



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
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**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE THIRD PERIODIC REPORT OF
NICARAGUA (CCPR/C/NIC/3)**

**Constitutional and legal framework within which the Covenant
and the Optional Protocol are implemented (art. 2)**

1. Please provide information on the current status of the draft decree before the National Assembly concerning the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (paragraph 104 of the report).
2. Please provide examples of any cases in which the Covenant has been directly invoked before the national courts and, if so, with what results (concluding observations on the second periodic report [A/45/40, chap. III], paragraph 391).
3. Please indicate whether steps have been taken to give effect to the Committee's Views regarding communication No. 328/1988 (*Zelaya Blanco v. Nicaragua*).

**Principle of non-discrimination and equality of rights between men and women
(arts. 3 and 26)**

4. Please provide statistical information on the last three years relating to progress made, if any, through the activities of the Special Procurator for Women with regard to access to, participation in, and equality of working conditions in elected office and civil service posts. What is the proportion of women in positions of responsibility or decision-making positions in

the public and private sectors? Please provide current disaggregated statistical data (concluding observations on the second periodic report, paragraph 399, and third periodic report, paragraphs 73 and 76).

5. Please provide detailed information on measures to enhance women's access to justice in low-income social groups and in rural areas, and in particular on the pilot project referred to in paragraph 78 of the report, including the expansion of the Programme of Rural Judicial Facilitators and the establishment of service, mediation, information and orientation centres.

6. Please supply information on: (a) steps taken to eliminate stereotypes which discriminate against women; (b) steps taken to combat trafficking in, and sexual exploitation of, women and girls; (c) whether or not legal provisions on sexual harassment exist.

**Right to life, rights of the child and principle of non-discrimination
(arts. 6, 24 and 26)**

7. Please provide detailed information on the existence of specific measures which punish violence against women and encourage victims to report acts of violence, and in particular on the effective application of the measures contained in the Act amending and supplementing the Criminal Code to prevent and punish sexual and domestic violence. What steps have been taken to reduce the incidence of violence against women through the police station units for women and children (paragraphs 641 and 642 of the report)?

8. Please provide information on the reform of the Criminal Code, which has prohibited therapeutic abortion since 2006. Please also comment on reports that this reform has led to a rise in the number of clandestine abortions and consequently a high maternal mortality rate (paragraphs 127 and 128 of the report).

9. Please comment on information made available to the Committee according to which there have been a disturbing number of extrajudicial executions of street children and young people. Please provide information on the investigation of such cases and proceedings against those responsible. What steps have been taken to provide reparation for injury suffered by the victims and their families?

10. Please provide information on the persons affected by the pesticide Nemagon. What are the results of the implementation of Act No. 364 concerning compensation for the persons affected? What is the current state of progress made by the Committee responsible for following up the case of the persons affected by Nemagon through its support action (paragraphs 106, 107 and 110 of the report)?

**Prohibition of torture, right to liberty and security of person, and
right of detainees to be treated with humanity and dignity
(arts. 7, 9 and 10)**

11. In the light of the data provided in paragraph 223 of the report concerning violations committed by the National Police (abuse of authority, excessive force and searches without a warrant), please provide statistical data for the last three years on reported incidents of torture and ill-treatment of detainees, disaggregated by age, gender and ethnic origin of victims, the

number of convictions and the types of sanctions imposed on the perpetrators of such acts. What specific measures have been taken to prohibit these practices and to compensate the victims? Does national legislation ban the use in judicial proceedings of statements obtained through torture or ill-treatment (paragraphs 221-227 of the report, and especially paragraph 225)?

12. Please provide information on the measures taken to improve the poor conditions in prisons (inadequate or obsolete infrastructure, limited budget for food, and insanitary conditions) and to remedy the problems of overcrowding and riots in detention centres (paragraphs 296-303 of the report).

13. Please clarify whether the State party has taken measures to limit the duration of pretrial detention and prevent the numbers of unconvicted prisoners from becoming excessive. Please also provide information on living conditions in the pretrial detention cells (paragraph 270 of the report).

14. Please provide information on the *donados* of the prison system and the measures that the State party plans to take to solve this problem (paragraphs 293-295 of the report).

15. Please provide detailed information on steps taken to put into effect the recommendations made by the Working Group on Arbitrary Detention in its report of 9 November 2006 relating to its visit to Nicaragua (A/HRC/4/40/Add.3).

Lack of criminal responsibility for contractual debts (art. 11)

16. Please comment on the compatibility of the articles of the Criminal Code mentioned in paragraphs 322-326 of the report with article 11 of the Covenant in relation to imprisonment for inability to fulfil a contractual obligation.

Independence of the judicial system (art. 14)

17. How is the independence and impartiality of members of the judiciary guaranteed in practice and, in particular, what are the regulations governing their tenure, dismissal and disciplining? What measures is the State party taking to enforce transparency, impartiality and accountability throughout its public institutions, especially regarding the judiciary and its independence? Please provide information on the numbers of prosecutions of judges and other judicial officials for corruption, if any, together with convictions and the sentences handed down.

Freedom of expression (art. 19)

18. Please report on alleged cases of threats towards and attacks on journalists by persons or organizations linked to the State authorities. How many complaints have been recorded? What measures is the State party taking to ensure that journalists can work and express themselves freely, without restrictions, in a safe environment, in accordance with the guarantees set out in article 19 of the Covenant? Please also provide information on the reasons preventing the adoption of the Access to Public Information Bill (paragraph 557 of the report).

Right of peaceful assembly and association (arts. 21 and 22)

19. Please comment on the information made available to the Committee according to which members of human rights organizations have been physically ill-treated, threatened and defamed by government authorities. What measures have been taken to investigate these cases and punish those responsible?

20. Please provide information and data on the right to strike and the official records of strikes that have been declared legal, as referred to in paragraphs 615 to 618 of the report. Please also provide information on steps taken to prevent the excessive use of force and firearms by the police and military personnel in dispersing demonstrations, as well as their effectiveness in practice (concluding observations on the second periodic report, paragraph 401).

**Prohibition of slavery, protection of the family and rights of the child
(arts. 8, 23 and 24)**

21. Please indicate whether the Promotion and Protection of Responsible Parenthood Bill has been adopted, and how this bill or law regulates recognition of paternity and the equal rights of children born in and out of wedlock. Please also provide comprehensive information on the way in which the State protects the rights of children born out of wedlock (paragraphs 631-637 of the report).

22. Please provide information and statistical data for the last three years on the sexual exploitation of children. What measures has the State party taken to combat and punish this practice? What role has the National Commission on Violence against Women, Children and Adolescents played in reducing the incidence of sexual violence and offences against children and adolescents aged between 10 and 15 years? What steps has the State taken to prevent violence against children in general (paragraphs 642, 647 and 655 of the report)?

Rights of minorities (art. 27)

23. Please provide information on: (a) the measures that are being taken to remedy the marginalization of the indigenous populations of the Atlantic coast regions; (b) statistical data for the last three years on the representation of indigenous peoples in Parliament and their participation in public affairs and economic life; and (c) the process of demarcation of communal land, in particular following the judgement of the Inter-American Court in favour of the Awas Tingni Community.

Dissemination of the Covenant

24. Please describe any steps taken to disseminate information on the submission of this report and its consideration by the Committee, and in particular on the Committee's concluding observations. Please indicate whether non-governmental organizations were consulted during the preparation of the report and whether they were informed that the report of Nicaragua is to be considered by the Committee.
