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5

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COMMITTEE ON THE RIGHTS OF THE CHILD

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Pre-sessional Working Group

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IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD
List of issues to be taken up in connection with the consideration of
the third periodic report of Nicaragua (CRC/C/125/Add. 3)

Part I

Under this section the State party is requested to submit in written form additional and updated information, if possible, before 6 April 2005.

A. Data and statistics, if available

1. Please provide disaggregated data (by gender, age, indigenous, minority and ethnic groups, urban and rural areas) covering the years 2002, 2003 and 2004 on the number and proportion of children under 18 living in the State party;

2. In light of article 4 of the Convention, please provide additional disaggregated data for 2003- 2005, on budget allocations and trends (in percentages of the national budget or GDP) regarding the implementation of the Convention, evaluating also the priorities for budgetary expenditures given to the following:

a) education (different types of education, i.e. pre-primary, primary and secondary education);

b) child care services, including day care centers;

c) health care (different types of health services, i.e. primary health care, vaccination

- programmes, adolescent health care and other health care services for children);
- d) programmes and services for children with disabilities;
 - e) support programmes for families;
 - f) support for children living below the poverty line (please also specify the criteria for 'poverty' and indicate the number of children living below the poverty line);
 - g) the protection of children who are in need of alternative care including the support of care institutions;
 - h) programmes and activities for the prevention of and protection from child abuse, child sexual exploitation and child labour;
 - i) juvenile justice;
 - j) juvenile crime prevention and rehabilitation;
 - k) other social services.

Please also indicate the estimated expenses of the private sector, in particular for health and education.

3. With reference to children deprived of a family environment and separated from parents, please provide disaggregated data (by gender, age, indigenous, minority and ethnic groups, urban and rural areas) for the last three years on the number of children:

- a) separated from their parents;
- b) placed in institutions;
- c) placed with foster families;
- d) migrant unaccompanied minors;
- e) adopted domestically or through inter-country adoptions;
- f) street children

4. Please specify the number of children with disabilities, disaggregated by sex and age, covering the years 2002, 2003 and 2004:

- a) living with their families;
- b) in institutions;
- c) attending regular schools;
- d) attending special schools;
- e) non attending any school.

5. Please provide information on the number of children abducted from or to Nicaragua.

6. With reference to child abuse, please provide disaggregated data (by age, gender, indigenous, minority and ethnic groups and types of violations reported) covering the years 2002, 2003 and 2004 on the:

- a) number of reported cases of child abuse;
- b) number and percentage of reports which have resulted in either a court decision or other types of follow-up;
- c) number and proportion of child victims that have received counseling and assistance in recovery.

7. Please provide disaggregated data (including by gender, age, indigenous, minority and

ethnic groups, urban and rural areas) covering the years 2002, 2003 and 2004 on:

- a) the enrolment and completion rates in percentages of the relevant group in pre-primary schools, in primary schools and in secondary schools;
- b) rates of literacy under 18 years old;
- c) rate of children completing primary and secondary school;
- d) number and percentage of drop-outs and repetitions;
- e) teacher per child ratio;

8. Please provide disaggregated statistical data (including by gender, age, indigenous, minority and ethnic groups, urban and rural areas) on early pregnancy, sexually transmitted infections (STIs), mental health problems (e.g. suicide rates, eating disorders, depression), drug use, alcohol and tobacco abuse covering the years 2002, 2003 and 2004. Please also provide numbers of health professionals working in the health care services for children.

9. Please provide disaggregated statistical data (including by gender, age groups, indigenous, minority and ethnic groups, urban and rural areas) on children infected or affected by HIV/AIDS.

10. Please provide appropriate disaggregated data (including by gender, age, indigenous, minority and ethnic groups, urban and rural areas, and type of crime) covering the years 2002, 2003 and 2004, in particular on the number of:

- a) persons below 18 who have allegedly committed a crime, reported to the police;
- b) persons below 18 who have been sentenced and type of punishment or sanctions related to offences including length of deprivation of liberty;
- c) persons below 18 who have been tried as adults;
- d) detention facilities for juvenile delinquents and their capacity;
- e) persons below 18 detained in these facilities and minors detained in adult facilities;
- f) persons below 18 kept in pre-trial detention and the average length of their detention;
- g) reported cases of abuse and maltreatment of children occurred during their arrest and detention.

11. With reference to special protection measures, please provide statistical data (including by gender, age, indigenous, minority and ethnic groups, urban and rural areas) covering the years 2002, 2003 and 2004 on:

- a) the number of children involved in sexual exploitation, including prostitution, pornography and trafficking;
- b) the number of children involved in sexual exploitation who received rehabilitation treatments;
- c) the number of unaccompanied minors and asylum-seeking and refugee children, as well as the number of children awaiting expulsion;
- d) the number of children involved in labour who are under 16;
- e) the number of street children.

B. General Measures of Implementation

1. The Committee would appreciate receiving information on activities related to recommendations contained in the Committee's previous concluding observations on the second report of Nicaragua (CRC/C/65/Add.4) which have not yet been fully implemented, in particular those contained in paragraphs: 17 (the inadequate coordination among the bodies in charge of the implementation of the Convention and the need to maximize financial and human resources for mandates and activities of all government institutions working on children issues); 18 (the lack disaggregated data on children's rights); 22 (the need to allocate substantial financial resources for the benefit of children); 23 (the lack of measures to harmonize the minimum legal ages for access to work and for ending compulsory education); 24 (the persistent disparities between the Atlantic/Caribbean and Central/Pacific regions as well as between urban and rural areas, and the discrimination on the basis of ethnic origin, gender, social status and disability); 26 (insufficient registration of births, especially in rural areas and among the indigenous communities); 29 (insufficient judicial procedures to investigate cases of police brutality, ill-treatment or abuse of children) ; 33 (need to reinforce measures and raise awareness to prevent and combat cases of abuse and ill-treatment of children, including sexual abuse, both within and outside the family; and insufficiency of human and financial resources to prevent and combat such abuses; 34 (regional disparities in access to health care, high rates of malnutrition in children under 5 and in school age and low access to health care in rural and remote areas); 35 (HIV/AIDS); 36 (lack of adequate infrastructure and limited qualified staff and specialized institutions for children with disabilities); 39 (children belonging to indigenous groups); 40 (child labour and economic exploitation); 43 (conditions of detention for children).

2. Please indicate whether the Convention on the Rights of the Child has been invoked directly in domestic courts, and if so, please provide examples of such cases.

3. Please provide additional information on measures taken to improve the system for collection of disaggregated data on children under 18 in all areas under the Convention.

4. Please indicate whether the National Assembly has approved Decree 37/2002 whereby Nicaragua accepted the Optional Protocol to the Convention on the Rights of the Child on Children in Armed Conflicts; and if not, please explain the reasons.

5. Please inform the Committee on the implementation and content of any child rights policy and explain how such policies are developed. Please also explain how the Convention's implementation is coordinated across the action of different relevant ministries, including at state and local levels. Is there a single body with overall responsibility for coordination? If so, what are its mandate, powers and budget?

6. Please provide information on the mandate and activities of the Special Office of the Ombudsman for Children, and indicate whether it may receive and consider individual complaints from children. If so, please provide information on the number and nature of the complaints received and on the actions taken by the Special Office of the

Ombudsman.

7. Please provide information on the mandate and activities of independent human rights monitoring mechanisms that may exist, such as the "Procuraduría para la Defensa de los Derechos Humanos de Nicaragua".

8. Please inform the Committee on efforts to provide training, information and to increase awareness on the Convention and on human rights in general.

9. Please indicate the role of non-governmental organisations in the implementation of the Convention as well as in the process of preparation of the State party report, if any.

10. Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention.

Part II

Please provide the Committee with copies of the text of the Convention on the Rights of the Child in all official languages of the State party as well as in other languages or dialects, when available. If possible, please submit these texts in electronic form.

Part III

Under this section, the State party is invited to briefly (3 pages maximum) update the information provided in its report with regard to:

- New bills or enacted legislation
- New institutions
- Newly implemented policies
- Newly implemented programmes and projects and their scope.

Part IV

The following is a preliminary list of major issues (that does not contain issues already covered in Part I) that the Committee may take up during the dialogue with the State party. They do not require written answers. This list is not exhaustive as other issues might be raised in the course of the dialogue.

1. The State party's strategy to significantly strengthen the Convention's overall implementation with particular attention to the general principles of the Convention (non-discrimination (art.2), the best interests of the child (art.3) and the right of the child to express its views and be heard (art.12)).

2. Budget allocations for children.

3. Adoption.
4. Domestic violence, abuse and ill-treatment, including corporal punishment.
5. Children with disabilities.
6. HIV/AIDS.
7. Poverty, malnutrition and access to potable water.
8. Health care and education.
9. Substances abuse among children.
10. Economic exploitation, including child labour.
11. The situation of street children, including the youth gangs phenomenon.
12. Sexual exploitation and trafficking.
13. Indigenous children.
14. Administration of juvenile justice.

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