



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

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the combined seventh to tenth periodic reports of Nicaragua\*

1. The Committee considered the combined seventh to tenth periodic reports of Nicaragua ([CEDAW/C/NIC/7-10](#)) at its 2020th meeting (see [CEDAW/C/SR.2020](#)), held on 23 October 2023, and subsequently adopted provisional concluding observations thereon. At its eighty-seventh session, it adopted the present final concluding observations. The list of issues and questions raised by the pre-sessional working group is contained in [CEDAW/C/NIC/Q/7-10](#).

#### A. Introduction

2. The Committee appreciates the submission by the State party of its seventh to tenth periodic reports, although the submission was received on 2 May 2019 following a nine-year delay. The Committee regrets that the State party has not submitted written responses to the Committee's list of issues and questions. Moreover, despite repeated requests from the Committee, the State party did not send a delegation to attend the eighty-sixth session. In view of this situation and in accordance with rule 51 (5) of its rules of procedure, the Committee considered the combined seventh to tenth periodic reports in the absence of a delegation and decided to adopt and submit to the State party provisional concluding observations for its written comments. The Committee adopted final concluding observations at its eighty-seventh session.

3. The Committee notes the attendance of the Permanent Representative of Nicaragua to the United Nations Office and other international organizations in Geneva, Rosalia Concepción Bohorquez Palacios, at the beginning of the review, which was limited to the delivery of a statement.

#### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2007 of the State party's sixth periodic report in undertaking legislative reforms, in particular the adoption of the following:

- (a) Human Trafficking Prevention Act (No. 896), in 2015;

\* Adopted by the Committee at its eighty-seventh session (29 January–16 February 2024).



(b) Family Code (Act No. 870), recognizing the right to maternity and paternity leave upon the birth or adoption of a child, in 2014;

(c) Comprehensive Prevention of Violence against Women Act (No. 779), defining and adopting measures to address gender-based violence against women, in 2012;

(d) Act creating the Fund for the Purchase of Land with Gender Equity for Rural Women in Nicaragua (No. 717), to ensure women's access to the means of production and work, in 2010;

(e) Act No. 790 amending the Electoral Act, requiring political parties to form lists of candidates in accordance with the principle of gender equality, in 2012;

(f) Equal Rights and Opportunities Act (No. 648), recognizing equality between women and men, establishing non-discrimination on the basis of sex and requiring the designing of public policies to promote gender equality, in 2008;

(g) Responsible Parenthood Act (No. 623), providing for children's registration with paternal or maternal filiation or both, in 2007.

5. The Committee welcomes the State party's measures to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of:

(a) Ministry of Women's Affairs, which replaced the Nicaraguan Institute for Women, in 2013;

(b) Programmes aimed at empowering women to develop their business and promoting women's entrepreneurship, from 2013 to 2018;

(c) Women's development policy under the national human development plan for the period 2012–2016;

(d) National early childhood policy, in 2011;

(e) Sectoral Policy on Food and Nutrition Security and Sovereignty, in 2009.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

(a) Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, in 2018;

(b) Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (ILO), in January 2013;

(c) Convention on the Reduction of Statelessness, in 2013;

(d) Convention relating to the Status of Stateless Persons, in 2013;

(e) Optional Protocol to the Convention on the Rights of Persons with Disabilities, in February 2010.

### **C. Sustainable Development Goals**

**7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination**

throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of Nicaragua and to adopt relevant policies and strategies to that effect.

#### D. Parliament

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

#### E. Principal areas of concern and recommendations

##### Context

9. The Committee notes with concern the lack of cooperation with and progressive withdrawal of the State party from international and regional human rights treaties, as exemplified by its denunciation of the American Convention on Human Rights, which took effect on 19 November 2023, and the lack of engagement with international human rights treaty bodies, such as the Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture, thereby undermining the protection of the human rights of women and girls.

10. **The Committee urges the State party to adhere to its international human rights obligations, withdraw its denunciation of the American Convention on Human Rights and engage in dialogue with international and regional human rights mechanisms, in particular the Committee and other United Nations human rights treaty bodies, with a view to protecting and promoting the human rights of women and girls in the State party.**

##### Women human rights defenders

11. The Committee notes with concern:

(a) Legislative reforms in the State party that discriminate against women on the basis of their political opinion, hampering women's political participation owing to intimidation and fear of arrest and gender-based violence; the shrinking civic space; and excessive restrictions on the legitimate work of women human rights defenders, including Indigenous women and women of African descent, in particular:

(i) Act No. 1055, adopted in December 2020, on the Defence of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace, defining the crime of treason;

(ii) Act No. 1042, adopted in October 2020, on cybercrime, which has been used to criminalize members of the political opposition and journalists, including women, on charges of cybercrimes and curtail their rights to privacy, freedom of movement, association and assembly;

(iii) Act on the Regulation of Foreign Agents (No. 1040), adopted in October 2020, requiring non-governmental organizations to refrain from activities related to political affairs in the State party and banning those working in the area of political affairs from funding, which has resulted in the defunding of many women's organizations;

(b) Reports of at least 7,000 cases of aggression against women human rights defenders, who have been accused of being traitors, enemies of peace and *golpistas* (coupists), including intimidation, harassment, reprisals, rape, personal injury to family members, damage to property and death threats, and the lack of implementation of protection measures issued by the Inter-American Court of Human Rights in relation to 38 cases of women human rights defenders who were facing intimidation and reprisals in the State party;

(c) Arbitrary detention, arrest and prosecution of women human rights defenders, women religious leaders, women journalists, women university students and young women activists for expressing dissenting opinions and participating in public demonstrations;

(d) Interrogation of women political detainees in custody hearings without due process guarantees, including in the absence of a lawyer, and their subjection to ill-treatment and restrictions placed on family visits during custody;

(e) Deportation and forced exile of women human rights defenders, compounded by the limited possibilities for family reunification owing to the denial of passports and identification documents, and confiscation of their property while in exile;

(f) Issuance of official lists of civil society organizations, including women's organizations, stigmatizing them for their work and defamation campaigns against women activists participating in political and public life, including at the community level;

(g) Cancellation of the legal status and forced closure between 2018 and 2022 of at least 212 civil society organizations working in the area of women's rights at the national and local levels, among the more than 3,200 civil society organizations that have been shut down on the basis of the Act on the Regulation of Foreign Agents.

**12. Recalling the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37, annex), the recommendations to Nicaragua issued by the United Nations High Commissioner for Human Rights in his reports to the Human Rights Council in August 2023 (A/HRC/54/60, para. 79) and September 2022 (A/HRC/51/42, para. 81) and the recommendations of the Group of Human Rights Experts on Nicaragua in its report to the Council in March 2023 (A/HRC/52/63, para. 126), the Committee calls upon the State party:**

(a) **To repeal all legislation that discriminates against women on the basis of their political opinion and refrain from using such legislation to prosecute women human rights defenders, women journalists and women activists with dissenting views for their participation in political and public life;**

(b) **To adopt an action plan to protect the life and integrity of women human rights defenders; ensure that they have access to effective remedies, including reparation, rehabilitation and compensation; and investigate, prosecute and adequately sentence perpetrators of acts of intimidation, threat and harassment and reprisals and aggressions against women human rights defenders, including when they are State agents;**

(c) **To implement without further delay all protection orders issued by the Inter-American Court of Human Rights regarding women human rights defenders and provide capacity-building to the judiciary, the police, other law enforcement officers, government officials and members of the National**

Assembly on the Convention and the Optional Protocol thereto and the Committee's general recommendations;

(d) To immediately release women human rights defenders and other women activists who are detained on the basis of their dissenting political views and participation in political and public life; ensure that their right to life, liberty and physical and psychological integrity are safeguarded during detention and following release; authorize visits by family members in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), adopted by the General Assembly in its resolution [65/229](#) of 21 December 2010; ensure that women detainees have effective access to legal assistance from the moment of deprivation of liberty and throughout all phases of criminal proceedings and independent judicial review of the lawfulness of their detention;

(e) To ensure conditions, including property restitution, for the voluntary and safe return without fear of reprisals or attacks of women human rights defenders currently in exile and issue, without further delay, official travel documents to those who wish to initiate family reunification procedures;

(f) To create an enabling environment for women's participation in political and public life, withdraw official lists of civil society organizations, discontinue and protect women political activists from stigmatization and defamation and ensure that perpetrators, including State agents, are prosecuted and adequately sentenced;

(g) To repeal any restrictions on the legitimate work of civil society organizations, discontinue proceedings aimed at closing women's civil society organizations and introduce a process for reinstatement of the legal status and restitution of the funds of civil society organizations and the reopening of those organizations, including women's organizations.

#### **Women's rights and gender equality in relation to the coronavirus disease pandemic and recovery efforts**

13. The Committee notes with concern that the State party did not collect disaggregated data on the impact of the coronavirus disease (COVID-19) pandemic on women's rights and gender equality. It also notes with concern that the misinformation to which the public was exposed on the pandemic jeopardized the life and health of many women in the State party, in particular during the major peaks of the pandemic. The Committee is concerned about the lack of information on the integration of a gender perspective in COVID-19 recovery programmes to address the specific needs of women in the State party.

14. **In line with its guidance note on the obligations of States parties to the Convention in the context of the COVID-19 pandemic, issued on 22 April 2020, the Committee recommends that the State party:**

(a) **Collect disaggregated data on the impact of the COVID-19 pandemic on women's rights and use this information as a baseline for designing preparedness and risk reduction strategies during similar crises;**

(b) **Ensure that all COVID-19 recovery efforts, including emergency measures, are aimed at effectively preventing gender-based violence against women and girls, also ensure the equal participation of women and girls in political and public life and decision-making in the context of recovery efforts, economic empowerment and service delivery, and further ensure that such strategies are designed so that women and girls benefit on an equal basis with men and boys from stimulus packages, including financial support for unpaid**

**care roles, that are aimed at mitigating the socioeconomic impact of the pandemic.**

#### **Constitutional and legislative framework**

15. The Committee notes that the Equal Rights and Opportunities Act (No. 648) of 2018 recognizes equality of women and men and provides a framework for promoting equality and non-discrimination in political, economic, social and cultural life. However, the Committee notes with concern:

(a) That recent amendments to the Political Constitution overemphasize Christian religious values in relation to the family and weaken women's protection from exploitation, discrimination and exclusion;

(b) That information is lacking about the application of the Convention in court proceedings and discriminatory provisions in the Civil Code, such as article 245 of the Civil Code, establishing that a mother has a participatory status with respect to the father's authority, which must be deferred to in the context of the interests of her children;

(c) That the State party retains the notion of "equity" in its legislation (CEDAW/C/NIC/7-10, para. 25) and lacks legislation recognizing indirect discrimination on the basis of sex and gender as well as intersecting forms of discrimination.

**16. In line with article 1 of the Convention and general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and recalling its previous concluding observations (CEDAW/C/NIC/CO/6, paras. 8 and 16), the Committee recommends that the State party:**

(a) **Amend the Political Constitution to restore the explicit guarantee of gender equality and the prohibition of discrimination against women;**

(b) **Fully incorporate the Convention into the domestic legal system to ensure that it is applicable in court proceedings and repeal discriminatory provisions in the Civil Code, including article 245;**

(c) **Amend legislation to repeal the concept of equity and replace it with the principle of substantive equality of women and men and recognize indirect discrimination on the basis of sex and gender as well as intersecting forms of discrimination against disadvantaged groups of women, including lesbian, bisexual, transgender and intersex women, on the grounds of age, sex, gender, race, disability and migrant and refugee status.**

#### **Women's access to justice**

17. The Committee notes the establishment of 61 special police units for women and family bureaux (*consejerías familiares*) within the executive branch. However, it notes with concern:

(a) The lack of independence of the judiciary and the Office of the Attorney General and judicial gender bias, which undermine women's access to justice for the purpose of filing complaints of gender-based violence, and that more than 50 per cent of proceedings in cases of gender-based violence, including sexual violence, are discontinued or result in acquittals;

(b) Reports that family bureaux often discourage women from filing complaints in cases of gender-based violence and prioritize mediation to improve marital relationships;

(c) The lack of information about women's access to criminal courts in cases of gender-based violence and family courts and the lack of information about the accessibility of the justice system for women with disabilities;

(d) The introduction of mandatory mediation between victims of gender-based violence and perpetrators under Act No. 779 of 22 July 2012 reforming the Criminal Code, which has heightened women's risk of revictimization;

(e) The lack of information about women's access to free legal aid and public defenders.

**18. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

**(a) Ensure the independence of judges and accountability of prosecutors and police officers in cases of gender-based violence, eliminate judicial gender bias and provide systematic and mandatory capacity-building for judges, prosecutors, the police and other law enforcement officers on women's rights and gender equality to eliminate judicial gender bias and patriarchal attitudes;**

**(b) Raise awareness among women about their rights under the Convention and the remedies available to claim them, targeting in particular women belonging to disadvantaged groups, including Indigenous women and women of African descent, women with disabilities, women without sufficient means, refugee, asylum-seeking and migrant women, and lesbian, bisexual, transgender and intersex women;**

**(c) Ensure that women have effective access to specialized courts in cases of gender-based violence and family courts, provide modern information technologies to ensure and expand access to justice and develop accessible physical environments, information and proceedings for women and girls with disabilities;**

**(d) Amend Act No. 779 of 22 July 2012 to remove the requirement of mediation and give priority to prosecution in cases of gender-based violence against women;**

**(e) Ensure that women without sufficient means have access to free legal aid in criminal, civil and administrative proceedings and increase the number of public defenders.**

#### **National machinery for the advancement of women**

19. The Committee notes that the State party has a Ministry of Women's Affairs, as well as gender units in government departments. However, it notes with concern:

(a) That the budgetary allocations for the national machinery for the advancement of women are insufficient for the fulfilment of its mandate;

(b) The lack of information on coordination between the Ministry of Women's Affairs and the Ministry of Family, Youth and Children's Affairs in relation to gender equality issues;

(c) The lack of information on the adoption of a national gender equality policy and the limited measures taken by the National Council for Equality to promote gender equality and non-discrimination;

(d) The lack of measures to ensure that women living in the autonomous Caribbean regions benefit from public programmes to promote gender equality and non-discrimination;

(e) The lack of consultation of the national machinery for the advancement of women with civil society organizations, in particular women's organizations.

**20. Recalling the guidance provided in the Beijing Declaration and Platform for Action, in particular regarding the conditions necessary for the effective functioning of national machineries, the Committee recommends that the State party:**

(a) **Increase the human, technical and financial resources for the national machinery for the advancement of women, including the Ministry of Women's Affairs and local components, ensuring that the resources correspond to their mandates and activities;**

(b) **Establish a formal coordination mechanism between the Ministry of Women's Affairs and the Ministry of Family, Youth and Children's Affairs, as well as a national mechanism for reporting and follow-up with respect to the Committee's recommendations;**

(c) **Adopt a comprehensive national strategy on gender equality and women's rights and ensure the active participation of women's organizations, including in the autonomous regions and at the municipal level;**

(d) **Designate gender focal points in the Caribbean autonomous regions to ensure the implementation of gender equality policies and address situations of marginalization and historical inequalities faced by women in those areas;**

(e) **Ensure regular consultations of the national machinery for the advancement of women with women's organizations of plural backgrounds, including organizations representing women with disabilities and Indigenous women and women of African descent.**

#### **National human rights institution**

21. The Committee notes with concern that the Office of the Human Rights Advocate, the national human rights institution of the State party, was downgraded to B status by the Global Alliance of National Human Rights Institutions in 2019. It also notes with concern information indicating that the national human rights institution ceased to promote human rights, including women's rights and gender equality, and accountability of State agents in cases of violations of rights, including women's rights.

**22. The Committee recommends that the State party address the recommendations of the Subcommittee on Accreditation and strengthen the national human rights institution to ensure that it has an effective and independent mandate in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), adopted by the General Assembly in its resolution 48/134 of 20 December 1993; follow up on the recommendations on the national human rights institution; and seek the advice and technical support of the Office of the United Nations High Commissioner for Human Rights in this regard.**

#### **Temporary special measures**

23. The Committee notes with concern the limited awareness among the general public and members of the National Assembly, as well as public officials in the State party, about the purpose and non-discriminatory nature of temporary special measures. It also notes with concern the lack of information on specific legislation providing for temporary special measures, in accordance with article 4 (1) of the Convention, to achieve substantive equality of women and men.



24. **Recalling its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party raise awareness about the purpose and non-discriminatory nature of temporary special measures and adopt and enforce legislation on temporary special measures, for example, in decision-making systems at all levels, education and employment, to accelerate substantive equality of women and men in all areas where women are underrepresented or disadvantaged, including Indigenous women and women of African descent, women with disabilities, older women, migrant, asylum-seeking and refugee women, lesbian, bisexual, transgender and intersex women and women living without sufficient means, and regularly monitor and evaluate the effectiveness of such measures.**

#### **Stereotypes and harmful practices**

25. The Committee notes with concern:

(a) Legislation, public policies and practices, including the paradigm of *Marianismo*, in accordance with which women should fulfil qualities of the Virgin Mary, the Catholic religious icon, which reinforce patriarchal attitudes and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society;

(b) The prevalence of gender stereotypes in public discourse and the absence of a national strategy and awareness-raising campaigns to eliminate gender stereotypes.

26. **Recalling its previous recommendations (CEDAW/C/NIC/CO/6, para. 12) and drawing attention to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, as revised, the Committee recommends that the State party:**

(a) **Adopt and implement a comprehensive strategy to eliminate discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society, in cooperation with the media and using social media;**

(b) **Conduct awareness-raising campaigns among public officials, Indigenous and community leaders, teachers, girls and boys about women's rights and gender equality.**

#### **Gender-based violence against women**

27. The Committee acknowledges the amendment of the Criminal Code in 2017, increasing penalties for gender-based violence against women. However, it reiterates its concern about the persistence of gender-based violence against women, including sexual violence, in the State party. It notes with concern:

(a) The non-renewal of the State party's policy on combating violence against women, children and adolescents and its national action plan of 2012 (CEDAW/C/NIC/7-10, para. 19) and the reported closure of the National Commission to Combat Violence;

(b) The reported increase in the number of femicides during the period from 2018 to 2021, with 57 femicides and 220 attempted femicides, and that the Criminal Code restricts the definition of femicide to the murder of a woman in the context of the relationship of a couple;

(c) Information about impunity for gender-based violence, including rape and other forms of sexual violence, against Indigenous women living in the North and

South Caribbean Coast Autonomous Regions, women journalists, women in detention, including for political reasons, women human rights defenders, women whose children or other family members were killed during the crackdown on political protests in 2018 and lesbian, bisexual and transgender women;

(d) Reports of gender-based violence, attacks, physical, psychological and sexual violence, disappearances, internal displacement, and forced eviction from and illegal occupation of their traditional lands to which Indigenous women were subjected in the North Caribbean Coast Autonomous Region;

(e) The lack of information on the number and enforcement of protection orders and victim support services, including shelters, psychosocial counselling and rehabilitation for women survivors of gender-based violence;

(f) The persistence of corporal punishment and its social acceptance as a means of educating children.

**28. Recalling its previous recommendations (CEDAW/C/NIC/CO/6, para. 20) and in line with its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and target 5.2 of the Sustainable Development Goals on the elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, the Committee recommends that the State party:**

(a) **Adopt and implement a national strategy for the prevention of all forms of gender-based violence against women and collect data on the prevalence of gender-based violence against women, disaggregated by age, relationship between victim and perpetrator and other sociodemographic characteristics;**

(b) **Reinstitute the National Commission to Combat Violence and strengthen its mandate to address the root causes of gender-based violence;**

(c) **Ensure that all cases of femicide are investigated and that perpetrators are prosecuted and adequately sentenced and amend the definition of femicide (article 9 of Act No. 779 of 2012 reforming the Criminal Code) to ensure that it includes all cases of gender-based or gender-related killings;**

(d) **Prosecute and adequately sentence perpetrators of gender-based violence against women human rights defenders, women journalists, women in detention, including women detained in the context of the 2018 protests and women whose children or other family members were killed during the crackdown on these protests, and lesbian, bisexual and transgender women, and provide victims with appropriate remedies, including reparations;**

(e) **Ensure the prosecution of cases of attacks, physical, psychological and sexual violence, disappearances, internal displacement and forced evictions and the punishment of perpetrators and provide women victims with expeditious and accessible judicial and non-judicial remedies;**

(f) **Issue, enforce and monitor compliance with protection orders, impose penalties in case of non-compliance and provide support services for victims of gender-based violence, including adequately funded shelters, psychosocial counselling and rehabilitation services, including for women and girls with disabilities;**

(g) **Criminalize corporal punishment, sensitize parents and teachers on non-violent ways to raise children, and establish 24-hour hotlines and confidential mechanisms to enable children to report incidents.**

### **Trafficking and exploitation of prostitution**

29. The Committee notes with concern:

(a) That the State party is a country of origin, transit and destination for trafficking in persons, in particular women and girls, and that the number of refugee and asylum-seeking women from the State party in neighbouring and other countries increased during the COVID-19 pandemic and as a consequence of political instability, lack of rule of law, progressive dismantling and weakening of community and civil society networks and political violence in the State party;

(b) The heightened risk of trafficking of women and girls with disabilities for purposes of sexual and labour exploitation, including child exploitation, in begging rings, artisanal mines, drug production and transport of illegal drugs;

(c) The lack of measures to prevent and protect girls from exploitation in the sex tourism industry and their limited access to victim support services, including psychosocial counselling and rehabilitation programmes;

(d) Reports of forced disappearance of migrant women and adolescent girls, who are at a heightened risk of trafficking;

(e) Information about deportations of victims of trafficking by the State party and the absence of measures to protect them as victims and witnesses of trafficking.

**30. Recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration and its previous recommendations (CEDAW/C/NIC/CO/6, para. 22), the Committee urges the State party:**

**(a) To adopt a national plan of action to address the root causes of trafficking in women and girls;**

**(b) To participate in regional processes, sign bilateral agreements and ensure coordination with destination countries to prevent and exchange information on trafficking in women and girls and ensure international cooperation in prosecuting perpetrators of trafficking in women and girls;**

**(c) To strengthen measures to ensure early identification of women and girls who are victims of trafficking and their referral to appropriate services and adopt and provide capacity-building to the judiciary, the police and immigration and other law enforcement officers on gender-sensitive procedures for interviewing women and girls who are victims of trafficking;**

**(d) To criminalize, prosecute and adequately sentence those exploiting women and girls in the sex tourism industry, as well as clients, and discourage the demand that fosters trafficking in women and girls;**

**(e) To investigate the whereabouts of disappeared migrant women and girls in cooperation with countries of destination for trafficking in women and girls in the context of migration and ensure that those located have adequate access to protection, reparation, including facilitation of voluntary returns, and victim support;**

**(f) To establish a gender-responsive and safe migration framework for addressing the needs of women and girls who are victims of trafficking, prevent forcible returns and provide temporary residence permits and victim support services, including adequate shelters, legal assistance, psychosocial counselling and rehabilitation programmes, to women and girls who are victims of trafficking, irrespective of their ability or willingness to cooperate with the prosecution authorities.**

**Equal participation in political and public life**

31. The Committee notes that more than half of the members of the National Assembly are women. However, it notes with concern:

(a) The lack of information about measures to support women candidates in national and local elections;

(b) The low representation of Indigenous women and women of African descent in local governance, reportedly owing to racism and discriminatory stereotypes;

(c) Hate speech against and stigmatization of lesbian, bisexual and transgender women and their exclusion from participation in political decision-making processes and membership of political parties.

**32. Recalling its general recommendation No. 23 (1997) on women in political and public life, as well as Sustainable Development Goals target 5.5, which is to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life, the Committee recommends that the State party:**

(a) **Provide campaign financing and capacity-building on leadership skills and political campaigning to women candidates of plural political backgrounds and raise awareness among political leaders and the general public that the full, equal, free and democratic participation of women in political and public life on an equal basis with men is an essential condition for sustainable development and the full implementation of the Convention in the State party;**

(b) **Adopt temporary special measures, such as statutory quotas and a gender parity system, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to ensure the equal representation of women, including rural women, women with disabilities, Indigenous women, women of African descent and lesbian, bisexual, transgender and intersex women, in particular at decision-making levels, in the National Assembly, regional and municipal legislative bodies, the Government, the public service and the foreign service;**

(c) **Also adopt mechanisms to prevent hate speech against lesbian, bisexual and transgender women in public discourse, including online, and ensure their equal participation and consideration of their views in public decision-making processes.**

**Nationality**

33. The Committee is concerned about the deprivation of nationality and the ensuing statelessness of women human rights defenders based on Act No. 1145, adopted on 9 February 2023, relating to the loss of Nicaraguan nationality.

**34. Recalling its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:**

(a) **Repeal Act No. 1145 of 2023, which provides for deprivation of nationality of citizens expressing dissenting opinions, and reinstate nationality in all cases where women have been deprived of it on political grounds;**

(b) **Adopt measures, in accordance with article 9 of the Convention on the Reduction of Statelessness (1961), to prevent statelessness and adopt a plan to**

**facilitate the safe return of Nicaraguan-born women who wish to return to the State party.**

### **Education**

35. The Committee notes with concern:

(a) The lack of information about comprehensive science-based sexuality education in the State party;

(b) The high dropout rates among Indigenous women and girls and women and girls of African descent in the North Caribbean Coast Autonomous Region at the primary and secondary levels of education and their limited access to higher education;

(c) The digital gap between rural and urban areas in relation to education programmes, affecting particularly women with disabilities and Indigenous women and women of African descent, and the setback to the educational attainment of girls and women due to the COVID-19 pandemic;

(d) The underrepresentation of women and girls in vocational and higher education in the fields of science, technology, engineering and mathematics;

(e) The prevalence of corporal punishment of girls and other forms of gender-based violence in schools and the absence of independent, confidential and gender-responsive complaint mechanisms;

(f) The absence of disaggregated information and statistics about education that can inform the policymaking of the State party and allow it to identify and address discrimination against women in the sphere of education.

**36. In the light of its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:**

**(a) Amend its legislation to provide for comprehensive science-based and age-appropriate sexuality education at all levels of education, including on responsible sexual behaviour and the prevention of early pregnancies and sexually transmitted diseases;**

**(b) Promote school enrolment, attendance and retention of girls and women, especially at the secondary and higher levels; address the root causes of school dropout among girls, including child marriage, early pregnancy and stereotypes about the roles of women and men in the family and in society; ensure that young mothers can return to school following childbirth, with a view to completing their education; and adopt temporary special measures to ensure retention of Indigenous girls and girls of African descent in education, as well as access of girls and women to grants, scholarships and loans to facilitate their access to higher education;**

**(c) Strengthen programmes to increase access to digital technology in rural areas that is inclusive of women and girls with disabilities, address the lack of accessibility of school premises and other infrastructure and ensure that COVID-19 pandemic recovery efforts include measures to facilitate the reinsertion of girls and women in education following the pandemic;**

**(d) Adopt targeted measures to encourage girls and women to enrol in non-traditional fields of study, such as science, technology, engineering and mathematics, including through orientation programmes and career counselling;**

**(e) Prohibit corporal punishment and provide safe and inclusive educational environments free from discrimination, harassment and gender-**

based violence against girls and women, including through safe transportation to and from schools, and set up independent, confidential and gender-responsive complaint mechanisms in educational institutions;

(f) Establish a comprehensive system for collecting data on discrimination against women and girls in education, disaggregated by age, sex, location, nationality, ethnicity, disability, socioeconomic situation, and migrant, refugee and asylum-seeking status, and use the information to inform decision-making, policy formulation and periodic reports to the Committee on barriers to access for girls and women to education. The State party should focus attention on gathering information about the numbers of female and male students enrolled and those numbers as a proportion of the overall school-age population at each level of education; the retention, dropout, attendance and repetition rates among female and male students; the average years of schooling for female and male students; the rates of successful transition between school levels, including for early childhood to primary, primary to secondary and secondary to tertiary or vocational; and the number of male and female teachers as an indication of the level of parity among teachers.

### **Employment**

37. The Committee notes with concern:

(a) The disproportionate burden of unpaid care work borne by women and their concentration in the informal economy and self-employed work;

(b) The persisting gender pay gap and lack of information on labour inspections;

(c) The requirement for women applicants to produce a negative pregnancy test result to access employment;

(d) Reports of cases of gender-based violence, including psychological violence perpetrated by employers and sexual harassment, against many women working in the textile industry;

(e) The absence of information on programmes to promote professional reinsertion and employment of women following the COVID-19 pandemic and natural disasters, including economic resuscitation, economic stimulus packages and low-interest loans.

38. **In line with Sustainable Development Goals target 8.5, which is to achieve full and productive employment and decent work for all women and men, including for young people and person with disabilities, and equal pay for work of equal value, and recalling its previous recommendations (CEDAW/C/NIC/CO/6, para. 24), the Committee recommends that the State party:**

(a) **Recognize the value of unpaid care and domestic work, taking into account the contribution of such work to the economy, design a comprehensive national care policy, promote equal sharing of family and domestic responsibilities between women and men, increase the availability of affordable childcare facilities and introduce flexible working arrangements for women and men;**

(b) **Adopt targeted measures to promote access for women to formal employment, including management positions and higher-paid jobs in traditionally male-dominated professions and extend social protection schemes to women employed in the informal economy;**

(c) Effectively enforce the principle of equal pay for work of equal value in order to narrow and eventually close the gender pay gap by: (i) conducting regular labour inspections; (ii) applying gender-neutral analytical job classification and evaluation methods; (iii) conducting regular pay surveys; and (iv) encouraging employers to publish a narrative with their gender pay gap data, with a view to better understanding the reasons behind the gender wage gap, and to take appropriate remedial measures;

(d) Adopt measures to protect women from discrimination in recruitment, including by prohibiting the requirement of a negative pregnancy test to access employment, and put in place independent and effective complaint mechanisms;

(e) Reinforce labour inspections to identify discrimination against women in the workplace, investigate and adequately punish cases of violence, including psychological violence perpetrated by employers and sexual harassment in the workplace, and consider ratifying the Violence and Harassment Convention, 2019 (No. 190), of ILO;

(f) Adopt targeted measures to promote professional reinsertion and formal employment of women following the COVID-19 pandemic, including with respect to Indigenous women and women of African descent, women with disabilities and lesbian, bisexual, transgender and intersex women.

## Health

39. The Committee notes with concern:

(a) The lack of sufficient coverage of health services and medicine shortages, which exert an impact especially on women in the Caribbean autonomous regions and women with disabilities, as well as the prevalence of malaria and dengue fever and HIV/AIDS in the State party;

(b) The maternal mortality rates among women without sufficient means, rural women and Indigenous women and women of African descent and deficiencies in the identification and reporting of cases of maternal deaths;

(c) The criminalization of abortion, including therapeutic abortion, forcing women and girls to seek unsafe abortion;

(d) The high number of early pregnancies, including cases of pregnant girls under 15 years of age;

(e) The limited access to sexual and reproductive health services for women due to the closure of non-governmental organizations that provided such services at the community level.

40. In the context of its general recommendation No. 24 (1999) on women and health and its statement on sexual and reproductive health and rights, adopted at its fifty-seventh session in 2014, the Committee recalls that unsafe abortion is a leading cause of maternal morbidity and mortality. The Committee reiterates its previous recommendations (CEDAW/C/NIC/CO/6, para. 18) and recommends that the State party:

(a) Increase budgetary allocations to ensure women's access to affordable health-care services and medicines, in particular for Indigenous women and girls, rural women and women with disabilities;

(b) Intensify efforts to reduce the maternal mortality ratio, including by improving access to prenatal and postnatal care and emergency obstetric services provided by skilled birth attendants throughout the territory of the State party;

(c) **Legalize abortion at least in cases of rape, incest, risk to the life of the pregnant woman and severe fetal impairment, decriminalize abortion in all other cases and ensure that women and girls have access to safe and confidential abortion and post-abortion services, without stigmatization;**

(d) **Conduct awareness-raising and education campaigns on sexual and reproductive health and rights to prevent early pregnancies, expand the coverage of affordable and, if necessary, free family planning services for women and adolescent girls and ensure that all women and adolescent girls have access to testing and treatment for HIV and sexually transmitted infections, as well as safe abortion and post-abortion services;**

(e) **Lift the ban on civil society organizations, including those providing sexual and reproductive health services, facilitate their reopening, restore their property and funds and remove any restrictions on their legitimate work, including in relation to sexual and reproductive health and rights.**

### **Economic empowerment**

41. The Committee remains concerned about:

(a) The focus of public policies focus on family welfare and assistance without clear guidelines to empower women to participate in the State party's economic model;

(b) Women's limited access to loans and other forms of financial credit in the State party;

(c) The lack of information about measures taken by the State party to promote women's enterprises and entrepreneurship initiatives;

(d) The lack of information about the coverage of Indigenous women and women of African descent under the programmes to improve nutrition and productivity in the coastal Caribbean regions.

42. **The Committee recommends that the State party:**

(a) **Address barriers to women's economic empowerment and ensure their meaningful participation and consultation in the design, implementation and monitoring of national development plans and financial policies;**

(b) **Ensure that women have equal access to low-interest loans and other forms of financial credit, without collateral, irrespective of race, ethnicity, disability, economic situation and refugee, asylum-seeking or migrant status;**

(c) **Promote women's entrepreneurship and provide capacity-building for women entrepreneurs, including on taxation and management of financial assets;**

(d) **Adopt and implement programmes to support the participation of Indigenous women and women of African descent in the Caribbean autonomous regions in agricultural production, fishing and forestry (CEDAW/C/NIC/7-10, para. 139) and ensure the sustainability of such programmes.**

### **Rural women, climate change and disaster risk reduction**

43. The Committee notes with concern:

(a) The adverse effects of State concessions for the exploitation of natural resources, including mining and logging and deforestation, on the livelihoods of and climate risk faced by rural women and girls, women and girls of African descent and Indigenous women and girls;



(b) Reports on criminalization and draconic reprisals and threats against women environmental activists, including women and girls of African descent and Indigenous women and girls;

(c) The high rate of deforestation of the Bosawas biosphere reserve, the second largest in the world, and the climate risk implications, as a result of State concessions to individuals and large corporations, illegal settlements in forested areas, indiscriminate logging, mining and invasive cattle ranching and extraction of natural resources without the free, prior and informed consent of the women and peoples of these regions;

(d) The lack of a gender perspective in the climate change and disaster risk reduction strategies of the State party;

(e) The lack of collaboration and consultation with Indigenous women and girls and women and girls of African descent to address the risks of destruction of the Bosawas biosphere reserve;

(f) The vulnerability of women and girls to extreme natural disasters and the lack of preparedness and coordinated interventions in rural communities to support internally displaced women in the context of Hurricanes Eta and Iota.

**44. In line with its general recommendations No. 34 (2016) on the rights of rural women and No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:**

**(a) Regulate the activities of extractive and logging industries and ensure that large-scale and other projects for the exploitation of natural resources are subject to environmental impact assessments, benefit-sharing agreements and the free, prior and informed consent of the affected local populations, including rural and Indigenous women;**

**(b) Ensure that women whose health and rights are affected by extractive industry projects have access to justice, adequate compensation and health care;**

**(c) Urgently introduce policies to rehabilitate and prevent further destruction of the Bosawas biosphere reserve in consultation with Indigenous women and women of African descent;**

**(d) Adopt and implement, as expeditiously as possible, policies and plans relating to disaster risk reduction and climate change that explicitly include a gender perspective and take into account the particular needs of women, in particular rural women, women of African descent and Indigenous women; adhere to the Paris Agreement on climate change of 12 December 2015; and involve women in the formulation and implementation of policies and action plans on climate change and disaster response and risk reduction;**

**(e) Establish a permanent regional round table with rural women, women of African descent and Indigenous women that provides for dialogue, information, collaboration and consultation concerning ways and measures to protect the Bosawas biosphere reserve. Collaboration mechanisms should be formal, periodic and take into consideration appropriate measures to facilitate free expression of women's views;**

**(f) Address women's internal displacement and migration in the context of climate change and provide adequate support to women and girls during displacement and migration, including gender-responsive social protection schemes psychosocial counselling, sexual and reproductive health services,**

**education, professional training, employment and housing, and train them on disaster risk mitigation and climate change adaptation strategies.**

**Indigenous women and women of African descent**

45. The Committee notes with concern:

(a) That Indigenous women and women of African descent face intersecting forms of discrimination and have limited access to education, employment, economic opportunities, health care and decision-making processes in the State party;

(b) The high risk of gender-based violence, including killings, sexual violence and forced evictions of Indigenous women, in particular the Wilu Indigenous women in the Bosawas reserve and the Mayangna Sauni Indigenous territory;

(c) The lack of information on any progress made by the State party in land demarcation and issuance of land titles to Indigenous peoples and the impact of non-recognition of Indigenous lands on the livelihoods of Indigenous women.

**46. Recalling its general recommendation No. 39 (2022) on the rights of Indigenous women and girls, the Committee recommends that the State party:**

(a) **Develop comprehensive anti-discrimination legislation and policies aimed at addressing intersecting forms of discrimination against Indigenous women and girls and women and girls of African descent and adopt targeted measures, including temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to promote their access to decision-making, education, employment, economic opportunities and health care, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007;**

(b) **Ensure adequate protection of Indigenous women and girls, such as the Wilu Indigenous women in the Bosawas reserve and the Mayangna Sauni Indigenous territory, from gender-based violence, including killings, sexual violence and forced evictions from their lands; investigate, prosecute and adequately punish such acts; and provide effective remedies and reparations to victims;**

(c) **Apply Act No. 717, adopted in 2010, creating the Fund for the Purchase of Land with Gender Equity for Rural Women in Nicaragua and ensure that Indigenous women have access to land titles and collective ownership and control of land, water, forests, fisheries, aquaculture and other resources that they have owned, occupied or otherwise used or acquired.**

**Women in detention**

47. The Committee is concerned about gender-based violence, solitary confinement and poor conditions of detention for women, including more than 350 women political prisoners, in the State party. Those conditions include overcrowding, inappropriate prison infrastructures for women and their children and limited access to clean drinking water and adequate health-care and hygiene products. The Committee notes with concern reports of degrading treatment of lesbian, bisexual and transgender women in detention and that transgender women are often held in detention facilities for men.

**48. The Committee urges the State party:**

(a) **To protect women in detention, including women political prisoners, and investigate and adequately punish all acts of gender-based violence, provide**

reparations to victims, discontinue the excessive use of solitary confinement and set up independent and confidential complaint procedures that are easily accessible for women in detention;

(b) To improve the conditions in women's detention facilities, in line with the Bangkok Rules and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), adopted by the General Assembly in its resolution 70/175 of 17 December 2015 and contained in the annex thereto; address overcrowding in detention facilities where women are deprived of liberty, including by reducing the excessive use of pretrial detention and designing and implementing alternatives to detention, in particular in cases of offences against public order and political, minor or administrative offences; and train judges on the need to take into account women's specific situations and the impact of their detention on their children and family members;

(c) To adopt protocols to protect the rights of lesbian, bisexual and transgender women within the prison system.

#### **Internally displaced, refugee, asylum-seeking and migrant women and girls**

49. The Committee notes with concern:

(a) The deteriorating living conditions of internally displaced women and girls in the Suji and Pransa border communities and the impact of those conditions on their physical and mental health;

(b) The absence of gender-sensitive refugee determination, asylum and migration procedures, administrative detention and forcible returns in the context of irregular migration and lack of due process;

(c) Gender-based violence, discrimination and xenophobia faced by Nicaraguan migrant women in third countries.

50. In line with its general recommendations No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:

(a) Address the causes of internal displacement and address the living conditions of internally displaced women and girls, including by providing them with humanitarian assistance, financial support, free and immediate access to health care, including sexual and reproductive health services, and a safe environment;

(b) Adopt and implement independent and gender-responsive refugee determination, asylum and migration procedures, including regularization of undocumented migrant women and girls; ensure judicial review of administrative decisions on refugee determination and asylum claims; and grant temporary and/or permanent residence permits to women in need of international protection;

(c) Cooperate with third States to address xenophobia and discrimination against Nicaraguan migrants and provide access to documents and procedures to facilitate voluntary returns.

#### **Women and girls with disabilities**

51. The Committee notes with concern:

(a) The lack of information about legislation, policies and programmes to promote inclusion of women and girls with disabilities in the State party and eliminate physical and other barriers that prevent them from accessing education, employment,

health care and social protection, including in places of detention and rural communities, communities of people of African descent and Indigenous communities;

(b) Intersecting forms of discrimination against women with psychosocial disabilities, including stigmatization, deprivation of legal capacity and institutionalization in psychiatric hospitals without their free and informed consent.

**52. Recalling its general recommendation on No. 18 (1991) on disabled women, the Committee recommends that the State party, with the participation of women and girls with disabilities through their representative organizations:**

(a) **Ensure that legislation and policies address the situation of women and girls with disabilities and that they have access to inclusive education, employment, health care and social protection, including in places of detention and rural communities, communities of people of African descent and Indigenous communities;**

(b) **Ensure that women with psychological disabilities are not confined to psychiatric institutions and that no medical interventions are performed on them without their free, prior and informed consent.**

#### **Lesbian, bisexual, transgender and intersex women**

53. The Committee notes with concern:

(a) The lack of legal recognition of lesbian and transgender women, which poses barriers to their access to justice and the proper investigation of gender-based crimes against them;

(b) The high risk of HIV/AIDS among lesbian, bisexual and transgender women and their limited access to gender-sensitive education on sexual and reproductive health to prevent sexually transmissible diseases;

(c) Legislation that allows for the cancellation of the legal status and confiscation of the assets of organizations of lesbian, bisexual, transgender and intersex women that are considered to oppose the Government.

**54. The Committee recommends that the State party:**

(a) **Eliminate discrimination against lesbian, bisexual, transgender and intersex women, adopt legislation recognizing lesbian and transgender women and investigate and prosecute cases of gender-based violence against them and impose adequate punishment in such cases;**

(b) **Ensure that lesbian, bisexual and transgender women have effective access to HIV detection, treatment and prevention, including gender-sensitive education on sexual and reproductive health, specialized health services and psychosocial support;**

(c) **Reinstate the legal status and ensure the restitution of assets of civil society organizations working for the recognition of the rights of lesbian, bisexual, transgender and intersex women.**

#### **Marriage and family relations**

55. The Committee notes with concern:

(a) Existing exceptions to the minimum age for marriage under the Family Code (Act No. 870), adopted on 24 June 2014, subject to parental consent;

(b) The lack of legal recognition under the Family Code of marriage and de facto unions of lesbian, bisexual and transgender women;

(c) The deletion of personal information of women convicted of treason from the Civil Registry, hampering their right to enter into marriage and their inheritance rights.

**56. The Committee recommends that the State party:**

(a) Enforce the legal minimum age of marriage of 18 years for both women and men, amend article 54 of the Family Code and remove any exceptions, including when authorized by a judicial authority, and strengthen awareness-raising on the harmful effects of child marriage and/or forced unions on the health and development of girls;

(b) Amend articles 53 and 83 of the Family Code, in which family, marriage and de facto unions are defined, to broaden recognition of diverse forms of families and unions of lesbian, bisexual, transgender and intersex women;

(c) Reinstate the personal information of all convicted women in the Civil Registry to enable them to enter into marriage and ensure their inheritance rights and provide them with access to habeas data protection.

#### **Optional Protocol to the Convention and amendment to article 20 (1) of the Convention**

**57. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

#### **Beijing Declaration and Platform for Action**

**58. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.**

#### **Dissemination**

**59. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, departmental and municipal), in particular to the Government, the National Assembly and the judiciary, to enable their full implementation.**

#### **Technical assistance**

**60. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

#### **Follow-up to concluding observations**

**61. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12 (b), (d) and (e) and 40 (d) above.**

#### **Preparation of the next report**

**62. The Committee will establish and communicate the due date of the eleventh periodic report of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list**

of issues and questions prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.

63. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

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