



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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

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**Responses to the list of issues and questions with regard to
the consideration of periodic reports**

Nicaragua



Responses to the list of issues and questions with regard to the consideration of the sixth periodic report of Nicaragua (CEDAW/C/NIC/6)

Constitutional, legislative and institutional framework

1. Please provide an update on the status of the draft law on equal rights and opportunities (para. 36) and the plans for a family code (see paras. 35, 39 and 202, as well as para. 209 indicating that it has been awaiting adoption by the National Assembly for the past 11 years). The response should include information regarding their respective content, steps undertaken to reach consensus towards their adoption, and the envisaged time frame for their adoption.

The draft law on equal rights and opportunities is still awaiting adoption by the legislative branch.

The family code has not been adopted, and the discussion is still ongoing, since its adoption would require amendments to several laws. However, there has been progress in consultations on and the drafting of specific laws such as the Responsible Parenthood Act. This law states that in cases where paternity of a child is denied, the mother has the right to demand a DNA test to determine paternity, and in addition, the payment of alimony is made obligatory.

2. Please provide information on any temporary special measures called for under article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women that have been introduced during the reporting period. Attention is drawn to the Committee's general recommendation 25, on article 4, paragraph 1, and its statement that temporary special measures are part of a necessary strategy to accelerate the achievement of the goal of women's de facto equality.

Response to follow.

3. In its previous concluding comments, the Committee expressed concern that the Nicaraguan Institute for Women was under-resourced and dependent on international financing, and thus constrained in effectively influencing gender equality (A/56/38, paras. 310-311). The sixth report notes (para. 227) a continued lack of resource allocation affecting the Institute's capacity to carry out its mandate. How does the State party intend to remedy that situation?

The Nicaraguan Institute for Women continues to be very under-resourced and is very dependent on international cooperation organizations. Supported by such organizations, the Institute is advocating for a larger allocation of resources. At the moment it is receiving support for institutional strengthening in keeping with a new programmatic focus by the Spanish International Cooperation Agency, the Canadian International Development Agency, the United Nations Population Fund, the United Nations Development Programme and others.

4. The report notes that the activities of the Special Procurator for Women, appointed in 2000 under the purview of the Office of the Human Rights Ombudsman, have had "both direct and indirect effects on public institutions and civil society" (para. 34). Please provide further information on the mandate

of the Special Procurator for Women, as well as activities undertaken and their effects.

There are no legal provisions giving a specific definition of the functions of the Special Procurator for Women. The post holds all of the powers and responsibilities assigned directly by law to the Procurator. With regard to the specific matter of women's human rights, it aligns its work with the provisions of the law that established the Office of the Human Rights Ombudsman and the priorities defined by the Nicaraguan women participating in the process described earlier.

The Office of the Special Procurator for Women has:

- Created a process whereby women's rights have been classified as a priority for the establishment of peace and democracy, through participation by civil society and State institutions,
- Created processes to ensure that those responsible for drawing up public policies and legislation will adopt a gender perspective, with a view to closing the gaps between formal and real equality for women, as a way to establish a society more grounded in social values and social justice,
- Created a process for the implementation of the commitments assumed by the Government with respect to the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Platform for Action and other international agreements,
- Initiated a process of awareness-raising in the media concerning the need for a proper approach to the use of language when reporting incidents of all types of violence, with the aim of assisting in the transformation of the sexist culture currently prevailing in society, putting a stop to the perpetuation of sexist stereotypes and practices in the approach to the news,
- Contributed information and developed capacities within various social groups relating to the need for effective exercise of citizenship, in the interests of the development of the country, through transformation of the patriarchal culture, which is reflected in discriminatory patterns of behaviour in relationships between men and women,
- Contributed to the knowledge, conceptual harmonization and greater sensitization of the personnel of the Office of the Human Rights Ombudsman, on human rights doctrine from a gender perspective,
- Contributed to the development of institutional processes, in the spheres of planning, training, organization and social communication.

5. The report draws attention to the 2000 Enhanced Economic Growth and Poverty Reduction Strategy, which also served as a basis for the national development plan. The plan also calls for the protection of the human rights of women (para. 49). Please provide further information about the Strategy and the plan. The response should indicate how those instruments integrate a gender perspective and contribute to the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, how progress towards achievement of established goals in regard to gender equality is monitored, and results achieved so far.

The immediate predecessor of the national development plan was the Enhanced Economic Growth and Poverty Reduction Strategy drawn up in the year 2000, which did not contain any conception of or general ideas recognizing gender inequality and gender gaps. Consequently, it did not identify objectives or specific targets in that area, as was pointed out by the Nicaraguan Institute for Women and other government institutions, as well as civil society and international cooperation organizations. While some parts of the national plan will be public-policy and national-planning instruments for the coming years, it is evident that it still implies gender inequalities. Thus, those key public-policy instruments lack objectives, goals and resources dedicated to reducing those gaps.

As a result, having clearly identified the problem, the Institute proposed that the governance section of the national development plan should include the creation of the National Programme for Gender Equity in order to start incorporating the gender approach into those plans and strategies. As a consequence of this idea, the part of the national development plan covering governance assigned the Institute the mandate, based on the Millennium Development Goals, of formulating a National Programme for Gender Equity within the framework of the plan's development objectives.

With a clear definition from the national development plan, the National Programme's general objective has been defined, in a participatory process of shared creation, as that of promoting gender equity between Nicaraguan women and men over the five-year period 2006-2010. In other words, the Programme seeks to help to create conditions that will bring about improvements in gender equity in such areas as the elimination of violence, education, health, employment and access to and control of productive economic resources and political participation, as urgent objectives of a national strategy of sustainable economic and human development.

Stereotypes and education

6. In its previous concluding comments (A/56/38, paras. 294-295), the Committee expressed concern about the persistence of stereotypes concerning the roles of women in the family and in society, and recommended that an assessment of the impact of measures be undertaken in order to identify shortcomings, and to adjust and improve such measures accordingly. Please provide further details about the steps taken by the State party in response to the Committee's recommendation, and in particular regarding whether an impact assessment was undertaken, and about any findings of such an assessment.

Owing to lack of resources, we have not been able to carry out an assessment of all the measures, but awareness-raising campaigns have been conducted, which are helping to reduce the persistence of stereotypes concerning the roles of men and women in society. One campaign was targeted at men, under the slogan "Without violence, you're really a big man". The purpose of the campaign was to increase awareness of the fundamental role of the father figure in the upbringing of children.

7. The report refers to the limited availability of data and the related difficulty in assessing progress in girls' and women's education (see para. 95). How does the Government intend to improve the collection of data in the field of education, including disaggregation by urban and rural areas and different

ethnic groups, so as to increase its ability to design and implement targeted policies and interventions?

As an alternative way of obtaining disaggregated data, we have considered strengthening the system of gender-focused indicators, which operates in coordination with the National Institute of Statistics and Censuses.

8. The report highlights the high drop-out rate of girls in primary and secondary education (see paras. 99 and 104). Please describe the measures undertaken by the Government to retain girls in, and encourage their return to, school. In particular, has the Government considered increasing the mandatory age for school attendance, which currently is 12 years of age?

No information is available on this point.

Health

9. What concrete steps does the State party intend to take to increase access for women to health care generally, and to reproductive health, including family planning and post-abortion care? The response should cover such access also in regard to women in rural areas, including information for indigenous women and other women of racial minorities in their languages.

The Nicaraguan State continues to face difficulties in guaranteeing equal access to health services for the whole population.

Measures to improve the situation have been taken within the framework of the National Policy and Plan for Health (2004-2015), one of whose main objectives is to increase the survival rate and improve the quality of life of women of reproductive age. In all programmes, priority is given to care for women, children and adolescents.

To implement these objectives, the Five-Year Plan for Health 2005-2009 has been devised. Its aims are to extend coverage and improve the quality of care, chiefly to populations which have no access to services or have difficulties accessing them, rural populations, the poor and indigenous communities; and to strengthen the network of health services, including physical rehabilitation, provision of equipment, organization and distribution of functions, improvement of the management of primary and secondary care institutions, and strengthening of the process of decentralization.

The Ministry of Health has formulated the Comprehensive Health Care Model, which is a means of achieving greater equity in the sector. The National Programme for Sexual and Reproductive Health has also been elaborated and covers maternal and perinatal health, safe contraception, sexually transmitted infections, including HIV/AIDS, diseases of the male and female reproductive systems, post-reproductive health, infertility and sterility. It aims to guarantee the right of all persons to have universal access to quality health services without discrimination on the grounds of race, colour or sex, and the right to education, information and advice on sexuality and reproductive health. The sexual and reproductive health strategy includes the adoption of a strategy for post-obstetric-event contraception, and since 1989 has included the protocol for post-abortion care.

With a view to improving the quality of and access to health services for indigenous peoples in the autonomous regions of the Caribbean coast, the regional

health model is being implemented, and the various indigenous peoples, ethnic communities and social, religious and political actors are being encouraged to participate in health programmes. Efforts are being made to take an intercultural approach to health so as to respect cultural diversity and the rights of each ethnic group. In this context, it is essential to preserve and promote traditional medicine and to coordinate the Western health system with traditional care options.

10. Please provide an update on the status of reforms of the Penal Code regarding the practice of abortion (see para. 151).

For the moment, the articles relating to abortion have not been amended. In the process of reform of the Penal Code, various amendments have been proposed, including, notably, abolition of the right to therapeutic abortion and the introduction of more severe penalties.

11. Kindly provide further information on the concrete measures undertaken by the Government to reduce the high rate of teenage pregnancy; the high rate of maternal mortality and of mortality due to unsafe abortion; and the high mortality rate for breast cancer and cervical cancer.

The proportion of children born to teenage mothers fell from 31 per cent in 1997 to 27.7 per cent in 2004. However, the rate is one of the highest in Latin America.

To reduce the high rate of teenage pregnancy, the National Programme for Sexual and Reproductive Health (2006) has been elaborated and the Act for the Promotion of the Comprehensive Development of Young Persons (February 2002) has been adopted. The latter provides that the Ministry of Health, in coordination with the Secretariat for Youth, shall supply young people with information on sexual and reproductive health through appropriate media, promoting healthy sexual behaviour and incorporating into health services an integrated approach to sexual and reproductive health, based on human rights and gender equity, so as to increase the demand for and use of such services and to meet the needs of young people in Nicaragua.

In addition, the Ministry of Education is in the process of elaborating a new version of the Guide to Education for Life, aimed at teachers, for the purpose of facilitating sex education in schools. It is hoped that it will be ready in late 2006 or early 2007.

The efforts of civil society to promote reproductive rights are also recognized.

With regard to maternal mortality, as mentioned in response to question 9, the Ministry of Health is giving priority, under the National Policy and Plan for Health, to care for women, children and adolescents, and to increasing the survival rate and improving the quality of life of women of reproductive age. Maternal mortality has decreased in the past five years; the official figure for 2004 was 87.3 per 100,000. However, this figure hides differences between the country's various regions and social groups, for example, the number of maternal deaths recorded in the autonomous regions is 2.1 times higher than in the rest of the country. It is recognized that 20 to 30 per cent of such deaths are not reported.

No data is available on mortality resulting from abortions carried out in unsafe conditions. However, some studies (*Pizarro, 2004*) indicate that the majority of women who resort to this procedure come from families living in extreme poverty

and are housewives who are illiterate and have more than two children. Half of them are not familiar with the law and do not use contraception. Although the law permits therapeutic abortion and establishes a mechanism for approval of the procedure, it does not establish the acceptable grounds for abortion, and the decision is therefore left to the medical personnel.

Cervical, uterine and breast cancer are the primary causes of death from tumours among women. Those aged 35 to 49 are most affected. The National Programme for Sexual and Reproductive Health also addresses prevention and care in relation to these diseases.

Violence against women

12. Please indicate whether any evaluation or research has been conducted concerning the effectiveness of the measures undertaken to prevent and address violence against women, including the impact of women's police stations (para. 215), and of the National Plan of Action for the Prevention of Domestic Violence (para. 217).

No impact assessment or research has been conducted concerning the effectiveness of the measures undertaken to prevent and address violence against women. However, a process of documentary analysis and consultation with key sectors has been carried out for the purpose of elaborating the report on implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) for the period 2000-2005.

Evaluations of the results of the projects relating to women's and children's police stations have been conducted over the past three years. They cannot be considered impact assessment but they illustrate the progress and satisfaction of users of the services.

13. The report indicates that data on domestic violence is not disaggregated by sex and ethnicity, nor are data on violence in general (see table 5). What plans are in place to enhance the disaggregation, by sex of crime, of court and police data, and is there a time frame for putting in place such a system of data collection?

The Supreme Court of Justice of Nicaragua has begun a study with a view to designing a single information system in order to centralize penal, civil and other legal data for the entire country. This system would collect in one place data and indicators on gender violence and should be in operation by the end of 2007. The different criminal law enforcement agencies, the National Police, the Office of the Attorney General and the judiciary are participating in the process. The Supreme Court of Justice has crime information systems managed by different branch offices which record data disaggregated by sex and by type of offence, for both defendants and victims.

Trafficking and exploitation of prostitution

14. Nicaragua acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in October 2004. Please indicate legislative and other measures taken in preparation for, or

in response to that accession. The response should include an update on the status of measures described in the report.

The National Coalition against Trafficking in Persons was established in 2004. It includes 15 ministries and State institutions, 51 civil society organizations and 12 international non-governmental organizations, and its aim is to detect, prevent, protect and rehabilitate victims and effectively punish those guilty of this offence.

A mass media campaign (television, radio and newspapers) was conducted to warn the public and provide information on cases of trafficking in persons. The results were even more positive than expected. Thanks to the information provided during the campaign, a significant number of cases of trafficking were identified by the persons affected and, for the first time, the victims were less afraid and began to report cases to the media. The media, in turn, sounded the alarm concerning other more dramatic cases both within and outside the country (Guatemala, Costa Rica).

A registry system for cases of trafficking in persons in Nicaragua was designed as a solution to the lack of accurate information on the magnitude of the problem. Between June and September 2004, the registry system was refined and this tool was vetted and reviewed by officials in the Ministry of the Interior, in particular, the women's police stations of the National Police offices and their staff psychologists. The tool, which began to be used in November 2004, has helped improve inter-institutional coordination and has made it possible to determine the modus operandi of traffickers.

In April 2005, the Plan of Action for 2005 to 2007 of the National Coalition against Trafficking in Persons was drawn up. The Plan, which will serve as the special public policy on trafficking in persons in Nicaragua, includes five priority components for combating this crime, namely: (a) institutional strengthening, (b) information and communication, (c) improvement of performance, (d) assistance to victims of trafficking, and (e) monitoring and evaluation.

The Civil Harmony and Public Security Department of the Ministry of the Interior is carrying out a special programme that coordinates and organizes actions against trafficking in persons throughout the country. The main purpose of the programme is to reverse the upward trend in crime and insecurity, following a human-development approach to social vulnerability and focusing on at-risk children, adolescents and youth in the context of the Children's and Adolescents' Code. This programme follows through with efforts that are already under way while at the same time improving inter-institutional coordination. It provides a channel for transmitting information to complainants from different sectors. It is also promoting the publication of a handbook of procedures to be followed in cases of trafficking in persons in Nicaragua, which will make it possible to decide on and improve measures to be taken vis-à-vis the actors involved.

Despite these efforts, however, Nicaragua still does not have an effective prosecution strategy.

15. The report does not provide any indication of the prevalence of trafficking in women and girls, nor does it provide information on any court cases against traffickers. Please provide such information. The response should indicate the State party's efforts related to cross-border cooperation to prevent and eliminate trafficking.

Under the Nicaraguan Code of Penal Procedures, soliciting sexual services is classified as an offence of procurement or pimping, and it is punishable by four to ten years imprisonment. The maximum sentence (10 years) is applied when the offender is married to or living in a stable common-law union with the victim or when the victim is under 14 years of age. However, the courts require that the victim lodge a complaint before criminal prosecution can begin. This explains why the figures compiled by the Ministry of the Interior from statistics supplied by the National Police show that over the last three years, only five cases were submitted to the Office of the Attorney General:

<i>Period</i>	<i>Trafficking in persons (cases reported)</i>	<i>Investigation</i>	<i>Submitted to the Office of the Public Prosecutor</i>
2003	11	8	3
2004	10	9	1
2005	10	9	1
Total	31	26	5

Under the adversarial system, the Office of the Attorney General is required to bring charges and request protection measures (precautionary measures) on behalf of the victim, as set forth in articles 110, 167, 195 and 201 of the Code of Criminal Procedure. The Code emphasizes the importance of protecting the victim, and the officiating judge is required to impose all precautionary measures available. The Code also provides for the victim to be protected during the oral proceedings and for measures to be taken to prevent the person from being further victimized or being asked questions that offend his or her dignity. Similarly, there is an ethical handbook for the staff of the Office of the Attorney General and another for court officers, who must ensure that the rights of victims are protected throughout the proceedings, so that there is no violation of their safeguards or security.

Likewise, article 202 of the Code of Criminal Procedure establishes penalties of three to six years imprisonment for anyone who establishes or operates a place of prostitution, or who, for profit and through physical or moral violence, abuse of authority or deceitful manoeuvres or by means of any similar ruses, causes a person to enter such a place or forces a person to stay there or carry out any other form of sexual transaction.

16. The Committee, in its previous concluding comments, requested 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. Please provide information on the steps taken in response to that request.

The percentage of migrants is similar among men and women, although in recent years, a higher percentage of emigrants have been women and young people. Migrants are in the economically active age group; 84.9 per cent are between 15 and 49, an indication that people emigrate for the purpose of seeking employment. In general, the educational profile of migrants is usually above the national average, thus causing a loss of human capital. Migration is a deliberate strategy adopted by

households in response to economic constraints. The main destinations of migrants are Costa Rica and the United States of America.

Participation in political and public life

17. The report provides some statistical information about the number of women in elected office, at some levels. Please provide more detailed statistical information about women's representation at all levels of the Administration, including at the municipal level, as well as in Government-appointed positions. Please reflect the participation of racial minorities in the information.

Political participation by women is currently still low in quantitative terms. Women comprise 17 per cent of ministers, 20 per cent of executive presidents of autonomous entities, 22 per cent of deputies in the National Assembly, and 33 per cent of commission chairpersons; and there is one woman on the Governing Board of the National Assembly. Three of the 11 members of the Supreme Court of Justice are women; the proportion of women members is 46 per cent in the appellate courts, 51 per cent in the district courts and 68 per cent in the local courts. Overall, women represent over 60 per cent of the total number of judges in the country. Eighteen out of 153 municipalities have women mayors.

To date, ministerial positions occupied by women have been limited to the spheres traditionally associated with women, such as health, education or family affairs. However, women hold positions as vice ministers in the areas of defence, finance, foreign affairs, and agriculture and livestock.

No information is available on the participation of racial minorities.

18. Does the Government intend to make use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to achieve equal participation of women and men in political life, at the national, regional and local levels?

The two majority parties (the Sandinista National Liberation Front, FSLN, and the Liberal Constitutionalist Party, PLC) set a quota for women of 40 per cent and 30 per cent respectively to ensure their participation in the party structures.

19. The report notes that the judicial branch is the area of Government where women are best represented. Has the State party undertaken an assessment of the factors that have made that achievement possible, and if so, how could lessons learned from that area be applied to other branches and levels of Government to accelerate women's equal representation?

No such assessment has been undertaken.

Employment and social and economic benefits

20. What measures are in place to monitor adherence to, and ensure enforcement of, labour legislation to enhance protection of the rights of women working in *maquiladora* factories and free trade zones, as well as their access to justice?

The organized women's movement has launched legislative initiatives in favour of women workers in free zones, with the result that, in 1998, a Code of Conduct served as the basis for a ministerial resolution that was endorsed by the

Ministry of Labour. The resolution was signed by all investors in *maquiladora* companies; it stipulates that foreign investment in Nicaragua is bound by our country's labour legislation.

A further initiative was the reform of the Free Zones Act, to which a special chapter was added on the social responsibility of investors towards Nicaraguan workers, both male and female.

21. The report refers to the precarious situation of domestic workers and indicates that they are subject to legal provisions that make discrimination against them lawful (para. 123, see also para. 109). Please provide detailed information about the situation of domestic workers. The response should include information about the proportion of domestic workers in relation to the overall number of women in the formal and informal economy, type of employment and their citizenship status, as well as any recourse available to them against violation of their rights.

There is no information available about the situation of domestic workers.

22. Has the Government taken steps to reform the current regulatory framework of microfinance and microcredit lending since the last reporting period, in order to grant special status to programmes and projects especially positioned to serve women, especially female heads of households in rural settings (see para. 180)?

The steps taken by the Government have not been sufficient given that in recent years an increase has been seen in the total credit granted, but all micro-, small and even medium-sized enterprises have had only limited access to formal bank loans, in both rural and urban areas. Overall, the total amount of credit granted for agriculture, stock raising, industry and trade decreased between 2001 and 2005, even though the number of loans rose. The average size of loans reflects an exclusive focus on micro- and small rural production.

Among all the producers in receipt of funding, only 13.8 per cent received formal bank loans, while 62 per cent benefited from non-conventional credit. A gender gap is also to be seen in terms of the purpose of the credit. In the case of women, 73 per cent of the credit received is earmarked for trade and service activities (with only 4 per cent for agricultural activities); in the case of men, 30 per cent is earmarked for agriculture and 39 per cent for services.

23. What measures are in place to promote women's land ownership and to ensure women's de facto ability to manage their land when they are the sole land owner (see para. 190)?

Response to follow.

24. In its previous concluding comments, the Committee expressed concern about the lack of information on the migration of women and girls, and requested that related information be included in the subsequent report (see A/56/38, para. 315). Please provide that information, including numbers of women and girls that migrate, their main destinations and measures in place to inform migrant women of potential risks.

See response to question 16.

Rural women and poverty

25. Please indicate how the 2001 Enhanced Economic Growth and Poverty Reduction Strategy specifically benefits rural women, in particular women in extreme poverty, including indigenous women and women of African descent. The response should indicate how implementation of the strategy is monitored.

The Enhanced Economic Growth and Poverty Reduction Strategy has not specifically benefited poor rural women. Within the framework of the national development plan, a national gender equity programme has therefore been designed in this connection as a key factor in economic production.

Marriage and family relations

26. The report indicates (para. 200) the use of customary law as a basis for community mediation, in order to enhance women's access to justice. How does the State party ensure that such alternative dispute resolution services do not disadvantage women or limit their access to justice?

There has been no progress in this area.

27. The report indicates that "in accordance with article 2 of the Children's and Adolescents' Code, a child is defined as a human being below the age of 13 years" (para. 205). However, according to the Convention on the Rights of the Child, ratified by the Government on 4 November 1990, "a child means every human being below the age of eighteen years". The Civil Code provides that "the minimum age for marriage with parental authorization is 15 for men and 14 for women" (para. 205). Will the Family Code, awaiting adoption by the National Assembly, raise the minimum legal age of marriage for girls and boys with a view to bringing it in line with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women?

In chapter III ("Competence to enter into marriage") of the proposed Family Code, the age of marriage specified in articles 27 and 28 is indeed at variance with what is stipulated in our Civil Code in force, since it states that adult men and women who are 21 years of age are competent to enter into marriage. Young men and women aged 16 may enter into a civil marriage, provided that they have the consent of their parents.

28. The report mentions that the Civil Code still contains discriminatory provisions in particular with regard to marriage and family relations (para. 204). Kindly indicate what obstacles prevent the Government from repealing such discriminatory provisions.

Civil legislation needs to be brought into line with constitutional provisions. Efforts to this end have not had the support of the legislative authority, which gives priority to other topics of partisan interest.

Optional Protocol

29. Please indicate any progress made with respect to the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

No progress has been made in this connection.