
**Committee on the Elimination of
Discrimination against Women
Twenty-fifth session**

2-20 July 2001

Excerpted from: Supplement No. 38 (A/56/38)

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

Fourth and fifth periodic reports

277. The Committee considered the fourth and fifth periodic reports of Nicaragua (CEDAW/C/NIC/4 and CEDAW/C/NIC/5) at its 525th and 526th meetings, on 17 July 2001 (see CEDAW/C/SR.525 and 526).

(a) Introduction by the State party

278. In introducing the reports, the representative of Nicaragua informed the Committee that they covered the period from 1991 to 1998, and described some important innovations during that time.

279. She informed the Committee that the Government had committed itself to the implementation of the Convention but several obstacles had impeded full implementation. Those included the persistence of stereotypical attitudes, in particular machismo, and the poverty that Nicaragua faced. The Government had implemented a reinforced strategy to reduce poverty and other programmes to improve the health and education of women, girls and boys. The law provided a general framework of human rights protection and the Constitution and the ley de amparo, which protected individuals against administrative abuse and provided for injunctions to stop administrative acts which could adversely affect the rights of citizens, ensured the implementation of those rights. A common agenda on women's priorities had been established, in collaboration with civil society and political parties. Draft revisions to the penal and family codes and penal procedures would remove discriminatory provisions, and the Constitution and the Civil Code included provisions on nationality. The Childhood and Adolescence Code, which had been approved in 1998, established that children were entitled to know their parents and to carry a name. The Commission for Women, Childhood, Youth and Family had presented a law of equal opportunity to the National Assembly for approval.

280. The Nicaraguan Institute for Women had been established as the national machinery with the mandate to define, formulate and promote public policies and develop strategies to ensure equal opportunities for men and women, including through action to improve female living conditions on the basis of equality, development and peace. The Ministry for the Family had also been created, and aimed to promote projects and programmes relating to families, girls and boys, and teenagers in situations of social risk. The promotion of women had also been included in the Ministry's activities with respect to domestic violence, which was addressed as a violation of the right to life and the right to security of person. A reduction in financial resources had, however, limited the impact of these projects and programmes.

281. The representative of Nicaragua indicated that, among the various policies that had been implemented by the Government to promote the advancement of women were the social policy, the national population policy, the citizen

participation policy, the sex education policy and the equal opportunity policy. Other mechanisms to promote the dialogue between the Government and civil society had been implemented through the inter-institutional commissions. In addition, two positions, those of attorney for human rights and special attorney for children, youth and women, had been created.

282. The representative informed the Committee about the advancement of women in the educational sector and the positive results that had been achieved in terms of women's access to education at all levels, and high levels of attendance at schools and universities, to which the National Plan for Education (2001-2015) had contributed. Results were particularly significant in respect of girls in rural areas. The rate of illiteracy of women was lower than that of men, and women made up the majority of the student population. The National Institute of Technology, which was responsible for professional training, had created a specific unit to develop programmes to build the capacity of women in geographical areas with high levels of unemployment, as well as programmes for rural women, single mothers and teenagers at risk. Those programmes were aimed at the creation of microenterprises for women, providing them with access to credit at low interest rates, and ensuring that they were offered jobs in non-traditional sectors.

283. The representative of Nicaragua indicated that the life expectancy for women had increased but that maternal mortality was still a critical health problem. Measures that had been taken to address the problem included the establishment of specialized hospitals, where female staff offered disease-prevention and prenatal-monitoring services.

284. The representative admitted that women tended to be concentrated in low-paid sectors of employment. In rural areas, discrimination insofar as access to opportunities and productive resources and services was still significant. In 1997, the Inter-institutional Commission for Women and Rural Development had been created to promote the interests of rural women, and had subsequently implemented a project, entitled "Women and credit", to increase women's access to credit.

285. The representative pointed out that domestic violence affected a large number of women in Nicaragua. The Government had created offices for women and children, as a result of the cooperative effort by the Nicaraguan Institute for Women, the Women's Anti-violence Network, the secretariat of the National Plan to Prevent Domestic and Sexual Violence (2001-2006) and the National Commission on Violence against Women, Children and Young Persons to address the problem. The Penal Code had also been reformed to provide greater protection for victims. Trafficking in all its forms was also prohibited by article 40 of the Constitution.

286. In conclusion, the representative informed the Committee that the number of women in decision-making positions and in politics had increased significantly in recent years.

(b) Concluding comments of the Committee

Introduction

287. The Committee expresses appreciation to the Government of Nicaragua for its fourth and fifth periodic reports. The Committee notes, however, that the reports do not incorporate sufficient statistical data disaggregated by sex.

288. The Committee expresses appreciation for the information contained in the reports and the frankness with which the reports were prepared. It commends the

Government on the comprehensive replies to the Committee's questions which sought to clarify the situation of women in Nicaragua, and on the Government's sincere oral presentation of the reports.

Positive aspects

289. The Committee welcomes the efforts made by the Government of Nicaragua to implement the Convention, as reflected in a range of laws, institutions, policies and programmes to address discrimination against women in Nicaragua. The Committee recognizes that the Nicaraguan Institute for Women was one of the first national machineries to be established in the region, in 1982. The Committee welcomes the Government's collaboration with civil society and other actors in reaching a common agenda on women's priorities.

290. The Committee commends the Government on the publication and dissemination of a handbook explaining the provisions of the Convention.

291. The Committee commends the Government on its efforts to include the teaching of human rights in kindergarten, primary, secondary and technical or vocational schools, and in military and police training academies, and on the integration of a gender perspective into the National Development Plan and school curricula and teacher training.

292. The Committee notes with appreciation the efforts made to combat violence against women, including the adoption of legislation against domestic violence (Act No. 230); the establishment of the National Commission on Violence against Women, Children and Young Persons; the National Plan for the Prevention of Domestic and Sexual Violence 2001-2006; and the coordination carried out with various sectors of society, including the national police force, in particular the women's police stations (comisarías), in combating gender violence.

Factors and difficulties affecting the implementation of the Convention

293. The Committee notes that the high level of poverty in Nicaragua, aggravated by natural disasters, poses a serious obstacle to the implementation of the Convention and women's full enjoyment of their rights.

Principal areas of concern and recommendations

294. The Committee expresses concern about the persistence of stereotypes concerning the role of women in the family and society, including the expectations of women's subordination to men expressed by some religious communities, and attitudes and behaviour driven by machismo in public and private life. The Committee is concerned that, notwithstanding the Government's recognition of the problem and its efforts to address the problem, including legislative change, such stereotypes continue to constitute an obstacle to the achievement of equality for women.

295. The Committee calls upon the Government to strengthen measures to change stereotypical attitudes about the roles and responsibilities of women and men, including awareness-raising and educational campaigns directed at both women and men, as well as the media, in order to achieve de facto equality between women and men. It also calls upon the Government to undertake an assessment of the impact of its measures in order to identify shortcomings, and to adjust and improve these measures accordingly.

296. The Committee expresses concern at the high incidence of poverty among women, in particular rural women and households headed by women.
297. The Committee urges the Government to give priority attention to rural women and women heads of household, including in the allocation of budgetary resources, and to monitor research into their situation, with a view to developing effective policies and programmes to strengthen their socio-economic situation and ensuring that they receive needed services and support. The Committee emphasizes that social investment in women not only ensures their enjoyment of the human rights outlined in the Convention, but also constitutes one of the most effective means of combating poverty and promoting sustainable development.
298. The Committee expresses concern at the custom, in particular in rural areas, of sexual abuse of young girls by older men. It notes that this violates the rights of girls to reproductive health, as well as other rights under the Convention.
299. The Committee urges the Government to introduce awareness-raising and penal measures to eliminate the sexual abuse of young girls.
300. The Committee expresses concern about the high infant and maternal mortality rates in Nicaragua. The Committee also expresses concern that the leading causes of mortality among women are cervical and breast cancer, and pregnancy-related problems, including post-partum haemorrhage and toxæmia. The Committee notes with concern a lack of information on abortions and on the incidence of related death or illness.
301. The Committee recommends that the Government make every effort to increase access to health-care facilities and medical assistance by trained personnel in all areas, including rural areas. The Committee also recommends the implementation of programmes to prevent cervical and breast cancer, and to ensure the availability of pregnancy-related medical care. The Committee requests the Government to include in its next report information on the number of abortions performed and related death and/or illness, within the general framework of health conditions of women.
302. The Committee expresses concern about the high fertility rate in Nicaragua.
303. The Committee calls upon the Government to improve its family planning and reproductive health policy and programmes, including the availability and accessibility of affordable modern contraceptive means to both women and men. It encourages the Government to promote educational programmes on reproductive rights and responsible sexual behaviour on the part of both women and men, in particular young people.
304. The Committee notes with concern the persistence of a high level of illiteracy among certain groups of women in Nicaragua.
305. The Committee encourages the Government to develop programmes specifically designed to reduce female illiteracy.
306. The Committee expresses concern that women workers have been replaced by men in both the formal and informal sectors of the economy, that men's wages are three times greater than those of women and that the rates of unemployment and underemployment of women are high. It also expresses concern at the indirect discrimination against women because they have limited access to credit owing to their lack of collateral.

307. The Committee recommends that measures be taken to improve the status of working women, including the introduction of training programmes to promote the integration of women into the labour force and to diversify their participation; the establishment of childcare centres; improved access to credit, with special emphasis on rural women; and greater efforts to achieve equal pay for work of equal value.

308. While the Committee welcomes the Government's efforts to combat domestic violence, it expresses concern at the continuing extent of domestic violence against women in Nicaragua. The Committee stresses that, since violence against women is an infringement of human rights, it is the Government's responsibility to prevent such violence and to take measures to protect its victims.

309. The Committee calls upon the Government to take practical measures to follow up and monitor legislation, and to strengthen its policies and programmes addressing violence against women, including by assessing their effectiveness and adjusting them accordingly.

310. The Committee welcomes the establishment of the national machinery for women, the Nicaraguan Institute for Women, but is concerned at the lack of institutional support for the Institute and its dependence on international cooperation.

311. The Committee urges the Government to provide the Nicaraguan Institute for Women with the required finances, personnel and political decision-making capacity to enable it to influence effectively the promotion of gender equality in Nicaragua.

312. While the Committee welcomes the adoption of legislation to protect and promote women's human rights, including domestic violence legislation and the Equal Opportunities Law, the Committee expresses concern that discriminatory laws continue to exist and that there is no legislation dealing with education.

313. The Committee urges the Government to reform existing legislation and enact new legislation to protect the equal rights of women and men in regard to education. It recommends the speedy adoption of a non-discriminatory family code.

314. The Committee expresses concern about the lack of information in the reports on the migration of women and girls, women working in the maquiladora factories and free trade zones, older women and minority and indigenous women, prostitution, and trafficking of women and girls.

315. The Committee requests the Government to provide in its next report information on the migration of women and girls, including why the movements are occurring, the destination points, and the extent to which these women and girls become vulnerable to sexual exploitation, including trafficking, prostitution and sex tourism; the situation of women working in the maquiladora factories and free trade zones, including the measures taken to ensure that their rights are protected; older women and minority and indigenous women, especially as regards their health, employment and educational status; prostitution, including the measures taken to protect women who are prostitutes and to reintegrate them into society, as well as the measures taken to counteract the root causes of prostitution; and the measures taken by the Government to combat trafficking, and the impact of such measures.

316. The Committee urges the Government to sign and ratify the Optional Protocol to the Convention and to deposit as soon as possible its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

317. The Committee requests the Government to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. It urges the Government to improve the collection and analysis of statistical data, disaggregated by sex, age and minority or ethnic group, and to submit such data to the Committee in its next report. The Committee invites the Government to seek international cooperation in connection with the collection and analysis of such data.

318. The Committee requests the wide dissemination in Nicaragua of the present concluding comments in order to make the people of Nicaragua, in particular governmental administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and of the further steps that are required in this regard. It requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".