
Committee on the Elimination of
Discrimination against Women
Eighth session

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

Initial report

169. The Committee considered the initial report of Nicaragua (CEDAW/C/5/Add.55) at its 137th and 139th meetings, on 23 and 24 February 1989 (CEDAW/C/SR.137 and 139).

170. The representative from Nicaragua, in introducing the report, said that it should be considered in conjunction with the information in her introductory statement. The report before the Committee had subsequently been updated but that version had not arrived. Her introductory statement described the historical background of women's role in Nicaragua throughout its changing history and presented an analytical and critical review of the constitutional laws and practices of Nicaragua in the context of the Convention. The representative stressed the rights guaranteed in the Constitution and the contradictions that existed in the Civil, Penal and Labour Codes in force in the country.

171. The representative stated that the situation of women was synonymous with the history of Nicaragua and its struggle for freedom. In their fight for emancipation, women had not only tried to liberate themselves, but had also tried to change the social, political and economic structure of Nicaraguan society. The revolution of July 1979 had placed them in a new context, presenting new perspectives for their emancipation. The representative emphasized the difficulties that women faced in connection with the various developments that the country had been exposed to and the problems the war had caused in delaying the full emancipation of women.

172. The Committee noted its appreciation of the report and the comprehensive statement made by the representative of Nicaragua, as well as its clear identification of issues. The Committee expressed the hope that the Government would find further ways of continuing to improve the status of women through a speedy revision of the provisions in the Civil, Penal and Labour Codes that were not in full consonance with the Nicaraguan Constitution. It was asked to what extent women and women's organizations were seeking to have those Codes revised.

173. The Committee noted that there was a clear difference in the report between the existing legislation and the de facto situation. Noting that the report stated that any inconsistency between the articles of the Convention and administrative or legal regulations could be brought before a judge, a member of the Committee requested details of the major reform that would be necessary to remove such an

inconsistency and asked whether the Government was in a position to implement such a reform. Another member asked if any timetable had been established for such a new reform.

174. A clarification was requested of the inconsistencies found in the report in connection with article 129 of the Penal Code, especially concerning abduction and rape. It was asked whether any efforts were being made to reform those obsolete and discriminatory laws.

175. Regarding any inconsistency between the Civil Code and the Constitution, a member of the Committee raised the issue of whether, as the representative had implied in her introductory statement, women's groups could really have any influence on a judge's interpretation of the law when dealing with matters relating to the family and the roles of men and women within the family.

176. An observation was made that, in many countries, the rate of progress made by women in wartime was more rapid than afterwards. A question was raised concerning the number and influence of non-governmental organizations and other large women's organizations in the country, the extent of women's participation in the city councils (cabildos) and the number of women who occupied high professional posts in the army.

177. More information was requested by members of the Committee on women's movements in Nicaragua and how they co-operated with each other and on whether the Government helped them financially.

178. It was asked whether the Nicaraguan law provided for the prosecution of the male clients of prostitutes and whether there were programmes aimed at changing the attitudes of men towards prostitution and the exploitation of women. It was also asked whether anything was being done to provide training for alternative jobs for prostitutes and to deal with the problem of AIDS.

179. The Committee asked whether there were any women judges in the higher courts and what percentage of the high-level posts in Nicaragua were occupied by women.

180. Noting that the illiteracy rate had fallen from 50.3 per cent to 12.9 per cent, it was asked whether literacy training was confined to reading and writing or whether there were also remedial or supplementary educational programmes. A member of the Committee requested clarification of the percentage of women enrolled in various sectors of education.

181. The Committee sought clarification of the types of employment to which women were restricted, and the legal remedies that existed in the case of sex discrimination in employment in the public and private sectors.

182. Further information was requested on the reasons for forbidding advertisements for milk products in the mass media.

183. A member of the Committee inquired whether special day-care services, refuges and health services were available to protect children and communities from the deleterious effects of the war and to improve the health of the family.

184. Information was requested on any measures that had been taken to prevent or reduce the abuse of young girls and women, including domestic violence, sexual assault, alcoholism and drug abuse, and on the care of the victims of those social ills.

185. It was asked whether women who were being trained as health workers were encouraged to emphasize the need for good hygiene habits, clean drinking water and sanitation.

186. The Committee asked about the results of sex education campaigns and whether any statistics were available on their benefit to teenagers. It also asked what the youngest permissible age for motherhood was.

187. A member asked whether all women had a right to family planning services, and whether they were sponsored by the Government. It was asked whether the provision governing the right to life gave preference to the life of the foetus rather than to that of the mother. It was also asked whether there were any programmes to reduce the high rate of infant mortality and to improve access to supplies of clean water.

188. A member of the Committee asked for information on the process of agrarian reform and whether there were employment opportunities for women in rural areas. She also wanted to know the reasons for the increased movement of women to urban areas, especially since the report had stated that women in rural areas had played an important role. Another member of the Committee asked what had been done to encourage more women to cultivate the land and what particular measures had been taken for the benefit of women belonging to ethnic minorities. A question was asked about the impact of the war on women in rural areas and how women were coping with the disruption to their lives.

189. A member of the Committee asked about the extent to which men were ready to share parental responsibilities and domestic tasks.

190. A question was raised on how the new legal provisions were implemented in the case of women who were abused within the family and children who were ill-treated.

191. A member of the Committee requested information on how marriage could be dissolved by mutual consent and unilaterally, and whether that meant that the partners could abandon the relationship without provision for complying with their responsibilities towards each other and their children. Information was requested on the disposition of property acquired during marriage, as well as details of the inheritance laws for women and children. Information was also requested on de facto unions, and their effect on the laws governing alimony, the distribution of property and inheritance, as well as on the status of children born out of wedlock.

192. The Committee asked for information on how the provisions for wives and children were enforced in the event of divorce, and what the rates for divorce and common-law marriage were.

193. In replying to the questions on the Constitution, the review of related codes and the position of the Government regarding such changes, the representative of Nicaragua replied that the main task has been the elaboration of the Constitution. The codes would be updated in accordance with the provisions of the Constitution.

As the Constitution had already been adopted, it would be used as a guide for the amendment of the codes as required by law. Already, a study on the new Labour Code was being prepared. The representative said that the fact that some references to women in the Penal Code could be considered discriminatory would be borne in mind because the Constitution had enshrined the principle of equality of all persons before the law.

194. The representative informed the Committee that women had participated actively in the preparation of the Constitution in two phases. The first phase had consisted of the collection of information at national and international levels, including the opinions of diverse political organizations and other relevant associations and the second phase had consisted of the preparation of the first draft of the Constitution incorporating all the information that had been gathered. Women had also participated in the national consultation on the draft Constitution and had organized city councils (cabildos) to obtain the opinion of women.

195. Regarding the request for information on the rape and abuse of women, the representative replied that the Penal Code provided for a sentence of between 6 and 12 years, particularly when the rape was considered to have been extremely cruel. An amendment of that rule was under consideration. She said that refuges or shelters for abused women existed in three regions of the country, which provided such women with counselling and psychological support.

196. Regarding the comment that had been made on the tendency, in times of peace, for the progress achieved by women during wartime to slow down, the representative stated that she shared that opinion. Women themselves were aware of that tendency and were trying to raise the general awareness of the work they did, of women's subordinate position and of the need for women to organize themselves to balance the unequal position of women and men. She referred to the active role that women had played during wartime, which had made women question their traditional roles and see the need to change their lives in accordance with reality. Training for leaders and technicians was being provided and day-care centres were being established.

197. In reply to questions about whether the positive measures that had been taken were on account of pressure applied by women, and whether the Convention would be used as a tool for introducing more programmes, the representative replied that the Nicaraguan Women's Institute would have to assume the responsibility for developing a programme to publicize the Convention. She added that it would be important to make all parliamentarians and members of the cabinet and judges of the Supreme Court of Justice and other relevant institutions aware of the Convention.

198. Regarding the situation of Indian women, who constituted a minority group, the representative said that there was a law that granted them autonomy. Accordingly, they were able to elect their own authorities and were free to decide on the administration of their own natural resources. They also had the right to regulate the ownership of their land. They were allowed to live in accordance with their own traditions and to preserve their art, language and culture.

199. Regarding the role of television and radio in influencing attitudes towards women, particularly in informing them of the progressive law, the representative said that a programme existed that was aimed at increasing women's knowledge of their rights. Furthermore, CONAPRO broadcast a women's programme that covered three regions of the country.

200. The representative stated that the Constitution prohibited prostitution. Only the procurer and the owner of a brothel were prosecuted, however. There was no provision to prosecute the male clients of prostitutes. She said that a major campaign on AIDS had been undertaken to prevent the spread of the disease, and a special programme for the media was under way to educate people about the dangers of AIDS, particularly for high-risk groups such as prostitutes and homosexuals. Only 14 cases of AIDS had been reported.

201. Regarding the percentage of women appointed to the High Court and involved in politics, the representative said that 28 per cent of the judges of the Supreme Court of Justice, 24 per cent of the members of the ruling party and 43 per cent of the members of regional committees were women. There were, however, no women in the national directorate of the party.

202. As regards illiteracy, the representative stated that there was a national campaign of volunteers to reduce illiteracy from 50 to 12 per cent. During a six-month period, 80,000 persons had participated, 60 per cent of whom were women. That programme had been followed up by an educational programme for adults. In reply to a question on the data on education presented in the report (CEDAW/C/5/Add.55), the representative stated that they referred to the distribution of students registered in the different levels of the educational system. The majority of the students were registered in the primary- and secondary-school levels.

203. The representative said that one objective of education was to provide an integrated training of all persons. Consequently, there was no difference between the access of men and women to free education. The statistics supplied indicated the registration figures of students. In 1987, 54 per cent of the 903,500 students were women. In primary education, 52.25 per cent of the students were women. In the basic cycle of secondary education, 63 per cent of the students were women, in the diversified cycle of secondary education, 67 per cent of the students were women. Women accounted for 48 per cent of the students in adult education. She indicated, however, that differences according to sex were apparent in the choice of professional and technical careers.

204. Regarding the request for more information on the participation of women in income-generating activities and recourse to legal action in cases of discrimination, the representative referred to the statistical data attached to her presentation, which would be included in the updated report. As for additional data on employment in the public and private sectors, she said that the data would be sent to the Secretariat later.

205. With regard to family planning, the representative stated that the Government was promoting a programme on family planning through the health centres and providing education on the use of contraceptives. She said that women had access to those centres but had no knowledge of contraception. She indicated that the programme had also been carried out through the print and electronic media. She said that vaccination campaigns had been undertaken to reduce infant mortality; no statistics were available, however, but they would be supplied later.

206. In reply to a question about the reasons for prohibiting advertisements for milk, the representative replied that a misunderstanding had arisen because she had meant that breast-feeding was to be promoted rather than the use of milk substitutes.

207. Regarding the impact of the war on women in the rural areas, the representative stated that it had tended to lead to the feminization of the rural sector since women constituted the bulk of the labour force. It had also led to the establishment of co-operatives among the workers and had meant that women had had to consolidate the roles they were called upon to play in those difficult circumstances.

208. In connection with agrarian reform and co-operative programmes, the representative said that a good legal framework existed for the implementation of co-operative programmes. Women, however, were still relegated to a subsidiary role and she attributed that to the influence of the traditional role of women and the authority of men within the co-operatives and that of the husband at home. She indicated that some difficulties arose when the title to the land was granted to the husband, following a dissolution of marriage, and the wife was left without land. Consideration was being given to that problem and additional information would be supplied in the updated report.

209. In connection with the request for clarification of the obligation for men and women to share housework, and the extent to which men were willing to share it, the representative said that the law on the relations between mother, father and children had established an obligation that domestic responsibilities should be shared, although it was difficult to enforce. The majority of men were not prepared to lose the privilege of coming home to rest, and women resented that situation, which was the reason why the legal provisions had been introduced. The existence of such a provision only enhanced the need to enact a new law for a new society.

210. Regarding the maltreatment of children, the representative indicated that, in general, everyone tended to protect children. There was a specific Central Trusteeship of Minors. A parent who maltreated a child might lose the rights to patria potestad, and other persons guilty of the maltreatment of children were deemed to have committed a crime.

211. Regarding the information requested on the unilateral dissolution of marriage, the representative said that a law outlined the procedures and requirements for such dissolution, specifically providing for the guardianship of the children, maintenance and distribution of the property.

212. The parent who became the guardian of the children had the right to keep the house if it had been acquired during the marriage. The subject of de facto marriages would be discussed in 1989 within the women's movement. De facto union was not regulated but the social security provisions recognized such unions by granting social security to the orphans and widows of such unions. She stated that during the previous three years there had been a high incidence of divorce.