

For participants only

CRC/C/Q/MIC.1

October 1997

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Seventeenth Session
Pre-sessional Working Group
13-17 October 1997

IMPLEMENTATION OF THE CONVENTION OF THE RIGHTS OF THE CHILD

List of issues to be taken up in connection with
the consideration of the initial report of the
Federated States of Micronesia
(CRC/C/28/Add.5)

General measures of implementation
(arts. 4, 42 and 44)

1. Please indicate the status of the Convention vis-a-vis national law. Please also indicate if the Convention can be invoked in courts and, if so, provide some examples.
2. With regard to information provided in paragraphs 7 to 14 of the report, please indicate if a study or other measures have been undertaken to review federal legislation and its compatibility with the provisions and principles of the Convention. Please further indicate if such harmonization has also been undertaken at State level.
3. With regard to information provided in paragraphs 21 to 25 of the report, please provide more detailed information on existing or foreseen mechanisms to coordinate the activities between all Ministries involved in children's issues as well as between the local and central authorities.
4. Please indicate whether indicators have been developed and disaggregated data collected concerning the status of all children, including the most vulnerable groups (such as girls, children born out of wedlock, children living in remote islands and disabled children). What difficulties were encountered in the collection and use of these data and indicators for the design of policies and programmes for the effective implementation of the Convention?
5. Please provide further details on existing or foreseen mechanisms, both at central and local levels, for the monitoring of the implementation of the Convention.
6. With regard to information provided in paragraphs 21 to 25 of the report, please provide additional information on the National Advisory Council on Children, especially with regard to its budget, staffing, institutional links, and effectiveness. Please also indicate the current status of the draft National Plan of Action (NPA, para. 22).

7. Please provide information on the involvement of non-governmental organizations in the promotion and protection of children's rights in the State Party.

8. With regard to information provided in paragraph 29 of the report, please indicate what further measures have been taken, or are planned, to train professional groups such as: judges, lawyers, law enforcement officials, civil servants including at the local level, personnel working in institutions or other places of detention for children, health personnel and social workers, about the Convention on the Rights of the Child. In addition, please indicate what measures have been taken to raise the awareness of Government officials, legislators, non-governmental organizations and the mass media, as well as the public at large including children themselves.

9. Please indicate whether the Convention has been translated in the four main languages.

10. What proportion of the national budget is devoted to social welfare, health and education for children at national, State and municipal levels? With regard to information provided in paragraph 20 of the report, please provide additional information on the implementation of article 4 of the Convention in regard to the allocation Ato the maximum extent of (...) available resources@for the rights of the child.

11. Please provide more details about the process of preparing the report, including the extent to which the non-governmental organizations were involved.

12. Please provide the Committee on the Rights of the Child with a copy of the text of the Compact of Free Association with the United States of America.

Definition of the Child

(Article 1)

13. Taking into account information provided in paragraphs 42 and 205 of the report, please clarify until what age a person is considered as a child.

14. According to paragraph 353 of the report,@..FSM citizens 18 years old or older may enlist in the United States armed forces@ On the other hand, paragraph 49 of the report mentions that A..United States laws and policies on enlistment govern these matters.@ Please provide clarification on the minimum age of enlistment.

15. Please indicate the legal minimum ages for medical consultation without parental consent and to give testimony before the court.

16. With regard to information provided in paragraph 44 of the report, please explain the compatibility between the fact that an offender of 16 years or older may Aif the physical and mental maturity so justifies@ be treated as an adult and the provisions and principles of the Convention.

17. With regard to information provided in paragraph 47 of the report, please provide information on the compatibility between the legal provisions concerning the different minimum ages of marriage for boys and girls and

article 2 of the Convention, which recognizes the principle of non-discrimination on the basis of gender.

18. With regard to information provided in paragraph 54 of the report, please provide information on the measures undertaken or foreseen by the authorities to adopt legislation relating to the minimum age of access to work.

General principles

(Arts. 2, 3, 6 and 12 of the Convention)

19. Please indicate to what extent the provisions of article 2 of the Convention are covered in national legislation with regard to all possible grounds for discrimination spelled out in that article, in particular with regard to the origin or social status of the child.

20. Please provide information on the existing traditional social system in the State party.

21. Please indicate whether any recent measures have been taken to prevent and combat discrimination against the girl child, children living in remote islands as well as children born out of wedlock.

22. In light of article 2 of the Convention, please explain what measures the Government of the Federated States of Micronesia has taken or is foreseeing to prevent children with disabilities from being victims of any form of discrimination.

23. Please provide further information on the ways the principle of the Best interests of the child (art. 3) is reflected in legislation, or actions undertaken by social welfare institutions, courts of law and administrative authorities. Please also provide some examples of implementation of this principle by courts and/or administrative bodies.

24. With regard to information provided in paragraphs 87 to 90 of the report, please provide additional information on the measures undertaken by the authorities to implement concretely the principle of the Respect for the views of the child (art. 12). What measures have been taken to further sensitize parents, professional groups and public opinion to the need to encourage children's participatory rights?

Civil rights and freedoms

(Arts. 7-8, 13-17 and 37(a))

25. Please further indicate the measures undertaken or foreseen by the State party to ensure systematic birth registration for all children in the individual states and their inhabited islands.

26. With regard to information provided in paragraph 102 of the report, please indicate the measures taken or planned to reinforce the establishment of local and national media that benefit children. Please further indicate how information is disseminated to all children in the over 600 inhabited islands of the Federated States of Micronesia.

27. Please explain what recent measures have been taken by the State Party to ensure that children are protected from any kind of harmful information, including violence and pornography.

28. Please provide information on the occurrence of ill-treatment of children. Have specific programmes for the prevention of ill-treatment of children, and for the treatment, psychological recovery and social reintegration of abused children been developed at the central and local levels? What resources have been allocated to such purpose? What specific legal provisions exist to protect children from being ill-treated in their homes, schools and other institutions? Are there complaints procedures which can be used by children themselves against such abuses? Have any cases of ill-treatment of children been submitted to the national courts?

29. Please indicate if the legal prohibition of corporal punishment is fully respected in schools, other institutions as well as in the family environment.

Family environment and alternative care
(Arts. 5, 18 para. 1 and 2, 9, 10, 27 para. 4,
20, 21, 11, 19, 39 and 25)

30. Please indicate to what extent the State Party takes responsibility for parental education in the performance of child-rearing responsibilities and if there are other family counseling services. Please furthermore indicate the steps taken by the authorities to encourage the participation of fathers in upbringing children.

31. With regard to information provided in paragraph 137 of the report, please provide additional details on the customary adoption system and its compatibility with the provisions and principles of the Convention. Please also provide detailed information regarding the practice of intercountry adoption. Furthermore, please also indicate if the State party is considering the ratification of the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

32. With regard to information provided in paragraph 142 of the report, please provide information on the achievements and constraints encountered by the Child Abuse and Neglect Programme (CAN) established in 1991.

33. With regard to information provided in paragraph 143 of the report, please provide up-dated information concerning the adoption by all the States of a specific law relating to child abuse and neglect.

34. With regard to information provided in paragraph 147 of the report, please provide information on measures taken or planned to provide human and financial resources to prevent and combat child abuse and neglect. Is international cooperation needed in this area? Please also provide additional information on State interventions in cases of abuse, including sexual abuse within the family.

35. With regard to the high birth rate in the Federated States of Micronesia, please indicate the measures taken or foreseen to provide family planning education and services as laid out in article 24.f of the Convention.

36. Please indicate if any comprehensive study has been undertaken on the occurrence of sexual abuse within and outside of the family. Additionally, please indicate measures taken or foreseen, such as information campaigns, for the prevention of sexual abuse against children and the treatment and rehabilitation of victims.

Basic Health and Welfare

(Arts. 6 para. 2, 23, 24, 26 and 18 para. 3
and 27 paras. 1-3 of the Convention)

37. With regard to information provided in paragraph 229 of the report, please indicate the measures the State party is taking or planning to compensate the decreasing aid provided by overseas aid to health programmes.

38. Please provide additional information concerning traditional marriages and their compatibility with the provisions and principles of the Convention.

39. With regard to information provided in paragraphs 163 and 188 to 191 of the report, please further indicate the measures taken or foreseen to combat malnutrition as well as vitamin A and iodine deficiencies.

40. Please also provide additional information concerning traditional marriages and their compatibility with the provisions and principles of the Convention.

41. Please indicate measures taken by the authorities to guarantee the fullest possible social integration, inclusion and individual development for children with disabilities, in the light of article 23 of the Convention.

42. Please provide comprehensive information on the situation of children affected by or infected with HIV/AIDS and the measures taken to provide assistance to them. Please also indicate measures, such as information campaigns, taken by the authorities to prevent this pandemic among the youth.

43. With regard to information provided in paragraph 212 of the report, please indicate the measures taken or foreseen to improve access to safe water as well as to safe sanitary facilities.

44. With regard to information provided in paragraphs 205 to 211 of the report concerning suicide, please indicate if the solutions proposed in the report have been implemented, and if so, please indicate their achievements and limits.

Education, leisure and cultural activities

(Art. 28, 29 and 31)

45. Please indicate the measures taken or foreseen by the State party to develop a clear and comprehensive education policy based on equal opportunities for all children. Does the State Party envisage establishing in a near future pre-school

education system ?

46. Please explain whether in the framework of the current process of reviewing the school curricula (para. 290 of the report), measures have been taken by the State Party to include human rights education, especially the rights of the child in the school curricula, in the light of article 29 of the Convention.

47. Please specify if measures have been taken or are foreseen to train school managers and teachers on the Convention on the Rights of the Child.

48. Please indicate the measures taken or foreseen to prevent children, in particular girls, from dropping out of school and, in case they do, to offer them alternative form of education (para. 302 of the report).

49. Please indicate whether children may be taught in minority languages.

50. Please indicate further measures undertaken and resources devoted to the implementation of article 31 of the Convention, especially on the right to recreational activities (paras. 317 to 320 of the report).

Special protection measures
(Arts. 22, 30, 32-40)

51. Please provide further information, in the light of articles 37, 40 and 39 of the Convention (see paras. 348 to 352), in particular on:

- a) the use of arrest, detention or imprisonment of a child as a measure of last resort and for the shortest period of time;
- b) the possibility to have a prompt access to legal and other appropriate assistance, as well as for challenging the legality of the deprivation of liberty before a court or other competent, independent and impartial authority, and of having a prompt decision thereon;
- c) the right of the child alleged as, accused of or recognized as having infringed the penal law to be treated in a manner consistent with the child's sense of dignity and worth, which reinforces the child's respect for human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society;
- d) alternative measures to institutional care made available to deal with such children in a manner appropriate to their well-being; and

- e) the establishment of laws and procedures specifically applicable to children alleged as, accused of or recognized as having infringed the penal law, in the light of article 40, para. 3 of the Convention.
- f) measures to ensure that every child concerned is duly informed about such guarantees.

52. With regard to the situation of children in prison, please provide additional information (see para. 352 of the report), in particular, on the following issues:

- the type of institutions that exist for the custody of young law offenders and what specific rules there are for their treatment;
- the opportunities for the contact with families;
- the way the conditions in such institutions are monitored;
- the guarantees to ensure the periodic review of placement;
- the complaint procedures in cases of ill-treatment;
- the education, health and social services facilities in these institutions.

53. With regard to information provided in paragraphs 324 to 332 of the report, please indicate existing legal and other safeguards to protect children within the extended family from all forms of abuse and/or exploitation through labour.

54. Please provide additional information on new emerging health-related problems such as substance abuse, in particular drug and alcohol consumption. How effective are measures and programmes to prevent and combat these phenomena (paras. 333 to 336 of the report) ?

55. Please provide further information on measures recently undertaken to combat sexual abuse and sexual exploitation of children, including prostitution and pornography (paras. 338 to 345 of the report). Furthermore, please indicate whether the State party is taking into account the recommendations formulated in the Agenda for Action adopted at the Stockholm World Congress against Commercial Sexual Exploitation of Children.