



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighth session

SUMMARY RECORD OF THE 137th MEETING

Held at the Vienna International Centre, Vienna,
on Thursday, 23 February 1989, at 9 30 a m

Chairperson Ms EVATT

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The meeting was called to order at 9 45 a m

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE
CONVENTION (continued)

Initial report of Nicaragua (CEDAW/C/5/Add 55)

1 At the invitation of the Chairperson, Ms Vargas (Nicaragua) took a place at the Committee table

2 Ms VARGAS (Nicaragua) said that the report before the Committee had subsequently been updated, but that the updated version had unfortunately not arrived. The document before the Committee should therefore be regarded as out of date.

3 She expressed her gratitude and that of her Government for the Committee's support in enabling her to be present. The assistance provided was of great significance for a small, distant and impoverished country such as her own.

4 The position of women in Nicaragua must be viewed in the context of the history of the whole people and their struggle for a better life and for recognition of the most basic rights. Colonial rule had lasted until 1921 and the country had been economically dependent on the United States of America until 1979. Within the overall context of exploitation and oppression, women had suffered under additional oppression as a result of their subordinate position within society as a whole. Working-class women had suffered both class and sex discrimination. They had been confined to keeping house and caring for children, their opportunities for cultural and social improvement had been limited, they had been denied access to particular jobs and their personal and professional development had been restricted. They had been second-class citizens. The cultural backwardness of women relative to men, the large numbers in low-status jobs, their poor representation in political and social activities and their rarity at managerial level had been only the visible signs of the social discrimination under which they laboured. Women had suffered additionally from physical and moral maltreatment, which society had failed to condemn while failing also to punish those responsible. It had been viewed as merely natural.

5 Against the background of dictatorship, women had organized to try to transform society's economic, political and social structures and thus set out on the long road to emancipation. Women had taken part in the struggle to liberate Nicaragua. They had also made demands for women in particular: the suppression of the commercialization of women's bodies and of prostitution, equal pay for equal work and equality for women and men in regard to civil rights.

6 With the triumph of the Revolution in 19 July 1979, new horizons had opened up for women, but women had also learnt that emancipation would not be handed to them on a plate. It would be earned through their effective participation in all areas of the economy, politics and society and in socio-economic and ideological development. The Revolution's greatest gift to women had been an understanding of the importance of participating in order to win emancipation.

7 Nicaragua's female population was approximately 51 per cent of the total. Nicaragua's population was very young. 50 per cent of women were under 15, two-thirds were under 35 and 42 per cent were between 15 and 45 years old.

(Ms Vargas)

Nicaragua thus had very many women of child-bearing age, and its estimated annual rate of population increase between 1980 and 1990 was 3.34 per cent, one of the highest rates in Latin America

8 The population of the country was multi-ethnic, and the various ethnic groups had remained distinct throughout the vicissitudes of history, they now benefited from administrative autonomy and the right to use their own distinct languages for official purposes rather than Spanish, the official language of the country

9 Nicaragua was a participatory and representative democratic republic (article 7 of the Constitution) and an independent, free, sovereign, unitary and indivisible State. The Government was led by a President and a Vice-President, elected every six years by universal suffrage in an equal, direct, free and secret ballot. The legislative branch of Government consisted of the National Assembly, which comprised 96 members representing seven political parties with a wide range of views. Members of the National Assembly were also elected every six years by universal suffrage in an equal, direct, free and secret ballot under a system of proportional representation. The members elected a President, three Vice-Presidents and three Secretaries. In the country as a whole there were 15 political parties. The judiciary was composed of courts of justice in a unified system with the Supreme Court of Justice at its head. Judges were independent in their judicial activities and owed allegiance only to the Constitution and the laws. The Supreme Electoral Council, controlling electoral organizations at all levels in the nation, comprised five magistrates and deputies, elected by the National Assembly for terms of six years.

10 It was impossible to talk of the situation in Nicaragua without mentioning the eight years of war waged against the country by the Reagan administration. Nicaraguans viewed that war as the main, though not the sole, cause of the economic, political and social conditions of life in the country.

11 Before the Revolution, the country had been effectively pillaged by one of the cruellest dictatorships in the western hemisphere. The Revolution had found the country economically, socially and technologically underdeveloped, with very low levels of literacy, education, training and production.

12 With the accession of the Reagan administration in the United States in 1981, the country had begun to suffer economic aggression in several forms, and finance had been supplied to the mercenary forces destroying the co-operatives, schools, health centres, production units, etc., which had been built up with such great effort. Apart from that damage, Nicaragua, an underdeveloped, third world country, had to labour under the unjust trading system imposed on it by the developed world. It had to sell its agricultural produce at low prices and pay high prices for the machinery it needed. In the absence of financial assistance, its foreign debt had grown and its economy was affected by the world-wide and regional economic crises.

13 The war of aggression against the country had cost a total of 57,357 dead, wounded and mutilated and more than \$12,300 million in direct damage. The indirect damage was incalculable. Nicaragua had gone to the International Court of Justice, which had found against the United States, but the Government of the United States had so far refused to comply with the Court's judgement.

(Ms Vargas)

14 Against a background of economic crisis, women formed 42 per cent of the working population, 63 per cent of those working in the commercial sector, 51 per cent of those working in service industries and 37 per cent of those working in manufacturing. Of the working population in the informal sector, 65 per cent were women. Women formed 35 per cent of the agricultural labour force.

15 There were now hopes for peace in Central America, and Nicaragua hoped that the new administration in the United States would respect the decisions taken by the Central American Presidents and support the Peace Plan. The Nicaraguan people yearned for peace and it was their right that the war should cease, so that the country's economic, political and social development could proceed, the rights and guarantees set forth in the Constitution could take effect and women could achieve full emancipation without delay.

16 In respect of article 1 of the Convention on the Elimination of All Forms of Discrimination against Women, she said that the Nicaraguan Constitution of 9 January 1987 contained several provisions forbidding discrimination against women. Care had been taken to avoid the use of the word "man" ("hombre") where "person" or "human being" was meant. It was important to use non-sexist language in such a basic document as the Constitution.

17 Article 48 of the Constitution spoke of absolute and unconditional equality between men and women. In 20 years' time, it might not be necessary to remind people that equality was absolute, but it was indeed necessary to do so now. Article 48 spoke also of the State's obligation to remove de facto impediments to equality. Article 73 stated that in family relationships, there should be equality, once again absolute, of rights and responsibilities between men and women. Article 82 of the Constitution stipulated that there should be equal pay for equal work.

18 Concerning article 2 of the Convention, all forms of discrimination were condemned in so far as the Constitution provided for absolute equality. The constitutionality of any discriminatory law could be challenged in the Supreme Court, and there was the possibility of the recourse of amparo against acts violating constitutional rights. Problems, however, existed in practice, and much remained to be done to raise women's level of consciousness of their rights and their ability to fight for them. The Government had taken action by setting up the Nicaraguan Institute of Women to monitor government policy to ensure it was not discriminatory, and the Office of Family Guidance and Protection under the Ministry of Social Security and Welfare, whose main function was to ensure that parents fulfilled all their responsibilities towards their children.

19 The Nicaraguan Women's Movement had set up "women's houses" in three of the regions of the country. Those houses offered gynaecological, health, legal and psychological assistance, with society in a state of transition, women had to learn to relax and express themselves and to cope with the demands of husbands and children who wanted them to go back to being the kinds of wives and mothers they had once been but could no longer be. Much remained to be done to ensure that the rights guaranteed women under the Constitution were reflected in practice, and the Women's Movement, which included agricultural and industrial workers, graduates, professional women, young women and health workers, was an important instrument for change. A further problem was that the Civil, Penal and Labour Codes were old, and contained discriminatory standards, out of line with the Constitution. Although

(Ms Vargas)

the Constitution was supposed to take precedence, judges might tend to apply the discriminatory norms and women very seldom, and only in those regions of the country with "women's houses", went to law to challenge the ratings of such judges. It was a matter of urgency that the Codes should be brought in line with the Constitution. There had been recent reforms in the areas of sexual assault, abduction and rape and two draft laws on the ill-treatment of women and de facto unions had been introduced. The Institute of Women was participating in drafting a new Labour Code, as was the Women's Movement.

20 In respect of article 3 of the Convention, article 4 of the Constitution said that the State was the principal instrument of the people for eliminating all forms of subjection and exploitation of the human being, promoting the material and spiritual progress of the whole nation and ensuring that the interests of the majority prevailed. Article 80 of the Constitution stipulated that the State should ensure full employment for all Nicaraguans, i.e., both men and women. Article 98 said that the function of the State and the economy was to improve living conditions and to effect an ever more equitable distribution of wealth. Article 101 of the Constitution concerned participation by workers in developing, implementing and monitoring economic planning.

21 With regard to social aspects, article 58 of the Constitution accorded the right to education and culture, while article 116 said that education had as its objective the full and complete development of each Nicaraguan and providing each Nicaraguan with a critical, scientific and humanistic awareness. Article 126 said that it was the State's duty to promote national culture, while article 127 said that cultural and artistic creation were free and open to all. In article 58 of the Constitution, Nicaraguans were accorded equal access to health. Nicaragua had a unified health care system open to all, whereas under the dictatorship health care had been available only to those who could pay for it or who could pay for insurance. Article 68 accorded the right to live in a wholesome environment. The preservation and conservation of the environment and natural resources was the duty of the State.

22 In connection with article 4, on temporary special measures, technical training programmes for women had been organized in Nicaragua to improve their technical competence and promote their entry into non-traditional jobs. The Nicaraguan Energy Institute, for instance, had developed a broad programme for training women as electrical plant operators - traditionally a male province - and the Ministry for Industry was increasing women's participation in technical courses. The Nicaraguan Institute of Women had arranged for the inclusion of a course on women and society in the sociology curriculum at the Central American University. A programme to provide financial assistance and administrative training for rural women had been organized by the Institute of Women in co-operation with local authorities, to equip such women for productive, income-generating agricultural activities. Child development centres had been established to support women industrial and agricultural workers, but it was also essential to promote sharing of work in the home. In that context, booklets had been published and a national seminar and a Latin American Congress had been held in 1988 on women and legislation, to analyse progress and limitations in the legal position of women.

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23 Article 5 of the Convention, which referred to modifying the social and cultural patterns and eliminating stereotypes, was extremely important for Nicaragua because of the difference between what was stated in its Constitution and what happened in practice. Although significant progress had been made on the legal side, discrimination still existed, in violation of women's rights. Certain cultural patterns and values persisted which hampered the implementation of many laws and constitutional provisions. For example, the idea still existed that women could not do certain jobs because they were "men's jobs". The 1945 Labour Code, which was still in force, reinforced the idea that women were the weaker sex, and that women could not take decisions, which made it difficult for them to achieve senior posts. Women were also regarded as secondary workers, supplementing the family income, although 40 per cent of women in cities and 38 per cent in rural areas were heads of families, and in spite of the proportion of women in the working population.

24 A change in ideas was needed. If a Nicaraguan - especially a revolutionary - were asked if he agreed with equality for women, he would say "of course". But that was part of the revolutionary credo. In their heart of hearts, Nicaraguans - even women - perpetuated the patriarchal idea that women were subordinate to men. In that context, the role of the media should not be underestimated. The media could be the key tool in changing male chauvinist attitudes. There were laws in Nicaragua that helped women in their struggle, such as the 1979 Law on the Communication Media, article 3 (a) of which banned the use of women as sexual or commercial objects. Other means of informal education were meetings, seminars, congresses and so forth. In Nicaragua the role of women was discussed in the trade unions and in co-operatives because men - especially in the agricultural co-operatives - did not want women to be full members, although they did the same work. Men paid lip service to equality, but resisted it.

25 At the formal education level, the Ministry of Education, in co-operation with the Nicaraguan Institute of Women and some grass roots organizations, had started a process of amending the curriculum. The textbooks used for adult education had been revised, as an extension of the literacy campaign, in order to eliminate male and female stereotypes and sexist messages. Research was being carried out on the social, economic and employment situation of women and the findings were being published by the Institute of Women. A sex education programme was being produced on television, with information on sex, respect, solidarity and responsibility, to convey the message that women should be able to exercise their rights freely in respect of maternity and motherhood. The programme was highly controversial, since many people felt that the Revolution had given rise to an uninhibited sexual revolution. The majority of men took little part in such efforts, and were not much involved in household chores and care of children. Some refused to do any housework or to take any responsibility for bringing up children. More effort was needed to change ideas, because women were in the labour market as well as having to do all the household work and some had a third, political, job, because it was essential to continue the struggle for women's rights.

26 With regard to article 6 of the Convention, article 40 of the Nicaraguan Constitution prohibited slavery and slavery-like practices. Programmes had been organized by various institutions to eradicate prostitution and to provide technical training for prostitutes to give them an alternative means of earning a living through dignified work. In October 1988, however, the results of certain studies had been published, indicating that prostitution was on the increase as a result of the country's acute economic crisis. It was essential for women's organizations and the Government to tackle that problem.

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(Ms Vargas)

27 With regard to article 7 of the Convention, the Nicaraguan Constitution gave, men and women the following rights to vote, to be elected and to hold public office, to participate on an equal footing in public affairs and the administration of the State, to submit petitions, report anomalies and make constructive criticism, to organize and join political parties in order to take part in the exercise of power, and to set up civil organizations and participate in the building of a new society. It had to be admitted, however, that women's participation showed a pyramid-type structure, ranging from 3 per cent at executive level to 51 per cent at service level - the base of the pyramid.

28 In connection with article 8 of the Convention, although there were no legislative impediments to women's participation at the international level, the fact was that there were only three women ambassadors. However, women were also able to participate in the work of international organizations such as the United Nations, GATT, ILO, WHO, the Pan-American Health Organization and the Interparliamentary Union. In 1988 Nicaragua, Canada and the Federal Republic of Germany had jointly sponsored a successful proposal that one of the 12 members of the Executive Council of the Interparliamentary Union should always be a woman. Nicaragua had also been represented in the Latin American Parliament, the head of its delegation being the Vice-Chairman of the National Assembly - a woman. Women's participation was still not what it should be, however. It was hoped shortly to provide more data on women's participation in international affairs.

29 Regarding article 9 of the Convention, the most important point was that, under article 20 of the Nicaraguan Constitution, no Nicaraguan national could be deprived of his or her nationality unless he or she voluntarily adopted another nationality, nor could a Nicaraguan be deprived of nationality where he or she acquired the nationality of another Central American country or where a dual nationality agreement existed, as between Nicaragua and Spain. Neither women nor men were obliged to change nationality when marrying a foreigner, so that a change of nationality by either spouse during marriage would not automatically change the nationality of the other spouse.

30 Regarding citizenship, Nicaraguans acquired citizenship at the early age of 16. There was no distinction between men and women in respect of citizenship.

31 Article 10 of the Convention concerned one of the areas where women did best in Nicaragua - at least in theory. Article 121 of the Constitution provided for equal access to education for all Nicaraguans, and studies had shown that such equal access existed in practice. In 1987, women students had constituted 54 per cent at university level, 52 per cent at primary level, 63 per cent at the basic cycle and 67 per cent in technical training. In adult education - a continuation of the literacy campaign - women represented about 48 per cent. Those high percentages had not been entirely the result of women's efforts, but were partly due to the war. It was to be hoped that the high percentages would be maintained when peace came.

32 Sex differences did exist in the choice of a job or career. For example, men tended to opt for the technical areas. Women made up 64 per cent of pupils at teacher training schools and 75 per cent of teachers, but only 29 per cent of industrial students. Those patterns were only beginning to change. Although over half the university students were women, the percentage varied according to subject: there were more women in psychology, dentistry and the humanities and

(Ms Vargas)

more men in geology and other career areas. Parents had to push women very early into choosing a career if they were to go beyond the traditional feminine occupations of secretary, teacher, nurse, etc. There was still a low proportion of women in leading posts in secondary education and at university level. The Institute of Women was currently organizing a research programme on curricula for teacher-training programmes and the contents of primary education with a view to submitting proposals for non-sexist curricula which would help to eliminate the stereotype of women as subordinate.

33 Sex education was included in the primary and secondary school curricula, and those curricula would now be strengthened with the establishment of a national sex education commission responsible for drawing up national sex education policy.

34 Nicaraguan women were working on a programme called "Professional Women for Science and Peace", designed to improve training through the organization of three month exchange visits with other countries.

35 In connection with article 11 of the Convention, article 80 of the Constitution established work as a right and a social responsibility. There was no legal discrimination between men and women, although the law providing for equal pay for equal work was not fully implemented in practice. It depended on the integration of women in the labour force, which faced obstacles arising from the hierarchic structure of the labour force under which women's access to certain occupations was restricted. Women were unable to exercise their right to equal work in the same way as men. Consequently, although they had the education and training, they found themselves occupying the lower-level "feminine" jobs, at lower wages than those for "masculine" jobs.

36 Women enjoyed special protection during pregnancy, and article 74 of the new Constitution represented an improvement for women. Legally, women enjoyed paid maternity leave and the right not to be dismissed from jobs on the grounds of pregnancy, but in practice employers were still reluctant to employ pregnant women. Women were fighting for the recognition of maternity as a social function.

37 Concerning article 12 of the Convention, Nicaragua had a special women's hospital, special vaccination days and maternal and child-care programmes. Abortion was permitted only for therapeutic reasons and had to be authorized by a doctor, with the consent of the husband. Clandestine abortions were the third most important cause of maternal mortality and women were fighting for the legalization of abortion.

38 Regarding article 13, women could administer their own property, engage in business, etc., without their husband's permission, but there was still inequality in sporting and cultural life. It was mostly men who engaged in sports, but there were many women engaged in cultural life - women painters, writers and poets - who could use their talents to give expression to women's fight against subordination.

39 Regarding article 14, the Agrarian Reform Law had made important changes. It was the first such law in Latin America that recognized women as subjects and beneficiaries of agrarian policy, independently of their role in the family - whether as wife, daughter or head of the family. It also allowed women to have title to property. Women's role in agriculture was important, 44 per cent of co-operatives now had women members and the proportion of women in paid

(Ms Vargas)

agricultural work had increased, although their representation in jobs involving machinery or in technical work was still low. Rural women could now receive maternity grants. However, women in rural areas still had many children, sometimes as many as ten. Women in the country had to work two days for the price of one because as well as running a house they had to do paid work in the co-operatives.

40 With respect to article 15 of the Convention, equality before the law was laid down in article 1 of the Constitution, and article 25 recognized that all persons, men and women, enjoyed legal personality and legal capacity, being free to enter into contracts, administer, dispose of and acquire property and so forth. However, women often tended to leave business matters in the hands of their husbands. Private contracts were based on freedom of consent, but collective agreements had to be in conformity with the Constitution or the law.

41 Regarding freedom of movement, article 31 of the Constitution guaranteed to all Nicaraguans the right to move about and to establish their residence wherever they wished in the national territory and to enter and leave the country freely, but women still tended to accompany their husbands whenever they moved domicile, rather than the reverse.

42 Regarding article 16 of the Convention, the Constitution recognized the family as the fundamental nucleus of society. Marriage was protected by the State, resting on a voluntary agreement between a man and a woman, and could be dissolved by mutual consent or at the wish of either party. Such a provision existed only in the Federal Republic of Germany in Europe, and elsewhere in Latin America only in Uruguay. Equal rights and responsibilities between men and women in respect of the number of children were not expressly set forth in the Constitution but could be deduced from the article on protection of human reproduction. As far as guardianship was concerned, the Law on Relations between Mother, Father and Children stipulated that, other things being equal for both parents, if the child were under seven guardianship would be entrusted to the mother. Women had the right to use their own surname although many still used their husband's name.

43 The Revolution had opened up the possibility for women to complete their emancipation, for which the development of the women's movement was crucial. It was something that the Government could not do alone, women had to do it for themselves. The State had made great efforts and the Revolution had played an essential role in emancipation. Women had achieved much since 1979, but they were still a long way from the ultimate goal.

44 Ms AKAMATSU noted that the Nicaraguan report (CEDAW/C/5/Add 55) drew attention to certain provisions both of the Civil Code and of the Penal Code of Nicaragua which were in contradiction with the new Constitution. Were any steps being taken by the Government to update those provisions to bring them in line with the Constitution, and were women's organizations in the country, for their part, making any efforts to press for the necessary changes in the law?

45 Ms BUSTELO DEL REAL thanked the representative of Nicaragua for the wealth of information she had provided in her statement, and congratulated the Nicaraguan Government on all it had achieved so far towards improving the status of women. It was important that the Civil Code, the Penal Code and the Labour Code should be revised as soon as possible to bring them in line with the new Constitution. She hoped that the progress achieved as a result of women's participation both in the revolutionary process and in the war would be sustained, and that the ground gained would not be lost when peace returned.

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(Ms Bustelo del Real)

46 She would like to know what was the level of women's participation in non-governmental organizations, and, in particular, to what extent they had been involved in the open "cabildo" meetings that had been part of the consultative process in the drafting of the Constitution, especially in the rural areas. Since they had taken part in the war effort, were women being offered the opportunity to occupy professional posts in the army?

47 Ms NOVIKOVA paid tribute to the enthusiasm and expertise shown by the representative of Nicaragua in introducing her report. Her mastery of the subject was proof that women in her country had succeeded in overcoming obstacles to their progress and in securing positions of high responsibility.

48 The Government of Nicaragua was to be congratulated on having, despite the many political and economic constraints to which it was subject, adopted a specific policy designed to improve the status of women, and on doing all it could to implement the provisions of the Convention. She wished Nicaragua all success in those efforts.

49 Ms PILATAXI DE ARENAS noted that the report indicated on the one hand that women had been able to participate in the process of drafting the Constitution, but on the other hand that many of the reforms proposed by them had not been introduced. How was that inconsistency to be explained? The representative of Nicaragua had referred to advances in the elimination of gender bias, but the report indicated that the Penal Code still considered certain offences such as rape and abduction as crimes of a "private nature" for which men were not penalized. The Penal Code also appeared to distinguish between "good women" and "bad women" - was the implication that "bad women" were prostitutes? Were any specific initiatives being taken to reform those obsolete laws and to bring them in line with the Constitution?

50 Putting a question on behalf of Ms Gonzalez Martinez, she asked if specific details could be given on the legislative reforms that would be needed to allow the provisions of the Convention to be effectively invoked at any administrative or legal instance.

51 Ms BERNARD said that the Nicaraguan representative's eloquent presentation amounted to a rewriting of the report, and was proof of the high level of commitment of women in Nicaragua to improving their conditions. She commended the Government of Nicaragua for having both ratified the Convention and presented its report so soon after the Revolution.

52 Although it might take some time before entrenched attitudes changed, and women took their rightful place in Nicaraguan society, she was sure that the efforts made would eventually be crowned with success.

53 Ms SINEGIORGIS commended the representative of Nicaragua for her clear and detailed statement and paid tribute to the Nicaraguan Government for its commitment to the cause of reform.

54 She had been impressed by the frank and self-critical spirit that informed the report. On page 9, for example, many instances were given of specific provisions of the Penal Code being out of line with the Convention. She was glad to note the

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large membership of the women's groups involved in the struggle against discrimination. She was sure that the concerted efforts of those groups and of the Government would succeed in removing any remaining obstacles to full integration.

55 Ms GUAN Mingqian said that Nicaragua's accession to the Convention and its submission of a report to the Committee so soon after the establishment of democratic rule showed its commitment to the principle of equality between the sexes. The Government was making commendable efforts to combat discriminatory practices through improving public awareness.

56 The report recalled that under the ideology of the dictatorship, women's role had been reduced to either that of a sexual object or that of a wife and mother. Chinese women had suffered from being cast in such roles in the years before liberation, and she sympathized with Nicaraguan women in their struggle to free themselves from such conditions.

57 She fully agreed that the attainment of equality between the sexes was bound up with the improvement of economic and social conditions in Nicaraguan society as a whole. Although the necessary transformation could not be achieved overnight, the enthusiasm and determination shown by Nicaragua's women would ensure that it was achieved in the future.

58 Ms SOUMARE, commending the representative of Nicaragua's frankness and enthusiasm, asked what women in Nicaragua were doing for themselves, for instance in protecting their own health and advancing their own education. It was not clear how the legal seminars that had been organized helped to transform the new ideology into practice. She also asked about the legal status of the Government Office for Women (see document CEDAW/C/5/Add 55, p. 4), and how that agency was used by women to improve their situation.

59 Ms ILIC expressed gratitude for the statement by the representative of Nicaragua, which had provided a great deal of supplementary information. She was conscious of the difficult situation of Nicaragua during the present turmoil, which imposed extra burdens on women. Evidently, there was a strong determination on the part of the Government to bring about further improvements in the position of women.

60 Ms FORDE, referring to article 2, congratulated the representative of Nicaragua on the efforts made to update the report, in order to provide a full picture of the present social, legal and economic status of Nicaraguan women. On the question of the disparity between Nicaragua's new Constitution and codes which were now obsolete, she wondered how much influence women could exercise on judges in whose minds the old codes were still predominant. The question would be relevant, for example, where a judge had to interpret article 130 of the Penal Code. Secondly, she wondered what the impact had been of the seminars concerning new legislation (see document CEDAW/C/5/Add 55).

61 Ms GUAN Mingqian asked what co-operation existed between the Government Office for Women and the Nicaraguan Women's Movement, and whether the Government gave any financial assistance to the Women's Movement.

62 Ms BERNARD inquired how the crime of rape was dealt with, and what was done to help women abused within the family, and to prevent ill-treatment of children.

63 Ms ALFONSIN DE FASAN, referring to article 5, asked what steps had been taken in Nicaragua to familiarize the population with the Convention, and how the spirit of the Convention was reflected in the decisions of courts. Secondly, she wondered whether there were any standards governing the portrayal of sex roles on television.

64 The CHAIRPERSON, in the context of article 6, expressed her concern at the recent increase in prostitution in Nicaragua. She asked whether there was any provision in Nicaraguan law for the prosecution of the male clients of prostitutes, and what steps were being taken to change the attitudes of men towards prostitution. She also wondered if anything was being done to provide alternative training for prostitutes, and to deal with the problem of AIDS.

65 Ms BERNARD, referring to article 7, asked whether there were any women judges in the higher courts in Nicaragua, what percentage of members of the legal profession and of the ruling party were women, and how many senior posts were held by women.

66 Ms AKAMATSU, referring to article 10, noted that according to the report the illiteracy rate had fallen from 50.3 per cent to 12.9 per cent. She asked to which dates the figures referred, and what kind of programmes had been undertaken.

67 Ms PILATAXI DE ARENAS asked whether literacy training was confined to reading and writing, or whether there were also remedial or supplementary educational programmes. She also wondered whether there were any comparative statistics for the relative success rates of volunteer and professional literacy teachers.

68 Ms GUAN Mingqian said she would like to know how long it had taken to achieve the reported reduction in illiteracy. She would also like clarification of the data on enrolment percentages in the various sectors of education.

69 Ms AKAMATSU, referring to article 11, noted the statement on page 18 of the report that some employers still limited women's participation in certain types of employment; she asked what the types of employment were, and what remedies existed against that form of discrimination.

70 Ms SAYOGYO asked for some details on the relative earnings of men and women in the various employment sectors, and inquired what local remedies existed in the event of sex discrimination in the public and private sectors of employment.

71 Ms AKAMATSU, referring to article 12, said she was puzzled by the statement on page 14 of the report that milk products could not be advertised in the mass media. She wondered why milk products were considered harmful.

72 Ms ALFONSIN DE FASAN asked what special services, especially feeding, were organized to protect children from the effects of the war. In view of the reported nutritional deficiencies, it would be useful to know if communal dining rooms were also provided away from the combat areas. She wished to know what steps were taken to reduce sexual abuse and care for its victims, and to prevent alcoholism and drug abuse. Did the women trained in health centres help to disseminate information about the need for clean drinking water and hygienic practices? Were family planning facilities adequate?

73 Ms FORDE asked whether article 48 of the 1987 Constitution guaranteed all women a right to family planning services. Did the Government, as well as women's organizations, sponsor such services? As for the existing law on the termination of pregnancy, did the provision concerning the right to life give preference to the life of the foetus over that of the mother. She also wondered what action the Government was taking to halt the spread of AIDS.

74 The CHAIRPERSON asked whether there were any programmes to reduce the high rate of infant mortality and to improve access to clean water supplies, especially in rural areas

75 Ms ILIC, referring to article 11, asked whether there was any timetable for amending existing discriminatory legislation

76 Ms SAYOGYO, referring to article 14, asked what employment opportunities had been opened up to women in rural areas, and what factors underlay the high migration of women to urban areas

77 Ms ILIC asked whether anything was being done to improve the capacity of women in rural areas to market produce and earn an income, and what was being done for women belonging to the Indian minorities

78 Ms BERNARD asked how the war was affecting women in rural areas, and how they were coping with the disruption to their lives and in the local infrastructure

79 Ms ILIC, referring to article 16, thought the duty of spouses to share domestic tasks was not a legal obligation, but rather an expectation placed on them by society. She wondered whether men in Nicaragua were willing to participate in housework and in the rearing of children

80 Ms FORDE asked what provision was made for alimony, and how jointly acquired or inherited property was shared after divorce. What provision was there for alimony and the distribution of property when unmarried couples separated, what was the status of their children and, in general, children born out of wedlocks?

81 Ms BERNARD asked how the provisions for wives and children in the event of divorce were enforced, what the divorce rate was, and how frequently couples cohabited without marrying

82 The CHAIRPERSON thanked the representative of Nicaragua for the very full information she had given. Replies to the questions put by members of the Committee would be given at a subsequent meeting

ADOPTION OF THE AGENDA AND THE ORGANIZATION OF WORK (continued)

83 Ms ILIC expressed her preference for a fixed date for the Committee's annual sessions, namely the last two weeks of January

84 The CHAIRPERSON said that, even if the Committee preferred a fixed date, it could not be the same in New York as at Vienna

85. Ms ILIC agreed, and said that the choice of date would also be affected by whether there was a meeting of States parties. Nevertheless, it would be more convenient for all concerned - the Secretariat, the Commission on the Status of Women, the Economic and Social Council and States parties - if the Committee's sessions were known to take place at a given point in the year

86 Ms CREYDT (Secretary of the Committee) said that the Director of the Division for the Advancement of Women had written to the Department of Conference Services at Headquarters concerning the timing of the Committee's sessions

The meeting rose at 12 20 p.m.