



Convention on the Elimination  
of All Forms of Discrimination  
against Women

Distr.  
GENERAL

CEDAW/C/SR.219  
29 January 1993

ORIGINAL: ENGLISH

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Twelfth session

SUMMARY RECORD OF THE 219th MEETING

Held at the Vienna International Centre, Vienna,  
on Tuesday, 26 January 1993, at 10 a.m.

Chairperson: Ms. GARCIA-PRINCE

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V.93 811148 4397E

Distr.: 1 February 1993

The meeting was called to order at 11.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN  
(continued)

Second and third periodic reports of Nicaragua (CEDAW/C/13/Add.20, CEDAW/C/NIC/3; CEDAW/C/1993/CRP.2)

1. At the invitation of the Chairperson, Ms. Roa and Ms. Hernandez (Nicaragua) took places at the Committee table.
2. Ms. ROA (Nicaragua), introducing her country's second and third periodic reports (CEDAW/C/13/Add.20, CEDAW/C/NIC/3), said that the second report had been drafted by the previous Government and the third report described the present situation. The reports testified to the progress which had been made in terms of improving the status of women in Nicaragua. The participation of women in all spheres of activity had increased, mainly as a result of the conflicts within Nicaragua which had forced many women to become involved in the country's economic activity. The new Government of President Violeta Barrios de Chamorro was continuing with and building upon the measures taken by the previous Government with regard to improving the situation of women.
3. She then turned to the specific questions listed by the Committee in document CEDAW/C/1993/CRP.2, annex III.

Articles 1, 2, 3 and 4

4. The Constitution of 1987 was still in force and had not been repealed or amended.
5. The Government Office for Women had been reorganized as the Nicaraguan Institute for Women (INIM) in 1987 by Decree No. 293. It was responsible for participating actively in the process of defining, drafting, revising and restructuring government policy to ensure that full account was taken of the needs and situation of women in Nicaragua. It ensured coordination with institutions and ministries to ensure that all plans, programmes and projects not only took account of but also encouraged the participation of women, and that particular attention was paid to women as heads of families in sectors where women were facing dire poverty. It disseminated information on the situation and participation of Nicaraguan women in the economic, social and political development of the country to ensure that both government and society were aware of the real situation and could act to improve the status of women. It promoted and strengthened the organization and participation of women by means of government-backed programmes and projects. It sought external financing for activities and programmes aimed at strengthening its institutional basis and the programme for the advancement of women. In collaboration with the National Assembly's Standing Commission on Women, Children, Youth and the Family, INIM worked on the revision, reform and drafting of legislation related to women's status in Nicaragua. It encouraged and monitored technical training in collaboration with governmental and non-governmental bodies. It represented and took part in activities related to women's issues at the national and international level. Finally, it encouraged job-creation for unemployed women. INIM received national budget allocations and also support and cooperation from other like-minded bodies.

6. The structure of INIM was fairly well organized and included a Documentation Centre for Nicaraguan Women which had been equipped thanks to international cooperation. However, there were logistical problems and the Government of President Barrios de Chamorro had had thoroughly to overhaul INIM, a task in which it had been assisted by international organizations and friendly Governments.

7. The Centre for the Guardianship of Minors had been given a broader mandate within the Nicaraguan Institute for Social Security and Welfare (INSSBI). The Legal Department for Minors and Families was responsible for ensuring that all necessary requirements for adoption were met, and dealt with foster homes, preventive and community centres and day-care centres. It helped settled disputes between couples, and, if necessary, decided on who should have custody of any children involved. In cases of irresponsible paternity it determined the percentage of the wage to be withheld at source and offered legal advice or assistance to women if they needed to go to court to force an ex-partner to discharge his obligations.

8. The legal functions of the Family Guidance and Protection Office had been transferred to the Legal Department for Minors and Families. Social and psychological problems were dealt with by the Directorate for Centres and Zones.

9. With regard to question 6, she said that the Office referred to was a politically-oriented women's organization of the Sandinist party. The Government, through the Nicaraguan Institute for Women, was trying to promote coordination and provide support for projects aimed at improving the situation of women, particularly in terms of development.

10. In response to question 7, she stated that INIM was collaborating with the Technical Directorate of the Ministry of the Presidency with a view to establishing an inter-institutional network on social indicators. The statistics would be broken down according to sex and thus shed light on the reality of the situation of Nicaraguan women.

11. There were plans to hold a household survey and a census, the results of which would once again be broken down according to sex and the information used to formulate policy for women.

#### Article 5

12. The law on the communication media referred to in question 1 under article 5 had been in force from 1979 to 1990. One aspect of it had been the prohibition of the depiction of women as sexual or commercial objects. The law on the communication media had been repealed.

13. With regard to question 2, she said that the third periodic report (CEDAW/C/NIC/3, sect. 4.3.5 (c)) gave details of the Commission on Violence against Women which had been set up by President Barrios de Chamorro to promote the application of the law to all cases of violence against women and children and eventually to eradicate such abuses. The Commission's activities included coordination with INSSBI and promoting centres for battered women and a centre providing psychological care for children and young persons who had suffered physical or sexual abuse. In cooperation with the national police, seminars would be held on how to deal with women who had been victims of

violence. A programme concerning social communication and related gender issues was being organized, one of the priority areas of which would be the study of violence against women.

#### Article 6

14. Prostitution was not legal in Nicaragua. Under the reformed Penal Code, panders or persons making financial profit out of, encouraging or facilitating prostitution could be sentenced to between three and six years' imprisonment. Sentences of up to ten years could be imposed if the culprit was married to or had a de facto relationship with the victim.

15. Prostitution was on the increase owing to the difficult economic situation. It had been shown that daily earnings from prostitution were equivalent to several days' work in formal employment.

16. With regard to question 3, she said that no measures had been taken by the State. However, efforts were being made to encourage prostitutes, through training, to become involved in other forms of economic activity.

17. In response to question 4, she said that the Ministry of Health provided monthly gynaecological examinations for prostitutes at health centres.

18. With regard to question 5, she said that there were education campaigns using the mass media and other forms of publicity, including posters.

#### Article 7

19. Only one woman held a senior position. She was third secretary of the steering committee of the National Assembly.

20. The Electoral Law did not call for a specific percentage of women on election lists.

21. There was only one woman judge sitting on the Supreme Court of Justice.

22. There was one woman among the five judges who made up the Supreme Electoral Council.

23. There were two women in the Council of Ministers: the Minister of Health and the Deputy Minister of Finance.

24. Referring to question 6, she said that women held leading positions in: the Office of the Public Prosecutor; the Institute of Culture; and the Nicaraguan Institute for Women, where women held the posts of both Director and Deputy Director.

25. The proportion of women in the legal profession was approximately 20 per cent.

#### Article 8

26. There was a woman ambassador to Sweden.

Article 10

27. The adult education programme had been targeted at the population at large, and not specifically at women.

28. With regard to questions 2, 3 and 4, she said that the Government, through the National Technological Institute (INATEC), was taking concrete measures with regard to technical training in non-traditional areas such as electrical engineering and carpentry. The training programmes were having a great influence on women and had aroused their interest in seeking other forms of employment. In 1992, there had been 52 such training courses, with 745 women students, not including women trained as middle- and lower-level technicians. It would take many years for the full impact of the programmes to be seen, owing to the firmly entrenched sexual stereotypes which needed to be overcome. At the end of 1992, there had been moves to set up an information centre which would provide vocational guidance programmes for women and would include workshops to alert potential employers, as well as teaching staff from the Technological Institute and the population in general, to the gender issue, and other publicity campaigns. The National Technological Institute was involved in a regional programme, which included participation from eight Latin American countries, to encourage women to opt for vocational training.

Article 11

29. Replying to question 1, she said that the changes had had a major impact on families headed by women. Even though they were somewhat disadvantaged in terms of resources and opportunities, they were seeking alternatives. They tended to have a lower level of education, less training for better-paid jobs and reduced access to skilled work. Such women also tended to have large families, which meant more people living in poverty.

30. With regard to question 2, she said that approximately 51 per cent of the economically active population was unemployed.

31. In answer to question 3, she drew attention to the statement in section 1.4 of the third periodic report (CEDAW/C/NIC/3) that the rise in the relevant figure to 34 per cent was mainly due to the deepening economic crisis which forced more members of the family, particularly in the poorest sectors, to seek additional income. The information was based on a socio-demographic survey carried out in 1985, with a projection to 1990, and a Central American study on women, and was valid.

32. Regarding the economically active female population in the rural sector, she said that for various reasons, such as the war, which had lasted for ten years, and various natural disasters, the rural population had emigrated to urban areas, concentrating in the Pacific region. At the same time, the female population, because of a lack of job alternatives, had moved to the cities in search of employment in the service and domestic sectors; consequently, there had been a marked decrease in the economically active female population in rural areas.

33. In reply to question 6, she mentioned the programme of the Fund for the Oppressed Sectors (FASO), which financed activities in the informal sector, the Small Businesses Programme (PAMIC) for financing small and medium-sized

enterprises, and the Communal Banks Programme, promoted by the Nicaraguan Institute for Women as a way of financing the productive and commercial activities of women heads of households who did not have access to credit and were in extreme poverty.

34. Replying to question 7, she said that by agreement between the Governments of the United States of America and Nicaragua, the ruling had not entered into effect and no indemnity had been received.

35. Replying to question 8, she said that the Government of Nicaragua, through the Nicaraguan Institute for Women, had initiated a programme for female heads of households in all the municipalities of the country, involving a literacy campaign, where required, and training in traditional and non-traditional work so that after such training they would be able to obtain loans through communal banks to set up their own small businesses and thereby acquire security of income. By means of inter-institutional coordination with the Ministry of Health, the Nicaraguan Institute for Social Security, the Ministry of Education, the National Technological Institute and other governmental organizations met the strategic needs of women. The Nicaraguan Institute for Social Security was setting up day-care centres at national level for the children of female heads of households, to enable the latter to enter the job market.

#### Article 12

36. Replying to question 1, she said that article 59 of Nicaragua's Constitution stated that Nicaraguans had the right to health. Advances in the area of labour were not isolated cases; they were sectoral responses. Through the Nicaraguan Institute for Social Security, the Government had embarked on decentralizing the health services, modernizing the policy of granting social assistance to workers.

37. Replying to question 2, she said that the Government of Nicaragua participated in the Regional Commission for Combating Maternal Mortality. The Ministry of Health was giving priority to reducing maternal mortality through a mother and child care programme.

#### Article 14

38. The figures for 1991 showed that the agricultural wage-earning workforce stood at 40 per cent.

39. In answer to question 2, she said that the Government of Nicaragua had, through its "Women, the Environment and Development" programme, promoted the participation of rural women in the development of the country. The comprehensive programme contained components that were related to practical and strategic needs of rural women, such as production, the acquisition of credit, and awareness of the law.

40. In reply to question 3, she said there were no more up-to-date figures, but it was felt that the proportion had increased, and because of the effects of the war many rural women had been widowed or orphaned, and had therefore assumed the role of heads of households.

41. Turning to question 4, she said that the Government had been trying to promote, through the municipal authorities, the extension of education,

health, training and medical services. The "Women, the Environment and Development" programme was also being developed.

#### Article 15

42. Equality between men and women under the law was established by articles 27 and 48 of Nicaragua's Constitution.

#### Article 16

43. Replying to question 1, she said that the law on the dissolution of marriage at the wish of one of the parties had been promulgated on 2 May 1988. Progress had been made in reviewing that law in terms of analysing it, consulting the population, especially the female population, and studying the number of lawsuits and experience in the application of the law. Women had made most use of the law. A Law on Alimony had also been promulgated.

44. Replying to question 2, she said that there was no contradiction between the second and third periodic reports; the reference in the third report to the fact that no such law existed was correct, and the reference in the second report was to an administrative measure within the prison system for the provision of protection to pregnant women, given that such a law did not exist.

45. The CHAIRPERSON thanked the representative of Nicaragua for her replies, and invited members of the Committee to make general observations.

#### General observations

46. Ms. BRAVO NUÑEZ DE RAMSEY said that a great debt of gratitude was due to the women of Nicaragua, who had had to play a very active part in the reconstruction and reorganization of their country following several decades of suffering. She said she was confident that the next periodic report of Nicaragua would reveal that women were in a much stronger position in all areas of national life.

47. Ms. NIKOLAEVA said it was too soon after the Nicaraguan revolution to evaluate the positive changes in the life of the country as a whole, and especially in the status of women, who were now politically mature and played an important role in the economic life of Nicaragua. The achievement of equality depended directly on the development of social and economic conditions, and many obstacles and difficulties remained to be overcome. The third periodic report showed that there was a great need for further improvement in the educational and cultural level of women and, although much had been done to eradicate illiteracy and expand and transform the education system, the country's goals were still far from being attained.

48. With regard to early marriage in Nicaraguan society, she thought that the minimum age of 14 for girls and the minimum age of 15 for boys were unacceptably low. The formation of families at such an age prevented the spouses receiving an education and forming a mature outlook on life. The report pointed out that the number of couples whose marriages were not registered exceeded 50 per cent; in cases where families were formed when the children lived only with their mother, it was unreasonable for women to bear the entire responsibility for the upbringing of the children. The fact that,

as a result of the war, many families had lost their fathers should be a matter of concern for the Government of Nicaragua in peacetime.

49. There was also a clear contradiction between the law and practice. Women, although active in political and economic life, did not have legal capacity; they could not appear in court on their own behalf. Since, according to the report, 20 per cent of jurists were women, she wondered why they were silent in the face of such a situation.

50. Ms. BUSTELO GARCIA DEL REAL said it was a matter of great importance that Nicaragua had ratified the Convention without reservations, but its reports did not follow the Committee's guidelines with regard to presentation, and it was difficult to get a clear idea of how vigorously Nicaragua was implementing the provisions of the Convention. In future, Nicaragua's reports should be presented on the basis of a consideration of the Convention article by article.

51. Ms. AKAMATSU thanked the representative of Nicaragua for her presentation of Nicaragua's second and third periodic reports and for her informative replies to the questions posed on behalf of the Committee by the pre-session working group. She noted, with regard to article 1 of the Convention on the Elimination of All Forms of Discrimination against Women, that Nicaragua had acceded over the years to a number of international conventions. She was particularly impressed by the number of International Labour Organization Conventions ratified by Nicaragua at an early stage, including Conventions Nos. 3, 4, 45, 100, 111 and 122. She expressed the hope that the present Government would succeed in implementing those Conventions to the full, in particular No. 100, concerning equal remuneration for men and women workers for work of equal value, and No. 111, concerning discrimination in respect of employment and occupation, both of which were of great importance for the elimination of discrimination against women. She hoped that the Government of Nicaragua would continue its efforts to improve the status of women and to implement the Convention on the Elimination of All Forms of Discrimination against Women to the full despite the current economic and political difficulties.

52. Ms. FORDE thanked the representative of Nicaragua for her detailed replies to the questions put on behalf of the Committee by the pre-session working group. She congratulated the Government on having ratified the Convention without reservations and on having submitted its initial, second periodic and third periodic reports. Doing so was a commendable achievement on the part of any Government and especially when the country was going through so many changes. The submission of the reports indicated the seriousness with which the successive Governments of Nicaragua had regarded the responsibility which they had accepted in ratifying the Convention. In periods of economic instability, women tended to suffer especially adverse effects. She hoped that the effort to restore social and economic life in Nicaragua would continue and progress so as to enable its people, especially the women and children, to enjoy a better standard of living and to benefit from the rights set forth in the Convention.

53. Ms. ILIC said that the Government of Nicaragua was to be congratulated, particularly in view of the country's very difficult circumstances. She believed that the Committee needed to be greatly concerned at current developments in the situation of women and children throughout the developing



world. Indications were that the position was worse than it had been ten years ago. In the case of Nicaragua in particular, she had been struck by a recent UNICEF document (E/ICEF/1992/P/L.17), containing the Executive Director's country programme recommendations for Nicaragua for the period 1992-1996, which mentioned that Nicaragua was now one of Latin America's poorest countries, that it had been experiencing accelerated impoverishment and that women and children had been particularly affected by budget cutbacks. She commended the efforts of the women of Nicaragua to survive and defend the rights they had achieved so far.

54. Ms. CORTI said that the women of Nicaragua had fought side by side with men to achieve freedom and democracy and earned the right to equality through their participation in the struggle. Nevertheless, the equality won in the civil war seemed to be in danger of being forgotten as far as their current status was concerned. She recognized that many of the inequalities in respect of economic life and work were the result of the disastrous situation resulting from the war, the series of natural disasters suffered by Nicaragua and the years of economic embargo. The equality once enjoyed in the fight was not reflected in the private lives of women.

55. She regretted that the representative of Nicaragua had not responded very fully to the Committee's question about the high rate of abortion. It was stated in the second periodic report (CEDAW/C/13/Add.20, p.19) that abortions - presumably, clandestine abortions - were the third cause of maternal mortality. She believed that the Government needed to devote more attention to that problem. The growing number of divorces was a further instance of the reflection in family life of the disastrous consequences of the war and the difficulties of the transitional situation. The Committee had been told that, in most cases, the dissolution of a marriage was requested by the wife. She wondered whether one of the causes was a growing incidence in Nicaragua of violence of all kinds against women. Once passed over in silence, the problem was starting to be discussed within the country and women themselves were organizing to combat it. The Committee needed to be very sensitive to the effect of the development of family relations on the situation of women and to the importance of action by Governments to deal with the question of violence. She drew the Nicaraguan Government's attention to the Committee's General Recommendation 19 (A/47/38, p. 5) and urged it to devote greater attention to the problem, to the extent allowed by the country's very difficult situation. Women would never attain equal rights and their full place in society if they were subjected to that kind of ill-treatment in their family lives.

## Article 2

56. Ms. SCHÖPP-SCHILLING congratulated the Government of Nicaragua and its representatives on the presentation of the reports and the replies to the Committee's questions. At the same time, she regretted that the reports did not follow the Committee's guidelines or give a clear outline of the de facto situation of women in Nicaragua and the obstacles to the full implementation of the Convention. She hoped that, in preparing its fourth periodic report, the Government would use the help of the Nicaraguan Institute for Women and would follow the guidelines set by the Committee. In regard to article 2, she asked whether the present Nicaraguan Constitution contained any provisions concerning discrimination on grounds of gender.

57. In the section of the third periodic report (CEDAW/C/NIC/3) referring to the legal framework for protection of human rights, a number of human rights conventions were mentioned as having automatically become part of Nicaraguan law upon ratification. She noted, however, that there was no reference in that section to the Convention on the Elimination of All Forms of Discrimination against Women. There was a reference to it in section 7.4 headed "Nicaraguan women and international conventions", but in that case the other human rights conventions were omitted. Perhaps the first section was an introductory statement that went to all human rights bodies. In that case, she urged that the Convention on the Elimination of All Forms of Discrimination against Women should be included in the list. She stressed the point because it was important that the Convention should always remain in full view.

#### Article 4

58. Ms. QUEDRAOGO said that the fall in GNP from 20 per cent in 1988 to 7 per cent in 1989 had had an impact on women and children. She asked whether any prior thought had been given to the social dimensions of the programme of economic adjustment. The effects of such programmes should be well calculated in advance bearing in mind that the most disadvantaged sectors of society were always the most vulnerable. If those social dimensions had not been duly considered, what emergency measures had been taken to alleviate the adverse effects?

#### Article 11

59. Ms. SCHÖPP-SCHILLING said that a more detailed description of women working in the informal sector would be very useful in future reports. The Committee knew from the reports of other countries that women worked a great deal in the informal sector, in both paid and unpaid capacities, and such work constituted a large proportion of the work done outside the home.

60. Ms. QUEDRAOGO noted that urgent measures had been taken to create jobs, but the third periodic report did not specify how many of those jobs were for women. The fact that very few statistics had been provided made it very difficult to get a proper picture of women's participation in economic activities.

61. Furthermore, although the report referred to mechanisms to promote women's interests with a view to a proper programme at a later stage, no strategies were outlined. There did not even appear to be a specific programme aimed at alleviating women's tasks through the establishment of day-care centres or introduction of appropriate technology.

#### Article 12

62. Ms. ILIC said she noted that some 51 per cent of the population were unemployed. Moreover, according to document E/ICEF/1992/P/L.17, many women heads of families were unemployed and many could not meet their families' basic needs, and women had an average of five children. Apart from the UNICEF programme, she wondered what action was being taken to obtain help from other Governments and non-governmental organizations to provide food and health services for women and children.

63. Ms. QUEDRAOGO expressed concern at the high rate of abortion in view of its serious impact on the health of women. She wondered whether any measures had been taken or studies conducted on the causes of abortions and the effect on the health of women of badly staggered pregnancies.

#### Article 16

64. Ms. CORTI welcomed the fact that Nicaragua had entered no reservations in respect of article 16, unlike many other States parties. She wondered why the majority of divorces were initiated by women and what the social causes were for the increasing number of divorces in Nicaragua.

65. Ms. ROA (Nicaragua), replying to points raised, said that generally speaking the situation of women in Nicaragua had improved although they still bore a heavy burden. Legally their rights were limited, but in practice they ran households and played a leading role in most sectors. They were less concerned with achieving legal parity than with moving the country forward. The situation in Nicaragua was such that women could not afford the luxury of being concerned about their own progress. From the President of the country, who was a woman, downwards they all assumed many roles. They had also played a key role in the war: many had fought in the front line and been responsible for defining battle strategies. They continued to play key roles in society. While in most cases men appeared to be in charge, there were women working behind the scenes in all sectors. Rural women, for their part, not only owned the land, they worked it, sold the produce, prepared food and fed the families. In cases where a husband's contribution was negligible, the wife now petitioned for divorce.

66. Early marriages were not encouraged in Nicaragua, but were a fact of life. Young people grew up early, many having to shoulder serious burdens following natural disasters or war, and many had become involved in the fighting at a very early age. After such experiences they could hardly be prevented from contracting early marriages.

67. Ms. GURDULICH DE CORREA said that, coming from a Latin American country herself, she agreed that women bore the burden of the process of change in the region. They worked to achieve a better society. The application of the Convention was affected by cultural and traditional differences in the region. However, it was important to bear in mind that the Convention's application was in the interests of society as a whole.

68. Ms. ROA (Nicaragua) said that she would do everything possible to ensure that Nicaragua's next report contained more details and that the information given was related more to the provisions of the Convention.

69. The CHAIRPERSON thanked the representatives of Nicaragua for their presentations and replies, and looked forward to discussing Nicaragua's next report. The discussion had been enlightening for the Committee and would enable it to ensure that its recommendations covered all aspects of the complex and difficult realities in which the people of Latin America and other parts of the world lived.

The meeting rose at 12.45 p.m.