
**Committee on the Elimination of
Discrimination against Women
Twelfth session**

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**Concluding comments of the Committee on the Elimination of
Discrimination against Women: Nicaragua**

Second and third periodic reports

359. The Committee considered the second and third periodic reports of Nicaragua (CEDAW/C/13/Add.20 and CEDAW/C/NIC/3) at its 219th meeting, on 26 January (see CEDAW/C/SR.219).

360. The Committee noted that the political changes and economic conditions in recent years had affected progress in Nicaragua. It noted that, apart from playing an active role in the tragic and drawn-out conflict, Nicaraguan women had contributed considerably to their country in making important social advances as a result of their awareness of their duties and rights as one of the basic constituents of their society.

361. The Committee observed that the second and third periodic reports submitted by Nicaragua were not as systematically presented as would have been desirable and, in some instances, involved contradictions. It suggested that future reports adhere more closely to the general guidelines regarding the form and content of reports received from States parties under article 18 of the Convention (CEDAW/C/7) and to the general recommendations of the Committee.

362. Before replying to questions, the representative of Nicaragua said that both reports reflected the history of the country, which had involved political events that had had a strong impact on the status of Nicaraguan women. Whereas the second periodic report portrayed the legal situation and the participation of women in all walks of life as a result of the war, the third periodic report presented the actual situation and showed the efforts made and the political will to work on the elimination of the causes that had given rise to discrimination against women.

Questions related to specific articles

Articles 1, 2, 3 and 4

363. Asked about the Constitution of Nicaragua that had been promulgated in 1987 and that had been inspired by a new social order, the representative said that it was still in force and had been neither repealed nor amended.

364. Regarding the questions whether the Government Office for Women, established in 1982, still existed and what its functions were, the representative explained that that Office had been reorganized and transformed into the Nicaraguan Institute for Women (INIM) in 1987. Its main functions were to participate actively in defining and revising government policies and to coordinate with all governmental institutions in order to ensure that they took into account the status of women; to disseminate data on the participation of women in economic development so as to make the Government and society aware of the real situation of women; to promote the participation of women in Government-sponsored projects; to obtain external financing for the strengthening of INIM and the promotion of its programmes; to initiate the revision of laws concerning the status of women; to launch and monitor technical training programmes that should take into account gender perspectives; to participate in national and international conferences dealing with women's issues; and to promote sources of income and employment for unemployed women. Currently, INIM received allocations from the national budget and from cooperating agencies.

365. Asked for further information on what had been termed in the third periodic report a "reactivation" of INIM in November 1990, the representative explained that INIM had had to start from scratch because neither the former documentation centre of over 2,500 volumes, research findings about Nicaraguan women, the computer centre, archives and documents about projects and the administration of INIM nor the vehicles could be located. INIM had been brought back to life only through the Government's efforts and the support of neighbouring States.

366. Asked whether the Centre for the Guardianship of Minors was still in existence, the representative said that it had been converted into an institution with additional responsibilities within the Nicaraguan Institute for Social Security and Welfare. It provided legal assistance and care to minors, the family and the community, it dealt with the legal requirements for adoption, marital conflicts, the right of guardianship for children and maintenance payments, and it gave legal advice to women in need.

367. Regarding the former Family Guidance and Protection Office of that Institute, which had been dealing with the legal, social and psychological problems of women, the representative said that its legal functions had been transferred to the Legal Petition Office for Minors and the Family (Dirección de Instancia Legal del Menor y la Familia). Its psycho-social functions had been transferred to the Office for Centres and Zones (Dirección de Centros y Zonales), with the same hierarchical structure as the former Office for Family Orientation and Protection.

368. With regard to the Women's Legal Office, an organ of the Luisa Amanda Espinoza Association of Nicaraguan Women, the representative said that it was a women's organization with the political orientation of the Frente Sandinista. She

said that currently, the Government supported mainly development projects in favour of, and at the request of, women.

369. Asked for further information on the planned establishment of a statistical information system disaggregated by gender and age group as well as by other characteristics, the representative stated that INIM was currently working on the establishment of such a nationwide network. Furthermore, a census of households, covering population, housing and farming, disaggregated by gender, was being planned.

370. An additional comment was made by a member to the effect that the Convention on the Elimination of All Forms of Discrimination against Women had not been mentioned among the legal instruments on which the unrestricted respect for human rights was based, and yet the Convention was recognized in the country's Constitution. She asked whether discrimination as specified in the Convention was actually forbidden by the Constitution.

371. Bearing in mind that the adjustment programme had led to a reduction of the deficit from 20 per cent to 7 per cent of GNP, as mentioned in the third periodic report, which had resulted in a decline of the living conditions of women and children, a member asked whether thought had been given earlier to the social dimension of the structural adjustment programmes, in order to reduce their negative effects, and what kind of emergency measures had been adopted to absorb those effects.

Article 5

372. Regarding the question whether the decree of 1979 prohibiting the publication or use of representations of women as sexual commercial objects still existed, the representative said that the law had been put into force in 1979 and had been abolished in 1990.

373. Regarding the measures taken to overcome all forms of gender-based violence and a request for detailed reports on the nature and extent of the problem of violence against women, the representative stated that the President had established the Commission on Violence against Women in 1992. The Commission coordinated its activities for setting up centres for female victims of violence with the Institute for Social Security and Welfare. A centre offering psychological counselling for young female victims of sexual violence had already been established. The Commission was also organizing, together with the police, seminars for dealing with female victims of violence.

Article 6

374. In reply to several questions related to prostitution, the representative stated that prostitution was not legal in Nicaragua. Incitement to prostitution was punishable by three to six years' imprisonment and, if the perpetrator was married to, or lived in a de facto union with the victim, by up to 10 years' imprisonment. The incidence of prostitution was increasing as a result of the economic situation in Nicaragua. The State was not taking any specific measures on behalf of prostitutes, but efforts were being made to integrate them into vocational training. They could also undergo monthly gynaecological examinations in a health centre.

375. Asked about the measures taken by the Government to protect prostitutes from HIV/AIDS, the representative said that education campaigns were being carried out through the mass media and other forms of publicity.

Article 7

376. Although 15 of the 92 representatives in the National Assembly were women, only one woman held a senior position in the legislature. The representative said that the Electoral Law did not call for a specific percentage of women on the election lists. There was only one woman among the seven judges sitting in the Supreme Court of Justice, and only one woman among the five judges who made up the Supreme Electoral Council.

377. Asked about the number of women represented on the Council of Ministers, the representative said that there were two, the Health Minister and the Vice-Minister of Finance. She said that women were represented on many other bodies of administrative authority, such as the Office of the Attorney. Furthermore, the Director of the Culture Institute and the Director and Deputy Director of INIM were also women. The proportion of women in the legal profession was about 20 per cent. In general, women were well represented among the advisers of persons holding political decision-making positions.

Article 8

378. Asked how many women were representing Nicaragua in other countries and how many were employed in international organizations, and what their proportion in relation to men was, the representative said that there was one woman ambassador who was serving as ambassador in five countries concurrently.

Article 10

379. Questioned about the fact that women accounted for 51.6 per cent of all illiterate persons in Nicaragua and asked whether any literacy training programmes

were targeted on women, the representative said that the adult education programmes were not specifically directed to women.

380. In answer to questions about special programmes to encourage education for women, the methods pursued by the Government to eliminate stereotyped concepts of the roles of men and women, and programmes to steer women in the direction of industrial education courses, in keeping with the requirements of the State, the representative said that the Government carried out training activities in non-traditional sectors through the National Technological Institute. That training had an impact on women because they became interested in seeking alternative employment. More and more women were looking for alternative education patterns, but the impact of those programmes would be felt only in the long term. Use was made of publicity campaigns on the radio to inform women of training opportunities. She said that at the end of 1992 it had been urged that an information centre for the training and employment of women should be created to carry out the vocational training of women through seminars for employers, teachers and people in general, and through publicity. The programme of the National Technological Institute had become part of a regional training programme involving eight Latin American countries.

381. In an additional comment, a member underlined the need for further improvement in the educational and cultural levels of women, saying that, in spite of the Government's efforts, the country's goals had still not been attained.

Article 11

382. Asked about the effect on women of the changes introduced since 1990 in the approach to the economy, the representative explained that the impact had been greatest on women heads of household. As they were less educated and had insufficient training to qualify them for higher paid jobs, they had access only to low paid jobs, which had led to an increase in the number of persons living in poverty.

383. Concerning questions on the actual rate of unemployment in Nicaragua and the proportion of women that were unemployed, the representative replied that currently 51 per cent of the economically active population was unemployed.

384. Regarding the participation of women in the economically active population, the representative confirmed that the figure of 34 per cent, given in the third periodic report, was correct.

385. Asked for the reasons for the decrease in the economically active female population in the rural sector, the representative said that many of the persons who had made up the rural population had emigrated to urban areas because of almost 10 years of war and because of natural disasters. In urban areas, women mostly

tried to find jobs in the informal sector and in domestic employment. No information was given on measures taken to correct the situation.

386. While the representative did not indicate the current percentage of women working in the informal sector, she enumerated various economic assistance programmes for women employed in the informal sector, such as financing programmes for small and medium-sized businesses and programmes of communal banks for financing the productive and commercial activities of women heads of household who had no access to credit and lived in extreme poverty.

387. In response to a question on the outcome of a ruling by the International Court of Justice at The Hague under which Nicaragua should be compensated for the losses that it had suffered as the result of indirect aggression and whether, if it had been, any of the money was being used to improve the situation of women in Nicaragua, the representative said that no such ruling had been made and consequently no indemnity had been paid.

388. Asked about the kind of assistance given to women heads of household, the representative said that the Government was encouraging a promotion and training programme through INIM, in coordination with several ministries and the Institute for Social Security and Welfare, which consisted in literacy campaigns and training activities in traditional and non-traditional jobs in order to facilitate access to income-generating credit. The latter organization was also establishing day-care centres to offer security to children and to facilitate women's integration into the labour force.

389. In additional comments, further information was requested on women in the informal sector, including statistical data and details about their working conditions; job-creation measures for women; and the situation of working mothers, since not enough day-care centres were available and women did not have adequate access to labour-saving technology.

Article 12

390. Asked about the plans of the Government to adopt a general policy for the protection of maternity, reproductive health, and occupational health and safety, the representative said that the right to health of all citizens was covered by article 59 of the Constitution. Through the Institute for Social Security and Welfare, the Government was trying to decentralize the health services and to provide social assistance to all workers.

391. Regarding the question whether the Government was carrying out any programme of education and assistance to deal with the problem of abortion, which was referred to as the third most common cause of death among mothers, the representative explained that the Government was a member of the regional

commission for combating maternal death and it acted through the Ministry of Health and various subcommissions. The reduction of maternal death was one of the priorities of the Ministry of Health within the framework of its programme for mothers covering the time of pregnancy and the first years of infancy.

392. In additional comments, concern was expressed about the high incidence of death related to abortion and the question was reiterated as to what kind of family planning and assistance measures the Government was carrying out. Members also asked whether the Government had approached governmental and non-governmental organizations to assist the country in alleviating its food shortage that affected mostly women and children.

Article 14

393. In response to a question, the representative said that, according to the statistics of 1990, women accounted for 40 per cent of the agricultural wage-earning workforce.

394. Asked about programmes of assistance for rural working women, the representative mentioned the programme "Women, environment and development", which promoted the participation of rural women in the country's development. It was an integral programme that was aimed at the practical and strategic necessities of rural women, including access to credit, self-esteem and legal literacy.

395. Regarding the data in the second periodic report on the proportion of rural women who were heads of households, the representative said that no more contemporary data were available, but it could be assumed that the proportion had increased because many women had become widows or orphans as a result of the war.

396. Referring to assistance programmes for rural women workers, the representative said that the Government was trying to promote the extension of education, health, training and medical services through municipal governments.

Article 15

397. Replying to the question whether women still did not have full legal capacity because as stated in the second periodic report, they were equated, in terms of legal capacity, with children and disabled persons and required legal representation in most cases, the representative said that articles 27 and 48 of the Constitution gave women equality before the law with men.

398. In an additional comment, a member pointed to a contradiction between law and practice in Nicaragua. She was concerned that while women participated in the

political life of the country, they did not have full legal capacity and could not appear in court on their own behalf. When asked how women reacted to that situation, the representative replied that women were represented in all political institutions and, in the absence of appropriate written laws, women resolved their problems in a pragmatic way.

Article 16

399. Referring to observations made on Law No. 38 on the dissolution of marriage at the wish of one of the parties, a practice that gave rise to a series of injustices whose effects would be felt most by women and children, the representative said that the law had been promulgated in 1988. Although the law was still in force, some progress had been made in that it had been analysed; the population, mainly women, had been consulted and more Government support for the payment of maintenance had been required. She said that women had made most use of the law. Simultaneously, other laws had been put into force, such as the law on alimony.

400. Asked to clarify a presumed contradiction between the second and the third periodic reports regarding the treatment of pregnant women prisoners, the representative said that there was no contradiction between the two reports. It was correct to say that no special law protected pregnant women prisoners, and the statement concerning their special treatment referred to administrative measures to protect pregnant women prisoners because of the non-existence of a special law.

401. Regarding the concern expressed by members over the high incidence of early marriages and the high percentage of unregistered marriages, and questioned on the Government's view, the representative said that the Government did not promote early marriages. They were a fact of life on account of the natural conditions of the country with its numerous seismic events, its volcanoes and other natural disasters, and, most important of all, the early maturity gained from participation in the war.

402. An additional comment was made on the number of families where children lived with only their mother, a situation that was harmful for their upbringing. A member asked what the Government's view was.

403. Regarding the high divorce rate and questioned why most divorces were initiated by women, the representative replied that women had never shirked playing many roles. Although men continued to be the political decision makers, women took decisions behind the scenes. She said that women carried a sufficient part of the burden of income-earning and child care, that they were unwilling to support a spouse who did not contribute and accordingly they were willing to ask for a divorce rather than to continue supporting an unnecessarily dependent

husband. In the same way as they carried out any kind of activity, they also asked for a divorce if necessary.

Concluding observations

404. Members commended Nicaragua for the fact that it had ratified the Convention without entering any reservations, for the timely preparation of its reports and their presentation to the Committee, and for the detailed replies to the questions. It was particularly impressive because the country had undergone so many changes and had suffered from a war, natural disasters and a trade embargo. It demonstrated the political will of the Government and its commitment to the women's cause. Tribute was paid to Nicaraguan women who had taken such an active part in all walks of life. Members commended the country's ratification of several other international conventions relevant to women's rights and they hoped that those international instruments would also be properly implemented. Concern was expressed, however, that neither of the reports had followed the Committee's general guidelines regarding the form and content of reports nor had they taken into account the Committee's general recommendations. Members said that a consideration of the Convention, article by article, would help the Government in overcoming some of its difficulties in promoting the status of women. An effective application of the provisions of the Convention would improve the situation of the entire society.