increasingly more children and adolescents know they have rights. Little by little, a social network is being constructed in favor of children's rights. Although advances have not been spectacular, they are progressive and will continue. They are moving forward; indeed, it is impossible to advance backwards. Am I too optimistic? Well, we also have the right to dream.

### **More Remains Pending Than Has Already Been Accomplished**

The challenge to ensure a change in ourselves: among fathers, mothers, households, as well as among the state and government institutions. We must: educate with affection, with love, without violence; know and appropriate the human rights of children; promote an education that builds citizens; develop educational practices that promote contributions by children and adolescents; create or strengthen entities and institutions; invest in social areas that educate, form, protect, prevent and develop, as well as in protection programs; ensure coherence between what is said and what is done; and be willing. The National Policy on Children must be revived into a veritable state policy, a public policy, with participation by all. The Nicaraguan state must, in a transparent manner, provide integral protection for children's development and, in doing so, promote and seek children's contributions.

We must also be concerned about institutionalizing different forms of participation and control by the citizenry, of mechanisms for the expounding of demands for rights and for the recognition of legitimate public spaces for children's expression (children's assemblies, children's participation in municipal and national bodies, etc.) All of this must occur without distorting their age-based development and their natural forms of association and socialization.

As with children, it is anachronistic that national plans not contain proposals regarding women, indigenous communities, Nicaraguans of African descent and those with special needs. The addressing of their problems and the presentation of alternatives based on

their interests must become a public demand of civil society in the broadest of senses. Changes are also necessary with respect to these issues. Our efforts, just as our change, must be integral.

Specifically with respect to children: “without forcing their own evolution, from this vision of children as social subjects with rights, and, at the same time, developing their self-esteem and security, children will gradually have to learn, question, develop and transform –beginning at young ages– a reality that is not capable of guaranteeing the complete fulfillment of their rights” (Pérez, 1994.)

It has rightly been claimed that the Code for Children and Adolescents emphasizes, for more than half of Nicaragua’s population, the most essential of human qualities: its dignity. The Code represents a commitment involving profound cultural change. It is an ethical starting point, a legal, social, political and cultural instrument providing new impetus toward the construction of the nation for which we yearn, coherent with the creative and humanistic vision of the men, women, children and adolescents that we desire.

August 2002

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**Contraportada:**

“The publication of this book means a lot to us. It is a big step toward the promotion and defense of our rights. We would like to offer our sincere gratitude to those who have made it possible and who take us into account.”

Inés Guadalupe Linarte Mendoza  
Child Mayor of Nagarote

“The defense of children’s and adolescents’ rights is a responsibility shared by all, and mainly by those who wield influence over the central government and powers of state. The needs of our children have no political party affiliation.”

María Herminia García Ruiz  
Mayor of San Juan de Río Coco  
National Coordinator of the Network of Mayors /  
Friends and Defenders of Children

“When we have children messengers who make their voices heard, and when they address and defend the most precious aspects of society: their future and their hopes and dreams, we must listen to them and, what’s more, accompany them to cut a path, to build a road for the children, for our children.”

Erwin de Castilla Urbina  
Mayor of Juigalpa  
Vice-Coordinator of the Network of Mayors

“The promotion and defense of the human rights of children and adolescents at a local level is essential in order to develop the boys’ and girls’ skills and capacities. That’s why this type of work is important.”

Karla Sequeira  
Coordinator of the Municipal Commission  
on Children and Adolescents, Granada