

# COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, 37<sup>TH</sup> SESSION, (NEW YORK, 15 JANUARY THROUGH 2 FEBRUARY 2007)

## NICARAGUA (6<sup>TH</sup> PERIODIC REPORT)

### Information Submitted to the Committee

On 18 January 2007, Nicaragua submitted its 6<sup>th</sup> periodic report<sup>1</sup> for the years 1999 through 2002 under the *Convention on the Elimination of All Forms of Discrimination Against Women* (the Convention), as well as written responses<sup>2</sup> to the list of issues and questions<sup>3</sup> raised by the Committee on the Elimination of Discrimination against Women (the Committee). The Nicaraguan delegation was led by the Adviser to the Nicaraguan Institute for Women (INIM), Ms. Ada Julia Brenes Peña, and assisted by Ms. María de Jesús Aguirre, Director of Planning, Public Policy and Research of INIM.

The report outlines the measures taken by the State party to address its obligations under each of the articles of the Convention, elaborating extensively on the access to healthcare and providing detailed statistics in this regard. However, it lacked statistical data disaggregated by ethnicity on issues such as violence against women. In the report, Nicaragua testifies that progress has been made in the status of women throughout the country, although it admits that poverty and social inequality represent the biggest obstacles to advancing women's issues. Nicaragua counted the creation of a Special Procurator for Women in 2000 and a Standing Committee on Women, Children, Youth and Family (the Standing Committee) in the National Assembly in 1999 as among its main achievements for the reporting period.

In its list of issues and questions, the Committee expressed concern for the delays in effecting change in the constitutional, legislative and institutional framework. It also focused on stereotypes of women, access to healthcare, violence against women, participation in public life, rural women and poverty, marriage and family relations and the ratification of the Optional Protocol to the Convention.

### Themes and Issues

#### Nicaraguan Institute for Women (INIM)

The Committee expressed concern over INIM's insufficient financial resources and inquired about the structure and conditions under which INIM operates, given its mandate to implement the Convention. The delegation indicated that although INIM is currently part of the President's cabinet, it depends on foreign donors for its operating budget. In one particular project, it was estimated that 80 per cent of INIM's resources will come from outside assistance. The Committee also worried about the lack of visibility of INIM and its lack of representation in different governmental departments. In response, the delegation mentioned that INIM is planning to have a representative of each of the country's 17 departments in their Governing Board. Additionally, one individual will be assigned to work on gender issues within each municipality council.

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<sup>1</sup> <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/NIC/6&Lang=E>.

<sup>2</sup> <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/NIC/Q/6/Add.1&Lang=E>.

<sup>3</sup> [http://www.un.org/womenwatch/daw/cedaw/cedaw37/cedaw37\\_landQ/Nicaragua/0646727E.pdf](http://www.un.org/womenwatch/daw/cedaw/cedaw37/cedaw37_landQ/Nicaragua/0646727E.pdf).

## Legal Provisions

The Standing Committee, despite its many accomplishments, has not been successful at getting the legislature to pass the draft Law on Equal Rights and Opportunities and the revised Family Code. This last piece of legislation has been waiting approval for the past 11 years. The Committee saw this as evidence of the Government's lack of political will to ameliorate the condition of women. The delegation on the other hand attributed the delays to lack of consensus on the various versions of the proposal and other 'deeply seated' cultural factors, but did not elaborate on these factors.

The delay in the approval of a Family Code also prompted questions from the Committee as to conflicting definitions of children and the legal age for marriage. Under Nicaragua's current law, the *1904 Civil Code*, the legal age of marriage is 18 for both sexes, but with parental consent, this can be lowered to 15 for men and 14 for women. The delegation reaffirmed that the proposed Family Code would raise the age for marriage with parental consent to 16.

## Participation in the Decision-Making Process

With the delegation reporting a decrease in the number of women in elected positions, Committee member Zerdani called for measures that will increase the political candidature of women. During the dialogue, the delegation explained that although each political party has their own quota of women-candidates, this does not guarantee that the women candidates will get elected. It added that INIM has put a programme in place to train 10,000 people across the country on the political participation of women, but argued that women often express reluctance or fear of coming forward. The Committee did express concern over the effect of negative stereotypes on women's participation in public life and called on the State party to address them.

## Reproductive Rights

Currently, all forms of abortion are criminalised in Nicaragua. During the reporting period, therapeutic abortions<sup>4</sup> required approval of three specialists of the Ministry of Health in addition to maternal consent. However, the delegation indicated that after the reporting period, the National Assembly abolished the right to therapeutic abortion and introduced more severe penalties for women and practitioners. There have been attempts to reverse the measure, but nothing has been achieved so far. The Committee was concerned over the effects of such measures on the health of women who might seek unsafe abortions. In response, the delegation reported that two cases are currently being argued in the Supreme Court, but gave no specifics on their nature.

## Other issues

During the exchange between the Committee and the delegation, the experts brought to the delegation's attention that the terms *equity* and *equality* were used interchangeably in the country's plans and programmes, and that it may lead to confusion. The Committee recommended that the State party enter into dialogue with academia, public entities and civil society to avoid misunderstanding over the language.

## Conclusions and Next steps

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<sup>4</sup> Therapeutic abortion is defined as the termination of pregnancy before fetal viability in order to preserve maternal health.

The delegation revealed several positive developments in women's rights, including a high level of enrolment of women in primary education, the creation of a Special Procurator for Women, and the passing of several laws that are meant to improve the condition of women.

In its Concluding Comments,<sup>5</sup> the Committee also noted the need for disaggregated statistics to measure trends in 'the progress towards *de facto* equality of men and women' and to assess the condition of women of different ethnicities. It further emphasised the need for its conclusions to be shared with civil society, as well as government officials, in order to accelerate change. Some major areas of concern were the application of the Convention in domestic law and the harmonisation of domestic laws with the provisions of the Convention; the need for a comprehensive strategy to address stereotypes, as well as all forms of violence against women; the importance of enhancing women's access to health care, particularly sexual and reproductive health services; and the need to increase women's participation in public and political life. In 2005, the Committee on the Rights of the Child expressed the same concerns about the low age of marriage as the Committee raised during the dialogue with the delegation.

The delegation was cooperative and answered all of the experts' questions. At one point, it appeared that one Committee member, Belmihoub-Zerdani, became irritable with the State party representatives as she pointed out the need to use temporary special measures to achieve greater participation of women in public and political life. Because of time constrictions, there was little discussion at the close of the dialogue, but the Committee thanked the delegation for their cooperation and recognised that the Government was taking steps to improve the condition of women in Nicaragua.

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<sup>5</sup> [http://www.un.org/womenwatch/daw/cedaw/cedaw37/concludingcommentsAU/Nicaragua\\_advanced%20unedited.pdf](http://www.un.org/womenwatch/daw/cedaw/cedaw37/concludingcommentsAU/Nicaragua_advanced%20unedited.pdf).